

T12692 of 2006
- 7 JUN 2006

Variation being sought.

That Clause 13 - *Translation Review Process* of the Legal Practitioners Agreement 2005 be replaced by the attached clause.

TRANSLATION REVIEW PROCESS

A letter of advice will be forwarded to each employee setting out the outcome of the translation process for the employee and the review process available to the employee under this Agreement.

An employee may request a review of the outcome of the translation process by submitting a written request for review. The written request is to be received by the Director Corporate Services, Department of Justice within 14 days of the registration of this amended Agreement.

The request for review must contain the grounds on which the employee seeks a review.

The Director Corporate Services, Department of Justice will forward all requests for review to the translation review panel.

The translation review panel will consist of:

- the President of the Tasmanian Industrial Commission;
- a person appointed by the President from a list of persons nominated by the Minister to conduct State Service reviews; and
- a person, who is employed in the State Service, appointed by the President from a list of persons submitted by one or more of the public sector employee organisations registered with the Tasmanian Industrial Commission to conduct State Service reviews.

The translation review panel will determine the application on its merit ensuring at all times that the process upholds the principles of procedural fairness. The translation review panel will produce a reasoned decision and provide a copy to the applicant.

Where the translation review panel finds that a proposed classification level is incorrect it may substitute another classification level and issue a notice to the applicant accordingly. The panel will advise the relevant Head of Agency of its decision and request that Head of Agency seek approval from the State Service Commissioner for the direct selection of the employee to the substituted classification level.

Where the translation review panel finds that the proposed classification level is correct, it will issue a notice to the applicant accordingly.

The outcome of the translation review panel cannot be appealed. Any subsequent right of appeal under Section 50 of the *State Service Act 2000* is limited to an appeal on the process.

Any decision of the translation review panel takes effect from the date of operation of this Agreement.



This Agreement is registered pursuant to Section 56(1) of the Industrial Relations Act 1984