

## QCEC APPEALS PROCESS – GOVERNMENT FUNDED PROGRAMS

### INTRODUCTION

The Queensland Catholic Education Commission (“The Commission”) has an appeals process which applies to all government funding programs where the Commission is responsible for and has endorsed arrangements for the distribution of funds. The endorsed arrangements refer to the Program Funding Arrangements approved by the Commission on an annual basis.

### POWERS OF THE APPEALS PANEL

1. The Appeals Panel will:
  - (a) advise the Commission about matters referred to it;
  - (b) have regard to all matters submitted to it but use judgement in weighting the relevance of any arguments;
  - (c) be informed by precedent but not be bound by it.
2. The Appeals Panel will assess the eligibility of the appeal to determine if the appeal should proceed.
3. The Appeals Panel will have the right to determine the format of the appeal.
4. The Appeals Panel will provide the Commission with a written report that includes recommendations. The report is to be addressed to the Executive Director of the Commission.

### MEMBERSHIP:

The Appeals Panel will be constituted as and when required. It is not a standing committee. It will normally be three person(s) but may comprise a lesser number with the agreement of the parties. The persons appointed to the Appeals Panel will be at the sole discretion of the Commission. Persons appointed must meet the following criteria:

- (a) a demonstrated absence of a vested interest in the case or cases under consideration;
- (b) independence of the Commission and no involvement in the assessment process;
- (c) a detailed knowledge of “due process” principles; and
- (d) a capacity to understand the principles and procedures relating to the assessment by the Commission.

### OBLIGATIONS AND POWERS OF THE COMMISSION:

1. The Commission is required to consider the advice and recommendations of the Appeals Panel within four weeks of receiving a report. The Commission then has a further four weeks to advise the school authority of its decision.
2. The Commission may refer the report to the parent committee responsible for making the original recommendation for the distribution of funds and request advice as to options.

3. In advising the school authority of its decision the Commission will also provide a copy of the report and its recommendations. Reasons will be provided in the event that the Commission does not accept some or all of the recommendations.
4. The Commission's decision is final.

#### **GROUNDS FOR APPEAL:**

School authorities have the right to appeal on behalf of their school(s) against the outcome of a distribution process of the Commission provided the application merits consideration on one of the following grounds:

- (a) where a process is in place that requires judgement, the outcome is unjust because the relevant Commission committee advising the Commission did not assess the application in terms of the objectives and priorities for the Commonwealth and/or State programs (for capital programs the assessment can be either the financial contribution or the facilities recommended);
- (b) the school authority faces atypical circumstances which the approved distribution formula fails to recognise and as a result the purpose/intent of the funding scheme is not achieved;
- (c) the relevant Commission committee did not observe the principle of "due process", in that the applicant school had not been provided with a reasonable opportunity to present its case fully and fairly.

#### **PROCESS:**

- (a) The appeal must be made in writing citing the grounds and demonstrating the reasons for which it is made. It is to be addressed to the Executive Director of the Commission.
- (b) The school authority has two weeks from the date of notification of a funding decision to give written notice of intention to appeal. It then has a further two weeks to submit their case.
- (c) An Appeals Panel will be established as soon as possible but not beyond two weeks after receipt of a written appeal. It will be provided with a copy of the appeal, copies of any grant application (where applicable), all assessment papers pertaining to the decision, and copies of any government or Commission guidelines relevant to the program.
- (d) The Appeals Panel's advice and recommendations will be placed before the Commission within 4 weeks of its establishment.
- (e) The Commission will deal with the advice and recommendations of the Appeals Panel according to the section above entitled "Obligations and Powers of the Commission."

#### **COSTS:**

Costs of convening an Appeals Panel will be met by the Commission.

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