QCEC APPEAL PROCESS – GOVERNMENT FUNDED PROGRAMS

INTRODUCTION

The Queensland Catholic Education Commission ("The Commission") has an appeal 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 APPEAL PANEL

1. The Appeal Panel will:
   (a) advise the Commission about matters referred to it;
   (b) have regard to all matters submitted to it but use judgement in weighing the relevance of any arguments;
   (c) be informed by precedent but not be bound by it.
2. The Appeal Panel will assess the eligibility of an Appeal to determine if the Appeal should proceed.
3. The Appeal Panel will have the right to determine the format of the Appeal but will conduct the Appeal in accordance with the provisions below at "Appeal Process".
4. The Appeal Panel will assess and make determinations about the relevance of requests for information made by an Appellant.
5. The Appeal Panel will provide the Commission with a final written report (Final Report) that includes recommendations. The Final Report is to be addressed to the Executive Director of the Commission who will provide it to the Commission.

MEMBERSHIP:

6. The Appeal Panel will be constituted as and when required. It is not a standing committee. It will normally be comprised of three person(s) but may comprise a lesser number with the agreement of the parties. The persons appointed to the Appeal Panel will be at the sole discretion of the Executive Director of the Commission in collaboration with the Chair of the Commission under section 5.2.4 of the QCEC Constitution. Conferral with an Appellant will occur by the Executive Director of the Commission to advise it of the intended composition of the Appeal Panel prior to finalisation. Persons appointed must meet the following criteria:
   (a) a demonstrated absence of a conflict of interest in the case or cases under consideration;
   (b) independence of the Commission and no involvement in the assessment process. To be eligible for appointment, a Panel member must not have been employed by QCEC or employed, or acted for in a representative or advisory capacity, a Queensland Catholic School Authority (CSA), its schools or any related diocesan or governing body entity within one year prior to appointment.
   (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 in respect of the administration of a government funded program.

OBLIGATIONS AND POWERS OF THE COMMISSION:

7. The Commission is required to consider the advice and recommendations of an Appeal Panel within four weeks of receiving a Final Report. The Commission then has a further four weeks to advise the school authority of its decision.
8. In advising an Appellant of its decision the Commission will also provide a copy of the Final Report and any recommendations contained within the Final Report. Reasons will be provided in the event that the Commission does not accept some or all of the recommendations of the Final Report.
9. The Commission's decision is final in respect of its obligations acting as the administrator of the funding program.

GROUNDS FOR APPEAL:

10. Only CSAs 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 or more 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 project prioritisation);
    (b) the CSA 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 Commission or 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.

APPEAL PROCESS:

11. An 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.
12. The Catholic School Authority has two weeks from the date of notification of a funding decision to give written notice to the Executive Director of the Commission of its intention to Appeal.
13. An Appeal Panel will be established by the Executive Director of the Commission as soon as possible but not beyond two weeks after receipt of a written notice of intention to appeal.
14. The Executive Director of the Commission will appoint a Commission staff member, normally the Director with responsibility for Governance or a similar staff member with no involvement in the initial assessment process, to provide Secretariat assistance to the Appeal Panel.
15. After the Appeal Panel is established, the Appellant has two weeks to request any information relevant to preparing its grounds for appeal from the Appeal Panel (the request period). Within two weeks after the close of the request period, the Appeal Panel will assess and make determinations about the release of information to the Appellant. The Appeal Panel's determinations about such requests are final.

16. The Appellant has two weeks after the provision of all information by the Appeal Panel (if any) to submit their grounds for appeal in writing to the Appeal Panel. Any information relied upon by the Appellant must be attached to the grounds for appeal.
17. Within 3 working days of receipt of the grounds for appeal, the Appeal Panel will be provided by the secretariat with a copy of the grounds for appeal, copies of any grant application (where applicable), all assessment papers pertaining to the decision, any information provided by the Appellant in accordance with 15 above and copies of any government or Commission guidelines relevant to the program.
18. The Appeal Panel, at its sole discretion, may meet with the Appellant to discuss and expand upon the grounds for appeal.
19. The Appeal Panel's advice and recommendations will be placed before the Commission through the Final Report within 4 weeks of the grounds for appeal being provided to the Appeal Panel, unless exceptional circumstances prevent this timeframe being met in which case the Final Report will be provided to the Commission as soon as reasonably possible.
20. The Commission will deal with the advice and recommendations of the Appeal 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. The Appellant will bear all their own costs of and incidental to the Appeal.

Endorsed – Commission meeting 382 (May 2018)