



Regulation 30

Reconsideration and review processes

30. Reconsideration and review processes

Preamble

The following Regulation is expressed in terms appropriate to the College. However, the Regulation is to apply throughout the College and its Faculties.

College Appeals Process (refer Regulation 31)

It is expected that persons will lodge a formal appeal only as a last resort. Before convening the Appeals Committee, the Chief Executive Officer/Faculty General Manager will generally advise an applicant to seek a reconsideration and/or review of the original decision.

The Appeals Committee will only be convened if the Chief Executive Officer/Faculty General Manager is satisfied that the applicant has exhausted all other avenues of reconsideration and review of the relevant decision.

30.1 Reconsideration and Review of Decisions

The processes of reconsideration of a decision and review of a decision allow an applicant to present additional information relevant to a decision, and to ensure that the Committee/Group has had the opportunity to receive and consider all relevant information.

30.2 Grounds of Reconsideration and Review

- 30.2.1 Any person who is dissatisfied with, and adversely affected by a decision referred to below may, within six months of receipt of notice of such decision, apply to have the decision reconsidered. 04/12
- 30.2.2 Any person who remains dissatisfied and adversely affected after reconsideration of the decision may, within three months of receipt of notice of such reconsideration decision, apply to have the decision reviewed, except when notice of such reconsideration decision is received prior to January 1, 2016 where an application to have the decision reviewed may be submitted within six months of receipt of notice of such reconsideration decision. If such a request is not received, the person is deemed to have acceptance of the decision.
- 30.2.3 Any person who remains dissatisfied and adversely affected following review of the decision may, within three months of receipt of notice of such review decision, apply to the Chief Executive Officer to have the matter heard by the Appeals Committee. The process for a formal appeal is detailed in Regulation 31 Appeals Process. If such a request is not received, the person is deemed to have acceptance of the decision.
- 30.2.4 The decisions which may be reconsidered or reviewed are:

- 30.2.4.1 Decisions of Council; the DPA Assessor; the Committees for Education, Training and Assessments; the Supervisors of Training; or other assessors in relation to the assessment of progress of trainees of the College and its Faculties (including admission, dismissal or recognition of training).
08/05
- 30.2.4.2 Decisions of Council, Boards or Committees in relation to applications for admission to Fellowship and Trainee Performance Reviews.
- 30.2.4.3 Decisions of the Specialist International Medical Graduate (SIMG) Committee or Interviewing Panel, or DPA Assessor, or DPA SIMG in relation to applications from specialist international medical graduates for assessment for recognition on behalf of the Australian Medical Council, or the Medical Council of New Zealand, or any applicable State or Territory Medical Board (or for other appropriate purposes).
- 30.2.4.4 Decisions of the Specialist International Medical Graduate Committee or Interviewing Panel in relation to examinations or training required by the Chair of the Specialist International Medical Graduate Committee/DPA Assessor to be undertaken by SIMG for assessment as set out above.
- 30.2.4.5 Decisions of the Continuing Professional Development Committee in relation to participation in the CPD Program, recognition of suitable activities, verification of activities completed and awarding of the Certificate of Compliance.
- 30.2.4.6 Decisions of the Boards and Committees of the College and its Faculties, in relation to accreditation for training by hospitals, units, other organisations or supervisors.
- 30.2.4.7 Decisions of the Honorary Treasurers in relation to the financial status of Fellows, trainees or other persons.
- 30.2.4.8 Such other decisions of the College or its Faculties or Committees, as the Council may permit or determine from time to time.

30.3 Reconsideration Committee

- 30.3.1 A reconsideration of a decision is undertaken by the same Committee or person who made the original decision.
 - 30.3.1.1 The applicant for a reconsideration should lodge the application in writing with the Chief Executive Officer stating reasons for the request. The applicant should provide any additional material or documentation considered relevant to the decision being reconsidered.
08/08
 - 30.3.1.2 The Committee will convene as the Reconsideration Committee either at its next scheduled meeting, or by special arrangement.
 - 30.3.1.3 The Reconsideration Committee will consider:
 - 30.3.1.3.1 all the original material and documentation;
 - 30.3.1.3.2 all additional material and documentation supplied by the applicant considered relevant to the decision;
 - 30.3.1.3.3 any additional material and documentation considered relevant by the Chair.
- 30.3.2 Minutes of the Reconsideration Committee deliberations, whether as part of a scheduled meeting or specially convened, will be kept in accordance with the normal Committee practice.
- 30.3.3 Decisions of the Reconsideration Committee.

- 30.3.3.1 The decision made by the Reconsideration Committee will be conveyed to the applicant in writing following the meeting.
- 30.3.3.2 Where possible, the Reconsideration Committee should endeavour to provide the applicant with reasons for the decision.
- 30.3.3.3 The applicant should be advised of the opportunity to request a review of the decision within three months should he/she be dissatisfied and adversely affected by the decision.

30.4 **Review Committee**

30.4.1 An applicant seeking a review will lodge the request in writing with the Chief Executive Officer within three months of being notified of the reconsideration decision, and may provide additional material or documentation not previously submitted and considered relevant to the decision being reviewed.

30.4. A review of a reconsidered decision is undertaken by the nominees of the Committee which oversees the Committee or person making the original decision.

30.4.3 Before convening the Review Committee, the Chair of the relevant Committee will ensure that the Review Committee does not have any members who have been part of the Committee making or reconsidering the decision.

08/08

30.4.4 The Review Committee will consider:

30.4.4.1 All the original material and documentation.

30.4.4.2 All additional material and documentation supplied by the applicant.

30.4.4.3 Any additional material and documentation considered relevant by the Chair.

30.4.4.4 Whether the principles of natural justice were followed when making the original decision, or reconsidering that decision.

30.4.4.5 Whether the original decision was correct and should be upheld, or should be overturned, and a new decision made by the relevant College Committee or body.

30.4.4.6 The Chair will obtain information regarding the policy and procedures relevant to the decision.

30.4.5 Minutes of the hearing of the Review Committee will be confined to a report listing the documentation presented and a report of the decision to the Committee making the original decision, if any.

30.4.6 Decisions of the Review Committee.

30.4.6.1 The decision made by the Review Committee will be conveyed to the applicant in writing following the meeting.

30.4.6.2 The decision made by the Review Committee will be conveyed to the original Committee in writing following the meeting.

30.4.6.3 The Review Committee is not required to furnish the applicant with reasons for the decision but, where changing the decision, should endeavour to provide reasons to the original Committee.

30.4.6.4 The applicant should be advised of the availability of Appeal within three months and the College Appeals Process (refer Regulation 31).

Promulgated April 2006

Revised July 2015

