



**ANZCA**  
FPM

**REGULATION 30**

Reconsideration,  
Review and Appeal  
of Decisions Policy

JUNE 2024

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## ANZCA Regulation 30

### Reconsideration, Review and Appeal of Decisions Policy

#### Purpose and scope

The purpose of the Reconsideration, Review, and Appeals Policy is to:

- outline the decisions which can be Reconsidered, Reviewed, and Appealed; and
- provide a defined process for a person or training site seeking to challenge a decision related to the training, education and accreditation function of the Australian and New Zealand College of Anaesthetists (**College**).

This regulation sets out three sequential stages that should be followed when challenging a decision related to the training, education and accreditation function of the College.

- **Stage one – Reconsideration of the original decision**

A Reconsideration provides the Applicant with the opportunity to submit additional information to the original decision maker. This additional information must have been available and known (or should have been known) at the time the original decision was made.

- **Stage two – Review of the original decision**

A Review provides the Applicant with the opportunity to have an independent person (or panel as the case may be) assess whether there has been an error by the original decision maker.

- **Stage three –Appeal of the original decision (conducted by an Appeals Committee)**

An Appeal provides the Applicant with the opportunity to have an Appeal Panel assess whether there has been an error by the original decision maker.

An application for Reconsideration, Review or Appeal must meet the grounds for Reconsideration, Review, and Appeal, as specified under the terms of this Policy. It is the responsibility of the Applicant to establish the relevant grounds.

This Policy should be read in conjunction with the Special Consideration Policy.

To the extent that there are any inconsistencies between this policy and any training or course governing documents with respect to challenging decisions, this policy prevails.

#### Approval and commencement

Regulation 30 was approved by ANZCA council in July 2024.

Regulation 30 replaces the below regulations, which will cease operation on 1 December 2024.

- Regulation 30 – Reconsideration and Review Process; and
- Regulation 31 – Appeals Process

This regulation applies throughout the college, its faculties and its chapters.

## Section 1 – Reconsideration, Review and Appeal

### 30.1 Decisions eligible to be Reconsidered, Reviewed and Appealed

30.1.1 Under this policy, the following decisions in relation to the training, education and accreditation functions of the College are eligible for Reconsideration, Review or Appeal.

30.1.2 Decisions of the:

30.1.2.1 Director of Professional Affairs (DPA) Assessor / Director of Professional Affairs (DPA) Faculty of Pain Medicine Education; or

30.1.2.2 Committees for Education, Training and Assessments; or Committees for Education Programs

30.1.2.3 Supervisors of Training; or

30.1.2.4 Any other College assessor; or

30.1.2.5 ANZCA Council and Faculty of Pain Medicine Board

In relation to the assessment of progress of trainees of the College, examinations/examination results (noting regulation 30.3.2), admission to fellowship, performance and progression, completion of training requirements, removal or withdrawal from training, recognition of prior learning/experience or applications made under ANZCA's Special Considerations Policy, or:

30.1.3 Decisions of Council, Boards, Chapters or Committees of the College in relation to applications for admission to Fellowship and Trainee Performance Reviews.

30.1.4 Decisions of the SIMG committee, SIMG interview panels, and DPAs (SIMG, FPM Education or Assessor) of the College about assessment of comparability of SIMGs, additional requirements to be competed for SIMG assessment, progress within the SIMG assessment process and clinical and examination assessments (noting regulation 30.3.2).

30.1.5 Decisions of the College's Continuing Professional Development (CPD) Committee in relation to participation in the CPD Program, recognition of suitable activities, verification of activities completed and awarding of the Certificate of Compliance.

30.1.6 Decisions of the Boards and Committees of the College and its faculties, including decisions of the Tripartite Committee of Rural Generalist Anaesthesia in relation to accreditation for training by hospitals, units, other organisations or supervisors, including:

30.1.6.1 refusal to grant accreditation or reaccreditation of a training site/unit;

30.1.6.2 imposing or changing a condition on the accreditation and reaccreditation of a training site/unit;

30.1.6.3 refusal to change or remove a condition imposed on the accreditation or reaccreditation of a training site/unit;

30.1.6.4 suspension of the accreditation of a training site/unit; and

30.1.6.5 revocation of the accreditation of a training site/unit.

30.1.7 Decisions of the college in relation to the financial status of Fellows, trainees or other persons.

### **30.2 Decisions ineligible for Reconsideration, Review and Appeal**

- 30.2.1 Under this policy, the following decisions are ineligible for Reconsideration, Review and Appeal.
  - 30.2.1.1 Any decision not directly related to training, education or accreditation.
  - 30.2.1.2 Any decision relating to workplace-based assessments.
  - 30.2.1.3 Any dispute with the college by a person who is not a trainee or involved with the college through education or accreditation.

### **30.3 Acceptance of applications for Reconsideration, Review and Appeal**

- 30.3.1 ANZCA reserves the right to reject an application for Reconsideration, Review or Appeal that does not comply with this Policy, including with respect to establishing the grounds for Reconsideration, Review or Appeal.
- 30.3.2 An initial assessment of the evidence and grounds of an Application will be made by the ANZCA Chief Executive Officer (CEO) prior to the Reconsideration, Review or the commencement of a Formal Appeal.
- 30.3.3 A request for Reconsideration, Review and Appeal will be rejected where the basis of the application:
  - 30.3.3.1 relates to a matter best suited for resolution by ANZCA's Special Consideration Policy, (including where that policy was not utilised within the timeframe specified within);
  - 30.3.3.2 relies on additional information or feedback provided from the College on the Applicant's performance in an examination or assessment after the examination or assessment was completed;
  - 30.3.3.3 requests an examination or assessment be remarked for any reason.
  - 30.3.3.4 is the provision of additional information which has been brought to the attention of the Applicant following the date of the original decision, and/or the expiry of the period in which the Applicant is eligible to apply for a Reconsideration, Review or Appeal.
- 30.3.4 Under this policy, an examination result may be upheld or an examination attempt voided.
  - 30.3.4.1 Where an examination attempt is voided, fees will automatically be applied to the candidate's next attempt. No refund of examination fees will occur.

### **30.4 Application**

- 30.4.1 Any Applicant whose interests are directly and adversely affected by an original decision of the college, may, within the timeframes set out in this policy, and in accordance with the procedures herein, apply to have an original decision reconsidered, reviewed or considered at an appeal.
- 30.4.2 Ignorance of relevant published policies and or ANZCA regulations/by-laws/guidelines is not grounds for any person(s) or organisation(s) to seek exemption from any requirements or components of any training or education program or training and accreditation standards or Procedures Endorsement Program.

- 30.4.3 Any meeting, interview, assessment, panel hearing, or Reconsideration, Review or Appeals deliberations conducted by ANZCA may be conducted by electronic means (including video conference).

### **30.5 Grounds for the Reconsideration, Review and Appeal of decisions**

- 30.5.1 A valid application under this Policy must provide demonstrable evidence, at the time of application, of one or more of the below listed grounds relating to the Original Decision which is the subject of the application:
- 30.5.1.1 The Original Decision was made in error of ANZCA regulations, by-laws or due process;
  - 30.5.1.2 Procedures specified in ANZCA policies and/or regulations/by-laws were not observed, or were incorrectly applied in the making of the Original Decision;
  - 30.5.1.3 Relevant and significant information, available at the time of the Original Decision, or which became subsequently available, was not considered or not properly considered in the making of the original decision;
  - 30.5.1.4 Irrelevant information was considered in the making of the Original Decision Maker;
  - 30.5.1.5 The Original Decision was made for an improper purpose.

### **30.6 Timeframes for lodging Reconsideration, Review and Appeal applications (other than for examinations)**

#### ***Reconsideration***

- 30.6.1 An Applicant affected by an Original Decision referred to in this policy must, within 28 calendar days of the making of such Original Decision, apply to have the Original Decision Reconsidered (see section 3 of this policy).

#### ***Review***

- 30.6.2 An Applicant affected by the decision made at this stage must, within 28 calendar days of the receipt of the relevant decisions at the Reconsideration Stage (**stage one**), apply to have the Reconsidered Decision Reviewed (**stage two**).

#### ***Formal Appeal***

- 30.6.3 An Applicant who remains dissatisfied following the Review stage (**stage two**), must:
- 30.6.3.1 within 28 calendar days of receipt of the relevant Review Decision, submit an online application form to have the matter heard by the Appeals Committee.
  - 30.6.3.2 Submissions of the Applicant (including supporting documentary evidence) must be submitted within the timeframe specified in 30.6.3.1.

### **30.7 Timeframes for lodging Reconsideration, Review and Appeals applications relating to examinations**

#### ***Reconsideration***

- 30.7.1 An Applicant affected by an Original Decision referred to in this policy must, within 14 calendar days of the making of such Original Decision, apply to have the Original Decision Reconsidered.

### ***Review***

- 30.7.2 An Applicant affected by the decision made at this stage must, within 14 calendar days of the receipt of the relevant decisions at the Reconsideration Stage (**stage one**), apply to have the Reconsidered Decision Reviewed (**stage two**)

### ***Formal Appeal***

- 30.7.3 An Applicant who remains affected following the Review stage (**stage two**) must, within 14 calendar days of receipt of the relevant Review Decision, submit an online application form to have the matter heard by the Appeals Committee.

## **30.8 Applicant responsibility**

- 30.8.1 It is the responsibility of the Applicant to:
- 30.8.1.1 ensure that their email address is accurately recorded with the College; and
  - 30.8.1.2 meet lodgement deadlines.
- 30.8.2 The application will not proceed if the Applicant fails to provide a response within the timeframes specified in section 30.5 or 30.6.

## **30.9 Applicant rights**

- 30.9.1 Applicants may request any documentation upon which an original decision was made.
- 30.9.2 If the matter progresses to the Appeal stage, Applicants may request legal representation (at the Applicant's own cost).

## **30.10 Fees**

- 30.10.1 No fee is payable on request for Reconsideration.
- 30.10.2 ANZCA requires that the Applicant pay an application fee at the time of submitting a request for Review.
- 30.10.3 ANZCA requires that the Applicant pay an application fee at the time of submitting a request for a Formal Appeal.
- 30.10.3.1 Fees are determined annually by ANZCA Council and published on the college website.
  - 30.10.3.2 The request must be made to the ANZCA Chief Executive Officer (CEO) and provide justification for the waiver of fees.
- 30.10.4 If the Applicant is successful at Review, the Review Fee will be refunded. If the Applicant is not successful at Review, and proceeds to Appeal, they must pay an Appeal fee, and if the Appeal is successful the Appeal fee (but not the Review fee) may be refundable.

## Section 2 – Reconsideration, Review and Appeals Committees

### 30.11 Reconsideration

30.11.1 The Applicant should submit the online application form for Reconsideration, setting out the Grounds for the application.

30.11.1.1 The Applicant may provide any additional material or documentation considered relevant to the decision being Reconsidered.

30.11.2 If the Original Decision was made by a committee, that committee will convene as the Reconsideration Committee either at its next scheduled meeting, or by special arrangement.

30.11.3 If the Original Decision was made by a person or persons, that person or persons, or their replacement, will undertake the reconsideration.

30.11.4 Reconsideration will consider:

30.11.4.1 all the original material and documentation;

30.11.4.2 any additional material and documentation supplied by the Applicant considered relevant to the decision that could have been available at the time of the Original Decision;

30.11.4.3 any additional material and documentation considered relevant by the Original Decision Maker.

30.11.4.4 Whether the principles of natural justice were followed when making the Original Decision.

30.11.4.5 Whether the Original Decision was correct and should be upheld, or;

30.11.4.6 Whether the Original Decision should be overturned and a new decision made by the original decision maker.

30.11.4.7 All information relevant to the Original Decision against college policies and procedures will be considered.

30.11.5 Reconsideration decision:

30.11.5.1 will be conveyed to the Applicant in writing.

30.11.5.2 will include reasons for the decision.

30.11.5.3 The Applicant should be advised of their right to request a Review of the Reconsideration decision (see section three of this policy).

### 30.12 Review Committee

30.12.1 An Applicant seeking a Review of the Reconsideration Decision must lodge the online application form for Review.

30.12.1.1 At this stage, the Applicant may provide additional material or documentation to the Review Committee that was not previously submitted at Reconsideration.

30.12.2 A Review of a Reconsidered Decision is undertaken by the nominees of the Committee which oversees the Committee or person(s) who made the Original Decision.



- 30.12.2.1 Persons involved in the Reconsideration of an Original Decision must not participate in the Review Committee.
- 30.12.2.2 The Review Committee must not include any person who has a conflict of interest; has a direct or indirect interest in the outcome; or could have a bias, or the appearance of bias, toward the Applicant.
- 30.12.3 The Review Committee will consider:
  - 30.12.3.1 All the original material and documentation.
  - 30.12.3.2 All additional material and documentation supplied by the Applicant and considered relevant to the decision.
  - 30.12.3.3 Any additional material and documentation considered relevant by the Chair of the Review Committee.
  - 30.12.3.4 Whether the principles of natural justice were followed when making the Original Decision, or Reconsidering that decision.
  - 30.12.3.5 Whether the Original Decision was correct and should be upheld, or;
  - 30.12.3.6 Whether the Original Decision should be overturned, and a new decision made by a relevant ANZCA Committee or body.
  - 30.12.3.7 The Chair will consider all information relevant to the Original Decision, and that of the Reconsideration Committee, against ANZCA policies and procedures.
- 30.12.4 Minutes of the Review Committee will be kept.
  - 30.12.4.1 Minutes of the hearing of the Review Committee are confined to a list of all persons present.
- 30.12.5 Decisions of the Review Committee.
  - 30.12.5.1 The decision made by the Review Committee will be conveyed to the Applicant in writing following the meeting.
  - 30.12.5.2 The decision made by the Review Committee will be conveyed, in writing, to the Committee or persons(s) involved in the making of the Original Decision. Where an Original Decision is overturned, the Review Committee should endeavour to provide reasons for this, to the committee or person(s) who made the Original Decision.
  - 30.12.5.3 The Applicant should be advised of their right to request an Appeal of the Review Decision (see [section 4](#) of this policy).

### **30.13 Appeals Committee**

- 30.13.1 An Appeals Committee may be convened by the ANZCA Chief Executive Officer (CEO).
- 30.13.2 The Appeals Committee will comprise of:

- 30.13.2.1 Chair: The Vice-President of the College, or another Councillor appointed by ANZCA Council.
  - 30.13.2.2 Members: Two Fellows of the College, one from the specialty involved in the subject matter of the appeal and one from a specialty not involved in the subject matter of the appeal.
  - 30.13.2.3 Two other appropriately qualified persons who are not Fellows of the College, one of whom will be a registered lawyer.
- 30.13.3 All members of the Appeals Committee will be entitled to vote on decisions. The Appeals Committee will decide on the basis of a majority vote.
- 30.13.3.1 In the event of an equality of votes, the Chair may exercise a casting vote.
- 30.13.4 The Appeals Committee will not comprise of:
- 30.13.4.1 any individual involved in the making of the Original Decision to which the Appeal relates.
  - 30.13.4.2 any individual involved in the Reconsideration or Review of the Original Decision.
  - 30.13.4.3 any person who has a conflict of interest with respect to the decision under appeal.

#### **30.14 Appointment, required skills and expertise of Appeal Committee members:**

##### ***All members:***

- 30.14.1 demonstrated leadership, teamwork and/or management skills such as participation in panel hearings, committees and/or senior management teams.
- 30.14.2 demonstrated integrity and a good reputation in the community is essential.
- 30.14.3 capacity to demonstrate impartiality, open-mindedness, sound judgment, and fairness and a knowledge of, or an ability to acquire knowledge of, the rules of procedural fairness and natural justice.
- 30.14.4 appreciation of the need for quality and consistency in decision-making
- 30.14.5 a clear understanding of the objectives, roles, duties and obligations of members of hearing panel lists
- 30.14.6 capacity to develop sound knowledge and understanding of legislation relevant to the regulation of medical practitioners in New Zealand and each state and territory in Australia. .
- 30.14.7 Interpersonal and communication skills including:

- 30.14.7.1 oral and written communication skills and effective interviewing and listening skills of a high order.
- 30.14.7.2 highly developed analytical skills
- 30.14.7.3 ability to show respect, tact and empathy when dealing with the various people and issues involved in a panel hearing.
- 30.14.7.4 ability to work effectively as a member of a multidisciplinary team.

***Members that are fellows***

- 30.14.8 Must be of good standing with the college and MBA/MCNZ, and have a sound knowledge and understanding of the relevant regulations/by-laws and their application to the matters under consideration.

***Panel selection***

- 30.14.9 to have diverse membership, including geographical location and gender
- 30.14.10 to have no conflicts of interest
- 30.14.11 to have had no involvement in earlier decisions about the matter being appealed

## Section 3 – Process for Reconsideration and Review

*All actions and outcomes are subject to any obligations of privacy and confidentiality that may apply*

Stage one – Reconsideration		
A) If the decision relates to an examination result		
#	Action	ANZCA and Applicant action & timeframe for action
1	The Applicant is notified by the college in writing of their examination result.	
2	<p>The Applicant submits an online application form to request reconsideration.</p> <p>In the notice, it is the responsibility of the Applicant to identify:</p> <ul style="list-style-type: none"> <li>the decision they want reconsidered,</li> <li>the grounds for the request (provide any supporting information/evidence), and</li> <li>the outcome sought.</li> </ul> <p>The ANZCA CEO must reject the Applicant's request if:</p> <ul style="list-style-type: none"> <li>there are insufficient grounds for an application for reconsideration; or</li> <li>the information provided by the Applicant falls outside of the grounds and terms of this policy, or other ANZCA policies.</li> </ul>	<p><b>Applicant action and timeframes for action:</b></p> <p>An online application form for Reconsideration must be submitted, within 14 calendar days of notification of the examination result.</p> <p>All relevant documentation must be submitted within the timeframe specified within section 30.7 of this policy.</p> <p><b>ANZCA action:</b></p> <p>ANZCA will acknowledge receipt of request within three business days.</p>
If the Application for Reconsideration is granted		
1	<p>The Original Decision Maker makes a determination on the application for Reconsideration, having regard to the overall factors or matters raised by the Applicant.</p> <p>Following consideration, the Original Decision Maker may determine to:</p> <ul style="list-style-type: none"> <li>uphold the examination result.</li> <li>void the examination attempt.</li> </ul>	
2	<p>The Original Decision Maker's determination is conveyed in writing to the Applicant and the ANZCA CEO via email.</p> <p>If the Original Decision is upheld, the written communication must contain:</p> <ul style="list-style-type: none"> <li>the reasons for the decision being upheld; and</li> <li>instructions on how the Applicant can proceed to the next stage of Review, in accordance with this Policy.</li> </ul>	
3	Should the Applicant remain affected by the decision at Reconsideration, the Applicant must submit an online application form for Review.	<p><b>Prescribed period for requesting a Review of the Original Decision:</b></p> <p>An online application form for Review must be submitted within 14 calendar</p>

	<p>If the Applicant does not make this notification within the prescribed period, the matter will be closed.</p>	<p>days of notification of the outcome of Reconsideration.</p> <p>All relevant documentation must be submitted within the timeframe specified above.</p>
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<b>Stage one – Reconsideration</b>		
<b>B) If the decision relates to other decisions</b>		
<b>#</b>	<b>Action</b>	<b>ANZCA and Affected Applicant action &amp; timeframe for action</b>
1	The Applicant is notified by the college in writing of the relevant decision.	
2	<p>The Applicant submits an online application to request reconsideration.</p> <p>In the notice, it is the responsibility of the Applicant to identify:</p> <ul style="list-style-type: none"> <li>• the decision they want reconsidered,</li> <li>• the grounds for the request (provide any supporting information/evidence), and</li> <li>• the outcome sought.</li> </ul> <p>The ANZCA CEO must reject the Applicant’s request if:</p> <ul style="list-style-type: none"> <li>• there are insufficient grounds for an application for reconsideration; or</li> <li>• the information provided by the Applicant falls outside of the grounds and terms of this policy, or other ANZCA policies.</li> </ul>	<p><b>Applicant action and timeframes for action:</b></p> <p>An online application form for Reconsideration must be submitted within 28 calendar days of the Original Decision.</p> <p>All relevant documentation must be submitted within the timeframe specified in section 30.6 of this policy.</p> <p><b>ANZCA action:</b></p> <p>ANZCA will acknowledge receipt of request within three business days.</p>
<b>If the Application for Reconsideration is granted</b>		
	The Original Decision Maker makes a determination on the application for Reconsideration, having regard to the overall factors or matters raised by the Applicant.	
2	<p>The Original Decision Maker’s determination is conveyed in writing to the Applicant and the ANZCA CEO.</p> <p>The Original Decision Maker may:</p> <ul style="list-style-type: none"> <li>• affirm the original decision;</li> <li>• adjust the original decision; or</li> <li>• set the original decision aside and make a new decision</li> </ul> <p>If the Original Decision is upheld, the written communication must contain:</p> <ul style="list-style-type: none"> <li>• the reasons for the decision being upheld; and</li> <li>• instructions on how the Applicant can proceed to the next stage of escalation or Review in accordance with this Policy.</li> </ul>	<p><b>ANZCA action and timeframe for action:</b></p> <p>Endeavour to provide an outcome within eight weeks of receipt of request for Reconsideration.</p>
3	<p>Should the Applicant remain affected by the decision at Reconsideration, the Applicant must submit an online application form for Review.</p> <p>If the Applicant does not make this notification within the prescribed period, the matter will be closed.</p>	<p><b>Prescribed period for requesting a Review of the Original Decision:</b></p> <p>An online application form for Review must be submitted within 28 calendar</p>

		<p>days of notification of the outcome of Reconsideration.</p> <p>All relevant documentation must be submitted within the timeframe specified above.</p>
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## Stage two – Review

### A) If the decision relates to an examination result

#	Action	ANZCA and Applicant action & timeframe for action
1	<p>The Applicant submits an online Application form to request that the Review Stage (<b>stage two</b>) be initiated. The Applicant must include the decision they request to be reviewed, the grounds for review (see section 30.5) and the desired outcome.</p> <p>The Applicant may provide any additional information which they consider important to this stage of the process.</p> <p>The request for Review should be rejected by the CEO if:</p> <ul style="list-style-type: none"> <li>• there are insufficient grounds for an application for Review; or</li> <li>• the information provided by the Applicant falls outside of the grounds and terms of this policy, or other ANZCA policies.</li> </ul>	<p><b>Applicant action and timeframes for action:</b></p> <p>An online application form for Review must be submitted within 14 calendar days of the Applicant receiving the outcome of the Reconsideration Stage (<b>stage one</b>).</p> <p>All relevant documentation must be submitted within the timeframe specified.</p> <p>Pay any associated Application fees.</p> <p><b>ANZCA action:</b></p> <p>ANZCA will acknowledge receipt of request within three business days.</p>
2	The CEO refers the matter to a Review Committee	
<b>If the Application for Review is granted</b>		
1	<p>The Review Committee makes a determination with regard to the Application.</p> <p>The Review Committee may consider:</p> <ul style="list-style-type: none"> <li>• any information, documents and materials provided to it;</li> <li>• any other information obtained and that is relevant to the application for Review.</li> </ul> <p>Any new material or information must be provided to the Applicant for further comment or submission, before a decision is made.</p> <p>The Review Committee may:</p> <ul style="list-style-type: none"> <li>• Uphold the examination result.</li> <li>• Void the examination attempt and grant another attempt to the Applicant.</li> </ul> <p>The Review Committee must make its recommendation(s) to the ANZCA Chief Executive Officer (CEO) for approval.</p>	
2	<p>The CEO advises the Applicant of the Review determination.</p> <p>If the Original Decision is upheld, the written communication must contain:</p> <ul style="list-style-type: none"> <li>• the reasons for the decision being upheld; and</li> </ul>	



	<ul style="list-style-type: none"> <li>instructions on how the Applicant can proceed to the next stage of escalation or Appeal in accordance with this Policy.</li> </ul>	
3	<p>Should the Applicant remain affected by the decision at Review, the Applicant must submit an online application form for Appeal.</p> <p>If the Applicant does not make this notification within the prescribed period, the matter will be closed.</p> <p>At the conclusion of the Review Process, the CEO must be satisfied that all other avenues to resolve the issues of concern to the potential appellant have been exhausted before a Formal Appeal can be lodged.</p>	<p><b>Prescribed period for requesting an Appeal of the Original Decision:</b></p> <p>An online application form for Appeal must be submitted within 14 calendar days of notification of the Review Decision.</p> <p>Submissions of the Applicant (including supporting documentary evidence) must be submitted within the timeframes specified in 30.6.3.1.</p>

## Stage 2 – Review

### B) If the decision relates to other decisions

#	Action	ANZCA and Applicant action & timeframe for action
1	<p>The Applicant submits an online Application form to request that the Review Stage (<b>stage two</b>) be initiated. The Applicant must include the decision they request to be reviewed, the grounds for review (see section 30.5) and the desired outcome.</p> <p>The Applicant may provide any additional information which they consider important to this stage of the process.</p> <p>The request for Review should be rejected by the CEO if:</p> <ul style="list-style-type: none"> <li>• there are insufficient grounds for an application for Review; or</li> <li>• the information provided by the Applicant falls outside of the grounds and terms of this policy, or other ANZCA policies.</li> </ul>	<p><b>Applicant action and timeframes for action:</b></p> <p>An online application form for Review must be submitted within 28 calendar days of the Applicant receiving the outcome of the Reconsideration Stage (<b>stage one</b>).</p> <p>All relevant documentation must be submitted within the timeframe specified.</p> <p>Pay any associated Application fees.</p> <p><b>ANZCA action:</b></p> <p>ANZCA will acknowledge receipt of request within three business days.</p>
2	The CEO refers the matter to a Review Committee	
<b>If the Application for Review is granted</b>		
1	<p>The Review Committee makes a determination with regard to the Application.</p> <p>The Review Committee may consider:</p> <ul style="list-style-type: none"> <li>• any information, documents and materials provided to it;</li> <li>• any other information obtained and that is relevant to the application for Review.</li> </ul> <p>Any new material or information must be provided to the Applicant for further comment or submission, before a decision is made.</p> <p>The Review Committee may:</p> <ul style="list-style-type: none"> <li>• uphold the original decision;</li> <li>• adjust the original decision; or</li> <li>• set the original decision aside and make a new decision</li> </ul> <p>The Review Committee must make its recommendation(s) to the ANZCA Chief Executive Officer (CEO) for approval.</p>	<p><b>ANZCA action and timeframe for action:</b></p> <p>Endeavour to provide an outcome within eight weeks of receipt of request for Reconsideration.</p>
2	The CEO advises the Applicant of the Review determination.	

	<p>If the Original Decision is upheld (i.e. the Applicant's Application for Review is rejected), the written communication must contain:</p> <ul style="list-style-type: none"> <li>• the reasons for the decision being upheld; and</li> <li>• instructions on how the Applicant can proceed to the next stage of escalation or Appeal in accordance with this Policy.</li> </ul>	
3	<p>Should the Applicant remain affected by the decision at Review, the Applicant must submit an online application form for Appeal.</p> <p>If the Applicant does not make this notification within the prescribed period, the matter will be closed.</p> <p>At the conclusion of the Review Process, the CEO must be satisfied that all other avenues to resolve the issues of concern to the potential appellant have been exhausted before a Formal Appeal can be lodged.</p>	<p><b>Prescribed period for requesting an Appeal of the Original Decision:</b></p> <p>An online application form for Appeal must be submitted within 28 calendar days of notification of the Review Decision.</p> <p>Submissions of the Applicant (including supporting documentary evidence) must be submitted within the timeframes specified in 30.6.3.1.</p>

## Section four – Formal Appeal (stage three)

Appeal lodgement and associated documentation	
<b>a) If the decision relates to an examination result</b>	
1	<p>Within 14 calendar days of an Applicant being informed of a Review decision they must submit an online application form for appeal, which sets out the grounds upon which the appeal is being made</p> <p>The Applicant must pay any associated application Fees at this time.</p> <p><b>*Evidentiary documentation (written submissions or additional relevant information in support of the Appeal submission) must be submitted to the ANZCA CEO at this time.</b></p>
<b>b) If the decision relates to other decisions</b>	
1	<p>Within 28 days of an Applicant being informed of a Review decision they must submit an online application form for appeal, which sets out the grounds upon which the appeal is being made</p> <p>The Applicant must pay any associated application Fees at this time.</p> <p><b>*Evidentiary documentation (written submissions or additional relevant information in support of the Appeal submission) must be submitted to the ANZCA CEO at least 10 business days before the Appeals Committee hearing date.</b></p>
If a request for an Appeal of an Original Decision is granted	
1	<p>The CEO will advise the Applicant in writing of:</p> <ul style="list-style-type: none"> <li>• the date, time and place of the hearing; and</li> <li>• the outcome of request for legal representation (at the Applicant's own cost).</li> </ul>
Applicant rights during a Formal Appeal (may not be possible when an application is related to an examination result)	
1	The Applicant has the right to make submissions (orally or in writing) and appear before the Appeals Committee to represent and advocate for the Appeal, in line with their written submissions.
2	<p>The Applicant has the right to give evidence, call relevant witnesses (at the Applicant's own cost) and to test persons in relation to any adverse information or material relating to their performance or conduct.</p> <p><b>*The Applicant must provide a list of witnesses to the ANZCA CEO, at least 10 business days before the Appeals Committee Hearing. The list must be approved by the college prior to any witness appearing at the Appeals Committee Hearing.</b></p>
3	A support person may accompany the Applicant to the Appeals Committee hearing, but may not act as an advocate or witness.
Applicant rights to legal representation	
1	<p>Any request for legal representation must:</p> <ul style="list-style-type: none"> <li>• be made, by the Applicant, to the ANZCA CEO, <b>at least 10 business days before the Appeals Committee hearing</b>, and;</li> <li>• specify the reasons on which the request is made.</li> </ul>

### **30.15 Consideration of Appeals**

- 30.15.1 An Appeals Committee has full power over its conduct and operation.
- 30.15.2 An Appeals Committee will:
  - 30.15.2.1 act according to the rules of natural justice; and
  - 30.15.2.2 decide each appeal on its merits.
- 30.15.3 An Appeals Committee:
  - 30.15.3.1 is not bound by the rules of evidence;
  - 30.15.3.2 may consider all information that it thinks appropriate; and
  - 30.15.3.3 may allow any person to appear before it or to provide information.
- 30.15.4 The Appeals Committee must keep confidential:
  - 30.15.4.1 any transcript of a hearing; and
  - 30.15.4.2 any other information relating to an Appeal that the Appeals Committee receives.
- 30.15.5 The Appeals Committee may disclose the above matters if:
  - 30.15.5.1 required to do so by law; or
  - 30.15.5.2 a government body; or
  - 30.15.5.3 in a report prepared under this policy.
- 30.15.6 The Appeals Committee's decision takes effect from the date of forwarding of the decision to the Applicant and any College body.

### **30.16 Decisions of the Appeals Committee**

- 30.16.1 An Appeals Committee may do any of the following:
  - 30.16.1.1 confirm the Original Decision under Appeal; or
  - 30.16.1.2 revoke the decision under Appeal and make recommendations to the College on an alternative decision; or
  - 30.16.1.3 revoke the decision under Appeal and refer the decision back to the relevant Committee or person(s), in accordance with the Appeals Committee's directions; or
  - 30.16.1.4 make suggestions to the ANZCA CEO with regards to matters covered by the Appeal.
- 30.16.2 An Appeals Committee may not:
  - 30.16.2.1 make any decision that the Original Decision Maker was not empowered to make;
  - 30.16.2.2 substitute any decision relating to any clinical or examination assessment;
  - 30.16.2.3 recommend a pathway to Fellowship for an SIMG without reference to a new SIMG assessment panel;
  - 30.16.2.4 award Fellowship or other college membership.
- 30.16.3 Any decision made by the Appeals Committee may be communicated to other governing bodies or staff where required.

30.16.3.1 Unless required by law, information must be de-identified prior to distribution.

30.16.4 In all cases the Appeals Committee's decision is final.

**Definitions:**

**Appeals Committee** means a committee convened pursuant to section 30.10 of this Policy

**Applicant** means a person who has formally requested a Reconsideration, Review or Appeal of a decision (as the case may be). In the case of an examination result, this refers to the candidate. In other cases, it may refer to an individual, or a hospital/site/department/unit or private practice in respect of which a decision has been made

**CEO** means the Chief Executive Officer

**College** means The Australian and New Zealand College of Anaesthetists

**Conflict of Interest** arises when a person makes a decision or exercises a power in a way that may be, or may be perceived to be, influenced by either material personal interests (financial or nonfinancial) or material personal associations, as defined by the College's Conflict of Interest Policy

**Days** means calendar days

**Decision** means a decision subject of this Policy

**Original decision** means a decision made by an Original Decision Maker which is capable of being Reconsidered, Reviewed or Appealed under this Policy.

**Original Decision Maker** means an individual or governing body specified who has made the original decision that is being contested by the Applicant

**Related Policies:**

ANZCA Special Consideration Policy

The ANZCA policy on bullying, discrimination and harassment for Fellows and trainees acting on behalf of the College or undertaking College functions.

The ANZCA feedback management policy.

## Change register

Version	Author	Approved by	Approval date	Sections modified	Next review
1	K Sinni L Wilson V Beavis V Laurenson	ANZCA Council	July 24	Created	2025