

Authorising Committee:	Board
Responsible Committee:	Corporate Governance and Risk Committee
Document Code:	REG OPCEO Appeals Committee

BACKGROUND

- The General Council of The Royal Australian and New Zealand College of Psychiatrists (“RANZCP”) has the power to delegate any or all of its functions, powers or discretions to committees comprising such persons as the General Council determines¹.
- The Appeals Committee is an ad hoc committee of General Council convened as required to hear Appeals by individuals who are dissatisfied with a decision of the College².
- This document sets out the rules and regulations regarding the Appeals Committee. It should be read in conjunction with ‘The RANZCP Reinstatement and Appeals Policy’.

1. ROLE

- Responsible directly to General Council, the Committee will hear Appeals by individuals who are dissatisfied with a decision of the College. The Appeals Committee is not bound by the rules of evidence. Subject to the rules of natural justice, it is entitled to consider all relevant information and may invite any person to appear before it, or to provide information.
- The Appeals Committee will be committed to the implementation of reasonable, transparent and accountable decision making.

2. RESPONSIBILITIES

- The Appeals Committee will be responsible for hearing appeals of persons who are dissatisfied with decisions of the College.
- The Appeals Committee must have regard to the rules of natural justice and decide each Appeal on its merits and in accordance with the rules of procedural fairness.
- The Appeals Committee is entitled to conduct its affairs with as little formality as possible, but have full power to regulate its conduct and operation with regard to procedural fairness.
- No decision of the Appeals Committee relating to College policy will be acted on by the Appeals Committee. Nor will any decision by the Appeals Committee be binding on the College except insofar as it is consistent with the delegated powers of the Appeals Committee, or is first submitted to and approved by General Council.
- The Appeals Committee may not, appoint or re-instate a Fellow to the College, elevate an appellant above others in a competitive assessment, or overturn the clinical assessment of a trainee or an International Medical Graduate. In such cases, the Appeals Committee may make recommendations and refer such decisions to the General Council.
- The Appeals Committee is responsible for identifying and managing risks associated with its committee, in accordance with the College’s Risk Management Policy, and for reporting high level risks to the Governance and Risk Committee (GRC).

¹ Article 16 of the Constitution

² Article 16.2 of the Constitution

3. REPORTING RELATIONSHIPS

- The Appeals Committee shall report on its activities to each meeting of General Council, via the Chief Executive Officer.

4. COMPOSITION / MEMBERSHIP

- Membership of the Committee will be three (3) members, comprising of –
- Chair (voting) (Non-Fellow- may include a retired Judge, Tribunal Member, Registrar or any other relevant person who has held a position within the judicial system).
- Two Members (non-voting) (Fellows which may be based on jurisdictional representation, skills, knowledge and/or expertise) as supporting members to provide insight and advice.
- Co-opted members will be asked to provide specified knowledge and expertise in writing or as otherwise advised by the Chair.

An Alternate Chair/Member will be appointed if the Chair/Member is unavailable or unable to Chair or attend the meeting.

Alternate Membership of the Committee will be comprised of –

- Alternate Chair (Non-Fellow appointed in those instances where the Chair is unavailable to attend the Appeal Hearing).
- Alternate Members (selected on an ad hoc basis to be available when the Members of the Appeal Committee are unavailable to attend the Appeal Hearing or during a transition period).

5. ELECTIONS AND APPOINTMENTS

Chair

- The Chair shall be appointed by General Council from the recommendations of the Governance Risk Committee. This position is ratified by General Council.
- Requests for nominations will be circulated to the legal fraternity, namely the Judicial College of Australia, the Law Institutes of each State, and various Lists categorising barristers, mediators and retired judges. Individuals will be required to provide their Curriculum Vitale to the Governance Risk Committee for consideration.
- The Chair will be selected from the nominations received by the Governance Risk Committee. The Governance Risk Committee will assess the nominations and make recommendations to General Council regarding the appointment of the Chair.
- The term of office for the Chair shall be two (2) years from the time of appointment.
- The Chair may be invited for re-appointment to this position to serve a maximum 3 consecutive terms i.e. 6 years.

Members

- Nominations for members will be called for from Fellows of the College via an expression of interest process, appointed by the Governance Risk Committee and ratified by General Council
- Members shall not have voting rights.
- The term of office of all members shall be two (2) years from the time of appointment.
- Members may be invited for re-appointment to this position to serve a maximum of three (3) consecutive terms ie.6 years.
- Where possible, the appointment process shall give due recognition to ensuring the adequacy of gender balance.

Alternate Chair

- The Alternate Chair will be appointed in those instances where the Chair is unavailable to attend the Appeal Hearing. This will be determined on a case by case basis.
- The Alternate Chair will be selected from the same nominations for the Chair of the Appeals Committee, received by the Governance Risk Committee. The Governance Risk Committee will

assess the nominations and made recommendations to General Council regarding the appointment of the Alternate Chair.

- The term of office for the Alternate Chair shall be two (2) years from the time of appointment.
- The Alternate Chair may be invited for re-appointment to this position to serve a maximum 3 consecutive terms i.e. 6 years.

Alternate Members

- The Alternate Members will be appointed in those instances where Members of the Appeal Committee are unavailable to attend the Appeal Hearing or during a transition period.
- In the first instance, Alternate Members will be selected from the same nominations for the Members of the Appeals Committee. The Governance Risk Committee will assess the nominations and made recommendations to General Council regarding the appointment of the Alternate Members.
- The need for Alternate Members will be determined on a case by case basis and will be called upon to attend the Appeal Hearing by the CEO.
- If further vacancies occur, nominations for members will be called for from Fellows of the College via an expression of interest process, and appointed by the CEO in consultation with the College's Executive Officers.
- The term of office of all Alternate members shall be two (2) years from the time of appointment.

Co-opted Members

- Co-opted members may be asked to provide specified knowledge and expertise in writing or as otherwise advised by the Chair in conjunction with the Secretariat.
- Co-opted members may include a member representing the Trainee Representative Committee (TRC), a member representing the Overseas Trained Psychiatrists' Representative Committee (OTP) or a Community member.
- The number of co-opted members per Appeal Hearing shall be a maximum of four (4). The need for co-opted members shall usually be reviewed by the Committee each two (2) years at the time of appointment to the Committee, but may be reviewed more frequently as considered necessary.
- Co-opted members of the Committee shall not have voting rights.

Observers

- The Chair of the Appeals Committee may invite persons from time to time to attend some or parts of a Committee meeting.
- Observers would be expected to maintain confidentiality of the meeting's proceedings.
- The number of observers will be at the discretion of the Chair of Appeals Committee.
- Observers shall not have voting rights.

Casual Vacancies

- In the event of the resignation of the Chair, whose term is not due to finish for 12 months or more, the Alternate Chair will fill the Chair role, as a casual vacancy for the remainder of the term. A call for nominations shall take place for a further Alternate Chair.
- In the event of the resignation of a Committee Alternate Chair, the CEO in conjunction with the College's Executive Officers will requests nominations to be circulated to the legal fraternity, as discussed above, and will appoint a committee member to fill the Alternate Chair position as a casual vacancy for the remainder of the term.
- In the event of the resignation of a member, whose term is not due to finish for 12 months or more, a call for nominations from the Alternate Chair shall take place. Nominations will be considered by the CEO in conjunction with the College's Executive Officers.
- In the event of the resignation of a member of the Committee whose term is due to finish within 12 months, the Committee shall appoint a casual vacancy, in consultation with the CEO in consultation with the College's Executive Officers.
- The casual vacancy appointment shall be for the remainder of the term.
- A person appointed as a casual vacancy shall be eligible for appointment in accordance with this Regulation. For the purposes of this Regulation, the period of time served as a casual vacancy shall not be counted as a period of membership.

6. POWERS

The Committee shall observe any regulations or directions that may from time to time be imposed upon it by General Council.

Pursuant to Article 9.2 of the Constitution –

- a) “The General Council may delegate any of its powers (other than that of delegation) to Boards or Committees comprising persons appointed by General Council”.
- b) “General Council may revoke any delegation of its powers by ordinary resolution”.

7. LIMITATION ON POWERS

Pursuant to Article 16.3 of the Constitution -

- a) “The General Council shall determine the powers and duties of each Committee (its “Terms of Reference”) and each Committee shall in the exercise of its powers comply with the Regulations and its Terms of Reference”.
- b) “Unless specifically provided for in the Regulations or its Terms of Reference, a Committee may not make any determination of policy for the College, but may provide advice to the General Council on any area falling within its Terms of Reference to assist the General Council or the Executive of General Council”.
- c) “Each Committee shall make such reports and recommendations to the General Council as the General Council reasonably requires”.

8. RENUMERATION

- The Chair may be paid an annual “Honorarium” as determined by the Resource Management Committee. The honorarium will be calculated based upon a daily sitting fee per Appeal Hearing and will be reviewed by the Resource Management Committee annually.
- The Committee members are eligible for reimbursement for reasonable out of pocket expenses such as travel, accommodation and other incidental expenses associated with the Appeal Hearing.
- It is the responsibility of the Secretariat to coordinate payments of the Honorarium and reimbursement of all expenses.

9. SECRETARIAT SUPPORT

- The Committee shall be supported by the relevant staff of the College. The Chief Executive Officer shall be Secretary to the Appeals Committee.
- The CEO or delegate(s) will attend the hearing as Secretary to the Appeals Committee and to provide advice on the aspects of College policy, practice and procedures but it is not a member of the Appeals Committee.

10. REVIEW

- Pursuant to Article 16.8 of the Constitution, “General Council shall review the need for each Committee and the members thereof at least every two years”.
- These Regulations shall be reviewed two (2) years from commencement.

11. OPERATION OF THE COMMITTEE

11.1. Meetings

- Hearings of the Appeals Committee will be held in person.

- The Committee may meet for the transaction of business and adjourn and otherwise regulate its meetings as it thinks fit, taking into account budget implications. The Committee shall ~~only~~ meet face-to-face as required.
- Other meetings of the Committee may be in person, by telephone or other telecommunications or electronic means at the discretion of the Chair.
- The Chair in conjunction with the Secretary, may convene a meeting of the Committee by written notice to members of the Committee. An agenda shall be circulated in advance of the meeting.

11.2. Notice of Meetings

- At least 24 hours notice of a meeting of the Committee must be given to each Committee member specifying the place, time and date of the meeting.
- Notice may be given in writing, by email, by fax, by telephone or other electronic and appropriate means.

11.3. Chair

- The Chair in conjunction with the Secretary, shall preside at all meetings of the Committee.

11.4. Quorum

- The quorum for the Appeal Hearing is 100% of the Committee membership.
- If at any time the number of members is less than a quorum, the Committee may meet only for discussion purposes.

11.5. Voting

- The Chair shall have full voting rights.
- Decisions arising at a meeting of the Committee shall be only decided by the decision of the Chair.

11.6. Minutes of Meetings

- A written record of all proceedings of Committee meetings shall be kept by the Committee Secretariat.
- Draft minutes of all meetings should be promptly circulated to the Chair for approval prior to circulating to all Committee members.

11.7. Defects in Appointment or Qualification of a Committee Member

- All acts done in good faith by a meeting of the Committee or by any person acting as a Committee member will be valid and effective notwithstanding that it is afterwards discovered that there was some defect in the appointment of that person or that the person was disqualified from acting for any reason.

11.8. Conflict of Interest and Confidentiality

- All people attending a meeting of the Committee must declare any conflicts of interest to the Chair. Once a conflict of interest has been declared, the individual concerned may be excluded from the discussion and/or voting at the discretion of the Chair.
- Each member of the Committee including co-opted members, community members, proxies and observers must sign a Deed of Undertaking Relating to Confidentiality and Conflict of Interest.
- The Deed is valid for the period of time the member is part of the Committee and after they have finished on the Committee, particularly in relation to confidentiality.
- All signed Deeds must be forwarded to the College's Corporate Governance Officer.

11.9. Financial Responsibility

- The Secretariat must develop an annual budget based on the budget process developed by the College in conjunction with the College's Finance Department.
- The Committee is required to operate in accordance with College Policy and within the budgetary constraints as determined by General Council.

12. MEDIA & AUTHORISED STATEMENTS

- The Appeals Committee may not make any comments in relation to the Appeal Process.
- Pursuant to Articles 9.4.1 and 9.4.2 of the Constitution, “the President or the General Council may authorise any Committee or individual to represent the College before any government or governmental body or committee or to make statements or express views on behalf of the College. The authority may be given generally or for a specific situation and may be given on such conditions as the President or General Council thinks fit. Unless duly authorised to do so under this Article, no Member may make any statement or express any view which purports to be a statement or view of the College or as having been made or expressed on behalf of or with the concurrence of the College”.

This policy will be effective from its publication date; such a date will be published on the RANZCP website. All applications received thereafter will be considered under this policy.

13. INTERPRETATION

The Regulation shall be known as the “Appeals Committee Regulation”.

- Article(s)” means an article or clause of the Constitution.
- “Affiliate” means a Member admitted pursuant to Article 3.5 of the Constitution.
- “Associate” means a Member admitted pursuant to Article 3.4 of the Constitution.
- “Appointment” means the formal process undertaken to appoint a member. Call for nominations (from amongst Non- Fellows and Fellows) must be undertaken and conducted in accordance with this Regulation.
- “Casual Vacancy” means a position that becomes vacant before the expiration of the term for which the holder was appointed. A successor shall, if the term has not then expired, be appointed to hold the place from the date of his/her appointment until the expiration of the original term or the next appointment period (whichever is first). The period of time served as a casual vacancy shall not be counted as a period of office. A Casual Vacancy has voting rights.
- “Co-opted” means a person that has been co-opted for their area of expertise or knowledge of a particular area. A co-opted member is a non-voting member.
- “College” or RANZCP means The Royal Australian and New Zealand College of Psychiatrists.
- “Community Member” means a carer or consumer. A community member does not have voting rights.
- “Constitution”, means the Constitution of The Royal Australian and New Zealand College of Psychiatrists (October 2007).
- “Committee” means the Appeals Committee.
- “Ex-officio” means a member of a body (Board, Committee, Section etc) who is part of it by virtue of holding another office. Ex-officio (excepting College staff) members are voting members.
- “Fellow” means a Member who holds Fellowship of the College pursuant to Article 3.3 of the Constitution.

- “Financial year” shall be defined in the same manner as for the activities of the General Council of the College.
- “General Council” means the General Council of the College elected under the Constitution, each member of which shall be a Director of the Company.
- “General Councillor” means a member of General Council, excepting Observers and those in attendance.
- “General Meeting” means a general meeting of the College.
- “Honorary Secretary” means the Honorary Secretary of the College in accordance with the College’s Constitution.
- “Alternate Chair” means a non-Fellow appointed in those instances where the Chair is unavailable to attend the Appeal Hearing.
- “Alternate Member” means Fellows selected to be available when the Members of the Appeal Committee are unavailable to attend the Appeal Hearing or during a transition period as supporting members to provide insight and advice.
- “Terms of Reference” are the powers and duties of each Committee and are determined by General Council.

14. Associated Documents

- Appeals Committee Chair, Member Position Descriptions
- RANZCP Constitution, Code of Conduct, Code of Ethics and Website
- RANZCP Policies and Procedures
- Reconsideration and Appeal Policy
- RANZCP Meetings and Travel Guidelines

REVISION RECORD

Contact: Louise Hain, Manager, Governance & OPCEO

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25/02/2012	1.0	GC2012/1 R5	New document
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