

Background

The Appeals Committee (**AC**) is an ad hoc committee which hears appeals made by persons who are dissatisfied with a decision or recommendation made by The Royal Australian and New Zealand College of Psychiatrists (**RANZCP**).

The AC administers the appeal process set out in the *Review, Reconsideration and Appeal Policy and Procedure (the Policy)* to ensure that the decisions made by the RANZCP and its committees are transparent, accountable and fair.

1. ROLE

The AC will hear appeals made in relation to decisions or recommendations of the RANZCP or its committees. Reporting to the Board, the AC will seek to administer the relevant parts of the Policy, including by hearing appeals in an independent, objective and transparent manner.

2. RESPONSIBILITIES

The AC shall be responsible for:

- a) hearing appeals of persons who are dissatisfied with decisions or recommendations of the RANZCP or its committees;
- b) deciding each appeal on its merits and in accordance with the rules of natural justice and procedural fairness;
- c) maintaining its independence, fairness and objectivity in decision-making at all times; and
- d) providing reports to the Board in relation each appeal that the AC hears.

3. REPORTING RELATIONSHIPS

- a) The AC shall report to the Board as required.
- b) The AC will work closely with the Chief Executive Officer and the Legal Services Department to ensure that its responsibilities are met.

4. APPEALS COMMITTEE

4.1. Composition/Membership

- a) Membership of the AC will comprise the Chair and up to five (5) Fellow Members.
- b) The Chair shall be the only voting member of the AC. The Members shall provide the Chair with advice and guidance only. This overrides the voting and quorum specifications in section 17 of the Committee Meeting Operations Regulations.
- c) Where possible, the appointment process shall have due regard to ensuring the adequacy of gender balance and representation from Australia and New Zealand.

4.2. Elections, Appointments and Casual Vacancies

4.2.1. Chair

- a) The Chair shall be a retired judge or other impartial senior legal professional who meets the requirements of the *Appeals Committee Chair Position Description*.
- b) The Chair shall be appointed in accordance with the following process:
 - i. Requests for nominations for the Chair position will be circulated to relevant legal bodies and otherwise advertised.
 - ii. The nominees will be required to provide their Curriculum Vitae and other information relevant to their nomination, as requested.
 - iii. Following assessment of the received nominations, nominees may be required to attend an interview with two (2) selected Board members, as determined by the Chief Executive Officer.
 - iv. The Board will review the nominations and appoint a nominee as Chair.
- c) The term of office for the Chair position shall be three (3) years from the date of appointment.
- d) The Board may invite the Chair for reappointment to this position to serve a maximum of three (3) consecutive terms (total of nine (9) years).
- e) In the event of the Chair's resignation, the process for appointing a Casual Vacancy will be developed in consultation with the Governance Unit.

4.2.2. Members

- a) Members shall be Fellows who meet the requirements of the *Appeals Committee Member Position Description*.
- b) Members shall be appointed in accordance with the following process:
 - i. Requests for nominations for the Member position will be called from among the Fellows of the RANZCP
 - ii. Following assessment of the received nominations, the Board will review the nominations and assess them in accordance with the requirements of the *Appeals Committee Member Position Description*.
 - iii. The Board shall appoint the Members.
- c) The term of office for the Member position shall be three (3) years from the date of appointment.
- d) The Board may invite Members for reappointment to this position to serve a maximum of three (3) consecutive terms (total of nine (9) years).
- e) Only two (2) Members are required to constitute the Appeal Committee at any given hearing, in addition to the Chair. However, up to five (5) Members may be appointed to form a pool of Members from which Members may be selected to attend each appeal hearing, to allow Members with relevant expertise to be selected to hear an appeal.
- f) In the event of the resignation of a Member, the process for appointing a Casual Vacancy will be developed in consultation with the Governance Unit.

4.2.3. Alternate Chair

- a) The Alternate Chair will be a retired judge or impartial senior legal professional who meets the requirements of the *Appeals Committee Chair Position Description*.
- b) The Alternate Chair will be appointed in accordance with the following process:
 - i. Individuals who lodged nominations for the Chair position but were not appointed as the Chair will be contacted for expressions of interest for the Alternate Chair position.
 - ii. Those who express interest will be required to provide their Curriculum Vitae.
 - iii. Those individuals who express interest will be subject to the following appointment process:
 - The Board, or selected members of the Board, will review the expressions of interest and assess them in accordance with the requirements of the *Appeals Committee Chair Position Description*.
 - The Board will appoint the Alternate Chair.
- c) The term of office for the Alternate Chair position shall be two (2) years from the date of appointment.
- d) The Board may invite the Alternate Chair for reappointment to this position to serve a maximum of three (3) consecutive terms (total of six (6) years).
- e) The Board may appoint more than one Alternate Chair at any one time, if there is a need or high volume of appeals received.
- f) In the event of the resignation of the Alternate Chair, the process for appointing a Casual Vacancy will be developed in consultation with the Governance Unit.

4.2.4. Casual Vacancies

- a) Refer to clauses 4.2.1. e), 4.2.2. f) and 4.2.3. f) of these Regulations.
- b) The Casual Vacancy appointment shall be for the remainder of the term.
- c) A person appointed as a Casual Vacancy must be eligible for appointment in accordance with these Regulations. For the purposes of these Regulations, the period of time served as a Casual Vacancy shall not be counted as a period of membership.

4.2.5. Advisers

- a) The AC may seek advice from any RANZCP committee, or Chair or member of a RANZCP committee, other than the Education Review Committee and the Independent Reconsideration Panel, in relation to a RANZCP policy or procedure relevant to an application for appeal, where that committee or member has relevant expertise.
- b) For avoidance of doubt, advisers do not need to be appointed to membership of the AC in order for the AC to seek their advice.

4.2.6. Co-opted Members

Refer to the *Committee Meeting Operations Regulations* for information regarding Co-opted Members.

4.2.7. Observers

Refer to the *Committee Meeting Operations Regulations* for information regarding Observers.

5. HEARINGS AND MEETINGS

The AC is responsible for conducting hearings for appeals in accordance with the Policy.

The AC may also hold meetings before a hearing to discuss matters relating to an appeal.

A meeting or hearing may be convened with the Chair and two Members (as selected by the Chief Executive Officer from the overall pool of Members in accordance with paragraph 4.2.2. e)) present.

6. OPERATION OF THE COMMITTEE

6.1. The [Committee Meeting Operations Regulations](#) apply to the operation of the AC as relevant.

However, the following provisions of the *Committee Meeting Operations Regulations* do not apply to the AC, given the particular role of the AC:

- Section 1: Agenda
- Section 10: Financial Responsibility
- Section 17: Quorum/Voting
- Section 22: Work Plan.

Any queries regarding the *Committee Meeting Operations Regulations* should be directed to the relevant staff member who is responsible for the AC.

Revision Record

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16 March 2022	2.1	Executive General Manager, Education and Training	Updated to reflect latest template and other minor updates.
23 February 2022	2.0	B2022/2 R30	Major revisions.
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