

TERMS OF REFERENCE

Appeals Committee

1. Reporting

The Appeals Committee shall report to the RANZCOG Board. When a matter is referred to the Appeals Committee for decision, the Committee shall have the power to deliberate on the matter and to make a decision within the limits outlined in its Terms of Reference, associated RANZCOG Regulations, and the *Reconsideration, Review and Appeal of Decisions Policy* and then report such decision to the RANZCOG Board and any other bodies as required.

2. Date of Establishment

The Committee was established in 1993.

3. Functions and Responsibilities

To consider appeals lodged under RANZCOG Regulation A2 by persons who are aggrieved by a College decision.

The Appeals Committee's decision shall be final.

4. Membership

Appointments will be for a period of two (2) years from the commencement of the Twelfth RANZCOG Council, and in accordance with RANZCOG *Tenure of Appointment to RANZCOG Committees and External Bodies Policy*. Members who serve the maximum number of consecutive terms may be eligible for membership following an absence of one (1) term.

The Appeals Committee shall be constituted in accordance with the *Reconsideration, Review and Appeal of Decisions Policy* as follows:

- Three (3) persons (one (1) of whom shall be the Chairperson) who are not College members will be appointed by the RANZCOG Board on the recommendation of the President for the relevant term of office; and
- Two (2) College Fellows who were not a party to any decision to which the appeal relates (in the event of an appeal involving a subspecialist, one (1) of the Fellows should be a subspecialist from that particular subspecialty).

Additionally, two (2) RANZCOG Fellows who do not have a conflict of interest, will be appointed to each meeting of the Appeals Committee by the CEO.

The CEO shall be in attendance at all Appeals Hearings of the Committee and shall assist and advise the Committee in its deliberations.

By accepting the invitation to be a member of the RANZCOG Appeals Committee, individual members must comply with the RANZCOG Code of Conduct and conduct themselves in a manner that reflects the standard

of professional and ethical behaviour expected by the College, and agree to abide by the following College policies, procedures, and guidelines:

- *Attendance Policy and Procedure for Members of RANZCOG Bodies;*
- *College Organisational Values;*
- *Confidentiality Policy: Board, Council and Committees;*
- *Conflict of Interest Policy; and*
- *Conduct of Meeting Policy.*

5. Management and Coordination

Management of the day-to-day operations of the working group will be coordinated by the RANZCOG Governance & Legal office.

6. Chair

The Chair shall be appointed for the term of the current Council by the RANZCOG Board on the recommendation of the President. Where possible, the Chair shall be an existing member of the Committee. Where the Chair is unable to act due to conflict of interest or otherwise, the RANZCOG CEO will nominate a replacement.

7. Appeals Procedures

The Committee will meet alone at the commencement of each meeting to review the matter before it.

The Applicant and other parties attending to provide information to the Appeals Committee will be admitted together. However, the Appeals Committee may, in its absolute discretion, hear the parties separately.

The Committee may request, or permit, other parties to appear before it to provide information to the Appeals Committee.

The Chair will first invite the Applicant and then any other party appearing before it to summarise their submissions and/or responses to the Committee prior to their formal presentation.

The Chair will then invite the Applicant to present their submissions and may at any time direct the Applicant to any point of those submissions or invite questions on any point of those submissions and may request the Applicant to bring their submissions to a close if the presentation is too protracted.

The Chair will then invite members of the Committee to seek clarification from the Applicant of any matters raised.

The Chair will then invite any person attending to provide information to the Committee to comment on the submissions of the Applicant.

The Committee may direct questions to any person attending to provide information to the Appeals Committee.

The Applicant will be asked to respond or make submissions in relation to material presented by other parties or participants.

The Applicant will be asked if they have any further submissions or wish to make any further comments or responses before the formal proceedings are closed.

The Chair will thank all parties for their attendance and dismiss them.

8. Quorum

The quorum for any meeting of the Committee shall be four (4) members of the Appeals Committee.

All questions arising at an Appeals Hearing shall be decided by a majority of votes of the Appeals Committee members present and voting on that question and, in the case of any equality of votes the Chair shall have a second or casting vote in addition to his/her deliberative vote.

9. Flying Recommendations

A recommendation can be disseminated out-of-session (i.e., by email) to the Appeals Committee for approval by flying recommendation. For a flying recommendation to be passed, a quorum must have voted and approved the recommendation. All flying recommendations and their outcome must be formally minuted.

10. Observers and Visitors

Observers and visitors must have received the prior permission of the Chair to attend meetings. Observers and visitors must leave the meeting if any matters are to be considered 'in camera'.

The Appeals Committee may appoint a person to act as counsel assisting in the hearing of the appeal. If a quorum is not present, the meeting will be adjourned.

11. Meeting Papers – Agenda and Minutes

Notice of Appeal hearing must be provided at least 21 days to all members prior to the hearing date.

At least seven (7) days prior to the meeting of the Appeals Committee, the CEO will organise to have distributed to the Committee and the applicant any materials lodged by the applicant or the College body on which the Appeals Committee will rely for its consideration.

Accurate minutes will be kept of each meeting. The minutes may be confined to Appeals Committee Reasons Document.

Draft minutes are to be completed no later than 10 working days following each meeting and forwarded to the Chair for approval. It is expected that the Chair of the meeting shall approve meeting minutes within five (5) working days upon receipt.

The CEO, on behalf of the Appeals Committee, will notify the applicant in writing of the decision, and reasons for the decision, within three (3) weeks of the appeal hearing.

The Appeals Committee Reasons Document will be conveyed to the RANZCOG Board, by e-mail in the first instance, followed by distribution in papers at the next scheduled meeting of this group.

12. Frequency of Meetings

The Committee shall meet as required to hear Appeals against Decisions according to the process outlined in Regulation A2 and the *Reconsideration, Review and Appeal of Decisions Policy*.

13. Review of Terms of Reference

Terms of Reference should be reviewed as considered necessary, but at least every two (2) years.

14. Approval Process and Date for Next Review

Version	Date of Version	Pages revised / Brief Explanation of Revision
v1	October 1993	Details
v2	September 2018	Details
v3	October 2020	Code of Conduct

v4	August 2021	Revised to comply with Tenure of appointment to RANZCOG committees and external bodies Policy requirements
v5	September 2021	ELT approved ToR template update
v6	October 2022	Revision following the creation of Reconsideration, Review and Appeal of Decisions Policy
v7	February 2023	Revised to include Flying Recommendations clause

Policy Version:	Version 7
Policy Owner:	Governance and Legal
Policy Approved by:	ELT
Review of Policy:	February 2025