

Regulation

Subject: **Regulation for Reconsideration, Review and Formal Appeal of certain Decisions of the College**
Approval Date: 30 August 1999, Revised October 2002, Revised March 2007, November 2013, February 2018, August 2019
Review Date: February 2023
Review By: Board of Directors
Number: 7/1999

1. Background

1.1 Definitions

Except as otherwise specified:

- (1) **Appeals Committee** means a committee appointed pursuant to the Regulation;
- (2) **Applicant** means the person seeking a review of a Decision;
- (3) **College** or **RCPA** means The Royal College of Pathologists of Australasia ACN 000 173 231;
- (4) **Committee** means the Committee of the College referred to as the “Board of Education and Assessment”, the “Board of Professional Practice and Quality” and the Faculty committees;
- (5) **Constitution** means the constitution of the College (as amended from time to time);
- (6) **days** means calendar days;
- (7) **Decision** means those decisions set out in section 4 which are the subject of this Regulation;
- (8) **Directors** means a director of the College;
- (9) **Formal Appeal** means a formal appeals process by an Appeals Committee;
- (10) **month** means calendar month;
- (11) **Reconsideration** means reconsideration of a Decision in accordance with this Regulation;
- (12) **Regulation** means this Regulation for Reconsideration, Review and Formal Appeal of certain Decisions of the College;
- (13) **Review** means review of a Decision in accordance with this Regulation;

(14) **Trainee** means a trainee of the College.

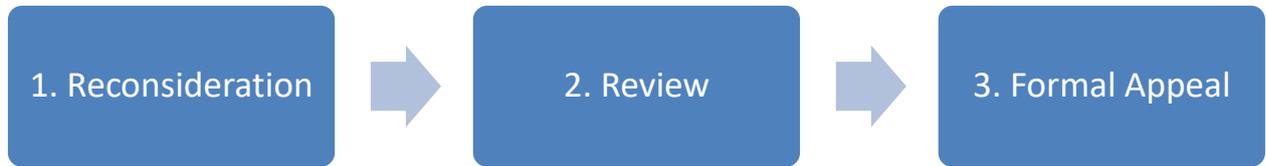
Where not otherwise defined in this Regulation, capitalised terms have the same meaning given to them in the Constitution.

2 Purpose

- 2.1 The Australian Medical Council on behalf of the Medical Board of Australia, and the Australian Dental Council on behalf of the Dental Board of Australia, accredit The Royal College of Pathologists of Australasia for the provision of education and training programs for pathologists and related specialists in Australia. The Medical Council of New Zealand and the Dental Council (New Zealand) accredit the RCPA for the provision of education and training programs for pathologists and related specialists in New Zealand.
- 2.2 The College is the peak body in Australia and New Zealand for training pathologists and scientists and related specialists to world-class standards and the College's processes, including its examination processes, aim to uphold and maintain those standards. This means that not every decision of the College can be formally reviewed.
- 2.3 The College is committed to providing clarity about which of its decisions may be Reconsidered, Reviewed and Formally Appealed.
- 2.4 This Regulation is intended to provide the College, and those who have been subject to a Decision, with a process to follow to Reconsider, Review or initiate a Formal Appeal of the Decision.

3 Structure and objectives

- 3.1 This Regulation sets out the mechanism for Reconsideration, Review and Formal Appeal of those Decisions of the College that are the subject of this Regulation. The process consists of:



- 3.2 The first step in any proposed review of a Decision is to apply for a Reconsideration – see section 5 of this Regulation. If an Applicant is not satisfied with the outcome of a Reconsideration, the Applicant may then initiate a Review of a Decision – see section 6 of this Regulation. Finally, if an Applicant is not satisfied with the outcome of a Review, the Applicant may seek a Formal Appeal of the Decision – see section 7 of this Regulation.
- 3.3 This process is intended to ensure that:
- (1) due processes are followed by the College when reviewing Decisions; and
 - (2) due consideration is given to evidence presented and available to the College in relation to any Reconsideration, Review and Formal Appeal of those Decisions.

4 Decisions able to be Reconsidered, Reviewed and Formally Appealed

4.1 The following Decisions can be subject to a Reconsideration, Review or Formal Appeal under this Regulation:

- (1) any Decision of an examiner, Committee or other College body (including the board of Directors) that affects, as an individual:
 - (a) a Fellow of the College;
 - (b) a Trainee or applicant for admission as a Trainee;
 - (c) an Affiliate or applicant for admission as an Affiliate;
 - (d) an Associate or applicant for admission as an Associate;
 - (e) an overseas trained doctor applying for assessment for specialist recognition on behalf of the Australian Medical Council or the Medical Council of New Zealand;
 - (f) any Faculty Fellow or applicant for admission as a Faculty Fellow; or
 - (g) a Trainee of an RCPA Faculty or applicant for admission as a Trainee of an RCPA Faculty.

(2) such other Decision of an examiner, Committee or other College body (excluding the Board of Directors) that affects, as an individual, a person not listed in subsections 4.1(1)(a) - (g) above.

5 Reconsideration

5.1 How to request a Reconsideration of a Decision

If the Decision relates to an examination result

	ACTION	TIME LINE/COLLEGE RESPONSE
1.	The Applicant is notified by the College in writing of their examination result.	
2.	<p>If an Applicant wishes to make an application for Reconsideration of an examination result, the Applicant must write to the Registrar of the Board of Education and Assessment ('Registrar') to request a Reconsideration.</p> <p>The Applicant may provide any information which he or she considers supports the application for Reconsideration. This may include process issues in the conduct of the examination.</p> <p><u>Special Considerations</u> (such as health, family and other issues) will not be addressed under this Regulation. Instead, candidates are referred to the RCPA Policy: <i>Examination Candidates in Need of Special Consideration for Illness, Accident, Disability or Compassionate Grounds</i>.</p> <p>If the Registrar in his or her absolute discretion decides that there are insufficient grounds for an application for Reconsideration or that the information provided by the Applicant falls outside the scope of this Regulation or other applicable College policies, the College will not be obliged to consider further the application.</p>	<p>In accordance with the RCPA Policy: <i>Complaints in Relation to Examinations</i>, the application for Reconsideration must be received by the College within two (2) months of receipt of the notification of results.</p> <p>The Registrar will notify the Applicant of his or her decision regarding the request for Reconsideration within fourteen (14) days of receipt of the application for Reconsideration.</p>
3.	If the application is approved by the Registrar for Reconsideration, then the Registrar must refer the matter to the relevant Chief or Principal Examiner who must then consider the application. This involves the Chief or Principal Examiner obtaining and reviewing all relevant supporting documentation provided in relation to the examination process.	Within fourteen (14) days of receipt of the application for Reconsideration.
4.	<p>When considering the application, the Chief or Principal Examiner may also confer with the examiner(s) who relevantly assessed the Applicant.</p> <p>The Chief or Principal Examiner may also seek the advice of the College regarding the process.</p>	

	ACTION	TIME LINE/COLLEGE RESPONSE
5.	<p>The Chief or Principal Examiner will then make a determination on the merits of the application for Reconsideration. The determination could include any of the following actions:</p> <ul style="list-style-type: none"> • to confirm the examination result; • to set aside the examination attempt and grant another attempt to the Applicant; or • in the event of an administrative error only (e.g. a calculation error), to change the examination result based on the paper or electronic record of the examination and with reference to the advice of the relevant examiner(s) involved and amend the result. 	
6.	<p>The Chief or Principal Examiner's determination is notified in writing to the Applicant via the Registrar. This written communication will contain:</p> <ul style="list-style-type: none"> • the reasons for the outcome of the Reconsideration; and • instructions on how the Applicant may proceed to the Review phase. 	Within sixty (60) days of receipt of the application for Reconsideration.
7.	<p>Following receipt of the notification of the outcome of the Reconsideration process, the Applicant is required to advise the College in writing whether they wish the Review phase to be instituted (see section 6 below).</p>	Within seven (7) days of receipt of the notification of the outcome of the Reconsideration process.

If the Decision relates to any other matter

	ACTION	TIME LINE/COLLEGE RESPONSE
1.	<p>The Applicant is notified by the College in writing of the relevant Decision.</p>	
2.	<p>If an Applicant wishes to make an application for Reconsideration of the Decision, the Applicant must write to the Chief Executive Officer of the College ('CEO') indicating the Decision made and requesting a Reconsideration of that Decision.</p> <p>The Applicant may provide any information which he or she considers supports the request for Reconsideration.</p>	<p>The application for Reconsideration must be received by the College within two (2) months of receipt of the notification of the Decision.</p>

	ACTION	TIME LINE/COLLEGE RESPONSE
2A.	<p>In the case of a Decision relating to assessment of an overseas-trained specialist, if the Applicant wishes to make an application for Reconsideration of such a Decision, the Applicant must write to the CEO requesting Reconsideration of that Decision.</p> <p>The Applicant may provide any information which he or she considers supports the request for Reconsideration. This may include process issues in the conduct of the assessment.</p>	<p>The application for Reconsideration must be received by the College within two (2) months of receipt of the notification of the Decision.</p>
3.	<p>If the CEO in his or her absolute discretion decides that there are insufficient grounds for Reconsideration or that the information provided by the Applicant falls outside this Regulation or other applicable College policies, the College will not be obliged to consider further the application.</p>	<p>The CEO will notify the Applicant of his or her decision regarding the request for Reconsideration within fourteen (14) days of receipt of the application for Reconsideration.</p>
4.	<p>If the application for Reconsideration under paragraph 2 or 2A is approved by the CEO for Reconsideration, then the CEO contacts the Committee or College group responsible for the Decision and requests that the Decision be formally Reconsidered.</p>	<p>Within fourteen (14) days of receipt of the application for Reconsideration.</p>
5.	<p>The relevant Committee or College group then obtains and reviews all relevant supporting documentation provided or obtained by it in relation to the Decision and then advises the CEO of their determination on the merits of the application for Reconsideration.</p> <p>The determination could include any of the following actions:</p> <ul style="list-style-type: none"> • to confirm the Decision; or • to set aside the Decision and take other appropriate related steps such as to change the Decision. 	
6.	<p>The CEO notifies the Applicant of the determination in writing. This written communication will contain:</p> <ul style="list-style-type: none"> • the reasons for the outcome of the Reconsideration; and • instructions on how the Applicant may proceed to the Review phase. 	<p>Within sixty (60) days of receipt of the application for Reconsideration.</p>
7.	<p>Following receipt of the notification of the outcome of the Reconsideration process, the Applicant is required to advise the College in writing whether they wish the Review phase to be instituted (see section 6 below).</p>	<p>Within seven (7) days of receipt of the notification of the outcome of the Reconsideration process.</p>

6 Review

6.1 How to request a Review of a Decision

If the Decision relates to an examination result

	ACTION	TIME LINE/COLLEGE RESPONSE
1.	<p>The Applicant is notified by the College in writing of the outcome of the Reconsideration of the original examination result.</p> <p>The written notification will set out the:</p> <ul style="list-style-type: none"> • right of the Applicant to, within seven (7) days of receipt of the notification of the outcome of the Reconsideration process, request a Review of the Decision; • contact details of the CEO, being the person to whom the request for Review must be directed; and • instructions in relation to the information that the Applicant may include in the application for Review of the Decision and the Review process generally. 	
2.	<p>The Applicant advises the CEO in writing that following the outcome of the Reconsideration phase they wish the Review process to commence.</p> <p>The Applicant may provide any additional information which he or she considers supports the application for Review.</p> <p>If the CEO in his or her absolute discretion decides that there are insufficient grounds for Review or that the information provided by the Applicant falls outside this Regulation or other applicable College policies, the College will not be obliged to consider further the application.</p>	<p>The application for Review must be received by the College within seven (7) days of receipt of the notification of the outcome of the Reconsideration process.</p> <p>The CEO will notify the Applicant of his or her decision regarding the request for Review within fourteen (14) days of receipt of the application for Review.</p>
3.	<p>If the application is approved by the CEO for Review, then the CEO refers the matter to the Board of Education and Assessment which must review the determination of the Chief or Principal Examiner.</p> <p>The Chief or Principal Examiner and any examiners on the Board of Education and Assessment who have been party to:</p> <ul style="list-style-type: none"> • the original Decision; or • the Reconsideration, <p>must not take part in this Review.</p>	<p>At the next scheduled Board of Education and Assessment meeting, which are held three (3) times per year (generally in February, July and November), provided the next scheduled meeting is not less than fourteen (14) days after the date of the CEO's referral.</p>

	ACTION	TIME LINE/COLLEGE RESPONSE
4.	<p>When considering the application for Review, the Board of Education and Assessment must make a determination with regard to the merits of the case. In doing so, it must have regard to:</p> <ul style="list-style-type: none"> • any information, documents and materials provided to it; • the application for Review; and • any other information obtained by it which it considers is relevant to the Review. <p>The Board of Education and Assessment may:</p> <ul style="list-style-type: none"> • confirm the examination result; • set aside the examination attempt and grant another attempt to the Applicant; or • in the event of an administrative error only (e.g. a calculation error), change the examination result based on the paper or electronic record of the examination and with reference to the advice of the relevant examiner/s involved and amend the result. 	
5.	<p>The CEO notifies the Applicant in writing of the Review determination. This written notification will contain:</p> <ul style="list-style-type: none"> • the reasons for the outcome of the Review; and • instructions on how the Applicant may proceed to the Formal Appeal phase. 	Within fourteen (14) days of the date of the Board of Education and Assessment meeting.
6.	<p>Following receipt of the notification of the outcome of the Review process, the Applicant is required to advise the CEO in writing whether they wish to make a Formal Appeal of the Decision (see section 7 below).</p>	Within two (2) months of receipt of the notification of the outcome of the Review process.

If the Decision relates to any other matter

	ACTION	TIME LINE/COLLEGE RESPONSE
1.	<p>The Applicant is notified by the College in writing of outcome of the Reconsideration of the Decision.</p> <p>The written notification will set out the:</p> <ul style="list-style-type: none"> • right of the Applicant to, within seven (7) days of receipt of the notification of the outcome of the Reconsideration process, request a Review 	

	ACTION	TIME LINE/COLLEGE RESPONSE
	<p>of the Decision;</p> <ul style="list-style-type: none"> • contact details of the CEO, being the person to whom the request for Review must be directed; and • instructions in relation to the information the Applicant may include in the application for Review of the Decision and the Review process generally. 	
2.	<p>The Applicant advises the CEO in writing that following the outcome of the Reconsideration phase they wish the Review process to commence. The Applicant may provide any additional information which he or she considers may support the application for Review.</p> <p>If the CEO in his or her absolute discretion decides that there are insufficient grounds for Review or that the information provided by the Applicant falls outside this Regulation or other applicable College policies, the College will not be obliged to consider further the application.</p>	<p>The application must be received by the College within seven (7) days of receipt of the notification of the outcome of the Reconsideration process.</p> <p>The CEO will notify the Applicant of his or her decision regarding the request for Review within fourteen (14) days of receipt of the application for Review.</p>
3.	<p>If the application is approved by the CEO for Review, then the CEO refers the request to the body with responsibility for the Committee or College group who made the Decision to undertake a Review of the Decision.</p> <p>Any individual who has been party to:</p> <ul style="list-style-type: none"> • the original Decision; or • the Reconsideration, <p>must not take part in this Review.</p>	<p>Within fourteen (14) days of receipt of the application for Review.</p>

	ACTION	TIME LINE/COLLEGE RESPONSE
4.	<p>When considering the application for Review, the body with responsibility for the Committee or College group who made the Decision must make a determination with regard to the merits of the case. In doing so, that body must have regard to:</p> <ul style="list-style-type: none"> • any information, documents and materials provided to it; • the application for Review; and • any other information obtained by it which it considers is relevant to the Review. <p>The body with responsibility for the Committee or College group who made the Decision may:</p> <ul style="list-style-type: none"> • confirm the Decision; or • overturn or vary the Decision. 	
5.	<p>The CEO notifies the Applicant in writing of the Review determination. This written notification will contain:</p> <ul style="list-style-type: none"> • the reasons for the outcome of the Review; and • instructions on how the Applicant may proceed to the Formal Appeal phase. 	<p>Within sixty (60) days of receipt of the application for Review.</p>
6.	<p>Following receipt of the notification of the outcome of the Review process, the Applicant is required to advise the College in writing whether they wish to make a Formal Appeal of the Decision (see section 7 below).</p>	<p>Within two (2) months of receipt of the notification of the outcome of the Review process.</p>

7 Formal Appeal

Appeals Committee

- 7.1 An Appeals Committee will be established for the purposes of considering Formal Appeals of the Decisions referred to in section 4. The Appeals Committee shall comprise the following persons:
- (1) a past President of the College, other than the immediate past President;
 - (2) one Fellow of the College who has not served as a Director or member of the Council of the College within the last two (2) years; and
 - (3) three members who are not Fellows of the College, one of whom is a member of the Australian or New Zealand legal profession.
- 7.2 Members of the Appeals Committee shall be appointed by the Directors.
- 7.3 Members of the Appeals Committee shall appoint and remove a chairperson (from time to time) from amongst their members who is not a Fellow of the College.
- 7.4 The Secretary/Treasurer of the College shall be the secretary of the Appeals Committee, but shall not form part of the Appeals Committee and shall not be entitled to vote. In addition, an Australian or New Zealand legal practitioner, also in a non-voting capacity, may be appointed to assist the Appeals Committee.
- 7.5 The Secretary/Treasurer may delegate his/her functions in respect of any Formal Appeal to any person as he/she nominates and, in the event of such nomination, that person is to be the secretary of the Appeals Committee in any such case for the entirety of the Formal Appeal.
- 7.6 Any individual who was party to the Decision or any subsequent Reconsideration or Review to which the Formal Appeal relates must not sit as a member of the Appeals Committee. In these circumstances, the Directors may appoint a substitute member of the Appeals Committee.

Application for Formal Appeal of Decisions

- 7.7 Any person adversely affected by any Decision and not satisfied by the outcome of the Reconsideration and Review of that Decision may, within two (2) months of receipt of the notification of the outcome of the Review process, apply to the Secretary/Treasurer to have the Decision referred for Formal Appeal. The application for a Formal Appeal must be in writing and accompanied by such materials and information, including grounds for appeal, upon which the Applicant seeks to rely in respect of the Formal Appeal.
- 7.8 An application for Formal Appeal will not be accepted by the Secretary/Treasurer unless all Reconsideration and Review avenues have been exhausted by the Applicant.
- 7.9 Having accepted an application for Formal Appeal of a Decision, the Secretary/Treasurer must not convene the Appeals Committee unless the chairperson of the Appeals Committee has advised in writing that he/she is satisfied that the Applicant has exhausted the Reconsideration and Review processes in relation to the relevant Decision.

Quorum

- 7.10 A quorum for meetings of the Appeals Committee is the chairperson and three (3) other members.

Voting

- 7.11 All members of the Appeals Committee are entitled to vote.
- 7.12 Members of the Appeals Committee are not permitted to abstain from voting.
- 7.13 The Appeals Committee is to decide on the basis of a majority vote. In the event of an equality of votes, the chairperson may exercise a casting vote.

Technology

- 7.14 A meeting of the Appeals Committee may be held using telephone or, if consented to by all members of the Appeals Committee, other technology. The consent may be a standing one. A member of the Appeals Committee may only withdraw the consent within a reasonable period before the meeting.
- 7.15 If a meeting of the Appeals Committee is held using any technology and all members of the Appeals Committee take part in the meeting, they must be treated as having consented to the use of the technology for that meeting.
- 7.16 The following provisions apply to a meeting of the Appeals Committee using technology:
- (1) each of the members of the Appeals Committee taking part in the meeting must be able to hear and be heard by each of the other members taking part in the meeting; and
 - (2) at the commencement of the meeting each member of the Appeals Committee must announce his or her presence to all the other members taking part in the meeting.
- 7.17 Subject to section 7.31, if the secretary of the Appeals Committee is not present at a meeting using technology one of the members of the Appeals Committee present or another person nominated by them present at the meeting must make a written transcript of the meeting.
- 7.18 A member of the Appeals Committee may not leave a meeting using technology by disconnecting his or her link to the meeting unless that member has previously notified the chairperson of the meeting.
- 7.19 A member of the Appeals Committee is conclusively presumed to have been present and to have formed part of a quorum at all times during a meeting using technology unless that member has previously obtained the express consent of the chairperson to leave the meeting.

Grounds for a Formal Appeal

- 7.20 A Formal Appeal of a Decision may be made only on one or more of the following grounds:
- (1) that an error in law or due process occurred in the making of the Decision;

- (2) that relevant and significant information, available at the time of the Decision or which became available subsequently, was not considered or not properly considered in the making of the Decision;
- (3) that irrelevant information was considered in the making of the Decision;
- (4) that the Decision was clearly contrary to the weight of evidence before the maker of the Decision;
- (5) that procedures that were required by policies of the College to be observed in connection with the making of the Decision were not observed to the detriment of the Applicant;
- (6) that the relevant maker of the Decision has acted outside the terms of its powers; and
- (7) that the Decision was made in accordance with a rule or policy without regard to the merits of the particular case; and
- (8) that the Decision was made for an improper purpose.

Consideration of a Formal Appeal

- 7.21 The Applicant requesting a Formal Appeal of a Decision must state the grounds upon which the Formal Appeal is based.
- 7.22 The Appeals Committee must meet to hear a Formal Appeal within three (3) months of receipt of the notification of the Formal Appeal.
- 7.23 At least twenty-eight (28) days before convening a hearing of the Appeals Committee, the Secretary/Treasurer must notify the Applicant in writing of:
- (1) the date, time and place of the hearing; and
 - (2) the right of the Applicant:
 - (a) to appear before and address the Appeals Committee in relation to his/her submission;
 - (b) to be accompanied by a support person; and
 - (c) subject to section 7.24, to have a legal representative present.
- 7.24 The Applicant must notify the chairperson of the Appeals Committee in writing, at least seven (7) days before the hearing, whether or not he/she is to be represented at the hearing, and if so, by whom he/she is to be represented and seek leave of the chairperson of the Appeals Committee to be so represented. The chairperson will grant such leave if the chairperson considers that the Applicant could not, or would be disadvantaged in his or her appeal if required to, present in person.
- 7.25 At least twenty-eight (28) days before convening a hearing of the Appeals Committee, the Secretary/Treasurer must notify in writing, the chairperson of the relevant Committee whose Decision is in dispute, or the President if the Decision in dispute is a Decision of the Directors:

- (1) that an application for reference of a Decision under this Regulation has been accepted;
- (2) the name of the Applicant;
- (3) the Decision which is the subject of the application; and
- (4) the date, time and place of the hearing,

and shall also supply a copy of the Application and any materials or information upon which the Applicant seeks to rely.

- 7.26 The record of any prior findings including the Decision must be made available to the Applicant and to the Appeals Committee at least fourteen (14) days before the hearing.
- 7.27 The Appeals Committee is entitled to consider all such relevant information it thinks fit and:
- (1) may invite the chairperson of the relevant Committee whose Decision is in dispute, or the President (or his or her nominee) if the Decision in dispute is a Decision of the Directors, to make representations to and/or appear before the Appeals Committee;
 - (2) may invite any other person to appear before it, or to provide information or make submissions on the issue(s) under dispute; and
 - (3) the Applicant will be given the opportunity at the hearing of presenting such evidence as he/she may reasonably desire.
- 7.28 If the Appeals Committee proposes to have regard to additional information in reaching a Decision which has not been previously disclosed to the Applicant, the Appeals Committee must make such information available to the Applicant at least fourteen (14) days prior to the hearing. Further, the Appeals Committee must give notice to the Applicant at least fourteen (14) days prior to the hearing of any persons it has invited to appear before it.
- 7.29 The Appeals Committee must act according to the rules of natural justice and is not bound by the rules of evidence but may inform itself on any matter and in such manner, as it thinks fit.
- 7.30 The Appeals Committee is to conduct its affairs with as little formality as possible, but otherwise, subject to this Regulation, has full power to regulate its conduct and operation.
- 7.31 Except where otherwise required by law, or otherwise determined by the Appeals Committee, the hearing of the Appeals Committee will be sound recorded, but a written transcript will be made only at the discretion of the chairperson. Such sound recording, written transcript, if any, and other information provided to the Appeals Committee shall be kept confidential and secure by the College (except that the information may be released with the consent of the Applicant).
- 7.32 The Appeals Committee will issue a written notice containing a formal record of its decision within twenty-one (21) days of the closing of the Formal Appeal hearing, or if later, within twenty-one (21) days of receipt of any further written submissions requested at the hearing by the Appeals Committee.
- 7.33 The formal record of the Appeals Committee is confined to:

- (1) a record of persons present or in attendance during the hearing;
- (2) a record of all decisions made by the Appeals Committee and the reasons for those decisions; and
- (3) a record of any recommendations to be made to the Directors on procedural matters relating to the Appeals process disclosed during the hearing.

7.34 The Applicant may give written notice to the chairperson of the Appeals Committee at least fourteen (14) days prior to the hearing if he/she is unable to attend or obtain representation on the proposed date of the hearing at the time specified. If the Applicant fails to notify the chairperson at least fourteen (14) days prior to the hearing and fails to attend the hearing, the Appeals Committee has the right to dismiss the Application.

Fees

7.35 The College may require an Applicant lodging an Application for Formal Appeal of a Decision to the Appeals Committee to pay a fee of an amount equivalent to up to three (3) times the subscription payable by a Fellow for the current year. The fee (if any) must be paid to the College before the Appeals Committee is convened.

7.36 The Secretary of the Appeals Committee may waive payment of a fee pursuant to section 7.35 in his or her absolute discretion.

7.37 If an Applicant's Formal Appeal is successful, the College must refund any fee paid by the Applicant under section 7.35.

7.38 An Applicant will otherwise be liable for all his/her own costs associated with attending and presenting at the hearing including travel, accommodation and other expenses.

Decisions of the Appeals Committee

7.39 Except in the circumstances set out in section 7.40, an Appeals Committee may, upon considering all submissions:

- (1) confirm the Decision which is the subject of the Appeal; or
- (2) set aside the Decision and refer the matter back to the original maker of the Decision (upon such terms and conditions as the Appeals Committee may determine).

7.40 In the event of a Formal Appeal of a Decision in respect of a candidate who has failed an examination, action open to the Appeals Committee is limited to:

- (1) confirming the Decision which is the subject of the application for Formal Appeal;
- (2) setting aside the results of the examination and ordering a new examination; or
- (3) referring the matter back to the Board of Education and Assessment.

8 Contact Information

8.1 Applications for Reconsideration, Review or Formal Appeal of a Decision must be addressed as appropriate to one of the following addresses:

registrar@rcpa.edu.au or ceo@rcpa.edu.au

8.2 Please note that any notification to an Applicant made in accordance with this Regulation will be sent:

(1) to the email address (if any) kept on file by the College for the Applicant; or

(2) to the postal address (if any) kept on file by the College for the Applicant,

unless the Applicant advises otherwise in the application for Reconsideration, Review or Formal Appeal.

8.3 Any application or other notification under this Regulation must be made in writing and must be sent by email or by post. Any such application or other notification:

(1) sent to an email address is taken to be received on the business day after it is sent;

(2) sent by post anywhere in Australia is taken to be received three (3) business days after it is posted; or

(3) sent by post outside of Australia is taken to be received seven (7) business days after it is posted.