



# Area of Need: Appeals Process

In Western Australia (WA), the AoN program provides temporary assistance to health services (i.e. employers) to recruit international medical graduates (IMGs)<sup>1</sup> when unable to fill vacant positions with suitable Australian-qualified medical practitioners.

The underpinning philosophy of the AoN program is that the priority remains for an employer to continue their efforts to attract and recruit Australian-qualified medical practitioners.

An AoN determination is required by an employer to obtain '*limited registration for Area of Need*' or '*provisional registration*' for an IMG with the Medical Board of Australia<sup>2</sup>.

In accordance with section 67(5) of the *Health Practitioner Regulation National Law (WA) Act 2010*, an AoN location is declared by the WA Minister for Health (the Minister) or authorised delegate(s) on a case-by-case basis.

In WA, the Minister has delegated this authority to the WA Department of Health (the Department) Chief Medical Officer.

The AoN appeals process has been developed in consultation with key stakeholders with extensive knowledge of medical workforce issues, particularly relating to IMGs. The appeals process outlines defined and equitable procedures to review decisions where applicants do not agree with the Department's decision.

## Purpose

The appeals process provides for the re-assessment of an AoN application. It aims to:

- Provide assurance that processes are fair, transparent and reflect the underlying principles of the program
- Provide integrity and equity in the decision-making process
- Provide a mechanism to monitor the effectiveness of procedures and ensure continuous improvement
- Eliminate perceived bias towards any applicant service/organisation
- Eliminate time consuming complaints that may arise from misunderstandings.

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<sup>1</sup> A medical practitioner who obtained their primary medical qualification outside an accredited Australian medical school or competent authority country and is applying for registration with the Medical Board of Australia.

<sup>2</sup> A medical practitioner whose training has been recognised by the appropriate Australian medical specialty college, and has general and/or specialist registration with the Medical Board of Australia, or a medical practitioner with provisional registration with the Medical Board of Australia via the competent authority pathway.

## Scope

### Inclusion

The AoN Appeals Process applies to organisations and/or individuals in the public and private sectors whose application for an AoN has been unsuccessful and have eligible grounds for appealing the decision.

### Exclusion

Requests for appeal will not be considered in the following circumstances:

1. The reason given by the Department for rejecting the application was that the application did not fully address all the AoN assessment criteria.
2. The grounds for appeal are not directly related to the AoN assessment criteria (such as commercial considerations of private enterprises).
3. The appeal is being requested by a third party (a person or organisation other than the original applicant).
4. The grounds for appeal fall outside the Department's jurisdiction – e.g. Medicare Provider Number legislation, Distribution Priority Area and District of Workforce Shortage approval, immigration matters, registration with the Medical Board of Australia.
5. The appeal request is submitted more than 28 business days after notification of the Department's decision to not support the AoN application.

## Appeals Process

### 1. Requests for appeals

- 1.1 Requests to seek re-assessment of an AoN application must be submitted in writing within 28 days of receipt of notification on the Department's decision.
- 1.2 The request must clearly state the grounds for appeal.

### 2. Assessment of appeals requests

- 2.1 Requests will be referred to an AoN Appeals Panel comprising three members with relevant professional knowledge who were not involved in the original assessment or AoN application approval process.
- 2.2 The AoN Appeals Panel will conduct a paper-based assessment of the appeal request. The following documentation will be considered:
  - a. The original AoN application
  - b. The Department's decision stating the reason for declining the application
  - c. The applicant's written request for an appeal, including the grounds for the appeal.
- 2.3 The applicant will be notified in writing of the outcome of the appeals process within 28 business days of receipt of an appeal request.

To submit an appeal or if you have any questions, please contact the Area of Need Team by emailing [areaofneed@health.wa.gov.au](mailto:areaofneed@health.wa.gov.au).



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