Area of Need Appeals Process
Background

The Area of Need (AoN) program is a mechanism to assist public and private health service providers in Western Australia (WA) to meet gaps in service delivery by recruiting suitably qualified international medical graduates (IMGs)\(^1\) to vacant positions that have been approved by the WA Department of Health (the Department) as an AoN.

An underpinning philosophy of WA’s AoN program is that an IMG cannot be employed in an AoN position, if it will disadvantage an appropriately experienced Australian-qualified medical practitioner\(^2\).

The determination of an AoN is the process that facilitates providers to extend their recruitment program to IMGs where evidence of a shortage of Australian-qualified medical practitioners to fill a vacant position(s) can be demonstrated.

The WA Minister for Health has delegated his authority to the Chief Medical Officer to approve the determination of AoN. Applying public and private health service providers are required to meet the Department’s published AoN assessment criteria for eligibility for the determination of an AoN. Information on the approval processes for AoN and the assessment criteria can be found in the Department’s *Area of Need Application Guidelines*.

The AoN appeals process was developed in consultation with members of the IMG Advisory Group\(^3\) and includes the establishment of well-defined and equitable procedures to review the decisions made by the Department, in those instances where applicants do not agree with the Department’s decision.

Purpose

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

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

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\(^1\) 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 MBA.

\(^2\) 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.

\(^3\) The IMG Advisory Group is accountable to the Director General at the Department, through the Chief Medical Officer, and its membership includes individuals with extensive knowledge of medical workforce issues, particularly relating to IMGs. The IMG Advisory Group provides advice and support on the development and implementation of policy guidelines for IMGs; and recruitment and retention strategies for IMGs.
Scope

Inclusion

The AoN Appeals Process applies to organisations and/or individuals in the public and private sectors that have been unsuccessful in an application for a determination of AoN, 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 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, District of Workforce Shortage approval, immigration matters, registration with the Medical Board of Australia, etc.
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. The request must clearly state the grounds for appeal.

2. Assessment of appeals requests

2.1 Requests will be referred to an Appeals Committee comprising of three members with relevant professional knowledge who were not involved in the original assessment or approval of the AoN application.

2.2 The Appeals Committee will conduct a paper-based assessment of the request for appeal. 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 submitting the appeal request.