

Fact sheet

Review and Appeal

Performance Review Panel



Council of New South Wales

This fact sheet provides an overview for practitioners' review and appeal rights for decisions made by a Performance Review Panel. You should seek advice about your individual circumstances. Your insurer, trade union or an independent lawyer may be able to assist. Council staff can provide information about the review or appeal process.

Review

i What

You can seek a review if you believe the conditions imposed on your registration are no longer appropriate. We will consider how your circumstances have changed since we made the decision.

1 When

You can seek a review at any time, unless:

- the decision prevents you from seeking a review for a specified time period, or
- you have an appeal against the decision pending in either the Tribunal or the Supreme Court.

Who

The review is handled by the NSW Civil and Administrative Tribunal (NCAT), unless the decision under review says the Council is the review body.

You can also apply to NCAT if you want the Council to be the review body. We can provide information about how to apply.

How

You can write to our Executive Officer to request a review. If appropriate we will refer your application to the Tribunal. You may include material to support your request. The review body will determine whether the conditions under review are still appropriate.

⇒ What next

We will tell you if we are able to consider the application for review, and if so,

- when and how we will consider it,
- how you may participate, and
- when you can expect to receive the outcome.

Appeal

i What

An appeal is a formal request to change or overrule a previous decision, or part of that decision.

1 When

You have a right to make an appeal, and you must do so within 28 days after you have been notified of the decision.

Who

The NSW Civil and Administrative Tribunal (NCAT) will handle your appeal.

How

To submit an appeal, send your appeal to:

NSW Civil and Administrative Tribunal
Occupational Division
PO Box K1026, HAYMARKET NSW 1240

You can download the external appeals from:

www.ncat.nsw.gov.au/Pages/occupational/od_forms.aspx

We recommend that you seek legal advice before making an appeal. If your appeal is unsuccessful, you may have to pay our costs of defending the appeal.

⇒ What next

You should direct any questions about the appeal to NCAT. You can obtain further information at:

www.ncat.nsw.gov.au or on 1300 006 228.

NCAT publishes appeal decisions online.