

Issue area 9: Review and Appeal

The principles of procedural fairness and natural justice demand that the decisions of the WWCVP Screening Unit are open to independent scrutiny and review.

It is proposed that any decision made by the WWCVP Screening Unit may be subject to an internal review by the WWCVP Screening Unit or to merits review by Administrative Appeals Division (AAD) of the Tasmanian Magistrates Court (and ultimately judicial review in the Supreme Court) upon the request of the applicant.

There were 13 comments. All respondents were supportive of the proposals. One respondent noted that applicants should not incur additional costs through the review process; a further suggested that support should be available to assist or represent applicants throughout review or appeal processes

Should the WWCVP Screening system include the provision of support for applicants seeking reviews? If so what form should this support be in?

Support should not be offered without the applicant being able to demonstrate a reasonable level of merit in terms of improper process or new supporting information such as a credible clinical report that specifically addresses the applicants level of risk in relation to their background and the particular position and circumstances.

Review should be sufficiently independent of initial decision to issue negative notice, however as the screening unit decision is based upon high levels of training, knowledge and expertise, the review process needs to be able to ensure even greater expertise involving academics and clinicians expert in the relevant field.