



The Trade Cert Appeals Policy

This policy outlines the procedure for appealing decisions of the Civil Trades Certification Board (Board) or Civil Trades Registrar. This policy has been set by the Board and is current as at 2 December 2015.

Who can appeal a decision of the Board?

A person who believes they have been disadvantaged by a decision of the Board may appeal that decision. A person may not appeal a decision they believe has disadvantaged another person, nor appeal a decision on behalf of another person.

What decisions can be appealed?

Decisions of the Board which can be appealed are:

- Decline of application for Civil Trade Certification;
- Decline of Recertification;
- Cancellation of Civil Trade Certificate;
- Decline of application to become a Trade Cert Assessor;
- De-registration of Trade Cert Assessor;
- Decline of application to become a Trade Cert Moderator; and
- Suspension of Civil Trade Certificate.

What is the appeal process?

1. The person ("Appellant") must lodge an appeal ("Appeal") within 25 business days from the date of the Board's decision letter.
2. The Appeal must be lodged with the Registrar by post, courier, hand delivery or email.
3. The Appeal should include the following information:
 - (a) a copy of the Registrar's decision letter;
 - (b) the decision the Appellant wishes to appeal;
 - (c) the reasons for appealing the decision;
 - (d) evidence that supports the reasons for appealing the decision
 - (e) what outcomes the Appellant is seeking from the appeal
 - (f) whether the Appellant wishes to appear (in person, by teleconference or skype) before the Appeal Tribunal¹.

¹ The Civil Trades Board Charter provides:

6. *Appeal Process*
- 6.1. The Board shall appoint an Appeal Tribunal, whose role is to hear appeals received from any person who is dissatisfied with any decision of the Board which applies to that person.
- 6.2. The Appeal Tribunal shall consist of the Chair of the Board and two people who are independent of the Board, selected by the Chair of the Board after consultation with the Board.
- 6.3. The process for conducting and hearing appeals shall be determined by the Board from time to time.
- 6.4. The decision of the Appeal Tribunal shall be final and conclusive.
- 6.5. The Board shall enact the Appeal Tribunal's decision within 30 days of notification of the decision.

4. The Registrar must give notice of the Appeal to the members of the Appeal Tribunal within 5 business days of receiving the Appeal. The notice shall include:
 - (a) all of the information contained in the Appeal;
 - (b) any other information the Registrar reasonably believes is relevant to the Appeal including, if it thinks fit, its own submissions.
5. If the Registrar provides any other information to the Appeal Tribunal pursuant to clause 4(b), it must forthwith provide a copy of the same information to the Appellant.
6. The Appeal Tribunal must make a date to meet either in person, by teleconference or skype to consider the appeal and must advise the Registrar of the date of the meeting ("Appeal Hearing").
7. The date of the Appeal Meeting must be within 10 business days of the date on which the Appeal Tribunal receives the Registrar's notice of the Appeal.
8. The Registrar must forthwith give notice to the Appellant of the date of the Appeal Hearing, which notice shall specify the date by which any further information the Appellant wishes the Appeal Tribunal to consider must be received.
9. The Registrar shall forthwith provide to the Appeal Tribunal, any further information received from the Appellant on or before the date referred to in clause 8.
10. At the Appeal Hearing, the Appeal Tribunal:
 - (a) shall hear the Appellant, if the Appellant has elected to be heard;
 - (b) may, if the Appellant is present, hear oral submissions from the Registrar, and the Appellant shall have the right to respond;
 - (c) shall consider the appeal documents; and
 - (d) shall make a determination.
11. The determinations may be to:
 - (a) Decline the appeal;
 - (b) Accept the appeal and change the original decision to that sought by the person appealing;
 - (c) Make a new decision which is different from the Board's original decision and the decision which is sought; or
 - (d) Suspend the decision and request further information
12. If further information is requested, the Appeal Tribunal will adjourn the Appeal Hearing until 10 business days after the information becomes available.
13. Once the further information is provided, the Appeal Tribunal must reconvene the adjourned Appeal Hearing (either in person, by teleconference or skype) within 10 business days of receipt of the further information. The Registrar shall notify the Appellant of the new time and date and clauses 5 and 8 above shall apply, with all necessary modifications, to the adjourned hearing.

14. At the reconvened hearing the Appeal Tribunal shall make one of the following determinations:
 - (a) Decline the appeal;
 - (b) Accept the appeal and change the original decision to that sought by the person appealing; or
 - (c) Make a new decision which is different from the original decision and the decision which is sought.
15. The decision of the Appeal Tribunal shall be final and conclusive.

Dave Connell, Chairman Civil Trades Certification Board