

Joint Accreditation System of Australia and New Zealand

PROCEDURE NUMBER 9

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APPEALS

Authority To Issue

A handwritten signature in black ink that reads "James Galloway". The signature is written in a cursive style.

Dr James Galloway

Chief Executive Officer

With Authority Of The Governing Board

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	APPEALS	

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1. OBJECT AND FIELD OF APPLICATION

[1.1 This](#) document details the method of selecting an Appeals Panel, hereinafter referred to as the Panel, and the procedure to be followed by the Joint Accreditation System of Australia and New Zealand ([JAS-ANZ](#)) in the event of an appeal being lodged by a Conformity Assessment Body (CAB).

[1.2 A](#) Panel will be established to determine the validity and if deemed valid pass judgment on the appeal against any decision taken by JAS-ANZ, against a CAB entitled to appeal, according to the [Reference 2.4](#) and this document.

2. REFERENCES

[2.1 ISO/IEC 17011](#) – Conformity Assessment General requirements [for accreditation](#) bodies [accrediting](#) conformity assessment bodies Clause 7.10

2.2 JAS-ANZ Quality Manual.

2.3 JAS-ANZ Procedure 7 - Confidentiality and Conflict of Interest

2.4 JAS-ANZ Procedure 11 - Rules of Procedure Governing Accreditation

2.5 JAS-ANZ Operating Procedure 08 - Management Review

2.6 ISO/IEC 17000 - Conformity assessment – Vocabulary and general principles.

2.7 AS/NZS ISO 9000 - Quality management systems – Fundamentals and vocabulary

2.8 JAS-ANZ Operating Procedure 06 – Corrective and Preventive action

3. DEFINITIONS

[3.1 As](#) a general rule, definitions of ISO/IEC 17000, ISO/IEC 17011 and ISO 9000 are applicable. The following definitions either vary or supplement those definitions to cater for the JAS-ANZ environment:

Governing Board: A governmental or non-governmental body which conducts and administers an accreditation system (Joint Accreditation System of Australia and New Zealand (JAS-ANZ)).

Secretariat: Staff employed by the Governing Board with delegated [powers to](#) implement the policy of the Governing Board and manage accreditation activities.

4. THE APPEALS PANEL

- 4.1 The Panel shall consist of three members of the Governing Board from which a Chairperson will be appointed. No member of the Panel shall [have](#) a direct interest in the subject of the appeal, in any form.

[Note](#): Competency is considered inherent in all Governing Board members as per JAS-ANZ Treaty requirements.

- 4.2 The Chief Executive shall provide a secretary.
- 4.3 The Chairperson and members of the Panel shall be appointed by the Chairperson of the Governing Board.

5. HOW TO LODGE AN APPEAL

- 5.1 An appeal shall be lodged not later than forty days after notification of the decision to the accredited or applicant CAB, or whenever the Chief Executive may reasonably assume the decision or measure in question to be known to the appellant.
- 5.2 An appeal shall be lodged by sending a substantiated letter of appeal, by registered mail or equivalent, to the Chief Executive who will notify the Chairperson of the Governing Board without delay.
- 5.3 Together with the letter of appeal, the appellant will forward a deposit of \$AUD 2, 000 to cover any costs which might be incurred in respect of the appeal.

6. INFORMATION

- [6.1](#) [If](#) requested by members of the Panel to provide information in relation to an appeal, the personnel involved in the assessment of an accredited or applicant CAB shall do so. The provision of information will be without prejudice towards all others.

7. CONFIDENTIALITY

- [7.1](#) [The](#) members of the Panel shall be placed under an obligation of confidentiality concerning anything that might come to their knowledge during their function, with regard to the accredited or applicant CAB.

8. PROCEDURE

- 8.1 Immediately after receipt of the letter of appeal and the deposit, the Chief Executive shall inform the Chairperson of the Governing Board. If the deposit has not been made within five working days after receipt of the appeal, the Chief Executive will grant the appellant an extension period of another five working days. In the event that the appellant still has not made the deposit at the end of the extension period, the appeal will be dismissed.

- [8.2](#) **The** Panel has the right to consult experts and to take all measures and make all provisions, including the convening of one or more sessions, deemed necessary for a sound judgment.
- 8.3 The appellant has the right to formally represent their case.
- 8.4 Both the appellant and the Panel have the right to avail themselves of assistance from witnesses, provided the names and addresses of the witnesses have been supplied in writing, to the Panel or to the appellant, whatever the case may be, not later than five days before the date of any relevant hearing by the Panel.
- [8.5](#) **The** Chairperson of the Governing Board will, at the earliest convenience, nominate a Chairperson and members of the Panel. When selecting the Panel, the Chairperson of the Governing Board shall ensure, and document the fact, that all members of the Panel are free from any financial, commercial and any other pressures that might influence the results of the Appeals process.
- [8.6](#) **The** Chairperson of the Panel shall advise the Chief Executive of the selected members and request the Chief Executive to advise the Appellant and seek their declaration that there is no conflict of interest with the selected members.
- [8.7](#) **Once** conflict of interest issues are resolved, the Chairperson of the Panel will consult the other members of the Panel and fix place, date and time of the session, and inform the Chief Executive without delay.
- [8.8](#) **The** appeal hearing will be held within 20 working days after receipt of the appeal. The appellant will be given a minimum of five working days notice of the time and location of the meeting of the Panel.

9. JUDGEMENT

- 9.1 The members of the Panel shall judge in all fairness. The members are, however, bound by all applicable policies and procedures published in accordance with JAS-ANZ Operating Procedure 03.
- 9.2 The Panel decides on the appeal by a majority of votes and informs the parties concerned, in writing, of the judgment, not later than ten days after date of judgment. The judgments of the Panel are considered binding.
- 9.3 The Panel is obliged to make a decision on the appeal within three months after the date the appeal has been lodged with the Chief Executive. This may be to refer the matter to the full Governing Board for final decision in exceptional circumstances. An extension of time may only be granted by the Chairperson of the Governing Board.
- 9.4 The judgment of the Panel shall be signed by all members of the Panel, after which the Chief [Executive will](#) notify the Chairperson of the Governing Board and send a copy, by registered mail, to the appellant. The original will be filed in the JAS-ANZ filing system.

- 9.5 The cost of conducting an appeal shall be determined by the Chief Executive. Reasonable out of pocket expenses associated with the conduct of an unsuccessful appeal shall be borne by the appellant.
- 9.6 In the event that the appellant has been [requested](#) to pay the costs, or part of them, these costs will be settled with the deposit. Any surplus will immediately be returned to the appellant. If the deposit is insufficient, the appellant will be under obligation to pay the remaining amount due to JAS-ANZ within ten days after date of the decision.
- 9.7 Any internal corrective action arising from the Appeal shall be actioned in accordance with *OP 06 – Corrective and preventive action*.
- 9.8 Any action required by the CAB or JAS-ANZ and the timeframe for that action will be detailed in the judgement passed down by the Panel.

10. REVIEW

[10.1 Appeals](#) shall be included [on the](#) Governing Board [agenda as Appeals arise](#).

[10.2 Appeals](#) shall be included as an agenda item on all management review [meetings](#).