



**ENGINEERS  
AUSTRALIA**

**OPERATING PROCEDURES FOR CPD AUDIT APPEALS**

**Issued by the Chief Executive 22 July 2008**

**1. APPLICATION AND ROLES**

- 1.1 The Director Education and Assessment is to appoint a Membership Appeals Officer to
- (a) administer appeals against assessments of failure to comply with Engineers Australia's Chartered Member Continuing Professional Development (CPD) Compliance Policy (known as the CPD Policy)
  - (b) arrange for suitable monitoring of compliance with these procedures
  - (c) provide administrative support to the Appeal Panel.
- 1.2 These Operating Procedures are to be followed by the Membership Appeals Officer and other staff members involved in the CPD compliance audit process. These Operating Procedures also provide guidance to office bearers in the implementation of the Membership Regulations.
- 1.3 A chartered member's appeal rights must be included in the written notification to that person that the CPD compliance requirements have not been met.

**2. INFORMATION TO GUIDE APPELLANTS**

- 2.1 The Director Education and Assessment is to make sure that information concerning the lodgment of an appeal is readily accessible through the Engineers Australia web site.

**3. GROUNDS FOR APPEAL**

- 3.1 An appeal may be made on one or more of the following grounds:
- (a) that the audit has not considered all relevant material

- (b) that irrelevant information was taken into account
- (c) that due process has not been followed
- (d) that the conduct of the audit has demonstrated bias that has disadvantaged the applicant.

#### **4. REQUIREMENTS TO LODGE APPEAL**

4.1 An appeal by the chartered member must:

- (a) be in writing
- (b) set out the grounds for appeal
- (c) be lodged with the Chief Executive of Engineers Australia within 30 days of receipt of notification that the period of extension to comply has expired.

#### **5. RECEIPT OF APPEAL BY CHIEF EXECUTIVE**

5.1 When an appeal has been received, the Membership Appeals Officer must:

- (a) give written notice to the appellant that the appeal has been received
- (b) forward the notice of appeal to the Chief Executive to grant or not grant leave to appeal
- (c) if leave to appeal is granted, arrange to forward the appeal to an Appeal Panel
- (d) if leave to appeal is granted, inform the appellant of the date on which the appeal is to be considered
- (e) inform the appellant of the procedures of an Appeal Panel
- (f) keep the appellant informed of the progress of the appeal.

#### **6. ESTABLISHMENT OF APPEAL PANEL**

6.1 In considering an appeal against a CPD audit decision, the Chief Executive will appoint an appropriately constituted Appeal Panel.

6.2 An Appeal Panel must include at least three chartered members of Engineers Australia, preferably in the same discipline/area of practice as the appellant, one of whom will be appointed by the Chief Executive as Chair.

- 6.3 The original decisionmaker(s), auditor(s) or College Board adviser(s) is/are not to be included on an Appeal Panel.

## **7. CONDUCT OF APPEAL**

- 7.1 In considering an appeal, an Appeal Panel:
- (a) is not bound by the rules of evidence
  - (b) must conduct its proceedings as promptly as proper consideration of the matter(s) permits
  - (c) must declare and take action to remove any conflict of interest
  - (d) must conduct its assessment in private
  - (e) may meet face-to-face, by means of telephone, video links or any other telecommunications system.

## **8. MATTERS TO BE CONSIDERED BY AN APPEAL PANEL**

- 8.1 An Appeal Panel:
- (a) must take into consideration the grounds of the chartered member's appeal
  - (b) must review all relevant material provided by the chartered member in support of an audit in compliance with the CPD Policy
  - (c) must take into consideration the statement of reasons of the CPD auditor
  - (d) must take into consideration any relevant submissions, including new information provided with the appeal
  - (e) may request specific information from the appellant and/or auditor and/or any third party.

## **9. DETERMINATION OF APPEAL**

- 9.1 A decision supported by the majority of the votes cast by the Appeal Panel members is the decision of the appeal.
- 9.2 When determining an appeal, an Appeal Panel
- (a) may confirm the decision of the auditor; or

(b) require a new audit be undertaken.

9.5 The decision of an Appeal Panel is final.

**10. NOTIFICATION OF DECISION OF APPEAL PANEL**

10.1 An Appeal Panel must prepare a statement of reasons for its decision.

10.2 An Appeal Panel must notify the Chief Executive of its decision.

10.3 The Chief Executive will provide the appellant with a written statement of the decision of an Appeal Panel, including the statement of reasons.

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Peter Taylor  
Chief Executive  
22 July 2008