



# Appeals Procedure

For applicants denied Registration  
or Re-registration

## 1 Authority to determine appeals

According to its Terms of Reference the Board may:

5. *Hear and determine appeals from applicants denied registration and determine procedures for reassessment as appropriate*

## 2 Grounds for Appeal

An appeal may be made on the ground that:

- 1 the assessment/audit did not consider all relevant materials
- 2 the assessment/audit did not follow due process
- 3 the existence of or potential for bias affected the outcome or process of the assessment/audit.

## 3 Lodging an Appeal

A person who wishes to appeal against the decision to refuse registration or to terminate registration must lodge a written application within 2 weeks of notification, stating the ground/s of appeal with:

*The Chairman  
National Engineering Registration Board  
Engineering House  
11 National Circuit  
Barton ACT 2600*

## 4 Actions by Chairman

On receipt of the appeal, the Chairman must:

- 1 notify the appellant that the appeal has been received; and
- 2 inform the appellant of the procedures to be followed by an appeal panel; and
- 3 establish an appeals panel.

The Chairman may consult with the Registrar regarding the appointment of suitable assessors, observers, advisory panels and College Board members to advise the Appeal Panel. The Registrar will also assist the appeals panel as required in the provision of relevant documentation and secretarial assistance.

- 4 once a date for consideration of the appeal has been set, the Chairman must notify the appellant accordingly, indicating whether further documentation and/or a personal appearance will be required.

## 5 Appointment of Appeals Panel

The Chairman will appoint an appeals panel, which will comprise at least three members of the Board including the Chairman. The Chairman will convene the appeals panel as required. A decision supported by the majority of the appeals panel is the decision of an appeals panel.

## 6 Conduct of Appeal

In considering an appeal, the appeals panel:

- 1 must accord natural justice to the appellant
- 2 is not bound by the rules of evidence
- 3 must conduct its proceedings expeditiously
- 4 must provide a statement of reasons for its decision.

## 7 Notification of dismissal of appeal

The appeals panel may dismiss the appeal in the event that it is not able to establish any grounds for appeal, and must advise the appellant accordingly.

## **8 Consideration of an Appeal**

Having accepted the appeal, the appeals panel:

- 1 must consider all relevant material provided by the appellant, including new material
- 2 must consider any relevant correspondence between the appellant and the assessing body (normally Engineers Australia).
- 3 may ask questions or seek clarification from both the assessor and the appellant
- 4 may call for and examine additional evidence
- 5 may meet at such time as the Chair determines and by means of telephone or video links or any other telecommunications system
- 6 may arrange a supplementary interview

## **9 Appeal conducted on the documents only**

The appeal panel may conduct the appeal entirely on the basis of documents, without any appearance by the appellant or a representative of the appellant.

## **10 Further investigation by the appeals panel**

1. Where the appeals panel considers that the assessment or audit did not consider relevant existing or new evidence, the appeals panel may refer the evidence back to the original assessor for consideration. The assessor may consult with the responsible competency panel (or College Board) in the course of the new assessment and must advise the appeals panel of the outcome; or
- 2 Where the appeals panel considers that the assessment or audit did not follow due process, the appeals panel must refer the appeal to another assessor for determination. The assessor must advise the appeals panel of the outcome. The Chairman may also appoint an observer to monitor the assessment process; and

Where the appeals panel considers that the absence of clear standards or different interpretations of current standards may have prejudiced the outcome, the Chairman may refer the matter to a specially convened standards advisory panel for advice.

- 3 Where the appeals panel considers that bias may have affected the assessment or audit, the appeals panel shall refer the appeal to another assessor who will convene a new assessment panel to make a fresh determination. The Chairman must appoint a non-engineer to the appeals panel and may request the assessor to provide progress reports on completion of each stage of the assessment process.

## **11 Decision of appeals panel**

Following its consideration of any relevant assessment documentation and/or advice, the appeals panel must:

- 1 uphold the decision to refuse or terminate registration; or
- 2 overturn the decision to refuse or terminate registration.

## **12 Additional registration advice**

The appeals panel may also determine that in certain circumstances:

1. the appellant may reapply for registration under revised rules and procedures; or
2. the appellant may not reapply for registration for a specified period of time or until specified conditions have been met.

## **13 Notification of decision**

The Chairman must advise the appellant:

- 1 in writing of the decision of the appeals panel, including the statement of reasons, and
- 2 the grounds (if any) on which the appeal was considered, and
- 3 any additional registration advice as determined by the appeals panel.

## **14 Register Maintenance**

Following notification of the appellant, the Chairman will instruct the Registrar to amend the Register as required.