

## Appeal Policy

### 1 Purpose

The purpose of this policy is to detail how AniMark will handle appeals.

### 2 Scope

- 2.1 For the purpose of this policy an appeal is a documented objection to an Approved Certification Body's (ACB's) certification decision or risk rating from organizations that are approved or certified under any assurance program owned and/or operated by AniMark (a Certified Entity).
- 2.2 This policy covers appeals made by Certified Entities to AniMark.
- 2.3 An *Approved Certification Body (ACB) appeal* is an appeal which a Certified Entity requests of their ACB regarding a certification decision or risk rating.
- 2.4 An *AniMark appeal* is an appeal which a Certified Entity requests of AniMark regarding an *ACB Appeal* outcome.
- 2.5 Appeals cannot be accepted by AniMark from Certified Entities unless they have completed an ACB appeal through their ACB, who made the original certification decision or applied the risk rating that is being appealed.
- 2.6 This policy does not cover complaints. Complaints are handled as per the AniMark Complaint Policy.

### 3 Responsibilities

- 3.1 The Rules and Integrity Committee (RIC) has responsibility for the oversight of the AniMark Appeals process.
- 3.2 The AniMark CEO (or nominee) has the responsibility to receive AniMark appeal applications and to provide administrative support to the RIC.
- 3.3 The RIC shall be the final arbiter of AniMark appeals.
- 3.4 Changes to this policy must be approved by the RIC.

### 4 Appeal Administration

- 4.1 An AniMark appeal is deemed to have been received when:
  - a) a Certified Entity using the prescribed AniMark appeal form: (<https://www.animark.com.au/appeal>) submits the form (completed in English) to AniMark, with supporting evidence and/or documentation.
  - b) the nature of the appeal corresponds to 2.1 and 2.4 above; and
  - c) the Certified Entity submits the appeal within seven (7) days of receiving the ACB appeal decision.
- 4.2 AniMark appeals will be processed by AniMark as quickly as the circumstances allow.
- 4.3 AniMark will acknowledge receipt of appeals.
- 4.4 AniMark will seek the ACB appeal determination and reasons for that decision from the ACB within 7 days of receiving the AniMark appeal application.
- 4.5 Following the completion of the AniMark appeals process, AniMark will advise the Certified Entity, in writing, of the outcome of the appeal within 7 days of the decision.
- 4.6 AniMark shall store all records relating to appeals for 7 years.

### 5 Guidance on hearing Appeals

- 5.1 The RIC will give consideration to the following matters on receipt of a valid appeal:
  - a) the ACB appeal determination, reasons for their decision and the grounds for the Certified Entity's application for an AniMark appeal;
  - b) whether the Certification Requirements and/or any other relevant AniMark requirements were followed by the ACB;
  - c) whether the ACB has made an error in their application of the Certification Requirements;

- d) whether there are any conflicts, or inconsistencies in the Certification Requirements and/or AniMark requirements;
- e) whether there have been any improper process in the ACB's application of the Certification Requirements;
- f) whether there were any conflicts of interest, that were inadequately managed, that led to bias in the application of the Certification Requirements;
- g) any other matter required to address the AniMark appeal;
- h) any other relevant information required to make a finding.

- 5.2 The RIC will conclude whether the ACB appeal decision regarding certification or the risk rating, should be upheld or overturned, and if overturned, determine the appropriate certification decision to be made or risk rating to be allocated
- 5.3 The RIC may conduct a hearing and has the ability to call upon the ACB, Certified Entity, AniMark Management, witnesses, or any other relevant person to attend or provide information for the hearing.
- 5.4 Hearings will not be conducted by way of hearing *de novo*, unless special leave is granted by the RIC Chair.
- 5.5 New evidence will not be considered by the RIC, unless special permission is granted by the RIC Chair.
- 5.6 The RIC will document the reasons for its decision/s.
- 5.7 The RIC will follow the principles of natural justice, wherever possible, in the execution of its responsibilities.

## 6 Reconsideration

- 6.1. The decision of the RIC is final and there are no provisions for reconsideration of an AniMark appeals determination.

## 7 Confidentiality

AniMark shall manage all data relating to AniMark appeals in accordance with AniMark's Privacy Policy: [www.animark.com.au/privacy](http://www.animark.com.au/privacy). AniMark shall keep all data relating to appeals confidential unless AniMark is obligated to disclose the data in order to fulfil its obligations under the relevant Certification Program Rules or any regulatory requirements.