

PROCEDURE FOR APPEAL TO COUNCIL OF HWC (DESIGNATED APPEAL COMMITTEE)

1. Any decision of a committee of HWC or other delegated representative of HWC **to grant or refuse a permit, consent or authority** must be communicated by HWC to all Interested and Affected Parties (defined for the purpose of the Policy as registered conservation bodies and persons or bodies with an interest in or affected by a decision, including the original applicant) within **5 working days** of the decision.
2. An appeal to HWC's Council must comply with the requirements of the Policy. These include:
 - a. A duly completed prescribed appeal form obtainable from the office of the CEO of HWC or from the HWC website;
 - b. a detailed statement setting out the grounds of appeal in full;
 - c. supporting documentation which is referred to in the appeal submission; and
 - d. a statement and proof that the appellant has complied with 3 below.
3. An appeal to HWC's Council must be submitted to HWC and all Interested and Affected Parties by the appellant within **14 working days** of the date on which the decision was made known in writing by HWC (see step 1 above).
4. HWC must, within **5 working days** of having received the appeal submission, assess whether the requirements of the Policy for the Lodging of an Appeal have been met (see (see steps 2 and 3 above)).
5. If the appeal has been duly lodged (i.e. if steps 2 and 3 above have been complied with by the appellant), the appellant and all Interested and Affected Parties must be notified by HWC in writing within **5 working days** of having received the appeal submission by sending all parties the Notice of Receipt of Appeal annexed.
6. If the appeal has **not** been duly lodged (i.e. if steps 2 and 3 above have **not** been complied with by the appellant), the appeal will **not** be considered by HWC and this must be communicated in writing to the appellant.
7. The original applicant (if not the appellant), the original decision-maker and Interested and Affected Parties may submit Responding Statements to HWC within **5 working days** of receipt of the aforesaid notice of appeal. The person submitting a Responding Statement must also ensure that copies are provided to Interested and Affected Parties and to the appellant (also within **5 working days** of receipt of the aforesaid notice of appeal).
8. The appeal submission and Responding Statements must be submitted to the HWC by the respective parties by hand, by email, or by facsimile.
9. The appeal will be heard by the Appeal Committee, regardless of whether or not all parties are present, on the date stipulated in the notice of appeal referred to in Step 5 above.
10. The Appeal Committee must make a decision within **10 working days** of the hearing of the appeal.

11. The Appeal Committee decision must be communicated by HWC in writing to the appellant and all Interested And Affected Parties within **7 working days** of the appeal decision. This communication shall refer to the right to appeal against the decision to the provincial Minister.

DIAGRAM ILLUSTRATING TIME PERIODS

