

Part 1 Complaints and Appeals

- 1.1.1 The MAFBNZ process for managing complaints and appeals from exporters of live animals and germplasm will ensure that the response is
 - a. timely
 - b. made impartially
 - c. kept confidential to parties concerned, unless disclosure of information is required by law or in response to a parliamentary question
 - d. based on objective information
 - e. technically accurate.
- 1.1.2 A written complaint must be made in the first instance to the Team Manager Animal Imports and Exports who will respond, in writing, to the submitter within 48 hours.
- 1.1.3 If a decision cannot be made within this time, advice will be provided on the actions being taken and the expected time frame for completion. Both parties should discuss the concerns and attempt to resolve at a local level.
- 1.1.4 If agreement cannot be reached with the exporter, they must be advised in writing of their right of appeal to the Group Manager of the Animal Imports and Exports Group.
- 1.1.5 Escalation of the complaint or appeal process is initiated by the exporter submitting details in writing to the Group Manager Animal Imports and Exports Group who will review and discuss the complaint with the exporter and give justification for the decision made. Consideration will be given to whether an internal audit, or procedural review is justified
- 1.1.6 The result of the appeal/complaint process will be notified in writing to the exporter and the Team Manager Animal Imports and Exports.
- 1.1.7 The Group Manager of the Animal Imports and Exports Group will ensure a complaint and appeal register is maintained and records:
 - a. details of the written appeals and complaints received by the Group
 - b. the result of the appeal/complaint process
 - c. reference to supporting documentation.
- 1.1.8 If the decision by the Group Manager of the Animal Imports and Exports Group is not accepted and where any exporter believes that information, clarification, or sanction is demonstrably unfair, inaccurate, or impinges on the exporter's ability to conduct operations, they may contact the Director (Border Standards) MAFBNZ.
- 1.1.9 The exporter is required to advise the Group Manager of the Animal Imports and Exports Group and any other MAFBNZ personnel directly affected, prior to any direct contact with Director (Border Standards) MAFBNZ. The exporter should be aware that the likely first action of the Director (Border Standards) MAFBNZ will be to seek the views of the Group Manager of the Animal Imports and Exports Group and any other MAFBNZ personnel directly affected.
- 1.1.10 All decisions made by the Group Manager of the Animal Imports and Exports Group will remain and will be required to be acted upon, unless rescinded in writing by the Director (Border Standards) MAFBNZ.
- 1.1.11 The Director (Border Standards) MAFBNZ, after investigating the situation, must advise the exporter and Group Manager of the Animal Imports and Exports Group in writing of the outcome of such investigation. The Director will:
 - a. follow the principles detailed in section 1.1 above
 - b. take actions as deemed appropriate
 - c. make a final decision.

- 1.1.12 The exporter and all MAFBNZ personnel whom the appeal or complaint was made against will be advised in writing of the decision.
- 1.1.13 All records relating to the appeal or complaint will be maintained for at least seven years.
- 1.1.14 Section 162 of the Animal Products Act 1999 enables exporters to seek a review of certain decisions made by persons acting under delegated authority of the Director-General e.g. a decision to deregister an exporter. The review is conducted by the Director-General or another designated person who was not involved in the making of the original decision. An application for a review must be in writing, state the grounds for review, and be provided to the Director-General within 30 days of the decision being notified to the exporter. Section 162 provides limited review rights and does not provide a general mechanism for exporters to complain about unfair treatment by MAF officials. In the latter case, this complaints procedure should be used.