

Training, Testing and Certification Centre

Note: The electronic copy of this document is controlled. To ensure that printed copies of this document are current, the status date should be checked against the status date of the electronic copy held in the compliance management database, Qudos.

Certification Complaints and Appeals

1.0 Purpose

This procedure details the steps to be taken when addressing a complaint or appeal lodged against Simtars Certification.

1.1 Reason for Change

- Replace MP 87.1 and MP 87.2 with the current ANZEx certification scheme rules
- Replace OD005 and OD0014 with the current IECEx certification scheme rules

2.0 Scope

This procedure is applicable to the Training, Testing and Certification Centre (TTCC) of Simtars and members of the Simtars Certification Governing Board, Simtars Certification Advisory Committee and the Appeals Panel and covers complaints and appeals related to:

- ANZEx and IECEx product certification schemes
- ANZEx and IECEx service facility schemes
- ISO 9001 quality management system certification.

Note: Complaints and appeals against certification will be treated in the same manner.

3.0 References

ANZEx System Rules

ANZEx Certified Equipment Scheme Rules

ANZEx Recognised Service Facility Scheme Rules

IEC CA 01 IEC Conformity Assessment Systems – Basic Rules

IECEX 02 IEC System for Certification to Standards relating to Equipment for use in Explosive Atmospheres (IECEX System), IECEx Certified Equipment Scheme covering equipment for use in explosive atmospheres – Rules of Procedure

IECEX 03-5 IECEx Certified Service Facilities Scheme – Part 5: Repair, overhaul and reclamation of Ex equipment – Rules of Procedure

ISO 9001 Quality Management System - Requirements

EM0001 Certification Manual – Product Certification

EM0002 Certification Manual – Management System Certification

4.0 Definitions

Nil

5.0 Procedure

5.1 General

The appeal process may comprise two stages:

- submission of appeal with any supporting documentation to the Simtars Certification Governing Board with the lodgment of an appeal application bond. (Refer Section 6.0 *Bond and Costs*) and an investigation and judgement made on the outcome of the appeal.

Training, Testing and Certification Centre

- if not satisfied with the outcome, submission of a request for review by an Appeals Panel to be made. The Appeals Panel is constituted from members of the Simtars Certification Advisory Committee.

If the appeal process advances to the second stage, the Appeals Panel will determine the validity of the appeal and;

- if found to be valid, pass a judgement on the appeal, or;
- if not valid, dismiss the appeal.

The decision resolving the complaint or appeal shall be made, reviewed and approved by person(s) not involved in the certification activities related to the complaint or appeal.

5.1.1 Process

The appeal, however received at Simtars, is initially submitted to the Simtars Certification Governing Board (GB). The GB will acknowledge receipt of the appeal and meet within seven working days of receipt of the appeal documentation and will review the claim, take advice from interested parties where necessary and review action taken by testing and/or certification staff at Simtars. Where required, the GB may request further information or clarification from the appellant.

The GB is to clearly define the scope of the appeal and the form of the outcome. The GB is to clearly document its findings and convey them to the appellant.

If the appellant is not satisfied with the decision of the GB a submission must be made to the Simtars for a review of the appeal decision within 30 days. A further extension may be granted after which time if the appeal review application is not lodged it will be dismissed.

The Simtars Certification Advisory Committee (CAC) will arrange for the appeal review to be heard as soon as possible. Members of the Appeals Panel are to be notified within two working days of receipt of the appeals documentation and a suitable time to be arranged for the conduct of the appeal. Before a meeting is held the Appeals Panel members are to be provided with all necessary documentation for review including briefing notes and other documentation (e.g. standards, guides etc.) from the GB. All efforts must be made to convene the Appeals Panel at the earliest opportunity.

The Appeals Panel comprises all members of the CAC except for Simtars officers (chair and secretary). Any members of the CAC who may have a conflict of interest with regard to the appeal will also be excluded from the Appeals Panel.

The Appeals Panel will agree on a chairman from the panel for the duration of the appeal process. If required a Simtars' officer can be assigned for note/minute taking.

The Appeals Panel will consider the findings of the GB, consult with industry experts as necessary, consult/interview the appellant and Simtars testing and/or certification personnel as required.

The decision of the Appeals Panel is to be signed by all members of the panel indicating their agreement with the judgement. The decision document is to be forwarded to the chairman of the CAC who will forward a copy to the appellant and retain the original on file.

6.0 Bond and Costs

The initial appeal submission shall be accompanied by a bond payment of AUD\$5,000 which will be refunded if the appeal is upheld.

It may be necessary to pay additional costs associated with the appeals process such as :

- travel costs incurred by Panel Members
- fees from the employers of the Panel Members.
- Costs associated with any further tests or investigations.

Training, Testing and Certification Centre

The appellant is to be made aware that there may be costs associated with the appeals process and that an undertaking will be required to pay such costs before the appeal can proceed.