

Training, Testing and Certification Centre

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Certification Appeals

1.0 Purpose

This procedure details the steps to be taken when addressing an appeal lodged by a certification customer.

1.1 Reason for change

- Section 1.0 *Purpose*. Delete last sentence as now included in Section 2.0 *Scope*.
- Section 2.0 *Scope*. Expanded to cover service facility schemes and quality management system certifications.
- Section 3.0 *References*. Updated to latest references and note added.
- Section 5.1 *General*.
 - 1st para. Format changed to dot point format. Provision for supporting information to be submitted and a requirement for the lodgment of an appeal application fee.
 - 2nd para. Extended to include complaints from third parties.
 - 3rd para. Clarified application to appeals advancing to the second stage and changed to dot point format.
- Section 6.0 *Fees and Costs*.
 - Title changed from *Costs* to *Fee and Costs*.
 - Provision for appeal application fee included.

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 appeals related to:

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

3.0 References

MP 87.1	Australian/New Zealand Certification Scheme for explosion-protected electrical equipment (ANZEx Scheme) – Product Certification Program – Basic rules and procedures
MP87.2	Australian/New Zealand Certification Scheme for explosion-protected electrical equipment (ANZEx Scheme) – Recognised Service Facilities Program - Basic rules and procedures
	Note: MP 87.1 and MP 87.2 are currently in the process of being replaced by JAS-ANZ documents following the transfer of ownership of the ANZEx Scheme from Standards Australia to JAS-ANZ.
Ex OD005	IECEX Quality System Requirements for Manufacturers
Ex OD0014	Quality system requirements for IECEX Certified Service Facility
ISO 9001	Quality Management System - Requirements
EM0001	Certification Manual – Product Certification
EM0002	Certification Manual – Management System Certification

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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 fee. (Refer Section 6.0 *Fees and Costs*)
- and, if not satisfied with the outcome, submission to the Appeals Panel. The Appeals Panel is constituted from members of the Simtars Certification Advisory Committee.

The appeals process may be applied in instances where an applicant for certification is dissatisfied with decisions made in the certification process or by a third party who believes a certificate may have been incorrectly issued.

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.

5.1.1 Process

The appeal, however received at Simtars, is initially submitted to the Simtars Certification Governing Board (GB). The GB will 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 Certification Advisory Committee (CAC) within 30 days. A further extension may be granted after which time if the appeal is not lodged it will be dismissed.

The CAC will arrange for the appeal 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.

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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 Fees and costs

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

It may be necessary to pay costs associated with the appeals process to members of the Appeals Panel. These costs may be associated with travel etc as well as fees from the employers of the Panel Members. 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.