



**CSIRO VERIFICATION SERVICES
ACTIVFIRE SCHEME RULES GOVERNING COMPLAINTS AND APPEALS**

| | | |
|------|--|---|
| 1. | Scope..... | 2 |
| 2. | Purpose | 2 |
| 3. | Definitions | 2 |
| 4. | Authorities and responsibilities | 2 |
| 5. | Referenced documents | 2 |
| 6. | Acceptable grounds for complaint | 2 |
| 6.1. | General organisational | 2 |
| 6.2. | Legal..... | 2 |
| 6.3. | Technical, quality & service..... | 2 |
| 6.4. | Financial | 3 |
| 6.5. | Other..... | 3 |
| 7. | Complaints process | 3 |
| 7.1. | General matters..... | 3 |
| 7.2. | Complaints against products or services under the Scheme..... | 3 |
| 7.3. | Complaints against operational requirements (policies and/or procedures) of the Scheme | 4 |
| 8. | Appeals..... | 4 |
| 8.1. | Lodgment and appeal conditions | 4 |
| 8.2. | Appeal process..... | 4 |
| 9. | Penalties | 5 |
| 9.1. | Notice of Probationary Warning (NPW) | 5 |
| 9.2. | Suspension of Certification (SoC) | 5 |
| 9.3. | De-registration of Certification (DoC)..... | 5 |
| 9.4. | Other penalty | 5 |
| 10. | Removal of penalty | 5 |

1. Scope

This document applies to the ActivFire® Scheme, which is a third-party product certification program operated under the conformity assessment system of CSIRO's Verification Services (CSIRO-VS) and covering active fire detection and suppression equipment as used by the building and construction industries.

2. Purpose

The objective of these Rules is to provide a transparent process for handling complaints lodged against Registrant business entities or business entities affiliated with a Registrant, their products, the Scheme or its officers and appeals against determinations made.

3. Definitions

Commonly used terms in CSIRO-VS's conformity assessment system are defined in document VS-D001.

4. Authorities and responsibilities

For the purposes of these rules;

- i. the Manager, CSIRO-VS Conformity Assessment Body (M-CAB) is accountable for the adherence of CSIRO-VS to these criteria and their equal application to all applicants.
- ii. the Executive Officer - ActivFire Scheme (EO) has the authority to implement the requirements of this procedure.
- iii. the ActivFire® Technical Panel (ATP) retains the responsibility for the content of the procedure.
- iv. The Appeal Coordinator (AC) is a CSIRO Officer, outside of the operations of the Certification Assessment Body (CSIRO-VS) appointed to coordinate and administer the appeal process.

5. Referenced documents

The document listed below is either referenced in this document or provides important and relevant additional information.

- i. AF-D001 CSIRO Verification Services, Rules governing ActivFire® Scheme

The above document may be accessed from the web site; <http://www.activfire.gov.au>

6. Acceptable grounds for complaint

One or more of the items listed below (clause 6.1 to 6.5) are considered sufficient grounds for lodging complaints:

6.1. General organisational

- i. Providing or promulgating false or misleading information about;
 - a. the Scheme.
 - b. the Registrant business entity or business entities affiliated with the Registrant.
 - c. a certified product.
- ii. Failure to respond to instructions or notifications issued by a representative of the Scheme.
- iii. Failure to make reasonable effort to comply with a set audit date.
- iv. Causing the credibility of the Scheme to be brought into dispute.
- v. Misrepresentation of the certification status of a product.
- vi. Misuse of the Scheme images (mark and/or logo).

6.2. Legal

- i. The recording of a conviction in any Court, civil or criminal, against
 - a. Registrant business entity or business entities affiliated with the Registrant and/or,
 - b. one or more of its/their key officers.
- ii. Fraudulent practices such as altering reports, documents, test records.

6.3. Technical, quality & service

Absence of, or disregard for;

- i. evidence that production units of a certified product do not conform to relevant criteria or specified requirements.
- ii. quality assurance practices.

iii. product quality control.

6.4. Financial

- i. Failure to pay required fees and charges.
- ii. Corporate financial mismanagement.
- iii. Bankruptcy of;
 - a. the Registrant business entity or business entities affiliated with the Registrant and/or,
 - b. one or more of its/their key officer/s.

6.5. Other

Any other incident considered sufficient grounds by the EO or ATP.

7. **Complaints process**

7.1. General matters

- i. Any person can initiate a complaint providing it complies with clause 6 above.
- ii. All complaints shall be submitted to the EO in writing, via either surface mail or e-mail.
- iii. All submitted complaints shall;
 - a. identify the complainant by both name and business entity and provide full contact details. Complaints not so identified shall not be formally addressed by the EO.
 - b. be registered.
- iv. All registered complaints shall be processed in a timely manner and with due diligence.
- v. All registered complaints and their resolution shall be reported to the next ATP in-person meeting.

7.2. Complaints against products or services under the Scheme

In the event of a written complaint being received by the EO, the complaint resolution procedure detailed below shall be activated;

- i. The EO shall assess the complaint, taking into consideration the complainant and their affiliation/s, the seriousness of the complaint, the supplied evidence and any other relevant matters.
- ii. The EO shall decide whether the complaint has merit and if there is sufficient evidence to enable a conclusion to be drawn. This may be done in consultation with one or more members of the ATP.
- iii. If the EO decides the complaint should proceed, the EO shall decide whether the complaint can be handled by the EO only or whether a Dispute Committee (DC) needs to be established. This may be decided after consultation with the complainant, the Chairperson and/or member/s of the ATP as appropriate.
- iv. The EO shall formally communicate with the Subject of the complaint, advising them of receipt of the complaint and the process about to be followed.
- v. The Subject shall be sent a copy of the complaint (but a copy that does not identify the Complainant) and asked to submit a response and any supporting evidence by a date not greater than two weeks from the date of this contact.
- vi. The EO shall assemble all relevant evidence from all relevant parties by a date not greater than three weeks from initial receipt of the formal complaint.
- vii. The EO, in consultation with the ATP Chairperson if required, shall decide on the outcome of the complaint and any appropriate actions.
- viii. The EO shall communicate the decision to the Subject, in writing within one calendar month of receipt of the complaint.
- ix. The Subject shall be given two weeks to respond and detail changes to be made.
- x. The EO shall be responsible for maintaining full and complete records of the process.
- xi. Complaints relating to the EO shall be processed according to the above with the ATP Chairperson acting in place of the EO.

Where it is decided that the dispute needs to be considered by a DC for reasons such as high political sensitivity, high contingent liability, possible illegal activity etc then the EO shall establish such a Committee of no fewer than three members drawn from the ATP (not including the EO). The DC shall carry out all the EO tasks in clause 7.2, iv - xi above.

7.3. Complaints against operational requirements (policies and/or procedures) of the Scheme

- i. Any complaint about the operational requirements (policies and/or procedures) of the Scheme shall be directed to and accepted by the EO
- ii. Where the EO deems the complaint to be justified and where a simple corrective action is all that is required, the EO may initiate any required change/s.
- iii. Where the EO deems the complaint to be not justified, the complainant shall be advised in writing and no further action taken, subject to clause 7.3 below.
- iv. Any resulting recommendations or improvements made shall be implemented by the EO.
- v. The EO shall be responsible for maintaining full and complete records of the process.

8. **Appeals**

8.1. Lodgment and appeal conditions

At the time the EO or Dispute Committee (DC) formally communicates the decision (notice of finding), a stakeholder business entity or person has the right to appeal.

- i. All appeals shall be lodged, in writing, with the Manager - Conformity Assessment Body (M-CAB) within 14 days of the date of the notice of finding.
- ii. The M-CAB shall acknowledge receipt of the Appeal by phone or in writing.
- iii. Any costs associated with an Appeal shall be notified to the Appellant prior the appeal process.
- iv. No further processing of disciplinary actions or penalties shall be taken whilst the Appeal is in process.
- v. Parties to the Appeal are not entitled to legal representation under the appeal process.

8.2. Appeal process

- i. The Manager - Conformity Assessment Body (M-CAB) shall acknowledge and register the Appeal upon receipt.
- ii. The M-CAB shall appoint a CSIRO Officer, outside of the operations of the Certification Assessment Body (CSIRO-VS), as an Appeal Coordinator (AC), refer clause 4 iv for requirements.
- iii. The appointed AC shall coordinate and administer the appeal process.
- iv. If the dispute finding was determined by the EO the AC shall;
 - a. notify the EO of the Appeal.
 - b. shall seek and require a written response to matters pertaining to the Appeal from the EO.
- v. If the dispute finding was determined by a DC the AC shall;
 - a. notify the DC of the Appeal.
 - b. shall seek and require a written response to matters pertaining to the Appeal from the DC.
- vi. Written responses shall include explanations of history, findings, evidence and conclusions and any other relevant articles (records, notes, minutes, emails, photos etc.) relied upon in determining the notice of finding and relevant to the Appeal.
- vii. The AC shall then pass the file (i.e. Appeal correspondence and the responses) to the M-CAB.
- viii. The M-CAB shall review all submitted materials and decide on whether the Appeal is justified or not.
- ix. The determination of the M-CAB in relation to the Appeal shall be confirmed in writing by the AC and sent to the Appellant, EO and DC.
- x. If the Appeal is determined to be justified;
 - a. the correspondence sent by the AC shall further include;
 - confirmation that the previous determination, contained in the original notice of finding, in relation to the complaint and any applicable penalties have been overturned.
 - an explanation with reasons why the Appeal was successful.
 - b. and also relates to the operational requirements of the Scheme, a review of relevant policies and/or procedures shall be undertaken and amendments made where necessary.
- xi. If the Appeal is determined to not be justified the decision and actions contained in the original notice of finding will stand.

9. Penalties

Depending on the justified complaint and its gravity, the ATP may elect to impose one or more of the disciplinary options detailed below.

9.1. Notice of Probationary Warning (NPW)

- i. A Notice of Probationary Warning (NPW) shall apply to the Subject of a justified complaint judged “minor”.
- ii. The NPW shall remain in force for a period not less than 6 months or longer than 18 months.
- iii. During the period of the NPW a Registrant may still claim certification but remains under closer scrutiny.

9.2. Suspension of Certification (SoC)

- i. A Suspension of Certification (SoC) shall apply to the Subject of a justified complaint judged “serious”.
- ii. A Subject under an NPW becoming the subject of a justified complaint within the life of the initial NPW shall have the NPW escalated to a SoC.
- iii. The SoC shall remain in force for a period not less than 1 month or longer than 18 months.
- iv. During the period of the SoC, any new stock produced shall not show any reference to the Scheme via statements or use of the Scheme registered trademark(s).

9.3. De-registration of Certification (DoC)

- i. A De-registration of Certification (DoC) shall apply to a Subject of a justified complaint arising from a civil or criminal conviction.
- ii. A Subject under a SoC becoming the subject of an additional justified complaint within 18 months from the date of the SoC shall have the SoC escalated to a DoC.
- iii. The DoC shall remain in force for a period not less than 3 months or longer than 24 months.
- iv. During the period of the DoC, clause 9.2 iv above shall apply.

9.4. Other penalty

While a complaint may be determined as justified, the nature of the complaint may be deemed trivial. Therefore a penalty may be imposed that is more fitting to the incident. However, a series of “minor” complaints against a Registrant business entity, or business entities affiliated with the Registrant, may call the Registrant’s method of operation and continued certification into question.

10. Removal of penalty

- i. Business entities under a current penalty may apply for re-validation (for SoC) or re-certification (for DoC) of their product/s once the period of the penalty has expired.
- ii. A request for removal of the current penalty shall be made in writing to the EO. It shall detail reasons why the removal is warranted and the changes that have been made to ensure there is no repeat of the original issue.
- iii. If the EO is of the opinion that there has been an organisational, cultural and/or procedural change to a business entity, or affiliated business entities, of sufficient magnitude and substance, the penalty may be lifted.
- iv. Lifting of a penalty does not automatically result in products being revalidated or re-certified. It merely permits an application being made by the subject business entity.
- v. Such applications for revalidation or re-certification shall be treated as new applications and subject to with all necessary fees and charges. During the application process the EO shall be expected to pay particular attention to the substance of the issue that lead to the original penalty with reasonable efforts to avoid re-occurrence.