



## RULES GOVERNING APPEALS AND COMPLAINT HANDLING

### 1 SCOPE

- a) This document describes:
  - i. How complaints and/or appeals against the Australian Paint Approval Scheme (APAS) processes or officers is handled and resolved and includes penalties or sanctions that may be applied.
  - ii. How a suspended product is handled and resolved, including penalties or sanctions that may be applied.
- b) This document is prepared in a manner compliant with the requirements of AS/NZS ISO/IEC 17065.
- c) The appeals and complaint processes and handling of suspended products are about maintaining the integrity of APAS.

### 2 AUTHORITY AND RESPONSIBILITY

- a) The Executive Officer (EO) - APAS is responsible for the content of this document and for ensuring compliance to the requirements of this document.

### 3 DEFINITIONS AND ACRONYMS

#### 3.1 Definitions

The definition of terms used in this document and in the Certification Scheme can be found in APAS document AP-D001. In addition, the following definitions within this document shall apply:

- a) **Appeal:** A request for re-consideration of a decision made by APAS Officer(s).
- b) **Certification Body:** Third-party conformity assessment body operating the certification scheme. APAS is the Certification Body.
- c) **Certification Scheme:** The Certification system related to specified products (Paint and Non-Paint Products) to which the same specified requirements, specific rules and procedures apply. APAS is the applicable Certification Scheme.
- d) **Client:** The organisation responsible to the Certification Body (APAS) for ensuring that certification requirements, including product requirements, are fulfilled. The Client nominates a person(s) directly responsible (APAS Signatory) within its organisation, and to communicate directly with the Certification Scheme (APAS).
- e) **Complaint:** Notification to the EO about a perceived departure from APAS procedures and processes by a person or organisation. Complaints may also be raised about actions of people or organisations that have brought, or are perceived to have brought, APAS into disrepute. Complaints can also be lodged against the APAS system(s) used to ensure the integrity of the Certification Scheme.
- f) **Member:** An organisation that makes use of the services APAS and its Secretariat provides. These services enable the organisation to call up APAS

approvals in tender documents and painting specifications or other internal documentation.

- g) **Recognised Manufacturing Unit (RMU):** A company voluntarily choosing to participate in the Certification Scheme (APAS) whereby its manufacturing facilities have been assessed in accordance with AP-D177 for supply of products certified to APAS Specifications. The RMU forms part of the Client. Historically referred to as the Supplier.
- h) **Secretariat:** The organisation that provides administrative support and other resources necessary to keep the Certification Scheme functioning. The Secretariat is vested in CSIRO.
- i) **Suspension:** The temporary discontinuation of RMU and/or product certification pending end of suspension period and/or review of product certification submission.

#### 3.2 Acronyms

<b>APAS</b>	Australian Paint Approval Scheme
<b>ATAP</b>	APAS Technical Advisory Panel
<b>CSIRO</b>	Commonwealth Scientific and Industrial Research Organisation
<b>EO</b>	Executive Officer – APAS
<b>NPW</b>	Notice of Probationary Warning
<b>OH&amp;S</b>	Occupational Health and Safety
<b>RMU</b>	Recognised Manufacturing Unit

### 4 REFERENCED DOCUMENTS

- a) The following standard is referenced in this document:
  - i. **AS/NZS ISO/IEC 17065** - Conformity assessment: Requirements for bodies certifying products, processes and services.

This document may be purchased through the Reference Standards Australia website:

<https://www.standards.org.au/>

- b) The following APAS document is referenced in this document:
  - i. AP-D001 Rules Governing how APAS® Operates
  - ii. AP-D177 Rules Governing How Product Manufacturers Participate in APAS®

This document is available for download from the APAS web site: <https://vs.csiro.au/apas/documents/>

### 5 ACCEPTABLE GROUNDS FOR COMPLAINTS

- a) One or more of the items listed below (clauses 5.1 – 5.3) are considered sufficient grounds for lodging complaints.

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### 5.1 Complaints Against APAS

- a) Where an APAS Officer has, by their actions, words or deeds, brought APAS into disrepute.
- b) Where there is, or has been, a perceived conflict of interest.
- c) Where any published process or procedure or document fails to maintain the impartiality and / or integrity of the Certification Scheme.

### 5.2 Complaints Against Members

- a) Where any conviction in any Court, civil or criminal, has been brought against the Member or one or more of its officers.
- b) Where a Member provides false or misleading information to, or about, APAS and which causes the credibility or integrity of APAS to be called into question.

### 5.3 Complaints Against Clients

- a) Disputes between asset owners, applicators and Clients may arise over the performance of a certified product.
- b) Where a Client provides false or misleading information to, or about, APAS and which causes the credibility or integrity of APAS to be called into question.
- c) Where a Client is alleged to have used fraudulent practices such as altering reports, documents, test records etc.
- d) Where a Client fails to meet the ongoing requirements for product certification in an existing product certification.
- e) Where any conviction in any Court, civil or criminal, has been brought against the Client or one or more of its officers.
- f) Where the Client is alleged to have misused the APAS logo so as to provide a misleading picture of the status of certification of a product.

## 6 COMPLAINT PROCESS

### 6.1 General Matters

- a) Any person can initiate a complaint providing it complies with the requirements set down in this document.
- b) All complaints shall be submitted to the EO in writing, either via hardcopy or electronic mail.
- c) All submitted complaints must identify the complainant by both name and organisation and provide full contact details. Complaints not so identified will not be formally addressed by the EO.
- d) APAS encourages parties involved in product performance complaints to resolve such issues amongst themselves in the first instance.

- e) All submitted compliant complaints will be handled seriously and expeditiously by the EO.
- f) The EO shall be responsible for maintaining full and complete records of the process.

### 6.2 Complaint Registration

- a) The EO shall maintain a register of all complaints received.
- b) 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.
- c) 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 ATAP.

### 6.3 Complaint Processing

- a) If the EO decides the complaint will be proceeded with, the EO shall decide whether the complaint can be handled by the EO only or whether a Disputes Committee needs to be established. This may be decided after consultation with either the complainant and/or member(s) of the APAS Technical Advisory Panel (ATAP).
- b) The EO will formally communicate with the subject of the complaint (the Subject) advising them of receipt of the complaint and the process about to be followed.
- c) The Subject will 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 (2) weeks from the date of this contact.
- d) The EO will assemble all relevant evidence from all relevant parties by a date not greater than three (3) weeks from initial receipt of the formal complaint.
- e) The EO (in consultation with the ATAP Chairperson where appropriate) will decide whether the complaint is justified or not and whether any penalty is appropriate.

### 6.4 Complaint Finalisation

- a) The Subject will be given two (2) calendar months to rectify all shortcomings and provide adequate evidence.
- b) Where the EO judges the complaint to be justified and where a simple corrective action is all that is required, the EO shall promptly initiate any required change(s).
- c) For product performance related complaints, the EO may request the conduct of either a product audit and/or an RMU site audit in order to ascertain causes and corrective action effectiveness.
- d) A summary of all complaints shall be tabled at the next ATAP meeting.

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### 7 RIGHT OF APPEAL

- a) The subject of a Complaint has the right of appeal at the time the EO or Disputes Committee advises the Subject of the findings.
- b) All appeals shall be lodged, in writing, within fourteen (14) days of the date of the Notice of Finding.
- c) The Subject has the right to request a face-to-face meeting either in person or via video link to consider the Appeal.
- d) Any costs associated with the Appeal shall be borne by the Subject and settled prior to the Appeal Hearing.
- e) Also present at this Hearing shall be a person having the authority to agree to a resolution of the dispute.
- f) Neither party is entitled to legal representation at the Hearing.

### 8 PENALTIES

- a) Depending on the severity of the fault, APAS may elect to impose one or more penalty options:

#### 8.1 Client Penalties

- a) A Client whose product is the subject of a justified Complaint judged **minor** shall be issued a Notice of Probationary Warning (NPW).
- b) The NPW will remain in force for a period to be decided by the EO but not less than six (6) months and not longer than eighteen (18) months.
- c) During the period of the NPW, the Client may still operate using APAS certification, but remains under close supervision.
- d) The NPW is publicised to all APAS Members, and the List of Participating Manufacturers and Resellers (including APAS website) is amended to show an NPW is in force.

#### 8.2 Suspension of Accreditation

- a) A Client who is the subject of a justified Complaint judged **serious** by the EO shall have their APAS Accreditation suspended.
- b) A Client under an NPW becoming the subject of a second proven complaint within eighteen (18) months from the date of the initial complaint shall have their NPW upgraded to a Suspension.
- c) The Suspension will remain in force for a period to be decided by the EO but not less than six (6) months and not longer than eighteen (18) months.
- d) During the period of the Suspension, the Client shall **not** trade using APAS Accreditation.

#### 8.3 Suspension of Product Certification

- a) Where a Client fails to meet the ongoing requirements for product certification in an existing product certification, the current product certification

is temporarily suspended until such a time as the ongoing requirements can be met. The Client is informed accordingly.

- b) Within the temporary suspension period:
  - i. the product(s) is removed from the List of Approved products, and
  - ii. notification of temporary suspension is emailed to all applicable parties, and
  - iii. the APAS website is updated to include all relevant information relating to the suspension
- c) After the end of the suspension period, if the product is able to meet the ongoing requirements for certification, then the product certification is reinstated on the List of Approved products, all applicable parties are informed by email, and the website is updated accordingly.
- d) If the product is unable to meet the ongoing requirements, the product is permanently removed from the List of Approved Products, all applicable parties are informed by email and the website is updated accordingly.
- e) Should circumstances change, product certification can be sought at any stage after the product has been removed from the List of Approved products as long as it can meet the ongoing requirements of product certification.

#### 8.4 Cancellation of Accreditation

- a) A Client who is the subject of a justified Complaint arising from a serious breach of workplace safety or OH&S legislation or civil or criminal conviction, shall have their APAS Accreditation suspended.
- b) A Client under a Suspension becoming the subject of an additional proven complaint within eighteen (18) months from the date of the Suspension shall have their Suspension upgraded to a Withdrawal of Accreditation.
- c) The Withdrawal of Accreditation will remain in force for a period to be decided by the EO but not less than six (6) months and not longer than twenty-four (24) months.
- d) During the period of the Withdrawal of Accreditation, the Client shall **not** trade using APAS Accreditation.

#### 8.5 Other Penalty

- a) While a complaint may be proven, the nature of the complaint may be deemed trivial. The APAS EO may therefore impose a penalty that is more fitting to the incident. However, a series of trivial complaints against a Client may call the Client's method of operation and continued certification into question.

### 9 REMOVAL OF PENALTY

- a) A Client under a current penalty may re-apply for APAS Accreditation once the period of the penalty has expired.



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- b) 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.
- c) If the EO is of the opinion that there has been a cultural and procedural change in the organisation of sufficient magnitude and substance, the penalty may be lifted.
- d) Lifting of a penalty **does not automatically result in re-instatement** of accreditation. It merely permits the Client to re-apply for accreditation.
- e) Such a re-application of accreditation shall be treated as a new application with all necessary fees and charges being applicable again. During the subsequent audit, the EO and / or Technical Assessor will be expected to pay particular attention to the substance of the issue that lead to the original penalty.



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### 10 APPENDIX A

#### Document History

Status: Current  
Version: 5  
Date Published: 21-01-2022

Document Version No.:	Date Published:	Summary of Changes:
5	21-01-2022	<ul style="list-style-type: none"><li>Updated document to include how a suspended product is handled and resolved, including penalties or sanctions that may be applied in clauses 1, 3.1, 5.3 and 8.3</li></ul>
4	11-06-2021	<ul style="list-style-type: none"><li>Updated APAS website details within document</li><li>Further defined clause 1 b) Scope</li></ul>
3	20-10-2020	<ul style="list-style-type: none"><li>Addition of Appendix A Document History and removal of the Editorial Note previously used in document versions</li><li>Updated clauses 1, 3, 4, 5, 6,</li></ul>
2	21-09-2020	<ul style="list-style-type: none"><li>Updated document to the current format</li><li>Document brought in line with requirements of AS/NZS ISO/IEC 17065</li><li>Updated definitions and references in line with the certification scheme</li><li>Updated internal document references, acronyms and website details</li><li>Addition of "People + Product = Protection" to Footer</li></ul>
1	12-01-2016	<ul style="list-style-type: none"><li>Minor revision to align it with current revisions of other APAS documents</li></ul>
0	06-01-2009	<ul style="list-style-type: none"><li>Original document version</li></ul>