



Appeals Procedure

Effective Date	1 July 2024
Version	1

1 Definitions & Interpretation

1.1 For the purposes of this Policy:

TERM/ ACRONYM	DEFINITION
Act	<i>Building Services (Registration) Act 2011 (WA)</i>
Appeal	An appeal is a request for NFIA to reconsider a decision reached by NFIA.
Appellant	A person making an appeal.
Applicants	Applicants to NFIA seeking assessment for registration as Practitioners under the Act
Board	NFIA’s Board of Directors
Building Commissioner	Government of Western Australia Building Commissioner
CPD	Continuing Professional Development
DMIRS	Department of Energy, Mines, Industry Regulation and Safety
NFIA	National Fire Industry Association of Australia Ltd (ABN: 23 618 984 599) (ACN: 618 984 599)
Practitioner(s)	Registered Building Engineering Practitioner(s) – Fire Systems Technologist Registered Building Engineering Practitioner(s) – Fire Systems Associate
Registration	Registration by DEMIRS as a Practitioner under the Act
Regulations	<i>Building Services (Registration) Regulations 2011 (WA)</i>
WA	Western Australia or Australian (as appropriate)

2 Purpose

- 2.1 This Policy outlines the processes undertaken by NFIA in receiving and responding to appeals.
- 2.2 The procedures contained in this document are intended to operate independently of any external investigations or complaints mechanism that may arise, including however not limited to, statutory bodies such as the ACCC for breaches under Australian Consumer Law (**ACL**).

3 Overarching Principles & Responsibilities



- 3.1 Insofar as is reasonably possible, the NFIA is committed to:
 - 3.1.1 handling appeals in an efficient, effective, fair, and transparent manner, in accordance with the principles of natural justice and procedural fairness;
 - 3.1.2 protecting Appellants from adverse treatment and discrimination for making a genuine appeal; and
 - 3.1.3 providing adequate operational support to staff to manage appeals.
- 3.2 Actual and perceived conflicts of interest will be responsibly managed.
- 3.3 NFIA will endeavour to resolve matters within reasonable timeframes.
- 3.4 For the avoidance of doubt:
 - 3.4.1 a decision by the Board is final and may not be appealed;
 - 3.4.2 any person undertaking a review of a decision must be independent of all person(s) involved in the original assessment, including both the applicant and the assessor(s);
 - 3.4.3 the review process shall endeavour to meet the same conditions as the original assessment;
 - 3.4.4 NFIA may delegate any of the tasks contained within this document to the NFIA;
 - 3.4.5 the Board may direct for any person or entity to perform any of the tasks contained within this document; and
 - 3.4.6 the Board has absolute discretion to alter the operation of this procedure in any way, at any time.

4 Scope

- 4.1 This procedure applies only to appeals made by Applicants for Registration, in relation to assessment outcome decisions by the NFIA.
- 4.2 The NFIA may, at its discretion, determine to not investigate appeals which are plainly ingenuine, frivolous, malicious, or vexatious.

5 Prior to Filing an Appeal

- 5.1 Prior to filing an Appeal, potential Appellants are encouraged to, where reasonable in the circumstances, engage with the NFIA informally to discuss the decision they seek to appeal.

6 Process

Step 1: Receipt of Appeal



- 6.1 In the first instance, appeals can be made to the NFIA generally, except where the decision being appealed was made by the Board. A decision by the Board is final.
- 6.2 Parties seeking to file an appeal should complete the appropriate online application form and email a copy of the completed form and all attachments to the NFIA: info@nfia.com.au
- 6.3 The NFIA will acknowledge receipt of each appeal where possible. Appellants should supply an email address with their appeal for this purpose. If the Appellant is unable to be contacted, receipt of the appeal will not be acknowledged, and it may not be possible for the appeal to proceed.
- 6.4 If an appeal does not contain the material set out in the form, or if further information would be beneficial to the investigation, the NFIA may request further information from the Appellant prior to investigating the appeal. This does not prevent the NFIA from requesting further information at a later stage.

Step 2: Initial Assessment of Appeal

- 6.5 Upon receiving the appeal, the NFIA will assess and determine whether:
 - 6.5.1 the subject matter of the appeal is within the scope of this Procedure and the NFIA power and control; and
 - 6.5.2 the appeal should be dealt with as one, or multiple, appeals.
- 6.6 This determination will be provided to the Appellant.
- 6.7 The NFIA will also determine how it will manage the appeal, taking into consideration, for instance:
 - 6.7.1 the seriousness, complexity, and urgency of the appeal;
 - 6.7.2 whether investigation and/ or resolution requires other resources.

Step 3: Investigation of an Appeal & Review

- 6.8 The NFIA will investigate the appeal by gathering relevant and accessible information and considering this information together and in context. This may include, for example (without limitation), further assessment of the Appellant. Any further assessment must meet the same conditions as the original assessment.

Step 4: Decision & Reasons for Decision

- 6.9 For decisions by the NFIA, the NFIA may affirm or dismiss the original decision or provide a substitute decision.
- 6.10 The NFIA will inform Appellants of the outcomes of their appeal and may also inform them of the reason(s) for the decision.
- 6.11 The NFIA will endeavour to ensure any outcomes are properly implemented.



Step 5: Appeal

- 6.12 Within 15 business days of an Appellant receiving correspondence confirming the outcome of their appeal, Appellants may appeal the decision to the Board in writing via shansen@nfia.com.au
- 6.13 Parties seeking to file an appeal should complete the relevant online appeal application form.
- 6.14 Where an appeal is considered by the Board, the Board may affirm or dismiss the original decision or provide a substitute decision.
- 6.15 The Board's decision is final.

7 Discontinuing an Appeal

- 7.1 Appellants may discontinue their complaint/ appeal at any time in writing to the NFIA via email: shansen@nfia.com.au

8 Responsibilities

- 8.1 NFIA shall be responsible for ensuring compliance with, and review of, this Policy as appropriate from time to time.

9 Record Keeping

- 9.1 NFIA shall maintain accurate records pertaining to complaints, appeals and disciplinary processes undertaken.

10 Policy Review

- 10.1 This Policy shall be monitored and reviewed as needed, to ensure continuous improvement of processes contained within.

11 References & Related Documents

- 11.1 The following documents are referenced in this Policy, or are otherwise related:
- 11.1.1 *Building Services (Registration) Regulations 2011 (WA)*;
 - 11.1.2 DEMIRS, Government of Western Australia, *Building Commissioner's policy for engineering assessment entities* (August 2023);
 - 11.1.3 DEMIRS, Government of Western Australia, *Registered building engineering practitioner approved CPD requirements* (July 2024); and
 - 11.1.4 DEMIRS, Government of Western Australia, *Building Commissioner's policy for the approval of industry CPD scheme for registered building engineering practitioners* (August 2023).



12 Approval & Review

Approved By	Joe Smith
Approval Date	1 July 2024
Next Review Date	As needed
Review Responsibility	Joe Smith

Approval & Amendment History

Version	Approval Authority	Date
1	Joe Smith	1 July 2024

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