



IAPMO OCEANA

OceanaMark - 'Governance Rules'



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IAPMO R&T Oceana Pty Ltd
ABN 78 121 986 169

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1. PREFACE

IAPMO R&T Oceana Pty Ltd (here after referred to IAPMO Oceana) is one of six companies and two divisions operating under the 'not for profit' (Ontario, California based) company "International Association of Plumbing and Mechanical Officials" (IAPMO).

IAPMO Oceana is accredited to JAS-ANZ to ISO/IEC Guide 17065 "Conformity assessment - Requirements for bodies certifying products, processes and services" and is recognised to operate and maintain a Certification System 5 as outlined in "ISO/IEC Guide 17067 Conformity assessment - Fundamentals of product certification and guidelines for product certification schemes, product certification scheme, known as the OceanaMark. The scheme has been developed with consideration of the certification systems currently operating in the marketplace and accepted by JAS-ANZ, the relevant industry organizations, government and the public.

The intent of this document is to provide a comprehensive overview of the IAPMO Oceana 'OceanaMark' certification scheme, certification requirements and responsibilities and obligations for both IAPMO Oceana and our clients.

The primary purpose of the OceanaMark scheme is to provide a safe, high quality, cost effective and transparent certification regime accepted and recognised by regulatory authorities, industry and the public.

Safety of the Certified Product is one of our prime objectives, although product safety cannot be guaranteed, as the certification process is based on a type test regime of an individual product type/design to industry accepted Standards(s). The product design and safety is the responsibility of the Certificate Holder and ensuring the product complies with Section 9, 11, 12, 13, 14 and 15 of this document is the responsibility of the Certificate Holder.

The intent of the IAPMO Oceana 'OceanaMark' scheme is to meet the following expectations:

- Ensure the certification process meets applicable Australian and New Zealand approval requirements.
- Provide our clients with competitive price regime.
- Comply with the accreditation requirements – ISO/IEC Guide 17065.
- Maintain an inspection process focusing on manufactured product and its conformity with the nominated Standard/s.

2. SCOPE

This document sets out the requirements for the IAPMO R&T Oceana (ABN 78 121 986 169) 'OceanaMark' certification scheme which is based on a 'Type Test' of a representative product design as described in detailed technical specification provided by the 'Applicant'. A production representative product is supplied to an IAPMO Oceana recognised test laboratory and assessed to the requirements of relevant Standard(s), as nominated by IAPMO Oceana.

Compliance of the product with an Australian Standard, recognised International Standard or other published standard. These Standards will be made available for public inspection during business hours at the head office of Standards Australia and at IAPMO Oceana, on request.

The 'OceanaMark' scheme includes requirements for:

- Product continuous compliance inspections, conducted nominally once per annum, or a frequency determined by IAPMO Oceana.
- Use of the 'OceanaMark' logo on either an approved label or approved alternative marking option formally approved by IAPMO Oceana.

Note: *Applicants should also refer to the guidance document 'OceanaMark Certification Guide'.*

These Governance Rules constitute the basis upon which IAPMO Oceana will process applications made to it for the grant of a non-transferable, non-exclusive certificate to use the OceanaMark as a certification trade mark in Australia and New Zealand and the basis upon which the Applicant for the certificate submits its application for the granting of such a certificate.

These Governance Rules apply to the application made to IAPMO Oceana for both the initial certificate and for the transfer of a certificate from another JAS-ANZ accredited Conformity Assessment Body.

The Applicant accepts that these Governance Rules regulate the relationship between the applicant and IAPMO Oceana in respect of the application assessment process. That this application and the grant of the certificate are subject to the requirements for the use of the OceanaMark Certification Trade Marks as described in these Governance Rules.

3. DEFINITIONS

For the purpose of the IAPMO Oceana OceanaMark scheme, the definitions in AS/NZS ISO 9000 and the relevant certification Standard(s) apply. In addition, the following definitions apply:

3.1 Applicant

Individual or legal entity that has applied for IAPMO Oceana 'OceanaMark' certification and use of the Mark.

3.2 Batch

Clear and identifiable group of product, manufactured consecutively or continuously under the same conditions utilising the same materials.

3.3 Certificate Holder

Organisation or individual whose legal identity has been granted the right to use the registered OceanaMark on product or authorised marketing materials, which demonstrates compliance with a specified Product Standard.

The Certificate Holder warrants the product complies with the OceanaMark scheme and is responsible for the product in the marketplace.

The Certificate Holder may be the manufacturer of the product or their acknowledged agent.

3.4 Certified Product

Product for which an OceanaMark Certificate Holder may apply the 'OceanaMark' to demonstrate that the product conforms to the Product Standard(s) specified on the Certificate, Certificate schedule and all other aspects of the IAPMO Oceana OceanaMark certification scheme.

3.5 Continuous Compliance Inspection

Inspection of the manufacturing organisation carried out by IAPMO Oceana or an authorised representative prior to and annually following the issuance of the Certificate. The inspection includes review of:

- Production/manufacturing processes, including manufactures compliance testing capabilities.
- Product marking and;
- Quality Plan relating to the product which is intended to be covered under the IAPMO Oceana certification.

This activity is intended to confirm the manufactured product continues to comply with the relevant Product Standard(s) and regulatory requirements.

3.6 Design Freeze

The term applied to the rule that once the final product design has been type tested and certified, none of the aspects of design, which may adversely affect compliance of the product with respect to the standard or other regulatory requirements, may be changed without the written approval of IAPMO Oceana.

3.7 OceanaMark

Registered trade mark of IAPMO Oceana used on conforming product.

3.8 Product

New appliance(s), product(s), material(s) and component(s) subject to the certification as described in Section 2.

3.9 Regulatory Authority

An Australian State, Territory or Commonwealth government body exercising jurisdiction over products.

3.10 Recognised Test Laboratory

A laboratory that is-

- (a) Accredited by the National Association of Testing Authorities (NATA) having a scope of accreditation covering the testing requirements of the applicable product Standard(s);
- (b) Accredited by an International Laboratory Accreditation Cooperation (ILAC) Mutual Recognition Arrangement (MRA) signatory and having a scope of accreditation covering the testing requirements of the applicable product Standard(s); or
- (c) Recognized by IAPMO Oceana following evaluation of the laboratory's compliance with the requirements of AS ISO/IEC 17025.

3.11 Rules

Means each or all of the rules lodged with the Registrar of Trade Marks for each or all of the OceanaMarks, as the context may be.

3.12 Standard

Australian Standard (AS) or recognised international Standard or other published document as referenced at www.iapmooceana.org >OceanaMarks Standards list or as defined by IAPMO Oceana.

3.13 Type Test

Test or series of tests intended to determine the conformance of the product for OceanaMark certification. The test regime is therefore directed towards approval of a product design and features to determine if it is capable of meeting the requirements of the product standard.

3.14 Type Test Schedule

Document prepared by IAPMO Oceana, outlining the Type Test assessment program. The document is formulated in conjunction within the scope of an appropriate Standard(s) for OceanaMark certification consideration.

4. FEES

4.1 General

- (a) All Fees are listed in Australian Dollars, unless otherwise stated, and exclude the Australian Goods and Services Tax (GST).
- (b) When invoiced to an Australian address, the invoice will include GST but not any other applicable government taxes and charges. When invoiced to an address outside of Australia, the invoice will exclude GST charges
- (c) The IAPMO Oceana will provide the Certificate Holder with not less than 30 days written notice of an increase in the schedule of fees where it will affect the fees payable by the Certificate Holder.
- (d) The OceanaMark Product Certification first Certificate at each site is charged as the first Certificate Fee, additional/subsequent Certificates on the same site are charged as a Subsequent Certificate Fee.

4.2 Application Fee

The client shall provide IAPMO Oceana with the total certification fee with the application form. The fee schedule is available upon request from IAPMO Oceana.

For OceanaMark Applications, the application fee includes up to one day inspection visit of manufacturing site and preparation of report. Any additional time and associated costs will be separately invoiced as per IAPMO Oceana Schedule of Fees.

4.3 Annual Fee

- (a) The annual OceanaMark Certificate Fees are invoiced for the 12 month period commencing from the Certificate issuance (unless otherwise agreed between IAPMO Oceana and the Certificate holder) and then annually prior to the Certificate renewal date.
- (b) The annual OceanaMark Certificate Fees includes Certificate maintenance, liaison with the Client Manager, online listing for the Certification Register and Product Database Register, annual Continuous Compliance visits and the associated travel, accommodation and incidental expenses as stated in this Continuous Compliance Inspection Schedule
- (c) The Certificate Holder must pay the IAPMO Oceana the annual OceanaMark 'Continuous Compliance Inspection' fees in accordance with the schedule of fees issued by the IAPMO Oceana from time to time.

4.4 Additional Inspection Fee

- (a) Fees will apply for any additional inspection hours/days, which are not covered by the annual Certificate Fee. These charges include additional visit time in excess of the duration specified in the Continuous Compliance Inspection Schedule which is supplied at the time of certificate issuance; and the associated travel, accommodation and incidental expenses. The additional fees, where applicable, are invoiced after the inspection visits, unless otherwise stated.
- (b) Continuous Compliance Fees are not inclusive of any endorsements activity (e.g. work required to review and add a new model or making any changes to existing OceanaMark Certificates). These will be payable in accordance with the IAPMO Oceana current OceanaMark Schedule of Fees.
- (c) Additional Continuous Compliance inspection work, such as addressing outstanding or abnormal issues, non-conformances, follow-up of Continuous Compliance issues, witnessing the removal of marking, witnessing type testing etc., will be charged at the relevant daily rates issued by IAPMO Oceana from time to time. This daily rate is subject to change. The cost of any additional Continuous Compliance visit work deemed necessary by

IAPMO Oceana, including the costs of travel, accommodation and incidental charges where incurred, will be borne by the Certificate Holder.

- (d) Due to the need to match inspector skills and experience with the requirements of the manufacturer's / Certificate Holders business, short notice changes to inspection arrangements may make it difficult to reschedule in line with the frequency requirements of your Certificate. The Certificate Holder will provide IAPMO Oceana with written advice giving as much notice as possible, or any request of a change of inspection date or time. Where a request is received with less than 20 business days notice, a fee equal to 50% of the planned visit charges, plus actual incidentals incurred, may be charged. Where a request is received with less than 10 business days notice, a fee equal to 100% of the planned visit charges, plus actual incidentals incurred, may be charged.

4.5 Endorsement Fee

Fees will be charged for work required to review and add new models or making any changes to existing OceanaMark Certificates / Schedules. These will be payable in accordance with the IAPMO Oceana current OceanaMark Schedule of Fees.

5. APPLICATION

5.1 Application Form

The IAPMO Oceana 'OceanaMark' application form can be downloaded from the IAPMO Oceana web site www.iapmooceana.org or provided upon request. The Applicant will complete all relevant sections of the application form and ensuring all information is accurate, including - Manufacturer details, invoicing address, payment details, authorisation etc.

5.2 Fees

Refer section 4.

5.3 Product Information

The Applicant will provide IAPMO Oceana with all relevant technical information relating to the product which certification is applied for. The submission may include, where applicable, a technical overview, materials specifications, technical drawings, instructions, etc which may assist the certification process.

5.4 Existing Type Test Reports

Where the Applicant elects to submit type test report(s) conducted prior to the application and relating to the product or the products sub-components, IAPMO Oceana will undertake a review for suitability of acceptance.

These reports and the related assessments shall be from an IAPMO Oceana recognised laboratory, are current, display product traceability to the product(s) as referred to in the application. Furthermore, the Applicant shall warrant that the report relates to the same product as mentioned in the application. IAPMO Oceana reserves the right to accept or reject any test report.

5.5 Type Test Schedule

IAPMO Oceana undertakes to process the application and provide the 'Type Test Schedule' in a timely manner and advise the Applicant on any matters which may delay or restrict the certification process.

Note: IAPMO Oceana recommends the Applicant seek quotations for the required tests identified in the Type Test Schedule.

5.6 Disclosure

The Applicant shall disclose to IAPMO Oceana prior to or at the time of lodging the application, information regarding any prior unsuccessful application made to another Conformity Assessment Body.

5.7 Manufacturer's Acknowledgement

Where the Applicant is not the manufacturer, the Applicant is required to provide IAPMO Oceana with written correspondence from the authorised officer of the manufacturer, authorizing the Applicant to apply for OceanaMark Certification and be the OceanaMark Certificate Holder.

5.8 Related Documents

- OceanaMark Guide To Applicants
- OceanaMark Certification Fee Schedule
- OceanaMark Product Certification Application Form
- Product Certification Inspection Report and Minimum Quality Plan Requirements.
- Request to Conduct Own Sample Selection Form
- Product Standard(s) – Refer to IAPMO Oceana website www.iapmooceana.org

6. TESTING

6.1 General

A Type Test Schedule shall be prepared:

- (a) When an applicant provides an application in respect of an OceanaMark certification and;
- (b) At the discretion of IAPMO Oceana e.g.:
 - i) Certified Product has undergone or may have undergone a design change,
 - ii) Testing of certified or listed product indicates a failure to comply with the Standard,
 - iii) The Certificate Holder wishes to add another product or product variance to the Certificate, which IAPMO Oceana believes warrants the additional assessment(s).

6.2 Type Test Schedule

The Applicant / Certificate Holder is to ensure:

- (a) The assessments are conducted by an IAPMO Oceana recognised test laboratory with the product(s) specified in the Type Test Schedule.
- (b) The test laboratory receives a copy of the Type Test Schedule (product instructions and technical specification may be supplied).
- (c) The test laboratory performs all work outlined in the Type Test Schedule on the specified product(s).
- (d) IAPMO Oceana is provided with all necessary additional documentation relating to any change in the product design or associated information as a direct or indirect result of laboratory testing.
- (e) The recognized testing laboratory provides a NATA or equivalent report, one to the Applicant / Certificate Holder and one to IAPMO Oceana.

6.3 Submission of Products for Type Testing

Where product is submitted for OceanaMark certification the applicant shall provide the following information:

- (a) Comprehensive product identification information, including detailed specifications, technical details, technical drawings, bill of materials (BOM), materials information, instructions and any other information deemed relevant to maintain a design freeze or assisting the certification process.
- (b) Existing Type Test report(s), if applicable.
- (c) Product type and model availability for the purpose of selecting suitable product for the Type Test Schedule.
- (d) Installation / maintenance instructions.

6.4 Test Sample Selection

Product test samples will typically be nominated by IAPMO Oceana. Samples should be representative of the entire line or group of products to be certified, and should be made using components and sub-assemblies identical to those used in production, made from production tools and assembled using methods established for the production run.

Where a product model range share common design features and options, IAPMO Oceana may at their discretion nominate a Type Test program based on the common design features and options unless otherwise specified in the relevant Product Standard(s). In this case, the assessment program is normally based on the “worst case” scenario of the product range, with consideration of additional assessments on other model/feature variances.

6.5 Test samples from stabilised production

Samples shall be selected when the production process has stabilised. The samples shall be randomly selected from a production run that is large enough to ensure that they are representative of the product design and of the quality that the Certificate Holder intends to present to the market.

6.6 Prototypes

For initial evaluation purposes type testing may be conducted on prototype sample(s) providing the sample(s) demonstrate the suitability of the product design and operation with respect to the relevant Product Standard(s) and local regulatory requirements. IAPMO Oceana may require additional correlation testing once production has stabilised and prior to the release of product to the market place.

6.7 Condition of Samples

Samples shall be in the condition in which they are intended to be released to the market and include all relevant options, materials and associated documents i.e. instructions for installation, use, care, and service.

Delivery of test samples to the nominated test laboratory and their condition on delivery is the responsibility of the applicant. The test samples shall be suitably packaged to prevent damage or deterioration in transit.

6.8 Recognised Test laboratory

The Applicant / Certificate Holder shall select a test laboratory, ensuring the nominated laboratory formal ‘Accreditation Scope’ covers the assessment criteria detailed in the IAPMO Oceana Type Test Schedule.

All laboratory test costs and any incidentals shall be met by the Applicant.

Note: Laboratories accredited nationally by NATA or recognised by agreement by ILAC will generally be preferred. IAPMO Oceana maintains a listing of laboratories recognized for Laboratory Type Testing of product(s), material(s), and component(s) and is available upon request.

6.9 Test reports

Test reports are required to be sent to IAPMO Oceana. Evaluation and acceptance of the report and the test results remains the responsibility of IAPMO Oceana and as such reserves the right to reject any report or test result.

Where the product has failed during a Type Test program the Applicant / Certificate Holder / recognised test laboratory is required to provide IAPMO Oceana with details of the nature of the failure and the corrective action taken to enable the product(s) to satisfy the regulatory requirements. Retesting of failed product shall be conducted by the same test laboratory that performed the original test unless otherwise agreed by IAPMO Oceana.

A pass test result does not automatically imply certification will be granted such as incomplete report, not to the IAPMO Oceana Type Test Schedule; Test laboratory or Standard not recognised by IAPMO Oceana; Assessment not conducted on product(s) or in accordance with the IAPMO Oceana Type Test Schedule; etc.

7. CERTIFICATION

7.1 Pre-Certification Inspection

As a pre-requisite of the OceanaMark certification scheme, a “Pre-Certification Inspection” is undertaken prior to the issuance of the Certificate by IAPMO Oceana.

The inspection process requires the manufacturer to provide access, at the manufacturing site(s) where the production and final inspection is conducted on the product(s) / component(s) / material for which certification is sought.

The manufacturer’s production, inspection and testing processes are inspected for compliance with the technical specification and relevant Standard(s). At the inspection, the manufacturer’s quality plan and manufacturing processes are reviewed for compliance against IAPMO Oceana’s Minimum Quality Plan Requirements.

Costs associated with the Pre-Certification Inspection are included in the OceanaMark Application Fee - refer section 4.

IAPMO Oceana reserves the right, at its sole discretion, to deliver Pre-Certification Inspection services, through IAPMO Oceana or IAPMO R&T.

7.2 Document/Certificate Processing

Upon receiving the ‘Pre-Certification Inspection Report’, laboratory test report(s) and associated documents, IAPMO Oceana reviews the documents and provides the client with formal advice of the steps and actions required to complete the certification process. Under normal circumstances the client will be advised to:

- (a) Provide IAPMO Oceana with access to updated product technical information and instruction information and an ‘OceanaMark’ marking proposal for ‘Final Review’.
- (b) Ensure adequate supervision and control has been exercised throughout the certification process to ensure that the production product, together with related marking and information, meets all the relevant requirements of the Product Standard and Australian regulatory requirements.
- (c) Ensure only conforming product listed on the ‘Certification Schedule’ and complying with the Standard and Australian regulatory requirements shall be marked with the IAPMO Oceana ‘OceanaMark’.

7.3 Granting of Certificate

A Certificate will be granted where IAPMO Oceana is satisfied that the applicant has provided all documents and records, relevant to the application and is capable of:

- (a) Ensuring product intending to displaying the OceanaMark comply with the applicable Standard(s);
- (b) Complying with the terms of the OceanaMark ‘Governance Rules’;
- (c) Paying any fees for the issuance of the OceanaMark Certificate by the due dates.

7.4 The Certificate

IAPMO Oceana grants the Certificate Holder a non-transferable, non-exclusive certificate to use the OceanaMark as a certification trade mark, as set out in the ‘Governance Rules’.

Where the Licence Holder / Certificate Holder provides copies of certification documentation to others, the documents shall be reproduced in their entirety or as specified in the certification scheme.

7.5 Product Listing

Certified products can be viewed on the IAPMO Oceana product directory www.iapmooceana.org/

8. CONTINUOUS COMPLIANCE INSPECTION

As a pre-requisite of the OceanaMark Certification Scheme, 'Continuous Compliance Inspections' (CCI) are undertaken annually or at the discretion of IAPMO Oceana.

The inspection process requires the manufacturer to provide access, at the manufacturing site(s) where the production and final inspection is conducted on the product(s) and or component(s) material for which certification is sought.

The product(s) is inspected for compliance with the relevant Standard(s). At the inspection, the manufacturer's quality plan and manufacturing processes are reviewed for compliance against IAPMO Oceana's Minimum Quality Plan Requirements.

Costs for the inspections are included in the OceanaMark annual fees - refer section 4. IAPMO Oceana reserves the right to vary the frequency, duration and nature of the inspections. Where additional time is required for the inspection visit of a manufacturing site; or an additional inspection visit is required to verify the implementation of corrective actions resulting from "Action Items" raised at the Pre-Certification Inspection or Continuous Compliance Inspection visit; IAPMO Oceana will invoice the applicant/Certificate holder for audit time, accommodation, meals and any other expenses related to undertaking the additional inspection visit.

The Certificate Holder agrees that IAPMO Oceana or IAPMO R&T may conduct Continuous Compliance inspections of any sites operated by the Certificate Holder and/or manufacturer and the Certificate Holder and/or manufacturer shall provide all reasonable cooperation and access to personnel, records and premises required by IAPMO Oceana and agree to observers, including Scheme Administrators, accompanying IAPMO Oceana Inspectors where requested.

Note: *IAPMO Oceana reserves the right, at its sole discretion, to deliver Continuous Compliance Inspection services, through IAPMO Oceana or IAPMO R&T.*

9. PRODUCT REQUIREMENTS

The Certificate Holder and manufacturer shall establish and maintain a compliance system as a means of ensuring conformance to the product standard, and that the requirements of the IAPMO Oceana OceanaMark certification scheme and any regulatory requirements are met. Refer sections 11, 12, 13, 14 and 15 for details on these requirements.

10. POST CERTIFICATION

10.1 Certificate Review and Renewal

The 'OceanaMark' Certificate expires 5 years after the date of issue. Both the date of issue and expiry dates are identified on the Certificate. IAPMO Oceana at their discretion will renew the certification for another 5 year period upon satisfactory review of the certification file, associated documents and the Certificate Schedule. Generally, this process and associated costs are covered by the annual fee. Following the review of the certification file, additional Type Testing may be required.

10.2 Re-Test

IAPMO Oceana reserves the right to nominate re-testing of Certified Product at any time during the currency of the Certificate. Products may be selected from the Certificate Holder's / manufacturer's premises, point of sale, importation or distribution. Costs associated with any re-testing shall be met by the Certificate holder.

10.3 Inspection

Where requested by the IAPMO Oceana or Regulatory Authorities, promptly submit for inspection samples of the Products and materials on which it has applied the OceanaMark.

10.4 Access - Site and Information

Where requested by IAPMO Oceana or Regulatory Authorities, promptly grant them access to its premises and/or records and documents (including copies of the records and documents) to see if it is complying with its obligations in relation to the use of the OceanaMark.

Where requested provide all assistance and information as may be required by the IAPMO Oceana, Regulatory Authorities or Courts in relation to the OceanaMark certification scheme.

11. PRODUCT IDENTIFICATION

11.1 The OceanaMark

IAPMO R&T Oceana Pty Ltd (ACN 121 986 169) is the owner and administrator of the certification Trade Marks known as the 'OceanaMark' (the Mark). The Marks are registered under the Commonwealth *Trade Marks Act 1995*, as Trade Mark No. 1231442 and 1231445.

All certified products under the OceanaMark Certification Scheme shall be marked with the OceanaMark in accordance with the IAPMO Oceana "OceanaMark" Certification Trade Marks, and as detailed in the product specification.

Use of the OceanaMark is not limited to goods manufactured in Australia and, subject to these rules, it may be used on goods that are manufactured outside Australia.

IAPMO Oceana Pty Ltd grants certification for the use of the OceanaMark to a Certificate Holder in accordance with the terms of the OceanaMark 'Governance Rules'

11.2 Approval of the Use of the OceanaMark

The OceanaMark shall only be used in a manner, which has been approved by IAPMO Oceana. The Certificate Holder shall gain formal approval from IAPMO Oceana for the following:

- (a) The form and manner in which the OceanaMark is used on the product,
- (b) The form and manner in which the OceanaMark is used on promotional material, packaging, instructions etc,
- (c) Proposed references in any form to the OceanaMark Certificate number.

Submissions for formal approval of the proposed use of the OceanaMark logo shall be made prior to the application of the OceanaMark. The submission shall be accompanied by illustrations; photographs; marking proposal and sufficient detail to qualify the proposal.

Note: *IAPMO Oceana may exercise its rights to suspend or cancel a certification where the Certificate Holder fails to ensure compliance with the 'OceanaMark' marking conditions.*

The Certificate Holder shall ensure that agents/distributors of their certified product are fully aware of and adhere to the above requirements.

11.3 Extent of Marking

The Certificate Holder shall only apply the OceanaMark to products which satisfy the following:

- (a) Conforming Product(s) listed on the current Certificate Schedule prior to dispatch to the market place.
- (b) The Certificate Holder warrants the product complies in all respects with the relevant Product Standard(s), local regulatory requirements and are manufactured in accordance with the requirements of this document.

11.4 Application of the OceanaMark

When used, the OceanaMark shall be applied only to conforming Certified Products prior to dispatch to the marketplace.

11.5 Manner of Application

The OceanaMark shall be applied in a manner that is in compliance with the relevant Product Standard(s) and/or IAPMO Oceana marking requirements. The OceanaMark shall be clear and legible and not applied in a way that might be misleading or deceptive

11.6 Quality and Location of the OceanaMark

The Certificate Holder shall ensure that the OceanaMark is applied and located in accordance with IAPMO Oceana requirements and to ensure the legibility method is in accordance with the relevant Product Standard(s) marking requirements.

11.7. Conditions of Use

- (a) Any notice or other communication to be given under these rules (other than a public notice) must be given in

writing and delivered to the last known address of the recipient.

Any public notice must be given by publication on the website of IAPMO Oceana or in 'The Australian' or any other national newspaper.

- (b) All rights granted to Certificate Holders in relation to the OceanaMark are non-exclusive and non-transferable
- (c) IAPMO Oceana may amend these Rules from time to time provided the amended rules are not materially inconsistent with these Rules

11.8. Protection of the Mark

The Certificate Holder must not at any time during or after the Term:

- (a) register or attempt to register or use as a trade mark the OceanaMark or any device or word substantially identical with or deceptively or confusingly similar to any of the OceanaMark; or
- (b) oppose or contest the validity of any application for registration or registration of the OceanaMark by IAPMO Oceana Pty Ltd or any of its Related Bodies Corporate

11.9. Cessation of Use of the Mark

The Certificate Holder must stop using the OceanaMark on any Products and stop representing itself as having any certificate to use the OceanaMark after the certification is suspended or terminated.

12. DESIGN CONTROL

12.1 Design Freeze

On successful completion of the Type Test program, the product documentation, product design for all major and critical parts, components and materials used in the manufacture and testing of the product shall be frozen. The design freeze shall include markings, packaging and instructions for Installation, operation, maintenance and servicing as applicable.

Note: *The design freeze is not intended to include minor changes that do not affect compliance of the product with the Standard. The Certificate Holder should contact IAPMO Oceana, if in doubt, providing details of the proposed changes. Product changes other than minor changes (as determined by IAPMO Oceana) shall invalidate the certification.*

12.2 Type Test Specimen Retention

IAPMO Oceana recommends the Certificate Holder or manufacturer retain the Type Test specimens, drawings or photographs representative of type test samples. Such specimens may be identified and retained for no less than the warranty period after the last manufacture of the Certified Product.

Note: IAPMO Oceana, at its discretion may keep samples for an equal period of time.

12.3 Changes to the Product Standard

If the Standard is amended or re-issued, IAPMO Oceana will nominate a transition period, usually in consultation with relevant industry stakeholders and the Certificate Holder. After the agreed transition period the Certificate Holder shall not apply the OceanaMark to any product covered by the Certificate until IAPMO Oceana has formally verified compliance of the product with the revised Standard.

Note: *A nominal transition period of 12 months is applied unless otherwise determined by IAPMO Oceana.*

12.4 Control of Design Changes

The Certificate Holder shall inform IAPMO Oceana of any intended changes, which may affect product compliance with the Standard and/or local regulatory requirements. These changes shall not be implemented without formal review and authorisation, in writing, by the appropriate IAPMO Oceana 'Certification Engineer'.

13. DOCUMENT CONTROL

13.1 General Requirements

The quality documentation shall include:

- (a) Product - Specification/s, technical drawings, materials information, Build of Materials (BOM) and instructions,
- (b) Procedures - Documented procedures as required by IAPMO Oceana's "Minimum Quality Plan Requirements".
- (c) Records – As required by IAPMO Oceana's "Minimum Quality Plan Requirements".

13.2 Product Specification

The Applicant / Certificate Holder shall provide and maintain a specification covering the entire product range listed under the application and 'Certificate Schedule'. The specification detail shall be sufficient to identify all product models, product variances. The product specification shall include the following as a minimum;

- (a) Product assembly and parts drawings and schematics, including all sub-components and relationship between critical parts and components.
- (b) Comprehensive product build information i.e. BOM.
- (c) Product instructions i.e. Installation, operation, maintenance and servicing.
- (d) Type Test reports.
- (e) Certificates relating to existing product certifications e.g. flexible water supply hoses for taps, pressure limiting valves, etc.

14. TRACEABILITY

Where specified in the Product Standard(s), the Certificate Holder and manufacturer shall ensure that released OceanaMark Certified Product is traceable to the relevant batch inspection or test reports, including materials and sub assemblies which may affect compliance of the product with respect to safety, local regulatory and certification Standard requirements.

15. CONTROL OF NON CONFORMING PRODUCT

15.1 Non-conforming Product – Prior to Release

Where non-conforming Product has been found not to comply with the Standard, the manufacturer shall prior to release:

- (a) Rectify all non-conformances or,
- (b) Destroy the product or,
- (c) Remove the OceanaMark and reference to the Certificate number from the product and any associated documents.

The Certificate Holder shall ensure that no non-conforming product is offered for sale as a Certified Product.

Note: *Allowing the OceanaMark to be applied to or to remain on non-conforming products offered for sale exposes the Certificate Holder to legal action. The Certificate Holder is solely responsible for ensuring that noncompliant product is not marked with the OceanaMark or released to the marketplace.*

15.2 Non-conforming Certified Product – After Release

- (a) Where the Certificate Holder / manufacturer identifies that non-conforming certified product has been released the following steps shall be taken
 - (i) The Certificate Holder shall promptly notify IAPMO Oceana of the situation and the extent of the product's perceived non conformity.
 - (ii) The Certificate Holder shall immediately initiate an investigation into the problem to determine its nature and severity.
 - (iii) If the Certificate Holder / Manufacturer's investigation or IAPMO Oceana determines that the non-compliance will or may constitute a safety risk, then the Certificate Holder / Manufacturer shall contact the Australian Competition Consumer Commission (ACCC). Refer to www.recalls.gov.au

- (b) During the investigation, the Certificate Holder shall keep IAPMO Oceana informed, in writing, of the action being undertaken and shall provide IAPMO Oceana with copies of correspondence related to the investigation. Certified Product withdrawn from the market place or recalled shall be quarantined pending further investigation and instruction from IAPMO Oceana.
- (c) Upon finalizing the situation the Certificate Holder must provide IAPMO Oceana with an historical summary of all the steps taken to resolve the matter.
- (d) The Certificate Holder shall bear responsibility for all costs incurred during and as a consequence of taking the above actions.

16. SUSPENSION OF CERTIFICATE

16.1 General

IAPMO Oceana has the power to suspend the use of the OceanaMark by the Certificate Holder. Suspension of certification is a temporary withholding of the right to use the instruments of the OceanaMark Certification Scheme, pending resolution of issues that may lead to the withdrawal of the Certificate. Where a Certificate is suspended, the Certificate holder shall be notified in writing of the grounds for doing so.

16.2 Reasons for Suspension

IAPMO Oceana may suspend Certificate(s), held by the client for any of the following reasons, including but not limited to:

- (a) Inaccurate, incomplete or missing markings as prescribed in the applicable Standard and these rules.
- (b) Unlisted changes in the product design and/or materials.
- (c) Unlisted product being offered to the market.
- (d) Inoperable and/or unsafe product.
- (e) Failure to address certification matters within a prescribed timetable formally advised by IAPMO Oceana and/or the Regulatory Authority.
- (f) Misuse of the OceanaMark logo and Certificate number.
- (g) Change of company name without prior written notification to IAPMO Oceana.
- (h) Claiming certification for an unlisted product
- (i) Failure to fulfil the financial obligations to IAPMO Oceana.
- (j) At the request of a Regulatory Authority, government body or the courts.
- (k) Change of manufacturing site without prior written notification to IAPMO Oceana.

Notes: *The Regulatory Authorities will be advised, If deemed necessary, of all suspensions and provided with an explanation for the action. Suspension will cover all product listed on the Certificate Schedule.*

Cessation of Use of the Mark – refer section 11.9.

17. CANCELLATION OF CERTIFICATE

Under normal circumstances a cancellation will not occur without a suspension first being imposed. Cancellation will normally occur after the Certificate Holder has failed to address matters formally advised and in the timeline advised by IAPMO Oceana.

Immediate cancellations may occur where IAPMO Oceana are advised to take this action by the Regulatory Authority, government body or the courts and in addition, but not limited to, the following circumstances:

- (a) If the Certificate Holder becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors or makes any arrangement or composition with its creditors or if a company enters into liquidation (whether compulsory or voluntary, but not including voluntary liquidation for the purpose of reconstruction) or has a receiver appointed to its business;
- (b) If the Certificate Holder fails to renew the certification within the required period after change in the relevant Product Standard(s).

Note: *The Regulatory Authorities will be advised of all cancellations and provided with an explanation for the action. Cancellation will cover all product listed on the Certificate Schedule.
Cessation of Use of the Mark – refer section 11.9.*

18. CONFIDENTIALITY

IAPMO Oceana undertakes to keep confidential all information provided by the Applicant / Certificate Holder/ Manufacturer with exception to information which is already in the public domain. Provided that information may be released where requested by the Courts, Tribunals, Regulatory Authorities, Police or Government department concerned with public safety, or otherwise as required by law.

All proprietary documents, including specifications, drawings and test reports shall remain confidential between IAPMO Oceana and the Certificate Holder / Manufacturer except as follows:

- (a) Applicant / Certificate Holder/ Manufacturer authorises (expressly or by implication) the release of such information to a third party, such as an agent, a test facility, a Regulatory Authority, or a Government authority.
- (b) IAPMO Oceana has been served with a subpoena, summons, notice or other legally enforceable order to disclose the information;
- (c) An accreditation body seeks access to the information as part of an accreditation audit.
- (d) Disclosed to Standards Australia and such information may used or disclosed by Standards Australia if the disclosure is necessary to comply with the law or to maintain the integrity, and / or validity of the Standards

19. DISPUTE RESOLUTION

IAPMO Oceana encourages Applicants / Certificate Holders to resolve any disputes with their IAPMO Oceana 'Certification Engineer'.

Where a dispute cannot be satisfactorily resolved with the IAPMO Oceana 'Certification Engineer', the Applicant / Certificate Holder may pursue a resolution with the 'Technical & Quality Manager'.

If the dispute cannot be resolved with the Technical & Quality Manager, the matter may be referred to the IAPMO Oceana Managing Director.