



AUSTRALASIAN INSTITUTE
OF MARINE SURVEYORS

Fact Sheet

AIMS Complaint Handling Procedure For Grain Surveyors Accredited Under the AGSA Scheme

Any person can submit a complaint to AIMS (complainant) relating to the conduct of an Accredited Marine Surveyor under the AGSA Scheme.

The complaint resolution process has 3 main steps, initial assessment, investigation and determination. Respondents have the right to appeal the final decision.

Initial Assessment

1. An initial assessment is undertaken to assess the complaint and any evidence provided.
2. AIMS will contact the complainant if more information or evidence is required before commencing an investigation.
3. If additional information or supporting evidence is not provided the complaint will not proceed and the complainant will be notified.
4. If the complaint contains the necessary information and supporting evidence, it will progress to an investigation.

Investigation

5. The investigation will:
 - a. consider all information and evidence provided by the complainant.
 - b. consider complaints made against the respondent which are the same or similar to the complaint being investigated.
 - c. consider contacting the complainant, the respondent, or any other person as needed, to obtain further information or evidence.
 - d. may involve suspending the respondents accreditation.
 - e. consider if consultation with DAFF is necessary, and consider any comments provided by DAFF, in respect of the complaint.
6. AIMS will collaborate with DAFF if the complaint involves an allegation of criminal conduct, fraud or bribery, or involves an allegation of a breach of the *Export Control Act 2020*.
7. Upon completion of the investigation AIMS will provide written advice to the AIMS Board.
8. AIMS will write to the respondent notifying them that a complaint has been received and without disclosing the identity of the complainant provide the details of the complaint and invite the respondent to provide a written response.
9. If a response hasn't been received by AIMS to the first written notice AIMS will write again, providing the respondent a further opportunity to respond to the complaint.
10. AIMS will proceed to finalise the investigation stage by writing to the respondent again:
 - a. advising that the Investigation Phase has been completed.
 - b. advising the possible outcomes and penalties that may be applied.

- c. inviting the respondent to provide a submission in relation to the proposed possible outcomes and penalties.

11. The complaint proceeds to the Determination Phase.

Determination

12. The AIMS Board will appoint a Decision Maker and refer the complaint to the Decision Maker for determination.
13. The Decision Maker will have access to relevant people, and be provided a copy of all documents, information and evidence relating to the complaint.
14. The Decision Maker may:
 - a. refer the complaint for further investigations before a determination is made.
 - b. seek to obtain or ascertain further evidence and information as deemed appropriate.
15. The Decision Maker will review and consider all available evidence, information and documents relating to the complaint.
16. The Decision Maker will determine the complaint by either:
 - i. Affirming the complaint by finding that on the balance of probabilities, the respondent engaged in the conduct, and decide the penalty to be applied to the respondent (if any) OR
 - ii. Dismissing the complaint by finding that on the balance of probabilities, the respondent did not engage in the conduct.
17. Where the Decision Maker affirms the complaint, they may apply a penalty they consider appropriate which may include:
 - a. a written warning to the respondent.
 - b. applying conditions on the respondent's accreditation, for example:
 - i. requiring the respondent to take action to remedy the conduct and provide evidence of this action to AIMS.
 - ii. requiring the respondent to undertake further training, including theory units relating to grain operations or Bulk Vessels.
 - iii. requiring the respondent be supervised by another Accredited Marine Surveyor when performing Bulk Vessel Surveys.
 - c. suspending and or cancelling the respondents accreditation.
 - d. prohibiting the respondent from applying for accreditation.
18. In deciding what penalty may be applied, the Decision Maker will consider:
 - a. The overarching principles of the AGSA Scheme and the respondents experience.
 - b. The nature of the conduct and possible breaches of legislation or standards.
 - c. Any harm or damaged caused or potential for harm or damage to any person or reputation of marine surveyors, AIMS or DAFF.
 - d. The details of any prior complaints and the respondents' attitude, cooperation and creditability of evidence or demonstrated remorse.
 - e. The severity and likelihood that the conduct will impact grain exports.
 - f. The likelihood that the respondent will engage in the conduct in the future.
19. AIMS will advise the respondent the outcome of the complaint and any penalties that may apply, or if the complaint was dismissed.
 - a. The respondent can request AIMS to provide the reasoning behind the determination.
 - b. AIMS will advise the respondent they have 14 days to request a review of the determination.