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SAGTEVRUGTEPLANTVERBETERINGSVERENIGING
DECIDUOUS FRUIT PLANT IMPROVEMENT ASSOCIATION

DPA G-1-2

COMPLAINTS PROCEDURE

(As amended 18 Augustus 2011)

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1. COMPLAINTS IN RESPECT OF PLANT MATERIAL FROM FOUNDATION OR MOTHER BLOCKS

Complaints regarding plant material supplied by a PIO to a nursery must be addressed to the PIO concerned, within 5 (five) working days after the plant material was received or the issue became known. The complaint must be followed up and if possible, resolved, within 14 days by the PIO concerned.

2. COMPLAINTS IN RESPECT OF NURSERY TREES

Complaints regarding nursery trees supplied to a producer by a nursery must be addressed to the nurseryman within 5 (five) working days after the nursery trees were received or the issue became known. The complaint must be followed up and if possible, resolved, within 14 days by the nursery concerned.

3. COMPLAINTS REFERRED TO THE DPA

- 3.1 Should a complaint not be resolved satisfactorily within 14 days, the complainant must submit a written complaint (**DPA G-3-1 / DPA G-3-2**) to the Chairman of the Deciduous Fruit Plant Association (DPA).
- 3.2 All persons involved must treat a formal complaint as strictly confidential during the course of the investigation.
- 3.3 All formal complaints must be acknowledged in writing by the DPA and the parties involved must be informed in writing that the complaint has been received and is receiving attention.
- 3.4 The Chairman will discuss the matter with all the parties involved and will explain the process and determine the time frame of the investigation.
- 3.5 The Chairman may request additional information and documentary evidence from the parties involved in terms of the discretionary authority granted to the Executive Board.
- 3.6 Any inability to provide information as requested may be deemed as an admission of guilt.
- 3.7 Should further inquiry be deemed necessary, the Chairman will appoint an investigating team or an independent expert to investigate the case.
- 3.8 The Chairman may in instances where the cost of the investigation is considerable, demand a deposit or an undertaking from both the parties involved to cover the expenses of the DPA.

- 3.9 The investigating team or the independent expert must investigate the complaint and the nurseryman / PIO or producer involved must be invited to attend the inspection in loco.
- 3.10 Samples taken during the investigation must be taken in the presence of the nurseryman / PIO or producer.
- 3.11 Samples must be analysed by a Government Laboratory or a laboratory registered with the DPA and the Department of Agriculture, Forestry and Fisheries for the specific test to be done.
- 3.12 The Chairman will take the recommendations of the investigating team or the independent expert into consideration in order to reach a conclusion or to consider further steps to be taken.
- 3.13 Should the facts not be contested, the Chairman will render a decision to resolve the complaint on grounds of the evidence available.
- 3.14 Findings of the Chairman and any further steps to be taken must be submitted to the Executive Board for confirmation.
- 3.15 After dealing with the complaint, the DPA must inform the complainant and parties involved in writing of their findings.
- 3.16 Should the Executive Board confirm that the complaint is valid:
 - 3.16.1 the certification of the plant material or graft combination involved must be withdrawn;
 - 3.16.2 the Department of Agriculture, Forestry and Fisheries must be notified via the Registrar of Plant Improvement, Directorate Plant Production, Private Bag X250, Pretoria, 0001, or Room 358, Harvest House, 30 Hamilton Road Arcadia, Pretoria; and
 - 3.16.3 the name of the nurseryman / PIO concerned may be published in the Government Gazette.
- 3.17 In instances where a transgression of the Plant Improvement Act or any other Act occurred, further actions or lawful pursuits may be instituted.
- 3.18 Should the finding show that the complaint was not due to phytosanitary or physical shortcomings of the nursery trees or plant material, the Executive Board may decide that the complainant will be responsible for the cost of the investigation and the laboratory analyses.
- 3.19 Should the complainant not accept the findings of the DPA, he will be entitled to lodge an appeal to the Minister of Agriculture, Forestry and Fisheries.

- 3.20 Should the finding show that a transgression occurred, the procedure for action against transgressors as prescribed in **DPA G-1-1** “Actions in the case of deviations” will be followed.