



March
2021

Improving agricultural export legislation

Plant rules – overview of changes for authorised officers



Changes for plant export authorised officers

If you are an AO before the commencement of the new legislation, your appointment and associated job functions will automatically transition. The expiry date of your appointment will not change.

You will be provided with an updated instrument of appointment that captures your existing job functions and includes the references to your relevant legislative powers under the Act and plant rules. Updated instruments will be available through individual AO profiles in the Plant Export Management System ([PEMS](#)) by 29 March 2021.

The way your powers and functions are expressed in the legislation has changed. For example, an ‘export compliance inspection’ is now an ‘assessment of goods’. However, you must continue to follow instructional material when performing your functions. Instructional material is available on the Plant Export Operations Manual ([PEOM](#)).

Instructional material has been updated for the commencement of the new legislation. The changes to processes in the instructional material are minimal. For a summary of changes to instructional material see the additional [AOs factsheets](#).

Updated instructional material is being published progressively on the PEOM. You should familiarise yourself with this updated material before the new export legislation commences. You must not follow the updated instructional material until 28 March 2021.

Updated eLearning will be made available to you through Learnhub. You can undertake the new eLearning at any time, but you must complete it before your reappointment.

Key points

- On 28 March 2021, Australia’s export legislation is changing.
- The new legislation will continue to achieve the regulatory outcomes expected by our trading partners. It will also be easier to understand and use.
- The new legislation looks different, but it is not designed to add regulatory burden or change how industry do business in the short term.
- It will support Australia’s plant agricultural industries to innovate and pursue opportunities for efficiency.
- The new export legislation consists of the *Export Control Act 2020* and the *Export Control Rules 2021*.
- The *Export Control (Plants and Plant Products) Rules 2021* (plant rules) will set the specific requirements for the export of plants and plant products.
- The regulation of authorised officers (AOs) is covered in Part 4 of Chapter 9 of the *Export Control Act 2020* and the plant rules.

Updated terms and conditions of AO appointment

From 28 March 2021 there will be no Deed of Obligation for new AOs and existing deeds will expire. From 28 March 2021, all existing AOs and new AO candidates must agree to the updated terms and conditions of appointment. You will be prompted to agree to these when you first access PEMS after the new legislation commences.

The new terms and conditions reflect the responsibilities and behaviours expected of all AOs. These were previously in the Deed of Obligation. If AOs fail to meet the terms and conditions and expected behaviours, their appointment could be varied, suspended or revoked.

Transitioning inspections and inspection records

Manual inspection records

ECRs, CARs and BVAR (inspection records) for inspections completed before the new legislation commences must be completed (signed and dated) by 3 am AEDT on 28 March 2021.

If you have an inspection underway when the new legislation commences and you complete the inspection after 3 am AEDT on 28 March 2021, you must use the new inspection record templates. New manual inspection record templates are available on the [PEOM](#).

PEMS inspection records

You must ensure any open inspections are completed and submitted in PEMS prior to 3 am AEDT on 28 March 2021 where possible.

Any inspections that are underway when the new export legislation commences, and that you complete in PEMS after 3 am AEDT on 28 March 2021, will automatically populate into the new inspection record templates.

New AO candidates

AO candidates who are currently undergoing training and are not yet appointed must complete the updated Plant Export Essential eLearning course. The department will enrol you in the updated eLearning.

Further information

- Email plantexportreform@awe.gov.au
- Web awe.gov.au/new-plant-export-legislation
- [Plant Export Operations Manual](#)

