



Departmental Policy

Management of third-party plant exports authorised officers

Direction to staff

You must comply with this instructional material under the Practice Statement Framework.

Direction to authorised officers

Authorised officers must exercise powers and perform functions in accordance with any lawful directions or instructions issued by the department.

Direction to industry

This document outlines the requirements for the management of plant exports authorised officers. All parties with roles and responsibilities explicit in this guideline and legislation must comply with it.

Purpose of this document

This document describes the policy relating to the appointment and management of third-party plant export authorised officers (AO), including:

- the functions that can be performed by AOs
- terms and conditions that apply to being an AO
- application requirements
- training requirements
- assessment requirements
- appointment requirements
- ongoing support for AOs
- audit requirements
- reinstatement of appointment requirements
- variation, suspension and revocation of appointments.

In this document

This document contains the following topics.

Purpose of this document.....	1
Definitions.....	4
What is an AO?.....	5
What terms and conditions apply to an AO?.....	6
Application requirements	6

Who can apply to become an AO?.....	6
Commonwealth, State or Territory government officers	6
How can a person apply to become an AO?	6
What information needs to be provided with an application?	7
What are the fees and charges?	7
What is a fit and proper person (FPP) test?.....	7
Training	7
eLearning.....	8
Facilitated training	8
How can a person request facilitated training?.....	8
Who can deliver facilitated training?.....	8
Who can facilitated training be delivered to?	8
How is facilitated training delivered?	8
Where is facilitated training delivered?.....	9
Assessment	9
What are the assessment types?	9
Initial assessment.....	9
Partial assessment	9
Partial reassessment	9
Full reassessment.....	10
What are the assessment outcomes?.....	10
Competent (C).....	10
Not Yet Competent Level 2 (NYC2)	10
Not Yet Competent Level 1 (NYC1)	10
Withdrawn (WD)	10
Individual learning plans	11
What are the assessment principles?	11
What are the competency standards and criteria?	11
How can a person apply for assessment?.....	11
Who can conduct assessments?	11
Who can assessments be conducted for?	11
How are assessments conducted?.....	11
Where are assessments conducted?	12
Initial assessment, partial assessment and full reassessment.....	12
Partial reassessment	12
How can an AO candidate prepare for assessment?	12
Appointment.....	12
Conducting Inspections.....	13
Ongoing support for AOs	13
Regional assurance managers.....	13
Authorised officer hotline	13
Plant export training mailbox	13
Audit.....	14
Variations, suspensions and revocations of appointment.....	14

Voluntary variations.....	14
Add job functions	14
Remove job functions	14
Change name	14
Reappointment	15
Voluntary suspensions.....	15
Voluntary revocations.....	15
Withdrawing from the AO model	15
Department-initiated variations, suspension and revocations	15
When is a show cause notice required?	16
Reinstatement of expired or withdrawn AO appointments.....	16
Application for reinstatement requirements.....	16
Fees and charges.....	16
Prior training	17
Corrective action requests.....	17
Assurance activities.....	17
Knowledge assessment.....	17
Facilitated training and assessment.....	17
Directions to AOs	17
Review of decisions.....	17
Requirements of employers.....	18
Legislative framework.....	18
Roles and responsibilities	19
Related material.....	20
Contact information	21
Document information	21
Version history	21

Definitions

The following table defines terms used in this document.

Term	Definition
Authorised Officer (AO)	A person authorised under section 291 of the <i>Export Control Act 2020</i> to be an AO. The AO may exercise powers and functions conferred on them through an instrument of authorisation. Note: An authorised officer may be a Commonwealth, State or Territory government officer, or third-party individual.
AO Candidate	A person who has made an application under section 291(4) of the <i>Export Control Act 2020</i> to be an AO.
Authorised Officer Program (AOP)	AOP manages the plant export AO model from application through to appointment and provides ongoing support to AOs. The program develops, maintains and delivers instructional, training and assessment material and provides on the ground support to AOs via Regional Assurance Managers.
Competency assessment	The process of collecting evidence and making judgements as to whether the competency standards of a job function have been demonstrated, to confirm that an AO candidate can perform to the standard required to exercise the powers and functions conferred on them through an instrument of authorisation.
Delegations	Powers given by legislation to the Secretary (or Minister). These powers can and are delegated to officers in the department.
eLearning	An electronic, interactive, learning tool.
Facilitated training	Training delivered by a Plant Export Assessor (PEA) to provide the AO candidates with the practical skills and theoretical knowledge to carry out job functions through observation and direct instruction.
Instrument of Appointment	This document appoints a person appointed as an AO under Section 291 of the <i>Export Control Act 2020</i> and provides them with the necessary powers under the Export Control (Plants and Plant Products) Rules 2021 to undertake the tasks required of them as an AO.
Internal reviewer	The person who holds a delegation to review a reviewable decision under section 383 of the <i>Export Control Act 2020</i> , who was not involved in making the decision, and who occupies a position senior to the person who made the decision.
Job function	A group of powers and functions an AO may have conferred on them through an instrument of authorisation. Some job functions also have commodity group or inspection technique attachments.
Plant Export Assessor (PEA)	A regionally-based department officer with a Certificate IV in Training and Assessment, diploma or higher level qualification in adult education, responsible for training and assessing AOs and AO candidates.

Term	Definition
Plant Exports Management System (PEMS)	An IT system that is used by the Department of Agriculture, Water and the Environment, to capture and store information relating to the export of plants and plant products from Australia.
Plant Export Operations Manual (PEOM)	A webpage maintained by the department that outlines the policy and processes for exporting plants and plant products from Australia. It also lists instructional material, forms and user guides related to the export certification process.
Regional Assurance Manager (RAM)	A regionally-based department officer responsible for providing support to external AOs and their employer.
Registered Establishment	An establishment that is registered under chapter 4 of the <i>Export Control Act 2020</i> for a kind of export operations in relation to a kind of prescribed plants or plant products.
Third-party AO	<p>A person authorised under section 291 of the <i>Export Control Act 2020</i> to be an AO who is <u>not</u> a Commonwealth, State or Territory government officer.</p> <p>Examples of third-party AOs individuals include, but are not limited to:</p> <ul style="list-style-type: none"> • employees of registered establishments • employees of an exporter • self-employed individuals/sole traders. <p>Important: For the purposes of this policy, the term ‘AO’ is used in reference to third-party AOs.</p>

What is an AO?

- AOs are individuals, trained and assessed by the Department of Agriculture, Water and the Environment, who are appointed as Australian Government officials under section 291 of the *Export Control Act 2020*.
- Appointed AOs can perform a range of plant export job functions on behalf of the department, including
 - BVI3001: Export inspection of empty bulk vessels
 - ECI3001: Export inspection of empty containers
 - FOP3001: Export inspection of woodchips
 - FOP3002: Export inspection of logs
 - FOP3003: Export inspection of processed forest products
 - HAS3001: Export inspection of hay and straw
 - HOR3002: Export inspection of fruit and vegetables
 - HEP4001: Export inspection of horticulture protocol
 - PGG3001: Export inspection of prescribed grain and plant products
 - GSEP4001: Export inspection of prescribed grain and plant products protocol
 - RBC3001: Export inspection of raw baled cotton
 - TRE3001:1 Export phytosanitary treatment – in-transit cold treatment
 - TRE3001:2 Export phytosanitary treatment – onshore cold treatment
 - TRE3001:3 Export phytosanitary treatment – vapour heat treatment

This is a CONTROLLED document. Any documents appearing in paper form are not controlled and should be checked against the IML version prior to use.

Refer to the Reference: [Table of Authorised Officer job functions](#) for further information.

What terms and conditions apply to an AO?

When exercising powers and performing functions under the *Export Control Act 2020* an AO must:

- behave honestly and with integrity and impartiality
- act with care and diligence
- treat everyone with respect and courtesy, and without harassment
- only exercise powers and functions for which they have been appointed
- comply with all applicable Australian laws
- comply with any lawful and reasonable direction given by someone in the Commonwealth who has authority to give the direction
- comply with all relevant instructional material published by the Commonwealth
- maintain currency of skills by attending training as directed by the Commonwealth
- be available for assurance and audit visits by the Commonwealth
- notify the Commonwealth of any observed fraudulent practices or the provision of false and misleading formation in relation to the export of plants and plant products from Australia
- notify the Commonwealth of any persons applying undue influence, harassment or offers of bribery
- ensure the payment of all debts due to the Commonwealth
- maintain correct contact details and notify the Commonwealth of any change in circumstances, including
 - conflicts of interest that may arise or have arisen
 - conviction of an offence under Commonwealth, State or Territory law
 - an order to pay pecuniary penalty
 - the existence of outstanding debts due to the Commonwealth
 - a change in the conditions which permit the AO to work in Australia
- behave in a way that upholds the integrity and good reputation of the Commonwealth and do not do anything that would cause harm to the Commonwealth's interests or reputation
- comply with the *Privacy Act 1988*, including protecting and not inappropriately using or disclosing commercial in confidence information of clients and businesses.

Application requirements

Who can apply to become an AO?

Any person can apply to become an AO. Examples of third-party AOs include, but are not limited to:

- employees of registered establishments
- employees of an exporter
- self-employed individuals/sole traders.

Commonwealth, State of Territory government officers

A person cannot be engaged as a third-party AO while employed by a Commonwealth, State or Territory department.

How can a person apply to become an AO?

Persons wanting to become an AO must make an application under section 291(4) of the *Export Control Act 2020*.

AO candidates must complete an online application through the PEMS following the procedure outlined in the Work Instruction: [Applying to become an Authorised Officer using the Plant Exports Management System](#).

What information needs to be provided with an application?

All applications must be accompanied by:

- [100 points of identification](#)—one primary, and one containing a photograph
- National Police Check that is no more than 12 months old.
Note: This can be done through the [Australian Federal Police](#) or through a number of other [providers](#).

BVI3001: Export inspection of empty bulk vessels

- Applications for BVI3001: *Export inspection of empty bulk vessels* must also provide evidence that the AO candidate has attained the following nationally recognized accreditations
 - RIIWHS204D – Work safely at heights or equivalent (valid for two years from date of attainment)
 - DEFWHS010 – Identifying a confined space or equivalent (valid for two years from date of attainment)
 - HLTAID003 – Provide first aid or equivalent (valid for three years from date of attainment).
- AO candidates must undergo a medical assessment and obtain a report testifying to the candidate’s suitability to work on a bulk vessel (valid for one year from the date of attainment).
- AO candidates wishing to inspect empty bulk vessels at protected anchorage must also submit a [declaration of boarding experience](#) testifying to their ability to undertake export inspection of empty bulk vessel at protected anchorage.

What are the fees and charges?

The following fees and charges are incurred by an AO candidate/AO:

- application fee
- learning and assessment fee
- instrument of appointment fee (also referred to as the ‘approval fee’)
- annual charge (also referred to as the ‘annual levy’)
- audit fees.

Note: Further information about AO [fees and charges](#) is available on the department’s website.

What is a fit and proper person (FPP) test?

For the purposes of paragraph 291(7)(c) of the *Export Control Act 2020*, AOs must be fit and proper persons. Section 372 of the *Export Control Act 2020* sets out the elements the department considers in an FPP test, and includes the consideration of any overdue debt an applicant has to the department.

Training

In accordance with the Export Control (Training and Qualification Requirements) Determination 2021, for the purposes of paragraph 291(9) of the *Export Control Act 2020* AOs must complete a training program that includes the following topics:

- export control legislation
- good decision making.

eLearning

AO candidates must complete an eLearning program. The eLearning introduces important concepts relating to the export of plants and plant products from Australia. The interactive courses are based on scenarios that AOs encounter while performing a job function.

The eLearning is available online through the department's learning management system and can be completed by the AO candidate in their own time and at their own pace; and can be accessed repeatedly.

AO candidates must:

- complete all eLearning courses prior to requesting assessment
- correctly answer all questions in the knowledge assessments.

Notes:

- It is strongly recommended that AO candidates complete their eLearning before they progress to facilitated training.
- The knowledge assessments can be re-attempted until the 100% pass mark is achieved.

Facilitated training

AO candidates must attend a facilitated training session for each of their nominated job functions.

Facilitated training equips AO candidates with the practical skills and knowledge required to competently carry out job functions in accordance with relevant legislative and departmental requirements.

Note: Although completion of the relevant eLearning programs for each job function is not a pre-requisite for facilitated training, it is strongly recommended that AO candidates complete eLearning before requesting facilitated training.

How can a person request facilitated training?

AO candidates ready to receive facilitated training in their chosen AO job function/s must lodge their request online through [PEMS](#) following the procedure outlined in the Work Instruction: [Requesting Authorised Officer training using the Plant Exports Management System](#).

Important: AO candidates must only complete the training request if they are ready to be trained.

Who can deliver facilitated training?

Facilitated training of AO candidates must be delivered by a PEA.

Who can facilitated training be delivered to?

Facilitated training must only be delivered:

- to AO candidates with a valid training request lodged in PEMS
 - Important:** AO candidates must supply photographic identification upon attending a facilitated training session.
- in the job function/s listed against the AO candidate's name in PEMS.

How is facilitated training delivered?

- Facilitated training must be delivered
 - at the job function level; that is, all commodity types and inspection techniques requested by the AO candidate will be covered in a single training session, where practical.
 - in a face-to-face format
 - or
 - virtually using Microsoft Teams or similar.

- Facilitated training can be provided in either one-on-one or in group sessions.

Where is facilitated training delivered?

- BVI3001 theoretical training may be delivered at a location of the candidate's choosing, in consultation with a PEA.
- BVI3001 practical training must be delivered on board an empty bulk vessel, to be arranged by the candidate.
- ECI3001 training must be delivered at a registered establishment, container yard, wharf or other suitable site; to be arranged by the candidate.
- The following facilitated training may be delivered at a location of the candidate's choosing, in consultation with a PEA
 - FOP3001
 - FOP3002
 - FOP3003
 - HAS3001
 - HOR3002
 - HEP4001
 - PGG3001
 - GSEP4001
 - RBC3001
 - TRE3001

Note: HEP4001 and GSEP4001 training does not have a practical component.

Important:

- For ECI3001, there must be access to an empty container at the training location. This must be arranged by the AO candidate.
- For FOP3001, FOP3002, FOP3003, HAS3001, HOR3002, PGG3001, RBC3001 there must be access to commodity samples. This must be arranged by the AO candidate in consultation with the PEA.

Assessment

What are the assessment types?

Initial assessment

During an initial assessment, the PEA assesses the AO candidate against all competency standards and criteria listed in the assessment tool related to the job function commodity type/s and inspection technique/s being assessed.

Partial assessment

An AO candidate may be eligible for partial assessment if:

- they have previously received a competent assessment result in an initial assessment for another job function or job function commodity type/inspection technique
- their initial assessment could not be completed, due to reasons outside the control of the AO candidate and/or the PEA.

During a partial assessment, the PEA only assesses the AO candidate against competency standards and criteria not assessed during the initial assessment.

Partial reassessment

A partial reassessment must be conducted for AOs who previously received an initial assessment, partial assessment or full reassessment result of '[Not Yet Competent Level 2](#)' (NYC2).

During a partial reassessment, the PEA only assesses the AO candidate against competency standards and criteria assessed as NYC2 during their initial assessment, partial assessment or full reassessment. Competency standards and criteria assessed as competent do not need to be reassessed.

Full reassessment

A full reassessment must be conducted for AOs who:

- previously received an assessment result of '[Not Yet Competent Level 1](#)' (NYC1) or
- [withdrew](#) from the assessment.

During a full reassessment, the PEA assesses the AO candidate against all competency standards and criteria listed in the assessment tool related to the job function commodity type/s and inspection technique/s being assessed.

What are the assessment outcomes?

Competent (C)

To be deemed 'competent', an AO candidate must:

- demonstrate the required knowledge, skills and attitude to meet each of the competency standards
- be technically correct in all evidence put forward in the practical and theoretical elements of the assessment

Not Yet Competent Level 2 (NYC2)

An AO candidate must receive an 'NYC2' assessment result when they are able to demonstrate the required knowledge, skills and attitude to meet **most** of the competency standards, but not **all**. An NYC2 outcome indicates that there is a small gap that can be rectified without further training.

AO candidates who receive an NYC2 result may be [partially reassessed](#) in the areas that they were deemed not yet competent.

Not Yet Competent Level 1 (NYC1)

An AO candidate must receive an 'NYC1' assessment result when they are **not** able to demonstrate the required knowledge, skills and attitude to meet **most** of the competency standards. An NYC1 outcome indicates that there is a large gap that cannot be rectified without further training.

AO candidates who receive an NYC1 result must receive additional training prior to being eligible for a [full reassessment](#).

Important: An '[additional learning and assessment fee](#)' will apply if the AO candidate chooses to receive additional training and reattempt assessment. Alternatively, the AO candidate may choose to withdraw their application at no further cost.

Withdrawn (WD)

An AO candidate must receive a 'withdrawn' assessment result when they have agreed to proceed with an assessment but decide not to finish the assessment at any time during the assessment.

AO candidates who withdraw from assessment must receive additional training prior to being eligible for a [full reassessment](#).

Important:

- This excludes circumstances where the assessment has started, but cannot be completed due to reasons outside the control of the AO candidate and/or the PEA. In this circumstance a [partial assessment](#) is conducted.

- An '[additional learning and assessment fee](#)' will apply if the AO candidate chooses to be retrained and reassessed. Alternatively, the AO candidate may choose to withdraw their application at no further cost.

Individual learning plans

When an AO candidate receives an NYC2, NYC1 or withdrawn assessment result the PEA will provide the candidate with an individual learning plan (ILP) that:

- indicates where the AO failed to demonstrate competency against the competency standards and criteria.
- outlines specific training needs of the AO candidate to prepare for reassessment.

What are the assessment principles?

AO assessments must be conducted in accordance with the [Australian Skills Quality Authority's Principles of Assessment](#) and [Rules of Evidence](#) as outlined in Clauses 1.8 to 1.11 of the Standards for Registered Training Organisations (RTOs) 2015.

Important: Clause 1.12, recognition of prior learning, is not offered.

What are the competency standards and criteria?

The competency standards and criteria are documented in the candidate advice for each job function.

Refer to the [Job functions for Authorised Officers](#) webpage.

How can a person apply for assessment?

AO candidates ready to be assessed in their chosen AO job function/s must lodge their request online through [PEMS](#) following the procedure outlined in the Work Instruction: [Requesting Authorised Officer assessment using the Plant Exports Management System](#).

Who can conduct assessments?

AO candidate assessments must be conducted by a PEA.

Who can assessments be conducted for?

Assessments must only be conducted:

- for AO candidates who have successfully completed eLearning
- for AO candidates who have successfully completed facilitated training
- for AO candidates with a valid assessment request lodged in PEMS
- for the job function/s listed against the AO candidate's name in PEMS.

Important: AO candidates must supply photographic identification when attending competency assessment.

How are assessments conducted?

- Assessments must be conducted:
 - in a one-on-one session
 - in a face-to-face format
 - or
 - virtually using Microsoft Teams or similar, if necessary.
- The PEA will assess the AO candidate's competency through a combination of question and answer and observation of on-the-job activities or in re-created scenarios.
- The AO candidate must demonstrate they have the knowledge, skills and attitude to be an AO.

Where are assessments conducted?

Initial assessment, partial assessment and full reassessment

- BVI3001 theoretical assessment may be conducted at a location of the candidate's choosing in consultation with the PEA.
- BVI3001 practical assessment must be conducted on board an empty bulk vessel, to be arranged by the candidate.
- ECI3001 assessments must be conducted at an export registered establishment, container yard, wharf or other suitable site; to be arranged by the candidate.
- FOP3001, FOP3002 and FOP3003 must be conducted at a registered establishment registered for packing/inspection forest products, to be arranged by the candidate.
- HAS3001 assessments must be conducted at a registered establishment registered for packing/inspecting fodder, to be arranged by the candidate.
- HOR3002 assessments must be conducted at a registered establishment registered for inspecting fresh/dried fruit, vegetables, cut flowers or nursery stock, to be arranged by the candidate.
- HEP4001 assessments may be conducted at a location of the candidate's choosing in consultation with the PEA.
- PGG3001 assessments must be conducted at a registered establishment registered for packing/inspecting grain and seed, nuts or processed plant products to be arranged by the candidate.
- GSEP4001 assessments may be conducted at a location of the candidate's choosing in consultation with the PEA.
- RBC3001 assessments must be conducted at a registered establishment registered for packing/inspecting cotton, to be arranged by the candidate.
- TRE3001 assessments must be conducted at a registered establishment registered for the required treatment function (in-transit cold treatment, onshore cold treatment or vapour heat treatment), to be arranged by the candidate.

Important:

- For ECI3001, there must be access to an empty container at the assessment location. This must be arranged by the AO candidate.
- For FOP3001, FOP3002, FOP3003, HAS3001, HOR3002, PGG3001, RBC3001 there must be access to commodity samples. This must be arranged by the AO candidate in consultation with the PEA.

Partial reassessment

Partial reassessments may be conducted at a location of the candidate's choosing in consultation with the PEA.

How can an AO candidate prepare for assessment?

To prepare for an assessment the AO candidate should read the:

- candidate advice for the relevant job function
- relevant instructional material.

Appointment

- AO candidates who receive a 'competent' assessment result are eligible for appointment under section 291 of the *Export Control Act 2020*.

- An AO candidate must request an Instrument of Appointment (IoA) through [PEMS](#) following the instructions outlined in the Work Instruction: [Requesting an AO Instrument of Appointment through the Plant Exports Management System](#).
- The AO candidate must be issued an IoA, which outlines the powers and functions that they can lawfully exercise/perform under the *Export Control Act 2020*.
Note: Once an IoA has been issued to an AO candidate they are considered an ‘appointed’ AO and can start conducting inspections from the date of their appointment.
- An AO appointment under section 291 of the *Export Control Act 2020* is valid for a period of 2 years.
- The BVI3001: *Export inspection of empty bulk vessels* expires when the first prerequisite expires. AOs must renew their prerequisite qualifications to maintain their BVI3001: *Export inspection of empty bulk vessels* appointment.

Conducting Inspections

When exercising powers and performing functions under the *Export Control Act 2020* an AO must:

- comply with any lawful directions or instructions issued by the department
- comply with the [terms and conditions](#) of their appointment
- abide by the specific powers afforded to them by the IoA
- conduct their inspections or supervise treatments in accordance with the instructional material related to the task being undertaken published on the [PEOM](#)
Important: Instructional material is subject to change and AOs must use the most up to date version.
- make a record of their inspection or treatment supervision on an approved record in accordance with the Work Instruction: [Completing plant export inspection and treatment records](#).

Ongoing support for AOs

Regional assurance managers

AOs receive ongoing support from their local RAM. RAMs act as a point of contact between AOs, their employers and the department. Through regular onsite visits and phone calls, the RAMs:

- help AOs understand and adhere to plant export policies
- support engagement with the department
- seek views from companies about how export regulations affect their business model
- seek advice on how the role of the AO is managed and supported within companies
- provide industry feedback to the appropriate departmental program areas for action or comment and respond as required.

Refer to the [RAM webpage](#) for more information on RAMs and their visits.

Authorised officer hotline

AOs have access to the AO Hotline **1800 851 305**. AOs can call the AO hotline if they need assistance with an inspection, their appointment or have a general plant export query.

Plant export training mailbox

AOs can email the AOP at PlantExportTraining@agriculture.gov.au. AOs can email this mailbox at any time, if they need assistance with an inspection, their appointment or have a general plant export query.

Audit

- AOs must participate in regular auditing by the department.
- AOs must be audited
 - against performance standards outlined in the Reference: [Authorised officer audit performance standards](#)
 - in accordance with the policy and process outlined in the Guideline: [Audit of Plant Export Authorised Officers](#).

Note: The overarching audit framework and principles for plant export operations are outlined in the Guideline: [Audit of plant export operations](#).

Variations, suspensions and revocations of appointment

Provisions relevant to the variations, suspensions and revocations of the functions performed and powers exercised by AOs are outlined in sections 295, 296, 297, 298 and 299 of the *Export Control Act 2020*.

Variations, suspensions and revocations may be:

- [voluntary](#), that is, requested by the AO
- [department-initiated](#) where an AO fails to meet any of the terms and conditions of their appointment as outlined in legislation, this Guideline and the Reference: [Authorised officer audit performance standards](#).

Voluntary variations

- A decision to vary an AO's appointment may be made if an AO requests to
 - add job functions to their appointment
 - remove job functions from their appointment
 - change their name
 - be reappointed for a further 2 years.
- Voluntary requests for variation of an AO appointment may be refused by the department.

Refer to section 295 of the *Export Control Act 2020* for the full variation requirements.

Add job functions

If an AO wishes to be appointed in another job function/s, they must make an application to vary their appointment to add additional powers and functions under section 298A of the *Export Control Act 2020*.

The AO must lodge their application online through [PEMS](#) following the procedure outlined in the Work Instruction: [Requesting additional job functions in the Plant Exports Management System](#).

Remove job functions

If an AO wishes to remove a job function from their appointment they must make an application to vary their appointment under section 298A of the *Export Control Act 2020*.

To remove a job function from their appointment the AO must complete an [Authorised officer change of job function/s form](#) and submit it to [AOP](#).

Change name

If an AO wishes to change their name, they must make an application to vary their appointment under section 298A of the *Export Control Act 2020*.

To request a name change the AO must complete an [Authorised officer update details form](#) and submit it to [AOP](#).

Reappointment

An AO appointment under section 291 of the *Export Control Act 2020* is valid for a period of 2 years. After this time, an application for variation to extend the expiry date of appointment under section 298A of the *Export Control Act 2020* must be made.

The AO must lodge their reappointment application online through [PEMS](#) following the procedure outlined in the Work Instruction: [Requesting reappointment using the Plant Exports Management System](#).

Notes:

- An application for variation to extend the expiry date of appointment under section 298A of the *Export Control Act 2020* is not required to renew BVI3001: *Export inspection of empty bulk vessels* is prerequisites.
- An approval fee applies to AO reappointments.

Voluntary suspensions

A decision to suspend an AO's appointment must be made if an AO [requests](#) a voluntary suspension. Voluntary requests for suspension cannot be refused by the department.

Refer to section 296 of the *Export Control Act 2020* for the full suspension requirements.

Voluntary revocations

A decision to revoke an AO's appointment must be made if an AO requests to withdraw from the AO model. Voluntary requests for revocation cannot be refused by the department.

Refer to section 297 of the *Export Control Act 2020* for the full revocation requirements.

Withdrawing from the AO model

In accordance with subsection 298D (1) of the *Export Control Act 2020* an AO can withdraw from the AO model at any time.

To withdraw from the AO model the AO must complete an [Authorised officer withdrawal form](#) and submit it to [AOP](#).

Notes:

- An AO who withdraws from the AO model will no longer be appointed under section 291 of the *Export Control Act 2020*.
- AOs appointed on 1 July will be charged the annual levy in accordance with the Export Charges (Imposition—Customs) Regulations 2021.

Department-initiated variations, suspension and revocations

Some scenarios that may trigger a department-initiated variation, suspension or revocation include, but are not limited to, where an AO has:

- become uncontactable
- failed to pay annual levy or other dept owed to the department
- failed to comply with the terms and conditions of their appointment
- failed to meet departmental audit requirements
- failed to comply with a legislative undertaking
- been convicted of a serious offence
- been involved in fraud-related activity
- breached a condition of their appointment under legislation
- misused their powers and delegations specified under the legislation

- failed to make themselves available for audit
- failed to comply with record keeping requirements
- failed to comply with instructional material when perform functions or exercising powers
- failed to declare a conflict of interest, pecuniary or otherwise
- provided false and misleading information to the department
- failed to comply with a direction from the department

Important: A decision to vary, suspend or revoke an AO appointment under sections 295, 296, 297 and 298 of the *Export Control Act 2020* is a reviewable decision.

When is a show cause notice required?

The department cannot vary, suspend or revoke an AO's appointment unless:

- the action is [voluntary](#), that is, requested by the AO
or
- the Secretary (or a delegate of the Secretary) has given written notice to the person (show cause notice)
or
- the delegate reasonably believes the need for the action is serious and urgent and must be taken immediately.

Note: The AO still has the right to request review of the decision under the review processes set out in the *Export Control Act 2020*.

Refer to section 298 of the *Export Control Act 2020* for the full show cause notice requirements.

Reinstatement of expired or withdrawn AO appointments

AO candidates who were previously appointed as an AO, but either withdrew or allowed their appointment to expire may be able to have their appointment reinstated.

AO candidates wanting to be reinstated as an AO must make an application under section 291(4) of the *Export Control Act 2020*.

Application for reinstatement requirements

- AO candidates wanting to be reinstated as an AO must complete the Reference: [Application to be reinstated as a plant export authorised officer](#) and submit it to [AOP](#).
- AO candidates can only apply to become reinstated in the [job function/s](#) that they held previously.
- AO candidates will be subject to an [FPP](#) test.
- Applications must be accompanied by the [required information](#).

Fees and charges

- The following fees and charges may be incurred as part of an application to become reinstated as an AO
 - application fee
 - approval fee.
- A 'learning and assessment' fee will be charged if the candidate applying to become reinstated as an AO candidate is required to attend facilitated training and assessment.
- An annual levy will be charged if a candidate with a withdrawn AO appointment had an appointment expiry date that has not yet been reached and they were not appointed on 1 July.

Prior training

AO candidates applying to become reinstated as an AO who did not receive facilitated training for their original appointment must attend facilitated training and assessment.

Corrective action requests

The delegate must take into consideration the following with regards to CARs received by the AO candidate applying to become reinstated as an AO during their appointment:

- number of CARs received
- type of non-compliance identified
- seriousness of the CAR/s.

Assurance activities

In determining whether the AO candidate is required to complete an assurance activity, and what assurance activity is appropriate, the delegate must take into consideration when the AO candidate last conducted an inspection.

AO candidates who last conducted an inspection:

- less than 12 months ago, may have their AO appointment reinstated without the requirement to undertake an assurance activity
- 12 months to 2 years ago, may complete a self-assessment checklist, which will indicate whether sitting a [knowledge assessment](#) or attending [facilitated training and assessment](#) is the better option for them
- more than 2 years ago, must attend [facilitated training and assessment](#).

Knowledge assessment

The knowledge assessment comprises a series of true/false, multiple choice and short-answer questions to assess whether an AO candidate has retained the skills and knowledge to be reinstated as an AO.

- All questions must be answered correctly in order to pass.
- If the AO candidate does not pass the knowledge assessment, they must attend facilitated training and assessment.

Facilitated training and assessment

[Facilitated training](#) and [assessment](#) must be conducted in accordance with the requirements of this policy.

Directions to AOs

In cases of non-compliance, or where the department lacks assurance that the AO has the required skills and knowledge, an AO may be directed to cease carrying out export inspections.

Note: directions powers for AOs are only delegated to departmental staff under section 301 of the *Export Control Act 2020*.

Review of decisions

The department accepts that on occasion adverse decisions may be subject to dispute. In these circumstances the department recognises the right of the AO/AO candidate to appeal or seek review of a decision to:

- refuse to authorise a person to be an AO
- authorise a person to be an AO subject to additional conditions

- vary the functions or powers that an AO may perform or exercise
- vary the conditions to which the authorisation of a person as an AO is subject
- shorten the period of effect of the authorisation of a person as an AO
- specify a period of effect of the authorisation of a person as an AO
- suspend the authorisation of a person as an AO
- extend the period of a suspension of the authorisation of a person as an AO
- revoke the authorisation of a person as an AO
- refuse to make a variation in relation to a person's authorisation as an AO.

The appeals mechanism is staged with appeals being considered in the following order:

1. appeal to the delegate (where they did not make the initial decision), otherwise the appeal will be given to an independent internal reviewer within the department who has the required delegation to consider the initial decision and the request for internal review
2. external review under the provisions of the *Administrative Decisions (Judicial Review) Act 1977* or the ombudsman.

Note: The onus is on the AO/AO candidate to provide either objective evidence or proof of extenuating circumstance as to why they believe that the adverse findings are incorrect.

Requirements of employers

Although employers of an AO/AO candidate will not be directly involved in the AO process, they can support their staff by:

- allowing their staff to decide if they want to become an AO, and when they are ready to be trained and assessed
- providing them access to a computer with an internet connection so they can complete their eLearning
- allowing them time to complete their eLearning during work hours
- allowing them time within their workday to attend facilitated training
- making sure they are ready for assessment and do not feel pressured to be assessed when they are not yet confident
- providing a supportive environment that allows appropriate time and resources for AOs to
 - learn and become confident in their role
 - perform their functions
 - make independent export compliance decisions.

Legislative framework

The following list outlines the legislation that applies to the management of third-party plant exports AOs:

- *Export Control Act 2020*
- Export Control (Plants and Plant Product) Rules 2021
- Export Control (Fees and Payments) Rules 2021
- Export Charges (Imposition—Customs) Regulations 2021
- *Privacy Act 1988*
- *Public Service Act 1999*
- *Work Health and Safety Act 2011.*

Roles and responsibilities

The following table outlines the roles and responsibilities undertaken in this document.

Role	Responsibility
Audit and Assurance Branch	<ul style="list-style-type: none"> • Auditing AOs against the performance standards. • Referring adverse audit results to the Business Systems Program.
AO candidate	<ul style="list-style-type: none"> • Applying to become an AO through PEMS. • Attaching all the required documentation to their application. • Completing eLearning. • Requesting training through PEMS. • Attending facilitated training. • Paying fee and charges, where applicable. • Requesting assessment through PEMS. • Attending an assessment. • Applying to become reinstated as an AO. • Requesting an Instrument of Appointment.
AO	<ul style="list-style-type: none"> • Abiding by the terms and conditions of their appointment as outlined in legislation, this guideline and the Reference: Authorised officer audit performance standards. • Requesting reappointment through PEMS.
AOP	<ul style="list-style-type: none"> • Reviewing and processing AO applications. • Enrolling AO candidates into the eLearning. • Communicating application outcomes with clients. • Answering the AO Hotline. • Preparing briefs for, and making recommendations to, the delegate regarding decisions to vary, suspend or revoke AO appointments. • Administering the AO Model.
Business Systems Program	<ul style="list-style-type: none"> • Reviewing audit results and evidence of compliance/non-compliance for the purposes of making recommendations to the delegate to vary, suspend or revoke AO appointments. • Preparing briefs for, and making recommendations to, the delegate regarding decisions to vary, suspend or revoke AO appointments.

Role	Responsibility
Delegate	<ul style="list-style-type: none"> • Making a decision whether to appoint a person as an AO under Section 291 of the <i>Export Control Act 2020</i>. • Reviewing briefs for intentions to vary, suspend or revoke AO appointments. • Reviewing AO responses to the intention to vary, suspend or revoke their AO appointment. • Making a decision whether to vary, suspend or revoke an AO appointment under the <i>Export Control Act 2020</i>. • Notifying AOs of the decision whether to vary, suspend or revoke their appointment.
FPP team	<ul style="list-style-type: none"> • Assessing AO applications against fit and proper person criteria and providing advice to the delegate on the outcome of their assessment. • Checking for any outstanding debt owed to the Commonwealth for new applications during FPP assessment.
Grain and Seed Export Program	Reviewing audit results and evidence of compliance/non-compliance for the purposes of making recommendations to the delegate to vary, suspend or revoke AO appointments.
Horticulture Exports Program	Reviewing audit results and evidence of compliance/non-compliance for the purposes of making recommendations to the delegate to vary, suspend or revoke AO appointments.
Internal reviewer	<ul style="list-style-type: none"> • Review reviewable decisions, such as decisions to vary, suspend or revoke an AO's appointment. • Decide whether to affirm, vary or set aside the original decision, in an appeal.
PEA	<ul style="list-style-type: none"> • Organising and providing training for AO candidates. • Organising and conducting assessments for AO candidates.
RAM	<ul style="list-style-type: none"> • Providing ongoing support to AOs. • Conducting AO post-appointment and reappointment visits. • Answering client contact calls. • Answering the AO Hotline.

Related material

The following related material is available online:

- [Australian Federal Police](#)
- National Police Check [providers](#)
- [Points of identification](#)
- [Authorised Officer declaration of boarding experience](#)
- [Charging guidelines](#)
- [Australian Skills Quality Authority's Principles of Assessment](#)
- [Australian Skills Quality Authority's Rules of Evidence](#)
- [Job functions for Authorised Officers](#)

This is a CONTROLLED document. Any documents appearing in paper form are not controlled and should be checked against the IML version prior to use.

- [Regional Assurance Managers](#)
- [Plant Exports Management System \(PEMS\)](#)
- [Authorised Officers](#)
 - Work instruction: *Applying to become an Authorised Officer using the Plant Exports Management System*
 - Work instruction: *Requesting for Authorised Officer training using the Plant Exports Management System*
 - Work instruction: *Requesting Authorised Officer assessment using the Plant Exports Management System*
 - Work instruction: *Requesting an Instrument of Appointment using the Plant Exports Management System*
 - Work instruction: *Requesting additional job functions in the Plant Exports Management System*
 - *Authorised officer withdrawal form*
 - Reference: *Application to be reinstated as a plant export authorised officer Plant Export Operations Manual*
 - Reference: *Authorised officer audit performance standards*
 - Reference: *Table of Authorised Officer job functions*
 - Work Instruction: *Completing plant export inspection and treatment records*
 - Guideline: *Audit of Plant Export Authorised Officers*
 - Guideline: *Audit of plant export operations*

The following material is available on the [Instructional Material Library](#) for departmental staff:

- Work Instruction: *Processing a plant export Authorised Officer application*
- Work Instruction: *Preparing a fit and proper person report for the Export Control Act 2020.*
- Work Instruction: *Scheduling and delivering authorised officer training*
- Work Instruction: *Scheduling and conducting authorised officer assessments*

Contact information

- Authorised Officer Hotline: 1800 851 305
- Authorised Officer Program: PlantExportTraining@awe.gov.au.

Document information

The following table contains administrative metadata.

Instructional Material Library document ID	Instructional material owner
IMLS-9-5846	Director, Authorised Officer Program

Version history

The following table details the published date and amendment details for this document.

Version	Date	Amendment details
1	30/06/2022	First publication of this guideline.