



December 2021

Plant export legislation changes

Plant rules: Use of a video camera to record empty bulk vessel inspections

From 1 January 2022, all bulk vessel inspections (BVI) by third party authorised officers (AO) for export must be video recorded. Third party BVI AOs must record the inspection using video recording devices that can be worn or mounted on the face or head.

This factsheet provides information about this requirement. Further information is provided in bulk vessel inspection instructional material on the [Plant Export Operations Manual website](#).

Purpose of video recordings

We have had increasing reports of non-compliant practices by the shipping industry, BVI AOs and marine surveyors.

The video recording provides evidence on how BVI AOs perform inspections.

Our ability to reliably and routinely audit BVI AOs is constrained by unpredictable shipping schedules and work health and safety issues. This is particularly true for inspections at protected anchorages. We may request the video recording for audit purposes at any time, removing the need for in person demonstration audits.

We may also request the video recording for other regulatory purposes such as trace-back for overseas country consignment rejections, or to explore a possible Work Health and Safety incident.

Industry consultation

An industry-government working group proposed this solution Grain Trade Australia facilitated the group, which had members from industry and from Plant Export Operations. Issues discussed included work health and safety, liability and operational requirements. The proposed solution was endorsed by the Grain and Plant Product Export Industry Consultative Committee.

During May 2021, we contacted all BVI AOs via the Regional Assurance Manager (RAM) network to seek feedback on the proposed solution. We then undertook a 2-week preliminary consultation period from 30 August to 12 September 2021.

A further 30-day consultation period ran from 1 November to 30 November 2021 and included a national BVI AO forum for BVI AOs to learn more about the changes.

Pilot program

We conducted a pilot of BVI AOs carrying video recording devices for bulk vessel inspections in 2016. The pilot involved 8 BVI AOs performing inspections at protected anchorage. The video recordings were successfully used to audit inspection practices during the pilot.

A smaller trial conducted in 2020 achieved similar successful results. We currently have one BVI AO recording all their empty bulk vessel inspections and submitting footage to us for review.

Consent from the vessel master and crew

BVI AOs must advise the vessel owner, owner's agent and crew of the vessel that the inspection will be/is being recorded in accordance with requirements under export legislation.

BVI AOs have powers under the *Export Control (Plants and Plant Products) Rules 2021* (Plant Rules) to take video recordings and to take images as needed for the purpose of their inspection.

BVI AOs must:

- advise the vessel master and/or Chief officer (or other relevant Lead Crew Member (LCM)) of their obligation to video record the bulk vessel inspection
- advise that sound will not be recorded
- advise that any vessel crew not wishing to be inadvertently captured on the video recording should avoid being around the AO during the inspection
- withdraw themselves from the bulk vessel inspection if the vessel master and/or Chief officer (or other relevant LCM) withdraw consent to video record.

BVI AOs may also advise a vessel master and crew that information that is obtained for a purpose under the *Export Control Act 2020* (such as inspection of a bulk vessel) is protected information. It is subject to requirements under the *Privacy Act 1988* and the *Export Control Act 2020*. It may only be used or disclosed for a purpose under the *Export Control Act 2020* (e.g. request for audit of the BVI AO).

Purchasing video recording equipment

BVI AOs and/or their employers are responsible for acquiring video cameras, batteries, memory cards, mounts for cameras (if required) and any spare short term and long-term data storage equipment. Due to battery life of cameras and the length of some inspections, BVI AOs may need to bring an extra battery to ensure the whole inspection is recorded.

The recording device ideally must record at a minimum of 540p (960 x 540 pixels) at 25 frames per second (fps). We recommend that recordings are undertaken with a minimum recording bit rate of 6 Mbps and a maximum bit rate of no more than 20 Mbps. Recording at higher bit rates leads to other impacts, such as creating very large files, greater battery usage and the need for more data storage.

You may be eligible to claim deductions for equipment. For more information see the [ATO website](#) or contact the Australian Taxation Office.

Recording the inspection

BVI AOs must record every bulk vessel inspection they undertake from the beginning of the inspection to the end of the physical inspection. Recording requirements are outlined in instructional material for inspection of bulk vessels on our [website](#).

All aspects of the inspection must be recorded. This includes videoing the name of the vessel prior to boarding then the actual assessment of all aspects of the vessel for phytosanitary purposes. If boarding at a protected anchorage – also video the sea conditions in the vicinity of the bulk vessel and at the boarding ladder.

You **must not** record:

- sound
- the port/wharf area
- rest, bathroom or meal breaks
- pre-inspection interview or any other conversations with the vessel crew
- crew quarters or any other private area of the vessel.

If you remain on board during cleaning:

- you do not need to continue recording while waiting for the cleaning to be done
- re-start recording when you are re-inspecting or re-assessing areas that required cleaning/descaling for any contamination
- record the contamination that may have been knocked down in the affected areas, including your inspection of the bags/drums of contamination if they have been removed from the area.

Both BVI AOs (buddies) are required to wear a video camera and record the full inspection.

Inspection preparation activities, such as PEMS record set-up and documentation checks, do not have to be recorded with the video recording device. However, all inspection records and supporting documentation must continue to be saved/attached in PEMS.

Storage of video files

BVI AOs must securely store and retain each video recordings for at least 12 months on their own dedicated storage device, as required by the Plant Rules.

Privacy and security

The BVI AO owns the recording.

The recording is protected information under the *Privacy Act 1988* and the *Export Control Act 2020*. It may only be used or disclosed for a purpose under the *Export Control Act 2020*, such as for the purpose of audit.

AOs are responsible for storing the files securely. AOs must take reasonable steps to ensure the information is not used or disclosed for a purpose outside the *Export Control Act 2020*.

If a BVI AO is approached by a party requesting access to the video recording, the BVI AO must forward the request to the [Authorised Officer Program](#) to seek permission for the recording to be shared.

Submit the video recording

BVI AOs must submit video recordings when requested by a departmental auditor. We will provide additional guidance on the file transfer process when we request video recordings.

Video quality issues

If there are any problems with the quality or storage of the video or the file becomes corrupted, the BVI AO must report the issue to the department by emailing grain.export@awe.gov.au. as soon as

possible. They can also report it in the comments field of the PEMS record. The BVI AO will be asked to explain the issue.

We assess each issue on a case-by-case basis. We consider whether the issue was reported, the nature and extent of the issue, and whether there are repeat incidents. We will determine an appropriate response that may include increased or additional audits, administrative sanctions or other penalties or regulatory responses under the *Export Control Act 2020*.

Video recordings retained by the department

If we request a video recording for audit purposes, we will securely retain the video recording in accordance with Australian Government records management policies, the *Privacy Act 1988* and other legislation that regulates how we must retain records.

We may only use or disclose protected information for a purpose under the *Export Control Act 2020* and in accordance with reasonable and legally appropriate requests. For example, the video recording may be the subject of a freedom of information request under the *Freedom of Information Act 1982*.

Photos taken during inspection

We do not currently require BVI AOs to take photos during inspection. However, we understand AOs do take photos. AOs may continue to take photos of inspection activities to provide evidence of infestation or contamination, and to demonstrate that issues have been rectified prior to bulk vessel approval being issued.

Audit fees

There are no changes to audit fees for BVI AOs. Fees for our audits on the AO's inspection video recordings are outlined in [Charging Guidelines 2021](#).

Notifying insurance companies

BVI AOs must determine whether they need to inform their insurance company about the requirement to wear a video recording device for the purpose of recording bulk vessel inspections.

More information

Please contact the [Grain and Seed Export Program](#) for any questions relating to the use of video recording devices to record bulk vessel inspections.

See our website for information about:

- [Plant export legislation changes](#)
- [Improved agricultural export legislation](#)
- [Plant Export Operations Manual](#)

Or email plantexportreform@awe.gov.au

Acknowledgement of Country

We acknowledge the Traditional Custodians of Australia and their continuing connection to land and sea, waters, environment and community. We pay our respects to the Traditional Custodians of the lands we live and work on, their culture, and their Elders past and present.

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