

Australian Government

Department of Agriculture, Fisheries and Forestry

Exports process instruction

Audit of plant export authorised officers

Direction to staff

This is official instructional material of the Department of Agriculture, Fisheries and Forestry (the department). Failure to comply with it may result in a breach of relevant legislation and/or the code of conduct under section 13(5) of the *Public Service Act 1999*.

Purpose of this document

This document outlines the policy and process for auditing state or territory government and thirdparty plant exports authorised officers (AO)s. It includes:

- audit principles
- audit performance standards
- audit types
- audit process
- non-compliance ratings
- review process.

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Policy statement

The policy, overarching framework and legislation related to this Exports process instruction can be found in the Exports policy: <u>Audit of plant export operations</u>.

Roles and responsibilities

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

Role	Responsibility
Audit and Assurance Branch (AAB)	 Receiving matters of AO non-compliance to review. Recommend future action to address non-compliances through consultation with programs Making recommendations on whether to vary, suspend or revoke an AO's appointment.
Auditor (AAB)	 Scheduling audits. Auditing AOs against departmental performance standards in accordance with this Exports process instruction. Preparing the audit report. Notifying AOs of audit outcomes by providing the audit report. Recording audit results and filing audit documents. Issuing non-compliance notices. Referring critical non-compliances to AAB Delegate.
Authorised Officer (AO)	 Complying with Australian export laws. Meeting departmental performance standards. Administrative oversight including, AO training and appointment, maintaining contact details and managing inactive AOs. Maintaining records. Being available for audit. Providing requested documentation. Taking necessary action to address non-compliance. Providing evidence that non-compliances have been rectified. Providing submission if requesting a review of a decision when appropriate.
Business Systems Program (BSP), Plant Exports Branch	 Maintaining the performance standards. Determining who the independent delegate will be for any requests for a review of a decision. Provide the outcome of a decision, or review request of a decision, to the AO.

Role	Responsibility
Delegate (Assistant Secretary, Plant Exports Branch)	 Reviewing requests for review of a decision where they were not the delegate for the decision being appealed. Providing the outcome of a decision, or appeal of decision, to the applicant.
Grain and Seed Exports Program (GSEP), Plant Exports Branch	Maintaining grain and other non-horticultural plant product specific job function performance standards and checklists.
Horticulture Exports Program (HEP), Plant Exports Branch	Maintaining horticulture specific job function performance standards and checklists.
Plant Export Assessor (PEA)	Providing re-training and re-assessment of competency if an auditor determines that an AO lacks the required skills or knowledge to prevent a recurrence of the non-compliance and is not confident that any assistance given (advice, clarification of instructional materials, or direction to instructional materials) is sufficient to prevent a recurrence.

Work health and safety

Auditors must:

- comply with applicable Commonwealth, state and territory work health and safety (WHS) legislation
- comply with the department's WHS policy and procedures
- read and be familiar with the Exports reference: <u>Work health and safety in the plant export</u> <u>environment</u>
- not enter work sites unless it is safe, wear required personal protective equipment (PPE) and consider any WHS hazards
- comply with site-specific requirements, unless they assess the requirements as placing them at risk, in which case they must take reasonable action to ensure their safety
- continually assess the possible risks while performing their duties.

Personal protective equipment

Auditors must have the following PPE for when a site or work instruction requires it:

- hi-visibility vest
- enclosed shoes
- steel cap boots
- hearing protection
- hard hat
- long sleeve clothing
- thermal clothing (for cold rooms)
- safety glasses
- face mask
- first aid kit
- portable gas detector
- water

- sunscreen
- emergency communication equipment (such as a phone carrier with coverage or satellite phone).

WHS reporting requirements

All WHS incidents, near misses, and any hazards must be reported to the department and entered in SIRUS (WHS information system).

Performance standards

AOs must be audited for compliance against performance standards derived from relevant legislation, instructional material and importing country requirements.

AOs who do not meet the performance standards may be subject to sanctions, including increased audit frequency, additional training, and possible variation, suspension or revocation of their appointment.

Elements

Performance standards are organised into groups known as elements. Each element has several subelements that must be assessed for compliance.

The elements are:

- Legislation
- Pre-inspection
- Inspection of plants and plant products
- Post-inspection
- Inspection of bulk vessels
- Horticulture Export protocol treatments.

Sub-elements

Elements are further arranged into sub-elements. To ensure that AOs are assessed comprehensively and consistently, an AO audit must cover all sub-elements related to the powers and functions given to the AO by their instrument of appointment.

The order in which the sub-elements are addressed during an audit follows the workflow of typical AO activities. Refer to <u>related material</u> for the sub-elements covered during an AO audit.

Refer to Exports reference: Authorised officer audit performance standards.

Audit types

An AO may receive either a compliance audit or a demonstration audit. Both the compliance and demonstration audit types can be performed either announced or unannounced and follow the same process. Additionally, demonstration audits will involve observation of an AO performing their export activities.

The AO must be present at the audit.

The following table lists audit types for AOs.



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Risk	rating:	Medium

Audit type	Conducted	Frequency	Announced/ unannounced
First audit (Demonstration	newly appointed AOs who do not hold protocol job functions	within 6 months of appointment	Announced
audit)	 newly appointed AOs with protocol job function or existing AOs who become appointed for new protocol job functions 	within the first season of that commodity	
Periodic audit	AOs who do not hold protocol job functions	minimum of one every 12 months	Announced or unannounced
(Demonstration or compliance audit)			
Periodic audit	AOs with protocol functions	minimum of one every 12 months	
(Demonstration audit)			

Audit scheduling

- Scheduling of audits may be adjusted to take into consideration operating season and multiple audits may occur within one operating season where required.
- Where an AO has multiple job functions, the auditor must consider job functions last audited and use the Exports reference: <u>Hierarchy of authorised officer job functions for plant exports</u> to prioritise resources towards auditing more high-risk job functions, such as those with more complex inspection and sampling techniques.
- Only active AOs can be audited. Where an audit falls due for an AO who has not completed an inspection since their last audit, the audit must be rescheduled for the following quarter.
- AOs who have not completed an inspection in 12 months or more are considered 'inactive' and must be referred to the Authorised Officer Program (AOP).

Audit Process

Demonstration Audit

The auditor must:

- observe the AO performing export activities for the job functions against which they are being audited.
- assesses the AO's compliance with the performance standards through inspection documentation checks and observation.

Note: The auditor may ask the AO follow-up questions during the observation component of the audit if more thorough checking of the AO's skills and knowledge is required to assess compliance with performance standards.

Compliance Audit

- A compliance audit may take place either remotely or onsite at a registered establishment (RE), a business office, a departmental office, or other location agreed to.
- The auditor must check the AO's inspection documentation against the performance standards and use it to guide the interview with the AO.
- The auditor may require the AO to demonstrate their skills and knowledge for one or more subelements (for example, by demonstrating that the most current work instructions are in their possession, demonstrating knowledge of flow path inspection procedures).
- Where the auditor is not satisfied with the initial response provided by the AO further clarification may be required to assess compliance.
- Where the auditor identifies multiple elements for the AO to demonstrate, the auditor has the discretion to make a compliance audit become a demonstration audit.

Responsible Stage What happens party 1. Audits are scheduled. Auditor Note: AOs who avoid committing to an audit are failing to meet their obligations under plant export legislation and may be referred to the Delegate and/or risk suspension or revocation. When the audit is to be... Then... the AO is contacted to schedule announced the audit unannounced • the AO is contacted with minimal to no notice. An assessment is conducted on documentation associated with the job 2. Auditor functions being audited. The assessment may be conducted as a desk audit prior to the audit commencing or during the audit. Documents may include, but are not limited to: completed inspection records • Request for Permits (RFPs) supporting documentation. • 3. An entry meeting is conducted by the auditor with the AO prior to the AO commencement of the audit, that outlines the objectives, scope and Auditor process of the audit and to confirm the audit activities to be undertaken (for example, whether the audit is a compliance or demonstration audit and which job functions are included).

The following table outlines the process for conducting a first or periodic audit of an AO.

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Stage	What happens	Responsible party	
4.	The auditor assesses the AO agains sub-elements. The AO provides the documentations as per the relevan	Auditor	
	When the AO	Then	
	meets the performance standard sub-element	 the sub-element is rated as 'compliant' (C) 	
		 evidence is recorded that supports the rating. 	
	does not meet the performance standard sub-element	 the relevant sub-element is rated as 'non-compliant' (NC) evidence is recorded that supports the non-compliance a non-compliance rating is assigned by the auditor. 	
	is not appointed in a job function that relates to the performance standard (for example, a sub- element that applies to the inspection of bulk vessels where an AO is not appointed for the inspection of bulk vessels)	 the sub-element is rated as 'not applicable' (N/A) 	

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Stage	What happens	Responsible party			
5.	-	In exit meeting is conducted by the auditor with the AO to present the udit findings including identified non-compliances and further actions equired.			
	the issuance of	non-compli	compliances are identified, the auditor can defer ances and associated ratings until further ught by the AAB delegate.		
	When non- compliances are	And are rated as	Then		
	not	N/A	the AO is compliant		
	identified		 an audit report is issued to the AO within 10 business days 		
			• process ends here.		
		major or	• the AO is not compliant		
		minor	 a non-compliance notice is issued to the AO 		
			 a timeframe for review of the non- compliance notice is given 		
			 an assessment is made against the compliance matrix to determine the audit result 		
			 an audit report is issued to the AO within 10 business days 		
			• continue to Stage 6.		
		critical	• the AO is not compliant		
	identified		a non-compliance notice is issued to the AO		
			 an assessment is made against the compliance matrix to determine the audit result 		
			 an audit report is issued to the AO within 10 business days 		
			• the non-compliance is referred to the AAB delegate by the auditor to determine how to escalate and review the non-compliance		
			 refer to 'Variations, suspensions and revocations of appointment' in the Exports Policy: <u>Management of third-</u> party plant exports authorised officers 		
			 process ends here. 		

Stage	What happens			isk rating: Mediur Responsible party
6.	Evidence of compliance is date.	provided 1	AO	
7.	provided by the AO. Note: Evidence may be gat	hered via determine	the auditor against the evidence a follow-up visit to the AO or, where ed remotely (for example, the AO may activities).	Auditor
	When the evidence provi	ded is	Then	
	 satisfactory and provided within the retimeframe not satisfactory not provided within the required timeframe 		 the AO is deemed compliant the non-compliance notice is re-issued with a return to compliance result process ends here. remains open with further action required or continue to Stage 8. 	
8.	The auditor determines wh compliance notice.	nether to g	grant an extension to address the non-	Auditor
	When an extension is	Then		
	granted	return to	Stage 6.	
	not granted	 it is referred to the AAB delegate by the auditor to determine how to escalate the issue. refer to 'Variations, suspensions and revocations of appointment' in the Exports Policy: <u>Management of third- party plant exports authorised</u> <u>officers</u> process ends here. 		

Non-compliance ratings

Where an AO is deemed non-compliant against a performance standard sub-element the auditor must select a non-compliance rating, considering the context and extent of the non-compliance and the definition of minor, major and critical.

Issuing Non-compliance Notices

- If a non-compliance is detected during an audit, the auditor must issue a non-compliance notice per performance standard sub-element.
- A timeframe for reviewing a non-compliance must be specified by the auditor and be no longer than:
 - 28 calendar days for minor non-compliances
 - o 14 calendar days for major non-compliances
 - 7 calendar days for critical non-compliances.
- Prior to the 'review date', and at the request of the AO, the review date may be extended twice, each for a period equal to the original timeframe.

Important: Requests for extension must be made in writing to AAB to the attention of the auditor who conducted the audit.

When a critical non-compliance is identified

- Where an auditor identifies a critical non-compliance, the Auditor refers the audit result and non-compliance notice to the AAB delegate, who will determine whether the matter is to be referred to the Plant Exports Branch to decide on further action. Instances where the AAB delegate may refer the matter include where the:
 - AO fails to meet their obligations under the plant export legislation (including avoiding audits)
 - o AO has been intentionally non-compliant, fraudulent, or corrupt
 - o AO has been repeatedly non-compliant in related incidents
 - Failure to address non-compliance notices to the satisfaction of the auditor/AAB delegate.
- Future action to address the non-compliance and audit result is at the discretion of AAB delegate and Plant Exports Branch, which may include, but is not limited to
 - o downgrading the non-compliance rating
 - \circ $\;$ imposing an increased timeframe for the AO's next periodic audit
 - o mandatory re-training and a reassessment of competency
 - variation, suspension or revocation of an AO's appointment by the delegate.

Mandatory Re-training and reassessment of competency

Post-audit re-training and reassessment of competency may be conducted by a PEA following the issuance of a non-compliance notice, or where the Delegate considers it appropriate.

Note: This training will focus directly on the non-compliance found at audit and subject to fee for service, see **section** <u>Fees and charges</u>.

Audit result

An audit result must be determined at the end of each audit.

The following table shows how an audit result is determined from the number and type of non-compliances identified.

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		Number of minor non-compliance notices issued				
		0	1	2	3	4
Number of major non-compliance notices issued	0	Next audit in 12 months/ next season	Next audit in 12 months/ next season	Next audit in 12 months/ next season	Next audit in 6 months	Next audit in 3 months
of major non-cc notices issued	1	Next audit in 6 months	Next audit in 6 months	Next audit in 3 months	Next audit in 3 months	Refer to AAB delegate
Number	2	Next audit in 3 months	Refer to AAB delegate	Refer to AAB delegate	Refer to AAB delegate	Refer to AAB delegate

Note: Any combination of non-compliance notices that exceed those in the table will default in a referral to the AAB delegate to determine the next course of action.

The audit result will determine the timeframe for the next periodic audit. AOs who are issued noncompliance notices may have the timeframe for their next periodic audit reduced from 12 months to 6 or 3 months. A reduced timeframe allows the department further to monitor the AO's performance and provide additional support to the AO. Audit timeframes of 3 or 6 months may require rescheduling to within the same season to accommodate protocol job functions, which are heavily seasonal dependent.

Variation, Suspension or Revocation of Appointment by the department

Non-compliance may constitute grounds for the variation, suspension or revocation of an AO's appointment as outlined in the Exports policy: <u>Management of third-party plant exports authorised</u> <u>officers.</u>

Non-compliance detected outside of an audit

Non-compliance may be detected outside of an audit by the following:

- non-compliance detected by an importing country
- documentation issues detected by the department
- reported non-compliance by a third-party or visiting department officer.

All non-compliances detected outside of an audit will be referred to the AAB delegate. The next course of action will be determined in consultation with Plant Exports Branch, and will be reviewed on a case-by-case basis.

Note: Reports of deliberate non-compliance can be confidentially made to the department's Redline on 1800 803 006.

Fees and Charges

All activities associated with audits are subject to a fee-for-service rate. These activities include preparation and post audit activities and activities in response to non-compliance notices. Where an announced audit is cancelled, charges may still apply.

Note: Information about the fee-for-service rate for audits is available in the department's <u>Charging</u> <u>Guidelines</u>.

Record keeping

The AOs and the department must retain documentation in relation to audits for a period of at least 2 years.

Related Material

The following related material is available on the department's website:

- Plant and Plant Products Authorised Officers webpage
- Department of Agriculture, Fisheries and Forestry Charging Guidelines
- <u>Compliance Case Management System (CCMS)</u>
- Exports work instruction: Writing audit reports
- Exports policy: <u>Management of third-party plant exports authorised officers</u>
- Plant Export Operations Manual:
 - Departmental policy: Audit of plant export operations
 - Exports reference: User guide Plant exports compliance, approval and running records user guide
 - Exports reference: Table of authorised officer job functions
 - Exports reference: Table of horticulture protocol markets
 - Exports process instruction: Inspection of horticulture for export
 - Exports process instruction: Inspection of prescribed grain and plant products
 - Exports process instruction: Inspection of hay and straw for export
 - Exports process instruction: *Inspection of forest products*
 - Exports reference: *Authorised officer performance standards*.

WHS material is available on the Instructional Material Library for departmental AOs.

Contact information

- Audit and Assurance Branch: <u>AuditServices@aff.gov.au</u>
- Business Systems Program: <u>PlantExportsFinanceandAssurance@aff.gov.au</u>
- Authorised Officer Program: <u>PlantExportTraining@aff.gov.au</u>
- Grain Exports Program: <u>Grain.Export@aff.gov.au</u>
- Horticulture Exports Program: <u>HorticultureExports@aff.gov.au</u>
- Redline: 1800 803 006



Document information

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Appendix A: Definitions

Below is a table of terms and definitions used within this document.

Term	Definition
Active	An appointed AO who has conducted at least one export activity in their appointed job functions in the last 12 months.
	Note: An AO may be inactive in a particular job function or job functions, but still be active in others.
Announced audit	An audit that is arranged in advance with the auditee.
Auditor	A Department of Agriculture, Fisheries and Forestry officer whose functions and powers include conducting an audit under Part 1 of Chapter 9 of the <i>Export Control Act 2020</i> .
Audit schedule	The frequency with which an AO is audited by a departmental auditor.
Authorised Officer (AO)	A person authorised under section 291 of the <i>Export Control Act</i> 2020 to be an AO. The AO may exercise powers and functions conferred on them through an instrument of appointment.
	Note: An AO may be a Commonwealth, State or Territory government officer, or third-party individual. Examples of third-party individuals include, but are not limited to:
	employees of registered establishments
	employees of an exporter
	self-employed individuals/sole traders.
Compliant	Meeting a requirement.
Compliance audit	An audit of an AO which relies primarily on documentation completed by the AOs as the basis for determining compliance with legislative and departmental requirements. The AO is interviewed by the departmental auditor in respect to this documentation, during which time the AO's export activities are discussed.
Critical non-compliance rating	When there is:
	• action, inaction or contravention of department requirements that
	 would be reasonably expected to result in the phytosanitary status of goods being compromised, or
	 results in a breach of the <i>Export Control Act 2020</i> or the Export Control (Plants and Plant Products) Rules 2021.
	a deliberate failure to comply with legislative requirements
	• a deliberate failure to follow a legal direction of a departmental officer.
	Note: Critical non-compliances may lead to variation, suspension or, revocation of an AO's authorisation or criminal prosecution.

Term	Definition
Delegate or sub-delegate	A person who has been delegated or sub-delegated a power or function of the Secretary (typically a power or function under the <i>Export Control Act 2020</i>). The delegation must be in writing and be signed by the Secretary (or the Secretary's delegate).
Demonstration audit	An audit of an AO which relies primarily on an observation of activities, in addition to documentation completed by the AO, as the basis for determining the AO's compliance with legislative and departmental requirements. The AO is interviewed by the departmental auditor in respect to the observation and this documentation, during which time the AO's export activities are discussed.
Elements	Performance standards are organised into a set of 'elements' and sub-elements. The element represents the performance standard.
Further action required	Where a non-compliance notice has been issued and insufficient evidence has been provided to demonstrate effective corrective action has been taken.
Inactive	An appointed AO who has not conducted at least one export activity in any of their appointed job functions in 12 months or more. Note: An inactive AO:
	 is still appointed under section 291 of the <i>Export Control Act</i> 2020. may be inactive in a particular job function or job functions, but still be active in others.
Instrument of appointment	This document authorises a person to be an AO under the <i>Export</i> <i>Control Act 2020</i> and provides them with the necessary powers under the <i>Export Control Act 2020</i> and Export Control (Plants and Plant Products) Rules 2021 to undertake the tasks required of them as an AO. The instrument of appointment may also subdelegate powers of the Secretary under the <i>Export Control Act 2020</i> and Export Control (Plants and Plant Products) Rules 2021 to the AO.
Major non-compliance rating	When there is action, inaction or contravention of departmental requirements that
	 results in a situation that may lead to the phytosanitary status of prescribed goods to be compromised may lead to the export of prescribed goods that are not export compliant.
Minor non-compliance rating	When there is action, inaction or contravention of departmental requirements that results in a situation that may compromise the integrity of systems or, processes that are designed to maintain phytosanitary status of prescribed goods.
No further action required	Where a non-compliance notice has been issued and sufficient evidence has been provided to demonstrate effective corrective action has been taken.

Term	Definition
Non-compliance notice	A formal notice from the department requesting the cause of non- compliance with requirements to be eliminated, with the objective of preventing reoccurrence.
Non-compliance rating	Ratings of minor, major and critical applied to a non-compliance to indicate the degree of seriousness.
Non-compliant	Not meeting a requirement.
Not applicable	Not assessed for compliance as it is not relevant to the AO or is not within the scope of the audit.
Performance standards	A benchmark derived from legislation and departmental requirements against which actual performance of third parties is measured.
Periodic audit	A scheduled audit (announced or unannounced) of an AO against the relevant requirements, conducted at a frequency based on performance.
Plant Export Assessor	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.
Protocol job function	AO job functions required to conduct export activities for commodities to protocol markets.
Protocol	A government-to-government document that specifies import requirements and is bilaterally agreed to by Australia and the importing country authority.
Scope	Sets out the job functions, or parts thereof that will be assessed during the audit.
Serious and Urgent	A category which is used to immediately impose an administrative sanction or consequence to an AO where the Secretary reasonably believes that the current appointment of an AO may adversely affect trade if there is any delay to the administrative sanction or consequence being taken.
Sub-elements	Elements are further arranged into 'sub-elements'. Some or all sub- elements must be covered during an audit.
Unannounced audit	An audit that is carried out without providing advance notice to the auditee.