



IPPC Webinar: Australia Case Study

Authorisation of entities – Conflict of Interest

(Submitted by Australian NPPO in 2020 to be presented at the CPM Side session)

Introduction

Australia operates its biosecurity system using both government employed staff and industry personnel authorised by the National Plant Protection Organisation (NPPO) to undertake some biosecurity functions. The industry personnel are trained, assessed and audited by the NPPO.

As part of this system, conflicts of interest are managed. Australia considers no conflict of interest is an ideal but that this is not often practical or achievable. As such, Australia considers identification and proper management is more appropriate.

For our Authorised Officer (AO) program, conflicts of interest are managed from the application stage, and applicants seeking authorisation must declare any real or perceived conflicts of interest.

This declaration affects the audit schedule of the AOs, with those declaring conflicts audited earlier than those without conflicts.

In Australia, Authorised Officers are protected by legislation to ensure that Registered Establishments (REs) within which the AOs are working, cannot compromise the AO or prevent them from performing the duties they are authorised to perform. The relevant section of Australia's Export Control Act states:

Export Control (Prescribed Goods—General) Order 2005, Division 4.8—Revocation of registration, 4.29 Grounds for revocation. (1) The Secretary may, by notice in writing, revoke the registration of an establishment in respect of 1 or more of the export operations for which the establishment is registered if there are reasonable grounds to believe that: (i) an authorised officer has been prevented, by the use of force, obstruction or intimidation, from performing his or her duties at the establishment.

Additionally, a network of Regional Assurance Managers (RAMs) has recently been established throughout Australia. RAMs are regionally based resources working within the AO Program and are responsible for providing support to AOs and their employers. RAMs establish and maintain effective working relationships with AOs and their employers. This provides a complementary oversight mechanism to the program in addition to audit and helps to identify new conflicts should they arise and also supports the management of any conflicts of interest if required.

New initiatives

A new audit schedule that seeks to audit the AOs and the Registered Establishments they work for at the same time. Approximately 80% of AOs work with an RE.

The Australian Export Control Act is currently under review and the draft legislation further strengthens the requirements on REs and also reinforces the regulatory controls around AOs by incorporating express obligations to declare conflicts of interest, pecuniary (financial) or otherwise, that may prevent them from performing their functions or exercising their powers properly. These declarations must be made at the time of applying to be an AO. Additionally, these persons have ongoing obligations to declare any other conflicts of interest that they may acquire while they are appointed. Civil and criminal penalties arise from a failure to comply with these obligations.