



Accredited Grain Surveyor Assurance (AGSA) scheme

Guidance note: conflicts of interest

August 2023

The Australasian Institute of Marine Surveyors (AIMS) and the Department of Agriculture, Fisheries and Forestry (DAFF) have worked together to develop the Accredited Grain Surveyor Assurance (AGSA) Scheme. The Scheme allows you, as an accredited marine surveyor, to certify that a vessel is fit to load grain and its holds meet the recognised standard known as grain clean.

AIMS and DAFF understand that marine surveyors have existing relationships with authorised officers appointed in the job function BVI3001: Export inspection of empty bulk vessels (BVI AOs), shippers and shipping agents. Relationships mean the way you regard or behave towards other people or groups and may influence decisions you make as a marine surveyor. These relationships might lead to conflicts of interest when surveying bulk vessels.

This fact sheet will help you understand what a conflict of interest is under the AGSA Scheme. It will also help you decide what to do if you think you have a conflict of interest.

What is a conflict of interest under the AGSA Scheme?

A conflict of interest occurs when you have competing professional or personal interests that could make it difficult for you to be impartial and objective. A conflict of interest often arises in relation to management and control of work.

Under the AGSA Scheme, marine surveyors and BVI AOs cannot be under the same management.

Further, the accredited marine surveyor appointed to survey the bulk vessel and the BVI AO appointed to conduct the phytosanitary inspection of the bulk vessel, must not be employed by the same immediate employer, or by companies under the same parent company, or by companies that are under the same management or corporation.

Why is it important to disclose and manage conflicts of interest?

Conflicts of interests may result in reduced trust in Australian bulk grain exports. This could result in reputational damage at many levels. This includes with government, exporters, and shippers, as well as with individual marine surveyors or BVI AOs.

By disclosing and managing conflicts of interest to the department or AIMS, you support trade in Australian grain exports. You will also maintain trust in Australian bulk grain exports and reduce possible reputational damage.

What might a conflict of interest look like?

A conflict of interest could arise when:

- You are conducting a bulk vessel survey and decide to do something that is inconsistent with Australian Export Control laws that could provide you with a direct or indirect benefit
- As the accredited marine surveyor, you also conduct the bulk vessel inspection as a BVI AO.
- You issue a fitness to load certificate for the export of grain for non-compliant bulk vessels that could provide you with a direct or indirect benefit.
- You and the BVI AO appointed to conduct the bulk vessel inspection are employed by the same parent company, or employed by companies that are under the same management or corporation.
- There is an existing professional or personal relationship between you, as the accredited marine surveyor, and the BVI AO or the BVI AO's employer which will influence the performance of your duties.
- There is a professional or personal relationship between you and your employer which will influence the performance of your duties.

Questions to help you identify if you have a conflict of interest

- Would you be able to defend your decision to issue a fitness to load certificate if you were questioned as to why you issued the certificate?
- Would the outcome of your survey, decisions or actions change because of your relationship with others, for example shippers, ship owners and agents?
- Do you stand to benefit or lose from your actions or decision to issue a fitness to load certificate or not?
- Are you and the BVI AO appointed to conduct the bulk vessel inspection employed by the same parent company?
- Do you have any professional or personal relationships with the shipper, ship owner, agent or company that appoints a BVI AO?

How can I avoid a conflict of interest?

You must not be employed by the same immediate employer, or by companies under the same parent company, or by companies that are under the same management or corporation.

Do not conduct an inspection of a vessel as a BVI AO for which you have issued a marine surveyor's certificate.

Ensure you know how to identify if you have a conflict of interest in your employment arrangements.

What to do if you or someone else has a conflict of interest?

1. Take action to resolve or otherwise deal with the conflict of interest. This may mean that you decline to conduct the bulk vessel survey.
2. Inform your employer by summarising the conflict of interest.
3. If the issue remains unresolved, contact the AIMS or DAFF to seek guidance on how to manage the issue. Your identity will remain confidential. *
4. Create and maintain records of the conflict of interest, the actions you take, and the advice received from AIMS.
5. Notify AIMS, discuss the situation, and agree on an approach to managing the conflict of interest.
6. If this approach involves the submission of a conflict of interest issue to AIMS, AIMS will consider the matter under the Complaints Handling and Investigation Policy *.

* The 'Accredited Grain Surveyor Assurance Scheme Complaint Handling and Investigation Policy' has been agreed by AIMS and DAFF and includes the confidential review or investigation of conflict of interest complaints or notifications received by AIMS.

Questions?

If you think another surveyor or company has a conflict of interest, you can report this confidentially to AIMS via grain@aimsurveyors.com.au.

If you still have questions about how to manage conflicts of interest, contact the department's Grain and Seed Export Program via grain.export@aff.gov.au.

More information

Learn more about [plant export legislation changes](#).

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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