



# Accredited Grain Surveyor Assurance (AGSA) Scheme

## INTERIM GUIDANCE NOTE : Conflicts of Interest

JUNE 2025

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The Australasian Institute of Marine Surveyors (AIMS) and the Department of Agriculture, Fisheries and Forestry (DAFF) are in partnership to administer and oversee 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 bulk vessel authorised officers (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. It will also help you decide what to do if you think you personally have a conflict or wish to report a case of conflict that you may witness during the course of your duties as an accredited surveyor.

### What is a conflict of interest?

A conflict of interest under the AGSA scheme is a situation in which the duty of an accredited surveyor, either working independently or within a company, conflicts with a duty owed to another party.

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, and this specifically includes situations under the AGSA Scheme where marine surveyors and BVI AOs may be under the same management. To manage this, marine surveyors and BVI AOs cannot be under the same management.

The relationship of these roles is further described in the Standard for Empty Bulk Vessel Surveys.

The Standard expands on the roles and responsibilities of the marine surveyors and BVI AOs involved in bulk vessel inspections for prescribed plants or plant products.

### 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.

Disclosing and managing conflicts of interest appropriately protects you as the accredited surveyor from any potential liabilities associated with unethical or illegal action.

## What might constitute a conflict of interest for accredited surveyors?

A conflict of interest could arise when:

- You are offered a financial incentive from someone with whom you have a personal or professional relationship with, and they are incentivising you to issue a fitness to load certificate for a non-compliant bulk vessel.
- You or your employer also act as the agent or shipper for a bulk vessel or have a relationship with the agent or vessel shipper.
- You and your employer also undertake other duties associated with the vessel loading grain such as the cleaning company or stevedoring outfit.
- 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, your employer, shippers, ship owners and agents?
- Do you or your employer conduct other services for the shipper, ship owners or agents that might be impacted by the outcome of your survey?
- Do you or your employer 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?

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

1. Ensure that you ask yourself whether you have a conflict of interest before each survey appointment
2. Take action to resolve or otherwise deal with the conflict of interest. This may mean that you decline to conduct the bulk vessel survey or that you disclose any conflicts to the DAFF or AIMS using the form below
3. Encourage others to disclose conflicts to protect themselves from any liabilities
4. Disclose the conflict to your employer and keep a record of the disclosure
5. Use the form below to create and maintain records of the conflict of interest, the actions you take, and any advice received from AIMS or the Department.
6. Notify AIMS or DAFF and discuss the situation and agree on an approach to managing the conflict of interest.

\* The AGSA Scheme Complaint Handling and Investigation Policy' includes provisions for **anonymity** and **confidentiality** when a review or investigation of conflict-of-interest complaints or notifications is received by AIMS. The Department also has similar policies and procedures.

## Disclosure

Disclosing and managing conflicts of interest is quite simple. Use the form at the link below to record your management of a conflict of interest for a particular vessel survey and keep this form with your survey records.

If something goes wrong, you will have evidence of your disclosure and attempt to manage the conflict.

You can email [grain@aimsurveyors.com.au](mailto:grain@aimsurveyors.com.au) for a Disclosure Form or download one from this link <https://www.aimsurveyors.com.au/Grain-Surveyor-Guidance-Notes-Documents>

## Questions?

If you think another surveyor or company has a conflict of interest, you can report this **confidentially** directly to the department's Grain and Seed Export Program via [grain.export@aff.gov.au](mailto:grain.export@aff.gov.au) or to AIMS via [grain@aimsurveyors.com.au](mailto:grain@aimsurveyors.com.au).

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

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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