

## **TLIX0047 Review decisions of regulatory bodies**

### **Modification History**

**Release 1.** This is the first release of this unit of competency in the TLI Transport and Logistics Training Package.

### **Application**

This unit involves the skills and knowledge required to review the decisions of regulatory bodies, including current Australian Government departments with the responsibility for border clearance issues.

It includes evaluating the need to respond to a dispute, developing a response and initiating further actions. It also includes preparing client for compliance assessment (audit) by regulators and responding to forfeiture, seizure and/or condemnation of goods.

This unit applies to individuals who work in the role of customs broker in an on-the-job environment.

Work is undertaken in a range of environments, including small to large worksites, in the customs broking and international supply chain industries.

No licensing, legislative or certification requirements apply to this unit at the time of publication.

### **Pre-requisite Unit**

Not applicable.

### **Competency Field**

X – Logistics

### **Unit Sector**

Customs Broking

### **Elements and Performance Criteria**

#### **ELEMENTS**

Elements describe the essential outcomes.

#### **PERFORMANCE CRITERIA**

Performance criteria describe the performance needed to demonstrate achievement of the element.

- 1 Deal with consequences of duty underpaid or overpaid**
  - 1.1** Voluntary disclosure is discussed and initiated where agreed and available with relevant parties
  - 1.2** Consequences of underpaid and overpaid duty are explained
  - 1.3** Regulator's power to recover underpaid duty is explained
  - 1.4** Owner's ability to recover overpaid duty is explained
- 2 Determine decision review options**
  - 2.1** Regulatory body decision is evaluated
  - 2.2** Consultation is held with client
  - 2.3** Available appeal procedures are explained
- 3 Develop appropriate dispute response**
  - 3.1** Appropriate dispute resolution procedures are followed
  - 3.2** Stakeholders are engaged and consulted in response to dispute development process
  - 3.3** Appropriate dispute response is determined
  - 3.4** Import declaration is paid under protest in accordance with Customs Act Section 167 is explained
  - 3.5** Determine where and when dispute response documentation is lodged to relevant regulatory authority in accordance with regulatory procedures
- 4 Initiate further actions**
  - 4.1** Dispute response is analysed and outcomes are evaluated to determine appropriateness of further actions
  - 4.2** Stakeholders are consulted about appropriateness of further actions and appropriate advice is provided
  - 4.3** Appropriate actions are taken based on stakeholder consultation
- 5 Prepare client for compliance assessment (audit) by regulators**
  - 5.1** Legislated requirements to keep records used in the border clearance of goods is explained
  - 5.2** Requirements of the production of required records is explained

- 5.3 Customs authority in relation to redline import declarations is explained
- 5.4 Customs authority in relation to undertaking monitoring audits is explained
- 5.5 Customs authority in relation to undertaking monitoring warrants is explained
- 5.6 Legislated process of notification and conduct of a monitoring audit and warrants are explained
- 5.7 Appropriate responses to compliance assessments are explained
- 6 Develop responses to Infringement Notices**
  - 6.1 Options available when a penalty is threatened and/or received are outlined and implemented as required
  - 6.2 Actions subject to penalty provisions are identified
  - 6.3 Issuance of Infringement Notices is validated
  - 6.4 Elements of an offence are outlined
  - 6.5 Consequences of a strict liability offence are explained
  - 6.6 Differentiation is explained between a strict liability offence and a prosecution
  - 6.7 Available responses to an Infringement Notice are explained
- 7 Respond to forfeiture, seizure and/or condemnation of goods**
  - 7.1 Circumstances leading to forfeiture, seizure and/or condemnation of goods are determined
  - 7.2 Relevant provisions of the Customs Act as amended are reviewed
  - 7.3 Process of forfeiture, seizure and/or condemnation are explained
  - 7.4 Available responses and timeframes are explained
  - 7.5 Detinue action is initiated when required

## **Foundation Skills**

Foundation skills essential to performance are explicit in the performance criteria of this unit of competency.

## **Range of Conditions**

Range is restricted to essential operating conditions and any other variables essential to the work environment.

Non-essential conditions can be found in the TLI Transport and Logistics Training Package Companion Volume Implementation Guide.

## **Unit Mapping Information**

This unit replaces but is not equivalent to TLIX5058 Review decisions of regulatory bodies.

## **Links**

TLI Transport and Logistics Training Package Companion Volume Implementation Guide at:  
[sector webpage link here]

# **Assessment Requirements for TLIX0047 Review decisions of regulatory bodies**

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## **Performance Evidence**

Evidence required to demonstrate competence in this unit must be relevant to and satisfy all of the requirements of the elements and performance criteria on at least one occasion and include:

- applying dispute resolution processes and procedures
- developing an explanation in relation to consequences of duty short or over payment
- developing appropriate dispute response
- explaining and outlining options in dealing with forfeiture, seizure and/or condemnation of goods
- explaining issues relating to regulatory compliance assessments (audit).

## **Knowledge Evidence**

Evidence required to demonstrate competence in this unit must be relevant to and satisfy all of the requirements of the elements and performance criteria and include knowledge of:

- compliance assessment methodology
- customs prosecutions
- dispute resolution procedures
- ethical governance accountability to resolve regulatory disputes
- forfeiture, seizure and condemnation provisions of the Customs Act
- internal and external appeal processes for reviewing decisions
- monitoring and export examination powers under the relevant and current Customs Act, and related Infringement Notice guidelines and Infringement Notice regulations
- requirements for payments under protest.

## **Assessment Conditions**

Assessors must hold credentials specified within the Standards for Registered Training Organisations current at the time of assessment.

Assessment must satisfy the Principles of Assessment and Rules of Evidence and all regulatory requirements included within the Standards for Registered Training Organisations current at the time of assessment.

Assessment must occur in workplace operational situations where it is appropriate to do so;

where this is not appropriate, assessment must occur in simulated workplace operational situations that replicate workplace conditions.

Assessment processes and techniques must be appropriate to the language, literacy and numeracy requirements of the work being performed and the needs of the candidate.

Resources for assessment must include access to:

- a range of relevant exercises, case studies and/or simulations
- applicable documentation including workplace procedures, regulations, codes of practice and operation manuals.

## **Links**

TLI Transport and Logistics Training Package Companion Volume Implementation Guide at:  
[sector webpage link here]