



Australian Government

TLIX5058A Review decisions of regulatory bodies

Release 1

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Modification History

Release 1. This is the first release of this unit.

Unit Descriptor

This unit involves the skills and knowledge required to review the decisions of regulatory bodies including the Australian Customs and Border Protection Service (ACBPS). It includes evaluating the need to initiate and/or respond to a dispute, developing and submitting a response and initiating further action.

Licensing, legislative, regulatory or certification requirements are applicable to this unit.

Application of the Unit

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

Licensing/Regulatory Information

Refer to Unit Descriptor.

Pre-Requisites

Nil

Employability Skills Information

This unit contains employability skills.

Elements and Performance Criteria Pre-Content

Elements describe the essential outcomes of a unit of competency.

Performance criteria describe the required performance needed to demonstrate achievement of the element. Assessment of performance is to be consistent with the evidence guide.

Elements and Performance Criteria

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|-----------------------------------|--|
| 1 Determine review options | <ul style="list-style-type: none">1.1 Regulatory body decision is evaluated1.2 Available internal appeal procedures are explained and exhausted1.3 Available review mechanisms are outlined1.4 Consultation is held with client |
| 2 Develop dispute response | <ul style="list-style-type: none">2.1 Appropriate dispute resolution protocols are followed2.2 Stakeholders are engaged and consulted in response development process2.3 Response is drafted and feedback is sought from stakeholders to refine response as required |
| 3 Submit dispute response | <ul style="list-style-type: none">3.1 Import declaration is paid under protest in accordance with Customs Act s.167 where required3.2 Dispute response documentation is forwarded to relevant regulatory authority in accordance with workplace procedures |
| 4 Initiate further action | <ul style="list-style-type: none">4.1 Dispute response is read and outcomes are evaluated to determine appropriateness of further action4.2 Stakeholders are consulted regarding appropriateness and advice regarding escalating and/or retreating is provided4.3 Appropriate action is taken based on stakeholder consultation, in accordance with workplace procedures |

Required Skills and Knowledge

This section describes the knowledge and skills required for this unit.

Required knowledge:

- Amber line process
- Customs Act s.167 (Payment Under Protest)
- Customs prosecutions
- Forfeiture, seizure and condemnation provisions of Customs Act 1901
- Internal and external appeal processes for reviewing ACBPS decisions
- Monitoring and export examination powers of Customs under Customs Act 1901
- Penalty and Infringement Notice Guidelines of Customs Act 1901
- Penalty and Infringement Notice Provisions of Customs Act 1901

Required skills:

- Apply escalation and/or retreat processes
- Articulate rationale for a dispute or response
- Communicate effectively in verbal and written format with clients and stakeholders
- Follow procedures
- Liaise with other organisations
- Manage personal work priorities
- Negotiate effectively
- Read and interpret legislation
- Resolve conflict
- Sequence a submission in logical order
- Solve problems

Evidence Guide

The evidence guide provides advice on assessment and must be read in conjunction with the performance criteria, required knowledge and skills, the range statement and the assessment guidelines for this Training Package.

Critical aspects for assessment and evidence required to demonstrate competency in this unit

The evidence required to demonstrate competence in this unit must be relevant to and satisfy all of the requirements of the Elements, Performance Criteria, Required Skills, Required Knowledge and include:

- sequencing activity in a way that facilitates the development of competence
- ensuring currency of relevant legislative and regulatory knowledge
- developing effective submission documents
- providing high quality client information and advice.

Context of and specific resources for assessment

Performance is demonstrated consistently over time and in a suitable range of contexts.

Resources for assessment include access to:

- scenarios where discussions with individuals or small groups can be conducted
- legislation currently used in industry
- time constraints that mirror real work activities
- range of relevant exercises, case studies and/or other simulated practical and knowledge assessments
- appropriate range of relevant operational situations in the workplace.

Method of assessment

Practical assessment must occur in an:

- appropriately simulated workplace environment and/or
- appropriate range of situations in the workplace.

A range of assessment methods should be used to assess practical skills and knowledge. The following examples are appropriate to this unit:

- direct observation of the candidate identifying and responding to an appeal or dispute situation
- direct observation of the candidate responding to a regulatory dispute
- appropriate knowledge questions.

Range Statement

The range statement relates to the unit of competency as a whole. It allows for different work environments and situations that may affect performance.

Regulatory bodies may include:

- Australian Customs and Border Protection Service (ACBPS)
- relevant commonwealth government departments

Delivery methods and practise opportunities may include:

- experiential learning using real scenarios
- explanations
- group work
- mentoring
- problem solving and decision making
- presentations
- combination of the above

Resources may include:

- case law
- case studies
- customs policies and procedures
- relevant legislation
- scenarios

Strategies and techniques may include:

- group discussion
- points of clarification
- targeted questioning

Unit Sector(s)

Not applicable.

Competency Field

X – Logistics