

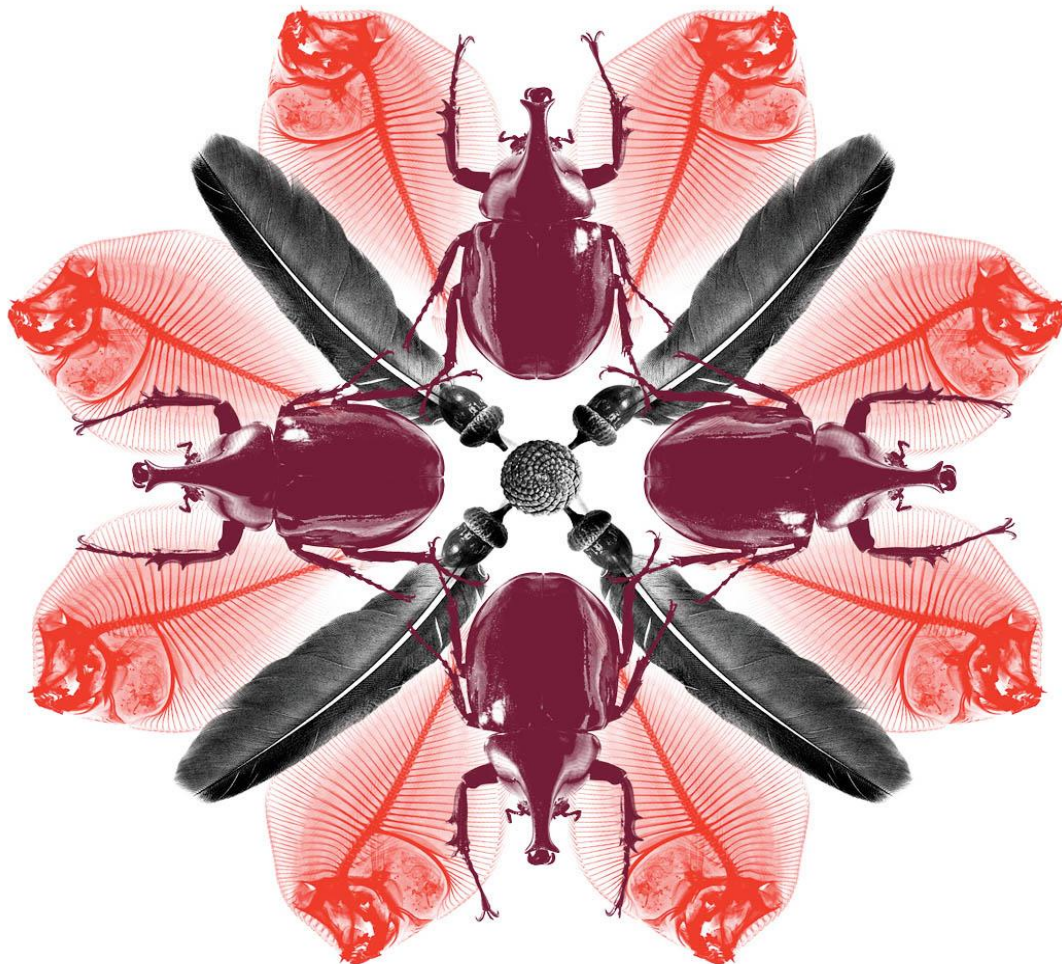


Australian Government  
Department of Agriculture  
and Water Resources

# Offshore Brown Marmorated Stink Bug Treatment Providers Scheme

## Compliance requirements

Version 2.0



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# 1. Purpose

The *Offshore Brown Marmorated Stink Bug Treatment Providers Scheme: compliance requirements* document aims to:

- 1.1 set out the process for the Department of Agriculture and Water Resources to determine suitability of the other party to be able to perform offshore BMSB treatments of goods to be imported into Australia
- 1.2 effectively manage biosecurity risks of brown marmorated stink bug (BMSB) risk goods imported into Australia
- 1.3 define the offshore BMSB treatment provider's (other party's) ongoing compliance requirements.

# 2. Definitions

- 2.1 The other party is defined as the registered offshore BMSB treatment provider.
- 2.2 Terms used in this document are defined in the [Approved arrangements glossary](#) on the department's website.

# 3. Scope

- 3.1 The scheme only applies to:
  - registered offshore BMSB treatment providers
  - the treatment of goods where departmental requirements for BMSB treatment exist.
- 3.2 The scheme is not applicable to the treatment of goods that require phytosanitary certification.

# 4. Responsibilities

- 4.1 The other party is responsible for the treatment of goods in accordance with the requirements set out by the department.
- 4.2 The other party is responsible for ensuring that operations comply with any relevant domestic and international regulatory requirements.

# 5. Application for registration

- 5.1 To be considered for registration, the other party must provide a completed [Offshore Brown Marmorated Stink Bug Treatment Providers Scheme application](#).

# 6. Registration suitability assessment

- 6.1 The department will determine the other party's suitability for registration by assessing their application form and supplementary documentation.
- 6.2 The department reserves the right to require an onsite compliance assessment to confirm that the other party's facilities and procedures, including all equipment and

operating procedures, meet the department's requirements as per [section 14](#) of this document. This will be conducted at the other party's expense as per [section 15](#) of this document.

- 6.3 If the other party fails to meet any of the eligibility criteria, the department has the right to refuse registration approval.
- 6.4 If the other party is deemed unsuitable, they will be notified in writing.

## 7. Registration

- 7.1 If the other party is deemed suitable for registration by the department, they will be added to the acceptable offshore BMSB treatment providers list on the department's website and be allocated an Entity Identifier (AEI).
- 7.2 The department will require the other party to sign a letter of agreement acknowledging the scheme requirements in order to complete the registration process.
- 7.3 If the other party ceases to operate, they must notify the department in writing. The department will remove the other party from the acceptable offshore BMSB treatment providers list as per [section 13](#) of this document.

## 8. Treatment and certification

To maintain scheme registration, the other party must ensure the following:

- 8.1 All BMSB treatments must comply with the department's requirements outlined in this document and the relevant treatment methodology from the following list:
  - Methyl bromide fumigation methodology
  - Sulfuryl fluoride fumigation methodology
  - Heat treatment methodology.

**Note:** these methodologies will be available on the department's website soon.
- 8.2 Accurate treatment certification must be issued for each treatment with the treatment provider AEI clearly recorded on all certification issued.
- 8.3 The following details of all BMSB treatments conducted must be provided to the department fortnightly (at a minimum):
  - treatment provider's name
  - date fumigation completed
  - treatment certificate
  - treatment target and quantity

Further details on this process will be provided to the other party once their registration has been approved as per [section 7](#) of this document.
- 8.4 Accurate records and certification of all BMSB treatments and equipment calibration must be created and maintained.

## 9. Records management

- 9.1 The other party must ensure that the following documents are made available to the department on request:

- signed letter of agreement as per [section 7.2](#) of this document and copy of the current *Offshore BMSB Treatment Providers Scheme: compliance requirements*
- individual treatment records, equipment calibration and certification.

9.2 All records relating to the scheme must be maintained for a minimum of two years.

9.3 All records relating to the scheme must be made available to the department on request within 72 hours.

## 10. Non-compliance

10.1 The other party will receive a non-compliance notification if the department identifies that a consignment treated by the other party has not met the department's requirements.

10.2 On notification of non-compliance, the department may automatically refer the other party's next 10 consignments for departmental intervention and list the other party as 'under investigation' on the offshore BMSB treatment provider list.

10.3 Where no further non-compliance is identified during this period, the other party will have its 'acceptable' status reinstated.

10.4 The department reserves the right to request records from the other party relating to non-compliance. These records must be provided to the department within 72 hours of request.

## 11. Suspension

11.1 The department may suspend the other party for failure to treat goods in line with the department's requirements.

11.2 The other party may be suspended when:

- biosecurity risk material is detected and the other party is determined to be at fault
- the other party fails to provide records requested by the department within 72 hours
- non-compliance is identified while the other party is 'under investigation'
- during an on-site or desk-top compliance assessment, the other party cannot demonstrate compliance with the scheme.

11.3 If suspended, the other party must provide satisfactory evidence of corrective actions before the department will consider its eligibility for reinstatement.

11.4 The department reserves the right to require an on-site compliance assessment to determine compliance. This will be conducted at the other party's expense, as detailed in [section 14](#) of this document.

## 12. Cancellation

12.1 The department may cancel the other party's registration following failure to treat goods in line with the department's requirements and this scheme.

12.2 The other party's registration may be cancelled if:

- it is suspended on three separate occasions
- the treatment provider has not provided evidence supporting the extension of their registration

- the department considers this course of action justified after one or more significant detections of items of biosecurity concern.

## 13. Change in circumstance

13.1 The other party must notify the department in writing within 14 days of any significant changes to their operational circumstances. This includes changes in:

- ownership
- facilities location
- contact details
- operating procedures
- business closure
- national or international regulatory agency registration.

## 14. Onsite compliance assessment

14.1 The department reserves the right to conduct an on-site compliance assessment to verify a treatment provider's ability to meet the department's requirements.

14.2 An on-site compliance assessment may be required:

- for initial scheme registration
- for the extension of existing scheme registration
- following a failed documentary compliance assessment
- for reinstatement following a period of suspension.

14.3 All costs incurred by the department in conducting on-site compliance assessments will be charged to the other party.

14.4 On-site compliance assessments will be conducted by a departmental officer or a third party.

14.5 On-site compliance assessments will include, but are not limited to, the assessment of the other party's:

- equipment and site
- operating procedures
- cleanliness and hygiene practices
- records management and procedures
- staff understanding and management structure to support activities.

14.6 The other party must provide a safe working environment at all times during a compliance assessment.

## 15. Fees and chargeable items

15.1 Compliance assessments will be charged in accordance with the approved arrangements section of the [department's charging guidelines](#).

15.2 All services will be provided in accordance with standards applying to services undertaken in Australia.

- 15.3 In calculating the applicable rate, all time spent travelling between Australia and the other party's facilities shall form part of the services and be charged at the daily or weekly rate regardless of the time of day travel is undertaken.
- 15.4 In addition to fees for service, all direct costs associated with compliance assessments will be charged to the other party. These costs include, but are not limited to:
- third-party assessor charges (if required)
  - airfares (business class)
  - visa costs
  - airport taxes/duties and insurance
  - accommodation costs (four-star accommodation or equivalent)
  - transport to and from site of inspection
  - travel allowance (meals and incidentals)
  - interpreter/representative (if required).