



Australian Government
**Department of Agriculture,
Water and the Environment**

Ministry for Primary Industries
Manatū Ahu Matua



Offshore Brown Marmorated Stink Bug Treatment Providers Scheme

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Contents

| | |
|--|----------|
| 1. Purpose | 1 |
| 2. Definitions..... | 1 |
| 3. Scope | 1 |
| 4. Responsibilities..... | 1 |
| 5. Application for registration..... | 2 |
| 6. Registration suitability assessment..... | 2 |
| 7. Registration | 2 |
| 8. Treatment and certification | 2 |
| 9. Records management | 3 |
| 10. Non-compliance | 3 |
| 11. Suspension | 4 |
| 12. Change in circumstance | 4 |
| 13. Remote compliance verification | 5 |
| 14. Onsite compliance assessment..... | 5 |
| 15. Fees and chargeable items | 6 |
| 16. Privacy Notice - Australia..... | 6 |
| 17. Privacy Notice - New Zealand | 7 |
| 18. Information sharing | 7 |

1. Purpose

Australia and New Zealand have biosecurity measures to prevent the arrival and establishment of the Brown Marmorated Stink Bug (BMSB). The *Offshore Brown Marmorated Stink Bug Treatment Providers Scheme* (the scheme) establishes minimum standards for biosecurity treatments for BMSB conducted outside of Australia and New Zealand.

Australia and New Zealand have aligned their BMSB biosecurity treatment [minimum standards](#). The *Offshore Brown Marmorated Stink Bug Treatment Providers Scheme*, as updated from time to time, aims to:

- 1.1 set out the process for Australia and New Zealand to determine suitability of the provider to perform offshore BMSB treatments of goods to be imported into Australia and/or New Zealand.
- 1.2 effectively manage biosecurity risks of BMSB risk goods imported into Australia or New Zealand.
- 1.3 define the offshore BMSB treatment provider's (provider's) ongoing compliance requirements.
- 1.4 set out the ways in which Australia and New Zealand will cooperate, share information, and make decisions about offshore BMSB treatments.

2. Definitions

- 2.1 The provider is a biosecurity treatment provider registered under the process set out in this scheme.
- 2.2 The department means the Australian Government Department of Agriculture, Water and the Environment.
- 2.3 NZ MPI means the New Zealand Ministry for Primary Industries.
- 2.4 Terms used in this document are defined in the [Approved arrangements glossary](#) on the department's website.

3. Scope

- 3.1 The scheme applies to:
 - registered offshore BMSB treatment providers
 - the treatment of goods where the department and/or NZ MPI require biosecurity treatments for BMSB.

4. Responsibilities

- 4.1 The provider is responsible for the treatment of goods in accordance with the requirements set out in this scheme.
- 4.2 The provider 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 provider must complete an [Offshore Brown Marmorated Stink Bug Treatment Providers Scheme application](#).

6. Registration suitability assessment

- 6.1 The department and/or NZ MPI will determine the provider's suitability for registration by assessing its application form, supplementary documentation, compliance history (if relevant) and results of any onsite audit (if conducted).
- 6.2 An onsite compliance assessment may be conducted to confirm that the provider's facilities and procedures, including all equipment and operating procedures, meet the requirements as per Section 14 of this document. This will be conducted at the provider's expense as per Section 15 of this document.
- 6.3 If the provider fails to meet any of the eligibility criteria, the provider's application may be rejected.
- 6.4 If the provider is deemed unsuitable, they will be notified in writing.

7. Registration

- 7.1 If the provider is deemed suitable, it will be required to demonstrate its understanding of the scheme's compliance requirements by successfully completing a scheme and treatment questionnaire and sign a letter of agreement acknowledging the obligations under the scheme.
- 7.2 Once the provider has successfully completed the questionnaire and signed and returned the letter of agreement, it will be added to the acceptable offshore BMSB treatment providers list on the department and NZ MPI's websites and be allocated an Entity Identifier (AEI).
- NOTE:** where practicable a provider that has been previously registered will retain the same AEI as previously allocated.
- 7.3 If the provider ceases to operate, it must notify the department and NZ MPI in writing. The provider will be removed from the acceptable offshore BMSB treatment providers list.

8. Treatment and certification

To maintain scheme registration, the provider must ensure the following:

- 8.1 All BMSB treatments must comply with the scheme and the relevant treatment methodology (as varied from time to time) from the following list:
- Methyl bromide fumigation methodology
 - Sulfuryl fluoride fumigation methodology
 - Heat treatment methodology.

NOTE: BMSB treatment methodologies are available at <http://www.agriculture.gov.au/import/arrival/treatments/treatments-fumigants> or <https://www.mpi.govt.nz/importing/border-clearance/transitional-and-containment-facilities/find-treatment-options-and-suppliers/>

- 8.2 Accurate treatment certification must be issued for each treatment with the treatment provider's AEI clearly recorded on all certification.
- 8.3 All details required by the department's BMSB treatment reporting system and copies of all BMSB treatment certification for Australian bound goods are provided to the department fortnightly (at a minimum).

Further details on this process will be provided to the provider once its registration has been approved as set out in 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 provider must ensure that the following documents are made available to the department and/or NZ MPI on request:
- signed letter of agreement as per Section 7 of this document and copy of the current *Offshore BMSB Treatment Providers Scheme*
 - individual treatment records that include all of the information required in the example records of heat treatment and/or records of fumigation outlined in the relevant treatment methodologies
 - equipment calibration records
 - certification records.
- 9.2 All records must be maintained for a minimum of two years.
- 9.3 All records must be made available to the department and/or NZ MPI on request within 72 hours.

10. Non-compliance

- 10.1 To monitor compliance, the department or NZ MPI may refer any consignments treated by the provider for onshore verification?
- 10.2 The provider will receive a non-compliance notification if a consignment treated by the provider has not met the scheme's requirements.
- 10.3 Following the issue of a non-compliance notification, the department and/or NZ MPI may refer any consignments treated by the provider for any action it considers reasonable.
- 10.4 Where no further non-compliance is identified the referred consignments, the provider will have its 'acceptable' status reinstated.
- 10.5 The department and NZ MPI reserve the right to request records from the provider relating to non-compliance. These records must be provided to the department and/or NZ MPI within 72 hours of request.

11. Suspension

- 11.1 The department and/or NZ MPI may suspend the provider for failure to comply with the scheme.
- 11.2 The provider may be suspended when:
- live quarantine pests are detected that indicate the provider has not complied with the scheme and the provider is determined to be at fault
 - the provider fails to provide records requested by the department and/or NZ MPI within 72 hours
 - non-compliance is identified and department and/or NZ MPI loses confidence in the provider
 - during an on-site or desk-top compliance assessment, the provider cannot demonstrate compliance with the scheme.
- 11.3 If suspended, the provider must provide satisfactory evidence of corrective actions before being eligible for reinstatement.
- 11.4 The department and NZ MPI reserve the right to require an on-site compliance assessment to determine compliance. This will be conducted at the provider's expense, as detailed in Section 15 of the scheme.
- 11.5 In response to a suspension, the department and NZ MPI will take measures to manage the potential biosecurity risk of any goods treated by a suspended provider. e.g. goods 'in-transit' will require retreatment on arrival?
- 11.6 The department and NZ MPI reserve the right not to reinstate where the provider has not demonstrated that it meets the requirements under the scheme.
- 11.7 Where a treatment provider is suspended from the scheme, the provider may also be suspended from conducting non-BMSB treatments and listed as suspended or unacceptable on the department and NZ MPI websites where appropriate.

12. Change in circumstance

- 12.1 The provider must notify the department and NZ MPI in writing within 14 days of any significant changes to its operational circumstances. This includes changes in:
- ownership
 - facilities location
 - contact details
 - operating procedures
 - business closure
 - national or international regulatory agency registration.

13. Remote compliance verification

- 13.1 The department and NZ MPI reserve the right to conduct remote compliance assessments to verify a treatment provider's compliance with the scheme's requirements.
- 13.2 Remote compliance assessments may be required:
- for initial scheme registration
 - for the extension of existing scheme registration
 - for reinstatement following a period of suspension
 - for compliance verification – random or targeted.
- 13.3 Remote compliance assessments will be conducted by department or NZ MPI officers, or their agent and may include desk-top documentary compliance assessments or the use of video conferencing.
- 13.4 Remote compliance assessments can include, but are not limited to, the assessment of the provider's:
- treatment records and treatment certification
 - equipment suitability and calibration
 - records management
 - treatment practices
 - compliance requirements knowledge and understanding.

14. Onsite compliance assessment

- 14.1 The department and NZ MPI reserve the right to conduct an on-site compliance assessment to verify a treatment provider's ability to meet the department and/or NZ MPI'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
 - for compliance verification – random or targeted.
- 14.3 All costs incurred by the department and/or NZ MPI in conducting on-site compliance assessments will be charged to the provider, unless otherwise notified.
- 14.4 On-site compliance assessments will be conducted by department or NZ MPI officers, or their agent.
- 14.5 On-site compliance assessments will include, but are not limited to, the assessment of the provider's:
- equipment and site
 - operating procedures
 - application of treatments
 - cleanliness and hygiene practices
 - records management and procedures
 - staff understanding and management structure to support activities.

- 14.6 The provider 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](#) or the NZ MPI's [offshore systems charges](#).
- 15.2 All services will be provided in accordance with standards applying to services undertaken in Australia and/or New Zealand.
- 15.3 In calculating the applicable rate, all time spent travelling to the provider'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 provider. These costs include, but are not limited to:
- third-party agent 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).

16. Privacy Notice – Australia

- 16.1 'Personal information' means information or an opinion about an identified, or reasonably identifiable, individual. By agreeing to the scheme's requirements, you consent to the collection of all personal information related to the Offshore Brown Marmorated Stink Bug Treatment Providers Scheme.
- 16.2 The Australian Department of Agriculture, Water and the Environment collects your personal information (as defined in the Australian *Privacy Act 1988*) in relation to the Offshore Brown Marmorated Stink Bug Treatment Providers Scheme for the purposes of assessing your compliance with the scheme and related purposes. If you fail to provide some or all of the personal information requested, the department may not authorise you, or may suspend your authorisation, to conduct BMSB treatments.
- 16.3 The Australian Department of Agriculture, Water and the Environment may disclose your personal information to the persons or organisations where necessary for the purposes described, provided the disclosure is consistent with relevant laws, particularly the Privacy Act. Your personal information will be used and stored in accordance with the Australian Privacy Principles. It will be disclosed overseas. In every case it will only be disclosed if authorised by the Australian *Biosecurity Act 2015*.
- 16.4 The Australian Department of Agriculture, Water and the Environment collects your 'protected information' including personal, commercial-in-confidence (as defined in section 15 of the Australian *Biosecurity Act 2015*) and sensitive information in relation your participation in the Offshore Brown Marmorated Stink Bug Offshore Treatment

Providers Scheme under the Australian *Biosecurity Act 2015* for the purposes of assessing your compliance with the scheme and related purposes. If you fail to provide some or all of the relevant personal information requested as part of the scheme, the department may be unable to authorise you or may suspend your authorisation to conduct biosecurity treatments under the scheme. Information collected by the department will only be used or disclosed as authorised under the Australian *Biosecurity Act 2015*.

17. Privacy Notice – New Zealand

- 17.1 The relevant personal information obtained is personal information for the purposes of New Zealand's *Privacy Act 1993*. This information is collected for the purpose of registering as a treatment provider.
- 17.2 An agreement between NZ MPI and the Australian Department of Agriculture, Water and the Environment has been reached as to methods, including joint audits offshore to align and cobrand the BMSB treatment programme. This will mean sharing of information and joint management.

18. Information sharing

- 18.1 The department may use personal and protected information obtained from NZ MPI or other Australian Government agencies for the purpose of assessing and exercising compliance and enforcement functions in relation to the scheme. In every case, the department will only use personal and protected information if authorised by the Australian *Biosecurity Act 2015*.
- 18.2 The department may disclose personal and protected information to NZ MPI or other Australian Government agencies for the purpose of assessing and exercising compliance and enforcement functions in relation to the scheme.
- 18.3 To facilitate implementation of this agreement, NZ MPI will provide the Australian Department of Agriculture, Water and the Environment with information obtained under the scheme.