

SECTION IV:E

**REQUIREMENTS FOR
TRANSITIONAL FACILITY AND OPERATOR
APPROVAL AND MONITORING
MAFRA 152.04.03S**

1 SCOPE

- 1.1 The following are the minimum requirements for the approval and monitoring of transitional facilities for holding, inspecting, treating or destruction and disposal of uncleared risk goods imported into New Zealand.
- 1.2 These requirements do **not** include;
- (a) the post entry quarantine facility requirements for live animals; or
 - (b) the post entry quarantine facility requirements for plants.
- 1.3 The delivery of this service consists of approving and monitoring facilities where imported goods are held and processed. This includes:
- (a) conveying requirements to facility operators;
 - (b) approving the facilities in terms of these requirements;
 - (c) auditing and monitoring of the operators and operation of facilities to ensure the requirements of the relevant kind continues to be met; and
 - (d) taking appropriate action when facilities are not complying with the relevant requirements.

2 REFERENCES

- 2.1 The following Act and Regulations are applicable to the implementation of these requirements:
- (a) Biosecurity Act 1993; and
 - (b) Biosecurity (Costs) Regulations 1993.

2.2 The following requirements are relevant to the delivery of this service:

- (a) Section I: *Requirements for Border Inspection Quality Management and Administration*; and
- (b) Section III: *Requirements for Biosecurity Clearance*.

3 DEFINITIONS

In the context of this section the following terms are used as defined:

Approved Receptacle

Receptacles used for the storage and transport of quarantine refuse that have been approved by an inspector.

Area

The place within a transitional facility where inspection or treatment takes place.

Decontamination

Removal and/or sterilisation of contaminants within a secure environment.

Operator

The person in charge of a transitional facility.

Transitional Facility

"Means a place-

- (a) That is a biosecurity control area; or
- (b) That is a quarantine facility of quarantine area; or
- (c) That is under the control of New Zealand Post Limited and (by agreement between and inspector and that company) used, for the purposes of this Act, for opening and examining the contents of mail that has arrived in New Zealand from outside New Zealand; or
- (d) In relation to any uncleared goods, that is a place to which an inspector has authorised those goods to proceed-
 - (i) For processing; or
 - (ii) For holding pending processing; or
 - (iii) For holding pending clearance; or
- (e) Where approved means of destroying or treating risk goods are situated".

4 SERVICE REQUIREMENTS

- 4.1 The supplier of inspection services at the border is required to undertake the inspection and monitoring of transitional facilities and operators in accordance with these requirements, and Section I of this manual.
- 4.2 Where a situation arises during the delivery of this service which is not covered by these requirements and which can be assumed to have implications for the plant or animal health status of New Zealand then the supplier of services shall immediately report the situation to the NA (BI).
- 4.3 Should it arise that a requirement is not legally sustainable or enforceable then the MR shall advise the NA (BI).

5 TECHNICAL REQUIREMENTS

5.1 General

- 5.1.1 A facility must meet the relevant requirements set by the MAF Regulatory Authority before it can be approved as a transitional facility. The facility operator must also meet the requirement and be approved.
- 5.1.2 An inspector responsible for inspecting and reporting on a facility that is either an approved transitional facility or is under consideration for approval, must assess that facility and its operator, using the relevant requirements set by the MAF Regulatory Authority.
- 5.1.3 An inspector shall inspect the facility and its operating quality system and report to the MR who shall prepare the advice to the NA(BI) about the suitability of the facility and its operator.
- 5.1.4 The MR may, after advising the NA(BI) of his or her intention, inform an operator that he or she and the facility has been approved and inspectors have been advised that they may direct uncleared goods into the facility.
- 5.1.5 The supplier shall keep a readily available current national list of all approved transitional facilities at each port of entry into New Zealand.
- 5.1.6 Uncleared goods shall not be moved to and/or held at any place except an approved transitional facility. An inspector must not direct uncleared goods to a facility unless the facility has already been approved.
- 5.1.7 Inspectors are to specify any approved means (consistent with the Regulatory Authority's requirements) by which uncleared risk goods are transported to, held, and processed at the facility.

5.1.8 Where there is no transitional facility available for any particular risk good to be inspected, treated or destroyed then such goods shall not be given authorisation to land at that port. This section does not apply to risk goods that may be carried by passengers.

5.2 Processing applications for approval

5.2.1 The supplier is to process every *bona fide* and complete application for approval as a transitional facility or transitional facility operator. The applicant is to be advised of any deficiencies in the application. In all cases an approved facility must be operated by a specified and approved operator, and every operator must be approved relative to a specified facility. All applications must be in writing and provide the required information

5.2.2 The person processing the application shall confirm that:

- (a) all the required information has been included in the application.
- (b) the facility operator has nominated one person to be responsible for the day to day operation of the facility and with whom the supplier can liaise. The nominated person may be the operator.

5.2.3 An inspector shall carry out an approval audit of the facility and its operating quality system to ensure that it meets the MAF Regulatory Authority's requirements. Only inspectors that have been trained and accredited by the supplier to carry out audits may conduct an approval audit of a facility. Each audit must be carried out in accordance with the criteria contained in the relevant *Requirements for transitional facilities, MAF RA 152.04.03F*.

5.2.4 If the requirements are met the MR shall forward the completed application forms for the facility and operator together with a recommendation for approval to the NA(BI). The NA(BI) will provide a formal approval document to the MR for the supplier's records and the facility and facility operator.

5.3 Monitoring of approved facilities

5.3.1 The supplier shall initiate a monitoring programme for that facility to ensure that the facility continues to meet the MAF Regulatory Authority's requirements.

5.3.2 An inspector shall carry out audit inspections of the facility and the operator to ensure that they continue to meet the MAF Regulatory Authority's requirements. Only inspectors that have been trained and accredited by the supplier to carry out audits may conduct audits of a facility. The audits must be carried out in accordance with the criteria contained in the relevant *Requirements for transitional facilities*. Generally it

is expected that monitoring/audits will take place at the same time as routine inspections of risk goods.

- 5.3.3 When a facility or an operator is found to not comply with the MAF Regulatory Authority's requirements, the operator is to be given a written remedial action direction (including a specific time in which to complete the action) and advised when a re-inspection will occur. If, in the opinion of the inspector conducting the audit, the non-compliance constitutes an immediate biosecurity hazard, then the inspector shall without delay:
- (a) advise the operator of the non-compliance and the hazard it represents;
 - (b) advise the MR and NA(BI) of the situation; and
 - (c) take what steps are necessary to secure the situation.
- 5.3.4 Any non-compliance identified by an inspector while carrying out routine duties within a transitional facility must be brought to the attention of the operator, in the first instance, and then reported to the MR. If the non-compliance constitutes an immediate biosecurity risk then the inspector must respond as if he or she were conducting an audit and found a serious non-compliance.
- 5.3.5 Where a facility no longer meets the MAF Regulatory Authority's requirements then the operator is to be advised in writing that the facility is no longer approved and uncleared goods are not to be directed/permitted to go to that facility.

5.4 Records and reporting

- 5.4.1 Retrievable records shall be kept of the notice of approval of the facility, audit reports and any non compliance relating to operation of the facility.
- 5.4.2 Retrievable records are to be kept by an **inspector** of any notice given to the importer or his agent directing:
- (a) goods to each transitional facility;
 - (b) the release of the goods from the facility;
 - (c) treatment of goods at the facility.
- 5.4.3 The supplier is to report its activities according to the requirements in Section I of this manual.

5.5 Cost recovery

All costs associated with the approval of a transitional facility and the cost of audits carried out at the facility are the responsibility of the operator of the facility. The suppliers is to charge the operator of the facility in accordance with the Biosecurity (Costs) Regulations 1993.

6.0 FACILITIES ALREADY APPROVED

- 6.1 Facilities already approved by the supplier need not reapply for approval but are still subject to the monitoring/audit requirements.