

**SECTION IV:A**

**REQUIREMENTS FOR  
PORT APPROVAL AND MONITORING**

**1 SCOPE**

- 1.1 The following are the minimum requirements for the approval under section 37 of the Biosecurity Act 1993 and monitoring of sea ports as places of first arrival into New Zealand.
- 1.2 The delivery of this service includes the following activities:
- (a) conveying requirements to the port authority/operator;
  - (b) approving the arrangements, facilities and systems of the port in terms of these requirements;
  - (c) auditing and monitoring of the operator and operation of the port to ensure the requirements specific for that port continue to be met; and
  - (d) taking appropriate action when the port is 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) *Memorandum of Agreement between the Ministry of Agriculture and the Customs Department.*

**3 DEFINITIONS**

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

### **Arrangement**

1. Any written understanding or contract between the port authority/operator and a third party to deliver services essential for the operation of the port as a place of first arrival into New Zealand.
2. Any written understanding between the port authority/operator and any agency (government, statutory authority or private body) establishing and/or maintaining control on or knowledge of activities in that port.

### **Facility**

Any building or defined area used while carrying out any of the activities required by the Director-General for the operation of a port as a place of first entry into New Zealand.

### **Port Authority/Operator**

The body with the overall responsibility for the operation of a port.

### **Standing Approval**

An approval (Section IV:C) from the Director-General of MAF to operate continually as a place of first arrival into New Zealand.

### **System**

A process (including the quality system, process procedures or operating instructions) by which any of the activities required by the Director-General for the operation of a port as a place of first arrival into New Zealand are carried out.

### **Temporary Approval**

A conditional approval (Section IV:C) to an airport authority/operator to temporarily operate as place of first arrival into New Zealand for a specified period or until a specified event occurs.

## **4 SERVICE REQUIREMENTS**

- 4.1 The supplier of inspection services at the border is required to undertake the approval and monitoring of ports as places of first entry into New Zealand 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). In cases in which the possible change in status is of

significance to forestry, the NA(BI) will contact the GMO's designate in accordance with the MAF RA/MoF memorandum of understanding.

- 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 port must have arrangements, facilities and systems that are sufficient to manage all the biosecurity risks associated with the kinds of vessels and goods entering that port before it can be approved as a place of first arrival. If the port is given a standing approval then the arrangements, facilities and systems must be capable of operating at all times.
- 5.1.2 A port may also be given approval to operate as a place of first arrival for a specified time or until a specified event occurs. In this case the arrangements, facilities and systems must apply for the whole specified period or until the specified event occurs. There will be no residual status as a place of first arrival after the specified period or event.
- 5.1.3 Approvals may be limited to certain types of vessels and/or goods. In this case the approval will specify the limitations.
- 5.1.4 An inspector charged with inspecting and reporting on a port that is either an approved port or is under consideration for approval, must assess that arrangements, facilities and systems are adequate to manage the likely biosecurity risks:
- (a) there must be the ability to monitor movements in and out of the port and advise affected parties on arrivals and departures, nature of vessels and goods, passengers and crew;
  - (b) there must be sufficient control and procedures to limit activities in the port to the handling of specified types vessels and goods (if limitation are conditions on the approval);
  - (c) there must be a designated biosecurity control area and a current agreement with the Director-General in regard to that area;
  - (d) there must either be approved transitional facilities for all the necessary purposes (inspection, holding, treating, or destroying and disposing of uncleared goods, goods that cannot be cleared, and refuse) on the port or arrangements with third parties to provide for each of those purposes of the

port and secure transport for uncleared goods transported from the port to the transitional facilities; and

- (e) there must be adequate transitional facilities where uncleared goods are or may be present to ensure that no unauthorised persons have access to those goods and there is no contact between uncleared goods and cleared or domestic goods.

5.1.3 An inspector shall inspect the port and its operating system. The inspector must confirm that the arrangements, facilities and systems are adequate for all types of vessels and goods or, if the port's operation as a place of first arrival has been or is to be limited to specified types of vessels and goods, for those specified vessels and goods and would exclude any other type of vessel or good.

5.1.4 An inspector shall report to the MR who shall prepare the advice to the NA(BI) about the suitability of the arrangements, facilities and systems of the port.

5.1.5 The MR may, after advising the NA(BI) of his or her intention, inform a port authority/operator that the facility has been approved.

5.1.6 The supplier shall keep readily available a record on each port for which it has prepared advice to the NA(BI) or advised the authority/operator that the port has been approved.

## **5.2 Processing applications for approval**

5.2.1 The supplier is to process every *bone fide* and complete application for approval of a port as a place of first arrival into New Zealand. The applicant is to be advised of any deficiencies in the application. In all cases an approved port must be operated by a specified and approved authority/operator. 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 on arrangements, facilities and systems has been included in the application.
- (b) the authority/operator has nominated one person to be responsible for the day to day operation of the port and with whom the supplier can liaise.

5.2.3 An inspector shall carry out an approval audit of the port and its operating system to ensure that it meets the MAF Regulatory Authority's requirements (including any limitation on its activities) for that port. Only inspectors that have been trained and accredited by the supplier to carry out audits may conduct an approval audit of a port. Each audit must be carried out in accordance with the criteria contained in the relevant *Requirements for a port as a place of first arrival into New Zealand*.

5.2.4 If the requirements are met and the NA(BI) has agreed, then the authority/operator shall be advised by the MR that the port has been approved as a transitional facility. This will not be done until all affected government departments have been consulted.

5.2.5 The NA(BI) will arrange for the Gazette notice of the designation of the port as an approved place of first arrival into New Zealand.

### **5.3 Monitoring of approved ports**

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

5.3.2 An inspector shall carry out audit inspections of the port. Only inspectors that have been trained and accredited by the supplier to carry out audits may conduct audits of ports. The audits must be carried out in accordance with the criteria contained in the relevant *Requirements for ports as places of first arrival into New Zealand*.

5.3.3 When a port is found to not comply with the MAF Regulatory Authority's requirements, the operator is to be given a 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 risk, 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 port must be brought to the attention of the authority/operator, in the first instance, and then reported to the MR. If the non-compliance constitutes an immediate biosecurity hazard 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 port no longer meets the MAF Regulatory Authority's requirements then the operator shall be advised in writing that the port is no longer approved and may not operate as an approved place of first arrival into New Zealand. A Gazette notice to this effect will be arranged by the NA(BI). This action will not be taken until all the affected government departments have been consulted.

## **5.4 Records and reporting**

- 5.4.1 Retrievable records shall be kept of the notice of approval of a port, audit reports and any non compliance relating to operation of that port.
- 5.4.2 The supplier is to report its approval and monitoring activities according to the requirements in Section I of this manual.

## **5.5 Cost recovery**

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

## **6.0 PORTS ALREADY APPROVED**

- 6.1 Ports already approved and gazetted as places of first arrival are exempt from applying for approval but shall be subject to the monitoring/audit requirements.