

SECTION III:D

**REQUIREMENTS FOR
BIOSECURITY CLEARANCE OF
PERSONAL EFFECTS**

1 SCOPE

1.1 The following are the minimum requirements for biosecurity clearance of personal effects imported into New Zealand. The activities covered are:

- (a) inspection of import documentation;
- (b) inspection of all the goods included in the personal effects;
- (c) retention of goods that cannot be given biosecurity clearance;
- (d) direction to reshipe, decontaminate, destruction;
- (e) supervision of transport to approved transitional facilities;
- (f) supervision of reshipment, decontamination or destruction; and
- (h) biosecurity clearance.

1.2 The service consists of processing personal effects imported into New Zealand as unaccompanied non-commercial cargo and taking the required steps to ensure that unauthorised goods included in the personal effects are not imported or introduced into New Zealand unless they are not subject to any import health standard or they comply with the relevant import health standard.

2 REFERENCES

2.1 The following Acts and Regulations are applicable to the implementation of these requirements:

- (a) Biosecurity Act 1993;
- (b) Biosecurity (Costs) Regulations 1993.

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

- (a) Section I: *Requirements for Border Inspection Quality Management and Administration*; and
- (b) Import health standards issued by the Director-General of MAF.

3 DEFINITIONS

In the context of this part of Section III:

Personal Effects

Unaccompanied personal or household belongings shipped as sea or aircargo to New Zealand.

4 SERVICE REQUIREMENTS

- 4.1 The supplier of clearance services at the border is required to undertake biosecurity clearance of personal effects in accordance with these requirements, other relevant MAF RA requirements, and import health standards issued by the Director-General of MAF.
- 4.2 Where a situation arises during clearance of personal effects 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 Processing Personal Effects

- 5.1.1 Inspection of personal effects must be carried out by an inspector who can, if necessary, exercise the full range of statutory powers during the inspection.
- 5.1.2 The documentation and the declaration from the importer (or his/or her agent) of a consignment of personal effects must be examined.

- 5.1.3 The inspector shall make a risk assessment of the contents of the baggage using a documented procedure which includes all details known to be relevant to such a risk assessment. Where the inspector is satisfied the personal effects do not contain risk goods then the consignment shall be released to the importer. The inspector shall keep a record of personal effects released unconditionally. The record shall identify the consignment and the importer.
- 5.1.4 Where the inspector has determined that an examination of the baggage is required then the importer shall be advised of the place of inspection and may require the personal effects to remain unopened until an inspector is present.
- 5.1.5 Where inspection is required, the inspector shall take account of the site where inspection will take place and whether the risk posed by any goods can be contained.
- Subject to the above personal effects may be inspected at any residence or office, etc, and there is no need for the inspection to take place at an approved transitional facility (see 5.4.2).
- 5.1.6 Each good included in the personal effects shall be considered as an individual item for which the inspector shall make a judgement if it is subject to any import health standards or it complies with the relevant import health standard.
- 5.1.7 Where an inspector considers that risk goods are likely to contain contaminants then the personal effects shall be inspected to the extent necessary to ascertain the presence of contaminants.
- 5.1.8 Where the owner of the personal effects is unavailable and a declaration of the contents is unobtainable then the personal effects shall be either held in secure custody until a list becomes available or shall be inspected for risk goods.
- 5.1.9 If the inspection cannot take place at the time when the declaration is made then the inspector may inform the importer in writing that the baggage may not be opened until permission is given by an inspector.
- 5.1.10 Due care must be taken not to damage any goods, but inspection must be thorough.

5.2 Retention of Risk Goods

- 5.2.1 Any risk goods that do not comply with an existing import health standard are to be seized. Goods may only be seized by an inspector.
- 5.2.2 The owner of the goods is to be advised that the goods cannot be given biosecurity clearance. The owners is to be asked if they wish to have the goods:
- (a) re-shipped (at their own expense);

- (b) treated (at their own expense) as directed by the inspector; or
- (c) destroyed under the direction of the inspector.

There shall be no compensation for goods that must be destroyed.

- 5.2.3 All seized goods are to be held in a secure area until the direction of the inspector can be carried out or directed to an approved transitional facility. Goods to be disposed of or transported must be placed in an approved receptacle either on an importers premises or carried by an inspector, if the personal effects are examined at a temporary transitional facility site.

5.3 Clearance Recording and Reporting

The supplier is to record and report clearance data as required in Section 1 of this manual.

5.4 Transshipment

- 5.4.1 Personal effects may be transhipped from the port or airport where it arrived to another place provided that the personal effects are packaged and carried in such a manner that risk goods do not escape in transit.
- 5.4.2 Where personal effects are known to contain risk goods which require an import health standard containing post entry conditions after inspection then the MR shall take such steps as necessary to ensure the security of the transshipment and subsequent opening of the personal effects or if appropriate to forbid transshipment and require the personal effects to be opened within a metropolitan area.

5.5 Diplomatic / consular goods

- 5.5.1 Diplomatic and consular agents shall be accorded all the rights and privileges of the Diplomatic Privileges and Immunities Act 1969.
- 5.5.2 Where any consular or diplomatic agent objects to having baggage inspected and the situation cannot be resolved on a local level then the NA(BI) shall be advised along with all relevant details within 48 hours.

5.6 Cost Recovery

The costs associated with biosecurity clearance of personal effects are to be recovered by the supplier in accordance with the Biosecurity (Costs) Regulations 1993.