



Requirements for Places of First Arrival (Seaports)

**New Zealand
MAF Biosecurity Authority Standard:
BMG-SEA-PORTS**

MAY 2003

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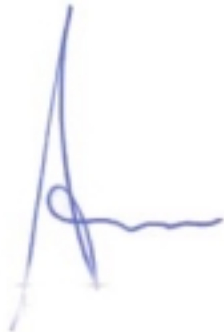
REVIEW

This MAF Biosecurity Authority (MAF Biosecurity) Standard is subject to periodic review. Amendments will be issued to holders of controlled copies to ensure the standard continues to meet current needs.

Last Review: May 2003
Next Review: To be advised or after 10 amendments

ENDORSEMENT

Pursuant to the Biosecurity Act 1993 and acting under the authority delegated to e by the Director General of Agriculture and Forestry, I hereby issue this Standard.



Neil. H. Hyde
Director Border Management
Chief Technical Officer
Date:



29 MAY 2003

DISTRIBUTION

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INTERNET

This standard is also available at the following Internet address:

www.maf.govt.nz/biosecurity/border/transitional-facilities/bmg-sea-ports.htm

INTRODUCTION

The Biosecurity Act 1993 (“the Act”) prescribes requirements for the exclusion, eradication and effective management of pests and unwanted organisms. The Ministry of Agriculture and Forestry (MAF) is responsible for administering the Act. The Biosecurity Authority within MAF is responsible for developing and administering standards to ensure the requirements of the Act are met.

Under section 37(1) of the Act, the Director-General of MAF may approve a port as a place of first arrival. This document sets out the minimum requirements required to satisfy the Director-General that a port may be approved as a place of first arrival under the Act. Ports with existing approvals as a place of first arrival must also meet this standard. This is in addition to the provisions of any other legislation affecting the approval as a port e.g. Customs and Excise Act 1996 and Health Act 1956.

The Director-General will consult with the Chief Executives of the New Zealand Customs Service, Ministry's of Health, Fisheries and Transport, the New Zealand Police, and Department of Conservation before any new approval, or significant changes to existing approvals, are actioned. Where the requirements affect other parties MAF will consult with them.

Section 37(6) of the Act recognises that not all the arrangements, facilities and systems need to be under the direct control of the port operator. However, the Director-General must be assured that there are effective contractual or other arrangements in place between the port operator and the users of facilities within the port, to ensure that the requirements of this standard are met. These other facilities will, in most cases, be transitional facilities approved under section 39 of the Act, with operators approved under section 40 of the Act. Non conformance on the part of a contractor or third party may result in the withdrawal of approval as a place of first arrival.

DEFINITION OF TERMS

Any term defined in the Biosecurity Act 1993 or Regulations made under that Act and used in this standard has the same meaning as in that Act or Regulations.

Biosecurity Control Area - means a place that is—

- (a) Part of a port approved as a place of first arrival in accordance with section 37(1); and
- (b) By written agreement with the port's operator, under the control of the Director-General.

Biosecurity Refuse - organic waste material from vessels, aircraft, biosecurity control areas, transitional facilities and decontamination facilities that requires treatment, incineration or sterilisation.

Cargo - includes containers and packing material.

Director Border Management - the Director Border Management, New Zealand Ministry of Agriculture and Forestry, or any person who for the time being may lawfully exercise and perform the power and functions of the Director Border Management. This position is a Chief Technical Officer pursuant to section 101 of the Biosecurity Act 1993.

Inspector - means a person who is appointed an inspector under section 103 of the Biosecurity Act 1993.

MAF - Ministry of Agriculture and Forestry.

Organism

Biotic entity capable of reproduction or replication, vertebrate or invertebrate animals, plants and micro-organisms [ISPM Pub. No. 3, 1996]

Within New Zealand, an organism, defined by the New Zealand Biosecurity Act (1993);

- a) Does not include a human being or a genetic structure derived from a human being;
- b) Includes a micro-organism;
- c) Subject to paragraph (a) of this definition, includes a genetic structure that is capable of replicating itself (whether that structure comprises all or only part of an entity, and whether it comprises all or only part of the total genetic structure of an entity):
- d) Includes an entity (other than a human being) declared by the Governor-General by Order in Council to be an organism for the purposes of this Act;
- e) Includes a reproductive cell or developmental stage of an organism;
- f) Includes any particle that is a prion.

Port¹ - Anchorage, harbour and wharf.

Port Approval Certificate - means a certificate issued by the Director-General certifying the approval of a port to operate as a place of first arrival. The certificate may limit the arrival of vessels to arrivals for purposes specified in the approval (e.g. it may limit the passenger numbers and what types of risk goods may be imported through that port).

Port Operator - means a person or body responsible for the management of a port that is approved as a place of first arrival.

Risk Goods¹ - means any organism, organic material, or other thing, or substance, that (by reason of its nature, origin, or other relevant factors) it is reasonable to suspect constitutes, harbours or contains an organism that may-

- a) cause unwanted harm to natural and physical resources or human health in New Zealand; or
- b) Interfere with the diagnosis, management, or treatment, in New Zealand of pests or unwanted organisms.

¹ Biosecurity Act 1993

SECTION A REQUIREMENTS

The Director-General must be satisfied that the following facilities, arrangements and systems are in place:

1 VESSEL ARRIVALS

- 1.1 The port operator must ensure a system is in place to communicate to MAF the following information:
 - 1.1.1 The Advance Notice of Vessel Arrival not less than 48hrs prior; and
 - 1.1.2 Subsequent changes to estimated time of arrival.
- 1.2 Only vessel types specified on the Port Approval Certificate (refer to example, Schedule 2) may arrive at the port. The Director-General may in special circumstances give approval for other types of vessels to arrive at that port.
- 1.3 Except in an emergency all vessels arriving from overseas must proceed directly to the berths or anchorage specified for overseas vessels. If the port operator wishes to take a vessel to an area other than those specified for overseas vessels, they must seek prior approval from an inspector.
- 1.4 An inspector must be notified as soon as practicable of all arrivals. Vessels are required to meet the conditions of MAF Biosecurity Standard BMG-STD-VESCL *Requirements of Vessels Entering New Zealand*.
- 1.5 For a vessel to arrive at a port not approved as a place of first arrival permission must be obtained from the Director General (via the Director Border Management), except in an emergency situation.

2 PORT SECURITY

- 2.1 The port operator must prevent access of the public or other unauthorised persons to uncleared vessels or cargo. The port security system must allow 24hr access for inspectors performing their duties under the Act to enable access to vessels, operational areas and facilities.
- 2.2 The operator must also have a system that ensures only risk goods given biosecurity clearance or risk goods directed by an inspector to an approved transitional facility leave the port.

3 CARGO and TRANSITIONAL FACILITIES

- 3.1 There must be at least one transitional facility approved in accordance with section 39 of the Act for holding and processing uncleared goods, (refer to Schedule 1).

- 3.2 Only the cargo types specified in the port approval certificate (refer to Schedule 2) may be discharged at the port. The port operator must ensure facilities are available for the inspection of the specified cargo types.
- 3.3 All discharged cargo must be taken directly from the vessel to an approved transitional and remain separate from domestic or export cargo as outlined in the MAF Biosecurity Standard: *Requirements for Holding and Processing Facilities for Uncleared Risk Goods*.
- 3.4 There must be systems in place to ensure that an inspector is notified of all imported cargo being discharged at the port. The notification must allow an inspector to determine the nature, origin and destination of the goods.
- 3.5 The port operator must have systems in place to ensure only cleared risk goods or goods directed by an inspector to a transitional facility leave the port. Used dunnage must be not leave the port unless directed or cleared by an inspector.
- 3.6 Additional facilities

Vehicles, containers, machinery, fresh produce, foliage and live plant material may only be discharged at a port if the relevant facilities that meet the appropriate MAF standard are available (refer to Schedule 1):

- 3.6.1 Vehicles and machinery; an OSH compliant method to examine the under surfaces of vehicles.
- 3.6.2 Containers; a suitable inspection area and OSH compliant method to examine all exterior surfaces.
- 3.6.3 Fresh produce, foliage and live plant material; a fresh produce inspection facility.
- 3.6.4 Bulk plant products or fertiliser; secure storage and transportation to importers' premises.
- 3.6.5 Live animals or animal products; a holding and inspection facility appropriate to the species of animal or type of product being imported.
- 3.6.6 Decontamination facilities or treatment suppliers must be available to decontaminate or treat the type of goods being imported.

4 BIOSECURITY REFUSE CONTROL

There must be approved processes to destroy or treat refuse (including dunnage) from vessels, cargo, transitional facilities, decontamination facilities and biosecurity control areas that meets MAF Biosecurity Standard: *Requirements for Incineration/Sterilisation Facilities* (refer to Schedule 1).

5 PASSENGER PROCESSING

5.1 Biosecurity Control Area

All ports must have a designated biosecurity control area within the confines of the port area to be available when required by an inspector. The minimum requirements for the are:

- 5.1.1 It must be separated from any public areas;
- 5.1.2 It must be of an appropriate size relative to passenger flow rates, the origin of the passengers (passenger risk profile), equipment requirements (e.g. x-ray machines) and queuing space;
- 5.1.3 Have a separate search area for baggage examination, containing suitable search benches;
- 5.1.4 Have a lighting level of not less than 600 lux over search benches;
- 5.1.5 Have electricity outlets, telephone and computer cabling if required.

5.2 Inspection facility

An inspection facility adjacent to the search benches must be available when required by an inspector for inspecting, treating and holding risk goods. Minimum requirements for the inspection facility include:

- 5.2.1 A sink with hot and cold water;
- 5.2.2 A bench-space with an impervious surface;
- 5.2.3 Cupboards and shelving for storage;
- 5.2.4 Adequate space for biosecurity refuse bins;
- 5.2.5 Adequate lighting levels not less than 1000 lux.

5.3 Interview room

A room must be immediately available when required by an inspector for interviewing passengers, crew or other person's who may have committed an offence under the Act. The room must be within the biosecurity control area and adjacent to the search benches. Minimum requirements for the interview room include:

- 5.3.1 Able to be locked;
- 5.3.2 Sufficient space for five people (inspector, passenger, solicitor, interpreter and police officer) to be seated comfortably;

- 5.3.3 Sufficient space to accommodate passengers' baggage, and if required, for the police to perform a search of the person;
- 5.3.4 Contain a table and five chairs;
- 5.3.5 Soundproof walls and blinds to enable privacy.

Note: The rooms may be used for other purposes when not required by an inspector.

5.4 Biosecurity detector dogs

A separate room must be available for the biosecurity detector dog teams(s) when required by an inspector. The minimum requirements for the room include:

- 5.4.1 Appropriate size relative to the number of detector dog teams to be used at the port;
- 5.4.2 Secure and meets animal welfare requirements;
- 5.4.3 Fittings to store equipment.

Note: The facilities referred to in 5.1 - 5.4 may, subject to specified conditions, be shared with other Government agencies.

6 SIGNAGE

The port must display MAF supplied signage, amnesty bins (for passengers to place risk goods in) and other information signs or warnings for biosecurity purposes, as required by the Director-General.

7 PORT BIOSECURITY RISK MANAGEMENT

7.1 Pest Habitat

The transitional facilities must be kept free of vegetation and materials (e.g. rubble, unused machinery, tyres, equipment and used dunnage) that are capable of harbouring unwanted organisms. Receptacles or other things that may collect water must be removed or modified to prevent water collecting.

7.2 Notification

An employee or contractor of the port operator who suspects the existence of live organisms within a transitional facility area must bring this to the immediate attention of an inspector.

7.3 Spillage of Risk Goods

The port operator must have suitable equipment available to immediately contain and remove any spillage of risk goods between the vessel and the transitional facility within the port area. Any risk good spillage not returned as cargo must be placed in an approved receptacle, and taken to an approved transitional facility for the destruction of biosecurity refuse (refer to Schedule 1). This accountability applies irrespective of the ownership, or carrier, of the risk goods.

8 CONTACTS

The port operator is to nominate a person from their organisation to liaise with MAF in regard to any issues concerning the day-to-day running of the port. The nominee must have sufficient authority within the organisation to respond directly to any biosecurity issues and direction by an inspector.

9 APPROVAL NOTIFICATION

- 9.1 Within 28 days of approval a notice will be published in the *Gazette*. The notice will specify the name of the port, the day on which it was approved, any limitation on the kind or description of craft for which the port was approved, any limitation on arrivals to specified purposes, and a place where the notice of approval may be inspected.
- 9.2 The approval must be available, at all reasonable times, for inspection at the place specified in the *Gazette* notice.

10 AUDIT

- 10.1 MAF will normally audit the port annually to determine the level of compliance with this standard. The audit frequency may vary depending on the level of compliance with this standard.
- 10.2 Where the Director-General is not satisfied that the port is operating in accordance with this standard, the port's approval as a place of first arrival may be varied, suspended or revoked by the Director-General. The Director General must consult the Chief Executives of the New Zealand Customs Service, the Ministries of Health, Transport and the New Zealand Police before varying, suspending or revoking the approval.
- 10.3 Any direction by an inspector for rectification of a non-compliance with this standard will include a timeframe within which remedial action must be taken.

11 COSTS

The costs of approving the systems, facilities and arrangements and auditing places of first arrival will be recovered at an hourly rate specified in the Biosecurity Act 1993, Regulations made under the Act and MAF policy.

SECTION B APPLICATION GUIDELINES

Applications to operate as a place of first arrival are to be made in writing to:

Director, Border Management
MAF Biosecurity Authority
PO Box 106231
AUCKLAND

For applications for a new place of first arrival, consultation with the Chief Executives of the New Zealand Customs Service, the Ministries of Health, Fisheries, Transport, Department of Conservation and the New Zealand Police will occur prior to approval being given.

The application must include:

- (a) the name of the port operator; and the registered company administering the place of first arrival;
- (b) the physical address of the port;
- (c) the registered office and address for service;
- (d) the geographic location of the facility;
- (e) the postal address (if different to (c));
- (f) a site plan of the relevant operational areas of the port. This should include those proposed areas that may be approved as transitional facilities. (e.g. cargo unloading areas around the vessel);
- (g) a site plan of the proposed biosecurity control area; (N.B. If necessary the size and location of the biosecurity control area should be initially discussed with local MAF staff before beginning the application process or port re-design);
- (h) the type of the vessels, intending to arrive at the port (see schedule 2);
- (i) the types of the goods imported through the port (see schedule 2);
- (j) full details of the proposed facilities, arrangements and systems in place for:
 - notification of vessel arrivals and berth
 - port security
 - transitional facilities
 - biosecurity control area
 - passenger processing facilities
 - biosecurity refuse control
 - decontamination facilities & treatment facilities
 - port biosecurity risk management
 - any other matters

Note: While the port operator is accountable for the facilities and operations required by this standard they do not need to be owned or operated by the port operator but must be approved by MAF.

The application may also include any other information that may be relevant to the Director-General's decision as to the satisfactory nature of arrangements, facilities and systems at the port.

SCHEDULE 1

The requirements for the facilities referred to in this standard are set out in the standards listed below. These are available at www.maf.govt.nz/biosecurity/border.

Biosecurity Refuse Destruction Facility

MAF Biosecurity Standard: PBC-NZ-STD-FACIL-REFUSE, *Requirements for Incineration/Sterilisation Facilities.*

Vessel Arrivals

MAF Biosecurity Standard: BMG-STD-VESCL, *Requirements of Vessels Entering New Zealand.*

Treatment Suppliers

MAF Biosecurity Standard: BMG-STD-TREAT, *Approval of Suppliers Providing Treatment of Imported Risk Goods and Forestry/Plant Related Material for Export.*

Holding and Processing Transitional Facility

MAF Biosecurity Standard: 152.04.03F, *Requirements for Holding and Processing Facilities for Uncleared Risk Goods.*

Note: includes requirements for a Vehicle, Machinery and Container Decontamination Facility, and requirements for a Fresh Produce Inspection.

SCHEDULE 2

PORT APPROVAL CERTIFICATE EXAMPLE:

PLACE OF FIRST ARRIVAL IN NEW ZEALAND

Under Section 37 of the Biosecurity Act 1993
_____ **Port**

*is approved as a
Place of First Arrival in New Zealand
for the following types of vessels:*

- *General cargo*
- *Bulk cargo*
- *Naval/Military*
- *Passenger*
- *Tankers*
- *Yachts/Pleasure craft*

*This approval is limited to the arrival of vessels for the purpose of
discharging the following imported cargo types:*

- *Bulk grain and/or fertiliser;*
- *Bulk liquids;*
- *Containers;*
- *Fresh produce;*
- *General cargo;*
- *Live animals;*
- *Passengers and Baggage; and*
- *Vehicles and machinery.*

Approved by:

***For the Director-General
Ministry of Agriculture and Forestry
(acting under delegated authority)***

Date: / / 20__