

Requirements for Places of First Arrival (Seaports/Airports)

Short Name: BMG-POFA-ALL

Operators are strongly advised to familiarise themselves with this standard and the associated guidance documents and to seek MAFBNZ guidance if they are unclear on any part, prior to undertaking any activities relating to places of first arrival.

ENDORSEMENT

Pursuant to the Biosecurity Act 1993 (sections 17, 25 37(1) and 37(A)) and acting under the authority delegated to me by the Director General of Agriculture and Forestry, I hereby issue this Standard.- **Requirements for Places of First Arrival, BNZ-STD-POFA-ALL**

This standard revokes and replaces the following MAFBNZ standards:

- *MAF Standard BMG-SEA-PORTS: Requirements for Places of First Arrival (29 May 2003),*
- *MAF Standard BMG-STD-AIRPT Requirements for Places of First Arrival (Airports) (17 December 2001),*
- *MAF Standard BMG-STD-AAR Arrival of Aircraft 158.8, and*
- *Annex 1 of the MAF Standard VESSELS Requirements for Vessels arriving in NZ.*

Dated at Wellington this day of 2010

Barry O'Neil (DDG)

Deputy Director General
MAF Biosecurity New Zealand
(Issued under delegated authority)

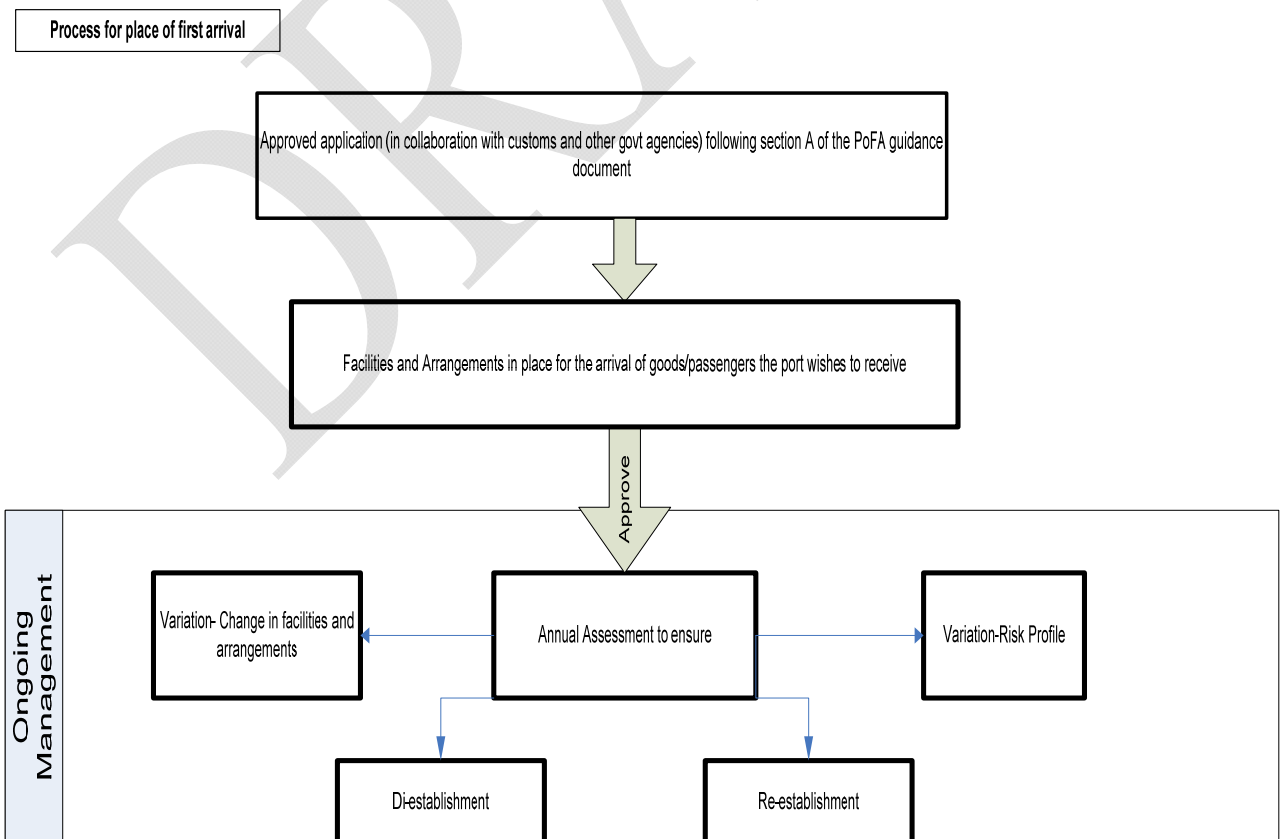
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THE STANDARD

1. 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 Biosecurity New Zealand (MAFBNZ) is responsible for administering the Act and for developing and administering standards to ensure the requirements of the Act are met.

Under section 17(1)(b) of the Act, all craft entering NZ must proceed directly to a port of entry approved under this Act. Under section 37(1) of the Act, the Director-General (DG) of MAF may, by written notice to the operator of a port, approve a port as a place of first arrival for all craft or craft of specified kinds or descriptions. To be approved as a Place of First Arrival (PoFA) the DG must be satisfied that there are facilities, systems and arrangements in place that effectively manage risks associated with the importation of risk goods.

This Standard states the requirements for the approval, management, and maintenance of a PoFA related to specific import risks. Further detailed information on the management of a PoFA is contained in the guidance document that accompanies this Standard. The outcomes required by this standard must be met or exceeded, using either the examples provided in the guidance document or approved equivalent measures.

Sea or air ports with existing approvals as a PoFA 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 etc.

Operators of PoFA must ensure that all third parties, (such as a contractor) operating within a PoFA, comply with this standard.

It is expected that facilities will also meet and maintain the requirements of local governing bodies and any other relevant legislation, such as the Resource Management Act 1991, Health and Safety in Employment Act 1982, and any requirements of a relevant Import Health Standard.

This document also sets conditions for approval of the arrival of craft to places not approved as places of first arrival (temporary approval of arrangements) as provided for in section 37A of the Act.

2. Reviews and Amendment

This MAF Biosecurity Standard is subject to periodic review and amendment at any time, to ensure that it continues to meet biosecurity objectives. Operators must ensure that the most recent version of this Standard is used.

Amendment No.	Date	Reference

3. Contact Persons

For all matters relating to the interpretation, review and amendment of this standard, please contact:

Operational Standards & Facilities Group – Places of First Arrival

MAF Biosecurity New Zealand

PO Box 2526

Wellington 6011

New Zealand

Fax: 64 4 894 0228

Email: standards@maf.govt.nz

For all matters relating to the operation of this standard, including assessments, amendments and variations, please contact your local MAFBNZ office.

4. BIOSECURITY REQUIREMENTS

All Operators of Places of First Arrival must satisfy the Director-General that there are facilities, systems and arrangements in place that effectively manage risks associated with the importation of risk goods.

SECTION A APPROVAL FOR A PLACE OF FIRST ARRIVAL

1 APPROVAL OF A PLACE OF FIRST ARRIVAL

1.1 Application

A written application is required for each place of first arrival. The application must be accompanied by a detailed documented system. Once approved the approval notice will be gazetted.

(Note: The applicant is advised to apply for licensing and permissions for receipt of passengers and goods from other relevant government departments and agencies separately to the MAFBNZ approval).

1.2 Approval

Approval is specific to the type of biosecurity risk arriving at the place of first arrival. An Operator of a place of first arrival, or third parties, must operate in accordance with the specific import health and/or operational standards (schedule 1) that manage the risk of the types of craft and cargo the operator is approved to receive. This includes the provision of specific facilities and systems for dealing with specific risk goods approved to be imported by the port.

SECTION B MAINTENANCE OF A PLACE OF FIRST ARRIVAL

2. VARIATION TO AN APPROVAL

All variations to an approval will be subject to consultation with relevant government departments and will be by written notice in the *Gazette* and written notice to the ports operator.

2.1 Variation to the risk profile

A variation to an approval is required should the risk profile of the risk goods received change.

2.2 Variation to the facilities, arrangements or systems

A variation is required should there be a change in facilities, arrangements or systems management that alter the details of the approval such as, but not inclusive, third party management of requirements for a place of first arrival.

2.3 On-going approval as a place of first arrival is dependent on facilities, and systems, detailed in Import Health and Operational standards (schedule 1), being present, at all times for the importation of identified biosecurity risk goods, and arrangements for their operation continuing to be satisfactory and according to requirements of the standards.

3 COMPLIANCE FOR PLACES OF FIRST ARRIVAL

- 3.1** Should the place of first arrival fail to be operational within 12 months of the approval being gazetted the DG may, by written notice to the port operator, suspend the approval until such time as the place of first arrival is operational and has met the re-establishment criteria.
- 3.2** If a place of first arrival is not operational over a 12 month period the DG will, by written notice to the port operator, suspend the approval, until the place of first arrival has successfully being through a reassessment process, including meeting the re-establishment criteria, which is distinct from the approval process.
- 3.3** A yearly assessment process will inform the DG if the facilities, arrangements or systems in place meet biosecurity requirements. If the facilities, arrangements or systems in place do not meet biosecurity requirements the DG may, by written notice to the port operator, suspend approval until specified remedial action is completed.
- 3.4** The DG may notify the port operator of a change to biosecurity requirements due to a new perceived risk associated with a good. If the port operator does not provide the required facility or arrangement the DG may, by written notice in the *Gazette* and written notice to the port operator amend the approval to remove permission in relation to the risk good, or by varying the kind or description of craft for which the port is approved for purposes of arrival.
- 3.5** If the DG is not satisfied that the port operator has the systems, arrangements and facilities in place the DG may, by written notice in the *Gazette* revoke an approval.

4 COSTS

The costs of approving the systems, facilities and arrangements and assessing places of first arrival will be recovered at an hourly rate as specified by the Act.

SECTION C TEMPORARY APPROVAL

5 APPROVAL OF ARRIVALS AT PORTS NOT APPROVED AS PLACES OF FIRST ARRIVAL (Temporary approval).

The DG may approve a temporary approval for the arrival of individual craft at a port that is not approved as a place of first arrival for that craft/ cargo..

Temporary approvals are for one off/adhoc arrivals to places of first arrival not approved to receive a particular craft/cargo. Temporary approvals are subject to conditions specified by the DG and by other authoritys specified under the Customs and Excise Act. Temporary approvals are also relevant to in-transit craft that require clearance prior to arrival but excude emergency or force majeure arrivals .

- 5.1** Application for a temporary approval must be made in writing to MAFBNZ after being processed through other government agencies as specified in the guidance document. The DG must consult the chief executives of other relevant government departments before approving a temporary approval.
- 5.2** The applicant must obey any direction given by, and answer any questions relating to the craft or its cargo, crew, passengers, stores, or voyage asked by an inspector.
- 5.3** The DG may impose conditions on the temporary approval as it relates to the management of risks associated with the importation of risk goods, passengers or crew and includes giving reasonable directions to the person in control of the craft

as to the movement of the craft, unloading or loading of risk goods, disembarking of people or measures to ensure risk goods staying onboard are maintained in a secure place under control of the person in charge of the craft.

- 5.4** The costs of approving the systems, facilities and arrangements and assessment of Temporary places of first arrival will be recovered at an hourly rate specified in the Cost Regulations made under the Act and MAFBNZ policy.

DRAFT

Definitions

Any term defined in the Biosecurity Act 1993 and the Customs and Excise Act 1996, or Regulations made under the Acts and used in this standard has the same meaning as in that Act or Regulation. To clarify definitions across acts the following definitions are as follows:

Act – Biosecurity Act 1993

Approval Certificate - 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 craft 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).

Biosecurity Control Area - a place that is—

- (a) Part of a place approved as a place of first arrival in accordance with section 37(1); and
- (b) By written agreement with the operator, under the control of the Director-General for the purposes of the Biosecurity Act 1993.

Biosecurity Refuse - any waste material from vessels, aircraft, biosecurity control areas, transitional facilities and/or decontamination facilities that due to its biosecurity risk status may require treatment, or sterilisation.

Biosecurity Risk Organism - a live organism that is a **risk good** as defined in section 2 of the Biosecurity Act 1993.

Customs Control Area:- means an area that is licensed under section 12 of the Customs and Excise Act 1996.

Operator - the person or organisation which manages works and controls the port approved as the place of first arrival.

Place¹ -includes any building, conveyance, craft, land or structure, and the bed and waters of the sea and any canal, lake, pond, river or stream.

Port¹– includes an airport, anchorage, harbour, and wharf.

Risk profile: an assessment document based on the biology, global occurrence, and transport opportunities of a potentially damaging alien pest species, defining its invasive potential, and risk of arrival and establishment

Scheduled – means a flight or voyage performed by a craft for the transport of passengers, cargo between New Zealand and 1 or more points in any other country or territory, if the flight or voyage is one of a regular or frequent series of flights or voyages that constitute a systematic service, whether or not in accordance with a published timetable, and that are operated in a manner where each flight or voyage is open to use by members of the public. (Immigration Act 1987)

Transitional facility – is a place approved by the DG as a transitional facility under section 39(3) of the Biosecurity Act 1993.

Unscheduled - is a flight or voyage that is not scheduled and requires MAFBNZ approval.

¹ Biosecurity Act 1993

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.

FACILITIES

General Transitional Facilities for Uncleared Goods

MAF Biosecurity Standard short code: BNZ-STD-TFGEN

Note: includes requirements for a Vehicle, Machinery, Flight kitchen, Quarantine Transfer Station Treatment and Container Decontamination Facility, and requirements for a Fresh Produce Inspection

SYSTEMS

Vessels Requirements for Vessels Arriving in New Zealand

Details the system requirements for vessels arriving into New Zealand.

Inspection of Vessels Arriving in New Zealand

Details the inspection requirements for vessels arriving into New Zealand.

Import Health Standard for Sea Containers from All Countries

MAF Biosecurity standard short code: BMG-STD-SEACO

Details the requirements for importation of sea containers into New Zealand.

SCHEDULE 2

SEAPORT/AIRPORT APPROVAL CERTIFICATE EXAMPLE:
Gazette No.

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 craft:*

- *Air plane*
- *General cargo*
- *Bulk cargo*
- *Naval/Military*
- *Passenger*
- *Tankers*
- *Yachts/Pleasure craft*
- *Other (project, dredge, fishing)*

*This approval is limited to the arrival of craft 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__