



Draft for Consultation

## Aircraft from All Countries

CRMS: AIRCRAFT

24 March 2014

## **TITLE**

Craft Risk Management Standard: Aircraft from All Countries

## **COMMENCEMENT**

This Craft Risk Management Standard comes into force on ..

## **ISSUING AUTHORITY**

This Craft Risk Management Standard is issued under section 24G of the Biosecurity Act.

Dated at Wellington this ... day of ..... 2014

Peter Thomson  
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Ministry for Primary Industries  
(acting under delegated authority of the Director General)  
A copy of the instrument of delegation may be inspected at the Director General's office.

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<b>Contents</b>	<b>Page</b>
<b>Introduction</b>	<b>3</b>
<b>Part 1: Requirements of the Act</b>	<b>5</b>
1.1 Arrival	5
1.2 Compliance	5
<b>Part 2: Requirements of the Standard</b>	<b>6</b>
2.1 What and whom this CRMS applies to	6
2.2 General	6
2.3 Clearance	6
2.4 Disinsection	6
2.5 Risk goods	7
2.6 Information	7
<b>Part 3: Miscellaneous</b>	<b>8</b>
3.1 Risk Management Plans (CRMP)	8
3.2 Costs	8
<b>Schedule 1 – Definitions</b>	<b>9</b>

## Introduction

This introduction is not part of the Craft Risk Management Standard, but is intended to indicate its general effect.

## Purpose

- (1) This Craft Risk Management Standard (CRMS) specifies the requirements needed to manage the biosecurity risks associated with the arrival of aircraft in New Zealand.
- (2) The outcome of this standard is to minimise the unintentional introduction into New Zealand of harmful organisms that may be associated with aircraft.
- (3) Nothing in this CRMS is to be read as reducing or relieving the operators or persons in charge of an aircraft of their responsibility for the safety of the aircraft, crew and passengers.

## Background

- (1) Aircraft arriving in New Zealand from origins outside New Zealand have the potential to be vectors for exotic pests, disease agents and unwanted organisms.
- (2) This Craft Risk Management Standard (CRMS) was developed under the Biosecurity Act 1993 (the Act). It specifies the minimum biosecurity risk management and information requirements that are required to be met when aircraft arrive in New Zealand. MPI will verify these requirements have been met upon arrival (verification may include inspections).
- (3) All words in **bold** are defined in Schedule 1.
- (4) Brief guidance material within this CRMS is contained within boxes.
- (5) The guidance document that accompanies this CRMS provides information on how the requirements may be met.

## Who should read this Craft Risk Management Standard?

- (1) Any person that has an interest in the arrival of an aircraft in New Zealand, such as:
  - Operators and persons in charge of aircraft; and
  - Operators of airports.

## Why is this important?

- (1) Any aircraft that does not meet the requirements of this CRMS is likely be directed under sections 19, 32 or 33 of the Act to take action to mitigate the risk and, if mitigation measures cannot be taken, is likely to be directed to leave New Zealand.
- (2) Deliberate non-compliance with the requirements of this CRMS or negligence leading to non-compliance will lead to increased intervention regimes (e.g. inspections or audits) and/or serving of a compliance order.
- (3) Some cases of non-compliances may lead to prosecution. Section 157 of the Act outlines the penalties for offences against the Act:
  - a) Section 157(3) states: *Every person who commits an offence against sections 16A, 18, 19 and 25 is liable on conviction,—*
    - i) *in the case of an individual person, to imprisonment for a term not exceeding 12 months, a fine not exceeding \$50,000, or both:*

- ii) *in the case of a corporation, to a fine not exceeding \$100,000*
- b) *Section 157(5) states: Every person who commits an offence against Section 17 is liable on conviction,—*
  - i) *in the case of an individual person, to a fine not exceeding \$5,000:*
  - ii) *in the case of a corporation, to a fine not exceeding \$15,000.*

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## Part 1: Requirements of the Act

### 1.1 Arrival

- (1) In accordance with section 17 of the Act, all aircraft that **arrive** in New Zealand must do so at either:
  - a) a **Place of First Arrival (POFA)** that is suitable for the aircraft and, if relevant, approved for the purpose for which it is arriving; or
  - b) a place for which special approval has been granted to arrive there under Section 37A of the Act.
- (2) In accordance with sections 18, 19 and 33 of the Act, no risk goods are permitted to be removed from an arriving aircraft at the place of first arrival and any subsequent airport without the permission of an inspector.
- (3) Where risk goods that are directly associated with the aircraft, the person in charge of the aircraft must follow every reasonable direction given by an inspector regarding the aircraft location and the management of the risk goods.

### 1.2 Compliance

- (1) In accordance with Section 24J of the Act, the operator or person in charge of an aircraft must take all reasonable steps to comply with this CRMS.

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## Part 2: Requirements of the Standard

### 2.1 What and whom this CRMS applies to

- (1) This CRMS applies to:
  - a) All **aircraft** that **arrive** in New Zealand; and
  - b) Every Person in Charge or Operator of an aircraft.
- (2) This CRMS applies to all biosecurity risks associated with an aircraft and does not apply to the risk goods intended for importation.

Examples of goods that are not managed by the requirements of this CRMS include:

- (a) Crew and passengers, personal effects and baggage; and
- (b) Garbage that has been segregated from any risk goods (for example recycling) and is approved by an inspector to be free of biosecurity risk and biosecurity contamination.

### 2.2 General

- (1) All aircraft that arrive in New Zealand must be free of **regulated pests, risk goods and biosecurity contamination**, or managed in accordance with the requirements of this CRMS.

### 2.3 Clearance

- (1) Upon arrival in New Zealand, the person in charge or operator of an aircraft must ensure that the aircraft can either:
  - a) Obtain **aircraft clearance** as a **Domestic Aircraft** so it can travel throughout New Zealand. To obtain **aircraft clearance**:
    - i) the aircraft must be free of regulated pests, risk goods and biosecurity contamination; and
    - ii) all the information required in 2.5.1 has been received by MPI.
  - or
  - b) Remain at a POFA as an **International Transit Aircraft**. To be an international transit aircraft the aircraft must:
    - i) be free of regulated pests;
    - ii) only arrives at a single airport approved as a POFA; and
    - iii) leaves New Zealand within 8 hours of first arrival; and
    - iv) Where an aircraft cannot meet the requirements of an International Transit Aircraft the person in charge or operator must ensure that aircraft meets the requirements of a Domestic Aircraft.

### 2.4 Disinsection

- (1) All aircraft that arrive in New Zealand must be disinsected and carry a valid certificate of **disinsection** in accordance with the Schedule of Aircraft Disinsection Procedures for Flights into Australia and New Zealand.

## 2.5 Risk goods

- (1) Any aircraft arriving in New Zealand with **risk goods** (other than those intended for importation) must managed the risk goods by one of the following methods (at the expense of the person in charge or operator):
- a) For Domestic Aircraft:
    - i) All risk goods must be removed from the aircraft and disposed of via an **approved system** prior to departing the POFA.
  - or
  - b) For International Transit Aircraft:
    - i) All risk goods to be landed must be removed from the aircraft and disposed of via an approved system at a POFA; and
    - ii) All risk goods that are to remain on the aircraft must be securely stored in lockers, foodcarts or separate closable compartments at all times, unless otherwise directed by an MPI inspector.

## 2.6 Information

- (1) The information stated below is required for all aircraft arriving in New Zealand and must be sent to and received by Director General at the POFA within a reasonable time<sup>1</sup> prior to the aircraft's arrival to allow for verification:
- a) ETA (including any updates);
  - b) Where the aircraft will land (airport);
  - c) Aircraft Type and Call sign (Tail Registration);
  - d) Airport of Origin and all Transit Stops (including last airport of call);
  - e) Disinsection status;
  - f) Duration of stay for aircraft at the POFA and any other airport within New Zealand (if relevant);
  - g) If any risk goods are to remain onboard (only relevant for international transit aircraft); and
  - h) If any live pests have been found/sighted onboard on-route to New Zealand.

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<sup>1</sup> What constitutes a reasonable time depends on the POFA at which the aircraft intends to arrive, please contact MPI at the airport to confirm the minimum time requirements for each POFA.



## **Part 3: Miscellaneous**

### **3.1 Risk Management Plans (CRMP)**

- (1) Where the person in charge of an aircraft proposes to meet the outcome of this CRMS with requirements that are equivalent to but different from those specified in this CRMS, an owner or operator can submit a CRMP to MPI<sup>2</sup> for approval.

### **3.2 Costs**

- (2) The costs to MPI in performing its functions relating to the arrival of aircraft in accordance with the requirements of this standard will be recovered at the applicable rate specified by the Biosecurity Cost Regulations.

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<sup>2</sup> Please refer to MPI website for contact information: <http://www.biosecurity.govt.nz/regs/cont-carg/equivalence-co-management> (note : the website will be updated to include CRMP – which are essentially equivalence systems so standards with be the point of contact)

## Schedule 1 – Definitions

This appendix sets out the definitions of terms used within this CRMS. Unless a term has a specific definition listed below, then the meaning should be taken to be the same as that found in Section 2 of the Biosecurity Act 1993.

### **Aircraft**

The ordinary meaning of aircraft; for example aeroplanes, hydroplanes, and helicopters.

### **Aircraft clearance**

Written authority from an inspector, once the inspected is satisfied that:

- a) The aircraft is clean, free of regulated pests, risk goods and biosecurity contamination; and
- b) That all the required information has been received by MPI, for example any certificates verifying disinsection or any other treatments previously required by an inspector.

### **Approved System**

Means a system approved as part of a POFA approval under section 37 of the Act.

### **Arrive in New Zealand**

For the purposes of an aircraft, the Act defines to arrive to mean: *to land (whether or not on land) in New Zealand territory after a flight originating outside New Zealand territory.*

### **Biosecurity contamination**

Means a risk good and where there is an unwanted presence in a commodity, storage place, or aircraft of any material that may pose a biosecurity risk.

### **Domestic aircraft**

Means an aircraft that in accordance with this CRMS is free of regulated pests, risk goods and biosecurity contamination and has received written aircraft clearance from MPI to travel throughout New Zealand and can remain in New Zealand indefinitely.

### **Disinsection**

Means the procedure whereby measures are taken to control or kill the insect pests present in or on the internal surfaces of an aircraft such as the cabin and hold areas.

### **International transit aircraft**

Means an aircraft that is free of regulated pests but may have risk goods securely stored on board in a manner approved by an inspector, but does not receive biosecurity clearance and can only travel to one POFA and is required to depart New Zealand 8 hours after first arrival.

### **Place of First Arrival (POFA)**

Means a place that has approval under section 37 of the Act for the arrival of craft from a foreign place.

### **Regulated Pest**

Means an organism that is a “risk good”, as defined in Section 2 of the Biosecurity Act.

### **Risk goods**

The Act defines risk goods to mean: *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.*

For the purposes of this CRMS the following are examples of risk goods that are not intended for import and are therefore managed by this CRMS:

- a) Uncleared goods or cargo (for example cargo destined for another country and spillage from previous cargo in the hold);
- b) Wood packaging (for example dunnage);
- c) Domestic waste and the vacuums from cabin, hold and other internal areas;
- d) Animals and plants and parts thereof (for example, pot plants, floral arrangements, animal and plant waste; and
- e) Pests and their material such as nests or egg masses.

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