



Summary of Submission:
**Draft Craft Risk Management Standard
for Aircraft from All Countries**

August 2014

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1 Executive Summary

As part of the development of the Craft Risk Management Standard (CRMS) for Aircraft from All Countries, the Ministry for Primary Industries (MPI) undertook public consultation and sought written submissions from stakeholders on the following documents:

1. Draft CRMS for Aircraft from All Countries; and
2. Draft Guidance Document for Aircraft from All Countries.

MPI proactively notified stakeholder associations (Board of Airlines Representatives New Zealand and New Zealand Airports Association) in advance of and at the opening of the consultation period to ensure that their members were aware that MPI was developing requirements for the arrival of international aircraft. MPI also informed the New Zealand Ministries of Transport and Health, the New Zealand Customs Service and the Australian Department of Agriculture of the consultation on these documents.

In total 1 submission and 4 general enquiries from airlines, airports and ministries were received. Overall, those entities that provided comment or a submission were supportive of MPI introducing this CRMS. This document summarises the submission and the enquiries received and provides MPI's response to them.

2 Submission and General Enquiries received

The consultation period for written submissions was from 24th March 2014 to 9th May 2014. MPI received a submission from Air New Zealand (AIRNZ) raising the following concerns:

1. That the draft CRMS does not make allowances for Cabotage – where an aircraft travels from one Place of First Arrival (POFA) to another before they depart New Zealand (NZ), in this instance there is one such flight that arrives at Christchurch International Terminal, then flies onto Auckland International Terminal before departing NZ;
2. That the draft CRMS does not provide a clear explanation of how MPI aircraft clearance is to be obtained and the form that the clearance will take, therefore AIRNZ is unable to determine if their existing procedures will need to be altered; and
3. AIRNZ would like confirmation that their two engineering hangers at Christchurch and Auckland airports fall within the existing POFA approvals and if not, if MPI aircraft clearance is now required for the aircraft heading for maintenance purposes.

The four general enquiries MPI received prior to the close of submissions were similar to the submission received and the concerns raised are outlined below:

1. Would aircraft arriving under cabotage require MPI aircraft clearance;
2. What is involved in obtaining MPI aircraft clearance – as this has the potential to affect turnaround times;
3. What is defined as a POFA – would the existing engineering hangers be considered to be covered within the existing POFAs;
4. In some cases, international aircraft are required to remain at the POFA for longer than 8 hours, particularly where airport hours of operation dictate departure times. Clarification is needed if aircraft in these situations would require MPI aircraft clearance; and

5. That the CRMS should clearly outline that the requirements of the standard do not negate the operators' responsibilities to meet other legislative requirements.

MPI thanks the submitter and those entities that made enquiries for taking the time to make their submission or enquiry, which assisted in the process of ensuring NZ's biosecurity systems are workable and effective. The submission and enquiries have added information and advice regarding the management of aircraft arrivals, aircraft operations and the relevant facilities and they are greatly appreciated.

3 Response

This section provides MPI's responses to the concerns or points raised in the submission and enquiries received.

3.1 CABOTAGE

The weekly cabotage flight has been operating under a long standing arrangement with MPI and the New Zealand Customs Service. This arrangement involves special procedures for domestic passengers within the international terminals of Christchurch and Auckland International Airports. This is the only cabotage flight operating within NZ.

MPI acknowledges that while this long standing arrangement exists, the CRMS does not make allowances or provide requirements for this flight as it is considered to be the exception and MPI does not intend to allow any additional cabotage flights in the future. While MPI does not intend to include provisions for the existing cabotage flight in the CRMS, MPI will enable this specific arrangement to continue as it predates the CRMS.

3.2 AIRCRAFT CLEARANCE

Currently, the biosecurity clearance of international aircraft for use on domestic routes involves the confirmation of disinsection status, the removal of all food and waste from the aircraft via approved systems at an airport approved as a place of first arrival and verbal approval from an inspector. The only difference for this procedure in the draft CRMS is that the aircraft clearance from an inspector will be written.

Concerns were raised in the submission and several of the enquiries were about being unsure how written clearance from MPI would be obtained. This issue may be compounded as stakeholders are as yet, unable to determine if this would affect their existing operating procedures. If this would affect their existing operating procedures they were unsure how they should alter their operating procedures in preparation for the CRMS implementation.

MPI acknowledges that the draft CRMS does not specifically outline the procedures involved in obtaining written clearance for an aircraft. In developing the CRMS requirements MPI must have regard to the practicality of the proposed requirements for all parties with a vested interest, which in this case includes airlines, airports and MPI. However, the CRMS is not the appropriate place for the step by step procedures that will occur at arrival of an aircraft, unless these steps are considered a necessary part of biosecurity mitigation measures. In this case, MPI considered that the requirement to obtain a written aircraft clearance as a mitigation measure is sufficient and appropriate for the CRMS, but there is no necessity to specify step by step procedures for obtaining written aircraft clearance.

MPI intends to engage with all parties with a vested interest in this requirement during the development of the written clearance procedures to ensure that they will be practical for all involved.

For airlines that have existing disinsection agreements with MPI and have all the arrangements in place to have the risk goods removed at airports approved as a POFA, it is intended that MPI intervention will not increase from what is occurring currently and it is expected that the written aircraft clearance will be provided within the turnaround time of the aircraft.

3.3 MAINTENANCE

Currently, the maintenance of large international commercial aircraft is carried out at AIRNZ's engineering hangers at Auckland and Christchurch International Airports. Maintenance occurs after aircraft have been cleared of all food and waste as per the requirements specified in the approved POFA operating manual for the airport in question. Maintenance of private or corporate jets is carried out in either AIRNZ's hangers or in smaller engineering hangers throughout the country. This also occurs after the aircraft have been cleared of all food and biosecurity waste as per the requirements of the airport's approved POFA operating manual.

The draft CRMS requires that all scheduled and unscheduled maintenance on international transit aircraft is conducted at premises that are within the area approved as the POFA, or MPI aircraft clearance is required before the aircraft can be moved to premises that are outside of the POFA.

AIRNZ's concern is whether their engineering hangers at Christchurch and Auckland International airports fall within the POFA approvals and if not, that MPI would require aircraft clearance for the aircraft to be conducted before being permitted to move to maintenance.

MPI confirms that AIRNZ's engineering hangers at Auckland and Christchurch International Airports are considered to be within the area of the respective POFA approvals, this being the area bound by the security fence referred to as "airside". Any maintenance facility that is airside at any of the airports approved as POFA is considered by MPI to be within the approved POFA area, unless the relevant POFA approval states otherwise.

As such, maintenance on international transit aircraft can be conducted in airside premises at the POFA where the international aircraft arrives at without requiring MPI aircraft clearance under the requirements of the proposed CRMS.

3.4 EIGHT HOUR TURNAROUND TIME OF INTERNATIONAL AIRCRAFT

Currently, MPI enables international aircraft to have a turnaround time of approximately 3-5 hours before increased MPI intervention is considered. The draft CRMS has increased this time up to 8 hours before the aircraft is required to receive aircraft intervention or clearance.

If the turnaround time exceeds 8 hours the draft CRMS requires the aircraft operators to obtain MPI aircraft clearance or apply for an exemption from MPI. MPI will endeavour to be fair, reasonable and practical but reserves the right not to grant the exemption if it is not appropriate to do so.

3.5 THE BIOSECURITY ACT'S RELATIONSHIP WITH OTHER ENACTMENTS

The relationships between the Biosecurity Act 1993 (the Act), (including any of the regulations legislated under it), and other enactments is outlined in section 7 of the Act. An enquiry from the Ministry of Transport, while acknowledging that the relationship exists within the Act, suggested highlighting that the requirements of the CRMS are not to be read as negating the operators' responsibility to comply with the requirements of other enactments such as those required by the Civil Aviation Authority.

While these relationships are a provision of the Act and therefore cannot be a requirement of the CRMS and need not be mentioned in the CRMS, MPI acknowledges that for stakeholder's clarity it may be appropriate to have these matters included in the CRMS as information.

4 Changes to the CRMS

As a result of the concerns raised in the submission and general enquiries and Legal advice, MPI has made minor amendments to the wording and formatting of the CRMS. However, none of the requirements that were consulted on have changed.