



MPI Standard

Place of First Arrival

POFA-ALL

9 October 2018

TITLE

Standard: Place of First Arrival

COMMENCEMENT

This Standard comes into force on the date of issue.

REVOCATION

This Standard revokes and replaces the Approved Standard for Places of First Arrival that came into force on 21 December 2012.

ISSUING AUTHORITY

This Standard is issued under section 37 of the Biosecurity Act 1993.

Dated at Wellington this 8th day of October 2018.

Director, Plants & Pathways
Ministry for Primary Industries
(acting under delegated authority of the Director-General)

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Introduction

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

Purpose

This Standard specifies the requirements for the approval, and maintenance of that approval, to be met by an operator of a port (airport, anchorage, harbour, or wharf) that directly receives offshore craft and risk goods.

Background

The Biosecurity Act 1993 (the Act) provides the legal basis for excluding, eradicating and effectively managing pests and unwanted organisms that may cause harm to natural and physical resources and human health in New Zealand. The Ministry for Primary Industries New Zealand (MPI) is responsible for administering the Act and for developing and administering standards to ensure the requirements of the Act are met.

A place of first arrival is an area of land, buildings, harbour, wharf and/or berthing areas that receives offshore craft and risk goods over which an operator exercises control. This Standard sets out the minimum requirements that must be met when receiving off-shore craft and risk goods (i.e. containers or craft).

This Standard lists the standards (by incorporation) and includes the provision of specific arrangements, facilities and systems that must be met before a port is approved as a place of first arrival by the Director-General. In addition, the same requirements must be maintained to continually manage any biosecurity risks brought into New Zealand from offshore. The details of application, suspension and revocation of approval are detailed in sections 37(1), 37B and 37C of the Act and are not repeated in this Standard.

Who should read this Standard?

This Standard should be read by anyone who intends to apply for or who operates a place of first arrival in New Zealand and should be read in conjunction with section 37(1) 37B and 37C of the Act.

Why is this important?

To manage the biosecurity risk of offshore craft and conveyances, and risk goods they carry, all craft must arrive in New Zealand at a place of first arrival. Places of first arrival have arrangements, facilities and systems in place to manage the risks associated with the types of craft, conveyance and risk goods an operator receives.

Approval as a place of first arrival is dependent on the operator's capability to operate to an approved standard all the arrangements, facilities and systems that the Director-General requires to manage biosecurity risk.

Port operators are responsible for ensuring that only approved craft, conveyances and risk good types are received.

If places of first arrival do not comply with this Standard continually, then all or some parts of the arrangements, facilities and systems specific to types of craft, conveyance and risk goods may be suspended or revoked (section 37B of the Act).

Costs

The costs to the New Zealand Government in performing its biosecurity risk management functions relating to the approval and management of places of first arrival will be recovered at the applicable rate specified in the current Biosecurity (Costs) Regulations.

Document History

The Standard for places of first arrival originally came into force in December 2010 (Approved standards for places of first arrival) in response to biosecurity risks associated with the importation of craft and conveyance into New Zealand ports. Over time, other standards have been added to the collection of requirements.

No.	Version Date	Section Changed	Change(s) Description
1.	21 December 2012	Section 9.2 Schedule 2	Minor amendments, addition of Schedule 2 and inclusion of 9.2 of the revoked operational standard – PAXCL Incorporation of Biosecurity Control Areas.
2	8 th October 2018	All parts	Formatting change to MPI-approved format and incorporation of BCA into the body of the standard (previously a schedule).

Other information

Guidance for this Standard is provided in [Places of First Arrival Guidance POFA-ALL-GD](#).

Approval for the arrival of unapproved craft, conveyances or types of risk goods must be sought from MPI prior to arrival. More information can be found on the MPI website at <https://www.biosecurity.govt.nz/importing/border-clearance/places-of-first-arrival/arriving-at-a-location-that-isnt-an-approved-place-of-first-arrival/>.

Part 1: General Requirements

1.1 Application

- (1) This standard applies to:
 - a) Any operator seeking approval for their port to become a place of first arrival;
 - b) All operators of places of first arrival approved under section 37 of the Act.

1.2 Incorporation by reference

- (1) The following MPI material is incorporated by reference in this standard under section 142M of the Act:
 - a) Facility Standard for Transitional Facilities for General Uncleared Risk Goods
<https://mpi.govt.nz/document-vault/1615>
 - b) Import Health Standard for Air Containers from All Countries
<https://www.biosecurity.govt.nz/dmsdocument/19637/loggedIn>
 - c) Import Health Standard for Sea Containers from All Countries
<https://www.mpi.govt.nz/document-vault/1984>
 - d) Aircraft from All Countries - CRMS Aircraft
<https://www.mpi.govt.nz/document-vault/5035>
 - e) Craft Risk Management Standard Vessels CRMS-Vessels
www.mpi.govt.nz/dmsdocument/19910
 - f) Import Health Standard for Wood Packaging Material from All Countries
<https://mpi.govt.nz/document-vault/1212>
 - g) Approved Biosecurity Treatments MPI-STD-ABTRT
<https://mpi.govt.nz/document-vault/1555>
- (2) Under section 142O (3) of the Act it is declared that section 142O (1) does not apply, that is, a notice under section 142(2) of the Act is not required to be published before material that amends or replaces any material incorporated by reference has legal effect as part of this standard.

1.3 Definitions

- (1) Terms used in this Standard are defined in the Act, the Maritime Transport Act 1994 and the Civil Aviation Act 1990 and any regulations under those Acts. The Act is available at:
<http://www.legislation.govt.nz/act/public/1993/0095/latest/whole.html>.
- (2) Terms not in any of the above Acts, but used in this Standard are defined in Schedule 1.

1.4 Implementation arrangements for this Standard

- (1) This Standard has been revised to incorporate the formatting changes to standards issued by MPI and no implementation arrangements are required.

Part 2: Requirements for Places of First Arrival

2.1 Approval

- (1) An applicant, or a designated third party, must apply for approval in order for a port to be approved as a place of first arrival.
- (2) Applicants must ensure that the facilities listed in part 2.5 of this Standard are MPI-approved prior to applying to become an approved place of first arrival.
- (3) All ports must have the arrangements, facilities and systems in place that effectively manage the risks associated with the importation of craft and biosecurity risk goods in order to be approved as a place of first arrival.

Guidance

- The applicant is advised to apply for licensing and permissions for receipt of passengers and goods from other relevant government departments and agencies prior to seeking a place of first arrival approval.
- Approval will be granted in writing (Schedule 2) and the certificate should be displayed prominently.

2.2 Documentation requirements

- (1) A written application is required for each place of first arrival. This written application needs to summarise the arrangements, facilities and systems (as set out in part 2.4 and 2.5 of this Standard) in place to manage the type and volume of risk goods planned to arrive at the intended place of first arrival.
- (2) The operator must provide an operating manual describing how the following activities are to be effectively managed relative to the volume, timing and schedule of the intended arrivals to be approved:
 - a) Notification of the arrival of craft to MPI staff via an approved system;
 - b) Transfer of risk goods from craft to a transitional/containment facility or biosecurity control area suitable for the type of risk goods imported;
 - c) Processing of passengers/crew through inspection and/or interview procedures and accommodation of detector dogs;
 - d) Disposal/transfer of biosecurity refuse to a biosecurity refuse facility;
 - e) Communication of biosecurity requirements to place of first arrival staff and crew and passengers of craft;
 - f) Security of craft, people and risk goods;
 - g) Contingency systems for foreseen events and activities that compromise biosecurity management and/or increase biosecurity risks; and
 - h) Notification to MPI of breakdown, failure and/or breach of the biosecurity management system.

Guidance

- Ongoing management of places of first arrival will be assessed by MPI against this standard to ensure ongoing compliance. It is MPI's expectation that operators will maintain a current manual that documents the arrangements, facilities and systems operating in the place of first arrival area (including moorings, etc.) and that MPI will have access to the manual as part of verification to the standard.
- Third parties that provide facilities or systems that the port operator relies on to maintain approval as a place of first arrival should be documented in the manual.

2.3 Operator of a port

(1) The operator must continually provide the following:

- a) arrangements (part 2.4);
- b) facilities (part 2.5); and
- c) systems.

The above must be appropriate for the type and volume of craft and risk goods received and/or the number of passengers/crew expected to arrive.

(2) This includes the provision of specific arrangements, facilities and systems for dealing with specific biosecurity risk goods approved to be imported by the port not covered by the standards listed in part 1.2 of this Standard.

2.4 Arrangements

2.4.1 Biosecurity Control Area (BCA)

- (1) A Biosecurity Control Area (BCA) is an identified area within an approved place of first arrival that confers control of an area to the Director-General in order for biosecurity actions (processing of passengers, crew and associated goods) to take place in accordance with the requirements of the Act.
- (2) An operator must apply to the Director-General for a written BCA agreement between MPI and the operator in order to receive passengers, crew and associated goods.
- (3) The BCA agreement designates areas within the confines of the air or sea port to be made available for an inspector to carry out their duties under the Act. The below minimum requirements must be met:
 - a) The area must always be available to an Inspector;
 - b) The area is securely managed (able to be locked to prevent passengers/crew/goods leaving without clearance);
 - c) Ongoing monitoring is undertaken to ensure the size of the BCA is relative to passenger flow rates, the origin of the passengers, equipment requirements (e.g. x-ray machines) and queuing space at all times, and that it provides:
 - 1) a separate search area for baggage examination, containing suitable search benches, lighting, electricity outlets, and telephone and computer cabling;
 - 2) a designated space within a BCA to be a quarantine area for a maximum of 96 hours where such area will remain under the direct control of the Inspector (as per section 41 of the Act);
 - 3) access to an inspection facility, ideally adjacent to the search benches, for inspecting, treating and holding risk goods;
 - 4) access to an interview room immediately when required by an inspector for interviewing passengers, crew or other persons who may have committed an offence under the Act. The room must be within the BCA, adjacent to the search benches and lockable; and
 - 5) accommodation of Biosecurity Dog Detector teams, if required.
 - d) Any official signage that provides information or direction through the BCA and to amnesty bins must not be obscured (e.g. by advertising hoardings, etc.).
- (4) Any changes to the BCA size, transfer of ownership (including third-party leases, etc.), location and facility(s) will require a variation to the current BCA agreement and must be recorded in the operational manual of the port approved as a place of first arrival.

Guidance

- The BCA may be used for other purposes when not required by an inspector.

2.5 Facilities

- (1) The operator must provide the following facilities, appropriate to the type and volume of risk goods or craft received and/or the number of passengers/crew expected to arrive:
 - a) Transitional facilities for uncleared goods relative to the type and volume of risk good;
 - b) Containment facilities;
 - c) Conveyance facilities approved to the appropriate containment or transitional facility standard(s) or a biosecurity control area that is relative to the type of good imported; and
 - d) BCA(s) as per the arrangement in part 2.2.1.

Schedule 1 – Definitions

The following terms and definitions apply to this Standard. Other terms and definitions used are as per the Biosecurity Act 1993, the Customs and Excise Act 1996 and any regulations made under those Acts.

Applicant: The person applying for an air or sea port to be approved as a place of first arrival that is not approved as such.

Arrangements: Those contractual arrangements for the provision of a service, system or facility which can form part of the obligations required to provide a secure and compliant place of first arrival for receipt of biosecurity risk goods.

Biosecurity Refuse: Any waste material that is a risk good and requires treatment or sterilisation.

MPI: The Ministry for Primary Industries.

Operator: The person or entity responsible for the management and operation of the port.

Systems: Those functions that are interconnected with the arrival of craft, transfer of biosecurity risk goods, passengers and crew.

Schedule 2 – Example of Approval Certificate

Ministry for Primary Industries
Manatū Ahu Matua



SEA/ AIR PORT APPROVAL CERTIFICATE

for a

PLACE OF FIRST ARRIVAL IN NEW ZEALAND

Under Section 37 of the Biosecurity Act 1993

Name of port operator entity (CN: xxxxxx), Operator of the port of xxxxxx

is approved as a **Place of First Arrival** for the following types of craft:

Commercial, Private, Charter Aircraft > 14 seats

Commercial, Private, Charter Aircraft < 14 seats

Bulk Carriers

Car Carriers

Container Vessels

General Freighters

Naval / Military

Project Craft (i.e. dredges, oil rigs)

Recreational Craft (i.e. yachts)

Others (i.e. fishing, research)

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

Bulk Cargo

Bulk Liquids

Containers

Fresh Produce

General Cargo

Live Animals

Passengers, Crew and Baggage

Vehicles and Machinery