



Craft Risk Management Standard

Aircraft from All Countries

CRMS Aircraft

11 December 2020

Draft for
Consultation

TITLE

Craft Risk Management Standard: Aircraft from All Countries

COMMENCEMENT

This Craft Risk Management Standard comes into force on [Effective Date]

REVOCATION

This Craft Risk Management Standard revokes and replaces

ISSUING AUTHORITY

This Craft Risk Management Standard is issued by the Director General or authorised delegate under section 24G of the Biosecurity Act 1993 (the Act).

Dated at Wellington, 11 December 2020

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Introduction

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

Purpose

This Craft Risk Management Standard (CRMS) specifies the requirements needed to manage the biosecurity risks associated with the arrival of aircraft in New Zealand.

Nothing in this CRMS is to be read as reducing or relieving the operators or persons in charge of an aircraft of their responsibility to meet the requirements of other enactments or regulations including those relating to the safety of the aircraft, crew and passengers.

Background

Aircraft arriving in New Zealand from origins outside New Zealand have the potential to be vectors for exotic pests, pathogens and unwanted organisms.

The Biosecurity Act 1993 (the Act) prescribes requirements for the exclusion, eradication and effective management of pests and unwanted organisms in New Zealand. These organisms have the potential to cause harm to natural and physical resources and human health in New Zealand. The Ministry for Primary Industries (MPI) is responsible for enforcing the provisions of the Biosecurity Act 1993.

This Craft Risk Management Standard (CRMS) is developed under the Act. It specifies the biosecurity risk management and information requirements that must be met when aircraft enter New Zealand territory. Upon arrival, verification will be carried out to ensure that these requirements have been met (verification may include inspections).

Who should read this Craft Risk Management Standard?

Operators and persons in charge of aircraft arriving in New Zealand territory should read this standard.

Why is this important?

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 standard. If the operator or person in charge of the aircraft does not comply with this standard, an inspector or authorised person may issue a compliance order requiring compliance.

Section 154N(11) of the Act states that a person commits an offence who fails to comply with a compliance order. Every person who commits an offence against this section is liable on conviction, in the case of an individual, to imprisonment for a term not exceeding 3 months, a fine not exceeding \$50,000, or both; and in the case of a corporation, to a fine not exceeding \$100,000.

The operator or person in charge of any aircraft that has risk goods on board may receive a direction from an inspector under sections 19, 32 or 33 of the Act to take steps to manage those risk goods on board the aircraft and, if these steps are not taken, the aircraft may be directed to leave New Zealand.

Document History

Version Date	Section Changed	Change(s) Description
November 2020	The entire standard	Minor wording changes for clarity. Layout changes that have altered the order of requirements and their numbering. Changes to the definition to International Transit Aircraft and incorporation of the risk good requirements into the general requirements section.

Equivalence

An operator may submit a Craft Risk Management Plan for approval by the Director-General under section 24K of the Act proposing alternative ways of managing the risks which are equivalent to, but different from the requirements in this standard. The Director-General will only approve a plan if satisfied that the requirements proposed in the plan allow risks to be managed to the same extent as or to a greater extent than they can be managed under this standard.

Costs

The costs to the New Zealand Government in performing its biosecurity risk management functions relating to the arrival of aircraft in accordance with the requirements of this standard will be recovered as specified by the Biosecurity (Costs) Regulations 2010.

Other requirements of the Act

Arrival

In accordance with section 17 of the Act, if possible and practicable to do so, an aircraft must arrive in New Zealand at either:

- a) a Place of First Arrival (PoFA) that has been approved by the Director-General as suitable for the aircraft type and the purpose for which it is arriving; or
- b) a place for which special approval has been granted by the Director-General for a specified aircraft to arrive, or for aircraft to arrive for a specified purpose, under section 37A of the Act.

Risk goods

In accordance with sections 18, 19 and 33 of the Act:

- a) no risk goods are permitted to be removed from an aircraft without the permission of an inspector; and
- b) where risk goods are present on an aircraft that arrived from overseas, the person in charge of the aircraft must follow every reasonable direction given by an inspector including to relocate the aircraft or to manage the risk goods.

Other standards

While this standard applies to aircraft, the goods on board the aircraft may be subject to other Import Health Standards (IHSs) and the provisions of this Act. This standard is intended to work in conjunction with any relevant IHSs and provisions of the Act to manage goods on board aircraft not mentioned in the following requirements. The standard should not be seen to override these.

Examples of goods managed by other sections of the Act or under another IHS:

- Personal effects and baggage of crew and passengers
- Freight and air containers
- 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.

Other information

Guidance for this Craft Risk Management Standard is provided in the guidance boxes in this standard and in the Guidance Document to the CRMS for Aircraft from All Countries. The guidance boxes are included for explanatory purposes. The guidance included in these boxes is for information only and has no legal effect.

Please seek further MPI assistance if you are unclear on any part of the standard prior to the aircraft arriving in New Zealand territory.

This document is not intended to be a complete summary of the obligations of operators or persons in charge of aircraft under the Biosecurity Act 1993.

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Part 1: Requirements

1.1 Application

- (1) This standard applies to-
 - a) All aircraft that arrive in New Zealand.
 - b) All biosecurity risks associated with an aircraft, including any particular risks identified in this standard.

1.2 Incorporation of Material by Reference

- (1) The following documents are incorporated by reference:
 - a) The Schedule of Aircraft Disinsection Procedures for Flights into Australia and New Zealand, the current version at time of reference.
- (2) Under section 142O(3) of the Act, it is declared that section 142O(1) does not apply. That is, a notice under section 142O(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 the documents in clause 1.2.(1) above.

1.3 Definitions

- (1) Definitions of terms used in this standard are set out in Schedule 1.
- (2) Terms used in this standard that are defined in the Act have the meanings set out in the Act, unless a different meaning is given in Schedule 1.

1.4 Required Information

- (1) An operator, or person in charge, of an aircraft must ensure that the information below is sent to, and received by MPI, in the manner approved by the Director-General, within a reasonable time¹ prior to the aircraft's arrival to allow for verification activities:
 - a) Estimated time of arrival (including any updates);
 - b) The airport where aircraft will land (Place of First Arrival – where approval covers the aircraft type, passenger numbers and cargo);
 - c) Aircraft type and call sign (Aircraft Registration);
 - d) Airport of origin and all transit stops (including last airport of call);
 - e) Disinsection status;
 - f) Scheduled time and date of departure (if relevant);
 - g) Number of airports the aircraft intends to visit within New Zealand;
 - h) Any diversion or alternative landing locations in unforeseen circumstances (as soon as practicable);
 - i) If any risk goods are to remain on-board (only relevant for international transit aircraft); and
 - j) If any live pests have been found/sighted on-board on-route to New Zealand.

¹ What constitutes a reasonable time depends on the conditions of MPI's approval of the airport at which the aircraft intends to arrive. Please contact MPI at the relevant airport to confirm the time requirements for that PoFA.

- (2) An operator, or person in charge, of an aircraft must notify MPI of any changes to the information submitted to under clause 1.4(1); particularly changes to scheduled times and dates of arrival and departure.

1.5 General Risk Management

- (1) The operator or person in charge of any aircraft must take all reasonable and practicable steps to ensure that when the aircraft arrives in New Zealand territory, it is free of regulated pests and substantially free of biosecurity contamination.
- (2) While an aircraft is within New Zealand territory, the operator or person in charge of the aircraft must ensure that no risk goods (including food and garbage) are discharged from or otherwise leave the aircraft other than for disposal or biosecurity clearance via an approved process at a place of first arrival.

Guidance

- For the purposes of this CRMS the following are examples of regulated pests and biosecurity contamination that are managed by this CRMS:
 - Animals and plants and parts thereof (for example, animal and plant waste, floral arrangements, fruit, or house plants);
 - Domestic waste and the vacuum cleaner waste from cabin, deck, hold and other internal areas;
 - Pests and related material such as egg masses or nests;
 - Soil; and
 - Spillage from previous cargo in the aircraft (such as in the hold).
- Examples of goods that are not considered to be risk goods for the purposes of 1.5(2) above include:
 - Garbage that has been segregated from any risk goods (for example, recycling) and has been approved by an inspector as being free of biosecurity contamination and regulated pests.
- Keeping the aircraft as clean as practicable (for example free of rodents and other pests, rubbish, soil and spilled cargo,) is an important and efficient way of ensuring the aircraft can be substantially free of biosecurity contamination.
- These requirements apply to all aircraft while they are within New Zealand territory until such time as either the aircraft leaves New Zealand territory or the operator or person in charge has obtained written confirmation from an inspector that the aircraft complies with part 2.3.

Part 2: Specific Requirements

2.1 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](#).

2.2 International Transit Aircraft

- (1) Subject to 2.2(3), this part applies to all aircraft that arrive in New Zealand territory where the operator or person in charge of an aircraft has given notice prior to arrival under Part 1.4 that the aircraft:
 - a) has a scheduled time and date of departure from New Zealand; and
 - b) will visit only the first airport of arrival (approved as a place of first arrival).
- (2) The operator, or person in charge of the aircraft must ensure that the aircraft:
 - a) only visits the airport of first arrival; and
 - b) only remains in New Zealand until their declared scheduled time and date of departure from New Zealand; and
 - c) all biosecurity contamination and other risk goods that remain on-board are to be securely stored in lockers, food carts or separate closable compartments within the cabin and hold at all times, unless otherwise directed by an MPI inspector.
- (3) If an aircraft cannot meet the requirements for International Transit Aircrafts in this Part, the person in charge or operator must ensure that the aircraft meets the requirements of a Domestic Aircraft in part 2.3 and notify MPI at the relevant airport.

2.3 Domestic aircraft

- (1) This part applies if an operator, or person in charge of an aircraft gives notice under Part 1.4 that the aircraft will:
 - a) remain in New Zealand territory without a scheduled time and date of departure from New Zealand; or
 - b) visit airports or landing strips other than the airport of first arrival.
- (2) Before leaving the airport of first arrival or otherwise within 8 consecutive hours of first arrival in New Zealand, the operator or person in charge of the aircraft must obtain a written confirmation of compliance from an inspector that:
 - a) the aircraft is free of regulated pests and biosecurity contamination; and
 - b) any other risks goods have either:
 - i) been removed from the aircraft through an approved process or under direction from an inspector; or
 - ii) received biosecurity clearance under the Act.

Schedule 1 – Definitions

This schedule 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.

Act means the Biosecurity Act 1993.

Aircraft means the ordinary meaning of aircraft; for example aeroplanes, hydroplanes, and helicopters.

Approved process means a process approved by MPI as part of the approval of a place of first arrival under section 37 of the Act.

Arrive in New Zealand means (for the purposes of an aircraft) to land (whether or not on land) in New Zealand territory after a flight originating outside New Zealand territory.

Biosecurity Contaminant(s) means any organic material, other thing or substance that (by reasons of its nature, origin or other relevant factor) it is reasonable to suspect harbours or contains a regulated pest (or parts thereof) and where such material, other thing or substance is not intended for biosecurity clearance under the Act. For the purposes of this CRMS the following are examples of biosecurity contamination that are managed by this CRMS:

- a) Animals and plants and parts thereof (for example, animal and plant waste, floral arrangements, fruit, or house plants);
- b) Domestic waste and the vacuums from cabin, deck, hold and other internal areas;
- c) Pests and related material such as egg masses or nests;
- d) Soil; and
- e) Spillage from previous cargo in the hold.

Domestic aircraft means an aircraft that has received written confirmation of compliance from MPI to travel throughout New Zealand and can remain in New Zealand for unspecified time.

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 does not receive written confirmation of compliance by an inspector and can only travel to and remain at one POFA and is required to have a scheduled time and date of departure from New Zealand.

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(s) means

- a) any regulated pest, quarantine pest, or regulated non-quarantine pest as those terms are defined in the International Plant Protection Convention; and
- b) exotic diseases, infections and infestations as listed by the World Organisation for Animal Health; and
- c) any organism that that may cause unwanted harm to natural and physical resources or human health in New Zealand; or may interfere with the diagnosis, management, or treatment, in New Zealand, of pests or unwanted organisms.

Written Confirmation of Compliance means written confirmation from an inspector that the aircraft complies with the requirements of part 2.3(2) of this Standard; that being the aircraft is free of biosecurity contamination, regulated pests and other risk goods.