



## From the editors

You may have noticed over the past six months there have been some proposed changes for transitional facilities (TFs) and cargo clearance. This edition aims to provide some clarity on current and proposed TF requirements. We are aware many of you have questions.

Our Minister has asked us to take a fresh look at the border and commissioned an external review, currently underway. As the outcome of the review is unknown, there may be additional changes at a later date.

Results of this review will be communicated through 'The Border Space', a report released by Steve Gilbert (Director Border Clearance Services).

If you have any comments or questions, please contact us:

- [Chris Denny](#)
- [Pauline Williamson](#)

*The purpose of this newsletter is to provide regular updates on planned operational changes and other relevant information for the management of containment or transitional facilities (TFs) by approved TF Operators, Accredited Persons (APs) and staff. To see this and previous See Contain Report editions, go to <http://mpi.govt.nz/importing/border-clearance/transitional-and-containment-facilities/resources/>*

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## New Infringement Regime

In April 2019, infringements will be introduced for non-compliance identified at facilities. Currently, MPI only infringes air passengers who fail to declare risk goods they bring into New Zealand. MPI seeks to ensure that the infringement process is fair, equitable, consistent and is a proportionate response to offending, which avoids court proceedings and does not impose a full criminal penalty. The purpose of the infringement scheme is to:

1. achieve compliance by addressing minor breaches of the Biosecurity Act that are identified
2. hold Operators and TF's accountable for their actions and to promote a sense of responsibility
3. educate people.

Fines will be \$400 for an individual and \$800 for a company for each non-compliance. The infringement notices are Strict Liability Infringement Notices which means MPI does not have to prove any guilt, just that the act happened. The regulations are:

1. S154N(17)(b)(i) Operating or purporting to operate a TF or CF when not approved as the facilities operator
2. S145N(17)(b)(v) Not complying with the operating standards for a TF or a CF when operating or purporting to operate the facility

Some examples when infringements will be issued are:

1. If your facility has no Operator.
2. Failing to address a Corrective Action Report (CAR) served at the time of a verification inspection, or identified by a Quarantine Inspector at time of inspection, within the timeframe given.
3. Failing to comply with the operating standards. For example, the unauthorised movement or release of uncleared risk goods or devanning of sea containers when the BACC direction states they should remain unopened until a QO is present.

We will continue to assist Operators to comply with the standards and address non-compliances by the use of corrective action reports (CAR). However, Operators that fail to address non-compliances raised in the timeframe specified in a CAR will be issued with an infringement.

This may be a good time to refresh yourselves on your responsibilities and obligations as an Operator under the relevant standard for your facility.

Please contact [Antony Owen](#) if you have any questions.

## Conditional Approvals

From 1 April 2019, MPI will cease to issue waivers to TFs that do not have an approved Operator and will instead issue a conditional approval and only in **extraordinary** circumstances. This is to ensure we have a common sense approach to handling issues outside the control of the TF and which would cause undue hardship if they resulted in suspension. Below are the situations where a conditional approval or an extension for a specified period of time will be permitted.

Outside of these four scenarios the facility will be suspended under section 40A of the Biosecurity Act 1993 until a new Operator is approved

MPI will issue a **conditional approval** in the following situations:

**Where the approved Operator dies.**

In these situations, a conditional approval will only be issued when there is a Deputy Operator present at the TF who has undertaken Operator training. For this conditional approval, the Deputy Operator will need to sign the application form which requires them to declare any convictions and information that may adversely impact on their fitness to operate a TF. The approval will be subject to the condition that MPI vetting is satisfactory (they would not be officially appointed until they have been approved by MPI).

*If the facility does not have any person that has undergone the required training, a conditional approval will not be approved.*

**An Operator training course the Operator is booked on is cancelled or they cannot attend due to situations outside their control (i.e. death in the family).**

For this scenario, MPI will allow the facility a **specified period of time** for the Operator to complete training. In this situation, the approved Operator is still present at the TF but due to circumstances beyond the person's control, their training period has lapsed. The Operator must attempt to comply to be eligible for a conditional approval, e.g. book into the next available Operator training course ASAP. Under these situations, MPI will be satisfied that arrangements are in place to manage biosecurity risks, as a TF Operator is still present.

**Where MPI has not processed their application in a timely manner i.e. the TF submitted their application prior to their expiry date and either an administration issue or a delay in BCS processing means that their TF approval lapses.**

For this scenario, MPI will allow the facility a **specified period of time** for their application to be processed.

# Security requirements

To give MPI increased confidence that uncleared risk goods (including containers) at a TF are fully secure, new measures have been put in place to prevent undetected contaminants or pests from potentially escaping.

TFs that receive **risk goods** are expected to meet these security requirements by

**1 September 2019**

This was initially going to apply to all TFs but, because we don't yet know the outcome of the external review mentioned above, we have decided that only TFs that receive **risk goods** are expected to meet these security requirements.

Risk goods are goods that require MPI inspection and/or intervention before release e.g. fresh produce, used tyres, vehicles, seed etc.

If your facility only receives non-risk goods, you do not need to meet the new security requirements and deadline at this time.  
Non-risk goods are those that do not require MPI Inspection before release.

## Internal Audit

It's good to see that most TF Operators submitted their internal TF audit by the 4 March deadline. Those of you that haven't completed this, can expect to receive a letter of intent to suspend next week, allowing 10 days to comply.

Got to the portal now for your last chance to complete the audit.

**Visit the new audit portal**

## Operator Responsibilities

It is important to remember that, as a TF Operator, you have full responsibility for the arrival, inspection (if needed) and release of any uncleared goods (including containers) that arrive on your site. Section 3.3.1 of TFGEN outlines your responsibilities.

**Download TFGEN**

Some key responsibilities are ensuring containers are not opened without the proper authorisation (BACC or CDO) and not allowing the movement of the goods (including container) without authorisation to do so. If goods are released without authorisation, the Operator could be liable for an infringement of \$400 along with the receiving TF of the goods.

**Remember**, as an Operator, it is your responsibility to inform MPI if you have changed emails. This is important as email is the only way we can update Operators on changes that may impact your TF.

## AP Approval Clarification

Facilities receiving containers must have one or more trained Accredited Person(s) available to check containers. Accredited Persons are responsible for inspecting containers, supervising their unpacking and containing any biosecurity risks. This includes airports receiving air containers.

It is a common misunderstanding that once an individual has completed and passed the AP training, they are officially approved and are able to devan containers. This is not correct.

[Check all the required steps on MPI's website](#)

APs must apply to MPI. Approvals can take up to 10 days. Failure to include all documentation may mean your application is declined.

Only once APs receive their certificate by email are they officially approved

### Steps to become an AP

1. Complete and pass training using an MPI-approved training provider.
2. After training, complete an [Application for appointment as an accredited person](#). Include in the application for appointment:
  - A copy of the certificate of training
  - A colour copy of photo identification (such as a current driver's licence or passport).
  - Proof of right to work in NZ for non-New Zealand citizens (i.e. passport with a valid New Zealand work visa). Note the length of appointment will not exceed the expiry date of their work visa
3. Email all completed documentation to [seacontainer@mpi.govt.nz](mailto:seacontainer@mpi.govt.nz)

# Know the Enemy: Spotted Lanternfly

The spotted lanternfly (*Lycorma delicatula*) is a plant pest from Asia. It invaded North America in 2014, where its numbers have grown rapidly. It damages at least 70 plant species, including pipfruit, stonefruit, kiwifruit and grapes, which are economically significant crops in New Zealand. The adults and nymphs feed on sap, damaging the plant, and excrete honeydew that promotes the growth of black mould that can limit plant growth. They do not eat the fruit or the leaves.

It's called a lanternfly as the front part of the head is inflated. Adult lantern flies have a black head and greyish wings adorned with black spots, and their bodies seem to glow red. Their wing tips have a pattern that looks as if they are covered with tiny black bricks with grey mortar in between. The lanternfly is a strong jumper; it hops from location to location more than it flies.

It could arrive in New Zealand by "hitchhiking" in vehicles and machinery, shipping containers, garden furniture or other items stored outside, as it lays its eggs in clusters on smooth vertical surfaces and covers them with a protective layer of wax. Lanternfly eggs pose an extra biosecurity risk because their waxy coat makes them hard to see and treat with insecticide.

**If you see an unusual contaminant or pest, please bag it, catch it, clean it up or spray it, shut the container and call MPI on 0800 80 99 66 or your local MPI office as soon as possible.**



**Adult lanternfly on bark**

Image: Creative Common 2.0 US Department of Agriculture



**Adult male spotted lanternfly in flight**

Image: Public domain

## OMG – There's a Snake in our Container

What should you do in the unusual situation of finding a snake in your container?

1. **Safety is your first priority**, so stay calm (not so easy).
2. Step away – slowly, but if that is not possible remain still (like a tree) and wait for the snake to move past you.
3. Do not touch, even if it is dead. Snakes can have venom that remains dangerous even after death. Also crystallised venom can be hazardous and can become powdered and inhaled.
4. Close the container doors and secure so no one can get inside.
5. Urgently call MPI and report full details to **0800 80 99 66**.
6. A trained MPI snake handler will be immediately deployed.
7. Tell your Manager/Operator.

## If the snake has escaped out of the container

Throw a garment over it. Have someone watch to see it remains under the cover. Create an exclusion zone to ensure no one gets close. If it moves, follow at a safe distance and try to cover it again. Signs of a snake's presence are:

- noise (hissing or a rattle from tail shaking)
- smell (a musk smell from faeces or regurgitated food)
- tracks (through dust or powder)
- shed skin
- or other animals in the vicinity becoming agitated.



## There are no snakes in New Zealand, not even in zoos.

Snakes pose a significant biosecurity risk. They are known to eat eggs and are a threat to our unique bird population. They also present a danger to small mammals and other reptiles they are likely to prey on, including our endangered tuatara.

Venomous snakes present a threat to both animals and people and can carry diseases like salmonella. If introduced to New Zealand, they may impact our safety in the outdoors and significantly threaten New Zealand's tourism industry.

Email MPI at [seacontainer@mpi.govt.nz](mailto:seacontainer@mpi.govt.nz) if you have any comments or questions about APs or TFOs.



General Inquiries: 0800 00 83 33

Biosecurity Import Clearances: 0800 22 20 18

Exotic Pest and Disease Hotline: 0800 80 99 66

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