



Biosecurity (Information for Incoming Passengers) Regulations 2023

Cindy Kiro, Governor-General

Order in Council

At Wellington this 18th day of September 2023

Present:

Her Excellency the Governor-General in Council

These regulations are made under sections 17AA(3) and 165(1AA) of the Biosecurity Act 1993—

- (a) on the advice and with the consent of the Executive Council; and
- (b) on the recommendation of the Minister for Biosecurity made after complying with section 164D of that Act.

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Regulations

1 Title

These regulations are the Biosecurity (Information for Incoming Passengers) Regulations 2023.

2 Commencement

These regulations come into force on 21 October 2023.

Part 1 Preliminary provisions

3 Interpretation

In these regulations, unless the context otherwise requires,—

Act means the Biosecurity Act 1993

Director-General means the Director-General of MPI

large commercial craft has the meaning given by section 17AA(4) of the Act

MPI means the Ministry for Primary Industries

required information means the information provided by the Director-General under regulation 6 or approved by the Director-General under regulation 7.

4 Transitional, savings, and related provisions

The transitional, savings, and related provisions (if any) set out in Schedule 1 have effect according to their terms.

Part 2

Biosecurity information to be provided to incoming passengers

Subpart 1—Duty to provide required information to passengers

5 Duty of person in charge

- (1) This regulation applies to a person in charge of a large commercial craft that is en route to New Zealand territory from a point outside New Zealand territory on a flight or voyage that is intended to include arrival in New Zealand.
- (2) The person in charge must provide the required information to the craft's passengers about the biosecurity law relevant to arrival in New Zealand in accordance with these regulations.

Subpart 2—Operators must use information provided or approved by MPI

6 Required information may be provided by MPI

A person in charge complies with regulation 5(2) if the person provides to the craft's passengers the required information provided by the Director-General in a manner specified by the Director-General.

7 Operator may develop required information

- (1) A person in charge complies with regulation 5(2) if the person provides to the craft's passengers the required information developed by the operator of the craft and approved by the Director-General in accordance with this regulation.
- (2) An operator may seek approval under this regulation by—
 - (a) providing to MPI the information for which approval is sought, which must include the matters specified in regulation 7(3); and
 - (b) explaining how the information meets the requirements of the Act and these regulations.
- (3) The information developed by the operator must include—
 - (a) the categories of items that are a biosecurity risk;
 - (b) how those items can damage New Zealand's environment and industries;
 - (c) how a person can dispose of the items safely;
 - (d) how a person can make a biosecurity declaration;
 - (e) the penalties for which a person is liable if the person fails to declare or dispose of a biosecurity risk item (*see* sections 154N (20) and (21) of the Act);
 - (f) any additional information that the Director-General considers necessary for the management of biosecurity risk and requires an operator to provide.

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- (4) The Director-General must—
- (a) approve or decline the required information provided by the operator within 30 working days after receiving the information:
 - (b) if the information is approved, specify the period for which approval is given:
 - (c) if the information is not approved, advise the operator why the approval was declined and specify what information needs to be provided in order to obtain approval.
- (5) The Director-General may revoke an operator’s required information approval by notice in writing that—
- (a) states that the approval has been revoked; and
 - (b) requires the operator to stop providing the information to passengers as soon as possible, and no later than 30 working days after the date of the notice.
- (6) An operator must comply with a requirement to stop providing the information.

8 Operator must ensure information played or read out to passengers

The operator must ensure that,—

- (a) whenever possible, any audiovisual information provided is played to the passengers:
- (b) if it is not possible to play audiovisual information on the aircraft or marine vessel, the approved wording is read out to passengers:
- (c) the attention of all passengers is drawn to the biosecurity information.

Schedule

Transitional, savings, and related provisions

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Part 1

Provisions relating to these regulations as made

There are no transitional, savings, or related provisions in these regulations as made.

Rachel Hayward,
Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations, which come into force on 21 October 2023, implement requirements introduced by the Biosecurity (Information for Incoming Passengers) Amendment Act 2022, which also comes into force on 21 October 2023. The regulations set out what biosecurity information must be provided to passengers arriving in New Zealand on commercial craft (generally commercial planes and ships). The regulations also allow the operators of commercial craft to create their own biosecurity information to provide to their passengers, but only after they have received approval from the Director-General of the Ministry for Primary Industries.

Issued under the authority of the Legislation Act 2019.

Date of notification in *Gazette*: 21 September 2023.

These regulations are administered by the Ministry for Primary Industries.