



# NEW ZEALAND **CUSTOMS SERVICE** TE MANA ĀRAI O AOTEAROA

**PURSUANT** to section 421(1) of the Customs and Excise Act 2018, I, Christine Stevenson, Chief Executive, New Zealand Customs Service, make the following rules:

Customs (Arriving Passenger and Crew Declarations) Amendment Rules (No 3) 2023

**Signed** at Wellington

This 2<sup>nd</sup> day of October 2023

Christine Stevenson

Chief Executive, New Zealand Customs Service

# Customs (Arriving Passenger and Crew Declarations) Amendment Rules (No 3) 2023

## Table of Contents

|                  |                                         |   |
|------------------|-----------------------------------------|---|
| <b>Part 1</b>    | <b>Rules</b>                            | 3 |
| <b>Section 1</b> | Preliminary provisions                  | 3 |
| 1.1              | Title                                   | 3 |
| 1.2              | Commencement                            | 3 |
| 1.3              | Principal Rules                         | 3 |
| 1.4              | Principal Rules to continue in force    | 3 |
| <b>Section 2</b> | Amendments to Part 1 of Principal Rules | 3 |
| 2.1              | Rule 1.4 amended                        | 3 |
| 2.2              | Rule 2.5 replaced                       | 3 |
| 2.3              | Rule 2.6 replaced                       | 4 |
| 2.4              | Section 3 amended                       | 4 |
| 2.5              | Rule 3.2 inserted                       | 4 |
| <b>Section 3</b> | Amendments to Part 2 of Principal Rules | 4 |
| 3.1              | Table of Contents amended               | 4 |
| 3.2              | Schedule 2 amended                      | 5 |
| 3.3              | Schedule 3 inserted                     | 5 |
| <b>Part 2</b>    | Schedule                                | 6 |
|                  | Schedule 3 inserted                     | 6 |

# Part 1

## Rules

### Section 1 Preliminary provisions

#### 1.1 Title

These Rules are the Customs (Arriving Passenger and Crew Declarations) Amendment Rules (No 3) 2023.

#### 1.2 Commencement

These rules come into force on 31 October 2023.

#### 1.3 Principal Rules

These rules amend the Customs (Arriving Passenger and Crew Declarations) Rules 2018.

#### 1.4 Principal Rules to continue in force

The Principal Rules continue in force, except to the extent they are amended by these Rules.

### Section 2 Amendments to Part 1 of Principal Rules

#### 2.1 Rule 1.4 amended

2.1(1) In rule 1.4(1), insert in the appropriate alphabetical order:

**Crew (Temporary Arrivals – Cruise) Form** means a form that—

- (a) contains the information specified in Schedule 3; and
- (b) is provided in a form or medium approved by the chief executive in accordance with rule 3.2.

2.1(2) In rule 1.4(1), the definition of **Domiciled in New Zealand**, replace “aircraft or ship’s crew” with “aircraft’s crew”.

#### 2.2 Rule 2.5 replaced

2.2(1) Replace rule 2.5 with:

#### 2.5 Form and declaration – ship’s crew (specified crew on cruise ships)

2.5(1) This clause applies to a person who—

- (a) is serving as a crewmember on a ship that is operated as part of an international cruise business; and

(b) departs from New Zealand on that ship when it next departs from New Zealand.

2.5(2) A person to whom this clause applies must complete and make a declaration in the Crew (Temporary Arrivals – Cruise) Form.

### **2.3 Rule 2.6 replaced**

2.2(2) Replace rule 2.6 with:

### **2.6 Form and declaration – ship’s crew (general)**

2.6(1) This clause applies to any person serving as a crewmember on an arriving ship, except those to whom clause 2.5(1) applies.

2.6(2) A person to whom this clause applies must complete and make a declaration in the Customs Arrival Form.

### **2.4 Section 3 amended**

2.4(1) In the section 3 heading, replace “of Customs Arrival Form” with “for providing information”.

### **2.5 Rule 3.2 inserted**

2.5(1) After rule 3.1, insert:

### **3.2 Chief executive may approve form and medium of Schedule 3 information**

The chief executive may approve the form and medium through which a person may supply information specified in Schedule 3.

## **Section 3 Amendments to Part 2 of Principal Rules**

### **3.1 Table of Contents amended**

3.1(1) In the Table of Contents for the Schedules to the Principal Rules,—

- (a) delete the reference to “Form 6 – Individual crew declaration (sea) (New Zealand domiciled crew)”; and
- (b) delete the reference to “Form 7 – Individual crew declaration (sea) (Non-New Zealand domiciled crew)”; and
- (c) after the reference to Schedule 2, insert:

### **Schedule 3 – Information for Crew (Temporary Arrivals – Cruise) Form**

Information for Crew (Temporary Arrivals – Cruise) Form

### 3.2 **Schedule 2 amended**

3.2(1) In Part B of Schedule 2, replace the item relating to “Arrival details” with:

#### **Arrival details**

Confirmation of whether the traveller is arriving in New Zealand by air or sea.

*If arriving by air:*

- Flight number
- Departing port: Overseas port where the traveller boarded this aircraft
- Arriving port: Port of arrival into New Zealand
- Date of departure and local time of departure
- Date of arrival into New Zealand

*If arriving by sea:*

Confirmation of whether the traveller is arriving on a cruise ship.

If the traveller is arriving on a cruise ship:

- The name of the vessel
- The vessel’s last port before arriving in New Zealand and the date that the vessel departed that port
- The New Zealand port the vessel is arriving at and the date of that arrival
- Confirmation of whether the traveller is permanently leaving the vessel

If the traveller is not arriving on a cruise ship:

- The vessel type (commercial cargo, commercial fishing, commercial specialist (non-cargo), small craft, diplomatically cleared, or New Zealand Defence Force vessel)
- The name of the vessel
- Scheduled date of arrival at the vessel’s first port in New Zealand
- Scheduled date of departure from the vessel’s last port before arriving in New Zealand
- If the traveller is arriving on a commercial cargo vessel, confirmation of whether the traveller is a crew member or a passenger
- If the traveller is arriving on a vessel other than a small craft vessel, confirmation of whether the traveller is permanently leaving the vessel

### 3.3 **Schedule 3 inserted**

3.3(1) After Schedule 2, insert the Schedule to these Rules in the Principal Rules.

**Part 2**  
**Schedule**  
**Schedule 3 inserted**

**Schedule 3**  
**Information for Crew (Temporary Arrivals – Cruise) Form**

ref r 1.4

**Personal details**

The following information in relation to the traveller:

- Passport number
- Nationality as shown on passport
- Family name
- Given or first names
- Date of birth
- Country of birth
- Occupation or job
- Full contact or residential address in New Zealand
- Email
- Mobile/phone number

**Arrival details**

- The name of the ship
- The overseas port where the traveller boarded this ship

**Travel history details**

If the traveller lives in New Zealand:

- Which country they spent the most time in while overseas
- The main reason for their trip
- Which country they will mostly live in for the next 12 months

If the traveller does not live in New Zealand:

- Whether they intend to stay permanently in New Zealand
- If they do not intend to stay permanently in New Zealand:
  - How long they intend to stay in New Zealand
  - Their main reason for coming to New Zealand
- Which country they last lived in for 12 months or more (including the state, province or prefecture and Zip or postal code)

List of the countries that the traveller has been in during the past 30 days.

**Baggage and goods details**

Confirmation of whether the traveller knows the contents of their baggage.

Confirmation of whether the traveller is bringing any of the following goods into New Zealand:

- Medicine: over 3 months' supply, or medicine not prescribed to the traveller
- Restricted or prohibited goods: for example, weapons, indecent publications, endangered plants or wildlife, illegal or controlled drugs
- Alcohol: more than 3 bottles of spirits (not exceeding 1.125 litres each) and 4.5 litres of wine or beer
- Tobacco: more than 50 cigarettes or 50 grams of tobacco products (including a mixture of cigarettes and other tobacco products)
- Goods obtained overseas and/or purchased duty-free in New Zealand with a total value of more than NZ\$700 (including gifts)
- Goods carried for business or commercial use
- Goods carried on behalf of another person
- Cash: NZ\$10,000 or more (or foreign equivalent), including travellers cheques, bank drafts, money orders, etc.

**Declaration**

Declaration that the information that the traveller has given is true, correct, and complete.

## Explanatory Note

*This note is not part of the order, but is intended to indicate its general effect.*

These rules, which come into force on 31 October 2023, amend the Customs (Arriving Passenger and Crew Declarations) Rules 2018 (the **Principal Rules**).

This amendment to the Principal Rules enables the following things:

- Revokes Forms 6 and 7 and replaces those forms with the Crew (Temporary Arrivals – Cruise) Form for crew members who arrive on cruise ships who are departing on their ship’s next departure from New Zealand.
- Inserts additional information that is required of maritime travellers in the New Zealand Traveller Declaration (**NZTD**) digital system.

For the purposes of these rules, the Crew (Temporary Arrivals – Cruise) Form must—

- Contain the information specified in *new Schedule 3*; and
- Be provided in a form or medium approved by the chief executive of the New Zealand Customs Service (the **Chief Executive**).

The Crew (Temporary Arrivals – Cruise) Form is introduced in accordance with sections 28A and 421 of the Customs and Excise Act 2018 and regulation 26(1)(b)(i) of the Customs and Excise Regulations 1996 (the Regulations), as extended by section 53(2)(c) of the Legislation Act 2019 in the following way:

- Section 28A of the Act states that every person arriving in New Zealand must provide Customs with information prescribed by Chief Executive’s rules in the way prescribed by those rules.
- Under section 421 of the Act, the power to prescribe the way in which anything is done includes the power to prescribe any form that must be used and any information or declaration that must be provided.
- Regulation 26(1)(b)(i) of the Regulations states that arriving passengers must provide to a Customs officer, in a form prescribed by rules, the prescribed information and declaration for their baggage or personal effects to be deemed entered for the purposes of the Act.
- While these rules prescribe the information that must be provided to Customs under section 28A and regulation 26(1)(b)(i), *new rule 3.2* provides that the Chief Executive may approve the form or medium through which this information can be provided.
- This is consistent with section 53(2)(c) of the Legislation Act 2019, which provides that a power in legislation to prescribe a form includes a power to authorise a prescribed person to approve or prescribe a form or a method, format, or medium for supplying information or making information available.

These rules support the continued introduction of the NZTD system among maritime arrivals in New Zealand.