



BIOSECURITY (FORMS) AMENDMENT REGULATIONS 1999

MICHAEL HARDIE BOYS, Governor-General

ORDER IN COUNCIL

At Wellington this 18th day of October 1999

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to section 165 (1)(x) of the Biosecurity Act 1993, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, makes the following regulations.

ANALYSIS

1. Title and commencement
 2. Certain forms prescribed
 3. Form added to Schedule
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SCHEDULE
Form E Added to Schedule of Principal
Regulations

REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Biosecurity (Forms) Amendment Regulations 1999, and are part of the Biosecurity (Forms) Regulations 1995* (“the principal regulations”).

(2) These regulations come into force on the 28th day after the date of their notification in the *Gazette*.

2. Certain forms prescribed—Regulation 3 of the principal regulations is amended by adding the following paragraph:

*S.R. 1995/129
Amendment 1998: S.R. 1998/350

“(e) For the purposes of section 159A (4) of the principal Act, the form of infringement notice set out in the Schedule as Form E.”

3. Form added to Schedule—The Schedule of the principal regulations is amended by adding the Form E set out in the Schedule of these regulations.

Reg. 8

SCHEDULE

FORM E ADDED TO SCHEDULE OF PRINCIPAL REGULATIONS

“Form E

INFRINGEMENT NOTICE

(ISSUED UNDER AUTHORITY OF THE BIOSECURITY ACT 1993)

Notice number:

Date of notice:

Issuing inspector:

THIS NOTICE IS ISSUED TO THE PERSON DESCRIBED BELOW (WHO IS REFERRED TO AS “THE DEFENDANT”) IN RESPECT OF THE ALLEGED OFFENCE DESCRIBED BELOW.

DETAILS OF THE DEFENDANT

Name:

Address:

Occupation:	Date of birth:	Passport number & country of issue:
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DETAILS OF ALLEGED OFFENCE

Date:	Time:	Day of week: S M T W T F S
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Place:

Nature of offence:

The defendant being required to make a declaration in relation to goods specified in that declaration erroneously declared that he/she was not in possession of any or all of those goods. The goods that the defendant erroneously declared that he/she was not in possession of were:

SERVICE DETAILS

[To be completed only on copy to be filed in court]

Method of service:

Personal service Registered or ordinary post

Served by On [Date]

PAYMENT OF INFRINGEMENT FEE

The infringement fee for this offence is \$200, and may be paid (not later than 14 days after service of this notice) at the following address, either in person or by sending it by post:

[Address where fee may be paid]

SCHEDULE—*continued*FORM E ADDED TO SCHEDULE OF PRINCIPAL REGULATIONS—*continued*

Cheques or money orders should be made payable to the Ministry of Agriculture and Forestry, and should be crossed and marked “Not Transferable”. An official receipt will be issued following payment.

If this notice has been served on you at a port that has been approved under the Biosecurity Act 1993, you may choose to pay the infringement fee immediately. Payment may be made at the Infringement Notice Cashier Desk located within the arrival hall, in New Zealand currency or by electronic funds transfer. An official receipt will be issued following payment.

IMPORTANT: The notes printed on the back of this notice set out important information.

SCHEDULE—*continued*FORM E ADDED TO SCHEDULE OF PRINCIPAL REGULATIONS—*continued***NOTES****1. Defences**

You have a defence against any proceedings for the offence alleged in this notice if you can prove that the infringement fee has been paid to the Ministry of Agriculture and Forestry (MAF), either—

- (a) At the address for payment shown on the front of this notice before or within 14 days after you have been served with this notice; or
- (b) By immediate payment (if you were served with this notice at a port approved under the Biosecurity Act 1993).

NOTE that late payment, or payment at any other address, will not be a defence.

2. Right to request hearing

You have the right to request a hearing. A request for a hearing must be made in writing, be signed by you, and be delivered to the address specified on the front of this notice before or within 14 days after you have been served with this notice.

If you request a hearing you may deny liability for the offence, or admit liability and make submissions as to penalty or any other matter.

- If you deny liability for the offence, MAF will serve you with a notice of hearing setting out the place and time at which the matter will be heard by the Court (unless MAF decides not to start court proceedings).

NOTE that, if the Court finds you guilty of the offence, COSTS WILL BE IMPOSED IN ADDITION TO ANY FINE.

- If you admit liability for the offence but want the Court to consider your submissions, you should, in your request for a hearing,—

(a) Admit the offence; AND

(b) Set out the written submissions you wish to be considered by the Court.

MAF will then file your letter with the Court (unless MAF decides not to commence court proceedings). There will be no oral hearing before the Court if you follow this course of action.

NOTE THAT COSTS WILL BE IMPOSED IN ADDITION TO ANY FINE.

3. Consequences of taking no action

If, within 14 days after being served with this notice, you have not paid the infringement fee and MAF has not received a request for a hearing, you will become liable to pay COSTS IN ADDITION TO THE INFRINGEMENT FEE (unless MAF decides not to commence court proceedings against you).

4. Questions and other correspondence

When writing or making payment please include—

- (a) The date of the infringement notice; AND

SCHEDULE—*continued*

FORM E ADDED TO SCHEDULE OF PRINCIPAL REGULATIONS—*continued*

- (b) The infringement notice number; AND
- (c) The course of action you are taking in respect of the alleged offence; AND
- (d) Your address for replies.

FURTHER DETAILS OF YOUR RIGHTS AND OBLIGATIONS ARE SET OUT IN SECTION 159A OF THE BIOSECURITY ACT 1993 AND SECTION 21 OF THE SUMMARY PROCEEDINGS ACT 1957.

NOTE: ALL QUERIES AND ALL CORRESPONDENCE REGARDING THIS NOTICE MUST BE DIRECTED TO MAF AT THE ADDRESS SHOWN.”

MARIE SHROFF,
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 the 28th day after the date of their notification in the *Gazette*, prescribe an infringement offence form for the purposes of the accelerated infringement notice procedure provided for in section 159A of the Biosecurity Act 1993 (as inserted by section 4 of the Biosecurity Amendment Act 1999).

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 21 October 1999.
These regulations are administered in the Ministry of Agriculture and Forestry.