



## THE BIOSECURITY (FORMS) REGULATIONS 1995

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CATHERINE A. TIZARD, Governor-General

### ORDER IN COUNCIL

At Wellington this 19th day of June 1995

Present:

THE RIGHT HON. D. C. MCKINNON PRESIDING IN COUNCIL

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

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### REGULATIONS

**1. Title and commencement**—(1) These regulations may be cited as the Biosecurity (Forms) Regulations 1995.

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

**2. Interpretation**—In regulation 3 of these regulations,—

“The principal Act” means the Biosecurity Act 1993:

“The schedule” means the Schedule to these regulations.

**3. Certain forms prescribed**—(1) There are hereby prescribed—

(a) For the purposes of section 110 of the principal Act, the form of warrant set out in the schedule as Form A:

(b) For the purposes of section 111 of the principal Act, the form of warrant set out in the schedule as Form B:

(c) For the purposes of section 159 (3) of the principal Act, the form of infringement notice set out in the schedule as Form C:

- (b) For the purposes of clause 5 (2) of the Second Schedule to the principal Act, the form of summons set out in the schedule as Form D.

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SCHEDULE

PRESCRIBED FORMS

Form A

WARRANT TO ENTER DWELLINGHOUSE, MARAE, OR BUILDING  
ASSOCIATED WITH MARAE

*Section 110, Biosecurity Act 1993*

To [*Full name*], an inspector or authorised person.

BEING SATISFIED, on written application made on oath by you, that there is reasonable ground for believing that there is (or are) on or in

[*Description of place*]

the following thing (or things)

[*Description of thing or things*]

which (or each of which) is—

- a pest, pest agent, or unwanted organism; or
- unauthorised goods; or
- packing material, plants, soil, or some other thing, that may have been in contact with a pest or an unwanted organism; or
- organic material that may constitute a risk of introducing pests or unwanted organisms, or may hinder the management or eradication of a pest

I AUTHORIZE YOU to enter that place on one occasion within 14 days of the date of this warrant.

THIS WARRANT IS ISSUED SUBJECT TO ANY CONDITIONS SPECIFIED BELOW

[*Conditions (if any)*]

ISSUED at            this            day of            19

District Court Judge  
(or Justice of the Peace)  
(or Registrar (not being a member of the Police))

SCHEDULE—*continued*  
 PRESCRIBED FORMS—*continued*  
 Form B  
 SEARCH WARRANT  
*Section 111, Biosecurity Act 1993*

To any inspector  
 or any member of the Police  
 or [Full name], an inspector or member of the Police

BEING SATISFIED, on written application made on oath by an inspector under the Biosecurity Act 1993, that there is reasonable ground for believing that there is (or are) on or in

[Description of place]

the following thing (or things) which or each of which is a thing

- in respect of which an offence against the Biosecurity Act 1993 punishable by imprisonment has been or may have been committed; or
- that is or may be evidence of the commission of an offence against the Biosecurity Act 1993 punishable by imprisonment; or
- that is intended to be used for the commission of an offence against the Biosecurity Act 1993 punishable by imprisonment

[Description of thing or things and, in respect of each, reference to offence concerned]

I AUTHORIZE YOU to enter and search that place on one occasion at any reasonable time within 14 days of the date of this warrant.

THIS WARRANT IS ISSUED SUBJECT TO THE CONDITIONS SPECIFIED BELOW

If issued to any inspector, or to a named inspector, this warrant may not be executed unless the inspector executing it is accompanied by a member of the Police.

[Other conditions (if any)]

ISSUED at                    this                    day of                    19

District Court Judge  
 (or Justice of the Peace)  
 (or Registrar (not being a member of the Police))

SCHEDULE—*continued*  
 PRESCRIBED FORMS—*continued*  
 Form C  
 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:

1. The defendant was asked the following question by an inspector while in a biosecurity control area—

(being a question that it was necessary for the inspector to ask to ascertain the presence, nature, origin, or itinerary, of risk goods).

2. Having been asked the question, the defendant—

- \* failed or refused to answer it within a reasonable time of its being asked; or
- \* failed or refused to answer it completely within a reasonable time of its being asked; or
- \* wilfully gave a false or misleading answer

The infringement fee for this offence is \$100, and may be paid (not later than 28 days after service of a reminder notice) at the following address, either in person or by sending it by post:

*[Address where fee may be paid]*

Cheques or Money Orders should be crossed and marked “Not Negotiable”.

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

SCHEDULE—*continued*PRESCRIBED FORMS—*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 Fisheries (MAF) at the address for payment shown on the front of this notice before or within 28 days after you have been served with a reminder notice. 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 28 days after you have been served with a reminder 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.

2.1 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.

2.2 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**

3.1 If, within 28 days after the date of this notice, you have not paid the infringement fee and MAF has not received a request for a hearing, you will be served with a reminder notice (unless MAF decides otherwise).

3.2 If, within 28 days after being served with the reminder 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 proceedings against you).

**4. Questions and other correspondence**

When writing or making payment please include—

(a) The date of the infringement notice; AND

(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.

SCHEDULE—continued

PRESCRIBED FORMS—continued

FURTHER DETAILS OF YOUR RIGHTS AND OBLIGATIONS ARE SET OUT IN SECTION 159 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.

Form D

WITNESS SUMMONS

IN THE MATTER OF: The Biosecurity Act 1993

AND

IN THE MATTER OF: An inquiry into the proposed [*name of pest*] National (or Regional) Pest Management Strategy.

To: [*Name, Place of Residence, Occupation*]

You are required to attend at [*Place*] on the ..... day of ..... 19.... at [*Time*] am (or pm) and from day to day from then on until you are discharged from attendance, to give evidence relating to this inquiry.

\*You are also required to bring with you and produce at the same time and place any papers, documents, records, or things in your possession or under your control that are relevant to this inquiry.

Dated at ..... this ..... day of ..... 19.... .

.....  
Chairperson  
(or Hearings Commissioner)

\*Delete if inapplicable

**NOTES**

1. You are entitled to be paid witnesses' fees, allowances, and travelling expenses in accordance with the scales currently prescribed by regulations made under the Summary Proceedings Act 1957.
2. An estimate of the allowances and travelling expenses to which you will be entitled must be paid or tendered to you either on the service of this summons or at some other reasonable time before the date on which you are required to attend.
3. The address for service of the body or person holding the inquiry is....  
.....

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 28 days after notification in the *Gazette*, prescribe various forms for the purposes of the Biosecurity Act 1993.

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Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 22 June 1995.

These regulations are administered in the Ministry of Agriculture and Fisheries.