



## **Biosecurity (Infringement Offences) Amendment Regulations 2018**

Patsy Reddy, Governor-General

### **Order in Council**

At Wellington this 12th day of November 2018

Present:

Her Excellency the Governor-General in Council

These regulations are made under section 165(14)(c) to (i) 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 (Infringement Offences) Amendment Regulations 2018.

**2 Commencement**

These regulations come into force on 13 December 2018.

**3 Principal regulations**

These regulations amend the Biosecurity (Infringement Offences) Regulations 2010 (the **principal regulations**).

**4 Schedule 1 replaced**

Replace Schedule 1 with the Schedule 1 set out in the Schedule of these regulations.

**5 Schedule 2 amended**

- (1) In Schedule 2, form 1, replace “Served by: *[full name]*” with “Served by: *[full name or identifying number]*”.
- (2) In Schedule 2, form 2, replace “Served by: *[full name]*” with “Served by: *[full name or identifying number]*”.

## Schedule Schedule 1 replaced

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<b>Schedule 1</b>			
<b>Infringement offences and fees</b>			
<b>Provision of Biosecurity Act 1993</b>	<b>General description of offence</b>	<b>Infringement fee (\$)</b>	
		<b>Individual</b>	<b>Corporation</b>
s 154N(12)(a)	Failing to comply with section 17, which relates to providing notice of a craft’s intended arrival in New Zealand	400	800
s 154N(14)(a)	Failing to make the declaration required by section 24J(b) or 24K(8)(b), setting out the steps taken to comply with an applicable craft risk management standard or a craft risk management plan, if an inspector requires the person to make the declaration	400	800
s 154N(17)(b)(i)	Operating or purporting to operate a transitional facility or a containment facility when not approved as the facility’s operator	400	800

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Provision of Biosecurity Act 1993	General description of offence	Infringement fee (\$)	
		Individual	Corporation
s 154N(17)(b)(v)	Not complying with the operating standards for a transitional facility or a containment facility when operating or purporting to operate the facility	400	800
s 154N(20)	Failing to answer within a reasonable time or failing to answer completely within a reasonable time, having been asked a question by an inspector or an automated electronic system while in a biosecurity control area	100	100
s 154N(21)	Making an erroneous declaration that he or she is not in possession of specified goods	400	

Rachel Hayward,  
for the 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 13 December 2018, amend the Biosecurity (Infringement Offences) Regulations 2010 (the **principal regulations**) by—

- prescribing infringement offences in relation to a further 4 strict liability offences listed in section 154N of the Biosecurity Act 1993; and
- setting the infringement fees for those infringement offences; and
- providing an option on infringement offence forms for the serving officer to be identified by identifying number rather than by name.

## Regulatory impact assessment

The Ministry for Primary Industries produced a regulatory impact assessment on 12 September 2018 to help inform the decisions taken by the Government relating to the contents of this instrument.

A copy of this regulatory impact assessment can be found at—

- <https://www.mpi.govt.nz/dmsdocument/31035>
- <http://www.treasury.govt.nz/publications/informationreleases/ria>

Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*: 15 November 2018.

These regulations are administered by the Ministry for Primary Industries.