

**Reprint  
as at 22 April 2010**



## Biosecurity Amendment Act 2009

Public Act    2009 No 66  
Date of assent    7 December 2009  
Commencement    see section 2

### Contents

	Page
1    Title	1
2    Commencement	2
3    Principal Act amended	2
4    Interpretation	2
5    Penalties	2
6    Certain clearance offences may be proceeded with by way of infringement notice	2
7    Certain declaration offences may be proceeded with by way of accelerated infringement notice procedure	3
8    Regulations	3

- 
- 1    Title**  
This Act is the Biosecurity Amendment Act 2009.

---

**Note**

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

**This Act is administered by the Ministry of Agriculture and Forestry.**

## 2 Commencement

This Act comes into force 1 year after the date on which it receives the Royal assent unless it is earlier brought into force on a date appointed by the Governor-General by Order in Council.

Section 2: Biosecurity Amendment Act 2009 brought into force, on 22 April 2010, by the Biosecurity Amendment Act 2009 Commencement Order 2010 (SR 2010/65).

## 3 Principal Act amended

This Act amends the Biosecurity Act 1993.

## 4 Interpretation

Section 2(1) is amended by inserting the following definitions in their appropriate alphabetical order:

“**border infringement offence** means an infringement offence specified as a border infringement offence by regulations made under this Act

“**infringement fee** means the amount prescribed by regulations made under this Act as the infringement fee for an infringement offence

“**infringement offence** means an offence prescribed by regulations made under this Act as an infringement offence”.

## 5 Penalties

Section 157(7) is amended by omitting “\$400” and substituting “\$1,000”.

## 6 Certain clearance offences may be proceeded with by way of infringement notice

- (1) Section 159 is amended by omitting the heading and substituting the following heading: “**Proceedings for infringement offences**”.
- (2) Section 159(1) is amended by omitting “an offence against section 154(p) of this Act” and substituting “an infringement offence (other than a border infringement offence)”.
- (3) Section 159(3) is amended by repealing paragraph (b) and substituting the following paragraph:

“(b) the amount of the infringement fee for the offence; and”.

**7 Certain declaration offences may be proceeded with by way of accelerated infringement notice procedure**

- (1) Section 159A is amended by omitting the heading and substituting the following heading: “**Accelerated infringement notice procedure for border infringement offences**”.
- (2) Section 159A(1) is amended by omitting “an offence against section 154(s)” and substituting “a border infringement offence”.
- (3) Section 159A(4) is amended by repealing paragraph (b) and substituting the following paragraph:

“(b) the amount of the infringement fee for the offence; and”.

**8 Regulations**

Section 165(1) is amended by inserting the following paragraphs after paragraph (v):

“(va) prescribing any offences against or under this Act as infringement offences:

“(vb) specifying that an infringement offence is a border infringement offence if it is committed—

“(i) in a biosecurity control area at a port approved as a place of first arrival under section 37; or

“(ii) at a port approved for the arrival of a craft under section 37A:

“(vc) prescribing the infringement fee payable for each infringement offence, which may not exceed \$1,000:

“(vd) prescribing the form of, and any additional particulars required in, an infringement notice for a border infringement offence or an infringement offence:”.

**Contents**

- 1 General
  - 2 Status of reprints
  - 3 How reprints are prepared
  - 4 Changes made under section 17C of the Acts and Regulations Publication Act 1989
  - 5 List of amendments incorporated in this reprint (most recent first)
- 

**Notes****1 *General***

This is a reprint of the Biosecurity Amendment Act 2009. The reprint incorporates all the amendments to the Act as at 22 April 2010, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the reprint are also included, after the principal enactment, in chronological order. For more information, see <http://www.pco.parliament.govt.nz/reprints/>.

**2 *Status of reprints***

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

**3 *How reprints are prepared***

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and

provisions that are repealed or revoked are omitted. For a detailed list of the editorial conventions, see <http://www.pco.parliament.govt.nz/editorial-conventions/> or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

#### **4 Changes made under section 17C of the Acts and Regulations Publication Act 1989**

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
  - indentation
  - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)

- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
  - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
  - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

**5** *List of amendments incorporated in this reprint  
(most recent first)*

Biosecurity Amendment Act 2009 Commencement Order 2010 (SR 2010/65)

---