

Increased Penalties for Breach of Biosecurity Bill

Member's Bill

Explanatory note

General policy statement

The purpose of this bill is to better protect our border by deterring offenders from bringing in illegal biosecurity risks items such as fruits or other food by increasing the immediate fine and giving officers stronger authority to refuse entry in some cases. Pre-COVID-19 there was, and will be again in the future once international travel becomes easier, an ever increasing risk at our borders as people travel to New Zealand. In the 10 years Pre-COVID-19 there had been a 35% increase in arrivals with 5.5 million passengers previously entering New Zealand every year. This bill will increase the immediate fines from \$400 to \$1000, increase the conviction fine to \$2000 and give biosecurity officers a stronger ability to refuse entry into New Zealand to people who knowingly bring in a biosecurity risk when attempting to enter on a temporary entry class visa.

Clause by clause analysis

Clause 1 is the Title clause.

Clause 2 is the commencement clause and provides for the Bill to come into force on the day after the date on which it receives the Royal assent.

Part 1 — Amendment to Biosecurity Act 1993

Clause 3 identifies the Biosecurity Act 1993 (the **principal Act**) as the Act being amended by this Part.

Clause 4 amends section 157 of the principal Act to increase the fine that an individual is liable to pay upon conviction for an offence against section 154N(21) of the principal Act.

Part 2 — Amendments to Immigration Act 2009

Clause 5 identifies the Immigration Act 2009 (the **principal Act**) as the Act being amended by this Part.

Clause 6 amends section 109 of the principal Act to allow the Minister or an immigration officer to refuse the holder of a temporary entry class visa entry permission for failing to comply with the requirements of the Biosecurity Act 1993 or any direction made by a biosecurity officer.

Clause 7 amends section 157 of the principal Act to allow the Minister to deport a temporary entry class visa holder for failing to comply with the requirements of the Biosecurity Act 1993 or any direction made by a biosecurity officer.

*Part 3 — Amendment to the Biosecurity (Infringement Offences) Regulations
2010*

Clause 8 identifies the Biosecurity (Infringement Offences) Regulations 2010 as the regulations being amended by this Part.

Clause 9 amends Schedule 1 of the regulations to increase the infringement fee to \$1,000 for making an erroneous declaration regarding possession of specified goods.

Hon Jacqui Dean

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Increased Penalties for Breach of Biosecurity Act **2022**.

2 Commencement

This Act comes into force on the day after the date on which it receives the Royal assent.

Part 1 Amendment to Biosecurity Act 1993

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3 Principal Act

This Part amends the Biosecurity Act 1993 (the **principal Act**).

4 Section 157 amended

In section 157(7), replace “\$1,000” with “\$2,000”.

Part 2 Amendments to Immigration Act 2009

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5 Principal Act

This Part amends the Immigration Act 2009 (the **principal Act**).

6 Section 109 amended

After section 109(2), insert:

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(2A) The Minister or an immigration officer may, in his or her discretion, refuse the holder of a temporary entry class visa entry permission if—

- (a) the person has failed to comply with the requirements of the Biosecurity Act 1993; or
- (b) the person has failed to comply with any direction or request made by a biosecurity officer.

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7 Section 157 amended

After section 157(5)(b), insert

- (ba) failure to comply with—
 - (i) the requirements of the Biosecurity Act 1993; or
 - (ii) any direction or request made by a biosecurity officer:

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Part 3
Amendment to Biosecurity (Infringement Offences) Regulations
2010

8 Amendment to Biosecurity (Infringement Offences) Regulations 2010

This Part amends the Biosecurity (Infringement Offences) Regulations 2010 5
(SR 2010/67).

9 Schedule 1 amended

In Schedule 1, item relating to section 154N(21) of the Biosecurity Act 1993,
replace “400” with “1,000”.