

Reprint  
as at 28 September 2017



# Immigration (Carriers' Infringement Offences, Fees, and Forms) Regulations 2012

(SR 2012/106)

Jerry Mateparae, Governor-General

## Order in Council

At Wellington this 28th day of May 2012

Present:

His Excellency the Governor-General in Council

Pursuant to section 400 of the Immigration Act 2009, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

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### Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.  
Note 4 at the end of this reprint provides a list of the amendments incorporated.

**These regulations are administered by the Ministry of Business, Innovation, and Employment.**

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## **Regulations**

### **1 Title**

These regulations are the Immigration (Carriers' Infringement Offences, Fees, and Forms) Regulations 2012.

### **2 Commencement**

These regulations come into force on 1 July 2012.

### **3 Interpretation**

In these regulations, **Act** means the Immigration Act 2009 and **section** means a section of the Act.

### **4 Infringement offences**

The offences described in the first 2 columns of Schedule 1 are infringement offences.

### **5 Infringement fees**

The fee set for an infringement offence in whichever of the third or fourth column of Schedule 1 is applicable is the infringement fee for the offence.

### **6 Infringement notices**

An infringement notice issued under section 362 must be in the form set out in Schedule 2.

### **7 Infringement offence reminder notice**

An infringement offence reminder notice authorised by section 363 must be in the form set out in Schedule 3.

## Schedule 1 Infringement offences and fees

<b>Provision of Act</b>	<b>Description of offence</b>	<b>Fee for owner, charterer, or agent (\$)</b>	<b>Fee for person in charge of craft (\$)</b>
349(1)(a)	Failing without reasonable excuse to comply with any of the carrier's or the person's responsibilities under section 96(2)	1,000	500
349(1)(b)	Allowing a person to travel to, or from, New Zealand before a decision has been made by the chief executive under section 97(1) or 97A(1)	1,000	500
349(1)(c)	Having been notified under section 97(2) of a decision made by the chief executive under section 97(1)(b), failing without reasonable excuse to ensure that the person to whom the decision relates complies with it	5,000	2,500
349(1)(c)	Having been notified under section 97(2) of a decision made by the chief executive under section 97(1)(c) (except when the condition is to show evidence of an outward ticket), failing without reasonable excuse to ensure that the person to whom the decision relates complies with it	1,000	500
349(1)(ca)	Having been notified under section 97A(3) of a decision made by the chief executive under section 97A(1)(b), failing without reasonable excuse to ensure that the person to whom the decision relates complies with it	5,000	2,500
349(1)(ca)	Having been notified under section 97A(3) of a decision made by the chief executive under section 97A(1)(c), failing without reasonable excuse to ensure that the person to whom the decision relates complies with it	1,000	500
349(1)(d)	Failing without reasonable excuse to comply with obligations under section 102(2), (4), or (5)	1,000	500
349(2)(a)	Failing without reasonable excuse to comply with any of the requirements of section 101(1)(a)	5,000	2,500

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Schedule 1: amended, on 28 September 2017, by regulation 4(1) of the Immigration (Carriers' Infringement Offences, Fees, and Forms) Amendment Regulations 2017 (LI 2017/255).

Schedule 1: amended, on 28 September 2017, by regulation 4(2) of the Immigration (Carriers' Infringement Offences, Fees, and Forms) Amendment Regulations 2017 (LI 2017/255).

Schedule 1: amended, on 28 September 2017, by regulation 4(3) of the Immigration (Carriers' Infringement Offences, Fees, and Forms) Amendment Regulations 2017 (LI 2017/255).

Schedule 1: amended, on 6 June 2015, by section 109(2) of the Immigration Amendment Act 2015 (2015 No 48).

## Schedule 2

### Form of infringement notice for carriers' infringement offences

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#### Form Infringement notice

*Section 362, Immigration Act 2009*

Infringement notice number:

Date of infringement notice:

Infringement notice served on—

Full name (or company name):

Full postal address (residential or business):

**Alleged infringement offence details**

Offence (time, place, and nature):

Infringement fee payable: \$ [*amount*]**Passenger's or crew member's details (if applicable)**

Name:

Date of birth:

Nationality:

Travel document number:

Flight number or craft identifier:

Arrival date:

Arrival port:

**Issuing details**

Issuing officer:

Method infringement notice served by:

Address of service:

Date infringement notice served:

**Procedures for payment of infringement fee**

You are liable to pay the infringement fee. If it is not paid within 28 days, a reminder notice will be served.

Infringement fees may be paid to the Ministry of Business, Innovation, and Employment by any of the following methods: [*specify payment options*]

Please quote the infringement notice number shown above.

Cheques must be payable to the Ministry of Business, Innovation, and Employment, crossed and marked "Not transferable", and sent to: [*address*]

### **Information about infringement offences**

**Note:** You should consult a lawyer immediately if there is anything in this notice that you do not understand.

### **Payment of infringement fee**

- 1 If you pay the infringement fee within 28 days after service of this notice, no further action on the infringement offence will be taken. Payment must be made to the Ministry of Business, Innovation, and Employment in accordance with the instructions in this notice.

### **Further action**

- 2 If you want to raise any matter relating to the circumstances of the offence, you must do so by writing to the Ministry of Business, Innovation, and Employment at the address shown at the end of this notice within 28 days after service of this notice.

### **Defence**

- 3 You have a defence against any proceedings for the offence if you can prove that the infringement fee was paid to the Ministry of Business, Innovation, and Employment by one of the payment methods specified in this notice within 28 days after service of a reminder notice.

### **Right to request hearing**

- 4 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 Ministry of Business, Innovation, and Employment at the address shown at the end of this notice within 28 days after service of 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.

If you deny liability for the offence and request a hearing, the Ministry of Business, Innovation, and Employment 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 the Ministry of Business, Innovation, and Employment decides not to commence court proceedings).

**Note:** If the court finds you guilty of the offence, it may impose costs in addition to any fine.

If you admit liability for the offence but want the court to consider your submissions, you must, in your request for a hearing,—

- (a) admit the offence; and
- (b) set out the written submissions that you want the court to consider.

The Ministry of Business, Innovation, and Employment will then file your letter and request for a hearing with the court (unless the Ministry of Business, Innovation, and Employment decides not to commence court proceedings). There will be no oral hearing before the court if you follow this course of action.

**Note:** The court may impose costs in addition to any fine.

### Consequences of taking no action

5 If, within 28 days after service of this notice, you have not paid the infringement fee and the Ministry of Business, Innovation, and Employment has not received a request for a hearing, you will be served with a reminder notice (unless the Ministry of Business, Innovation, and Employment decides not to pursue the matter).

If, within 28 days after service of a reminder notice, you have not paid the infringement fee and the Ministry of Business, Innovation, and Employment has not received a request for a hearing, you will become liable to pay costs in addition to the infringement fee specified in this notice (unless the Ministry of Business, Innovation, and Employment decides not to commence court proceedings).

### Questions and other correspondence

- 6 In any correspondence, please include—
- (a) the date of this notice; and
  - (b) the infringement notice number; and
  - (c) the course of action you are taking on the offence; and
  - (d) your full address for replies.

### Rights and obligations

7 Further details of your rights and obligations are set out in section 21 of the Summary Proceedings Act 1957.

### Ministry of Business, Innovation, and Employment's postal address for correspondence (*for postal address for payment, see above*)

[address]

Schedule 2 form: amended, on 28 September 2017, by regulation 5(1) of the Immigration (Carriers' Infringement Offences, Fees, and Forms) Amendment Regulations 2017 (LI 2017/255).

Schedule 2 form: amended, on 28 September 2017, by regulation 5(2) of the Immigration (Carriers' Infringement Offences, Fees, and Forms) Amendment Regulations 2017 (LI 2017/255).

Schedule 2 form: amended, on 28 September 2017, by regulation 5(3) of the Immigration (Carriers' Infringement Offences, Fees, and Forms) Amendment Regulations 2017 (LI 2017/255).

**Schedule 3**  
**Form of infringement offence reminder notice for carriers'**  
**infringement offences**

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Form  
Reminder notice

*Section 363, Immigration Act 2009*

Reminder notice number:

Date of reminder notice:

Reminder notice served on—

Full name (or company name):

Full postal address (residential or business):

**Alleged infringement offence details**

Offence (time, place, and nature):

Infringement fee payable: \$ [*amount*]

**Passenger's or crew member's details (if applicable)**

Name:

Date of birth:

Nationality:

Travel document number:

Flight number or craft identifier:

Arrival date:

Arrival port:

**Service details**

*[To be provided for filing in court]*

**Issuing details of infringement notice**

Issuing officer:

Method infringement notice served by:

Address of service:

Date infringement notice served:

**Issuing details of reminder notice**

Issuing officer:

Method reminder notice served by:

Address of service:

Date reminder notice served:

The last day for payment is [*specify date*], which is 28 days from the date of service recorded in this notice.

### **Procedures for payment of infringement fee**

Infringement fees may be paid to the Ministry of Business, Innovation, and Employment by any of the following methods: [*specify payment options*]

Please quote the reminder notice number shown above.

Cheques must be payable to the Ministry of Business, Innovation, and Employment, crossed and marked "Not transferable", and sent to: [*address*]

### **Information about infringement offences**

**Note:** You should consult a lawyer immediately if there is anything in this notice that you do not understand.

### **Payment of infringement fee**

- 1 If you pay the infringement fee within 28 days after service of this notice, no further action on the infringement offence will be taken. Payment must be made to the Ministry of Business, Innovation, and Employment in accordance with the instructions in this notice.

### **Further action**

- 2 If you want to raise any matter relating to the circumstances of the offence, you must do so by writing to the Ministry of Business, Innovation, and Employment at the address shown at the end of this notice within 28 days after service of this notice.

### **Defence**

- 3 You have a defence against any proceedings for the offence if you can prove that the infringement fee was paid to the Ministry of Business, Innovation, and Employment by one of the payment methods specified in this notice within 28 days after service of this notice.

### **Right to request hearing**

- 4 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 Ministry of Business, Innovation, and Employment at the address shown at the end of this notice within 28 days after service of 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 and request a hearing, the Ministry of Business, Innovation, and Employment will serve you with a notice of hearing set-



ting out the place and time at which the matter will be heard by the court (unless the Ministry of Business, Innovation, and Employment decides not to commence court proceedings).

**Note:** If the court finds you guilty of the offence, it may impose costs in addition to any fine.

If you admit liability for the offence but want the court to consider your submissions, you must, in your request for a hearing,—

- (a) admit the offence; and
- (b) set out the written submissions that you want the court to consider.

The Ministry of Business, Innovation, and Employment will then file your letter and request for a hearing with the court (unless the Ministry of Business, Innovation, and Employment decides not to commence court proceedings). There will be no oral hearing before the court if you follow this course of action.

**Note:** The court may impose costs in addition to any fine.

#### **Consequences of taking no action**

- 5 If, within 28 days after service of this notice, you have not paid the infringement fee and the Ministry of Business, Innovation, and Employment has not received a request for a hearing, you will become liable to pay costs in addition to the infringement fee specified in this notice (unless the Ministry of Business, Innovation, and Employment decides not to commence court proceedings).

#### **Questions and other correspondence**

- 6 In any correspondence, please include—
- (a) the date of the infringement notice; and
  - (b) the infringement notice number; and
  - (c) the date of this notice; and
  - (d) the reminder notice number; and
  - (e) the course of action you are taking on the offence; and
  - (f) your full address for replies.

#### **Rights and obligations**

- 7 Further details of your rights and obligations are set out in section 21 of the Summary Proceedings Act 1957.

#### **Ministry of Business, Innovation, and Employment's postal address for correspondence (*for postal address for payment, see above*)**

[address]

Schedule 3 form: amended, on 28 September 2017, by regulation 6(1) of the Immigration (Carriers' Infringement Offences, Fees, and Forms) Amendment Regulations 2017 (LI 2017/255).

Schedule 3 form: amended, on 28 September 2017, by regulation 6(2) of the Immigration (Carriers' Infringement Offences, Fees, and Forms) Amendment Regulations 2017 (LI 2017/255).

Schedule 3 form: amended, on 28 September 2017, by regulation 6(3) of the Immigration (Carriers' Infringement Offences, Fees, and Forms) Amendment Regulations 2017 (LI 2017/255).

Rebecca Kitteridge,  
Clerk of the Executive Council.

Issued under the authority of the Legislation Act 2012.  
Date of notification in *Gazette*: 31 May 2012.

## **Reprints notes**

### **1    *General***

This is a reprint of the Immigration (Carriers' Infringement Offences, Fees, and Forms) Regulations 2012 that incorporates all the amendments to those regulations as at the date of the last amendment to them.

### **2    *Legal status***

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

### **3    *Editorial and format changes***

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

### **4    *Amendments incorporated in this reprint***

Immigration (Carriers' Infringement Offences, Fees, and Forms) Amendment Regulations 2017 (LI 2017/255)

Immigration Amendment Act 2015 (2015 No 48): section 109