



## ANALYSIS

<p>Title</p> <p>1. Short Title</p> <p>2. Other powers of Ministers</p> <p>3. Penalties</p> <p>4. New sections substituted</p> <p style="padding-left: 2em;">159A. Certain declaration offences may be proceeded with by way of accelerated infringement notice procedure</p>	<p>160. Payment of infringement fees</p> <p>5. Amendments to Biosecurity Amendment Act 1997</p> <p>6. Consequential amendment to Summary Proceedings Act 1957</p>
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1999, No. 29

**An Act to amend the Biosecurity Act 1993**

[7 May 1999]

BE IT ENACTED by the Parliament of New Zealand as follows:

**1. Short Title**—This Act may be cited as the Biosecurity Amendment Act 1999, and is part of the Biosecurity Act 1993 (“the principal Act”).

**2. Other powers of Ministers**—Section 11(2) of the principal Act is amended by omitting the expression “subsection (1)(b), (d), (e), and (g)”, and substituting the expression “subsection (1)(b), (d), (e), and (f)”.

**3. Penalties**—Section 157(7) of the principal Act is amended by omitting the expression “160A”, and substituting the expression “159A”.

**4. New sections substituted**—The principal Act is amended by repealing sections 160 and 160A, and substituting the following sections:

**“159A. Certain declaration offences may be proceeded with by way of accelerated infringement notice**

**procedure**—(1) If an inspector has reason to believe that a person (in this section referred to as the defendant) has committed an offence against section 154 (s),—

“(a) The defendant may be proceeded against for the alleged offence under the Summary Proceedings Act 1957; or

“(b) The inspector may issue an infringement notice in respect of the alleged offence.

“(2) Any employee of the Ministry (not necessarily the inspector who issued the notice)—

“(a) May deliver an infringement notice (or a copy of it) to the defendant personally; or

“(b) May send it (or a copy of it) to the defendant by post addressed to the defendant’s last known place of residence or business.

“(3) For the purposes of subsection (6), an infringement notice sent to a person by post is deemed to have been served on the defendant when it was posted.

“(4) An infringement notice under this section must be in the prescribed form, and must specify—

“(a) Sufficient details to inform the defendant fairly of the time, place, and nature of the offence alleged; and

“(b) That the infringement fee is \$200; and

“(c) Where the fee may be paid; and

“(d) The time within which the fee may be paid; and

“(e) How and where payment may be made under subsection (5); and

“(f) A summary of how the provisions of section 21 (10) of the Summary Proceedings Act 1957 apply to the offence alleged; and

“(g) That the defendant has a right to request a hearing; and

“(h) A statement of the consequences if the defendant neither pays the fee nor requests a hearing; and

“(i) Such other particulars as are prescribed by regulations made under this Act.

“(5) If the infringement notice is served by delivering it to a person at a port approved under section 37 or section 37A, that person may choose to pay immediately the infringement fee in the manner specified in the notice.

“(6) The Ministry may file in a District Court a copy of the infringement notice after a period of 14 days from the date of service of the infringement notice, or a copy of the infringement notice, if—

“(a) The infringement fee for the offence has not by then been paid to the Ministry at the address specified in

the notice (or immediately under subsection (5)); and

“(b) The Ministry has not by then received at that address a notice requesting a hearing in respect of that offence.

“(7) The copy of the infringement notice filed under subsection (6) must have recorded on it the date and method of service on the defendant.

“(8) If an infringement notice has been issued and served under this section, the Summary Proceedings Act 1957 applies as if that notice were a reminder notice served under section 21 (2) of that Act, and the provisions of that Act apply, with all necessary modifications, to the alleged offence as if—

“(a) The reference in section 21 (1) (b) to filing a copy of a reminder notice under that section were a reference to filing a copy of the infringement notice under subsection (6) of this section; and

“(b) Subsection (6) of this section were in the place of section 21 (3); and

“(c) The reference in section 21 (3A) to a copy of a reminder notice not having been filed under section 21 (3) were a reference to a copy of the infringement notice not having been filed under subsection (6) of this section; and

“(d) The reference in section 21 (5) to a copy of a reminder notice filed under section 21 (3) were a reference to a copy of the infringement notice filed under subsection (6) of this section; and

“(e) The reference in section 21 (6) (b) and in section 21 (10) (a) to a period of 28 days after the service of a reminder notice were a reference to the period of 14 days after the service of the infringement notice; and

“(f) The references to reminder notices in the definition of ‘defendant’ in section 2 and in section 78B, and in any other relevant provisions of that Act, were references to the infringement notice.

“(9) Despite section 203 (1) of the Summary Proceedings Act 1957, an infringement notice under this section may be issued and served on a Sunday.

“160. **Payment of infringement fees**—All infringement fees received under section 159 or section 159A must be paid into the Crown Bank Account.”

**5. Amendments to Biosecurity Amendment Act 1997—**

(1) Section 121 (1) of the Biosecurity Amendment Act 1997 is amended by omitting the expression “section 120”, and substituting the expression “section 119”.

(2) Section 122 of the Biosecurity Amendment Act 1997 is amended by omitting the expression “section 59”, and substituting the expression “section 65”.

**6. Consequential amendment to Summary Proceedings Act 1957—**Section 2 of the Summary Proceedings Act 1957 is amended by repealing paragraph (e) of the definition of the term “infringement notice”, and substituting the following paragraph:

“(e) Section 159 or section 159A of the Biosecurity Act 1993; or”.

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This Act is administered in the Ministry of Agriculture and Forestry.

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