# Declaration: Imported Product not to be Sold or Used as an Agricultural Compound

# ACVM 22 (November 2020)

* This declaration made in accordance with section 7 of the Agricultural Compounds and Veterinary Medicines Act 1997 only relates to matters arising under the Agricultural Compounds and Veterinary Medicines Act 1997 and is not a declaration for the purposes of any other enactment.
* This declaration does not abrogate the provisions of any other legislation (Hazardous Substances and New Organisms Act 1996 and/or the Biosecurity Act 1993 and/or the Misuse of Drugs Act 1975). Refer to the [Environmental Protection Authority NZ](http://www.epa.govt.nz) and/or [Biosecurity New Zealand](http://www.biosecurity.govt.nz/) and/or the [Ministry of Health](http://www.moh.govt.nz) for further information.
* This document may be reviewed and amended if there are changes in New Zealand’s import policy or the animal health status of the originating country or for any other reason, at the discretion of the Director General.
* **This declaration must be completed by the Importer/Agent and returned by post or email to Biosecurity New Zealand at the port of entry. Alternatively, the declaration can be completed and sent to the supplier to place a copy in the parcel.**
* Refer to the Privacy Act 2020 and Official Information Act 1982 notices at the end of this form regarding collection of information by the Ministry for Primary Industries.

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| 1. Declaration *insert name in space below* |
| I,…………………………………………………………………………………………………………….., declare that the goods detailed below are not being imported for sale or use as an agricultural compound in New Zealand. |
| **Passport number/or other identification** (if applicable) |  |

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| 2. Contact Details  |
| **Company name** | **Street/Physical** (location of actual premises) |
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| **Tel**  |  | **Email** | By entering an email address, you consent to being sent information and notifications electronically, if required. |

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| 3. Product |
| **Name of product** |  | **Country of origin of product** |  |
| **Amount imported** |  | **Date of arrival** (if known): |  |
| **How and where the product will be used. Note: The product(s) cannot be sold or used on animals or plants**.  |  |

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| 4. Signature |
| I have read and understood the definition of an Agricultural Compound contained in section 2 of the Agricultural Compounds and Veterinary Medicines Act 1997 (appendix of this form) Declared at this day of 20 |
| **Signature** |  |
| Approval (ACVM use only) |
| **Delegate approval** |  | **Date** |  |

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| Appendix: Definition of an Agricultural Compound, Offences and Penalties under the Agricultural Compounds and Veterinary Medicines Act 1997 |
| **2** **Agricultural compound** means1. any substance, mixture of substances, or biological compound, used or intended for use in the direct management of plants and animals, or to be applied to the land, place, or water on or in which the plants and animals are managed, for the purposes of—
	* 1. managing or eradicating pests, including vertebrate pests; or
		2. maintaining, promoting, or regulating plant or animal productivity and performance or reproduction; or
		3. fulfilling nutritional requirements; or
		4. the manipulation, capture, or immobilisation of animals; or
		5. diagnosing the condition of animals; or
		6. preventing or treating conditions of animals; or
		7. enhancing the effectiveness of an agricultural compound used for the treatment of plants and animals; or
		8. marking animals; and
2. includes—
3. any veterinary medicine, substance, mixture of substances, or biological compound used for post-harvest treatment of raw primary produce; and
4. anything used or intended to be used as feed for animals; and
5. any substance, mixture of substances, or biological compound declared to be an agricultural compound for the purposes of this Act by Order in Council made under subsection (2)

**Veterinary medicine** means any substance, mixture of substances, or biological compound used or intended for use in the direct management of an animal**55 Offences**1. Every person commits an offence against this Act who—
* Knowingly uses, sells, manufactures and/or imports any agricultural compound in contravention of this Act; or
* Knowingly sells any animal, plant, or primary produce that has been treated with, or exposed to, any agricultural compound that is not imported, manufactured, sold, or used in accordance with the provisions of this Act; or
* Knowingly makes a false representation that any agricultural compound is registered as a trade name product in accordance with section 21 or section 27 or is an agricultural compound and is exempt from registration in accordance with regulations made under section 75; or
* Knowingly possesses any agricultural compound which has not been cleared for entry into New Zealand in accordance with section 6; or
* Knowingly contravenes an order given in accordance with section 64(2)(d); or
* Knowingly supplies false or misleading information to the Director-General or an ACVM officer under this Act; or
* Knowingly withholds relevant information from an ACVM officer or person assisting an ACVM officer.

 (5) Despite anything to the contrary in section 25 of the Criminal Procedure Act 2011, the limitation period in respect of an offence against this section ends on the date that is 4 years after the date on which the offence was committed.**56 Penalties**1. Every person who commits an offence against subsection (1) of section 55 is liable on conviction:
2. In the case of a natural person, to a term of imprisonment not exceeding 2 years or a fine not exceeding $30,000, or both:
3. In the case of a corporation, to a fine not exceeding $150,000.

(5) Where any person is convicted of an offence against this Act, the court may, instead of or in addition to any fine, order the forfeiture of any trade name product, any agricultural compound, or any substance, mixture of substances, or biological compound used or intended for use as an agricultural compound, in the possession of that person. |

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| Collection of Information  |
| **Collection of Personal Information** Pursuant to Principle 3 of the Privacy Act 2020, we advise that:* This information being collected is required by the Agricultural Compounds and Veterinary Medicines Group to clear ACVM goods for entry at the New Zealand border; and
* The recipient of this information, which is the agency that will collect and hold the information, is the Ministry for Primary Industries, PO Box 2526, Wellington 6140; and
* Some of the information collected will be held on file; and
* The collection of information is authorised section 7 of the Agricultural Compounds and Veterinary Medicines Act 1997. The provision of this information is necessary in order to comply with the requirements of the Act regarding goods not to be used or sold as agricultural compounds; and
* The supply of this information is mandatory; and
* Failure to provide the requested information is likely to result in the destruction or re-export of the goods from New Zealand in accordance with the ACVM Act; and
* Under Principles 6 and 7 of the Privacy Act 2020, you have the right of access to, and correction of, any personal information that you have provided.

**Collection of Official Information**All information provided to the Ministry for Primary Industries is official information and may be subject to a request made under the Official Information Act 1982. If a request is made under that Act for information you have provided in this declaration, the Ministry for Primary Industries will consider any such request, taking into account its obligations under the Official Information Act 1982 and any other applicable legislation. |