

**EXTRAORDINARY
FIJI ISLANDS GOVERNMENT GAZETTE SUPPLEMENT**

No. 18

TUESDAY, 20th APRIL

2010

[LEGAL NOTICE No. 41]

**BIOSECURITY PROMULGATION 2008
(No. 28 OF 2008)**

BIOSECURITY EMERGENCY (TERMITES) REGULATIONS 2010

IN exercise of the powers vested in me by Section 80 of the Biosecurity Promulgation 2008, with the advice of the Authority, I hereby make the following Regulations—

Citation and Commencement

1.—(1) These Regulations may be cited as the Biosecurity Emergency (Termites) Regulations 2010.

(2) These Regulations shall take effect upon the Gazettal of the Declaration of the Biosecurity Emergency Areas for Termites under section 77 of the Promulgation and shall continue for the term of the Declaration and any renewal thereof.

(3) The Declaration of the Biosecurity Emergency Areas for Termites is referred to as “the Declaration”.

Regulations pursuant to section 80 of the Promulgation

2. For the duration of these Regulations and any renewal thereof, any Biosecurity officers shall have the following powers—

- (a) create one or more exclusion zones within the area declared in the Declaration and control the movement of conveyances, humans, animals and plants and host material into, out and within such zone;
- (b) prohibit such activities in the area declared in the Declaration as may be necessary;
- (c) provide for the destruction or treatment of specified goods and the treatment of land in the area declared in the Declaration in such manner as may be necessary;
- (d) regulate the use of the area declared in the Declaration for a specified period after the lifting of emergency restrictions;
- (e) specify such other conditions which apply to the area declared in the Declaration to control the biosecurity emergency.
- (f) prescribe the disposal, destruction, treatment or other measures to be adopted in respect of any item which is infected, infested or contaminated;
- (g) require the cleansing or disinfecting of soil, conveyances, machinery, tools, equipment, clothing, footwear or other things which may have come into contact with those items;

- (h) prescribe such measures as may be necessary to prevent pests and diseases from spreading, including but not limited to cleansing of homes and utensils, removal of stagnant water and disposal of garbage;
- (i) prohibit or restrict the use of any seaport or airport, or of any facilities at any seaport or airport, as may be necessary.

Powers of the Biosecurity Officers

3. For the duration of the Regulation and to supplement the powers contained in section 79 (1) and (2) of the Promulgation, any biosecurity officer may—

- (a) enter any premises on any land including a dwelling house without a warrant;
- (b) take such steps as the officer may consider necessary to search for and destroy any material(s) affected by termites and any termites;
- (c) in furtherance of this regulation cause damage as may be reasonably necessary to any material(s) for the purposes of such search and destruction of termites.

Exercise of Powers of Biosecurity Officers

4.—(1) Without prejudice to section 79 of the Promulgation, in the absence of the Board and the Chief Executive Officer, the Permanent Secretary may, by instrument in writing appoint any person to be temporary biosecurity officer and any officer so appointed shall perform such duties not inconsistent with the provision of the Promulgation, as may be specified by the Permanent Secretary in the instrument of appointment.

(2) Any appointment made in Regulation 4[1] shall be deemed to be appointments made in accordance with section 79[1] of the Promulgation.

(3) Any member of the Fiji Police Force and the Republic of Fiji Military Forces are deemed to be appointed as temporary biosecurity officers.

Offences

5. Any person, body or entity who contravenes these Regulations commits an offence and shall be liable on conviction to a fine not exceeding \$40,000 in the case of a person, or to a fine not exceeding \$200,000 for a corporate body.

Made at Suva on this 20th day of April 2010.

S. SAUMATUA
Acting Minister for Primary Industries