

## BIOSECURITY RULES 2003

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### 1 Purposes

These Rules serve —

- (i) to control the introduction and spread of exotic pests and diseases and other organisms, in order to protect the environment and the agricultural production of Tokelau;
- (ii) to control the pests and diseases already present in Tokelau that have a restricted distribution;
- (iii) to provide for facilities for biosecurity services for the import and export of animals and plants, animal products and plant products, and other goods safely into and out of Tokelau;
- (iv) to provide for the containment and eradication of new incursions; and
- (v) to support international cooperation in the prevention of the movement of pests and diseases.

### 2 Interpretation

In these Rules —

“animal” means any mammal (except human beings), bird, insect, amphibian, fish, mollusc, or other member of the animal kingdom, whether alive or dead, and includes the egg, embryo, ova, or semen and any organic animal tissue from which another animal could be produced, and the hide, skin, hair, feathers, shell, horns, hoof, viscera, or any other part or portion of the body of an animal;

“animal product” means any article or substance derived from an animal, whether or not in combination with any other article or substance, and includes —

- (i) meat, fat, milk, whey, cream, butter, cheese, eggs, and other foodstuffs derived from an animal;
- (ii) any dung, urine, faeces, bone, or blood of an animal, or any article or substance derived from the dung, urine, faeces, bone, or blood of an animal;
- (iii) any secretion of any animal;
- (iv) any product or biological preparation prepared or derived from any animal tissue or animal secretion; and
- (v) any other article, substance, thing, or by-product of an animal which is declared by the Director to be an animal product for the purpose of these Rules;

“area” means an officially defined country, part of a country, or all or parts of several countries;

“biosecurity risk” means the likelihood that any introduction, establishment, and spread of a disease or pest will result in harm being caused to human beings, animals, plants, other aspects of the environment, or economic activities as a result of the introduction, establishment, and spread of the disease or pest, and includes the likely extent of such harm;

“consignment” means a quantity of goods being moved from one country to another and covered by a single phytosanitary certificate (a consignment may be composed of one or more lots);

“conveyance” means any vehicle, vessel, craft, aircraft, or container that is used to move goods from one location to another;

“declaration” means any statement, written or otherwise, concerning any goods restricted or prohibited under these Rules;

“Director” means the officer responsible for the management of biosecurity services in Tokelau;

“disease” as an organism in animals means any organism that is capable of harming or adversely affecting animals, and includes the causative agent and any form or stage of development;

“entry” (i) in respect of a pest means movement of a pest into an area where it is not yet present, or is present and is being officially controlled;

(ii) in respect of a consignment means movement through a point of entry into an area;

“environment” means a complex of organisms and their environment, interacting as a defined ecological unit;

“eradication” means application of measures to eliminate a pest or disease;

“exotic” means not native to Tokelau, or to an ecosystem or ecoarea of Tokelau;

“goods” means any moveable object that presents a biosecurity risk and includes any animal, plant, animal product, plant product, soil, organism, packaging, mail, and conveyance;

“infected” in relation to any animal or plant means that the animal or plant is diseased or affected by a disease or in the case of an animal may have been exposed to the risk of infection during the preceding six months;

“infested” means presence in a commodity of a living pest of the plant or the plant product concerned;

“inspection” means official visual examination of goods to determine compliance with the law;

“introduction” means entry of a pest or disease resulting in its establishment;

“Officer” means a Biosecurity Officer referred to in rule 4;

“permit” means an official document allowing the entry of goods in conformity with these Rules;

“pest” means any species, strain, or biotype of a plant or animal, or any pathogenic agent, injurious to plants or plant products;

“plant” includes seeds and any part of a plant including a dead plant;

“plant product” means any part of a plant that has been partially or wholly manufactured, but still presents a biosecurity risk;

“point of entry” means the place at which a conveyance, goods or a person arrives in Tokelau;

“quarantine” means a restriction imposed by duly constituted authorities whereby the production, movement, or existence of goods or the normal activity of persons is controlled, in order that the introduction or spread of a pest or disease may be prevented or limited, or in order that a pest or disease already introduced may be controlled or eradicated:

“soil” means the upper part of the earth’s profile that includes the area in which plants grow;

“treatment” means an officially authorized procedure for the killing, removal, or rendering infertile of pests and diseases;

“vessel” includes any ship, boat, or barge, whether or not it is self-propelled.

**3 Effect of these Rules**

If there is any inconsistency between these Rules and any other laws, those laws shall be construed so far as possible so that the purposes of these Rules are fulfilled.

**4 Biosecurity Officers**

There shall be appointed from time to time such Biosecurity Officers as may be necessary for the purposes of these Rules.

**5 Powers of Officers**

- (1) An Officer may for the purposes of these Rules —
  - (i) enter any conveyance, area, land, or building other than a dwelling-house at any time for the purpose of inspection of goods;
  - (ii) enter any dwelling-house at any time between sunrise and sunset;
  - (iii) examine any log, cargo manifest, bill of lading, passenger list, crew list, or other document in any vessel or aircraft;
  - (iv) examine any cargo, mail, baggage, conveyance, or any place for the purpose of inspection of goods;
  - (v) require the owner, the captain of any vessel, or the agent to open any goods or containers at the importer’s expense for the purposes of inspection of goods; and
  - (vi) destroy or otherwise dispose of goods that present a biosecurity risk to Tokelau.
- (2) If requested to do so the Officer shall produce documentary evidence of appointment and identity.

**6 Duties of other officials**

All Tokelau public officers, village officers, and members of government corporations shall provide whatever assistance is necessary to Officers for the performance of their functions and the exercise of their powers under these Rules.

**7 Duties of owners, captains, and passengers**

- (1) Any person being the owner, captain, or agent of a conveyance arriving in Tokelau, shall —
  - (i) provide an Officer with such documents and other information in their possession or control concerning the vessel or its contents as the Officer may request for the purposes of these Rules;
  - (ii) complete such a declaration concerning the vessel or aircraft and its contents as the Officer requests;
  - (iii) comply with any direction given by the Officer;
  - (iv) prevent any goods being landed from the vessel or aircraft unless permitted by the Officer;
  - (v) prevent any animals making contact with any animal from the shore unless permitted by the Officer;
  - (vi) not move the vessel or aircraft from its position unless permitted by an Officer after consultation with the Pulemuku; and
  - (vii) prevent the discharge of any organism from a vessel into the sea or onto the shoreline of Tokelau, and specifically not discharge ballast water within the territorial sea of Tokelau.
- (2) Any person arriving in Tokelau shall provide an Officer with such documents and other information on themselves and on goods in their possession or control as the Officer may request for the purposes of these Rules.

**8 Import permits**

- (1) All goods and organisms arriving in Tokelau are subject to biosecurity control and may require conditions to be met that shall be specified by the Director.
- (2) Import conditions may specify, but not be limited to, the source of the goods and organisms, the inspection requirements, the treatments required, and the points of entry.
- (3) The Director, for the purposes of these Rules and of preventing the introduction of pests, diseases, and organisms into Tokelau, may specify import conditions on the permit as considered necessary by the risk imposed by the import, and in accordance with international guidelines, standards and recommendations.

- (4) The permit issued may be general or relate to a specific import.
- (5) The conditions as set out in the permit must be met before the importation may be released from quarantine.
- (6) In deciding whether to grant a permit to import goods into Tokelau the Director must consider the biosecurity risk if the permit were granted, and whether the imposition of conditions would be necessary to limit the risk to an acceptable level.
- (7) The Director in making a decision to import goods may take into account any relevant matter and shall take account of the restrictions and prohibitions contained in Schedule 2.

**9 Prohibition and revocation**

- (1) If, following receipt of appropriate advice, it is considered that the importation presents an unacceptably high level of risk in respect of the goods, they may be prohibited, either generally or from any specific area.
- (2) If the Director decides to prohibit the import, a permit will not be issued, and a suitable notification to the applicant will be given in writing.
- (3) Any permit may be revoked at any time by the Director in writing.

**10 Special exemptions**

The Director may issue a permit for the introduction to Tokelau of any goods for the purpose of education, research, or experiment to improve the quality of animals or plants or the environment.

**11 Internal controls**

- (1) The areas identified in Schedule 3 are those where specific pests and diseases are known to occur.
- (2) An Officer may give directions to ensure that the introduction or movement of those pests and diseases into other areas is prevented.

**12 Export control**

- (1) The Director may set conditions for the export of goods that present a risk to the importing country.
- (2) Any conditions set shall be those specified by the importing country, and will be specified on the export form.

**13 Powers to order into quarantine**

- (1) An Officer may order into quarantine any goods if in the opinion of the Officer there is reason to suspect that they are or may be infected or infested or may be a threat to the environment.
- (2) Where the Officer has any reason to suspect that a vessel or aircraft might be carrying any pest or disease or goods subject to biosecurity control, the Officer may by order in writing served on the captain of the conveyance order it into quarantine, for inspection, testing, treatment, or destruction.

**14 Biosecurity emergency**

- (1) The Director may in the case of identified urgent need declare a state of biosecurity emergency and may give such directions as may be required.
- (2) If the Director requires that goods be destroyed, the Director may direct that compensation for loss is paid in accordance with Schedule 4.

**15 International cooperation**

For the purposes of these Rules, the Director shall promote international cooperation for the benefit of Tokelau and may —

- (i) exchange information in accordance with international agreements;
- (ii) contribute to the development of international standards; and
- (iii) approve the adoption of international standards for national implementation.

**16 Protection of Officers**

No proceedings, civil or criminal, shall lie against any Officer, or against the Director or any employee or agent of the Government of Tokelau in respect of anything done or omitted in the exercise or performance in good faith of any function, duty, or power under these Rules.

**17 Offences**

- (1) No person shall import goods into Tokelau except in accordance with these Rules and under the terms of the import permit issued by the Director.
- (2) No person shall liberate or let go at large in Tokelau any plant or animal unless under these Rules.

- (3) Any person who contravenes or fails to comply with any rule commits an offence.
- (4) Any person who obstructs an Officer in the performance of the Officer's duties commits an offence.
- (5) Any person who commits an offence against these Rules shall be liable on conviction to a fine of not more than 3 penalty units for an individual, and 200 penalty units for a corporation.

**18 Fees**

- (1) The fees for biosecurity services are set out in Schedule 5.
- (2)
  - (i) The fees must be paid before any goods or vessels are released from quarantine.
  - (ii) In the case of vessels a bond may be collected to ensure compliance with biosecurity requirements.
- (3) If it is necessary to treat the goods because of the risk of the entry of any pest, disease, or organism and the fees are not paid by the owner or agent, the goods will be forfeited to the Government and disposed of as required by the Director.
- (4) The disposal of forfeited goods by the Government does not release the importer from any liability to pay fees and other costs incurred.

**19 Repeals**

[Spent]

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*Biosecurity*

**SCHEDULE 1**

**FORM 1**

r 5(2)

**BIOSECURITY OFFICER ID CARD**

TOKELAU BIOSECURITY SERVICE Identification Card		
Name of Officer	Signature	PHOTO
Date of Birth		
Valid until		
Director of Biosecurity		Signed

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**FORM 2**

r 7(2)

**ARRIVAL DECLARATION**

Arrival Declaration: Incoming Passenger Card			
Name of passenger	Nationality	Passport no.	Occupation
Flight number/ship	Date of arrival		Arriving from
Intended address			
Are you bringing into the country –	Yes	No	
Food of any type, including dried, fresh, preserved, cooked, uncooked?			
Wooden articles, parts of plants, seeds, traditional medicines, bulbs, straw, nuts?			
Animals, parts of animals, eggs, birds, fish, insects, coral, shells, bees, pet food?			
Soil, or plants with soil attached?			
Signature:		Date:	

**FORM 3**

r 8

**APPLICATION FOR PERMIT TO IMPORT PLANTS/PLANT MATERIAL/GOODS**

FULL NAME OF APPLICANT .....

RESIDENTIAL ADDRESS OF APPLICANT .....

.....

POSTAL ADDRESS OF APPLICANT .....

.....

NAME AND QUANTITY OF PLANTS/PLANT MATERIAL /GOODS PROPOSED TO BE IMPORTED (Use scientific names if known)

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SOURCE (Full name and address of supplier, including country of origin)

.....

PROPOSED DATE OF ARRIVAL .....

Signature (Applicant) ..... Date .....

CONDITIONS OF IMPORT

.....

Director Biosecurity .....

Official stamp

Date.....

Valid until .....

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**FORM 4**

r 9(2)

**REFUSAL TO GRANT IMPORT PERMIT**

In accordance with the provisions of the Biosecurity Rules, Rule 9(2),

I, ..... Director of Biosecurity inform you that the import application dated ..... requesting import approval of —

From .....

Is not approved because of the biosecurity risk this may pose to Tokelau.

Director of Biosecurity .....

Date .....

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**FORM 5**  
rule 9(3)  
**IMPORT APPROVAL CANCELLATION FORM**

Importer/Agent ..... Address .....

I hereby cancel the permit for the following plants/seeds/fresh fruit and vegetables/timber or animals or other goods as follows –

Import permit number ..... Issued Date .....

Arrival by sea/mail ..... Date .....

Description of goods	Scientific Name	Origin	Conditions
Plants etc			
Seed for sowing			
Seed for processing			
Fresh fruit and vegetables			
Timber			

Other Special Conditions

.....

Authorised Officer ..... Name .....

Signature ..... Date .....

**FORM 6**  
rule 12 (2)  
**CERTIFICATE FOR EXPORT**

Name and address of exporter		No. ....			
Declared name and address of consignee		EXPORT CERTIFICATE TOKELAU BIOSECURITY SERVICE			
Declared means of conveyance		Import Permit No.			
Declared point of entry		To: Biosecurity Organisation of			
Distinguishing marks no.s	No. of container description packages	and of	Name of produce/ quantity	Scientific name of goods	Commodity code and declared
Total no. of packages	Total mass	Place of issue		Inspection Date	
Name of Biosecurity Officer		Signature			

**FORM 7**  
rule 13(2)  
**SHIP INSPECTION / CLEARANCE / TREATMENT FORM**

Name of vessel	Last Port	Arrival Date	
Owner		Departure	
Master		Company/Line	
Containers Landed			
Container Reg.d No.s	Contents	Inspected	Released/Destroyed
Other Cargo			
Owner	Description Contents	Inspected	Released/Destroyed
Officer's Name	Signature		Date

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**FORM 8**  
rule 13(2)  
**GOODS SUBJECT TO QUARANTINE / DETENTION / TREATMENT / DESTRUCTION NOTICE**

Name of vessel /flight /mail			
Container number		Owner/agent	
Passenger name		Address	
Inspection report			
Identified quarantine pests			
Released	Reconsigned	Destroyed	Date
Officer name	Signature		Date

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**FORM 9**  
rule 18(2)(II)  
**BOND FOR HOLDING GOODS ON BOARD**  
**[FOR CRUISING YACHTS IN PARTICULAR]**

Name of vessel .....

Captain/ Owner .....

Date of arrival ..... From ..... Expected date of departure .....

Quarantine goods on board at date of arrival

Animals (incl Birds)	Description	Number
Plants		
Food		
Other goods		

I, ....., being the Captain/owner of the above vessel acknowledge that I am bound to the sum of ..... dollars under the following conditions –  
I shall not allow the animals listed to leave the vessel and shall secure them in a manner approved by the Inspector.  
I shall not allow any animal to come into contact with the said animals which are subject to this bond.  
If such a contact is made with any animal the said animals will be subject to destruction.  
I shall not allow any of the plants or goods listed above to be removed from the vessel.

Mater name ..... Date .....

Signature .....

Biosecurity Officer name ..... Date .....

Signature .....

**.SCHEDULE 2**  
**rule 8(7)**  
**TABLES**

(a) The importation of the following goods shall be permitted from Samoa, provided that they have been subject to biosecurity control by the Samoan Government.

Commodity	Scientific name	Tokelau name	Description
Banana	Musa spp		Fruits
Taro	Alocasia and Colocasia spp		Tubers only
Cassava	Manihot sp		Tubers
Apple	Malus sp		
Potato	Solanum sp		
Sweet potato	Ipomea sp		
Handicrafts			
Carrot	Dacus carota		
Lettuce	Lactuca sativa		
Capsicum	Capsicum sp		
Beans	Phaseolus sp		
Yam	Dioscorea sp		
Oranges, lemons, mandarin, lime	Citrus spp		

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Timber			
Fresh and frozen meat			
Dried meat or fish			
Processed meat			
Pigs			
Chickens and ducks			
Fish			
Eggs and egg products for consumption			

(b) The following are prohibited imports into Tokelau from all other sources.

Examples of Prohibited and Restricted Plant Species

Common name	Scientific Name	Plants or plant material prohibited
Banana, Abaca, and Heliconia	Musaceae family and Heliconiaceae family	Plants, corms and cut flowers except tissue cultures certified free from bunchy top disease, mosaic virus, Panama disease and bacterial diseases including moko disease, black leaf streak and Sigatoka disease
Beans	Phaseolus spp.	All parts except seeds
Cacao	Theobroma cacao and members of the families Bombaceae, Malvaceae, Tiliaceae and Sturculiaceae	All except seeds from Asia Pacific Region
Citrus	Citrus species and the following genera: Citropsis, Citrus, Eremocitrus, Fortunella, Microcitrus, Monanthocitrus, Pleurocitrus and Poncirus	All except fruit and seeds. Fruit from areas where citrus canker ( <i>Xanthomonas campestris</i> p.v. citri (Hasse) Dye) occurs. All of <i>Murraya</i> spp.
Coffee	<i>Coffea</i> species	All propagating material except seed
Maize/Popcorn	<i>Zea mays</i> L	All except seed
All palms including Coconut and Betel Nut	<i>Cocos</i> species and all members of the family <i>Palmae</i>	All except seeds nuts and pollen from areas approved by the Director
Peanuts/groundnuts	<i>Arachis hypogea</i> L	All except seed
Pepper	<i>Piper</i> species	All except seed and tissue cultures
Potato (Irish)	<i>Solanum tuberosum</i>	All except tubers, true seed and tissue cultures
Sorghum	<i>Sorghum</i> species	All except seed
Sweet potato	<i>Ipomoea batatas</i>	All except pathogen tested tissue cultures and seed
Tapioca/cassava	<i>Manihot esculenta</i>	All except stems and tissue cultures from pathogen tested sources
Taro and edible aroids	<i>Alocasia macrorrhiza</i> L; <i>Colocasia esculenta</i> L; <i>Cryptosperma chamissonis</i> (Schott); and <i>Xanthosoma sagittifolium</i>	All except seed and tissue cultures
Tomato	<i>Lycopersicon esculentum</i> (Miller)	All except fruit and seed
Yams	<i>Dioscorea</i> spp	All except seed and tissue cultures

*Biosecurity*

- (c) Prohibited plant pests  
Cadang cadang viroid of coconuts  
Alomae disease of Taro  
Bobone disease of taro  
Lethal yellows Mycoplasma of coconuts  
Vanuatu disease of coconuts (Foliar decay Myndus taffini)  
Giant African snail (*Achatina fulica*)  
*Dacus orientalis* complex fruit flies (*Bactrocera dorsalis*)  
Taro beetle

- (d) Prohibited environment pests  
*Solenopsis invicta* (red fire ant)  
*Linepithema humile* (argentine ant)  
*Anoplolepis gracilipes* (crazy ant)  
*Merremia* spp (fue lautetele)  
*Mikania* spp (mile-a-minute weed)  
*Miconia calvescens* (purple plague)  
*Rattus rattus* (ship rat)  
*Rattus norvegicus* (norway rat)  
*Rattus exulans* (Polynesian rat)  
*Boiga irregularis* (brown tree snake)  
*Euglandina rosea* (rosy wolf snail)

- (e) Prohibited animals  
All live animals not covered by part (a), including semen and live embryos of animals

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**SCHEDULE 3**  
rule 11(1)  
**INTERNAL BIOSECURITY CONTROLS INTO PEST FREE AREAS**

Location	Pest or disease	Present	Restriction
Fakaofu	Rhinoceros beetle	Yes	Movement of coconut palms, plants and soil to Atafu prohibited
Nukunonu	Rhinoceros beetle	Yes	
Atafu	Rhinoceros beetle	No	
Fakaofu	Yellow Crazy Ants	Yes	Movement of all plants and soil to Atafu prohibited
Nukunonu	Ants	Yes	
Atafu	Ants	No	

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**SCHEDULE 4**  
rule 14(2)  
**COMPENSATION RATES FOR ANIMALS DESTROYED DURING A BIOSECURITY EMERGENCY**

Description	Rate
Pig	\$100 per item

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**SCHEDULE 5**  
**rule 18 (1)**  
**FEES FOR SERVICE**

Service	Unit of cost	Cost
Issue of a document or permit	Per item	\$2
Inspection of passengers and their baggage	per person	Free
Inspection of all other goods	Per hour	\$ 10; minimum fee \$2.50
Destruction of goods	Per item	\$10

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