

AGRICULTURAL QUARANTINE

Table of Contents

	<i>Page</i>
<i>Principal</i>	
Agricultural Quarantine Act 1999	
Table of Provisions	390,201
Table of Amendments	390,401
Agricultural Quarantine Act 1999	390,601
<i>Subsidiary</i>	
Plant and Animal Quarantine Regulations 2004	
Table of Provisions	398,001
Table of Amendments	398,201
Plant and Animal Quarantine Regulations 2004	398,401
Agricultural Quarantine (Fees) Regulations 2015	
Table of Provisions	410,001
Table of Amendments	410,201
Agricultural Quarantine (Fees) Regulations 2015	410,401

[The next page is 390,201]

Agricultural Quarantine Act 1999

TABLE OF PROVISIONS

Section

Title

PART 1 — PRELIMINARY

- 1 Short title and commencement
- 2 Interpretation
- 3 Act binds the Republic
- 4 Effect on other Acts

PART 2 — QUARANTINE OFFICERS

- 5 Appointment of Quarantine Officers
- 6 Powers of Quarantine Officers
- 7 Powers of seizure

PART 3 — QUARANTINE MANAGEMENT

- 8 Declarations, restrictions and prohibitions
- 9 Importation of disease agents
- 10 Conveyances from proclaimed places
- 11 Goods from proclaimed places

PART 4 — EXAMINATION AND QUARANTINE

- 12 Entry by conveyances
- 13 Restricted areas
- 14 Questions and declarations
- 15 Examination upon entry
- 16 Health certificates
- 17 Importation of live animals
- 18 Goods and cargo in transit
- 19 Notification of disease or infestation
- 20 Examination of plants and animals within Nauru
- 21 Quarantine orders

PART 5 — QUARANTINE EMERGENCIES

- 22 Declaration of quarantine emergencies
- 23 Action in cases of epidemic or emergency

PART 6 — EXPORT OF PLANTS AND ANIMALS

- 24 Prohibited exports
- 25 Export of plants
- 26 Export of animals

Section

Title

PART 7 — OFFENCES

- 27 Quarantine offences
- 28 Offences by masters
- 29 Offences by Quarantine Officers
- 30 Arrest of persons subject to quarantine orders
- 31 Forfeiture of plants, animals or other goods

PART 8 — MISCELLANEOUS

- 32 Expenses in relation to conveyances
- 33 Expenses in relation to plants, animals, cargo and other goods
- 34 Recovery of expenses
- 35 Duties of certain officers
- 36 Limitation of liability of Quarantine Officers
- 37 Claims for damage
- 38 Regulations

[The next page is 390,401]

Agricultural Quarantine Act 1999

TABLE OF AMENDMENTS

The Agricultural Quarantine Act 1999 No 5 was certified on 18 October 1999 and commenced on 18 October 1999 (as validated by Statute Law Revision Act 2011 s 3(1)).

Amending Legislation	Certified	Date of Commencement
Statute Law Revision Act 2011 No 8	15 April 2011	15 April 2011
Interpretation (Consequential Amendments) Act 2011 No 18	3 November 2011	Sch[1]: 3 November 2011
Revised Written Laws Act 2021 No 7	1 June 2021	1 June 2021

[The next page is 390,601]

An Act to provide for the protection of plants, animals and public health and the protection, development and utilisation of natural resources and the environment by preventing the introduction and further spread of injurious diseases and pests; to provide procedures and facilities for services to ensure the safe movement of plants and animals into, out of and within the Republic; to extend obligatory international cooperation in the prevention of the movement of diseases and pests in international trade and traffic; and for related purposes.

Enacted by the Parliament of Nauru as follows:

PART 1 — PRELIMINARY

1 Short title and commencement

This Act may be cited as the *Agricultural Quarantine Act 1999* and shall come into operation on a date to be notified by the Minister in the Gazette and came into effect on 18 October 1999.

2 Interpretation

In this Act:

‘animal’ includes a dead animal and any part of an animal;

‘animal product’ means any part of an animal or any product that is wholly or partly derived from an animal or part of an animal, that has not been processed, treated or sterilised to the stage where it is rendered free from any diseases and pests and from the capacity to carry any diseases or pests;

‘arrive in the Republic’ means:

- (a) in the case of a vessel, arrival at pilot point in Nauruan waters; and
- (b) in the case of an aircraft, landing at an established aerodrome;

‘baggage’ means anything brought into the Republic by a passenger arriving from overseas, whether or not it arrives in the Republic at the same time as the passenger;

‘cargo’ includes passenger baggage, personal effects, clothing, ship’s stores, provisions, passenger meals, containers, garbage, ballast or any other thing brought or sent into the Republic or Nauruan waters by any means;

‘communicable disease’ means a disease or pest affecting plants or animals which is capable of being communicated to humans or causing a disease or infestation in humans;

‘container’ includes a case, box, package, crate and other receptacle;

‘conveyance’ includes a vessel or aircraft;

‘customs’ refers to the Nauru Customs Service and Laws Governing Customs under the *Customs Act 2014*;

‘disease’ means:

- (a) in relation to animals, a harmful deviation, parasite or pest that may directly or indirectly injure or cause an unhealthy condition in an animal;

- (b) in relation to plants, any pest or form of fungus, bacteria, virus, viroid, microplasma or algal disease or any other organism including flowering parasite that may directly or indirectly injure or cause an unhealthy condition in a plant; or
- (c) a communicable disease;

'disease agent' includes a disease, pest, germ or microbe, or any organism of animal or plant origin, culture, virus, substance, equipment, container, article or other thing containing or likely to contain or carry any disease, pest, germ or microbe;

'diseased' in relation to goods, means:

- (a) infected with a disease; or
- (b) deteriorated or abnormal, whether or not the condition is dependent on the presence of, or is due to the operation, development, growth or effect of, a disease;

'document' includes a log, manifest, cargo stowage plan, passenger list, crew list and any similar thing, whether or not it is electronically stored;

'enter' means arrival from overseas into the Republic or Nauruan waters;

'established aerodrome' means an aerodrome established as an aerodrome under the *Civil Aviation Act 2011*;

'examine' includes:

- (a) in relation to an animal, carry out tests on, take samples from, or carry out a veterinary procedure on, the animal;
- (b) in relation to a plant, carry out tests on, take samples from, establish, cultivate, or undertake procedures for the diagnosis of a disease of the plant;
- (c) in relation to any other goods, carry out tests on, or take samples from, the goods; and
- (d) in relation to conveyances, to carry out tests on or take samples from any matter aboard the conveyance;

'exporter' includes an agent for an exporter or consignor;

'garbage' means animal and human waste, organic refuse, galley scraps or other similar refuse;

'goods' means plants, animals, soil and any other organism, storage place, packaging, conveyance, container, machine, vehicle, equipment or other object or material capable of harbouring or spreading diseases or pests;

'health certificate' means:

- (a) in relation to plants and plant materials, a phytosanitary certificate;
- (b) in relation to animals and animal products, a certificate issued by the appropriate authority of the country from which the animal or animal product is being exported, appropriate to the species of animal or type of animal product, attesting that the animal or animal product has been examined, treated where applicable and found to be free from diseases and pests; and
- (c) in relation to conveyances, a certificate of any treatment which has been applied for the control of diseases or pests prior to the entry of the conveyance;

'import' means to bring into the Republic or any part of the Republic's territorial sea or contiguous zone;

'importer' means:

- (a) a person bringing goods or other cargo into the Republic;
- (b) a consignee of goods or other cargo entering the Republic; or
- (c) an agent of an importer,
whether the goods or other cargo are entering as general cargo, in passenger baggage whether accompanied or unaccompanied, as postal matter, or otherwise;

'in the Republic', in relation to a vessel, includes in Nauruan waters;

'infected' means a condition caused by an animal or plant disease pathogen;

'infested' means the presence of an animal or plant pest other than an animal or plant disease pathogen;

'live animal' includes viable animal material, the ovum, semen and embryo of an animal, but does not include any other matter produced from or the production of which involves the use of, organisms or the tissue or body fluids of organisms, including vaccines and toxoids;

'master' means the captain or other person in charge or command of a conveyance, but does not include a ship's pilot;

'Nauruan waters' means the territorial sea or the contiguous zone;

'operator', in relation to conveyances, means a person who is in charge of, responsible for the operations of, directs or controls the conveyance, including the owner, charterer, lessee and master;

'owner':

- (a) in relation to plants, animals or other similar goods, means the person responsible for those plants, animals or goods, the person to whom they are consigned or by whom they are being exported or the person in charge of the conveyance in which they are being carried or have been carried; and
- (b) in relation to conveyances, means a person exercising or discharging or claiming the right or accepting the obligation to exercise or discharge any of the powers or duties of an owner whether on his or her own behalf or of another, and includes a person who is the owner jointly with one or more other persons and the manager and secretary of any corporation which is an owner;

'passenger' includes the master and crew of a conveyance;

'pest' means a species, strain or biotype of plant, animal or pathogenic agent injurious to plants or animals;

'phytosanitary certificate' means an official certificate issued by or under the authority of the plant protection service of the country of origin of the plant or plant material to which the certificate relates, attesting that the plant or plant material has been examined, treated where applicable and found to be free from diseases and pests;

'plant' includes a dead plant and any part of a plant;

'plant material' means all goods of plant origin, including timber, wooden articles, and other items manufactured wholly or partly from a plant or its parts, that have not been processed, treated or sterilised to the stage where they are rendered free from any diseases and pests and from the capacity to carry any diseases or pests;

'port', in relation to the Republic, means:

- (a) the Nauru port;
- (b) any other place designated or for the time being accepted as a port for shipping; or
- (c) an established aerodrome;

'proclaimed place' means a place within or outside the Republic declared under Section 8(1) to be a place that is infected or infested with a quarantinable disease or a quarantinable pest, or a place from or through which a quarantinable disease or quarantinable pest is capable of being brought or carried;

'quarantinable disease' means a disease which has been declared to be a quarantinable disease under Section 8(1);

'quarantinable pest' means a pest which has been declared to be a quarantinable pest under Section 8(1);

'quarantine' means measures for the examination, exclusion, detention, observation, segregation, isolation, protection, treatment and sanitary disinfection of vessels, aircrafts, goods, animals and plants, having as their object the prevention of the introduction or spread of diseases or pests affecting human beings, animals, or plants, and the control or eradication of a disease or pest already introduced;

'quarantine emergency' means a state of emergency declared to be a quarantine emergency under Section 22;

'Quarantine Officer' means:

- (a) the Director of Quarantine;
- (b) a Quarantine Officer appointed under Section 5(1);
- (c) a police officer; or
- (d) any other person who is authorised by the Minister in accordance with Section 5(2) to exercise such powers or perform such duties for such times under this Act as are specified;

'quarantine order' means an order made under Section 21;

'restricted area' means an area which has been declared under Section 8(1) to be a restricted area for the purpose of holding goods which are entering the Republic;

'treatment' means the use of remedial measures to ensure the removal of injurious or objectionable materials, or the elimination, sterilisation or destruction of a disease or pest to destroy or eliminate contamination, including among other measures the cleaning, spraying, fumigation, disinfection, disinfestation or re-exportation of plants, animals or other goods; and

'vessel' includes any craft that is or can be used in navigation by water.

3 Act binds the Republic

- (1) This Act binds the Republic, but not so as to make the Republic liable to a pecuniary penalty or to be prosecuted for an offence.
- (2) The protection in subsection (1) does not apply to:
 - (a) a public officer or other person employed by the Republic; or
 - (b) a statutory authority of the Republic or persons employed by it.

4 Effect on other Acts

- (1) This Act is in addition to and does not derogate from the provisions of the *Animals Act 1982*.
- (2) The powers and duties imposed by this Act do not affect any powers and duties imposed by the *Quarantine Act 1908* in relation to matters of human health and quarantine, but where those powers and duties are imposed in relation to matters of animal and plant quarantine, then the provisions of this Act, to the extent that they are in conflict, prevail.

[The next page is 390,801]

PART 2 — QUARANTINE OFFICERS

5 Appointment of Quarantine Officers

- (1) The Minister may, by notice in the Gazette, appoint:
 - (a) a public officer as Director of Quarantine; and
 - (b) public officers as Quarantine Officers.
- (2) The Minister may, by notice in the Gazette, appoint a person to exercise such powers or perform such duties of a Quarantine Officer under this Act as are specified in the notice.
- (3) The Director of Quarantine may by written instrument of delegation delegate to a Quarantine Officer in writing any power, duty or function of his or her office, other than this power of delegation.
- (4) A delegation under this section is revocable and does not prevent the exercise of a power, duty or function by the Director of Quarantine.

6 Powers of Quarantine Officers

- (1) For the purposes of enforcing this Act, a Quarantine Officer has the following powers:
 - (a) to stop a vessel in Nauruan waters;
 - (b) at any time and without a warrant, to board a vessel in Nauruan waters;
 - (c) to require a vessel in Nauruan waters to go to any place in Nauruan waters to leave Nauruan waters;
 - (d) at any time and without a warrant, to board an aircraft in the Republic;
 - (e) to give directions to the master of any conveyance regarding the movement or immobilisation of the conveyance for the purposes of examination, treatment or seizure under this Act, or other matters connected with quarantine;
 - (f) to examine any plants, animals or other goods, any cargo or any other matter on board the conveyance for the purposes of this Act;
 - (g) at any reasonable hour and without a warrant, to enter any land or building other than a private dwelling house;
 - (h) with a warrant, to enter any private dwelling house;
 - (i) to search for and examine any plant, animal or other goods;
 - (j) to examine any log, manifest, cargo stowage plan, passenger list, crew list or other similar document;
 - (k) to ask the master or any crew member of a conveyance, or any other person arriving in the Republic, any questions that he or she thinks proper to ask for the purposes of enforcing this Act;
 - (l) to require a person bringing or importing any cargo, baggage or other goods into the Republic, or to whom any postal matter is consigned, to open the cargo, baggage, goods or postal matter; and
 - (m) where a person referred to in paragraph (k) refuses to open as required, or where the person to whom cargo, baggage, goods or postal matter are consigned cannot without due diligence be found, to perform that opening at the person's expense;

- (n) to affix notices in relation to quarantine on any part of a conveyance, on or near a restricted area, on goods the subject of a quarantine order or on or near a place where goods the subject of a quarantine order are being held; and
 - (o) to exercise such other powers as are given to him or her under this or any other written law.
- (2) Before exercising any power under subsection (1), the Quarantine Officer shall upon request produce identification.
 - (3) Before exercising any powers of entry in relation to land or premises under subsection (1), the Quarantine Officer shall inform the occupier, or the person apparently occupying the land or premises, of his or her reasons for entering.
 - (4) A Quarantine Officer may seize any document required to be maintained by this Act or which he or she has reasonable grounds to believe shows or tends to show, with or without other evidence, the commission of an offence against this Act.
 - (5) A Quarantine Officer has and may exercise all the powers of a health inspector under and in relation to the *Animals Act 1982*.
 - (6) A Quarantine Officer has such other powers as are prescribed for the purposes of enforcing this Act.
 - (7) In exercising powers under this Act, a Quarantine Officer may use such force as is reasonably necessary.

7 Powers of seizure

- (1) A Quarantine Officer may seize any plant, animal or other goods which, or which he or she has reasonable grounds to believe:
 - (a) have entered, been moved within or are in the Republic in breach of any of the requirements of this Act relating to the prohibition or restriction of entry, movement or possession of plants, animals or goods;
 - (b) have been unloaded from a conveyance in contravention of any provision of or order under this Act which prohibits their unloading;
 - (c) have been removed from a restricted area without authorisation;
 - (d) having been made the subject of a quarantine order for treatment or destruction under Section 21, have not been treated or destroyed;
 - (e) having been made the subject of a quarantine order for re-export under Section 21, have not been re-exported;
 - (f) are infected, infested or diseased, or are harbouring a quarantinable disease or quarantinable pest; or
 - (g) is forfeited under this Act.
- (2) Where a Quarantine Officer seizes any animal, plant or other goods under subsection (1), he or she shall report the seizure to the Director of Quarantine as soon as possible.

[The next page is 391,001]

PART 3 — QUARANTINE MANAGEMENT

8 Declarations, restrictions and prohibitions

- (1) The Minister may, by notice in the Gazette:
 - (a) prohibit the importation into the Republic of all or any specified animals, animal products, plants, plant material or other goods, or any specified form of them;
 - (b) prohibit the importation into the Republic of any article which, in his or her opinion, is likely to introduce a communicable disease, or a disease or pest affecting animals or plants;
 - (c) subject to Section 9, prohibit the importation into the Republic of a disease agent;
 - (d) prohibit the movement of animals, plants or goods from any part of the Republic to any other part of the Republic;
 - (e) declare a disease to be a quarantinable disease;
 - (f) declare a pest to be a quarantinable pest;
 - (g) declare an area, at a port in the Republic or otherwise, to be a restricted area for the purpose of holding goods and cargo entering the Republic or in the Republic;
 - (h) declare a place within or outside the Republic to be a proclaimed place that is infected or infested with a quarantinable disease or quarantinable pest, or from or through which a quarantinable disease or quarantinable pest is capable of being brought or carried, declare any precautionary measures to be taken with regard to the proclaimed place and prohibit or regulate the entry of plants, animals, goods or any specified form of them from the proclaimed place;
 - (i) declare a country to be free of diseases affecting a specified kind of animal or plant;
 - (j) declare the procedures for the treatment and disposal of garbage aboard conveyances arriving in the Republic;
 - (k) declare procedures in relation to the carriage and discharge of ballast on vessels entering Nauruan waters;
 - (l) declare a place to be a place approved for the examination and treatment of plants, animals and other goods prior to export; or
 - (m) declare that a plant or animal of a specified species, class or kind, or that comes from a specified place or area in the Republic:
 - (i) shall not be exported; or
 - (ii) may only be exported under specified conditions.
- (2) The power of prohibition under this Section extends to authorise prohibition generally or with limitations as to place and subject matter, and absolutely or subject to specified conditions or restrictions.
- (3) Any prohibition or declaration made under this Section may be made separately or in combination with any other such prohibition or declaration.

9 Importation of disease agents

- (1) Notwithstanding that the introduction into the Republic of a disease agent has been prohibited or restricted under Section 8(1), the Director of Quarantine may issue a permit, subject to the conditions, if any, specified in the permit, for the importation of that disease agent for the purpose of biological control or research.
- (2) An importation under subsection (1) shall be carried out in accordance with any international standards or guidelines for the importation and use of the disease agent for biological control or research, the case may be.

10 Conveyances from proclaimed places

- (1) Where a place outside the Republic is declared to be a proclaimed place under Section 8(1), the Minister may, in the notice under Section 8(1) or by other notice in the Gazette, declare the precautionary measures to be taken by conveyances coming from, or calling at or touching, the proclaimed place.
- (2) The master of a conveyance that is:
 - (a) bound for the Republic; and
 - (b) comes from, or calls at or touches, a proclaimed place,shall, while the conveyance is at the proclaimed place and during the voyage from the proclaimed place to the Republic, take, in respect of the conveyance and its crew, passengers and cargo, the precautionary measures prescribed in the notice under subsection (1).
- (3) Where a conveyance has arrived from a proclaimed place and the precautionary measures referred to in subsection (1) have not been taken, a Quarantine Officer may cause to be carried out such precautionary measures as are necessary or desirable for the prevention of the introduction or spread of a disease or pest with respect to the conveyance and its crew, passengers and cargo.

11 Goods from proclaimed places

- (1) The Minister may, in a notice under Section 8(1) or by other notice in the Gazette:
 - (a) prohibit, so long as the notice remains in force, the entry into the Republic of all or specified goods from a proclaimed place; or
 - (b) declare that goods shall not, so long as the notice remains in force, enter the Republic from a proclaimed place unless the conditions specified in the notice are complied with.
- (2) The conditions referred to in subsection (1)(b) shall be such conditions as the Minister thinks necessary or desirable for avoiding the possibility of the entry into the Republic of goods suffering from, or capable of communicating, a disease or pest.
- (3) Notwithstanding a notice under subsection (1), where:
 - (a) a conveyance has entered the Republic from a proclaimed place; and
 - (b) a Quarantine Officer upon inspecting the conveyance is satisfied that no animal or plant on board is suffering from disease or pests, but is not satisfied that the conveyance is free from infection or infestation,the Quarantine Officer may permit all or any of the following:

- (i) the conveyance may proceed on her voyage without making a quarantine order;
 - (ii) plants, animals and other goods from the proclaimed place may be unloaded; or
 - (iii) any other cargo on board the conveyance, whether or not it came from the proclaimed place, may be unloaded.
- (4) All cargo, plants, animals or other goods unloaded under subsection (3) shall be subject to such quarantine orders as the Quarantine Officer considers necessary or desirable.

[The next page is 391,201]

PART 4 — EXAMINATION AND QUARANTINE

12 Entry by conveyances

- (1) All vessels entering the Republic shall, unless from stress of weather or other reasonable cause, enter at a port in the Republic.
- (2) All aircraft entering the Republic shall, unless from stress of weather or other reasonable cause, enter the Republic at an established aerodrome.
- (3) The master of a conveyance entering the Republic, and every person having duties in relation to the entry of conveyances into the Republic, shall by all reasonable means facilitate the boarding of the conveyance by a Quarantine Officer.
- (4) Every person having control of a log, manifest, journal, cargo stowage plan, passenger list, crew list or other similar document relating to a conveyance entering the Republic or to any persons, animals, plants or other goods on board the conveyance shall make it available to a Quarantine Officer on request by the Quarantine Officer.

13 Restricted areas

- (1) Goods entering the Republic which have been unloaded or discharged from the conveyance on which they arrived shall be placed in and shall remain in a restricted area until a Quarantine Officer authorises their removal.
- (2) No person, other than a person authorised to do so, shall:
 - (a) enter a restricted area; or
 - (b) remove any goods from a restricted area before a Quarantine Officer has permitted that removal.
- (3) For the purposes of subsection (2), the following persons are authorised to enter a restricted area:
 - (a) a Quarantine Officer;
 - (b) a public officer entering for legitimate purposes of customs or immigration matters;
 - (c) a passenger in the process of disembarkation or embarkation;
 - (d) an importer or any other person authorised by a Quarantine Officer; and
 - (e) any other person authorised by or under any written law, either expressly or by necessary implication.
- (4) A permission under this Section for goods to be removed from a restricted area is subject to the condition that authority for the goods to be removed has been given under the law for the time being in force relating to customs, and the permission is deemed not to have been given until and unless that authority has been given.

14 Questions and declarations

- (1) A Quarantine Officer may ask the master of a conveyance entering the Republic any question he or she thinks proper to ask regarding the following matters:
 - (a) the sanitary conditions of the conveyance;
 - (b) the existence of a quarantinable or infectious disease at the ports of

- departure or call, or on board a conveyance the master and crew have come into contact with during the voyage;
- (c) any plant, animal or other goods on the conveyance;
 - (d) the ports or places at which the plant, animal or other goods referred to in paragraph (c) were put on board the conveyance;
 - (e) the ports or places at which the conveyance called prior to arriving in the Republic while plants, animals or other goods were on board the conveyance; or
 - (f) any similar matter in relation to the conveyance.
- (2) A Quarantine Officer may ask any crew member aboard a conveyance entering the Republic any question he or she thinks proper to ask regarding the health status of any plant or animal aboard the conveyance.
 - (3) A Quarantine Officer may ask a person entering the Republic, including the master and crew members of a conveyance, any question he or she thinks proper to ask regarding the person's baggage, any plants, animals or other goods in the person's possession or baggage and any other matter related to the purposes of this Act.
 - (4) A Quarantine Officer may ask an importer of goods or other cargo any question he or she thinks proper to ask regarding the goods or other cargo and any other matter related to the purposes of this Act.
 - (5) A question under this Section may be asked by any practicable means of communication, or any combination of means, and may be asked prior to arrival in the Republic.
 - (6) Where a Quarantine Officer requires it, answers to questions under this Section shall be in the form of a written declaration which is signed by the person making it.

15 Examination upon entry

- (1) A Quarantine Officer may examine any conveyance, cargo, plant, animal or other goods entering the Republic.
- (2) An examination by a Quarantine Officer under this Section may include:
 - (a) examination of any part of the conveyance;
 - (b) examination of the cargo of or on board a conveyance;
 - (c) examination of any cargo which is being or has been unloaded from a conveyance;
 - (d) examination of any health certificate relating to the conveyance, cargo, plant, animal or goods;
 - (e) examination of any other certificate relating to the health, infection or infestation status of plants, animals and other goods;
 - (f) examination notwithstanding that a health certificate has been issued in respect of the conveyance, cargo, plant, animal or other goods;
 - (g) re-examination, notwithstanding that examination has already been made;
 - (h) storage pending examination; and
 - (i) any other examination which is permitted by law and which a Quarantine Officer considers necessary or desirable to prevent the introduction or spread of disease or pests in the Republic.
- (3) An examination of plants, animals and other goods shall be made as promptly as possible with due regard to their perishability or health.

16 Health certificates

- (1) All plants, plant material or animal products entering the Republic other than in passenger baggage shall be accompanied by a health certificate.
- (2) All plants, plant material or animal products entering the Republic in passenger baggage from or through a proclaimed place shall be accompanied by a health certificate.
- (3) All animals entering the Republic shall be accompanied by a health certificate.
- (4) Any plant, animal or other goods which:
 - (a) are required by this Section to be accompanied by a health certificate; and
 - (b) are not accompanied by a health certificate,shall be examined by a Quarantine Officer, who may make such quarantine order as he or she thinks fit in relation to them.

17 Importation of live animals

- (1) No person shall import a live animal into the Republic unless the Director of Quarantine has given permission under subsection (3).
- (2) A person who intends to import a live animal into the Republic shall give written notice to the Director of Quarantine at least 14 days before the expected date of arrival of the animal.
- (3) A notice under subsection (2) shall contain details of the animal, the conveyance of transportation, the expected date of arrival, and such further details as the Director of Quarantine may require.
- (4) Upon receipt of a notice under subsection (2), the Director of Quarantine may, subject to the provisions of the *Animals Act 1982*:
 - (a) permit; or
 - (b) refuse to permit,the importation.
- (5) A permit granted under subsection (3) may be made subject to such conditions as are specified in it.

18 Goods and cargo in transit

- (1) A Quarantine Officer may examine any conveyance, cargo, plant, animal or other goods which is or are in transit through the Republic or Nauruan waters.
- (2) Goods or cargo in transit through the Republic or Nauruan waters shall not be unloaded from the transporting conveyance unless the Director of Quarantine authorises their unloading.
- (3) An authorisation under subsection (2) may be given with such conditions as the Director of Quarantine considers necessary.

19 Notification of disease or infestation

Where the master of a conveyance in the Republic, entering the Republic or having the Republic as its next port of call believes or suspects, or has reason to believe or suspect that:

- (a) a disease; or

(b) a pest infestation,
is present on board the conveyance, he or she shall immediately take all reasonable steps to notify a Quarantine Officer of the outbreak.

20 Examination of plants and animals within Nauru

A Quarantine Officer may at any time examine any plant or animal in the Republic, whether cultivated, domesticated or in the wild, and whether or not they are in storage or in transportation, for the purpose of reporting and taking measures against the occurrence, outbreak and spread of diseases or pests.

21 Quarantine orders

- (1) Where a Quarantine Officer is of the opinion that:
 - (a) a conveyance, cargo, plant, animal or other goods that he or she has examined under this Act is or are affected by disease or pests, or have been exposed to infection or contamination by diseases or pests;
 - (b) a plant, animal or other thing has been or is being imported into the Republic contrary to any provision of this Act;
 - (c) a health certificate or other certificate relating to a conveyance, plant, animal or other goods is not of acceptable standard;
 - (d) an examination required by this Act has not been commenced, carried out or completed for any reason; or
 - (e) any other requirement of this Act has not been carried out to his or her satisfaction,he or she may make a quarantine order.
- (2) A quarantine order made in respect of a conveyance or its cargo under subsection (1), may include all or any of the following:
 - (a) an order that the conveyance leave the Republic or Nauruan waters, without discharging any cargo;
 - (b) an order that the conveyance remain at a place specified in the order, or in the case of a vessel, at a certain distance from the island, until further notice;
 - (c) an order that no person, or only such persons as are specified in the order, may approach or board the conveyance until further notice or until such conditions as are specified in the order have been met;
 - (d) an order that no person, or only such persons as are specified in the order, may leave the conveyance until further notice or until such conditions as are specified in the order have been met;
 - (e) an order for the sealing of lockers and other compartments of the conveyance;
 - (f) an order for treatment of the conveyance or of all or any of the lockers and compartments of the conveyance;
 - (g) an order that no cargo, or no cargo as specified in the order, or only so much of the cargo as is specified in the order, may be discharged or unloaded from the conveyance;
 - (h) an order for treatment or destruction of all or any of the cargo on board the conveyance;
 - (i) an order for the re-export of cargo which has been unloaded from the conveyance;
 - (j) subject to any notice under Section 8 or any regulations made under this Act in respect of garbage, an order as to the place or location where, or means by which, the garbage may, or may not, be dumped or disposed of;

- (k) in respect of ballast, an order that:
 - (i) the ballast shall not be discharged in Nauruan waters;
 - (ii) where discharge has already commenced, that the discharge shall cease; or
 - (iii) such other measures shall be taken in relation to the ballast as the Quarantine Officer considers necessary or desirable; or
 - (l) an order for such other measures in respect of the conveyance or its cargo as he or she considers necessary or desirable to prevent the introduction or spread of disease or pests in the Republic.
- [subs (2) am Act 18 of 2011 s 3 and Sch[1], opn 3 Nov 2011]
- (3) A quarantine order made in respect of plants, animals or other goods under subsection (1) may include all or any of the following:
 - (a) an order that the plants, animals or other goods be removed to or held at a specified place;
 - (b) an order that no person, or only such persons as are authorised by the Director of Quarantine, may enter or approach a place referred to in paragraph (a);
 - (c) an order for treatment of the plants, animals or other goods;
 - (d) an order for the re-export of the plants, animals or other goods;
 - (e) an order for the destruction of the plants, animals or other goods, or such parts of them as are specified in the order; or
 - (f) an order for such other measures as a Quarantine Officer considers necessary or desirable to prevent the introduction or spread of disease or pests in the Republic.
 - (4) A quarantine order may be made subject to such conditions as are specified in it, and where conditions have been so specified, remains in force until or unless those conditions have been met.
 - (5) Where a Quarantine Officer makes a quarantine order, he or she shall report the making of the order to the Director of Quarantine as soon as possible.
 - (6) The Director of Quarantine may vary, cancel or rescind a quarantine order.
 - (7) A quarantine order for the destruction of plants, animals, other goods or any other thing shall not be carried out unless the Quarantine Officer is satisfied that no less drastic measure is available to prevent the introduction or spread of diseases or pests.
 - (8) No appeal shall lie from a quarantine order.

[The next page is 391,401]

PART 5 — QUARANTINE EMERGENCIES

22 Declaration of quarantine emergencies

- (1) Where the Minister is satisfied that an epidemic caused by a quarantinable disease or quarantinable pest, or the danger of such an epidemic, or an emergency requiring action not otherwise authorised by this Act, exists in the Republic or a part of the Republic, he or she may, by notice in the Gazette, declare the existence of a quarantine emergency, together with such other details as he or she thinks fit to describe the quarantine emergency and to alert the public to the dangers the quarantine emergency poses.
- (2) A notice under subsection (1):
 - (a) shall specify the time not exceeding 90 days during which it is to remain in force; and
 - (b) may be extended by a further notice.

23 Action in cases of epidemic or emergency

- (1) Upon the publication of a notice under Section 22, the Director of Quarantine may, during the period that the notice remains in force, give such directions and take such action as he or she thinks necessary to control and eradicate the epidemic, or to remove the danger of the epidemic or the emergency, by quarantine measures or measures incidental to quarantine.
- (2) The measures referred to in subsection (1), may include but are not limited to:
 - (a) controlling the movement of persons, vehicles, vessels, aircraft, plants, animals or other goods into or out of any area;
 - (b) notifying the owner or occupier of any land, in writing, of the measures to be taken aimed at the eradication or control of the epidemic, the danger of the epidemic, or the emergency, including the destruction of goods;
 - (c) directing the owner or occupier of land or the owner or possessor of plants, animals or goods to destroy the plants, animals or goods in accordance with the direction;
 - (d) where a person referred to in paragraph (c) cannot be contacted or refuses to destroy the plants, animals or goods as directed, destroying them;
 - (e) making such quarantine orders in respect of any vessel, aircraft, vehicle, person, animal, plant or goods in the Republic or a part of the Republic in which a quarantinable disease or quarantinable pest, or a disease or pest affecting animals or plants, exists or is suspected to exist, as he or she considers necessary or desirable; and
 - (f) taking such measures as may be necessary for the eradication or control of the epidemic, the danger of the epidemic or the emergency, including treatment, poisoning, baiting, trapping and destruction of plants, animals and other goods.

[The next page is 391,601]

PART 6 — EXPORT OF PLANTS AND ANIMALS

24 Prohibited exports

No plants or animals may be exported from the Republic where the export is contrary to:

- (a) a declaration under Section 8(1); or
- (b) any other law prohibiting the export of plants or animals.

25 Export of plants

- (1) The Director of Quarantine may issue a phytosanitary certificate to a person wishing to export plants or plant materials to assist the person to meet the quarantine entry requirements of another country.
- (2) A phytosanitary certificate under subsection (1):
 - (a) shall be substantially based on the Model Certificate adopted by the *International Plant Protection Convention of 1951* as amended from time to time;
 - (b) may only be issued in respect of plants or plant materials produced in the Republic; and
 - (c) may only be issued after the performance of such examinations and treatment as seem to the Director of Quarantine to be necessary or desirable in order to enable the issue of the certificate.
- (3) The issue of a phytosanitary certificate under this Section shall not release the exporter or importer from compliance with any quarantine import laws of the country to or through which the plants or plant materials are consigned.

26 Export of animals

- (1) The Director Quarantine officer may:
 - (a) require that any animals, animal products and similar goods be examined as he or she directs prior to export; and
 - (b) issue a health certificate in respect of any animal, animal product or other goods to be exported to assist the exporter to meet the quarantine entry requirements of another country.
- (2) A Quarantine Officer may withhold or detain any animal, animal product or similar goods being exported until such time as he or she is satisfied that they meet with all or any of the terms and conditions of the importing country and are of good health and free from disease and pests.
- (3) The issue of a health certificate under this Section shall not release the exporter or importer from compliance with any quarantine import laws of the country to or through which the animal or animal products are consigned.

[The next page is 391,801]

PART 7 — OFFENCES

27 Quarantine offences

- (1) A person who:
 - (a) imports, attempts to import or assumes control of a plant, animal or other goods in contravention of any provision or requirement of this Act, or of the terms of any notice, declaration or prohibition made under this Act;
 - (b) exports or attempts to export a plant or animal in contravention of any of the provisions or requirements of this Act, or of the terms of any notice, declaration or prohibition made under this Act;
 - (c) fails to make any report required by this Act;
 - (d) refuses to answer any question properly put to him or her by a Quarantine Officer;
 - (e) furnishes to a Quarantine Officer any particulars which, to his or her knowledge, are false or misleading in any material respect, either in a written declaration or report or in answer to a question properly asked him or her by a Quarantine Officer;
 - (f) fails to comply with a instruction or direction given by a Quarantine Officer;
 - (g) refuses or fails to facilitate by all reasonable means the safe boarding of, entry to or examination of a conveyance, land or premises by a Quarantine Officer as required or permitted by this Act;
 - (h) refuses or fails to facilitate examination of anything as required or permitted by this Act;
 - (i) assaults, threatens, obstructs, hinders, resists, delays, intimidates, refuses to cooperate with, fails to comply with any instruction of or fails to take all reasonable measures to ensure the safety of, a Quarantine Officer in the performance of his or her duties under this Act;
 - (j) fails to comply with, impedes, interferes with, hinders or obstructs the carrying out of any provision of a quarantine order;
 - (k) forges a document under this Act, or the signature of a Quarantine Officer;
 - (l) fraudulently lends a document issued under this Act to any other person or allows it to be used by any other person;
 - (m) wilfully misleads, makes misrepresentations to, or by threats, demands or promises, attempts to influence improperly, a Quarantine Officer in the performance of his or her duty;
 - (n) unloads any goods in transit in contravention of Section 18;
 - (o) in any way contravenes or breaches any term of a quarantine order under Section 21;
 - (p) being a person obliged to comply with the requirements of Section 35, fails to comply with any of those requirements; or
 - (q) contravenes or fails to comply with any provision or requirement of a notice, direction or instruction under Part 5,
is guilty of an offence and is liable to a penalty of a fine:

- (i) where the offender is a natural person, not exceeding \$5,000 or imprisonment for a term not exceeding 2 years; or
 - (ii) where the offender is a body corporate, a fine not exceeding \$20,000.
- (2) A person, other than a person authorised to do so, who:
- (a) enters a restricted area; or
 - (b) removes any goods from a restricted area before a Quarantine Officer has authorised that removal,
- is guilty of an offence and is liable to a penalty of a fine not exceeding \$5,000 or imprisonment for a term not exceeding 5 years.
- (3) A proceeding taken against, and penalty imposed on, a public officer under this Section are in addition to and not in place of any proceeding which may be taken or penalty which may be imposed under the *Public Service Act 2016*.

28 Offences by masters

A master of a conveyance who:

- (a) unless from stress of weather or other reasonable cause, causes or permits the conveyance to enter the Republic other than in accordance with the provisions of this Act;
- (b) fails to take any precautionary measures in respect of the conveyance and its crew, passengers and cargo, as required by Section 10;
- (c) fails to make any report required by this Act;
- (d) refuses to answer any question properly put to him or her by a Quarantine Officer;
- (e) furnishes to a Quarantine Officer any particulars which, to his or her knowledge, are false or misleading in any material respect, either in a written declaration or report or in answer to a question properly asked him or her by a Quarantine Officer;
- (f) fails to comply with a instruction or direction given by a Quarantine Officer;
- (g) fails to facilitate or refuses safe boarding of, entry to or examination of the conveyance by a Quarantine Officer as required or permitted by this Act;
- (h) refuses or fails to facilitate examination of anything as required or permitted by this Act;
- (i) assaults, threatens, obstructs, hinders, resists, delays, intimidates, fails to comply with an order of or fails to take all reasonable measures to ensure the safety of, a Quarantine Officer in the performance of his or her duties under this Act;
- (j) fails to comply with, impedes, interferes with, hinders or obstructs the carrying out of any provision of a quarantine order;
- (k) wilfully misleads, or by threats, demands or promises, attempts to influence improperly, a Quarantine Officer in the performance of his or her duty;
- (l) knowing that a disease or a pest infestation is present on the conveyance, fails to inform a Quarantine Officer;
- (m) fails to comply with a quarantine order made in respect of the conveyance;
- (n) wilfully brings, or permits to be brought, a live animal into a port or place in the Republic on the conveyance in contravention of this Act;
- (o) unloads or permits the unloading of any cargo from the conveyance contrary to Section 18; or

(p) otherwise contravenes any requirement or obligation imposed by this Act upon masters of conveyances,
is guilty of an offence and is liable to a penalty of a fine not exceeding \$20,000.

29 Offences by Quarantine Officers

- (1) A Quarantine Officer who:
- (a) wilfully deserts from his or her duty;
 - (b) accepts a bribe, recompense or reward for or on account of any neglect to perform, or non-performance of, his or her duty;
 - (c) makes a collusive agreement with a person to neglect or not to perform his or her duty;
 - (d) maliciously or without reasonable cause makes a quarantine order in respect of a conveyance, plant, animal or other goods;
 - (e) wilfully damages or destroys any goods under his or her charge for any purpose under this Act;
 - (f) wilfully permits a conveyance, plant, animal or other goods to depart from or to be conveyed out of any place where it or they are detained under a quarantine order;
 - (g) fails to make any report required by this Act; or
 - (h) wilfully authorises or permits a breach of this Act,
- is guilty of an offence and is liable to a penalty of a fine not exceeding \$5,000 or imprisonment for a term not exceeding 5 years.
- (2) A proceeding taken and penalty imposed under subsection (1) are in addition to and not in place of any proceeding which may be taken or penalty which may be imposed under the *Public Service Act 2016*.

30 Arrest of persons subject to quarantine orders

For the purposes of Section 10 of the *Criminal Procedure Act 1972*, a person who leaves a conveyance in contravention of a quarantine order under Section 21 prohibiting him or her from leaving the conveyance is guilty of a cognizable offence, and a police officer or a Quarantine Officer may, without warrant, arrest the person.

31 Forfeiture of plants, animals or other goods

- (1) All animals, plants or other goods imported into the Republic, or brought into a port in the Republic, or removed from one part of the Republic to another part of the Republic in contravention of this Act and all hay, straw, fodder, litter, fittings, clothing, utensils, appliances or packages moved or dealt with in contravention of this Act shall be forfeited to the Republic.
- (2) Where a person is convicted of an offence under this Act, the court may, in addition to any penalty imposed, order the forfeiture to the Republic of any plant, animal or other goods involved in the offence and the plant, animal or goods together with any goods associated with it or them may be disposed of as directed by the Director of Quarantine.
- (3) Anything forfeited under this Act may be seized by a Quarantine Officer and destroyed or otherwise disposed of as directed by the Director of Quarantine.

[The next page is 392,001]

PART 8 — MISCELLANEOUS

32 Expenses in relation to conveyances

- (1) All expenses of examination of a conveyance under Section 15 or 18 may, and in the case of a conveyance which enters the Republic at any place other than the port of the Republic or an established aerodrome, shall be borne by the operator of the conveyance.
- (2) Where the master of a conveyance has failed to carry out precautionary measures under Section 9, costs and expenses of carrying out those precautionary measures shall be borne by the operator of the conveyance as a debt.
- (3) All expenses of carrying out a quarantine order or any part of it under Section 21 in relation to a conveyance or its cargo, and of removal of cargo or goods from the vessel for the purposes of treatment of the conveyance under a quarantine order shall be borne by the operator of the conveyance.
- (4) All expenses and charges incurred in connection with the piloting or towing of a vessel the subject of a quarantine order into, out of or within a port shall be borne by the operator of the vessel.
- (5) All expenses incurred in providing persons removed from a conveyance the subject of a quarantine order with passages to their ports or places of destination shall be borne by the operator of the conveyance.
- (6) All expenses payable by the operator of a conveyance under this Act shall be a charge on the conveyance, and the conveyance may be detained by a Quarantine Officer until the expenses are paid.
- (7) Before permitting a person, goods, cargo or other thing to leave or be removed from a conveyance in respect of which a quarantine order has been made, the Quarantine Officer may require the operator of the conveyance to give security to the satisfaction of the Quarantine Officer that all responsibilities under this Section of the master and operator of the conveyance in respect of those persons, goods, cargo or things shall be faithfully carried out.

33 Expenses in relation to plants, animals, cargo and other goods

- (1) All expenses of examination, and storage pending examination, of cargo, plants, animals or other goods under Section 15, 18 or 20 shall be borne by the owner of the cargo, plant, animal or goods, or his or her agent.
- (2) All expenses of carrying out a quarantine order or any part of it under Section 21 or 23(2) in relation to plants, animals or other goods shall be borne by the owner of the plant, animal or goods.
- (3) All expenses payable by the owner of plants, animals or other goods under this Act are a charge on the plant, animal or other goods.

34 Recovery of expenses

All expenses or charges payable under this Act may be recovered by the Republic as a debt.

35 Duties of certain officers

- (1) It shall be the duty of officers and persons having authority in relation to customs, the Naoero Postal Services Corporation and Nauru Maritime and Port Authority to enforce compliance with the provisions of this Act, and to that end, to provide every assistance possible to a Quarantine Officer.
- (2) Where an officer or person referred to in subsection (1) becomes aware of a possible breach of any of the provisions of this Act, he or she shall:
 - (a) report the matter immediately to a Quarantine Officer; and
 - (b) hold anything which he or she suspects is involved in or connected with the possible breach until it is examined or otherwise dealt with by a Quarantine Officer.

36 Limitation of liability of Quarantine Officers

A Quarantine Officer is not subject to any civil or criminal liability for any act or default done or omitted to be done by him or her in good faith with reasonable cause for the purposes of this Act.

37 Claims for damage

- (1) No claim shall lie against the Republic or a Quarantine Officer for damage to or destruction of goods held for examination under this Act, unless the examination was not made within a reasonable time or the goods were damaged or destroyed without reasonable cause.
- (2) Section 3 of the *Republic Proceedings Act 1972* shall apply to a claim made in accordance with this Section.

38 Regulations

The Cabinet may make regulations prescribing matters which by this Act are required or permitted to be prescribed, or which it considers are necessary or convenient to be prescribed, for carrying out or giving effect to this Act and in particular prescribing matters providing for and in relation to:

- (a) conditions which are necessary for the prevention of the introduction of pests and diseases;
- (b) prohibiting, restricting or imposing conditions upon the introduction or importation either generally or from any specified region, country or place of origin of any plants, animals or other goods which are likely to harbour or spread diseases or pests;
- (c) procedures to be adopted prior to and upon the arrival of any conveyance into the Republic or Nauruan waters, including notices and treatment on or before arrival;
- (d) the examination, quarantining and treatment of conveyances entering the Republic or Nauruan waters;
- (e) procedures for the treatment and disposal of garbage aboard conveyances arriving in the Republic;
- (f) the form of any information required under this Act;
- (g) the examination, quarantining and treatment of conveyances, plants, animals or other goods;
- (h) measures to be taken in the event of an epidemic, danger of an epidemic or emergency;
- (i) providing for permits and prescribing permit fees for imports and exports

- of fresh or processed food materials, live animals and plants, examination and clearance of conveyances and related services provided to importers, exporters, shippers, air charter operators and airlines;
- (j) regulating the duties of masters of conveyances in relation to any animal on board the conveyance, whether or not intended to be introduced into the Republic;
 - (k) the form of health certificates required from relevant government authorities of any country or place from which any plant, animal or other goods are to be brought into the Republic;
 - (l) the export of plants and animals, the procedures for the examination and certification of any plant or animal prior to export, and the procedures to be followed upon examination and after certification;
 - (m) the manner of treatment of conveyances arriving in the Republic, whether from proclaimed places or otherwise, or upon which there is, or is suspected to be, a disease, infection or infestation;
 - (n) the manner of treatment of persons coming into contact with any plant, animal or other goods which are, or are suspected of being, diseased, infected or infested;
 - (o) the procedure for the confiscation, forfeiture and destruction of plants, animals or other goods;
 - (p) the conditions under which plants, animals, disease agents and other goods the importation of which is otherwise prohibited or regulated may be imported for the purpose of scientific research, education or biological control;
 - (q) fees and charges payable in respect of services rendered, procedures carried out or goods supplied in respect of quarantine measures; and
 - (r) penalties for fines not exceeding \$1,000 or imprisonment for terms not exceeding 3 months for offences against the regulations.

[The next page is 398,001]

Plant and Animal Quarantine Regulations 2004

TABLE OF PROVISIONS

Regulation

Title

PART 1 — PRELIMINARY

1	Citation
2	Repeal
3	Purpose
4	Interpretation
5	Codes of practice to be recognised

PART 2 — GENERAL REQUIREMENTS (PLANT AND ANIMAL)

6	Points of entry
7	Requirements of all persons entering the Republic
8	Notification of the arrival of regulated articles into the Republic
9	Availability of documents, manifests and conveyance movement information
10	Powers of the Director of Quarantine
11	Language of documents and labelling of goods
12	Inspection and treatment of any conveyance arriving from overseas
13	Disposal of garbage
14	Placement into quarantine
15	Security of quarantine area
16	Removal from quarantine
17	Samples, testing
18	Releasing of plants, plant material, animals, animal products or goods
19	Plant and animal quarantine entry permits
20	Any plant, plant material, animal, animal product goods or regulated article may be ordered back into quarantine
21	Seizure and destruction
22	Destruction of regulated material carrying or suspected to be carrying a pest
23	Quarantine forms and documents
24	Official importations by Government
25	Approved places for quarantine to be performed
26	Quarantine seal
27	Official stamp(s)
28	Quarantine screening of live plants and live animals
29	Treatment
30	Transport, storage, unpacking, treatment, growth in quarantine - importer's expense

<i>Regulation</i>	<i>Title</i>
31	In-transit movement of regulated material and goods
32	Declaration of national quarantine emergency
33	Emergency measures for the eradication or control of a quarantine pest
34	Expenses, fees and charges for importers and exporters
35	Exclusion of liability
PART 3 — APPOINTMENT AND POWERS OF INSPECTORS	
36	Authority to search and examine
37	Access to documents
38	Power to open shipment
39	Power to open shipment
PART 4 — PLANT QUARANTINE	
40	Regulations and quarantines - general
PART 5 — SPECIFIC PLANT PROHIBITIONS	
41	Plant quarantines-specific plant prohibitions
PART 6 — ANIMAL QUARANTINE	
42	Regulations and quarantine (general)
PART 7 — SPECIFIC CONDITIONS FOR THE ENTRY OF ANIMALS AND ANIMAL PRODUCTS	
43	Importation of animals and animal products into the Republic
PART 8 — SPECIFIC ANIMAL PROHIBITIONS	
44	Animal quarantines – specific animal prohibitions
45	Importation for special purposes
PART 9 — EXPORT REQUIREMENTS	
46	Examination of exports - plants and plant products
47	Examination of exports - animals and animal products
48	Re-export of plants and plant materials, animals and animal products
PART 10 — PENALTIES	
49	Penalties
	SCHEDULE 1 — PROHIBITED PLANTS OR PLANT MATERIAL
	SCHEDULE 2 — PROHIBITED ANIMALS
	SCHEDULE 3 — FORMS
	FORM 1 — APPLICATION FOR PERMIT TO IMPORT LIVE ANIMALS/ANIMAL PRODUCTS
	FORM 2 — APPLICATION FOR PERMIT TO IMPORT PLANT/PLANT MATERIAL
	FORM 3 — PLANT AND ANIMAL QUARANTINE IMPORT PERMIT

Title

FORM 4 — CERTIFICATE OF ORIGIN

FORM 5 — PHYTOSANITARY CERTIFICATE

SCHEDULE 4 — FEES

[The next page is 398,201]

Plant and Animal Quarantine Regulations 2004

TABLE OF AMENDMENTS

The Plant and Animal Quarantine Regulations 2004 were notified and commenced on 24 July 2008 (GN No 285/2008; Gaz 80/2008).

Amending Legislation	Notified	Date of Commencement
Agricultural Quarantine (Animal Import) Regulations 2008 SL 5	7 January 2009	7 January 2009
Revised Written Laws Act 2021 No 7	1 June 2021	1 June 2021
Plant and Animal Quarantine (Amendment) Regulations 2023 SL 7	28 February 2023	28 February 2023

[The next page is 398,401]

IN EXERCISE of the powers conferred on it by Section 38 of the *Agricultural Quarantine Act 1999*, the Cabinet has made the following Regulations:

PART 1 — PRELIMINARY

1 Citation

These Regulations may be cited as the *Plant and Animal Quarantine Regulations 2004*.

2 Repeal

All the previously issued Plant and Animal Quarantine Regulations are repealed.

3 Purpose

The purpose of these Regulations is to:

- (a) protect and regulate the agricultural and animal activities for the general well-being of the people of the Republic;
- (b) prescribed method of preventing the introduction and further spread of injurious insects, pests, and diseases into the Republic;
- (c) provide procedures and conditions to ensure the safe movement of plants and animals and plant and animal products into and out of the Republic; and
- (d) fulfill international obligations to prevent the movement of pests in international trade and traffic.

4 Interpretation

The following terms shall apply in the interpretation and enforcement of these Regulations:

'agent' includes a person performing functions on behalf of or instead of an owner or importer in relation to an import, or an exporter in relation to the export, of a live plant, plant material, live animal, animal product or goods which include plant or animal product in their composition;

'agricultural quarantine facility' means a certified government facility, equipped and specifically designed and set aside for holding or for growing imported plants or plant materials or for holding imported animals;

'AI Centre' means a facility for the production of semen approved by the veterinary administration of the exporting country and used exclusively for donor animals and conforming with internationally accepted standards;

'approved place for the performance of quarantine' means a place other than an agricultural quarantine facility where the quarantine of plants, animals or goods may take place;

'approved treatment' means any treatment approved by the Director of Quarantine;

'authorised officer' means the Director of Quarantine, inspectors, or any other person authorised by the Minister through Gazettal notice to exercise such powers or perform such duties under Section 5(2) of the Act;

‘bulbs and tubers’ means a commodity class for dormant underground organs of plants intended for planting (includes corms and rhizomes);

‘Chief Executive Officer’ means the person appointed under the *Naoero Postal Services Corporation Act 2018*;

‘contaminate’ means infestation or infection by plant or animal pests or having in association with it animals, animal products, unauthorised plant material or soil adhering to or in company with the goods;

‘contraband goods’ means any goods imported into or transported within Nauru by a person in contravention of these Regulations;

‘cutting up establishment’ means a slaughterhouse, export cutting plant, export cold store, butchery, cannery, or poultry plant where meat is cut into smaller cuts than half carcasses, cut into 3 wholesale cuts, prepared for retail sale or totally deboned;

‘declaration’ refers to a written or oral statement certifying as to plants, plant material, animals, and animal products or other prohibited or restricted goods under these Regulations which accompanies a person on their arrival from overseas or as their cargo;

‘Director of Quarantine’ means the Director of Quarantine authorised by the Minister through Gazettal notice in accordance with Section 5(2) of the Act;

‘disease’ in relation to animals, means any disease, parasite or pest declared by the Minister by proclamation in the Gazette to be a disease affecting animals, and for the purposes of these Regulations, goods of animal origin shall be deemed to be diseased if they are in a deteriorated or abnormal condition, whether or not that condition is dependent on the presence of, or is due to the operation, development, growth or effect of a disease;

‘dunnage’ means any timber used in the stowage of goods in conveyances such as vessels or cargo containers;

‘examination’ includes inspection and shall include the inspection of any document, the taking of any sample, the conduct of any test or other procedure used to determine the conformity or otherwise with the conditions under which an importation of plants, plant materials, animal or animal material or other regulated goods has been approved;

‘export’ means to take a thing or cause it to be sent out of the country by any means of conveyance;

‘export inspection’ means the inspection or examination of agricultural produce and animals, conveyances, vessels, aircraft or goods, for the purpose of ensuring that the goods comply with the country of destination sanitary and or phytosanitary quarantine requirements;

‘fish’ means any aquatic animal, whether piscine or not, and includes any mollusc, crustacean, coral, sponge, holothurian (beche-de-mer), and reptile and their young and eggs;

‘free area’ means a clearly defined territory within a country in which no case of a specified disease has been reported during a defined period for such disease, and within which and at the borders of which official veterinary control is effectively applied for animals and animal products, and their transportation;

‘fruit and vegetables’ means the edible portion of any plant, whether attached

to the plant or not, and includes any peel, skin, shell or seed, whether edible or not, including vegetables, in the raw or unprocessed state;

‘Gazette’ means the Republic Gazette published by the order of the Government and includes supplements thereto and any extraordinary gazette so published;

‘goods’ means any movable property and includes plants and plant material, animals and animal products;

‘handicrafts’ shall include native artifacts, decorative goods or adornments made from containing plant material including but not limited to seeds, vines, leaves, wood, grass, gum, dried flowers; animal materials including but not limited to untreated feathers, skin, hair, fur, wool, dried flesh, teeth, bones; sea shells and other items such as the external shells of animals, coral and like materials;

‘inspection’

- (a) means the examination of plants or plant material, animals or animal products, goods or other regulated material for the purpose of determining conformity with the Republic’s entry requirements; and
- (b) includes the examination of any conveyance, container or packaging of any kind on which or in which such goods have been carried or stored or on or in which it is intended to carry or store such goods and any place where such goods, conveyance or packaging have been or are being held prior to clearance by an inspector;

‘inspector’ means an inspector appointed by the Minister to enforce the provisions of these Regulations, quarantines and controls;

‘intermediate quarantine’ in the case of:

- (a) plants, means the growing of plants intended for consignment to the Republic in a place approved by the Director of Quarantine for where the plants are screened for plant pests, including disease, and certified by the plant health authority to the effect that the plants have been grown in the approved place and as far as can be determined are free of plant pests; and
- (b) animals, means the performance of prescribed quarantine conditions by animals or animal products intended for import into the Republic in a place approved for the purpose by the Director of Quarantine;

‘International Animal Health Certificate’ means a certificate issued by an official veterinarian of the exporting country, certifying the state of good health of the animal, and giving particulars where applicable of any tests to which the animal has been subjected, the vaccinations carried out on the animal which is the subject of the certificate and giving particulars of the measures taken to prevent the spread of disease;

‘International Health Certificate’ means a certificate issued by an official veterinarian of the exporting country, certifying the wholesomeness of animal products, and giving particulars where applicable of the measures taken to prevent the spread of disease;

‘in transit’ means consignment which passes through a country without being imported and without being exposed in that country to contaminations of infestation by pests;

‘noxious weed’ means any plant declared by the Director of Quarantine to be a noxious weed;

'O.I.E' means the Office International des Epizooties;

'official veterinarian' means a civil service veterinarian or a veterinarian appointed or authorised by the veterinary administration of the exporting country;

'person' means both singular and plural and shall include individuals, corporations, companies, associations, societies, partnerships and natural persons;

'Phytosanitary Certification' means use of phytosanitary procedures leading to the issue of a phytosanitary certificate.

'Plant and Animal Quarantine Permit' means a written authorisation for the purpose of facilitating the movement of any plants, plant materials, animals, animal products or goods as designated in these Regulations as requiring a permit for such movement and where such plants, plant materials, animals, animal products or other regulated goods are intended for importation from overseas issued by the Director of Quarantine;

'plant products' means un-manufactured material of plant origin including grain, and those manufactured products that, by their nature or that of their processing, may create a risk for the introduction and spread of pests;

'point of entry' means the designated, official seaport, airport or post office in the Republic through which any conveyance or goods shall first enter the Republic;

'quarantine area' means any land which has been declared by the Secretary to be a quarantine area on account of the presence or suspected presence of a quarantine pest or in or on which measures are to be taken to prevent the entry to, exit from or spread of a quarantine pest;

'quarantine pest' means a pest of potential national economic importance to the endangered country and is not yet present there or is present but not widely distributed and being actively controlled;

'quarantine station' includes a temporary quarantine station, a quarantine check point, a pre-entry or post-entry quarantine station, a place approved by the Secretary for intermediate quarantine and all facilities and services related to a quarantine station or check point;

'regulated article' means garbage, soil, pest and other materials, substances or goods, including but not specific to, plant or plant material, animals or animal products, the importation or movement of which is controlled under these Regulations;

're-ship or re-export' in relation to any imported plant, plant material, animal or animal product, or regulated material, means to remove or to take a thing or cause it to be sent out of the Republic by any conveyance;

'soil' means the loose surface material of the earth in which plants grow and which may serve to harbor plant pests, in most cases consisting of disintegrated rock with an admixture of organic material and soluble salts including among other things gravel, rock aggregate, compost, clay, sand or silt;

'special purpose' means any official purpose that requires importation of plants, plant materials, animals, animal products or goods by the Government and its instrumentalities;

'timber' includes logs, poles, dunnage, branch wood, firewood and all wood, which has been split, hewn, sawn or dressed or otherwise manufactured and includes furniture partly or wholly manufactured with timber, pre-fabricated building units, shakes, shingles, wooden cases or boxes and the like;

'tissue culture' means plants in a clear aseptic medium in a sealed, transparent container; and

'veterinarian' means a qualified veterinarian resident in the Republic and approved by the Minister for the purposes of these Regulations.

5 Codes of practice to be recognised

- (1) Except in so far as the same are contrary to the provisions of these Regulations, the following shall be adopted as codes of practice and their provisions shall generally be applied in the Republic:
 - (a) the *International Animal Health Code of the Office International des Epizooties*;
 - (b) the *Manual of the International Embryo Transfer Society*; and
 - (c) the *International Air Transport Association Live Animal Regulations*.

[The next page is 398,601]

PART 2 — GENERAL REQUIREMENTS (PLANT AND ANIMAL)

6 Points of entry

- (1) No plant, plant material, animal, animal product or other regulated material may be imported into the Republic except through a designated official point of entry.
- (2) All ports or aerodromes that accept foreign conveyances are declared official point of entry including the following:
 - (a) Airport: Nauru International Airport;
 - (b) Seaport: Nauru Boat Harbour and/ or Anibare Community Channel, or any declared port; and
 - (c) Postal Offices: Naoero Postal Services Corporation.

7 Requirements of all persons entering the Republic

- (1) Every person on entering the Republic shall be required to make a written or oral declaration with respect to plants, plant material, animals, animal products, soil, cultures or any other thing that is the subject of these Regulations.
- (2) No person may introduce into the Republic any plant, plant material, animal, animal product, or any other thing that is the subject of these Regulations unless the provisions of these Regulations have been duly complied with in respect of such plant, plant material, animal, animal product, or other regulated material.
- (3) A person who makes a false declaration or gives false certification shall be guilty of a criminal act.

8 Notification of the arrival of regulated articles into the Republic

It is the duty of the importer, agent, Customs Officer, Harbourmaster, Chief Executive Officer of Naoero Postal Services Corporation and/or Director of Civil Aviation to notify the Director of Quarantine or his or her delegate of the intended arrival of regulated material under these Regulations and provide such information as the Director of Quarantine may require.

9 Availability of documents, manifests and conveyance movement information

The master or agent of any conveyance entering or moving within the Republic shall on the request of an inspector provide cargo manifests, ship's logs, crew lists and such other documents as are considered necessary to determine the quarantine status of such conveyance.

10 Powers of the Director of Quarantine

In addition to any powers granted under these Regulations the Director of Quarantine:

- (a) may in writing delegate specific powers designated in these Regulations to authorised officials and these delegations will remain effective until revoked in writing;
- (b) cannot delegate his or her power of delegation; and
- (c) shall determine appropriate conditions for the entry of plants, plant products, animals, animal products and goods so as to prevent the introduction of plant and animal diseases and quarantine pests into the Republic as far as is reasonably practicable and desirable for the benefit of public, plant and animal health, and livestock production generally and to preserve the flora and fauna.

11 Language of documents and labelling of goods

- (1) All documents and certificates accompanying imports made under these Regulations shall be presented in the English language.
- (2) No goods may be imported into the Republic under these Regulations unless evidence of origin and contents is presented in the English language.
- (3) No person shall import or offer for entry any plant, plant material, animal product or other regulated material unless the case, box, package, crate, container is plainly and correctly marked to indicate the country of origin, name and address of shipper and name and address of consignee.

12 Inspection and treatment of any conveyance arriving from overseas

- (1) Immediately on the arrival of any conveyance from any overseas country the conveyance, together with its cargo, baggage, garbage and provisions may be inspected, examined and ordered for treatment by an inspector for the purpose of enforcing these Regulations and no person shall enter the conveyance or remove any baggage or cargo from the conveyance without the authority of the inspector until such inspection, examination or treatment is completed.
- (2) Inspection and treatment of a conveyance may include:
 - (a) inspection of the conveyance, its cargo and stores as well as treatment, if necessary, at the expense of the owner or agent of the conveyance;
 - (b) treatment of every compartment of the conveyance;
 - (c) inspection of a document certifying that a treatment has been carried out or is purported to have been carried out in relation to the conveyance for the control of pests in any conveyance; and
 - (d) any other inspection or examination deemed by an inspector to be necessary to prevent the introduction or spread of pests into or within the Republic.
- (3) In the case of a conveyance entering other than an official port of entry, all costs associated with the quarantine inspection are to be met by the owner or agent of the conveyance.

13 Disposal of garbage

- (1) No garbage shall be allowed into the Republic from any conveyance without the express authorisation of an inspector.
- (2) All garbage arriving on board conveyances, including vessels and aircraft shall be retained on the conveyance in leak proof, covered containers and in the case of sea vessels, kept inside the vessel's railing.

- (3) No garbage shall be dumped at sea within the territorial seas of the Republic, from any conveyance.
- (4) All costs associated with the supervision, treatment or destruction of garbage shall be at the expense of the importer.

14 Placement into quarantine

Where an inspector is not satisfied that the imported plants, plant material, animals, animal products and/or goods are free of disease or quarantine pests, which in his or her opinion constitute a risk to the Republic, he or she shall advise, where appropriate, the importer or his or her agent, the Chief Collector of Customs, the Harbourmaster and/or the Chief Executive Officer of Naoero Postal Services Corporation that the plants, plant material, animals, animal products and/or regulated goods are to be held under quarantine and not released to the importer or his or her agent until such time as an inspector or authorised officer is satisfied that the disease or quarantine pest has been eliminated.

15 Security of quarantine area

- (1) No person shall enter a quarantine area or quarantine station without the permission of the inspector in charge.
- (2) A person damaging, interfering with or in any way reducing the effectiveness of any measures taken to secure a quarantine area or quarantine station, or of any plants, plant material, animals, animal products and related articles therein, shall be guilty of an offence under these Regulations.
- (3) An inspector may lock, seal or otherwise prevent the entry to and exit from any quarantine area or quarantine station, regardless of the ownership of such quarantine area or quarantine station.

16 Removal from quarantine

- (1) No plants, plant material, animals or animal products or other regulated goods may be removed from any quarantine area, quarantine station or other place where quarantine detention or treatment is or has been performed without written permission from an inspector.
- (2) A person who removes any plant, plant material, animal, animal products or other regulated material in contravention of these Regulations or who takes from the control of an inspector any plant, plant material, animal, animal products or other regulated material under these Regulations shall be guilty of an offence.

17 Samples, testing

An inspector or authorised official may take any sample, make any test, fumigate, disinfect, or in any way treat any plants, animals, or goods subject to quarantine and any conveyances carrying the same at any time that such plants, animals or goods are subject to quarantine control or may order that such action is taken, and shall give written notification of such action to the owner or agent.

18 Releasing of plants, plant material, animals, animal products or goods

An inspector shall advise the importer or his or her agent, the Controller of

Customs, the Harbourmaster and/or Chief Executive Officer of Naoero Postal Services Corporation, as the case may be, that such imported plants, plant materials, animals, animal products or goods may be released to the importer or the owner:

Provided all requirements of these Regulations for the import and clearance of plants, plant materials, animals, animal products or goods have been met and subsequent to satisfactory inspection or satisfactory conclusion of a treatment.

19 Plant and animal quarantine entry permits

- (1) It shall be unlawful to import into the Republic any plant, plant material, animal, animal product or other regulated material except in conformity with the conditions of a permit issued for such movement.
- (2) An application for Plant and Animal Quarantine Entry Permit shall provide specific information contained in the prescribed form in Schedule 3 which include:
 - (a) full name, residential and postal address of the importer;
 - (b) name and address of the exporter of the goods;
 - (c) the country of origin of the goods;
 - (d) the quantity, the common and scientific name (where applicable) of the goods proposed to be imported;
 - (e) the mode of transport, point of entry, and the approximate date of arrival;
 - (f) such information as the Director of Quarantine may from time to time specify;
 - (g) applications for Plant and Animal Quarantine Entry Permits shall be made prior to importation;
 - (h) in the granting of any Plant and Animal Quarantine Entry Permit the Director of Quarantine may specify such conditions as he or she considers necessary to take into account the risks of importing plant disease, animal disease and quarantine pests; and
 - (i) Plant and Animal Quarantine Entry Permits may be issued for single or multiple importations and the alternative shall be indicated on the permit.
- (3) The following items may be imported without a permit:
 - (a) fully manufactured foods, hermetically sealed and not requiring refrigeration for permanent storage, but excluding foods derived from animals and preserved only by drying;
 - (b) fully manufactured personal clothing and footwear;
 - (c) fully tanned or processed leather, feather, fleece and hair goods except used saddlery, harnesses and other equipment used with animals;
 - (d) all fish and fish products with the exception of live fish; or
 - (e) where the animal or plant disease or pest status of the exporting country has changed or has been reported to have changed since the issue of a Plant and Animal Quarantine Entry Permit or if any other condition prevails whereby the entry of the plants, plant material, animals, animal products or other regulated goods would constitute a quarantine risk such permits may be cancelled at any time without notice.

20 Any plant, plant material, animal, animal product goods or regulated article may be ordered back into quarantine

- (1) An inspector may examine any imported plant, plant material, animal, animal products, goods or regulated material that has been released from quarantine.
- (2) Where, after examination of any imported plant, plant material, animal, animal product, goods or regulated material that has been released from quarantine the inspector is of the opinion that there is a danger of spreading pests and/or diseases, the inspector may order such plant, plant material, animal, animal product, goods or regulated material back into quarantine for tests or treatment as prescribed and the owner shall be responsible for all costs.

21 Seizure and destruction

- (1) Any plant, plant material, animal, animal product, or other regulated article introduced or entered into the Republic without a permit may be seized by an inspector and destroyed by order of the inspector provided the declared value of such goods does not exceed \$200.
- (2) Where the value of such goods exceeds \$200 the goods may be destroyed by order of the Director of Quarantine and such destruction shall be at the owner's expense.
- (3) A person who imports plants, plant material, animals, animal products or other regulated in contravention of these Regulations shall be guilty of an offence.

22 Destruction of regulated material carrying or suspected to be carrying a pest

- (1) Any plant, plant material, animal, animal product or goods imported in accordance with these Regulations which on examination or re-examination by an inspector is shown to be or is suspected to be carrying a pest which in his or her opinion cannot be effectively treated shall:
 - (a) in the case of an animal infected or believed to be infected with an OIE List A disease or other disease not present at that time in the Republic be ordered by an inspector to be destroyed immediately; and
 - (b) in all other cases the importer or owner shall be ordered by an inspector to re-export or destroy the plants, plant material, animal, animal product or other regulated goods within a specified period and in default of such order, such plants, plant material, animal, animal product or other regulated goods shall be destroyed at the importer's expense.
- (2) Where the importer or owner of goods, which have been ordered for destruction in accordance with subregulation (1), fails to take action to destroy the goods within the prescribed time, an inspector may arrange for such goods to be destroyed and to recover the costs of such destruction through action in a court of competent jurisdiction as a debt due to the Republic.
- (3) The importer or owner of goods which have been ordered for destruction in accordance with subregulation (1) shall have no legal proceeding of any nature in respect of such destruction.

23 Quarantine forms and documents

- (1) The Director of Quarantine may introduce forms at any time to facilitate the safe import into the Republic and export from the Republic of plants, plant material, animals, animal products and goods.
- (2) The Director of Quarantine may impose fees for the issuance of any form.

24 Official importations by Government

All importations should be subject to the conditions set by the Director of Quarantine.

25 Approved places for quarantine to be performed

- (1) The Director of Quarantine may, in writing, approve a place other than a quarantine station as a place where the quarantine of any plant, plant material, animal, animal product or other regulated material may take place and any quarantine action as an inspector may direct may be undertaken at such approved place.
- (2) Applications for registration of a place as an approved place for the performance of quarantine shall be made in writing on the approved form and submitted to the Director of Quarantine.
- (3) The Director of Quarantine may apply such conditions or require such facilities as he or she deems necessary for the proper performance of quarantine related activities and when satisfied that such conditions have been met or are being met and that such required facilities are available he or she shall approve such place as a place for the performance of quarantine subject to such conditions or restrictions as he or she deems necessary.
- (4) On payment of the prescribed fee, the owner or operator of a place which has been approved for the performance of quarantine, shall be issued with a certificate of registration.
- (5) A certificate of registration of an approved place for the performance of quarantine shall remain current for a period of 1 year from the date of registration unless previously canceled by the Director of Quarantine or there is a change in the ownership of such approved place or such approved place ceases to operate.

26 Quarantine seal

- (1) At any time after the arrival of a conveyance or goods in the Republic, an inspector may place a quarantine seal on any container or package of imported goods or on any cabin or locker in any conveyance from outside of the Republic, either for subsequent quarantine inspection, or for the holding of goods under quarantine while the conveyance remains in the territorial waters of the Republic.
- (2) An inspector may place a quarantine seal or lock on any container or package of imported goods which has been discharged from any conveyance arriving from outside of the Republic, either for subsequent quarantine inspection, treatment or detention prior to release or re-export of goods as the case may be.
- (3) A person who interferes with or removes a quarantine seal or lock without the permission of an inspector shall be guilty of an offence.

27 Official stamp(s)

- (1) The official quarantine stamp(s) shall be used in conjunction with the signature of an authorised officer to authenticate documents issued under these Regulations.
- (2) A person, other than an authorised officer, who uses an official quarantine stamp for any purpose shall be guilty of an offence.

28 Quarantine screening of live plants and live animals

- (1) The Director of Quarantine may prescribe as a condition of importation into the Republic a period of quarantine at an approved quarantine station or quarantine area where live plants or live animals are to be detained and undergo any inspection or examination or treatment as prescribed.
- (2) All animals or plants detained in such quarantine shall be released when an inspector is satisfied that the plant or animal meets the import requirements.
- (3) The Director of Quarantine may prescribe as a condition of entry into the Republic completion of a specified period of quarantine at an approved quarantine facility located outside of the Republic where plants or animals are screened for prescribed pests and diseases prior to entry into the Republic.

29 Treatment

Where imported plants, plant material, animals, animal products, regulated material or goods have been detained in quarantine on the evidence of infection, infestation of a pest, or suspected infection or infestation of a pest an inspector may order a treatment as prescribed to be carried out at the importer's expense.

30 Transport, storage, unpacking, treatment, growth in quarantine - importer's expense

- (1) Prior to the release from quarantine detention of any imported plants, plant material, animal, animal product and/or goods, the importer or owner shall pay the prescribed fees including the cost of transport, examination, unpacking, security, storage, treatment, cleaning, sorting, and in the case of live plants, growth and care in post-entry quarantine, and in the case of live animals in post-entry quarantine, care and feeding of such animals.
- (2) Upon notification by an inspector of the release from quarantine detention of imported plants, plant material, animals, animal product and/or goods such imported plants, plant material, animals, animal product and/or goods shall be removed from the place of detention within 5 working days and in default shall be subject to the payment of prescribed fees for each additional day or part thereof during which the imported plants, plant material, animals, animal product and/or goods remain at the place of quarantine.
- (3) Notwithstanding subregulation (2), the owner or importer of any live animal which has been released from post-entry quarantine but which has not been removed immediately following release shall be responsible for meeting the cost of all food provided to such animal/s until they are removed from quarantine.

31 In-transit movement of regulated material and goods

Any plant, plant material, animal, animal product, or goods in transit through

the Republic to another country may be subject to quarantine safeguard measures and permission to transit shall be required.

32 Declaration of national quarantine emergency

The Minister, on the advice of the Director of Quarantine, may by notice in the Gazette, declare a state of national quarantine emergency for the eradication or control of a quarantine pest of economic, public health or environmental importance.

33 Emergency measures for the eradication or control of a quarantine pest

- (1) During a declared state of national quarantine emergency, the Director of Quarantine may take such actions as are deemed necessary to control or eradicate a pest or disease affecting plants, animals or goods and such measures may include but not be limited to:
 - (a) declaring specific pests including noxious weeds to be a quarantine pest;
 - (b) defining a geographic area within the Republic as a quarantine area;
 - (c) controlling the movement of persons, plants, animals, conveyances or goods into or out of a quarantine area;
 - (d) notifying the owner or occupier of the land, in writing, of the measures to be taken to eradicate or control any quarantine pest; and
 - (e) undertaking or arranging to undertake measures to eradicate or control any quarantine pest if the owner or occupier of land on which the quarantine pest occurs, or is believed to occur, cannot be contacted.
- (2) Where it is deemed necessary for an inspector to carry out control measures or destruction or to arrange to carry out control measures or destruction of plants, plant material, animals or animal material in the absence of the owner the cost of such control measures or destruction may be recovered through action in a court of competent jurisdiction as a debt due to the Republic.

34 Expenses, fees and charges for importers and exporters

- (1) All costs and expenses of, and attendant upon, any importation or exportation including any documentation, tests, inspections, treatments, detention in quarantine, destruction or re-export, or of any other procedure or action taken or brought about under the provisions of these Regulations shall be borne by the importer or exporter as the case may be and no compensation shall be payable by the Republic for any loss or reduction in value caused by such action.
- (2) Where any plant, plant material, animal, animal product or good is required by these Regulations to be inspected, examined, treated, destroyed or held in quarantine, the importer or consignee in the case of imports and, in the case of Part 10 of these Regulations the exporter, shall pay the appropriate fee as determined by the Minister.

35 Exclusion of liability

Neither the Department responsible nor the Director of Quarantine, authorised

officers or inspectors shall be liable for any loss or damage resulting from the exercise of their authority under these Regulations unless the loss or damage was caused otherwise than in the reasonable exercise of their authority.

[The next page is 398,801]

PART 3 — APPOINTMENT AND POWERS OF INSPECTORS

36 Authority to search and examine

- (1) An inspector may enter any conveyance, land or building other than a dwelling house to search for and examine plants, plant materials, animals, animal products or any other goods subject to these Regulations that he or she reasonably believes may be infested with quarantine pest or disease or may have come into contact with a quarantine pest or disease.
- (2) An inspector may only enter a dwelling house for the purpose of conducting an inspection if he or she has obtained the express permission of the owner or if he or she is authorised to do so by search warrant issued for such inspection by a Resident Magistrate or Judge.
- (3) When requested to do so, an inspector shall present written evidence of his or her appointment as an inspector.

37 Access to documents

An inspector may examine any log, manifest, cargo stowage plan, passenger list, crew list or other necessary document in carrying out his or her functions under these Regulations.

38 Power to open shipment

An inspector may require the importer or the agent to open any mail, box, case, receptacle, space, or container and when the importer or agent fails to do so, the inspector may arrange for the opening of such mail, box, case, receptacle, space or container at the importer's expense.

39 Power to open shipment

- (1) An inspector may, whenever necessary for the purposes of these Regulations, and as may be approved by the Minister, employ a person or persons to assist him or her temporarily.
- (2) For the purposes of subregulation (1), such person shall have the authority of an inspector until the cessation of such temporary appointment.

[The next page is 399,001]

PART 4 — PLANT QUARANTINE

40 Regulations and quarantines - general

QP 1 Entry of fresh fruits and vegetables

- (1) The entry of fresh fruit and vegetables into the Republic is prohibited except under permit issued by the Director of Quarantine prior to the importation.
- (2) All importations of fresh fruits and vegetables from a place outside the Republic shall be accompanied by a phytosanitary certificate issued by the exporting country.
- (3) All fresh fruits and vegetables shall be imported in new, clean packages which shall state the country of origin and a description of the produce.
- (4) The entry of fruit fly susceptible species of fruits and vegetables is prohibited from all countries where fruit flies exotic to the Republic are known to occur unless such fruits or vegetables have been subjected to an approved quarantine treatment and/or conditions.
- (5) The import into the Republic of any fruits or vegetables after they have transitted through areas known to be infested with any fruit fly specie other than *Bactrocera frauenfeldi* (Caroline or mango fly), or other quarantine pests not established within the Republic is prohibited, unless such fruits and vegetables are maintained in the original package and that such packages have not been exposed to any quarantine pests between the point of origin and the entry point into the Republic.
- (6) All imported fresh fruits and vegetables shall be examined by an inspector on arrival and if a pest is detected, a treatment as prescribed shall be applied before the consignment is released to the importer.
- (7) In the absence of a suitable treatment the fruits and/or vegetables shall be directed to be destroyed or re-exported at the importer's expense.
- (8) Fruits and vegetables which have been cooked, hermetically canned, frozen, dried or candied, preserved or otherwise processed in such a manner as to preclude a pest risk and to render the product non-viable are exempt from the provisions of this Regulation.

QP 2 Entry of live plants or parts thereof (other than seeds) for propagation

- (1) The importation of plants or planting material which can be propagated, other than seed, may be limited to the smallest quantity of propagating material consistent with standard horticultural practices to enable the satisfactory establishment and reproduction of the introduced cultivar.
- (2) All imported plants shall be free from soil.
- (3) An approved packing material may be used around the roots of imported plants. Approved packing material may consist of sterile peat moss, sphagnum moss, perlite, vermiculite, sawdust, shredded paper or other inert materials.
- (4) All importations of live plants and planting material from a place outside the Republic shall be accompanied by a phytosanitary certificate issued by the exporting country and such certificate shall

state details of any treatment given to the plants or planting material in the place of origin and include any other endorsements required as a condition of the importation.

- (5) Plant tissue cultures may be imported in aseptic, sealed flasks in a sterile medium such as agar, which shall be subject to inspection on arrival and any contaminated flasks and their contents shall be destroyed.

QP 3 Importation of seed

- (1) Small commercial packets of flowers and vegetable seeds may be imported without a permit at the discretion of the Director of Quarantine.
- (2) With the exception of seeds imported without a permit under section QP 3(1), all seeds shall be accompanied by a phytosanitary certificate.
- (3) The Director of Quarantine may also require an official seed analysis report.
- (4) Upon arrival, samples of seed may be drawn for examination and if necessary, in the opinion of the inspector, treatment shall be applied.
- (5) All seeds shall be pure and free from injurious extraneous matter, including soil, noxious weed seeds, insects and diseases and shall be subject to such conditions as are determined by the Director of Quarantine.

QP 4 Cut flowers and foliage

- (1) Subject to other relevant provisions of these Regulations, any cut flower, excluding members of the family Heliconiaceae (which are prohibited), including foliage may be imported, if on inspection at the point of entry the cut flowers are free from pests and contain no material capable of propagation.
- (2) Any cut flower that can be propagated shall be treated as prescribed to prevent propagation.
- (3) Subject to relevant provision of these Regulations, any imported dried flower and/or foliage shall be subject to inspection at the point of entry and if found to contain pests or viable seeds shall be subject to treatment as prescribed to remove any quarantine pest or viable seeds before release.

QP 5 Timber

- (1) Notwithstanding the provisions under QP 5(4), all consignments of timber imported from overseas shall be subject to inspection on arrival and treatment as prescribed if necessary. If such prescribed treatment is not available the consignment may be ordered to be re-shipped or destroyed. If treatments or re-shipment are not performed within 30 days of the order, the consignment shall be destroyed.
- (2) The importation of bark and timber with attached is prohibited.
- (3) The importation of previously used timber shall be subject to mandatory treatment for pests before release.
- (4) Imported timber that has been subjected to an approved treatment for the prevention of insect attack prior to entry to the Republic may be imported subject to the provision of an official certificate of treatment and inspection of the timber on arrival to verify the efficacy of the

treatment.

QP 6 Grass, bamboo, cane, palm fronds and goods manufactured from such materials

- (1) Grass, bamboo, cane and palm fronds, including wall and roof thatching materials, are prohibited entry into the Republic.
- (2) Manufactured bamboo and cane furniture may be imported subject to inspection on arrival and treatment if necessary.

QP 7 Soil, Sand and Gravel

- (1) The importation of soil, sand and gravel into the Republic is prohibited except by permit issued prior to such importation by the Director of Quarantine.
- (2) Soil used as ballast in any conveyance shall not be discharged within the Republic or within the territorial waters of the Republic.

QP 8 Stored dried food products

If no inspection stored dried food products including polished rice, spices, and other dried food products are found to be infested with pests or contaminated in any way an inspector may order that such infested goods be treated, destroyed or re-exported on the expense of the owner or agent.

QP 9 Packing material, dunnage and second-hand bags

- (1) Importing into the Republic of any packing materials other than an approved packing material is prohibited.
- (2) Approved packing materials shall include wood shavings, sawdust, sphagnum moss, sterile peat moss, wood wool, ground cork, charcoal, shredded paper, plastics, perlite, vermiculite, non-plant and non-animal based materials and any other material approved by the Director of Quarantine as a packing material.
- (3) No second-hand bags, sacks, containers, wrapping or packing materials which has previously been used for the transport of plant or animal material or which was manufactured to be used for that purpose shall be used for the importation of any kind of goods.
- (4) Any imported timber dunnage, including skids, pallets, racks, stickers, etc is subject to inspection and treatment as prescribed, re-shipment or destruction at the expense of the importer or agent.

QP 10 Handicrafts made from plant material

- (1) Provided handicrafts do not contain any material prohibited or restricted under these Regulations.
- (2) Such handicrafts may enter subject to inspection and treatment as required.

QP 11 Bacteria, viruses, vaccines, cultures and organisms

- (1) Any living culture or organism including parasites, arachnids, mollusks, nematodes, fungi, bacteria, virus, viroids, vaccines, mycoplasma, parasitic plant organisms, plant pest or other invertebrate animals is prohibited unless a permit has been issued for such importation by the Director of Quarantine prior to such importation of the consignment and only in compliance with the conditions imposed by such permit.

- (2) The importation into the Republic of commercial yeast and yogurt cultures shall be exempt from all provisions under QP 11(1).

[The next page is 399,201]

PART 5 — SPECIFIC PLANT PROHIBITIONS

41 Plant quarantines-specific plant prohibitions

The importation into the Republic from a place outside the Republic of the plants listed in the first column of Schedule 1 of these Regulations.

[The next page is 399,401]

PART 6 — ANIMAL QUARANTINE

42 Regulations and quarantine (general)

QA 1 Minimum conditions to be applied to live animal importations

For the importation of live animals generally, including embryos and ova, the following conditions and requirements shall be met:

- (1) The first port of entry into the Republic shall be specified in the import permit and shall be a designated, official point of entry.
- (2) The time and date of embarking, the estimate time and date of arrival in the Republic and the airline/flight number or ship/voyage number shall be communicated to the Director of Quarantine at the earliest possible time and no later than 1 week day working day before embarkation of the animals for the Republic;
- (3) All animals shall be consigned to the Republic as manifested cargo unless otherwise specified in the import permit;
- (4) The facilities for the transport of animals shall conform with internationally accepted codes of practice as appropriate:
 - (a) all importations of animals are to be accompanied by the import permit issued for that importation;
 - (b) a declaration signed by the owner or exporter of the animal providing such information and guarantees as may be required regarding the identification, history and origin of the animals; and
 - (c) an international animal health certificate signed and stamped by an official veterinarian of the exporting country certifying the state of good health of the animals and giving particulars where applicable of the biological tests to which the animal have been subjected and the vaccinations carried out on the animals which are the subject of the certificate and of any measures taken to prevent the spread of diseases;
- (5) All animals shall be transported directly without trans-shipment, off-loading or contact with animals not the subject of the same import permit or animals not of equivalent certified health status from the port of departure to the port of arrival in the Republic unless other provisions have been made in the import permit;
- (6) Notice of the death, loss or sickness of any animals during the voyage shall be given to an inspector immediately on arrival in the Republic by the person in charge of the vessel or aircraft;
- (7) All foodstuffs, litter, manure, straw or bedding and packing material, crates, containers or any other related articles shall be off-loaded only on the instructions of an inspector or veterinarian, who may order their cleaning, disinfection, destruction, incineration or other means of disposal;
- (8) All animals and documents shall be inspected on arrival by an inspector;
- (9) No animal shall be released from quarantine unless the veterinary officer, or his or her delegate is satisfied, following the inspection that the import is in accordance with the provisions of these Regulations,

that all conditions of the import permit have been met up to the time of arrival in the Republic and that no period of quarantine detention, treatments or tests are required;

- (10) Unless an imported animal is released from quarantine following its arrival in the Republic it shall be detained under quarantine control until further notice and may be subjected to any test or treatment required to satisfy the conditions of entry for such animal;
- (11) Any import permit granted is not transferable;
- (12) Any import permit may be canceled or amended at any time after issue and before arrival of the animal/s in the Republic should the animal health and/or quarantine status of the country of origin change or be reported to have changed prior to arrival;
- (13) All costs and expenses of, and attendant upon, any importation including any documentation, tests, inspections, treatments, detention in quarantine, destructions or re-export, or of any other procedure or action taken or brought about under the provisions of these Regulations that shall be borne by the importer and no compensation shall be payable by the Republic for any loss or reduction in value caused by such action;
- (14) In the case of any OIE List A or List B disease or for any communicable disease which is considered to be of socio-economic or public health importance or which is significant in the international trade of livestock and livestock products or for any communicable diseases with important socioeconomic or sanitary influence at the national level and which affect live animals, for which export health certification conditions have not been prescribed in these Regulations; no permit shall be issued unless:
 - (a) the exporting country is free from such disease and that no case of such disease was officially reported during the 6 months immediately preceding the importation of the animals concerned; or
 - (b) if the country of export is not free from any such disease, the Director of Quarantine attaches such conditions on the import permit sufficient in his or her opinion to safeguard against the introduction of such disease. Such conditions shall not be less than those recommended in the International Animal Health Code of the OIE.

QA 2 Bonding of animals (ship's pets)

The master of every conveyance arriving in the Republic shall be required to enter into a bond with the Republic whereby any animal on board such conveyance may not be introduced into the Republic which such conveyance remains in the Republic unless permitted by an inspector and subjected to quarantine safeguards.

[The next page is 399,601]

PART 7 — SPECIFIC CONDITIONS FOR THE ENTRY OF ANIMALS AND ANIMAL PRODUCTS

43 Importation of animals and animal products into the Republic

QA 1 Importation of dogs into the Republic

- (1) For the importation of dogs the presentation of an international animal health certificate is required, attesting that the animals:
 - (a) were examined within 48 hours of shipment, found to be in good health and showed no sign of any infectious disease;
 - (b) have been effectively vaccinated against distemper, hepatitis and canine parvovirus at least 1 month and not more than 3 months before shipment;
 - (c) have been effectively treated against echinococcosis-hydatidosis, round hook and whip worms within 3 days of shipment;
 - (d) have been effectively treated against, and found on examination to be visibly free of, all ectoparasites within 3 days of shipment;
 - (e) showed on clinical sign of rabies on the day of shipment, and were kept from birth or for 6 months prior to shipment in the exporting country, where no case of rabies was officially reported during the 2 years immediately preceding the importation of the animals concerned;
 - (f) have been vaccinated with an inactivated rabies virus more than 30 days prior to entry into the Republic; and
 - (g) for animals originating from a country or a part of a country where rabies occurs or is reported to occur or where rabies vaccination is routinely practiced shall undergo a period of not less than 120 days in an approved quarantine facility recognised by the Republic as rabies free area prior to entry to the Republic.
- (2) Upon arrival in the Republic, imported dogs shall immediately be taken under the control of an inspector to the quarantine premises previously approved by the Director of Quarantine, whereat the animals shall remain until they are released by an inspector.

QA 2 Importation of cats into the Republic

- (1) The importation of cats into the Republic requires presentation of an international animal health certificate, attesting that the animals:
 - (a) were examined within 48 hours of shipment, found to be in good health and showed no sign of any infectious disease;
 - (b) have been effectively vaccinated against Feline Panleucopaenia at least 1 month and not more than 12 months before shipment, and Feline Viral Rhinotracheitis / Calici virus at least 1 month and not more than 6 months before shipment;
 - (c) have been effectively treated against echinococcosis-hydatidosis, round hook and whip worms within 3 days of shipment;
 - (d) have been effectively treated against, and found on examination to be visibly free of, all ectoparasites within 3 days of shipment;
 - (e) showed no clinical sign of rabies on the day of shipment, and were kept from birth or for 6 months prior to shipment in the

exporting country where no case of rabies was officially reported during the 2 years immediately preceding the importation of the animals concerned; and

- (f) for animals originating from a country or a part of a country where rabies occurs or is reported to occur or where rabies vaccination is routinely practiced shall undergo a period of not less than 120 days in an approved quarantine facility recognised by the Republic as rabies free area prior to entry to the Republic.
- (2) Upon arrival in the Republic, imported cats shall immediately be taken under the control of an inspector to the quarantine premises previously approved by the Director of Quarantine, whereat the animals shall remain until they are released by an inspector.

QA 3 Importation of cattle into the Republic

- (1) The importation of cattle into the Republic requires presentation of an international animal health certificate attesting that the cattle:
- (a) were examined in daylight within 24 hours of shipment, found to be in good health and showed no clinical sign of any disease, including skin diseases and external parasites;
 - (b) were kept since birth or for at least the 6 months prior to shipment in the exporting country, which is internationally recognised as free from rabies and all OIE List A diseases which affect cattle or may be carried by cattle and where these diseases are notifiable and no case of any of these diseases was officially reported during the past 2 years;
 - (i) have undergone dipping or spraying with an effective insecticide on two occasions at 7 day intervals, the last being within 48 hours of shipment;
 - (ii) have been treated with an effective anthelmintic on 2 occasions at 21 day intervals, the last being within 48 hours of shipment;
 - (iii) have for the 30 days prior to shipment been held in an approved quarantine establishment during which time the animals were maintained in complete isolation, subjected to regular veterinary observation and at no time during which did either they or any other animals in the same quarantine establishment show any sign of disease; and
 - (iv) come from a herd in which no clinical sign of bovine brucellosis was officially reported during the 6 months prior to shipment;
 - (c) come from a country or part of the territory of a country officially free from bovine tuberculosis, and showed negative response to an effective test for bovine tuberculosis during the 30 days prior to shipment; and
 - (d) come from a country or part of the territory of a country officially free from bovine tuberculosis, and showed negative response to an effective test for bovine tuberculosis during the 30 days prior to shipment.
- (2) In the case of any OIE List A or List B disease or for any communicable disease which is considered to be of socio-economic or public health importance or which is significant in the international

trade of livestock and livestock products or for any communicable diseases with important socio-economic or sanitary influence at the national level and which affect live animals, for which export health certification conditions have not been prescribed in these Regulations, no import shall be permitted unless:

- (a) the exporting country is free from such disease and no case of such disease as officially reported during the 6 months immediately preceding the importation of the animals concerned; or
 - (b) if the country of export is not free from any such disease, the Director of Quarantine attaches such conditions on the import permit sufficient in his or her opinion to safeguard against the introduction of such disease; and
 - (c) shall not be less than those recommended in the International Animal Health Code of the OIE.
- (3) Upon arrival in the Republic, imported cattle shall immediately be taken under the control of an inspector to the quarantine premises previously approved by the Director of Quarantine, whereat the animals shall remain until they are released by an inspector.

QA 4 Importation of small ruminants (sheep and goats) into the Republic

- (1) The importation of small ruminants into the Republic requires presentation of an international animal health certificate attesting that the animals:
 - (a) were examined in daylight within 24 hours of shipment, found to be in good health and showed no clinical sign of any disease, including skin diseases and external parasites;
 - (b) were kept since birth or for at least the 6 months prior to shipment in the exporting country which is internationally recognised as free from rabies and all OIE List A diseases which affect small ruminants or which may be carried by small ruminants and where these diseases are required to be reported, and no case of any of these diseases was officially reported during the past 2 years;
 - (c) have undergone dipping or spraying with an effective insecticide on 2 occasions at 7 day intervals, the last being within 48 hours of shipment.
 - (d) have been treated with an effective anthelmintic on 2 occasions at 21 day intervals, the last being within 48 hours of shipment.
 - (e) have for the 30 days prior to shipment been held in an approved quarantine establishment during which time the animals were maintained in complete isolation, subjected to regular veterinary observation and at no time during which did either they or any other animals in the same quarantine establishment show any sign of disease; and
 - (f) come from a country or part of the territory of a country free from bovine brucellosis, or come from a ship or goat flock free from caprine or ovine brucellosis.
- (2) In the case of any OIE List A or List B disease, any communicable disease which is considered to be of socio-economic or public health importance or which is significant in the international trade of livestock

and livestock products, or any communicable diseases with important socio-economic or sanitary influence at the national level and which affect live animals, and for which export health certification conditions have not been prescribed in these Regulations, no import shall be permitted unless either:

- (a) that the exporting country is free from such disease and that no case of such disease was officially reported during the 6 months immediately preceding the importation of the animals concerned; or
 - (b) if the country of export is not free from any such disease, the Director of Quarantine attaches such conditions on the import permit sufficient in his or her opinion to safeguard against the introduction of such disease; and
 - (c) such conditions shall not be less than those recommended in the International Animal Health Code of the OIE.
- (3) Upon arrival in the Republic, imported small ruminants shall immediately be taken under the control of an inspector to the quarantine premises previously approved by the Director of Quarantine, whereat the animals shall remain until they are released by an inspector.

QA 5 Importation of domestic horses, mules and donkeys into the Republic

- (1) The importation of domestic horses, mules and donkeys into the Republic requires an international animal health certificate, attesting that the animals:
 - (a) were examined in daylight within 24 hours of shipment, found to be in good health and showed no clinical sign of any disease, including skin diseases, mange and external parasites;
 - (b) were kept since birth or for the 6 months prior to shipment in the exporting country, or part of the territory of the exporting country, which internationally recognised as free from rabies and all OIE List A diseases which affect horses, mules and donkeys or may be carried by horses, mules and donkeys and where these diseases are required to be reported, and case of any of these diseases was officially reported during the past 2 years; and
 - (c) have for the 30 days prior to shipment been held in an approved quarantine established during which time the animals were maintained in complete isolation, subjected to regular veterinary observation and at no time during which did either they or any other animals in the same quarantine establishment show any sign of disease.
- (2) Upon arrival in the Republic, imported domestic horses, mules and donkeys shall immediately be taken under the control of an inspector to the quarantine premises previously approved by the Director of Quarantine, whereat the animals shall remain until they are released by an inspector.

QA 6 Importation of domestic pigs into the Republic

- (1) The importation of domestic pigs into the Republic requires presentation of an international animal health certificate, attesting that the animals:

- (a) were examined in daylight within 24 hours of shipment, found to be in good health and showed no clinical sign of any disease, including skin diseases, mange and external parasites;
 - (b) were kept since birth or for the 6 months prior to shipment in the exporting country which is internationally recognised as free from rabies and all OIE List A diseases which affect pigs or which may be carried by pigs and where these diseases are required to be reported, and no case of any these diseases was officially reported during the past 2 years;
 - (c) have for the 30 prior to shipment been held in a approved quarantine establishment during which time the animals were maintained in complete isolation, subjected to regular veterinary observation and at no time during which did either they or any other animals in the same quarantine establishment show any sign of disease;
 - (d) have undergone dipping or spraying with an effective insecticide on 2 occasions at 7 day intervals, the last being within 48 hours of shipment; and
 - (e) have been treated with an effective anthelmintic on 2 occasions at 21 days intervals, the last being within 48 hours of shipment.
- (2) In the case of any OIE List A or List B disease or for any communicable disease which is considered to be of socio-economic or public health importance or which is significant in the international trade of livestock and livestock products or for any communicable diseases with important socio-economic or sanitary influence at the national level and which affect live animals and for which export health certification conditions have not been prescribed in these Regulations, no importation shall be permitted unless either:
- (a) the exporting country is free from such disease and that no case of such disease officially reported during the 6 months immediately preceding the importation of the animals concerned; or
 - (b) in the country of export is not free from any such disease, the Director of Quarantine attaches such conditions on the import on the import permit sufficient in his or her opinion to safeguard against the introduction of such disease; and
 - (c) such conditions shall not be less than those recommended in the International Animal Health Code of the OIE.
- (3) Upon arrival in the Republic, imported domestic pigs shall immediately be taken under the control of an inspector to the quarantine premises previously approved by the Director of Quarantine, whereat the animal shall remain until they are released by an inspector.

QA 7 Importation of birds into the Republic

- (1) Birds shall be identified in their scientific name by genus and species in both the application to import and in the international animal health certificate;
- (2) The importation of domestic birds into the Republic requires presentation of an international animal health certificate, attesting that birds:

- (a) showed no clinical sign of disease on the day of shipment;
 - (b) come from establishments which are regularly inspected by the official government veterinary authority of the country of export;
 - (c) have been kept in the exporting country which internationally recognised as free from OIE List A diseases which affect domestic birds or may be carried by domestic birds either since they were hatched or for at least the past 21 days prior to export; and either:
 - (i) have not been vaccinated against Newcastle disease (ND), highly virulent avian influenza; or
 - (ii) have been vaccinated against Newcastle disease (ND), highly virulent avian influenza using a vaccine complying with internationally-accepted standards, and providing the nature of the vaccine used and the date of vaccination in the international animal health certificate;
 - (d) have been vaccinated against infectious bursal disease come from an establishment free from infectious bursal disease; and
 - (e) come from establishments free from pullorum-typhoid disease, and have tested negative for pullorum-typhoid disease and have been kept in an approved quarantine station for not less than 21 days prior to shipment.
- (3) Upon arrival in the Republic, imported birds shall immediately be taken under the control of an inspector to the quarantine premises previously approved by the Director of Quarantine, where the animals shall remain until they are released by an inspector.

QA 8 Importation of day-old chicks into the Republic

- (1) The importation of day-old chicks, turkey, poultry and other newly-hatched avian species requires an international animal health certificate, attesting that the newly hatched birds:
- (a) come from establishments which are regularly inspected by the official veterinary authority of the country of export;
 - (b) come from hatcheries situated in a country which is internationally recognised as free from OIE List A diseases which affect domestic poultry or may be carried by domestic poultry;
 - (c) either:
 - (i) come from hatcheries situated in a country free from infectious bursal disease (Gumboro disease); or
 - (ii) come from establishments which are recognised as being free from infectious bursal disease following tests for the detection of precipitating antibodies and in which vaccination against infectious bursal disease is not practiced on the parent stock and have not themselves been vaccinated against infectious bursal disease;
 - (d) were vaccinated against Marek's disease, the nature of the vaccine to be stated in the international animal health certificate;
 - (e) either:
 - (i) come from establishments or hatcheries which are recognised as being free from pullorum-typhoid disease, avian infectious bronchitis, avian infectious laryngotracheitis (ILT) and fowl cholera;

- (ii) come from establishments or hatcheries in which vaccination against avian infectious bronchitis, ILT and fowl cholera is not practiced on the parent stock or have not themselves been vaccinated against avian infectious bronchitis, ILT and fowl cholera;
- (iii) were vaccinated against avian infections bronchitis, ILT and fowl cholera, the nature of the vaccine used and the date of vaccination to be stated in the international animal health certificate; or
- (iv) come from establishment; or hatcheries in which vaccination against avian infectious bronchitis, ILT and fowl cholera is practiced on the parent stock;
- (f) come from establishments or hatcheries which are recognised as being free from avian tuberculosis; and
- (g) showed no sign of mycoplasmosis on the day of shipment, originate exclusively from eggs produced by birds from establishments free from mycoplasmosis, and are shipped in clean, not previously used packages.

QA 9 Importation of hatching eggs into the Republic

- (1) The importation of hatching eggs into the Republic requires presentation of an international animal health certificate, attesting that the hatching eggs:
 - (a) come from hatcheries situated in a country which is internationally recognised as OIE List A diseases which affect domestic poultry or may be carried by domestic poultry;
 - (b) come from establishments or hatcheries which are regularly inspected by the veterinary authority;
 - (c) come from establishments in which vaccination against Marek's disease is practiced, the nature of the vaccine used shall also be stated in the certificate;
 - (d) originate exclusively from birds kept in establishments free from mycoplasmosis;
 - (e) come from establishments and/or hatcheries which are certified as being free from pullorum-typhoid disease and avian tuberculosis; and
 - (f) have been disinfected in accordance with accepted international standards, are correctly identified and are shipped in clean and unused packages.

QA 10 Importation of rodents and rabbits into the Republic

- (1) The importation of rodents and rabbits into the Republic requires presentation of an international animal health certificate, attesting that the rodents or rabbits:
 - (a) were examined within 24 hours of shipment, found to be in good health and showed no sign of any infectious disease;
 - (b) have been effectively treated against endoparasites within 3 days of shipment;
 - (c) have been effectively treated against, and found on examination to be visibly free of, all ectoparasites within 3 days of shipment;
 - (d) have been treated with an effective anthelmintic on 2 occasions at 21 day intervals, the last being within 48 hours of shipment; and

- (e) were kept since birth or for at least the 6 months prior to shipment in the exporting country, or part of the territory of the exporting country which is internationally recognised as free from rabies and all OIE List A diseases which may be carried by rodents or rabbits.
- (2) Upon arrival in the Republic, imported rodents and rabbits shall immediately be taken under the control of an inspector to the quarantine premises previously approved by the Director of Quarantine, whereat the animals shall remain until they are released by an inspector.

QA 11 Importation of embryos/ova of pigs into the Republic

- (1) The importation of embryos/ova of pigs into the Republic requires the presentation of an international animal health certificate, attesting that:
- (a) the donor females and all other animals in the herd of origin showed no clinical sign of disease during the 24 hours prior to departure to the collection unit and for the following 30 days;
 - (b) the donor females were kept in a country or part of the territory of a country internationally recognised as free from OIE List A diseases affecting pigs since birth or for the preceding 2 years and were kept in the same herd for at least the 40 days prior to departure to the collection unit;
 - (c) the donor females were fertilised with semen meeting the requirements for the importation of semen into the Republic; and
 - (d) the collection unit remained free from OIE List A diseases affecting domestic ruminants and pigs since birth during the 40 days following collection.
- (2) Embryos/ova shall be collected, washed, treated, examined for intact zona pellucida, otherwise handled and transported according to International Codes of Practice.

QA 12 Importation of semen of domestic ruminants into the Republic

The importation of the semen of domestic ruminants into the Republic requires presentation of an international animal health certificate, attesting that the donor animals:

- (a) showed no clinical sign of disease on the day of collection and, except for fresh semen, for the following 30 days;
- (b) were kept in a country internationally recognised as free from OIE List A diseases which affect domestic ruminants and pigs, since birth or for not less 6 months prior to collection; and
- (c) for bovine semen the following additional conditions apply:
 - (i) were kept in the exporting country for the 30 days prior to collection, in an establishment or artificial insemination centre where all animals are officially free from bovine tuberculosis; and
 - (ii) either:
 - (A) when the semen comes from an artificial insemination centre, the testing programme includes appropriate and effective tests for bovine brucellosis; or
 - (B) when the semen does not come from an artificial insemination centre, the donor animals come from a country or part of the territory of a country free from

bovine brucellosis.

QA 13 Importation of semen of pigs into the Republic

The importation of the semen of domestic pigs into the Republic requires presentation of an international animal health certificate, attesting that the donor animals:

- (a) showed no clinical sign of disease on the day of collection and, except for fresh semen, for the following 30 days; and
- (b) were kept in a country internationally recognised as free from OIE List A diseases affecting domestic ruminants and pigs since birth or for not less than 6 months prior to collection.

QA 14 Importation of non-commercial consignments of food products of animal origin being imported as accompanied passengers' baggage and for personal use

The importation of non-commercial consignments of food products of animal origin being imported as accompanied passengers' baggage and for personal use is subject to the following conditions:

- (a) all food products of animal origin imported by a passenger shall be commercially produced, packaged and sealed, and shall be labelled in English by the manufacturer clearly stating the contents and country of origin;
- (b) the total quantity of food products of animal origin which may be imported by a passenger on any single occasion shall not exceed 10 kg per adult passenger; and
- (c) products imported under the provisions of this Regulation shall not be resold.

QA 15 Importation of unsterilised meat and meat products derived from domestic ruminants into the Republic

The importation of unsterilised meat and meat products derived from domestic ruminants requires presentation of an international health certificate or other approved certification and where required, the international health certificate shall attest that the entire consignment of meat comes from animals:

- (a) which have been kept in the country internationally recognised as free from OIE List A diseases affecting domestic ruminants and pigs since birth; and
- (b) which were slaughtered in an abattoir, found to be healthy before and after slaughter, cut up in a cutting-up establishment under Government supervision, and considered to be fit for human consumption.

QA 16 Importation of unsterilised meat and meat products derived from pigs into the Republic

The importation of unsterilised meat and meat products derived from pigs requires presentation of an international health certificate or other approved certification attesting that the entire consignment of meat comes from animals:

- (a) which have been kept in the country since birth, or have been imported from a country internationally recognised as free from OIE List A diseases affecting domestic pigs since birth; and
- (b) which were slaughtered in an abattoir, found to be healthy before and after slaughter, cut up in a preparation establishment, and considered to be fit for human consumption.

QA 17 Importation of unsterilised meat and meat products derived from poultry into the Republic

The importation of unsterilised meat and meat products derived from poultry requires presentation of an international health certificate or other approved certification attesting that the entire consignment of meat comes from birds:

- (a) which have been kept in establishment free from Newcastle disease and highly pathogenic avian influenza and not situated in an infected zone of these diseases; and
- (b) which were slaughtered in an abattoir not situated in an infected zone of Newcastle disease and highly pathogenic avian influenza, found to be healthy before and after slaughter, cut up in a preparation establishment, and considered to be fit for human consumption.

QA 18 Importation of eggs and egg products for consumption and processing into the Republic

The importation of eggs in embryonic stages, (such as Balot), are totally prohibited into the Republic. For the importation of unfertilised eggs and egg products requires presentation of an international health certificate or other approved certification attesting that the entire consignment comes from birds:

- (a) in case of eggs, have been disinfected in accordance with OIE standards, are correctly identified, and are shipped in clean and unused packages; and
- (b) in case of egg products, that the eggs were sterilised by conventional heat treatment regimes during the manufacturing process.

QA 19 Importation of milk and milk products into the Republic

- (1) Unless otherwise specified under a general import permit under Regulation 19, an international animal health certificate is required for the importation of milk and milk products attesting that the animals from which the milk and milk products were derived:
 - (a) were kept since birth or for at least 12 months prior to the collection of milk used manufacture of this shipment in the exporting country internationally recognised as free from OIE. List A diseases affecting domestic ruminants and where these diseases are required to be reported;
 - (b) that vaccination against OIE List A diseases affecting domestic ruminants and pigs is not practiced; and
 - (c) that the milk and milk products were pasteurised or sterilised at conventional heat treatment regimes during the manufacturing process.
- (2) Passengers with infants shall be exempt from the provisions of subparagraph (a) with respect to a liquid milk or milk containing formula, in which case a maximum of 2 litres may be allowed for each accompanied child under 2 years of age. In case of a powdered milk or milk containing formula a maximum of 2 kilograms shall be permitted for each accompanied child under 2 years of age.

QA 20 Importation of honey bees and apiary equipment into the Republic

The importation of honey bees (*Apis mellifera*) into the Republic requires presentation of an international animal health certificate, attesting that:

- (a) the honey bees in the consignment come from apiaries which are regularly inspected by government officers empowered for that purpose by the exporting country;

- (b) the exporting country or part of the territory of the exporting country is free from Varroasis and Acariasis;
- (c) the exporting country or part of the territory of the exporting country is free from American Foul Brood, European Foul Brood, Chalk Brood;
- (d) that the exporting country or part of the territory of the exporting country is free from evidence of Africanized bees; and
- (e) the entry of used bee keeping equipment including hives, frames, and tools, is prohibited.

QA 21 Importation of honey and bee products into the Republic

Unless otherwise specified under a general import permit issued under Part 2 Section 20, the importation of honey and bee products shall be subject to the presentation of an international health certificate attesting that:

- (a) the honey and/or bee products in the consignment come from apiaries which are regularly inspected by government officers empowered for that purpose by the exporting country;
- (b) the exporting country, or relevant part of the territory of the exporting country, is free from American Foul Brood, European Foul Brood and Chalk brood; and
- (c) all honey and/or bee products shall be commercially packed, in clean new containers and labelled in English by the packer to clearly state the name of the packer or manufacturer, the contents, the quantity and country of origin.

QA 22 Importation of all other animal products and other related articles into the Republic

The importation of all other animal products and other related articles generally the following minimum conditions and requirements shall be met:

- (a) the first port of entry in the Republic, shall be specified in the import permit;
- (b) unless accompanied by passenger, all animal products and related articles shall be consigned to the Republic as manifested cargo unless otherwise specified in the import permit;
- (c) unless accompanied by a passenger, all importations of animal products and related goods are to be accompanied by:
 - (i) the import permit issued for that importation; and
 - (ii) an international health certificate or other approved certification certifying the state of goods health of animal products and related articles and giving particulars where applicable of any measures taken to prevent the spread of disease;
- (d) all animal products shall be inspected on arrival by an inspector;
- (e) only when the inspector is satisfied, following the inspection prescribed in (d) above, that the import is in accordance with the provisions of these Regulations and that all conditions of the import permit have been satisfied up to the time of importation and that no period of quarantine detention, treatments or tests are required shall a quarantine release be issued;
- (f) unless a quarantine release is issued according to the provisions of (e) above, all animal products and related articles will be detained under quarantine control until further notice and be subjected to any test, treatment, disinfection or fumigation required;

- (g) an inspector may order animal products that are imported or introduced into the Republic in contravention of the provisions of these Regulations, or of any conditions of the import permit, to be seized, destroyed, disposed of or reexported at the owner's expense;
- (h) any import permit granted may be cancelled or amended at any time after issue and before arrival of the animal products and related articles in the Republic should the animal health and/or quarantine status of the country of origin change or be reported to have changed in the meantime; and
- (i) all costs and expenses of, and attendant upon, any importation including any documentation, tests inspections, treatments, detention in quarantine, destruction or re-export, or of any other procedure or action taken or brought about under the provisions of these Regulations shall be borne by the importer and no compensation shall be payable by the Republic for any loss or reduction in value caused by such action.

[The next page is 399,801]

PART 8 — SPECIFIC ANIMAL PROHIBITIONS

44 **Animal quarantines – specific animal prohibitions**

The importation into the Republic from a place outside the Republic of the animals listed in the Second Schedule of these Regulations is prohibited.

45 **Importation for special purposes**

Notwithstanding the provisions of Regulation 44:

- (a) an inspector may issue phytosanitary certificates based on the results of inspections of plants and plant material performed at the requests of exporters to assist them in meeting the quarantine entry requirement of the importing country;
- (b) such phytosanitary certificate may be issued only for plants or plant material produced in the Republic;
- (c) issuance of a phytosanitary certificate by an inspector shall not release the importer or exporter from compliance with any quarantine import regulations of the country to which the plants or plant materials are consigned;
- (d) phytosanitary certificates issued by inspectors shall be substantially based on the Model adopted by the *International Plant Protections Convention of 1951*, as amended from time to time; and
- (e) an inspector may withhold or detain any plants or plant material being exported until such time as he or she is satisfied that they meet with any/all terms and conditions of the importing country and are of sufficient quality and wholesomeness.

[The next page is 400,001]

PART 9 — EXPORT REQUIREMENTS

46 Examination of exports - plants and plant products

- (1) An inspector may issue phytosanitary certificates based on the results of inspections of plants and plant material performed at the request of exporters to assist them in meeting the quarantine entry requirements of the importing country.
- (2) Such phytosanitary certificate may be issued only for plants or plant material produced in the Republic.
- (3) Issuance of a phytosanitary certificate by an inspector shall not release the importer or exporter from compliance with any quarantine import regulations of the country to which the plants or plant material are consigned.
- (4) Phytosanitary certificates issued by inspectors shall be substantially based on the Model adopted by the *International Plant Protection Convention of 1951*, as amended from time to time.
- (5) An inspector may withhold or detain any plants or plant material being exported until such time as he or she is satisfied that they meet with any and all terms and conditions of the importing country and are of sufficient quality and wholesomeness.

47 Examination of exports - animals and animal products

- (1) Any animal, animal product, and related goods being exported be inspected by an inspector or veterinarian prior to export.
- (2) An inspector or veterinarian may withhold or detain any animals or animal products being exported until such time as he or she is satisfied that they meet with any and all terms and conditions of the importing country and are of sufficient quality and wholesomeness.

48 Re-export of plants and plant materials, animals and animal products

- (1) All plants and plant materials, animals and animal products intended for re-export from the Republic shall clearly be identified as such and the country of origin stated on the accompanying certification.
- (2) An inspector may issue a re-export Phytosanitary Certificate for plants and plant products which have arrived in the Republic but which are not intended for importation into the Republic.
- (3) An inspector shall only issue a re-export Phytosanitary Certificate where he or she is satisfied that such plants, plant products or other regulated materials are accompanied by a Phytosanitary Certificate issued by the plant health authority of the country of origin and that such goods comply generally with the goods described on such certificate.
- (4) An inspector or veterinarian may issue a re-export International Animal Health Certificate in the case of a live animal or a re-export International Health Certificate in the case of an animal product where such animal or

animal product as the case may be has arrived in the Republic but is not intended for importation into the Republic.

- (5) An inspector or veterinarian may issue a re-export International Animal Health Certificate in the case of a live animal or a re-export International Health Certificate in the case of an animal product where he or she is satisfied that such animal or animal product as the case may is accompanied by an International Animal Health Certificate in the case of an animal or an International Health Certificate in the case of an animal product issued by the animal health authority of the country of origin and that such animal or animal product conforms generally with the description printed on such certificate.

[The next page is 400,201]

PART 10 — PENALTIES

49 Penalties

Pursuant to the Quarantine Offences under Section 27 of the *Agricultural Quarantine Act 1999*, a person who violates any provision of these Regulations shall be guilty of an offence and upon conviction by the District Court shall be subject to the penalties provided by law.

[The next page is 400,401]

SCHEDULE 1



REPUBLIC OF NAURU

[Regulation 41]

PROHIBITED PLANTS OR PLANT MATERIAL

Common name	Scientific Name	Plants or plant material prohibited
Banana, Abaca, and Heliconia	<i>Musaceae</i> family and <i>Heliconiaceae</i> family	Plants, corms and cut flowers except tissue culture certified free from bunchy top disease, mosaic virus, Panama disease and bacterial diseases including moko disease, black leaf streak and Sigatoka disease
Citrus	Citrus species and the following genera: <i>CitROMsis</i> , <i>Citrus</i> , <i>Eremocitrus</i> , <i>Fortunella</i> , <i>Microcitrus</i> , <i>Monanthocitrus</i> , <i>Pleurocitrus</i> and <i>Poncirus</i>	All except fruit and seeds. Fruit from areas where citrus canker (<i>Xanthomonas campestris</i> p.v. <i>citri</i> (Hasse) Dye) occurs. All of <i>Murraya</i> spp.
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 of Quarantine

[The next page is 400,601]

SCHEDULE 2



REPUBLIC OF NAURU

[Regulation 44]

PROHIBITED ANIMALS

- (a) any snake of any species;
- (b) any living stage of any venomous reptile, venomous amphibian, venomous fish or venomous invertebrate;
- (c) any red vented bulbul (*Molpaster cafer* L.) or Mynah bird (*Aeriodothes fuscus*);
- (d) any American grey squirrel (*Sciurus carolensis* gmelin);
- (e) any monkey;
- (f) any mongoose (*Herpestes* sp.);
- (g) any mink; (*Mustela vison*);
- (h) any parrot;
- (i) such other animal which the Minister may specify as likely to become a nuisance or to cause injury or damage.

[The next page is 400,801]

SCHEDULE 3



REPUBLIC OF NAURU

FORMS

- Form 1 Application for Permit to import Live animals/animal products
- Form 2 Application for a permit to import Plant/Plant material goods
- Form 3 Plant & Quarantine Entry Permit
- Form 4 Certificate of Origin
- Form 5 Phytosanitary Certificate

FORM 1



**REPUBLIC OF NAURU
AGRICULTURAL QUARANTINE ACT 1999
QUARANTINE DIVISION**

[Regulation 19]

**APPLICATION FOR PERMIT
TO IMPORT LIVE ANIMALS/ANIMAL PRODUCTS**

No.

1. Name of Applicant or Importer	4. Name of Exporter or Vendor	
2. Address of Applicant or Importer	6. Company of Origin	
3. Signature of Applicant	7. Proposed date of arrival	
	8. Method of Importation	Sea / Air / Mail *

10. Description:	
Animal	:
Name	:
Sex	:
Breed	:
Colour	:
Country of Origin	:

Send or Deliver this application to:	Nauru Quarantine Office Nauru International Airport Yaren District REPUBLIC OF NAURU
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* Delete whichever is not applicable

FORM 2



REPUBLIC OF NAURU
AGRICULTURAL QUARANTINE ACT 1999
QUARANTINE DIVISION

[Regulation 19]

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

No. . . . /20. . . .

1. Name of Applicant or Importer	4. Name of Exporter or Vendor	
2. Address of Applicant or Importer	6. Company of Origin	
	7. Proposed date of arrival	
3. Signature of Applicant	8. Method of Importation	9. Sea / Air / Mail *

10. Description:

Send or Deliver this application to: Phone: 557 2965	Nauru Quarantine Office Nauru International Airport Yaren District REPUBLIC OF NAURU Email: nauru.quarantine@naurugov.nr
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* Delete whichever is not applicable

FORM 3

PLANT AND ANIMAL QUARANTINE IMPORT PERMIT

[Regulation 19]




REPUBLIC OF NAURU
AGRICULTURAL QUARANTINE ACT 1999

PLANT AND ANIMAL
QUARANTINE IMPORT PERMIT

APPLICATION DETAILS		
Name and Address of Importer	Permit No. NAU-PERMIT- ... /20	DATE ISSUED ARRIVAL DATE
Exporter: Origin of Material - Country/ State	Destination of Material NAURU	
	Mode of Conveyance & Port of Entry	
Material and Quantity/ Weight (Full description required)		
<i>In accordance with the Plant & Animal Quarantine Regulations, permission to hereby granted for this importation, strictly as per the above details and subject to the conditions as listed below</i>		
PERMIT DETAILS - CONDITIONS OF ENTRY		
Permit Issued By (Name & Title)	Signature & Official Stamp	

FORM 4

CERTIFICATE OF ORIGIN


Exporter (Name and Address)	Certificate No.		
Importer (Name and Address)	 Republic of Nauru Department of Justice and Border Control Quarantine Division CERTIFICATE OF ORIGIN		
Port of Loading	Port of Discharge	Date of Departure	Country of Origin
Vessel/Aircraft	Description of Goods		
Weight/Packages	Country of Shipment		
Additional certification (if applicable)			

[Form 4 insrt SL 7 of 2023 reg 4, opn 28 Feb 2023]

FORM 5

PHYTOSANITARY CERTIFICATE

[Regulations 45 and 46]

(1) Name and Address of Exporter	No.		
(2) Name and Address of Importer	<p>PHYTOSANITARY CERTIFICATE</p>  <p>REPUBLIC OF NAURU AGRICULTURAL QUARANTINE ACT 1999 JUSTICE AND BORDER CONTROL QUARANTINE DIVISION</p>		
(3) Means of conveyance	(5) Import Permit	(6) Place of Origin	(7) Country of Final Destination
(4) Declared Point of Entry	(8) TO: THE PLANT PROTECTION ORGANISATION OF:		
(9) Name of Produce and Weight/Number/Quantity declared:			
(10) Botanical Name of Plants	(11) Number and Description of Packages	(12) Distinguish Marks	
Phyosanitary requirements of the importing contracting party, including those for regulated non-quarantine pests. official procedures and are considered to be free from the quarantine pests specified by the importing contracting party and to conform with the current	1		

phytosanitary requirements of the importing contracting party, including those for regulated non-quarantine pests.		
DISINFESTATION AND/ OR DISINFECTION TREATMENT		
(13) Date	(14) Treatment	
(15) Chemical (active ingredients)	(16) Duration and Temperature	
(17) Concentration		
Any intentional false statement in this phytosanitary certificate or misrepresentation relative to this certificate is a violation of law. Penalties for offences are severe		
(19) Additional Declaration <i>ALL MATERIAL WERE INSPECTED BY QUARANTINE OFFICERS, AND IS FOUND FREE FROM INJURIOUS DISEASES, HARMFUL PATHOGENS OR ANY QUARANTINE RISK MATERIALS</i>		
(20) Date and Place of Issue Nauru International Airport	(21) Name and Title of Authorised Officer	(22) Signature & Stamp of Authorised Officer
<i>No liability shall attach to the Republic of Nauru or to any officer or representative of the Department with respect to this certificate</i>		
Original	Exporter	Duplicate
		Office File

[Form 4 renum as Form 5 SL 7 of 2023 reg 4, opn 28 Feb 2023]

[The next page is 401,001]

SCHEDULE 4

FEES

[Sch 4 subst SL 7 of 2023 reg 5, opn 28 Feb 2023]

The fees payable in respect of plant and animal quarantine are set out below:

Category 1: Permits

	Activity	Unit of Charge	Fee
C1-1	Issuance of Plant and Animal Quarantine Entry Permit for single importation — Plant and Plant Product	per permit	\$50
C1-2	Issuance of Plant and Animal Quarantine Entry Permit for multiple importations — Plant and Plant Product	per permit per 12 months	\$1,000
C1-3	Issuance of Plant and Animal Quarantine Entry Permit for single importation — Animal Product	per permit	\$50
C1-4	Issuance of Plant and Animal Quarantine Entry Permit for multiple importations — Animal Product	per permit per 12 months	\$1,000
C1-5	Issuance of Plant and Animal Quarantine Entry Permit for single importation — Live Animal		
	(a) day-old chicks	per permit per 100 or part of 100	\$100
	(b) bird other than day-old chicks	per permit per bird	\$50
	(c) live animal other than dog, bird and day-old chicks	per permit per animal	\$100
C1-6	Issuance of Plant and Animal Quarantine Entry Permit for multiple importations — Live Animal		
	(a) live animal other than dog, bird and day-old chicks	per permit per 12 months	\$1,000
C1-7	Fast track permit (for processing within 24 hours)		
	(i) Plant and Animal Quarantine Entry Permit for single importation — Plant and Plant Product	per permit	\$80
	(ii) Plant and Animal Quarantine Entry Permit for single importation — Animal Product	per permit	\$80
	(iii) Plant and Animal Quarantine Entry Permit for single importation — Live Animal		
	(a) day-old chicks	per permit	\$130
	(b) bird other than day-old chicks	per permit	\$80
	(c) live animal other than dog, bird and day-old chicks	per permit	\$130

Category 2: Certificates

	Activity	Unit of Charge	Fee
C2-1	Issuance of Phytosanitary Certificate (new or replacement)		
	Individual	per certificate	\$50
	body corporate	per certificate	\$75
C2-2	Issuance of Certificate of Origin (new or replacement)		
	Individual	per certificate	\$50
	body corporate	per certificate	\$75

Category 3: Treatment

	Activity	Unit of Charge	Fee
C3-1	<u>Fumigation</u>		
	Small chamber	per cubic metre	\$25
	Other fumigation chambers including sheet fumigation	per cubic metre or part of a cubic metre	\$200
C3-2	Heat sterilisation in oven	per 0.2 cubic metre	\$8
C3-3	Disposal/incineration of quarantinable materials	per kilogram	\$10
C3-4	Steam cleaning	per consignment per hour or part of an hour	\$50

Category 4: Inspection

	Activity	Unit of Charge	Fee
C4-1	Container	per inspection and fumigation per container	\$100
C4-2	Motor vehicle	per inspection and fumigation per motor vehicle	\$75
C4-3	<u>Aircraft</u>		
	Light aircraft	per aircraft	\$150
	Boarding and clearance of commercial aircraft with seating capacity of 150 or less than 150 passengers	per aircraft	\$200
	Boarding and clearance of commercial aircraft with seating capacity more than 150 passengers	per aircraft	\$300
	Boarding and clearance of non-commercial aircraft	per aircraft	\$250
C4-4	<u>Vessels</u>		
	Vessel of more than 25 metres in length	per vessel	\$250
	Vessel of 25 metres or less in length	per vessel	\$150

[The next page is 410,001]

Agricultural Quarantine (Fees) Regulations 2015

TABLE OF PROVISIONS

<i>Regulation</i>	<i>Title</i>
1	Citation
2	Commencement
3	Definitions
4	Fees
	SCHEDULE — FEES

[The next page is 410,201]

Agricultural Quarantine (Fees) Regulations 2015

TABLE OF AMENDMENTS

The Agricultural Quarantine (Fees) Regulations 2015 SL 12 were notified on 24 September 2015 and commenced on 31 July 2015 (reg 2).

Amending Legislation	Notified	Date of Commencement
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[The next page is 410,401]

The Cabinet makes the following Regulations under Section 38(q) of the *Agricultural Quarantine Act 1999*:

1 Citation

These Regulations may be cited as the *Agricultural Quarantine (Fees) Regulations 2015*.

2 Commencement

These Regulations shall be taken to have commenced on 31 July 2015.

3 Definitions

All terms and phrases used in these Regulations has the same meaning as in the *Agricultural Quarantine Act 1999*.

4 Fees

In relation to the attendance of an officer at a port, airport or other quarantine place or premises during hours specified in column 1 of the Schedule, the fee payable per officer is specified opposite in column 2.

[The next page is 410,601]

SCHEDULE

[Regulation 4]

FEES

Hours	\$Fee
During normal working hours (9am to 5pm – Monday to Friday)	No Charge
Outside normal working hours (5pm to 9am – Monday to Friday)	\$20 per officer, per hour
Weekends and public holidays	\$40 per officer, per hour

[The next page is 420,001]