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CHAPTER 201

ANIMAL IMPORTATION AND QUARANTINE

Act 7 of 1988
Act 45 of 1989
Act 14 of 1997
Act 37 of 2013
Act 37 of 2014

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ANIMAL IMPORTATION AND QUARANTINE

An Act to make provisions for the regulation and control of the importation of animals, animal products and biological products into Vanuatu, and for matters connected therewith.

1. Interpretation

In this Act unless the context otherwise requires –

“animal” means any living stage of any member of the animal kingdom except human beings and includes arachnids, birds, crustaceans, fish, insects and reptiles and also any fertilised egg or ovum;

“animal product” means any part of the animal including the flesh, wool, hair, skin, hide, bones, horns, hooves, feathers, and other portions of the carcass and viscera, blood, milk, fluids, semen, excreta and any product that is wholly or partly derived from an animal or any part of an animal;

“biological products” means any substance, chemical, organism or micro-organism having a biological effect on animals or their products, and includes drugs, medicines and remedies, hormones, growth promotants and antibiotics and any protozoa, fungi, bacteria, viruses or parasites capable of causing any disease in animals (or if dead was so capable when living);

“biosecurity officer” means an officer appointed under paragraph 9(2)(a) of the Plant Protection Act [CAP 239];

“carcass” in relation to any animal means the dead body thereof including the whole or any part and every animal product derived therefrom;

“Director” means the Director responsible for the Department of Biosecurity;

“disease” means any departure from normal health or production, from diagnosed reasons or not, and caused by any infectious, parasitic, hereditary or toxic agent;

“master” in relation to an aircraft means the person in command of the same;

“Minister” means the Minister responsible for Agriculture, Livestock, Forestry, Fisheries and Biosecurity;

“port” includes airports;

“principal veterinary officer” means a qualified veterinarian, employed in the service of the Government as the principal veterinary officer, in a permanent or acting capacity;

“quarantine area” means any area prescribed as such by the Minister under this Act;

“quarantine station" means a quarantine station prescribed by the Minister under this Act;

“quarantine zone" means any zone of any port temporarily or permanently being used for the purposes of quarantine control as ordered by a biosecurity officer;

"related article" means any fitting, utensil, appliance or package used on any vessel in connection with any imported animal, animal product or biological product, or any vehicle, equipment, clothing or other article in contact with animals, animal products or biological products, whether through design or by accident;

"vessel" includes aircraft;

“veterinary officer" means a veterinarian employed in the service of the Government.

2. Restriction on importation of animals, animal products, etc.

(1) No person shall import or introduce any animal, animal products, biological product or any related article to Vanuatu –

(a) without a permit issued under this Act; or

(b) in contravention of the provisions of this Act or any regulations made thereunder.

(2) The Minister may by regulation exempt from the provisions of subsection (1) any animal product, biological product or related article specified in such regulation.

3. Animal, animal products, etc., to be imported at prescribed ports

Subject to the provisions of this Act, no animal, animal product, biological product or any related article shall be imported or introduced into Vanuatu, other than at a port prescribed by the Minister.

4. Provisional import permit

(1) Any person who intends to import or introduce into Vanuatu any animal, animal product, biological product or related article shall make an application to the principal veterinary officer, in the prescribed form.

(2) The principal veterinary officer may upon receipt of an application, grant or authorise the granting of a provisional import permit according to the regulations made by the Minister, and subject to such prescribed conditions as he may specify in such permit or may refuse the grant of such permit.

(3) When the grant of a permit is refused under subsection (2) the principal veterinary officer shall notify the applicant of such refusal and the reasons for such refusal.

5. Declaration on arrival in Vanuatu

(1) Every person entering Vanuatu from another country and the master of every vessel arriving in Vanuatu from another country shall declare orally or in writing to any authorized officer whether he has in his possession, or is carrying on such vessel or has had contact with, any animal, animal product, biological product or related article.

(2) Any person who refuses to make a declaration when required to do so under subsection (1) or who knowingly makes a declaration false in any material particular shall be guilty of an offence and any animal, animal product, related article or biological product found in his possession shall be forfeited.

(3) For the purposes of this section “authorized officer” means any customs officer, immigration officer or biosecurity officer.

6. Production of documents

Every person entering Vanuatu from another country and who has any animal or animal product in his possession shall, at the port of entry, produce to a biosecurity officer any documents required to be provided under the conditions of the provisional import permit.

7. Animal, animal products, etc., on board vessels to be examined

(1) On the arrival of a vessel at a port in Vanuatu from any place outside Vanuatu, a veterinary officer may examine any animal found therein for the purpose of ascertaining whether any such animal is infected with any disease and the requirements of this Act or regulations made thereunder in respect of such animal are complied with.

(2) On the arrival of a vessel at a port in Vanuatu from any place outside Vanuatu, a biosecurity officer may examine any animal product, biological product or related article found thereon for the purpose of ascertaining whether any such animal product, biological product or related article is carrying any infectious or parasite agent of any disease and the requirements of this Act or regulations made thereunder in respect of such animal product, biological product or related article are complied with.

8. Prohibition of landing and removal without permission

(1) No animal, animal product, biological product or related article including refuse shall be landed or removed or discarded from the vessel until such animal, animal product, biological product or related article is examined by a veterinary officer or a biosecurity officer, as the case may be, and permission for the landing or removal has been issued by him, or unless authorized under subsection (2).

(2) A veterinary officer may authorize the temporary movement of animals, animal products, biological products or related articles to a quarantine zone or quarantine station for the purposes of carrying out the examination referred to in subsection (1) in order to facilitate the scheduled and timely operations of the vessels, provided that such authorization does not present undue risk of introduction of disease.

9. Enforcement of quarantine measures

After examination of animals, animal products, biological products and related articles under section 7 or 8, and of any documents required to be provided under the provisions of this Act or any regulation made thereunder –

(a) a biosecurity officer may grant in writing the release of any animal, animal product, biological product or related article or may order their detention on the vessel or in a quarantine zone or quarantine station as necessary or as required under regulations or instructions;

(b) a biosecurity officer may seal any container or part of a vessel that contains any animal, animal product, biological product or related article and may require such seal to remain intact until further notice, or departure of the vessel from Vanuatu;

(c) a biosecurity officer may stipulate the location and other conditions relating to the isolation of vessels, and the security of any animal, animal product, biological product or related article carried in or on such vessels;

(d) a veterinary officer may take any sample from any animal, animal product, biological product or related article for the purpose of detecting or diagnosing any disease;

(e) a veterinary officer may order the treatment, disinfection, fumigation or sterilisation, as the case may be, of any animal, animal product, biological product or related article;

(f) a veterinary officer may order any animal, animal product, biological product or related article to be placed under quarantine surveillance, subject to such conditions as may be specified in writing;

(g) a veterinary officer may, on the authority of the Director, order the seizure, slaughter, destruction, disposal or re-export of any animal, animal product, biological product or related article imported or introduced into Vanuatu in contravention of the provisions of this Act or of any regulations made thereunder:

Provided that in the case of an emergency a veterinary officer may make such an order without such authority and shall submit a report in writing to the Director of such order within 24 hours.

(h) a veterinary officer may, on the authority of the Director, order the detention, fumigation, disinfection or otherwise of any person or of any vessel carrying animals, animal products, biological products or related articles when in his opinion such action is absolutely necessary to prevent the introduction of suspected or diagnosed animal disease:

Provided that in the case of an emergency, a veterinary officer may make such order without such authority and shall submit in writing a report of such action within 24 hours.

10. Performance of quarantine

(1) All animals, animal products, related articles and biological products ordered into quarantine shall forthwith be conveyed to a quarantine station, and shall be detained there for such period as may be prescribed, and while so detained, shall be dealt with and treated as prescribed.

(2) The period during which any animal, animal product, biological product or related article remains under quarantine surveillance may be extended at any time, provided the reasons for such extension is given in writing.

11. Treatment for crates and equipment accompanying animals, etc.

(1) All crates occupied by animals during transportation by sea shall be left on board, unless otherwise authorized by a veterinary officer.

(2) All crates used by animals transported by air, together with any related article which has come into contact with animals during transportation shall be cleaned and disinfected or burned in accordance with the directions of a veterinary officer.

12. Costs of seizure and destruction

All costs, expenses of, and attendant upon any examination, testing, seizure, treatment, detention, destruction, disposal, re-export or other dealings therewith of any animal, animal product, biological product or related article under the provisions of this Act shall be borne by the owner or importer or agent thereof or the master of the vessel as appropriate and shall be recoverable from him as a debt due to the State.

13. Compensation not payable

No compensation shall be payable in respect of –

(a) the slaughter or re-export of any animal or the destruction or re-export of any animal product, biological product or related article if such action was taken under the provisions of this Act or if it was imported or introduced into Vanuatu in contravention of any provisions of this Act or any regulations made thereunder;

(b) the death, loss of production or devaluation of any animal or the destruction or deterioration of any animal product, biological product or related article consequent to any detention, examination, test, treatment, fumigation or sterilisation, as the case may be ordered under the provisions of this Act or any regulations made thereunder;

(c) trespass or damage to any property, vessel or container caused by any authorized officer in carrying out his duties and obligations or in exercising his powers under this Act or any regulations made thereunder:

Provided that at all times due care was taken and the owner, importer, agent or master as appropriate was first, except in the case of an emergency, consulted or informed of such action.

14. Quarantine expenses

(1) The expenses connected with the examination of any animals, animal product, biological product or related article and of their conveyance to a quarantine station, and of their detention, maintenance, and treatment in quarantine or under quarantine surveillance, and the expenses connected with the removal, disposal, and destruction of any animal, animal product, biological product or related article ordered to be destroyed in pursuance of this Act shall be paid by the importer or owner of such animal, animal product, biological product or related article as the case may be.

(2) A biosecurity officer may refuse to grant a permit for the landing or removal of any animal, animal product, or related article until security is given to his satisfaction for payment of the expenses payable under this section.

15. Power to inspect

A biosecurity officer may board any vessel and may –

(a) enter and inspect any part of the vessel including any stores or containers carried on such vessel;

(b) inspect any animal, animal product, or related article on board the vessel;

(c) inspect any document relating to animals, animal products, or related article on board the vessel; and

(d) inspect any log, journal or other documentation for the purposes of ascertaining whether such a vessel or its contents may constitute a quarantine risk by contact with disease at previous ports of call.

16. Importation of biological products

(1) No person shall import into Vanuatu, any biological product, if it is prescribed by the Minister as a prohibited product.

(2) In the case of biological products the exact origin, method of preparation, nature or action shall be made known to the principal veterinary officer. If this is not done the product may be seized and detained for a reasonable time for the principal veterinary officer to satisfy himself on the details mentioned above.

(3) Any biological product detained under subsection (1) shall be stored as far as possible according to the directions given on labels, instructions, etc., but any loss or deterioration suffered by the product will not be a cause of any action against the Government.

17. Quarantine areas

(1) Whenever the Minister is satisfied that animals in any area in Vanuatu are affected, or are suspected to be affected, with disease, and that in order to prevent the spreading of the disease it is necessary to prevent the movement of animals out of that area, he may by order declare such area to be a quarantine area for the purposes of this Act.

(2) Whenever an area is declared to be a quarantine area, the provisions of this Act shall, in relation to any animal brought from that area to any other part of Vanuatu, apply in the like manner as in relation to animals imported into Vanuatu from another country.

18. Orders prohibiting imports

The Minister may, in consultation with the principal veterinary officer, for the purpose of preventing the introduction of disease into Vanuatu, make orders prohibiting the landing of animals or any animal product, biological product, related article or of carcasses, fodder, litter, dung or other thing brought from any specified country outside Vanuatu or any specified part of any such country.

19. Orders relating to quarantine

(1) The Minister may, by order –

(a) declare any port in Vanuatu to be a port where imported animals, animal products or biological products or any particular kind of imported animals, animal products or biological products may be landed;

(b) appoint places on land or sea to be quarantine stations for the performance of quarantine;

(c) prohibit the introduction into Vanuatu of any biological product, noxious insect, or any pest, or any disease germ or microbe, or any disease agent, or any culture virus or substance or article containing, or likely to contain, any noxious insect, pest, disease germ, microbe, or disease agent;

(d) prohibit the importation into Vanuatu of any article, possibly able, in his opinion, to introduce any infectious or contagious disease, or disease or pest affecting animals;

(e) prohibit the importation into Vanuatu of any animal or any animal product;

(f) declare that any vessel, animal, or goods in any area, or in any part of Vanuatu in which any disease or pest affecting animals, exists, or is suspected to exist, shall be subject to quarantine.

(2) The power of prohibition under this section shall extend to authorize prohibition generally or with limitations as to place of origin and subject matter, and either absolutely or subject to any specified conditions or restrictions.

20. Offences

A person is guilty of an offence and is liable on conviction to a fine not exceeding VT 1 million or to a term of imprisonment not exceeding 3 years, or both, if the person:

(a) imports any animals or products in a manner that is not in accordance with the requirements of this Act; or

(b) knowingly receives any unauthorized importation; or

(c) without reasonable excuse fails to comply with a reasonable direction or request from a veterinary officer or biosecurity officer; or

(d) withholds relevant information or when required to give any information or make any declaration under this Act knowingly gives false information or makes a false declaration in any material particular; or

(e) threatens, assaults, obstructs or hinders a veterinary officer or biosecurity officer in the exercise of his or her functions under this Act; or

(f) removes any seized animal or product from the control of a veterinary officer or biosecurity officer; or

(g) fails to comply with any other provisions of this Act.

20A. Penalty Notice

(1) A veterinary officer or biosecurity officer may serve a penalty notice on a person if it appears to the officer that the person has committed an offence under any provision of this Act.

(2) A penalty notice is a notice to the effect that, if the person served does not intend to have the matter determined by a court, the person may pay within a time and to a person specified in the notice the amount of penalty prescribed by the regulations for the offence if dealt with under this section.

(3) A penalty notice may be served personally, electronically or by post.

(4) If the amount of penalty prescribed for the purposes of this section for an alleged offence is paid under this section, no person is liable to any further proceedings for the alleged offence.

(5) Payment made under this section is not to be regarded as an admission of liability for the purpose of, nor in any way affect or prejudice, any civil proceeding arising out of the same occurrence.

(6) The regulations may:

(a) specify the offence by referring to the provision creating the offence under this Act; and

(b) prescribe the amount of penalty payable for the offence if dealt with under this section; and

(c) prescribe different amounts of penalties for different offences or classes of offences.

(7) The amount of a penalty prescribed under this section for an offence must not exceed the maximum amount of penalty which could be imposed for the offence by a Court.

(8) This section does not limit the operation of any other provision of, or made under, this or any other Act relating to proceedings that may be taken in respect of offences.

21. (*Repealed*)

22. Regulations by Minister

The Minister may make regulations for the purpose of carrying the provisions of this Act into effect and in particular for –

(a) regulating the performance of quarantine;

(b) prescribing the fees payable for –

(i) the maintenance and inspection of animals whilst in quarantine;

(ii) the destruction, fumigation, disinfection or other treatment of any animal or animal product, related article or biological product under this Act;

(iii) inspections, examinations and other services rendered and certificates issued by biosecurity officers,

and the persons by whom the fees are payable;

(c) providing for the examination by veterinary officers or biosecurity officers of animals, animal products, biological products or related articles for export to other countries;

(d) regulating or preventing entry to and exit from any quarantine area, quarantine station or quarantine zone and prescribing measures of quarantine within any quarantine area, quarantine station or quarantine zone;

(e) regulating or preventing the removal of animals, or goods from any quarantine area, quarantine station or quarantine zone;

(f) prescribing measures of sampling, testing, fumigation, disinfection and other treatment of animals or goods subject to quarantine and vessels carrying the same;

(g) prescribing the terms and conditions in respect of sale, storage, administration and disposal of biological products and specifying the persons entitled to possess and use such products;

(h) prescribing forms to be used for the purposes of this Act;

(i) stipulating the circumstances under which the principal veterinary officer may authorize or refuse the granting of a provisional import permit, and the minimum conditions to be specified in such permits;

(j) generally all or any purposes which he thinks necessary for preventing the introduction of any animal disease into Vanuatu.

Table of Amendments

1	*Amended by Acts 45 of 1989, 37 of 2013*
18	*Substituted by Act 45 of 1989*
19(1)(f)	*Amended by Act 45 of 1989*
20	*Amended by Act 45 of 1989*
20	*Substituted by Act 37 of 2014*
20A	*Inserted by Act 37 of 2014*
21	*Repealed by Act 37 of 2013*
22(e)	*Amended by Act 45 of 1989*
22(f)	*Amended by Act 14 of 1997*
22(j)	*Amended by Act 14 of 1997*
Whole of the Act	*Amended by Act 37 of 2013* *Quarantine officer replaced with Biosecurity officer*