

**SAMOA**

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**2005, No. 22**

**AN ACT to consolidate the law relating to the importation of regulated articles and associated biosecurity risk, and the control of pests and diseases of animals, plants and the wider environment.**

*[2<sup>nd</sup> December 2005]*

**BE IT ENACTED** by the Legislative Assembly of Samoa in Parliament assembled as follows: -

**PART I  
PRELIMINARY**

**1. Short title and commencement-**(1) This Act may be cited as the Quarantine (Biosecurity) Act 2005.

(2) This Act shall commence in part or in whole on a date or dates nominated by the Minister.

(3) Notice of commencement of this Act, in part or in whole, shall be published in Samoan and English in the Savali and one other newspaper circulating in Samoa.

**2. Interpretation -** In this Act, unless the context otherwise requires -

“alien invasive species” means an alien species whose introduction and spread threaten ecosystems, habitats or species with environmental or economic harm;

“animal” means any living thing that is not a plant and includes a dead animal and any part of an animal;

“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 any product that is wholly or partly derived from an animal or any part of an animal being a product or a part of an animal which has not been treated or sterilized to the stage where it is rendered free from any disease and from carrying any disease;

- “approved” means approved by the Chief Executive Officer;
- “Authorised Officer” means an officer authorised by this Act or the regulations or by the Chief Executive Officer to do the act in relation to which the expression is used and may include an officer employed by another Ministry of the Government authorised by the Chief Executive Officer;
- “ballast water” means water (including sediment that is or has been contained in water) used as ballast in a vessel;
- “beneficial organism” means a natural enemy, antagonist or competitor, and other self-replicating biotic entity used for pest and/or disease control;
- “biosecurity risk” means risk of the likelihood of:
- (a) A disease or pest being introduced, established or spread in Samoa; and
  - (b) The disease or pest causing damage to human beings, animals, plants, other aspects of the environment or economic activities as a result of the introduction, establishment or spread of the disease or pest;
- “carcass” means the carcass of any animal and includes the whole or any part of the flesh, wool, hair, skin, hide, bones, horns, hooves, feathers or other portion of the carcass;
- “Chief Executive Officer” means the Chief Executive Officer of the Ministry responsible for this Act from time to time;
- “contamination” means the presence in goods, a storage place, or conveyance, of pests or other regulated articles, not constituting an infestation;
- “compliance agreement” has the meaning given by section 49;
- “conveyance” means any vessel, vehicle, or other means of transport, or any container that is used to move people and/or goods from one location to another;
- “country of origin” in relation to any regulated articles, means the country where the goods were grown or produced;

- “discharge” in relation to a vessel or installation, includes any escape, spilling, leaking, pumping, emptying or other release, however caused, from the vessel or installation;
- “disease” means any organism that is capable of harming or adversely affecting animals or plants and includes the causative agent and any form or stage of development of such disease and includes a micro-organism, a disease agent, an infectious agent and a parasite;
- “environment” includes all aspects of the surroundings of human beings, whether natural or surroundings created by human beings themselves, and whether affecting them as individuals or in social groupings;
- “fittings” means any container, stall, stable, sheep pen, milking shed, horse box, cage, kennel or other thing for keeping or confining animals and any halters, brushes, clothes, buckets or other articles or things whatsoever which have been brought into contact with any animal;
- “fodder” means any hay, grass, straw, green crop, root, fruit or vegetable (whether fresh, dried, preserved or processed), grain, or any cereal and includes any other thing used for the food of animals;
- “food” includes:
- (a) Any substance or thing of a kind used or capable of being used as food or drink by human beings; and
  - (b) Any substance or thing of a kind used or capable of being used as an ingredient in a substance or thing referred to in paragraph (a), whether or not it is in a condition fit for human consumption;
- “garbage” means mixed refuse, waste material derived in whole or in part from plants, fruits, vegetables, meat or other plant or animal material, or other refuse of any character whatsoever that has been associated with any fruits, vegetables, meats or other plant or animal material;
- “genetic material” means any material of plant, animal, microbial or other origin containing functional units of heredity;