

[LEGAL NOTICE NO. 99]

BIOSECURITY ACT 2008

**Biosecurity Emergency (Tongan Fruitfly)
(*Bactrocera facialis*) Regulations 2025**

IN exercise of the powers conferred on me by section 80 of the Biosecurity Act 2008, on the advice of the Biosecurity Authority of Fiji, I hereby make these Regulations—

Short title and commencement

1.—(1) These Regulations may be cited as the Biosecurity Emergency (Tongan Fruitfly) (*Bactrocera facialis*) Regulations 2025.

(2) These Regulations come into force on the date of publication in the Gazette.

Interpretation

2. In these Regulations, unless the context otherwise requires—

“Act” means the Biosecurity Act 2008;

“Declaration” means the Declaration of the Biosecurity Emergency Areas for Tongan Fruitfly (*Bactrocera facialis*) made pursuant to section 77 of the Act;

“host material” means any fruit within the infected zone; and

“person” includes a company or association or body of persons, corporate or unincorporated.

Restriction on movement

3.—(1) Where an area has been declared as a biosecurity emergency area pursuant to section 77 of the Act for Tongan Fruitfly (*Bactrocera facialis*)—

(a) personal carriage of any host material of the Tongan Fruitfly (*Bactrocera facialis*) out of the area;

(b) the movement of any host material of the Tongan Fruitfly (*Bactrocera facialis*) within the area without prior authorisation from the Authority; and

(c) personal carriage of any host material of the Tongan Fruitfly (*Bactrocera facialis*) within the area without prior authorisation from the Authority,

is prohibited.

(2) Any person who fails to comply with subregulation (1) commits an offence and is liable on conviction to a fine not exceeding \$40,000 in the case of an individual or \$200,000 in the case of a body corporate.

Supplementary powers of biosecurity officer

4. A biosecurity officer may—

(a) enter any farm or any land area, including a dwelling house without warrant to ascertain whether or not any host material on the farm or land area is infected with Tongan Fruitfly (*Bactrocera facialis*);

- (b) take the necessary containment measures to decrease the risk posed by the infestation of the Tongan Fruitfly (*Bactrocera facialis*);
- (c) treat any infested fruit, plant, by way of chemical treatment to contain the spread of Tongan Fruitfly (*Bactrocera facialis*);
- (d) destroy any fruit, which he or she reasonably believes to be severely infested with Tongan Fruitfly (*Bactrocera facialis*) and is a major biosecurity risk that cannot be adequately contained or mitigated through treatment or other control measures; and
- (e) inspect any baggage, vehicle, cargo, and premises within the biosecurity-controlled area.

Made this 19th day of December 2025.

T. N. TUNABUNA
Minister for Agriculture and Waterways