



Tuvalu

BIOSECURITY (AMENDMENT) ACT 2025



Tuvalu

BIOSECURITY (AMENDMENT) ACT 2024

Arrangement of Sections

Section	Page
1 Short Title	5
2. Commencement	5
3. Amendment to section 3	5
PART X11A	6
ON THE SPOT FINE NOTICES	6
97A. On the spot fine notice	6
97B. Procedure	6
97C. Effect of payment of fine	6
97D. Amount of fine.....	6
97E. Powers may be exercised by an enforcement officer.....	6
97F. Offences	7
97G. Limitation.....	7
5. Amendment to section 101	7
6. New section 103A inserted	8
103A. Electronic format	8
7. New section 101B inserted	8
101B. Data management	8



Tuvalu

BIOSECURITY (AMENDMENT) ACT 2025

AN ACT TO AMEND THE BIOSECURITY ACT 2017 TO INCORPORATE SPORT FINES AND THE USE OF ELECTRONIC DOCUMENTATION AND INFORMATION COMMUNICATIONS AND TECHNOLOGY SYSTEMS, AND OTHER RELATED MATTERS.

1 Short Title

This Act may be cited as the Biosecurity (Amendment) Act 2024.

2 Commencement

This Act shall come into force on the date of publication.

3 Amendment to section 3

Section 3 is amended by:

- (a) substituting the definition for the term “container” where it appears as follows:

“container” means anything in which or by which goods are encased, covered, enclosed or packed, including any material in contact with the goods, and includes sea freight containers;”

- (b) substituting sub clause (c) in the definition of phytosanitary certificate as follows:

- (c) “is patterned after the model certificates of the IPPC, and includes an electronic equivalent;”

PART X11A**ON THE SPOT FINE NOTICES****97A. On the spot fine notice**

- (1) An enforcement officer may serve an on the spot fine notice on a person who has committed an offence to which this Act applies.
- (2) A notice issued under this section shall be in a prescribed form.

97B. Procedure

- (1) A person who has been served with an on the spot fine notice may elect to pay the fine stated in the notice, within the time specified in the notice.
- (2) The payment of a fine under this section is to be made to the Department of Finance.
- (3) The Director must ensure that all fines collected under this section are deposited into the Consolidated Fund.

97C. Effect of payment of fine

- (1) The payment of a fine under section 97B shall avoid any further prosecution for the offence stipulated in the notice.
- (2) No conviction is to be recorded against the person served with an on the spot fine notice if the person elects to pay the stipulated fine under this Act.
- (3) Nothing in this Act is to be construed as depriving a person of his or her right to be tried for the offence alleged against the person.

97D. Amount of fine

- (1) Despite sections 97A and 97B, a notice issued under this Part shall specify a modified penalty for that offence at the time it was committed.
- (2) The amount of each fine shall be prescribed and shall not exceed \$100 for an individual or \$1,000 for a commercial business.

97E. Powers may be exercised by an enforcement officer

- (1) The powers and procedures provided for under this Act may be exercised by an enforcement officer who shall be appointed in writing by the Minister.

- (2) For the purpose of the exercise of any power under this section, a notice issued by an enforcement officer must be in a prescribed form
- (3) Any fine imposed under this section is recoverable to the Government.

97F. Offences

- (1) A person who:
 - (a) knowingly gives a false statement or information to a biosecurity officer or enforcement officer; or
 - (b) bribes or attempts to bribe a biosecurity officer or enforcement officer, –

in the implementation of the duties of an officer under this Act, commits an offence and is liable to a fine not exceeding \$1000 or imprisonment for a term not exceeding 6 months or both.

- (2) Any person appointed as an enforcement officer under this Act who accepts as a bribe any money or thing offered by a person served with an on the spot notice under this Act, in return for that person not being served with an on the spot notice, commits an offence and is liable to a fine not exceeding \$500 or imprisonment not exceeding a term of 6 months or both.

97G. Limitation

A person is not to be prosecuted for an offence to which this Part applies unless the prosecution is commenced within 12 months from the date of the on the spot notice.”

5. Amendment to section 101

Section 101 is amended:

- (a) by substituting subsection (1) with a new subsection:

“(1) A person who is aggrieved by a decision of a biosecurity officer under this Act may, within 24 hours, appeal to the officer’s supervisor at that place.”; and

- (b) Inserting a new subsection immediately following the new subsection 1:

(1A) In accordance with prescribed procedures, an importer may request a second test where a sample taken by a biosecurity officer on an imported regulated article shows an adverse finding.

6. New section 103A inserted

After section 103, insert the following new section:

103A. Electronic format

(1) A report, notification, certificate, written notice or any other document required to be furnished under this Act may be furnished in electronic form, as may be prescribed by Regulation, in accordance with any enactment governing electronic communications and transactions.

(2) The Ministry must establish security, procedural and other requirements relating to creating, receiving, storing, sharing and sending certificates and other documents in electronic form.

7. New section 101B inserted

After new section 101A, insert the following new section:

101B. Data management

(1) The Ministry may use and have access to shared information and communications technology systems used or managed by other Government authorities that are relevant for biosecurity management and for the implementation of its duties under this Act.

(2) Any arrangements for information sharing or accessing shared information communication and technology systems with Government authorities under subsection (1) must be made in accordance with section 83, and such arrangements must include mechanisms to ensure the protection, confidentiality and security of information held in shared systems.