

### Checklist for legal biosecurity components

This checklist is intended to provide a comprehensive list of elements which together comprise effective biosecurity legislation. Some elements may not be relevant to all Territories, and some elements may already be present in existing legislation. You can use this checklist to carry out an initial assessment of what elements are required but missing from the biosecurity legislation in your territory.

Biosecurity legislation should include / underpin (as appropriate) the following:

#	Component	In existing legislation	Not applicable	Required
1	Preamble to set out the purpose and scope of the legislation, including its links/adherence to international treaties (CBD where appropriate) and INNS norms.			
	<b>MANAGEMENT, PRIORITISATION AND FRAMEWORK</b>			
2	Definition of IAS/INNS: definition to cover declared noxious species and non-permitted species (or, on a black list system, prohibited species), both terrestrial and marine.			
3	Specific inclusion of national legislation to non-native invasive species of broader environmental concern as well as plant health and animal health.			
4	National policy framework established, including a biosecurity strategy.			
5	Risk assessment procedures (including pathway analysis), to determine permitted/prohibited status of species, risk goods and regulation of pathways.			
6	Establishment of White list and / or Black list of species, including process for updating (adding & removing) based on the precautionary principle and including a decision-making process which is transparent with public/NGO engagement and option for submission.			
7	Nomination of Authorised Biosecurity Officers.			
8	Duties and powers of Authorised officers.			
9	Responsibilities of other agencies (eg Immigration, Customs, Postal Workers and Police) required to lend assistance to or be designated as the Authorised Biosecurity Officers in carrying out their duties.			
10	Fines and sanctions, with provision for spot-fines: penalties to be effective, dissuasive and proportionate.			
11	Establishment/nomination of data collection & management body/authority.			
	<b>PRE-BORDER AND BORDER</b>			

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12	Regulation of treatment of certain goods, shipping containers etc in country of origin/transshipment as a condition of import.			
13	Restriction on importation of regulated articles and establishment of import health and cleanliness standards.			
14	Appropriate licensing systems, including phytosanitary and zoosanitary measures.			
15	Regulation of the introduction and release of beneficial organisms and biocontrol agents.			
16	Responsibility to provide suitably equipped biosecurity facilities, including detection, incineration and disinsection and disinfection of vessels and aircraft.			
17	Approval of facilities for biosecurity inspection.			
18	Specified ports of entry for regulated articles (goods, species).			
19	Declaration of quarantine stations.			
20	Procedures at ports of entry for all vessels (air or sea), including provision for inspection of in-transit articles, postal items, and those imported for a special purpose such as research or display.			
21	Regulation of landed cargo under quarantine control.			
22	Regulation to prevent an animal or commodity from being landed without authorisation.			
23	Establishment of requirements for disinfection, and disinsection procedures for vessels, aircraft, containers etc.			
24	Powers of entry and search of vessels.			
25	Procedures in the event of seizure of live plant material, live animals, and articles, and their disposal.			
26	Inclusion of biosecurity provisions in passenger declaration forms.			
27	Inspection of boots, clothing and personal belongings of passengers for seeds, invertebrates and other viable propagules.			
28	Discharge and treatment of garbage (air and sea vessels).			
29	Discharge and treatment of ballast water.			
30	Procedures for hull inspection, cleaning and clearance.			
31	Inspection of hulls on visiting vessels, and those transiting Territory waters.			
32	Provision for control of stowaways on board vessels e.g. rats, mice, invertebrates			
33	Recovering the costs of operating facilities from the user / importer.			

34	Powers to ban sales or exchange (animal, plant, marine species).			
35	Prohibition of intentional release of any species into an area it is not normally native (animal, plant, marine species).			
36	Appropriate pre-border/border procedures at national inter-island level, for example disinsection of aircraft.			
	<b>EARLY DETECTION AND RAPID RESPONSE</b>			
37	Responsibility and obligation for surveillance.			
38	Responsibility and obligation for rapid response, including eradications.			
39	Powers to ban keeping and breeding/growing (animal, plant, marine species), including on private property.			
40	Prohibition of transport.			
41	Powers of entry and search of land, including private land and domestic dwellings.			
42	Powers to seize and destroy (risk goods, animal, plant, pathogens, marine species).			
43	Powers to enforce registration of regulated domestic / pet animals or plants that are allowed to be kept, e.g. goats.			
44	Powers to enforce that kept animals are sterile or rendered unable to reproduce.			
45	Powers to control species on private land.			
46	Powers to enforce landowners / vessel owners to control species.			
47	Powers to authorise and regulate the use of force and fire arms by authorised officers (including normally prohibited / restricted firearms).			
48	Powers to authorise and regulate the use of traps and pesticides by authorised officers (including normally prohibited / restricted types).			
49	Declaration of emergencies and specification of actions to be taken to prevent the spread of a detected pest, weed, disease (phytosanitary and zoosanitary) or prohibited species, including exclusion zones.			
50	Regulations for declaring noxious species (can include those already present).			
51	Inclusion of regulations for internal biosecurity: between major islands, to offshore islands and outer islands.			
52	Requirement to notify the public and parliament of the presence of an INNS.			
53	Powers to recover management costs from those that undertake illegal actions which result in invasions (polluter pays principle).			
	<b>EXISTING INVASIVE NON-NATIVE SPECIES</b>			

54	Regulation for eradication, containment and control of already established invasive species.			
55	Provisions for declared Noxious Species, including species not yet present and those already present. The powers to act (access land, eradicate etc) can be linked to such declaration.			
56	Declaring and maintaining areas free or of low pest and disease prevalence (phytosanitary and zoosanitary).			
	<b>HORIZONTAL MEASURES</b>			
57	Regulations link to national development planning, biodiversity conservation and environmental impact assessment, and existing relevant legislation.			
58	Provision for derogations, eg for research, conservation, biological control, etc.			