



PLANT QUARANTINE REGULATIONS 1993

A. P. Short

Queen's Representative

ORDER IN EXECUTIVE COUNCIL

At Avarua, Rarotonga, this 1st day of

November

1993

Present:

HIS EXCELLENCY THE QUEEN'S REPRESENTATIVE
IN EXECUTIVE COUNCIL

PURSUANT to Sections 10 and 31 of the Plants Act 1973, the Queen's Representative, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations:

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REGULATIONS

1993. 1. Title - These regulations may be cited as the Plant Quarantine Regulations 1993.
2. Interpretation - (1) In these regulations, unless the context otherwise requires, -
 - "Act" means the Plants Act 1973.
 - "Cook Islands" includes any land, water, harbour, wharf, port, ship, or aircraft within the outer limits of the territorial sea of the Cook Islands;
 - "Country of origin" in relation to any plant material, means the country where the plant material was grown;
 - "Disease" means any unhealthy condition in any plant material or beneficial organism which may be caused directly or indirectly by any form of fungus, bacterium, virus, or micro-organism; and includes any form of fungus, bacterium, virus, or micro-organism which may cause such a condition, and "diseased" has a corresponding meaning;
 - "Fruit" includes fresh or coolstored fruit, but, unless otherwise expressly provided, does not include dried, dehydrated, or deep-frozen fruit;
 - "Importer" includes the owner, consignee, and an agent for the owner or consignee;
 - "Infected" in relation to any plant material or beneficial organism, includes plant material or beneficial organism which may not be known to be actually diseased or pestiferous, but which may in the opinion of an Inspector have had direct or indirect contact or has been in association with, or been in the vicinity of, any disease, pest, or infected plant material or infected beneficial organism; and in relation to any package, includes any case, container, cargo container or other package or packing material which contains or has contained any disease or pest, or any diseased, pestiferous, or infected plant material;
 - "Insect" includes mites, but does not include any beneficial insect;
 - "Inspector" means an Inspector within the meaning of the Plants Act 1973;
 - "Minister" means the Minister of Agriculture;

"Nursery stock" means propagative material of any kind or species of plant and includes any vegetable to be used for propagation; but does not include any vegetable for consumption, fruit, or seed, or the bulb, corm, rhizome, or tuber of any ornamental plant, that is in a dormant state;

"Pest" includes the living stage of any insect, mite, or other invertebrate animal which may directly or indirectly cause an unhealthy condition in any plant material or beneficial organism; and includes any such condition caused by any pest; and "pestiferous" has a corresponding meaning;

"Permit to import" means a permit authorizing the importation of any plant material under these regulations;

"Place of origin" means a specified place within a country of origin or a region of origin and includes that area within the radius of 80 kilometers of the specified place;

"Phytosanitary Certificate" means a phytosanitary certificate for plants and plant products given in accordance with regulation 28 of these regulations in the format prescribed by the Revised International Plant Protection Convention;

"Region of Origin" means a continent or other physical geographic region and includes all countries within that region;

"Secretary" means the Secretary of the Ministry of Agriculture;

"Territorial Sea" means the territorial sea as defined in the Territorial Sea and Exclusive Economic Zone Act 1977;

"Vegetable" includes any fresh or stored vegetable, but does not include any dried, dehydrated, brined, pickled, or deep-frozen vegetable.

(2) Unless the context otherwise requires, terms and expressions used in these regulations shall have the same meaning as in the Plants Act 1973.

PART I
PROHIBITIONS AGAINST INTRODUCING
PLANT MATERIAL INTO THE COOK ISLANDS

3. Unauthorized introduction of plant material prohibited - No person shall introduce any plant material, or any other thing the subject of these regulations into the Cook Islands, unless the introduction of that plant material or thing and the manner by which it is introduced, or is to be introduced, is authorised by these regulations.

4. Introduction of plant material prohibited - No person shall introduce into the Cook Islands any plant material named or described in the Second Schedule to these regulations.

5. Introduction of plant material prohibited from certain countries - No person shall introduce into the Cook Islands any plant material or other commodity named or described in Part A of the Third, Fifth, Sixth, Seventh and Eighth Schedules to these regulations, from any country named or described in that Part of those Schedules, in respect of that plant material or other commodity.

6. Introduction of other plant material prohibited unless in accordance with conditions - No person shall introduce into the Cook Islands any plant material or other commodity named or described in the Fourth Schedule, or in Part B of the Third, Fifth, Sixth, Seventh and Eighth Schedules to these regulations, unless in accordance with the conditions prescribed in that Part of those Schedules in respect of that plant material or other commodity.

7. Introduction of disease or pest prohibited - No person shall introduce into the Cook Islands -

- (a) any disease or pest; or
- (b) any plant having any noxious or undesirable characteristic.

8. Prohibition against the introduction of living cultures, mushroom spawn, and legume inoculum - (1) No person shall introduce into the Cook Islands any living culture of any fungus, bacterium, virus, or plant parasitic organism, unless within 6 months after obtaining a permit from the Secretary authorizing that introduction and in compliance with such conditions as the Secretary thinks fit.

(2) Notwithstanding anything in subclause (1) of this regulation, legume inoculum may be introduced into the Cook Islands without a permit issued under this regulation upon compliance with the conditions prescribed in Part B of the Eighth Schedule to these regulations.

9. Introduction of soil prohibited - No person shall introduce into the Cook Islands any soil whether by itself, or with any plant material, or as packing in any form, or with or adhering to any goods whatever, unless an Inspector is satisfied that the soil will not introduce a pest or disease into the Cook Islands.

(2) Notwithstanding anything in subclause (1) of this regulation, peat may be introduced from the countries specified in Part B of the Eighth Schedule to these regulations subject to the conditions set out therein.

- (3) Notwithstanding anything in subclauses (1) and (2) of this regulation -
 - (a) manufactured peat items may be introduced subject to the approval of the Secretary and to such conditions as he thinks fit;
 - (b) clean sand used as ballast for aircraft may be landed and stored on the airport of entry under the supervision and to the satisfaction of an Inspector to be used as ballast for aircraft leaving the Cook Islands;
 - (c) soil used as ballast for any ship may, with the approval of an Inspector, be discharged into the sea, or may be landed under the supervision of, or as directed by an Inspector and deposited at such place and in such manner as he appoints;
 - (d) soil may be introduced for any special purposes upon the issue of a permit by the Secretary and subject to such conditions as he thinks fit.

PART II RESTRICTIONS ON INTRODUCING PLANT MATERIAL INTO THE COOK ISLANDS

10. Restrictions on persons entering the Cook Islands - (1) Every person arriving in the Cook Islands shall, before leaving the port, or any other place of entry into the Cook Islands, declare in a form prescribed by the Secretary what plant material or other thing the subject of these regulations may be in his possession or separately accompanying him and shall not leave the port or any other place of entry until examined as to the declaration by an Inspector.

(2) No passenger, officer, or member of the crew of any ship or aircraft, or any member of any naval, military, or air force, ship or aircraft may introduce into the Cook Islands as part of his baggage or personal effects any plant material or other thing the subject of these regulations unless the provisions of these regulations have been duly complied with in respect of the plant material or other matter.

11. Inspection requirements for aircraft from overseas - (1) Immediately on the arrival at the airport of entry of any aircraft from any overseas country, the aircraft, together with its cargo and baggage, shall be inspected, examined, and treated by an Inspector, and no person shall enter the aircraft to remove any baggage or cargo from the aircraft without the authority of an Inspector until the inspection, examination, or treatment is completed.

(2) The inspection and treatment referred to in subclause (1) of this regulation may include -

- (a) inspection of the aircraft, its cargo and commissary stores;
- (b) spraying with an insecticide of every compartment of the aircraft immediately before disembarkation of passengers and such costs shall be met by the owner of the aircraft;
- (c) inspection and treatment in such manner as an Inspector thinks fit of any personal effects or baggage of any passenger or member of the crew of the aircraft, if in his opinion such treatment is advisable.

(3) Notwithstanding anything in subclause (1) of this regulation, if the commander of any such aircraft at its first airport of entry into the Cook Islands produces to an Inspector a certificate to the effect that the same or substantially the same inspection and treatment as that prescribed in paragraphs (a) and (b) of subclause (2) of this regulation was carried out immediately before the departure of the aircraft from its last airport of call before landing in the Cook Islands, or any other treatment that the Secretary may approve, the aircraft, its cargo, and commissary stores may at the discretion of the Inspector be exempted from further treatment in the Cook Islands.

12. Treatment of conveyances arriving from overseas - Any conveyance arriving from overseas that is found to have plant material, or other thing the subject of these regulations in, on, or adhering to it, or is found to be pestiferous, shall be subject to such treatment to the satisfaction of an Inspector as he may direct before the conveyance is released to its owner or to such other person as may have the right to possession or command of it.

PART III GENERAL REQUIREMENTS FOR INTRODUCING PLANT MATERIAL INTO THE COOK ISLANDS

13. Packing material - (1) No person shall use peat as packing material for any plant material or other thing the subject of these regulations introduced into the Cook Islands, or shall for that purpose use any other substance except sphagnum moss, sawdust, woodwool, ground cork, charcoal, vermiculite, perlite, foam rubber chips, or other material approved by the Secretary.

(2) All packing material the use of which is permitted under subclause (1) of this regulation shall be clean and free from all diseases, pests, insects, soil and other matter.

14. Introduction by post - No plant material or other thing the subject of these regulations shall be introduced into the Cook Islands by post except in accordance with these regulations, and unless the package containing it is clearly and legibly marked on the exterior as to the nature of the plant material or other thing, and there is contained either inside the package or in the accompanying documents the name, description, and quantity of the introduced material or thing within the package.

15. Information required relating to vessels and aircraft - (1) The master, owner, or agent of every vessel arriving in the Cook Islands shall, not later than 12 hours before the estimated time of arrival at the port or place of entry, inform the Inspector at that port or place of the estimated time of arrival of the vessel.

(2) The pilot in command, owner, or agent of every aircraft arriving in the Cook Islands shall, not later than 2 hours before the estimated time of arrival of the aircraft at the airport of entry, inform the Inspector at that airport of the estimated time of arrival of the aircraft.

(3) The Master or pilot in charge of every vessel or aircraft arriving in the Cook Islands shall, on request by an Inspector, provide the Inspector at the port or place of entry with a copy of the cargo manifest, consignment note, crew and passenger list, and shall make available for examination if required by the Inspector, the ships log.

(4) All plant material and other thing the subject of these regulations, on any vessel or aircraft shall be made available for inspection, and an Inspector may require such plant material or other thing as he deems necessary to remain locked and sealed until the vessel is outside the territorial waters of the Cook Islands or the aircraft has departed for a destination overseas.

(5) No person shall dispose of any garbage from an aircraft or ship arriving in the Cook Islands from an overseas country except by burning it in an incinerator under the supervision of an Inspector.

(6) The garbage of any vessel shall be kept in covered containers while the vessel is in port, and then dumped at sea outside the territorial sea of the Cook Islands.

16. Inspection of plant material - When any plant material or other thing the subject of these regulations arrives at any port or place of entry, the plant material, or other thing, or such representative portion of the plant material or other thing as an Inspector thinks sufficient, shall be inspected by an Inspector.

17. Permit to land - (1) If, on inspection of any consignment of plant material or other thing the subject of these regulations at any port or place of entry the Inspector is satisfied that the requirements of these regulations have been duly complied with and that the consignment may be landed without further restriction, he shall issue a permit to land the consignment in the form prescribed in the First Schedule to these regulations.

(2) Notwithstanding that the requirements of these regulations for the introduction of any plant material or other thing the subject of these regulations have been duly complied with, if, on examination at the port or other place of entry the Inspector is satisfied that the plant material or other thing is diseased, pestiferous, or infected, or in his opinion should be treated before being released to the importer, the Inspector shall so inform the importer. The importer, unless he requires entry of the consignment into the Cook Islands shall reshipe or destroy the plant material or other thing to the satisfaction of the Inspector.

(3) If, on being informed in accordance with subclause (2) of this regulation, the importer does not reshipe or destroy the plant material or other thing but desires entry of the consignment into the Cook Islands, the Inspector shall, subject to regulation 19 of these regulations, issue the permit to land such consignment on such conditions as he shall think fit to ensure that the plant material or other thing being introduced shall be treated to his satisfaction.

(4) The importer shall comply in all respects with the conditions of the permit to land.

(5) If any conditional permit to land is issued in respect of any plant material or other thing the subject of these regulations, the plant material or other thing may, under the supervision of an Inspector, be removed forthwith from the port or place of entry, and shall be treated to the satisfaction of the Inspector

18. Destruction of plant material - (1) Notwithstanding anything in regulation 17 of these regulations, if, on inspection at the port or place of entry of any plant material or other thing the subject of these regulations, an Inspector is satisfied that, notwithstanding all the requirements of these regulations governing the introduction having been duly complied with, the plant material or other thing is diseased, pestiferous, infected, and in his opinion cannot be effectively treated to eradicate the disease or pests or reduce the infection, and within 28 days of inspection the importer has not reshipped the plant material, then the consignment shall, with the concurrence of another Inspector, be destroyed or otherwise disposed of as the Inspector and the concurring Inspector think fit, at the expense of the importer.

(2) Notwithstanding anything in subclause (1) of this regulation, if in the opinion of an Inspector, with the concurrence of another Inspector, any plant material or other thing the subject of these regulations introduced into the Cook Islands is so diseased or pestiferous that its continued presence at any port or place of entry constitutes a hazard to the Cook Islands, the Inspector may, with the concurrence of another Inspector, after having informed or taken all reasonable steps to inform the importer of the plant material or other thing, destroy, treat, or otherwise dispose of the plant material or thing, at the expense of the importer.

19. Quarantine of plant material - If, on inspection at the port or place of entry of any plant material which, pursuant to these regulations may be required to be grown or kept in quarantine, an Inspector is satisfied that the requirements of these regulations governing the introduction have been duly complied with and that the plant material is free from disease or pests, or is not so infected with disease or pests, that the plant material should be dealt with in accordance with regulation 18, he may issue a permit to land subject to the condition that the plant material shall be treated in the manner stated in the permit to land and detained in a quarantine station, in accordance with regulations 20 to 25 under quarantine conditions, or in isolation for such period as an Inspector shall require before being released to the importer.

20. Quarantine procedure - If a permit to land any plant material is issued pursuant to regulation 19 -

- (a) The plant material shall forthwith be removed from the port of entry by or on behalf of the importer to a quarantine station or other area approved for the purposes of quarantine by the Inspector;
- (b) No plant material shall, unless an Inspector otherwise directs, be opened or removed from any package or packing material except in the presence of an Inspector at the quarantine station or other area approved for that purpose by the Inspector;
- (c) The plant material shall be planted, grafted, or budded and shall be kept under observation and inspection by an Inspector and all progeny of the plant material shall be deemed for the purposes of these regulations to form part of the introduced plant from which they grew; and
- (d) Until released from quarantine, no plant material shall, after the initial planting, budding, or grafting, be moved for further propagation in any manner whatsoever without the written consent of an Inspector and subject to such conditions as he thinks fit.

21. Care of plants in quarantine - The person in whose charge any plant material is placed in quarantine shall -

- (a) Ensure that the plant material is tended in accordance with good husbandry;
- (b) Carry out frequent and close inspections of the plant material and, in the event of any unhealthy condition occurring in the plant material, immediately notify an Inspector; and
- (c) Ensure that the area on which the plant material is placed is kept free of weeds or pests to the satisfaction of an Inspector.

22. Treatment of diseased plants in quarantine - If any plant material in quarantine becomes infected with disease or pests, the person in whose charge that plant material has been placed -

- (a) May be required to treat or destroy all plant material introduced into the Cook Islands at the quarantine station or such area specified for that purpose, and such other plants as the Secretary thinks fit, and in the manner specified by him;

- (b) May be required to treat or destroy any plant material or other thing, including any equipment, tools, or clothing, or to do any other thing that an Inspector considers necessary to eradicate or prevent the spread of disease or pests as directed by the Secretary; and
- (c) Shall be required to carry out such treatment or destruction in the manner and within the time specified by an Inspector.

23. Release from quarantine - (1) No plant material shall be removed or released from quarantine until it has been inspected at the end of the period of detention by an Inspector who, if he is satisfied that the plant is free from disease and pests, shall issue a written notice of release to the importer.

(2) If on inspection of any plant material held in quarantine at the end of the period of detention the plant material is found to be diseased or pestiferous, the plant material shall be dealt with in accordance with regulation 22 of these regulations.

24. Expenses - (1) Any treatment or destruction of plant material in quarantine shall be carried out at the expense of the importer as set out in the Ninth Schedule.

(2) Any person or importer granted a permit to import any plant material under these regulations shall pay the fee as set out in the Ninth Schedule.

25. Fees for inspection during quarantine - If any plant material is required by these regulations to be inspected during detention in quarantine, the importer shall pay into the Public Account by remitting to the Secretary the appropriate inspection fee set out in the Ninth Schedule.

26. Inspection facilities at importer's expense - (1) All labour and facilities connected with the opening and repacking of packages of plant material and other work incurred for the purposes of inspection under these regulations at the port or other place of entry shall be provided at the expense of the importer.

(2) In respect of every consignment of plant material imported in packages there shall be payable the inspection fee set out in the Ninth Schedule.

(3) A fee payable under this regulation shall be paid into the Public Account by remitting them to the Secretary.

27. Fees for treatment - (1) If any package containing any plant material or other thing the subject of these regulations introduced into the Cook Islands is fumigated or otherwise treated pursuant to these regulations, the fees set out in the Ninth Schedule shall be payable in respect of fumigation or other treatment.

(2) All fees payable under this regulation shall be paid by the importer into the Public Account by remitting them to the Secretary.

28. Phytosanitary Certificate required - (1) Every Phytosanitary Certificate required under these regulations for the introduction of any plant material shall -

- (a) Be in the Form prescribed by the Revised International Plant Protection Convention;
- (b) Be signed by an authorized officer of the appropriate Department of State or Government service of the country of origin of the plant material or other thing, not more than 14 days before the date on which the plant material or other thing leaves the country of origin;
- (c) Contain such particulars relating to inspection in the growing season or prior history of the plant material or other thing as cannot be obtained by inspection on arrival of the plant material or other thing in the Cook Islands; and

- (d) State in detail, the manner of any treatment including the name of any process or material used in any treatment together with details of the dosage and duration of treatment; and
 - (e) Be made available to the Inspector.
- (2) Notwithstanding anything in paragraph (b) of subclause (1) of this regulation, if any plant material or other thing the subject of these regulations is introduced into the Cook Islands other than directly from the country of origin of the plant material or other thing, the accompanying Phytosanitary Certificate may be signed by an authorized officer of the appropriate Department of State or Government service of the country from which the plant material or other thing was last exported;

Provided that -

- (a) Each Phytosanitary Certificate so signed shall be endorsed with the name of the country of origin of the plant material or other thing; and
- (b) No Phytosanitary Certificate so signed shall certify as to any form of inspection or treatment of the plant material or other thing unless the same form of inspection or treatment is afforded by the Department or Service of the country from which the plant material or other thing was last exported.

PART IV
SPECIAL REQUIREMENTS FOR INTRODUCING
CERTAIN PLANT MATERIAL INTO THE COOK ISLANDS

29. Requirements for introducing nursery stock - Subject to Parts I, II, and III of these regulations, no person shall introduce any nursery into the Cook Islands, unless -

- (a) A permit to import nursery stock shall first be obtained from the Secretary, who in authorizing the introduction of the nursery stock named or described in the permit may impose such conditions, including such period of quarantine, as he thinks fit;
- (b) Each kind of nursery stock shall be labelled with the botanical name of the genus, species, and cultivar (if any) to which it belongs;
- (c) The nursery stock shall be accompanied by a Phytosanitary Certificate as well as a permit to import which shall be endorsed to the effect that the stock complies with all conditions that may be imposed by the Secretary in issuing the permit to import the nursery stock;
- (d) The number of plants of any one genus of nursery stock introduced into the Cook Islands by any one person in any one year shall not exceed such limit as the Secretary thinks fit; and
- (e) The fee prescribed by the Ninth Schedule for every consignment of nursery stock introduced into the Cook Islands shall be paid by the importer.

30. Requirements for introducing bulbs, corms, rhizomes, and tubers of ornamental plants - (1) Subject to Parts I, II and III of these regulations, no person shall introduce any bulb, corm, rhizome, or tuber of an ornamental plant into the Cook Islands unless -

- (a) A permit to import bulbs, corms, rhizomes, and tubers of ornamental plants shall be obtained from the Secretary who, in authorizing the introduction of bulbs, corms, rhizomes and tubers of ornamental plants named or described in the permit, may impose such conditions, including such period of quarantine, as he thinks fit;
- (b) The bulb, corm, rhizome, or tuber shall be in a dormant condition;
- (c) The bulb, corm, rhizome, or tuber shall be accompanied by a Phytosanitary Certificate;

- (d) The Phytosanitary Certificate accompanying any bulb, corm, rhizome, or tuber named or described in the Fourth Schedule shall certify that the bulb, corm, rhizome, or tuber complies with the conditions prescribed in the Fourth Schedule.
- (2) If any bulb, corm, rhizome, or tuber of any ornamental plant in any consignment is found by an Inspector at the time of arrival into the Cook Islands not to be in a dormant condition he may require the whole consignment to be placed in a quarantine station or to be otherwise isolated or dealt with under quarantine conditions, or as the Secretary directs.

31. Requirements for introducing fruit - Subject to Parts I, II and III of these regulations, no person shall introduce any fruit into the Cook Islands, unless -

- (a) The fruit shall be introduced in accordance with the conditions prescribed in Part B of the Fifth Schedule;
- (b) The fruit shall be accompanied by a Phytosanitary Certificate endorsed that the fruit complies with such conditions as are specified for that fruit named or described in Part B of the Fifth Schedule;
- (c) If required to be held in cool storage, the Phytosanitary Certificate shall be accompanied by thermograph for the full period of cool storage signed correct by the person responsible for the storage; and
- (d) The Phytosanitary Certificate shall give particulars of the date, place, and nature of any treatment other than cool storage, including the name of the material used for treatment, and the dosage and duration of treatment applied to the fruit.

32. Requirements for introducing vegetables - (1) Subject to Parts I, II and III of these regulations, no person shall introduce into the Cook Islands any vegetable for consumption unless -

- (a) The vegetable shall be introduced in accordance with the conditions prescribed in Part B of the Sixth Schedule;
- (b) The vegetable shall be accompanied by a Phytosanitary Certificate;
- (c) The Phytosanitary Certificate accompanying any vegetable named or described in Part B of the Sixth Schedule shall certify that the vegetable complies with the conditions prescribed in the said Part B in respect of that vegetable.
- (2) No person shall pack any consignment of vegetables for introduction into the Cook Islands in any package other than a new or unused package.

33. Requirements for introducing seeds - (1) Subject to Parts I, II and III of these regulations, no person shall introduce any seed into the Cook Islands, unless -

- (a) A permit to import any seed shall be obtained from the Secretary who, in authorizing the introduction of any seed named or described in the permit, may impose special treatment and conditions as he thinks fit;
- (b) All seed shall be free from extraneous matter, and, unless otherwise permitted by the Secretary in the circumstances of any case and subject to such conditions as he thinks fit to impose, shall be packed in clean new packages. Each package shall be labelled with the name of the seed contained in the package unless the name of the seed is disclosed by any accompanying document which identifies the package; and

- (c) All seed shall be accompanied by a Phytosanitary Certificate which -
- (i) In respect of any seed named or described in Part B of the Seventh Schedule shall be endorsed to the effect that the seed complies with the conditions prescribed for that seed in that Part; and
 - (ii) In respect of any seed subjected to treatment shall specify the full nature and extent of the treatment.

(2) If, in the opinion of an Inspector inspecting any seed at a port of entry the seed should be treated, the Inspector shall deal with the seed in accordance with subclauses (2) to (5) of regulation 17.

(3) For the purpose of subclause (1) of this regulation, the Secretary may grant a permit applying generally to any particular seed or category of seeds supplied by any particular supplier or to any particular importer or category of importers.

34. Other commodities - Subject to Parts I, II and III of these regulations, other commodities the subject of these regulations may be introduced into the Cook Islands: Provided that -

- (a) An Inspector may examine any commodity so introduced and, if in his opinion, it should be treated, it shall be dealt with in accordance with regulation 17; and
- (b) The commodities named or described in Part B of the Eighth Schedule shall be introduced in accordance with the conditions prescribed in that Part in respect of those commodities.

35. Wood or Timber - (1) No person shall introduce into the Cook Islands any log, pole or unsawn wood or timber unless its bark has been removed.

(2) No wood, log, pole, sawn wood, pallet, woodcasing or dunnage nor other treated timber products may be removed from the point of entry until an Inspector has issued a permit to land.

36. Cut and dried flowers - (1) Subject to Parts I, II and III of these regulations, no cut flower (including foliage) may be introduced into the Cook Islands unless it is accompanied by a Phytosanitary Certificate and on inspection at the port or other place of entry of the flower, it is found to be free from disease and pests and to contain no material capable of propagation.

(2) Subject to Parts I, II and III, no dried flower (including foliage) may be introduced into the Cook Islands unless on inspection at the port or other place of entry of the flower, it is found to be free from disease and pests; provided that no dried flower of any plant named or described in the Second Schedule or in Part A of the Seventh Schedule shall be introduced.

PART V **OFFENCES**

37. Offences and penalties - Every person commits an offence against these regulations and shall be liable on conviction to a fine not exceeding \$500 who -

- (a) Introduces or attempts to introduce into the Cook Islands any plant material or other thing, the introduction of which is prohibited by these regulations;
- (b) Removes or attempts to remove any plant material, or other thing the subject of these regulations, or any package containing the same, from any wharf, port, or landing place in the Cook Islands, without first having obtained permission to do so from the Secretary;
- (c) Introduces or attempts to introduce into the Cook Islands contrary to the provisions of these regulations any plant material, or other thing, the introduction of which is permitted by these regulations;

- (d) Removes or attempts to remove any plant from an area where it is growing in quarantine without having obtained written permission from the Secretary;
- (e) Acts in contravention of, or fails to give information or otherwise to comply in any respect with, the provisions of these regulations or any instruction, order requirement, permit, authority, or notice given, issued, or imposed under these regulations;
- (f) Abandons or disposes of any property where plants are growing in quarantine without prior notification given to the Secretary.

38. Transitional - Notwithstanding the Regulations, any permit, licence or authorisation validly issued or granted before the coming into force of these regulations shall remain in force according to its tenor as if it were issued or granted pursuant to these regulations.

39. Revocation - The Plant Introduction and Quarantine Regulations 1976, the Plant Introduction and Quarantine Amendment Regulations 1980 and the Plant Introduction and Quarantine Amendment Regulations 1985 are hereby revoked.

T. Bishop
Clerk of the Executive Council

These Regulations are administered by the Ministry of Agriculture

Reg.17

FIRST SCHEDULE

Form 1

COOK ISLANDS MINISTRY OF AGRICULTURE

PERMIT TO LAND

Ag. Q.31

ADDRESSEE OR CONSIGNEE _____

(OR AGENT) _____

METHOD OF ARRIVAL: _____

(Ship's Name, Flight No. etc.)

Country of Origin (of Item(s) described below): _____

Brand/Mark	Quantity	Description

Landing of the Item(s) described above are:

- * Prohibited
- * Authorized unconditionally
- * Authorized subject to the following conditions or treatments.
- * Delete those not applicable.

NOTE- THE MINISTRY OF AGRICULTURE FUMIGATES OR TREATS WITHOUT ACCEPTING RESPONSIBILITY FOR ANY LOSS OR DAMAGE

Fees payable to the _____ Inspector

Ministry of Agriculture Location: _____

Date: _____ 19 _____

\$ _____

Reg. 4SECOND SCHEDULEProhibited Plant Material

Alocasia spp. (kape, giant taro)
Ambrosia (all species)
Asclepias tuberosa (pleurisy root)
Caladium bicolor (ornamental taro)
Carex longebrachiata (Australian sedge)
Carica papaya (pawpaw)
Cassava manihot (Cassava)
Cassia occidentalis (negro root)
Castanospermum australe (Moreton Bay chestnut; black bean)
Cenchrus (all species except ciliaris)
Chondrilla juncea (skeleton weed)
Cocos nucifera (coconut)
Colocasia spp. (taro)
Cuscuta (all species) e.g. dodders
Cymbopogon schoenanthus
Cynanchum (all species) e.g. Indian swallowart
Cyperus esculentus (chufa)
Cyrtosperma chamissoni (giant swamp taro, puraka)
Datura metel (hairy thorn apple)
Discorea spp. (yam, wild yam)
Echinacea angustifolia
Eleocharis dulcis (Chinese water nut)
Ephedra sinica
Euphorbia escula (leafy spurge)
Hippobroma longiflora (Star of Bethlehem; Pua-hoku)
Homeria breyniana (cape tulip)
Imperata cylindrica
Iva axillaris (poverty weed)
Loranthaceae (all species) e.g. mistletoes
Miconia calvescens D.C.
Monardia punctata (horsemint)
Musa spp. (banana, plantain)
Nassella trichomata (nassella tussock)
Petasites hybridus (butterbur)
Polygonum bistorta (snakeweed; snakeroot)
Pulicaria dysenterica (fleabane)
Rhamnus puschiana (cascarasagrada)
Salvia reflexa (mint weed)
Satureja calaminta (calamint)
Sinapis arvensis (charlock)
Sorghum halepensis (Johnson grass)
Striga (all species) (witchweed)
Strychnos nux-vomica (strychnine)
Tagetes minuta (Mexican marigold or stinking roger)
Tourretia volubilis
Tribulus terrestris (puncture vine)
Tussilago farfara (coltsfoot)
Xanthium (all species)
Xanthosoma sagittifolium (tarua, taro-tarua)

Reg. 5, 6, 29

THIRD SCHEDULEPART ANursery Stock

Introduction Prohibited

Particulars of Nursery Stock	Major Region, Country, or place from which Introduction is prohibited	Major reason Prohibition
Plants known to be alternate hosts of conifer rust	Various	Conifer rust (e.g. <i>Cronartium</i> spp., <i>Coleosporium</i> spp.)
Plants normally propagated by seed	All countries	Various diseases
Anthuriums	All countries	Bacterial blight, (<i>Xanthomonas campestris</i> pv <i>dieffenbachiae</i>)
Citropsis, cherry orange, and <i>Eremocitrus</i> , <i>Eriostemon</i> , <i>Fortunella</i> , <i>Poncirus</i> and other hosts of citrus canker	All countries	Citrus canker (<i>Xanthomonas citri</i>) and other virus diseases e.g. citrus stubborn disease
Coniferae - conifers All species of the genera - <i>Abies</i> , <i>Calocedrus</i> , <i>Chamaecyparis</i> , <i>Cryptomeria</i> , <i>Cupressus</i> , <i>Larix</i> , <i>Juniperus</i> , <i>Libocedrus</i> , <i>Picea</i> , <i>Pinus</i> , <i>Pseudotsuga</i> , <i>Thuja</i> , <i>Tsuga</i> (including the strobilus or "cone")	All countries	Rust disease leg (<i>Cronartium</i> , <i>Peridermium</i> , <i>Gymnosporangium</i> , needle cast diseases (e.g. <i>Cercospora cryptomeriae</i> , <i>Hypodermella</i> spp., <i>Rhabdocline pseudotsugae</i>); witches' broom fungi (e.g. <i>Elytroderma deformans</i>); Mistletoe (e.g. <i>Arceuthobium</i> spp.).

Convolvulus	See under Ipomoea	
Helianthus - e.g. sunflower, Jerusalem artichoke, where sunflower mosaic virus exists	All countries	Downy mildew (<i>Plasmopara halstedii</i>); rusts (<i>Puccinia helianthi</i> ; <i>Coleosporium</i> spp.); sunflower mosaic virus
Heliconia spp.	All countries	Various diseases
Hevea - rubber	All countries	Leaf blight (<i>Microcyclus ulei</i>) Downy mildew (<i>Pseudoperonospora humuli</i>); virus diseases, e.g., chlorotic disease, nettle head.
Ipomoea and Convolvulus e.g. Kumara or sweet-potato	All countries	Kumara weevil (<i>Euscepes postfasciatus</i>) sweet potato weevil (<i>Cylas formicarius</i>), rusts (<i>Coleosporium ipomoeae</i> , <i>Puccinia batatas</i>), Virus diseases, e.g., Internal cork, mosaic, witches broom.
Nicotiana - e.g. Tobacco	All countries	Blue mould. (<i>Peronospora tabacina</i>), wildfire (<i>Pseudomonas tabaci</i>); virus diseases e.g. yellow dwarf, ringspot.
Ornamental Palms	All countries	Cadang Cadang, Lethal Yellowing and other diseases

Poncirus trifoliata trifoliata orange	See under Citropsis	
Solanum tuberosum and related species - potato (including tubers)	All countries	Wart (<i>Synchytrium</i> <i>endobioticum</i>); ringrot (<i>Coryne-</i> <i>bacterium</i> <i>sepedonicum</i>); virus diseases, e.g., yellow dwarf; Colorado Potato beetle, <i>Leptinotarsa</i> <i>decemlineata</i>); Cyst nematodes (<i>Globodera</i> <i>rostochiensis</i> , <i>G. pallida</i>)
Strelitzia spp.	All countries	Various virus and bacterial diseases
Vanilla	All countries	Various diseases

THIRD SCHEDULE**PART B****NURSERYSTOCK****Introduction Permitted Subject to Listed Conditions**

Particulars of Nursery Stock	Conditions Subject to which Introduction is Permitted
Citrus	(i) Permitted only from New Zealand subject to a permit to import authorized by the Secretary. (ii) Only from a certified commercial nursery

FOURTH SCHEDULE**Regs. 6, 30****Bulbs, Corms, Rhizomes, and Tubers of
Ornamental Plants****Introduction Permitted Subject to the Listed Conditions**

**Particulars of Bulbs,
Corms, Rhizomes or
Tubers****Conditions subject to
which Introduction is
Permitted**

**Orchidaceae- (including vanilla)
plants growing under sterile or
unsterile conditions****Plants and pseudo bulbs
shall be treated as nursery
stock and shall be subject
to quarantine in accordance
with regulations 19 to 25 of
these regulations.**

FIFTH SCHEDULE**Regs. 5, 6, 31****Part A****FRUIT****Introduction Prohibited**

Particulars of 1-Fruit	Major Region Country or Place from which Introduction is Prohibited	Major Reason for Prohibition
All fruit (except fruit named or described in Part B of this Schedule	All countries where any harmful species of fruit fly exists	Fruit flies (family) Trypfitidae
Citrus fruit, e.g. orange, lemon, lime, including dried peel.	All countries where citrus canker exists and other serious virus and bacterial diseases.	Citrus canker (<i>Xanthomonas citri</i>); virus and bacterial diseases

FIFTH SCHEDULE**PART B****Introduction Permitted Subject to the
Listed Conditions**

Particulars of Fruit	Conditions Subject to which Introduction is Permitted
All fruit	<p>The fruit shall be introduced subject to:</p> <ul style="list-style-type: none"> (i) Being packed in clean new packages not previously used for any purpose; (ii) Presentation of satisfactory evidence to the Secretary prior to introduction that the fruit can be imported from a place of origin without pest or disease risk. (iii) Treatment in any manner that may be specified by the Secretary.
Citrus fruit	
(a) New Zealand Grown	<p>The fruit shall -</p> <ul style="list-style-type: none"> (i) Have been grown at a place of origin where citrus canker (<i>Xanthomonas citri</i>) does not exist. (ii) Be free from living scale insects (<i>Coccoidea</i>) or have been effectively treated prior to shipment. (iii) Have been exported from a commercial packhouse.
(b) Unripe limes and lemons from Niue	<ul style="list-style-type: none"> (i) The fruit shall be imported only in compliance with a permit to import. (ii) Have been shipped or transported in an unripe condition. (iii) Treated in a manner specified by the Secretary.

Regs. 5,6, 32SIXTH SCHEDULEPART AVEGETABLES

Introduction Prohibited

Vegetables	Major Region, Country or place from which Introduction is Prohibited	Major Reasons for Prohibition
All vegetables	All countries where Oriental fruit fly exists	Oriental fruit fly (<i>Bactrocera dorsalis</i>)
All root vegetables	All places where cyst nematodes exists	Cyst nematodes (<i>Globodera rostochiensis</i> , <i>G. pallida</i>)
Kumara or Sweet potato for propagation	All countries	See Third Schedule Part A Ipomoea
Kumara or sweet-potato for consumption	All countries where Sweet potato weevils and virus diseases exists, including Commonwealth of Australia and all countries of North and South America and of Asia	Sweet potato weevils (<i>Euscepes post-fasciatus</i>), (<i>Cylas formicarius</i>), Virus diseases, e.g internal cork, mosaic, witches broom.
Potato - for propagation	All countries	See Third Schedule Part A under <i>Solanum tuberosum</i> .
Potato for consumption	All countries where wart, ringrot, yellow dwarf virus, Colorado beetle, or cyst nematodes exists.	Wart (<i>Synchytrium endobioticum</i>) ringrot (<i>Coryne bacterium sepedonicum</i>), potato yellow dwarf virus, Coloradobeetle (<i>Leptinotarsa decemlineata</i>); Cyst nematodes (<i>Globodera rostochiensis</i> , <i>G. pallida</i> .)

SIXTH SCHEDULE**PART B****Introduction Permitted Subject to the Listed Conditions**

Particulars of Vegetables	Conditions Subject to which Introduction is Permitted
Vegetables for propagation	The vegetables shall be treated as nursery stock and shall be subject to detention in quarantine in accordance with regulations 19 to 25 of these regulations.
Vegetables for consumption	<p>The vegetables shall be introduced subject to:</p> <ul style="list-style-type: none"> <li data-bbox="683 745 970 890">(i) Being packed in clean new packages not previously used for any other purpose unless exempted by the Secretary; <li data-bbox="683 890 970 1093">(ii) Presentation of satisfactory evidence to the Secretary before export from the country of origin that the vegetables can be imported from a place of origin without pest or disease risk; <li data-bbox="683 1093 970 1199">(iii) Treatment in a manner to be specified by the Secretary.
<p>Notwithstanding above-listed conditions for all vegetables, the vegetables for consumption hereinafter described may be introduced subject to being packed in clean new packages not previously used for any other purpose and subject to the conditions specified for those vegetables.</p>	
Cabbages, Cauliflower and other Brassicae vegetables	These shall be fumigated with methyl bromide in the country of origin prior to shipment. The Phytosanitary Certificate shall be endorsed that such treatment has been done.
Potato	The Phytosanitary Certificate shall be endorsed to the effect that:

- (i) The potatoes are from properties where wart (*Synchytrium endobioticum*), ringrot (*Corynebacterium sepedonicum*), yellow dwarf virus, Colorado beetle, (*Leptinotarsa decemlineata*) do not exist;
 - (ii) Are from properties which have been sampled for potato cyst nematode, (*Globodera pallida*, *G. rostochiensis*) and none found in the previous ten years;
 - (iii) Are totally free of all soil;
 - (iv) The consignment is packed in clean new packages not previously used for any purpose.
-

SEVENTH SCHEDULEPART ARegs. 5, 6, 33SEEDS**Introduction Prohibited**

Particulars of Seed	Major Region, Country or Place from which	Major Reason for Prohibition
Citrus, e.g., orange, lemon, lime and including Citropsis, Eremocitrus, Eriostermon, Fortunella, Poncirus and other hosts of citrus canker	All countries where citrus canker exists including all countries of Asia	Citrus canker (Xanthomonas citri)
Helianthus - e.g. sunflower	All countries where sunflower mosaic virus exists, including Argentina and U.S.S.R.	Sunflower mosaic virus
Hevea - rubber	All countries	Leaf blight (Microcyclus ulei)
Mangifera indica	All countries where mango weevil borer exists	Sternonchetus spp.
Nicotiana - e.g. tobacco	All countries	Blue mould, Peronospora tabacina), wildfire (Pseudomonas tabaci) tobacco ringspot virus.
Ornamental Palms	All countries	Where Lethal Yellowing, Cadang Cadang and other serious diseases of coconuts occur
Poncirus trifoliata - trifoliolate orange	See under Citrus	

Zea mays - e.g.
maize, popcorn,
sweetcorn, and
Euchlaena mexicana

All places where downy
mildews occur, includ-
ing South America
Africa, and Asia.

Downy mildew -
Sclerospora
maydis,
S. sacchari,
S. philippensis
S. sorghi,
S. spontanea,
Sclerophthora
rayssiae var,
zeae.

SEVENTH SCHEDULEPART BIntroduction Permitted Subject to the Listed Conditions

Particular of Seeds	Conditions Subject to which Introduction is Permitted
Coniferae-conifers (excluding the stobilus or "cone")	The seed of <i>Abies</i> , <i>Calocedrus</i> , <i>Chamaecyparis</i> , <i>Cryptomeria</i> , <i>Cupressus</i> , <i>Larix</i> , <i>Libocedrus</i> , <i>Picea</i> , <i>Pinus</i> , <i>Pseudotsuga</i> , <i>Thuja</i> , and <i>Tsuga</i> shall be treated with a fungicide approved by the Secretary.
Flower seeds	See vegetable seeds
<i>Lycopersicon esculentum</i>	The seed shall have been extracted by the hydrochloric acid or other method of extraction approved by Secretary to destroy tobacco mosaic tomato speck, <i>Pseudomonas</i> tomato; canker, <i>Corynebacterium michiganense</i> ; and <i>Didymella</i> rot, <i>Didymella lycopersici</i> .
Ornamental Palms	Compliance with a conditional permit to import issued by the Secretary.
Tree and Shrub Seeds	Compliance with a conditional permit to import issued by the Secretary.
Vegetable Seeds	<p>(a) The seed shall be named, clearly identifiable, substantially free from injurious extraneous matter apparently free from pest and disease, treated with an appropriate therapeutant and packed in sealed foil packs or equivalent new packages.</p> <p>(b) The seed shall be from a recognized commercial seed source.</p> <p>(c) The Secretary reserves the right to inspect any crop grown from imported seed and to require treatment of that crop if necessary.</p>

EIGHTH SCHEDULEPART ARegs. 5, 6, 35OTHER COMMODITIES

Introduction Prohibited

Particulars of Commodity	Major region, country or place from which Introduction is Prohibited	Major reasons for Prohibition
Bark	All countries	Various pests and diseases
Citrus peel	All countries where citrus canker exists including Asia	Citrus canker (<i>Xanthomonas citri</i>)
Cutflowers	All countries	Thrips, (<i>Frankliniella intonsa</i> , <i>Thrips palmi</i>) leafminers, (<i>Liriomyza trifolii</i>)
Hay and straw, including chaff, and husks, and woven items (unless sterilized)	All countries	Various diseases, weed seeds
Tobaccoleaf	All countries	Blue mould (<i>Peronospora tabacina</i>), Wildfire (<i>Pseudomonas tabaci</i>)

EIGHTH SCHEDULEPART B**Introduction Permitted Subject to the listed Conditions**

Particulars of Commodity	Conditions subject to which Introduction is Permitted
Bark from New Zealand	See Peat.
Legume inoculum	The inoculum shall be accompanied by a certificate, signed by the producer of such inoculum, that the medium in which the bacterium is carried was sterilized by steam under pressure (autoclaved) before inoculation.
Mushroom spawns	Compliance with a conditional permit to import issued by the Secretary.
Peat from New Zealand	The peat shall be packed in clean new packages not previously used for any purpose.

Regs. 12, 24, 25, 26NINTH SCHEDULE

Scale of Fees for Inspection, Fumigation, Destruction and other treatment of Imported Fruit, Goods, Plants, and Seeds and Inspection of Plants and Nursery Stock in Quarantine.

1. For inspection of each type or individual line of plant material imported in packages for sale -

Per package	\$ 0.50
Minimum Charge	\$ 2.00

2. For a permit to import any plant material

\$ 2.00

3. For Fumigation or other treatments -
 - (a) Fruit or vegetables contained in packages which are customarily used for that type of fruit or vegetable -

10 Packages	\$ 5.00
Additional packages	\$ 0.50
Minimum Charge	\$ 5.00

 - (b) Plant Material and other goods -

For each consignment per -	
Cubic meter	\$10.00
Minimum Charge	\$ 5.00

4. For Inspection, while in quarantine, of any plant material -

\$ 5.00 per 6 months
