

GET FAMILIAR WITH YOUR BIOSECURITY OFFICERS



The Biosecurity Authority of Fiji (BAF) is the country's guardian – with offices positioned at strategic locations around Fiji to prevent the entry of foreign pests and diseases that can adversely affect the country's plant and animal health with dire consequences for Fiji's agriculture including international trade, environment and biological diversity. All members of the BAF Operations, Scientific, Technical, Trade and Permits team are essentially Biosecurity Officers (BSOs) that help perform all of the organization's functions effectively and deliver efficient biosecurity services to all Fijians. In this week's article, we familiarize you with your BSOs!

Who is a Biosecurity Officer

A Biosecurity Officer ('BSO') is a duly appointed officer of the Biosecurity Authority of Fiji ('BAF') tasked with duties and responsibilities incidental to the organisation's core function to protect Fiji's unique biodiversity from an incursion of exotic pest(s) and disease(s) and to further facilitate international trade.

BSOs can easily be identified by the standard BAF Identification (ID) Card which contains their photograph, name and designation. BSOs must carry this BAF ID Card at all times in the course of their duties. When dealing with BSOs, ensure that they are who they claim to be by viewing their BAF ID Card. If they do not produce their BAF ID Card upon request, do not engage with them and report the matter to BAF.

What is the Role of a Biosecurity Officer

BSOs play a critical role in ensuring that Fiji's biodiversity is protected against foreign pests and diseases and that other countries which import Fijian products (agricultural commodities) are also protected from pests and diseases which Fiji has but they do not.

The functions of each individual BSO is collectively aimed at ensuring that international trade takes place on a biosecurity safe platform where animal and plant pests and diseases are not transferred across borders during the trade of regulated articles.

BSOs are, therefore, responsible for various tasks which include monitoring and surveillance, clearance of regulated articles, enforcement of prescribed biosecurity requirements, attendance to non-compliance with biosecurity remedial measures, containment of biosecurity risks and emergency situations and implementation of biosecurity control measures, amongst others.

The activities and tasks which BSOs are engaged in on a day to day basis are both operational and scientific in nature. BAF Technical Sections identify the risks which need to be addressed and the measures which need to be implemented. BAF Operations Section then

works with the Technical Section to develop an operational framework to address the identified risks.

Once the operational framework is endorsed by the BAF Chief Executive Officer, BSOs are assigned to implement the prescribed biosecurity control measures operationally to address the scientifically assessed risks.

BSOs are Fiji's first line of defence against biosecurity threats and are the primary enforcers of biosecurity control measures. They have an important role to play and are comparable to foot-soldiers in the fight to protect Fiji from biosecurity risks which could have devastating adverse effects on Fiji's unique flora, fauna and the economy.

What are the Powers of a Biosecurity Officer

To perform their duties and responsibilities, BSOs are given certain powers under the Biosecurity Act 2008 to ascertain whether there is a biosecurity risk presented by a conveyance, container or item and to further eliminate or reduce the risk.

The general powers of BSOs include the power of entry, search and seizure, inspection of documents, inspection of regulated articles, detention of regulated articles, taking samples of regulated articles, testing of regulated articles, treatment of regulated articles, re-consignment of regulated articles and destruction of regulated articles, etcetera.

BSOs also have specific powers in relation to people which includes the power to detain, question and search persons (including baggage) reasonably suspected of possessing an article which poses a biosecurity threat to Fiji.

In a biosecurity emergency area, BSOs also have additional powers which allow them to enter upon land at any time in order to ascertain the status of a pest or disease and to issue directions with respect to the containment of identified pests or diseases.

The powers of BSOs are necessary to allow them to perform their role and functions effectively. By empowering BSOs they are equipped with the authority to execute their duties meritoriously and diligently in accordance with BAF's vision and mission to protect Fiji against the introduction, establishment and spread of exotic pests and diseases while facilitating international trade on a biosecurity safe platform.

Nevertheless, the powers of BSOs must be exercised within their lawful limits and not in a manner which constitutes an abuse of authority.

The Importance of Good Faith and Diligence in a Biosecurity Officer

In the exercise of powers and performance of duties, BSOs must ensure that they act in good faith and without negligence.

BAF expects BSOs to perform all designated duties, functions and tasks in good faith and diligently. The importance of good faith and diligence is emphasised in section 102 of the Biosecurity Act 2008 which provides:

102. (1) Neither the Authority, the Minister, the Board, the CEO, or any biosecurity officer or other public officer is personally liable for action taken under this Promulgation in good faith and without negligence.

(2) A breach of a duty imposed on the Authority, the Minister, the Board, the CEO, a biosecurity officer or any other public officer by or under this Promulgation does not give rise to any civil liability except as provided by or under this Promulgation.

A BSO who does not act in good faith and who is negligent may be held personally liable for his actions. Although that liability may not be civil in nature, it does not prevent criminal action being taken against the BSO for offences prescribed by the Biosecurity Act 2008. Offences by BSOs include the disposal of regulated articles other than in accordance with the Biosecurity Act 2008, disclosure of confidential information acquired in the course of their duties, intimidation, assault and acceptance of a bribe.

Alternatively, a BSO that acts in good faith and diligently in the performance of duties has the full authority to issue lawful directions and must be fully cooperated with. Failure to cooperate with BSOs acting lawfully, in good faith and without negligence will naturally entail its own set of consequences.

The Importance of Cooperating with a Biosecurity Officer

In order for BSOs to perform their functions effectively they require the cooperation of the general public.

When dealing with BSOs, it is essential to know the Dos and Don'ts. For the purposes of this article, we will elaborate on the Don'ts which amount to offences. Section 92 of the Biosecurity Act 2008 provides for the following offences:

92. A person who -

(a) wilfully fails to comply with a lawful request made or direction given by a biosecurity officer under this Promulgation;

(b) knowingly obstructs a biosecurity officer in the performance of his or her functions under this Promulgation;

(c) assaults, or threatens to assault a biosecurity officer performing functions under this Promulgation;

(d) bribes a biosecurity officer in relation to the performance of functions under this Promulgation;

(e) makes a false or incomplete statement, whether orally or in writing, in relation to any matter under this Promulgation, intending to mislead a biosecurity officer in the performance of functions under this Promulgation,

(f) for purposes of this Promulgation knowingly or recklessly -

(i) makes a false or misleading biosecurity declaration; or

(ii) issues any false or misleading certificate;

(g) knowingly or recklessly gives false or misleading information to a biosecurity officer while the officer is performing functions under this Promulgation, commits an offence.

It is important to cooperate with BSOs. Without cooperation, the BSO's tasks become more difficult which reduce the efficiency and effectiveness of the system implemented to protect Fiji.

Conclusion

Given the importance of the role BSOs play in protecting Fiji's unique biodiversity and in facilitating international trade on a bio-safe platform. The general public is a critical partner and an important stakeholder. The general public also plays a crucial role in determining the effectiveness of BSOs for without their cooperation, the BSOs functions and duties become more onerous than they already are.

We are, therefore, all empowered in a way where Fiji's biosecurity is concerned and with great power comes great responsibility. [Quote from the fictional Ben Parker aka Uncle Ben, uncle to the fictional Peter Parker aka Spiderman]

For Further Information Please Contact:

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