



BERMUDA

INVASIVE ALIEN SPECIES ACT 2021

2021 : 40

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SCHEDULE 1

Prohibited Invasive Species

SCHEDULE 2

Restricted "Category A" Invasive Species

SCHEDULE 3

Restricted "Category B" Invasive Species

SCHEDULE 4

Consequential Amendment

WHEREAS it is expedient to create a regulatory framework in respect of invasive alien species, in the interest of the environment, human and animal health, the economy, and in the interest of facilitating international cooperation, such framework to include prohibiting and controlling the importation, propagation and supply of invasive alien species; managing invasive alien species including eradicating, reducing and preventing the spread of such species; and replacing such species with endemic or native species;

Be it enacted by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Assembly of Bermuda, and by the authority of the same, as follows:

Preliminary Provisions

Citation

- 1 This Act may be cited as the Invasive Alien Species Act 2021.

Interpretation

- 2 In this Act, unless the context indicates otherwise—

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“application fee” means the application fee prescribed under the Government Fees Regulations 1976;

“approved agent” means a person licensed by the Director pursuant to section 23 to perform a bio-security risk assessment;

“authorized officer” means an officer of—

- (a) the Department;
- (b) the Department of Customs;
- (c) the Department of Parks;
- (d) the Department of Health;
- (e) the Coast Guard;
- (f) the Bermuda Police Service,

who has written authorization to perform the duties of the Director referred to in section 24;

“bio-security” means the management of risks posed by organisms to the economy, environment and public health through exclusion, mitigation, adaptation, control and eradication;

“bio-security risk assessment” means an assessment prepared by an approved agent in which the threats and risks associated with the introduction of a species to Bermuda’s economy, environment and public health are evaluated;

“Department” means the Department of the Environment and Natural Resources;

“Director” means the Director of the Department;

“dispose of an invasive species” means to humanely dispose of an invasive species (in the case of an animal) or to destroy an invasive species;

“emergency plan” means a plan prepared by the Director under section 14 for the early detection of and rapid response to an invasive species;

“exemption” means an exemption granted by the Minister under section 21;

“invasive species” means—

- (a) a prohibited invasive species;
- (b) a restricted “category A” invasive species; and
- (c) a restricted “category B” invasive species;

“land” includes any land covered by water such as canals, marshes and ponds;

“licence” means a licence issued by the Director under section 11;

“management plan” means a plan prepared by the Director under section 14 to eradicate, reduce or prevent the spread of invasive species;

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“Minister” means the minister responsible for the environment;

“non-native species” means a species, subspecies or lower taxon, introduced as a result of intentional or accidental dispersal by human activities outside its natural past or present distribution, and includes any part, gametes, seeds, eggs, spores or propagules of such species that might survive and subsequently reproduce;

“permit” means a permit issued by the Director under section 11;

“pest species” referred to in section 21 means any species, strain or biotype of a plant, animal, microbe or pathogenic agent, or any organism, other than an invasive species which—

- (a) causes disease; or
- (b) is detrimental to or capable of harming or adversely affecting animals or animal products, plants or plant products, human beings or the environment, and includes noxious weeds;

“precautionary principle” referred to in section 11(1) means that where there are threats of damage, lack of scientific certainty shall not be used as a reason for postponing or failing to take conservation and management measures for the protection of any species or the environment;

“prescribed” means prescribed by Regulations made under section 28;

“prohibited invasive species” means a prohibited invasive alien species defined in section 4(1) and listed in Schedule 1;

“restricted “category A” invasive species” means a restricted invasive alien species defined in section 6(1) and listed in Schedule 2;

“restricted “category B” invasive species” means a restricted invasive alien species defined in section 7(1) and listed in Schedule 3;

“restricted invasive species” means—

- (a) a restricted “category A” invasive species; and
- (b) a restricted “category B” invasive species;

“sections of the Department” means those sections of the Department specializing in veterinary services, plant protection, marine resources, terrestrial conservation, marine conservation, and bio-diversity; and includes the Department of Health as the Director sees fit;

“species” means a group of living organisms consisting of similar individuals capable of exchanging genes or interbreeding;

“viable” means alive or capable of sustaining growth, development or reproduction, and is not clearly deceased upon observation;

“website” means www.gov.bm.

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Functions of Director

- 3 (1) The Director shall perform the duties assigned to him under this Act.
- (2) The Director shall consult with the relevant sections of the Department before—
- (a) advising the Minister regarding a modification to Schedule 1, Schedule 2 or Schedule 3;
 - (b) issuing a permit or a licence under section 11;
 - (c) preparing a plan under section 14;
 - (d) making an application to a Magistrate under section 20 for forfeiture of an invasive species;
 - (e) advising the Minister regarding an application for an exemption under section 21;
 - (f) issuing a licence under section 23 in respect of an approved agent;
 - (g) giving a direction under section 30,

and the Director shall take into consideration the advice of the relevant sections of the Department when making his decision.

Prohibited Invasive Species

Invasive species that are prohibited

- 4 (1) A prohibited invasive species is any species of viable flora or fauna listed in Schedule 1, and includes any hybrid, off-spring or propagule of such species.
- (2) No person—
- (a) shall import a prohibited invasive species;
 - (b) shall own, possess, reproduce, cultivate, propagate, supply or give to another, sell, lease, trade or buy a prohibited invasive species;
 - (c) who owns or has possession of a prohibited invasive species shall release, or fail to prevent the escape of, the invasive species into the environment;
 - (d) shall shelter or sustain a prohibited invasive species in the wild.
- (3) A person who contravenes subsection (2) commits an offence.

Minister may amend Schedule 1

- 5 (1) The Minister may, upon the advice of the Director, make an order modifying Schedule 1 by adding to or deleting from the list of prohibited invasive species set out in that Schedule.
- (2) Notwithstanding subsection (1), the Minister may, upon the advice of the Director and as a matter of urgency, declare a species to be a prohibited invasive species

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by notice published in the Gazette; and Schedule 1 is amended accordingly on the day such notice is published.

(3) Orders made and notices published under this section are subject to the negative resolution procedure.

Restricted Invasive Species

Restricted “category A” invasive species

6 (1) A restricted “category A” invasive species is any species of viable flora or fauna listed in Schedule 2, and includes any hybrid, off-spring or propagule of such species.

(2) No person shall—

- (a) import a restricted “category A” invasive species except under a permit issued by the Director under section 11;
- (b) reproduce, cultivate, propagate, sell, supply or give to another a restricted “category A” invasive species except under a licence issued by the Director under section 11.

(3) A person who contravenes subsection (2) commits an offence.

Restricted “category B” invasive species

7 (1) A restricted “category B” invasive species is any species of viable flora or fauna listed in Schedule 3, and includes any hybrid, off-spring or propagule of such species.

(2) No person shall import a restricted “category B” invasive species except under a permit issued by the Director under section 11.

(3) A person who contravenes subsection (2) commits an offence.

Minister may amend Schedules 2 and 3

8 (1) The Minister may, upon the advice of the Director, make an order modifying Schedule 2 or Schedule 3 by adding to or deleting from the list of restricted invasive species set out in those Schedules.

(2) Notwithstanding subsection (1), the Minister may, upon the advice of the Director and as a matter of urgency, declare a species to be a restricted “category A” invasive species or a restricted “category B” invasive species by notice published in the Gazette; and Schedule 2 or Schedule 3 is amended accordingly on the day such notice is published.

(3) Orders made and notices published under this section are subject to the negative resolution procedure.

Applying for a permit or licence

9 (1) A person who intends to—

(a) import a—

- (i) restricted “category A” invasive species pursuant to section 6(2)(a);

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(ii) restricted “category B” invasive species pursuant to section 7(2), shall, before doing so, apply as prescribed to the Director for a permit;

(b) conduct an activity referred to in section 6(2)(b) in relation to a restricted “category A” invasive species shall, before doing so, apply as prescribed to the Director for a licence.

(2) A person who, in relation to an application, provides false or misleading documents or information in a material respect commits an offence.

(3) An approved agent who, in relation to a bio-security risk assessment provided with an application, provides false or misleading information in a material respect commits an offence.

Applying for determination of other non-native species

10 (1) This section applies where a person intends to import a non-native species that is not listed in Schedule 1, Schedule 2 or Schedule 3.

(2) A person to whom subsection (1) applies must, before importing the non-native species, apply to the Director as prescribed for a determination as to whether the species is an invasive species.

(3) A person who, in relation to an application, provides false or misleading documents or information in a material respect commits an offence.

(4) An approved agent who, in relation to a bio-security risk assessment provided with an application, provides false or misleading information in a material respect commits an offence.

(5) Where the Director determines that the non-native species is a restricted invasive species, the person may apply to the Director pursuant to section 9 for a permit and, as the case may be, a licence.

Consideration of applications by Director

11 (1) Where an application is made under section 9 in relation to a non-native species that is not listed in Schedule 2 or Schedule 3, the Director may deny the application based on the precautionary principle.

(2) The Director shall, when considering an application for a permit or a licence, have regard to the matters prescribed by Regulations.

(3) The Director shall not issue a permit or licence retroactively.

(4) The Director may attach such conditions to a permit or licence as he considers appropriate.

(5) Notwithstanding subsection (4), it shall be a condition of every permit or licence issued by the Director that the permit or licence shall not be transferred without the written permission of the Director.

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(6) Where the Director grants an application he shall issue a permit or licence; and where an application is denied he shall issue a written notice stating—

- (a) the reason for the decision; and
- (b) that the person may apply under section 26 for the decision to be reviewed by the Minister.

(7) Where, after issuing a permit or a licence, the Director has reasonable cause to believe that an offence was committed under section 9(2) or (3) or section 10(3) or (4), he may suspend the permit or licence until an investigation of the matter has been completed.

Certain offences relating to permits and licences

12 (1) A person to whom a permit or a licence has been issued in respect of a restricted invasive species shall not release, or fail to prevent the escape of, the species into the environment.

(2) A person who contravenes subsection (1) commits an offence.

(3) A person who fails to comply with a condition attached to a permit or a licence commits an offence.

Record keeping

13 (1) A person to whom a permit or a licence has been issued under this Act shall retain such records in such manner and within such period as may be prescribed.

(2) A person who fails to comply with subsection (1) commits an offence.

Management of Invasive Species

Plans for managing invasive species

14 (1) The Director shall prepare management and emergency plans for the purpose of eliminating invasive species, or reducing or preventing the spread of invasive species in Bermuda.

(2) Plans shall include matters relating to—

- (a) the area of land to which the plan relates;
- (b) the identity of invasive species on that land;
- (c) threats posed by the species, including threats to the economy, public health, the environment, and to the health of agriculture, animals and plants;
- (d) objectives for eliminating, reducing or preventing the spread of the species;
- (e) measures to be taken to achieve those objectives, including replacing invasive species with endemic or native species; and
- (f) any other matter which the Director considers appropriate.

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(3) A plan that has been approved by the Minister shall be published on the website, and made available at the Department for public inspection during ordinary business hours.

(4) For the avoidance of doubt, a plan published under this section is not a statutory instrument for purposes of the Statutory Instruments Act 1977.

Minister may implement plan in respect of private land

15 (1) Where an area of land in a plan approved by the Minister under section 14 is privately owned, the Minister may enter into an agreement with the owner of the land, or the occupier as the case may be, for the purpose of implementing measures set out in the plan in respect of the land.

(2) Where no agreement is made under subsection (1), the Minister may apply to the Supreme Court for an order—

- (a) requiring the owner, or occupier as the case may be, within the time specified in the order, to carry out such measures in accordance with the plan approved by the Minister; and
- (b) providing that where the owner, or occupier as the case may be, fails to carry out such measures within the time specified in the order, the Minister may enter the land and direct that such measures be carried out,

and the Court shall give the owner or the occupier, or both of them, an opportunity to be heard in relation to such application.

(3) Where an order is made under subsection (2), all reasonable expenses incurred by the Minister in respect of measures directed to be carried out under subsection (2)(b) may be recovered summarily as a civil debt from the owner, or the occupier as the case may be.

Enforcement

Powers of entry, search and seizure

16 (1) The Director may proceed under this section where he has reasonable cause to believe that an offence has been committed under this Act.

(2) The Director may, subject to section 17—

- (a) enter any premises or specified place;
- (b) stop and enter any form of transportation,

for the purposes of obtaining evidence that an offence has been committed under this Act.

(3) Where the Director makes an entry under this section he shall produce some duly authenticated document showing his authority, if requested to do so by the owner, occupier, or person in charge of the premises, specified place or transportation.

(4) The Director may search the premises, specified place, or transportation entered into under subsection (2) and—

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- (a) seize any invasive species found; and
 - (b) inspect and seize any file, record, written material or any other evidence found.
- (5) Any person who obstructs the Director in the execution of his duties under this section commits an offence.
- (6) In this section and in sections 17 and 18—
- “premises” means residential, business and any other premises, and includes the surrounding land;
- “specified place” includes any boat, ship or aircraft, or any container, storage facility, or similar enclosure.

Warrant to enter premises

17 (1) The Director shall not make an entry under section 16 except with the consent of the owner, occupier or person in charge of the premises, specified place or transportation, or under the authority of a warrant.

(2) A Magistrate may issue a warrant authorizing the Director to enter and search the premises, specified place or transportation at any time, subject to any conditions that may be specified in the warrant, if on ex parte application the Magistrate is satisfied by information on oath that—

- (a) entry is necessary for a purpose in relation to an offence under this Act;
- (b) there is reasonable cause to believe that there is evidence at the premises, specified place, or transportation in relation to the offence; and
- (c) entry has been refused, or there is reasonable cause to believe that entry will be refused.

(3) In the execution of a warrant, the Director may use reasonable force if necessary, but only if specified in the warrant and if accompanied by a Police Officer.

Persons to assist Director

18 (1) The owner, occupier, or person in charge of the premises, specified place, or transportation entered into by the Director under section 16, or any other person found thereat, shall comply with all reasonable requirements for assistance made by the Director.

(2) Any person who, without reasonable excuse, fails to comply with a requirement made by the Director under subsection (1) commits an offence.

Notice of seized items

19 Where the Director seizes any thing under this Act he shall give the owner, occupier, or person in charge a written notice—

- (a) stating the name or description of any invasive species seized;
- (b) listing any other evidence seized;

- (c) stating that the invasive species may be forfeited to the Crown and disposed of; and
- (d) giving such other information as the Director sees fit.

Forfeiture of invasive species

20 (1) The Director may apply to a Magistrate, at any time whether or not any person is prosecuted for an offence connected with an invasive species, for an order for an invasive species to be forfeited to the Crown.

(2) A Magistrate to whom an application is made under subsection (1) shall order the forfeiture of anything he finds to be a prohibited invasive species.

(3) A Magistrate to whom an application is made under subsection (1)—

- (a) shall order the forfeiture of anything he finds to be a restricted “category A” invasive species or a restricted “category B” invasive species, if satisfied that it was imported, possessed or otherwise dealt with not in accordance with a permit or a licence issued under this Act;
- (b) shall give any person appearing to him to be the owner of or otherwise interested in the invasive species in question an opportunity to be heard in relation to the application for forfeiture;
- (c) may, in any event, order the forfeiture of anything in respect of which the application is made if no one appearing to him to fall within paragraph (b) opposes the application.

(4) The Magistrate may suspend, for such period as he shall direct, any order for forfeiture under subsection (2) or (3), if satisfied that there is a substantial risk that the forfeiture or disposal would seriously prejudice any criminal proceedings that have been or may be brought for an offence connected with the invasive species.

(5) Where an order is made by a Magistrate under subsection (2) or (3), the Director shall dispose of the invasive species in such manner as he sees fit.

Supplementary Provisions

Exemptions

21 (1) A Department of the Government may apply to the Minister as prescribed, for an exemption in respect of section 4(2)(a), (b) or (c), section 6(2), or section 7(2) where the activities referred to in those sections are for the purpose of controlling pest species.

(2) The Bermuda Aquarium Museum and Zoo may apply to the Minister as prescribed, for an exemption in respect of section 4(2)(a) or (b), section 6(2), or section 7(2) where the activities referred to in those sections are for the purpose of scientific research, or in respect of local or international conservation efforts.

(3) A person may apply to the Minister as prescribed, for an exemption to import and possess an invasive species for a limited period of time and for limited purposes, including for the purpose of scientific research or public exhibition.

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(4) The Minister shall consult with the Director before determining an application for an exemption.

(5) When granting an application for an exemption, the Minister may attach such conditions as he considers appropriate and issue a written notice of exemption.

Amnesties

22 (1) The Minister may from time-to-time publish a notice in the Gazette requiring persons who own or have in their possession a prohibited invasive species to notify the Director of that fact.

(2) A person who gives notice to the Director pursuant to subsection (1) shall comply with a direction given by the Director in writing, including a direction that the prohibited invasive species be disposed of in the manner specified in the direction within twenty-eight days of the date of the direction.

(3) A person who is aggrieved by a direction given by the Director under subsection (2) may appeal to the Supreme Court pursuant to section 27.

(4) Any information given in a notice to the Director pursuant to subsection (1) shall not be available as evidence against the person giving the information in any prosecution of an offence under this Act.

(5) Sections 6, 7 and 8 of the Statutory Instruments Act 1977 do not apply to a notice issued under this section.

Approved agents

23 (1) A person wishing to be licensed as an approved agent shall apply to the Director as prescribed.

(2) Where the Director grants an application he shall issue a licence; and where an application is denied he shall issue a written notice stating—

(a) the reason for the decision; and

(b) that the person may apply under section 26 for the decision to be reviewed by the Minister.

(3) A licence issued under this section expires three years from the date of issue; and the approved agent may re-apply for a licence not less than three months before the expiration date.

(4) A person who, in relation to an application, provides false or misleading documents or information in a material respect commits an offence.

Authorized officer

24 (1) The duties of the Director under sections 16, 17, 18 and 19 may be performed by an authorized officer, and in such case, those provisions apply to the authorized officer as they would to the Director.

(2) An authorized officer who is an officer of the Department may also perform the duties of the Director under sections 14 and 20, and in such case, those provisions apply to the authorized officer of the Department as they would to the Director.

Director may require information

25 (1) For the purposes of subsection (2), the Director may issue an order requiring a person who has been issued a permit or licence under this Act to provide him with such documents or information within such period of time as is specified in the order.

(2) An order issued by the Director under subsection (1) shall be for the purpose of ascertaining a person's compliance with this Act or any condition attached to the permit or licence, or for statistical or research purposes.

(3) A person who fails to comply with an Order issued under subsection (1) commits an offence.

Minister may review Director's decision

26 (1) A person aggrieved by a decision of the Director to—

- (a) deny an application made under section 9 for a permit or a licence;
- (b) attach a condition or to vary a condition (other than the condition referred to in section 11(5)) of a permit or a licence issued under section 11;
- (c) revoke a permit or a licence issued under section 11;
- (d) deny an application made under section 23 to be licensed as an approved agent;
- (e) revoke the licence of an approved agent,

may, within twenty-eight days of the date on which written notice of the decision was given, apply to the Minister as prescribed for the decision to be reviewed.

(2) The question for the Minister's determination shall be whether, for the reason adduced by the applicant, the decision was unlawful or not justified by the evidence on which it was based.

(3) The Minister may confirm the Director's decision, or refer the matter back to the Director, together with his written opinion, for reconsideration; and where the matter has been referred back, the Minister shall, in making his determination, take into consideration any information or recommendation made by the Director.

(4) The Minister shall give written notice of his determination to the applicant, and where the Minister confirms the decision of the Director, the notice shall give reasons for the Minister's determination, and state that the person may appeal to the Supreme Court pursuant to section 27.

(5) A person who is aggrieved by the Minister's determination may appeal to the Supreme Court pursuant to section 27.

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Appeal to Supreme Court

27 An appeal to the Supreme Court provided for under section 22, 26 or 30 may be made within twenty-eight days of the date on which the direction or determination was given in writing; and the decision of the Court is final.

Regulations

28 (1) The Minister may make such Regulations as are necessary to give effect to the provisions of this Act, including regulations prescribing—

- (a) matters relating to applications for permits, licences and exemptions;
- (b) matters relating to applications for licensing as an approved agent;
- (c) matters relating to bio-security risk assessments;
- (d) the retention of information and records by persons issued with a permit or licence under this Act, in particular, the types of information and records to be kept, the manner in which they may be stored, and the period of their retention;
- (e) the qualifications required for persons to be licensed as an approved agent;
- (f) matters relating to attaching, varying or removing the conditions of a permit, licence or exemption;
- (g) matters relating to the revocation of a permit, licence or exemption;
- (h) the filing of annual returns by permit and licence holders or persons who have been granted an exemption.

(2) The negative resolution procedure applies to Regulations made under this section.

Penalties for offences

29 (1) A person who commits an offence under section 4 is liable on summary conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding two years, or to both such fine and imprisonment.

(2) A person who commits an offence under section 6, 7 or 12 is liable on summary conviction to a fine not exceeding \$25,000 or to imprisonment for a term not exceeding twelve months, or to both such fine and imprisonment.

(3) A person who commits an offence under section 9, 10, 13, 16, 18, 23 or 25 is liable on summary conviction to a fine not exceeding \$15,000 or to imprisonment for a term not exceeding six months, or to both such fine and imprisonment.

(4) Where a person is convicted of an offence under this Act, any invasive species connected with the offence shall by order of the Court be forfeited to the Crown, and the Director shall dispose of the species in such manner as he sees fit.

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Transitional

30 (1) A person who, on the day this Act comes into operation, owns or has in his possession a prohibited invasive species shall within six months of the date on which this Act comes into operation notify the Director of that fact.

(2) A person who gives notice to the Director under subsection (1) shall comply with a direction given by the Director in writing, including a direction that the prohibited invasive species be disposed of in the manner specified in the direction within twenty-eight days of the date of the notice.

(3) A person who is aggrieved by a direction given by the Director under subsection (2) may appeal to the Supreme Court pursuant to section 27.

(4) This section applies, with the necessary modifications, when an order is made or a notice is published under section 5 adding a prohibited invasive species to Schedule 1.

Consequential amendment

31 The Government Fees Regulations 1976 are amended in accordance with Schedule 4.

Commencement

32 This Act comes into operation on such day as the Minister appoints by notice published in the Gazette.

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SCHEDULE 1

(section 4(1))

PROHIBITED INVASIVE SPECIES

REPTILES		
	<u>Name</u>	<u>Commonly Known As</u>
1	Agamidae (Family)	Dragon lizards
2	Chamaeleonidae (Family)	Chameleons
3	Crocodylia (Order)	Crocodiles, alligators, caimans, and gharials
4	Dactyloidea (Family)	All anoles except those listed in Schedule 2 or Schedule 3
5	Gekkota (Infraorder)	All geckos except those listed in Schedule 2 or Schedule 3
6	Iguanidae (Family)	Iguanas
7	Scincidae (Family)	All skinks except <i>Plestiodon longirostris</i>
8	Serpentes (Sub-order)	Snakes
9	Teiidae (Family)	Tegus and whiptails
AMPHIBIANS		
10	Anura (Order)	All frogs and toads except <i>Eleutherodactylus johnstonei</i> and <i>Rhinella marina</i>
FISHES		
11	<i>Belonesox belizanus</i>	Pike killifish
12	<i>Catopryon spp.</i> , <i>Pristobrycon spp.</i> , <i>Pygocentrus spp.</i> , <i>Pygopristsis spp.</i> , and <i>Serrasalmus spp.</i>	Piranha, Carnivorous piranhas
13	<i>Channa spp.</i> and <i>Parachanna spp.</i>	Snakeheads
14	<i>Clarias batrachus</i>	Walking catfish
15	<i>Fundulus grandis</i>	Gulf killifish
16	<i>Fundulus heteroclitus</i>	Saltmarsh killifish
17	<i>Lates niloticus</i>	Nile Perch
18	<i>Micropterus salmoides</i>	Bass
19	<i>Oreochromis mossambicus</i>	Mozambique tilapia
20	Petromyzontiformes (Order)	Lamprey
TERRESTRIAL INVERTEBRATES		
21	<i>Achatina fulica</i> syn. <i>Lissachatina fulica</i>	Giant African Snail
22	Blaberidae (Family)	Giant cockroaches

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23	Bombycidae (Family)	Silk worm moths
24	<i>Dinoponera spp.</i>	Giant ants
25	Fulgoridae (Family)	Lanternflies
26	Mantodea (Order)	Mantids
27	Passalidae (Family)	Bess beetles
28	Phasmatodea (Order)	Stick insects, Walking sticks, Leaf insects
29	Scarabaeidae (Family)	Rhinoceros Atlas, Hercules, Satanas, and Elephant beetles except those listed in Schedule 2 or Schedule 3
30	Schizomida (Order)	Short-tailed whipscorpions
31	Scolopendridae (Family)	All Giant centipedes except for those listed in Schedule 2 or Schedule 3
32	Scorpiones (Order)	Scorpions
33	Spirostreptidae (Family)	Giant millipedes
34	Theraphosidae (Family)	Tarantulas
35	Tettigoniidae (Family)	Katydids
36	Uropygi (Order)	Whip scorpions
AQUATIC INVERTEBRATES		
37	Belostomatidae (Family)	Giant water bugs
38	<i>Marisa cornuarietis</i>	Giant rams horn snail
39	Nepidae (Family)	Water scorpions
40	<i>Orconectes rusticus</i>	Rusty crayfish
41	<i>Procambarus clarkii</i>	Red swamp crayfish
MAMMALS		
42	Cingulata (Order)	Armadillos
43	Cricetidae (Family)	Muskrat
44	Echimyidae (Family)	Nutria
45	Erinaceidae (Family)	Hedgehogs
46	Hemigalinae (Sub-family)	Civet
47	Herpestidae (Family)	Mongoose
48	Hydrochoerinae (Sub-family)	Capybara
49	Hyracoidea (Order)	Hyrax
50	Mephitidae (Family)	Skunks
51	Mustelidae (Family)	Badgers, Weasels, Ferrets, Prairie dogs
52	Procyonidae (Family)	Raccoons, Coati
53	Sciuridea (Family)	Squirrels, Flying squirrels, Sugar gliders

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54	<i>Vulpes spp.</i>	Fox
55	Felidae (Family) Felines of all types, except <i>Felis silvestris catus</i> (the domestic cat) outside the purview of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)	
56	Canidae (Family) Canines of all types except <i>Canis lupus familiaris</i> (the domestic dog) outside the purview of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and as listed in paragraph 2 of Schedule 2 to the Dogs Act 2008	
TERRESTRIAL PLANTS		
57	<i>Abrus precatorius</i>	Rosary pea
58	<i>Acacia auriculiformis</i>	Earleaf acacia
59	<i>Actinidia arguta</i>	Hardy Kiwi or Taravine
60	<i>Ailanthus altissima</i>	Tree of life
61	<i>Alternanthera philoxeroides</i>	Alligator weed
62	<i>Artabotrys hexapetalus syn. Artabotrys uncinatus</i>	Ylang ylang vine
63	<i>Cissus antarctica</i>	Kangaroo vine
64	<i>Clarkia amoena</i>	Farewell to spring
65	<i>Cobaea scandens</i>	Cup-and-saucer vine
66	<i>Colubrina asiatica</i>	Lather leaf
67	<i>Eragrostis tef</i>	Tef, Indian lovegrass
68	<i>Parmentiera aculeata</i>	Cucumber tree
69	<i>Physalis alkekengi</i>	Chinese lantern
70	<i>Triadica sebifera syn. Sapium sebiferum</i>	Chinese tallow
71	<i>Ugni molinae</i>	Chilean guava, Strawberry myrtle
72	<i>Vernicia fordii</i>	Tung oil tree
AQUATIC PLANTS		
73	<i>Bacopa australis</i>	Australian bacopa
74	<i>Cryptocoryne beckettii</i>	Beckett's water trumpet
75	<i>Cryptocoryne lutea</i>	
76	<i>Cryptocoryne pygmaea</i>	
77	<i>Cryptocoryne wendtii</i>	Wendt's water trumpet
78	<i>Eleocharis acicularis</i>	Needle spikerush
79	<i>Eleocharis parvula</i>	Dwarf spikerush
80	<i>Glossostigma elatinoides</i>	

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81	<i>Hemianthus callitrichoides</i> syn. <i>Micranthemum callitrichoides</i>	Dwarf baby's tears
82	<i>Hygrophila corymbosa</i>	Temple plant
83	<i>Ipomoea aquatic</i>	Water spinach
84	<i>Lilaeopsis brasiliensis</i>	Brazilian micro sword
85	<i>Lilaeopsis mauritiana</i>	Narrow leaf micro sword
86	<i>Lilaeopsis novae-zelandiae</i>	Micro sword
87	<i>Ludwigia inclinata</i>	
88	<i>Lythrum salicaria</i>	Purple loosestrife
89	<i>Marsilea angustifolia</i>	Nardoo
90	<i>Micranthemum tweediei</i>	Monte Carlo, Pearl grass
91	<i>Myriophyllum mattogrossense</i>	Matogrosso milfoil
92	<i>Myriophyllum spicatum</i>	Eurasian milfoil
93	<i>Nymphoides hydrophylla</i>	Crested floating heart
94	<i>Phyllanthus fluitans</i>	Red root floater
95	<i>Rotala macrandra</i>	Giant red rotala
96	<i>Rotala rotundifolia</i> 'Vietnam'	Rotala Vietnam
97	<i>Vesicularia dubyana</i> syn. <i>Taxiphyllum barbieri</i>	Java moss

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SCHEDULE 2

(section 6(1))

RESTRICTED "CATEGORY A" INVASIVE SPECIES

REPTILES		
	<u>Name</u>	<u>Commonly Known As</u>
1	<i>Anolis extremus</i>	Barbados anole
2	<i>Anolis grahami</i>	Jamaican anole
3	<i>Anolis leachii</i>	Antiguan anole
4	<i>Anolis sagrei</i>	Brown anole
5	<i>Hemidactylus turcicus</i>	Turkish gecko
6	<i>Hemidactylus mabouia</i>	Tropical house gecko
7	<i>Trachemys spp. and Pseudemys spp.</i>	Aquatic turtles (sliders and river cooters)
AMPHIBIANS		
8	Salamandridae (Order)	All newts and salamanders
FISHES		
9	<i>Oreochromis aureus</i>	Blue tilapia
10	<i>Oreochromis niloticus</i>	Nile tilapia
11	<i>Pterois spp.</i>	All lionfish species
TERRESTRIAL PLANTS		
12	<i>Abutilon theophrasti</i>	Indian mallow, Velvetleaf
13	<i>Anredera baselloides</i>	Madeira vine
14	<i>Ardisia spp.</i>	All Ardisia species
15	<i>Arundo donax</i>	Cow cane
16	<i>Asparagus spp.</i>	All Asparagus species except <i>Asparagus officinalis</i>
17	<i>Austrocyllindropuntia spp.</i>	All <i>austrocyllindropuntia</i> species
18	<i>Buddleja madagascariensis</i>	Madagascar buddleia
19	<i>Calophyllum inophyllum</i>	Kamani
20	<i>Cardiospermum halicacabum</i>	Large Fruited Balloon Vine
21	<i>Casuarina spp.</i>	All casuarina species
22	<i>Cenchrus setaceus</i>	Fountain grass
23	<i>Cylindropuntia spp.</i>	All <i>cylindropuntia</i> species
24	<i>Cyrtomium falcatum</i>	Holly fern, Japanese holly fern
25	<i>Elaeagnus pungens</i>	Thorny olive

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26	<i>Epipremnum pinnatum</i>	Pothos vine
27	<i>Eucalyptus spp.</i>	All eucalyptus
28	<i>Euphorbia myrsini</i>	Myrtle spurge, Donkeytail
29	<i>Ficus microcarpa</i> syn. <i>Ficus retusa</i>	Laurel fig, Indian laurel
30	<i>Furcraea foetida</i>	Mauritius hemp
31	<i>Heptapleurum arboricola</i> syn. <i>Schefflera arboricola</i>	Dwarf umbrella plant
32	<i>Ipomoea spp.</i>	Morning glory species except for <i>Ipomoea batatas</i> , <i>Ipomoea pes-caprae</i> and <i>Ipomoea sagitta</i>
33	<i>Lablab purpureus</i>	Lablab, Hyacinth bean, Black bean
34	<i>Leucaena leucocephala</i>	Jumbie Bean, Wild mimosa
35	<i>Livistona chinensis</i>	Chinese fan palm
36	<i>Phymatosorus scolopendria</i>	Creeping fern, Wart fern
37	<i>Pueraria montana</i> syn. <i>P. lobata</i>	Kudzu vine
38	<i>Rhynchelytrum repens</i> syn. <i>Melinis repens</i>	Natal grass
39	<i>Ricinus communis</i>	Castor bean
40	<i>Scaevola taccada</i>	Beach naupaka
41	<i>Schefflera actinophylla</i>	Queensland umbrella tree
42	<i>Schinus terebinthifolia</i>	Brazilian pepper
43	<i>Sphagneticola trilobata</i>	Wedelia
44	<i>Trichostigma octandrum</i>	Hoop vine
45	<i>Volkameria glabra</i> syn. <i>Clerodendrum glabrum</i>	Natal glorybower

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SCHEDULE 3

(section 7(1))

RESTRICTED "CATEGORY B" INVASIVE SPECIES

TERRESTRIAL INVERTEBRATES		
1	All terrestrial invertebrates in Phylum arthropoda except those listed in Schedule 1 or Schedule 2	
TERRESTRIAL PLANTS		
	Name	Commonly Known As
2	<i>Agave americana</i>	Agave
3	<i>Agave sisalana</i>	Agave
4	<i>Cenchrus purpureus</i>	Napier grass
5	<i>Opuntia spp.</i>	All <i>Opuntia</i> except native species
6	<i>Pennisetum macrostachyum</i>	Purple Fountain grass
7	<i>Pereskia aculeata</i>	Barbados gooseberry
8	<i>Sansevieria trifasciata</i>	Mother-in-law's tongue
9	<i>Urochloa mutica</i>	Para grass, Buffalo grass
AQUATIC PLANTS		
10	<i>Eichhornia crassipes</i>	Water hyacinth
11	<i>Pistia stratiotes</i>	Water lettuce

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SCHEDULE 4

(section 31)

CONSEQUENTIAL AMENDMENT

The Government Fees Regulations 1976 are amended by inserting the following after Head 36A—

Head 36B

Invasive Alien Species Act 2021

(1)	Applying under section 9—	
	(a) for a permit under section 6(2)(a) to import a restricted “category A” invasive	\$200 (per species)
	(b) for a licence to conduct an activity referred to in section 6(2)(b) in relation to a restricted “category A” invasive species	\$200
	(c) for a permit under section 7(2) to import a restricted “category B” invasive species	\$200 (per species)
(2)	Applying under section 10 for the Director’s determination of a non-native species	\$100
(3)	Applying under section 21(3) for an exemption	\$200
(4)	Applying under section 23 to be licensed as an approved agent	\$150
(5)	Applying under section 26 for the Minister’s review of a decision	\$200

[Assent Date: 12 October 2021]

[Operative Date: 02 May 2022]