

## **EXPLANATORY STATEMENT**

Issued by Authority of the Director of Biosecurity

*Biosecurity Act 2015*

### **Determinations covered by this Explanatory Statement**

*Biosecurity (First Point of Entry—Gold Coast Broadwater) Determination 2019*  
*Biosecurity (First Point of Entry—Port of Ardrossan) Determination 2019*  
*Biosecurity (First Point of Entry—Port of Bowen (Abbot Point)) Determination 2019*  
*Biosecurity (First Point of Entry—Port of Brisbane) Determination 2019*  
*Biosecurity (First Point of Entry—Port of Broome) Determination 2019*  
*Biosecurity (First Point of Entry—Port of Bunbury) Determination 2019*  
*Biosecurity (First Point of Entry—Port of Bundaberg) Determination 2019*  
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*Biosecurity (First Point of Entry—Port of Geraldton) Determination 2019*  
*Biosecurity (First Point of Entry—Port of Gladstone) Determination 2019*  
*Biosecurity (First Point of Entry—Port of Hay Point) Determination 2019*  
*Biosecurity (First Point of Entry—Port of Hobart) Determination 2019*  
*Biosecurity (First Point of Entry—Port of Launceston (Bell Bay)) Determination 2019*  
*Biosecurity (First Point of Entry—Port of Lucinda) Determination 2019*  
*Biosecurity (First Point of Entry—Port of Melville Bay) Determination 2019*  
*Biosecurity (First Point of Entry—Port of Milner Bay) Determination 2019*  
*Biosecurity (First Point of Entry—Port of Mourilyan) Determination 2019*  
*Biosecurity (First Point of Entry—Port of Newcastle) Determination 2019*  
*Biosecurity (First Point of Entry—Port of Port Alma) Determination 2019*  
*Biosecurity (First Point of Entry—Port of Port Botany) Determination 2019*  
*Biosecurity (First Point of Entry—Port of Port Bonython) Determination 2019*  
*Biosecurity (First Point of Entry—Port of Port Giles) Determination 2019*  
*Biosecurity (First Point of Entry—Port of Port Kembla) Determination 2019*  
*Biosecurity (First Point of Entry—Port of Port Kennedy) Determination 2019*  
*Biosecurity (First Point of Entry—Port of Port Latta) Determination 2019*  
*Biosecurity (First Point of Entry—Port of Port Lincoln) Determination 2019*  
*Biosecurity (First Point of Entry—Port of Port Pirie) Determination 2019*  
*Biosecurity (First Point of Entry—Port of Port Walcott) Determination 2019*  
*Biosecurity (First Point of Entry—Port of Portland) Determination 2019*  
*Biosecurity (First Point of Entry—Port of Thevenard) Determination 2019*  
*Biosecurity (First Point of Entry—Port of Townsville) Determination 2019*  
*Biosecurity (First Point of Entry—Port of Wallaroo) Determination 2019*  
*Biosecurity (First Point of Entry—Port of Weipa) Determination 2019*  
*Biosecurity (First Point of Entry—Port of Westernport) Determination 2019*  
*Biosecurity (First Point of Entry—Port of Whyalla) Determination 2019*  
*Biosecurity (First Point of Entry—Port of Wyndham) Determination 2019*  
*Biosecurity (First Point of Entry—Port of Yamba) Determination 2019*

## Legislative Authority

The *Biosecurity Act 2015* (Biosecurity Act) provides the Commonwealth with powers to assess and manage biosecurity risk, among other things. Biosecurity risk is defined at sections 9 and 310 of the Biosecurity Act.

Subsection 229(1) of the Biosecurity Act provides that the Director of Biosecurity or the Director of Human Biosecurity may determine that a specified port in Australian territory is a first point of entry for any of the following:

- vessels generally, or a specified class of vessels that are subject to biosecurity control;
- specified goods, or a specified class of goods that are subject to biosecurity control, or in relation to which an exposed goods order is in force.

Subsection 229(2) of the Biosecurity Act provides that the Director of Biosecurity or the Director of Human Biosecurity may make a determination under subsection 229(1) in relation to a port only if the Director who is proposing to make the determination is satisfied that the requirements (if any) prescribed by the regulations in relation to the port are met and the level of biosecurity risk associated with operations carried out at the port is acceptable.

Section 230 provides that a determination under subsection 229(1) in relation to a port may designate a specified area of the port as a biosecurity entry point for vessels generally, or a specified class of vessels that are subject to biosecurity control, and/or goods, or a specified class of goods that are subject to biosecurity control or in relation to which an exposed goods order is in force.

Subsection 231(1) provides that a determination under subsection 229(1) may be made subject to conditions. Subsection 231(2) provides that without limiting subsection 231(1), the conditions may relate to an owner or lessee of the port, a person or body that is responsible for carrying out operations at the port or/and the operations carried out at the port.

## Purpose

The purpose of the:

- *Biosecurity (First Point of Entry—Gold Coast Broadwater) Determination 2019* (Gold Coast Broadwater Determination)
- *Biosecurity (First Point of Entry—Port of Ardrossan) Determination 2019* (Port of Ardrossan Determination)
- *Biosecurity (First Point of Entry—Port of Bowen (Abbott Point)) Determination 2019* (Port of Bowen (Abbot Point) Determination)
- *Biosecurity (First Point of Entry—Port of Brisbane) Determination 2019* (Port of Brisbane Determination)
- *Biosecurity (First Point of Entry—Port of Broome) Determination 2019* (Port of Broome Determination)
- *Biosecurity (First Point of Entry—Port of Bunbury) Determination 2019* (Port of Bunbury Determination)
- *Biosecurity (First Point of Entry—Port of Bundaberg) Determination 2019* (Port of Bundaberg Determination)
- *Biosecurity (First Point of Entry—Port of Burnie) Determination 2019* (Port of Burnie Determination)

- *Biosecurity (First Point of Entry—Port of Cairns) Determination 2019* (Port of Cairns Determination)
- *Biosecurity (First Point of Entry—Port of Devonport) Determination 2019* (Port of Devonport Determination)
- *Biosecurity (First Point of Entry—Port of Geraldton) Determination 2019* (Port of Geraldton Determination)
- *Biosecurity (First Point of Entry—Port of Gladstone) Determination 2019* (Port of Gladstone Determination)
- *Biosecurity (First Point of Entry—Port of Hay Point) Determination 2019* (Port of Hay Point Determination)
- *Biosecurity (First Point of Entry—Port of Hobart) Determination 2019* (Port of Hobart Determination)
- *Biosecurity (First Point of Entry—Port of Launceston (Bell Bay)) Determination 2019* (Port of Launceston (Bell Bay) Determination)
- *Biosecurity (First Point of Entry—Port of Lucinda) Determination 2019* (Port of Lucinda Determination)
- *Biosecurity (First Point of Entry—Port of Melville Bay) Determination 2019* (Port of Melville Bay Determination)
- *Biosecurity (First Point of Entry—Port of Milner Bay) Determination 2019* (Port of Milner Bay Determination)
- *Biosecurity (First Point of Entry—Port of Mourilyan) Determination 2019* (Port of Mourilyan Determination)
- *Biosecurity (First Point of Entry—Port of Newcastle) Determination 2019* (Port of Newcastle Determination)
- *Biosecurity (First Point of Entry—Port of Port Alma) Determination 2019* (Port of Port Alma Determination)
- *Biosecurity (First Point of Entry—Port of Port Bonython) Determination 2019* (Port of Port Bonython Determination)
- *Biosecurity (First Point of Entry—Port of Port Botany) Determination 2019* (Port of Port Botany Determination)
- *Biosecurity (First Point of Entry—Port of Port Giles) Determination 2019* (Port of Port Giles Determination)
- *Biosecurity (First Point of Entry—Port of Port Kembla) Determination 2019* (Port of Port Kembla Determination)
- *Biosecurity (First Point of Entry—Port of Port Kennedy) Determination 2019* (Port of Port Kennedy Determination)
- *Biosecurity (First Point of Entry—Port of Port Latta) Determination 2019* (Port of Port Latta Determination)
- *Biosecurity (First Point of Entry—Port of Port Lincoln) Determination 2019* (Port of Port Lincoln Determination)
- *Biosecurity (First Point of Entry—Port of Port Pirie) Determination 2019* (Port of Port Pirie Determination)
- *Biosecurity (First Point of Entry—Port of Port Walcott) Determination 2019* (Port of Port Walcott Determination)
- *Biosecurity (First Point of Entry—Port of Portland) Determination 2019* (Port of Portland Determination)
- *Biosecurity (First Point of Entry—Port of Thevenard) Determination 2019* (Port of Thevenard Determination)

- *Biosecurity (First Point of Entry—Port of Townsville) Determination 2019* (Port of Townsville Determination)
- *Biosecurity (First Point of Entry—Port of Wallaroo) Determination 2019* (Port of Wallaroo Determination)
- *Biosecurity (First Point of Entry—Port of Weipa) Determination 2019* (Port of Weipa Determination)
- *Biosecurity (First Point of Entry—Port of Westernport) Determination 2019* (Port of Westernport Determination)
- *Biosecurity (First Point of Entry—Port of Whyalla) Determination 2019* (Port of Whyalla Determination)
- *Biosecurity (First Point of Entry—Port of Wyndham) Determination 2019* (Port of Wyndham Determination)
- *Biosecurity (First Point of Entry—Port of Yamba) Determination 2019* (Port of Yamba Determination)

(collectively, the Determinations) is to:

- determine that the ports that are the subject of the Determinations are first points of entry for the purposes of section 229 of the Biosecurity Act;
- designate specified areas of those ports as biosecurity entry points for the purposes of section 230 of the Biosecurity Act where required; and
- identify the conditions that the Determinations are subject to in accordance with section 231 of the Biosecurity Act.

## **Background**

The *Quarantine Act 1908* (Quarantine Act) was replaced by the Biosecurity Act upon its commencement on 16 June 2016. The *Biosecurity (Consequential Amendments and Transitional Provisions) Act 2015* (Transitional Act) provided transitional and consequential provisions to support the commencement of the Biosecurity Act as it replaced the Quarantine Act. The Transitional Act provided transitional provisions to enable the requirements for first points of entry to be met as the transition from the Quarantine Act to the Biosecurity Act occurred. This was achieved through ‘transitional’ first point of entry determinations that would remain in effect for three years (the transition period). The transition period for a number of transitional determinations ended on 15 June 2019, meaning that such transitional determinations cease to have effect on that day.

For the purposes of the Determinations, the Director of Biosecurity was satisfied that each port (that was previously subject to a transitional Determination) met the requirements of subsection 229(2) of the Biosecurity Act. The Director of Biosecurity specified that such ports were to be first points of entry for the purposes of subsection 229(1) of the Biosecurity Act.

## **Impact and Effect**

The Determinations ensure that vessels and goods that arrive in Australian territory from overseas arrive at a location that has the facilities available to assess any biosecurity risk and manage it to an acceptable level. Vessels or goods arriving at a port that is not a first point of entry, and which does not have the capacity to manage the biosecurity risk, pose a threat that a disease or pest may enter, establish or spread and cause harm to Australia’s human, plant and animal health, the environment and the economy.

## **Consultation**

In considering whether the ports met the requirements of subsection 229(2) of the Biosecurity Act, the Agriculture Department (department) engaged directly with operators at ports to confirm the nature of their operations, supported assessment of those operations and provided technical and administrative support. The department sought and received support by port operators of all names of first points of entry and biosecurity entry points, as well as clarification of the activities carried out at those locations. This information has been incorporated into the Determinations.

The Department of Health has been consulted in relation to the Determinations.

The Office of Best Practice Regulation (OBPR) was consulted in the preparation of the Regulation Impact Statement (RIS) for the Biosecurity Bill 2014 (OBPR ID: 25191). OBPR advised on 31 March 2016 that a RIS is not required and, further to this, confirmed this advice in the context of these Determinations on 9 May 2019.

## **Details / Operation**

Details of the Determinations are set out in the Attachment.

## **Other**

These Determinations are legislative instruments for the purposes of the *Legislation Act 2003*. However, under section 234 of the Biosecurity Act they are not subject to disallowance. The decision to make a determination under subsection 229(1) of the Biosecurity Act is a technical and scientific decision to ensure biosecurity risk can be satisfactorily managed at the specified landing place.

**Details of the Biosecurity (First Point of Entry [Port]) Determinations**

**Part 1 Preliminary**

**Section 1 – Name**

This section provides that the name of each of the Determinations is the Biosecurity First Point of Entry [Port] Determination 2019 (the Determinations).

**Section 2 – Commencement**

This section provides for the Determinations to commence on 16 June 2019.

**Section 3 – Authority**

This section provides that the Determinations are made under subsection 229(1) of the *Biosecurity Act 2015*.

**Section 4 – Definitions**

This section provides definitions for terms contained in the Determinations. The Determinations provide that “Act” means the *Biosecurity Act 2015*. The Determinations provide that “vessels” means a vessel (as defined in section 9 of the Biosecurity Act) that is subject to biosecurity control. “Non-commercial vessel” has the same meaning as in the *Biosecurity Regulation 2016*, which is “a vessel that is used, or is intended to be used, wholly for recreational purposes (whether or not crew are employed on the vessel)”.

The Determinations further provide that “goods” means goods (as defined by section 19 of the Biosecurity Act) that are subject to biosecurity control or in relation to which an exposed goods order is in force.

The following Determinations:

- Port of Brisbane Determination
- Port of Cairns Determination
- Port of Gladstone Determination
- Port of Hobart Determination
- Port of Launceston (Bell Bay) Determination
- Port of Newcastle Determination
- Port of Port Alma Determination
- Port of Port Botany Determination
- Port of Port Kembla Determination
- Port of Townsville Determination

also contain definitions for “freight container”. These Determinations provide that “freight container” means a re-usable container that is designed to be used to transport goods by one or more modes of transport; that can be transferred from one mode of transport to

another without unloading the goods from the container; and that is known as a 20 foot long container or a 40 foot long container.

The following Determinations:

- Port of Brisbane Determination
- Port of Bunbury Determination
- Port of Bundaberg Determination
- Port of Burnie Determination
- Port of Cairns Determination
- Port of Gladstone Determination
- Port of Hobart Determination
- Port of Launceston (Bell Bay) Determination
- Port of Newcastle Determination
- Port of Port Alma Determination
- Port of Port Botany Determination
- Port of Port Kembla Determination
- Port of Townsville Determination

Also contain definitions for “general goods”. These Determinations provide that “general goods” means goods (as defined by section 19 of the Biosecurity Act) other than baggage, freight containers, live horses or waste.

The following Determinations:

- Port of Port Bonython Determination
- Port of Brisbane Determination
- Port of Broome Determination
- Port of Bunbury Determination
- Port of Bundaberg Determination
- Port of Burnie Determination
- Port of Cairns Determination
- Port of Devonport Determination
- Port of Geraldton Determination
- Port of Gladstone Determination
- Port of Hobart Determination
- Port of Launceston (Bell Bay) Determination
- Port of Melville Bay Determination
- Port of Newcastle Determination
- Port of Portland Determination
- Port of Port Alma Determination
- Port of Port Botany Determination
- Port of Port Kembla Determination
- Port of Port Lincoln Determination
- Port of Townsville Determination
- Port of Weipa Determination
- Port of Westernport Determination
- Port of Whyalla Determination

also contain definitions for “inorganic bulk goods”. These Determinations provide that “inorganic bulk goods” means chemicals, ores, minerals or gases that are brought or imported into Australian territory in bulk and do not contain animals, plants, organic compounds or microbes. The inorganic bulk goods definition should be understood to mean inorganic bulk goods carried on the vessel in bulk, rather than inorganic goods carried on a vessel in bags, containers or other receptacles.

The following Determinations:

- Port of Bowen (Abbot Point) Determination
- Port of Brisbane Determination
- Port of Broome Determination
- Port of Bunbury Determination
- Port of Bundaberg Determination
- Port of Burnie Determination
- Port of Cairns Determination
- Port of Devonport Determination
- Port of Geraldton Determination
- Port of Gladstone Determination
- Port of Hay Point Determination
- Port of Hobart Determination
- Port of Launceston (Bell Bay) Determination
- Port of Newcastle Determination
- Port of Portland Determination
- Port of Port Alma Determination
- Port of Port Botany Determination
- Port of Port Kembla Determination
- Port of Port Kennedy Determination
- Port of Port Lincoln Determination
- Port of Townsville Determination
- Port of Westernport Determination

also contain definitions for “waste” in section 4. These Determinations provide that “waste” means goods (as defined by section 19 of the Biosecurity Act) that are subject to biosecurity control and that are intended, by the person in charge of the vessels on which the goods are carried, to be disposed of.

The following Determinations:

- Gold Coast Broadwater Determination
- Port of Brisbane Determination
- Port of Bundaberg Determination
- Port of Cairns Determination
- Port of Gladstone Determination
- Port of Hobart Determination
- Port of Launceston (Bell Bay) Determination
- Port of Newcastle Determination
- Port of Port Kennedy Determination

- Port of Townsville Determination

also contain definitions for “non-commercial vessel waste” which means waste carried on a non-commercial vessel.

The following Determinations:

- Gold Coast Broadwater Determination
- Port of Brisbane Determination
- Port of Bundaberg Determination
- Port of Cairns Determination
- Port of Gladstone Determination
- Port of Hobart Determination
- Port of Launceston (Bell Bay) Determination
- Port of Newcastle Determination
- Port of Port Kennedy Determination
- Port of Townsville Determination

also contain definitions for “non-commercial vessel baggage” which means baggage carried on a non-commercial vessel.

The following Determinations:

- Port of Brisbane Determination
- Port of Cairns Determination
- Port of Geraldton Determination
- Port of Hobart Determination
- Port of Newcastle Determination
- Port of Port Kembla
- Port of Townsville Determination

also contain definitions for “passenger vessel baggage” which means baggage carried on a passenger vessel.

## Part 2 First point of entry

### **First point of entry – vessels**

Section 5 of all of the Determinations, provides that the relevant port is a first point of entry for either vessels generally or specified classes of vessels.

Section 5 of the following Determinations provides that the relevant port is a first point of entry for vessels generally:

- Port of Brisbane Determination
- Port of Cairns Determination
- Port of Geraldton Determination
- Port of Gladstone Determination
- Port of Hobart Determination

- Port of Launceston (Bell Bay) Determination
- Port of Newcastle Determination
- Port of Port Kennedy Determination
- Port of Townsville Determination

Section 5 of the following Determinations provides that the relevant port is a first point of entry for vessels other than non-commercial vessels and passenger vessels:

- Port of Ardrossan Determination
- Port of Bowen (Abbot Point) Determination
- Port of Devonport Determination
- Port of Hay Point Determination
- Port of Lucinda Determination
- Port of Melville Bay Determination
- Port of Milner Bay Determination
- Port of Mourilyan Determination
- Port of Port Alma Determination
- Port of Port Bonython Determination
- Port of Port Botany Determination
- Port of Port Giles Determination
- Port of Port Latta Determination
- Port of Port Pirie Determination
- Port of Port Walcott Determination
- Port of Thevenard Determination
- Port of Wallaroo Determination
- Port of Weipa Determination
- Port of Westernport Determination
- Port of Whyalla Determination
- Port of Yamba Determination

Section 5 of the following Determinations provides that the relevant port is a first point of entry for vessels other than non-commercial vessels:

- Port of Broome Determination
- Port of Bunbury Determination
- Port of Burnie Determination
- Port of Port Botany Determination
- Port of Port Lincoln Determination
- Port of Portland Determination
- Port of Wyndham Determination

The Port of Bundaberg Determination provides that the port is a first point of entry for vessels other than passenger vessels.

The Gold Coast Broadwater Determination provides that the port is a first point of entry for non-commercial vessels only. A note after section 5 provides that the port is not a first point of entry for any other vessels.

## **First point of entry – goods**

Section 6 of the Determinations provides whether a specified port is a first point of entry for goods (if any). For example, a specified port may be a first point of entry for all goods, no goods, or specified classes of goods.

Section 6 of the Determinations, with the exception of the Gold Coast Broadwater Determination, provides that all ports are a first point of entry for baggage carried on a vessel other than a non-commercial vessel or a passenger vessel.

The Gold Coast Broadwater Determination provides that the port is only a first point of entry for non-commercial vessel baggage and non-commercial vessel waste.

Section 6 of the following Determinations provides that the port is a first point of entry only for baggage carried on a vessel other than a non-commercial vessel or a passenger vessel:

- Port of Ardrossan Determination
- Port of Bowen (Abbot Point) Determination
- Port of Lucinda Determination
- Port of Milner Bay Determination
- Port of Mourilyan Determination
- Port of Port Giles Determination
- Port of Port Latta Determination
- Port of Port Pirie Determination
- Port of Port Walcott Determination
- Port of Thevenard Determination
- Port of Wallaroo Determination
- Port of Weipa Determination
- Port of Wyndham Determination
- Port of Yamba Determination

Notes after section 6 provide that these ports are not a first point of entry for any other goods and that for other matters relating to whether particular goods may be brought into a particular first point of entry, and direct the reader to sections 173 and 174 of the Biosecurity Act (which deal with prohibited goods and conditionally non prohibited goods) and any determinations made under those sections.

Where a Determination provides that a port is a first point of entry for general goods, inorganic bulk goods are also permitted.

Where a Determination provides that a port is a first point of entry for passenger vessels but not passenger vessel baggage, this means in practice that passenger vessels may moor there and day-tripping passengers may alight but passenger baggage must not be unloaded at the first point of entry.

## **Part 3 Biosecurity entry points**

A biosecurity entry point is a specified area within a first point of entry, where vessels or goods to which the biosecurity entry point relates must enter as soon as possible. This is an

optional tool that can be used to assist with the management of biosecurity risk by ensuring vessels and goods are brought to a specified place with the facilities to assess and, if necessary, treat biosecurity risk. They may be used for a range of reasons, such as the size and location of the port or the types of biosecurity risk associated with the vessels or goods.

For example, a Director may determine under section 229 of the Biosecurity Act that a port to be a first point of entry that can accept live horses, but may also determine that the biosecurity risk associated with live horses needs to be managed at a specific location within the port (such as a location with the appropriate facilities to assess and treat biosecurity risk, as well as provide appropriate containment for animals). Section 230 of the Biosecurity Act enables to the Director to designate that location to be a biosecurity entry point for live animals.

Section 147 of the Biosecurity Act provides that, unless limited exceptions apply, where a biosecurity entry point has been designated for goods, the person in charge of the vessels must ensure that the goods that are to be unloaded from the vessels are brought to the biosecurity entry point for those goods as soon as practicable. Section 238 of the Act provides that where a biosecurity entry point has been designated for vessels at a first point of entry, the relevant vessels must be brought to that biosecurity entry point as soon as practicable. It is an offence not to comply with the requirements of section 147 and 238 of the Biosecurity Act.

### **Biosecurity entry points – vessels**

Section 7 in all Determinations designates particular areas within the first point of entry as biosecurity entry points for all vessels, or specified vessels. Biosecurity entry points are designated for all vessels at all ports that are first points of entry for those vessels.

Section 7 in all Determination contains a table, which lists the vessel class in column 1 and the area, or areas, which are the biosecurity entry point for those vessels in column 2.

For example, in the Port of Port Kennedy Determination:

Item 1 lists Inner Harbour Anchorage Adjacent Main Wharf and Small Vessel Anchorage Point, Horn Island as biosecurity entry points for non-commercial vessels.

Item 2 lists Brisbane Rock Anchorage, Inner Harbour Anchorage Adjacent Main Wharf and Normanby Sound Anchorage as biosecurity entry points for passenger vessels.

Item 3 lists Main Wharf Thursday Island as the biosecurity entry point for vessels other than passenger vessels.

Item 4 lists Cargo Wharf Thursday Island as a biosecurity entry point for vessels other than non-commercial vessels and passenger vessels.

A note after the table provides that a vessel that has arrived at the port must be brought to a biosecurity entry point for the vessel at that port as soon as practicable (and directs the reader to section 246 of the Biosecurity Act).

## **Biosecurity entry points – goods**

Section 8 in all the Determinations designates particular areas within the first point of entry as biosecurity entry points for all goods, or specified goods.

Section 8 contains a table, which lists the goods in column 1 and the area which is the biosecurity entry point for those goods in column 2. The note in all determinations provides that if a vessel has arrived at the port and is carrying goods mentioned in the table that are to be unloaded from the vessel, those goods must be brought to a biosecurity entry point for those goods as soon as practicable

Note 1 after the table provides that goods listed in the table to be unloaded from a vessels that has arrived at the port must be brought to a biosecurity entry point for those goods as soon as practicable. Note 1 also directs the reader to section 147 of the Biosecurity Act.

Note 2 after the table provides that the relevant Determination does not designate biosecurity entry points for other goods for which the port is a first point of entry, so the requirement in section 147 of the Act does not apply to the unloading of those other goods.

### Part 4 – Conditions

Section 9 in the Determinations provides conditions which relate to notifying the department of certain changes. These conditions must be met by the owners or lessees of the port, or by a person or body that is responsible for carrying out operations at the port.

For all the Determinations:

Subsection 9(1) provides that the determination of the relevant port as a first point of entry is subject to the conditions in section 9.

Subsection 9(2) provides that owner or owners of the relevant port must provide notice in writing to the department of a change to the business entity operating the port or a biosecurity entry point at the port as soon as practicable after becoming aware of the change.

Subsection 9(3) provides that the lessee (if any) or lessees must provide notice in writing to the department of a change to the business entity operating the port or a biosecurity entry point at the port as soon as practicable after becoming aware of the change.

Subsection 9(4) provides that if a person or body that is responsible for carrying out operations at the relevant port proposes to make a change referred to in subsection 9(5), described below, the person must, in writing, give the department reasonable notice of the proposed change.

Subsection 9(5) provides the changes referred to in subsection 9(4). These include:

- a change to procedures at the port providing biosecurity measures to be taken to manage the level of biosecurity risk (paragraph 9(5)(a));
- a change to the facilities or amenities available at the port for biosecurity officials and human biosecurity officers to perform functions or exercise powers under the Biosecurity Act at that port (paragraph 9(5)(b));

- a change to the procedures at the port that may affect the ability of a person who carries out operations at the port to identify associated biosecurity risks;
- a change to procedures at the port that may affect the ability for biosecurity officials or human biosecurity officials to be informed of biosecurity risks associated with operations at that port (paragraph 9(5)(d));
- a change to procedures at the port for managing any other factors that may contribute to, or affect, the level of biosecurity risk associated with operations carried out at that port (paragraph 9(5)(e)).