



Biosecurity (First Point of Entry—Port of Dampier) Determination 2019

made under subsection 229(1) of the

Biosecurity Act 2015

Compilation No. 1

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Prepared by the Office of Parliamentary Counsel, Canberra

About this compilation

This compilation

This is a compilation of the *Biosecurity (First Point of Entry—Port of Dampier) Determination 2019* that shows the text of the law as amended and in force on 7 May 2021 (the *compilation date*).

The notes at the end of this compilation (the *endnotes*) include information about amending laws and the amendment history of provisions of the compiled law.

Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Legislation Register (www.legislation.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on the Legislation Register for the compiled law.

Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Editorial changes

For more information about any editorial changes made in this compilation, see the endnotes.

Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on the Legislation Register for the compiled law.

Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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Part 1—Preliminary

1 Name

This is the *Biosecurity (First Point of Entry—Port of Dampier) Determination 2019*.

3 Authority

This instrument is made under subsection 229(1) of the *Biosecurity Act 2015*.

4 Definitions

Note: A number of expressions used in this instrument are defined in section 9 of the Act.

In this instrument:

Act means the *Biosecurity Act 2015*.

freight container means a re-usable container:

- (a) that is designed to be used to transport goods by one or more modes of transport; and
- (b) that can be transferred from one mode of transport to another without unloading the goods from the container; and
- (c) that is known as a 20-foot-long container or a 40-foot-long container.

general goods means goods (as defined by section 19 of the Act) other than baggage, freight containers, live horses or waste.

goods means goods (as defined by section 19 of the Act):

- (a) that are subject to biosecurity control; or
- (b) in relation to which an exposed goods order is in force.

inorganic bulk goods means chemicals, ores, minerals or gases that:

- (a) are brought or imported into Australian territory in bulk; and
- (b) do not contain animals, plants, organic compounds or microbes.

non-commercial vessel has the same meaning as in the *Biosecurity Regulation 2016*.

vessel means a vessel (as defined by section 9 of the Act) that is subject to biosecurity control.

waste means goods (as defined by section 19 of the Act):

- (a) that are subject to biosecurity control; and
- (b) that are intended, by the person in charge of the vessel on which the goods are carried, to be disposed of.

Part 2—First point of entry

5 First point of entry—vessels

Port of Dampier is a first point of entry for vessels other than non-commercial vessels.

6 First point of entry—goods

Port of Dampier is a first point of entry for the following:

- (a) baggage carried on a vessel other than a non-commercial vessel or a passenger vessel;
- (aa) freight containers;
- (b) general goods;
- (c) inorganic bulk goods;
- (d) waste.

Note 1: Port of Dampier is not a first point of entry for any other goods.

Note 2: For other matters relating to whether particular goods may be brought into a particular first point of entry, see sections 173 and 174 of the Act (which deal with prohibited goods and conditionally non-prohibited goods) and any determinations made under those sections.

Part 3—Biosecurity entry points

7 Biosecurity entry points—vessels

Each area of Port of Dampier specified in column 2 of an item of the following table is designated as a biosecurity entry point for a vessel, or a vessel included in a class of vessels, specified in column 1 of the item.

Biosecurity entry points—vessels

Item	Column 1 Vessels	Column 2 Areas
1	Vessels other than non-commercial vessels	Dampier Cargo Wharf
2	Vessels other than the following: (a) non-commercial vessels; (b) passenger vessels	The following areas: (a) Bulk Liquid Berth; (b) Bulk Material Facility (BMF); (c) Dampier Fuel Berth, Parker Point; (d) East Intercourse Island Port Operations; (da) FDTS Facility; (e) King Bay Supply Base (KBSB); (f) Mistaken Island Port Operations; (g) Parker Point Port Operations (Berths 2-5); (h) Pluto Terminal; (i) Toll Dampier Supply Base Terminal; (j) Withnell Bay Terminal

Note: A vessel that has arrived at Port of Dampier must be brought to a biosecurity entry point for the vessel at that port as soon as practicable (see section 246 of the Act).

8 Biosecurity entry points—goods

Each area of Port of Dampier specified in column 2 of an item of the following table is designated as a biosecurity entry point for goods, or goods included in a class of goods, specified in column 1 of the item.

Biosecurity entry points—goods

Item	Column 1 Goods	Column 2 Areas
1	All of the following: (a) general goods; (b) waste	The following areas: (a) Bulk Material Facility (BMF); (b) Dampier Cargo Wharf; (ba) FDTS Facility; (c) King Bay Supply Base (KBSB);

Biosecurity entry points—goods

Item	Column 1 Goods	Column 2 Areas
		(d) Toll Dampier Supply Base Terminal
2	Baggage carried on a vessel other than a non-commercial vessel or a passenger vessel	The following areas: (a) Bulk Liquid Berth; (b) Bulk Material Facility (BMF); (c) Dampier Cargo Wharf; (d) Dampier Fuel Berth, Parker Point; (e) East Intercourse Island Port Operations; (ea) FDTS Facility; (f) King Bay Supply Base (KBSB); (g) Mistaken Island Port Operations; (h) Parker Point Port Operations (Berths 2-5); (i) Pluto Terminal; (j) Toll Dampier Supply Base Terminal; (k) Withnell Bay Terminal
3	Inorganic bulk goods	The following areas: (a) Bulk Liquid Berth; (b) Bulk Material Facility (BMF); (c) Dampier Cargo Wharf; (d) Dampier Fuel Berth, Parker Point; (da) FDTS Facility; (e) King Bay Supply Base (KBSB); (f) Toll Dampier Supply Base Terminal
4	Freight containers	The following areas: (a) Dampier Cargo Wharf; (b) FDTS Facility; (c) Toll Dampier Supply Base Terminal

Note: If a vessel has arrived at Port of Dampier and is carrying goods 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 (see section 147 of the Act).

Part 4—Conditions

9 Conditions—notifying Agriculture Department of changes

- (1) The determination of Port of Dampier as a first point of entry by this instrument is subject to the conditions in this section.
- (2) If the owner (or, if there is more than one owner, an owner) of Port of Dampier becomes aware that there has been, or will be, a change to the business entity operating:
 - (a) Port of Dampier; or
 - (b) a biosecurity entry point at Port of Dampier;the owner (or, if there is more than one owner, an owner) must give the Agriculture Department, in writing, notice of the change as soon as practicable after becoming aware that the change has occurred or will occur.
- (3) If the lessee (if any) (or, if there is more than one lessee, a lessee) of Port of Dampier becomes aware that there has been, or will be, a change to the business entity operating:
 - (a) Port of Dampier; or
 - (b) a biosecurity entry point at Port of Dampier;the lessee (or, if there is more than one lessee, a lessee) must give the Agriculture Department, in writing, notice of the change as soon as practicable after becoming aware that the change has occurred or will occur.
- (4) If a person or body that is responsible for carrying out operations at Port of Dampier proposes to make a change referred to in subsection (5), the person or body must give the Agriculture Department, in writing, reasonable notice of the proposed change.
- (5) For the purposes of subsection (4), the changes are as follows:
 - (a) a change to the procedures at Port of Dampier providing for biosecurity measures to be taken to manage the level of biosecurity risk associated with operations carried out at Port of Dampier;
 - (b) a change to the facilities or amenities available at Port of Dampier for biosecurity officials and human biosecurity officers to perform functions or exercise powers under the Act at Port of Dampier;
 - (c) a change to the procedures at Port of Dampier that may affect the ability of a person who carries out operations at Port of Dampier to identify biosecurity risks associated with those operations;
 - (d) a change to the procedures at Port of Dampier that may affect the ability for biosecurity officials or human biosecurity officials to be informed of any identified biosecurity risks associated with operations carried out at Port of Dampier;
 - (e) a change to the procedures at Port of Dampier for managing any other factors that may contribute to, or affect, the level of biosecurity risk associated with operations carried out at Port of Dampier.

Endnotes

Endnote 1—About the endnotes

Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

Abbreviation key—Endnote 2

The abbreviation key sets out abbreviations that may be used in the endnotes.

Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

Editorial changes

The *Legislation Act 2003* authorises First Parliamentary Counsel to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law. Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Parliamentary Counsel.

Misdescribed amendments

A misdescribed amendment is an amendment that does not accurately describe the amendment to be made. If, despite the misdescription, the amendment can be given effect as intended, the amendment is incorporated into the compiled law and the abbreviation “(md)” added to the details of the amendment included in the amendment history.

If a misdescribed amendment cannot be given effect as intended, the abbreviation “(md not incorp)” is added to the details of the amendment included in the amendment history.

Endnote 2—Abbreviation key

ad = added or inserted	o = order(s)
am = amended	Ord = Ordinance
amdt = amendment	orig = original
c = clause(s)	par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)
C[x] = Compilation No. x	pres = present
Ch = Chapter(s)	prev = previous
def = definition(s)	(prev...) = previously
Dict = Dictionary	Pt = Part(s)
disallowed = disallowed by Parliament	r = regulation(s)/rule(s)
Div = Division(s)	reloc = relocated
ed = editorial change	renum = renumbered
exp = expires/expired or ceases/ceased to have effect	rep = repealed
F = Federal Register of Legislation	rs = repealed and substituted
gaz = gazette	s = section(s)/subsection(s)
LA = <i>Legislation Act 2003</i>	Sch = Schedule(s)
LIA = <i>Legislative Instruments Act 2003</i>	Sdiv = Subdivision(s)
(md) = misdescribed amendment can be given effect	SLI = Select Legislative Instrument
(md not incorp) = misdescribed amendment cannot be given effect	SR = Statutory Rules
mod = modified/modification	Sub-Ch = Sub-Chapter(s)
No. = Number(s)	SubPt = Subpart(s)
	<u>underlining</u> = whole or part not commenced or to be commenced

Endnotes

Endnote 3—Legislation history

Endnote 3—Legislation history

Name	Registration	Commencement	Application, saving and transitional provisions
Biosecurity (First Point of Entry—Port of Dampier) Determination 2019	2 Dec 2019 (F2019L01551)	16 Dec 2019 (s 2(1) item 1)	
Biosecurity (First Point of Entry—Port of Dampier) Amendment (2021 Measures No. 1) Determination 2021	6 May 2021 (F2021L00548)	7 May 2021 (s 2(1) item 1)	—

Endnote 4—Amendment history

Endnote 4—Amendment history

Provision affected	How affected
Part 1	
s 2	rep LA s 48D
s 4	am F2021L00548
Part 2	
s 6	am F2021L00548
Part 3	
s 7	am F2021L00548
s 8	am F2021L00548