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

I, Leanne Herrick, as delegate of the Director of Biosecurity, make the following determination.

Dated 29 November 2019

Leanne Herrick
Acting Assistant Secretary
Compliance Division
Department of Agriculture

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Part 1—Preliminary

1 Name

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

2 Commencement

(1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	**Column 2**	**Column 3**
Provisions	**Commencement**	**Date/Details**
1. The whole of this instrument	16 December 2019.	16 December 2019

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

(2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

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*.

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*.

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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.

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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;
(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.

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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; (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; (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; (c) King Bay Supply Base (KBSB); (d) Toll Dampier Supply Base
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);

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Biosecurity entry points—goods		
Item	**Column 1** **Goods**	**Column 2** **Areas**
		(c) Dampier Cargo Wharf; (d) Dampier Fuel Berth, Parker Point; (e) East Intercourse Island Port Operations; (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; (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; (e) King Bay Supply Base (KBSB); (f) Toll Dampier Supply Base

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).

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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.

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