



Biosecurity (First Point of Entry—Coral Sea Marina, Airlie Beach) Determination 2020

I, Barbara Cooper, as delegate of the Director of Biosecurity, make the following determination.

Dated 23 June 2020

Barbara Cooper
Assistant Secretary
Compliance Division
Department of Agriculture, Water and the Environment

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Part 1—Preliminary

1 Name

This instrument is the *Biosecurity (First Point of Entry—Coral Sea Marina, Airlie Beach) Determination 2020*.

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	The day after this instrument is registered.	24 June 2020

Note: This table relates only to the provisions of this instrument as originally made.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*.

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.

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

non-commercial vessel baggage means baggage carried on a non-commercial vessel.

non-commercial vessel waste means waste carried on a non-commercial vessel.

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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.

Part 2—First point of entry

5 First point of entry—vessels

Coral Sea Marina, Airlie Beach is a first point of entry for non-commercial vessels.

Note: Coral Sea Marina, Airlie Beach is not a first point of entry for any other vessels.

6 First point of entry—goods

Coral Sea Marina, Airlie Beach is a first point of entry for the following:

- (a) non-commercial vessel baggage;
- (b) non-commercial vessel waste.

Note 1: Coral Sea Marina, Airlie Beach 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 Coral Sea Marina, Airlie Beach 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	Non-commercial vessels	L-Arm, Coral Sea Marina
	Note: A vessel that has arrived at Coral Sea Marina, Airlie Beach 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 Coral Sea Marina, Airlie Beach 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) non-commercial vessel baggage; (b) non-commercial vessel waste	L-Arm, Coral Sea Marina
	Note: If a vessel has arrived at Coral Sea Marina, Airlie Beach 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

The determination of Coral Sea Marina, Airlie Beach as a first point of entry by this instrument is subject to the conditions in this Part.

10 Notifying Agriculture Department of changes

- (1) If the owner (or, if there is more than one owner, an owner) of Coral Sea Marina, Airlie Beach becomes aware that there has been, or will be, a change to the business entity operating:
 - (a) Coral Sea Marina, Airlie Beach; or
 - (b) a biosecurity entry point at Coral Sea Marina, Airlie Beach;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.
- (2) If the lessee (if any) (or, if there is more than one lessee, a lessee) of Coral Sea Marina, Airlie Beach becomes aware that there has been, or will be, a change to the business entity operating:
 - (a) Coral Sea Marina, Airlie Beach; or
 - (b) a biosecurity entry point at Coral Sea Marina, Airlie Beach;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.
- (3) If a person or body that is responsible for carrying out operations at Coral Sea Marina, Airlie Beach proposes to make a change referred to in subsection (4), the person or body must give the Agriculture Department, in writing, reasonable notice of the proposed change.
- (4) For the purposes of subsection (3), the changes are as follows:
 - (a) a change to the procedures at Coral Sea Marina, Airlie Beach providing for biosecurity measures to be taken to manage the level of biosecurity risk associated with operations carried out at Coral Sea Marina, Airlie Beach;
 - (b) a change to the facilities or amenities available at Coral Sea Marina, Airlie Beach for biosecurity officials and human biosecurity officers to perform functions or exercise powers under the Act at Coral Sea Marina, Airlie Beach;
 - (c) a change to the procedures at Coral Sea Marina, Airlie Beach that may affect the ability of a person who carries out operations at Coral Sea Marina, Airlie Beach to identify biosecurity risks associated with those operations;
 - (d) a change to the procedures at Coral Sea Marina, Airlie Beach 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 Coral Sea Marina, Airlie Beach;

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- (e) a change to the procedures at Coral Sea Marina, Airlie Beach for managing any other factors that may contribute to, or affect, the level of biosecurity risk associated with operations carried out at Coral Sea Marina, Airlie Beach.

11 Conducting mosquito monitoring activities

- (1) The owner (or, if there is more than one owner, an owner), or the lessee (if any) (or, if there is more than one lessee, a lessee) of Coral Sea Marina, Airlie Beach must ensure that mosquito monitoring activities are carried out.
- (2) The mosquito monitoring activities must be activities that the Director of Biosecurity is satisfied are appropriate to manage the biosecurity risks (relating to mosquitoes) associated with operations carried out at Coral Sea Marina, Airlie Beach to an acceptable level.