



Biosecurity (First Point of Entry—Sydney Kingsford Smith Airport) Determination 2022

I, Barbara Cooper, Assistant Secretary, Biosecurity Operations Division, delegate of the Director of Biosecurity, make the following determination.

Dated 21 November 2022

B S Cooper

Barbara Cooper
Assistant Secretary
Biosecurity Operations Division
Department of Agriculture, Fisheries and Forestry

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Part 1—Preliminary

1 Name

This is the *Biosecurity (First Point of Entry—Sydney Kingsford Smith Airport) Determination 2022*.

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	1 December 2022.	1 December 2022

Note: This table relates only to the provisions of this instrument as originally made.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 223(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*.

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

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.

live horses from New Caledonia means living horses certified by an official veterinarian, who is authorised by the competent veterinary authority of the government of New Caledonia to certify the health and residency status of the horses as meeting the residency requirements necessary to satisfy conditions in a permit issued under the Biosecurity Act for the importing or bringing into Australian territory of horses from New Caledonia.

live horses from New Zealand means living horses certified by an official veterinarian, who is authorised by the competent veterinary authority in New Zealand to certify the health and residency status of the horses as meeting the residency requirements necessary to satisfy conditions in a permit issued under the Biosecurity Act for the importing or bringing into Australian territory of horses from New Zealand.

Part 2—First point of entry

5 First point of entry—aircraft

Sydney Kingsford Smith Airport is a first point of entry for aircraft generally.

6 First point of entry—goods

Sydney Kingsford Smith Airport is a first point of entry for goods generally, with the exception of live horses, other than live horses from New Zealand and live horses from New Caledonia.

Note: 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—aircraft

Note: An aircraft must be brought to a biosecurity entry point at a first point of entry if there is a biosecurity entry point for the aircraft at that first point of entry (see section 238 of the Act). If there are no biosecurity entry points for aircraft at a first point of entry, this requirement does not apply to aircraft landing there. This determination does not designate any area of Sydney Kingsford Smith Airport as a biosecurity entry point for aircraft.

8 Biosecurity entry points—goods

Each area of Sydney Kingsford Smith Airport 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	Baggage	The following areas: (a) ExecuJet Terminal; (b) Jet Aviation Terminal; (c) Sydney Kingsford Smith Airport Terminal 1; (d) T1 Temporary Livestock Transfer Facility
2	All of the following: (a) live horses from New Caledonia; (b) live horses from New Zealand	T1 Temporary Livestock Transfer Facility

Note 1: If an aircraft has arrived at Sydney Kingsford Smith Airport and is carrying goods mentioned in the table that are to be unloaded from the aircraft, those goods must be brought to a biosecurity entry point for those goods as soon as practicable (see section 147 of the Act).

Note 2: This determination does not designate biosecurity entry points for other goods for which Sydney Kingsford Smith Airport 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

9 Conditions—notifying Agriculture Department of changes

- (1) The determination of Sydney Kingsford Smith Airport 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 Sydney Kingsford Smith Airport becomes aware that there has been, or will be, a change to the business entity operating:
 - (a) Sydney Kingsford Smith Airport; or
 - (b) a biosecurity entry point at Sydney Kingsford Smith Airport;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 Sydney Kingsford Smith Airport becomes aware that there has been, or will be, a change to the business entity operating:
 - (a) Sydney Kingsford Smith Airport; or
 - (b) a biosecurity entry point at Sydney Kingsford Smith Airport;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 Sydney Kingsford Smith Airport 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 Sydney Kingsford Smith Airport providing for biosecurity measures to be taken to manage the level of biosecurity risk associated with operations carried out at Sydney Kingsford Smith Airport;
 - (b) a change to the facilities or amenities available at Sydney Kingsford Smith Airport for biosecurity officials and human biosecurity officers to perform functions or exercise powers under the Act at Sydney Kingsford Smith Airport;
 - (c) a change to the procedures at Sydney Kingsford Smith Airport that may affect the ability of a person who carries out operations at Sydney Kingsford Smith Airport to identify biosecurity risks associated with those operations;
 - (d) a change to the procedures at Sydney Kingsford Smith Airport 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 Sydney Kingsford Smith Airport;
 - (e) a change to the procedures at Sydney Kingsford Smith Airport for managing any other factors that may contribute to, or affect, the level of

biosecurity risk associated with operations carried out at Sydney Kingsford Smith Airport.