

Biosecurity (First Point of Entry—Port of Port Adelaide) Determination 2021

made under subsection 229(1) of the

*Biosecurity Act 2015*

**Compilation No. 1**

**Compilation date:** 6 July 2023

**Includes amendments up to:** F2023L00967

**About this compilation**

**This compilation**

This is a compilation of the *Biosecurity (First Point of Entry—Port of Port Adelaide) Determination 2021* that shows the text of the law as amended and in force on 6 July 2023 (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.

**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If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.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 instrument is the *Biosecurity (First Point of Entry—Port of Port Adelaide) Determination 2021*.

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*.

***container*** has the same meaning as in the *Biosecurity Regulation 2016*.

***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 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*.

***non‑commercial vessel baggage*** means baggage carried on a non‑commercial vessel.

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

***passenger vessel baggage*** means baggage carried on a passenger vessel.

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

***waste*** means goods:

 (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 Port Adelaide is a first point of entry for vessels other than non‑commercial vessels.

6 First point of entry—goods

 Port of Port Adelaide is a first point of entry for goods other than the following:

1. live horses;
2. non-commercial vessel baggage;

 (c) non-commercial vessel waste.

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—vessels

 Each area of Port of Port Adelaide 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 1Vessels | Column 2Areas |
| 1 | Vessels other than non-commercial vessels | The following areas:(a) Inner Harbour 18;(b) Inner Harbour 19;(c) Inner Harbour 20;(d) Inner Harbour 25;(e) Inner Harbour 27;(f) Inner Harbour 29;(g) H Berth;(h) K Berth;(i) M Berth;(j) N Berth;(k) Outer Harbor 1;(l) Outer Harbor 2;(m) Outer Harbor 3;(n) Outer Harbor 4;(o) Outer Harbor 6;(p) Outer Harbor 7;(q) Outer Harbor 8;(r) Osborne 1 |
| 2 | Vessels other than the following:(a) non‑commercial vessels;(b) passenger vessels | Osborne Naval Shipyard, Common User Facility |

Note: A vessel that has arrived at Port of Port Adelaide 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 Port Adelaide 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 1Goods | Column 2Areas |
| 1 | All of the following:(a) baggage other than non-commercial vessel baggage or passenger vessel baggage;(b) waste | The following areas:(a) Inner Harbour 18;(b) Inner Harbour 19;(c) Inner Harbour 20;(d) Inner Harbour 25;(e) Inner Harbour 27;(f) Inner Harbour 29;(g) H Berth;(h) K Berth;(i) M Berth;(j) N Berth;(k) Outer Harbor 1;(l) Outer Harbor 2;(m) Outer Harbor 3;(n) Outer Harbor 4;(o) Outer Harbor 6;(p) Outer Harbor 7;(q) Outer Harbor 8;(r) Osborne 1;(s) Osborne Naval Shipyard, Common User Facility |
| 2 | All of the following:(a) freight containers;(b) general goods | The following areas:(a) Inner Harbour 18;(b) Inner Harbour 19;(c) Inner Harbour 20;(d) Inner Harbour 29;(e) Outer Harbor 1;(f) Outer Harbor 2;(g) Outer Harbor 3;(h) Outer Harbor 4;(i) Outer Harbor 6;(j) Outer Harbor 7;(k) Osborne 1 |
| 3 | Inorganic bulk goods | The following areas:(a) Inner Harbour 18;(b) Inner Harbour 19;(c) Inner Harbour 20;(d) Inner Harbour 25;(e) Inner Harbour 27;(f) Inner Harbour 29;(g) H Berth;(h) K Berth;(i) M Berth;(j) N Berth;(k) Outer Harbor 1;(l) Outer Harbor 2;(m) Outer Harbor 3;(n) Outer Harbor 4;(o) Outer Harbor 6;(p) Outer Harbor 7;(q) Outer Harbor 8;(r) Osborne 1 |
| 4 | Passenger vessel baggage | Port Adelaide Passenger Terminal (Outer Harbor 1-4) |

Note: If a vessel has arrived at Port of Port Adelaide 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 Port Adelaide 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 Port Adelaide becomes aware that there has been, or will be, a change to the business entity operating:

 (a) Port of Port Adelaide; or

 (b) a biosecurity entry point at Port of Port Adelaide;

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 Port Adelaide becomes aware that there has been, or will be, a change to the business entity operating:

 (a) Port of Port Adelaide; or

 (b) a biosecurity entry point at Port of Port Adelaide;

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 Port Adelaide 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 Port Adelaide providing for biosecurity measures to be taken to manage the level of biosecurity risk associated with operations carried out at Port of Port Adelaide;

 (b) a change to the facilities or amenities available at Port of Port Adelaide for biosecurity officials and human biosecurity officers to perform functions or exercise powers under the Act at Port of Port Adelaide;

 (c) a change to the procedures at Port of Port Adelaide that may affect the ability of a person who carries out operations at Port of Port Adelaide to identify biosecurity risks associated with those operations;

 (d) a change to the procedures at Port of Port Adelaide 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 Port Adelaide;

 (e) a change to the procedures at Port of Port Adelaide for managing any other factors that may contribute to, or affect, the level of biosecurity risk associated with operations carried out at Port of Port Adelaide.

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.

**Misdescribed amendments**

A misdescribed amendment is an amendment that does not accurately describe how an amendment is to be made. If, despite the misdescription, the amendment can be given effect as intended, then the misdescribed amendment can be incorporated through an editorial change made under section 15V of the *Legislation Act 2003*.

If a misdescribed amendment cannot be given effect as intended, the amendment is not incorporated and “(md not incorp)” is added to the amendment history.

Endnote 2—Abbreviation key

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

Endnote 3—Legislation history

| Name | Registration | Commencement | Application, saving and transitional provisions |
| --- | --- | --- | --- |
| Biosecurity (First Point of Entry—Port of Port Adelaide) Determination 2021 | 9 June 2021 (F2021L00718) | 16 June 2021 (s 2(1) item 1) |  |
| Biosecurity (First Point of Entry—Port of Port Adelaide) Amendment (2023 Measures No.1) Determination 2023 | 5 July 2023 (F2023L00967) | 6 July 2023 (s 2(1) item 1) | — |

Endnote 4—Amendment history

| Provision affected | How affected |
| --- | --- |
| **Part 1** |  |
| s 2  | rep LA s 48D |
| s 4  | am F2023L00967 |
|  |  |
| **Part 3** |  |
| s 8  | am F2023L00967 |