

EXPLANATORY STATEMENT

Biosecurity Act 2015

Biosecurity (Human Biosecurity Emergency) (Human Coronavirus with pandemic Potential) (Emergency Requirements – Incoming International Flights) Determination 2021

Biosecurity (Human Coronavirus with Pandemic Potential) (Preventative Biosecurity Measures – Incoming International Flights) Determination 2021

This package of measures supports the implementation of additional public health measures to strengthen the safeguards in place for international travel. People returning to Australia from overseas currently represent the greatest risk for Australia's management of COVID-19. Increasing numbers of cases of COVID-19 within hotel quarantine facilities, combined with the identification of more transmissible strains of COVID-19 has resulted in a heightened risk for Australia.

To ensure that the measures are in place to address the emergency human biosecurity risk posed by return overseas travellers and to provide adequate time for operators of incoming aircraft and passengers to comply, the measures apply to international flights commencing outside Australia with a scheduled departure time at or after one minute past midnight on 22 January 2021 in the country of departure.

The requirements are a non-disallowable legislative instrument under the *Legislation Act 2003*. The *Biosecurity Act 2015* (the Act) provides for the requirements to be non-disallowable to ensure that the Commonwealth is able to take the urgent action necessary to manage a nationally significant threat or harm to Australia's human health.

Incoming International Flights Determination – Passengers and Aircrew on International Flights and Airline Operators of International Flights

The *Biosecurity (Human Biosecurity Emergency) (Human Coronavirus with Pandemic Potential) Declaration 2020* (the Declaration) has been made pursuant to section 475 of the Act, and declares that a human biosecurity emergency exists regarding the listed human disease 'human coronavirus with pandemic potential' (COVID-19). The human biosecurity emergency period is currently in force until 17 March 2021, and can be extended under the Act.

During a human biosecurity emergency period, the Health Minister may, in accordance with sections 477 and 478 of the Act, determine emergency requirements that he or she is satisfied are necessary to prevent or control the entry, emergence, establishment or spread of the declaration listed human disease, COVID-19, in Australian territory or a part of Australian Territory. A person who fails to comply with a requirement may commit a criminal offence (punishable by imprisonment for a maximum of 5 years, or 300 penalty units, or both).

The Australian Government has established protocols for the exercise of emergency powers under the Act to ensure that the emergency powers are only used where necessary to protect the health of Australians, based on expert advice and following appropriate consultation.

The purpose of this legislative instrument is to place an obligation on:

- passengers and aircrew travelling on an international flight not to enter Australia unless they have worn a face mask or face covering for the duration of the flight, including during any connecting travel; and
- passengers travelling on an international flight not to enter Australia unless they are able to provide sufficient evidence that they were tested for COVID-19 and that the result was negative. The test is required to be obtained within 72 hours before the scheduled departure time or within 72 hours of the person's connecting flight; and
- passengers and air crew travelling on an international flight not to enter Australia if, within 72 hours before the flight commenced, a close contact of the person tested positive for COVID-19; and
- aircraft operators not to land in Australia unless the airline operator took all reasonably practicable steps to ensure that all passengers and aircrew travelling into Australian territory from overseas wear a face mask or face covering for the duration of the international flight and that passengers have complied with the requirements in relation to testing. These requirements on airline operators apply to all incoming flights, including private aircraft.

Exemptions to the requirements apply.

Passengers will be required to obtain a polymerase chain reaction (PCR) test. Where a PCR test is not available, passengers will need to seek an exemption in order to rely on another type of test, for example a loop-mediated isothermal amplification test or a rapid antigen test.

Passengers are not required to wear a face mask or face covering at certain times, including when consuming food, beverages and oral medication, and are exempt from the requirement for the duration of the flight if they meet specified exemption, where there is relevant evidence of a medical condition and in the case of an emergency.

Passengers may be exempt from providing sufficient evidence of a negative COVID-19 test if they meet specified exemptions, including children who are less than five years of age and travellers entering Australia on a flight from a country where Australia accepts quarantine-free travel. Australia currently allows quarantine free travel from New Zealand.

The Director of Human Biosecurity (the Commonwealth Chief Medical Officer) has advised the Health Minister, and the Health Minister is satisfied, these requirements are necessary to prevent or control the entry, emergence, establishment or spread of COVID-19 in Australian territory.

Before making an emergency requirement, the Health Minister must also be satisfied, and the Health Minister is satisfied, that the requirement:

- is likely to be effective in, or contribute to, achieving its purpose;
- is appropriate and adapted to achieve its purpose; and
- is no more restrictive or intrusive than is required in the circumstances, including, for a requirement, in the manner in which it is to be applied.

In addition to being satisfied of the above, the Health Minister must also be satisfied that the period during which a requirement is to apply is only as long as is necessary. The period during which a requirement applies cannot exceed the human biosecurity emergency period. The requirements in the instrument will apply until the end of that period, unless the instrument is amended or revoked sooner.

The view that the requirements are proportionate, likely to be effective and that the length of the period of application is supported by advice from the Commonwealth Chief Medical Officer.

A provision by provision description of the requirements is contained in Attachment A.

Preventative Biosecurity Measures on International Flights – Passengers and Aircrew on International Flights

Subsection 51(2) of the Act provides that the Health Minister may make a Determination specifying one or more of the following measures to be taken by specified classes of persons:

- banning or restricting a behaviour or practice;
- requiring a behaviour or practice;
- requiring a specified person to provide a specified report or keep specified records; and
- conducting specified tests on specified goods.

The purpose of this legislative instrument is to impose the following preventative biosecurity measures:

- all passengers and air crew must wear a face mask or face covering for the duration of the flight, including any connecting flights (unless exempt); and
- all passengers must provide sufficient evidence that they were tested for COVID-19 and that the result of the test was negative within 72 hours before the scheduled departure of the relevant international flight or the person's connecting flight (unless exempt).

Before making the Determination, the Health Minister must also be satisfied, and the Health Minister is satisfied, that the biosecurity measure is appropriate and adapted to prevent, or reduce the risk of, the disease entering, or emerging, establishing itself or spreading in, Australian territory or a part of Australian territory.

The measures commence the day after the instrument is registered (and will apply to international flights commencing outside Australia with a scheduled departure time at or after one minute past midnight on 22 January 2021 in the country of departure) and will remain in force until the earlier of either the Emergency Requirements Determination ceasing to have effect or the end of 1 year beginning on the day the instrument commences (unless revoked earlier). This is the maximum length of time that preventative biosecurity measures determined under s 51 may be in force: s 51(6).

A provision by provision description of the requirements is contained in Attachment B.

Consultation

During the development of the measures, the Department of Health consulted the Department of Home Affairs, the Department of Infrastructure, Transport, Regional Development and Communications, the Department of Prime Minister and Cabinet, and the Attorney-General's Department. The Ministers responsible for Health from each State and Territory and the Director of Biosecurity were also consulted, in accordance with section 51(7) of the Act.

Background

On 5 January 2020, the World Health Organization (WHO) notified Member States under the *International Health Regulations (2005)* (IHR) of an outbreak of pneumonia of unknown

cause in Wuhan city, China. The pathogen is a novel (new) coronavirus. On 21 January 2020 'human coronavirus with pandemic potential' became a 'listed human disease' by legislative instrument made by the Director of Human Biosecurity under s 42 of the Act. On 30 January 2020, the outbreak was declared by the WHO International Regulations Emergency Committee to constitute a Public Health Emergency of International Concern.

On 11 February 2020, the WHO announced that the International Committee on Taxonomy of Viruses named the pathogen virus 'severe acute respiratory syndrome coronavirus (SARS-CoV-2)'. It is closely related genetically to the virus that caused the 2003 outbreak of Severe Acute Respiratory Syndrome (SARS). The international name given by the WHO to the disease caused by SARS-CoV-2 is Coronavirus disease 2019 (COVID-19). On 11 March 2020, the WHO declared the outbreak of COVID-19 a pandemic.

COVID-19 has entered Australia. It represents a severe and immediate threat to human health in Australia as it has the ability to cause high levels of morbidity and mortality, and to disrupt the Australian community socially and economically.

Biosecurity (Human Biosecurity Emergency) (Human Coronavirus with Pandemic Potential) (Emergency Requirements—Incoming International Flights) Determination 2021

Part 1 – Preliminary

Part 1 provides preliminary information relevant to the instrument.

1 Name

Section 1 provides for this instrument to be referred to as the *Biosecurity (Human Biosecurity Emergency) (Human Coronavirus with Pandemic Potential) (Emergency Requirements—Incoming International Flights) Determination 2021*.

2 Commencement

Section 2 provides that the instrument commences immediately after it is registered. The requirements in the instrument apply to a relevant international flight, which means a flight that commences outside Australian territory on or after one minute past midnight on 22 January 2021 in the country where the flight commences which is intended to arrive at a landing place in Australian territory.

3 Authority

Section 3 provides that this instrument is made under subsection 477(1) of the *Biosecurity Act 2015*.

4 Definitions

Section 4 provides definitions of terms used in the instrument.

Act means the *Biosecurity Act 2015*. The following expressions used in this instrument are defined in the Act: Australian territory, landing place and passenger.

Section 4 defines terms used in the instrument.

Australian Border Force has the same meaning as in the *Australian Border Force Act 2015*.

Australian Border Force employee means an APS employee:

- (a) in the Department administered by the Minister administering the *Australian Border Force Act 2015*; and
- (b) who is in the Australian Border Force or whose services are made available to the Australian Border Force.

connecting traveller means a person who undertakes one or more connecting flights in order to undertake a relevant international flight.

relevant international flight means a flight:

- (a) that commences outside Australian territory and is intended to arrive at a landing place in Australian territory; and
- (b) for which the scheduled departure time is at or after 12.01 am on 22 January 2021 in the country where the flight commences.

relevant official means any of the following:

- (a) a biosecurity officer;
- (b) a chief human biosecurity officer;
- (c) a human biosecurity officer;
- (d) an Australian Border Force employee.

suitable face mask or face covering means a face mask or face covering that meets the requirements of section 5.

The definition of ‘relevant official’ is designed to ensure availability of relevant officials.

5 Suitable face masks and face covering

Section 5 sets out the requirements of a face mask or face covering for the purposes of this instrument. It provides that the face mask or face covering must be a medical or non-medical face mask or face covering that fits in a particular manner and what the face mask or face covering must consist of. The face mask or face covering must completely cover the wearer’s nose, mouth and chin without gaping and can be secured to the wearer’s head with ties or ear loops. The face mask or face covering must be made of multiple layers of tightly woven materials such as cotton or linen or be made in a manner outlined by the instrument which is intended to assist with lip reading.

The definition ensures that when people wear a face mask or face covering it is effective in achieving the purpose of reducing the spread of droplets from an individual to other individuals, thereby reducing the transmission of COVID-19.

Part 2 – Requirements for face mask or face coverings – passengers and crew

Part 2 provides requirements on passengers and aircrew not to enter Australian territory unless they have worn a face mask or face covering when on a relevant international flight (or were exempt from the obligation to do so).

Face mask or face coverings serve as an effective preventative measure, recommended by health experts, to inhibit the risk of transmission in confined settings, such as aircraft, where physical distancing is not practical and where passengers are seated closely together for extended periods of time.

6 Requirement not to enter Australian territory.

The effect of section 6 is to impose a requirement for passengers and aircrew on international flights to have worn a suitable face mask or face covering for the duration of a flight and if the person was a connecting traveller, at all times during the connecting period outlined in the instrument, unless an exemption applies. An obligation is placed on passengers, persons in charge or a member of aircrew of an aircraft not to enter Australian territory unless they have complied with this requirement. The aim of this measure is to prevent undetected COVID-19 spreading from between passengers and aircrew on international flights into Australia.

The provision provides limited circumstances where a face mask or face covering is not required, to accommodate actions and specific communication that would be hindered by wearing a face mask or face covering. For passengers and aircrew this includes the minimum time required to consume food, beverages or oral medication, when the person was required by law to remove the face mask or face covering and if it is necessary to remove the face mask or face covering in an emergency (including a medical emergency) or to meet safety requirements and where the person in charge of the aircraft permits the removal of masks for a period for operational reasons, for that period, and in addition for passengers, where a

person assisting a person who is deaf or hearing impaired, when communicating with the assisted person and for air crew this also includes when wearing the face mask or face covering would interfere with the carrying out of the person's duties, for example when communicating with passengers or other aircrew, including those flying the plane.

Section 6 provides for the periods for which face mask or face coverings must have been worn. The intention is for the requirements to cover the entire period of the international air travel: it applies from the time of boarding the flight to Australia until the time of disembarkation, and also for any 'connecting period'. This term, which applies where a person undertakes a connecting flight before undertaking their relevant international flight (ie before the flight that will land at a landing place in Australia) is defined as follows:

- If the person boarded the person's connecting flight (or, if the person undertook more than one connecting flight, the person's first connecting flight) less than 72 hours before the scheduled departure time of the relevant international flight then the period begins when the person boarded the connecting flight (or the first connecting flight).
- If the person boarded a connecting flight (or, if the person undertook more than one connecting flight, the person's first connecting flight) 72 hours or more before the scheduled departure time of the relevant international flight, then the period begins 72 hours before the scheduled departure time of the relevant international flight and ends when the person boards the aircraft for the relevant international flight.

As well as the requirement to wear a face mask or covering effectively imposed by section 6, persons will be expected to maintain other appropriate measures to reduce the chances of catching COVID-19 throughout the period of transit. Such measures would include maintaining physical distancing and undertaking appropriate hand hygiene.

7 Exemptions – general

Section 7 provides general exemptions from the requirement to have worn a face mask or face covering (as a condition of entering Australian territory at a landing place) for specific classes of people for whom face mask or face covering wearing is prevented due to a medical condition or physical difficulties. It does this by exempting persons with evidence of a relevant medical condition and persons under 12 years old (on the day the flight commenced) from the condition to wear a face mask or face covering.

There are general defences to offences that will apply to any contravention of the requirement as set out in the Commonwealth Criminal Code.

8 Exemptions – exceptional circumstance

Section 8 provides that in exceptional circumstances a relevant official may grant an exemption in writing from the condition to wear a face mask or face covering. Exceptional circumstances are demonstrated by the person providing a compelling reason for not complying with the condition. The provision is designed to grant an exemption to a person in an exceptional circumstance so as to not unduly require face mask or face covering wearing. A relevant official must provide an exemption in writing. The provision can enable a relevant official to grant an exemption covering multiple persons on multiple flights.

Part 3 – Requirements relating to exposure – passengers and crew

Part 3 provides requirements on passengers and crew who are exposed to a person who tested positive for COVID-19. This part is designed to decrease the risk of transmissible strains of COVID-19 entering Australian territory.

9 Requirement not to enter Australian Territory

Section 9 provides that a person who is a passenger, or the person in charge or a member of the crew of an aircraft on a relevant international flight, must not enter Australian territory at a landing place if within 72 hours before the flight's scheduled departure time, the person has been exposed, without adequate personal protective precautions, to a person who tested positive for COVID-19 in that period. The requirement would apply if a connecting traveller became aware that they had been exposed in this way prior to the commencement of a relevant international flight.

The provision is designed to place an obligation on passengers and crew not enter Australian territory if they were exposed to a person with COVID-19, without adequate personal protective precautions. The aim of this measure is to prevent the entry of COVID-19 into Australia by prohibiting people from entering who have been exposed to a confirmed COVID-19 case and are at a higher risk of developing COVID-19 (even though they may have tested negative to COVID-19).

The requirement does not apply where the person was not aware of having been exposed to COVID-19 before the flight commenced or where an exemption due to exceptional circumstances was granted to the person before the flight commenced.

10 Exemptions – exceptional circumstances

Section 10 provides an exemption for exceptional circumstances. These are as previously outlined in relation to section 8 above.

Part 4 – Requirements for negative tests – passengers

Part 4 provides requirements for passengers to have a negative COVID-19 test in order to enter Australian territory at a landing place.

Identifying potential COVID-19 cases early through testing will reduce the number of travellers entering Australia with COVID-19.

11 Requirement not to enter Australian territory

Section 11 provides that a person who is a passenger of an aircraft on a relevant international flight must not enter Australian territory at a landing place unless the person had provided sufficient evidence that in the period mentioned in the instrument, the person was tested for COVID-19 and that the result of the test was negative before the person boarded the aircraft, if requested by a member of the aircraft operator's staff and at the landing place, if requested by a relevant official, unless an exemption set out in the instrument applies to the person or an exemption has been granted before the flight commenced. This provision requires that all passengers entering Australian territory at a landing place have recently tested negative to COVID-19. It provides for aircraft staff to be able to verify this before a passenger boards a relevant flight, and for an official to confirm as passengers disembark in Australian territory.

The negative test result is required to be obtained within a specified time period. For a person who was not a connecting traveller, this is within 72 hours before the scheduled departure time of the relevant international flight. For a person who was a connecting traveller, this is within 72 hours before the scheduled departure time of the person's connecting flight (or if the person undertook more than one connecting flight, the person's first connecting flight).

Exemptions to this requirement are provided (see further below).

Sufficient evidence of a negative COVID-19 test means the result of a polymerase chain reaction (PCR) test. A PCR test is recognised as the most accurate test to determine COVID-19 and is available in countries where most flights to Australia are departing from (for example, the United Kingdom). If a PCR test is not available the Director of Human Biosecurity may determine an alternative test for that class of persons or determine an alternative test that passengers within that class would need to provide. Such an exemption must be in writing.

12 Extension of period for testing

Section 12 provides that the Direction of Human Biosecurity may extend the period for being tested for a class of persons if it is not reasonably practicable for that class of persons to be tested and receive test results within 72 hours. Such an exemption must be in writing.

This provision will enable the Director of Human Biosecurity to determine that a class of persons, for example, passengers departing from certain countries, can receive test results within a period of time that is greater than 72 hours. Providing an extension of the period for testing takes into account the different COVID-19 testing capacities in certain countries.

13 Exemptions – general

Section 13 is designed to provide exemptions to specific classes of people from the requirement to have evidence of a negative COVID-19 test in order to enter Australian territory at a landing place. It achieves this by providing that each of the following kinds of person is not required to provide sufficient evidence of a negative COVID-19 test:

- a person who was less than 5 years old on the date the flight was scheduled to commence;
- a person carrying evidence from a medical practitioner that the person has a medical condition that prevents the person from taking a test for COVID-19;
- a passenger travelling on a relevant international flight that commenced in a country with which Australia has established a safe travel zone (which allows for quarantine free travel). At the time this instrument is made New Zealand is the only such country.

14 Exemptions – exceptional circumstances

Section 14 provides an exemption for exceptional circumstances. These are as previously outlined in relation to section 8 above.

15 Exemptions – testing not available

Section 15 provides that the Director of Human Biosecurity may grant an exemption from the condition that passengers provide sufficient evidence of a negative COVID-19 test result if testing is not reasonably available to that class of persons. Such an exemption must be in writing.

This provision recognises that COVID-19 testing may not be available in some scenarios, and enables the Director of Human Biosecurity to grant exemptions to classes of persons.

Part 5 – Requirements for aircraft operators

Part 5 places requirements on aircraft operators.

16 Requirement not to land in Australian territory

Section 16 provides a requirement on aircraft operators not to land aircraft at a landing place in Australian territory unless the operator took all reasonably practicable steps to ensure that the effective requirements imposed by sections 6 and 11 impose as a condition of entry to Australian territory at a landing place: relating to passengers and crew wearing a face mask or

face covering and passengers providing sufficient evidence, if requested, that they tested for COVID and the result of the test was negative, in the relevant 72 hours before the scheduled departure).

The phrase “took all reasonably practicable steps” is used to ensure that the objective of reducing the transmission risk of COVID-19 can be achieved without mandating enforcement of the requirement by airline operators given that they will in part be reliant on passengers to achieve that objective.

Biosecurity (Human Coronavirus with Pandemic Potential) (Preventative Biosecurity Measures—Incoming International Flights) Determination 2021

Part 1 – Preliminary

Part 1 provides preliminary information relevant to the instrument.

1 Name

Section 1 provides that the instrument is the *Biosecurity (Human Coronavirus with Pandemic Potential) (Preventative Biosecurity Measures—Incoming International Flights) Determination 2021*.

2 Commencement

Section 2 provides that the instrument commences immediately after the instrument is registered. The measures in the instrument apply to a relevant international flight, meaning a flight that commences outside Australian territory on or after one minute past midnight on 22 January 2021, in the country where the flight commences which is intended to arrive at a landing place in Australian territory.

3 Authority

Section 3 provides that the instrument is made under subsection 51(2) of the *Biosecurity Act 2015*.

4 Definitions

Section 4 provides for definitions of terms that are used in the instrument. The section notes that the expression ‘passenger’ used in the instrument is defined in the Act. Act means the *Biosecurity Act 2015*.

Section 4 provides that in this instrument:

connecting traveller has the same meaning as in the Emergency Requirements Determination.

Emergency Requirements Determination means the *Biosecurity (Human Biosecurity Emergency) (Human Coronavirus with Pandemic Potential) (Emergency Requirements—International Flights) Determination 2021*, as in force at the commencement of this instrument.

relevant international flight has the same meaning as in the Emergency Requirements Determination.

relevant official has the same meaning as in the Emergency Requirements Determination.

suitable face mask or face covering has the same meaning as in the Emergency Requirements Determination.

5 Listed human disease to which this instrument relates

Section 5 provides that the instrument relates to human coronavirus with pandemic potential. It notes that COVID-19 is the name given by the World Health Organisation to the disease.

6 Behaviours or practices to be prevented

Section 6 provides ((for s 51(3) of the Act) that the instrument is for the purpose of preventing the following behaviours or practices by persons entering Australian territory on flights that commence outside Australian territory: undertaking a flight without wearing a face mask or face covering and undertaking a flight despite not having tested negative for the coronavirus known as COVID-19.

7 Period during which this instrument is in force

Section 7 provides (for s 51(6) of the Act) that the instrument is in force during the period beginning on the day the instrument commences and ending at the earlier of either when the Emergency Requirements Determination ceases to have effect or the end of one year beginning on the day this instrument commences.

Part 2 – Biosecurity measures to be taken by specified classes of persons

Part 2 provides for the biosecurity measures that are required to be taken by specified classes of persons identified in the instrument.

8 Behaviour or practice by passengers and crew – wearing face masks or face coverings

Section 8 provides a requirement for passengers of, and a person in charge and members of crew of an aircraft on a relevant international flight to wear a face mask or face covering at all times during periods specified in the instrument (the flight period and, if the person is a connecting traveller, the connecting period), when the person is in close proximity to other persons. The measures do not apply for passengers and persons in charge and members of crew for the minimum time required to consume food, beverages or oral medication, when the person is required by law to remove the face mask or face covering and if it is necessary to remove the face mask or face covering in an emergency (including a medical emergency) or to meet safety requirements, and for passengers, for a person assisting a person who is deaf or hearing impaired, when communicating with the assisted person, if the person in charge of the aircraft permits the removal of masks for a period for operational reasons, during that period, and for a person in charge and members of crew, when wearing the face mask or face covering would interfere with the carrying out of the person's duties, for example when communicating with passengers, the person in charge or a member of the crew.

The flight period is the period from the time of boarding the relevant international flight to the time of disembarkation. Connecting period has the same meaning as in the Emergency Requirements Determination.

The time periods specified ensure that the requirement to wear a face mask or face covering applies within an appropriate time period before the person lands in Australian territory.

Section 8 also provides exemptions to the requirement, in circumstances where an exemption set out in section 7 of the Emergency Requirements Determination applies to the person or an exemption was granted to the person under section 8 of the Emergency Requirements Determination before the flight commences.

9 Behaviour or practice by passengers – providing evidence of negative tests

Section 9 requires passengers to produce, on request, sufficient evidence of a negative COVID-19 test. This is achieved by requiring a person who is a passenger of an aircraft on a relevant international flight, if requested by a relevant official or a member of the aircraft operator's staff, to provide sufficient evidence, that the person was tested for COVID-19 and the result of the test was negative. The intention is that a member of the airline operator's

staff would be able to request this evidence at the time of boarding the relevant international flight. The instrument provides a time period in which the result of the test is required to be obtained. For a person who is not a connecting traveller, this is within 72 hours before the scheduled departure time of the relevant international flight. For a person who is a connecting traveller, this is within 72 hours before the scheduled departure time of the person's connecting flight.

Sufficient evidence means the result of a polymerase chain reaction (PCR) test. A PCR test is the most accurate method of determining whether a person has COVID-19 and is available in countries where most of the flights to Australia depart from.

Exemptions to this requirement apply where an exemption set out in section 12 of the Emergency Requirements Determination applies to the person or an exemption was granted to the person under section 13 of the Emergency Requirements Determination before the flight commences. The provision of an ability of the Director of Human Biosecurity to determine alternative tests, extensions to the deadline for testing, or an exemption from testing, provides an ability to take into account variations in testing availability and capacity in different countries over time.

Note 1 provides that a person who fails to comply with a biosecurity measure that applies to the person under this instrument may contravene a civil penalty provision.

Note 2 references protections for children or incapable persons who are subject to a biosecurity measure in Subdivision B of Division 2 of Part 1 of Chapter 2 of the Act.