



# **Biosecurity Legislation (Human Coronavirus with Pandemic Potential) Amendment (No. 1) Determination 2021**

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I, Greg Hunt, Minister for Health and Aged Care, make the following determination.

Dated 18 April 2021

Greg Hunt  
Minister for Health and Aged Care

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## 1 Name

This instrument is the *Biosecurity Legislation (Human Coronavirus with Pandemic Potential) Amendment (No. 1) Determination 2021*.

## 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	19 April 2021.	19 April 2021

Note: This table relates only to the provisions of this instrument as originally made.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 subsections 44(2) and 477(1) of the *Biosecurity Act 2015*.

## 4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

## Schedule 1—Amendments

### *Biosecurity (Entry Requirements—Human Coronavirus with Pandemic Potential) Determination 2020*

#### 1 Section 4

Insert:

*Overseas Travel Ban Determination* means the *Biosecurity (Human Biosecurity Emergency) (Human Coronavirus with Pandemic Potential) (Overseas Travel Ban Emergency Requirements) Determination 2020*, as in force on 19 April 2021.

#### 2 Section 5 (heading)

Repeal the heading, substitute:

#### 5 Requirement to provide statement—certain individuals entering Australian territory from New Zealand

#### 3 Paragraphs 5(1)(b) and (2)(a)

Omit “only in New Zealand”, substitute “only in either or both of New Zealand and Australia”.

#### 4 Subparagraph 5(2)(b)(ix)

Omit “number;”, substitute “number.”.

#### 5 Subparagraph 5(2)(b)(x)

Repeal the subparagraph.

#### 6 At the end of the instrument

Add:

#### 6 Requirement to provide statement—certain returning Australian citizens and permanent residents

- (1) This section applies to an individual:
  - (a) to whom section 5 does not apply; and
  - (b) who is an Australian citizen or permanent resident; and
  - (c) who is entering Australian territory at a landing place in accordance with Division 2 of Part 4 of Chapter 4 of the Act; and
  - (d) who most recently left Australian territory to travel to New Zealand in accordance with the Overseas Travel Ban Determination in the following circumstances:
    - (i) an exemption set out in subsection 6(2) or (3) of that Determination applied to the individual;
    - (ii) no other exemption set out in section 6, or granted under section 7, of that Determination applied to the individual; and

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- (e) who, after so travelling, left New Zealand to travel to another foreign country.
- (2) The individual must provide, to a relevant official, a written statement signed by the individual that includes:
- (a) a declaration that the individual:
    - (i) most recently left Australian territory to travel to New Zealand as mentioned in paragraph (1)(d); and
    - (ii) had, after so travelling, left New Zealand to travel to another foreign country for a compassionate reason or because the individual required urgent medical treatment that was not reasonably available in New Zealand or Australia; and
  - (b) the following information for the individual:
    - (i) whether the individual has signs or symptoms of human coronavirus with pandemic potential;
    - (ii) whether the individual has been exposed to human coronavirus with pandemic potential in the past 14 days;
    - (iii) name;
    - (iv) date of birth;
    - (v) passport number;
    - (vi) phone number while in Australian territory;
    - (vii) intended address while in Australian territory;
    - (viii) email address;
    - (ix) flight number.

- Note 1: For subparagraph (a)(ii), an example of a compassionate reason for an individual is the death or serious illness of a close family member of the individual or of a close family member of the spouse or de facto partner of the individual.
- Note 2: An individual who fails to comply with a requirement that applies to the individual under this section may contravene a civil penalty provision (see section 46 of the Act).
- Note 3: A person may commit an offence or contravene a civil penalty provision if the person provides false or misleading information or documents (see sections 137.1 and 137.2 of the *Criminal Code* and sections 532 and 533 of the Act).
- Note 4: For protections for children or incapable persons who are subject to the requirement in subsection (2), see Subdivision B of Division 2 of Part 1 of Chapter 2 of the Act.
- Note 5: Part 2 of Chapter 11 of the Act deals with confidentiality of personal information collected under the Act.

- (3) The requirement in subsection (2) applies at the landing place.

***Biosecurity (Human Biosecurity Emergency) (Human Coronavirus with Pandemic Potential) (Overseas Travel Ban Emergency Requirements) Determination 2020***

**7 Section 6**

Before “An”, insert “(1)”.

**8 Paragraph 6(e)**

Omit “Force);”, substitute “Force).”.

**9 Paragraph 6(f)**

Repeal the paragraph.

**10 At the end of section 6**

Add:

*Certain travel to New Zealand*

- (2) An exemption from the requirements of section 5 applies to a person who:
  - (a) is travelling directly to New Zealand; and
  - (b) intends to travel from New Zealand only to return to Australia; and
  - (c) has been only in either or both of Australia and New Zealand for at least 14 days immediately before the day the flight or voyage of the outgoing aircraft or vessel commences.
  
- (3) An exemption from the requirements of section 5 applies to a person who:
  - (a) is travelling directly to New Zealand; and
  - (b) does not intend to return to Australia; and
  - (c) has been only in either or both of Australia and New Zealand for at least 14 days immediately before the day the flight or voyage of the outgoing aircraft or vessel commences.