



# **Biosecurity (Emergency Requirements—High Risk Country Travel Pause) Determination (No. 2) 2021**

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

Dated 28 November 2021

Greg Hunt  
Minister for Health and Aged Care

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## Part 1—Preliminary

### 1 Name

This instrument is the *Biosecurity (Emergency Requirements—High Risk Country Travel Pause) Determination (No. 2) 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	Immediately after this instrument is registered.	10.26 am (A.C.T.) 28 November 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Note: This table relates only to the provisions of this instrument as originally made.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 subsection 477(1) of the *Biosecurity Act 2015*.

### 4 Definitions

Note: A number of expressions used in this instrument are defined in the Act, including the following:

- (a) Australian territory;
- (b) de facto partner;
- (c) landing place;
- (d) passenger.

In this instrument:

*Act* means the *Biosecurity Act 2015*.

*Australian Defence Force* has the same meaning as in the *Defence Act 1903*.

*immediate family member*, of a person, means:

- (a) a spouse or de facto partner of the person; or
- (b) a dependent child of the person; or
- (c) a parent of the person; or
- (d) a parent or legal guardian of a dependent child of the person.

Section 5

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***Omicron high risk country*** means any of the following:

- (a) Botswana;
- (b) Eswatini;
- (c) Lesotho;
- (d) Malawi;
- (e) Mozambique;
- (f) Namibia;
- (g) Seychelles;
- (h) South Africa;
- (i) Zimbabwe.

***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:
  - (i) if this instrument commences before 12.01 am on 28 November 2021 in the place where the flight commences—12.01 am on 28 November 2021 in the place where the flight commences; or
  - (ii) if this instrument does not commence before 12.01 am on 28 November 2021 in the place where the flight commences—12.01 am on 29 November 2021 in the place where the flight commences; and
- (c) that is not an Australian Government facilitated flight; and
- (d) that is not an emergency medical evacuation flight.

## 5 Repeal

This instrument is repealed at the start of 12 December 2021.

## Part 2—Requirements

### 6 Requirement not to enter Australian territory

A person who is a passenger of an aircraft on a relevant international flight must not enter Australian territory at a landing place if the person had been in an Omicron high risk country within 14 days before the day the flight was scheduled to commence, unless an exemption set out in section 7 applies to the person.

Note: A person who fails to comply with a requirement that applies to the person under this instrument may commit an offence (see section 479 of the Act). For generally available defences to offences, see Part 2.3 of the *Criminal Code*.

### 7 Exemptions

An exemption from the requirement in section 6 applies to the following persons:

- (a) a person who is an Australian citizen or permanent resident;
- (b) a person who is an immediate family member of a person mentioned in paragraph (a);
- (c) a member of the crew of an aircraft or vessel;
- (d) a worker associated with the safety or maintenance of an aircraft or vessel;
- (e) a person engaged in the day-to-day conduct of inbound and outbound freight;
- (f) a person (including a member (within the meaning of the *Defence Act 1903*) of the Australian Defence Force) who is travelling on official government business on an Australian official or diplomatic passport;
- (g) a person who is an immediate family member of a person mentioned in paragraph (f);
- (h) a diplomatic, consular or other foreign official accredited to Australia;
- (i) a person:
  - (i) who is an immediate family member of a person mentioned in paragraph (h); and
  - (ii) who holds a Subclass 995 (Diplomatic (Temporary)) visa;
- (j) a member of an Australian Medical Assistance Team (AUSMAT).