

Biosecurity Legislation Amendment (Emergency and Entry Requirements) Determination 2021

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

Dated 6 December 2021

Greg Hunt

Minister for Health and Aged Care

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1 Name

 This instrument is the *Biosecurity Legislation Amendment (Emergency and Entry Requirements) 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 |
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| Column 1 | Column 2 | Column 3 |
| Provisions | Commencement | Date/Details |
| 1. Sections 1 to 4 and anything in this instrument not elsewhere covered by this table | Immediately after this instrument is registered. | 5.11 pm (A.C.T.)6 December 2021 |
| 2. Schedule 1 | Immediately after this instrument is registered. | 5.11 pm (A.C.T.)6 December 2021 |
| 3. Schedule 2 | The day after this instrument is registered. | 7 December 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Note: This table relates only to the provisions of this instrument as originally made.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 Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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 commencing immediately after registration

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

1 Section 4 (paragraph (g) of the definition of *Omicron high risk country*)

Repeal the paragraph.

Schedule 2—Amendments commencing day after registration

Biosecurity (Entry Requirements—Human Coronavirus with Pandemic Potential) Determination 2021

1 Subsection 5(2)

Repeal the subsection, substitute:

Ability to produce evidence of statement made before boarding

 (2) The individual must be able to produce, to a relevant official, evidence that, before the individual boarded the aircraft, the individual made a written statement:

 (a) using an electronic system maintained by the Home Affairs Department; or

 (b) if exceptional circumstances prevented the individual from using an electronic system maintained by the Home Affairs Department—in paper form;

that included:

 (c) a declaration mentioned in subsection (3); and

 (d) the following information for the individual:

 (i) name;

 (ii) date of birth;

 (iii) passport number;

 (iv) phone number while in Australian territory;

 (v) intended address while in Australian territory;

 (vi) email address; and

 (e) for a statement made in paper form—a declaration that exceptional circumstances prevented the individual from using an electronic system maintained by the Home Affairs Department.

Note: The following are examples of exceptional circumstances for subsection (2):

(a) the electronic system was not available to the individual;

(b) the electronic system was not available to the individual in a language that the individual understands.

2 Subsection 5(3)

Omit “(2)(a)”, substitute “(2)(c)”.

3 Subsection 5(4)

Repeal the subsection.

Biosecurity (Entry Requirements—Human Coronavirus with Pandemic Potential) Determination (No. 2) 2021

4 Subsection 5(2)

Repeal the subsection (including the note), substitute:

Ability to produce evidence of statement made before boarding

 (2) The individual must be able to produce, to a relevant official, evidence that, before the individual boarded the aircraft, the individual made a written statement:

 (a) using an electronic system maintained by the Home Affairs Department; or

 (b) if exceptional circumstances prevented the individual from using an electronic system maintained by the Home Affairs Department—in paper form;

that included:

 (c) a declaration setting out the individual’s international travel history for the 14 days before the day the relevant international flight was scheduled to commence; and

 (d) the following information for the individual:

 (i) name;

 (ii) date of birth;

 (iii) passport number;

 (iv) phone number while in Australian territory;

 (v) intended address while in Australian territory;

 (vi) email address; and

 (e) a declaration that the individual is aware of:

 (i) the quarantine and testing requirements relating to the coronavirus known as COVID‑19 that apply in the State or Territory in which the landing place is located; and

 (ii) the penalties for non‑compliance with those requirements; and

 (f) for a statement made in paper form—a declaration that exceptional circumstances prevented the individual from using an electronic system maintained by the Home Affairs Department.

Note: The following are examples of exceptional circumstances for subsection (2):

(a) the electronic system was not available to the individual;

(b) the electronic system was not available to the individual in a language that the individual understands.