



Biosecurity (Emergency Requirements—Remote Communities) Determination (No. 3) 2021

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

Dated 22 December 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—Remote Communities) Determination (No. 3) 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.	9.33 pm (A.C.T.) 22 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Note: This table relates only to the provisions of this instrument as originally made.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 subsection 477(1) of the *Biosecurity Act 2015*.

4 Definitions

Note: A number of expressions used in this instrument are defined in the *Biosecurity Act 2015*, including the following:

- (a) Australian law;
- (b) Australian territory;
- (c) conveyance;
- (d) exposed to;
- (e) Health Department.

- (1) In this instrument:

commercial primary production means:

- (a) commercial primary production of:
 - (i) food; or
 - (ii) products that, with further processing, will become (at least in part) food; or
- (b) commercial processing of primary products to make food from them; or

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- (c) provision of veterinary services for animals kept, used or bred for commercial primary production described in paragraph (a); or
- (d) aquaculture; or
- (e) agribusiness.

designated area means an area described in Schedule 1.

essential activity in a designated area means any of the following:

- (a) providing any of the following for the benefit of one or more persons in the area:
 - (i) health care (including vaccination or testing for human coronavirus with pandemic potential);
 - (ii) child care;
 - (iii) disability care;
 - (iv) aged care;
 - (v) education;
 - (vi) services relating to prevention of, or recovery from, domestic violence;
 - (vii) services relating to child protection;
 - (viii) policing services;
 - (ix) emergency services;
 - (x) essential services of a kind typically provided by local government, such as rubbish collection;
 - (xi) services, benefits, programs or facilities that the Chief Executive Centrelink has the function of providing;
- (b) providing correctional services in relation to one or more persons in the area;
- (c) providing funerary services in the area;
- (d) operating, maintaining, repairing or replacing:
 - (i) equipment for providing electricity, gas, water, medical services, telecommunications services or broadcasting services; or
 - (ii) other essential infrastructure in the area;
- (e) providing or delivering food, fuel or household or medical supplies in the area;
- (f) providing postal services or delivering mail in the area;
- (g) transporting freight to or from a place in the area;
- (h) conducting, or taking part in, a sitting of a court or tribunal in the area;
- (i) continuing the construction in the area of housing or transport infrastructure that was in progress immediately before the commencement of this instrument;
- (j) carrying out mining operations, or operations ancillary to mining operations, in the area in a manner that is agreed with a human biosecurity officer so as to minimise the extent to which other persons in the area are exposed to the persons carrying out those operations;
- (k) carrying out commercial primary production in the area in a manner that is agreed with a human biosecurity officer so as to minimise the extent to

which other persons in the area are exposed to the persons carrying out the production.

mining operations includes operations for the extraction of oil or gas.

NT Land Rights Act means the *Aboriginal Land Rights (Northern Territory) Act 1976*.

permitted activity, for a person, means any of the following:

- (a) obtaining medical care (including vaccination or testing for human coronavirus with pandemic potential) or medical supplies;
- (b) isolating because the person is, or may be, infected with human coronavirus with pandemic potential;
- (c) obtaining food, fuel or mail;
- (d) for a person who is engaged in an essential activity that can be undertaken from the premises where the person resides—visiting the person’s workplace to retrieve a computer or work materials;
- (e) for a person who is engaged in an essential activity, and who is the parent or guardian of a child—obtaining any of the following for the child, as appropriate:
 - (i) child care;
 - (ii) early childhood education;
 - (iii) education in a primary or secondary school;
- (f) for a person who is the parent or guardian of a child—taking the child to another parent or guardian of the child, whether or not there is a formal arrangement in place in relation to the person or persons with whom the child lives or spends time with;
- (g) providing care or support to a family member or another person who is unable to care for themselves due to health, age or disability; or
- (h) providing care to an animal that is unattended;
- (i) obtaining goods or services from a person who is engaged in an essential activity that is, or includes, the provision of the goods or services;
- (j) an activity relating to the administration of justice, including attending:
 - (i) a police station; or
 - (ii) a court or other premises for a purpose relating to the justice or law enforcement system;
- (k) travelling directly to an airport to leave the Northern Territory;
- (l) attending a funeral at which there are no more than 10 other attendees in total, not including the persons providing the funeral services;
- (m) if there is no waste collection for the premises where the person resides—travelling directly to deposit waste at a waste management facility;
- (n) if the premises where the person resides has shared facilities—using the shared facilities;
- (o) an activity that the person is required or authorised to undertake by a law of the Commonwealth or the Northern Territory.

relevant decision-maker for a designated area means:

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- (a) a person occupying an office, appointment or position, of a Territory or other body, described, for the area, in the table in Schedule 2; or
 - (b) a human biosecurity officer who is an officer or employee of the Health Department, acting after having regard to the advice of a person who is a relevant decision-maker for the area under paragraph (a).
- (2) A reference in a provision of this instrument to a particular law of the Northern Territory is a reference to that law as in force immediately before the commencement of that provision.

Part 2—Requirements

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 *Biosecurity Act 2015*). For generally available defences to offences, see Part 2.3 of the *Criminal Code*.

5 Persons not to enter designated areas

General

- (1) A person must remain outside a designated area unless:
- (a) the person is entering the area to escape an immediate threat to the person's life or a risk of harm, including harm relating to domestic violence; or
 - (b) the person is a member of the Australian Defence Force and is entering the area in the course of the member's duty; or
 - (c) the person is one of the following officials, and is entering the area in the course of the person's duty as such an official:
 - (i) the Director of Human Biosecurity;
 - (ii) the chief human biosecurity officer for the Northern Territory;
 - (iii) a human biosecurity officer;
 - (iv) a biosecurity official;
 - (v) an official performing functions under an Australian law relating to public health, biosecurity or requirements for the export of food or agricultural commodities; or
 - (d) because of an amendment of the description of the designated area in Schedule 1, the person ceases to remain outside the area on the commencement of the amendment; or
 - (e) all of the following apply to the person entering the area:
 - (i) immediately before the entry, the person does not have any of the signs or symptoms of human coronavirus with pandemic potential;
 - (ii) in the 14 days immediately before the entry, the person has not been exposed, without adequate personal protective precautions, to human coronavirus with pandemic potential;
 - (iii) in the 14 days immediately before the entry, the person has not been in a foreign country;
 - (iv) the person is not entering the area wholly or partly for the purpose of engaging in an activity in the area that is prohibited by or under an Australian law;
 - (v) the person's entry to the area is not prohibited by or under an Australian law (other than this section);
 - (vi) at least one of subsections (2), (3), (4), (5), (6) and (7) applies to the person.

Person is entering area to engage in, or provide transport for, essential activity

- (2) This subsection applies to a person entering a designated area if:
- (a) the person:

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- (i) is entering the area primarily to engage in an essential activity in the area that requires the person to be in the area; or
 - (ii) is the person in charge of, or a member of the crew of, a conveyance entering the area primarily to transport one or more persons to whom subparagraph (i) applies; and
- (b) either:
- (i) there is an urgent need for the person to engage in the essential activity in the area or to be in charge of, or be a member of the crew of, the conveyance entering the area; or
 - (ii) the person is entering the area primarily to engage in the essential activity in a manner that is agreed with a human biosecurity officer so as to minimise the extent to which other persons in the area are exposed to the person engaging in the activity.

Person entering area to engage in permitted activity

- (3) This subsection applies to a person entering a designated area if the person is entering the area primarily to engage in a permitted activity in the area that cannot reasonably be undertaken outside the area.

Person has permission to enter area

- (4) This subsection applies to a person entering a designated area if there is in force permission for the person to enter the area given by a relevant decision-maker for the area who:
- (a) is a chief human biosecurity officer or a human biosecurity officer; or
 - (b) has had regard to any guidance from a human biosecurity officer about who should be allowed to enter the area.

Person returning to premises where the person resides

- (5) This subsection applies to a person entering a designated area if the premises where the person resides is in the area and the person is entering the area to return to those premises.

Person is in transit through area

- (6) This subsection applies to a person (the **entrant**) entering a designated area on a journey for which all of the following conditions are met:
- (a) the journey is to a place beyond the area;
 - (b) the journey takes the most direct practicable route through the area;
 - (c) the journey does not involve a person in the area (other than a person travelling with the entrant) being exposed to the entrant or a person travelling with the entrant.

Person is moving without exposure between designated areas or parts of designated area

- (7) This subsection applies to a person (the **entrant**) entering a designated area (the **end area**) on a journey for which all of the following conditions are met:

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- (a) the journey started in a designated area (the *start area*) that the entrant did not enter in contravention of subsection (1), whether the start area is the same as, or different from, the end area;
 - (b) the journey passed through an area that was not a designated area;
 - (c) on the journey the entrant was not exposed to a person who did not start the journey with the entrant;
 - (d) if the journey involved use of a conveyance, the same conveyance was used for the whole journey.

6 Persons entering designated areas to minimise contact with others in those areas

- (1) This section applies to a person who enters a designated area in reliance on:
 - (a) paragraph 5(1)(a) (about persons escaping immediate threats to their lives or risks of harm); or
 - (b) paragraph 5(1)(b) (about members of the Australian Defence Force); or
 - (c) paragraph 5(1)(c) (about officials with duties relating to public health, biosecurity or requirements for the export of food or agricultural commodities); or
 - (d) subsection 5(2) (about persons entering the area in connection with essential activities); or
 - (e) subsection 5(3) (about persons entering the area to engage in permitted activities); or
 - (f) subsection 5(4) (about persons entering the area with permission given by a relevant decision-maker); or
 - (g) subsection 5(5) (about persons entering the area to return to the premises where the person resides); or
 - (h) subsection 5(7) (about persons moving without exposure to others between designated areas) applying to a journey from a different designated area.
- (2) The person must take reasonable steps (having regard to the person's circumstances and reason for entering the area) to minimise the extent to which anyone else in the area is exposed to the person.

7 Leaving designated areas

A person who is in a designated area must not leave the area unless:

- (a) the person is leaving the area to escape an immediate threat to the person's life or a risk of harm, including harm relating to domestic violence; or
- (b) the person is a member of the Australian Defence Force and is leaving the area in the course of the member's duty; or
- (c) the person is one of the following officials, and is leaving the area in the course of the person's duty as such an official:
 - (i) the Director of Human Biosecurity;
 - (ii) a chief human biosecurity officer for a State or Territory;
 - (iii) a human biosecurity officer;
 - (iv) a biosecurity official;

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- (v) an official performing functions under an Australian law relating to public health, biosecurity or requirements for the export of food or agricultural commodities; or
- (d) all of the following apply to the person leaving the area:
 - (i) the person entered the area in reliance on section 5;
 - (ii) the premises where the person resides is not in the area;
 - (iii) the person is leaving the area to return to the premises where the person resides; or
- (e) all of the following apply to the person leaving the area:
 - (i) immediately before leaving the area, the person does not have any of the signs or symptoms of human coronavirus with pandemic potential;
 - (ii) in the 14 days immediately before leaving the area, the person has not been exposed, without adequate personal protective precautions, to human coronavirus with pandemic potential;
 - (iii) in the 14 days immediately before leaving the area, the person has not been in a foreign country;
 - (iv) the person is not leaving the area wholly or partly for the purpose of engaging in an activity that is prohibited by or under an Australian law;
 - (v) the person's leaving the area is not prohibited by or under an Australian law (other than this section);
 - (vi) at least one of subsections (2), (3) and (4) applies to the person.

Person leaving area to engage in, or provide transport for, essential activity

- (2) This subsection applies to a person leaving a designated area if:
 - (a) the person:
 - (i) is leaving the area primarily to engage in an essential activity outside the area that requires the person to be outside the area; or
 - (ii) is the person in charge of, or a member of the crew of, a conveyance leaving the area primarily to transport one or more persons to whom subparagraph (i) applies; and
 - (b) either:
 - (i) there is an urgent need for the person to engage in the essential activity outside the area or to be in charge of, or be a member of the crew of, the conveyance leaving the area; or
 - (ii) the person is leaving the area primarily to engage in the essential activity outside the area in a manner that is agreed with a human biosecurity officer so as to minimise the extent to which other persons outside the area are exposed to the person engaging in the activity.

Person leaving area to engage in permitted activity

- (3) This subsection applies to a person leaving a designated area if the person is leaving the area primarily to engage in a permitted activity outside the area that cannot reasonably be undertaken in the area.

Person has permission to leave area

- (4) This subsection applies to a person leaving a designated area if there is in force permission for the person to leave the area given by a relevant decision-maker for the area who:
- (a) is a chief human biosecurity officer or a human biosecurity officer; or
 - (b) has had regard to any guidance from a human biosecurity officer about who should be allowed to leave the area.

Part 3 Repeal

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Part 3—Repeal

8 Repeal

This instrument is repealed at 5 pm, by legal time in the Northern Territory, on 23 December 2021.

Schedule 1—Designated areas

Note: See the definition of *designated area* in section 4.

1 Locality of Ali Curung

This clause describes the area bounded by a circle of radius 5 km, the centre of which is Lot 168, Jungara Street, Ali Curung in NT Portion 906.

2 Homeland areas

This clause describes each area specified in an item of the following table.

Homeland areas		
Item	The area known as...	bounded by a circle of radius 500 metres, the centre of which is at the following point (Geocentric Datum of Australia 1994 (GDA94) geographic coordinates)... Latitude (DMS) Longitude (DMS)
1	Junkaji Homeland also known as Greenwood, Jungkagu and Jungkai	S 20°26'47.62" E 134°08'29.36"
2	Wakurlpu	S 20°37'56.24" E 134°13'00.77"

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Schedule 2—Relevant decision-makers

Note: See paragraph (a) of the definition of *relevant decision-maker* in section 4.

1 Offices, appointments and positions for designated areas

The following table describes offices, appointments and positions for designated areas.

Offices, appointments and positions for designated areas		
Item	Designated area	Office, appointment or position
1	A designated area in the Northern Territory	The chief human biosecurity officer for the Northern Territory
2	A designated area in the Northern Territory	A human biosecurity officer who is an employee of the State or Territory body responsible for the administration of health services in the Northern Territory
3	A designated area in the Northern Territory	The Chief Health Officer of the Northern Territory
4	A designated area in the Northern Territory	The Commissioner of Police and Chief Executive Officer of the Fire and Emergency Service of the Northern Territory
