



# **Biosecurity (Human Biosecurity Emergency) (Human Coronavirus with Pandemic Potential) (Emergency Requirements—Incoming International Flights) Amendment (No. 1) Determination 2022**

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

Dated 21 January 2022

Greg Hunt  
Minister for Health and Aged Care

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## 1 Name

This instrument is the *Biosecurity (Human Biosecurity Emergency) (Human Coronavirus with Pandemic Potential) (Emergency Requirements—Incoming International Flights) Amendment (No. 1) Determination 2022*.

## 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	1 am (by legal time in the Australian Capital Territory) on 23 January 2022.	1 am (A.C.T.) 23 January 2022

Note: This table relates only to the provisions of this instrument as originally made.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 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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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 (Human Biosecurity Emergency) (Human Coronavirus with Pandemic Potential) (Emergency Requirements—Incoming International Flights) Determination 2021*

#### 1 Section 4 (before paragraph (a) of the note to the heading)

Insert:

- (aa) Agriculture Department;

#### 2 Section 4

Repeal the following definitions:

- (a) definition of *Australian Border Force*;
- (b) definition of *Australian Border Force employee*.

#### 3 Section 4

Insert:

*Home Affairs Department* means the Department administered by the Minister administering the *Australian Border Force Act 2015*.

*Home Affairs SES employee* means an SES employee in the Home Affairs Department.

*NAAT test* means a test that uses nucleic acid amplification technology as the testing method.

Note: For example, each of the following is a test that uses nucleic acid amplification technology as the testing method:

- (a) polymerase chain reaction test;
- (b) transcription mediated amplification test;
- (c) loop-mediated isothermal amplification test.

#### 4 Section 4 (definition of *PCR test*)

Repeal the definition.

#### 5 Section 4 (paragraph (d) of the definition of *relevant official*)

Repeal the paragraph, substitute:

- (d) an APS employee in the Agriculture Department;
- (e) an APS employee in the Home Affairs Department.

#### 6 After paragraph 9(a)

Insert:

- (aa) an exemption was granted under section 9A for the flight before the flight commenced; or
- (ab) an exemption that applies to the person was granted under section 9B before the flight commenced; or

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**7 After section 9**

Insert:

**9A Exemptions for flights—exceptional circumstances**

- (1) In exceptional circumstances, the Director of Human Biosecurity, a chief human biosecurity officer, a human biosecurity officer or a Home Affairs SES employee may grant an exemption for the purposes of section 9 for a relevant international flight.
- (2) An exemption under subsection (1) must be in writing.

**9B Exemptions for classes of persons—exceptional circumstances**

- (1) In exceptional circumstances, the Director of Human Biosecurity may grant an exemption from the requirement in section 9 to a class of persons.
- (2) An exemption under subsection (1) must be in writing.

**8 Section 10 (heading)**After “**Exemptions**”, insert “**for individual persons**”.**9 Paragraph 11(1)(a)**

Omit “sufficient evidence, in accordance with subsection (4), that in the period mentioned in subsection (2) or (3) (as applicable) the person was tested for the coronavirus known as COVID-19 and that the result of the test was negative”, substitute “evidence mentioned in subsection (1A)”.

**10 At the end of subsection 11(1)**

Add:

- ; or (e) an exemption was granted under section 16A for the flight before the flight commenced; or
- (f) the flight is an Australian Government facilitated flight.

**11 After subsection 11(1)**

Insert:

- (1A) For the purposes of paragraph (1)(a), the evidence is:
  - (a) evidence, in the form of the result of a test specified in subsection (4), that in the period mentioned in subsection (2) or (3) (as applicable) the person was tested for the coronavirus known as COVID-19 and that the result of the test was negative; or
  - (b) evidence, in the form of a certificate provided by a medical practitioner that includes the matters specified in subsection (6), that:
    - (i) in the period mentioned in subsection (7), the person was tested for the coronavirus known as COVID-19 using a rapid antigen test conducted in accordance with subsection (5); and
    - (ii) the result of the test was negative.

*NAAT and other approved tests*

**12 Subsections 11(2) and (3)**

Omit “paragraph (1)(a)”, substitute “paragraph (1A)(a)”.

**13 Subsection 11(4)**

Omit “paragraph (1)(a), sufficient evidence means the result of”, substitute “paragraph (1A)(a), the following tests are specified”.

**14 Paragraph 11(4)(a)**

Repeal the paragraph, substitute:

- (a) a NAAT test;

**15 Paragraph 11(4)(b)**

After “country” (wherever occurring), insert “or region”.

**16 After subsection 11(4) (before the note)**

Insert:

*Rapid antigen tests*

- (5) For the purposes of subparagraph (1A)(b)(i), a rapid antigen test is conducted in accordance with this subsection if the specimen for the test is collected, and the test is carried out, by or under the supervision of a medical practitioner.
- (6) For the purposes of paragraph (1A)(b), the following matters are specified for a certificate for a rapid antigen test:
  - (a) the date and time of the test;
  - (b) the name of the person tested;
  - (c) the type of test conducted;
  - (d) the brand and make of the test;
  - (e) that the specimen for the test was collected, and the test was carried out, by or under the supervision of a medical practitioner;
  - (f) the result of the test;
  - (g) the signature of the medical practitioner providing the certificate.
- (7) For the purposes of subparagraph (1A)(b)(i), the period is:
  - (a) for a person who is not a connecting traveller—the period of 24 hours before the scheduled departure time for the relevant international flight; and
  - (b) for a person who is a connecting traveller—the period of 24 hours before the scheduled departure time for the person’s connecting flight (or, if the person undertook more than one connecting flight, the person’s first connecting flight).

**17 Section 12 (at the end of the heading)**

Add “for classes of persons”.



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**18 Subsection 12(1)**

Omit “paragraph 11(1)(a) for a class of persons if is”, substitute “paragraph 11(1A)(a) for a class of persons if it is”.

**19 Section 13 (heading)**

Omit “PCR tests”, substitute “NAAT tests for countries or regions”.

**20 Subsection 13(1)**

Omit “country if a PCR test is not reasonably available in the country”, substitute “country or region if a NAAT test is not reasonably available in the country or region”.

**21 Section 14 (heading)**

After “Exemptions”, insert “for individual persons”.

**22 Paragraph 14(2)(c)**

Omit “PCR test”, substitute “NAAT test or a rapid antigen test”.

**23 Section 15 (heading)**

After “Exemptions”, insert “for individual persons”.

**24 Section 16 (heading)**

After “Exemptions”, insert “for classes of persons”.

**25 At the end of Part 4**

Add:

**16A Exemptions for flights—exceptional circumstances**

- (1) In exceptional circumstances, the Director of Human Biosecurity, a chief human biosecurity officer, a human biosecurity officer or a Home Affairs SES employee may grant an exemption for the purposes of paragraph 11(1)(a) for a relevant international flight.
- (2) An exemption under subsection (1) must be in writing.

**26 Paragraph 17(b)**

Repeal the paragraph, substitute:

- (b) unless the flight is an Australian Government facilitated flight—each passenger on the aircraft, not covered by an exemption mentioned in paragraph 11(1)(b), (c), (d) or (e), had, before boarding the aircraft, provided evidence as mentioned in paragraph 11(1)(a) if requested to do so by a member of the aircraft operator’s staff.