

Biosecurity (Emergency Requirements—Remote Communities) Amendment (No. 2) Determination 2022

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

Dated 17 February 2022

Greg Hunt

Minister for Health and Aged Care

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1 Name

 This instrument is the *Biosecurity (Emergency Requirements—Remote Communities) Amendment (No. 2) 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. Sections 1 to 4 and anything in this instrument not elsewhere covered by this table | Immediately after this instrument is registered. | 3.02 pm (A.C.T) 17 February 2022 |
| 2. Schedule 1 | Immediately after this instrument is registered. | 3.02 pm (A.C.T) 17 February 2022 |
| 3. Schedule 2 | 18 February 2022. | 18 February 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Note: This table relates only to the provisions of this instrument as originally made.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 Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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 commencing immediately after registration

Biosecurity (Emergency Requirements—Remote Communities) Determination (No. 3) 2022

1 Section 8

Omit “17 February”, substitute “3 March”.

Schedule 2—Amendments commencing 18 February 2022

Biosecurity (Emergency Requirements—Remote Communities) Determination (No. 3) 2022

1 Section 4

Insert:

***Aboriginal land*** has the same meaning as in the *Aboriginal Land Rights (Northern Territory) Act 1976*.

***Aboriginal Land Act (NT)*** means the *Aboriginal Land Act 1978* (NT) as in force on 18 February 2022.

2 Section 4 (definition of *designated area*)

Omit “a designated location or a designated zone, excluding so much of the designated location or designated zone”, substitute “a designated zone, excluding so much of the designated zone”.

3 Section 4 (at the end of the definition of *designated area*)

Add:

 ; or (e) within the boundaries of a national park.

4 Section 4 (definition of *designated location*)

Repeal the definition.

5 Section 4 (definition of *freehold land*)

Omit “, other than NT Portion 4069 (Laramba Community Incorporated)”.

6 Section 4

Insert:

***national park*** means a national park established under a law of the Commonwealth or the Northern Territory.

7 Section 4 (paragraph (d) of the definition of *permitted activity*)

Repeal the paragraph, substitute:

 (d) for a person who is employed, or engaged to provide services—attending the person’s workplace in the course of the person’s employment or engagement;

8 Section 4 (paragraph (e) of the definition of *permitted activity*)

Omit “who is engaged in an essential activity, and”.

9 Section 4 (at the end of the definition of *permitted activity*)

Add:

 ; (p) obtaining tertiary education for the person;

 (q) visiting a national park.

10 Paragraph 5(1)(d)

Omit “1 or”.

11 Subparagraph 5(1)(e)(v)

Omit “(5) and (6)”, substitute “(4A), (5), (6), (6A) and (7)”.

12 After subsection 5(4)

Insert:

Person permitted to enter Aboriginal land or use a road in the area

 (4A) This subsection applies to a person entering a designated area if:

 (a) under subsection 4(2) of the Aboriginal Land Act (NT), the person may enter onto Aboriginal land in the area; or

 (b) there is in force, under subsection 5(1) of the Aboriginal Land Act (NT), a permit issued to the person to enter onto and remain on Aboriginal land, or use a road, in the area.

13 Subsection 5(6)

Repeal the subsection, substitute:

Person returning to premises in Gumurr Miwatj after travelling to Nhulunbuy for food, fuel or mail

 (6) This subsection applies to a person entering a designated area if:

 (a) the area is the designated zone described in clause 4 of Schedule 2 (the East Arnhem designated zone); and

 (b) the premises where the person resides is in the ward of Gumurr Miwatj; and

 (c) the person is entering the area to return to those premises; and

 (d) the person left the area to travel to Nhulunbuy in reliance on subsection 7(3) for the permitted activity of obtaining food, fuel or mail; and

 (e) while outside the area, the person took reasonable steps (having regard to the person’s circumstances) to minimise the extent to which anyone else was exposed to the person.

Person returning to premises in Roper Gulf from permitted entry to Borroloola freehold land

 (6A) This subsection applies to a person entering a designated area if:

 (a) the area is the designated zone described in clause 5 of Schedule 2 (the Roper Gulf designated zone); and

 (b) the premises where the person resides is in the area; and

 (c) the person is entering the area to return to those premises; and

 (d) the person left the area in reliance on subsection 7(5) (permitted entry to Borroloola freehold land); and

 (e) while outside the area, the person took reasonable steps (having regard to the person’s circumstances) to minimise the extent to which anyone else was exposed to the person.

14 After paragraph 6(1)(f)

Insert:

 (fa) subsection 5(4A) (about persons permitted to enter Aboriginal land or use a road in the area); or

15 Paragraph 6(1)(h)

Repeal the paragraph, substitute:

 (h) subsection 5(6) (about persons returning to premises in Gumurr Miwatj after travelling to Nhulunbuy for food, fuel or mail); or

 (i) subsection 5(6A) (about persons returning to premises in the Roper Gulf designated zone after leaving for permitted entry to Borroloola freehold land).

16 Subparagraph 7(1)(f)(iv)

Repeal the subparagraph, substitute:

 (iv) at least one of subsections (2), (3), (4) and (5) applies to the person.

17 Paragraph 7(1)(g)

Repeal the paragraph.

18 Subsection 7(5)

Repeal the subsection, substitute:

Person leaving area for permitted entry to Borroloola freehold land

 (5) This subsection applies to a person leaving the designated zone described in clause 5 of Schedule 2 (the Roper Gulf designated zone) if the person is leaving the area to enter freehold land in Borroloola with the permission of the owner of the freehold land.

19 Schedule 1

Repeal the Schedule.

20 Part 1 of Schedule 2

Repeal the Part.

21 Part 2 of Schedule 2 (heading)

Repeal the heading.

22 Paragraph 4(d) of Schedule 2

Omit “in the Schedule”, substitute “in clause 1 of the Schedule”.

23 Part 3 of Schedule 2

Repeal the Part.

24 Clause 1 of Schedule 3 (table item 9)

Repeal the item.

25 Clause 1 of Schedule 3 (table item 10)

Omit “described in Part 2 of Schedule 2 or a designated location within such a zone”.

26 Clause 1 of Schedule 3 (table item 11)

Repeal the item.