



Biosecurity (Entry Requirements—Human Coronavirus with Pandemic Potential) Amendment (No. 1) Determination 2022

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

Dated 24 March 2022

Greg Hunt
Minister for Health and Aged Care

Contents

1	Name.....	1
2	Commencement	1
3	Authority.....	1
4	Schedules.....	1
Schedule 1—Amendments		2
<i>Biosecurity (Entry Requirements—Human Coronavirus with Pandemic Potential)</i>		
<i>Determination 2022</i>		2

1 Name

This instrument is the *Biosecurity (Entry Requirements—Human Coronavirus with Pandemic Potential) 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	18 April 2022.	18 April 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Note: This table relates only to the provisions of this instrument as originally made.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 44(2) 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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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 (Entry Requirements—Human Coronavirus with Pandemic Potential) Determination 2022

1 Section 4

Repeal the following definitions:

- (a) definition of *connecting traveller*;
- (b) definition of *NAAT test*.

2 Section 4

Insert:

relevant international voyage means a voyage of a vessel:

- (a) that commences outside Australian territory and is intended to arrive at a port in Australian territory; and
- (b) for which the scheduled departure time is on or after 18 April 2022.

3 Part 2 (heading)

Repeal the heading, substitute:

Part 2—Requirements for passengers on flights

4 Subsection 6(2)

Omit “(3) to (5)”, substitute “(3) and (4)”.

5 Paragraphs 6(2)(d) and (f)

Repeal the paragraphs.

6 Subsection 6(3)

Omit “(d), (e), (f),”, substitute “(e),”.

7 Subsection 6(4)

Omit “Paragraphs (2)(d) and (e) do”, substitute “Paragraph (2)(e) does”.

8 Subsection 6(5)

Repeal the subsection.

9 Section 7

Repeal the section.

10 Paragraph 8(1)(a)

Omit “or 7”.

11 Subsection 8(3)

Omit “sections 6 and 7”, substitute “section 6”.

12 Subsection 9(1)

Omit “, or section 7 (as applicable),”.

13 Subsection 9(3)

Omit “or section 7 (as applicable)”.

14 Subsection 10(1)

Omit “, or section 7 (as applicable),”.

15 Subsection 10(4)

Omit “or section 7 (as applicable)”.

16 Part 3

Repeal the Part, substitute:

Part 3—Requirements for individuals on voyages**Division 1—Statements by individuals****11 Statements—various matters**

- (1) This section applies to an individual who is entering Australian territory:
- (a) at a port in accordance with Division 3 of Part 4 of Chapter 4 of the Act;
and
 - (b) on a vessel on a relevant international voyage;
- unless:
- (c) an exemption for the purposes of this section was granted under paragraph 12(1)(a) of this instrument for the voyage before the voyage commenced; or
 - (d) the individual:
 - (i) is the person in charge or a member of the crew of the vessel; and
 - (ii) has had no interaction with passengers on the voyage and does not intend to disembark from the vessel while in Australian territory.

Ability to produce evidence of statement

- (2) The individual must be able to produce, to a relevant official, evidence that, before the time mentioned in subsection (3), 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 the following (subject to subsections (4) and (5)):
- (c) 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;
- (vii) the name and type of the vessel;
- (d) a declaration that the individual is aware of:
 - (i) the quarantine and testing requirements relating to COVID-19 that apply in the State or Territory in which the port is located; and
 - (ii) the penalties for non-compliance with those requirements;
- (e) if the individual was more than 12 years and 3 months old on the day the relevant international voyage was scheduled to commence—a declaration mentioned in subsection (6) (about vaccination status);
- (f) if the statement was made in paper form—a declaration that exceptional circumstances prevented the individual from using an electronic system maintained by the Home Affairs Department;
- (g) if the statement was not made before the individual embarked onto the vessel for the voyage—a declaration that exceptional circumstances prevented the individual from making the statement before the individual embarked onto the vessel for the voyage.

Note: The following are examples of exceptional circumstances for paragraphs (2)(b) and (f):

- (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.

- (3) For the purposes of subsection (2), the time is:
 - (a) when the individual embarked onto the vessel for the voyage; or
 - (b) if exceptional circumstances prevented the individual from making the statement before the individual embarked onto the vessel for the voyage—the end of the voyage.
- (4) Paragraph (2)(c), (d), (e), (f) or (g) does not apply to the individual if, before the relevant international voyage commenced:
 - (a) an exemption for the purposes of that paragraph was granted under paragraph 12(1)(b) for the voyage; or
 - (b) an exemption for the purposes of that paragraph that applies to the individual was granted under section 13; or
 - (c) an exemption for the purposes of that paragraph was granted to the individual under section 14.
- (5) Paragraph (2)(d) does not apply to the individual if the relevant international voyage is:
 - (a) an Australian Government facilitated voyage; or
 - (b) an emergency medical evacuation voyage.
- (6) For the purposes of paragraph (2)(e), the declaration is a declaration of which one of the following paragraphs apply to the individual:
 - (a) the individual:
 - (i) has received a course of vaccinations with one or more accepted COVID-19 vaccines in accordance with a schedule for receiving that course of vaccinations that is accepted by the Therapeutic Goods Administration (whether or not the individual has also received a booster dose of an accepted COVID-19 vaccine); and

- (ii) received the last vaccination in the course of vaccinations at least 7 days before the day the relevant international voyage was scheduled to commence; and
- (iii) can produce evidence of the matters mentioned in subparagraphs (i) and (ii);
- (b) the individual:
 - (i) has a medical contraindication to COVID-19 vaccines; and
 - (ii) can produce evidence provided by a medical practitioner of the matter mentioned in subparagraph (i);
- (c) neither paragraph (a) nor (b) applies to the individual.

Providing statements made in paper form

- (7) If the individual made a statement as mentioned in subsection (2) in paper form, the individual must provide the statement to a relevant official.

Producing evidence of electronic statements on request

- (8) If the individual made a statement as mentioned in subsection (2) electronically, the individual must produce evidence that the individual made the statement if a relevant official asks the individual to do so.

Producing evidence relating to declarations on request

- (9) If the individual's statement includes a declaration mentioned in subsection (6), the individual must, if a relevant official asks the individual to do so, produce:
- (a) if the declaration was that paragraph (6)(a) applies to the individual—the evidence mentioned in subparagraph (6)(a)(iii); and
 - (b) if the declaration was that paragraph (6)(b) applies to the individual—the evidence mentioned in subparagraph (6)(b)(ii).

Where requirements apply

- (10) The requirements in this section apply at the port.

- Note 1: An individual who fails to comply with a requirement that applies to the individual under this section may contravene a civil penalty provision (see section 46 of the Act).
- Note 2: A person may commit an offence or contravene a civil penalty provision if the person provides false or misleading information or documents (see sections 137.1 and 137.2 of the *Criminal Code* and sections 532 and 533 of the Act).
- Note 3: For protections for children or incapable persons who are subject to the requirements in this section, see Subdivision B of Division 2 of Part 1 of Chapter 2 of the Act.
- Note 4: Part 2 of Chapter 11 of the Act deals with confidentiality of personal information collected under the Act.

12 Exemptions for voyages—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:
- (a) grant an exemption for the purposes of section 11 for a relevant international voyage; or

(b) grant an exemption for the purposes of any of paragraphs 11(2)(c) to (g) for a relevant international voyage.

(2) An exemption under subsection (1) must be in writing.

13 Exemptions for classes of individuals—exceptional circumstances

(1) In exceptional circumstances, the Director of Human Biosecurity may grant an exemption for the purposes of any of paragraphs 11(2)(c) to (g) to a class of individuals.

(2) An exemption under subsection (1) must be in writing.

14 Exemptions for individuals—exceptional circumstances

(1) In exceptional circumstances, a relevant official may grant an exemption for the purposes of any of paragraphs 11(2)(c) to (g) to an individual.

(2) For the purposes of subsection (1), exceptional circumstances are demonstrated by the individual providing a compelling reason for not complying with the paragraph.

(3) An exemption under subsection (1) must be in writing.

Division 2—Declarations by crew—unplanned disembarkation

15 Providing vaccination status declaration on request

(1) This section applies to an individual if:

(a) the individual is entering Australian territory:

(i) at a port in accordance with Division 3 of Part 4 of Chapter 4 of the Act; and

(ii) on a vessel on a relevant international voyage; and

(b) paragraph 11(1)(d) applies to the individual; and

(c) the individual disembarks from the vessel.

(2) If a relevant official asks the individual to do so, the individual must make, and give to the relevant official, a declaration mentioned in subsection 11(6) (about vaccination status).

(3) The requirements in this section apply at the port.

Note 1: An individual who fails to comply with a requirement that applies to the individual under this section may contravene a civil penalty provision (see section 46 of the Act).

Note 2: A person may commit an offence or contravene a civil penalty provision if the person provides false or misleading information or documents (see sections 137.1 and 137.2 of the *Criminal Code* and sections 532 and 533 of the Act).

Note 3: For protections for children or incapable persons who are subject to the requirements in this section, see Subdivision B of Division 2 of Part 1 of Chapter 2 of the Act.

Note 4: Part 2 of Chapter 11 of the Act deals with confidentiality of personal information collected under the Act.

Part 4—Travel history declarations—passengers on flights and individuals on voyages

16 Providing travel history declaration on request

Passengers on relevant international flights

- (1) This section applies to an individual who is entering Australian territory:
 - (a) at a landing place in accordance with Division 2 of Part 4 of Chapter 4 of the Act; and
 - (b) as a passenger of an aircraft on a relevant international flight.
- (2) If a relevant official asks the individual to do so, the individual must make, and give to the relevant official, 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.

Individuals on relevant international voyages

- (3) This section applies to an individual who is entering Australian territory:
 - (a) at a port in accordance with Division 3 of Part 4 of Chapter 4 of the Act; and
 - (b) on a vessel on a relevant international voyage.
- (4) If a relevant official asks the individual to do so, the individual must make, and give to the relevant official, a declaration setting out the individual's international travel history for the 14 days before the day the relevant international voyage ended.

Where requirements apply

- (5) The requirements in this section apply at the landing place or port (as applicable).

Note 1: An individual who fails to comply with a requirement that applies to the individual under this section may contravene a civil penalty provision (see section 46 of the Act).

Note 2: A person may commit an offence or contravene a civil penalty provision if the person provides false or misleading information or documents (see sections 137.1 and 137.2 of the *Criminal Code* and sections 532 and 533 of the Act).

Note 3: For protections for children or incapable persons who are subject to the requirements in this section, see Subdivision B of Division 2 of Part 1 of Chapter 2 of the Act.

Note 4: Part 2 of Chapter 11 of the Act deals with confidentiality of personal information collected under the Act.