



Biosecurity Legislation Amendment (2022 Measures No. 1) Determination 2022

I, Mark Butler, Minister for Health and Aged Care, make the following determination.

Dated 1 July 2022

Mark Butler
Minister for Health and Aged Care

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Part 1—Preliminary

1 Name

This instrument is the *Biosecurity Legislation Amendment (2022 Measures 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. Parts 1 to 3 and anything in this instrument not elsewhere covered by this table	Immediately after this instrument is registered.	6.20 pm (A.C.T.) 3 July 2022
2. Schedules 1 and 2	6 July 2022.	6 July 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Note: This table relates only to the provisions of this instrument as originally made.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 subsections 44(2) and 45(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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Part 2—Application of instruments

5 Application of instrument before repeal—entry requirements

Flights

- (1) Sections 6 and 16 of the *Biosecurity (Entry Requirements—Human Coronavirus with Pandemic Potential) Determination 2022* do not apply 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 *Biosecurity Act 2015*; and
 - (b) as a passenger of an aircraft on a relevant international flight (within the meaning of that determination);if the scheduled arrival time of the flight is on or after 6 July 2022.

Voyages

- (2) Sections 11 and 16 of the *Biosecurity (Entry Requirements—Human Coronavirus with Pandemic Potential) Determination 2022* do not apply 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 *Biosecurity Act 2015*; and
 - (b) on a vessel on a relevant international voyage (within the meaning of that determination);if the scheduled arrival time of the voyage is on or after 6 July 2022.

6 Application of repealed instrument—entry requirements

Flights

- (1) Despite the repeal of the *Biosecurity (Entry Requirements—Human Coronavirus with Pandemic Potential) Determination 2022*, that determination continues to apply 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 *Biosecurity Act 2015*; and
 - (b) as a passenger of an aircraft on a relevant international flight (within the meaning of that determination);if the scheduled arrival time of the flight was before 6 July 2022.

Voyages

- (2) Despite the repeal of the *Biosecurity (Entry Requirements—Human Coronavirus with Pandemic Potential) Determination 2022*, that determination continues to apply 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 *Biosecurity Act 2015*; and
 - (b) on a vessel on a relevant international voyage (within the meaning of that determination);

if the scheduled arrival time of the voyage was before 6 July 2022.

Part 3 Repeal of this instrument

Section 7

Part 3—Repeal of this instrument

7 Repeal of this instrument

This instrument is repealed at the start of 7 July 2022.

Schedule 1—Amendments

Biosecurity (Entry Requirements) Determination 2016

1 Section 4

Insert:

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

relevant official means any of the following:

- (a) a biosecurity officer;
- (b) a chief human biosecurity officer;
- (c) a human biosecurity officer;
- (d) an APS employee in the Agriculture Department;
- (e) an APS employee in the Home Affairs Department.

2 Before section 5

Insert:

4A Initial screening—declaration relating to travel in yellow fever risk regions

- (1) This section applies to an individual who is entering Australian territory at a landing place or port in accordance with Division 2 or 3 of Part 4 of Chapter 4 of the Act.
- (2) The individual must, in writing, declare to a relevant official whether the person had been in Africa, South America, Central America or the Caribbean at any time in the 6 days before entering the landing place or port.

Where requirement applies

- (3) The requirement in this section applies 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.

4B Secondary screening—declaration relating to stays in yellow fever risk countries or areas

- (1) This section applies to an individual who:
 - (a) is entering Australian territory at a landing place or port in accordance with Division 2 or 3 of Part 4 of Chapter 4 of the Act; and

- (b) had been in Africa, South America, Central America or the Caribbean at any time in the 6 days before entering the landing place or port.
- (2) The individual must declare to a relevant official whether the person had stayed overnight or longer in a yellow fever risk country or area at any time in the 6 days before entering the landing place or port.
- (3) If the individual makes a declaration as required by subsection (2) orally, the individual must also make the declaration in writing if a relevant official asks the individual to do so.

Where requirements apply

- (4) 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.

3 Section 5 (heading)

Repeal the heading, substitute:

5 Vaccination certificates and travel history—individuals who have stayed in yellow fever risk countries or areas

4 Paragraph 5(1)(b)

Omit “within 6 days of”, substitute “at any time in the 6 days before”.

5 Before subsection 5(2)

Insert:

International vaccination certificates

6 Subsection 5(2)

Omit “biosecurity officer” (wherever occurring), substitute “relevant official”.

7 Paragraph 5(2)(b)

Omit “the officer”, substitute “the relevant official”.

8 Subsection 5(2) (note)

Repeal the note.

9 At the end of section 5

Add:

Travel history declarations

- (4) The individual must declare to a relevant official the individual's international travel history for the 6 days before entering the landing place or port.
- (5) If the individual makes a declaration as required by subsection (4) orally, the individual must also make the declaration in writing if a relevant official asks the individual to do so.

Where requirements apply

- (6) 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.

10 Paragraph 6(1)(b)

Omit "biosecurity officer or a human biosecurity officer", substitute "relevant official".

11 Subsection 6(2)

Omit "biosecurity officer or a human biosecurity officer", substitute "relevant official".

12 After subsection 6(2) (before the note)

Insert:

Where requirements apply

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

13 Section 6 (note)

Repeal the note, substitute:

- 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.

14 After Part 3

Insert:

Part 4—Travel history declarations

7 Providing travel history declaration on request

Individuals on international flights

- (1) Subsection (2) applies to an individual who is entering Australian territory on an aircraft at a landing place in accordance with Division 2 of Part 4 of Chapter 4 of the Act if the flight commenced outside Australian territory.
- (2) If:
 - (a) a relevant official reasonably suspects that the individual has, or has been exposed to, a listed human disease; and
 - (b) a relevant official asks the individual to do so;the individual must declare to a relevant official the individual's international travel history for the 14 days before the day the flight commenced.

Individuals on international voyages

- (3) Subsection (4) applies to an individual who is entering Australian territory on a vessel at a port in accordance with Division 3 of Part 4 of Chapter 4 of the Act if the voyage commenced outside Australian territory.
- (4) If:
 - (a) a relevant official reasonably suspects that the individual has, or has been exposed to, a listed human disease; and
 - (b) a relevant official asks the individual to do so;the individual must declare to a relevant official the individual's international travel history for the 14 days before the day the voyage ended.

Making declarations in writing

- (5) If an individual makes a declaration as required by subsection (2) or (4) orally, the individual must also make the declaration in writing if a relevant official asks the individual to do so.

Where requirements apply

- (6) 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.

Schedule 2—Repeals

Biosecurity (Entry Requirements—Human Coronavirus with Pandemic Potential) Determination 2022

1 The whole of the instrument

Repeal the instrument.

Biosecurity (Exit Requirements) Determination 2022

2 The whole of the instrument

Repeal the instrument.