

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Note: This table relates only to the provisions of this instrument as originally made.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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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

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.