

## **EXPLANATORY STATEMENT**

### ***Biosecurity Act 2015***

#### ***Biosecurity (Entry Requirements – Human Coronavirus with Pandemic Potential) Repeal Determination 2023***

#### **Purpose**

The Biosecurity (Entry Requirements – Human Coronavirus with Pandemic Potential) Repeal Determination 2023 (Repeal Determination) repeals the *Biosecurity (Entry Requirements – Human Coronavirus with Pandemic Potential) Determination 2023* (Determination).

#### **Repeal of the Determination**

The Determination was made by the Minister for Health and Aged Care under the *Biosecurity Act 2015* (Biosecurity Act). The requirements intended to prevent entry or establishment or spread of COVID-19 in an Australian territory or part of an Australian territory.

The Determination imposed entry requirements on passengers to provide proof of a negative test for COVID-19 taken within a 48 hour period prior to boarding a flight that commenced from the People's Republic of China or the Special Administrative Region of Hong Kong or Macau and ends in Australian territory.

The Repeal Determination removes the requirement for passengers to provide proof of a negative test for COVID-19 from the beginning of 11 March 2023 AEDT.

#### **Authority**

Subsection 44(2) of the Biosecurity Act provides that the Health Minister may determine one or more requirements for individuals who are entering Australian territory at a landing place or port for the purpose of preventing a listed human disease from entering, or establishing itself or spreading in, Australian territory or a part of Australian territory.

Subsection 44(3) of the Biosecurity Act provides that a determination made under subsection 44(2) is a legislative instrument, but that section 42 (disallowance) of the *Legislation Act 2003* (Legislation Act) does not apply to the determination.

The Repeal Determination is a legislative instrument for the purposes of the Legislation Act. The Repeal Determination is automatically repealed after its commencement under section 48A of the Legislation Act.

#### **Commencement**

The Repeal Determination commences on 11 March 2023.

#### **Consultation**

The Department has consulted with the Department of the Prime Minister and Cabinet, the Department of Home Affairs, the Department of Education, Skills and Employment, the

Department of Infrastructure, Transport, Regional Development, Communications and the Arts, the Department of Foreign Affairs and Trade, and the Department of Agriculture, Fisheries and Forestry.

**Other**

A provision by provision description of the Repeal Determination is contained in the Attachment.

**Details of the *Biosecurity (Entry Requirements – Human Coronavirus with Pandemic Potential) Repeal Determination 2023***

**Part 1—Preliminary**

**Section 1** provides that the name of the Repeal Determination is the *Biosecurity (Entry Requirements—Human Coronavirus with Pandemic Potential) Repeal Determination 2023*.

**Section 2** provides that the Repeal Determination commences on 11 March 2023. This means the Repeal Determination will have effect as at 12:01am Australian Eastern Daylight Time (AEDT) on 11 March 2023.

**Section 3** states that the authority for making the Repeal Determination is subsection 44(2) of the Biosecurity Act.

**Section 4** provides that 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—Repeals**

***Biosecurity (Entry Requirements—Human Coronavirus with Pandemic Potential) Determination 2023***

**Item 1** repeals the whole of the *Biosecurity (Entry Requirements—Human Coronavirus with Pandemic Potential) Determination 2023*.

Repealing this Determination will mean that individuals travelling from the People’s Republic of China or the Special Administrative Region of Hong Kong or Macau and entering Australian territory on or after 12:01am AEDT 11 March 2023, will no longer be required to provide evidence of a negative COVID-19 test result upon entering Australian territory.