

2019-2021

The Parliament of the
Commonwealth of Australia

THE SENATE

Presented and read a first time

**Biosecurity Amendment (No Crime to
Return Home) Bill 2021**

No. , 2021

(Senator Patrick)

**A Bill for an Act to amend the *Biosecurity Act 2015*,
and for related purposes**

Contents

1	Short title.....	1
2	Commencement.....	1
3	Schedules.....	2
Schedule 1—Amendments		3
Part 1—Repeals		3
<i>Biosecurity (Human Biosecurity Emergency) (Human Coronavirus with Pandemic Potential) (Emergency Requirements—High Risk Country Travel Pause) Determination 2021</i>		3
Part 2—Amendments		4
<i>Biosecurity Act 2015</i>		4

A Bill for an Act to amend the *Biosecurity Act 2015*, and for related purposes

The Parliament of Australia enacts:

1 Short title

This Act is the *Biosecurity Amendment (No Crime to Return Home) Act 2021*.

2 Commencement

- (1) Each provision of this Act 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 Act	The day after this Act receives the Royal Assent.	

Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

- (2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

3 Schedules

Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Schedule 1—Amendments

Part 1—Repeals

***Biosecurity (Human Biosecurity Emergency) (Human
Coronavirus with Pandemic Potential) (Emergency
Requirements—High Risk Country Travel Pause)
Determination 2021***

1 The whole of the instrument

Repeal the instrument.

Part 2—Amendments

Biosecurity Act 2015

2 At the end of subsection 477(1)

Add:

Note 3: Certain requirements must not be determined under this subsection, such as a requirement that prevents an Australian citizen or permanent resident who is overseas from returning to Australia (see subsections (5A) and (6)).

3 At the end of paragraph 477(3)(b)

Add “(subject to subsection (5A))”.

4 After subsection 477(5)

Insert:

Determination must not include certain matters

(5A) A determination made under subsection (1) must not prevent or restrict an Australian citizen, or a permanent resident (within the meaning of the *Australian Citizenship Act 2007*), who is outside Australian territory from entering Australian territory.

(5B) To avoid doubt, subsection (5A) does not mean that other requirements in a determination made under subsection (1) cannot apply to those persons upon entering Australian territory.

5 At the end of subsection 478(1)

Add:

Note 3: Certain directions must not be given under this subsection, such as a direction that prevents or restricts an Australian citizen or permanent resident who is overseas from returning to Australia (see subsections (5A) and (6)).

6 After subsection 478(5)

Insert:

Direction must not require certain matters

- (5A) A direction given under subsection (1) must not prevent or restrict an Australian citizen, or a permanent resident (within the meaning of the *Australian Citizenship Act 2007*), who is outside Australian territory from entering Australian territory.
- (5B) To avoid doubt, subsection (5A) does not mean that other directions under subsection (1) cannot be given to those persons upon entering Australian territory.

7 Application of amendments

The amendments of the *Biosecurity Act 2015* made by this Part apply in relation to:

- (a) a determination under subsection 477(1) of that Act; or
- (b) a direction under subsection 478(1) of that Act;

that is made on or after the commencement of this item (regardless of whether the human biosecurity emergency period during which the determination or direction is made begins before, on or after that commencement).