



Biosecurity Legislation Amendment (Incoming International Flights) Determination 2021

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

Dated 26 October 2021

Greg Hunt
Minister for Health and Aged Care

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1 Name

This instrument is the *Biosecurity Legislation Amendment (Incoming International Flights) Determination 2021*.

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	The day after this instrument is registered.	28 October 2021

Note: This table relates only to the provisions of this instrument as originally made.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 51(2) and 477(1) 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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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 (Human Biosecurity Emergency) (Human Coronavirus with Pandemic Potential) (Emergency Requirements—Incoming International Flights) Determination 2021

1 Section 9

Omit “72 hours before the flight’s scheduled departure time,”, substitute “3 days before the day the flight was scheduled to commence.”

2 After paragraph 9(b)

Insert:

; or (c) an exemption from the condition in paragraph 11(1)(a) applies to the person under paragraph 14(1)(d) or (e).

3 Paragraph 11(2)(a)

Omit “that began 72 hours before the scheduled departure time of the relevant international flight”, substitute “of 3 days before the day the relevant international flight was scheduled to commence”.

4 Paragraph 11(2)(b)

Omit “that began 72 hours before the scheduled departure time of the person’s connecting flight (or, if the person undertook more than one connecting flight, the person’s first connecting flight)”, substitute “of 3 days before the day the person’s connecting flight (or, if the person undertook more than one connecting flight, the person’s first connecting flight) was scheduled to commence”.

5 Subsection 12(1)

Omit “72 hours”, substitute “3 days”.

6 Section 14

Before “An”, insert “(1)”.

7 Paragraph 14(b)

After “practitioner”, insert “within 30 days before the day the relevant international flight was scheduled to commence”.

8 Paragraph 14(c)

Repeal the paragraph, substitute:

- (c) a person who is carrying a certificate, provided by a medical practitioner within 30 days before the day the relevant international flight was scheduled to commence, that includes the matters mentioned in subsection (2);
- (d) a person:
 - (i) who is a passenger of an aircraft on a relevant international flight that is an emergency medical evacuation flight; and
 - (ii) who meets the requirement mentioned in subsection (3);

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- (e) a person:
 - (i) who is a passenger of an aircraft on a relevant international flight that is an emergency medical evacuation flight; and
 - (ii) who is accompanying and supporting a person (the *patient*) mentioned in paragraph (d) because of the patient's medical condition.

Certificate for recovered persons

- (2) For the purposes of paragraph (1)(c), the matters are the following:
 - (a) the day the certificate is provided;
 - (b) a statement to the effect that the person has had the coronavirus known as COVID-19 but is now recovered and is not considered to be infectious;
 - (c) the day when there was first a positive result of a PCR test for the coronavirus known as COVID-19 for the person;
 - (d) a statement to the effect that, on the day the certificate is provided:
 - (i) it has been at least 14 days since the day mentioned in paragraph (c) of this subsection; and
 - (ii) if the person had symptoms of the coronavirus known as COVID-19—the person has not had a fever, or respiratory symptoms of the coronavirus known as COVID-19, in the last 72 hours.

Emergency medical evacuation flights

- (3) For the purposes of subparagraph (1)(d)(ii), the requirement is that the person (or a person accompanying and supporting the person as mentioned in paragraph (1)(e)) is carrying evidence, provided by a medical practitioner, that:
 - (a) the person has a serious medical condition; and
 - (b) the person requires emergency management or an effective treatment of the medical condition that:
 - (i) is available in Australian territory; and
 - (ii) was not reasonably available, in time to benefit the person, in the country where the relevant international flight commenced; and
 - (iii) if the person is a connecting traveller—was not reasonably available, in time to benefit the person, in the country where the person's connecting flight commenced (or, if the person undertook more than one connecting flight, any of the countries where the connecting flights commenced); and
 - (c) the lack of the management or treatment mentioned in paragraph (b) of this subsection caused an immediate exacerbation of the person's medical condition and the need for the person to enter Australian territory within 48 hours.

***Biosecurity (Human Coronavirus with Pandemic Potential)
(Preventative Biosecurity Measures—Incoming International
Flights) Determination 2021***

9 Section 4 (definition of *Emergency Requirements Determination*)

Omit “this instrument”, substitute “the *Biosecurity Legislation Amendment (Incoming International Flights) Determination 2021*”.

10 Paragraph 9(2)(a)

Omit “that began 72 hours before the scheduled departure time of the relevant international flight”, substitute “of 3 days before the day the relevant international flight was scheduled to commence”.

11 Paragraph 9(2)(b)

Omit “that began 72 hours before the scheduled departure time of the person’s connecting flight (or, if the person undertakes more than one connecting flight, the person’s first connecting flight)”, substitute “of 3 days before the day the person’s connecting flight (or, if the person undertook more than one connecting flight, the person’s first connecting flight) was scheduled to commence”.