



Biosecurity (Entry Requirements—Human Coronavirus with Pandemic Potential) Determination (No. 2) 2021

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

Dated 28 November 2021

Greg Hunt
Minister for Health and Aged Care

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Part 1—Preliminary

1 Name

This instrument is the *Biosecurity (Entry Requirements—Human Coronavirus with Pandemic Potential) Determination (No. 2) 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	Immediately after this instrument is registered.	10.26 am (A.C.T.) 28 November 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Note: This table relates only to the provisions of this instrument as originally made.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 subsection 44(2) of the *Biosecurity Act 2015*.

4 Definitions

Note: A number of expressions used in this instrument are defined in the Act, including the following:

- (a) Agriculture Department;
- (b) Australian territory;
- (c) landing place;
- (d) passenger.

In this instrument:

Act means the *Biosecurity Act 2015*.

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

relevant international flight means a flight:

- (a) that commences outside Australian territory and is intended to arrive at a landing place in Australian territory; and
- (b) for which the scheduled departure time is at or after:

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- (i) if this instrument commences before 12.01 am on 28 November 2021 in the place where the flight commences—12.01 am on 28 November 2021 in the place where the flight commences; or
- (ii) if this instrument does not commence before 12.01 am on 28 November 2021 in the place where the flight commences—12.01 am on 29 November 2021 in the place where the flight commences; and
- (c) that is not an Australian Government facilitated flight; and
- (d) that is not an emergency medical evacuation flight.

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.

Part 2—Passenger statements

5 Passenger statements

- (1) This section applies 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 Act; and
 - (b) as a passenger of an aircraft on a relevant international flight.

Ability to produce evidence of statement made before boarding

- (2) The individual must be able to produce, to a relevant official, evidence that, before the individual boarded the aircraft, the individual made a written statement that included:
 - (a) a declaration setting out the individual's travel history for the 14 days before the day the relevant international flight was scheduled to commence; and
 - (b) the following information for the individual:
 - (i) name;
 - (ii) date of birth;
 - (iii) passport number;
 - (iv) phone number while in Australian territory;
 - (v) intended address while in Australian territory;
 - (vi) email address;
 - (vii) flight number; and
 - (c) a declaration that the individual is aware of:
 - (i) the quarantine and testing requirements relating to the coronavirus known as COVID-19 that apply in the State or Territory in which the landing place is located; and
 - (ii) the penalties for non-compliance with those requirements; and
 - (d) for a statement made in paper form—a declaration that exceptional circumstances prevented the individual from making the statement using an electronic system maintained by the Home Affairs Department.

Note: The following are examples of exceptional circumstances for paragraph (d):

- (a) the electronic system was not available to the individual;
- (b) the electronic system was not available to the individual in a language that the individual understands.

Providing statements made in paper form

- (3) If the individual made a statement as mentioned in subsection (2) in paper form, the individual must provide the statement to a relevant official.

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Producing evidence of electronic statements on request

- (4) If the individual made a statement as mentioned in subsection (2) electronically, the individual must produce evidence that the individual made the statement if a relevant official asks the individual to do so.

Where requirements apply

- (5) The requirements in this section apply at the landing place.

- 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 requirement in subsection (2), 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.