



Biosecurity Legislation Amendment (Emergency and Entry Requirements) Determination 2021

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

Dated 6 December 2021

Greg Hunt
Minister for Health and Aged Care

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1 Name

This instrument is the *Biosecurity Legislation Amendment (Emergency and Entry Requirements) 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. Sections 1 to 4 and anything in this instrument not elsewhere covered by this table	Immediately after this instrument is registered.	5.11 pm (A.C.T.) 6 December 2021
2. Schedule 1	Immediately after this instrument is registered.	5.11 pm (A.C.T.) 6 December 2021
3. Schedule 2	The day after this instrument is registered.	7 December 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Note: This table relates only to the provisions of this instrument as originally made.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 44(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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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 commencing immediately after registration

Biosecurity (Emergency Requirements—High Risk Country Travel Pause) Determination (No. 2) 2021

1 Section 4 (paragraph (g) of the definition of *Omicron high risk country*)

Repeal the paragraph.

Schedule 2—Amendments commencing day after registration

Biosecurity (Entry Requirements—Human Coronavirus with Pandemic Potential) Determination 2021

1 Subsection 5(2)

Repeal the subsection, substitute:

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:
- (a) using an electronic system maintained by the Home Affairs Department; or
 - (b) if exceptional circumstances prevented the individual from using an electronic system maintained by the Home Affairs Department—in paper form;
- that included:
- (c) a declaration mentioned in subsection (3); and
 - (d) 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; and
 - (e) for a statement made in paper form—a declaration that exceptional circumstances prevented the individual from using an electronic system maintained by the Home Affairs Department.

Note: The following are examples of exceptional circumstances for subsection (2):

- (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.

2 Subsection 5(3)

Omit “(2)(a)”, substitute “(2)(c)”.

3 Subsection 5(4)

Repeal the subsection.

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

4 Subsection 5(2)

Repeal the subsection (including the note), substitute:

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:
- (a) using an electronic system maintained by the Home Affairs Department; or
 - (b) if exceptional circumstances prevented the individual from using an electronic system maintained by the Home Affairs Department—in paper form;
- that included:
- (c) a declaration setting out the individual's international travel history for the 14 days before the day the relevant international flight was scheduled to commence; and
 - (d) 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; and
 - (e) 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
 - (f) for a statement made in paper form—a declaration that exceptional circumstances prevented the individual from using an electronic system maintained by the Home Affairs Department.

- Note: The following are examples of exceptional circumstances for subsection (2):
- (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.