



# **Biosecurity (Human Biosecurity Emergency) (Human Coronavirus with Pandemic Potential) (Overseas Travel Ban Emergency Requirements) Determination 2020**

made under subsection 477(1) of the

*Biosecurity Act 2015*

## **Compilation No. 6**

**Compilation date:** 24 February 2022

**Includes amendments up to:** F2022L00177

**Registered:** 25 February 2022

Prepared by the Office of Parliamentary Counsel, Canberra

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## About this compilation

### This compilation

This is a compilation of the *Biosecurity (Human Biosecurity Emergency) (Human Coronavirus with Pandemic Potential) (Overseas Travel Ban Emergency Requirements) Determination 2020* that shows the text of the law as amended and in force on 24 February 2022 (the *compilation date*).

The notes at the end of this compilation (the *endnotes*) include information about amending laws and the amendment history of provisions of the compiled law.

### Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Legislation Register ([www.legislation.gov.au](http://www.legislation.gov.au)). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on the Legislation Register for the compiled law.

### Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

### Editorial changes

For more information about any editorial changes made in this compilation, see the endnotes.

### Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on the Legislation Register for the compiled law.

### Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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## Part 1—Preliminary

### 1 Name

This instrument is the *Biosecurity (Human Biosecurity Emergency) (Human Coronavirus with Pandemic Potential) (Overseas Travel Ban Emergency Requirements) Determination 2020*.

### 3 Authority

This instrument is made under subsection 477(1) of the *Biosecurity Act 2015*.

### 4 Definitions

Note: A number of expressions used in this instrument are defined in the *Biosecurity Act 2015*, including the following:

- (a) Australian territory;
- (b) operator;
- (c) passenger.

In this instrument:

***accepted COVID-19 vaccine*** means a COVID-19 vaccine:

- (a) that is registered goods within the meaning of the *Therapeutic Goods Act 1989*; or
- (b) that is recognised by the Therapeutic Goods Administration.

***Australian Border Force Commissioner*** has the same meaning as in the *Australian Border Force Act 2015*.

***Australian citizen*** has the same meaning as in the *Australian Citizenship Act 2007*.

***Australian Defence Force*** has the same meaning as in the *Defence Act 1903*.

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

***member*** has the same meaning as in the *Defence Act 1903*.

***permanent resident*** has the same meaning as in the *Australian Citizenship Act 2007*.

***Therapeutic Goods Administration*** means that part of the Department administered by the Health Secretary known as the Therapeutic Goods Administration.

## Part 2—Requirements

### 5 Persons not to travel outside Australian territory

- (1) An Australian citizen or permanent resident (the *person*) must not leave Australian territory as a passenger on an outgoing aircraft or vessel unless:
  - (a) an exemption set out in section 6 applies to the person; or
  - (b) an exemption is granted to the operator of the aircraft or vessel or the person under section 7.
- (2) An operator of an outgoing aircraft or vessel must ensure that the aircraft or vessel does not leave Australian territory with any passenger who is an Australian citizen or permanent resident (the *person*) on board the aircraft or vessel unless:
  - (a) an exemption set out in section 6 applies to the person; or
  - (b) an exemption is granted to the operator or person under section 7.

### 6 Exemptions—general

- (1) An exemption from the requirements of section 5 applies to the following persons:
  - (b) a person who is a member of the crew of an aircraft or vessel (other than the outgoing aircraft or vessel) or is a worker associated with the safety or maintenance of an aircraft or vessel (other than the outgoing aircraft or vessel);
  - (c) a person engaged in the day-to-day conduct of inbound and outbound freight;
  - (d) a person whose travel is associated with essential work at an offshore facility;
  - (e) a person who is travelling on official government business (including a member of the Australian Defence Force).

#### *Persons who have received an accepted course of vaccinations*

- (4) An exemption from the requirements of section 5 applies to a person if:
  - (a) the person has received a course of vaccinations with one or more accepted COVID-19 vaccines in accordance with a schedule for receiving that course of vaccinations that is accepted by the Therapeutic Goods Administration (whether or not the person has also received a booster dose of an accepted COVID-19 vaccine); and
  - (b) the person received the last vaccination in the course of vaccinations at least 7 days before the day the flight or voyage of the outgoing aircraft or vessel commences; and
  - (c) the person is carrying evidence of the matters mentioned in paragraphs (a) and (b); and

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- (d) the person shows the evidence mentioned in paragraph (c):
    - (i) to a Home Affairs employee if requested to do so by a Home Affairs employee; or
    - (ii) to a member of the staff of the operator of the aircraft or vessel if requested to do so by a member of the staff of the operator of the aircraft or vessel.

## **7 Exemptions—exceptional circumstances**

- (1) In exceptional circumstances, the Australian Border Force Commissioner or a Home Affairs employee may grant an exemption to:
  - (a) an Australian citizen; or
  - (b) a permanent resident; or
  - (c) an operator of an outgoing aircraft or vessel.
- (2) For the purposes of subsection (1), exceptional circumstances are demonstrated by the Australian citizen, permanent resident or operator providing a compelling reason for needing to leave Australian territory.
- (3) An exemption made under subsection (1) must be in writing.
- (4) Subsection (3) does not apply to an exemption granted to a person who is less than 12 years old on the day the flight or voyage of the outgoing aircraft or vessel is scheduled to commence.
- (5) Subsection (3) does not apply to an exemption granted to a person if:
  - (a) under the *Australian Immunisation Register Act 2015*, relevant identifying information for the person is included in the Australian Immunisation Register because the person has a medical contraindication to COVID-19 vaccines; and
  - (b) the person is carrying evidence of the matter mentioned in paragraph (a); and
  - (c) the person shows the evidence mentioned in paragraph (b) to a Home Affairs employee if requested to do so by a Home Affairs employee.

Note: For paragraph (5)(a), see subparagraph 9(c)(ii) of the *Australian Immunisation Register Act 2015*.

## Endnotes

Endnote 1—About the endnotes

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## Endnotes

### Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

### Abbreviation key—Endnote 2

The abbreviation key sets out abbreviations that may be used in the endnotes.

### Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

### Editorial changes

The *Legislation Act 2003* authorises First Parliamentary Counsel to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law. Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Parliamentary Counsel.

### Misdescribed amendments

A misdescribed amendment is an amendment that does not accurately describe the amendment to be made. If, despite the misdescription, the amendment can be given effect as intended, the amendment is incorporated into the compiled law and the abbreviation “(md)” added to the details of the amendment included in the amendment history.

If a misdescribed amendment cannot be given effect as intended, the abbreviation “(md not incorp)” is added to the details of the amendment included in the amendment history.



**Endnote 2—Abbreviation key**

ad = added or inserted	o = order(s)
am = amended	Ord = Ordinance
amdt = amendment	orig = original
c = clause(s)	par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)
C[x] = Compilation No. x	pres = present
Ch = Chapter(s)	prev = previous
def = definition(s)	(prev...) = previously
Dict = Dictionary	Pt = Part(s)
disallowed = disallowed by Parliament	r = regulation(s)/rule(s)
Div = Division(s)	reloc = relocated
ed = editorial change	renum = renumbered
exp = expires/expired or ceases/ceased to have effect	rep = repealed
F = Federal Register of Legislation	rs = repealed and substituted
gaz = gazette	s = section(s)/subsection(s)
LA = <i>Legislation Act 2003</i>	Sch = Schedule(s)
LIA = <i>Legislative Instruments Act 2003</i>	Sdiv = Subdivision(s)
(md) = misdescribed amendment can be given effect	SLI = Select Legislative Instrument
(md not incorp) = misdescribed amendment cannot be given effect	SR = Statutory Rules
mod = modified/modification	Sub-Ch = Sub-Chapter(s)
No. = Number(s)	SubPt = Subpart(s)
	<u>underlining</u> = whole or part not commenced or to be commenced

## Endnotes

### Endnote 3—Legislation history

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### Endnote 3—Legislation history

Name	Registration	Commencement	Application, saving and transitional provisions
Biosecurity (Human Biosecurity Emergency) (Human Coronavirus with Pandemic Potential) (Overseas Travel Ban Emergency Requirements) Determination 2020	25 Mar 2020 (F2020L00306)	12 pm 25 Mar 2020 (s 2(1) item 1)	
Biosecurity (Human Biosecurity Emergency) (Human Coronavirus with Pandemic Potential) (Overseas Travel Ban Emergency Requirements) Amendment (No. 1) Determination 2020	17 Sept 2020 (F2020L01176)	18 Sept 2020 (s 2(1) item 1)	—
Biosecurity (Human Biosecurity Emergency) (Human Coronavirus with Pandemic Potential) (Overseas Travel Ban Emergency Requirements) Amendment (No. 1) Determination 2021	21 Mar 2021 (F2021L00268)	22 Mar 2021 (s 2(1) item 1)	—
Biosecurity Legislation (Human Coronavirus with Pandemic Potential) Amendment (No. 1) Determination 2021	18 Apr 2021 (F2021L00456)	Sch 1 (items 7–10): 19 Apr 2021 (s 2(1) item 1)	—
Biosecurity (Human Coronavirus with Pandemic Potential) Amendment (No. 1) Determination 2021	4 Aug 2021 (F2021L01068)	Sch 1 (item 2): 11 Aug 2021 (s 2(1) item 1)	—
Biosecurity (Human Coronavirus with Pandemic Potential) Amendment (No. 2) Determination 2021	27 Oct 2021 (F2021L01463)	Sch 1 (items 2–7): 1 Nov 2021 (s 2(1) item 1)	—
Biosecurity Legislation Amendment (Emergency and Entry Requirements) Determination 2022	23 Feb 2022 (F2022L00177)	Sch 1 (items 5–8): 24 Feb 2022 (s 2(1) item 1)	—

**Endnote 4—Amendment history**

<b>Provision affected</b>	<b>How affected</b>
<b>Part 1</b>	
s 2 .....	rep LA s 48D
s 4 .....	am F2020L01176; F2021L01463
<b>Part 2</b>	
s 5 .....	am F2020L01176
s 6 .....	am F2021L00268; F2021L00456; F2021L01068; F2021L01463; F2022L00177
s 7 .....	am F2020L01176; F2021L01463