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. 2

Compilation date:	22 March 2021
Includes amendments up to:	F2021L00268
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Prepared by the Office of Parliamentary Counsel, Canberra

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 22 March 2021 (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). 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If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.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:

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

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

Australian Border Force employee means an APS employee:

(a) in the Department administered by the Minister administering the *Australian Border Force Act 2015*; and

(b) who is in the Australian Border Force or whose services are made available to the Australian Border Force.

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*.

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

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

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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

An exemption from the requirements of section 5 applies to the following persons:

(a) a person ordinarily resident in a country other than Australia;

(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);

(f) a person who:

(i) is travelling directly to New Zealand; and

(ii) has been only in Australia for at least 14 days immediately before the day the flight or voyage of the outgoing aircraft or vessel commences.

7 Exemptions—exceptional circumstances

(1) In exceptional circumstances, the Australian Border Force Commissioner or an Australian Border Force 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.

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(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.

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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.

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Endnote 2—Abbreviation key

ad = added or inserted

am = amended

amdt = amendment

c = clause(s)

C[x] = Compilation No. x

Ch = Chapter(s)

def = definition(s)

Dict = Dictionary

disallowed = disallowed by Parliament

Div = Division(s)

ed = editorial change

exp = expires/expired or ceases/ceased to have effect

F = Federal Register of Legislation

gaz = gazette

LA = *Legislation Act 2003*

LIA = *Legislative Instruments Act 2003*

(md) = misdescribed amendment can be given effect

(md not incorp) = misdescribed amendment cannot be given effect

mod = modified/modification

No. = Number(s)

o = order(s)

Ord = Ordinance

orig = original

par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)

pres = present

prev = previous

(prev…) = previously

Pt = Part(s)

r = regulation(s)/rule(s)

reloc = relocated

renum = renumbered

rep = repealed

rs = repealed and substituted

s = section(s)/subsection(s)

Sch = Schedule(s)

Sdiv = Subdivision(s)

SLI = Select Legislative Instrument

SR = Statutory Rules

Sub-Ch = Sub-Chapter(s)

SubPt = Subpart(s)

underlining = whole or part not commenced or to be commenced

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 on 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)	—

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Endnote 4—Amendment history

Provision affected	How affected
Part 1	
s 2	rep LA s 48D
s 4	am F2020L01176
Part 2	
s 5	am F2020L01176
s 6	am F2021L00268
s 7	am F2020L01176