



Biosecurity (Human Biosecurity Emergency) (Human Coronavirus with Pandemic Potential) (Emergency Requirements for Remote Communities) Determination 2020

made under subsection 477(1) of the

Biosecurity Act 2015

Compilation No. 1

Compilation date:	8 April 2020
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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) (Emergency Requirements for Remote Communities) Determination 2020* that shows the text of the law as amended and in force on 8 April 2020 (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If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.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) (Emergency Requirements for Remote Communities) Determination 2020*.

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	11.59 pm (by legal time in the Australian Capital Territory) on the day this instrument is registered.	26 March 2020

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 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 law;
- (b) Australian territory;
- (c) conveyance;
- (d) exposed to;
- (e) Health Department.

- (1) In this instrument:

commercial primary production means:

- (a) commercial primary production of:
 - (i) food; or

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- (ii) products that, with further processing, will become (at least in part) food; or
- (b) commercial processing of primary products to make food from them; or
- (c) provision of veterinary services for animals kept, used or bred for commercial primary production described in paragraph (a); or
- (d) aquaculture; or
- (e) agribusiness.

designated area means an area described in Schedule 1.

essential activity in a designated area means any of the following:

- (a) providing any of the following for the benefit of one or more persons in the area:
 - (i) health care;
 - (ii) education;
 - (iii) services relating to prevention of, or recovery from, domestic violence;
 - (iv) services relating to child protection;
 - (v) policing services;
 - (vi) emergency services;
 - (vii) essential services of a kind typically provided by local government, such as rubbish collection;
 - (viii) services, benefits, programs or facilities that the Chief Executive Centrelink has the function of providing;
- (b) providing correctional services in relation to one or more persons in the area;
- (c) providing funerary services in the area;
- (d) conducting, or taking part in, a sitting of a court or tribunal in the area;
- (e) operating, maintaining, repairing or replacing:
 - (i) equipment for providing electricity, gas, water, medical services, telecommunications services or broadcasting services; or
 - (ii) other essential infrastructure in the area;
- (f) delivering food, fuel, mail or medical supplies in the area;
- (g) obtaining medical care or medical supplies in the area;
- (h) continuing the construction in the area of housing or transport infrastructure that was in progress immediately before the commencement of this instrument;
- (i) carrying out mining operations, or operations ancillary to mining operations, in the area in a manner that is agreed with a human biosecurity officer so as to minimise the extent to which other persons in the area are exposed to the persons carrying out those operations;
- (j) transporting freight to or from a place in the area;
- (k) carrying out commercial primary production in the area in a manner that is agreed with a human biosecurity officer so as to minimise the extent to

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which other persons in the area are exposed to the persons carrying out the production.

mining operations includes operations for the extraction of oil or gas.

NT Land Rights Act means the *Aboriginal Land Rights (Northern Territory) Act 1976*.

relevant decision-maker for a designated area means:

- (a) a person occupying an office, appointment or position, of a State, Territory or other body, described, for the area, in the table in Schedule 2; or
 - (b) a human biosecurity officer who is an officer or employee of the Health Department, acting after having regard to the advice of a person who is a relevant decision-maker for the area under paragraph (a).
- (2) A reference in a provision of this instrument to a particular law of a State or Territory is a reference to that law as in force immediately before the commencement of that provision.

Part 2—Requirements

5 Persons not to enter designated areas

- (1) A person must remain outside a designated area unless:
- (a) the person is entering the area to escape an immediate threat to the person's life; or
 - (b) the person is a member of the Australian Defence Force and is entering the area in the course of the member's duty; or
 - (ba) the person is one of the following officials, and is entering the area in the course of the person's duty as such an official:
 - (i) the Director of Human Biosecurity;
 - (ii) a chief human biosecurity officer for a State or Territory;
 - (iii) a human biosecurity officer;
 - (iv) a biosecurity official;
 - (v) an official performing functions under an Australian law relating to public health or biosecurity; or
 - (bb) because of an amendment of the description of the area in Schedule 1, the person ceases to remain outside the area on the commencement of the amendment; or
 - (c) all of the following apply to the person entering the area:
 - (i) immediately before the entry, the person does not have any of the signs or symptoms of human coronavirus with pandemic potential;
 - (ii) in the 14 days immediately before the entry, the person has not been exposed, without adequate personal protective precautions, to human coronavirus with pandemic potential;
 - (iii) in the 14 days immediately before the entry, the person has not been outside Australian territory;
 - (iv) the person is not entering the area wholly or partly for the purpose of engaging in an activity in the area that is prohibited by or under an Australian law;
 - (v) the person's entry to the area is not prohibited by or under an Australian law (other than this section);
 - (vi) at least one of subsections (2), (3), (4), (5), (6) and (7) applies to the person.

Person is at low risk of transmitting human coronavirus with pandemic potential

- (2) This subsection applies to a person entering a designated area if, throughout the 14 days before entering, the person:
- (a) has been isolated from the general public; and
 - (b) has not had any signs or symptoms of human coronavirus with pandemic potential.

Person is entering area to engage in, or provide transport for, essential activity

- (3) This subsection applies to a person entering a designated area if:
- (a) the person either:
 - (i) is entering the area primarily to engage in an essential activity in the area that requires the person to be in the area; or
 - (ii) is the person in charge of, or a member of the crew of, a conveyance entering the area primarily to transport one or more persons described in subparagraph (i); and
 - (b) either:
 - (i) there is an urgent need for the person to engage in the essential activity in the area or to be in charge of, or a member of the crew of, the conveyance entering the area; or
 - (ii) the person is entering the area primarily to engage in an essential activity in a manner that is agreed with a human biosecurity officer so as to minimise the extent to which other persons in the area are exposed to the person carrying out the activity.

Person has permission to enter area

- (4) This subsection applies to a person entering a designated area if there is in force permission for the person to enter the area given by a relevant decision-maker for the area who:
- (a) is a chief human biosecurity officer or a human biosecurity officer; or
 - (b) has had regard to any guidance from a human biosecurity officer about who should be allowed to enter the area.

Person is in transit through area

- (5) This subsection applies to a person (the **entrant**) entering a designated area on a journey for which the following conditions are met:
- (a) the journey is to a place beyond the area;
 - (b) the journey takes the most direct practicable route through the area;
 - (c) the journey does not involve a person in the area (other than a person travelling with the entrant) being exposed to the entrant or a person travelling with the entrant.

Person is moving without exposure between designated areas or parts of designated area

- (6) This subsection applies to a person (the **entrant**) entering a designated area (the **end area**) on a journey for which the following conditions are met:
- (a) the journey started in a designated area (the **start area**) that the entrant did not enter in contravention of subsection (1), whether the start area is the same as, or different from, the end area;
 - (b) the journey passed through an area that was not a designated area;

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- (c) on the journey the entrant was not exposed to a person who did not start the journey with the entrant;
- (d) if the journey involved use of a conveyance, the same conveyance was used for the whole journey.

Person is crossing State border between designated areas

- (7) This subsection applies to a person entering a designated area from an adjoining designated area by crossing the border of a State where it is part of the boundary of each of the designated areas.

6 Persons entering designated areas to minimise contact with others in those areas

- (1) This section applies to a person who enters a designated area in reliance on:
 - (a) paragraph 5(1)(a) (about persons escaping immediate threats to their lives); or
 - (b) paragraph 5(1)(b) (about members of the Australian Defence Force); or
 - (ba) paragraph 5(1)(ba) (about officials with duties relating to public health or biosecurity); or
 - (c) subsection 5(3) (about persons entering the area in connection with essential activities); or
 - (d) subsection 5(4) (about persons entering the area with permission given by a relevant decision-maker); or
 - (e) subsection 5(6) (about persons moving without exposure to others between designated areas) applying to a journey from a different designated area.
- (2) The person must take reasonable steps (having regard to the person's circumstances and reason for entering the area) to minimise the extent to which anyone else in the area is exposed to the person.

Schedule 1—Designated areas

Note: See the definition of *designated area* in section 4.

1 Designated areas in Queensland

- (1) This subclause describes the area in Queensland consisting of the following local government areas whose names and boundaries are provided for by the *Local Government Regulation 2012* (Qld):
 - (a) Aurukun;
 - (b) Cook;
 - (c) Hope Vale;
 - (d) Kowanyama;
 - (e) Lockhart River;
 - (f) Mapoon;
 - (g) Napranum;
 - (h) Northern Peninsula Area;
 - (i) Pormpuraaw;
 - (j) Torres Strait Island;
 - (k) Torres;
 - (l) Wujal Wujal.
- (2) This subclause describes the area in Queensland consisting of the following local government areas whose names and boundaries are provided for by the *Local Government Regulation 2012* (Qld):
 - (a) Burke;
 - (b) Doomadgee.
- (3) This subclause describes each of the following local government areas whose names and boundaries are provided for by the *Local Government Regulation 2012* (Qld):
 - (a) Cherbourg;
 - (b) Mornington;
 - (c) Palm Island;
 - (d) Woorabinda;
 - (e) Yarrabah.

2 Designated area in Western Australia

- (1) This subclause describes the area in Western Australia consisting of:
 - (a) the following shires, as they existed immediately before the commencement of this instrument:
 - (i) the Shire of Broome;
 - (ii) the Shire of Derby-West Kimberley;

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- (iii) the Shire of Wyndham-East Kimberley;
 - (iv) the Shire of Halls Creek;
 - (v) the Shire of Ngaanyatjaraku; and
 - (b) the area whose boundary is described in subclause (2).
- (2) The area mentioned in paragraph (1)(b) is bounded by a line starting at the point described in item 1 of the following table and running sequentially as described in the table.

Area described in paragraph (1)(b)	
Item	Description
1	The intersection of the southern boundary of the Shire of Halls Creek by the border of Western Australia and the Northern Territory
2	West along that boundary to the south-western corner of the Shire of Halls Creek
3	South to the point 21.83195°S 126.00129°E
4	West along the parallel 21.83195°S to its intersection by the eastern boundary of Wandanya Pastoral Lease
5	Generally southerly along the eastern boundary of Wandanya Pastoral Lease, the eastern boundary of Balfour Downs Pastoral Lease and the eastern boundary of the Walagunya Pastoral Lease to its intersection with the boundary of the Shire of East Pilbara at about 23.44050°S 120.75827°E
6	Generally southerly, easterly, northerly then easterly along that boundary to the north-western corner of the Shire of Ngaanyatjaraku
7	East along the northern boundary of the Shire of Ngaanyatjaraku to its intersection by the border of Western Australia and the Northern Territory
8	North along that border to the starting point

- (3) In subclause (2) geographic coordinates are expressed in terms of the Geocentric Datum of Australia 1994.

3 Designated areas in South Australia

- (1) This subclause describes each of the following areas that consist of land that, immediately before the commencement of this instrument, was Trust Land (within the meaning of the *Aboriginal Lands Trust Act 2013* (SA)), together with any sections of roads separating parcels of such Trust Land:
- (a) the area on which the community known as the Davenport Community is located;
 - (b) the area on which the community known as the Dunjiba Community is located;
 - (c) the area on which the community known as the Gerard Community is located;
 - (d) the area on which the community known as the Point Pearce Aboriginal Community is located;

- (e) the area on which the community known as the Yalata Community is located;
 - (f) the area known as Nepabunna (excluding the area known as Iga Warta);
 - (g) the area on which the community known as the Yarilena Community is located.
- (2) This subclause describes the area that, immediately before the commencement of this instrument, was land granted under the *Anangu Pitjantjatjara Yankunytjatjara Land Rights Act 1981* (SA) to Anangu Pitjantjatjara Yankunytjatjara.
- (3) This subclause describes the area that, immediately before the commencement of this instrument, was land granted under the *Maralinga Tjarutja Land Rights Act 1984* (SA) to Maralinga Tjarutja.

4 Designated area in Northern Territory

- (1) This clause describes the area consisting of the following, as they existed immediately before the commencement of this instrument:
- (a) the local government areas covered by subclause (2);
 - (b) the areas covered by subclause (3);
- except so much of those areas as is subject to a pastoral lease within the meaning of the *Pastoral Land Act 1992* (NT) or is excluded by subclause (4).
- (2) This subclause covers the following local government areas constituted and named under section 9 of the *Local Government Act 2008* (NT):
- (a) Tiwi Islands;
 - (b) West Arnhem;
 - (c) East Arnhem;
 - (d) West Daly;
 - (e) Roper Gulf;
 - (f) Victoria Daly (excluding Pine Creek ward);
 - (g) Barkly (excluding the Town of Tennant Creek);
 - (h) Central Desert;
 - (i) MacDonnell.
- (3) This subclause covers:
- (a) the area known as the Town of Nhulunbuy unincorporated area, consisting of NT Portions 1192, 1316 and 1398; and
 - (b) the area known as the Alyangula unincorporated area, consisting of NT Portions 1478, 1479, 1509, 1540, 1541, and 1542; and
 - (c) the area known as the Town of Yulara unincorporated area, as described in the *Northern Territory Government Gazette* No. 34, published on 20 August 1976.
- (4) This subclause excludes the area consisting of:

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- (a) the area within the boundary of the Town of Mataranka described in Gazette No. 48 published on 24 May 1928; and
- (b) the following parts of NT Portion 2255:
 - (i) the part between NT Portion 7018 and the Town of Mataranka;
 - (ii) the part south of the Town of Mataranka;
 - (iii) the part south of NT Portion 3859; and
- (c) NT Portions 907, 0922, 1435, 2631, 2646, 2927, 3337, 3652, 3653, 3670, 3671, 3858, 3859, 4092, 4706, 5622, 6233, 6245, 6266, 6280, 6282, 6283, 6402, 7018, 7028, 7029, 7030, 7031, 7032, 7084, 7085, 7201, 7202, 7203 and 7204.

Schedule 2—Relevant decision-makers

Note: See paragraph (a) of the definition of *relevant decision-maker* in section 4.

1 Offices, appointments and positions for designated areas

The following table describes offices, appointments and positions for designated areas.

Offices, appointments and positions for designated areas		
Item	Designated area	Office, appointment or position
1	A designated area that is, or includes, a local government area in Queensland	The chairperson of the local group (within the meaning of the <i>Disaster Management Act 2003</i> (Qld)) for the local government area or the area that includes the local government area
2	A designated area in Western Australia	The chief human biosecurity officer for Western Australia
3	A designated area in Western Australia	A human biosecurity officer who is an employee of the State or Territory body responsible for the administration of health services in Western Australia
3A	A designated area in Western Australia	A police officer who is of the rank of superintendent or above
4	A designated area in South Australia	A police officer who: (a) is of the rank of Inspector or above; and (b) has responsibility for all or part of the designated area
4A	A designated area in the Northern Territory	The chief human biosecurity officer for the Northern Territory
4B	A designated area in the Northern Territory	A human biosecurity officer who is an employee of the State or Territory body responsible for the administration of health services in the Northern Territory
5	A designated area in the Northern Territory	Commissioner of Police and Chief Executive Officer of the Fire and Emergency Service of the Northern Territory
6	A designated area in the Northern Territory	Deputy Chief Executive Officer, Department of the Chief Minister of the Northern Territory
7	A designated area in the Northern Territory	Executive Director, Population and Primary Health Care, Department of Health of the Northern Territory
8	A designated area in the Northern Territory	General Manager, Primary Health Care, Central Australia Health Service, Department

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Offices, appointments and positions for designated areas		
Item	Designated area	Office, appointment or position
		of Health of the Northern Territory
9	A designated area in the Northern Territory	Public Health Physician, Department of Health of the Northern Territory
10	A designated area that includes an area held by the Anindilyakwa Land Trust	Chief Executive Officer, Anindilyakwa Land Council
11	A designated area that includes an area held by the Anindilyakwa Land Trust	Mining and Environments Manager, Anindilyakwa Land Council
12	A designated area that includes all or part of the area of the Central Land Council (within the meaning of the NT Land Rights Act)	Chief Executive Officer, Central Land Council
13	A designated area that includes all or part of the area of the Central Land Council (within the meaning of the NT Land Rights Act)	General Manager Legal, Central Land Council
14	A designated area that includes all or part of the area of the Central Land Council (within the meaning of the NT Land Rights Act)	Executive Manager Policy and Governance, Central Land Council
15	A designated area that includes all or part of the area of the Northern Land Council (within the meaning of the NT Land Rights Act)	Chief Executive Officer, Northern Land Council
16	A designated area that includes all or part of the area of the Northern Land Council (within the meaning of the NT Land Rights Act)	Principal Legal Officer, Northern Land Council
17	A designated area that includes an area held by the Tiwi Aboriginal Land Trust	General Manager, Tiwi Land Council
18	A designated area that includes an area held by the Tiwi Aboriginal Land Trust	Principal Legal Officer, Tiwi Land Council

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.

Endnotes

Endnote 2—Abbreviation key

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

Endnote 3—Legislation history

Endnote 3—Legislation history

Name	Registration	Commencement	Application, saving and transitional provisions
Biosecurity (Human Biosecurity Emergency) (Human Coronavirus with Pandemic Potential) (Emergency Requirements for Remote Communities) Determination 2020	26 Mar 2020 (F2020L00324)	26 Mar 2020 (s 2(1) item 1)	
Biosecurity (Human Biosecurity Emergency) (Human Coronavirus with Pandemic Potential) (Emergency Requirements for Remote Communities) Amendment (No. 1) Determination 2020	7 Apr 2020 (F2020L00415)	8 Apr 2020 (s 2(1) item 1)	—

Endnotes

Endnote 4—Amendment history

Endnote 4—Amendment history

Provision affected	How affected
Part 1	
s 2	rep <u>LA s 48D</u>
s 4	am F2020L00415
Part 2	
s 5	am F2020L00415
s 6	am F2020L00415
Schedule 1	
Schedule 1	am F2020L00415
Schedule 2	
Schedule 2	am F2020L00415