



Biosecurity (Human Biosecurity Emergency) (Human Coronavirus with Pandemic Potential) (Emergency Requirements—Retail Outlets at International Airports) Determination 2020

made under subsection 477(1) of the

Biosecurity Act 2015

Compilation No. 1

Compilation date:	31 July 2020
Includes amendments up to:	F2020L00964
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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—Retail Outlets at International Airports) Determination 2020* that shows the text of the law as amended and in force on 31 July 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If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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1 Name

This instrument is the *Biosecurity (Human Biosecurity Emergency) (Human Coronavirus with Pandemic Potential) (Emergency Requirements—Retail Outlets at International Airports) Determination 2020*.

3 Authority

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

4 Definitions

In this instrument:

designated international airport means any of the following international airports (within the meaning of the *Air Navigation Act 1920*):

- (a) Adelaide Airport;
- (b) Avalon Airport;
- (c) Brisbane Airport;
- (d) Cairns Airport;
- (e) Canberra Airport;
- (f) Darwin International Airport;
- (g) Essendon Fields Airport;
- (h) Gold Coast Airport;
- (i) Melbourne Tullamarine Airport;
- (j) Newcastle Airport;
- (k) Perth Airport;
- (l) Port Hedland International Airport;
- (m) Sunshine Coast Airport;
- (n) Sydney (Kingsford-Smith) Airport.

designated retail outlet means a retail outlet in an international area of a designated international airport.

international area, of a designated international airport, means:

- (a) if the airport has separate international and domestic terminals—the international terminal; or
- (b) if the airport has a single terminal—the area of the terminal that, to the extent it is accessible by passengers, is accessible only by passengers:
 - (i) who are to depart from the airport on an aircraft that intends to leave Australian territory; or
 - (ii) who have arrived at the airport on a flight that commenced outside Australian territory.

international transit passenger means a person who:

- (a) is in transit between places outside Australia; and

- (b) is at a designated international airport during that transit (including a person who has exited and re-entered the airport in accordance with hotel quarantine arrangements in the State or Territory in which the airport is located).

5 Requirements—designated retail outlets

- (1) The operator of a designated retail outlet must not trade, or permit any trade to occur, at the retail outlet unless:
 - (a) the retail outlet is exempt under subsection (2) or (3); or
 - (b) an exemption is granted to the operator of the retail outlet by the Secretary of the Department of Infrastructure, Transport, Regional Development and Communications under section 6.

Exemption of pharmacies

- (2) Pharmacies are exempt from the requirement under subsection (1).

Exemption of designated retail outlets in departure areas

- (3) A designated retail outlet that is in the departure area of:
 - (a) an international terminal referred to in paragraph (a) of the definition of **international area** in section 4; or
 - (b) a terminal referred to in paragraph (b) of that definition;is exempt from the requirement under subsection (1).

Conditions on exemptions

- (4) An exemption under subsection (2) or (3) applies in relation to a designated retail outlet only if the operator of the retail outlet has put in place and maintains:
 - (a) measures to ensure social distancing among its customers; and
 - (b) measures to minimise the risk of transmission of human coronavirus with pandemic potential from international transit passengers.

6 Exemptions granted by Secretary of the Department of Infrastructure, Transport, Regional Development and Communications

- (1) In exceptional circumstances, the Secretary of the Department of Infrastructure, Transport, Regional Development and Communications may grant an exemption from the requirement under subsection 5(1) to the operator of a designated retail outlet.
- (2) An exemption granted under subsection (1) must be in writing.
- (3) An exemption granted under subsection (1) applies in relation to a designated retail outlet only if the operator of the retail outlet has put in place and maintains:
 - (a) measures to ensure social distancing among its customers; and

- (b) measures to minimise the risk of transmission of human coronavirus with pandemic potential from international transit passengers.

Endnotes

Endnote 1—About the endnotes

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

Endnote 3—Legislation history

Name	Registration	Commencement	Application, saving and transitional provisions
Biosecurity (Human Biosecurity Emergency) (Human Coronavirus with Pandemic Potential) (Emergency Requirements—Retail Outlets at International Airports) Determination 2020	29 Mar 2020 (F2020L00344)	11:59 pm (A.C.T.) 29 Mar 2020 (s 2(1) item 1)	
Biosecurity (Human Biosecurity Emergency) (Human Coronavirus with Pandemic Potential) (Emergency Requirements—Retail Outlets at International Airports) Amendment (No. 1) Determination 2020	30 July 2020 (F2020L00964)	31 July 2020 (s 2(1) item 1)	—

Endnote 4—Amendment history

Endnote 4—Amendment history

Provision affected	How affected
s 2.....	rep LA s 48D
s 4.....	am F2020L00964
s 5.....	am F2020L00964
s 6.....	am F2020L00964