



Biosecurity (Entry Requirements—Human Coronavirus with Pandemic Potential) Determination 2020

made under subsection 44(2) of the
Biosecurity Act 2015

Compilation No. 2

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About this compilation

This compilation

This is a compilation of the *Biosecurity (Entry Requirements—Human Coronavirus with Pandemic Potential) Determination 2020* that shows the text of the law as amended and in force on 11 August 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If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.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 (Entry Requirements—Human Coronavirus with Pandemic Potential) Determination 2020*.

3 Authority

This instrument is made under subsection 44(2) of the *Biosecurity Act 2015*.

4 Definitions

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

- (a) Australian territory;
- (b) landing place;
- (c) passenger.

In this instrument:

Act means the *Biosecurity Act 2015*.

Australian Border Force 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.

Overseas Travel Ban Determination means the *Biosecurity (Human Biosecurity Emergency) (Human Coronavirus with Pandemic Potential) (Overseas Travel Ban Emergency Requirements) Determination 2020*, as in force on 11 August 2021.

relevant official means any of the following:

- (a) a biosecurity officer;
- (b) a chief human biosecurity officer;
- (c) a human biosecurity officer;
- (d) an Australian Border Force employee.

Part 2—Passenger statements

5 Requirement to provide statement—certain individuals entering Australian territory from New Zealand

- (1) This section applies to an individual who:
 - (a) is entering Australian territory:
 - (i) at a landing place in accordance with Division 2 of Part 4 of Chapter 4 of the Act; and
 - (ii) as a passenger of an aircraft on a flight that commenced in New Zealand; and
 - (b) had been only in either or both of New Zealand and Australia for at least 14 days immediately before the day the flight commenced.
- (2) The individual must provide, to a relevant official, a written statement signed by the individual that includes:
 - (a) a declaration that the individual had been only in either or both of New Zealand and Australia for the past 14 days; and
 - (b) the following information for the individual:
 - (i) whether the individual has signs or symptoms of human coronavirus with pandemic potential;
 - (ii) whether the individual has been exposed to human coronavirus with pandemic potential in the past 14 days;
 - (iii) name;
 - (iv) date of birth;
 - (v) passport number;
 - (vi) phone number while in Australian territory;
 - (vii) intended address while in Australian territory;
 - (viii) email address;
 - (ix) flight number.

Note 1: An individual who fails to comply with a requirement that applies to the individual under this section may contravene a civil penalty provision (see section 46 of the Act).

Note 2: A person may commit an offence or contravene a civil penalty provision if the person provides false or misleading information or documents (see sections 137.1 and 137.2 of the *Criminal Code* and sections 532 and 533 of the Act).

Note 3: For protections for children or incapable persons who are subject to the requirement in subsection (2), see Subdivision B of Division 2 of Part 1 of Chapter 2 of the Act.

Note 4: Part 2 of Chapter 11 of the Act deals with confidentiality of personal information collected under the Act.

- (3) The requirement in subsection (2) applies at the landing place.

6 Requirement to provide statement—certain returning Australian citizens and permanent residents

- (1) This section applies to an individual:
- (a) to whom section 5 does not apply; and
 - (b) who is an Australian citizen or permanent resident; and
 - (c) who is entering Australian territory at a landing place in accordance with Division 2 of Part 4 of Chapter 4 of the Act; and
 - (d) who most recently left Australian territory to travel to New Zealand in accordance with the Overseas Travel Ban Determination in the following circumstances:
 - (i) an exemption set out in subsection 6(2) or (3) of that Determination applied to the individual;
 - (ii) no other exemption set out in section 6, or granted under section 7, of that Determination applied to the individual; and
 - (e) who, after so travelling, left New Zealand to travel to another foreign country.
- (2) The individual must provide, to a relevant official, a written statement signed by the individual that includes:
- (a) a declaration that the individual:
 - (i) most recently left Australian territory to travel to New Zealand as mentioned in paragraph (1)(d); and
 - (ii) had, after so travelling, left New Zealand to travel to another foreign country for a compassionate reason or because the individual required urgent medical treatment that was not reasonably available in New Zealand or Australia; and
 - (b) the following information for the individual:
 - (i) whether the individual has signs or symptoms of human coronavirus with pandemic potential;
 - (ii) whether the individual has been exposed to human coronavirus with pandemic potential in the past 14 days;
 - (iii) name;
 - (iv) date of birth;
 - (v) passport number;
 - (vi) phone number while in Australian territory;
 - (vii) intended address while in Australian territory;
 - (viii) email address;
 - (ix) flight number.

Note 1: For subparagraph (a)(ii), an example of a compassionate reason for an individual is the death or serious illness of a close family member of the individual or of a close family member of the spouse or de facto partner of the individual.

Note 2: An individual who fails to comply with a requirement that applies to the individual under this section may contravene a civil penalty provision (see section 46 of the Act).

Section 6

Note 3: A person may commit an offence or contravene a civil penalty provision if the person provides false or misleading information or documents (see sections 137.1 and 137.2 of the *Criminal Code* and sections 532 and 533 of the Act).

Note 4: For protections for children or incapable persons who are subject to the requirement in subsection (2), see Subdivision B of Division 2 of Part 1 of Chapter 2 of the Act.

Note 5: Part 2 of Chapter 11 of the Act deals with confidentiality of personal information collected under the Act.

(3) The requirement in subsection (2) applies at the landing place.

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 (Entry Requirements—Human Coronavirus with Pandemic Potential) Determination 2020	15 Oct 2020 (F2020L01307)	16 Oct 2020 (s 2(1) item 1)	
Biosecurity Legislation (Human Coronavirus with Pandemic Potential) Amendment (No. 1) Determination 2021	18 Apr 2021 (F2021L00456)	Sch 1 (items 1–6): 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 1): 11 Aug 2021 (s 2(1) item 1)	—

Endnotes

Endnote 4—Amendment history

Endnote 4—Amendment history

Provision affected	How affected
Part 1	
s 2	rep LA s 48D
s 4	am F2021L00456; F2021L01068
Part 2	
s 5	am F2021L00456
s 6	ad F2021L00456
