

Biosecurity (Entry Requirements—Human Coronavirus with Pandemic Potential) Determination 2021

I, Greg Hunt, Minister for Health and Aged Care, make the following determination.

Dated 31 October 2021

Greg Hunt

Minister for Health and Aged Care

Contents

Part 1—Preliminary 1

1 Name 1

2 Commencement 1

3 Authority 1

4 Definitions 1

Part 2—Requirements relating to vaccination status 3

5 Requirements relating to vaccination status 3

Part 1—Preliminary

1 Name

 This instrument is the *Biosecurity (Entry Requirements—Human Coronavirus with Pandemic Potential) Determination 2021*.

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 | 1 November 2021. | 1 November 2021 |

Note: This table relates only to the provisions of this instrument as originally made.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 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) Agriculture Department;

(b) Australian territory;

(c) Health Department;

(d) landing place;

(e) 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.

***Act*** means the *Biosecurity Act 2015*.

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

***relevant international flight*** means a flight:

 (a) that commences outside Australian territory and is intended to arrive at a landing place in Australian territory; and

 (b) for which the scheduled departure time is at or after 12.01 am on 1 November 2021 in the place where the flight commences.

***relevant official*** means any of the following:

 (a) a biosecurity officer;

 (b) a chief human biosecurity officer;

 (c) a human biosecurity officer;

 (d) an APS employee in the Agriculture Department;

 (e) an APS employee in the Home Affairs Department.

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

Part 2—Requirements relating to vaccination status

5 Requirements relating to vaccination status

 (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 relevant international flight; and

 (b) was more than 12 years and 3 months old on the day the relevant international flight was scheduled to commence.

Ability to produce evidence of statement made before boarding

 (2) The individual must be able to produce, to a relevant official, evidence that, before the individual boarded the aircraft, the individual made a written statement that included:

 (a) a declaration mentioned in subsection (3); and

 (b) for a statement made in paper form—the following information for the individual:

 (i) name;

 (ii) date of birth;

 (iii) passport number;

 (iv) phone number while in Australian territory;

 (v) intended address while in Australian territory;

 (vi) email address;

 (vii) flight number.

 (3) For the purposes of paragraph (2)(a), the declaration is a declaration of which of the following paragraphs apply to the individual:

 (a) the individual:

 (i) 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; and

 (ii) received the last vaccination in the course of vaccinations at least 7 days before the day the relevant international flight was scheduled to commence; and

 (iii) can produce evidence of the matters mentioned in subparagraphs (i) and (ii);

 (b) the individual:

 (i) has a medical contraindication to COVID‑19 vaccines; and

 (ii) can produce evidence provided by a medical practitioner of the matter mentioned in subparagraph (i);

 (c) neither paragraph (a) nor (b) applies to the individual.

 (4) For the purposes of subsection (2), the manners in which the individual may have made a statement include the use of an electronic system maintained by the Home Affairs Department.

Providing statements made in paper form

 (5) If the individual made a statement as mentioned in subsection (2) in paper form, the individual must provide the statement to a relevant official.

Producing evidence of electronic statements on request

 (6) If the individual made a statement as mentioned in subsection (2) electronically, the individual must produce evidence that the individual made the statement if a relevant official asks the individual to do so.

Producing evidence relating to declarations on request

 (7) If a relevant official asks the individual to do so, the individual must produce:

 (a) if the declaration included in the individual’s statement was of the kind mentioned in paragraph (3)(a)—the evidence mentioned in subparagraph (3)(a)(iii); and

 (b) if the declaration included in the individual’s statement was of the kind mentioned in paragraph (3)(b)—the evidence mentioned in subparagraph (3)(b)(ii).

Where requirements apply

 (8) The requirements in this section apply at the landing place.

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.