



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

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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

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## 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Note: This table relates only to the provisions of this instrument as originally made.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*.

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**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.

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## 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.

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- (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.