



# **Biosecurity (Entry Requirements) Determination 2016**

made under subsection 44(2) of the

*Biosecurity Act 2015*

## **Compilation No. 3**

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Prepared by the Office of Parliamentary Counsel, Canberra

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## About this compilation

### This compilation

This is a compilation of the *Biosecurity (Entry Requirements) Determination 2016* that shows the text of the law as amended and in force on 17 October 2023 (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 Register ([www.legislation.gov.au](http://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 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 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If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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# Contents

<b>Part 1—Preliminary</b>	1
1 Name.....	1
3 Authority.....	1
4 Definitions .....	1
<b>Part 2—Requirements relating to yellow fever</b>	2
4A Initial screening—declaration relating to travel in yellow fever risk regions...	2
4B Secondary screening—declaration relating to stays in yellow fever risk countries or areas .....	2
5 Vaccination certificates and travel history—individuals who have stayed in yellow fever risk countries or areas.....	3
<b>Part 3—Screening</b>	5
6 Individuals who may be, or may have been, infected with listed human disease.....	5
<b>Part 4—Travel history declarations</b>	6
7 Providing travel history declaration on request.....	6
<b>Schedule 1—Yellow fever risk countries and areas</b>	8
1 Yellow fever risk countries and areas .....	8
<b>Endnotes</b>	10
<b>Endnote 1—About the endnotes</b>	10
<b>Endnote 2—Abbreviation key</b>	11
<b>Endnote 3—Legislation history</b>	12
<b>Endnote 4—Amendment history</b>	13



## Part 1—Preliminary

### 1 Name

This is the *Biosecurity (Entry Requirements) Determination 2016*.

### 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) International Health Regulations;
- (c) landing place;
- (d) port.

In this instrument:

*Act* means the *Biosecurity Act 2015*.

**designated yellow fever vaccination centre** means a vaccination centre approved by the health administration authority of a country to administer vaccinations against yellow fever.

**health administration authority**, of a country, means a government authority responsible for the administration of health in the country, including the implementation of measures set out in the International Health Regulations.

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

**international vaccination certificate** means a certificate:

- (a) in the form of the model international certificate of vaccination mentioned in annex 6 of the International Health Regulations; and
- (b) that contains the information mentioned in subsection 5(3).

**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.

**yellow fever risk country or area** means a country or area specified in Schedule 1.

## Part 2—Requirements relating to yellow fever

### 4A Initial screening—declaration relating to travel in yellow fever risk regions

- (1) This section applies to an individual who is entering Australian territory at a landing place or port in accordance with Division 2 or 3 of Part 4 of Chapter 4 of the Act.
- (2) The individual must, in writing, declare to a relevant official whether the person had been in Africa, South America, Central America or the Caribbean at any time in the 6 days before entering the landing place or port.

*Where requirement applies*

- (3) The requirement in this section applies at the landing place or port (as applicable).

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 requirements in this section, 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.

### 4B Secondary screening—declaration relating to stays in yellow fever risk countries or areas

- (1) This section applies to an individual who:
  - (a) is entering Australian territory at a landing place or port in accordance with Division 2 or 3 of Part 4 of Chapter 4 of the Act; and
  - (b) had been in Africa, South America, Central America or the Caribbean at any time in the 6 days before entering the landing place or port.
- (2) The individual must declare to a relevant official whether the person had stayed overnight or longer in a yellow fever risk country or area at any time in the 6 days before entering the landing place or port.
- (3) If the individual makes a declaration as required by subsection (2) orally, the individual must also make the declaration in writing if a relevant official asks the individual to do so.

*Where requirements apply*

- (4) The requirements in this section apply at the landing place or port (as applicable).

- 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 requirements in this section, 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.

## **5 Vaccination certificates and travel history—individuals who have stayed in yellow fever risk countries or areas**

- (1) This section applies to an individual who:
- (a) is entering Australian territory at a landing place or port in accordance with Division 2 or 3 of Part 4 of Chapter 4 of the Act; and
  - (b) had stayed overnight or longer in a yellow fever risk country or area at any time in the 6 days before entering the landing place or port.

### *International vaccination certificates*

- (2) A relevant official may require the individual:
- (a) to carry an international vaccination certificate; and
  - (b) to show the certificate to a relevant official if the relevant official asks the individual for the certificate.
- (3) An international vaccination certificate for an individual must:
- (a) be in the name of the individual; and
  - (b) be issued by a designated yellow fever vaccination centre; and
  - (c) display the official stamp of the designated yellow fever vaccination centre that issued the certificate; and
  - (d) be signed by a medical practitioner or other person authorised by the health administration authority of the country in which the vaccination took place; and
  - (e) state the office or professional status of the medical practitioner or other person who signed the certificate; and
  - (f) state the date when the vaccination took place; and
  - (g) state that the vaccine used to vaccinate the individual is a vaccine approved by the World Health Organization for the vaccination of persons against yellow fever.

### *Travel history declarations*

- (4) The individual must declare to a relevant official the individual's international travel history for the 6 days before entering the landing place or port.
- (5) If the individual makes a declaration as required by subsection (4) orally, the individual must also make the declaration in writing if a relevant official asks the individual to do so.

Section 5

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*Where requirements apply*

- (6) The requirements in this section apply at the landing place or port (as applicable).

- 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 requirements in this section, 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.



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## Part 3—Screening

### 6 Individuals who may be, or may have been, infected with listed human disease

- (1) This section applies to an individual who is entering Australian territory on a conveyance or vessel at a landing place or port in accordance with Division 2 or 3 of Part 4 of Chapter 4 of the Act if:
  - (a) the individual has been identified in the report given by the operator of the conveyance or vessel under subsection 193(1) of the Act, or in information given to a biosecurity officer under subsection 194(1) of the Act, as having signs or symptoms of an illness or infection; or
  - (b) the individual has been identified by a relevant official at the landing place or port as having signs or symptoms of an illness or infection; or
  - (c) the National Focal Point has been notified under the International Health Regulations that the individual has, or has been exposed to, a listed human disease; or
  - (d) before travelling to Australian territory, the individual had been in a country where individuals are known to be, or to have been, infected with a listed human disease.
- (2) A relevant official may require the individual to be screened (including by equipment or by being required to answer questions or provide information in writing) for the purpose of establishing whether the individual may be, or may have been, infected with a listed human disease.

*Where requirements apply*

- (3) The requirements in this section apply at the landing place or port (as applicable).

- 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 requirements in this section, 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.

## Part 4—Travel history declarations

### 7 Providing travel history declaration on request

#### *Individuals on international flights*

- (1) Subsection (2) applies to an individual who is entering Australian territory on an aircraft at a landing place in accordance with Division 2 of Part 4 of Chapter 4 of the Act if the flight commenced outside Australian territory.
- (2) If:
  - (a) a relevant official reasonably suspects that the individual has, or has been exposed to, a listed human disease; and
  - (b) a relevant official asks the individual to do so;the individual must declare to a relevant official the individual's international travel history for the 14 days before the day the flight commenced.

#### *Individuals on international voyages*

- (3) Subsection (4) applies to an individual who is entering Australian territory on a vessel at a port in accordance with Division 3 of Part 4 of Chapter 4 of the Act if the voyage commenced outside Australian territory.
- (4) If:
  - (a) a relevant official reasonably suspects that the individual has, or has been exposed to, a listed human disease; and
  - (b) a relevant official asks the individual to do so;the individual must declare to a relevant official the individual's international travel history for the 14 days before the day the voyage ended.

#### *Making declarations in writing*

- (5) If an individual makes a declaration as required by subsection (2) or (4) orally, the individual must also make the declaration in writing if a relevant official asks the individual to do so.

#### *Where requirements apply*

- (6) The requirements in this section apply at the landing place or port (as applicable).

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 requirements in this section, 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.

## Schedule 1—Yellow fever risk countries and areas

Note: See section 4.

### 1 Yellow fever risk countries and areas

A place specified in the following table is a yellow fever risk country or area.

<b>Yellow fever risk countries and areas</b>	
<b>Item</b>	<b>Countries and areas</b>
1	Angola
2	Argentina—Misiones Province and Corrientes Province
3	Benin
4	Bolivia
5	Brazil
6	Burkina Faso
7	Burundi
8	Cameroon
9	Central African Republic
10	Chad
11	Colombia
12	Congo, Democratic Republic of the
13	Congo, Republic of the
14	Côte d'Ivoire
15	Ecuador (excluding the Galápagos Islands)
16	Equatorial Guinea
17	Ethiopia
18	French Guiana
19	Gabon
20	The Gambia
21	Ghana
22	Guinea
23	Guinea-Bissau
24	Guyana
25	Kenya
26	Liberia
27	Mali
28	Mauritania
29	Niger
30	Nigeria

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<b>Yellow fever risk countries and areas</b>	
<b>Item</b>	<b>Countries and areas</b>
31	Panama
32	Paraguay
33	Peru
34	Senegal
35	Sierra Leone
36	South Sudan
37	Sudan
38	Suriname
39	Togo
40	Trinidad and Tobago
41	Uganda
42	Venezuela

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## Endnotes

Endnote 1—About the endnotes

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## 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 how an amendment is to be made. If, despite the misdescription, the amendment can be given effect as intended, then the misdescribed amendment can be incorporated through an editorial change made under section 15V of the *Legislation Act 2003*.

If a misdescribed amendment cannot be given effect as intended, the amendment is not incorporated and “(md not incorp)” is added to 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

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### Endnote 3—Legislation history

<b>Name</b>	<b>Registration</b>	<b>Commencement</b>	<b>Application, saving and transitional provisions</b>
Biosecurity (Entry Requirements) Determination 2016	19 May 2016 (F2016L00811)	16 June 2016 (s 2(1) item 1)	
Biosecurity (Entry Requirements) Amendment (Additional Screening) Determination 2018	20 Aug 2018 (F2018L01139)	21 Aug 2018 (s 2(1) item 1)	—
Biosecurity Legislation Amendment (2022 Measures No. 1) Determination 2022	3 July 2022 (F2022L00939)	Sch 1: 6 July 2022 (s 2(1) item 2)	—
Biosecurity (Entry Requirements) Amendment (2023 Measures No. 1) Determination 2023	16 Oct 2023 (F2023L01379)	17 Oct 2023 (s 2(1) item 1)	—



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**Endnote 4—Amendment history**

<b>Provision affected</b>	<b>How affected</b>
<b>Part 1</b>	
s 2 .....	rep LA s 48D
s 4 .....	am F2022L00939
<b>Part 2</b>	
s 4A .....	ad F2022L00939
s 4B .....	ad F2022L00939
s 5 .....	am F2022L00939
<b>Part 3</b>	
Part 3 .....	ad F2018L01139
s 6 .....	ad F2018L01139
	am F2022L00939
<b>Part 4</b>	
Part 4 .....	ad F2022L00939
s 7 .....	ad F2022L00939
<b>Schedule 1</b>	
c 1 .....	am F2018L01139; F2023L01379

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