

Ministerial responses — Report 15 of 2021¹

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**The Hon Greg Hunt MP
Minister for Health and Aged Care**

Ref No: MC21-037806

Dr Anne Webster MP
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Dear Chair

I refer to your correspondence of 10 November 2021 concerning the Parliamentary Joint Committee of Human Rights (Committee) request for further information on the Biosecurity (Human Coronavirus with Pandemic Potential) Amendment (No. 2) Determination 2021.

Responses to the Committee's three questions in paragraph 1.56 of the Committee's *Report 13 of 2021* are set out below.

Why there is no automatic exemption from the travel ban for people who are unable to receive a COVID-19 vaccination on the basis of their age or disability (such as children under 12 years old and those who have a recognised medical contraindication to the vaccine)

There is no automatic exemption from the travel ban for people who are unable to receive a COVID-19 vaccination based on their age or medical contraindication as these cohorts still pose a public health risk to the broader Australian community by not being vaccinated. These cohorts can still be infected with COVID-19 and transmit their infection to others. However, as the vaccination rates in Australia and overseas continue to increase, the risk of these cohorts becoming infected and/or transmitting COVID-19 to others decreases. These cohorts must travel at their own risk, and can only travel overseas if, at the time of departure, they hold proof of being under 12 years of age, or proof of their medical contraindication.

The Overseas Travel Ban is a temporary measure, only to be in place while COVID-19 poses a severe and immediate threat, or is causing harm, to human health on a nationally significant scale. The repeal of the Overseas Travel Ban will also be in line with the National Plan to transition Australia's National COVID-19 Response.

In practice, how will the exemption process likely work for these groups, including whether they could get the exemption on the day of travel, and what recourse would they have were an exemption not granted

The Department of Home Affairs website has information on how the exemption process works concerning outbound international travel. The following information has been taken from the Home Affairs website as at 17 November 2021.

Children under 12 years of age, and Australian citizens and permanent residents with acceptable proof they cannot be vaccinated for medical reasons, are able to travel overseas without seeking an exemption.

These cohorts must have the requisite proof of their age or medical contraindication, and can show this proof to a Department Home Affairs employee if requested to do so by a Department Home Affairs employee.

If an Australian citizen or permanent resident is departing Australia, they will need to show evidence that they have a medical contraindication reported to the Australian Immunisation Register (AIR) for all COVID-19 vaccines available in Australia. As proof, they should provide their Australian COVID-19 Vaccination Certificate issued by Services Australia. If someone cannot get any of the approved COVID-19 vaccines for medical reasons, that will be recorded on their immunisation history statement and COVID-19 digital certificate. If a temporary medical contraindication has been recorded on the AIR, the COVID-19 digital certificate will display a 'valid to' date. Only eligible health professionals as defined on the Department of Health website can report medical contraindications to the AIR.

Specific questions on the exemption process should be directed to the Department of Home Affairs and/or the Minister for Home Affairs Hon Karen Andrews MP as the policy owners of the exemptions process.

Specific questions on the Australian COVID-19 Vaccination Certificate should be directed to Services Australia and/or the Minister for Government Services, Senator the Hon Linda Reynolds CSC.

How excluding these groups from the automatic exemption process is compatible with the right to equality and non-discrimination.

The effects of the COVID-19 pandemic have been devastating in Australia. Hundreds of thousands have been infected with COVID-19, and thousands have lost their lives due to COVID-19. COVID-19 has significantly affected the wider Australian community socially and financially.

To prevent COVID-19 and its dangerous variants from entering, emerging, establishing and spreading in Australian territory, strict measures were implemented by various Australian Government, state and territory legislation.

Determinations made under section 477 of the *Biosecurity Act 2015* (Cth) apply despite any provision of any other Australian law (being a law of the Commonwealth, or of a State or Territory). The Biosecurity (Human Biosecurity Emergency) (Human Coronavirus with Pandemic Potential) (Overseas Travel Ban Emergency Requirements) Determination 2020 is an example of a section 477 requirement.

Australia's process of reopening its international borders is and will continue to be based on public health advice. The amendments to the Overseas Travel Ban was one of the first steps in winding back restrictions on overseas travel, largely based on vaccination rates in Australia at the time the amendment decision was made. It is important at-risk cohorts of Australians and permanent residents are managed appropriately as Australia reopens to the world. It is important to note again that the Overseas Travel Ban is a temporary measure, and can only be in effect as long as there is sufficient public health justification.

Thank you for writing on this matter.

Yours sincerely 

Greg Hunt