

EXPLANATORY STATEMENT

Biosecurity Act 2015

Biosecurity (Human Health) Amendment (Disinsection Exemption) Regulations 2018

Authority

The *Biosecurity Act 2015* (Act) provides the primary legislative means and a regulatory framework for the Australian Government to manage the risk of pests and diseases from entering Australian territory and causing harm to animal, plant and human health, the environment and the economy. The Act manages biosecurity risks, including the risk of listed human diseases, entering Australian territory, or emerging, establishing themselves, or spreading in Australian territory or a part of Australian territory.

Section 645 of the Act provides that the Governor-General may make regulations prescribing matters required or permitted by the Act to be prescribed, or necessary or convenient to be prescribed for carrying out or giving effect to the Act.

Section 204A of the Act provides that regulations may prescribe measures to be taken by the operators of incoming aircraft or vessels or outgoing aircraft or vessels to destroy vectors (such as exotic mosquitoes) that have the potential to cause, directly or indirectly, a listed human disease or any other human disease, and may exist on the aircraft or vessels.

The *Biosecurity (Human Health) Regulation 2016* prescribes measures to be taken by incoming aircraft and vessels for the control and destruction of vectors.

Purpose

The purpose of the *Biosecurity (Human Health) Amendment (Disinsection Exemption) Regulations 2018* (Regulations) is to provide that in the circumstances, where an aircraft is assessed as presenting an acceptable level of biosecurity risk, it may be exempt from requirements to undertake disinsection measures. 'Disinsection' is the procedure whereby health measures are taken to control or kill the insect vectors of human diseases present in baggage, cargo, containers, conveyances, goods and postal parcels.

Consultation

During the development of the Regulations, the Department of Health consulted with the Department of Agriculture and Water Resources and State and Territory health departments.

Details of the Regulations are set out in the [Attachment](#).

The Regulations are a legislative instrument for the purposes of the *Legislation Act 2003*.

The Regulations commence the day following their registration.

Attachment

Details of the *Biosecurity (Human Health) Amendment (Disinsection Exemption) Regulations 2018*

Section 1 - Name

Section 1 provides that the name of the Regulations is the *Biosecurity (Human Health) Amendment (Disinsection Exemption) Regulations 2018*.

Section 2 - Commencement

Section 2 provides that the Regulations commence the day after the Regulations have been registered on the Federal Register of Legislation.

Section 3 - Authority

Section 3 provides that the Regulations are made under the *Biosecurity Act 2015*.

Section 4 - Schedules

Section 4 provides that each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1 - Amendments

Item [1] – subsection 7(3)

Item 1 repeals the heading ‘Exemption’ and substitutes it with ‘Exemptions’.

Item [2] – at the end of section 7

Item 2 provides an additional subsection at the end of section 7. The subsection provides the operator of an incoming aircraft with an exemption from compliance with the disinsection measures if the aircraft has been assessed as presenting an acceptably low level of biosecurity risk by a human biosecurity officer of the Health Department, and if the operator of the aircraft has been notified of the exemption.

Statement of Compatibility with Human Rights

Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011

Biosecurity (Human Health) Amendment (Disinsection Exemption) Regulations 2018

The Regulations are compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

Overview of the Disallowable Legislative Instrument

The *Biosecurity (Human Health) Amendment (Disinsection Exemption) Regulations 2018* (the Regulations) provide that in the circumstances, where an aircraft is assessed as presenting an acceptable level of biosecurity risk, it may be exempt from requirements to undertake disinsection measures. ‘Disinsection’ is the procedure whereby health measures are taken to control or kill the insect vectors (such as exotic mosquitoes) of human diseases present in baggage, cargo, containers, conveyances, goods and postal parcels.

The Regulations enables the application of disinsection requirements based on the level of risk posed by incoming aircraft. This reduces the regulatory burden on incoming aircraft while maintaining protection of public health and biosecurity in Australia.

Human rights implications

The Regulations engage, and are consistent with, Article 12 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) by assisting with the progressive realisation by all appropriate means of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.

The Regulations provide the means of protecting public health in Australia through prescribing appropriate measures and exemptions from measures to prevent the entry and establishment of exotic vectors that may exist on or in an aircraft and that may carry human diseases.

The human biosecurity measures contained in the Regulations also implement Australia’s obligations under the *International Health Regulations 2005* (IHR). The purpose of the IHR is to prevent, protect against, control and provide a public health response to the international spread of disease in ways that are commensurate with and restricted to public health risks, and which avoid unnecessary interference with international traffic and trade.

Conclusion

The Regulations are compatible with human rights because it advances the protection of human rights through promoting the right to health.

**Greg Hunt,
Minister of Health**