

EXPLANATORY STATEMENT

Biosecurity Act 2015

Biosecurity (Human Health Response Zone) (Howard Springs Accommodation Village) Determination 2020

Subsection 113(1) of the *Biosecurity Act 2015* (the Act) provides that the Director of Human Biosecurity may determine that a specified area within a State or Territory is a human health response zone (zone) if satisfied that it is necessary to do so for the purposes of preventing, or reducing the risk of, a listed human disease emerging, establishing itself or spreading in Australian territory or a part of Australian territory.

In determining a zone the Director of Human Biosecurity may determine requirements for individuals entering or leaving the zone.

The purpose of the *Biosecurity (Human Health Response Zone) (Howard Springs Accommodation Village) Determination 2020* (the Determination) is to determine the Howard Springs Accommodation Village, Howard Springs Road, Howard Springs, in the Northern Territory as a zone, and determine requirements for individuals who are entering or leaving the zone.

As required by subsections 113(3) and (4) of the Act, the Director of Human Biosecurity is satisfied that the determination of the zone, and the requirements for individuals who are entering or leaving the zone, are both necessary, and appropriate and adapted, to prevent or reduce the risk of the listed human disease ‘human coronavirus with pandemic potential’ emerging, establishing itself or spreading in Australian territory.

First reported in Wuhan city, Hubei Province, China on 31 December 2019, the novel coronavirus outbreak (2019-nCoV) poses a significant public health risk to Australia due to the potential for human to human transmission, severity of illness and wide spread geographical distribution of cases. Human coronaviruses with pandemic potential, such as 2019-nCoV, are serious and potentially fatal diseases in humans. Coronaviruses may cause severe pneumonia with acute respiratory distress syndrome and multi-organ failure, particularly in older people with a range of underlying conditions.

On 5 January 2020, the World Health Organization (WHO) notified Member States under the *International Health Regulations (2005)* (IHR) of an outbreak of pneumonia of unknown cause in Wuhan city, China. The cause of the outbreak has since been determined as a novel coronavirus. On 30 January 2020, the outbreak was declared by the WHO International Regulations Emergency Committee to constitute a Public Health Emergency of International Concern.

The Howard Springs Accommodation Village will temporarily house individuals who requested repatriation from Wuhan city, China, in isolation supported by medical care and supervision. It is anticipated that 14 days after their arrival at Howard Springs Accommodation Village, subject to medical clearances, it will be appropriate for the

individuals to return to their homes in Australia. It is possible that the zone, if considered appropriate, may also temporarily house other individuals repatriated to Australia due to 2019-nCoV.

The Determination does not specify as a requirement a biosecurity measure that may be included in a human biosecurity control order applied to an individual under the Act. Also, in accordance with subsection 113(5) of the Act, the Determination does not specify as a requirement a biosecurity measure described in Subdivision B, Division 3, Part 3, Chapter 2 of the Act (Detention). In accordance with the Act, and clinical guidance, consideration will be given to human biosecurity control orders, such as isolation measures, if necessary and appropriate.

The Determination is in force for 3 months beginning on the day this instrument commences.

A person to whom a requirement applies under the Determination must comply with the requirement: civil penalty, 30 penalty units, section 116 of the Act.

Consultation

In accordance with section 114 of the Act, before making the determination the Director of Human Biosecurity consulted with the Chief Health Officer for the Northern Territory and the Director of Biosecurity.

Consultation also took place with Commonwealth, State and Northern Territory government agencies, including the Departments of Foreign Affairs and Trade; Department of Agriculture, Water and Environment; Department of Home Affairs; Department of Defence; and the Australian Federal Police.

The Determination commences on the day after it is registered on the Federal Register of Legislation. In addition, and as required by subsection 115 of the Act, the Director of Human Biosecurity will ensure that the determination is made public by publication on the Department of Health website.

The Determination is a legislative instrument for the purposes of the *Legislative Instruments Act 2003*, but section 42 (disallowance) of the *Legislation Act 2003* does not apply to the determination.

A provision by provision description of the Determination is contained in the Attachment.

Biosecurity (Human Health Response Zone) (Howard Springs Accommodation Village) Determination 2020

1 Name

Section 1 provides for the instrument to be referred to as the *Biosecurity (Human Health Response Zone) (Howard Springs Accommodation Village) Determination 2020*.

2 Commencement

Section 2 provides that the instrument commences on the day after it is registered.

3 Authority

Section 3 provides that the instrument is made under subsection 113(1) of the *Biosecurity Act 2015*.

4 Human health response zone

Section 4 provides that the Howard Springs Accommodation Village, Howard Springs Road, Howard Springs in the Northern Territory of Australia is a human health response zone.

5 Listed human disease to which this instrument relates

Section 5 provides that this instrument relates to human coronavirus with pandemic potential.

6 Requirement that specified classes of individuals must not enter the zone

Section 6 provides that an individual, other than one listed in paragraph 6(a)-(d), must not enter the human health response zone.

7 Requirement for certain individuals who are leaving the zone

Section 7 provides that an individual mentioned in paragraph 6(a) or (b) of the Determination who is leaving the zone must, before leaving the zone, communicate, or attempt to communicate, their intention to leave the zone to the person who has operational (but not clinical) control over the Howard Springs Accommodation Village.

Section 7 does not apply to a child or incapable person, as it would not be appropriate to impose this requirement on a child or incapable person. Children and incapable persons in the zone will be under the care and supervision of an accompanying person (usually a parent) who would themselves be subject to the requirement to communicate, or attempt to communicate.

8 Period during which the instrument is in force

Section 7 provides that this instrument is in force for 3 months beginning on the day it commences.