

SCHEDULE OF DOCUMENTS - FOI 2655

Document No.	Date	Pages	Description	Decision on access ¹	Exemptions
1	16.03.2020	2	Letter from the Chief Medical Officer to the Minister for Health	RE	s47C & s47E(d): page 2 (part)
2	17.03.2021	7	MS20-000294 - Human Biosecurity Emergency Declaration	REI	s22: pages 2, 5 & 6 (part) s42: page 3 (whole); pages 2 & 4 (part) s47C & s47E(d): pages 2, 4 & 6 (part)

¹ RE = Release with exempt information removed; REI = Release with exempt and irrelevant information removed.



Australian Government
Department of Health

Chief Medical Officer

The Hon Greg Hunt MP
Minister for Health
PO Box 6022
Parliament House
CANBERRA ACT 2600

Dear Minister Hunt

I am writing to recommend the declaration of a human biosecurity emergency under section 475 of the *Biosecurity Act 2015* (the Act).

The ongoing management of the virus outbreak is based on the expert medical advice of the Australian Health Protection Principal Committee with proportionate steps escalated as necessary to contain and slow the spread of the Coronavirus Disease 2019 (COVID-19) caused by the novel coronavirus SARS-CoV-2 throughout China.

On 21 January 2020, I determined 'human coronavirus with pandemic potential' to be a listed human disease under section 42 of the Act in response to the identification and spread of COVID-19.

On 30 January 2020, the World Health Organization (WHO) determined the COVID-19 outbreak to be a Public Health Emergency of International Concern, reflecting the international spread of the disease to several regions of the world and limited evidence of human to human transmission outside of mainland China. Additionally, in recognition of the significant further international spread including increasing case numbers and increasing number of deaths as a result of COVID-19, the WHO declared a pandemic on 11 March 2020.

I believe, on the basis of international and national evidence, that COVID-19 poses a severe and immediate threat to human health on a nationally significant scale. Globally, as at 16 March 2020, there are 163,716 cases in 149 countries. There is now some evidence of community transmission of COVID-19 within Australia, with 298 cases being reported within Australia (as at 6am 16 March 2020), including 5 deaths. 40 of these cases, including 3 deaths, have no history of overseas travel. The global case fatality rate for COVID-19 is currently estimated at as high as 3.8%, with the risk of death reported to increase with age.

We have a time-limited opportunity to interrupt the transmission of the disease and reduce the number of cases and deaths within Australia, and the subsequent burden on the Australian health system. Based on this information I am formally

recommending to you that the declaration of a human biosecurity emergency is necessary to support the containment the human biosecurity threat of COVID-19.

The declaration of a human biosecurity emergency will provide you with the power to set requirements and give directions as necessary to manage the risk of COVID-19. The declaration of an emergency now provides powers to give effect to requirements and directions over the coming days. Without limiting these powers, it is prudent to consider giving legal effect to recommendations to self-isolate for 14 days on arrival in Australia, banning mass gatherings (of 500 people or more), and restrictions on visitation to aged care facilities and remote communities. It is important to reduce the spread of the disease and in particular protect our vulnerable communities, while ensuring that our capacity to test and treat, not only COVID-19 patients but all Australians requiring health care, is sustainable.

s47C, s47E(d)

I note with concern that 10 cases, including one death, in Australia are associated with the Diamond Princess repatriation. Worldwide there are a number of cruise vessels that have experienced significant onboard transmission, and that have seeded onshore transmission, resulting in the identification of hundreds of additional COVID-19 cases.^{s47C}

s47C, s47E(d)

I am satisfied that the declaration of a human biosecurity emergency is necessary to enable powers to give effect to the clinical recommendations of the Australian Health Protection Principal Committee. I, in my capacity as Director of Human Biosecurity, recommend that the initial period of the emergency declaration be for three months to ensure the human biosecurity emergency declaration is in effect for an appropriate length of time to manage the immediate and medium term response requirements.

Yours sincerely



Professor Brendan Murphy
Chief Medical Officer and Director of Human Biosecurity

16 March 2020



To: Minister Hunt

Subject: Declaration of a Human Biosecurity Emergency under the Biosecurity Act 2015

Critical date: 17 March 2020 (ahead of the expected ExCo meeting)

Recommendation/s:

- | | |
|---|---|
| <p>1. NOTE that the Department has provided a significant volume of briefing in relation to the COVID-19 outbreak and response</p> | <p>1. Noted</p> |
| <p>2. NOTE the advice from the Chief Medical Officer, and the letter from the Secretary of the Department of Home Affairs (at <u>Attachments A and B</u>)</p> | <p>2. Noted</p> |
| <p>3. INDICATE whether you are satisfied of the matters necessary in order for the Governor-General to declare that a human biosecurity emergency exists. These matters are:</p> <p style="margin-left: 40px;">(a) that COVID-19 is posing a (i) severe and immediate threat or, is (ii) causing harm to human health, on a nationally significant scale (you may be satisfied of (i) or (ii) or both), and</p> <p style="margin-left: 40px;">(b) that declaring a human biosecurity emergency is necessary to prevent or control the (i) entry, or (ii) the emergence, establishment or spread of COVID-19 in Australian territory or a part of Australian territory (you may be satisfied of either (i) or (ii) or both).</p> | <p>3. Yes/No/Please discuss</p> <p style="margin-left: 40px;">Yes to A</p> <p style="margin-left: 40px;">Yes to B</p> |
| <p>4. If so, then:
INDICATE what you consider to be the period necessary for the human biosecurity emergency declaration to be in force.</p> | <p>4. 3 months/Less than 3 months (please specify)/Please discuss</p> |
| <p>5. Assuming that period is 3 months, then:
SIGN (but not date) the proposed human biosecurity emergency declaration (at <u>Attachment D</u>)</p> | <p>5. Signed/Not Signed / Please discuss</p> |
| <p>6. INITIAL each page of the associated</p> | <p>6. Initialled/Not Initialled</p> |

Explanatory Memorandum for the emergency declaration and SIGN the dotted line of the Certification Box on page 2 of the Explanatory Memorandum (Attachment E)

- 7. APPROVE the Explanatory Statement for the emergency declaration (Attachment F)
- 8. SIGN (but not date) the proposed Federal Executive Council Minute for the declaration (at Attachment G) to support consideration by ExCo

7. Approved/Not Approved

8. Signed/Not Signed/Please discuss

Signature



Date: 17/3/2020

Media Release required? NO

Comments:

@ 18:34

NOTE - This follows express NSC consideration that these conditions have been vetted & that I should consider

Contact Officer:	Stephen Bouwhuis	Assistant Secretary, Legal Advice and Legislation Branch, Legal and Assurance Division	Ph: (02) 6289 7803 Mobile: s22
Clearance Officer:	Caroline Edwards	A/g Secretary, Department of Health	Ph: (02) 6289 8400 Mobile: s22

Issues:

1. The Director of Human Biosecurity (who is the Commonwealth Chief Medical Officer (CMO)) has advised that the declaration of a human biosecurity emergency under section 475 of the Biosecurity Act 2015 (the Act) is appropriate and necessary for the management of the human biosecurity risk posed by COVID-19 (see Attachment A for additional clinical information).

s47C, s47E(d)

s42

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Next steps

15. If you are satisfied of these matters, Attachments D – G are provided for your approval to facilitate the declaration of a human biosecurity emergency. The proposed instrument at Attachment D would enable the Governor-General to declare a human biosecurity emergency

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relating to COVID-19 for a period of 3 months – on the assumption that you agree that the necessary period is 3 months.

Background:

Biosecurity Act 2015

16. 'Human coronavirus with pandemic potential' (COVID-19) is a listed human disease for the purposes of the Act. Determining a disease as a listed human disease enables the use of a range of human biosecurity powers provided for under the Act, including the declaration of a human biosecurity emergency.

s42

s22

Attachments:

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Attachment A
s47C, s47E(d)

Letter from the Chief Medical Officer

s22

Consultations:

s47C, s47E(d)

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6

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PDR No:	MS20-000294
Subject:	Declaration of a Human Biosecurity Emergency under the Biosecurity Act 2015
Division	Legal and Assurance Division
MO Action Date	17 March 2020

Cover Page for Ministers' Offices
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Sensitive: Legal



Australian Government
Department of Health

Chief Medical Officer

The Hon Greg Hunt MP
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Yours sincerely



Professor Brendan Murphy
Chief Medical Officer and Director of Human Biosecurity

16 March 2020