



To: **Minister Hunt**

Subject: **Human Biosecurity Emergency Declaration Extension 2020**

Critical date: **12 May 2020** (ahead of the expected ExCo meeting on 14 May 2020)

Recommendation/s:

1. NOTE that the Department has provided a significant volume of briefing in relation to the COVID-19 outbreak and response **1. Noted**
2. NOTE the Governor-General's 18 March 2020 Declaration of a human biosecurity emergency in relation to COVID-19 and your recommendation in respect of the Declaration (MS20-000294) **2. Noted**
3. NOTE the advice from the Chief Medical Officer (at Attachment A) **3. Noted**
4. INDICATE whether you are satisfied of the matters necessary in order for the Governor-General to vary the Declaration to extend the human biosecurity emergency period. These matters are:
 - (a) that COVID-19 is continuing to (i) pose a severe and immediate threat, or (ii) cause harm to human health, on a nationally significant scale (you may be satisfied of (i) or (ii) or both), and
 - (b) that the extension of the human biosecurity emergency period 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).**4. Yes/No/Please discuss**
5. If so, then:
INDICATE what you consider to be the period necessary for the human biosecurity emergency declaration to be in force (noting **5. 3 months/Less than 3 months (please specify)/Please discuss**

<p>that the period cannot exceed 3 months).</p>	
<p>6. If that period is 3 months, then: SIGN (but do not date) the variation instrument (at <u>Attachment B</u>)</p>	<p>6. Signed/Not Signed/Please discuss</p>
<p>7. INITIAL each page of the associated Explanatory Memorandum for the variation instrument and SIGN the dotted line of the Certification Box on page 2 of the Explanatory Memorandum (<u>Attachment C</u>)</p>	<p>7. Initialled and signed/Not initialled and not signed</p>
<p>8. APPROVE the Explanatory Statement for the variation instrument (<u>Attachment D</u>)</p>	<p>8. Approved/Not Approved</p>
<p>9. SIGN (but do not date) the proposed Federal Executive Council (ExCo) Minute for the variation instrument (<u>Attachment E</u>) to support consideration by ExCo</p>	<p>9. Signed/Not Signed/Please discuss</p>
<p>10. SIGN and DATE the letter to the Governor-General requesting consideration of the variation instrument at the 14 May 2020 ExCo Meeting (<u>Attachment F</u>).</p>	<p>10. Signed/Not Signed/Please discuss</p>
<p>11. Assuming the human biosecurity emergency period is extended as proposed: CONFIRM that you consider it is appropriate for the following determinations that you have made under s 477 of the Act to continue to operate for that extended period, unless revoked earlier:</p> <ul style="list-style-type: none"> (a) the remote communities determination; (b) the essential goods determination; (c) the COVIDSafe app determination; (d) the retail outlets at international airports determination; (e) the travel ban determination. 	<p>11. Confirmed/Not Confirmed/Please discuss</p>
<p>12. NOTE that we will brief you separately about the potential continued operation of each determination as it arises.</p>	<p>12. Noted/Please discuss</p>
<p>Signature</p>	<p>Date: 12 / 5 / 2020</p>

Media Release required? NO

Comments:

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

Issues:

1. The Director of Human Biosecurity (who is the Commonwealth Chief Medical Officer (CMO)) s47C, s47E(d)

and has advised that COVID-19 is continuing to pose a severe and immediate threat to human health on a nationally significant scale, and that he is satisfied that extending the human biosecurity emergency period for a further three months is necessary to prevent or control the entry, emergence, establishment or spread of COVID-19 in Australian territory (see [Attachment A](#) for additional clinical information).

2. Under section 476 of the *Biosecurity Act 2015* (the Act), the Governor-General may vary a human biosecurity emergency declaration to extend the human biosecurity emergency period in relation to a declaration listed human disease, if you are satisfied that the declaration listed human disease is continuing to pose a severe and immediate threat to human health, or is continuing to cause harm, on a nationally significant scale, and that the extension is necessary to prevent or control the entry, or, emergence, establishment or spread of the listed human disease in Australian territory or a part of an Australian territory.

3. On 18 March 2020, the Governor-General made the *Biosecurity (Human Biosecurity Emergency) (Human Coronavirus with Pandemic Potential) Declaration 2020* (the Declaration) pursuant to section 475 of the Act. The Declaration declares that a human biosecurity emergency exists regarding the listed human disease 'human coronavirus with pandemic potential' (COVID-19). The Declaration specifies the human biosecurity emergency period is in force for 3 months. The Declaration and the human biosecurity emergency period ceases on 17 June 2020, unless extended by the Governor-General.

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Next steps

27. If you are satisfied of these matters, Attachments B – E are provided for your approval to facilitate the extension to the human biosecurity emergency period. The proposed instrument at Attachment B would enable the Governor-General to vary the Declaration relating to COVID-19 to extend the human biosecurity emergency period for a further period of three months until the end

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of 17 September 2020 – on the assumption that you agree that the necessary period is three months.

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the effect of extending the human biosecurity emergency period would be to extend certain of the requirements that you have determined under section 477 of the Act so that they continue to apply until the end of the (extended) human biosecurity emergency period.

29. If you agree that the proposed instrument and associated material is to be considered at the Federal Executive Council Meeting on 14 May 2020, please sign the letter to the Governor-General at Attachment F.

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Background:

Biosecurity Act 2015

30. '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.

Human biosecurity emergency declaration

31. Section 475 of the Act provides for the Governor-General to declare a human biosecurity emergency on advice of the Health Minister. The emergency declaration must specify the listed human disease to which it relates (here, 'human coronavirus with pandemic potential' (ie COVID-19)) the nature of the human biosecurity emergency and the conditions that gave rise to it, and the period of time that the declaration is in force. A human biosecurity emergency was declared by the Governor-General on 18 March 2020.

32. The variation instrument (at Attachment B) provides for the varied declaration to commence immediately after it is registered on the Federal Register of Legislation, and end on 17 September 2020. On advice from you, and in accordance with section 476 of the Act, the Governor-General, may, if necessary, vary the proposed declaration to extend the human biosecurity emergency period for a maximum of 3 months for each variation.

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Attachments:

Attachment A Letter from the Chief Medical Officer
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Consultation:

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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 an extension to the current human biosecurity emergency period regarding 'human coronavirus with pandemic potential' (COVID-19). The current human biosecurity emergency period is scheduled to end on 17 June 2020.

On 18 March 2020, on your advice, the Governor-General declared a human biosecurity emergency in relation to COVID-19 under section 475 of the *Biosecurity Act 2015* (the Act). This enabled you to determine requirements and issue directions that are necessary to manage the entry, emergence, establishment or spread of COVID-19 in Australian territory.

Under section 476 of the Act, the Governor-General may vary a human biosecurity emergency declaration to extend the human biosecurity emergency period for a period of up to three months on the condition that you are satisfied that:

- (a) the listed human disease (COVID-19) is continuing to pose a severe and immediate threat or is continuing to cause harm to human health on a nationally significant scale; and
- (b) the extension is necessary to prevent or control the entry, emergence, establishment or spread of COVID-19 in Australian territory or a part of Australian territory.

On 7 May 2020, I sought expert medical advice from the Australian Health Protection Principal Committee (AHPPC) on these matters to inform your consideration.

s47C, s47E(d)

Phone: (02) 8289 8408 Email: Brendan.Murphy@health.gov.au

Scarborough House, Level 14, Atlantic Street, Woden ACT 2608 - GPO Box 9848 Canberra ACT 2601 - www.health.gov.au

As at 10:30am, 8 May 2020, there have been 6,913 cases reported in Australia, including 97 deaths. A total of 3,836,215 cases of COVID-19 have been reported globally, including 268,999 deaths. I believe, on the basis of this domestic and international evidence, that COVID-19 is continuing to pose a severe and immediate threat to human health on a nationally significant scale.

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s47C, s47E(d)


s47C, s47E(d)

Other current determinations made under section 477 of the Act include restrictions on entry to remote communities, additional protections for personal information collected by the COVIDSafe App, prohibitions on price gouging of essential goods (such as personal protective equipment), restrictions on outward travel for Australian citizens and permanent residents, and the closure of retail stores at international airports.

Provided the human biosecurity emergency period is extended until 17 September 2020, these requirements under the emergency declaration will continue to have effect, until such a time that they are no longer deemed appropriate for managing the threat posed by COVID-19 and can be revoked.

In my capacity as Director of Human Biosecurity, I am satisfied that extending the declaration of the human biosecurity emergency period in relation to COVID-19 by a further three months to 17 September 2020 is necessary. An extension will also allow the current determinations to continue and maintain the availability of powers to give effect to clinical recommendations of the AHPPC. I am satisfied this time period is suitable and appropriate to manage the medium and longer term response requirements for COVID-19.

Yours sincerely


Professor Brendan Murphy
Chief Medical Officer
Director of Human Biosecurity

May 2020