



Security Sensitive Biological Agents Regulatory Scheme

SSBA – Fact sheet 8 – Emergency diseases situations

October 2014

Division 5A, Part 3 of the *National Health Security Act 2007* (NHS Act) deals with emergency disease situations and enables flexibility of the SSBA Regulatory Scheme in the event of a disease outbreak caused by an SSBA so as not to impede diagnosis and treatment.

The SSBA Regulatory Scheme requires an entity that handles suspected or confirmed SSBAs to report its handlings of SSBAs and to comply with the SSBA Standards. The emergency disease situation provisions of the NHS Act enable the Minister to suspend some or all regulatory obligations for handling an SSBA should there be an SSBA-related disease outbreak.

The Minister may introduce legislation to this effect only if the Minister is satisfied:

- that there is a threat involving the SSBA to the health or safety of people, the economy or the environment; and
- that the suspension would help to reduce the threat and maintain adequate controls for the security of all SSBAs.

To address the first criteria, the Minister must consider advice from the Australian Government Chief Medical Officer, the Australian Government Chief Veterinary Officer and any other person who the Minister believes has scientific or technical knowledge in relation to SSBAs.

To address the second criteria, the Minister must consider advice from the Secretary of the Department of Health (Health).

The Minister is able to specify conditions when enacting the provisions of Part 5A to ensure that adequate controls are maintained in handling SSBAs at the same time as suspending some or all of the regulatory obligations.

For example, it is possible that the Minister:

- would suspend all of the reporting obligations in a particular state or territory for entities handling the SSBA that caused the outbreak on condition that those entities report on all obligations at the end of the outbreak.
- may suspend the background checking requirements in the SSBA Standards for authorised persons to handle the SSBA that caused the outbreak so that experts can be recruited to address the emergency.

The type and context of the emergency will determine what conditions would be appropriate in order to provide an appropriate public health and security response.

Health will communicate with stakeholders on the Minister's approach to address an SSBA-related disease outbreak.