

EXPLANATORY STATEMENT

Biosecurity Act 2015

Biosecurity (Entry Requirements) Amendment (Additional Screening) Determination 2018

Authority

The *Biosecurity Act 2015* (the 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.

Subsection 44(2) of the *Biosecurity Act 2015* (the Act) provides that the Health Minister may determine one or more requirements for individuals who are entering Australian territory at a landing place or port.

Purpose

The purpose of the instrument is to set requirements for individuals or any class of individuals entering Australian territory, to prevent a listed human disease from entering, or establishing itself or spreading in, Australian territory or a part of Australian territory.

The instrument enables the screening of individuals for listed human diseases, and adds an additional country to the list of yellow fever risk countries.

Background

Australia is a signatory to the World Health Organization (WHO) *International Health Regulations 2005* (IHR). Annex 1B of the IHR requires Member States to have the capacity to apply entry and exit requirements for arriving and departing travellers in response to public health risks and emergencies of international concern.

Consistent with the IHR, the Determination provides that individuals entering Australia who have been in a yellow fever risk country in the last 6 days may be required to carry and show a certificate of vaccination against yellow fever. Yellow fever is a listed human disease under the *Biosecurity Act 2015*. This list of countries is based on information provided by the WHO and will be regularly reviewed, as appropriate.

Details

1 Name of Determination

Section 1 states that the name of the amending Determination is the *Biosecurity (Entry Requirements) Amendment (Additional Screening) Determination 2018*.

2 Commencement

Section 2 states that these amendments commence on the day after the Determination is registered on the Federal Register of Legislation.

3 Authority

Section 3 states that the authority for the Determination is subsection 44(2) of the *Biosecurity Act 2015*.

4 Schedules

Section 4 states that the Schedule to the Determination will amend the relevant Schedule in the *Biosecurity (Entry Requirements) Determination 2016*.

Schedule 1 Amendments

Item 1 After Part 2 (Part 3 – Screening)

Item 1 provides a new subsection that enables individuals entering Australia to be screened to determine whether that individual may be, or may have been, infected with a listed human disease. The item allows for screening to take place if the individual:

- Has been identified in a pre-arrival report, provided under subsection 193(1) of the Act; or
- Has been identified at the landing place or port as being unwell; or
- Has been identified under the *International Health Regulations (2005)* to the Australian National Focal Point as having had, or been in contact with, a listed human disease; or
- Has a recent travel history to a country experiencing cases of a listed human disease.

Item 2 Clause 1 of Schedule 1 (at the end of the cell at table item 2, column header “countries and areas”)

Item 2 adds Corrientes Province to the areas in Argentina for which a yellow fever vaccination certificate is required for travel within 6 days prior to arrival in Australia.

Consultation

During the development of the Determination, the Department of Health consulted with the Department of Agriculture and Water Resources, the Office of Parliamentary Counsel, and state and territory health departments.

This Determination commences the day after registration on the Federal Register of Legislation.

This Determination is a legislative instrument for the purposes of the *Legislation Act 2003*. This Determination is not subject to disallowance.