

## EXPLANATORY STATEMENT

### *Biosecurity Act 2015*

#### ***Biosecurity Repeal (Human Health Response Zones) 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.

The purpose of the *Biosecurity Repeal (Human Health Response Zones) Determination 2020* (the Determination) is to repeal the three zones created for temporary quarantine of individuals who requested repatriation from Wuhan city, China, and the Diamond Princess cruise ship located at a Japanese port.

The repatriated individuals have completed their quarantine, and are no longer in the zones. The zones are therefore no longer required by the Commonwealth for the purpose of preventing, or reducing the risk of ‘human coronavirus with pandemic potential’ (COVID-19), a listed human disease under the Act, emerging, establishing itself or spreading in Australian territory or a part of Australian territory.

The Determination relies on subsection 33(3) of the *Acts Interpretation Act 1901* which supports the use of subsection 113(1) of the Act for both the making and the repeal of a zone determination. The zones were each in force for 3 months, on the basis that they would be repealed earlier if no longer necessary for their purpose.

The three zones were:

- Howard Springs Accommodation Village, Howard Springs Road, Howard Springs, in the Northern Territory, commenced 8 February 2020, *Biosecurity (Human Health Response Zone) (Howard Springs Accommodation Village) Determination 2020* (also known as the Manigurr-ma Village);
- North West Point Immigration Detention Centre, in Christmas Island, commenced 3 February 2020, *Biosecurity (Human Health Response Zone) (North West Point Immigration Detention Centre) Determination 2020*; and
- Royal Australian Air Force Base Learmonth, in Western Australia, commenced 3 February 2020, *Biosecurity (Human Health Response Zone) (Royal Australian Air Force Base Learmonth) Determination 2020* (a zone for transit on route to Christmas Island).

#### **Consultation**

In accordance with section 114 of the Act, before making the repeal determination the Director of Human Biosecurity consulted with the Chief Health Officer for the Northern Territory (Howard Springs), and Western Australia (RAAF Learmonth), and with the Director of Biosecurity.

In addition, the Chief Health Officer for Western Australia, the Department of Home Affairs, and the Administrator of Christmas Island were consulted regarding the

repeal of the zone on Christmas Island, and the Department of Defence was consulted regarding the repeal of the RAAF Base Learmonth zone.

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 repeal determination is made public by publication on the Department of Health website.

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