



PARLIAMENT of AUSTRALIA

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 **Australian Government**
Department of Agriculture
and Water Resources
ABN 24 113 085 695

XXXXXX

Biosecurity Control Order

This biosecurity control order is made in accordance with
s.353 of the *Biosecurity Act 2015*.

Period during which this order is in force:		From:	To:
Description of goods/conveyance/premises		Number/weight of goods	Origin of goods/conveyance
Location of goods /conveyance/premises (if different from above)			
Specify each pests and/or diseases that poses an unacceptable level of biosecurity risk that has been identified			
Specify the nature of biosecurity risk that needs to be managed			
Biosecurity risk assessment powers that may be exercised in relation to the goods/premises/conveyance to which this order relates:		Powers to require biosecurity measures to be taken that may be exercised in relation to the goods/conveyance/premises to which this order relates:	
<input type="checkbox"/> Give direction to secure goods or conveyance (s.317)	<input type="checkbox"/> Inspect and take samples of goods or premises (s.318)	<input type="checkbox"/> Entry and exit requirements – persons (s.333)	<input type="checkbox"/> Entry and exit requirements – goods/conveyances (s.334)
<input type="checkbox"/> Ask questions about goods or premises (s.319)	<input type="checkbox"/> Require production of documents relating to goods or premises (s.320)	<input type="checkbox"/> Treat goods (s.335)	<input type="checkbox"/> Treat goods (s.335)
<input type="checkbox"/> Movement of goods or conveyance (s.321)	<input type="checkbox"/> Affix notice to goods or conveyance (s.322)	<input type="checkbox"/> Treat premises (s.339)	<input type="checkbox"/> Treatment that may damage goods (s.336)
<input type="checkbox"/> Operate electronic equipment on premises (s.324)	<input type="checkbox"/> Expert assistance to operate electronic equipment on premises (s.325)	<input type="checkbox"/> Treatment that may damage conveyance (s.338)	<input type="checkbox"/> Treatment that may damage premises (s.340)
		<input type="checkbox"/> Export goods/conveyance (s.78 <i>Biosecurity Regulations 2016</i>)	<input type="checkbox"/> Destroy goods (s.342)
		<input type="checkbox"/> Destroy conveyance (s.343)	<input type="checkbox"/> Destroy premises (s.344)
<p>A biosecurity officer suspects, on reasonable grounds, that a disease or pest may be present in or on the goods/conveyance/premises to which this order relates, and the disease or pest poses an unacceptable level of biosecurity risk.</p> <p>I am satisfied that biosecurity measures need to be taken in relation to the goods/conveyance/premises to which this order relates for the purpose of managing the biosecurity risk posed by the pest/s and/or disease/s specified in the order.</p> <p>I am satisfied that the exercise of each power specified in this order in relation to the goods/conveyance/premises and diseases/pests to which this order relates is appropriate and adapted for the purpose of managing the biosecurity risk posed by the diseases/pests:</p>			
Name of Delegate/Subdelegate of Director of Biosecurity:		Date:	
Signature:		Time:	



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TOP SECRET

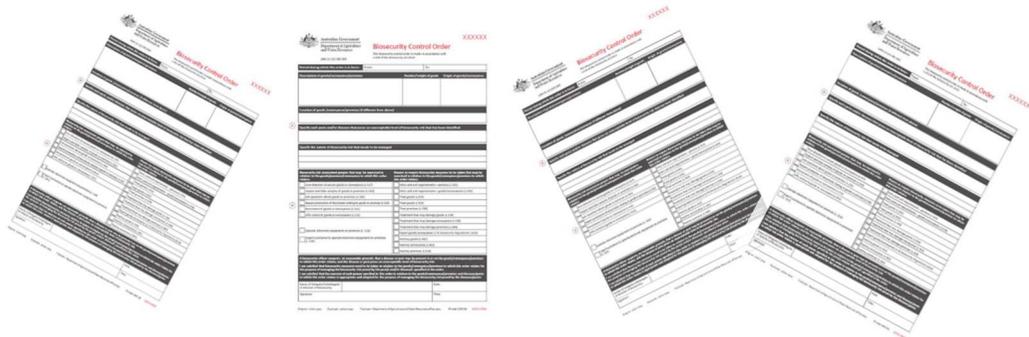
A subject of the Commonwealth of Australia may only be made subject to the "directions" of "The Chief Health Officer" or any other false authority. If that individual has been personally made subject to a detailed Bio Security Control Order.

To use intimidation, threats, or force to further a political, religious, or other ideology is an act of terrorism. According to the laws of this country.

So yes, not really a TOP SECRET however something that "TOP" people wish to keep a secret

Without a Biosecurity Control order:

The directions are as defective as the criminals giving them. Relevant sections of Biosecurity ACT 2015 SECT 8, 60, 61, 475 and 477 (3) Orders are for individuals and must be documented





COVID-19 Economic response—delegation by the Director of Human Biosecurity

Alissa Eckert, MS; Dan Higgins, MAM

Posted 14/04/2020 by Paula Pyburne

On 23 March 2020 the Parliament enacted the Coronavirus Economic Response Package Omnibus Act 2020 (Omnibus Act). Amongst other things, the Omnibus Act amends the Biosecurity Act 2015 to allow the Director of Human Biosecurity—being the Commonwealth Chief Medical Officer—to delegate some of his, or her, functions and powers about human biosecurity control orders. The relevant amendments commenced on 25 March 2020.

The Omnibus Act represents part of the Government's response to the outbreak of COVID-19, which is a listed human disease under the Biosecurity Act.

Human biosecurity control orders

Under section 60 of the Biosecurity Act, a chief human biosecurity officer, a human biosecurity officer or a biosecurity officer may impose a human biosecurity control order on an individual:

- who has one or more signs or symptoms of a listed human disease
- who has been exposed to the disease or someone who shows signs or symptoms of the disease or
- who has failed to comply with a requirement for entry into Australia, in relation to the disease.



Human biosecurity control orders are not legislative instruments which must be tabled in the Parliament. There is no legislative requirement to publish information about the number made, or the biosecurity measures to which they relate. When the COVID-19 restrictions are eventually lifted there does not appear to be a mechanism by which to measure the extent to which this power was exercised.

Biosecurity measures

A human biosecurity control order may require an individual to comply with certain biosecurity measures including:

- managing contacts—that is, providing contact information for any individual with whom the person has been in close proximity
- requiring the individual to report specified signs or symptoms of the listed human disease
- restricting behaviour—by requiring a person to go to, and remain at, the individual’s intended place of residence for a specified period
- risk minimisation interventions—such as requiring the person to wear specified clothing or equipment
- decontamination of an individual and/ or their personal effects
- undergoing an examination of a specified kind at a specified medical facility to determine the presence of a listed human disease
- requiring body samples for diagnosis and
- receiving a vaccination or treatment—including medication.



Note: Subdivision B of Division 3 of Part 3 of Chapter 2 sets out the biosecurity measures that may be included in a human biosecurity control order.

When determination ceases to have effect

(7) A determination made under [subsection](#) (1) ceases to have effect at the end of the human biosecurity emergency period, unless it is revoked earlier.



(4) Before determining a requirement under [subsection \(1\)](#), the Health Minister must be satisfied of all of the following:

(a) that the requirement is likely to be effective in, or to contribute to, achieving the purpose for which it is to be determined;

(b) that the requirement is appropriate and adapted to achieve the purpose for which it is to be determined;

(c) that the requirement is no more restrictive or intrusive than is required in the circumstances;

(d) that the manner in which the requirement is to be applied is no more restrictive or intrusive than is required in the circumstances;

(e) that the period during which the requirement is to apply is only as long as is necessary.

(5) A requirement determined under [subsection \(1\)](#) applies despite any provision of any other Australian law.

(6) A determination made under [subsection \(1\)](#) must not require an individual to be subject to a biosecurity measure of a kind set out in Subdivision B of Division 3 of Part 3 of Chapter 2.



In addition, an individual may be required by a human biosecurity control order:

- to remain isolated at a specified medical facility
- for a specified period of no more than 28 days (although a subsequent order may be given), not to leave Australian territory on an outgoing passenger aircraft or vessel.

Where a person consents to a biosecurity measure in a human biosecurity control order the consent is to be recorded in writing where possible.

Refusal to consent

The functions and powers of the Director of Human Biosecurity arise where an individual refuses to consent to the biosecurity measure (including by withdrawing his or her consent).

In that case:

- the officer making the human biosecurity control order may request the Director of Human Biosecurity to give a direction in accordance with paragraph 72(5)(a) of the Biosecurity Act for the individual to comply with the measure
- the Director of Human Biosecurity must review both the diagnosis (if any) of the listed human disease specified in the human biosecurity control order and the nature of the biosecurity measure, taking into account the reasons that the person



gives for refusing his or her consent to the measure and any other relevant matters

- having conducted that review, the Director of Human Biosecurity may give a direction for the person to comply with a biosecurity measure—or inform the person they need not comply
- a direction to comply may only be given if the Director is satisfied, on reasonable grounds, that the biosecurity measure contributes to reducing the risk of contagion of the listed human disease or the entry, emergence, establishment or spread of the listed human disease in Australian territory or a part of Australian territory.

Section 107 of the Biosecurity Act creates an offence where a human biosecurity control order has been made in respect of a person, the Director of Human Biosecurity has given a direction that the person comply with the measure and the person engages in conduct which results in the person failing to comply with the biosecurity measure which is stipulated in the control order. The maximum penalty for the offence is imprisonment for five years or 300 penalty units (\$63,000), or both.

Timing of action

Where the biosecurity measure is not an isolation measure, or a traveller movement measure the Director of Human Biosecurity must give the direction within 72 hours of the time the request was made. Otherwise the Director of



Note 1: A person who fails to comply with a requirement determined under this [subsection](#) may commit an offence (see section 479).

Note 2: For variation and revocation, see [subsections](#) 33(3) and (3AA) of the *Acts Interpretation Act 1901*.

(2) A determination made under [subsection](#) (1) is a legislative instrument, but section 42 (disallowance) of the *Legislation Act 2003* does not apply to the determination.

(3) Without limiting [subsection](#) (1), the requirements that the Health Minister may determine include the following:

(a) requirements that apply to persons, goods or conveyances when entering or leaving specified places;

(b) requirements that restrict or prevent the movement of persons, goods or conveyances in or between specified places;

(c) requirements for specified places to be evacuated;

(d) if a recommendation has been made as referred to in [paragraph](#) (1)(c)--requirements for the purposes of giving effect to the recommendation.



BIOSECURITY ACT 2015 - SECT 477

Health Minister may determine emergency requirements during human biosecurity emergency period

(1) During a human biosecurity emergency period, the Health Minister may determine any requirement that he or she is satisfied is necessary:

(a) to prevent or control:

(i) the entry of the declaration listed human disease into Australian territory or a part of Australian territory; or

(ii) the emergence, establishment or spread of the declaration listed human disease in Australian territory or a part of Australian territory; or

(b) to prevent or control the spread of the declaration listed human disease to another country; or

(c) if a recommendation has been made to the Health Minister by the World Health Organization under Part III of the International Health Regulations in relation to the declaration listed human disease--to give effect to the recommendation.



Human Biosecurity must give the direction within 72 hours of the time the person refused to consent to the measure.

There are further actions available where an individual has been given a direction under paragraph 72(5)(a) and the person still refuses to consent to the biosecurity measure.

Right of review

A person who is directed under paragraph 72(5)(a) of the Biosecurity Act to comply with an isolation measure or a traveller movement measure under a human biosecurity control order has a right to apply to the Administrative Appeals Tribunal (AAT) for merits review of the decision. A direction under paragraph 72(5)(a) may also be reviewed under the Administrative Decisions (Judicial Review) Act 1977—provided that an application is made within seven business days from the day the decision is made (unless the court allows a longer period).

Some of the provisions of the Administrative Appeals Tribunal Act 1975 (AAT Act) are modified by the operation of the Biosecurity Act. In particular section 28 (obtaining reasons for the decision) and subsections 37(1)–(1D) of the AAT Act (about lodging documents) do not apply. Instead, the Director of Human Biosecurity must lodge the relevant documents with the AAT and the person within two days. This ensures that a person who does not consent to a biosecurity measure is afforded speedy access to review.



What Schedule 5 of the Omnibus Act does

Schedule 5 to the Omnibus Act inserted section 544A into the Biosecurity Act so that the Director of Human Biosecurity is able to delegate his or her functions and powers in relation to human biosecurity control orders to an SES employee or to an acting SES employee in the Health Department who is a human biosecurity officer. A human biosecurity officer is person who has appropriate clinical expertise and is:

- an officer or employee of the Health Department
- an officer or employee of the State or Territory body responsible for the administration of health services in a State or Territory or
- a member of the Australian Defence Force.

Given a possible increase in the number of persons suffering from COVID-19 this seems a prudent measure. Further information about the operation of the Biosecurity Act is set out in the Parliamentary Library's COVID-19 Human Biosecurity Emergency Declaration Explainer.

[https://www.aph.gov.au/About Parliament/Parliamentary Departments/Parliamentary Library/FlagPost/2020/April/Delegation by the Director of Human Biosecurity](https://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/FlagPost/2020/April/Delegation_by_the_Director_of_Human_Biosecurity)



Note 2: The period specified under [paragraph \(3\)\(c\)](#) is the **human biosecurity emergency period** (see section 9).

(4) A human biosecurity emergency period:

(a) must not be longer than the period that the Health Minister considers necessary to prevent or control:

(i) the entry of the declaration listed human disease into Australian territory or a part of Australian territory; or

(ii) the emergence, establishment or spread of the declaration listed human disease in Australian territory or a part of Australian territory; and

(b) in any case, must not be longer than 3 months.

Note: A human biosecurity emergency period may be extended under section 476.



Note 2: For revocation, see [subsections](#) 33(3) and (3AA) of the *Acts Interpretation Act 1901*.

Note 3: A human biosecurity emergency declaration may be varied under section 476. [Subsection](#) 33(3) of the *Acts Interpretation Act 1901* does not apply in relation to variation of a human biosecurity emergency declaration.

(2) A human biosecurity emergency declaration is a legislative instrument, but section 42 (disallowance) of the *Legislation Act 2003* does not apply to the declaration.

Requirements for human biosecurity emergency declaration

(3) A human biosecurity emergency declaration must specify:

(a) the listed human disease to which the declaration relates; and

(b) the nature of the human biosecurity emergency and the conditions that gave rise to it; and

(c) the period during which the declaration is in force.

Note 1: The listed human disease specified under [paragraph](#) (3)(a) is the *declaration listed human disease* (see section 9).



BIOSECURITY ACT 2015 - SECT 8

8 Concurrent operation of State and Territory laws

- (1) This Act does not exclude or limit the operation of a law of a State or Territory that is capable of operating concurrently with this Act (except as referred to in subsection (2)).
- (2) Subsection (1) is subject to the following provisions:
 - (a) section 172 (prohibited goods);
 - (b) section 265 (ballast water);
 - (c) subsections 445(4), 446(4), 477(5) and 478(4) (biosecurity emergencies and human biosecurity emergencies).
- (3) Without limiting subsection (1), this Act does not exclude or limit the concurrent operation of a law of a State or Territory to the extent that:
 - (a) the law makes an act or omission:
 - (i) an offence; or
 - (ii) subject to a civil penalty; and
 - (b) that (or any similar) act or omission is also:
 - (i) an offence against a provision of this Act; or
 - (ii) subject to a civil penalty under this Act.
- (4) Subsection (3) applies even if the law of the State or Territory does any one or more of the



following, in relation to the offence or civil penalty:

- (a) provides for a penalty that differs from the penalty provided for in this Act;
- (b) provides for fault elements that differ from the fault elements applicable to the offence or civil penalty provision created by this Act;
- (c) provides for defences or exceptions that differ from the defences or exceptions applicable to the offence or civil penalty provision created by this Act.

BIOSECURITY ACT 2015 - SECT 60

Imposing a human biosecurity control order on an individual

(1) The following officers may impose a human biosecurity control order on an individual:

- (a) a chief human biosecurity officer;
- (b) a human biosecurity officer;
- (c) a biosecurity officer.

Note 1: An officer who intends to impose a human biosecurity control order on an individual has certain powers under sections 68 and 69.



BIOSECURITY ACT 2015 - SECT 475

Governor-General may declare that a human biosecurity emergency exists

(1) The Governor-General may declare that a human biosecurity emergency exists if the Health Minister is satisfied that:

(a) a listed human disease is posing a severe and immediate threat, or is causing harm, to human health on a nationally significant scale; and

(b) the declaration is necessary to prevent or control:

(i) the entry of the listed human disease into Australian territory or a part of Australian territory; or

(ii) the emergence, establishment or spread of the listed human disease in Australian territory or a part of Australian territory.

Note 1: The declaration is a *human biosecurity emergency declaration* (see section 9).



(iv) the effect of section 107 (offence for failing to comply with an order);

(j) details of a chief human biosecurity officer who can be contacted for information and support in relation to the order;

(k) any other information that the officer imposing the order considers appropriate;

(l) any other information required by the regulations.

Note: Despite [paragraph](#) (1)(h), an individual might be required to comply with a biosecurity measure for a more limited period of time (see for example section 96 (traveller movement measure)).

(2) If a human biosecurity control order ceases to be in force, [paragraph](#) (1)(h) does not prevent another human biosecurity control order from being imposed on the same individual.

(3) To avoid doubt, a human biosecurity control order that is varied must comply with [subsection](#) (1).



Note 2: Before imposing a human biosecurity control order, an officer must be satisfied of the matters referred to in section 34 (the principles).

Note 3: The Director of Human Biosecurity must be notified of the imposition of a human biosecurity control order (see section 67).

(2) A human biosecurity control order may be imposed on an individual only if the officer is satisfied that:

(a) the individual has one or more signs or symptoms of a listed human disease; or

(b) the individual has been exposed to:

(i) a listed human disease; or

(ii) another individual who has one or more signs or symptoms of a listed human disease; or

(c) the individual has failed to comply with an entry requirement in [subsection](#) 44(6) in relation to a listed human disease.

(3) To avoid doubt, an individual may fail to comply with an entry requirement in [subsection](#) 44(6) even if the individual is not able to comply with the requirement.



(4) An officer may include one or more biosecurity measures specified in Subdivision B of Division 3 in a human biosecurity control order.

Note: For the biosecurity measures that each kind of officer can impose, see section 82.

BIOSECURITY ACT 2015 - SECT 61

Contents of a human biosecurity control order

(1) A human biosecurity control order that is in force in relation to an individual must specify the following:

- (a) the ground in [subsection 60\(2\)](#) under which the order is imposed on the individual;
- (b) the listed human disease in relation to which the order is imposed on the individual;
- (c) any signs or symptoms of the listed human disease;
- (d) the prescribed contact information provided by the individual under section 69 or 70 (as the case requires);
- (e) a unique identifier for the order;



(f) each biosecurity measure (specified in Subdivision B of Division 3) with which the individual must comply, and an explanation of:

- (i) why each biosecurity measure is required; and
- (ii) in relation to a biosecurity measure included under section 89 (decontamination), 90 (examination), 91 (body samples) or 92 (vaccination or treatment)--how the biosecurity measure is to be undertaken;
- (g) any information required to be included in the order by Subdivision B of Division 3;
- (h) the period during which the order is in force, which must not be more than 3 months;
 - (i) the following:
 - (i) the effect of section 70 (requirement to notify of changes to contact information);
 - (ii) the effect of section 74 (when an individual is required to comply with a biosecurity measure);
 - (iii) the rights of review in relation to the human biosecurity control order under this Act, the [Administrative Appeals Tribunal Act 1975](#) and the [Administrative Decisions \(Judicial Review\) Act 1977](#);