



COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



HOUSE OF REPRESENTATIVES

Federation Chamber

BILLS

National Health Security Amendment Bill 2012

Second Reading

SPEECH

Tuesday, 9 October 2012

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES

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Questioner
Speaker Dutton, Peter, MP

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Mr DUTTON (Dickson) (18:54): I rise to speak on the National Health Security Amendment Bill 2012. The bill amends the National Health Security Act 2007 with respect to the regulatory arrangements for security sensitive biological agents. Firstly, the bill intends to streamline reporting requirements for entities that handle SSBA's on a temporary basis—that is, less than seven days. Secondly, it provides a secretary with discretion to remove certain handling requirements or impose certain conditions on registered facilities undertaking emergency maintenance. Thirdly, it provides the secretary with powers to impose conditions on an entity's SSBA handling during the time period allowed for an entity to take corrective action to become compliant. Fourthly, it is designed to ensure consistent reporting requirements for confirmatory tests. And, finally, it provides consistency for exempt entities in relation to reporting and handling requirements for SSBA's and suspected SSBA's.

In April 2007 COAG agreed to recommendations from the report on the regulation and control of biological agents. Primarily, this involved the implementation of a national legislative regulatory regime to minimise security and public health risks posed by SSBA's. The Department of Health and Ageing states that the aim of the regulatory scheme is to limit the opportunities for acts of bioterrorism or biocrime using harmful biological agents and to provide a legislative framework for managing the security of SSBA's. The scheme was developed to provide appropriate security and management protocols while ensuring access to these agents for those with a legitimate need. The establishment of a two-tiered regulatory arrangement, as recommended by the review, commenced on 31 January 2009 for tier 1 agents and on January 2010 for tier 2.

Tier 1 includes those of the greatest risk to our country, such as Ebola virus, SARS, smallpox and the plague. Tier 2 agents, which are considered of lesser threat, include the likes of typhoid, cholera and yellow fever. The House considered two bills in the last parliament that amended the act with respect to handling and reporting requirements for identified and suspected SSBA's and to provide for background checks for individuals handling and disposing of such agents. The coalition supports appropriate regulatory arrangements in the interests of biosecurity and safeguarding public health.

A recent media report indicates that 1,400 people have been prohibited from working in areas that handle potentially dangerous substances, such as biological agents. According to the report in the *Adelaide Advertiser*, 334,317 workers have had background checks over the past three years through the AusCheck system. Those banned from access to these materials included 447 people on the basis that they have a conviction for aggravated assault; 462 for violence; 389 for drug dealing; 203 for weapons, firearm or explosive offences; 25 for hostage taking; 16 for arson or sabotage; and 42 for armed robbery. Quite clearly it is not in the public interest for these people with these types of histories to have access to any of these items. It reinforces that this regulatory regime is very important to our country.

Schedule 1 amendments in this bill are said to reduce the regulatory burden on nonregistered facilities that only require up to seven working days in which to complete their handling. A non registered entity that presently handles a known SSBA would have to fill a registration process and then be subject to a lengthy administrative process, involving the instruction to dispose of the respective agent. As the minister mentioned in her second reading speech, this may affect hospitals or pathology diagnostic facilities.

Item 6 of schedule 1 of the bill allows an entity to provide the secretary with a temporary handling report if they intend to dispose of an agent within seven business days of handling it. They must also provide the secretary with a temporary handling disposal report at the expiry of the period of two business days after the disposal. This clause allows the secretary to impose conditions, in writing, on the handling of an SSBA by an entity that has provided a temporary handling report. It also allows for temporary handling standards, to be provided by a determination, and offence provisions for noncompliance. This in turn will exempt an entity from having to meet requirements for entities that handle security-sensitive biological agents as contained in the main act. A registered entity may provide the secretary with an emergency report if it needs to undertake

unscheduled or unplanned repairs or maintenance. The Secretary will then be able to issue a written instrument to exempt, modify or omit the requirements specified in division 5 of the act.

The Secretary can impose conditions in the declaration. The EM states this may relate to a direction to the entity not to handle the SSBA for any purpose other to store an SSBA or a requirement to move an SSBA to a registered facility if repairs are not completed within a specified time. An offence may apply to any conditions that are breached. Entities that are deemed noncompliant with relevant standards currently are subject to, as described in the EM, 'a lengthy administrative process' involving the issuing of notices, requirements to take corrective action and, if necessary, the issuing of a notice to dispose.

The bill allows the Secretary to impose conditions on an entity during this period of noncompliance. This may include but is not limited to the physical security of SSBA's, personnel security and information security. The Secretary may give written direction to an entity that does not comply with a condition to dispose of its entire holding of agents. Failure to comply with a direction to dispose of an agent is an offence.

The bill intends to remove an exemption for a registered entity to report a confirmatory testing it conducts as an initial tester. The minister has stated that this should ensure that all registered entities that undertake in-house confirmatory testing are required to provide full reporting of outcomes. I acknowledge the clarification the minister's office has provided by way of departmental advice in relation to this provision. There is also a proposed change so that exempt entities—those that handle agents for transportation purposes—are also exempt from the requirement in relation to suspected SSBA's. This ensures consistency with the act that currently provides exemptions from the requirements for known and listed agents.

The coalition supports the intent of this regulatory regime and acknowledges its importance for biosecurity. The government has stated the scheme itself and this bill have been subject to stakeholder consultation. While this is a very important bill it is obvious that the minister is not here to sum up so I welcome the Parliamentary Secretary. On the basis of that which I have contributed to the House, the coalition does not oppose this bill.