

BIOSECURITY ACT 2015

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.

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.

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;

(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).

62 - Form of a human biosecurity control order

(1) A human biosecurity control order must be in the form approved, in writing, by the Director of Human Biosecurity.

(2) A human biosecurity control order is not a legislative instrument.

63 - Giving a human biosecurity control order to an individual

(1) An officer who imposes a human biosecurity control order on an individual must cause the individual to be given a copy of the order as soon as reasonably practicable.

(2) The officer who imposes the order on the individual must ensure that the contents of the order are read out to the individual.

(3) The order ceases to be in force if:

(a) a copy of the order is not given to the individual within 24 hours of the order beginning to be in force;

or

(b) the contents of the order are not read out in accordance with subsection (2).

64 - Varying a human biosecurity control order

Who may vary a human biosecurity control order

(1) The following officers may vary a human biosecurity control order in accordance with this section:

(a) a chief human biosecurity officer;

(b) a human biosecurity officer;

(c) a biosecurity officer (subject to subsection 82(2)).

Note 1: Before varying a human biosecurity control order, an officer must be satisfied of the matters referred to in section 34 (the principles).

Note 2: The Director of Human Biosecurity must be notified of a variation of a human biosecurity control order (see section 67).

Test for varying human biosecurity control order

(2) An officer may vary a human biosecurity control order only if the officer is satisfied that:

(a) the variation contributes to reducing the risk of:

(i) contagion of a listed human disease; or

(ii) a listed human disease entering, or emerging, establishing itself or spreading in, Australian territory or a part of Australian territory; or

(b) the variation removes or varies a provision that no longer contributes to reducing such a risk; or

(c) the variation is of a minor technical nature.

When variation takes effect

(3) A variation of a human biosecurity control order takes effect immediately after the variation is made.