

## **National Health Security Amendment Bill 2012**

*Introduced into the House of Representatives on 19 September 2012*

*Portfolio: Health and Aging*

1.2 This bill amends the *National Health Security Act 2007* to enhance controls for security sensitive biological agents (SSBAs) by providing for:

- a reporting regime that will apply to entities that handle SSBAs on a temporary basis to obviate the need for those entities to comply with the full reporting regime applicable to registered entities;
- the accommodation of registered facilities undertaking emergency maintenance by removing certain handling requirements or by imposing conditions to maintain security;
- the imposition of conditions on an entity handling SSBAs during a period of non-compliance with the SSBA Standards to maintain security of SSBAs; and
- consistent exemptions for exempt entities handling SSBAs or suspected SSBAs.

1.3 The statement of compatibility states that the general purpose of the bill is to reduce the regulatory burden of certain entities and to provide greater flexibility in the management of security risks when facilities that handle SSBAs are not complying with the SSBA Standards or when emergency maintenance is required. Other proposed measures relate to providing consistent exemptions for exempt entities and the reporting of negative confirmatory testing results for suspected SSBAs by registered entities who are initial testers.

### *Right to privacy*

1.4 The statement identifies that the bill engages the right to privacy because certain provisions will require mandatory reporting to the Secretary of the Department of Health and Aging (DoHA). It notes that:

This is potentially a limitation on the right to privacy and reputation as this information will include the name and contact information of a person acting as a representative of the entity. This data is required to ensure that the report is made by an authorised representative of the entity and so that contact can be made to verify data. Contact information is held at an appropriate security level for the information obtained.

1.5 The right to privacy is protected in article 17 of International Covenant on Civil and Political Rights (ICCPR), which provides that no one shall be subjected to arbitrary or unlawful interference with their privacy. Collecting, using, storing, disclosing or publishing personal information amounts to an interference with privacy. In order for the interference not to be 'arbitrary', the interference must be

for a legitimate objective and be reasonable, necessary and proportionate to that objective.

1.6 The statement concludes that the provisions are compatible with the right to privacy because:

It is considered these rights can be justifiably limited because of the national security context of handling SSBA's. In addition, the limitations imposed by the Bill are reasonable, necessary and proportionate to the level of risk posed by the type of SSBA.

1.7 The committee considers that the bill does not appear to raise any concerns with regard to the right to privacy in article 17 of ICCPR. The provisions relating to the requirement to provide information appear to be sufficiently circumscribed and the type of information required is likely to be necessary for the effective regulation of SSBA's.

1.8 **The committee considers that the bill does not appear to raise any human rights concerns and the statement of compatibility is adequate.**