

BIO SECURITY ACT 2015 NOTES

The Bio Security Act 2015, has priority over all other legislation and operates on a legislative framework & must be used and understood in context.

Section 8 - Interacts with all states & territories and Gives itself PRIORITY over all. It does this by stating:

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

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Thus, Any state law CANNOT be inconsistent with the Bio Security Act 2015. also meaning any state law MUST be concurrent with the Bio Security Act 2015

Additionally, a Specific Caveat exists:

(2) Subsection (1) is subject to the following provisions:

(c) subsections 445(4), 446(4), 477(5) and 478(4) (biosecurity emergencies and human biosecurity emergencies).

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Subsection 1 = Means that it won't EXCLUDE the state and territory laws EXCEPT DURING AN EMERGENCY (Emergency Powers)

This means The BIO SECURITY ACT 2015 gives itself a Number 1 priority. !

When can a state of Emergency be declared?

Section 475 on a Federal Level, sets out how the governor general can do so

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.

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Thus, on the 18th of March 2020, declared a state of emergency

The states and territories can do so, AS LONG AS THEY ARE ACTING CONCURRENTLY WITH THE BIO SECURITY ACT 2015, ESPECIALLY WHEN IT COMES TO EMERGENCY DIRECTIONS

(Re: Section 8 Subsection 1)

Section 477, Sets out the requirements for the federal health minister making and determining emergency requirements during a human bio security emergency period

This is very clear as to what the health minister can decide.
In Subsection 3, it explains:

477 Health Minister may determine emergency requirements during human biosecurity emergency period

- (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;

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This means the act is RESTRICTING the emergency requirements to those things mentioned. Meaning Police cannot do things on a particular individual, that only the bio security measure can only do.

Police cannot do certain things that include:

DIAGNOSING, TAKING BODY SAMPLES, ASKING PEOPLE TO WEAR A CLOTHING OR EQUIPMENT (Such as a Mask), VACCINATING, MEDICATING, TESTING, CONTACT TRACING.

These things cannot be done to a group of people, pursuant to the BIO SECURITY ACT 2015. Why? Because we are looking at an assessment of health risks, meaning it is ONLY when Police can show that you are exposed to a risk, to the disease, or you have signs and symptoms of that disease, can a person that is AUTHORISED to do so, give you a specific requirement.

This also means NO LAWS, NO POLICY can require you, TO BE BODILY SAMPLED, VACCINATED, DETAINED, ISOLATED, MASKS, UNLESS it is under STRICT circumstances.

What are those STRICT CIRCUMSTANCES?

Section 60 - States what you need to BEFORE you impose a BIO SECURITY CONTROL ORDER on someone and WHEN you can impose it.

Section 60

Division 2—Imposing human biosecurity control orders on individuals

Subdivision A—Imposing, varying and revoking human biosecurity control orders

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.

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- (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

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Essentially it is when an individual has ONE OR MORE SIGNS of a listed human disease, or when a human has been exposed to a listed human disease, or when an individual has one or more signs of a disease, or an individual has failed to comply with an entry requirement (means if you are sick on entry into the country).

This is ONLY IF YOU ARE SICK - ONLY IF YOU HAVE SIGNS OF SYMPTOMS AND ONLY AN AUTHORIZED OFFICER CAN DO SO.

But this isn't enough...

Section 61 - Specifies what has to be on the BIO SECURITY CONTROL ORDER, that is issued to you, once we show that you are at risk. This means you have the signs and symptoms and you can contact trace the person that you have been exposed to.

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;

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ONLY THEN can you be given a number of requirements. ONLY UNDER THESE CIRCUMSTANCES! Perfectly healthy people, should not be required to do anything because the presumption under the bio security act is that **YOU ARE HEALTHY UNTIL YOU ARE PROVEN SICK** (YOU ARE INNOCENT UNTIL PROVEN GUILTY) NOT the other way around. This cannot be done on a group either.

(NOTE: If an employer/police, say to you that you MUST vaccinate or wear mask, you must ask the following questions:

- Are you an authorized officer?
- Am I a risk and has a medical practitioner assessed my infectious risk status?
- Have you issued me a specific Bio Security Control order, specifying all reasons etc...?

After they say no to all of them (because they are not Authorized officers under the bio security act)

You can answer:

YOU CANNOT REQUIRE ME TO DO ANYTHING, AS PER THE BIO SECURITY ACT 2015.

IF the Police tell you that you he is an AUTHORIZED officer, then ask the officer to initiate a BIO SECURITY CONTROL ORDER as this is REQUIRED under the BIO SECURITY ACT 2015 OR A PUBLIC HEALTH ORDER under the VICTORIAN PUBLIC HEALTH AND MENTAL WELL BEING ACT 2008

If the Police cannot do this, then they have no legal right to detain you or fine you any penalty. If they do, collect the fine and prepare to take the police to court as they have acted unlawfully.

NOTE: If Police try to challenge you on the Victorian Public Health and Mental Well Being Act 2008, produce it from the 08-46aa043 authorised.pdf

Thus, Section 61 states A human bio security control order that is enforced in relation to an individual must specify the following:

- The Ground on which the order is imposed on the individual, the listed human disease in relation to which the order is imposed on an individual
- Any signs or symptoms to be listed
- The prescribed contact information provided by the individual
- A unique identifier code, each bio security measure which the individual must comply with
- An explanation why each bio security measure is required
- Any information to be required to be included in which the order is to be enforced
- The order must not be more than 3 months and to be issued, the appropriate rights of review"

BIO SECURITY RULES - Section 88

88 Risk minimisation interventions

- (1) An individual may be required by a human biosecurity control order to wear either or both specified clothing and equipment that

Section 89

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is designed to prevent a disease from emerging, establishing itself or spreading.

- (2) The order must specify the following:
- (a) the circumstances in which the individual is required to wear the clothing and equipment;
 - (b) the period during which, or the times at which, the individual is required to wear the clothing and equipment;
 - (c) instructions for wearing the clothing and equipment.

Thus the BIO SECURITY RULES (SECTIONS 88 ~ 89) confirms that the only way an officer can require you to wear any mask, they MUST provide you with a BIO SECURITY ORDER and PROVE that you are INFECTIOUS and it is to prevent a Disease from spreading.

Basically if NO MEDICAL ASSESSMENT FROM AN AUTHORIZED OFFICER is completed, then POLICE CANNOT:

- Say 'I believe you have been exposed and you are a risk" or
- Just give you a generic ID code and
- ask for your contacts
- claim your health status
- Restrict behavior
- What types of clothing/Equipment you must wear (eg. Masks or PPE)
- Decontamination

A BIO SECURITY CONTROL ORDER MUST BE ISSUED FIRST !!! THIS IS THE LAW !!!
IT IS CLEARLY WRITTEN IN THE BIO SECURITY ACT 2015 !!! THERE IS NO CONTEST !!!

NOTE: Importantly in Australia we have RIGHTS OF REVIEW, they just don't go away simply if government wants to say nah during this occasion your rights go away..

There is something called a balance, we need to be balanced because we do not have the statistics around us to jump to an unbalanced state. There are LAWS that are to be followed.

Note that there are RCTs (Randomized Controlled Trials) which clearly state that there are issues wearing cloth masks all day long in the community, they aren't effective and we don't have high quality data.

SECTIONS 90, 91, 92. 93 and 93

Police CANNOT just say they believe you were infected or you are infectious, they have to PROVE IT, THEY CANNOT.

90 Undergoing an examination

An individual may be required by a human biosecurity control order to undergo, at a specified medical facility, a specified kind of examination relating to determining the presence in the individual of:

- (a) the listed human disease specified in the order; and
- (b) any other listed human disease.

Note: For the manner in which this biosecurity measure must be carried out, see section 94.

91 Requiring body samples for diagnosis

- (1) This section applies if an individual has undergone an examination under section 90.
- (2) The individual may be required by a human biosecurity control order to provide, at a specified medical facility, specified body samples for the purpose of determining the presence in the individual of:
 - (a) the listed human disease specified in the order; and
 - (b) any other listed human disease.

Note: For the manner in which this biosecurity measure must be carried out, see section 94.

Requirements for samples

- (3) The regulations must prescribe requirements for taking, storing, transporting, labelling and using body samples provided under subsection (2).

Note: The regulations may prescribe offences and civil penalties in relation to a failure to comply with a prescribed requirement (see subsection 645(2)).

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92 Receiving a vaccination or treatment

An individual may be required by a human biosecurity control order to receive, at a specified medical facility:

- (a) a specified vaccination; or
- (b) a specified form of treatment;

in order to manage the listed human disease specified in the order, and any other listed human disease.

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93 Receiving medication

- (1) An individual may be required by a human biosecurity control order to receive specified medication in order to manage the listed human disease specified in the order, and any other listed human disease.

Note: For the manner in which this biosecurity measure must be carried out, see section 94.

- (2) The order must specify:
 - (a) how much medication is to be taken; and
 - (b) how long the medication is to be taken for.

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94 Appropriate medical or other standards to be applied

A biosecurity measure set out in section 90 (examination), 91 (body samples), 92 (vaccination or treatment) or 93 (medication) must be carried out in a manner consistent with either or both of the following (as the case requires):

- (a) appropriate medical standards;
- (b) appropriate other relevant professional standards.

95 No use of force to require compliance with certain biosecurity measures

Force must not be used against an individual to require the individual to comply with a biosecurity measure imposed under any of sections 85 to 93.

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Note: Force may be used in preventing an individual leaving Australian territory in contravention of a traveller movement measure (see section 101) or in detaining a person who fails to comply with an isolation measure (see section 104).

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96 Traveller movement measure

- (1) An individual may, for a specified period of no more than 28 days, be required by a human biosecurity control order not to leave Australian territory on an outgoing passenger aircraft or vessel.

Note: For provisions relating to traveller movement measures, see Subdivision C.

Traveller movement measure ceasing to be in force before human biosecurity control order

- (2) If a traveller movement measure ceases to be in force, subsection (1) does not prevent another traveller movement measure from being included in the same human biosecurity control order.

When traveller movement measure ceases to be in force

- (3) A traveller movement measure ceases to be in force at the earliest of the following times:
 - (a) at the end of the period specified under subsection (1);
 - (b) the time when the human biosecurity control order ceases to be in force;
 - (c) the time when the order is varied to remove the measure;
 - (d) the time when the order is revoked.

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97 Isolation measure

- (1) An individual may be required by a human biosecurity control order to remain isolated at a specified medical facility.

Note 1: A non-Australian citizen who is required to remain isolated is entitled to consular assistance under section 102.

Note 2: A person who does not comply with an isolation measure that the person is required to comply with may be detained under Subdivision B of Division 4.

- (2) An isolation measure included in a human biosecurity control order under subsection (1) may be made conditional on a person refusing

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IF POLICE CITE THE VICTORIAN PUBLIC HEALTH AND MENTAL WELL BEING ACT 2008

Public health and mental well being act 2008 is also being used to force unlawful impositions on Victorians.

They are using Section 200...

HOWEVER: THERE ARE STILL REQUIREMENTS !!!

Section 117 - States that an Authorized officer Must issue a person a public health order It states "The chief health officer having regarded the fact that specified in subsection 2 make a public health order..... has infectious disease....in the likely behavior of that person." It states the FACTORS that need to be considered.

Basically YOU ARE HEALTHY UNTIL PROVEN SICK !!! It can't be willy nilly, it can't be because a police officer says you are sick, it must be PROVEN SCIENTIFICALLY !
And just because you MAY test positive, does NOT mean you are INFECTIOUS !!!
(Note: Tests are NOT confirming diagnosis, we need to be told how many people recovered.)

What is in a PUBLIC HEALTH ORDER?

- IT MUST BE IN WRITING
(NOTE: POLICE CAN'T SAY HERE I HEREBY NOW GIVE YOU A PUBLIC HEALTH ORDER EITHER)
- IT MUST IDENTIFY THE PERSON TO WHO IT APPLIES
- SPECIFY THE PURPOSE OF THE ORDER
- SPECIFY THE INFECTIOUS DISEASE
(Which the Chief Health Officer believes the person has been exposed to)
- EXPLAIN WHY THE CHIEF HEALTH OFFICER BELIEVES THAT THE PERSON IS INFECTED WITH AN INFECTIOUS DISEASE OR CIRCUMSTANCES WHERE THE PERSON HAS BEEN EXPOSED TO ANOTHER PERSON WITH AN INFECTIOUS DISEASE
- SPECIFY THE PERIOD
- EXPLAIN THE PERSON'S RIGHTS AND ENTITLEMENTS UNDER THE ACT AND THE PROCESS FOR APPLICATION TO REVIEW UNDER VCAT
- CONTAIN THE STATEMENT THAT THE PERSON SHOULD SEEK LEGAL ADVICE
- AND EXPLAIN THAT IF THE PERSON DOES NOT COMPLY WITH THE ORDER THAT THE PERSON COMMITS AN OFFENSE LIABLE TO PENALTY POINTS NOT EXCEEDING 120 PENALTY POINTS

It goes on in relation to the types of things you can do, INCLUDING

- REFRAINING FROM VISITING A PLACE
- RESIDING IN A SPECIFIED PLACE
- REFRAINING FROM SPECIFIED FORMS OF BEHAVIOR
- SUBMITTING TO SUPERVISION OF A PERSON NOMINATED INCLUDING ATTENDING MEETINGS
- RECEIVING A PROFILAXIS INCLUDING A SPECIFIED VACCINATION
- UNDERGOING SPECIFIED PHARMALOGICAL TREATMENT OF THE INFECTIOUS DISEASE FROM A REGISTERED MEDICAL PRACTITIONER
- SUBMIT TO BEING DETAINED OR ISOLATED AS SPECIFIED

THIS ALSO CONTRADICTS SECTION 200 !!! IN THIS SAME LEGISLATION

POLICE CANNOT !!! DETAIN ANYONE, WILLY NILLY !!!

IT IS AGAINST VICTORIAN LEGISLATION IT IS AGAINST THE LAW !!!

So when you are told you are REQUIRED to do something (eg wear a mask, where you going)
You MUST ask:

- HAVE I BEEN ISSUED THE RIGHT DOCUMENTATION?
- DO I HAVE AN INFECTIOUS DISEASE STATUS AND HAS IT BEEN RULED A RISK?

ONLY THEN can you be ordered to do certain things...

NO DOCUMENTATION, NO RIGHT FOR POLICE TO DETAIN OR DO ANYTHING TO YOU !!!