

The Hon Scott Morrison MP
Prime Minister and Minister for Public Service
PO Box 6022
House of Representatives
Parliament House
Canberra ACT 2600

Dear Prime Minister,

We write to you regarding the recent decision to prohibit arrivals from India under the *Biosecurity Act (2015)*, and the consequences that under Section 477 of that Act, Australian citizens attempting to travel back to Australia will now face a 5-year jail term, a fine of \$66,000 or both. Whilst the growing case numbers in India are a serious cause for alarm, the Federal Government's response is not proportionate and sets a dangerous precedent of barring Australian citizens from the right to return home.

Background

On 30 April 2021, the Chief Medical Officer (CMO) sent the Minister for Health and Aged Care a letter, recommending the Minister execute emergency requirements under subsection 477(1) of the Biosecurity Act to prevent or control entry into Australia by the COVID-19 virus from India. On this date, the Health Minister made the Biosecurity Determination 2021 which put in the place the ban until 15 May 2021.

Notably, the CMO admits that **“quarantine leakage presents a significant risk to the Australian community”** and that, alarmingly “Australia’s quarantine and health resources needed to prevent and control COVID-19 introduced into Australia from international arrivals are **limited**”.

Alternate solutions

The CMO’s letter highlights that the current quarantine arrangements are not capable of meeting the current threat level. As a matter of urgency, the Australian

Health Protection Principal Committee is requested to provide advice to the Parliament as to the suitability of permanent large-scale quarantine facilities for managing surge capacity.

This was a specific recommendation of the National Review of Hotel Quarantine commissioned by the National Cabinet in 2020 and carried out by Jane Halton. In that report, tabled to National Cabinet on 23 October 2020, Recommendation 6 advises:

“The Australian Government should consider the establishment a national facility for quarantine to be used for emergency situations, emergency evacuations or urgent scalability”¹

Howard Springs was identified as one such facility, however, we understand that the surge capacity has been consumed by everyday quarantine needs. The Halton Review highlighted that this facility could quarantine up to 3,000 people, yet it is our understanding that it is currently operating at less than two thirds of capacity.

We call on the Commonwealth Government to urgently expand Howard Springs to its maximum capacity and implement the surge capacity. We also request the Government establish further facilities that are safe, reliable and available for increasing quarantine needs.

The Commonwealth has the overriding responsibility under the Section 51(ix) of the Constitution and the *Quarantine Act (1908)* for managing quarantine. We understand that the existing arrangements of primarily state co-ordination of quarantine via hotels have been in place for twelve months and were agreed to by the National Cabinet.

The Commonwealth was put on notice of the need to develop greater quarantine capacity. The current hotel quarantine response is simply not adequate.

¹ <https://www.health.gov.au/sites/default/files/documents/2020/10/national-review-of-hotel-quarantine.pdf>

We therefore call on the Government to:

1. Revoke the Biosecurity (Human Biosecurity Emergency) (Human Coronavirus with Pandemic Potential) (Emergency Requirements—High Risk Country Travel Pause) Determination 2021 dated 30 April 2021
2. Urgently repatriate Australians currently in India, starting with those most vulnerable to COVID-19
3. Establish a dedicated surge capacity quarantine facility.

Signed,

	
Adam Bandt MP Federal Member for Melbourne	Helen Haines MP Federal Member for Indi
	
Rebekha Sharkie MP Federal Member for Mayo	Zali Steggall MP Federal Member for Warringah
	
Andrew Wilkie MP Federal Member for Clark	Bob Katter MP Member for Kennedy
	
Senator Rex Patrick Senator for South Australia	Senator Stirling Griff Senator for South Australia