

## OPEN AGENDA PUBLIC DOCUMENT

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### Memorandum for Executive Council

**SUBJECT**

*Port (Health)(Amendment) Bill 2017*

Memorandum by Chairman, Public Health Committee

- ADVICE SOUGHT**
- Council is asked to ratify the decision of the Public Health Committee giving the Air Access Directorate the mandate to provide drafting instructions to the Attorney General for the purpose of introducing amendments to the Port (Health) Ordinance and associated Regulations.**
- BACKGROUND & CONSIDERATIONS**
- The introduction of an operational, international airport on St Helena has highlighted the need to consider revision of the Port (Health) Ordinance.
  - The Port (Health) Ordinance and the associated Regulations deal with hygiene and sanitation requirements on ships only. The Ordinance provides for Public Health personnel acting as Health Officers to inspect the vessels, inhibit landing, destroy contaminated items or require disinfection.
  - The Ordinance and the Regulations are now outdated. The Ordinance was enacted in 1906 and only last updated in 1967.
  - Since 15 June 2007, the World Health Organization's (WHO) International Health Regulations (IHR) 2005 came into force, replacing the IHR 1969. One of the consequences of the IHR is that ship sanitation certificates have replaced derating certificates which means that there are now more complex enquiries including food safety controls, ballast water, medical facilities, sewage, potable water, standing water, waste and vector control.
  - The IHR 1969 were concerned chiefly with three infectious diseases (cholera, plague and yellow fever) and for a long time were recognised as ineffective in dealing with a wider range of public health risks such as Severe Acute Respiratory Syndrome (SARS), or threats from contamination rather than infectious disease. The same ineffectiveness can be said of St Helena's Port Health legislation that was also only concerned chiefly with the three infectious diseases.
  - There is also currently no legal authority for a Health Officer to inspect aircrafts, make measures to control the spread of infection or contamination, inhibit disembarkation, require disinfection, etc. at airports. This presents a danger to public

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health with the introduction of air access.

### FINANCIAL IMPLICATIONS

8. Accordingly, with the introduction of air access to the Island, it is recommended that the existing legislation is brought up-to-date to reflect the risks presented by more modern diseases and to be amended to include protective measures in respect of air access.
9. There are no known negative financial implications. Further procedures for aircraft will need to be developed by the Public Health directorate but these will compliment processes and procedures already introduced by this directorate (for example, disinfection of aircraft). The Bill will give authorised officers the ability to stop and inspect ships and aircraft in respect of public health and safety

### ECONOMIC IMPLICATIONS

10. There are no known negative economic implications.

### CONSISTENCY WITH INVESTMENT POLICY PRINCIPLES

11. By having an adequate system to deal with potential health threats by air access to St Helena, the following investment policies are advanced:

2- Support an economy which is accessible to all potential investors and promote investments across the economy.

### PUBLIC / SOCIAL IMPACT

12. The proposed amendments will restrict the movement of persons who are (or could potentially be) carriers of communicable diseases. As such, it may have a negative impact on the freedom of movement of certain individuals, but this will be only a proportionate response to the protection of the population of the Island.

### ENVIRONMENTAL IMPACT

13. The proposed amendments are designed to improve border control in respect of communicable diseases, and as such, will positively contribute towards the protection of St Helena's unique environment. It will also bring the Ordinance up-to-date in regards to tackling modern-day diseases and epidemics that are prevalent in the world today.

### PREVIOUS CONSULTATION / COMMITTEE INPUT

14. The Public Health Committee considered this proposal on 6 September 2017 and has given a mandate, for ratification by Executive Council, for the Bill to be drafted in recognition of the importance of ensuring the Island's borders are protected from the threat of communicable disease.

15. If the mandate is ratified, it is proposed that the work on the Bill will be carried out in time to be presented to the Public Health Committee in October and to Executive Council in late October or early November.

16. ExCo is asked to provisionally direct the Bill to be presented to the Legislative Council Meeting of 15 December 2017.

### PUBLIC REACTION

17. It is anticipated that this Bill will be largely welcomed by the public since the suggested amendments are designed to tighten

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controls on communicable diseases that could enter the Island by sea or air.

### **PUBLICITY**

18. These amendments are necessary to update existing maritime law and to introduce similar requirements for aviation. Public consultation is not considered to be necessary for aviation-related issues, however the public may feel it wishes to make comment on the changes to maritime-related issues given the importance of maritime activities in St Helena. Therefore a summary of the changes being proposed will be developed for public information and delivered through the usual media channels. If Council should feel it necessary, a consultative process specifically targeting the fishing and maritime industries through the arrangement of a meeting with interested parties may be considered beneficial.

### **SUPPORT TO STRATEGIC OBJECTIVES**

19. This Bill serves to facilitate air access, which is central to the Island's 10-year Plan and thus supports all of the Island's Strategic Objectives.

**OPEN /CLOSED  
AGENDA ITEM**  
Corporate Support  
Corporate Services  
*DATE OF MEMO*

Open Agenda.

DFT  
21.09.2017