

OPEN AGENDA

Copy No:

No: 82/2017

Memorandum for Executive Council

SUBJECT

Port and Aerodrome (Health) Bill 2017

Memorandum by Cllr Thomas

ADVICE SOUGHT

1. Council is asked to consider the attached Port and Aerodrome (Health) Bill, 2017, and to recommend publication in advance of its presentation at the next session of the Legislative Council commencing 19th December 2017.

BACKGROUND & CONSIDERATIONS

2. The introduction of an operational, international airport on St Helena has highlighted the need to consider health risks.
3. The current law in force dealing with these matters is the Port (Health) Ordinance and associated Regulations. These deal with hygiene and sanitation requirements on ships only. That Ordinance provides for Public Health personnel acting as Health Officers to inspect the vessels, inhibit landing, destroy contaminated items or require disinfection.
4. That Ordinance and the Regulations are now outdated. The Ordinance was enacted in 1906 and only last updated in 1967.
5. 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 of this 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.
6. 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 to that of St Helena's Port Health legislation that was also only concerned chiefly with the three infectious diseases.
7. There is also currently no legal authority for the 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 health with the introduction of air access.

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FINANCIAL IMPLICATIONS

8. This Bill is fit for regulating sea as well as air access to the Island. It incorporates up-to-date standard practice to reflect the risks presented by more modern diseases and includes protective measures in respect of potential risks.
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, disinsection 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 sea and 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 Bill 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 allow for up-to-date methods to tackle 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 gave a mandate, which has been ratified by Executive Council on 3 October 2017, 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. The Bill has been drafted with minimum delay. It was presented to the Public Health Committee by email on 6 December 2017 and the members of the Committee have recommended that it be presented to Executive Council asap.
16. If Executive Council makes the recommendation requested, then HE the Acting Governor will need to issue a Certificate of Urgency to accompany the Bill so that it can be presented as Government Business at the Legislative Council Meeting commencing 19 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. An Explanatory Note is enclosed to assist anyone reading the Bill.

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 National Goals.

OPEN /CLOSED AGENDA ITEM

Corporate Support
Corporate Services

DATE OF MEMO

Open Agenda.

DFT
08.12.2017