

Open Agenda

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Memorandum for Executive Council

SUBJECT **PORT AND AERODROME (HEALTH) (AMENDMENT)
BILL, 2020**

Memorandum by the Chairman of the Public Health Committee

ADVICE SOUGHT Council is asked to consider and advise whether the Port and Aerodrome Health (Amendment) Bill, 2020 (Annex A) should be printed, published and presented as Government Business at the next formal meeting of the Legislative Council on 28th February 2020.

BACKGROUND & CONSIDERATIONS

1. The risk of Coronavirus and measures needed to address or prevent an outbreak on St Helena are being considered through the Executive Resilience Committee.
2. A plan or details of procedures to be used to prevent or address an outbreak is expected from the relevant person later this week. It is expected this will involve new Regulations or amendments to existing Regulations. These will be primarily under the Port and Aerodrome (Health) Ordinance for matters arising at the port and the airport and under the Public Health Ordinance for matters arising on St Helena.
3. Although it is not certain until full details of the plans are received, changes to Ordinances, aside from those addressed here, are not at this stage anticipated. The changes in this Bill have been identified as urgent.
4. This Bill will —
 - (a) Define “Chief Magistrate” so that an application to the Court for detention is not limited to being heard by the Chief Magistrate. The new definition will be that of Justice in the Magistrates Court Ordinance. This will allow for Lay Justices to hear applications. This is urgent as for a short period of time, beginning this week, St Helena will not have a Chief Magistrate.
 - (b) Make provisions to extend the periods of detention before an application for detention is made to the Court. At present the following detention time limits apply before an application is

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made to the Court for an Order for Detention:

- (i) 6 hours if a medical assessment is required for the purposes of risk assessment.
- (ii) 5 hours after this for the application to be prepared and made.

The Director of Health and Chief of Police have indicated that if a number of suspected cases arose at the same time this time period would be insufficient. The proposed amendment allows for these periods to be each extended to a total of 12 hours if agreed by the Chief Magistrate (or Justice as per definition). Given the need to be proportional when interfering with individuals' liberty this is considered an advisable upper total amount of time (before a Court Order is made) and the required agreement of the Court for an extension of time in these areas gives a safeguard.

- (c) Amend the definition of "proper officer" and provide for the appointment of a "proper officer". Under the Ordinance only a proper officer can conduct the risk assessment, including detention and medical examinations. Due to the current definition of proper officer only the Chief Medical Officer, Chief Veterinary Officer and Environmental Protection Officer are proper officers. The Director of Health and Chief of Police have identified that they need more officers for this to be workable. The proposed Amendment is that proper officers are now appointed by the Governor following a recommendation from the Director of Health. This allows for the appointment of a number of additional officers.

FINANCIAL IMPLICATIONS

5. There are no new financial implications arising from this. The Bill extends laws that are already in existence.

ECONOMIC IMPLICATIONS

6. No new implications.

CONSISTENCY WITH INVESTMENT POLICY PRINCIPLES

7. N/A

PUBLIC/ SOCIAL IMPACT

8. The proposed Bill will not give rise to any additional public/social impact.

ENVIRONMENTAL IMPACT

9. The proposed Bill will not have any environmental impact.

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PREVIOUS CONSULTATION/ COMMITTEE INPUT

10. The Bill was approved by the Public Health Committee on 24 February 2020.

PUBLIC REACTION

11. There may be some interest from the public as this involves measures to address infectious diseases. The Amendment Bill will need to be explained appropriately to the public.

PUBLICITY

12. ExCo's decision will be covered in the media briefing following the meeting.

SUPPORT TO STRATEGIC OBJECTIVES

13. N/A

LINK TO SUSTAINABLE ECONOMIC DEVELOPMENT PLAN GOALS

14. N/A

OPEN/CLOSED AGENDA ITEM

15. This paper is for the open agenda.

DFT

Corporate Support
Corporate Services

24th February 2020

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