

EXPLANATORY STATEMENT
Select Legislative Instrument No. 118, 2015

Quarantine Act 1908

Quarantine Amendment (Notification of Disease) Regulation 2015

The *Quarantine Act 1908* (the Act) provides the legislative basis for human, plant and animal quarantine activities. The *Quarantine Regulations 2000* (the Principal Regulations) are the legislative basis for controlling the entry of humans, animals, plants and other goods of quarantine concern into Australia.

Subsection 22(1)(a) of the Act provides for the prescribing of symptoms and diseases. Subsection 87 of the Act provides that the Governor-General may make regulations which are necessary for giving effect to the Act. Subsection 6(2) of the Principal Regulations provides for the listing of prescribed diseases.

The *Quarantine Amendment (Notification of Disease) Regulation 2015* (the Amendment Regulation) amends subsection 6(2) of the Principal Regulations to add Middle East respiratory syndrome (MERS) to the list of prescribed diseases.

MERS is a coronavirus that was first identified in September 2012 and has been circulating primarily in the Middle East, causing significant morbidity and mortality in humans. As a new disease, modes of transmission and reservoirs are not yet fully understood, however it appears to be spread through close contact with an infected person.

The effect of the amendment is to ensure that appropriate measures under the Act may be taken to deal with threats to human health from MERS. Such measures include requiring the master of a vessel or aircraft to declare the presence or suspicion of an outbreak of disease, allowing for additional quarantine measures to be undertaken as appropriate.

The Act specifies no conditions that need to be satisfied before the power to make the Amendment Regulation may be exercised.

The Department of Health has consulted with the Department of Agriculture, the Department of Immigration and Border Protection, and the Office of Parliamentary Counsel in developing this amendment.

The Amendment Regulation is a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.

The Amendment Regulation commences on the day following registration on the Federal Register for Legislative Instruments.

Authority: Subsection 87 of the *Quarantine Act 1908*

Statement of Compatibility with Human Rights

Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011

Quarantine Amendment (Notification of Disease) Regulation 2015

This legislative instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011* because it advances the protection of human rights.

This legislative instrument engages Article 2 and 12 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) by assisting with the progressive realisation by all appropriate means of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.

The legislative instrument provides the means of protecting public health in Australia through preventing entry, emergence, establishment and spread of MERS in the Australian community.