

EXPLANATORY STATEMENT

Quarantine Act 1908

Quarantine Legislation Amendment (Quarantinable Diseases) Proclamation 2015

The *Quarantine Act 1908* (the Act) provides the legislative basis for human, plant and animal quarantine activities. The *Quarantine Proclamation 1998*, the *Quarantine (Christmas Island) Proclamation 2015*, and the *Quarantine (Cocos Island) Proclamation 2015* (the Proclamations) are the legislative basis for controlling the entry of humans, animals, plants and other goods of quarantine concern into Australia, Christmas Island and Cocos Island.

Subsection 13(1)(ca) of the Act provides that the Governor-General may declare by proclamation a disease to be a quarantinable disease.

The *Quarantine Legislation Amendment (Quarantinable Diseases) Proclamation 2015* (the Amendment Proclamation) amends section 21 (table 9, after item 1B) of the *Quarantine Proclamation 1998*, section 11 of the *Quarantine (Christmas Island) Proclamation 2015* and section 11 of the *Quarantine (Cocos Island) Proclamation 2015*, to add Middle East respiratory syndrome (MERS) to the list of quarantinable diseases in Australia, Christmas Island and Cocos Island.

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 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 disease surveillance and reporting systems at Australian international entry ports, enforcing appropriate quarantine measures if suspected cases of disease are identified, and enforcing appropriate disinfection measures on aircraft and ships or port facilities.

The Act specifies no conditions that need to be satisfied before the power to make the Amendment Proclamation 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 Proclamation is a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.

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

Authority: Subsection 13(1)(ca) 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

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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.