

EXPLANATORY STATEMENT

National Health Security Act 2007

National Health Security (National Notifiable Disease List) Amendment (Human Coronavirus with Pandemic Potential) Instrument 2020

Authority

The *National Health Security Act 2007* (the Act) provides for a national system of public health surveillance.

Subsection 11(1) of the Act provides that the Minister must, by legislative instrument, establish a list of diseases, to be called the National Notifiable Disease List (NNDL).

Subsection 11(3) provides that the Minister for Health may vary the list by adding a disease if the Minister considers that an outbreak of the disease would be a public health risk.

Subsection 11(5) provides that in making or varying the list, the Minister must consult the Commonwealth Chief Medical Officer and each State or Territory Health Minister.

Purpose

The purpose of the *National Health Security (National Notifiable Disease List) Amendment (Human Coronavirus with Pandemic Potential) Instrument 2020* is to permanently add 'human coronavirus with pandemic potential' to the NNDL.

Background

The novel coronavirus outbreak (COVID-19) poses a significant public health risk to Australia due to the potential for human to human transmission, severity of illness and wide spread geographical distribution of cases.

'Human coronavirus with pandemic potential' was temporarily listed on the NNDL under subsection 12(1) of the *National Health Security Act 2007*. The *National Health Security (National Notifiable Disease List) Amendment Instrument 2020* provided for temporary listing of the disease and was effective from 11 February 2020 for up to six months. As there is a need to understand the epidemiology and pathogenesis of human coronaviruses with pandemic potential to inform public health and control measures, the ongoing and permanent listing of 'human coronavirus with pandemic potential' will enable notification of confirmed cases to public health authorities and ensure information is passed on quickly so that response measures could be put in place rapidly.

Consultation

The Commonwealth Minister for Health has consulted the Commonwealth Chief Medical Officer and with each State and Territory Health Minister. The proposed addition has been endorsed by the Communicable Diseases Network Australia, the Australian Health Protection Principal Committee and the Australian Health Ministers' Advisory Council.

This Amending Instrument commences immediately after registration of this instrument.

This Amending Instrument is a legislative instrument for the purposes of the *Legislation Act 2003*.

Details of the Instrument

1 Name of Instrument

Section 1 states that the Instrument is the *National Health Security (National Notifiable Disease List) Amendment (Human Coronavirus with Pandemic Potential) Instrument 2020*.

2 Commencement

Section 2 provides for the Amending Instrument to commence immediately after this instrument is registered.

3 Authority

Section 3 provides that subsection 11(3) of the *National Health Security Act 2007* provides authority for the making of this Instrument.

4 Schedule

Section 4 provides that each instrument that is specified in a Schedule to the instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to the instrument has effect according to its terms.

SCHEDULE 1 - AMENDMENTS

Section 1 to Schedule 1 repeals subsection 6(1) (table item 25A), and substitutes with 'Human coronavirus with pandemic potential'.

Section 2 to Schedule 1 repeals section 6 (note) and substitutes with:
In relation to the disease human coronavirus with pandemic potential:

- (a) COVID-19 is the name given by the World Health Organization to this disease; and
- (b) Severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) is the name given by the International Committee on Taxonomy of Viruses to the virus that causes this disease.

Statement of Compatibility with Human Rights

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

National Health Security (National Notifiable Disease List) Amendment (Human Coronavirus with Pandemic Potential) Instrument 2020

The *National Health Security (National Notifiable Disease List) Amendment (Human Coronavirus with Pandemic Potential) Instrument 2020* (the Amending 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*.

Overview of the Amending Instrument

The Amending Instrument amends the *National Health Security (National Notifiable Disease List) Instrument 2018* (the Principle Instrument) to assist the national surveillance of ‘human coronavirus with pandemic potential’.

The amendment permanently lists ‘human coronavirus with pandemic potential’ making this disease nationally notifiable. This will make a clear statement of intent about the public health priority of the disease.

These amendments do not make any substantive changes to the law.

Human rights implications

The Amending Instrument engages the human right of everyone to the enjoyment of the highest attainable standard of physical and mental health.

This instrument promotes the right to health as it deals with notifiable diseases, and support the rapid investigation and control of communicable disease outbreaks and other matters relating to public health.

Conclusion

The Amending Instrument is compatible with human rights because it promotes protection of the right to the enjoyment of the highest attainable standard of physical and mental health.

Hon Greg Hunt

Commonwealth Minister for Health