EXPLANATORY STATEMENT

National Health Security Act 2007

National Health Security (National Notifiable Disease List) Amendment (Andes virus infection) Instrument 2026

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 12(1) of the Act provides that if the Director-General of the Australian Centre for Disease Control (CDC) considers that an outbreak of a disease would be a public health risk, then the Director-General of the CDC may vary the NNDL by temporarily adding a disease.

Under subsection 12(4) of the Act, such a variation ceases to have effect at the end of a period of 6 months after the variation commences unless the Minister has made a determination under subsection 12(6) of the Act.

Purpose

The purpose of the *National Health Security (National Notifiable Disease List) Amendment (Andes virus infection) Instrument 2026* (the Amending Instrument) is to amend the *National Health Security (National Notifiable Disease List) Instrument 2018* to temporarily add 'Andes virus infection' to the NNDL.

Background

Hantaviruses are a family of viruses that cause serious and often fatal viral zoonotic disease in humans. These infections have been detected in all inhabited continents except Australia. On 2 May 2026, a cluster of severe respiratory illness onboard a cruise ship in the Atlantic Ocean was reported to the World Health Organization (WHO). The virus was identified as Andes virus (ANDV). Typically, hantaviruses are transmitted to people from rodents, however ANDV has been the only hantavirus to date determined to cause secondary, human-to-human transmission.

The introduction of ANDV into Australia, including the potential for severe illness in people infected, and possible human-to-human transmission associated with ANDV, poses a public health risk to Australia. Andes virus infection was made a Listed Human Disease under the *Biosecurity (Listed Human Diseases) Determination 2026* commencing on 12 May 2026.

Inclusion of 'Andes virus infection' on the NNDL will enable notification of cases (and provision of relevant de-identified case information) from Andes virus in

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Australian states and territories to the Australian CDC to inform and support a coordinated response through accurate, timely data reporting and analysis and dissemination through established governance structures.

Adding the disease to the NNDL enables the sharing of information about cases of the disease between States and Territories and the Commonwealth, the WHO and relevant member states. Where information that is shared includes personal information, the Act provides for the use, disclosure and recording of the personal information to be restricted. Notification of cases to public health authorities will ensure that information is passed on quickly so that response measures can be put in place rapidly.

Consultation

The Director-General of the CDC has consulted with the Australian Health Protection Committee (AHPC) and Communicable Diseases Network Australia (CDNA) in relation to the addition of Andes virus infection to the NNDL.

This Amending Instrument commences the day after it is registered.

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

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ATTACHMENT

Details of the Instrument

1 Name of Instrument

This section states that the Amending Instrument is the *National Health Security (National Notifiable Disease List) Amendment (Andes virus infection) Instrument 2026*.

2 Commencement

This section provides for the Amending Instrument to commence the day after it is registered.

3 Authority

This section provides that subsection 12(1) of the *National Health Security Act 2007* provides authority for the making of this Amending Instrument.

4 Schedule

This section provides for the amendment of the instrument listed in Schedule 1.

SCHEDULE 1 – AMENDMENTS

National Health Security (National Notifiable Disease List) Instrument 2018

Item 1
Item 1 inserts a new item 1A 'Andes virus infection' before item 1 in the table contained in subsection 6(1) of the *National Health Security (National Notifiable Disease List) Instrument 2018*.

Item 2
Item 2 adds a Note at the end of subsection 6(1), which explains that pursuant to subsection 12(4) of the Act, the temporary addition of Andes virus infection to the National Notifiable Disease List (NNDL) ceases to have effect at the end of a period of 6 months after the variation commences unless the Minister has made a determination under subsection 12(6) of the Act. Under subsection 12(6) of the Act, the Minister may determine that the variation continues to have effect if certain requirements are met under subsection 12(6) of the Act.

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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 (Andes virus infection) Instrument 2026

The *National Health Security (National Notifiable Disease List) Amendment (Andes virus infection) Instrument 2026* (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 temporarily amends the *National Health Security (National Notifiable Disease List) Instrument 2018* (the Principal Instrument) to improve the national public health surveillance of 'Andes virus infection'.

The temporary amendment adds 'Andes virus infection' to the Principal Instrument, making this disease nationally notifiable until the temporary amendment ceases to have effect at the end of the period of 6 months after the Amending Instrument commences.

Adding 'Andes virus infection' to the National Notifiable Disease List enables the sharing of information about cases of the disease between States and Territories and the Commonwealth, the World Health Organization and relevant member states. Where information that is shared includes personal information, the *National Health Security Act 2007* (the Act) provides for the use, disclosure and recording of the personal information to be restricted.

Human rights implications

The Amending Instrument engages the following human rights:

- the right to privacy contained in Article 17 of the International Covenant on Civil and Political Rights, related to protection from arbitrary or unlawful interference with privacy; and
- the right to the enjoyment of the highest attainable standard of physical and mental health under Article 12 of the International Covenant on Economic, Social and Cultural Rights.

The Amending Instrument is consistent with the right to privacy, as the Act provides that personal information regarding cases of 'Andes virus infection' is protected information, with an associated offence provision for unauthorised use or disclosure. The Act permits the lawful sharing of personal information to support public health surveillance. The Act ensures that the impact on individual privacy is not arbitrary and is proportionate to the protection of public health.

The Amending Instrument promotes the right to health as it assists to protect public health in Australia by assisting with the exchange of information, including personal information in accordance with the provisions in the Act, to support public health surveillance. The Amending Instrument also supports 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 the right to the enjoyment of the highest attainable standard of physical and mental health and is consistent with the right to privacy.

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