

## **EXPLANATORY STATEMENT**

### **National Health Security (National Notifiable Disease List) Instrument 2008**

Issued by Authority of the Minister for Health and Ageing

*National Health Security Act 2007*

National Notifiable Disease List under section 11

### **Purpose**

The *National Health Security Act 2007* (the Act) provides for the establishment of the National Notifiable Disease List in a legislative instrument made by the Minister for Health and Ageing.

### **Legislative Provisions**

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

In developing the NNDL, the Minister is required to consult with the Commonwealth Chief Medical Officer and each State and Territory Health Minister (s.11(5)).

### **Background**

The Act was passed by the Parliament on 20 September 2007.

The Act aims to:

- provide for the exchange of public health surveillance information between the Commonwealth and other jurisdictions and with the World Health Organization (WHO) to enhance the early identification of, and timely responses to, public health events of national or international significance (Part 2);
- ensure Australia's compliance with the International Health Regulations 2005 (IHR) that came into effect in June 2007 and which aim to prevent, protect against, control and provide a public health response to the international spread of disease in ways which avoid unnecessary interference with international trade and traffic; and
- establish a national scheme for the registration and regulation of laboratories handling security-sensitive biological agents (Part 3).

### **Operation**

The diseases on the NNDL are nationally accepted by Commonwealth, State and Territory health authorities as notifiable diseases that should be reported. These diseases are currently reported in a de-identified format under existing public health surveillance arrangements. The Act does not prevent de-identified, or non personal, information about the occurrence of diseases listed on the NNDL being exchanged via existing routine reporting networks (s.15).

The occurrence of a disease on the NNDL will constitute a public health event of national significance. A 'public health event of national significance' is defined to mean any of the listed events which includes the occurrence of one or more cases of a disease listed on the NNDL. This circumstance triggers the provisions in Part 2 of the Act and enables protected information including personal information, to be exchanged, if required, in exceptional

circumstances. In practice, sharing personal information will be the exception; for example, where disclosure is required in public health emergencies for contact tracing.

The NNDL may be varied by the Minister by adding (s.11(3)(a)) or removing (s.11(3)(b)) a disease, or by making a temporary addition to the list (s.12). Any variation to the NNDL will be a legislative instrument (see sections 11(4), 12(2) and 12(7)).

The National Health Security Agreement, established under section 7 of the Act, will support the practical operation of the public health surveillance provisions. The Agreement will include criteria to assist the States and Territories to identify the circumstances in which occurrences of diseases on the NNDL should be reported to the National Focal Point, in the Office of Health Protection of the Department of Health and Ageing, for further assessment. An example of these circumstances is if the information is required for referral to the WHO or because a coordinated national response may be required.

## **Timing**

This Instrument commences on 28 March 2008.

## **Consultation**

Subsection 11(5) of the Act requires the Minister to consult with the Commonwealth Chief Medical Officer and each State and Territory Health Minister in making or varying this list. Those consultations have been undertaken.

In addition, there were extensive consultations in developing the NNDL between Commonwealth, State and Territory health department representatives through the Communicable Diseases Network Australia (CDNA) and the Australian Health Protection Committee (AHPC) to gain consensus on diseases to be included on the NNDL.

## **Description of the Instrument**

### **Section 1 Name of Instrument**

This section provides the name of the Instrument.

### **Section 2 Commencement**

This section provides for the Instrument to commence on commencement of Part 2 of the Act.

### **Section 3 Definition**

This section provides a definition of 'Act' to mean the *National Health Security Act 2007*.

### **Section 4 Establishment of the National Notifiable Disease List**

This section provides that Schedule 1 establishes the National Notifiable Disease List.

## **SCHEDULE 1 NATIONAL NOTIFIABLE DISEASE LIST**

### **Part 1 Definition**

This part defines terms used in Part 2 of Schedule 1.

### **Part 2 Diseases**

This part lists the diseases that form the National Notifiable Disease List under the following headings:

- Division 2.1 Bloodborne diseases**
- Division 2.2 Gastrointestinal diseases**
- Division 2.3 Quarantinable diseases**
- Division 2.4 Sexually transmissible diseases**
- Division 2.5 Vaccine preventable diseases**
- Division 2.6 Vectorborne diseases**
- Division 2.7 Zoonoses**
- Division 2.8 Other bacterial diseases**
- Division 2.9 Diseases under national surveillance performed by custodians other than the Department of Health and Ageing**