

EXPLANATORY STATEMENT

National Health Security Act 2007

National Health Security (National Notifiable Disease List) Amendment (Vectorborne Diseases) Instrument 2014

Authority

Section 11(1) of the *National Health Security Act 2007* (the Act) provides that the Minister must establish, by legislative instrument, a list of diseases, to be called the National Notifiable Disease List (NNDL). Section 11(3) provides that the Minister may vary, by legislative instrument, the NNDL by adding or removing a disease in certain circumstances.

Purpose

This instrument seeks two variations to the NNDL:

1. Adding the disease chikungunya

Chikungunya is a mosquito-borne alphavirus that has the potential to become established as an endemic disease in Australia. Closely related to Ross River virus infection and Barmah Forest virus infection, it has clinical similarities to dengue, including occasional cases with haemorrhagic manifestations. Treatment is symptomatic and there is no vaccine.

Chikungunya is an emerging disease in many parts of South and South-East Asia including recent large-scale outbreaks in Papua New Guinea and Tonga. The vectors of chikungunya virus are known to occur in the Torres Strait (the mosquito species *Aedes albopictus*) and in northern coastal areas of Queensland (the mosquito species *Aedes aegypti*). Laboratory studies show that other mosquito species present in Australia (*Coquillettidia linealis*, *Aedes vigilax* and *Aedes procax*) may also be competent vectors for chikungunya virus.

To better monitor any local transmission of chikungunya in Australia national surveillance is essential, which requires the addition of chikungunya to the NNDL.

2. Changing the name of a disease currently on the NNDL from 'Arbovirus (NEC)' to 'Flavivirus (unspecified)'

National data for the Flavivirus family of diseases is currently captured through the case definition used for Arbovirus (NEC). The Arbovirus (NEC) category comprises a taxonomically diverse range of viruses described solely by mode of transmission. However, one case definition cannot easily define the range of viruses and their diagnostic criteria, nor their clinical, public health and animal health significance. Consequently, an Arbovirus (NEC) case definition must be non-specific and is, therefore, not effective for national surveillance purposes.

Changing the disease name ‘Arbovirus (NEC)’ to ‘Flavivirus (unspecified)’ will provide a catch-all category for flaviviruses. This is particularly important because it is recognised that some infections cannot be attributed to a single flavivirus and these cases remain unspecified. Flavivirus (unspecified), therefore, is definable and will allow more effective national surveillance for this family of diseases.

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 the NNDL. Those consultations have been undertaken.

The former Standing Council on Health was consulted in January 2014 and unanimously endorsed the proposed variations to the NNDL in February 2014.

This instrument is a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.

The instrument will take effect on the day after it is registered on the Federal Register of Legislative Instruments.

Authority: Section 11(3) of the
National Health Security Act 2007

Details of the Instrument

1 Name of Instrument

Section 1 states that the name of the amending instrument is the *National Health Security (National Notifiable Disease List) Amendment (Vectorborne Diseases) Instrument 2014*.

2 Commencement

Section 2 states that the amendments commence the day after the instrument is registered.

3 Authority

This instrument is made under subsection 11(3) of the *National Health Security Act 2007*.

4 Schedule 1 - Amendments

This section provides for the amendment of the instrument as set out in Schedule 1.

SCHEDULE 1 - AMENDMENTS

Schedule 1 substitutes Division 2.6 of Schedule 1 of the *National Health Security (National Notifiable Disease List) Instrument 2008* with the new Division 2.6 – Vectorborne diseases. The amendments include the addition of chikungunya and a name change of a disease from ‘Arbovirus (NEC)’ to ‘Flavivirus (unspecified)’.

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 (Vectorborne Diseases) Instrument 2014

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*.

Overview of the Legislative Instrument

This Legislative Instrument amends the National Notifiable Disease List (NNDL) to improve the national surveillance of two diseases.

There are two amendments. The first amendment adds the disease chikungunya to the NNDL, making this disease nationally notifiable. This will improve the national surveillance of the transmission of chikungunya and increase confidence in the completeness of data received for this disease.

The second amendment changes the name of a disease currently listed on the NNDL from 'Arbovirus (NEC)' to 'Flavivirus (unspecified)'.

Changing the disease name 'Arbovirus (NEC)' to 'Flavivirus (unspecified)' will provide a catch-all category for flaviviruses and will allow more effective national surveillance for this family of diseases.

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

Human rights implications

This Legislative Instrument does not engage any of the applicable rights or freedoms.

Conclusion

This Legislative Instrument is compatible with human rights as it does not raise any human rights issues.

The Hon Peter Dutton MP

Minister for Health