**EXPLANATORY STATEMENT**

*National Health Security Act 2007*

*National Health Security (National Notifiable Disease List) Amendment Instrument 2015 (No. 1)*

**Authority**

Subsection 11(1) of the *National Health Security Act 2007* (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 may vary the NNDL by adding or removing a disease in certain circumstances.

**Purpose**

The *National Health Security (National Notifiable Disease List) Amendment Instrument 2015 (No. 1)* makes two variations to the NNDL:

1. Adding the disease Middle East Respiratory Syndrome Coronavirus (otherwise known as MERS-CoV)

MERS-CoV is a serious and potentially fatal disease in humans. It may cause severe pneumonia with acute respiratory distress syndrome and multi-organ failure, particularly in older people with a range of underlying conditions.

The disease was first reported in humans in 2012. The mode or modes of transmission of MERS-CoV are not fully understood. Camels are suspected to be the primary source of human infections and there have been multiple clusters of cases in which human-to-human transmission has occurred, particularly in health-care facilities.

There is an urgent need to understand the epidemiology and pathogenesis of MERS-CoV to inform public health response and control measures. Notification of cases to public health authorities would ensure that information is passed on quickly so that response measures could be put in place rapidly.

1. Changing the name of a disease currently on the NNDL from ‘Poliomyelitis’ to ‘Poliovirus infection’

Poliomyelitis is a nationally notifiable disease and has been on the NNDL since its commencement on 28 March 2008. The case definition for poliomyelitis was revised in 2010 to make the laboratory detection of polioviruses from non-paralytic conditions notifiable. The case definition was split into two parts – ‘Poliomyelitis (paralytic infection)’ and ‘Poliovirus (non-paralytic) infection’. The revised case definition was endorsed by the Communicable Disease Network Australia (CDNA) in September 2010 and implemented by all jurisdictions effective 1 January 2011.

The NNDL names ‘poliomyelitis’ as the notifiable disease. Poliomyelitis should be replaced with ‘Poliovirus infection’ to more accurately reflect the notifiable paralytic and non-paralytic infections.

**Consultation**

Subsection 11(5) of the Act provides that the Minister must consult with the Commonwealth Chief Medical Officer and each State or Territory Health Minister in making or varying the NNDL.  Those consultations have been undertaken.

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: Subsection 11(3) of the

 *National Health Security Act 2007*

**ATTACHMENT**

**Details of the Instrument**

 **1    Name of Instrument**

This section states that the name of the amending instrument is the *National Health Security (National Notifiable Disease List) Amendment Instrument 2015 (No. 1)*.

 **2    Commencement**

This section states that the amendments commence the day after the instrument is registered.

 **3    Authority**

This section states that the 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 repeals Division 2.3 of Schedule 1 of the *National Health Security (National Notifiable Disease List) Instrument 2008* and substitutes it with the new Division 2.3– Quarantinable diseases, which includes the disease ‘Middle East Respiratory Syndrome Coronavirus (otherwise known as MERS-CoV)’.

Schedule 1 amends the name to a disease contained in Division 2.5 of Schedule 1 of the *National Health Security (National Notifiable Disease List) Instrument 2008* from ‘Poliomyelitis’ to ‘Poliovirus infection’.

**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 Instrument 2015 (No. 1)***

The *National Health Security (National Notifiable Disease List) Amendment Instrument 2015 (No. 1)* (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 2008* (the Principle Instrument) to improve the national surveillance of two diseases.

There are two amendments. The first amendment adds the disease ‘Middle East Respiratory Syndrome Coronavirus (otherwise known as MERS-CoV)’ to the Principle Instrument, making this disease nationally notifiable. This will improve the national surveillance of the epidemiology and pathogenesis of MERS-CoV to inform public health response and control measures. Notification of cases to public health authorities would ensure that information is passed on as quickly as possible so that response measures could be put in place rapidly.

The second amendment changes the name of a disease currently listed in the Principle Instrument from ‘Poliomyelitis’ to ‘Poliovirus infection’.

Changing the disease name ‘Poliomyelitis’ to ‘Poliovirus infection’ will more accurately reflect the notifiable paralytic and non-paralytic infections.

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

**Human rights implications**

The Amending Instrument does not engage any of the applicable rights or freedoms.

**Conclusion**

The Amending Instrument is compatible with human rights as it does not raise any human rights issues.

**The Hon Sussan Ley MP**

**Minister for Health**