**EXPLANATORY STATEMENT**

*National Health Security Act 2007*

*National Health Security (National Notifiable Disease List) Amendment 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 12(1) provides that if a disease outbreak is considered a public health risk, the Commonwealth Chief Medical Officer (CMO) may make temporary additions to the list, effective for a period of six months.

**Purpose**

The purpose of the *National Health Security (National Notifiable Disease List) Amendment Instrument 2020* is to add ‘human coronavirus with pandemic potential’ to the NNDL.

**Background**

Since it was first reported in Wuhan, China, on 31 December 2019, the novel coronavirus outbreak (2019-nCoV) 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 coronaviruses with pandemic potential, such as 2019-nCoV, are serious and potentially fatal diseases in humans. Coronaviruses may cause severe pneumonia with acute respiratory distress syndrome and multi-organ failure, particularly in older people with a range of underlying conditions.

There is an urgent need to understand the epidemiology and pathogenesis of human coronaviruses with pandemic potential, such as 2019-nCoV, 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.

**Consultation**

The Commonwealth Chief Medical Officer is not required to consult with State and Territory Health Ministers for temporary additions to the NNDL. The proposed addition has however, been endorsed by the Communicable Diseases Network Australia, the communicable disease expert committee of the Australian Health Protection Principal Committee.

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.*

**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 Instrument 2020*.

 **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 Instrument.

 **4   Schedule**

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

**SCHEDULE 1 - AMENDMENTS**

Schedule 1 inserts a new item 25A after Item 25 ‘Human coronavirus with pandemic potential’ in the table to subsection 6(1), in section 6.

Schedule 1 inserts the accompanying note after section 6, stating ‘Human coronavirus with pandemic potential ceases to be on the National Notifiable Disease List at the end of the period of 6 months after the *National Health Security (National Notifiable Disease List) Amendment Instrument 2020* took effect due to subsection 12(4) of the *National Health Security Act 2007*.’

**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 2020*

The *National Health Security (National Notifiable Disease List) Amendment 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 2008* (the Principle Instrument) to improve the national surveillance of ‘human coronavirus with pandemic potential’.

The amendment adds ‘human coronavirus with pandemic potential’ to the Principle Instrument, 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.

**Professor Brendan Murphy**

**Commonwealth Chief Medical Officer**