

EXPLANATORY STATEMENT

National Health Security Act 2007

National Health Security (National Notifiable Disease List) Amendment (No. 1) Instrument 2021

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 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 (No. 1) Instrument 2021* makes two variations to the NNDL:

1. Adding invasive group A streptococcal disease

Invasive group A streptococcal disease (iGAS) is a serious bacterial infection. It can cause a range of syndromes including streptococcal toxic-shock syndrome, necrotising fasciitis, pneumonia, retropharyngeal abscess, septic arthritis, and meningitis, and has a high morbidity and mortality. There are a number of groups in the community at increased risk of infection, including the elderly, young children, pregnant and-post-partum women, and Aboriginal and Torres Strait Islander peoples.

Notification of cases to public health authorities would enable surveillance of iGAS with the aim of better identifying, responding to and managing the public health risks associated with outbreaks and clusters.

2. Adding respiratory syncytial virus infection

Respiratory syncytial virus (RSV) causes infections of the lungs and respiratory tract that are usually mild, but can cause more severe infections such as bronchiolitis and pneumonia. It is a highly communicable disease with a significant disease burden, especially amongst young infants and older people, and higher infection rates occur in Aboriginal and Torres Strait Islander peoples.

Notification of cases to public health authorities would enable better understanding of the epidemiology and burden of RSV and inform public health response and control measures.

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.

The proposed additions have been endorsed by the Communicable Diseases Network Australia, the Australian Health Protection Principal Committee and Health Chief Executive Officers in each State and Territory.

This Amending Instrument commences on 1 July 2021.

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

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 (No. 1) Instrument 2021*.

2 Commencement

Section 2 provides for the Amending Instrument to commence on 1 July 2021.

3 Authority

Section 3 provides that subsection 11(3) of the *National Health Security Act 2007* provides authority for the making of this Instrument.

4 Schedule

Section 4 provides for the amendment of the instrument as set out in Schedule 1.

SCHEDULE 1 - AMENDMENTS

Schedule 1 repeals subsection 6(1) of the *National Health Security (National Notifiable Disease List) Instrument 2018* and substitutes it with the new subsection 6(1) which includes the diseases ‘Group A streptococcal disease – invasive (iGAS)’ and ‘Respiratory syncytial virus (RSV) 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 (No. 1) Instrument 2021

The *National Health Security (National Notifiable Disease List) Amendment (No. 1) Instrument 2021* (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 2018* (the Principle Instrument) to improve the national surveillance of two diseases.

There are two amendments. The first amendment adds the disease ‘Group A streptococcal disease – invasive (iGAS)’ to the Principle Instrument, making this disease nationally notifiable. Notification of cases to public health authorities would enable surveillance of iGAS with the aim of better identifying, responding to and managing the public health risks associated with outbreaks and clusters.

The second amendment adds the disease ‘Respiratory syncytial virus (RSV) infection’ to the Principle Instrument, making this disease nationally notifiable. Notification of cases to public health authorities would enable better understanding of the epidemiology and burden of RSV and inform public health response and control measures.

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.

The Hon Greg Hunt MP

Minister for Health