

Explanatory Statement

Public Health (Notifiable Conditions) Determination 2022 (No 2)

Disallowable Instrument DI2022-237

made under the

Public Health Act 1997, s 100 (Notifiable Conditions – Ministerial determination)

The *Public Health Act 1997* (the Act), Part 6 (Notifiable conditions and public health hazards) provides for the monitoring and investigation of notifiable conditions so that public health action may be carried out in order to minimise the adverse public health effects of such conditions.

Under subsection 100 (1) of the Act the Minister may in writing, determine-

- (a) a disease or medical condition to be a notifiable condition; and
- (b) a disease referred to in paragraph (a) to be a transmissible notifiable condition.

This instrument adds Monkeypox to the list of notifiable diseases. The determination is a disallowable instrument for the purposes of the *Legislation Act 2001*.

Monkeypox has been a temporary notifiable condition following a declaration by the Chief Health Officer on 27 May 2022. Under section 101(3) of the Act, a declaration as a temporary notifiable condition can remain in force for not longer than 6 months, meaning the temporary declaration will conclude on 1 November 2022.

The Australian Chief Medical Officer declared Monkeypox to be a Communicable Disease of National Significance on 28 July 2022. This followed the World Health Organization declaring the global situation regarding Monkeypox to be a public health emergency of international concern. Accordingly, these declarations are indicative that Monkeypox continues to represent a public health threat such that its status as a notifiable condition must apply beyond 1 November 2022.

Furthermore, the listing of “Respiratory illness in **three** or more related cases in an institution within 72 hours” has been amended to be “respiratory illness in **two** or more related cases in an institution within 72 hours” to align with updated national guidance for Residential Aged Care Facilities (RACFs) that were recently endorsed by the Australian Health Protection Principal Committee. This also aligns with the amended Code of Practice for the Reporting of Notifiable Conditions.

The first two sections of the code of practice address the obligation to report notifiable conditions and details who is obliged to report. Section 3 of the code of practice details notification requirements. Sections 4 and 5 describe the public health response to notifications and issues related to privacy and disclosure of information. Section 6 provides an explanation of the definitions used in the code of practice. These provisions have undergone minor editorial changes from the previously determined code of practice.