

Explanatory Statement

Public Health ('COVID-19' AKA 'Novel Coronavirus' – Temporary Notifiable Condition) Determination 2020 (No 1)

Disallowable Instrument DI2020-18

made under the

Public Health Act 1997, s 101 (a) and (b) (Notifiable Conditions – temporary status)

Part 6 of the *Public Health Act 1997* (the Act) 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 101 (1) of the Act, the Chief Health Officer may declare in writing -

- (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 declares COVID-19 - originally known as novel coronavirus (2019-nCoV) - to be a transmissible notifiable condition. Accordingly, confirmed and suspected cases of COVID-19 must be notified by persons to whom Division 6.2 of the Act applies.

In order to prevent uncertainty, the instrument is clear that the disease now known as COVID-19 is notifiable irrespective of the name or identifier given to it. As such, persons to whom Division 6.2 of the Act applies must notify ACT Health regardless of whether the name or identifier is known differently to them or is being referred differently elsewhere. This recognises that although COVID-19 was previously referred to as novel coronavirus (2019-nCoV), or may at a later stage also be referred to differently, the disease is the same and as such the notification obligations are the same.

Based on information and advice provided by both the World Health Organization (WHO) and the Commonwealth Department of Health, the Chief Health Officer has formed the belief that declaration of COVID-19 as a transmissible notifiable condition is necessary to protect public health.

An outbreak of a new strain of coronavirus that had not been previously identified in humans was first identified by Chinese authorities on 7 January 2020 in Wuhan City, Hubei Province, China. In response to the growth of the outbreak the WHO declared the outbreak a Public Health Emergency of International Concern (PHEIC) on 30 January 2020, and on 12 February 2020 the WHO has assigned the disease the name COVID-19.

The epidemiology and full clinical picture of COVID-19 is still emerging. Current information suggests the infection presents with a fever and respiratory symptoms, including cough, shortness of breath, and sore throat. Some cases have developed more severe disease (such as pneumonia and severe acute respiratory distress syndrome) requiring hospitalisation, and a number of cases (predominantly in mainland China) have died. Some cases have also reported a milder clinical illness with no fever.

The original source of the virus has not yet been definitively identified, but it is thought that it came from an animal source at a seafood and live animal market in Wuhan City in Hubei Province, China. Person-to-person transmission via respiratory droplets is now occurring.

There is currently no vaccine and no treatment for COVID-19. Standard disease control measures for respiratory viruses, such as hand washing, covering mouth and nose when coughing and sneezing, and staying home when unwell are general recommendations for preventing the spread of the disease.

Notification of COVID-19 will allow identification and implementation of disease control measures to contain the spread of the disease in the absence of an effective vaccine or treatment.

DI2017-211 on the ACT Legislation Register is the Public Health (Reporting of Notifiable Conditions) Code of Practice 2017 (the Code of Practice). That Code of Practice sets out by when, to whom, and how notifications of notifiable conditions are to occur. The Code of Practice sorts notifiable conditions into two groups, with those in ‘Group A’ needing to be notified immediately by telephone and then followed by written notification within five days.

Clause 4 of this instrument confirms that notifications of COVID-19 will, for the period that this declaration is in operation, be subject to the same notification obligations and arrangements as ‘Group A’ notifiable conditions in the Code of Practice.

Due to the change of disease name from novel coronavirus (2019-nCoV) to COVID-19 this instrument has been prepared to replace DI2020-14. In doing so it will revoke DI2020-14 upon commencement. However, as the instruments are essentially identical in operation and substance this instrument is effective only until 3 August 2020, which is when DI2020-14 would have expired.

The determination is a disallowable instrument for the purposes of the *Legislation Act 2001*. A decision was made not to set an expiration period or period of operation in the instrument. Instead the instrument relies upon section 101(3)(b)(ii) of the Act, which means that this instrument will remain in force for 6 months beginning on its notification date.