

Australian Capital Territory

Explanatory Statement

Public Health (Monkeypox – Temporary Notifiable Condition) Declaration 2022 (No 1)

Disallowable Instrument DI2022-64

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 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 monkeypox to be a transmissible notifiable condition. Accordingly, confirmed, and suspected cases of monkeypox virus infection must be notified by persons to whom Division 6.2 of the Act applies.

Based on information from the World Health Organization (WHO) and the identification of confirmed cases in Australia, the Chief Health Officer has formed the belief that declaration of monkeypox virus infection as a transmissible notifiable condition is necessary to protect public health. Monkeypox virus infection is notifiable to the WHO by member states.

Two cases of monkeypox virus infection have recently been confirmed in Australia: one in Victoria and the other in NSW. Neither case has had recent travel to endemic areas in Africa, which would ordinarily be typical of monkeypox virus infection. However, both cases had recent travel to Europe and/or the United Kingdom, both of which are non-endemic regions where there has been an increase in cases. Monkeypox virus is transmissible by direct, close contact with the broken skin or mucous membranes of a case, including sexual contact, or via fomites. The emergence of monkeypox virus infection cases in several non-endemic countries indicates a need for increased public health surveillance to better understand the epidemiology, morbidity, sources of infection and transmission patterns to contain spread and protect the public.

A case of monkeypox can be defined and national case definitions are rapidly being developed. There is no alternative surveillance mechanism for monitoring monkeypox in the ACT.

Monkeypox is a new and rapidly emerging disease in Australia, with the potential to cause outbreaks.

Monkeypox usually causes a mild illness, however severe cases can occur. Young children, pregnant people, and people with immunocompromise may be at increased risk of severe disease.

Treatment of monkeypox virus infection is supportive. There are no accessible, monkeypox virus-specific treatment options currently available in Australia. There is no monkeypox virus-specific vaccine available, however smallpox vaccines have been demonstrated to provide some protection against monkeypox virus infection and are recommended for use as post-exposure prophylaxis (PEP) or as prevention in individuals at high risk of exposure. The smallpox vaccine available in Australia, is a live vaccinia virus vaccine that may provide benefit in protecting high-risk individuals but requires specific training to administer and cannot be given to certain high-risk groups, such as individuals with severe immunodeficiency and pregnant women. The vaccine has significant side effects – consequently, administration of PEP requires an individual risk-benefit assessment.

For PEP to be effective at preventing development of disease, it needs to be given within a limited period following last exposure, necessitating timely notification of monkeypox cases to ACT Health.

The spread of monkeypox virus infection can be prevented through infection prevention and control measures including personal protective equipment use, contact tracing and management, and vaccination of high-risk individuals or use as PEP.

In response to the public health risks posed by the detection of cases of monkeypox virus infection within Australia, the NSW Minister for Health has made an order amending Schedules 1 and 2 of the NSW *Public Health Act 2010* to include monkeypox virus infection as a scheduled medical condition and notifiable disease. This temporary declaration will ensure the approach within the ACT remains consistent with that in NSW. Other jurisdictions are considering making monkeypox notifiable.

Notification of monkeypox virus infection will allow identification and implementation of disease control measures to contain the spread of monkeypox virus infection, if detected in the ACT.

DI2022-19 on the ACT Legislation Register is the Public Health (Reporting of Notifiable Conditions) Code of Practice 2022 (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 monkeypox virus infection 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.

The determination is a disallowable instrument for the purposes of the *Legislation Act 2001*. An expiration period of 1 November 2022 has been set, which is a date not longer than 6 months from commencement its notification date as is required under section 101(3)(b)(i) of the Act.