



The Hon Mark Butler MP
Minister for Health and Aged Care

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Ms Susan Templeman MP
Chair
Standing Committee on Petitions
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Dear Chair

Thank you for your correspondence regarding Ministerial Petitions EN4203, EN4255, EN4266, EN4236, EN5009, EN5028, EN5029, EN5048.

The World Health Organization (WHO) is, and remains, a Member State-led organisation. Let me assure you that under international law, Member States such as Australia retain sovereignty regarding their public health policies. The WHO has no legal authority to force countries to accept any of its recommendations and can only provide aid and assistance at Member States' requests. Australian law can only be changed by an act of the Parliament, not by any international treaty or other legal instrument.

The Australian Government is dedicated to strengthening national and global pandemic prevention, preparedness and response, and is committed to working with the Australian public and the international community to be better prepared for the next pandemic. As referred to in the Ministerial Petitions referenced above, two major reforms through the WHO are being considered: the development of a new international instrument on pandemic preparedness, prevention and response, such as a treaty; and targeted amendments to strengthen the implementation of the International Health Regulations (2005) (IHR). These processes will work to close gaps identified through independent reviews of the global response to the COVID-19 pandemic.

The intent of the new instrument is to strengthen the international community's efforts in preventing, preparing for and responding to future pandemics. The new instrument provides an opportunity to reduce the risk and impact of health threats, such as that posed by COVID-19 by strengthening global health systems and disease surveillance, while enhancing equity and future pandemic response. Australia is actively engaged in the Intergovernmental Negotiating Body (INB), which is drafting and negotiating the new instrument. For further information about the work of the INB please visit <https://apps.who.int/gb/inb>.

This new instrument is distinct from the IHR. The IHR is an existing legal framework that defines countries' rights and obligations in handling infectious disease outbreaks, public events and emergencies that have the potential to cross borders. In May 2022, Member States, including Australia, agreed at the World Health Assembly to establish a working group to consider targeted amendments to the IHR - the Working Group on Amendments to the IHR (WGIHR).

These amendments will enable the IHR to remain responsive to evolving public health threats and strengthen the ability of countries to co-operate internationally to prepare for and respond to infectious disease outbreaks. Australia is actively participating in negotiations through the WGIHR. Further information about the work of the WGIHR is available at www.who.int/health-topics/international-health-regulations.

We are working across both negotiation processes to ensure that reforms align with Government priorities and the national interest. The Government will consult widely across government, with Australian stakeholders and the community throughout negotiations to ensure Australia's and our region's interests are preserved and our priorities advanced.

Any new instrument or amendments to the IHR will be subject to parliamentary scrutiny and consideration by the Joint Standing Committee on Treaties (JSCOT). This includes Article 59 of the IHR, which was agreed by WHO Member States at the World Health Assembly in 2022. As part of its process in scrutinising proposed treaties, JSCOT undertakes further consultation by inviting submissions from stakeholders and members of the public. Any changes to Australian law to implement the new instrument or IHR amendments would also have to be considered and passed by Parliament.

It is important to note that the Australian Constitution can only be changed by referendum, which requires a public vote by the people of Australia in accordance with the requirements of section 128 of the Constitution. The Government is not considering a referendum be held on this matter at this time.

Further information about the above global health reform processes is available at www.health.gov.au/our-work/strengthening-global-health-and-international-pandemic-response.

Thank you for writing on this matter.

Yours sincerely

Mark Butler

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