



# Frequently Asked Questions – International Instrument on Pandemic Prevention, Preparedness and Response

Frequently Asked Questions on the development of a new pandemic instrument (also known as the pandemic treaty) on pandemic preparedness, prevention and response.

## What is the new pandemic instrument?

The new international instrument on pandemic preparedness, prevention and response is sometimes also called a:

- pandemic treaty
- pandemic accord
- pandemic agreement

An Intergovernmental Negotiating Body (INB) was established by the World Health Assembly to draft and negotiate a new international convention, agreement or other instrument (for example, a treaty), on pandemic prevention, preparedness, prevention and response. All 194 WHO Member States are able to participate in the INB, including Australia.

## Why do we need a new pandemic instrument?

The purpose of the new pandemic instrument is to strengthen the international community's efforts in responding to future pandemics. The development of a new instrument was driven by the impact of the COVID-19 pandemic and the need to ensure communities, governments and the global community are better prepared in the future.

The agreement to develop a new instrument followed a number of independent reports, including from the Independent Panel for Pandemic Preparedness and Response, which recommended the development of a new instrument, such as a treaty, to strengthen global health systems.

More information on the Independent Panel for Pandemic Preparedness and Response can be found here: [The Independent Panel for Pandemic Preparedness and Response](#).

## **Has the new pandemic instrument been signed?**

No. The pandemic instrument is currently under development and negotiation. All 194 Member States of the WHO, including Australia, are able to participate in the negotiations. The negotiated text of a new pandemic instrument is expected to be considered for adoption at the 77th World Health Assembly in 2024.

## **Will Australia become a party to the pandemic instrument?**

Australia is actively involved in the Intergovernmental Negotiating Body, which is drafting and negotiating the new pandemic instrument. The Australia Government will advocate for our interests and priorities to be reflected in the new instrument and will make a decision on whether to agree to the pandemic instrument once it has been finalised.

The pandemic instrument will be considered by WHO Member States at the 77th World Health Assembly in 2024.

In accordance with Australia's treaty-making process, the instrument will be subject to appropriate government and parliamentary processes and scrutiny before binding action is taken.

## **Will the pandemic instrument replace or change Australia's Constitution?**

No. The Australian Constitution may only be changed by referendum, which requires a national vote by the Australian people in accordance with the requirements of section 128 of the Australian Constitution.

## **Will the pandemic instrument change Australia's domestic law?**

A new pandemic instrument may create international legal obligations for Australia. However, this doesn't automatically change Australian law – only Parliament can do this.

Any new pandemic international instrument must be subject to appropriate parliamentary processes before Australia can take binding action. This includes consideration by the Joint Standing Committee on Treaties (JSCOT).

Following consideration by JSCOT, any changes to Australian law to implement the new pandemic instrument would have to be considered and passed by Parliament.

## **Where can I find further information on the pandemic instrument?**

Further information on the treaty is available on:

- [The Intergovernmental Negotiating Body website](#)
- [Q&As on pandemic prevention, preparedness and response accord](#)