

HEALTH LEGISLATION AMENDMENT (INFORMATION SHARING) BILL 2023

(Amendments made by the Legislative Council)

1. Clause 4, page 4, after line 26 insert—

"Privacy Management Framework means the Privacy Management Framework established under section 134ZT;"

2. Clause 4, page 14, line 17, omit "**1982.**" and insert "**1982.**".

3. Clause 4, page 14, after line 17 insert—

"Division 6—Privacy Management Framework

134ZT Minister must establish Privacy Management Framework

- (1) The Minister, by order published in the Government Gazette, must establish a Privacy Management Framework for the Electronic Patient Health Information Sharing System as soon as practicable after the day on which this Part comes into operation.
- (2) In establishing the Privacy Management Framework, the Minister must consult with the following persons and bodies in relation to whether certain health information or classes of health information should require additional levels of protection under the Privacy Management Framework—
 - (a) relevant groups and organisations that represent the interests of patients, carers or health care workers;
 - (b) any relevant public sector body within the meaning of the **Public Administration Act 2004**;
 - (c) participating health services.
- (3) The Privacy Management Framework must—
 - (a) specify categories of health information that are sensitive in nature and include a process to safeguard that information; and
 - (b) include a process to safeguard the identity of patients who may be at risk of harm, including patients who identify as being at risk of family violence; and

- (c) include a process to facilitate patients accessing reports that specify who has accessed their health information through the Electronic Patient Health Information Sharing System; and
 - (d) include a process for regular audits and compliance checks of the Electronic Patient Health Information Sharing System.
- (4) The Privacy Management Framework takes effect on—
 - (a) the day on which it is published in the Government Gazette; or
 - (b) a later day as specified in the order.

Note

Section 41A of the **Interpretation of Legislation Act 1984** provides that the power to make an instrument includes the power to repeal, revoke, rescind, amend, alter or vary the instrument in the exercise of that power.

134ZU Compliance with Privacy Management Framework

Any person who is authorised or permitted under this Part to access the Electronic Patient Health Information Sharing System must comply with the Privacy Management Framework to the extent reasonably practicable.

Division 7—Independent review of this Part

134ZV Independent review by expert panel

- (1) The Minister must cause an independent review of the operation of this Part, including the Privacy Management Framework, to be conducted by an expert panel after the second anniversary of the day on which this Part comes into operation.
- (2) The independent review must examine and make recommendations in relation to the following—
 - (a) whether health information is sufficiently protected;
 - (b) which health services should be participating health services for the purposes of this Part;
 - (c) the misuse of specified patient health information;
 - (d) the costs of compliance and the administrative burden imposed on participating health services by this Part;

- (e) whether the Electronic Patient Health Information Sharing System is operating as intended.
- (3) The independent review may examine and make recommendations in relation to the following—
 - (a) current issues and trends relating to health information systems;
 - (b) data management;
 - (c) information technology security;
 - (d) patient privacy;
 - (e) any other relevant matter.
- (4) The independent review must be completed no later than the third anniversary of the day on which this Part comes into operation.
- (5) The Minister must cause a copy of a report of the independent review to be laid before each House of Parliament no later than 3 sitting days after the day on which the final report of the independent review is given to the Minister.
- (6) The Minister must consider any recommendations made by the independent review, including any recommendations to amend this Act, and within 18 months of receiving the final report—
 - (a) implement the recommendations made by the independent review; or
 - (b) advise Parliament why the recommendations have not been implemented.

134ZW Appointment of expert panel

- (1) For the purposes of section 134ZV, the Minister must appoint 3 persons to form the expert panel.
- (2) The Minister must ensure that each person appointed to the expert panel has experience in one or more of the following—
 - (a) human rights and privacy matters;
 - (b) legal and regulatory compliance;
 - (c) health information systems;
 - (d) clinical care;

- (e) health care quality and patient safety;
 - (f) consumer or patient advocacy.
- (3) The Minister must not appoint a person to the expert panel if the person is—
 - (a) a current employee or executive officer of a registered political party within the meaning of the **Electoral Act 2002**;
or
 - (b) a current or former member of Parliament.'."

Certified -

Clerk of the Legislative Council