**Legislative Council**

**HEALTH LEGISLATION AMENDMENT (INFORMATION SHARING) BILL 2023**

(Amendments to be proposed in Committee by DAVID LIMBRICK)

1. Clause 4, page 5, after line 17 insert—

"(3) In establishing the Electronic Patient Health Information Sharing System, the Secretary must ensure that—

(a) there is a mechanism to allow a person to consent to be included in the Electronic Patient Health Information Sharing System in accordance with section 134ZL; and

(b) specified patient health information about a person is only collected, used and disclosed under this Part in accordance with that person's consent.".

1. Clause 4, page 6, after line 6 insert—

"(2A) The Secretary must not specify health information in a notice published under subsection (1) about a person who has not provided consent in accordance with section 134ZL.".

1. Clause 4, page 8, omit lines 16 to 26 and insert—

"134ZL Consent

(1) A participating health service may only collect, use or disclose specified patient health information about a person as permitted or authorised by this Part if that person has consented to being included in the Electronic Patient Health Information Sharing System.

(2) The Secretary may only collect, use or disclose specified patient health information about a personas permitted or authorised bythis Part if that person has consented to being included in the Electronic Patient Health Information Sharing System.

(3) A person who is or has been a patient in, or has received health services from, a participating health service, may consent to being included in the Electronic Patient Health Information Sharing System in a form determined by the Secretary.

(4) A person may consent to some or all of the specified patient health information that is collected or held about them by a participating health service being included in the Electronic Patient Health Information Sharing System.

(5) If a person has consented to being included in the Electronic Patient Health Information Sharing System, that person may specify—

(a) which participating health services are authorised to access the Electronic Patient Health Information Sharing System under this Part in relation to that person; or

(b) that all participating health services are authorised to access the Electronic Patient Health Information Sharing System under this Part in relation to that person.

(6) A person may seek advice, including from a registered medical practitioner (whether or not employed by a participating health service), before giving consent under this section.

(7) The power to give consent under this section may be exercised on behalf of a person who is incapable of giving consent by an authorised representative of that person.

(8) For the purposes of subsection (7), a person is incapable of giving consent if that person—

(a) is under 18 years of age; or

(b) does not have decision-making capacity within the meaning of the **Medical Treatment Planning and Decisions Act 2016**.

(9) In this section, ***authorised representative*** has the same meaning as it has in section 85(6) of the **Health Records Act 2001**.".