

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."
2. 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."
3. 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 person as permitted or authorised by this 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**."