



Australian Capital Territory

Health Records (Privacy and Access) Amendment Act 2005

A2005-4

An Act to amend the *Health Records (Privacy and Access) Act 1997*

The Legislative Assembly for the Australian Capital Territory enacts as follows:

1 Name of Act

This Act is the *Health Records (Privacy and Access) Amendment Act 2005*.

2 Commencement

This Act commences on the day after its notification day.

Note The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

3 Legislation amended

This Act amends the *Health Records (Privacy and Access) Act 1997*.

**4 Response to request
Section 13 (2) (c)**

substitute

- (c) if the record keeper is prohibited from giving access to the record or a part of the record on a ground mentioned in section 14A, section 15 or section 17—give a notice in writing to the consumer stating the ground on which the record keeper is prohibited from giving access.

5 New section 14A

insert

14A No access to health record relating to Children and Young People Act complaint

A record keeper must not give access to a health record or part of a health record under section 10 if—

- (a) the record or part of a record relates to a report under the *Children and Young People Act 1999*, section 158 or section 159; and
- (b) either—
 - (i) the record or part of a record identifies the person who made the report; or
 - (ii) the record keeper is satisfied that the record or part of the record allows the identity of the person who made the report to be worked out.

6 No access to health record where risk to life or health of consumer or another person
Section 15

after

part of a health record

insert

under section 10

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 15 February 2005.

2 Notification

Notified under the Legislation Act on 22 February 2005.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

I certify that the above is a true copy of the Health Records (Privacy and Access) Amendment Bill 2005, which was passed by the Legislative Assembly on 17 February 2005.

Clerk of the Legislative Assembly

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