

2005

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Minister for Health)

Health Records (Privacy and Access) Amendment Bill 2005

A Bill for

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

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

1 **1 Name of Act**

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

4 **2 Commencement**

5 This Act commences on the day after its notification day.

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

8 **3 Legislation amended**

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

11 **4 Response to request**
12 **Section 13 (2) (c)**

13 *substitute*

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

19 **5 New section 14A**

20 *insert*

21 **14A No access to health record relating to Children and**
22 **Young People Act complaint**

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

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

10 **6 No access to health record where risk to life or health of**
11 **consumer or another person**
12 **Section 15**

- 13 *after*
14 part of a health record
15 *insert*
16 under section 10

Endnotes

- 1 Presentation speech**
Presentation speech made in the Legislative Assembly on 2005.
- 2 Notification**
Notified under the Legislation Act on 2005.
- 3 Republications of amended laws**
For the latest republication of amended laws, see www.legislation.act.gov.au.

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