

EXPLANATORY STATEMENT

PUBLIC SECTOR MANAGEMENT AMENDMENT STANDARD 2002 (No 2) DISALLOWABLE INSTRUMENT No DI 2002-139

Public Sector Management Act 1994

Legislative Context

The *Public Sector Management Act 1994* (the Act) regulates the management of the public sector and, in particular, section 251 of the Act empowers the Commissioner, with the approval in advance of the Chief Minister, to make Public Sector Management Standards (the Standards) for the purposes of the Act.

Outline

The *Health Records (Privacy and Access) Act 1997* provides a set of privacy and access rights for health care consumers to their own personal health information. The *Health Records (Privacy and Access) Act 1997* also requires that individuals must agree to the release of medical reports to employers unless access is granted by other legislation.

The current Management Standard provides the authority for a Chief Executive to require employees to be medically examined in certain circumstances.

The amendment clarifies the existing requirement for reports to be provided to the Chief Executive by making it a responsibility of the employee, as part of their conditions of employment, to supply the report or to agree to its release from the medical provider.

The new arrangements are in accordance with the *Health Records (Privacy and Access) Act 1997*.

Financial Impact

Nil.