

## **Additional Comments by Labor Senators**

1.1 While supporting the Committee's recommendation that the bill be passed, Labor Senators note that the Government's changes to the My Health Record Act are woefully inadequate.

1.2 The Minister for Health dismissed inquiries into the My Health Record as a 'stunt'. But the inquiry has revealed a range of serious flaws in the current legislation that are not addressed by the Government's bill.

1.3 These flaws have been created by the Government's rushed implementation of an opt-out model. Legislation and settings that made sense in Labor's opt-in model – when informed consent was assured – make no sense under the Government's opt-out model.

1.4 In contrast to the Government's stubborn refusal to address these flaws, Labor Senators intend to move amendments to this bill to ensure that:

- The My Health Record can never be privatised or commercialised;
- Private health insurers can never access My Health Records, including de-identified data;
- Employees' right to privacy is protected in the context of employer-directed health care, by including a clause similar to s14(2) of the Healthcare Identifiers Act in the My Health Record Act;
- Vulnerable children and parents such as those fleeing domestic violence are protected, by narrowing the definition of parental responsibility; and
- The System Operator (the Australian Digital Health Agency) cannot delegate access to My Health Records to other entities.

1.5 Labor Senators may also move additional amendments in light of ongoing consultations with concerned stakeholders.

1.6 Labor Senators share a range of further privacy and security concerns in relation to default My Health Record settings – for example, regarding automatic uploads and minors aged 14-18. Labor Senators will address these concerns in the separate References Committee report.

1.7 In the meantime, the Government must heed Labor's call to suspend the opt-out rollout until all remaining concerns are addressed and public confidence in this important reform is restored.

**Senator Murray Watt**  
**Senator for Queensland**

**Senator Lisa Singh**  
**Senator for Tasmania**

**Senator Kristina Keneally**  
**Senator for New South Wales**