

HEALTHCARE IDENTIFIERS BILL 2010 - SUMMARY

The Bill comprises seven parts and includes provisions to allow specific regulations to be made. In summary:

Part 1- Preliminary

This part of the Bill provides for commencement of the legislation on the day after Royal Assent, outlines the purpose of the HI Service, confirms that the Bill (once enacted) will bind the Crown in right of the Commonwealth and each of the states and territories and Norfolk Island, and contains key definitions.

Section 8 of the Bill provides for regulations to prescribe a registration authority as a 'national registration authority'.

Part 2- Assigning healthcare identifiers

This part of the Bill authorises the Service Operator to assign healthcare identifiers, and specifies the types of healthcare identifiers that it is able to assign. Part 2 also requires the service operator to establish and maintain accurate records in relation to the HI Service.

Sections 9(1) and 9(5) provide for regulations to prescribe classes of healthcare providers that may be assigned an identifier by the Service Operator, and the requirements for prescribing identifiers to these classes.

Part 3- Use and disclosure of identifying information for assignment of healthcare identifiers

Part 3 of the Bill deals with the use and disclosure of healthcare identifiers and contains a number of provisions setting out penalties for unauthorised use or disclosure of healthcare identifiers.

Regulations provided for in this Part include:

- requirements for information that may need to be provided to the Service Operator by a healthcare provider who has been assigned an identifier (Section 14);
- rules that apply to healthcare providers requesting identifiers from the Service Operator (Section 21); and
- information that the Service Operator may request about any disclosures it makes to healthcare providers (Section 22).

Part 4- Interaction with the Privacy Act 1988

Part 4 of the Bill outlines how the legislation interacts with the *Privacy Act 1988*, including outlining the Privacy Commissioner's role in monitoring, compliance, enforcement and reporting activities associated with the HI Service.

Part 5- Healthcare Provider Directory

Part 5 of the Bill requires the service operator to establish and maintain a healthcare provider directory which will list the details of all providers who have been assigned a healthcare identifier and who have consented to having their

details included in the directory. The aim of the directory is to facilitate communications between healthcare providers by providing a reliable source of identifying and contact information about other participating healthcare providers.

Part 6- Oversight of the Role of the Ministerial Council

Part 6 of the Bill outlines the role of the Australian Health Ministerial Council in providing oversight of the HI Service, and provides for a review of the legislation to occur before 30 June 2013 and for a report on the review to be tabled in Parliament. Further details on the role of the Ministerial Council in overseeing the HI Service and governance arrangements are contained in the *National Partnerships Agreement (NPA) for e-Health*.

Part 7- Miscellaneous

Part 7 of the Bill contains a number of miscellaneous provisions, including the scope of authorisation under the legislation, the relationship between the legislation and state and territory laws and provisions designed to ensure that the Constitutional heads of power supporting the legislation are as wide as possible. Finally, Part 7 enables the Governor-General to make regulations which are required, necessary or convenient for the operation of, or giving effect to, the legislation.