National Serology Reference Laboratory, Australia
4th Floor, Healy Building, 41 Victoria Parade, Fitzroy, Victoria, 3065
Telephone: +61 3 9418 1111 Facsimile: +61 3 9418 1155

21 February 2005

Committee Secretary
Senate Legal and Constitutional Committee
Department of the Senate
Parliament House
Canberra, ACT 2600

By email: legcon.sen@aph.gov.au

Dear Sir/Madam,

Inquiry into the Privacy Act 2005

On behalf of the National Serology Reference Laboratory, Australia (NRL), I wish to make the following general comment in relation to this inquiry.

The NRL is charged with the responsibility of providing quality assurance services for laboratories testing for human immunodeficiency virus (HIV) and other human pathogens of major importance. We provide these services, with funding from the Department of Health and Ageing, for blood service laboratories, State reference laboratories and private pathology laboratories. HIV, hepatitis C virus (HCV) and some other pathogens may be transmitted in blood, and the NRL plays a central role in ensuring the safety of blood and blood products in Australia. We also provide quality assurance support to many overseas laboratories, especially in Southeast Asia and the Western Pacific.

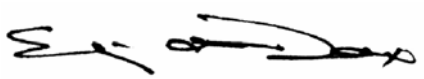
We evaluate all commercial kits used for laboratory testing for HIV and HCV, before they are approved for use by the Therapeutic Goods Administration. Such evaluations will also be required, from July 2005, for other major pathogens. We also provide external quality assessment panels and quality control samples to testing laboratories.

We can only perform these vital tasks if we can obtain many human samples – usually blood serum or plasma – from the Australian Red Cross Blood Service (ARCBS) and from other sources. We use samples from patients that have been infected with HIV and other pathogens, and many other samples from healthy individuals including blood donors. We do not need to know the identities of the individuals from whom samples have been obtained; we receive samples from ARCBS and elsewhere only after all individual identification is removed. (Approval from appropriate medical ethics committees is, of course, obtained.)

In certain situations, timing is very important as it is sometimes necessary to obtain and test samples within a narrow time frame. For a recent evaluation, for example, samples of donated blood provided by the ARCBS five days after donation had to be tested by the NRL within a further two days. The NRL could potentially be denied the use of samples in such a situation simply as a result of a required process that caused delay.

Under the current operation of the Privacy Act, we are legally able to obtain the samples that we need, and are able to make appropriate arrangements for obtaining them in a timely fashion. It is vital that no future change in the Privacy Act introduces restrictions, or new processes, that interfere with our access to required samples.

Yours sincerely,



A/Professor Elizabeth M. Dax – AM; M.D., B.S.; PhD.
DIRECTOR