



Exposure Draft: *Healthcare Identifiers Bill 2010*
Department of Health and Ageing
GPO Box 9848
CANBERRA ACT 2601

The Australian Private Hospitals Association (APHA) welcomes the opportunity to make some brief comments on the draft of the *Healthcare Identifiers Bill 2010*. APHA supports the draft Bill overall, as it is an important first step in implementing a national electronic health record, an initiative which has been under discussion for more than a decade.

APHA is the peak national body representing the interests of the private hospital sector, with a diverse membership that includes large and small hospitals and day surgeries, for profit and not for profit hospitals, groups as well as independent facilities, located in both metropolitan and rural areas throughout Australia. The range of facilities represented by APHA includes acute hospitals, specialist psychiatric and rehabilitation hospitals and also free-standing day hospital facilities

APHA notes that the draft Bill has been informed by the public consultation conducted in July and August of this year and also that this draft legislation has been approved by the Australian Health Ministers' Conference (AHMC).

APHA has two substantive comments to make. The first is that the draft Bill provides for regulations to be made to prescribe additional information that may be required to support healthcare identifiers (Part 1, Section 5). APHA strongly urges the Commonwealth to release an exposure draft of the regulations for consultation in due course. It is the regulations that will impose specific requirements for data collection, records maintenance, reporting, confidentiality and compliance on healthcare providers. This is the area in which costs will be incurred, so it will be important for all providers and other stakeholders, to have the opportunity to comment on the regulations.

Our other comment relates to the privacy framework around health identifiers. APHA notes that in the *Update on legislative reform* on healthcare identifiers issued by AHMC in November 2009, it was stated: "Health identifiers, when included in a patient's health record, will be subject to the existing privacy laws that apply to personal health information **as well as** the specific provisions that will be set out in the healthcare identifiers legislation". (emphasis added). APHA supports a robust privacy regime for all health information. However, this provision will essentially introduce another layer of compliance and cost for providers. It is in the interests of the smooth functioning of the system, and its take up by providers, for the privacy regime to be as harmonious as possible, rather than to graft another regime on to the existing plethora of arrangements at the State and Territory level. We note that the great majority of the submissions to the consultation conducted in July and August supported a nationally consistent framework for privacy laws. This must include all jurisdictions, not only the Commonwealth. APHA looks forward to further discussion and

action on this aspect, not least through the forthcoming consultations on a revised *Privacy Act*.

Please contact me on 6273 9000 or via email barbara.carney@apha.org.au if you have any queries.

Yours sincerely

A handwritten signature in black ink, appearing to read 'B Carney', written in a cursive style.

Dr Barbara Carney
DIRECTOR POLICY AND RESEARCH