





# **Healthcare Identifiers (Consequential Amendments) Act 2010**

**No. 73, 2010**

**An Act to deal with consequential matters in connection with the *Healthcare Identifiers Act 2010*, and for related purposes**

Note: An electronic version of this Act is available in ComLaw (<http://www.comlaw.gov.au/>)



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# Healthcare Identifiers (Consequential Amendments) Act 2010

No. 73, 2010

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**An Act to deal with consequential matters in connection with the *Healthcare Identifiers Act 2010*, and for related purposes**

[Assented to 28 June 2010]

The Parliament of Australia enacts:

## **1 Short title**

This Act may be cited as the *Healthcare Identifiers (Consequential Amendments) Act 2010*.

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## 2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

<b>Commencement information</b>		
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provision(s)</b>	<b>Commencement</b>	<b>Date/Details</b>
1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day this Act receives the Royal Assent.	28 June 2010
2. Schedule 1	At the same time as the <i>Healthcare Identifiers Act 2010</i> commences.	29 June 2010
3. Schedule 2, Part 1	At the same time as the <i>Healthcare Identifiers Act 2010</i> commences.	29 June 2010
4. Schedule 2, Part 2	The later of: (a) immediately after the commencement of item 26 of Schedule 5 to the <i>Personal Property Securities (Consequential Amendments) Act 2009</i> ; and (b) immediately after the commencement of the <i>Healthcare Identifiers Act 2010</i> .  However, the provision(s) do not commence at all if the event mentioned in paragraph (b) does not occur.	
5. Schedule 3	The later of: (a) the commencement of section 3 of the <i>Australian Information Commissioner Act 2010</i> ; and (b) immediately after the commencement of the <i>Healthcare Identifiers Act 2010</i> .  However, the provision(s) do not commence at all if the event mentioned in paragraph (b) does not occur.	1 November 2010

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Note: This table relates only to the provisions of this Act as originally passed by both Houses of the Parliament and assented to. It will not be expanded to deal with provisions inserted in this Act after assent.

- (2) Column 3 of the table contains additional information that is not part of this Act. Information in this column may be added to or edited in any published version of this Act.

### **3 Schedule(s)**

Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

## **Schedule 1—Amendment of the Health Insurance Act 1973**

### **1 Subsection 131(1)**

After “this Act”, insert “or the *Healthcare Identifiers Act 2010*”.

## **Schedule 2—Amendment of the Privacy Act 1988**

### **Part 1—Main amendments**

#### *Privacy Act 1988*

#### **1 Section 6(1) (at the end of the definition of *agency*)**

Add:

; or (l) the service operator under the *Healthcare Identifiers Act 2010*.

#### **2 Subsection 6(1)**

Insert:

*healthcare identifier* has the meaning given by the *Healthcare Identifiers Act 2010*.

#### **3 Subsection 6(1)**

Insert:

*healthcare identifier offence* means:

- (a) an offence against section 26 of the *Healthcare Identifiers Act 2010*; or
- (b) an offence against section 6 of the *Crimes Act 1914* that relates to an offence mentioned in paragraph (a) of this definition.

Note: For ancillary offences, see section 11.6 of the *Criminal Code*.

#### **4 At the end of section 13**

Add:

Note: A contravention of the *Healthcare Identifiers Act 2010*, or of regulations made under that Act, is an interference with the privacy of an individual and is covered by this section (see subsection 29(1) of that Act).

#### **5 After section 27**

Insert:

## **27A Functions of Commissioner in relation to healthcare identifiers**

- (1) In addition to the functions under sections 27, 28 and 28A, the Commissioner has the following functions in relation to healthcare identifiers:
  - (a) to investigate an act or practice that may be an interference with the privacy of an individual under subsection 29(1) of the *Healthcare Identifiers Act 2010* and, if the Commissioner considers it appropriate to do so, to attempt by conciliation, to effect a settlement of the matters that gave rise to the investigation;
  - (b) to do anything incidental or conducive to the performance of that function.
- (2) The Commissioner has power to do all things that are necessary or convenient to be done for or in connection with the performance of his or her functions under subsection (1).
- (3) Section 38 (severability) of the *Healthcare Identifiers Act 2010* applies to this section in the same way as it applies to Parts 3 and 4 of that Act.

## **6 Subsections 28(1) and 28A(1)**

After “sections 27”, insert “, 27A”.

## **7 Subsection 49(1)**

After “tax file number offence”, insert “, a healthcare identifier offence”.

**Part 2—Amendments contingent on the Personal  
Property Securities (Consequential  
Amendments) Act 2009**

*Privacy Act 1988*

**8 Section 13 (note) (the note added by item 4 of this  
Schedule)**

After “Note”, insert “1”.

**9 Section 13 (note) (the note added by item 26 of Schedule 5  
to the *Personal Property Securities (Consequential  
Amendments) Act 2009*)**

After “Note”, insert “2”.

**10 Subsection 27A(1)**

Omit “and 28A”, substitute “, 28A and 28B”.

**11 Subsection 28B(1)**

After “sections 27”, insert “, 27A”.

## Schedule 3—Amendment of the Healthcare Identifiers Act 2010

### 1 Subsection 30(1)

Omit “Privacy Commissioner”, substitute “Information Commissioner”.

Note 1: The heading to section 29 is altered by omitting “**Privacy Commissioner**” and substituting “**Information Commissioner**”.

Note 2: The heading to section 30 is altered by omitting “**Privacy Commissioner**” and substituting “**Information Commissioner**”.

### 2 Subsection 30(1)

Omit “Privacy Commissioner’s”, substitute “Information Commissioner’s”.

### 3 Subsections 30(2) and (3)

Omit “Privacy Commissioner”, substitute “Information Commissioner”.

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*[Minister’s second reading speech made in—  
House of Representatives on 10 February 2010  
Senate on 15 March 2010]*