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THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

SENATE

HEALTH INSURANCE  
(QUALITY ASSURANCE CONFIDENTIALITY) AMENDMENT BILL, 1992

SUPPLEMENTARY EXPLANATORY MEMORANDUM

Amendments to be moved  
on behalf of the Government

(Circulated by authority of the  
Minister for Health, Housing and Community  
Services, the Honourable Brian Howe MP)



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**HEALTH INSURANCE (QUALITY ASSURANCE CONFIDENTIALITY)  
AMENDMENT BILL 1992  
SUPPLEMENTARY EXPLANATORY MEMORANDUM**

**GENERAL OUTLINE**

The amendments to this Bill are to address a number of specific concerns raised by the Committee of Presidents of Medical Colleges and to fix a number of minor errors and inconsistencies.

The main matters of substance are the clarification of the Minister's authority to permit release of protected information, so that it is limited to factual information, and a clarification of what "known solely" means.

**FINANCIAL IMPACT**

These amendments have no financial impact.

## NOTES ON AMENDMENTS

- (1) This amendment replaces "only" with "solely" in the objects section, to make it consistent with all other later parts of the Bill.
- (2) This amendment clarifies in the objects section that the immunity from suit provision only applies to certain, and not all, people undertaking quality assurance activities.
- (3) This amendment corrects a typographical error - the pharmaceutical payment provision is under Division 3.
- (4) This amendment replaces subsection 106K(2) as originally proposed with a new subsection. Paragraph (a) of the new subsection makes it clear that information about a matter can be treated as information known solely as a result of a declared quality assurance activity, and therefore able to be protected under section 106M, even though the matter may also have been the subject of suspicions, allegations or rumours. Paragraph (b) is similar to the originally proposed subsection 106K(2) but is expressed more clearly. Its purpose is to ensure that information is not deprived of protection, as being known solely as a result of a declared quality assurance activity, merely because the information was also known to the person or people whose actions are being investigated.
- (5) This amendment adds a new subsection 106N(2) to the originally proposed section 106N to make clear that the Minister's authority to disclose is limited to factual information. Where opinion and fact are both in a report prepared by a person engaged in a quality assurance activity, the Minister can release the contents of the report, but it is intended that only the facts be admissible in any subsequent law enforcement activity.