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Statutory Rules 1995 No. L<sup>1</sup>

375/

## Health Insurance Commission Regulations<sup>2</sup> (Amendment)

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the *Health Insurance Commission Act 1973*.

Dated

L

1995.

29 November/

L BILL HAYDEN

Governor-General

By His Excellency's Command,

L

CARMEN LAWRENCE

Minister for Human Services and Health

### 1. Commencement

1.1 These Regulations commence on 1 January 1996.

## 2. Amendment

2.1 The Health Insurance Commission Regulations are amended as set out in these Regulations.

## 3. New Regulation 3Q

3.1 After regulation 3P, insert:

### **Additional functions of the Commission: Australian Childhood Immunisation Register**

“3Q. (1) In this regulation:

**‘authorised’**, in relation to a person to whom information may be given in accordance with paragraph (6) (e), means a person who is authorised under subregulation (7);

**‘child’** means a child under the age of 7 years;

**‘immunisation’** means the process of administering to a child:

- (a) a vaccine that is registered under section 17 of the *Therapeutic Goods Act 1989*; or
- (b) a vaccine that is:
  - (i) exempt goods within the meaning of that Act; or
  - (ii) approved under section 19 of that Act;being a vaccine that is used to immunise the child in a clinical trial;

**‘immunisation encounter’** means the immunisation of a child against a vaccine preventable disease by a recognised immunisation provider;

**‘information’** means information contained in a record that is kept by the Commission in relation to the immunisation of children against vaccine preventable diseases by recognised immunisation providers, including the names and addresses of children, the date and nature of the immunisation of each child and the names of providers, but:

- (a) in paragraphs (6) (a) and (b), does not include information as to the address of a child or of a parent or guardian of the child; and
- (b) in paragraphs (6) (d) and (e), does not include information about a child or a parent or guardian of the child, if the parent or guardian or other person has advised the Commission that he or she does not wish to be notified when the child needs to be immunised;

**'medicare database'** means the medicare enrolment files and the medicare numbers held by the Commission for the purposes of the medicare functions of the Commission;

**'purpose relating to the immunisation or health of children'** means any of the following purposes:

- (a) the recording of information about the immunisation of children;
- (b) the use of information so recorded to determine:
  - (i) when a particular child was last immunised and the nature of the immunisation; or
  - (ii) when a particular child needs to be immunised;
- (c) the notification of a parent or guardian of a child, or of another person exercising responsibilities in relation to the health of a child, when the child needs to be immunised;

**'recognised immunisation provider'** means a person who is recognised by the Commission as a provider of immunisation to children;

**'the Register'** means the Australian Childhood Immunisation Register;

**'vaccine preventable disease'** means:

- (a) diphtheria, *Haemophilus influenzae* type b (Hib), measles, mumps, pertussis, poliomyelitis, rubella and tetanus; and
- (b) in relation to a child for whom the fifth edition of the Australian Immunisation Procedures Handbook published by the Australian Government Publishing Service recommends vaccination against hepatitis B and tuberculosis—hepatitis B and tuberculosis.

“(2) For the purposes of subsection 8E (1) of the Act, the following functions of the Commission are prescribed:

- (a) to establish and maintain a register known as the Australian Childhood Immunisation Register;
- (b) to record all immunisation encounters in the Register that are notified to the Commission by recognised information providers or bodies specified in Schedule 3;
- (c) subject to subregulation (6), to use information contained in the Register for purposes relating to the immunisation or health of children;
- (d) to make a payment to:

- (i) a recognised immunisation provider, or to another person authorised by that provider to receive the payment; or
- (ii) the authority of a State or Territory the functions of which include the registration of deaths in the State or Territory;

in relation to the administrative costs incurred by the provider or authority in notifying the Commission about:

- (iii) in the case of a provider—an immunisation encounter of the provider; and
- (iv) in any case—the death of a child in relation to whom there is an entry in the Register.

“(3) For the purposes of paragraph (2) (d), if a payment mentioned in that paragraph is more than the amount that should have been paid, the Commission may, in relation to a later payment to or for the person or authority concerned, reduce the amount paid to or for that person or authority by an amount that does not exceed the amount of the overpayment.

“(4) The Commission may use the medicare database to establish and maintain the Register.

“(5) The Commission may establish and maintain the Register in a computerised form.

“(6) For the purposes of subregulation (2), the Commission may:

- (a) give information, other than information that would enable identification of a particular child, about the immunisation of children to:
  - (i) a recognised immunisation provider; or
  - (ii) an officer of the Department; or
  - (iii) an officer of a Department, or of an authority, of a State or Territory who has requested the information; and
- (b) if:
  - (i) a recognised immunisation provider requests information about the immunisation of a particular child for a purpose relating to the immunisation or health of the child; and

- (ii) a parent or guardian of the child consents to that information being given to that recognised immunisation provider;  
give the information to the recognised immunisation provider for that purpose; and
- (c) post a document containing information about the immunisation of a child to a parent or guardian of the child, at the address of the child that is known to the Commission; and
- (d) if an officer of the Department requests information about the immunisation of children for a purpose relating to the immunisation or health of children—give the information to the officer for that purpose; and
- (e) if:
  - (i) a recognised immunisation provider who is authorised; or
  - (ii) a body specified in Schedule 3;  
requests information about the immunisation of children for a purpose relating to the immunisation or health of children—give the information to the authorised provider, or to an authorised officer or employee of the body, for that purpose.

“(7) The Managing Director of the Commission may authorise the receipt of information under paragraph (6) (e) by a person who is:

- (a) a recognised immunisation provider; or
- (b) an officer or employee of a body specified in Schedule 3;

who has agreed in writing that, even if the person ceases to be a person to whom paragraph (a) or (b) refers, he or she:

- (c) will not use the information other than for the purpose for which the information is given to him or her; and
- (d) will not give, either directly or indirectly, the information to another person; and
- (e) in the case of an officer or employee of a body specified in Schedule 3—will ensure that:
  - (i) any record of the information that is in his or her possession is protected by security safeguards that it is reasonable in the circumstances to take

against loss of the record or misuse of the information; and

- (ii) if it is necessary for the record to be given to a person in connection with the provision of a service to the officer or employee—everything reasonably within the power of the officer or employee is done to prevent loss of the record or misuse of the information.

“(8) For the purposes of subregulation (7):

- (a) paragraphs (7) (c) and (d) are taken not to refer to information that is required to be given to a court; and
- (b) in the case of information given to a recognised immunisation provider—paragraphs (7) (c) and (d) are taken not to refer to information that the recognised immunisation provider needs to give to a person in the course of performing the function of immunising children; and
- (c) in the case of information given to an officer or employee of a body specified in Schedule 3—paragraphs (7) (c) and (d) are taken not to refer to information that the officer or employee needs to give to a person in the course of performing the duties and functions, and exercising the powers, of an officer or employee of the body for purposes relating to the immunisation or health of children.”.

#### **4. Regulation 4A (Modification of Part V of the Act)**

4.1 Omit “and 4.”, substitute “, 3Q and 4.”.

4.2 Paragraph 4A (a) (inserted paragraph 32A (1) (c) of the Act):  
Omit “and 3P”, substitute “, 3P and 3Q”.

**5. New Schedule 3**

5.1 After Schedule 2, insert:

**SCHEDULE 3** Subparagraph 3Q (6) (c) (ii)  
and paragraphs 3Q (7) (b)  
and (c) and (8) (c)

**BODIES TO WHICH INFORMATION  
IN THE AUSTRALIAN CHILDHOOD IMMUNISATION  
REGISTER MAY BE GIVEN**

**PART 1—NEW SOUTH WALES**

The Bankstown GP Division, Health Service

Barwon Division of General Practice

Blue Mountain Division of General Practice

Canterbury Division of General Practice

Department of Health

Division of General Practice Central Sydney Area Health Service

Division of General Practice Northern Rivers, New South Wales

Dubbo Division of General Practice

Eastern Sydney Division of General Practice

Fairfield Health Service Division of General Practice

Far West Division of General Practice (Barrier Division)

Hawkesbury Division of General Practice

Hornsby Ku-Ring-Gai Division of General Practice

Hunter Urban Division of General Practice

Hunter Rural Division of General Practice

**SCHEDULE 3—continued****PART 1—NEW SOUTH WALES—continued**

Illawarra Division of General Practice

Liverpool Division of General Practice

Macarthur Division of General Practice

Manly Warringah Division of General Practice

Mid North Coast Division of General Practice

Murrumbidgee Division of General Practice

Murwillumbah and Tweed Coast Divisions of General Practice

Nepean Division of General Practice

New England Division of General Practice

The Northern Sydney Division of General Practice

North West Slopes (NSW) Division of General Practice

NSW Central Coast Division of General Practice

NSW Central West Division of General Practice

NSW Outback Division of General Practice

NSW Rural Division Co-ordinating Unit

Port Macquarie Division of General Practice

Shoalhaven Division of General Practice

South Eastern Sydney Division of General Practice

The South East NSW Division of General Practice

Southern Highlands Division of General Practice

St George Division of General Practice



**SCHEDULE 3—continued**

**PART 1—NEW SOUTH WALES—continued**

Sutherland Division of General Practice

Wagga Wagga and District Division of General Practice

The Western Sydney Division of General Practice

**PART 2—VICTORIA**

Ballarat and District Division of General Practice

Bendigo and District Division of General Practice

Central Bayside Division of General Practice

Central Highlands Division of General Practice

Central Western Victorian Division of General Practice

Central-West Gippsland Division of General Practice

Dandenong and District Division of General Practice

The Diamond Valley Division of General Practice

East Gippsland Division of General Practice

Geelong Division of General Practice

Goulburn Valley Division of General Practice

Great South Eastern Division of General Practice

Health and Community Services

Inner Eastern Melbourne Division of General Practice

Inner South East Melbourne Division of General Practice

Knox Division of General Practice

Lilydale and Yarra Valley Division of General Practice

**SCHEDULE 3—continued**

**PART 2—VICTORIA—continued**

Mallee Division of General Practice

Melbourne Division of General Practice

Monash Division of General Practice (Moorabbin Campus)

Mornington Peninsula Division of General Practice

Murray Plains Division of General Practice

North-Eastern Victorian Division of General Practice

North-East Melbourne Division of General Practice

The Northern Division of General Practice, Melbourne

North West Melbourne Division of General Practice

Otway Division of General Practice

The Sherbrooke and Pakenham Division of General Practice

South Gippsland Division of General Practice

Victoria/NSW Border and Environs, General Practitioners Division

Victorian Rural Divisions Co-ordinating Unit

Western Melbourne Division of General Practice

Westgate Division of Family Medicine

Whitehorse Division of General Practice

**PART 3—QUEENSLAND**

Aboriginal Primary Health Care Program

Bayside General Practice Division

Brisbane Inner South Division of General Practice

**SCHEDULE 3—continued**

**PART 3—QUEENSLAND—continued**

Brisbane North Division of General Practice  
Brisbane Southside Central Division  
Cairns Division of General Practice  
Central Queensland Rural Division of General Practice  
Central Western Queensland Medical Division  
Far North Queensland Division of General Practice  
Gold Coast Division of General Practice  
Ipswich and West Moreton Division of General Practice  
Logan Area Division of General Practice (LADGP)  
Mackay Region Division of General Practice  
North Queensland Rural Division of General Practice  
Queensland Health  
Queensland Rural Divisions Co-ordinating Unit  
Redcliffe-Caboolture-Bribie Division of General Practice  
Southern Rural Queensland Division of General Practice  
Sunshine Coast Division of General Practice  
Toowoomba and District Division of General Practice  
Townsville Division of General Practice

**PART 4—WESTERN AUSTRALIA**

Eastern Goldfields Medical Division of General Practice  
Fremantle Division of General Practice

**SCHEDULE 3—continued**

**PART 4—WESTERN AUSTRALIA—continued**

Greater Bunbury Division of General Practice  
Great Southern WA Division of General Practice  
Health Department of Western Australia  
Mid West Division of General Practice  
Peel South West Division of General Practice  
Perth Central Coastal Division of General Practice  
Perth Division of General Practice Inc  
Perth South East Division of General Practice  
Osborne Division of General Practice  
Rockingham/Kwinana Division of General Practice  
Swan Hills Divisions of General Practice  
West Australian Rural Divisions of General Practice Co-ordinating  
Unit

**PART 5—SOUTH AUSTRALIA**

Adelaide Central and Eastern Division of General Practice  
Adelaide North East Division of General Practice  
Adelaide Northern Division of General Practice  
Adelaide Southern Division of General Practice  
Adelaide Western Division of General Practice  
Barossa Division of General Practice  
Central Mt Lofty Ranges Division of General Practice

**SCHEDULE 3—continued**

**PART 5—SOUTH AUSTRALIA—continued**

Eyre Peninsula Division of General Practice  
Flinder and Far North Division of General Practice  
Mid North Rural SA Division of General Practice  
Murray Mallee Division of General Practice  
Riverland Division of General Practice  
SA Health Commission  
South Australian Rural Divisions Co-ordinating Unit (SARDCU)  
Project  
South East of South Australia Division of General Practice  
Yorke Peninsula Division of General Practice

**PART 6—TASMANIA**

Department of Community and Health Services  
Division of General Practice Northern Tasmania  
Division of General Practice, Southern Region  
North West Tasmania Division of General Practice  
Tasmanian Rural Divisions Co-ordinating Unit

**PART 7—AUSTRALIAN CAPITAL TERRITORY**

ACT Division of General Practice  
ACT Health

## SCHEDULE 3—continued

## PART 8—NORTHERN TERRITORY

Alice Springs Division of General Practice

Central Australian Primary Health Care Network Project

Territory Health Services

Top End Aboriginal & Torres Strait Islander Primary Health Care Network

Top End Division of General Practice.

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**NOTES**

1. Notified in the *Commonwealth of Australia Gazette* on *L* 1995. *6 December*
2. Statutory Rules 1975 No. 27 as amended by 1976 Nos. 21 and 146; 1982 No. 249; 1983 Nos. 88 and 152; Act No. 54, 1983; Statutory Rules 1984 No. 321; 1985 Nos. 41 and 70; 1986 No. 127; 1987 No. 165; 1989 Nos. 55, 96 and 195; 1991 No. 443; 1992 No. 241; 1993 Nos. 81, 89, 197 and 217; 1994 Nos. 102, 257, 404 and 450; 1995 Nos. 24 and 286.