Health Insurance Amendment Bill 1988
(Private Member's Bill)

Date Introduced: 21 April 1988
House: House of Representatives
Presented by: Wilson Tuckey, M.P.

Digest of Bill

Purpose

To amend the Health Insurance Act 1973 (the Principal Act) to impose a penalty on an officer where he/she divulges or communicates any information, with respect to the affairs of another person, that was acquired by the officer in the performance of his/her duties, to the Minister or to a staff member employed in the Minister's office.

Background

The Principal Act provides for payments by way of medical benefits and payments for hospital services and for other purposes.

Section 130(1) of the Principal Act provides that

A person shall not, directly or indirectly, except in the performance of his duties, or in the exercise of his powers or functions, under this Act, and while he is, or after he ceases to be, an officer, make a record of, or divulge or communicate to any person, any information with respect to the affairs of another person acquired by him in the performance of his duties, or in the exercise of his powers or functions, under this Act. Penalty: $500.

A legal opinion from the Commonwealth Director of Public Prosecutions, Mr I. Temby, QC, which was tabled in Federal Parliament on 18 April 1988, examined among other matters, the meaning of 'officer' as defined in the Principal Act. In broad terms, the Director of Public Prosecutions found that section 130(1) of the Principal Act applied only to 'officers' as defined in the Principal Act. This specifically meant only 'officers' of the Health Insurance Commission.
Main Provisions

A new section 129A will be inserted into the Principal Act by clause 3 to impose a penalty of $500 on an officer where he/she divulges or communicates any information with respect to the affairs of another person, that was acquired by the officer in the performance of his/her duties, or in the exercise of his/her powers, to the Minister or to a staff member employed in the Minister’s office.

References


For further information, if required, contact the Education and Welfare Group.

29 June 1988

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