Date Introduced: 21 August 1981
House: House of Representatives
Presented by: Hon. M.J.R. MacKellar, Minister for Health

Short Digest of Bill

Purpose:
The Bill proposes to secure the confidentiality of personal information collected in the Vietnam Veterans Study, and other Commonwealth conducted or sponsored surveys.

Background:
In 1979, there was considerable publicity in Australia about the use of various herbicides by the American and Australian forces during the Vietnamese war. Prior to this time, the Department of Veterans' Affairs had received a few claims from veterans in which herbicides/chemicals were claimed as a cause of service-related disability. Assisted by the Vietnam Veterans' Association, many veterans claimed that they suffered symptoms directly attributable to the use of these, and began to request studies be performed to settle these fears.

In January 1981, it was announced that the Government was to set up an independent study to be carried out by the School of Public Health and Tropical Medicine (Sydney University - now known as the Commonwealth Institute of Health) to determine whether or not chemicals used in Vietnam have had or are likely to have any effects on the health of veterans and their children. The study was to involve interviewing some 60,000 veterans, non-Vietnam veteran army personnel, and their families.

On 15 May 1981 the Minister for Veterans' Affairs announced that a pilot study was to be conducted to test methodology for the major study. It is essential for the major study that there be a high response rate from veterans and non-Vietnam veteran army personnel who will be invited to participate in the study. Some veterans may be reluctant to provide full information about e.g. their marital situation, psychiatric health or use of drugs, unless the information is kept secret. The pilot study will
investigate the response rates for various survey techniques: by telephone, questionnaires and interview. It is expected that the major study will be underway by the end of 1981 or early in 1982.

Provisions:

Clause 2 provides for this Act to take effect on the day on which Royal Assent is provided. Clause 3 (1) defines a Commonwealth epidemiological study, an epidemiological study, the proposed Vietnam Veterans Study, and other prescribed studies which may be declared by regulations to be a study to which this Act applies. Clause 3 (2) defines persons who have assisted or are assisting in the conduct of an epidemiological study, but excludes from that category of persons those who have assisted or are assisting such a study only by way of providing information about themselves or other persons to whom the study relates.

Clause 4 provides for the secrecy of information collected in prescribed studies, although Clause 5 permits under specified conditions the use of secret materials gained in one prescribed study to be used in another prescribed study. Clause 6 provides for the secrecy of materials provided under Clause 5. Maximum penalties for breaching the provisions of Clause 4 and Clause 6 are $1,000 or imprisonment for 6 months.

Under Clause 7, certain persons who have assisted or are assisting in the conduct of a prescribed inquiry may provide the information concerning the affairs of another person to certain persons, including the person who supplied the information, the person(s) to whom the information applies, or a person nominated by a person to whom Clause 7 (a), (b) or (c) applies.

Clause 8 provides that a person who has assisted or is assisting in the conduct of a prescribed study shall not be required to produce before or divulge to a Court documents or information concerning the affairs of another person. This includes persons authorized under Clause 5 to have access to secret information in prescribed studies.

Clause 10 provides under certain conditions for a person or persons to whom Clause 4 or Clause 6 applies to take an oath or make an affirmation or declaration not to make a record of, or divulge or communicate information in contravention of this Act.

Clause 11 provides that nothing in this Bill shall prohibit the publication, including providing to a court, of
conclusions based on, statistics derived from, or particulars of procedures used in a prescribed study, providing that these do not enable the identification of individual persons.

Clause 12 extends the application of this Act to information and document prepared for the Vietnam Veterans Study before the commencement of this Act.

Clause 13 provides for regulations to be made under this Act.

For further information, if required, contact:

Education and Welfare Group
LEGISLATIVE RESEARCH SERVICE

25 August 1981