

Epidemiological Studies (Confidentiality) Amendment Regulations 2000 (No. 1) 2000 No. 225

EXPLANATORY STATEMENT

STATUTORY RULES 2000 No. 225

Issued by authority of the Minister for Health and Aged Care

Epidemiological Studies (Confidentiality) Act 1981

Epidemiological Studies (Confidentiality) Amendment Regulations 2000 (No. 1)

Section 13 of the *Epidemiological Studies (Confidentiality) Act 1981* (the Act) provides that the Governor-General may make Regulations, not inconsistent with the Act, prescribing all matters required or permitted by the Act to be prescribed or necessary or convenient to be prescribed for carrying out or giving effect to the Act.

Subsection 3(1) of the Act defines a "prescribed study" as:

(a) the Vietnam Veterans Study; or

(b) a Commonwealth epidemiological study declared by the Regulations to be a study to which the Act applies.

Regulation 3 of the Epidemiological Studies (Confidentiality) Regulations identifies those Commonwealth epidemiological studies declared to be a "prescribed study" for the purposes of the Act.

The Act restricts the use that may be made of information or documents relating to a prescribed study. Section 5 of the Act enables the Minister to authorise the release of documents prepared or obtained in the conduct of a prescribed study to persons assisting in the conduct of another prescribed study.

The purpose of the Regulations is to include a new study as a "prescribed study" defined under the Act, in order for the Minister to authorise the grant of access to data from another prescribed study for use in the new study.

The new study, to be conducted by the Department of Veterans' Affairs, involves compilation of a nominal roll and the conduct of mortality and cancer incidence studies of Australian participants in the British atomic tests performed at Monte Bello Islands, Western Australia, and Emu Claypan and Maralinga, South Australia between 1 January 1952 and 31 December 1967. This study will be based on data and other information, held by the Departments of Health and Aged Care and Industry, Science and Resources, from a study currently prescribed under the Act.

The data from both studies will be protected in accordance with provisions in the Act and Regulations.

Details of the Regulations are as follows:

Regulation 1 provides that the Regulations may be cited as the *Epidemiological Studies (Confidentiality) Amendment Regulations 2000 (No. 1)* Regulation 2 provides that the Regulations would commence on gazettal.

Regulation 3 provides that the Epidemiological Studies (Confidentiality) Regulations are amended by Schedule 1.

Item 1 of Schedule 1 amends regulation 1 of the Regulations to change the citation of the Regulations.

Item 2 of Schedule 1 amends subregulation 3(j) to replace the full-stop at the conclusion of the paragraph with a semi-colon.

Item 3 of Schedule 1 inserts a new subregulation after 3(j) describing the new study which will, as a result, become a "prescribed study" for the purposes of the Act:

"(k) the epidemiological study in relation to persons affected by the Atomic Weapons Test Programme conducted by the United Kingdom in Australia at the Monte Bello Islands, Western Australia, and at the Emu Claypan and Maralinga, South Australia, between 1 January 1952 and 31 December 1967, being the study conducted on behalf of the