

Epidemiological Studies (Confidentiality) Amendment Regulations 2002 (No. 1) 2002 No. 63

EXPLANATORY STATEMENT

STATUTORY RULES 2002 No. 63

Issued by authority of the Parliamentary Secretary to the Minister for Health and Ageing

Epidemiological Studies (Confidentiality) Act 1991

Epidemiological Studies (Confidentiality) Amendment Regulations 2002 (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.

Section 3(1) of the Act defines a 'prescribed study' as:

- (c) the Vietnam Veterans Study; or
- (d) a Commonwealth epidemiological study declared by the regulations to be a study to which this Act applies.

Regulation 3 of the *Epidemiological Studies (Confidentiality) Regulations 1982* (the principal 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.

The purpose of the Regulations is to amend the principal Regulations to include a new study as a "prescribed study" under the Act. The new study, to be conducted by the Australian Customs Service, will centre on one-to-one audio taped interviews with a maximum of 50 inmates held by the NSW correctional centres. The study will investigate the mechanics of cross-border trafficking of heroin through the experiences of incarcerated high-level drug importers.

The data from this study will be protected in accordance with provisions under Section 4 and Section 8 of the Act. Section 4 of the Act provides that any person who has assisted, or is assisting, in the conduct of a prescribed study shall not divulge or make a record of any information concerning the affairs of another person that was acquired by him during the study, except for the purpose of the conduct of that study. Section 8 of the Act provides that documents or information regarding the affairs of another person obtained during the prescribed study does not have to be produced in court.

The proposed Regulations would commence on Gazettal.

The Minute recommends that the Regulations be made in the form proposed.