



# **Legislation (Deferral of Sunsetting—Privacy Guidelines for the Medicare Benefits and Pharmaceutical Benefits Programs) Certificate 2017**

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I, George Brandis QC, Attorney-General, make the following certificate.

Dated 19 December 2017

George Brandis QC  
Attorney-General

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## 1 Name

This instrument is the *Legislation (Deferral of Sunsetting—Privacy Guidelines for the Medicare Benefits and Pharmaceutical Benefits Programs) Certificate 2017*.

## 2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	The day after this instrument is registered.	23 December 2017

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

## 3 Authority

This instrument is made under paragraph 51(1)(c) of the *Legislation Act 2003*.

## 4 Definitions

In this instrument:

**Legislation Act** means the *Legislation Act 2003*.

**Medicare Benefits Program** has the meaning given by subsection 135AA(11) of the *National Health Act 1953*.

**Pharmaceutical Benefits Program** has the meaning given by subsection 135AA(11) of the *National Health Act 1953*.

**Privacy Guidelines** means the *Privacy Guidelines for the Medicare Benefits and Pharmaceutical Benefits Programs* made under section 135AA of the *National Health Act 1953*.

## 5 Statement of reasons for issue of certificate

For the purposes of paragraph 51(2)(a) of the *Legislation Act*, this section sets out the statement of the reasons for the issue of this certificate.

## Section 6

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### *Statement of reasons*

I am satisfied that the Privacy Guidelines would, apart from the operation of Part 4 of Chapter 3 of the Legislation Act, be likely to cease to be in force within 12 months after the sunseting day for the Privacy Guidelines.

The Privacy Guidelines regulate the way that Commonwealth Government agencies link and store claims information obtained under the Medicare Benefits Program and the Pharmaceutical Benefits Program.

The Office of the Australian Information Commissioner has commenced a consultation process to consider the operation of the Privacy Guidelines in line with the recommendations in the Senate Select Committee on Health's *Sixth Interim Report* published in May 2016. The consultation process also incorporates the considerations raised in the Department of the Prime Minister and Cabinet's *Public Sector Management Report* published in July 2015 and by the Productivity Commission in its issues paper and final report on data availability and use.

The Privacy Guidelines are being reviewed as part of this consultation process to ensure that they remain fit for purpose and are operating efficiently and effectively. It is intended that the Privacy Guidelines will be remade in a different form once the consultation process is complete.

The Privacy Guidelines are due to sunset on 1 April 2018. A 12 month deferral of the sunseting day will avoid the need to remake the Privacy Guidelines in their current form for the short period before they are expected to be remade in a different form.

## **6 Deferral of sunseting of the Privacy Guidelines**

The Privacy Guidelines, for which the sunseting day is 1 April 2018, are taken to cease to be in force under section 51 of the Legislation Act on 1 April 2019.

## **7 Repeal of this instrument**

This instrument is repealed on 2 April 2019.