

LEGISLATIVE COUNCIL

Health Legislation Amendment Bill 2012

First Print

Proposed amendments

No. 1 Page 9, Schedule 1.2. Insert after line 14:

[3] Section 70A

Insert after section 70:

70A Disclosure of genetic information

- (1) An insurer must not require a person to disclose genetic information in connection with, or as a condition of, the provision of insurance to the person if that genetic information relates to another person and was obtained wholly or partly under this Act.

Maximum penalty: 100 penalty units.

- (2) In this section, *insurer* means a person who provides insurance.

No. 2 Pages 9 and 10, Schedule 1.2 [4], proposed clause 11 (1) (c1), line 30 on page 9 to line 8 on page 10. Omit all words on those lines. Insert instead:

(c1) **Genetic information**

the information is genetic information and the following requirements are complied with in relation to the disclosure of the information for the secondary purpose:

- (i) the disclosure is to a genetic relative of the individual to whom the genetic information relates,
- (ii) the disclosure is reasonably believed by the organisation to be necessary to lessen or prevent a serious threat to the life, health or safety (whether or not the threat is imminent) of a genetic relative of the individual to whom the genetic information relates,
- (iii) the organisation has taken all reasonable steps to ensure that the genetic relative to whom the genetic information would be disclosed would wish to know if he or she has an increased risk of developing a condition which the genetic information would indicate,

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- (iv) the identity of the individual to whom the genetic information relates is protected as much as practicable,
 - (v) the disclosure of the information for the secondary purpose is in accordance with guidelines, if any, issued by the Privacy Commissioner for the purposes of this paragraph, or