

14 September 2018

Committee Secretary
Senate Standing Committees on Community Affairs
PO Box 6100
Parliament House
Canberra ACT 2600

FECCA submission regarding the My Health Records Amendment (Strengthening Privacy) Bill 2018

The Federation of Ethnic Communities' Councils of Australia (FECCA) is the national peak body representing Australia's culturally and linguistically diverse (CALD) communities and their organisations. FECCA provides advocacy, develops policy and promotes issues on behalf of its constituency to Government and the broader community. FECCA strives to ensure that the needs and aspirations of Australians from diverse cultural and linguistic backgrounds are given proper recognition in public policy.

FECCA supports multiculturalism, community harmony, social justice and the rejection of all forms of discrimination and racism so as to build a productive and culturally rich Australian society. FECCA's policies are developed around the concepts of empowerment and inclusion and are formulated with the common good of all Australians in mind.

FECCA would welcome the opportunity to expand on this submission as required. For enquiries please contact FECCA CEO Dr Emma Campbell at emma@fecca.org.au or on (02) 6282 5755.

Recommendation

FECCA recommends that the *My Health Records Amendment (Strengthening Privacy) Bill 2018* be accepted as it is currently worded.

Discussion

FECCA believes that the My Health Record (MHR) system is of significant benefit to Australians from CALD backgrounds including parents, carers, Australians for whom English is a second language, older Australians and new arrivals who change address often due to work or other requirements. FECCA believes that the changes under *the My Health Records Amendment (Strengthening Privacy) Bill 2018* provide sufficient privacy protections regarding the disclosure of health information.

Prior to the announcement of proposed legislative amendments by the Minister for Health on 30 July 2018, FECCA raised concerns on a number of occasions that legislation did not preclude information held in the MHR system being used for compliance purposes particularly with regards immigration status. As acknowledged by the Government, trust and confidence

in the MHR system is paramount to engagement and participation in health services. The perception that data may be used to the detriment of an individual or community may lead to a disengagement from, or avoidance of, government services. For vulnerable individuals of CALD background, the avoidance of essential support services negatively affects their health and wellbeing outcomes.

FECCA welcomes amendments to section 70 of the *My Health Record Act* (the Act) that remove the ability of the MHR System Operator to disclose health information to law enforcement and other government agencies without an order by a judicial officer or the MHR owner's explicit consent. FECCA also welcomes amendments to section 17 of the Act, requiring the System Operator to permanently delete health information stored for an individual consumer who has cancelled their MHR. FECCA is satisfied that these changes permit confidence in the system and contribute to increased community participation in the MHR.

FECCA recommends that the *My Health Records Amendment (Strengthening Privacy) Bill 2018* be accepted as it is currently worded. The amendments emphasise that a MHR exists only to support the effective, efficient, and high quality provision of healthcare to all Australians.