

Inquiry - Health Practitioner Regulation National Law and Other Legislation Amendment Bill 2024

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Australian Government

Office of the Australian Information Commissioner

Inquiry into the Health Practitioner Regulation National Law and Other Legislation Amendment Bill 2024

Dear Committee

The Office of the Australian Information Commissioner (OAIC) welcomes the opportunity to comment on the Inquiry into the Health Practitioner Regulation National Law and Other Legislation Amendment Bill 2024 (Bill).

The OAIC is an independent Commonwealth regulator within the Attorney-General's portfolio, established to bring together three functions: privacy functions (protecting the privacy of individuals under the Privacy Act 1988 (Cth) and other legislation), freedom of information (FOI) functions (access to information held by the Commonwealth Government in accordance with the Freedom of Information Act 1982 (Cth) (FOI Act)), and information management functions (as set out in the Australian Information Commissioner Act 2010 (Cth)).

As the Australian Information Commissioner, my role includes promoting open government to better serve the Australian community and ensuring that information held by government is a national resource that should be managed for public purposes. The FOI Act enshrines the right of access to information under Art. 19 of the Universal Declaration of Human Rights. The objects of the FOI Act include: to require agencies to publish information; provide a right of access to documents; and increase scrutiny, discussion, comment and review of the Government's activities.

I understand that the Bill amends the Health Practitioner Regulation National Law (National Law) to improve public protection and public confidence in the safety of services provided by registered health practitioners.

This comment is addressed towards the overall policy objective of this proposal, which balances individual and collective rights to privacy and access to information.

The proposal does represent a reduction in privacy rights of individual practitioners, by providing greater public visibility of disciplinary action against health practitioners. However, this enhances the broader community's rights to access to information and addresses an identified risk of serious harm to the community.

In these circumstances, the approach proposed represents a balancing of individual and collective rights, to achieve positive community outcomes.

I am supportive of the policy intent of the Bill to bolster transparency and access to information. Measures to improve transparency promote better public outcomes, ensuring that the Australian community can have confidence that the health practitioner registration process is subject to strong and independent regulatory oversight. In particular, these amendments will ensure the community is given timely information supporting the right to access information and will complement protections under the FOI Act.

Yours sincerely



Elizabeth Tydd

Australian Information Commissioner

9 January 2025