

Senate Community Affairs Committee

ANSWERS TO ESTIMATES QUESTIONS ON NOTICE

HEALTH AND AGEING PORTFOLIO

Supplementary Budget Estimates 2011-2012, 19 October 2011

Question: E11-488

OUTCOME 10: Health Systems Capacity and Quality

Topic: EHEALTH LEGISLATION

Written Question on Notice

Senator Fierravanti-Wells asked:

What was the rationale behind giving Federal, State and Territory Governments crown immunity from penalties for breaches of privacy under the PCEHR?

Answer:

Crown immunity is a standard feature within legislation. The rationale is that without the immunity, the Crown would, in practice, prosecute itself and there are inherent ethical and conflict of interest issues which arise in those circumstances. The immunity does not extend to employees of the Crown.

Natural Justice will continue to allow an individual to take action against the Crown.