

Changes to Public Health laws

Privacy, confidentiality and HIV

Introduction

Tasmania's public health laws changed on 1 July 2015.

The *HIV/AIDS Preventive Measures Act 1993* is no longer law, consequential changes were made to the *Corrections Act 1997*, and changes were made to the *Public Health Act 1997*.

This fact sheet explains how some of those changes may affect you.

Further information and more fact sheets are available by contacting Public Health Services on **1800 671 738** or visiting the [Public Health Services website](#).

HIV testing

Old laws

The *HIV/AIDS Preventive Measures Act* (referred to as "the HIV Act") used to require counselling by "Approved Healthcare Workers" before and after HIV testing. These workers were approved by the Department of Health and Human Services.

What has changed

There are no longer "Approved Healthcare Workers" approved by the Department.

What this means for you

Counselling before and after an HIV test will still occur by qualified health professionals following 'best practice'.

The *Public Health Act* still says doctors must provide patients with information about the transmission and prevention of a disease.

Confidentiality / Privacy

Old laws

The HIV Act had confidentiality laws which were outdated and difficult to apply.

Healthcare providers were keeping separate HIV records for patients. This was inefficient and potentially unsafe for patient care.

What has changed

Separate confidentiality laws for HIV information are now gone.

What this means for you

HIV personal information is to be treated in the same way as all other sensitive health information.

This information will continue to be protected by laws such as Tasmania's *Personal Information Protection Act 2004* and the Commonwealth's *Privacy Act 1988*.

The *Public Health Act* still applies to information collected under it.

People who put others at risk

Old laws

The HIV Act had a process for managing people whose behaviour may have placed others at risk of HIV.

What has changed

The HIV specific process has now gone.

What this means for you

Under the *Public Health Act*, the Director of Public Health can still issue directions to people who put others at risk of HIV – or any other “notifiable” disease. “Notifiable” diseases are diseases that doctors must tell the Director about.

Changes to the Public Health Act

A court can now “close the court” in any proceedings relating to a notifiable disease if satisfied it is in the public interest. This means only certain people are allowed in the court room.

A court can decide to do this on its own, or if the Director of Public Health, or a party or witness in the proceedings applies.

Also, a witness may now apply for a court order that restricts or stops some or all of the proceedings being published.

The Director of Public Health or a party to the proceedings can still apply too.

A court may make the order if satisfied it is in the best interest of a party or a witness.

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