

Ms Chiaka Barry MLA  
Chair  
Standing Committee on Legal Affairs  
By email: [scrutiny@parliament.act.gov.au](mailto:scrutiny@parliament.act.gov.au)

Our ref: CMTEDD2026/628

Dear Chair *Chiaka*

I write in response to comments made by the Standing Committee on Legal Affairs (Legislative Scrutiny Role) (the Committee) in its *Scrutiny Report No 15* in relation to the *Motor Accident Injuries (Quality of Life Benefit) Guidelines 2025* (DI2025-308).

The Committee has noted its concerns about the types of protection in place to safeguard an injured person's privacy when choosing a private medical examiner to conduct a second whole person impairment (WPI) assessment.

The MAI Commission acknowledges the Committee's concern about the protection of privacy rights of a person who chooses to obtain a second whole person impairment report from a private medical examiner. In this context, other legislation applies, including the *Health Records (Privacy and Access) Act 1997*.

A private medical examiner must be registered with the Australian Health Practitioner Regulation Authority (Ahpra) and complaints regarding the conduct of the practitioner may be submitted to that authority. In addition to Ahpra, the ACT Human Rights Commission handles complaints about the provision of health services in the ACT and complaints about access to and the integrity of health records. The Human Rights Commission can manage complaints relating to both public and private health services.

When an injured person contacts a private medical examiner to arrange a report, they should be given a consent form that outlines how their health information is handled and used, and the protection that is given to those records. If they have concerns relating to the protection of their personal health information, they can raise this with the ACT Human Rights Commission for investigation and action.

Thank you for the Committee's consideration of this instrument and I hope this information is helpful.

Yours sincerely



Rachel Stephen-Smith MLA

16 March 2026