



Standing Committee on Health and Community Wellbeing

Inquiry into Annual and Financial Reports 2022-2023 **ANSWER TO QUESTION TAKEN ON NOTICE**

Asked by Mr Ed Cocks MLA on 21 November 2023: Minister Davidson took on notice the following question(s):

Reference: Hansard uncorrected proof transcript 21 November 2023 [PAGE 34]

In relation to: Legal advice

MR COCKS: And the other thing that you rely on to decline to answer questions was the protected information provisions of the Health Act 1993. You have invoked those again recently in relation to the incident that led to the stabbing of students at the ANU by a person who had been released on leave from the Bruce facility. Now, those protected information provisions apply only to information about the person that is disclosed to or obtained by an information holder because of the exercise of a function under the Act. What was the function under the Act that applied in each of those instances?

Ms Davidson: Yes. So I did take some advice from GSO about what we can say publicly when there is media reporting about a named individual and their mental health treatment, and it is really important to ensure that when we are talking about someone whose name is publicly known, whose photo has been appearing in the paper, that we are respectful of the law in what we disclose about their personal health records. Because that person is going to be continuing to receive treatment, and we need to make sure that we are not actually breaching the law in what we say publicly. Especially if there is a criminal charge that is being addressed.

MR COCKS: So is that legal advice?

Ms Davidson: Yes. I received legal advice.

MR COCKS: Is that something you can share with the committee on notice?

Ms Davidson: Yes. I believe you have asked me questions without notice about that in the chamber, and I have answered them already. But I can check the Hansard and send it to you again.

Ms Emma Davidson MLA: The answer to the Member's question is as follows:–

Specific legal advice sought from the ACT Government Solicitor (GSO) on this matter is unable to be shared. With regards to the clinical review into the incident at the Australian National University (ANU) which occurred on 18 September, there will be careful consideration and advice sought from the Chief Psychiatrist to determine what information can be released publicly without compromising the privacy and confidentiality of people involved, in accordance with the Health Act 1993.

Approved for circulation to the Standing Committee on Health and Community Wellbeing

Signature: 

Date: 30/11/23

By the Minister for Mental Health, Ms Emma Davidson MLA