

LEGISLATIVE ASSEMBLY OF THE AUSTRALIAN CAPITAL TERRITORY

Discrimination (Genetic Status) Amendment Bill 2003

EXPLANATORY STATEMENT

CIRCULATED BY THE AUTHORITY OF
HELEN CROSS, MLA

Discrimination (Genetic Status) Amendment Act 2003

EXPLANATORY STATEMENT

PURPOSE

This Bill seeks to ensure the community is protected against the use of predictive genetic information. Discrimination based on an unchangeable genetic characteristic is the equivalent of being discriminated against based on sex or race and thus, should not be allowed. This Bill prohibits Discrimination based on genetic information by amending the *Discrimination Act 1991*, the *Health Records (Privacy and Access) Act 1997* and the *Crimes Act 1900*.

CLAUSES

Clauses 1-3 are preliminary clauses providing for the name of the Act, the commencement of the Act and the legislation amended by the Act.

Clauses 4-10 amend the *Discrimination Act 1991*.

Clause 4 amends the *Discrimination Act 1991* to prohibit discrimination on the basis of genetic characteristics or genetic predisposition to a condition or disease.

Clause 5 is consequential on clause 4.

Clauses 6 - 10 amend the *Discrimination Act 1991* to prohibit insurers and insurance agencies discriminating on the basis of predictive genetic information.

Schedule 1, Part 1.1 amends the *Health Records (Privacy and Access) Act 1997* to broaden the definitions of “personal health information” and “health service” in order to cover genetic information.

Schedule 1, Part 1.2 amends the *Crimes Act 1900*, inserting new sections 49F, 49G and 49H. These amendments create new offences of genetic testing without consent and obtaining genetic testing consent unlawfully.