

1999

**THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN
CAPITAL TERRITORY**

**EPIDEMIOLOGICAL STUDIES (CONFIDENTIALITY)
REGULATIONS 1992**

Subordinate Law No. 28 of 1999

EXPLANATORY MEMORANDUM

Circulated by authority of the Minister for Health and Community Care

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EXPLANATORY MEMORANDUM

Epidemiological Studies (Confidentiality) Regulations **Amendment 1999**

1. Commencement

Clause 1 : provides for the amending regulation to commence on the day of gazettal.

2 Regulations amended

Clause 2 : provides that these regulations amend existing regulations and do not create new regulations. The regulations to which this amendment applies are the *Epidemiological Studies (Confidentiality) Regulations*, Subordinate Law No. 24 of 1992, notified in the ACT Gazette on 9 November 1992.

3. Substitution

Clause 3 : Repeals regulation 1 for the purpose of renaming the regulations the *Epidemiological Studies (Confidentiality) Regulations 1992*. This clause has the effect of adding the year (1992) to the end of the original regulation title.

4. Insertion

'5. Prescribed study - parenting practices of illicit drug users'

Clause 4 inserts a title, 'Prescribed study - parenting practices of illicit drug users', above regulation 5. The title reflects the content and purpose of regulation 5.

Clause 4 inserts a regulation (regulation 5) which references section 3 (1) subsection (b) of the principal Act (the *Epidemiological Studies (Confidentiality) Act 1992*), the definition of 'prescribed study' which requires that a study be declared by regulation to be a prescribed study for the purpose of the Act. In order for the study to be afforded the protection which the Act provides, a study must be declared a prescribed study by regulation. This clause has the effect of declaring the epidemiological study known as *Parenting in the Socio-cultural Context of Illicit Drug or Harmful Alcohol Use* as a prescribed study, that is a study to which the Act applies.

Clause 4 inserts a Subregulation 5 (a), that further defines the *Parenting in the Socio-cultural Context of Illicit Drug or Harmful Alcohol Use* study by outlining more details of the subject matter to which the study relates. The details of the study are stated as relating to the parenting ideas and practices of different groups of women, including illicit drug users.

Clause 4 inserts a Subregulation 5 (b), that further defines the *Parenting in the Socio-cultural Context of Illicit Drug or Harmful Alcohol Use* study by outlining the fact that the study is being conducted by the National Centre for Epidemiology and Population Health at the Australian National University.

Clause 4 inserts a Subregulation 5 (c), that further defines the *Parenting in the Socio-cultural Context of Illicit Drug or Harmful Alcohol Use* study by outlining the commencement date of the study, September 1998. This subregulation also has the effect of retrospectively applying the provisions of the principal Act to any parts of the study carried out prior to the commencement of these regulation amendments. The application of the Act retrospectively to prescribed studies declared by regulation is permitted under section 13 (2) of the principal Act.

'6. Prescribed study - combating child abuse by drug users'

Clause 4 inserts a title, 'Prescribed study - combating child abuse by drug users', above regulation 6. The title reflects the content and purpose of regulation 6.

Clause 4 inserts a regulation (regulation 6) which references section 3 (1) subsection (b) of the principal Act (the *Epidemiological Studies (Confidentiality) Act 1992*), the definition of 'prescribed study' which requires that a study be declared by regulation to be a prescribed study for the purpose of the Act. In order for the study to be afforded the protection which the Act provides a study must be declared a prescribed study by regulation. This clause has the effect of declaring the epidemiological study known as *An evaluation study of an Intervention Program to Combat Child Abuse and Neglect to Provide Health Promotion for Children of Drug Users* as a prescribed study, that is a study to which the Act applies.

Clause 4 inserts a Subregulation 6 (a), that further defines the *An evaluation study of an Intervention Program to Combat Child Abuse and Neglect to Provide Health Promotion for Children of Drug Users* study by outlining more details of the subject matter to which the study relates. The details of the study, outlined in subregulation 6 (a) (i), are stated as relating to the factors responsible for the incidence and distribution of child abuse among drug-users. The study is further defined, at subregulation 6 (a) (ii), through detailing that the study also relates to the effectiveness of a program to combat child abuse and neglect by drug users and provide health promotion for children of drug users.

Clause 4 inserts a Subregulation 6 (b), that further defines the *An evaluation study of an Intervention Program to Combat Child Abuse and Neglect to Provide Health Promotion for Children of Drug Users* study by outlining the fact that the study is being conducted by the National Centre for Epidemiology and Population Health at the Australian National University.

Clause 4 inserts a Subregulation 6 (c), that further defines the *Parenting in the An evaluation study of an Intervention Program to Combat Child Abuse and Neglect to Provide Health Promotion for Children of Drug Users* study by outlining the commencement date of the study, December 1998. This subregulation also has the effect of retrospectively applying the provisions of the principal Act to any parts of the study carried out prior to the commencement of these regulation amendments. The application of the Act retrospectively to prescribed studies declared by regulation is permitted under section 13 (2) of the principal Act.