

House of Assembly—No 115

As laid on the table and read a first time, 25 May 2005

South Australia

Human Genetic Testing Services (Public Availability) Bill 2005

A BILL FOR

An Act to promote the provision of genetic testing services for the benefit of members of the public.

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The Parliament of South Australia enacts as follows:

1—Short title

This Act may be cited as the *Human Genetic Testing Services (Public Availability) Act 2005*.

2—Interpretation

5 In this Act, unless the contrary intention appears—

genetic information means information from a DNA, RNA or protein sample about genotype or other relevant genetic characteristics or functions;

10 *genetic testing services* means services that involve undertaking various forms of tests or analysis with respect to material derived from human sources in order to reveal or explain genetic information that will assist with clinical or medical diagnosis or treatment;

Minister means the Minister responsible for the administration of the *South Australian Health Commission Act 1976*;

15 *public hospital* means a hospital established under Part 3 of the *South Australian Health Commission Act 1976* (whether or not declared to be a public hospital under section 27(3b) of that Act).

3—Requirement to disclose levels of genetic testing services available to members of the public

20 (1) The Minister must, within 2 months after the commencement of each financial year, publish a statement setting out the levels of genetic testing services within the State that are to be provided or funded by the Government of the State for that financial year.

(2) The Minister must, in taking action to set the levels referred to in subsection (1), take into account the following principles:

25 (a) genetic testing is an important health measure that can result in the early detection treatment or prevention of a number of common diseases and that should therefore be promoted as an important part of medical science;

30 (b) members of the public should be able to receive reasonable access to genetic testing services taking into account community expectations and the needs of individuals and families affected by genetic conditions;

- (c) subject to taking into account new and emerging developments in genetic testing, the levels of genetic testing services available to members of the South Australian community in a particular financial year should not be reduced from the levels available in the preceding financial year.
- 5 (3) The Minister must, as part of a statement published under subsection (1), specifically address each of the principles set out in subsection (2).
- (4) The Minister must, before finalising a statement required under subsection (1), initiate a public consultation process (in such manner as the Minister thinks fit) in order to assess community expectations with respect to the levels of genetic testing services that should be available within the State in the relevant financial year (taking into account other demands and requirements for health services within the State).
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- (5) The Minister may publish a statement required under subsection (1) in such manner as the Minister thinks fit but the Minister must, within 6 sitting days after a statement is published for the purposes of subsection (1), cause a copy of the statement to be tabled in both Houses of Parliament.
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- (6) For the purposes of making genetic testing services available to members of the public in accordance with a statement published under this section, the Minister may (but need not) authorise a person or body to provide some (or all) of the relevant services on behalf of the State.
- 20 (7) The Minister must ensure that members of the public attending public hospitals within the State are not charged a fee for any genetic testing services that fall within the ambit of a statement published under this section.