

## Health Law Resource

<http://www.apth.gov.au/library/intguide/law/healthlaw.htm#legislation>

This guide contains links to Internet resources and documents in the area of federal health law, as well as providing links to other guides and directories which contain material on State and Territory and overseas law. More detailed guides are also provided for topics of current interest to the federal Parliament.

- [Legislation](#)
- [Court and Tribunal decisions, law reports etc](#)
- [Key National Bodies](#)
- [Key Publications](#)
- [Links to Other Australian Sites \(State organisations, Pathfinders, Directories etc\)](#)
- [Overseas Sites](#)
- Topics
  - [Food Law](#)
  - [Stem cells](#) (separate guide)

### Legislation

- [Current bills, Health and Ageing portfolio](#)
- [Aged Care Act 1997](#)
- [Australian Workplace Safety Standards Act 2005](#)
- [Gene Technology Act 2000](#)
  - [Text of Bill, Explanatory Memorandum; Second Reading Speeches; Bills Digest](#)
- [Health Insurance Act 1973](#)
- [Medicare Australia Act 1973](#) (previous title *Health Insurance Commission Act 1973*)
- [Medicare Levy Act 1986](#)
- [National Blood Authority Act 2003](#)
  - [Text of Bill, Explanatory Memorandum; Bills Digest; Second Reading Speeches](#)
- [National Health Act 1953](#)
- [National Health and Medical Research Council Act 1992](#)
- [National Health Security Act 2007](#)
- [Private Health Insurance Act 2007](#)
- [Prohibition of Human Cloning for Reproduction Act 2002](#)
  - [Text of Bill, Explanatory Memorandum; Second Reading Speeches; Bills Digest](#)
- [Research Involving Human Embryos Act 2002](#)
  - [Text of Bill, Explanatory Memorandum; Second Reading Speeches](#)
  - [Research Involving Embryos and Prohibition of Human Cloning Bill 2002: \[Text of Bill, Explanatory Memorandum; Second Reading Speeches; Bills Digest\]\(#\) \[this original bill was subsequently split into two\]](#)
  - Complementary state legislation:
    - ACT: [Human Cloning and Embryo Research Act 2004](#)
    - New South Wales: [Human Cloning and Other Prohibited Practices Act 2003](#), [Research Involving Human Embryos \(New South Wales\) Act 2003](#)
    - Queensland: [Research Involving Human Embryos and Prohibition of Human Cloning Act 2003](#)
    - South Australia: [Prohibition of Human Cloning Act 2003](#), [Research Involving Human Embryos Act 2003](#)
    - Tasmania: [Human Cloning and Other Prohibited Practices Act 2003](#), [Human Embryonic Research Regulation Act 2003](#)
    - Victoria: [Health Legislation \(Research Involving Human Embryos and Prohibition of Human Cloning\) Act 2003](#)
    - Western Australia: [Human Reproductive Technology Amendment Act 2004](#), [Acts Amendment \(Prohibition of Human Cloning and Other Practices\) Act 2004](#)
- [Therapeutic Goods Act 1989](#)

- [Therapeutic Goods Amendment \(Repeal of Ministerial responsibility for approval of RU486\) Act 2006](#)

## Court and Tribunal decisions, law reports etc

- [Australasian Legal Information Institute \(AustLII\)](#)

## Key National Bodies

- [Australia. Parliament. House of Representatives. Standing Committee on Health and Ageing](#)  
Examines health legislation and related issues
- [Australia. Parliament. Senate Standing Committee on Community Affairs](#)  
Examines health legislation and related issues.
- [Australian College of Legal Medicine](#)
- [Australian and New Zealand Institute of Health, Law & Ethics \(ANZIHLE\)](#)  
An independent, national organisation active in exploring the legal and ethical aspects of health care and promotion.
- [Australian Medical Association. Policy page](#)
- [Australian Radiation Protection and Nuclear Safety Agency \(ARPANSA\)](#)  
Includes information relating to the 2001 National Competition Policy review of radiation protection legislation
- [Department of Health and Ageing](#)
- [National Health and Medical Research Council \(NHMRC\)](#)  
Established by the National Health and Medical Research Council Act 1992, the NHMRC, amongst other things, considers ethical issues relating to health.
  - [NHMRC Licensing Committee](#): oversees the Research Involving Human Embryos Act 2002 and the Prohibition of Human Cloning Act 2002, including the review of the Acts.
- [Australian Safety and Compensation Council \(ASCC\)](#)  
Also known as WorkSafe Australia . Includes texts of national standards, model regulations and national codes of practice
- [Office of the Gene Technology Regulator \(PGTR\)](#)  
Established by the *Gene Technology Act 2000*, the regulator oversees the national scheme to regulate genetically modified organisms (GMOs).
- [Therapeutic Goods Administration \(TGA\)](#)  
Regulates medicines and medical devices in Australia.
- [Australia New Zealand Therapeutic Products Authority](#) (Joint Australia-New Zealand regulatory scheme for therapeutic products, currently on hold)
- [University of Sydney. Centre for Values, Ethics and the Law in Medicine](#)
- [University of Tasmania and University of Melbourne. Centre for Law and Genetics](#)

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## Key Publications

For further items, search the [Parlinfo](#) database and select Library for journal articles, books and library publications, and Media for newspaper articles and media releases. Although full-text searchable, for copyright reasons some material on Parlinfo may be available only to those using the Parliament House computer network

- Halsbury's Laws of Australia. [Title 280. Medicine](#); [Title 285. Mental Health and Intellectual Disability](#)  
Commercial publication. Not available outside Parliament
- [The Laws of Australia \(Law Book Co\). Title 20. Health and Guardianship](#)  
Commercial publication. Not available outside Parliament.

- [Australian Health Care Agreements](#)  
Signed in September 2003, these agreements govern Commonwealth funding of state and territory public hospital services until 30 June 2008.
- [Fourth Community Pharmacy Agreement](#)  
Signed on 16 November 2005, and covering the period 1 December 2005 to 30 June 2010, this Agreement sets out in particular the remuneration that pharmacists will receive for dispensing Pharmaceutical Benefits Scheme medicines.
- [Embryology legal issues](#) (University of New South Wales)  
Covers human rights, reproductive technologies, fertility, abortion, gene manipulation, quarantine.

### Law firm bulletins

- [Focus: Health, Aged Care and Retirement](#) and [Biotech & Health News](#) (Allens Arthur Robinson)
- [Health and Aged Care Law Alert : Health And Aged Care Law Update](#) (Blake Dawson)
- [Health Business Newsletter](#) (TressCox)
- [Health](#) (HWL Ebsworth)

### Government and parliamentary reports etc

#### 2008

- [Recent developments in abortion law](#) (K. Simon, *E-Brief* 08/08, NSW Parliamentary Library)
- [National Health Amendment \(Pharmaceutical and Other Benefits - Cost Recovery\) Bill 2008](#) [Provisions] (Senate Community Affairs Committee)
- [Rights of the Terminally Ill \(Euthanasia Laws Repeal\) Bill 2008](#) (Senate Legal and Constitutional Affairs Committee)
- [Item 16525 in Part 3 of Schedule 1 to the Health Insurance \(General Medical Services Table\) Regulations 2007](#) [Second Trimester Termination] (Senate Finance and Public Administration Committee)

#### 2007

- [Health Insurance Amendment \(Medicare Dental Services\) Bill 2007](#) [Provisions] (Senate Community Affairs Committee)
- [National Health Amendment \(Pharmaceutical Benefits Scheme\) Bill 2007](#) [Provisions] (Senate Community Affairs Committee)
- [Food Standards Australia New Zealand Amendment Bill 2007](#) [Provisions] (Senate Community Affairs Committee)
- [Gene Technology Amendment Bill 2007](#) [Provisions] (Senate Community Affairs Committee)
- [Private Health Insurance Bill 2006 \[Provisions\] and 6 related bills](#) [Provisions] (Senate Community Affairs Committee)

#### 2006

- [Inquiry into the Legislative responses to recommendations of the Lockhart Review](#) (Senate Community Affairs Committee): majority report favours new legislation permitting research involving human embryo stem cells ('therapeutic cloning').
- [Analysis of Advice on Developments in Assisted Reproductive Technology and Related Medical and Scientific Research](#) (report on stem cells by mpconsulting, commissioned by Dept. of Prime Minister and Cabinet; Prime Minister's 'Embryonic stem cell research' [media release](#), 31 August 2006).
- [Therapeutic Goods Amendment \(Repeal of Ministerial Responsibility for approval of RU486\) Bill 2005](#) [Provisions] (Senate Community Affairs Committee)

#### 2005

- [Reports](#) of the Legislation Review Committee on the *Prohibition of Human Cloning Act 2002* and the *Research Involving Human Embryos Act 2002* (Lockhart Review Committee)
- [Government Response](#) to Australian Law Reform Commission/Australian Health Ethics Committee Report  
*Essentially yours: the protection of human genetic information in Australia*

## 2004

- [Genes and ingenuity: gene patenting and human health](#) (Australian Law Reform Commission, Report no. 99: examines intellectual property rights over genes and genetics and related technologies, particularly the impact they have on human health issues.
- Agreement with New Zealand concerning the establishment of a Joint Scheme for the Regulation of Therapeutic Products (Australia. Parliament. Joint Standing Committee on Treaties): [Chapter 2](#) of report on *Treaties tabled 30 March 2004*, 5 August 2004: comprehensive examination of the treaty; recommends its ratification.
- [Medicare Plus: the future for Medicare?](#) (Senate Select Committee on Medicare): inquiry into three key elements of the Government's revised Medicare package, 'Medicare Plus'.
- [Medicines regulation and the TGA](#) (Therapeutic Goods Administration)  
A general introduction to the regulatory process for medicines in Australia

## 2003

- [Agreement with New Zealand to establish a joint scheme for the regulation of therapeutic goods](#) ([2003] ATNIF 22, not yet in force)
- [Complementary medicines in the Australian health system](#): Report to the Parliamentary Secretary to the Minister for Health and Ageing, (Expert Committee on Complementary Medicines in the Health System).
- [Medicare—healthcare or welfare?](#) (Senate Select Committee on Medicare): inquiry into the Government's 'A Fairer Medicare' package.
- [Essentially yours: the protection of human genetic information in Australia](#) (Australian Law Reform Commission, Report no. 96)
- [New licensing committee for embryo research](#) (Media release, Minister Responsible for Human Cloning)

## 2002

- [Draft National Health Privacy Code](#)
- [Review of Commonwealth legislation for pathology arrangements under Medicare](#) (Dept. of Health and Ageing)
- [Protection of human genetic information](#) (Australian Law Reform Commission, Discussion Paper 66)
- [Human cloning and stem cell research](#) (S. Smith, Briefing Paper No. 9/2002, NSW Parliamentary Library)
- [Information privacy and health records](#) (G. Griffith, briefing Paper no. 6/2002, NSW Parliamentary Library)
- [Inquiry into the Research Involving Embryos and Prohibition of Human Cloning Bills](#) (Senate Community Affairs Committee)

## 2001

- [Human cloning: scientific, ethical and regulatory aspects of human cloning and stem cell research](#) (House of Representatives Standing Committee on Legal and Constitutional Affairs) [Andrews Report]
- [Medicine, technology and the law](#)  
Special issue of the *Sydney Law Review*. Contents: Regulating Risk Society;

Stigmata Cases, Scientific Citizenship & Biomedical Diplomacy / Cloning for Human Reproduction: One American Perspective / The Australian Medical Biotechnology Industry and Access to Intellectual Property: Issues for Patent Law Development / Medico-Legal Issues In Sport: The View From The Grandstand / New Challenges for Old Laws? The Development of E-Health in Australia / Human Rights in the Age of Technology: Can Law Rein in the Medical Juggernaut?

## 2000

- [Human Quarantine Legislation Review](#) (Dept. of Health and Aged Care) Terms of reference, discussion paper, final report
- [Observations upon causation in recent "failure to warn" cases](#) (R. Mulheron, 2000 NLR 2)
- [Twelve tests to identify whether a medical risk is "material"](#) (R. Mulheron, 2000 NLR 1)
- [Genetic non-discrimination, privacy and property rights](#) (M. Stulic, 2000 MUELJ v 7(2))
- [A cautionary tale: fish don't lay tomatoes - a report on the Gene Technology Bill 2000](#) (Senate Community Affairs Committee )

## 1999

- [Posthumous reproduction and the meanings of autonomy](#) (B. Bennett, [1999] MULR 13)
- [Advanced directives, the right to die and the common law: recent problems with blood transfusions](#) (C. Stewart, [1999] MULR 6)
- [Human genome project: legal issues](#) (M. Kirby)
- [The new biology and international sharing: lessons from the life and work of George P Smith II](#) (M. Kirby)
- [Genetic Privacy and Non-discrimination Bill 1998](#) [Provisions] (Senate Legal and Constitutional Legislation Committee)

## 1998

- [Abortion law in Australia](#) (N. Cica, Parliamentary Library)
- [Scientific, ethical and regulatory considerations relevant to cloning of human beings](#) (National Health and Medical Research Council. Australian Health Ethics Committee)

## 1997

- ['Any change in the law must be for Parliament': Breen v Williams and patient access to medical records](#) (Parliamentary Library)
- [Human cloning: the law's response](#) (M. Lupton, (1997) 9 Bond LR 123)
- [Legal liability of health service providers](#) (Victoria. Parliament. Law Reform Committee)
- [Report on Euthanasia Laws Bill 1996](#) (Senate Legal and Constitutional Legislation Committee)

## 1996

- [Litigation or science: what's driving medical decision making?](#) (F. Stanley, ALRC Reform No. 69)
- The Australian Constitution, Medicine and the Law, Old Parliament House, Canberra, 7 June 1996: conference papers (Organised by the AMA and the Australian Doctors Fund)  
Includes the [address by Attorney-General, Daryl Williams](#), on constitutional aspects and brief history of Commonwealth involvement in health-related areas
- Euthanasia: the Australian law in an international context (N. Cica, Parliamentary Library)
  - [Part 1. Passive Voluntary Euthanasia](#)
  - [Part 2. Active Voluntary Euthanasia](#)

## 1995

- [The right of the individual or the common good?](#) (Northern Territory. Legislative Assembly. Select Committee on Euthanasia. Report)  
Inquiry into the Rights of the Terminally Ill Bill 1995 (NT)

## 1991

- [Active voluntary euthanasia: a timely reappraisal](#) (M. Otlowski, University of Tasmania Law School Occasional Paper)

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## Links to Other Australian Sites (Pathfinders, Directories etc)

- [via WORLDLII](#)
- [WEBLAW guide to health law on the Internet](#)  
Gateway to Australian and overseas sites
- [via University of Sydney](#)
- See also [Alternative Medicine, Biosecurity, Chemicals, Environment Health, Food \(including Genetic Engineering and Nanotechnology\), and Safety](#) on our Science, Technology, Environment & Resources page; [Drugs and Pharmaceuticals](#) on our Social Policy page

## Overseas Sites

- [via WORLDLII](#)
- [via HG.org](#)  
Includes links to the United Nations, European Union and United States health law sites
- [via Saint Louis University Center for Health Law Studies](#)  
Excellent links to United State health law with a guides to health law research
- [Medical and mental health law links from the University of Kent \(UK\)](#)
- [International digest of health legislation](#) (World Health Organisation)  
Titles and summaries of new national health legislation passed since 1999. Some links are made to the full text where possible
- [Medical law review](#) (UK)  
Abstracts and tables of contents from 1996, full text from 1998+. A search facility is also available

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## Food Law

### Australia

- [Food Standards Australia New Zealand](#) (FSANZ)  
The main federal regulatory body. This site includes the *Australia New Zealand Food Standards Code*.
- [Overview of Australian Food Regulation](#) (FoodLegal)
- [Food Law Update](#) (Blake Dawson)
- [Food regulation in Australia: a chronology](#) (R. Polya, Parliamentary Library)
- [Enforcing Australia's food laws](#) (Productivity Commission)  
A survey and discussion of the practices of Australian food regulation enforcement agencies. (November 1995)

## Overseas

- [Codex Alimentarius](#)  
The international set of food standards published by the Food and Agriculture Organization and the World Health Organization
- [Food and Agriculture Organization of the United Nations, Legal Office](#)  
Includes texts of treaties and reports and access to FAOLEX, a food law database
- [Food Law Internet Project](#)  
Aims to provide summary information on national food control systems

## Canada

- [Food and Drugs Act \(Federal\)](#)
- [Canadian Food Inspection Agency](#)  
Links to federal Acts and Regulations

## European Union

- [EU Food Law News](#)  
Compilations of press releases relating to EU food law
- [European food laws](#)  
A chronological index compiled by the University of Reading.
- [Food Safety in the EU](#)  
Provides links to the text of EU legislation

## New Zealand

- [Food Act 1981](#)

## United Kingdom

- [Food Law \(UK\)](#)  
University of Reading lecture notes and other material covering UK and European Union law. Has comprehensive links to UK and European food law sites

## United States

- [FDA Food Code](#)  
The Food and Drug Administration's model food standards for State and federal governments
- [US Code, Title 21, Food and Drugs](#)  
The US federal Act covering food
- [US Code of Federal Regulations](#)  
Title 21. Food regulations made under Title 21 of the US Code.
- [Institute of Food Technologists, Food Laws and Regulation Division](#)  
Deals with all aspects of federal, state and international laws and regulations that have relevance to food and/or food components

