

larly in the payment of Death and Total and Permanent Disability benefits than Court processes, because of the constraints of the laws of trusts would place on such reviews.

It will be prudent for practitioners to examine their client files to ascertain whether there are any claims available to clients against Superannuation funds for payments of Total and Permanent Disability Benefits and whether such matters can be dealt with by the Superannuation Complaints Tribunal. Most importantly practitioners should be mindful of the time limits imposed by the Complaints Act for the bringing of such complaints. ■

Val Gostencnik is a Barrister at Ryan Carlisle Thomas: phone (03) 9240 1414 or fax (03) 9240 1444

## ALL PERSONAL INJURIES

Engineering and ergonomics expert



**Mark Dohrmann**

AM FIEAust BE (Mech)

CPEng CertErg MESA Engineer, Ergonomist

- accidents - all sorts (workplace/public)
- strain/overuse injuries - backs, shoulders, arms
- slips and falls
- employer, occupier and product liability
- job/task analysis
- motor vehicle accidents

Over 3000 reports on liability and negligence completed since 1977. Regular court attendance.

Tel: (03) 9376-1844 (24hrs)

PO Box 220 Essendon, VIC 3040

Email: mark@ergonomics.com.au

Visit our website for cases and further details:

[www.ergonomics.com.au](http://www.ergonomics.com.au)

# Medical records to be issued

JOHN KERIN

PEOPLE would get full access to their personal medical records held by doctors and other health professionals, under proposed federal privacy legislation.

Regulations governing the circumstances in which personal health information can be released and used for medical research, by insurers or other medical institutions, also would be tightened.

Federal Privacy Commissioner Malcolm Crompton has prepared an issues paper to underpin planned national guidelines for handling sensitive personal information in the private sector.

Guidelines legislation, due to be introduced by the Howard Government later this year, backs development of a series of industry codes governing the collection, access, use and disclosure of personal information in the private sector.

But the Australian Medical Association warned last night the planned legislation could force doctors to "give up personal notes never intended to be made public" and be a "recipe for litigation".

In the issues paper, which looks specifically at problems associated with sensitive health information, Mr Crompton says there should only "be very limited circumstances when an individual is not entitled to access personal health information about themselves".

The paper says the only exceptions should be where release of information would pose a serious threat to the

individual or another person, or it would have unreasonable impact on the privacy of other individuals or where there was a legal dispute and the information would not be made available through the legal process.

Consumers Health Forum national director Kate Moore said yesterday the proposals would be welcomed by consumers who were protected by a hotchpotch of State and industry regimes or no regulation at all.

"We believe the commission has taken the right approach and that is: the consumer should have access to general practitioners' records or other health information held by insti-

‘The public tends to view that there’s some conspiracy among doctors’

DR TREVOR MUDGE, AMA

tutions in the private sector."

But she said it would be a matter of fleshing out what was a broad set of principles to ensure there were codes of practice throughout the health sector to protect the consumer.

AMA Medico Legal Committee chairman Trevor Mudge said doctors wanted a clear distinction drawn between "the patients' right to know factual information" and "doctors' opinions and notes".

"The public tends to get wrapped up in some view that there's some authoritarian conspiracy among doctors to keep information from them," Dr Mudge said.

"That medical profession model is long gone."

The Australian 8/7 1999. Reproduced with permission.