Australian Capital Territory

Health Records (Privacy and Access) (Fees) Determination 2023 (No 1)

**Disallowable instrument DI2023-31**

made under the

Health Records (Privacy and Access) Act 1997, s 34

**1 Name of instrument**

This instrument is the *Health Records (Privacy and Access) (Fees) Determination 2023 (No 1)*.

**2 Commencement**

This instrument commences on 1 April 2023.

**3 Payment of Fees**

The determined fees mentioned in the schedule for a service are payable to the health service provider or record keeper by the person to whom the service is provided.

**4 Waiver**

A person to whom a fee is payable may waive the fee in part or in full if the person is satisfied that:

1. the fee would result in hardship; or
2. it would otherwise be unreasonable to charge the fee.

**5 Discount**

The determined fees for health card holders are 50% of the fees mentioned in the Schedule.

**6 Revocation**

This instrument revokes DI2021-265.

**7 Schedule of fees**

The fee for a service listed in an item in column 1 of the schedule is the amount listed in column 2 for the item.   The fee is exempt from GST under Division 81 of the *A New Tax System (Goods and Services Tax) Act 1999* (Cwlth).

Rachel Stephen-Smith MLA
Minister for Health

23 March 2023

# Fees for consumer access to health records

|  |  |
| --- | --- |
|  |  |
| (a) To view a health record under the Act, section 3C(2)(a).(Includes search fee and time of birth requests). | A fee of $17.10 |
|  |  |
| (b) Provision of a copy of a health record inclusive of any search fee under the Act, section 13C(2)(b)(i): |  |
| 1. Hard copy – up to 50 pages
 | A fee of $47.00 |
| 1. Electronic Delivery, includes secure encrypted email and via the MyDHR Portal
 | A fee of $17.10 |
| 1. Electronic Delivery via Encrypted USB
 | A fee of $33.10 |
|  |  |
| (c) Provision of a copy of a health record for health records containing more than 50 pages inclusive of any search fee under the Act, section 13C(2)(b)(i). | A fee of $47.00plus an additional 40 cents per page charged for each page copied over 50 pages |
|  |  |
| (d) Provision of an accurate summary of a health record under the Act, section 13C(2)(b)(ii), or a written summary of a health record under the Act, section 13C(2)(b)(iii).  | A fee of $97.80 |
|  |  |
| (e) To view a health record and have its contents explained by a health service provider under the Act, section13(C)(2)(c), or to discuss the health record with a health service provider, under the Act, section 16(2) or section 16(C). | A fee equal to the health service providers usual consultation fee |
| (f) Provision of a copy of a health record for a patients’ continued treatment or future care. | No fee |
|  |  |
| **Fees for access to health records by solicitor and insurer** |  |
|  |  |
| (g) For fees for access to health records by a consumer’s solicitor or insurer - see fees determined under section 192 of the *Health Act 1993*. |  |
|  |  |
| Fees for transfer of health records under Principle 11 of the Act–Relocation and closure of health service practice |  |
|  |  |
| (h) When a health service provider notifies of a practice closure or relocation and transfers the health records or copy of the health records to another health service provider or record keeper. | No Fee |
|  |  |
| (i) When a health service provider notifies of a practice closure or relocation and transfers a copy of a health record at the request of the consumer to the consumer or another health service provider nominated by the consumer. | A fee of $47.00plus an additional 40 cents per page charged for each page copied over 50 pages |
|  |  |
| (j) When a health service provider notifies of a practice closure or relocation and transfers a written summary of a health record at the request of the consumer to the consumer or another health service provider nominated by the consumer. | A fee of $97.80 plus the cost of actual postage |
|  |  |
| (k) When a health service provider notifies of a practice closure or relocation and chooses to transfer an original health record at the request of the consumer to the consumer or another health service provider nominated by the consumer. | The cost of actual postage |
|  |  |
| **Fees for transfer of health records under Principle 12 of the Act–consumer transfers to another health service provider or health service provider transfers to another practice** |  |
|  |  |
| (l) Provision of a health record or copy of a health record inclusive of any search fee at the request of the consumer.  | A fee of $17.10 plus the cost of actual postage |
|  |  |
| (m) Provision of a written summary of a health record at the request of the consumer. | A fee of $97.80 |