

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:

- (a) the fee would result in hardship; or
- (b) 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

SCHEDULE

This is the Schedule referred to in the Determination of Fees under section 34 of the *Health Records (Privacy and Access) Act 1997*.

Column 1 Service	Column 2 Amount
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):	
(i) Hard copy – up to 50 pages	A fee of \$47.00
(ii) Electronic Delivery, includes secure encrypted email and via the MyDHR Portal	A fee of \$17.10
(iii) 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 \$47.00 plus 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, section 13(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 <i>Health Act 1993</i> .	
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

SCHEDULE

This is the Schedule referred to in the Determination of Fees under section 34 of the *Health Records (Privacy and Access) Act 1997*.

Column 1 Service	Column 2 Amount
(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 \$47.00 plus 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