

EXPLANATORY STATEMENT

AUSTRALIAN CAPITAL TERRITORY DEPARTMENT OF HEALTH AND COMMUNITY CARE

HEALTH RECORDS (PRIVACY AND ACCESS) ACT 1997

Instrument No. 122 of 1998

This determination of fees sets in place new fees in accordance with Part VI, Section 34 of the *Health Records (Privacy and Access) Act 1997* and comes into effect on the date of Gazettal.

The *Health Records (Privacy and Access) Act 1997* (the Act) came into force on 1 February 1998.

Section 34 of the Act allows the Minister to determine fees under the Act. This determination sets in place fees for the following sections of the Act

- Part II of the Act sets out 12 Privacy Principles. Principle 12 refers to fees which may be payable where a record keeper provides a copy or summary of a record to another provider.
- Section 13 of the Act outlines what a record-keeper must do when a request for access is received. Section 13(2) of the Act refers to fees payable for giving access to records
- Section 13(5) sets out the ways a health service provider can comply with a request for access, including inspecting the record, receiving a copy of the record, or the production of a written summary.
- Section 16(2) permits a record-keeper to offer to discuss the health record with the consumer, where an exemption may be claimed for potential harm to the consumer.

The fees schedule balances the importance between ensuring that fees do not become a barrier to access with the need to ensure that service providers, often in private businesses, receive reasonable reimbursement of the cost of providing access

Dated this

19th

day of

June

1998



MICHAEL MOORE
Minister for Health and
Community Care