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SPECIAL

Subordinate Legislation Act 1994 PROPOSED HEALTH RECORDS REGULATIONS

Regulatory Impact Statement

In accordance with section 11 of the **Subordinate Legislation Act 1994** notice is given that a Regulatory Impact Statement has been prepared regarding the proposed Health Records Regulations.

The **Health Records Act 2001** creates a scheme to regulate the handling of health information in Victoria. It is proposed that the Act will come into effect on 1 March 2002. The Act will:

- give individuals a legally enforceable right of access to their health information which is contained in records held by private sector organisations; and
- establish Health Privacy Principles that will apply to personal health information collected and handled in both the public and private sectors.

It is proposed that regulations will be made under the Act. The reasons for, and objectives of, the proposed regulations are to:

1. prescribe the maximum fees that may be charged by an organisation when providing individuals with access to health information under Part 5 of the Act and Health Privacy Principles 6 and 11 and by a nominated health service provider when performing functions set out in section 42 of the Act, in a manner that—
 - ensures that any fee charged does not unfairly preclude an individual from requesting access to health information; and
 - allows reasonable cost recovery for organisations; and
 - recognises current practice regarding the transfer of health information between health service providers at the request of an individual for the purposes of continuity of care; and
2. specify circumstances under Health Privacy Principle 1.1(i) under which a health service provider may collect health information. This would enable a provider to collect health information from an individual about

a family member of the individual, but only to the extent necessary to enable the individual who is attending the provider to receive safe and effective health, disability or aged care services.

The regulatory impact statement assesses the costs and benefits of the proposed regulations and other practicable means of achieving the same objectives, and concludes that the benefits of proceeding with the proposed regulations outweigh the costs.

Copies of the proposed regulations and the regulatory impact statement may be downloaded from the Health Records website on www.dhs.vic.gov.au/ahs/healthrecords or obtained by contacting Mr Dallas Mischkulnig on 9616 7852.

Public comments and submissions are now invited and will be received up to close of business on 24 December 2001. Comments and submissions can be sent by email to healthrecords@dhs.vic.gov.au, or by mail to the following address: Ms Pauline Ireland, Manager, Legislation Review Unit, Acute Health Division, Department of Human Services, Level 16, 555 Collins Street, Melbourne, Victoria, 3000.

JOHN THWAITES MP
Minister for Health

Subordinate Legislation Act 1994 NOTICE OF INTENTION TO PROCEED TO MAKE REGULATIONS

Victorian Qualifications Authority
(Interim Fees) Regulations 2001

A Regulatory Impact Statement was published in October 2001 in relation to the Victorian Qualifications Authority (Interim Fees) Regulations 2001.

Public comments and submissions were invited as required by section 11(1) and (2) of the **Subordinate Legislation Act 1994**. No comments or submissions were received.

I have therefore decided that the proposed regulations should be made without amendments.

LYNNE KOSKY MP
Minister for Post Compulsory Education,
Training and Employment

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