

Legislative review of My Health Records Act 2012 (the Review)

Consultation Frequently Asked Questions

1. Why is the Review being undertaken?

Section 108 of the *My Health Records Act 2012* (the Act) requires the Minister for Health (the Minister) to appoint an individual to review the operations of the Act. The individual must report to the Minister within 3 years of the commencement of the 2 December 2017 legislative rule that made the opt-out model a feature of the My Health Record (MHR) system. The Review is being conducted to ensure the legislation underpinning the MHR system is enabling the system to operate effectively for all Australians.

2. Who is the reviewer and when were they appointed?

Professor John McMillan AO was appointed by the Minister on 24 February 2020 to conduct the Review, following consultation with state and territory health ministers.

3. When will the Review final report be delivered to the Minister?

The final report of the Review is to be delivered to the Minister by 1 December 2020.

4. What are the Terms of Reference of the Review?

To view the Review Terms of Reference (ToR) please [click here](#).

5. What are the general themes and key issues being addressed in the Review?

- Is the MHR system providing important practical healthcare benefits to healthcare recipients and healthcare providers? Could more be done to improve the benefits that are provided? Could more be done to generate better public understanding of the healthcare benefits of the MHR system?
- Are there any particular features of the MHR system that make healthcare recipients or healthcare providers reluctant or disinclined to use it?
- Is there unnecessary complexity in the legislation for the MHR system?
- Is the scope and purpose of the MHR system clear? Is there a need to define or explain the MHR system more clearly, and how it relates to other health information systems and practices?
- Should the future direction of the MHR system be spelt out more than at present? What issues should be covered in a future roadmap or strategic plan?
- Should the prohibited purposes provision (section 71) in the MHR Act be amended to reduce the adverse impact on health practitioners? How could this best be done – for example, excluding specific conduct from the scope of the prohibition, or removing the penalty for a breach of the prohibition?
- Should the MHR Act provisions relating to managing the health information of minors be revised?

6. What is the overall aim of the Review?

The Review will seek to determine how well the Act is supporting the operation of the MHR system.

7. Who will be consulted?

The Review will include broad national consultation with (but not limited to) healthcare recipients, including those who use the MHR system, state and territory governments, healthcare providers, peak organisations, the Office of the Australian Information Commissioner (the MHR system regulator), the Australian Digital Health Agency (the MHR System Operator), and the information and technology sector.

8. How can I contribute?

The public consultation period opened on the 25 September 2020 and closes on 21 October 2020. Guidance material to assist people wishing to provide feedback to the national consultation process is available via citizen space [here](#). Written submissions are invited in relation to the ToR and general themes outlined in the consultation paper. To provide a submission, please submit your response through the citizen space portal.

If you are unable to provide a submission via the online portal for any reason, please contact us by emailing MHRlegislationreview@health.gov.au

9. Will my feedback be kept private?

There is an option to request your feedback be kept anonymous or not posted publicly, at the commencement of the feedback collection process.

10. Do I need to provide feedback to every section within the online consultation portal?

No, you can provide comments to one or all of the sections.

11. Will the Review properly assess if the My Health Record System is improving the healthcare system?

The Australian Government is committed to maintaining public trust and confidence in the MHR system. This consultation process will be used to understand how the Act may be improved to enhance the usability of the MHR system for healthcare recipients and healthcare providers, and to improve the delivery of healthcare services across all Australian healthcare settings.

12. How many Australians and registered healthcare providers are now using the MHR?

For the most up to date information in relation to the participation and use of the My Health Record system please [click here](#)

13. Will the Review final report be tabled in Parliament?

The final report of the Review delivered to the Minister for Health will be tabled in Parliament within 15 sitting days after the report is given to the Minister.

14. What happens after the final report is tabled in Parliament?

The final report of the Review that is delivered to the Minister for Health will include key findings and recommendations about how the legislation underpinning the operation of the MHR system can be improved. Once received, the report will be considered by Government and the findings and recommendations will support future revisions of the MHR system legislation

15. If I have any further questions about the consultation process or the Review, who can I contact?

Please direct all enquiries to: MHRlegislationreview@health.gov.au