

PARLIAMENTARY INQUIRY QUESTION ON NOTICE

Department of Health and Aged Care

Senate Standing Committee on Community Affairs Legislation Committee Health Legislation Amendment (Modernising My Health Record—Sharing by Default) Bill 2024 [Provisions]

PDR Number: IQ25-000008

Longer Term Implementation

Written

Senator: Jordon Steele-John

Question:

1. Can you please provide any details about delegated legislation that will accompany this Bill?
2. Is there a plan, including consultation, for the implementation of this legislation for practitioners beyond pathologists and diagnostic imagers? If so, please provide it.

Answer:

1. It is intended the Bill will be supported by the development of rules ("Share by Default Rules"). These Share by Default Rules will be made under the *My Health Records Act 2012* (My Health Records Act) and the *Health Insurance Act 1973* to specify which health services and what health information will need to be shared. These rules will be disallowable.

Development of Share by Default Rules will require further consultation with stakeholders - including healthcare providers, peak bodies, healthcare recipients as well as software vendors.

The My Health Records Act also requires the Minister to consult with states and territories and with the My Health Record System Operator, the Australian Digital Health Agency, before making rules.

2. Initially the Share by Default Rules will apply to pathology and diagnostic imaging services only. Over time, it is anticipated that requirements will be applied to other health services and types of health information. Any future decision to expand the Share by Default Rules will include consultation and clinical guidance and is a decision for Government.