



18 July 2023

Victorian Branch

Legislative and Regulatory Reform Team  
Regulatory, Risk, Integrity and Legal Division  
Victorian Department of Health  
By email to: [legandregreform@health.vic.gov.au](mailto:legandregreform@health.vic.gov.au).

### **Re: Proposed Health Records Regulations 2023**

The Royal Australian and New Zealand College of Psychiatrists (RANZCP) Victorian Branch welcomes the opportunity to respond to the Victorian Department of Health in relation to the proposed Health Records Regulations 2023 (the Regulations) public consultation.

#### **Documents reviewed**

- (i) Health Records Regulations 2023 draft for consultation
- (ii) Regulatory Impact Statement – Health Record Regulations – June 2023

Following consultation with RANZCP members, the Branch wants to ensure that private practitioners running owner-operated businesses are not unreasonably burdened with the cost of compliance. The Branch therefore supports Option 2 to the proposed amendment, which allows for a higher level of cost recovery than the maximum fees prescribed in the current Regulations. The Branch also supports including in the Regulations a process for annual indexation of the fee, in line with the Consumer Price Index (CPI).

The Branch recognises the fundamental right of individuals to access their health information. The Branch is also cognisant that the current fee is not reflective of the work that staff put into organising health records before providing them to the consumer. This includes ensuring records are properly prepared for release, as well as photocopying records, redacting information provided by third parties in confidence, and so forth.

We believe that Option 2 better allows practitioners to recover the costs associated with facilitating access to health records. We would also propose that indexation in line with the CPI will allow the maximum fee to keep up with the real costs incurred by the practice. We agree that people on supported incomes should not be denied access to health records based on their financial means. We propose that to ensure equity of access to health records, the cost to people on supported incomes be subsidised, but not by the private practitioner (i.e., that the private practitioner is allowed to recover the full fee, and that a subsidy be provided by government).

Should you wish to discuss the matter further, please contact Rani Kalam, Policy Officer,  
Victorian Branch [rani.kalam@ranzcp.org](mailto:rani.kalam@ranzcp.org), or (03) 9236 9158.

Kind regards,



**A/Prof Simon Stafrace**  
**Chair, RANZCP Victorian Branch**