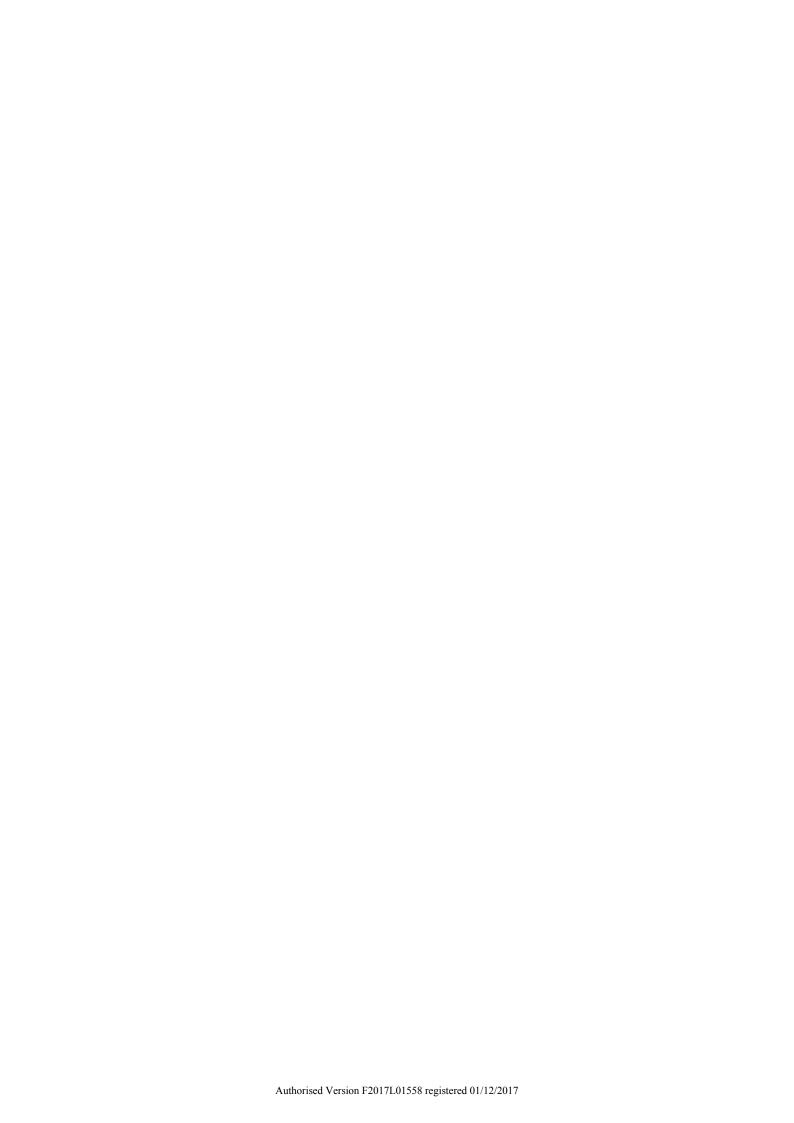# My Health Records (National Application) Rules 2017

I, Greg Hunt, Minister for Health, make the following rules.

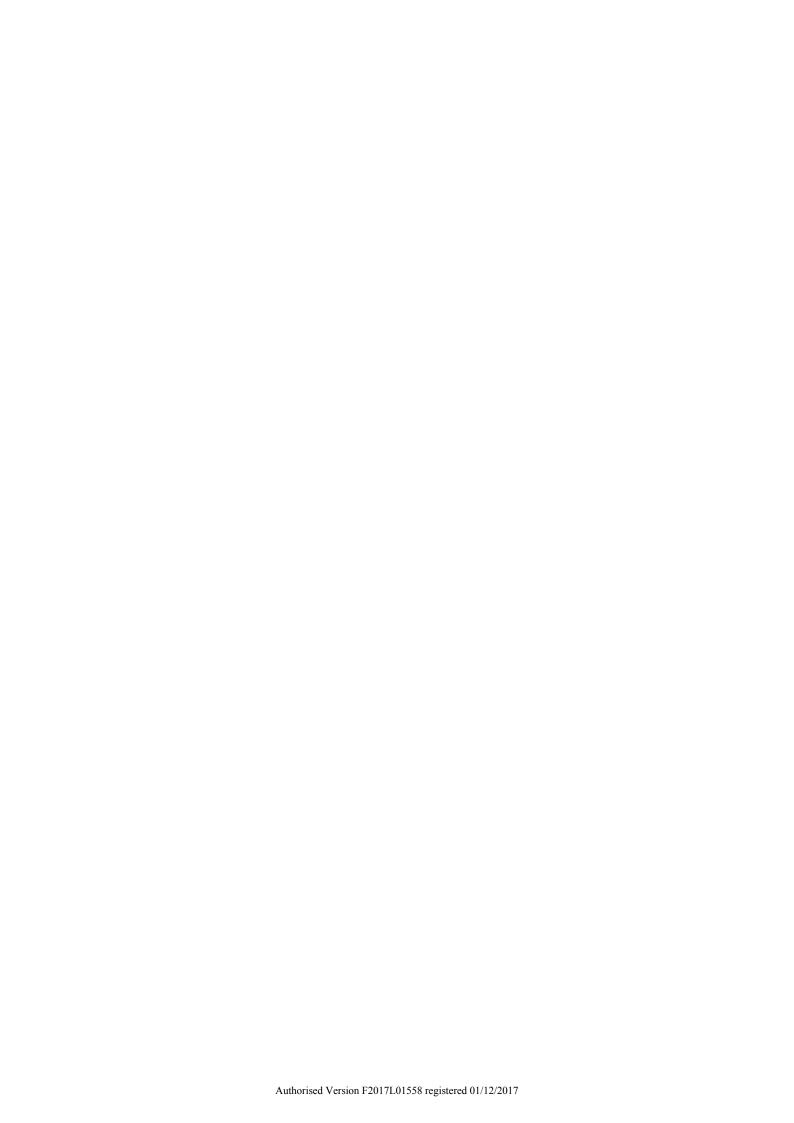Dated   30 November 2017

Greg Hunt
Minister for Health

Contents

Part 1—Preliminary

1 Name

This instrument is the *My Health Records (National Application) Rules 2017*.

2 Commencement

(1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	**Column 2**	**Column 3**
Provisions	**Commencement**	**Date/Details**
1. Sections 1 to 4 and anything in this instrument not elsewhere covered by this table	The day after this instrument is registered.	2 December 2017
2. Part 2	The day after this instrument is registered.	2 December 2017
3. Part 3	A single day to be fixed by the Minister by notifiable instrument. However, if the provisions do not commence within the period of 9 months beginning on the day this instrument is registered, they commence on the day after the end of that period.	
4. Part 4	The day after this instrument is registered.	2 December 2017

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

(2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under the *My Health Records Act 2012*.

4 Definitions

Note: A number of expressions used in this instrument are defined in the Act, including the following:
(a) healthcare recipient;
(b) My Health Record system;
(c) registered healthcare recipient.

In this instrument:

Section 4

Act means the *My Health Records Act 2012*.

healthcare identifier has the same meaning as in the *Healthcare Identifiers Act 2010*.

opt-out model: see section 5.

Part 2—Applying opt-out model to all healthcare recipients

5 Opt-out model applies to all healthcare recipients in Australia

For the purposes of clause 2 of Schedule 1 to the Act, Part 2 of that Schedule (the *opt-out model*) applies to all healthcare recipients in Australia.

Part 3—Registering healthcare recipients

6 When healthcare recipients may elect not to be registered

(1) This section is made for the purposes of subparagraph 5(2)(c)(i) of Schedule 1 to the Act.

Healthcare recipients who have a healthcare identifier immediately before the day this Part commences

(2) An election by a member of the class of healthcare recipients mentioned in paragraph (3)(a) not to be registered must be given within the period mentioned in paragraph (3)(b).

(3) For the purposes of subsection (2):
  (a) the class of healthcare recipients is the class of healthcare recipients, each of whom, immediately before the day on which this Part commences, has a healthcare identifier; and
  (b) the period is the period of 3 months beginning on the day on which this Part commences.

Healthcare recipients who do not have a healthcare identifier immediately before the day this Part commences

(4) An election by a member of the class of healthcare recipients mentioned in paragraph (5)(a) not to be registered must be given on the occurrence of the event mentioned in paragraph (5)(b).

(5) For the purposes of subsection (4):
  (a) the class of healthcare recipients is the class of healthcare recipients, each of whom, immediately before the day on which this Part commences, does not have a healthcare identifier; and
  (b) the event is when the healthcare recipient makes an application that will result in the healthcare recipient being assigned a healthcare identifier.

Part 4—Handling health information for the purposes of a healthcare recipient's My Health Record

7 When healthcare recipients may elect not to have certain health information disclosed to System Operator

(1) This section is made for the purposes of subparagraph 13(2)(c)(i) of Schedule 1 to the Act.

Healthcare recipients registered under clause 6 of Schedule 1 to the Act

(2) An election by a member of the class of healthcare recipients mentioned in paragraph (3)(a) not to have health information about the healthcare recipient held by the Chief Executive Medicare made available to the System Operator must be given on the occurrence of the event mentioned in paragraph (3)(b).

(3) For the purposes of subsection (2):
　(a) the class of healthcare recipients is the class of healthcare recipients, each of whom is registered under clause 6 of Schedule 1 to the Act on or after the day on which this Part commences; and
　(b) the event is when the healthcare recipient applies to be registered.

Healthcare recipients registered under clause 3 of Schedule 1 to the Act

(4) An election by a member of the class of healthcare recipients mentioned in paragraph (5)(a) not to have health information about the healthcare recipient held by the Chief Executive Medicare made available to the System Operator must be given within the period mentioned in paragraph (5)(b).

(5) For the purposes of subsection (4):
　(a) the class of healthcare recipients is the class of healthcare recipients, each of whom is registered under clause 3 of Schedule 1 to the Act on or after the day on which Part 3 commences; and
　(b) the period is the period:
　　(i) beginning when the healthcare recipient is registered; and
　　(ii) ending when the healthcare recipient's My Health Record is first accessed.