

# *HEALTH RECORDS ACT 2001*

# OVERVIEW

- Functions of the Health Complaints Commissioner
- Complaint Handling under the *Health Records Act 2001* (HRA)
- Case Study
- Compliance
- Questions

# FUNCTIONS OF THE HEALTH COMPLAINTS COMMISSIONER



- Commenced on 1 February 2017 under the *Health Complaints Act 2016*.
- Administer HCA and HRA.
- Includes Statutory Guidelines on Research 2002 and Statutory Guidelines on Transfer or Closure of the Practice or Business of a Health Service Provider 2002.
- Deliver education and training to service providers and general public.

# COMPLAINT HANDLING UNDER THE HRA

- First contact is Customer Service Team.
- Direct resolution encouraged where appropriate.
- Complaint referred to Resolutions Team for assessment.
- 90 day period to determine whether to entertain the complaint. This period can involve attempts at informal resolution.

# COMPLAINT HANDLING UNDER THE HRA

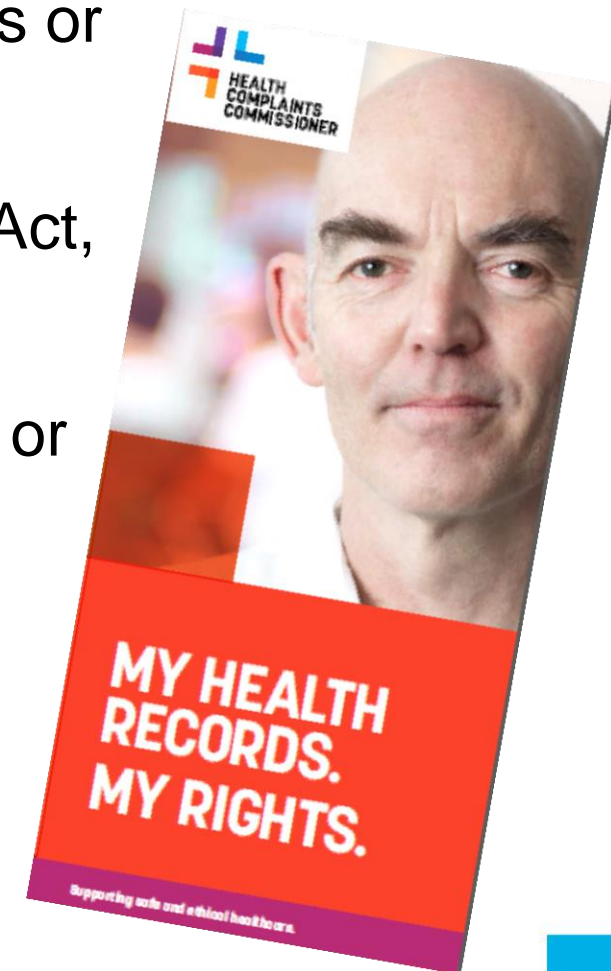
- If not resolved in the 90 days and appropriate to do so, we will attempt to conciliate the complaint.
- More formal process, we can compel production of documents, propose options for resolution.
- If, within the 90 days or in a conciliation process, the complainant wants the matter referred to VCAT, we facilitate this.

# COMPLIANCE NOTICES

- The Commissioner may serve a compliance notice under s.66 of the HR Act.
- Penalties may be issued for non-compliance with a notice under s.71.
- The respondent may apply to VCAT for review of a compliance notice.
- Part 7 sets out offences under the HR Act.

# RESOURCES

- Brochure for consumers on their rights to access or amend their health records.
- See [www.hcc.vic.gov.au](http://www.hcc.vic.gov.au) for information on the Act, the latest fees for accessing records and more.
- Contact us for advice anytime on 1300 582 113 or [hcc@hcc.vic.gov.au](mailto:hcc@hcc.vic.gov.au)



**Health Complaints Commissioner**  
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