

How the 'My Health Record' system impacts on Family Law

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Concerns have been raised that a loophole in the governments controversial My Health Records system could result in separated parents being able to obtain details of medical practitioners and pharmacies attended upon by their former partner.

At present, the system allows a parent to create a My Health Record account on behalf of their child, without the consent or knowledge of the other parent. Any Australian can contact the Australian Digital Health Agency and request that their children's personal identification number (which is linked to their Medicare account) be suspended immediately. The Agency will assess any requests by the respective parents to register as a person authorised to act on behalf of the child. If approved, either parent will have the power to create, access and monitor the child's My Health Record, with or without the other parent's consent. If access is refused by the Agency, this could be contested in the Family Court. In circumstances

where the overwhelming majority of parents share parental responsibility in regard to medical treatment, it is unlikely a refusal of access by the Agency would be upheld by the Court. The impact of one's location being disclosed to a former partner may have very serious consequences, particularly in circumstances where family violence has been perpetrated in the past, or there is a risk it could occur in the future. Widespread criticism of the My Health Record system has resulted in the government engaging in further discussions with the Australian Medical Association to ensure patient privacy is safeguarded. We will watch any developments in this area with keen interest.



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