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| 2022-2023 fines and penalties for the Health Complaints Act 2016 |
| OFFICIAL |

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# Health Complaints Act 2016

| Health Complaints Act 2016, Section  | Description | 2021-2022 Penalty amount (Natural person) | 2022-2023 Penalty amount(Natural person) | 2021-2022 Penalty amount (Body corporate) | 2022-2023 Penalty amount (Body corporate) |
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| 35(3) Health service provider may be required to respond | A health service provider to whom a notice is given under this section must comply with the requirements of the notice. | $3,635  | $3,698 | $18,174 | $18,492 |
| 39(3) Reporting on undertakings to Commissioner | The health service provider to whom a requirement under subsection (1) has been given must not, without reasonable excuse, contravene the requirement. | $10,904 | $11,095 | $54,522 | $55,476 |
| 41(3) Health service provider may be required to produce documents in conciliation | A health service provider to whom a notice is given under this section must comply with the requirements of the notice. | $3,635  | $3,698 | $18,174 | $18,492 |
| 43(1) Confidentiality of information given or agreement reached in conciliation process | Subject to subsection (2), a party must not disclose anything said or done in a conciliation or any agreement reached in a conciliation outside the process. | $3,635  | $3,698 | $18,174 | $18,492 |
| 52 Response by health service provider | A health service provider who received an investigation report under section 51 setting out recommendations that apply to the health service provider must not, without reasonable excuse, fail to give a written response to that investigation report to the Commissioner, within the time set out in the investigation report by the Commissioner, which— (a) states the action that has been taken to implement the recommendations; and (b) if a recommendation has not been implemented, gives a reason why the recommendation has not been implemented and sets out a plan— (i) to implement the recommendation; or (ii) to address the issue dealt with in the recommendation | $10,904 | $11,095 | $54,522 | $55,476 |
| 58 Response by health service provider | A health service provider who has received a follow up report under section 57 setting out recommendations that apply to the health service provider must not, without reasonable excuse, fail to give a written response to that report to the Commissioner, within the time set out in the follow up report by the Commissioner, which— (a) states the action that has been taken to implement the recommendations; and (b) if a recommendation has not been implemented, gives a reason why the recommendation has not been implemented and sets out a plan— (i) to implement the recommendation; or (ii) to address the issue dealt with in the recommendation. | $10,904 | $11,095 | $54,522 | $55,476 |
| 68 Offence to hinder or obstruct person executing warrant | A person must not, without reasonable excuse, hinder or obstruct a person who is executing a warrant issued under section 65. | $10,904 | $11,095 | $54,522 | $55,476 |
| 70 Offence to fail to comply with investigation hearing notice | A person who is served with an investigation hearing notice must not, without reasonable excuse, refuse or fail to comply with the notice | $21,809 | $22,190 | $109,044 | $110,952 |
| 80(1) Offence to threaten etc. complainant | A person must not, by threat or intimidation, persuade or attempt to persuade another person not to make a complaint under this Act or not to continue with any process under this Act | $10,904 | $11,095 | $54,522 | $55,476 |
| 80(2) Offence to threaten etc. complainant | A person must not refuse to employ, or dismiss another person, or subject another person to any detriment because the other person— (a) intends to make, makes or has made a complaint under this Act; or (b) intends to take part in, or takes part in, or has taken part in any process under this Act | $10,904 | $11,095 | $54,522 | $55,476 |
| 81 Offence to make false statements | A person must not for the purpose of taking part in any process under this Act or while taking part in any process under this Act make a statement that is false or misleading in any material particular. | $10,904 | $11,095 | $54,522 | $55,476 |
| 93 Offence for contravention of interim prohibition order | A person who has been served with an interim prohibition order must comply with the order. | $43,618 | $44,381 | $218,088 | $221,904 |
| 98 Offence for contravention of prohibition order | A person who has been served with a prohibition order must comply with the order. | $43,618 | $44,381 | $218,088 | $221,904 |
| 102 Offence to provide certain services if prohibited from doing so in another State or Territory | A person must not provide a general health service in Victoria if, in another State or a Territory of the Commonwealth, the person is prohibited from providing a service in the nature of that general health service. | $43,618 | $44,381 | $218,088 | $221,904 |
| 129(4) Power to require information to be given | A health service provider must comply with a requirement under this section within the time specified by the Commissioner, unless the health service provider has a reasonable excuse not to do so. | $1,817 | $1,849 | $9,087 | $9,246 |
| 150(1) Non-disclosure of information—investigations, complaint data reviews | A person must not disclose any information gained by that person in the course of an investigation or a complaint data review, except as authorised under this section. | $10,904 | $11,095 | $54,522 | $55,476 |
| 151(1) Non-disclosure of information—complaint resolution processes | The Commissioner or a member of the staff of the Commissioner must not disclose any information gained by that person in the course of a complaint resolution process, except as authorised under this section. | $10,904 | $11,095 | x | x |
| 152(1) Non-disclosure of information given in conciliation | Each of the following persons must not disclose outside a conciliation any information gained by the person in the conciliation, other than information as to the terms of or about an undertaking given in the conciliation— (a) the Commissioner; (b) any member of the staff of the Commissioner | $10,904 | $11,095 | x | x |

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