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| 2024-2025 fines and penalties for Mental Health Act 2014 |
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This document is an annually updated publication of the indexation of fines and penalties for the reference of the general public.

Mental Health and Wellbeing Act 2022

| Mental Health and Wellbeing Act 2022, section | Description | | 2023-2024 Penalty Amount | 2024-2025 Penalty Amount |
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| 300 (1) Confidentiality obligations applying in respect of information from clinical practice audit or clinical review | (1) Except for the purposes of performing functions for, or related to, conducting a clinical review under this Part, a relevant person must not make a record of, access, use or disclose any information—  (a) gained by or conveyed to the relevant person; or  (b) that the relevant person has in their possession or control—  as a result of conducting the clinical review if the information could identify a mental health and wellbeing service provider or any other person. - 10 Penalty units | | $1,923 | $1,975 |
| 355 Secrecy | (1) This section applies to—  (a) a person who is, or has been, a Tribunal member (including as President or Deputy President) of the Mental Health Tribunal; or  (b) a person who is, or has been, a chief executive officer, principal registrar, registrar or other member | | $11,538 | $11,855 |
| (2) A person to whom this section applies must not, directly or indirectly, make a record of, disclose or communicate to any person, any information relating to the affairs of a natural person acquired in the performance of functions or duties or the exercise of powers under this Act or the regulations or the rules under this Act which may identify the person, unless—  (a) it is necessary to do so for the purposes of, or in connection with, the performance of a function or duty or the exercise of a power under this Act or the regulations or the rules under this Act; or  (b) it is necessary to do so for the purposes of a criminal proceeding or to commence any proceeding under this Act; or  (c) the person to whom the information relates gives written consent to the making of the record, disclosure or communication. | |
| 386 Failure to comply with witness summons | A person who has been served with a witness summons must not, without reasonable excuse—  (a) fail to attend as required by the witness summons unless the person has been excused or released from attendance by the Mental Health Tribunal; or  (b) fail to produce any document referred to in the witness summons that is in the person's possession. | | $11,538 | $11,855 |
| 387 False or misleading information | A person must not knowingly give false or misleading information to the Mental Health Tribunal. | Natural person | $23,077 | $23,710 |
| Body corporate | $115,386 | $118,554 |
| 388 Contempt of the Mental Health Tribunal | A person must not—  (a) insult a Tribunal member in relation to the exercise of the Tribunal member's powers or functions as a member; or  (b) repeatedly interrupt a hearing of the Mental Health Tribunal; or  (c) create a disturbance or take part in creating or continuing a disturbance in or near a place where the Mental Health Tribunal is sitting; or (d) do any other act or thing that would, if the Mental Health Tribunal were the Supreme Court, constitute contempt of the Supreme Court. | | $23,077 | $23,710 |
| 410 Confidentiality | (1) A person who is, or has been, a community visitor must not, directly or indirectly, make a record of, use or disclose to any person, any information acquired in the performance of the person's functions or exercise of the person's powers as a community visitor under this Chapter.  (2) Subsection (1) does not apply if—  (a) the making of the record or the use or disclosure of the information is necessary for the purposes of, or in connection with, the performance of the person's functions or exercise of the person's powers as a community visitor under this Chapter; or  (b) the disclosure of the information is made to a court or tribunal in the course of—  (i) a criminal proceeding; or  (ii) any other proceeding under this Act; or  (c) the making of the record or the use or disclosure of the information is with the consent of the person | | $11,538 | $11,855 |
| 458 Mental health and wellbeing service provider may be required to respond | (1) During a complaint resolution process, the Mental Health and Wellbeing Commission, by written notice, may require a mental health and wellbeing service provider that is a party to a complaint to give a written response to each issue raised in the complaint.  (2) A written notice under subsection (1) must specify the time within which a written response must be given not exceeding 20 business days after the notice is given.  (3) A mental health and wellbeing service provider to whom a written notice is given under this section must comply with the requirements of the notice. | Natural person | $3,846 | $3,951 |
| Body corporate | $19,231 | $19,759 |
| 462 Mental health and wellbeing service provider may be required to produce documents in conciliation | (1) In a conciliation, the Mental Health and Wellbeing Commission, by written notice, may require a mental health and wellbeing service provider that is a party to a complaint to produce to the Commission any document or other evidence specified in the notice that is held by the mental health and wellbeing service provider that—(2) A written notice under subsection (1) must specify the time, not exceeding 20 business days after the notice is given, within which the document or evidence must be produced to the Commission.  (3) The Mental Health and Wellbeing Commission may extend the time within which a person must comply with a written notice given by the Commission under this section.  (4) A mental health and wellbeing service provider to whom a written notice is given under this section must comply with the requirements of the notice. | Natural person | $3,846 | $3,951 |
| Body corporate | $19,231 | $19,759 |
| 463 Confidentiality of conciliation process | (1) Subject to subsection (2), a party to a complaint must not disclose outside a conciliation—  (a) anything said or done in the conciliation; or  (b) any document created during the conciliation; or  (c) any document prepared for the purposes of the conciliation; or  (d) any agreement reached in the conciliation. | Natural person | $3,846 | $3,951 |
| Body corporate | $19,231 | $19,759 |
| 483 Response by mental health and wellbeing service provider | (1) A mental health and wellbeing service provider who receives an investigation report under section 482 that sets out recommendations that apply to the mental health and wellbeing service provider must give a written response to the investigation report to the Mental Health and Wellbeing Commission that—  (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. (2) A mental health and wellbeing service provider must not, without reasonable excuse, fail to give a written response to the Mental Health and Wellbeing Commission—  (a) in accordance with subsection (1); and  (b) within the time set out in the investigation report. | Natural person | $11,538 | $11,855 |
| Body corporate | $57,693 | $59,277 |
| 489 Response by mental health and wellbeing service provider | (1) A mental health and wellbeing service provider who receives a follow up investigation report under section 488 that sets out recommendations that apply to the mental health and wellbeing service provider must give a written response to that follow up investigation report to the Mental Health and Wellbeing Commission that—  (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.  (2) A mental health and wellbeing services provider must not, without reasonable excuse, fail to give a written response to the Mental Health and Wellbeing Commission—  (a) in accordance with subsection (1); and  (b) within the time set out in the follow up investigation report. | Natural person | $11,538 | $11,855 |
| Body corporate | $57,693 | $59,277 |
| 498 Offence to fail to comply with investigation notice | A person who is served with an investigation notice must not, without reasonable excuse, refuse or fail to comply with the notice. | Natural person | $23,077 | $23,711 |
| Body corporate | $115,386 | $118,554 |
| 504 Offence not to comply with compliance notice | (1) A mental health and wellbeing service provider must comply with a compliance notice served on it under section 502(1). | Natural person | $230,772 | $237,108 |
| In any order case | $46,154 | $47,421 |
| 513 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 Part 9.2 or not to continue with any process under this Chapter. | Natural person | $11,538 | $11,855 |
| Body corporate | $57,693 | $59,277 |
| 514 Offence to refuse to employ, dismiss or subject a person to detrimental action | (1) A person must not refuse to employ, or dismiss another person, or subject another person to any detrimental action because the other person—  (a) intends to make, makes or has made a complaint under Part 9.2; or (b) intends to take part in, or takes part in, or has taken part in any process under this Chapter. | Natural person | $11,538 | $11,855 |
| Body corporate | $57,693 | $59,277 |
| 515 Offence to make false statements | A person must not for the purposes of taking part in any process under this Chapter make an oral or written statement which the person knows or ought to know to be false or misleading in a material particular. | Natural person | $11,538 | $11,855 |
| Body corporate | $57,693 | $59,277 |
| 517 Non-disclosure of information—investigations and complaint data reviews | (1) A person must not disclose any information obtained by that person in the course of an investigation under Part 9.4 or a complaint data review, except as authorised under this section. | Natural person | $11,538 | $11,855 |
| Body corporate | $57,693 | $59,277 |
| 518 Non-disclosure of information—complaint resolution processes | (1) A Mental Health and Wellbeing Commissioner, a person employed under section 418(1) or a person engaged under section 418(2) must not disclose any information obtained by that person in the course of a complaint resolution process (other than a conciliation) except as authorised under this section. | | $11,538 | $11,855 |
| 519 Non-disclosure of information given in conciliation | (1) A Mental Health and Wellbeing Commissioner, a person employed under section 418(1) or a person engaged under section 418(2) must not disclose, outside a conciliation, any information obtained during the conciliation. | | $11,538 | $11,855 |
| 521 Mental Health and Wellbeing Commission may require information to be provided by mental health and wellbeing service provider | (1) The Mental Health and Wellbeing Commission, by written notice, may require a mental health and wellbeing service provider to provide to the Commission non-identifying information in respect of complaints received or dealt with by the mental health and wellbeing service provider.  (2) A notice under subsection (1) must— (a) specify the nature of the information to be provided; and  (b) set out a reasonable period of time within which the mental health and wellbeing service provider must provide the information to the Commission. (3) The Commission may extend the time within which a mental health and wellbeing service provider must comply with a requirement under this section.  (4) A mental health and wellbeing service provider must comply with a requirement under this section within the time specified by the Commission, unless the mental health and wellbeing service provider has a reasonable excuse not to do so. | Natural person | $1,923 | $1,975 |
| Body corporate | $9,615 | $9,879 |
| 715 Disclosure of information | (1) A mental health and wellbeing service provider providing youth mental health and wellbeing services under a service agreement with Youth Mental Health and Wellbeing Victoria must disclose any information relating to the provision of those services in accordance with any reasonable written direction given by Youth Mental Health and Wellbeing Victoria to the mental health and wellbeing service provider. | Natural person | $11,538 | $11,855 |
| Body corporate | $57,693 | $59,277 |
| 717 Powers of auditors | (1) An auditor authorised under section 716 to audit a mental health and wellbeing service provider may enter the premises of the provider at any time, and with any assistance the auditor reasonably requires—  (a) inspect the premises; or (b) inspect, seize, make copies of or take extracts from any document that relates to the service agreement with Youth Mental Health and Wellbeing Victoria and the provision of, or capacity to provide, services under that agreement; or (c) ask questions of any person employed or engaged by the service provider or a member or director of the board of the service provider.  (2) If any document is seized under subsection (1), the auditor must return the document to the mental health and wellbeing service provider within 7 days after it is seized.  (3) A person must not refuse or fail to give full and true answers to the best of that person's knowledge to any questions asked by an auditor in the performance or exercise of any power under this section.  (4) A person must not obstruct or hinder an auditor in the performance or exercise | | $11,538 | $11,855 |
| 718 Confidentiality requirements | (1) A person who is, or was, an auditor under this Part must not, either directly or indirectly, make a record of or disclose or communicate to any person any information that is or was acquired by the person by reason of being, or having been, an auditor or make use of that information for any purpose other than the performance of official duties or the performance or exercise of a function or power under sections 716 and 717. | | $19,231 | $19,759 |
| 730 Permitted disclosure of health information without consent of person | (1) Subject to subsection (2), the following must not disclose the health information of a person to an entity without that person's consent—  (a) the mental health and wellbeing service provider;  (b) any member of staff or former member of staff of the mental health and wellbeing service provider;  (c) any person who is or was a contractor of the mental health and wellbeing service provider;  (d) any volunteer or former volunteer at the mental health and wellbeing service provider;  (e) any member of the board or former member of the board of the mental health and wellbeing service provider. | | $11,538 | $11,855 |
| 735 Offence to use or disclose electronic health information system information without authorisation | A person must not knowingly access the electronic health information system or use or disclose health information or personal information on the system unless the person is authorised to do so under this Act. | Natural person | $11,538 | $11,855 |
| Body corporate | $57,693 | $59,277 |
| 736 Offence to use electronic health information system in a manner unauthorised | A person who is authorised under this Act to access the electronic health information system, or use or disclose health information or personal information on the system, must not knowingly access the system or use or disclose health information or personal information on the system other than in accordance with that authorisation. | Natural person | $11,538 | $11,855 |
| Body corporate | $57,693 | $59,277 |
| 737 Offence to damage, destroy or remove electronic health information system information without authorisation | A person must not knowingly or intentionally damage, destroy or remove health information or personal information from the electronic health information system unless the person is authorised to do so under this Act or the regulations. | Natural person | $11,538 | $11,855 |
| Body corporate | $57,693 | $59,277 |
| 738 Destroying or damaging information held by mental health and wellbeing service providers | (1) A person must not, without lawful authority, access, use, disclose, damage or destroy any health information or personal information held by a mental health and wellbeing service provider unless the health information or personal information is accessed, used, disclosed, damaged or destroyed in accordance with this Act or any other Act. | Natural person | $11,538 | $11,855 |
| Body corporate | $57,693 | $59,277 |
| 746 Offence to give false or misleading information | (1) A person must not—  (a) give information, prepare a document or make a statement required to be given or made under this Act (other than Chapters 7 and 9) that the person believes to be false or misleading in any material particular; or  (b) produce a document under this Act that the person knows to be false or misleading in a material particular without indicating the respect in which it is false or misleading and, if practicable, providing correct information. | Natural person | $11,538 | $11,855 |
| Body corporate | $57,693 | $59,277 |
| 747 Destroying or damaging records | A person must not, without lawful authority, destroy or damage any record required to be kept in accordance with this Act or the regulations. | Natural person | $11,538 | $11,855 |
| Body corporate | $57,693 | $59,277 |

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