

|  |
| --- |
| 2021-2022, 2022-2023 fines and penalties for Health Practitioner Regulation National Law (Victoria) 2009 |
|  |

This document is an annually updated publication of the indexation of fines and penalties for the reference of the general public.

The *Health Practitioner Regulation National Law* (the National Law) was adopted by Australian states and territories in 2009 and 2010 to create a national standard for registration and accreditation of health practitioners.

In Victoria, section 4 of the *Health Practitioner Regulation National Law* (Victoria) Act 2009, provides that the National Law that is set out in the Schedule to the *Health Practitioner Regulation* *National Law Act 2009* of Queensland applies as a law of Victoria.

# Health Practitioner Regulation National Law

| Health Practitioner Regulation National Law, section | Description | 2021-2022 Penalty Amount  (Individual) | 2021-2022 Penalty Amount  (Body Corporate) | 2022-2023 Penalty Amount  (Individual) | 2022-2023 Penalty Amount  (Body Corporate) |
| --- | --- | --- | --- | --- | --- |
| **Schedule** | |  |  |  |  |
| 113(1) Restriction on use of protected titles | A person must not knowingly or recklessly— (a) take or use a title in the Table to this section, in a way that could be reasonably expected to induce a belief the person is registered under this Law in the health profession listed beside the title in the Table, unless the person is registered in the profession, or (b) take or use a prescribed title for a health profession, in a way that could be reasonably expected to induce a belief the person is registered under this Law in the profession, unless the person is registered in the profession. | $60,000 | $120,000 | $60,000 | $120,000 |
| 113(2) Restriction on use of protected titles | A person must not knowingly or recklessly—  (a) take or use a title in the Table in relation to another person (the second person), in a way that could be reasonably expected to induce a belief the second person is registered under this Law in the health profession listed beside the title in the Table, unless the second person is registered in the profession; or  (b) take or use a prescribed title for a health profession in relation to another person (the second person), in a way that could be reasonably expected to induce a belief the second person is registered under this Law in the profession, unless the second person is registered in the profession. | $60,000 | $120,000 | $60,000 | $120,000 |
| 115(1) Restriction on use of specialist titles | A person must not knowingly or recklessly take or use—  (a) the title “dental specialist” unless the person is registered under this Law in a recognised specialty in the dentists division of the dental profession; or  (b) the title “medical specialist” unless the person is registered in a recognised specialty in the medical profession; or  (c) a specialist title for a recognised specialty unless the person is registered under this Law in the specialty. | $60,000 | $120,000 | $60,000 | $120,000 |
| 115(2) Restriction on use of specialist titles | A person must not knowingly or recklessly take or use—  (a) the title “dental specialist” in relation to another person unless the other person is registered under this Law in a recognised specialty in the dentists division of the dental profession; or  (b) the title “medical specialist” in relation to another person unless the person is registered in a recognised specialty in the medical profession; or  (c) a specialist title for a recognised specialty in relation to another person unless the person is registered under this Law in the specialty. | $60,000 | $120,000 | $60,000 | $120,000 |
| 116(1) Claims by persons as to registration as health practitioner | A person who is not a registered health practitioner must not knowingly or recklessly—  (a) take or use the title of “registered health practitioner”, whether with or without any other words; or  (b) take or use a title, name, initial, symbol, word or description that, having regard to the circumstances in which it is taken or used, indicates or could be reasonably understood to indicate— (i) the person is a health practitioner; or (ii) the person is authorised or qualified to practise in a health profession; or  (c) claim to be registered under this Law or hold himself or herself out as being registered under this Law; or  (d) claim to be qualified to practise as a health practitioner. | $60,000 | $120,000 | $60,000 | $120,000 |
| 116(2) Claims by persons as to registration as health practitioner | A person must not knowingly or recklessly—  (a) take or use the title of “registered health practitioner”, whether with or without any other words, in relation to another person who is not a registered health practitioner; or  (b) take or use a title, name, initial, symbol, word or description that, having regard to the circumstances in which it is taken or used, indicates or could be reasonably understood to indicate— (i) another person is a health practitioner if the other person is not a health practitioner; or (ii) another person is authorised or qualified to practise in a health profession if the other person is not a registered health practitioner in that health profession; or  (c) claim another person is registered under this Law, or hold the other person out as being registered under this Law, if the other person is not registered under this Law; or  (d) claim another person is qualified to practise as a health practitioner if the other person is not a registered health practitioner | $60,000 | $120,000 | $60,000 | $120,000 |
| 117(3) Claims by persons as to registration in particular profession or division | A person must not knowingly or recklessly— (a) claim another person is registered under this Law in a health profession or a division of a health profession in which the other person is not registered, or hold the other person out as being registered in a health profession or a division of a health profession if the other person is not registered in that health profession or division; or (b) claim another person is qualified to practise as a health practitioner in a health profession or division of a health profession in which the other person is not registered; or (c) take or use any title in relation to another person that could be reasonably understood to induce a belief the other person is registered under this Law in a health profession or a division of a health profession in which the person is not registered. | $60,000 | $120,000 | $60,000 | $120,000 |
| 118(1) Claims by persons as to specialist registration | A person who is not a specialist health practitioner must not knowingly or recklessly—  (a) take or use the title of “specialist health practitioner”, whether with or without any other words; or  (b) take or use a title, name, initial, symbol, word or description that, having regard to the circumstances in which it is taken or used, indicates or could be reasonably understood to indicate— (i) the person is a specialist health practitioner; or the person is authorised or qualified to practise in a recognised specialty; or  (c) claim to be registered under this Law in a recognised specialty or hold himself or herself out as being registered under this Law in a recognised specialty; or  (d) claim to be qualified to practise as a specialist health practitioner. | $60,000 | $120,000 | $60,000 | $120,000 |
| 118(2) Claims by persons as to specialist registration | A person must not knowingly or recklessly—  (a) take or use the title of “specialist health practitioner”, whether with or without any other words, in relation to another person who is not a specialist health practitioner; or  (b) take or use a title, name, initial, symbol, word or description in relation to another person who is not a specialist health practitioner that, having regard to the circumstances in which it is taken or used, indicates or could be reasonably understood to indicate— (i) the other person is a specialist health practitioner; or (ii) the other person is authorised or qualified to practise in a recognised specialty; or  (c) claim another person is registered under this Law in a recognised specialty or hold the other person out as being registered under this Law in a recognised specialty if the other person is not registered in that recognised specialty; or  (d) claim another person is qualified to practise as a specialist health practitioner if the person is not a specialist health practitioner. | $60,000 | $120,000 | $60,000 | $120,000 |
| 119(3) Claims about type of registration or registration in recognised specialty | A person must not knowingly or recklessly—  (a) claim another person holds a type of registration or endorsement under this Law that the other person does not hold or hold the other person out as holding a type of registration or endorsement if the practitioner does not hold that type of registration or endorsement; or  (b) claim another person is qualified to hold a type of registration or endorsement that the other person does not hold; or  (c) claim another person holds specialist registration under this Law in a recognised specialty which the other person does not hold or hold the other person out as holding specialist registration in a recognised specialty if the other person does not hold specialist registration in that specialty; or  (d) claim another person is qualified to practise in a recognised specialty in which the other person is not registered. | $60,000 | $120,000 | $60,000 | $120,000 |
| 121(1) Restricted dental acts | A person must not carry out a restricted dental act unless the person—  (a) is registered in the dental profession or medical profession and carries out the restricted dental act in accordance with any requirements specified in an approved registration standard; or  (b) is a student who carries out the restricted dental act in the course of activities undertaken as part of— (i) an approved program of study for the dental profession or medical profession; or (ii) clinical training in the dental profession or medical profession; or  (c) carries out the restricted dental act in the course of carrying out technical work on the written order of a person registered in the dentists or dental prosthetists division of the dental profession; or  (d) is a person, or a member of a class of persons, prescribed under a regulation as being authorised to carry out the restricted dental act or restricted dental acts generally | $60,000 | x | $60,000 | x |
| 122(1) Restriction on prescription of optical appliances | A person must not prescribe an optical appliance unless—  (a) the person is an optometrist or medical practitioner; or  (b) the appliance is spectacles and the person is an orthoptist who— (i) prescribes the spectacles in the course of carrying out duties at a public health facility; or (ii) prescribes the spectacles under the supervision of an optometrist or medical practitioner; or (iii) prescribes the spectacles, on the written referral of an optometrist or medical practitioner, to a person who has had, within the 12 months before the referral, an ocular health examination conducted by an optometrist or medical practitioner; or  (c) the person is a person, or a member of a class of persons, prescribed under a regulation as being authorised to prescribe an optical appliance of that type or to prescribe optical appliances generally. | $60,000 | x | $60,000 | x |
| 123(1) Restriction on spinal manipulation | A person must not perform manipulation of the cervical spine unless the person—  (a) is registered in an appropriate health profession; or  (b) is a student who performs manipulation of the cervical spine in the course of activities undertaken as part of— (i) an approved program of study in an appropriate health profession; or (ii) clinical training in an appropriate health profession; or  (c) is a person, or a member of a class of persons, prescribed under a regulation as being authorised to perform manipulation of the cervical spine. | $60,000 | x | $60,000 | x |
| 133(1) Advertising | A person must not advertise a regulated health service, or a business that provides a regulated health service, in a way that—  (a) is false, misleading or deceptive or is likely to be misleading or deceptive; or  (b) offers a gift, discount or other inducement to attract a person to use the service or the business, unless the advertisement also states the terms and conditions of the offer; or  (c) uses testimonials or purported testimonials about the service or business; or  (d) creates an unreasonable expectation of beneficial treatment; or (e) directly or indirectly encourages the indiscriminate or unnecessary use of regulated health services. | $5,000 | $10,000 | $5,000 | $10,000 |
| 136(1) Directing or inciting unprofessional conduct or professional misconduct | A person must not direct or incite a registered health practitioner to do anything, in the course of the practitioner’s practice of the health profession, that amounts to unprofessional conduct or professional misconduct. | $30,000 | $60,000 | $30,000 | $60,000 |
| 196A(1) Offences relating to prohibition orders | A person must not contravene a prohibition order. | $60,000 | x | $60,000 | x |
| 196A(2) Offences relating to prohibition orders | A person who is subject to a prohibition order (the prohibited person) must, before providing a health service, give written notice of the order to the following persons—  (a) the person to whom the prohibited person intends to provide the health service or, if that person is under 16 years of age or under guardianship, a parent or guardian of the person;  (b) if the health service is to be provided by the prohibited person as an employee—the person’s employer;  (c) if the health service is to be provided by the prohibited person under a contract for services or any other arrangement with an entity—that entity;  (d) if the health service is to be provided by the prohibited person as a volunteer for or on behalf of an entity—that entity. | $5,000 | x | $5,000 | x |
| 196A(3) Offences relating to prohibition orders | A person must not advertise a health service to be provided by a prohibited person unless the advertisement states that the prohibited person is subject to a prohibition order. | $5,000 | $10,000 | $5,000 | $10,000 |
| 216(1) Duty of confidentiality | A person who is, or has been, a person exercising functions under this Law must not disclose to another person protected information. | $5,000 | $10,000 | $5,000 | $10,000 |
| **Schedule 5** | |  |  |  |  |
| 2(1) Offence for failing to produce information or attend before investigator | A person required to give stated information to an investigator under clause 1(a) must not fail, without reasonable excuse, to give the information as required by the notice | $5,000 | $10,000 | $5,000 | $10,000 |
| 2(2) Offence for failing to produce information or attend before investigator | A person given a notice to attend before an investigator must not fail, without reasonable excuse, to— (a) attend as required by the notice; and (b) continue to attend as required by the investigator until excused from further attendance; and (c) answer a question the person is required to answer by the investigator; and | $5,000 | $10,000 | $5,000 | $10,000 |
| 10(1) Offences for failing to comply with requirement under clause 9 | A person required to give reasonable help under clause 9(2)(f) must comply with the requirement, unless the person has a reasonable excuse. | $5,000 | $10,000 | $5,000 | $10,000 |
| 10(2) Offences for failing to comply with requirement under clause 9 | A person of whom a requirement is made under clause 9(2)(g) must comply with the requirement, unless the person has a reasonable excuse | $5,000 | $10,000 | $5,000 | $10,000 |
| 20 False or misleading information | A person must not state anything to an investigator that the person knows is false or misleading in a material particular | $5,000 | $10,000 | $5,000 | $10,000 |
| 21(1) False or misleading documents | A person must not give an investigator a document containing information the person knows is false or misleading in a material particular. | $5,000 | $10,000 | $5,000 | $10,000 |
| 22(1) Obstructing investigators | A person must not obstruct an investigator in the exercise of a power, unless the person has a reasonable excuse. | $5,000 | $10,000 | $5,000 | $10,000 |
| 23 Impersonation of investigators | A person must not pretend to be an investigator. | $5,000 | x | $5,000 | x |
| **Schedule 6** | |  |  |  |  |
| 2(1) Offence for failing to produce information or attend before inspector | A person required to give stated information to an inspector under clause 1(2)(a) must not fail, without reasonable excuse, to give the information as required by the notice | $5,000 | $10,000 | $5,000 | $10,000 |
| 2(2) Offence for failing to produce information or attend before inspector | A person given a notice to attend before an inspector must not fail, without reasonable excuse, to—  (a) attend as required by the notice; and  (b) continue to attend as required by the inspector until excused from further attendance; and  (c) answer a question the person is required to answer by the inspector; and  (d) produce a document the person is required to produce by the notice. | $5,000 | $10,000 | $5,000 | $10,000 |
| 10(1) Offences for failing to comply with requirement under clause 9 | A person required to give reasonable help under clause 9(2)(f) must comply with the requirement, unless the person has a reasonable excuse. | $5,000 | $10,000 | $5,000 | $10,000 |
| 10(2) Offences for failing to comply with requirement under clause 9 | A person of whom a requirement is made under clause 9(2)(g) must comply with the requirement, unless the person has a reasonable excuse | $5,000 | $10,000 | $5,000 | $10,000 |
| 20 False or misleading information | A person must not state anything to an inspector that the person knows is false or misleading in a material particular. | $5,000 | $10,000 | $5,000 | $10,000 |
| 21(1) False or misleading documents | A person must not give an inspector a document containing information the person knows is false or misleading in a material particular. | $5,000 | $10,000 | $5,000 | $10,000 |
| 22(1) Obstructing inspectors | A person must not obstruct an inspector in the exercise of a power, unless the person has a reasonable excuse | $5,000 | $10,000 | $5,000 | $10,000 |
| 23 Impersonation of inspectors | A person must not pretend to be an inspector | $5,000 | x | $5,000 | x |

|  |
| --- |
| To receive this document in another format, email [Fees and penalties](mailto:feesandpenalties@dhhs.vic.gov.au) <feesandpenalties@dhhs.vic.gov.au>  Authorised and published by the Victorian Government, 1 Treasury Place, Melbourne.  © State of Victoria, Australia, Department of Health, April 2022.  Available at [Fees, Charges and Penalties Subject to Automatic Indexation (health.vic.gov.au)](https://www.health.vic.gov.au/payments/fees-charges-and-penalties-subject-to-automatic-indexation) <https://www.health.vic.gov.au/payments/fees-charges-and-penalties-subject-to-automatic-indexation> |