

|  |
| --- |
| 2021-2022, 2022-2023 fines and penalties for Medical Treatment Planning and Decisions Act 2016 |
|  |

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

# Medical Treatment Planning and Decisions Act 2016

| Medical Treatment Planning and Decisions Act 2016, section  | Description | 2021-2022 Penalty Amount | 2022-2023 Penalty Amount |
| --- | --- | --- | --- |
| 14(1) Offence to induce giving of advance care directive | A person must not, by dishonesty or undue influence, induce another person to give an advance care directive. Natural person  | $109,044 | $110,952 |
| 14(1) Offence to induce giving of advance care directive | A person must not, by dishonesty or undue influence, induce another person to give an advance care directive. Body corporate | $436,176 | $443,808 |
| 15(1) False or misleading statements | A person must not knowingly make a false or misleading statement in relation to another person's advance care directive. Natural person | $109,044 | $110,952 |
| 15(1) False or misleading statements | A person must not knowingly make a false or misleading statement in relation to another person's advance care directive. Body corporate | $436,176 | $443,808 |
| 15(2) False or misleading statements | A person must not knowingly make a false or misleading statement in relation to an attempt by another person to give an advance care directive. Natural person | $109,044  | $110,952 |
| 15(2) False or misleading statements | A person must not knowingly make a false or misleading statement in relation to an attempt by another person to give an advance care directive. Body corporate | $436,176 | $443,808 |
| 41(1) Offence to purport to act as an appointed medical treatment decision maker or a support person | A person must not purport to act as an appointed medical treatment decision maker of another person if the person is not the appointed medical treatment decision maker of that other person | $109,044  | $110,952 |
| 41(2) Offence to purport to act as an appointed medical treatment decision maker or a support person | A person must not purport to act as the support person of another person if the person is not the support person of that other person | $109,044  | $110,952 |
| 42(1) Offence to induce appointment of appointed medical treatment decision maker  | A person must not, by dishonesty or undue influence, induce another person to appoint an appointed medical treatment decision maker. Natural person | $109,044 | $110,952 |
| 42(1) Offence to induce appointment of appointed medical treatment decision maker  | A person must not, by dishonesty or undue influence, induce another person to appoint an appointed medical treatment decision maker. Body corporate | $436,176 | $443,808 |
| 81(4) Medical research practitioner's certificate | A medical research practitioner must not sign a certificate under this section that the practitioner knows to be false  | $21,809 | $22,190 |
| 84 Offence to administer unapproved medical research procedure | A medical research practitioner must not administer a medical research procedure to a person who does not have decision-making capacity to make a medical treatment decision in respect of the procedure unless the relevant research project has been approved by the relevant human research ethics committee. | $43,617 | $44,380 |
| 85 Offence to administer medical research procedure without consent or authorisation  | Subject to section 53, a medical research practitioner must not administer a medical research procedure to a person who does not have decision-making capacity to consent to the procedure unless— (a) the person has consented, by an instructional directive, to the procedure being administered; or (b) the person's medical treatment decision maker has consented to the procedure; or (c) the procedure is authorised under Division 3 or otherwise by law | $43,617 | $44,380 |

|  |
| --- |
| To receive this document in another format, phone 1300 650 172, using the National Relay Service 13 36 77 if required, or email <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> |