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| 2022-2023 fines and penalties for health services (private hospitals and day procedures)  OFFICIAL |

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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.

# Health Services (Private Hospitals and Day Procedures) Regulations 2013

| **Health Services Act 1988 - Health Service Establishments** | **Amount of Penalty for 2022-2023 (current year)** |
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| Exemptions 11(4) - A person to whom an Order under this section applies must comply with the terms and conditions (if any) to which the Order is subject.  *100 Penalty units* | $18,492 |
| 18E Confidentiality requirements - A person who is, or at any time has been, a case mix auditor must not, except to the extent necessary to perform any official duties or to perform or exercise any power or function under this Act, either directly or indirectly, make a record of or divulge or communicate to any person any information that is or was acquired by the person by reason of being, or having been, a case mix auditor or make use of any such information for any purpose other than the performance of official duties or the performance or exercise of that function or power.  *100 Penalty units* | $18,492 |
| 86 (1) Change of directors etc - If a person ceases to be, or is appointed as, a director of or other officer having control of a proprietor that is a body corporate, the proprietor must within 30 days after the change occurs give the Secretary particulars of the change  *50 Penalty units* | $9,246 |
| 105 Directions of Secretary - (1) The Secretary may in writing direct the proprietor of a health service establishment to comply with a prescribed standard relating to establishments of that kind or to the type of health care provided in the establishment. (2) The proprietor of an establishment to whom a direction under subsection (1) applies must comply with the direction.  *50 Penalty units* | $9,246 |
| 109 Records (2) - A person must not during the prescribed period destroy or damage any document or record kept for the purposes of subsection (1) or (1A).  *240 Penalty units* | $22,190 |
| 111 Offence to carry on business if establishment or proprietor not registered - first day  *240 Penalty units* | $44,381 |
| 111 Offence to carry on business if establishment or proprietor not registered - additional per day  *20 Penalty units* | $3,698 |
| 112 Offence to provide excess beds or accommodation - The proprietor of a health service establishment must not provide in the establishment more beds, or accommodation for more persons, than the number of beds for which the establishment is registered - Base penalty  *120 Penalty units* | $44,381 |
| 112 Offence to provide excess beds or accommodation. The proprietor of a health service establishment must not provide in the establishment more beds, or accommodation for more persons, than the number of beds for which the establishment is registered - Additional per day  *15 Penalty units* | $2,774 |
| 113 Offences relating to day procedure centres and private hospitals - Base penalty  *50 Penalty units* | $9,246 |
| 113 Offences relating to day procedure centres and private hospitals - Additional per day  *15 Penalty units* | $2,774 |
| 114 Offence to contravene condition of registration - The proprietor of a health service establishment must not contravene a condition to which registration of the establishment is subject.  *240 Penalty units* | $44,381 |
| 115 Offence to build etc. without approval in principle - A person must not enter into an agreement or arrangement for the construction, alteration or extension of a health service establishment unless an approval in principle under this Part is in force in respect of that construction, alteration or extension.  *120 Penalty units* | $22,190 |
| 115 (2) Offence to build etc. without approval in principle - The proprietor of a health service establishment must not authorise or permit the construction, alteration or extension of any part of the establishment unless an approval in principle under this Part is in force in respect of that construction, alteration or extension.  *120 Penalty units* | $22,190 |
| 115 (3) Offence to build without approval in principle - A person must not enter into an agreement or arrangement for the alteration or extension of premises proposed to be used as a health service establishment unless an approval in principle under this Part is in force in respect of that alteration or extension.  *120 Penalty units* | $22,190 |
| 139 (3) Quality assurance - A person who is or has been a member, officer or employee of a committee, council or other body in respect of which a declaration under subsection (1) has been made must not either directly or indirectly: (a) make a record of or divulge or communicate to any person any information gained by or conveyed to that person by reason only of being such a member, officer or employee while the declaration was in force; or (b) make use of any such information - except to the extent necessary for the performance of the functions of that committee, council or body or of the person as such a member, officer or employee  *50 Penalty units* | $9,246 |
| Confidentiality 141 (2) - A relevant person must not, except to the extent necessary: (a) to carry out functions under this or any other Act; or (b) to exercise powers under this or any other Act in relation to a relevant health service; or (c) to give any information he or she is expressly authorised, permitted or required to give under this or any other Act- give to any other person, whether directly or indirectly, any information acquired by reason of being a relevant person if a person who is or has been a patient in, or has received health services from, a relevant health service could be identified from that information.  *50 Penalty units* | $9,246 |
| Confidentiality 141 (3A) - A person must not use or collect, or attempt to use or collect, information about a person from an electronic records system referred to in subsection (3)(e)(ii) if that second-mentioned person could be identified from that information unless:  (a) the use or collection is by a person engaged or employed by or on behalf of a public hospital or a denominational hospital; and  (b) the use or collection is -  (i) to enable the treatment of that second-mentioned person at or by that hospital; or  (ii) to charge or bill that second-mentioned person for treatment at or by that hospital; and  (c) the use or collection is in accordance with the regulations (if any).  *50 Penalty units* | $9,246 |
| Confidentiality 141 (4) - A person who receives information by reason of the giving of information under subsection (3)(g) must not give to any other person, whether directly or indirectly, any information so received unless the giving of the information: (a) has been approved by the ethics committee referred to in subsection (3); and (b) does not conflict with any prescribed requirements; and (c) the giving of information in accordance with HPP 2.2(g) of the Health Privacy Principles in the Health Records Act  *50 Penalty units* | $9,246 |
| 146 Identity cards - An authorised officer must produce his or her identity card for inspection-  (a) before exercising a power under this Act; and  (b) at any time during the exercise of a power under this Act if asked to do so.  *10 Penalty units* | $1,849 |
| 149 Offence to obstruct or hinder - A person must not obstruct or hinder an authorised officer in the exercise of the authorised officer's powers under this Act.  *240 Penalty units* | $44,381 |
| 150 Impersonating etc. an authorised officer  *120 Penalty units* | $22,190 |
| 151 (1) False and misleading statements - A person must not, in purported compliance with this Act, give information or make a statement that is false or misleading in a material particular.  *120 Penalty units* | $22,190 |
| 151 (2) False and misleading statements - A person must not make a false or misleading entry in a document required by this Act to be kept by a registered funded agency or health service establishment.  *120 Penalty units* | $22,190 |
| 152 False and misleading statements (Defacing documents etc) - A person must not, without lawful authority, destroy or damage any notice or document given or prepared or kept in accordance with this Act.  *120 Penalty units* | $22,190 |
| 158 Regulations - The Governor in Council may make regulations for or with respect to prescribing - penalties not exceeding 100 penalty units for breaches of the regulations  *100 Penalty units* | $18,492 |

# Health Services (Private Hospitals and Day Procedures) Regulations 2013

| **Health Services (Private Hospitals and Day Procedures) Regulations 2013** | **2022-2023 penalty amount (current year)** |
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| Part 4 - Senior Appointments - Division 1 - Director of Nursing 14 (1)  *50 Penalty units* | $9,246 |
| Part 4 - Senior Appointments - Division 1 - Director of Nursing 15  *50 Penalty units* | $9,246 |
| Part 4 - Senior Appointments - Division 1 - Director of Nursing 16  *20 Penalty units* | $3,698 |
| Part 4 - Senior Appointments - Division 1 - Director of Nursing 17  *20 Penalty units* | $3,698 |
| Part 4 - Senior Appointments - Division 1 - Director of Nursing 18  *20 Penalty units* | $3,698 |
| Part 5 - Administration of Patients - Division 1 - Unit record number 19  *30 Penalty units* | $5,548 |
| Division 2 -Information to be given to patients 20 (1)  *50 Penalty units* | $9,246 |
| Division 3 - Clinical Records 21  *30 Penalty units* | $5,548 |
| Division 3 - Clinical Records 22  *30 Penalty units* | $5,548 |
| Division 4 - Identification of Patients 23  *40 Penalty units* | $7,397 |
| Division 4 - Identification of Patients 24 (1)  *30 Penalty units* | $5,548 |
| Division 4 - Identification of Patients 24 (2)  *30 Penalty units* | $5,548 |
| Part 6 - Care of Patients 26  *50 Penalty units* | $9,246 |
| Part 6 - Care of Patients 27(1)  *50 Penalty units* | $9,246 |
| Part 6 - Care of Patients 28  *50 Penalty units* | $9,246 |
| Part 7 - Complaints 29 (1) and (2)  *50 Penalty units* | $9,246 |
| Part 7 - Complaints 30 (1), (2) and (3)  *40 Penalty units* | $7,397 |
| Part 7 - Complaints 31 (1) and (3)  *30 Penalty units* | $5,548 |
| Part 7 - Complaints 32  *60 Penalty units* | $11,095 |
| Part 8 - Transfer and Discharge of Patients 33  *40 Penalty units* | $7,397 |
| Division 2 - Staff register and records 37 (1)  *30 Penalty units* | $5,548 |
| Division 2 - Staff register and records 38 (1) and (3)  *30 Penalty units* | $5,548 |
| Part 10 - Premises and Equipment 39  *10 Penalty units* | $1,849 |
| Part 10 - Premises and Equipment 40 (1)  *60 Penalty units* | $11,095 |
| Part 10 - Premises and Equipment 41  *50 Penalty units* | $9,246 |
| Part 10 - Premises and Equipment 42  *80 Penalty units* | $14,794 |
| Part 10 - Premises and Equipment 43  *80 Penalty units* | $14,794 |
| Part 11 - Infection Control 44 (1)  *80 Penalty units* | $14,794 |
| Part 12 - Display of Information 45  *20 Penalty units* | $3,698 |

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