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| 2022-2023 fines and penalties for Mental Health Act 2014 |
| OFFICIAL |

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# Mental Health Act 2014

| Mental Health Act 2014, section | Description | | 2021-2022 Penalty Amount | 2022-2023 Penalty Amount |
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| 140(2) Confidentiality obligations applying in respect of information from clinical practice audit or clinical review | Subject to subsection (3), a person to whom this section applies must not— (a) directly or indirectly make a record of, or divulge or communicate to any person, any information gained by or conveyed to the person by reason of the conducting of a clinical practice audit or clinical review that may identify a mental health service provider or any other person; or (b) make use of the information for any purpose— other than in the performance of the functions under this Act relating to a clinical practice audit or clinical review | | $1,817 | $1,849 |
| 175 Secrecy | A person who is, or has been, a member (including as President or Deputy President) of the Tribunal or an executive officer, principal registrar, registrar or other member of staff of the Tribunal 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 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  (b) it is necessary to do so for the purposes of criminal proceedings or to initiate any proceedings under this Act; or  (c) the person to whom the information relates gives written consent to the making of the record, disclosure or communication. | | $10,904 | $11,095 |
| 204 Failure to comply with summons | A person who has been served with a summons to attend the Tribunal must not, without reasonable excuse— (a) fail to attend as required by the summons unless the person has been excused or released from attendance by the Tribunal; or (b) fail to produce any document referred to in the summons that is in the person's possession | | $10,904 | $11,095 |
| 205 False or misleading information | A person must not knowingly give false or misleading information to the Tribunal. | Natural person | $21,809 | $22,190 |
| Body corporate | $109,044 | $110,952 |
| 206 Contempt of the Tribunal | A person must not— (a) insult a member of the Tribunal in relation to the member exercising his or her powers or functions as a member; or (b) repeatedly interrupt a hearing of the Tribunal; or (c) create a disturbance or take part in creating or continuing a disturbance in or near a place where the Tribunal is sitting; or (d) do any other act or thing that would, if the Tribunal were the Supreme Court, constitute contempt of that Court. | | $21,809 | $22,190 |
| 225(1) Secrecy provision | A person who is, or has been, a community visitor must not, directly or indirectly, make a record of, disclose or communicate to any person, any information acquired in the performance of functions or duties or the exercise of powers under this Act, 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  (b) the person to whom the information relates gives written consent to the making of the record, disclosure or communication. | | $10,904 | $11,095 |
| 249(1) Non-disclosure of information given in conciliation | A person who is or has been the Commissioner or a person employed or engaged under section 230 must not disclose outside a conciliation process any information gained by the person in the conciliation process, other than information relating to an undertaking given under section 243(4)(e) during the course of a conciliation process | | $10,904 | $11,095 |
| 262(1) Offence not to comply with compliance notice | Subject to subsection (2), a mental health service provider must comply with a compliance notice served on it under section 260(1). | Body corporate | $218,088 | $221,904 |
| Any other case | $43,618 | $44,381 |
| 264(1) Person not to be penalised because of complaining to Commissioner | A person must not, by threats, intimidation, undue influence or coercion, persuade or attempt to persuade another person— (a) not to make a complaint to the Commissioner; or (b) to withdraw a complaint made to the Commissioner. | | $43,618 | $44,381 |
| 264(2) Person not to be penalised because of complaining to Commissioner | A person must not dismiss another person, refuse to employ or engage another person or subject another person to any detriment because the other person— (a) intends to complain, or has complained, to the Commissioner; or (b) has not withdrawn, or refuses to withdraw, a complaint made to the Commissioner | | $43,618 | $44,381 |
| 265(1) Disclosure of information | A person who is, or has been, the Commissioner or a person employed or engaged under section 230 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, 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  (b) the person to whom the information relates gives written consent to the making of the record, disclosure or communication. | | $10,904 | $11,095 |
| 346(1) Disclosure of health information | The following must not disclose health information about a consumer— (a) the mental health service provider; (b) any member of staff or former member of staff of the mental health service provider; (c) any person who is or was a contractor of the mental health service provider; (d) any volunteer or former volunteer at the mental health service provider; (e) any member of the board or former member of the board of the mental health service provider | | $10,904 | $11,095 |
| 358(1) Offence to give false or misleading information | A person must not—  (a) give information, prepare a document or make a statement required to be given or made under this Act 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 | $10,904 | $11,095 |
| Body corporate | $54,522 | $55,476 |
| 359 Destroying or damaging record | 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 | $10,904 | $11,095 |
| Body corporate | $54,522 | $55,476 |

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