

|  |
| --- |
| 2025-2026 fines and penalties for Human Tissue Act 1982  |
|  |

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

# Human Tissue Act 1982

| Human Tissue Act 1982, section  | Description  | 2024-2025 Penalty Amount | 2025-2026 Penalty Amount |
| --- | --- | --- | --- |
| 26(7) Authority to remove tissue after death | A designated officer for a hospital shall not give an authority under subsection (1) in respect of a deceased person and a registered medical practitioner or authorized person shall not remove tissue under subsection (2) from the body of a deceased person unless (i) that he carried out a clinical examination of the person; and (ii) that, in his opinion, the person has died within the meaning of section 41; | $19,759 | $20,351 |
| 37(2) Regulations relating to schools of anatomy | A person shall not contravene or fail to comply with a provision of the regulations made for the purposes of subsection (1) that is applicable to him. | $1,976 | $2,035 |
| 38(1) Unauthorized selling of tissue prohibited | Subject to this section, a person shall not sell, or agree to sell, tissue (including his own tissue) or the right to take tissue from his body. | $9,880 | $10,176 |
| 39(1) Unauthorized buying of tissue prohibited  | Subject to this section, a person shall not buy, agree to buy, offer to buy, hold himself out as being willing to buy, or inquire whether a person is willing to sell to the person or another person - (a) tissue; or (b) the right to take tissue from the body of another person. | $19,759 | $20,351 |
| 39(6) Unauthorized buying of tissue prohibited  | A person who contravenes subsection (5) is guilty of an offence and liable to a penalty not exceeding 50 penalty units or imprisonment for three months, or both. | $9,880 | $10,176 |
| 40(1) Advertising restrictions | A person shall not— (a) publish or disseminate by newspaper, other periodical, book, broadcasting, television, cinematograph or other means whatever; (b) exhibit to public view in a house, shop or place; or (c) deposit in the area, yard, garden or enclosure of a house, shop or place— an advertisement relating to the selling or buying of tissue or the donation of tissue or of the right to take tissue from the bodies of persons unless the proposed advertisement has been approved by the Minister and contains a statement to that effect. | $9,880 | $10,176 |
| 44(1) Offences  | A person shall not remove tissue from the body of a person whether living or dead except in accordance with a consent or authority that is, under this Act, sufficient authority for the removal of the tissue by that person. | $19,759 | $20,351 |
| 44(2) Offences  | A person shall not conduct a post-mortem examination of the body of a deceased person except in accordance with an authority that is, under this Act, sufficient authority for the person to conduct the post-mortem examination. | $19,759 | $20,351 |
| 44(3) Offences  | A person shall not -  (a) remove the body of a deceased person to a school of anatomy; or (b) use the body of a deceased person for a purpose specified in section 32(1) - except in accordance with an authority that is, under Part VI, sufficient authority for such removal or use of the body for that purpose. | $19,759 | $20,351 |
| 44(4) Offences  | A person shall not - (a) give an authority under this Act without having made the inquiries that he is required by this Act to make or having been satisfied that those inquiries have been made; (b) remove tissue from, or carry out a post-mortem examination of, the body of a deceased person without having made the inquiries that he is required by this Act to make or having been satisfied that those inquiries have been made;(c) make a false statement in a certificate given for the purposes of this Act; or(d) contravene or fail to comply with a provision of Division 4 of Part II. | $19,759 | $20,351 |
| 45(1) Disclosure of information | A person to whom this section applies shall not disclose or give to any other person any information or document whereby the identity of a person or a deceased person (a) from whose body tissue has been removed for the purpose of transplantation or for use for other therapeutic purposes or for medical or scientific purposes; (b) with respect to whom or with respect to whose body a consent or authority has been given under this Act; or (c) into whose body tissue has been, is being, or may be, transplanted— may become publicly known. | $9,880 | $10,176 |

|  |
| --- |
| To receive this document in another format, phone 1300 650 172, using the National Relay Service 13 36 77 if required, or email Fees and Penalties <feesandpenalties@dhhs.vic.gov.au>Authorised and published by the Victorian Government, 1 Treasury Place, Melbourne.© State of Victoria, Australia, Department of Health, April 2023.Available at [Fees, charges and penalties webpage](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> |