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| 2022-2023 fines and penalties for Health Records Act |
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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 Records Act 2001

| Health Records Act 2001, section  | Description | 2021-2022 Penalty Amount (Natural person or other case) | 2022-2023 Penalty Amount (Natural person or other case) | 2021-2022 Penalty Amount(Body Corporate) | 2022-2023 Penalty Amount(Body Corporate) |
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| 64(7) Investigation and ruling | A respondent who receives notice of a ruling under subsection (2) which requires the respondent to take specified action must report in writing to the Health Complaints Commissioner, within 7 days after the expiry of the period, or extended period, within which the action must be taken, on the action taken by the respondent with respect to the ruling | $1,817 | $1,849 | x | x |
| 71(1) Offence not to comply with compliance notice | An organisation must comply with a compliance notice served on it under section 66(1) that is in effect. | $109,044 | $110,952 | $545,220 | $554,760 |
| 80 Unlawfully requiring consent etc. | A person or body must not, by threat, intimidation or false representation, require another person or body— (a) to give a consent under this Act; or (b) to do, without consent, an act for which a consent under this Act is required. | $10,904 | $11,095 | $54,522 | $55,476 |
| 81(1) Unlawful destruction etc. or removal of health information | A person or body must not destroy, deface or damage health information held by an organisation or any other document with intent to evade or frustrate the operation of this Act. | $10,904 | $11,095 | $54,522 | $55,476 |
| 81(2) Unlawful destruction etc. or removal of health information | A person or body must not remove from Victoria health information held by an organisation with intent to evade or frustrate the operation of this Act. | $10,904 | $11,095 | $54,522 | $55,476 |
| 82 Unlawfully requesting or obtaining access to health information | A person or body must not, by threat, intimidation or false representation, request or obtain access to health information relating to himself, herself or any other person | $10,904 | $11,095 | $54,522 | $55,476 |
| 83 Persons not to be persuaded not to exercise rights under Act | A person or body must not, by threat, intimidation or false representation, persuade or attempt to persuade another person— (a) to refrain from making or pursuing— (i) a request for access to health information under Part 5; or (ii) a complaint to the Health Complaints Commissioner under Part 6; or (b) to withdraw a request or complaint referred to in paragraph (a). | $10,904 | $11,095 | $54,522 | $55,476 |
| 84 Failure to attend etc. before Health Complaints Commissioner  | A person or body must not— (a) without reasonable excuse, refuse or fail— (i) to attend before the Health Complaints Commissioner; or (ii) to be sworn or to make an affirmation; or (iii) to give information; or (iv) to answer a question or produce a document— when so required by the Health Complaints Commissioner under this Act; or (b) wilfully obstruct, hinder or resist the Health Complaints Commissioner or an employee in the office of the Health Complaints Commissioner or a delegate of the Health Complaints Commissioner in— (i) performing, or attempting to perform, a function or duty under this Act; or (ii) exercising, or attempting to exercise, a power under this Act; or (c) furnish information or make a statement to the Health Complaints Commissioner knowing that it is false or misleading in a material particular. | $10,904 | $11,095 | $54,522 | $55,476 |
| 90(1) Secrecy | A person who is, or has been, the Health Complaints Commissioner, an acting Health Complaints Commissioner, a delegate of the Health Complaints Commissioner or an employee in the office of the Health Complaints Commissioner must not, directly or indirectly make a record of, disclose or communicate to any person any information relating to the affairs of any individual or organisation 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, or in relation to, this, or any other, Act; or (b) the individual or organisation to whom the information relates gives written consent to the making of the record, disclosure or communication. | $10,904 | $11,095 | x | x |
| 90(2) Secrecy | ) A person who is, or has been, the Health Complaints Commissioner, an acting Health Complaints Commissioner, a delegate of the Health Complaints Commissioner or an employee in the office of the Health Complaints Commissioner must not disclose or communicate to any person any information given to the Health Complaints Commissioner pursuant to a requirement made under Division 3 of Part 6 (including information contained in a document required to be produced to the Health Complaints Commissioner) unless all parties to the conciliation consent to the making of the disclosure or communication | $10,904 | $11,095 | x | x |
| 90(4) Secrecy | A person who is, or has been, the Health Complaints Commissioner, an acting Health Complaints Commissioner, a delegate of the Health Complaints Commissioner or an employee in the office of the Health Complaints Commissioner must not disclose or communicate to any person, other than a person employed in the office of the Health Complaints Commissioner, any information given to the Health Complaints Commissioner pursuant to a requirement made under Division 4 of Part 6 (including information contained in a document required to be produced to the Health Complaints Commissioner) unless— (a) he or she has notified the person from whom the information was obtained of the proposal to disclose or communicate that information; and (b) he or she has given that person a reasonable opportunity to object to the disclosure or communication; and (c) that person has not objected to the disclosure or communication. | $10,904 | $11,095 | x | x |

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