

Provision of Information: Issue of Infringement Notices under the *Health Service Establishments Act 2006*

INFORMATION FOR PRIVATE HEALTH FACILITIES

Advisory Notice 3/2019

September 2019

The *Health Service Establishments Act 2006* ('the Act') and the *Health Service Establishment Regulations 2011* ('the Regulations') impose legal requirements on licenced health service establishments. If these requirements are not met, action may be taken by the Department of Health ('the Department').

1. What is an infringement offence?

- 1.1. All infringement offences under the Act and Regulations are listed in Schedule 6 of the Regulations.
- 1.2. Typically, these are minor offences that are clear and unambiguous.
- 1.3. An example of an infringement offence is failure to provide information to the Secretary as requested under section 54 of the Act.
- 1.4. The Department may issue an infringement notice to a facility that breaches one of these offences.

2. What is an infringement notice?

- 2.1. An infringement notice is a monetary penalty, issued for non-compliance with specific requirements of the Act and Regulations.
- 2.2. Infringement notice penalties are subject to the provisions of the *Monetary Penalties Enforcement Act 2005*. Further information can be found at <https://www.justice.tas.gov.au/fines>.
- 2.3. The amount payable for an infringement is set in the legislation, by reference to 'penalty units.' A breach of section 54 of the Act attracts 8 penalty units.
- 2.4. The current value of a penalty unit is \$168, which can be found on the Department of Justice website at https://www.justice.tas.gov.au/about/legislation/value_of_indexed_units_in_legislation.
- 2.5. This means a breach of section 54 may incur an infringement notice to the value of \$1,344.

What does this mean for licenced private health facilities?

Each year when the annual licence fees become payable, facilities are also required to provide information that the Secretary believes is necessary for the purposes of the Act. Failure to provide this information as requested under section 54 of the Act is an infringement offence. In the upcoming annual licence renewal cycle the Department will consider issuing infringement notices to facilities which fail to provide the information as requested.

Next steps

Facilities will be reminded of this information again when the annual renewal correspondence is sent, and are all encouraged to contact the Regulation Unit if they have questions or concerns about the infringement process.

Questions and further information

For questions or further information about infringement notices under the Act, contact the Regulation and Licensing Unit on 6166 3856 or on hslicensing@health.tas.gov.au.

Regulation and Licensing Unit
Department of Health

