

## ***Health Complaints Act 2016 (Vic)***

Please be advised that the *Health Complaints Act 2016 (Vic)* (**the Act**) passed the Lower House of Parliament on 27 April 2016, and received Royal Assent on 3 May 2016.

The Act is due to commence on 1 February 2017 (unless it comes into force earlier through a date proclaimed).

The primary purpose of the Act is to establish a more comprehensive complaints process to better support the Victorian public. To this end, the Act will repeal the *Health Services (Conciliation and Review) Act 1987 (Vic)* (which is included in our **VIC – Client Patient Rights** Register), and the existing Health Services Commissioner will be replaced by the Health Complaints Commissioner (**the HCC**).

Organisations should be aware that the HCC will be empowered under section 47 of the Act to conduct an investigation into the conduct of a health services provider even when no complaint about that health services provider has been lodged with the HCC.

In addition, in order to better protect the Victorian public the HCC will be permitted under section 87 of the Act to issue a public health warning statement which names the relevant health service provider in the event that the HCC has commenced an investigation, and the HCC reasonably believes that the health service provider has contravened a code of conduct, and it is necessary to publish the statement to avoid imminent and serious risk to the life, health, safety or welfare of a person or the public.

The new Act also recognises those health practitioners who have been banned in other States and Territories by preventing them from being able to offer their services in Victoria. More specifically, section 102 of the Act provides that a person must not provide a general health service in Victoria if, in another State or a Territory of the Commonwealth, the person is prohibited from providing a service in the nature of that general health service. Failure to comply with section 102 incurs a sanction of 240 penalty units or 2 years imprisonment (or both) for an individual, and 1200 penalty units for a body corporate.

Please [click here](#) to access the Act.

## **Contact**

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