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| 2024-2025 fines and penalties for the Child Wellbeing and Safety Act 2005 |
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This document is an annually updated publication of the indexation of fines and charges for the reference of the general public.

This document only details the penalties that apply for Parts of the Child Wellbeing and Safety Act 2005 that the Minister for Health shares administrative duties.

* Parts 4, 5, 6A, 7A and 8 (jointly and severally administered with the Minister for Child Protection and Family Services, the Minister for Early Childhood and the Minister for Education)
* Sections 43 and 45 (these sections are jointly and severally administered with the Minister for Early Childhood and the Minister for Education)

# Child Wellbeing and Safety Act 2005

| Child Wellbeing and Safety Act 2005, Section | Description | 2023-2024 Penalty amount  (Natural person) | 2024-2025 Penalty amount  (Natural person) | 2023-2024 Penalty amount  (Body corporate) | 2024-2025 Penalty amount  (Body corporate) |
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| 29H(1) Failure to provide assistance | A person must not, without reasonable excuse, fail to comply with a requirement made by an authorised officer under section 29G(3).  Penalty: In the case of a body corporate, 120 penalty units;  In any other case, 30 penalty units. | $5,769 | $5,928 | $23,077 | $23,711 |
| 29K(1) Failure to provide assistance | A person must not, without reasonable excuse, fail to comply with a requirement made by an authorised officer under section 29I(3).  Penalty: In the case of a body corporate, 120 penalty units;  In any other case, 30 penalty units. | $5,769 | $5,928 | $23,077 | $23,711 |
| 29P Offence to obstruct authorised officer | A person must not hinder or obstruct—  (a) an authorised officer exercising a power under this Part; or  (b) a person who is assisting an authorised officer exercising a power under this Part.  Penalty: In the case of a body corporate, 120 penalty units;  In any other case, 30 penalty units. | $5,769 | $5,928 | $23,077 | $23,711 |
| 29Q Offence to impersonate authorised officer | A person who is not an authorised officer must not, in any way, hold themselves out to be an authorised officer.  Penalty: 30 penalty units. | $5,769 | $5,928 | x | x |
| 32(1) False or misleading information | A person must not in purported compliance with this Part—  (a) give information or make a statement that the person knows to be false or misleading in a material particular; or  (b) produce a document 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.  Penalty: In the case of a body corporate, 120 penalty units;  In any other case, 30 penalty units. | $5,769 | $5,928 | $23,077 | $23,711 |
| 32A Criminal liability of officers of relevant entities—failure to exercise due diligence | (1) If a relevant entity that is a body corporate commits an offence against section 34D, an officer of that relevant entity also commits an offence against the provision if the officer failed to exercise due diligence to prevent the commission of the offence by the relevant entity.  (4) An officer of a body corporate may commit an offence against section 34D whether or not the relevant entity has been prosecuted for, or found guilty of, an offence against that section.  Penalty: In the case of a body corporate, 120 penalty units;  In any other case, 60 penalty units. | $11,539 | $11,855 | $23,077 | $23,711 |
| 34(1) Civil penalty | If a court makes a declaration under section 33(2) that a person, body or relevant entity has failed to comply with a notice to produce or a notice to comply, the court may order the person, body or relevant entity to pay to the sector regulator that gave the notice a pecuniary penalty not exceeding 120 penalty units in the case of a body corporate or 60 penalty units in any other case.  Penalty: In the case of a body corporate, 120 penalty units;  In any other case, 60 penalty units. | $11,539 | $11,855 | $23,077 | $23,711 |
| 34D Offence to fail to comply with notice to produce or notice to comply | A person must not, without reasonable excuse, fail to comply with a notice to produce or a notice to comply.  Penalty: In the case of a body corporate, 120 penalty units;  In any other case, 60 penalty units. | $11,539 | $11,855 | $23,077 | $23,711 |
| 41HA Disclosure of protected information by relevant persons prohibited | A relevant person, or a person who has been a relevant person, must not disclose to any other person, whether directly or indirectly, any protected information except to the extent that the person is authorised, permitted or required to do so under this Act or another Act.  Penalty: 60 penalty units. | $11,539 | $11,855 | x | x |
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| 41ZK(1) Unauthorised use and disclosure of confidential information collected under this Part | A person must not use or disclose confidential information disclosed to the person under this Part except in accordance with this Part.  Penalty: In the case of a person other than a body corporate, 60 penalty units; In the case of a body corporate, 300 penalty units. | $11,539 | $11,855 | $57,693 | $59,277 |
| 41ZL(1) Intentional or reckless unauthorised use and disclosure of confidential information | A person must not use or disclose confidential information disclosed to the person under this Part in a manner that is unauthorised under this Part and that the person— (a) knows is unauthorised under this Part; or (b) is reckless as to whether the use or disclosure of the information is unauthorised under this Part.  Penalty: In the case of a person other than a body corporate, 600 penalty units or imprisonment for 5 years or both; In the case of a body corporate, 3000 penalty units. | $115,386 | $118,554 | $576,930 | $592,770 |
| 41ZM(1) False claim that person is or represents an information sharing entity or a restricted information sharing entity | A person who is not an information sharing entity or a restricted information sharing entity must not, in any way, claim or hold themselves out to be an information sharing entity or a restricted information sharing entity.  Penalty: In the case of a person other than a body corporate, 60 penalty units; In the case of a body corporate, 300 penalty units. | $11,539 | $11,855 | $57,693 | $59,277 |
| 41ZM(2) False claim that person is or represents an information sharing entity or a restricted information sharing entity | A person who is not authorised by an information sharing entity or a restricted information sharing entity to collect confidential information under this Part on behalf of the information sharing entity or restricted information sharing entity must not, in any way, claim or hold themselves out to be authorised to collect such information on the information sharing entity or restricted information sharing entity's behalf.  Penalty: In the case of a person other than a body corporate, 60 penalty units; In the case of a body corporate, 300 penalty units. | $11,539 | $11,855 | $57,693 | $59,277 |
| 46T(1) Unauthorised access to the Register | A person must not access the Register unless the person is— (a) a Child Link user; or (b) a person who is otherwise authorised to access the Register under this Part.  Penalty: In the case of a natural person, 60 penalty units; In the case of a body corporate, 300 penalty units. | $11,539 | $11,855 | $57,693 | $59,277 |
| 46U(1) Access to the Register for unauthorised purpose | An authorised person must not access the Register other than in accordance with this Part.  Penalty: In the case of a natural person, 60 penalty units; In the case of a body corporate, 300 penalty units. | $11,539 | $11,855 | $57,693 | $59,277 |
| 46V(1) Unauthorised use and disclosure of confidential information contained in the Register | An authorised person must not use or disclose confidential information contained in the Register other than in accordance with this Part.  Penalty: In the case of a natural person, 60 penalty units; In the case of a body corporate, 300 penalty units. | $11,539 | $11,855 | $57,693 | $59,277 |
| 46W(1) Intentional or reckless unauthorised use and disclosure of confidential information contained in the Register | An authorised person must not use or disclose confidential information contained in the Register in a manner that is unauthorised under this Part and that the person— (a) knows is unauthorised under this Part; or (b) is reckless as to whether the use or disclosure of the information is authorised under this Part.  Penalty: In the case of a natural person, 600 penalty units or imprisonment for 5 years or both; In the case of a body corporate, 3000 penalty units. | $115,386 | $118,554 | $576,930 | $592,770 |

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