

## Health and Disability Services Legislation Amendment Bill 2009

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Western Australia

LEGISLATIVE ASSEMBLY

**Health and Disability Services Legislation  
Amendment Bill 2009**

**A Bill for**

**An Act to amend —**

- **the *Health Services (Conciliation and Review) Act 1995*; and**
  - **the *Disability Services Act 1993*; and**
  - **various other Acts,**
- and for related purposes.**

The Parliament of Western Australia enacts as follows:

1  
2  
3  
4  
5  
6  
7  
8  
9  
10

**Part 1 — Preliminary matters**

**1. Short title**

This is the *Health and Disability Services Legislation Amendment Act 2009*.

**2. Commencement**

This Act comes into operation as follows —

- (a) Part 1 — on the day on which this Act receives the Royal Assent;
- (b) the rest of the Act — on a day fixed by proclamation, and different days may be fixed for different provisions.

1 **Part 2 — *Health Services (Conciliation and Review)***  
2 ***Act 1995* amended**

3 **3. Act amended**

4 This Part amends the *Health Services (Conciliation and Review)*  
5 *Act 1995*.

6 **4. Long title replaced**

7 Delete the long title and insert:

8

9 **An Act to establish a readily accessible agency to which**  
10 **complaints may be made about the provision of health and**  
11 **disability services, to establish a means of having such**  
12 **complaints dealt with in confidence, and for related**  
13 **purposes.**  
14

15 **5. Section 1 amended**

16 In section 1 delete “*Health Services (Conciliation and Review)*  
17 *Act 1995*.” and insert:

18

19 *Health and Disability Services (Complaints) Act 1995*.  
20

21 **6. Section 3A inserted**

22 After section 2 insert:

23

24 **3A. Act to be read with *Disability Services Act 1993***  
25 **Part 6**

26 This Act is to be read with the *Disability Services*  
27 *Act 1993* Part 6.  
28

**s. 7**

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1 **7. Section 3 amended**

2 In section 3(1) delete the definition of *Office* and insert:

3

4 *Office* means the Health and Disability Services  
5 Complaints Office continued by section 6(1);  
6

7 **8. Section 6 amended**

8 Delete section 6(1) and insert:

9

- 10 (1) The body called the “Office of Health Review”,  
11 established previously under this Act, continues under  
12 the name “Health and Disability Services Complaints  
13 Office”.  
14

15 **9. Section 10 amended**

16 In section 10(1):

- 17 (a) delete “Director are —” and insert:

18

19 Director are as follows —

20

- 21 (b) delete paragraph (a) and insert:

22

- 23 (a) to deal with complaints in accordance with  
24 Part 3;

25

- 26 (c) in paragraph (b) delete “and bringing them to the notice  
27 of the public;” and insert:

28

29 in collaboration with groups of providers or  
30 users;

31



- 1 (d) in paragraph (f) delete “time; and” and insert:  
2  
3 time;  
4
- 5 (e) in paragraph (g)(ii) delete “complaints.” and insert:  
6  
7 complaints; and  
8
- 9 (f) after paragraph (g)(ii) insert:  
10  
11 (iii) advice about removing or minimising  
12 the causes of complaints;  
13 (h) any other function conferred on the Director by  
14 this Act or another written law.  
15

16 **10. Section 13 amended**

- 17 (1) In section 13(1) delete “Office of Health Review Account” and  
18 insert:  
19  
20 Health and Disability Services Complaints Office Account  
21
- 22 (2) After section 13(1) insert:  
23  
24 (2) The Health and Disability Services Complaints Office  
25 Account is a continuation of the account formerly  
26 called the Office of Health Review Account.  
27

**s. 11**

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1 **11. Section 20 amended**

2 In section 20(2):

3 (a) delete “if, in the Director’s opinion —” and insert:

4

5 if —

6

7 (b) delete paragraph (a) and “and” after it and insert:

8

9 (a) the user —

10 (i) has died; or

11 (ii) in the Director’s opinion, is unable to  
12 complain to the Director and unable to  
13 choose a person to complain on the  
14 user’s behalf;

15 and

16

17 **12. Section 22 amended**

18 In section 22 delete “Director that,” and insert:

19

20 Director that the user has died or,

21

22 **13. Section 24 amended**

23 In section 24 delete “12 months” and insert:

24

25 24 months

26

27 **14. Section 25 amended**

28 In section 25(1):

29 (a) in paragraph (a) delete “public”;

1 (b) in paragraph (b) delete “user;” and insert:

2

3 user, whether the service was requested by the  
4 user or a third party;

5

6 **15. Section 26 amended**

7 In section 26(1):

8 (a) in paragraph (a) delete “substance;” and insert:

9

10 substance; or

11

12 (b) delete paragraph (b) and “or” after it.

13 **16. Section 30 amended**

14 (1) In section 30 delete “The Director must not refer a complaint for  
15 conciliation or investigate a complaint unless the Director is  
16 satisfied that —” and insert:

17

18 The Director may reject a complaint if the Director is  
19 not satisfied that —

20

21 **17. Section 34 amended**

22 (1) Delete section 34(1)(a), (b) and (c) and insert:

23

24 (a) to accept it; or

25 (b) to reject it under section 24, 26 or 30; or

26 (c) to refer it under section 28, 31 or 32,

27

**s. 17**

---

- 1 (2) Delete section 34(4) and insert:  
2
- 3 (4) If the Director decides to accept a complaint in whole  
4 or in part, the Director must then —  
5 (a) attempt to settle it in accordance with  
6 Division 3A; or  
7 (b) refer it for conciliation under Division 3 if the  
8 Director is of the opinion it is suitable to be  
9 dealt with under that Division; or  
10 (c) investigate it if the Director is of the opinion  
11 that —  
12 (i) it is not suitable to be dealt with under  
13 either Division 3A or 3; and  
14 (ii) an investigation is warranted, taking  
15 into account the likely costs and benefits  
16 of the investigation.  
17
- 18 (3) In section 34(5) delete “referring it for conciliation” and insert:  
19  
20 dealing with it  
21
- 22 (4) Delete section 34(6) and insert:  
23
- 24 (6) If the Director decides —  
25 (a) to reject a complaint; or  
26 (b) that a complaint is not suitable to be dealt with  
27 under either Division 3A or 3 and does not  
28 warrant investigating,  
29 the Director must, in writing, advise the person who  
30 made the complaint of the decision and that the  
31 Director will take no further action on the complaint.

- 1           (7) While performing functions under this section in  
2           relation to a complaint, the Director must not try to  
3           settle the complaint.  
4

5   **18. Section 35 amended**

- 6   (1) In section 35(1):  
7       (a) in paragraph (a) delete “provider;” and insert:  
8             
9           provider; and  
10         
11       (b) after paragraph (a) insert:  
12             
13           (ba) may give the provider a written notice requiring  
14           the provider to give the Director a written  
15           response to the complaint in accordance with  
16           section 36A; and  
17         
18   (2) After section 35(3) insert:  
19         
20       (4) Subject to subsection (2), a notice given under this  
21       section must include a copy or the details of the  
22       complaint concerned.  
23

24   **19. Section 36A inserted**

25       At the end of Part 3 Division 2 insert:  
26

27       **36A. Response by provider**

- 28       (1) A provider who is given a notice under section 35(1)(a)  
29       may give the Director a written response to the  
30       complaint concerned.

**s. 20**

---

- 1 (2) A provider who is given a notice under  
2 section 35(1)(ba) must give the Director a written  
3 response to the complaint concerned.
- 4 (3) Any response given under subsection (1) or (2) must be  
5 given to the Director within 28 days, or any longer  
6 period allowed under subsection (4), after the date on  
7 which the provider receives a notice given under  
8 section 35(1)(a) or (ba), as the case requires.
- 9 (4) The Director may extend that 28 day period for good  
10 reason.
- 11 (5) If a provider does not comply with subsection (2), the  
12 Director may nevertheless deal with the complaint  
13 under this Part.
- 14 (6) A provider who does not comply with subsection (2)  
15 does not commit an offence.
- 16 (7) The Director must include in the Office's annual report  
17 required by the *Financial Management Act 2006* Part 5  
18 the details of any breach of subsection (2) that, in the  
19 Director's opinion, was committed without a  
20 reasonable excuse.  
21

22 **20. Part 3 Division 3A inserted**

23 Before Part 3 Division 3 insert:  
24

25 **Division 3A — Negotiated settlement**

26 **36B. Resolving complaints by negotiation**

- 27 (1) Having accepted a complaint and complied with  
28 section 35, the Director may, by negotiating with the  
29 person who made the complaint and the provider,  
30 attempt to bring about a settlement of the complaint  
31 that is acceptable to the parties to it.

- 1           (2) For the purposes of subsection (1) the Director may  
2           make any inquiries the Director considers appropriate.
- 3           (3) If within 56 days, or any longer period allowed under  
4           subsection (4), after the date of complying with  
5           section 35 the complaint has not been settled under  
6           subsection (1), the Director must —
- 7               (a) refer it for conciliation under Division 3 if the  
8               Director is of the opinion it is suitable to be  
9               dealt with under that Division; or
- 10              (b) investigate it if the Director is of the opinion  
11              that —
- 12                      (i) it is not suitable to be dealt with under  
13                      Division 3; and
- 14                      (ii) an investigation is warranted, taking  
15                      into account the likely costs and benefits  
16                      of the investigation.
- 17           (4) The Director may extend that 56 day period if it is for  
18           the benefit of the person who made the complaint to do  
19           so.
- 20           (5) If the Director decides a complaint is not suitable to be  
21           dealt with under Division 3 and does not warrant  
22           investigating, the Director must, in writing, advise the  
23           person who made the complaint of the decision and  
24           that the Director will take no further action on the  
25           complaint.

26           **36C. Protection of statements made**

- 27           (1) Evidence of anything said or admitted during any  
28           negotiation conducted under section 36B(1) is not  
29           admissible in proceedings before a court or tribunal.
- 30           (2) Despite the *Parliamentary Commissioner Act 1971*  
31           section 20(3), evidence referred to in subsection (1)  
32           may be disclosed to the Parliamentary Commissioner

**s. 21**

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1 for Administrative Investigations for the purposes of an  
2 investigation under that Act.  
3

4 **21. Section 41 amended**

5 In section 41(1) delete “through the conciliation process or not.”  
6 and insert:  
7

8 or not with the help of the Office.  
9

10 **22. Section 44 amended**

11 (1) Delete section 44(1).

12 (2) In section 44(2) delete “where subsection (1) applies,” and  
13 insert:  
14

15 if it is of a complaint,  
16

17 **23. Section 48 amended**

18 (1) In section 48(1) delete “under section 44 or” and insert:  
19

20 of a complaint or under section  
21

22 (2) In section 48(2) delete “under section 44 or” and insert:  
23

24 of a complaint or under section  
25



1   **24.    Section 52A inserted**

2           At the end of Part 3 Division 4 insert:

3

4           **52A.    Report to Parliament where report not made or**  
5           **remedial action not taken**

- 6           (1) If a notice given under section 50 includes any action  
7           that the Director considers ought to be taken by the  
8           provider to remedy the matter and the provider does  
9           not report in accordance with section 51, the Director  
10          must give the Minister a copy of the notice and a  
11          written report about the refusal or failure by the  
12          provider to so report.
- 13          (2) If a notice given under section 50 includes any action  
14          that the Director considers ought to be taken by the  
15          provider to remedy the matter and the provider does  
16          not take the action within such time as in the Director's  
17          opinion is reasonable, the Director must give the  
18          Minister a copy of the notice and a written report about  
19          the refusal or failure by the provider to take the action.
- 20          (3) After receiving the notice and a report under  
21          subsection (1) or (2) the Minister may lay both before  
22          each House of Parliament.
- 23          (4) The Director is not to include the complainant's name  
24          in the material given to the Minister under  
25          subsection (1) or (2) unless authorised to do so by the  
26          complainant.

27

28   **25.    Section 59 amended**

29           In section 59 delete "under section 44," and insert:

30

31           of a complaint or under section

32

**s. 26**

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1 **26. Section 61 amended**

2 In section 61 delete “under section 44,” and insert:

3

4 of a complaint or under section

5

6 **27. Section 64 amended**

7 In section 64(1) delete “under section 44,” and insert:

8

9 of a complaint or under section

10

11 **28. Section 80 replaced**

12 Delete section 80 and insert:

13

14 **80. Transitional provisions**

15 (1) A reference in any written law or other document to the  
16 Director of the Office of Health Review is to be taken  
17 to be a reference to the Director.

18 (2) A reference in any written law or other document to the  
19 Office of Health Review is to be taken to be a reference  
20 to the Office.

21

1           **Part 3 — Disability Services Act 1993 amended**

2   **29.     Act amended**

3           This Part amend the *Disability Services Act 1993*.

4   **30.     Section 3 amended**

5           In section 3 delete the definition of **Director** and insert:

6

7                   **Director** means the Director of the Health and  
8                   Disability Services Complaints Office appointed under  
9                   the *Health and Disability Services (Complaints)*  
10                  *Act 1995*;

11

12   **31.     Section 3A amended**

13           In section 3A(3)(b) delete “*Child Welfare Act 1947*” and insert:

14

15                   *Children and Community Services Act 2004*

16

17   **32.     Section 30 amended**

18           (1) In section 30 delete the definitions of:

19                   *member of the staff*

20                   **OHR**

21           (2) In section 30 insert in alphabetical order:

22

23                   **Complaints Office** means the Health and Disability  
24                   Services Complaints Office continued by section 6(1)  
25                   of the *Health and Disability Services (Complaints)*  
26                   *Act 1995*;

**s. 33**

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1                    *member of the staff* has the meaning given to that term  
2                    by section 3(1) of the *Health and Disability Services*  
3                    *(Complaints) Act 1995*;

4  
5                    **33. Section 30AA inserted**

6                    After section 30 insert:

7  
8                    **30AA. This Part to be read with *Health and Disability***  
9                    ***Services (Complaints) Act 1995***

10                    This Part is to be read with the *Health and Disability*  
11                    *Services (Complaints) Act 1995*.

12  
13                    **34. Section 30A amended**

14                    In section 30A(1):

15                    (a) delete “Part are —” and insert:

16                    Part are as follows —  
17

18  
19                    (b) delete paragraph (a) and insert:

20  
21                    (a) to deal with complaints in accordance with this  
22                    Part;

23  
24                    (c) in paragraph (b) delete “and bringing them to the notice  
25                    of the public;” and insert:

26  
27                    in collaboration with groups of service  
28                    providers or groups of persons to whom  
29                    disability services are provided;

30

- 1 (d) in paragraph (f) delete “OHR” and insert:  
2  
3 Complaints Office  
4  
5 (e) in paragraph (f) delete “time; and” and insert:  
6  
7 time;  
8  
9 (f) in paragraph (g)(ii) delete “complaints.” and insert:  
10  
11 complaints; and  
12  
13 (g) after paragraph (g)(ii) insert:  
14  
15 (iii) advice about removing or minimising  
16 the causes of complaints.  
17

18 **35. Section 31 amended**

19 In section 31(1) delete “through conciliation provided for under  
20 this Part,” and insert:

21  
22 with the help of the Complaints Office,  
23

24 **36. Section 32 amended**

25 In section 32(2):

- 26 (a) in paragraph (b)(ii) delete “complaint.” and insert:  
27  
28 complaint;  
29

**s. 37**

---

- 1 (b) after paragraph (b) insert:  
2  
3 or  
4 (c) a person not chosen by the person with a  
5 disability if —  
6 (i) the person with a disability has died;  
7 and  
8 (ii) in the Director’s opinion, the  
9 prospective advocate is a person who  
10 has a sufficient interest in the subject  
11 matter of the complaint.  
12

13 **37. Section 33 amended**

- 14 (1) In section 33(2):  
15 (a) in paragraph (b) delete “complainant;” and insert:  
16  
17 complainant, whether the service was requested  
18 by the complainant or a third party; or  
19  
20 (b) in paragraph (f) delete “Charter,” and insert:  
21  
22 Charter; or  
23  
24 (c) after paragraph (f) insert:  
25  
26 (g) in respect of a complaint about a matter  
27 mentioned in paragraphs (a) to (e) made to the  
28 provider or Commission by a person with a  
29 disability, acted unreasonably by —  
30 (i) not properly investigating the complaint  
31 or causing it to be properly investigated;  
32 or

- 1 (ii) not taking, or causing to be taken,  
2 proper action on the complaint;  
3 or  
4 (h) acted unreasonably by charging the  
5 complainant an excessive fee; or  
6 (i) acted unreasonably with respect to a fee,  
7  
8 (d) after paragraphs (a), (c), (d) and (e) insert:  
9  
10 or  
11

12 (2) Delete section 33(3) and the Penalty provision after it.

13 **38. Section 33A amended**

14 In section 33A delete “*Health Services (Conciliation and*  
15 *Review) Act 1995.*” and insert:

16

17 *Health and Disability Services (Complaints) Act 1995.*  
18

19 **39. Section 36 amended**

20 In section 36(a) delete “or investigating”.

21 **40. Section 37 amended**

22 (1) Delete section 37(1)(a) and (b) and insert:

23

24 (a) to accept it; or

25 (b) to reject, defer or refer it under section 38,  
26

**s. 40**

---

- 1 (2) After section 37(3) insert:
- 2
- 3 (4A) If under subsection (1) a complaint is accepted, the
- 4 Director may give the respondent a written notice
- 5 requiring the respondent to give the Director a written
- 6 response to the complaint in accordance with
- 7 section 39A.
- 8 (4B) If under subsection (1) a complaint is accepted, the
- 9 Director must then —
- 10 (a) attempt to settle it in accordance with
- 11 section 39B; or
- 12 (b) refer it for conciliation under section 39 if the
- 13 Director is of the opinion it is suitable to be
- 14 dealt with under that section; or
- 15 (c) investigate it if the Director is of the opinion
- 16 that —
- 17 (i) it is not suitable to be dealt with under
- 18 either section 39B or 39; and
- 19 (ii) an investigation is warranted, taking
- 20 into account the likely costs and benefits
- 21 of the investigation.
- 22
- 23 (3) After section 37(5) insert:
- 24
- 25 (6) If the Director decides that a complaint is not suitable
- 26 to be dealt with under either section 39B or 39 and
- 27 does not warrant investigating, the Director must
- 28 advise the complainant in writing of the decision and
- 29 that the Director will take no further action on the
- 30 complaint.
- 31 (7) While performing functions under this section in
- 32 relation to a complaint, the Director must not try to
- 33 settle the complaint.
- 34



1   **41.     Section 38 amended**

2           In section 38(1):

3               (a)   in paragraph (a) delete “substance;” and insert:

4

5                       substance; or

6

7               (b)   delete paragraph (b) and “or” after it.

8   **42.     Sections 39A and 39B inserted**

9           After section 38 insert:

10

11       **39A.    Response by respondent**

12           (1)   A respondent who is given a notice under  
13               section 37(3)(c) may give the Director a written  
14               response to the complaint concerned.

15           (2)   A respondent who is given a notice under  
16               section 37(4A) must give the Director a written  
17               response to the complaint concerned.

18           (3)   Any response given under subsection (1) or (2) must be  
19               given to the Director within 28 days, or any longer  
20               period allowed under subsection (4), after the date on  
21               which the provider receives a notice given under  
22               section 37(3)(c) or (4A), as the case requires.

23           (4)   The Director may extend that 28 day period for good  
24               reason.

25           (5)   If a respondent does not comply with subsection (2),  
26               the Director may nevertheless deal with the complaint  
27               under this Part.

28           (6)   A respondent who does not comply with subsection (2)  
29               does not commit an offence.

- 1 (7) The Director must include in the annual report of the  
2 Complaints Office required by the *Financial*  
3 *Management Act 2006* Part 5 the details of any breach  
4 of subsection (2) that, in the Director's opinion, was  
5 committed without a reasonable excuse.
- 6 **39B. Resolving complaints by negotiation**
- 7 (1) Having accepted a complaint and complied with  
8 section 37(3)(c), the Director may, by negotiating with  
9 the complainant and the respondent, attempt to bring  
10 about a settlement of the complaint that is acceptable to  
11 the parties to it.
- 12 (2) For the purposes of subsection (1) the Director may  
13 make any inquiries the Director considers appropriate.
- 14 (3) If within 56 days, or any longer period allowed under  
15 subsection (4), after the date of complying with  
16 section 37(3)(c) the complaint has not been settled  
17 under subsection (1), the Director must —
- 18 (a) refer it for conciliation under section 39 if the  
19 Director is of the opinion it is suitable to be  
20 dealt with under that section; or
- 21 (b) investigate it if the Director is of the opinion  
22 that —
- 23 (i) it is not suitable to be dealt with under  
24 section 39; and
- 25 (ii) an investigation is warranted, taking  
26 into account the likely costs and benefits  
27 of the investigation.
- 28 (4) The Director may extend that 56 day period if it is for  
29 the benefit of the complainant to do so.
- 30 (5) If the Director decides a complaint is not suitable to be  
31 dealt with under section 39 and does not warrant  
32 investigating, the Director must advise the complainant

- 1 in writing of the decision and that the Director will take  
2 no further action on the complaint.
- 3 (6) Evidence of anything said or admitted during any  
4 negotiation conducted under subsection (1) is not  
5 admissible in proceedings before a court or tribunal.
- 6 (7) Despite the *Parliamentary Commissioner Act 1971*  
7 section 20(3), evidence referred to in subsection (6)  
8 may be disclosed to the Parliamentary Commissioner  
9 for Administrative Investigations for the purposes of an  
10 investigation under that Act.  
11

12 **43. Section 39 amended**

- 13 (1) Delete section 39(1) and insert:  
14
- 15 (1) On referring a complaint for conciliation the Director  
16 must assign the task of conciliating the complaint to a  
17 member of the staff whose duties consist of or include  
18 the conciliation of complaints.  
19
- 20 (2) In section 39(2) delete “The Director’s function as conciliator”  
21 and insert:  
22
- 23 A conciliator’s function  
24
- 25 (3) In section 39(4) delete “Director,” and insert:  
26
- 27 conciliator,  
28

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---

1 (4) After section 39(5) insert:

2

3 (6) If the conciliation process fails to result in the  
4 settlement of a complaint between the complainant and  
5 the respondent, the Director must investigate the  
6 complaint, unless of the opinion that an investigation is  
7 not warranted due to the likely costs and benefits of the  
8 investigation.

9

10 **44. Section 40 amended**

11 (1) Delete section 40(1).

12 (2) In section 40(3):

13 (a) after “time” insert:

14

15 during an investigation

16

17 (b) delete “complaint by means of conciliation.” and insert:

18

19 complaint.

20

21 **45. Section 41 amended**

22 After section 41(7) insert:

23

24 (8) A person who has been given a notice under this  
25 section must not, without reasonable excuse, proof of  
26 which is on the person, furnish relevant information, or  
27 produce a relevant record, that the person knows is  
28 false or misleading in a material respect.

29 Penalty: \$2 500.

30

1   **46.   Section 42A inserted**

2           At the end of Part 6 Division 3 insert:

3

4           **42A.   Conciliator must not investigate**

5                   A person who under section 39 has conciliated a  
6                   complaint or attempted to do so must not investigate  
7                   that complaint.

8

9   **47.   Section 44A amended**

10           In section 44A(4) delete “OHR” and insert:

11

12           Complaints Office

13

14   **48.   Section 44B amended**

15           In section 44B(2)(c) delete “OHR” and insert:

16

17           Complaints Office

18

19   **49.   Section 46B inserted**

20           After section 46A insert:

21

22           **46B.   False or misleading statements**

23                   A person must not make a statement in a complaint,  
24                   statement or report given to the Director under this Part  
25                   that the person knows to be false or misleading in a  
26                   material respect.

27                   Penalty: \$2 500.

28

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1 **50. Section 50 amended**

2 In section 50 delete “*Health Services (Conciliation and Review)*  
3 *Act 1995,*” and insert:

4

5 *Health and Disability Services (Complaints) Act 1995,*

6

---

**Part 4 — Other Acts amended**

1  
2 **51. Carers Recognition Act 2004 amended**

- 3 (1) This section amends the *Carers Recognition Act 2004*.
- 4 (2) In the long title delete “to amend the *Disability Services*  
5 *Act 1993* and the *Health Services (Conciliation and Review)*  
6 *Act 1995*.”.
- 7 (3) Delete Part 5.
- 8 (4) In Schedule 2 Division 1 clause 1 delete “*Health Services*  
9 *(Conciliation and Review) Act 1995*” and insert:

10  
11 *Health and Disability Services (Complaints) Act 1995*  
12

13 **52. Chiropractors Act 2005 amended**

- 14 (1) This section amends the *Chiropractors Act 2005*.
- 15 (2) In section 3 delete the definition of **Director** and insert:

16  
17 **Director** means the Director of the Health and  
18 Disability Services Complaints Office appointed under  
19 the *Health and Disability Services (Complaints)*  
20 *Act 1995*;  
21

- 22 (3) In sections 52(3), 55(4)(b) and 58(2)(b) delete “*Health Services*  
23 *(Conciliation and Review) Act 1995*” and insert:

24  
25 *Health and Disability Services (Complaints) Act 1995*  
26

27 **53. Constitution Acts Amendment Act 1899 amended**

- 28 (1) This section amends the *Constitution Acts Amendment Act 1899*.

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- 1 (2) In Schedule V Part 1 Division 2:  
2 (a) delete “The Director appointed under the *Health Services*  
3 *(Conciliation and Review) Act 1995.*”;  
4 (b) insert in alphabetical order:  
5  
6 Director of the Health and Disability Services Complaints  
7 Office appointed under the *Health and Disability*  
8 *Services (Complaints) Act 1995.*  
9

10 **54. *Financial Management Act 2006* amended**

- 11 (1) This section amends the *Financial Management Act 2006*.  
12 (2) In Schedule 1:  
13 (a) delete “Office of Health Review”;  
14 (b) insert in alphabetical order:  
15  
16 Health and Disability Services Complaints Office  
17

18 **55. *Freedom of Information Act 1992* amended**

- 19 (1) This section amends the *Freedom of Information Act 1992*.  
20 (2) In Schedule 1 clause 14(3):  
21 (a) delete “a conciliation” and insert:  
22  
23 negotiating the settlement of or conciliating a complaint  
24  
25 (b) in paragraph (a) after “Division” insert:  
26  
27 3A or  
28



- 1 (c) delete “*Health Services (Conciliation and Review)*  
2 *Act 1995.*” and insert:  
3  
4 *Health and Disability Services (Complaints) Act 1995.*  
5
- 6 (3) After Schedule 1 clause 14(3) insert:  
7  
8 (4A) Matter is exempt matter if its disclosure would reveal  
9 anything said or admitted for the purposes of negotiating the  
10 settlement of or conciliating a complaint under Division 2 of  
11 Part 6 of the *Disability Services Act 1993.*  
12

13 **56. *Health Professionals (Special Events Exemption) Act 2000***  
14 **amended**

- 15 (1) This section amends the *Health Professionals (Special Events*  
16 *Exemption) Act 2000.*
- 17 (2) In section 13(1) delete “*Health Services (Conciliation and*  
18 *Review) Act 1995*” and insert:  
19  
20 *Health and Disability Services (Complaints) Act 1995*  
21

22 **57. *Medical Practitioners Act 2008* amended**

- 23 (1) This section amends the *Medical Practitioners Act 2008.*
- 24 (2) In section 4:  
25 (a) in the definition of **complaint** paragraph (d) delete  
26 “*Health Services (Conciliation and Review) Act 1995*”  
27 and insert:  
28  
29 *Health and Disability Services (Complaints) Act 1995*  
30

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1 (b) delete the definition of *Director* and insert:

2

3 *Director* means the Director of the Health and  
4 Disability Services Complaints Office appointed under  
5 the *Health and Disability Services (Complaints)*  
6 *Act 1995*;

7

8 (3) In section 87(6)(b) delete “*Health Services (Conciliation and*  
9 *Review) Act 1995*” and insert:

10

11 *Health and Disability Services (Complaints) Act 1995*

12

13 **58. *Medical Radiation Technologists Act 2006* amended**

14 (1) This section amends the *Medical Radiation Technologists*  
15 *Act 2006*.

16 (2) In section 3 delete the definition of *Director* and insert:

17

18 *Director* means the Director of the Health and  
19 Disability Services Complaints Office appointed under  
20 the *Health and Disability Services (Complaints)*  
21 *Act 1995*;

22

23 (3) In sections 52(3), 55(4)(b) and 58(2)(b) delete “*Health Services*  
24 *(Conciliation and Review) Act 1995*” and insert:

25

26 *Health and Disability Services (Complaints) Act 1995*

27

28 **59. *Nurses and Midwives Act 2006* amended**

29 (1) This section amends the *Nurses and Midwives Act 2006*.

1 (2) In section 3 delete the definition of **Director** and insert:

2

3

4

5

6

7

**Director** means the Director of the Health and  
Disability Services Complaints Office appointed under  
the *Health and Disability Services (Complaints)  
Act 1995*;

8

9

10

(3) In sections 54(3), 57(4)(b) and 60(2)(b) delete “*Health Services  
(Conciliation and Review) Act 1995*” and insert:

11

12

*Health and Disability Services (Complaints) Act 1995*

13

**60. Occupational Therapists Act 2005 amended**

14

(1) This section amends the *Occupational Therapists Act 2005*.

15

16

(2) In section 3 delete the definition of **Director** and insert:

17

18

19

20

21

**Director** means the Director of the Health and  
Disability Services Complaints Office appointed under  
the *Health and Disability Services (Complaints)  
Act 1995*;

22

23

24

(3) In sections 52(3), 55(4)(b) and 58(2)(b) delete “*Health Services  
(Conciliation and Review) Act 1995*” and insert:

25

26

*Health and Disability Services (Complaints) Act 1995*

27

**61. Optometrists Act 2005 amended**

28

(1) This section amends the *Optometrists Act 2005*.

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1 (2) In section 3 delete the definition of **Director** and insert:

2

3 **Director** means the Director of the Health and  
4 Disability Services Complaints Office appointed under  
5 the *Health and Disability Services (Complaints)*  
6 *Act 1995*;

7

8 (3) In sections 51(3), 54(4)(b) and 57(2)(b) delete “*Health Services*  
9 *(Conciliation and Review) Act 1995*” and insert:

10

11 *Health and Disability Services (Complaints) Act 1995*

12

13 **62. Osteopaths Act 2005 amended**

14 (1) This section amends the *Osteopaths Act 2005*.

15 (2) In section 3 delete the definition of **Director** and insert:

16

17 **Director** means the Director of the Health and  
18 Disability Services Complaints Office appointed under  
19 the *Health and Disability Services (Complaints)*  
20 *Act 1995*;

21

22 (3) In sections 51(3), 54(4)(b) and 57(2)(b) delete “*Health Services*  
23 *(Conciliation and Review) Act 1995*” and insert:

24

25 *Health and Disability Services (Complaints) Act 1995*

26

27 **63. Physiotherapists Act 2005 amended**

28 (1) This section amends the *Physiotherapists Act 2005*.

1 (2) In section 3 delete the definition of *Director* and insert:

2

3 *Director* means the Director of the Health and  
4 Disability Services Complaints Office appointed under  
5 the *Health and Disability Services (Complaints)*  
6 *Act 1995*;

7

8 (3) In sections 52(3), 55(4)(b) and 58(2)(b) delete “*Health Services*  
9 *(Conciliation and Review) Act 1995*” and insert:

10

11 *Health and Disability Services (Complaints) Act 1995*

12

13 **64. *Podiatrists Act 2005* amended**

14 (1) This section amends the *Podiatrists Act 2005*.

15 (2) In section 3 delete the definition of *Director* and insert:

16

17 *Director* means the Director of the Health and  
18 Disability Services Complaints Office appointed under  
19 the *Health and Disability Services (Complaints)*  
20 *Act 1995*;

21

22 (3) In sections 52(3), 55(4)(b) and 58(2)(b) delete “*Health Services*  
23 *(Conciliation and Review) Act 1995*” and insert:

24

25 *Health and Disability Services (Complaints) Act 1995*

26

27 **65. *Psychologists Act 2005* amended**

28 (1) This section amends the *Psychologists Act 2005*.

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1 (2) In section 3 delete the definition of *Director* and insert:

2

3

4

5

6

7

*Director* means the Director of the Health and  
Disability Services Complaints Office appointed under  
the *Health and Disability Services (Complaints)*  
*Act 1995*;

8

9

10

(3) In sections 51(3), 54(4)(b) and 57(2)(b) delete “*Health Services*  
*(Conciliation and Review) Act 1995*” and insert:

11

12

*Health and Disability Services (Complaints) Act 1995*

13

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