

Health and Disability Services Legislation Amendment Bill 2009

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Western Australia

LEGISLATIVE ASSEMBLY

(As amended—proforma amendments)

**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:

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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.

s. 7

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) before “to review” insert:

27

28 in collaboration with groups of providers or
29 groups of users or both,
30

- 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

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 30 amended**

7 In section 30 delete “The Director must not refer a complaint for
8 conciliation or investigate a complaint unless the Director is
9 satisfied that —” and insert:

10

11 The Director may reject a complaint if the Director is
12 not satisfied that —

13

14 **16. Section 34 amended**

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

16

17 (a) to accept it; or

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

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

20

21 (2) Delete section 34(4) and insert:

22

23 (4) If the Director decides to accept a complaint in whole
24 or in part, the Director must then —

25 (a) attempt to settle it in accordance with
26 Division 3A; or

27 (b) refer it for conciliation under Division 3 if the
28 Director is of the opinion it is suitable to be
29 dealt with under that Division; or

s. 17

- 1 (c) investigate it if the Director is of the opinion
2 that —
3 (i) it is not suitable to be dealt with under
4 either Division 3A or 3; and
5 (ii) an investigation is warranted, taking
6 into account the likely costs and benefits
7 of the investigation.
8

9 (3) In section 34(5) delete “referring it for conciliation” and insert:
10

11 dealing with it
12

13 (4) Delete section 34(6) and insert:
14

15 (6) If the Director decides —

- 16 (a) to reject a complaint; or
17 (b) that a complaint is not suitable to be dealt with
18 under either Division 3A or 3 and does not
19 warrant investigating,

20 the Director must, in writing, advise the person who
21 made the complaint of the decision and that the
22 Director will take no further action on the complaint.

23 (7) While performing functions under this section in
24 relation to a complaint, the Director must not try to
25 settle the complaint.
26

27 **17. Section 35 amended**

28 (1) In section 35(1):

29 (a) in paragraph (a) delete “provider;” and insert:
30

31 provider; and

- 1 (b) after paragraph (a) insert:
2
3 (ba) may give the provider a written notice requiring
4 the provider to give the Director a written
5 response to the complaint in accordance with
6 section 36A; and
7
- 8 (2) After section 35(3) insert:
9
- 10 (4) Subject to subsection (2), a notice given under this
11 section must include a copy or the details of the
12 complaint concerned.
13

14 **18. Section 36A inserted**

15 At the end of Part 3 Division 2 insert:
16

17 **36A. Response by provider**

- 18 (1) A provider who is given a notice under section 35(1)(a)
19 may give the Director a written response to the
20 complaint concerned.
- 21 (2) A provider who is given a notice under
22 section 35(1)(ba) must give the Director a written
23 response to the complaint concerned.
- 24 (3) Any response given under subsection (1) or (2) must be
25 given to the Director within 28 days, or any longer
26 period allowed under subsection (4), after the date on
27 which the provider receives a notice given under
28 section 35(1)(a) or (ba), as the case requires.
- 29 (4) The Director may extend that 28 day period for good
30 reason.

s. 19

- 1 (5) If a provider does not comply with subsection (2), the
2 Director may nevertheless deal with the complaint
3 under this Part.
- 4 (6) A provider who does not comply with subsection (2)
5 does not commit an offence.
- 6 (7) The Director must include in the Office's annual report
7 required by the *Financial Management Act 2006* Part 5
8 the details of any breach of subsection (2) that, in the
9 Director's opinion, was committed without a
10 reasonable excuse.

11 **36BA. Protection of provider's statements**

- 12 (1) Evidence of anything said in a response given by a
13 provider under section 36A is not admissible in
14 proceedings before a court or tribunal.
- 15 (2) Despite the *Parliamentary Commissioner Act 1971*
16 section 20(3), evidence referred to in subsection (1)
17 may be disclosed to the Parliamentary Commissioner
18 for Administrative Investigations for the purposes of an
19 investigation under that Act.
20

21 **19. Part 3 Division 3A inserted**

22 Before Part 3 Division 3 insert:
23

24 **Division 3A — Negotiated settlement**

25 **36B. Resolving complaints by negotiation**

- 26 (1) Having accepted a complaint and complied with
27 section 35, the Director may, by negotiating with the
28 person who made the complaint and the provider,
29 attempt to bring about a settlement of the complaint
30 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. 20

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

4 **20. 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 **21. 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 **22. 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 **23. Section 50 amended**

2 After section 50(1) insert:

3

4 (2A) Before making a decision under subsection (1), the
5 Director must —

6 (a) consult the provider; and

7 (b) if any action that the Director considers ought
8 to be taken to remedy the matter is likely to
9 have an impact on other providers, consult a
10 group of those providers.

11

12 **24. Section 52A inserted**

13 At the end of Part 3 Division 4 insert:

14

15 **52A. Report to Parliament where report not made or**
16 **remedial action not taken**

17 (1) If a notice given under section 50 includes any action
18 that the Director considers ought to be taken by the
19 provider to remedy the matter and the provider does
20 not report in accordance with section 51, the Director
21 must give the Minister a copy of the notice and a
22 written report about the refusal or failure by the
23 provider to so report.

24 (2) If a notice given under section 50 includes any action
25 that the Director considers ought to be taken by the
26 provider to remedy the matter and the provider does
27 not take the action within such time as in the Director's
28 opinion is reasonable, the Director must give the
29 Minister a copy of the notice and a written report about
30 the refusal or failure by the provider to take the action.

s. 25

1 (3) After receiving the notice and a report under
2 subsection (1) or (2) the Minister may lay both before
3 each House of Parliament.

4 (4) The Director is not to include the complainant's name
5 in the material given to the Minister under
6 subsection (1) or (2) unless authorised to do so by the
7 complainant.
8

9 **25. Section 56 amended**

10 In section 56(1):

11 (a) in paragraph (b) delete "functions." and insert:

12
13 functions; or

14
15 (b) after paragraph (b) insert:

16
17 (c) arising from information given to the Director
18 under section 75.
19

20 **26. Section 59 amended**

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

22
23 of a complaint or under section
24

25 **27. Section 61 amended**

26 In section 61 delete "under section 44," and insert:

27
28 of a complaint or under section
29

1 **28. Section 64 amended**

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

3

4 of a complaint or under section

5

6 **29. Section 79 replaced**

7 Delete section 79 and insert:

8

9 **79. Review of Act**

10 (1) The Minister must carry out a review of, and prepare a
11 report on, the operation and effectiveness of —

12 (a) this Act; and

13 (b) the *Disability Services Act 1993* Part 6,

14 as soon as practicable after 5 years after the date on
15 which the *Health and Disability Services Legislation*
16 *Amendment Act 2009* section 29 comes into operation.

17 (2) The Minister must cause the report to be laid before
18 each House of Parliament as soon as practicable after it
19 is prepared.

20

21 **30. Section 80 replaced**

22 Delete section 80 and insert:

23

24 **80. Transitional provisions**

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

Health and Disability Services Legislation Amendment Bill 2009

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

s. 30

- 1 (2) A reference in any written law or other document to the
2 Office of Health Review is to be taken to be a reference
3 to the Office.
4

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

2 **31. Act amended**

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

4 **32. 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 **33. 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 **34. 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. 35

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 **35. 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 **36. 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) before “to review” insert:

25
26 in collaboration with groups of service
27 providers or groups of persons to whom
28 disability services are provided or both,
29

- 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 (ii) advice about removing or minimising
16 the causes of complaints.
17

18 **37. 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 **38. Section 32 amended**

25 In section 32(2):

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

s. 39

- 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 **39. 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 **40. 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 **41. Section 36 amended**

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

21 **42. 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. 42

- 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 **43. Sections 39A and 39B inserted**

2 After section 38 insert:

3

4 **39A. Response by respondent**

- 5 (1) A respondent who is given a notice under
6 section 37(3)(c) may give the Director a written
7 response to the complaint concerned.
- 8 (2) A respondent who is given a notice under
9 section 37(4A) must give the Director a written
10 response to the complaint concerned.
- 11 (3) Any response given under subsection (1) or (2) must be
12 given to the Director within 28 days, or any longer
13 period allowed under subsection (4), after the date on
14 which the provider receives a notice given under
15 section 37(3)(c) or (4A), as the case requires.
- 16 (4) The Director may extend that 28 day period for good
17 reason.
- 18 (5) If a respondent does not comply with subsection (2),
19 the Director may nevertheless deal with the complaint
20 under this Part.
- 21 (6) A respondent who does not comply with subsection (2)
22 does not commit an offence.
- 23 (7) The Director must include in the annual report of the
24 Complaints Office required by the *Financial*
25 *Management Act 2006* Part 5 the details of any breach
26 of subsection (2) that, in the Director's opinion, was
27 committed without a reasonable excuse.
- 28 (8) Evidence of anything said in a response given by a
29 respondent under this section is not admissible in
30 proceedings before a court or tribunal.

1 (9) Despite the *Parliamentary Commissioner Act 1971*
2 section 20(3), evidence referred to in subsection (8)
3 may be disclosed to the Parliamentary Commissioner
4 for Administrative Investigations for the purposes of an
5 investigation under that Act.

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 **44. 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

s. 45

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 **45. 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 **46. 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 **47. 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 **48. Section 42 amended**

10 After section 42(3) insert:

11

12 (4A) Before making a decision under subsection (1) to
13 recommend any action that ought to be taken to remedy
14 the matter, the Director must —

- 15 (a) consult the respondent; and
16 (b) if any action that the Director considers ought
17 to be taken to remedy the matter is likely to
18 have an impact on people other than the
19 respondent, consult a group of those people.

20

21 **49. Section 44A amended**

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

23

24 Complaints Office

25

26 **50. Section 44B amended**

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

28

29 Complaints Office

s. 51

1 **51. Section 46B inserted**

2 After section 46A insert:

3

4 **46B. False or misleading statements**

5 A person must not make a statement in a complaint,
6 statement or report given to the Director under this Part
7 that the person knows to be false or misleading in a
8 material respect.

9 Penalty: \$2 500.

10

11 **52. Section 50 amended**

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

14

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

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Part 4 — Other Acts amended

53. Carers Recognition Act 2004 amended

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

Health and Disability Services (Complaints) Act 1995

54. Chiropractors Act 2005 amended

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

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

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

Health and Disability Services (Complaints) Act 1995

55. Constitution Acts Amendment Act 1899 amended

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

s. 56

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

10 **56. *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 **57. *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
10 negotiating the settlement of or conciliating a
11 complaint under Division 2 of Part 6 of the *Disability*
12 *Services Act 1993.*

13

14 **58. *Health Professionals (Special Events Exemption) Act 2000***
15 **amended**

16 (1) This section amends the *Health Professionals (Special Events*
17 *Exemption) Act 2000.*

18 (2) In section 13(1) delete “*Health Services (Conciliation and*
19 *Review) Act 1995*” and insert:

20

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

22

23 **59. *Medical Practitioners Act 2008* amended**

24 (1) This section amends the *Medical Practitioners Act 2008.*

25 (2) In section 4:

26 (a) in the definition of **complaint** paragraph (d) delete
27 “*Health Services (Conciliation and Review) Act 1995*”
28 and insert:

29

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

31

s. 60

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 **60. *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 **61. *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

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7

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

8

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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

62. 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:

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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

63. Optometrists Act 2005 amended

28

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

s. 64

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 **64. 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 **65. 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:

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7

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

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10

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

11

12

Health and Disability Services (Complaints) Act 1995

13

66. *Podiatrists Act 2005* amended

14

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

15

16

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

17

18

19

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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

67. *Psychologists Act 2005* amended

28

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

s. 67

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

2

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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

