

Western Australia

**Health and Disability Services Legislation
Amendment Act 2010**

As at 30 Aug 2010

No. 33 of 2010

Extract from www.slp.wa.gov.au, see that website for further information

Health and Disability Services Legislation Amendment Act 2010

CONTENTS

Part 1 — Preliminary matters

1.	Short title	2
2.	Commencement	2

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

3.	Act amended	3
4.	Long title replaced	3
5.	Section 1 amended	3
6.	Section 3A inserted	3
	3A. Act to be read with <i>Disability Services Act 1993</i> Part 6	3
7.	Section 3 amended	4
8.	Section 6 amended	4
9.	Section 10 amended	4
10.	Section 13 amended	5
11.	Section 20 amended	6
12.	Section 22 amended	6
13.	Section 24 amended	6
14.	Section 25 amended	6
15.	Section 30 amended	7
16.	Section 34 amended	7
17.	Section 35 amended	8
18.	Section 36A inserted	9

Contents

	36A.	Response by provider	9	
	36BA.	Protection of provider's statements	10	
19.		Part 3 Division 3A inserted		10
		Division 3A — Negotiated settlement		
	36B.	Resolving complaints by negotiation	10	
	36C.	Protection of statements made	11	
20.		Section 41 amended		12
21.		Section 44 amended		12
22.		Section 48 amended		12
23.		Section 50 amended		13
24.		Section 52A inserted		13
	52A.	Report to Parliament where report not made or remedial action not taken	13	
25.		Section 56 amended		14
26.		Section 59 amended		14
27.		Section 61 amended		14
28.		Section 64 amended		15
29.		Section 79 replaced		15
	79.	Review of Act	15	
30.		Section 80 replaced		15
	80.	Transitional provisions	15	
		Part 3 — Disability Services Act 1993 amended		
31.		Act amended		17
32.		Section 3 amended		17
33.		Section 3A amended		17
34.		Section 30 amended		17
35.		Section 30AA inserted		18
	30AA.	This Part to be read with <i>Health and Disability Services (Complaints) Act 1995</i>	18	
36.		Section 30A amended		18
37.		Section 31 amended		19
38.		Section 32 amended		19
39.		Section 33 amended		20
40.		Section 33A amended		21
41.		Section 36 amended		21
42.		Section 37 amended		21
43.		Sections 39A and 39B inserted		23
	39A.	Response by respondent	23	
	39B.	Resolving complaints by negotiation	24	
44.		Section 39 amended		25

45.	Section 40 amended	26
46.	Section 41 amended	26
47.	Section 42A inserted	27
	42A. Conciliator must not investigate	27
48.	Section 42 amended	27
49.	Section 44A amended	27
50.	Section 44B amended	27
51.	Section 46B inserted	28
	46B. False or misleading statements	28
52.	Section 50 amended	28
Part 4 — Other Acts amended		
53.	<i>Carers Recognition Act 2004</i> amended	29
54.	<i>Chiropractors Act 2005</i> amended	29
55.	<i>Constitution Acts Amendment Act 1899</i> amended	29
56.	<i>Financial Management Act 2006</i> amended	30
57.	<i>Freedom of Information Act 1992</i> amended	30
58.	<i>Health Professionals (Special Events Exemption) Act 2000</i> amended	31
59.	<i>Medical Practitioners Act 2008</i> amended	31
60.	<i>Medical Radiation Technologists Act 2006</i> amended	32
61.	<i>Nurses and Midwives Act 2006</i> amended	32
62.	<i>Occupational Therapists Act 2005</i> amended	33
63.	<i>Optometrists Act 2005</i> amended	33
64.	<i>Osteopaths Act 2005</i> amended	34
65.	<i>Physiotherapists Act 2005</i> amended	34
66.	<i>Podiatrists Act 2005</i> amended	35
67.	<i>Psychologists Act 2005</i> amended	35

Western Australia

Health and Disability Services Legislation Amendment Act 2010

No. 33 of 2010

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.**

[Assented to 30 August 2010]

The Parliament of Western Australia enacts as follows:

Part 1 — Preliminary matters

1. Short title

This is the *Health and Disability Services Legislation Amendment Act 2010*.

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.

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

3. Act amended

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

4. Long title replaced

Delete the long title and insert:

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

5. Section 1 amended

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

Health and Disability Services (Complaints) Act 1995.

6. Section 3A inserted

After section 2 insert:

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

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

s. 7

7. Section 3 amended

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

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

8. Section 6 amended

Delete section 6(1) and insert:

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

9. Section 10 amended

In section 10(1):

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

Director are as follows —

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

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

- (c) in paragraph (b) before “to review” insert:

in collaboration with groups of providers or
groups of users or both,

- (d) in paragraph (f) delete “time; and” and insert:

time;
- (e) in paragraph (g)(ii) delete “complaints.” and insert:

complaints; and
- (f) after paragraph (g)(ii) insert:
 - (iii) advice about removing or minimising the causes of complaints;
 - (h) any other function conferred on the Director by this Act or another written law.

10. Section 13 amended

- (1) In section 13(1) delete “Office of Health Review Account” and insert:

Health and Disability Services Complaints Office Account
- (2) After section 13(1) insert:
 - (2) The Health and Disability Services Complaints Office Account is a continuation of the account formerly called the Office of Health Review Account.

s. 11

11. Section 20 amended

In section 20(2):

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

if —

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

(a) the user —

(i) has died; or

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

and

12. Section 22 amended

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

Director that the user has died or,

13. Section 24 amended

In section 24 delete “12 months” and insert:

24 months

14. Section 25 amended

In section 25(1):

(a) in paragraph (a) delete “public”;

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

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

15. Section 30 amended

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

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

16. Section 34 amended

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

- (a) to accept it; or
- (b) to reject it under section 24, 26 or 30; or
- (c) to refer it under section 28, 31 or 32,

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

- (4) If the Director decides to accept a complaint in whole or in part, the Director must then —
- (a) attempt to settle it in accordance with Division 3A; or
 - (b) refer it for conciliation under Division 3 if the Director is of the opinion it is suitable to be dealt with under that Division; or

s. 17

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

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

dealing with it

- (4) Delete section 34(6) and insert:

- (6) If the Director decides —
 - (a) to reject a complaint; or
 - (b) that a complaint is not suitable to be dealt with under either Division 3A or 3 and does not warrant investigating,
the Director must, in writing, advise the person who made the complaint of the decision and that the Director will take no further action on the complaint.

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

17. Section 35 amended

- (1) In section 35(1):
 - (a) in paragraph (a) delete “provider;” and insert:

provider; and

(b) after paragraph (a) insert:

(ba) may give the provider a written notice requiring the provider to give the Director a written response to the complaint in accordance with section 36A; and

(2) After section 35(3) insert:

(4) Subject to subsection (2), a notice given under this section must include a copy or the details of the complaint concerned.

18. Section 36A inserted

At the end of Part 3 Division 2 insert:

36A. Response by provider

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

s. 19

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

36BA. Protection of provider's statements

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

19. Part 3 Division 3A inserted

Before Part 3 Division 3 insert:

Division 3A — Negotiated settlement

36B. Resolving complaints by negotiation

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

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

36C. Protection of statements made

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

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

20. Section 41 amended

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

or not with the help of the Office.

21. Section 44 amended

(1) Delete section 44(1).

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

if it is of a complaint,

22. Section 48 amended

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

of a complaint or under section

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

of a complaint or under section

23. Section 50 amended

After section 50(1) insert:

- (2A) Before making a decision under subsection (1), the Director must —
- (a) consult the provider; and
 - (b) if any action that the Director considers ought to be taken to remedy the matter is likely to have an impact on other providers, consult a group of those providers.

24. Section 52A inserted

At the end of Part 3 Division 4 insert:

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

- (1) If a notice given under section 50 includes any action that the Director considers ought to be taken by the provider to remedy the matter and the provider does not report in accordance with section 51, the Director must give the Minister a copy of the notice and a written report about the refusal or failure by the provider to so report.
- (2) If a notice given under section 50 includes any action that the Director considers ought to be taken by the provider to remedy the matter and the provider does not take the action within such time as in the Director's opinion is reasonable, the Director must give the Minister a copy of the notice and a written report about the refusal or failure by the provider to take the action.

s. 25

- (3) After receiving the notice and a report under subsection (1) or (2) the Minister may lay both before each House of Parliament.
- (4) The Director is not to include the complainant's name in the material given to the Minister under subsection (1) or (2) unless authorised to do so by the complainant.

25. Section 56 amended

In section 56(1):

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

functions; or

- (b) after paragraph (b) insert:

- (c) arising from information given to the Director under section 75.

26. Section 59 amended

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

of a complaint or under section

27. Section 61 amended

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

of a complaint or under section

28. Section 64 amended

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

of a complaint or under section

29. Section 79 replaced

Delete section 79 and insert:

79. Review of Act

- (1) The Minister must carry out a review of, and prepare a report on, the operation and effectiveness of —
 - (a) this Act; and
 - (b) the *Disability Services Act 1993* Part 6,as soon as practicable after 5 years after the date on which the *Health and Disability Services Legislation Amendment Act 2010* section 29 comes into operation.
- (2) The Minister must cause the report to be laid before each House of Parliament as soon as practicable after it is prepared.

30. Section 80 replaced

Delete section 80 and insert:

80. Transitional provisions

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

s. 30

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

Part 3 — *Disability Services Act 1993* amended

31. Act amended

This Part amend the *Disability Services Act 1993*.

32. Section 3 amended

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*;

33. Section 3A amended

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

Children and Community Services Act 2004

34. Section 30 amended

(1) In section 30 delete the definitions of:

member of the staff

OHR

(2) In section 30 insert in alphabetical order:

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

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

35. Section 30AA inserted

After section 30 insert:

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

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

36. Section 30A amended

In section 30A(1):

- (a) delete “Part are —” and insert:

Part are as follows —

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

- (a) to deal with complaints in accordance with this Part;

- (c) in paragraph (b) before “to review” insert:

in collaboration with groups of service providers or groups of persons to whom disability services are provided or both,

- (d) in paragraph (f) delete “OHR” and insert:

Complaints Office
- (e) in paragraph (f) delete “time; and” and insert:

time;
- (f) in paragraph (g)(ii) delete “complaints.” and insert:

complaints; and
- (g) after paragraph (g)(ii) insert:
 - (iii) advice about removing or minimising
the causes of complaints.

37. Section 31 amended

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

with the help of the Complaints Office,

38. Section 32 amended

In section 32(2):

- (a) in paragraph (b)(ii) delete “complaint.” and insert:

complaint;

s. 39

- (b) after paragraph (b) insert:
 - or
 - (c) a person not chosen by the person with a disability if —
 - (i) the person with a disability has died;
and
 - (ii) in the Director’s opinion, the prospective advocate is a person who has a sufficient interest in the subject matter of the complaint.

39. Section 33 amended

- (1) In section 33(2):
 - (a) in paragraph (b) delete “complainant;” and insert:

complainant, whether the service was requested
by the complainant or a third party; or
 - (b) in paragraph (f) delete “Charter,” and insert:

Charter; or
 - (c) after paragraph (f) insert:
 - (g) in respect of a complaint about a matter mentioned in paragraphs (a) to (e) made to the provider or Commission by a person with a disability, acted unreasonably by —
 - (i) not properly investigating the complaint or causing it to be properly investigated;
or

(ii) not taking, or causing to be taken,
proper action on the complaint;

or

(h) acted unreasonably by charging the
complainant an excessive fee; or

(i) acted unreasonably with respect to a fee,

(d) after paragraphs (a), (c), (d) and (e) insert:

or

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

40. Section 33A amended

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

Health and Disability Services (Complaints) Act 1995.

41. Section 36 amended

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

42. Section 37 amended

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

(a) to accept it; or

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

(2) After section 37(3) insert:

- (4A) If under subsection (1) a complaint is accepted, the Director may give the respondent a written notice requiring the respondent to give the Director a written response to the complaint in accordance with section 39A.
- (4B) If under subsection (1) a complaint is accepted, the Director must then —
 - (a) attempt to settle it in accordance with section 39B; or
 - (b) refer it for conciliation under section 39 if the Director is of the opinion it is suitable to be dealt with under that section; or
 - (c) investigate it if the Director is of the opinion that —
 - (i) it is not suitable to be dealt with under either section 39B or 39; and
 - (ii) an investigation is warranted, taking into account the likely costs and benefits of the investigation.

(3) After section 37(5) insert:

- (6) If the Director decides that a complaint is not suitable to be dealt with under either section 39B or 39 and does not warrant investigating, the Director must advise the complainant in writing of the decision and that the Director will take no further action on the complaint.
- (7) While performing functions under this section in relation to a complaint, the Director must not try to settle the complaint.

43. Sections 39A and 39B inserted

After section 38 insert:

39A. Response by respondent

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

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

39B. Resolving complaints by negotiation

- (1) Having accepted a complaint and complied with section 37(3)(c), the Director may, by negotiating with the complainant and the respondent, attempt to bring about a settlement of the complaint that is acceptable to the parties to it.
- (2) For the purposes of subsection (1) the Director may make any inquiries the Director considers appropriate.
- (3) If within 56 days, or any longer period allowed under subsection (4), after the date of complying with section 37(3)(c) the complaint has not been settled under subsection (1), the Director must —
- (a) refer it for conciliation under section 39 if the Director is of the opinion it is suitable to be dealt with under that section; or
 - (b) investigate it if the Director is of the opinion that —
 - (i) it is not suitable to be dealt with under section 39; and
 - (ii) an investigation is warranted, taking into account the likely costs and benefits of the investigation.
- (4) The Director may extend that 56 day period if it is for the benefit of the complainant to do so.
- (5) If the Director decides a complaint is not suitable to be dealt with under section 39 and does not warrant investigating, the Director must advise the complainant

in writing of the decision and that the Director will take no further action on the complaint.

- (6) Evidence of anything said or admitted during any negotiation conducted under subsection (1) is not admissible in proceedings before a court or tribunal.
- (7) Despite the *Parliamentary Commissioner Act 1971* section 20(3), evidence referred to in subsection (6) may be disclosed to the Parliamentary Commissioner for Administrative Investigations for the purposes of an investigation under that Act.

44. Section 39 amended

- (1) Delete section 39(1) and insert:

- (1) On referring a complaint for conciliation the Director must assign the task of conciliating the complaint to a member of the staff whose duties consist of or include the conciliation of complaints.

- (2) In section 39(2) delete “The Director’s function as conciliator” and insert:

A conciliator’s function

- (3) In section 39(4) delete “Director,” and insert:

conciliator,

s. 45

(4) After section 39(5) insert:

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

45. Section 40 amended

(1) Delete section 40(1).

(2) In section 40(3):

(a) after “time” insert:

during an investigation

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

complaint.

46. Section 41 amended

After section 41(7) insert:

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

Penalty: \$2 500.

47. Section 42A inserted

At the end of Part 6 Division 3 insert:

42A. Conciliator must not investigate

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

48. Section 42 amended

After section 42(3) insert:

- (4A) Before making a decision under subsection (1) to recommend any action that ought to be taken to remedy the matter, the Director must —
- (a) consult the respondent; and
 - (b) if any action that the Director considers ought to be taken to remedy the matter is likely to have an impact on people other than the respondent, consult a group of those people.

49. Section 44A amended

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

Complaints Office

50. Section 44B amended

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

Complaints Office

s. 51

51. Section 46B inserted

After section 46A insert:

46B. False or misleading statements

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

Penalty: \$2 500.

52. Section 50 amended

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

Health and Disability Services (Complaints) Act 1995,

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*.

- (2) In Schedule V Part 1 Division 2:
- (a) delete “The Director appointed under the *Health Services (Conciliation and Review) Act 1995*.”;
 - (b) insert in alphabetical order:

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

56. *Financial Management Act 2006* amended

- (1) This section amends the *Financial Management Act 2006*.
- (2) In Schedule 1:
- (a) delete “Office of Health Review”;
 - (b) insert in alphabetical order:

Health and Disability Services Complaints Office

57. *Freedom of Information Act 1992* amended

- (1) This section amends the *Freedom of Information Act 1992*.
- (2) In Schedule 1 clause 14(3):
- (a) delete “a conciliation” and insert:

negotiating the settlement of or conciliating a complaint
 - (b) in paragraph (a) after “Division” insert:

3A or

- (c) delete “*Health Services (Conciliation and Review) Act 1995.*” and insert:

Health and Disability Services (Complaints) Act 1995.

- (3) After Schedule 1 clause 14(3) insert:

- (4A) Matter is exempt matter if its disclosure would reveal anything said or admitted for the purposes of negotiating the settlement of or conciliating a complaint under Division 2 of Part 6 of the *Disability Services Act 1993*.

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

- (1) This section amends the *Health Professionals (Special Events Exemption) Act 2000*.
- (2) In section 13(1) delete “*Health Services (Conciliation and Review) Act 1995*” and insert:

Health and Disability Services (Complaints) Act 1995

59. *Medical Practitioners Act 2008* amended

- (1) This section amends the *Medical Practitioners Act 2008*.
- (2) In section 4:
- (a) in the definition of **complaint** paragraph (d) delete “*Health Services (Conciliation and Review) Act 1995*” and insert:

Health and Disability Services (Complaints) Act 1995

- (b) 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 section 87(6)(b) delete “*Health Services (Conciliation and Review) Act 1995*” and insert:

Health and Disability Services (Complaints) Act 1995

60. *Medical Radiation Technologists Act 2006* amended

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

61. *Nurses and Midwives Act 2006* amended

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

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

Health and Disability Services (Complaints) Act 1995

62. Occupational Therapists Act 2005 amended

- (1) This section amends the *Occupational Therapists 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

63. Optometrists Act 2005 amended

- (1) This section amends the *Optometrists 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 51(3), 54(4)(b) and 57(2)(b) delete “*Health Services (Conciliation and Review) Act 1995*” and insert:

Health and Disability Services (Complaints) Act 1995

64. Osteopaths Act 2005 amended

- (1) This section amends the *Osteopaths 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 51(3), 54(4)(b) and 57(2)(b) delete “*Health Services (Conciliation and Review) Act 1995*” and insert:

Health and Disability Services (Complaints) Act 1995

65. Physiotherapists Act 2005 amended

- (1) This section amends the *Physiotherapists 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

66. Podiatrists Act 2005 amended

- (1) This section amends the *Podiatrists 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

67. Psychologists Act 2005 amended

- (1) This section amends the *Psychologists 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 51(3), 54(4)(b) and 57(2)(b) delete “*Health Services (Conciliation and Review) Act 1995*” and insert:

Health and Disability Services (Complaints) Act 1995

=====