



Western Australia

# **Health and Disability Services (Complaints) Amendment Act 2022**

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# Health and Disability Services (Complaints) Amendment Act 2022

## Contents

1.	Short title	2
2.	Commencement	2
3.	Act amended	2
4.	Section 3 amended	2
5.	Section 4 amended	4
6.	Section 10 amended	4
7.	Section 17A inserted	5
	17A. Identity cards	5
8.	Part 3 heading amended	5
9.	Section 19 amended	5
10.	Section 23 amended	6
11.	Section 25 amended	6
12.	Section 29 amended	7
13.	Section 31 amended	7
14.	Section 32A amended	8
15.	Section 33 amended	8
16.	Section 34 amended	8
17.	Section 36A amended	10
18.	Part 3A heading inserted	10
	<b>Part 3A — Settlement and conciliation of certain complaints</b>	
19.	Part 3 Division 3A heading replaced	10
	<b>Division 1 — Negotiated settlement</b>	
20.	Section 36B amended	10
21.	Part 3 Division 3 heading replaced	11
	<b>Division 2 — Conciliation</b>	

Contents

---

22.	Section 40 amended	11
23.	Part 3 Division 4 heading deleted	11
24.	Part 3B heading inserted	11
	<b>Part 3B — Investigations generally</b>	
25.	Section 44A inserted	12
	44A. Director may conduct Director-initiated investigation	12
26.	Section 48 amended	12
27.	Part 3C heading inserted	12
	<b>Part 3C — Remedial action</b>	
28.	Parts 3D and 3E inserted	13
	<b>Part 3D — Interim prohibition orders, prohibition orders and interstate orders</b>	
	<b>Division 1 — Interim prohibition orders</b>	
	52B. Director may make interim prohibition order	13
	52C. Notice of interim prohibition order	14
	52D. When interim prohibition order takes effect	14
	52E. Variation of interim prohibition order	14
	52F. Revocation of interim prohibition order	15
	52G. Offence for failure to comply with interim prohibition order	16
	<b>Division 2 — Prohibition orders</b>	
	52H. Director may make prohibition order	16
	52I. Show cause process for prohibition orders	17
	52J. Notice of prohibition order	18
	52K. When prohibition order takes effect	18
	52L. Variation of prohibition order	18
	52M. Revocation of prohibition order	19
	52N. Offence for failure to comply with prohibition order	20
	<b>Division 3 — Publication of information about orders</b>	
	52O. Publication of information about interim prohibition orders and prohibition orders	20
	<b>Division 4 — Review by State Administrative Tribunal</b>	
	52P. Review of decisions to make interim prohibition orders and prohibition orders	20
	<b>Division 5 — Interstate orders</b>	
	52Q. Offence for failure to comply with interstate order	21

	<b>Part 3E — Public health warning statements relating to health care workers</b>	
	52R. Public health warning statements	22
	52S. Revoking public health warning statements	23
	52T. Correcting public health warning statements	24
	52U. Review of decision to publish public health warning statement	24
29.	Part 3 Division 5 heading deleted	24
30.	Part 3F heading inserted	25
	<b>Part 3F — Miscellaneous provisions relating to complaints, investigations and reports to Parliament</b>	
31.	Section 52 amended	25
32.	Section 59 amended	25
33.	Section 60 amended	25
34.	Section 61 amended	27
35.	Section 62 amended	27
36.	Section 64 amended	28
37.	Section 65 amended	29
38.	Section 67 amended	30
39.	Sections 68A and 68B inserted	30
	68A. Disclosure of information to other Commonwealth, State or Territory entities	30
	68B. Disclosure to protect health or safety of users and other persons	31
40.	Section 70 amended	32
41.	Section 71A inserted	32
	71A. Criminal record checks	32
42.	Section 77A inserted	33
	77A. Codes of conduct	33
43.	Section 79A inserted	34
	79A. Review of amendments made by <i>Health and Disability Services (Complaints) Amendment Act 2022</i>	34
44.	Consequential amendment to <i>Freedom of Information Act 1992</i>	34





Western Australia

## **Health and Disability Services (Complaints) Amendment Act 2022**

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**No. 35 of 2022**

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**An Act to amend the *Health and Disability Services (Complaints) Act 1995* and to consequentially amend the *Freedom of Information Act 1992*.**

[Assented to 28 October 2022]

The Parliament of Western Australia enacts as follows:

**s. 1**

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**1. Short title**

This is the *Health and Disability Services (Complaints) Amendment Act 2022*.

**2. Commencement**

This Act comes into operation as follows —

- (a) sections 1 and 2 — on the day on which this Act receives the Royal Assent;
- (b) the rest of the Act — on a day fixed by proclamation.

**3. Act amended**

This Act, other than section 44, amends the *Health and Disability Services (Complaints) Act 1995*.

**4. Section 3 amended**

- (1) In section 3(1) insert in alphabetical order:

*code of conduct* means a code of conduct prescribed under section 77A;

*Director-initiated investigation* has the meaning given in section 44A;

*health care worker* means an individual who provides a health service (whether or not the individual is a registered provider);

*interim prohibition order* has the meaning given in section 52B(2);

*Office's website* means a website maintained by or on behalf of the Office;

*prohibition order* has the meaning given in section 52H(2);



**public health warning statement** means a statement published under section 52R(1) or (2);

- (2) In section 3(1) in the definition of **health service**:
- (a) in paragraph (a) delete “suspected disorder; and” and insert:  
  
injury, or suspected disorder or injury; and
  - (b) after paragraph (b) insert:
    - (ba) prescribing or dispensing a drug or medicinal preparation; and
    - (bb) prescribing or dispensing an aid for therapeutic use; and
  - (c) after paragraph (e) insert:
    - (ea) surgical or related service; and
  - (d) in paragraph (g) delete “(b)” and insert:  
  
(b), (ba), (bb)
  - (e) after paragraph (g) insert:
    - (ga) service that —
      - (i) is ancillary to any other service to which this definition applies; and

**s. 5**

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- (ii) affects or may affect persons who are receiving any other service to which this definition applies;

and

- (3) Delete section 3(2).

- (4) In section 3(3)(a) delete “subparagraph” and insert:

paragraph

**5. Section 4 amended**

In section 4(2) delete “conduct” and insert:

conduct, or other conduct,

**6. Section 10 amended**

- (1) In section 10(1)(a) delete “Part 3;” and insert:

this Act;

- (2) After section 10(1)(a) insert:

- (aa) to conduct investigations under this Act;

**7. Section 17A inserted**

After section 17 insert:

**17A. Identity cards**

- (1) The Director may give an identity card to a member of the staff of the Office.
- (2) An identity card must —
  - (a) identify the person as a member of the staff of the Office; and
  - (b) contain a recent photograph of the person.
- (3) A person must, within 14 days after ceasing to be a member of the staff of the Office, return the person's identity card to the Director.

Penalty for this subsection: a fine of \$2 500.
- (4) Subsection (3) does not apply if the person has a reasonable excuse.

**8. Part 3 heading amended**

In the heading to Part 3 after “**Complaints**” insert:

**generally**

**9. Section 19 amended**

- (1) In section 19(1) delete “section 25” and insert:

section 25(1)(a), (b), (c), (d), (e), (f), (g) or (h)

**s. 10**

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- (2) After section 19(2) insert:
  - (3) A complaint alleging 1 or more of the matters set out in section 25(1)(i), (j) or (k) may be made to the Director by any person.

**10. Section 23 amended**

In section 23(1)(a) delete “section 25; and” and insert:

section 25(1)(a), (b), (c), (d), (e), (f), (g) or (h); and

**11. Section 25 amended**

- (1) In section 25(1)(h) delete “section.” and insert:

section;
- (2) After section 25(1)(h) insert:
  - (i) a health care worker has failed to comply with a code of conduct that applies to the health care worker;
  - (j) a health care worker has failed to comply with an interim prohibition order;
  - (k) a health care worker has failed to comply with a prohibition order.

**12. Section 29 amended**

- (1) In section 29 delete “A person” and insert:
- (1) A person
- (2) At the end of section 29 insert:
- (2) Despite subsection (1)(a), the Director may decide to proceed to deal with the complaint under this Act if the complaint alleges 1 or more of the matters set out in section 25(1)(i), (j) or (k).
  - (3) If the Director decides under subsection (2) to proceed to deal with the complaint, the Director is not required to —
    - (a) give notice of the withdrawal under subsection (1)(b); or
    - (b) provide to the person who complained any further information under another provision of this Act that would otherwise require the provision of information to the person.

**13. Section 31 amended**

In section 31 delete “Part.” and insert:

Act.

**s. 14**

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**14. Section 32A amended**

In section 32A after “user” insert:

or the person who complained to the Director

**15. Section 33 amended**

In section 33:

(a) after “complaint” insert:

to a person or body

(b) in paragraph (a) delete “user and provider” and insert:

user or the person who complained to the Director and  
the provider

(c) in paragraph (b) after “user” insert:

or the person who complained to the Director

**16. Section 34 amended**

(1) In section 34(4):

(a) after “complaint” insert:

alleging 1 or more of the matters set out in  
section 25(1)(a), (b), (c), (d), (e), (f), (g) or (h)

(b) in paragraph (a) delete “Division 3A; or” and insert:

Part 3A Division 1; or

(c) in paragraph (b) delete “Division 3” and insert:

Part 3A Division 2

(d) in paragraph (c)(i) delete “Division 3A or 3; and” and insert:

Part 3A Division 1 or 2; and

(2) After section 34(4) insert:

(5) If the Director decides to accept a complaint alleging a matter referred to in section 25(1)(i) in whole or in part, the Director must then —

(a) attempt to settle it in accordance with Part 3A Division 1; or

(b) refer it for conciliation under Part 3A Division 2; or

(c) investigate it.

(5A) If the Director decides to accept a complaint alleging a matter referred to in section 25(1)(j) or (k) in whole or in part, the Director must then investigate it.

(3) In section 34(6)(b) delete “Division 3A or 3” and insert:

Part 3A Division 1 or 2

**s. 17**

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**17. Section 36A amended**

In section 36A(5) delete “Part.” and insert:

Act.

**18. Part 3A heading inserted**

After section 36BA insert:

**Part 3A — Settlement and conciliation of  
certain complaints**

**19. Part 3 Division 3A heading replaced**

Delete the heading to Part 3 Division 3A and insert:

**Division 1 — Negotiated settlement**

**20. Section 36B amended**

(1) At the beginning of section 36B insert:

(1A) This section does not apply to a complaint alleging a matter referred to in section 25(1)(j) or (k).

(2) In section 36B(3):

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

Division 2



(b) in paragraph (b)(i) delete “Division 3; and” and insert:

Division 2; and

(3) In section 36B(5) delete “Division 3” and insert:

Division 2

**21. Part 3 Division 3 heading replaced**

Delete the heading to Part 3 Division 3 and insert:

**Division 2 — Conciliation**

**22. Section 40 amended**

In section 40(3)(a) after “user” insert:

or the person who made the complaint

**23. Part 3 Division 4 heading deleted**

Delete the heading to Part 3 Division 4.

**24. Part 3B heading inserted**

After section 43 insert:

**Part 3B — Investigations generally**

**25. Section 44A inserted**

After section 44 insert:

**44A. Director may conduct Director-initiated investigation**

The Director may, on the Director's own initiative, conduct an investigation (a *Director-initiated investigation*) into whether or not —

- (a) a health care worker has failed to comply with a code of conduct that applies to the health care worker; or
- (b) an offence under section 52G, 52N or 52Q(2) has been committed.

**26. Section 48 amended**

- (1) In section 48(1) delete “conduct” and insert:

conduct, or other conduct,

- (2) In section 48(2) delete “complaint or” and insert:

complaint, a Director-initiated investigation or an investigation

**27. Part 3C heading inserted**

After section 48 insert:

**Part 3C — Remedial action**

28. **Parts 3D and 3E inserted**

After section 52A insert:

**Part 3D — Interim prohibition orders,  
prohibition orders and interstate orders**

**Division 1 — Interim prohibition orders**

**52B. Director may make interim prohibition order**

- (1) This section applies if the Director is, in an investigation under this Act, investigating whether or not a health care worker has failed to comply with a code of conduct applying to the health care worker.
- (2) The Director may make an order (an *interim prohibition order*) in relation to the health care worker —
  - (a) prohibiting the health care worker from providing any health service, or a health service specified in the order, for a period, of not more than 12 weeks, specified in the order; or
  - (b) imposing any conditions the Director considers appropriate on the provision of any health service, or a health service specified in the order, by the health care worker for a period, of not more than 12 weeks, specified in the order.
- (3) The Director must not make an interim prohibition order in relation to a health care worker unless —
  - (a) either —
    - (i) the Director reasonably believes that the health care worker has failed to comply with a code of conduct applying to the health care worker; or

- (ii) the health care worker has been convicted of a prescribed offence;
- and
- (b) the Director is satisfied that it is necessary to make the interim prohibition order to avoid a serious risk to —
  - (i) the life, health, safety or welfare of a person; or
  - (ii) the health, safety or welfare of the public.
- (4) The Director may, on the expiration of the period specified in the interim prohibition order under subsection (2)(a) or (b), make another interim prohibition order in relation to the health care worker.

**52C. Notice of interim prohibition order**

- (1) As soon as possible after making an interim prohibition order in relation to a person, the Director must give written notice of the interim prohibition order to the person.
- (2) The notice must contain a statement that the person may apply under section 52P for a review of the decision to make the interim prohibition order.

**52D. When interim prohibition order takes effect**

An interim prohibition order takes effect on the day on which notice of the interim prohibition order is given to the person to whom it relates.

**52E. Variation of interim prohibition order**

- (1) The Director must, by order, vary an interim prohibition order if the Director is satisfied that the

restrictions contained in the interim prohibition order should be reduced.

- (2) The order must specify the following —
  - (a) the name of the person to whom it relates;
  - (b) when the variation of the interim prohibition order takes effect under subsection (4);
  - (c) the nature of the variation.
- (3) As soon as possible after making the order, the Director must give written notice of the order to the person to whom it relates.
- (4) The order takes effect on the day on which notice of the order is given to the person to whom it relates.

**52F. Revocation of interim prohibition order**

- (1) The Director must, by order, revoke an interim prohibition order if the Director is satisfied that the interim prohibition order is no longer required to avoid a serious risk to —
  - (a) the life, health, safety or welfare of a person; or
  - (b) the health, safety or welfare of the public.
- (2) The order must —
  - (a) specify the name of the person to whom it relates; and
  - (b) specify the day on which it was made; and
  - (c) specify when it takes effect under subsection (4); and
  - (d) include a statement that the Director is satisfied that the interim prohibition order is no longer required to avoid a serious risk to —
    - (i) the life, health, safety or welfare of a person; or

- (ii) the health, safety or welfare of the public;
  - and
  - (e) include a statement of the reason why the interim prohibition order is revoked.
- (3) As soon as possible after making the order, the Director must give written notice of the order to the person to whom it relates.
- (4) The order takes effect on the day on which notice of the order is given to the person to whom it relates.

**52G. Offence for failure to comply with interim prohibition order**

A person who fails to comply with an interim prohibition order commits an offence.

Penalty: a fine of \$30 000.

**Division 2 — Prohibition orders**

**52H. Director may make prohibition order**

- (1) This section applies if the Director has conducted an investigation under this Act into a possible contravention by a health care worker of a code of conduct applying to the health care worker.
- (2) The Director may make an order (a *prohibition order*) in relation to the health care worker —
- (a) prohibiting the health care worker from providing any health service, or a health service specified in the order, permanently or for the period specified in the order; or

- (b) imposing any conditions the Director considers appropriate on the provision of any health service, or a health service specified in the order, by the health care worker permanently or for the period specified in the order.
- (3) The Director must not make a prohibition order in relation to a health care worker unless —
- (a) either —
    - (i) the Director is satisfied that the health care worker has failed to comply with a code of conduct applying to the health care worker; or
    - (ii) the health care worker has been convicted of a prescribed offence;
- and
- (b) the Director is satisfied that it is necessary to make the prohibition order to avoid a serious risk to —
    - (i) the life, health, safety or welfare of a person; or
    - (ii) the health, safety or welfare of the public.

**52I. Show cause process for prohibition orders**

- (1) If the Director proposes to make a prohibition order in relation to a person, the Director must give the person written notice of the proposed prohibition order.
- (2) The notice must invite the person to whom it is given to make a written or oral submission to the Director about the proposed prohibition order within a reasonable period specified in the notice.

- (3) The Director must have regard to any submission made in accordance with the notice in deciding whether to make the proposed prohibition order.

**52J. Notice of prohibition order**

- (1) As soon as possible after making a prohibition order in relation to a person, the Director must give written notice of the prohibition order to the person.
- (2) The notice must contain a statement that the person may apply under section 52P for a review of the decision to make the prohibition order.

**52K. When prohibition order takes effect**

A prohibition order takes effect on the day on which notice of the prohibition order is given to the person to whom it relates.

**52L. Variation of prohibition order**

- (1) The Director must, by order, vary a prohibition order if the Director is satisfied that the restrictions contained in the prohibition order should be reduced.
- (2) The order must specify the following —
  - (a) the name of the person to whom it relates;
  - (b) when the variation of the prohibition order takes effect under subsection (4);
  - (c) the nature of the variation.
- (3) As soon as possible after making the order, the Director must give written notice of the order to the person to whom it relates.
- (4) The order takes effect on the day on which notice of the order is given to the person to whom it relates.



**52M. Revocation of prohibition order**

- (1) The Director must, by order, revoke a prohibition order if the Director is satisfied that the prohibition order is no longer required to avoid a serious risk to —
  - (a) the life, health, safety or welfare of a person; or
  - (b) the health, safety or welfare of the public.
- (2) The order must —
  - (a) specify the name of the person to whom it relates; and
  - (b) specify the day on which it was made; and
  - (c) specify when it takes effect under subsection (4); and
  - (d) include a statement that the Director is satisfied that the prohibition order is no longer required to avoid a serious risk to —
    - (i) the life, health, safety or welfare of a person; or
    - (ii) the health, safety or welfare of the public;and
  - (e) include a statement of the reason why the prohibition order is revoked.
- (3) As soon as possible after making the order, the Director must give written notice of the order to the person to whom it relates.
- (4) The order takes effect on the day on which notice of the order is given to the person to whom it relates.

**52N. Offence for failure to comply with prohibition order**

A person who fails to comply with a prohibition order commits an offence.

Penalty: a fine of \$30 000.

**Division 3 — Publication of information about orders**

**52O. Publication of information about interim prohibition orders and prohibition orders**

- (1) As soon practicable after making an interim prohibition order or prohibition order, the Director must publish on the Office's website the following information about the order —
  - (a) the name of the person to whom the order relates;
  - (b) the details of the order mentioned in section 52B(2)(a) or (b) or 52H(2)(a) or (b), as is relevant, that apply to the person;
  - (c) the day on which the order takes effect under section 52D or 52K, as is relevant;
  - (d) if the order expires on a day specified in the order — the day on which the order expires.
- (2) As soon as practicable after making an order under section 52E(1), 52F(1), 52L(1) or 52M(1), the Director must publish the order on the Office's website.

**Division 4 — Review by State Administrative Tribunal**

**52P. Review of decisions to make interim prohibition orders and prohibition orders**

If the Director makes an interim prohibition order or prohibition order in relation to a person, the person

may apply to the State Administrative Tribunal for a review of the Director's decision to make the order.

### Division 5 — Interstate orders

#### 52Q. Offence for failure to comply with interstate order

(1) In this section —

*corresponding law* means a law of another State, a Territory or the Commonwealth that contains provisions that substantially correspond with the provisions of this Act;

*interstate interim prohibition order* means an order that is made under a corresponding law and prescribed to be an interstate interim prohibition order;

*interstate order* means an interstate interim prohibition order or interstate prohibition order;

*interstate prohibition order* means an order that is made under a corresponding law and prescribed to be an interstate prohibition order.

(2) A person commits an offence if —

- (a) an interstate order is in force in relation to the person; and
- (b) the person engages in conduct in this State that would constitute a failure to comply with the interstate order if it occurred in the jurisdiction in which the interstate order is in force.

Penalty for this subsection:

- (a) for an individual, a fine of \$30 000;
- (b) for a body corporate, a fine of \$60 000.

### **Part 3E — Public health warning statements relating to health care workers**

#### **52R. Public health warning statements**

- (1) The Director may publish a statement setting out the name of a health care worker if the Director has commenced an investigation under this Act in relation to a health care worker and the Director reasonably believes that —
  - (a) the health care worker has failed to comply with a code of conduct that applies to the health care worker; and
  - (b) it is necessary to publish the statement to avoid an imminent and serious risk to —
    - (i) the life, health, safety or welfare of a person; or
    - (ii) the health, safety or welfare of the public.
- (2) The Director may publish a statement setting out the name of a health care worker if —
  - (a) either —
    - (i) after completing an investigation under this Act, the Director is satisfied that the health care worker has failed to comply with a code of conduct applying to the health care worker; or
    - (ii) the health care worker has been convicted of a prescribed offence;and

- (b) the Director reasonably believes that it is necessary to publish the statement to avoid a serious risk to —
  - (i) the life, health, safety or welfare of a person; or
  - (ii) the health, safety or welfare of the public.
- (3) The Director may set out in a public health warning statement any other details that are reasonably relevant to advise the public of the serious risk identified by the Director.
- (4) A public health warning statement —
  - (a) must be published on the Office’s website; and
  - (b) may be published in any other manner that the Director considers appropriate.

**52S. Revoking public health warning statements**

- (1) The Director may revoke a public health warning statement by publishing a statement that —
  - (a) advises the public that the serious risk no longer exists; and
  - (b) sets out the reason for the revocation of the statement.
- (2) The Director must revoke a public health warning statement published under section 52R(1) if, on the completion of the investigation concerned, the Director is satisfied that the health care worker did not contravene a code of conduct applying to the health care worker.

- (3) Revocation of a public health warning statement under subsection (2) must be by publication of a statement setting out the reason for the revocation of the statement.
- (4) A statement under subsection (1) or (3) —
  - (a) must be published on the Office’s website; and
  - (b) may be published in any other manner that the Director considers appropriate.

**52T. Correcting public health warning statements**

- (1) If the Director forms the opinion that a public health warning statement is incorrect, the Director must publish a correction statement setting out the reason for the correction.
- (2) A statement under subsection (1) —
  - (a) must be published on the Office’s website; and
  - (b) may be published in any other manner that the Director considers appropriate.

**52U. Review of decision to publish public health warning statement**

If the Director publishes a public health warning statement setting out the name of a person, the person may apply to the State Administrative Tribunal for a review of the Director’s decision to publish the public health warning statement.

**29. Part 3 Division 5 heading deleted**

Delete the heading to Part 3 Division 5.

**30. Part 3F heading inserted**

After section 52U (as inserted by section 28 of this Act) insert:

**Part 3F — Miscellaneous provisions relating to  
complaints, investigations and reports to  
Parliament**

**31. Section 52 amended**

At the beginning of section 52 insert:

- (1A) This section does not apply to a complaint alleging 1 or more of the matters set out in section 25(1)(i), (j) or (k).

**32. Section 59 amended**

In section 59 delete “complaint or” and insert:

complaint, a Director-initiated investigation or an investigation

**33. Section 60 amended**

- (1) In section 60(1)(b) delete “or record” and insert:

record or other thing

- (2) After section 60(1) insert:
- (1A) The Director may direct a person attending in response to a notice under subsection (1) —
- (a) to give such information as is requested in relation to any matter; or
  - (b) to answer a question put to the person.
- (3) In section 60(3) delete “or record” and insert:
- record or other thing
- (4) In section 60(4) after “documents” insert:
- or other things
- (5) After section 60(4) insert:
- (5) If the Director gives a notice to a person under subsection (1), the notice must state that —
- (a) under this Act, the person is required to comply with the notice; and
  - (b) refusal or failure to do so may constitute an offence under section 62(1).
- (6) If the Director gives a direction to a person under subsection (1A), the Director must inform the person that —
- (a) under this Act, the person is required to comply with the direction; and



- (b) refusal or failure to do so may constitute an offence under section 62(1).

Note: The heading to amended section 60 is to read:

**Power to summons and related powers**

**34. Section 61 amended**

- (1) In section 61 delete “complaint or” and insert:

complaint, a Director-initiated investigation or an investigation

- (2) In section 61 in the Penalty delete “Penalty:” and insert:

Penalty: a fine of

**35. Section 62 amended**

- (1) In section 62(1):

- (a) in paragraph (b) delete “document, or record,” and insert:

document, record or other thing; or

- (b) after paragraph (b) insert:

(c) to give information or answer a question,

- (c) after “notice” insert:

or a direction

**s. 36**

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(d) in the Penalty delete “Penalty:” and insert:

Penalty for this subsection: a fine of

(2) In section 62(2) in the Penalty delete “Penalty:” and insert:

Penalty for this subsection: a fine of

Note: The heading to amended section 62 is to read:

**Failure to comply with notice or direction given under s. 60**

**36. Section 64 amended**

(1) In section 64(1) delete “complaint or” and insert:

complaint, a Director-initiated investigation or an investigation

(2) In section 64(2):

(a) after paragraph (a) insert:

- (aa) to inspect any thing at the premises; and
- (ab) to search the premises or any thing at the premises; and
- (ac) to examine, measure, test, photograph or film any part of the premises or any thing at the premises; and
- (ad) to operate equipment, including (without limitation) a computer, or facilities at the premises or direct a person at the premises to do so; and

- (ae) to take any thing, or a sample of or from any thing, at the premises for analysis or testing; and
- (b) in paragraph (c) delete “persons” and insert:  
persons, equipment and materials
- (c) in paragraph (e) delete “from” and insert:  
from, download or print out
- (d) in paragraph (e) delete “paragraph (d).” and insert:  
paragraph (d) or any other documents at the premises that may be relevant to the investigation.

**37. Section 65 amended**

After section 65(1) insert:

- (1A) A member of the staff of the Office executing a warrant must —
  - (a) produce an identity card given to the member of staff under section 17A for inspection by the occupier or a person in charge of the premises; or
  - (b) display an identity card given to the member of staff under section 17A so it is clearly visible to the occupier or person in charge of the premises.

**38. Section 67 amended**

In section 67(1):

- (a) in paragraph (a) delete “document or record because the answer would relate to, or the book, document or record” and insert:

document, record or other thing because the answer would relate to, or the book, document, record or thing

- (b) in paragraph (b) delete “document or record if the answer, or the information in the book, document or record” and insert:

document, record or thing if the answer, or the information in the book, document, record or thing

**39. Sections 68A and 68B inserted**

After section 68 insert:

**68A. Disclosure of information to other Commonwealth, State or Territory entities**

- (1) In this section —

*protected information* means information that comes to the knowledge of the Director or a member of the staff of the Office in the course of, or because of, exercising functions under this Act;

*relevant entity* means —

- (a) the Australian Health Practitioner Regulation Agency established under the *Health Practitioner Regulation National Law (Western Australia)*; or

- (b) a registration board; or
  - (c) another entity of the Commonwealth, another State or a Territory that has functions similar to functions of the Director.
- (2) In exercising functions under this Act, the Director may disclose protected information to a relevant entity if the Director is satisfied that —
  - (a) the protected information will be collected, stored and used by the relevant entity in a way that ensures the privacy of the persons to whom it relates is protected; and
  - (b) the provision of the protected information to the relevant entity is necessary to enable the relevant entity to exercise the entity's functions.
- (3) If the Director makes an interim prohibition order or a prohibition order in relation to a health care worker, the Director may give a copy of the order to a relevant entity.

**68B. Disclosure to protect health or safety of users and other persons**

- (1) This section applies if the Director reasonably believes that —
  - (a) a provider poses, or may pose, a risk to public health; or
  - (b) the health or safety of a person or class of persons is or may be at risk because of the provision of a health service by a provider.
- (2) The Director may give written notice of the risk and any relevant information about the provider to an entity of this State, another State, a Territory or the

Commonwealth that the Director considers may be required to take action in relation to the risk.

**40. Section 70 amended**

In section 70(2)(a) delete “Part 3; or” and insert:

this Act; or

**41. Section 71A inserted**

After section 71 insert:

**71A. Criminal record checks**

(1) In this section —

*Commissioner of Police* means the person holding or acting in the office of Commissioner of Police under the *Police Act 1892*;

*criminal record*, in relation to a health care worker, means the criminal record of the health care worker kept by the Commissioner of Police;

*relevant decision*, in relation to a health care worker, means a decision whether to —

- (a) make an interim prohibition order in relation to the health care worker; or
- (b) make a prohibition order in relation to the health care worker; or
- (c) publish a public health warning statement in relation to the health care worker.

- (2) For the purposes of making a relevant decision in relation to a health care worker, the Director may —
  - (a) request that the Commissioner of Police give the Director information concerning any criminal record of the health care worker; and
  - (b) for the purpose of the request, give the Commissioner of Police any information concerning the health care worker that is necessary to conduct a check on the criminal record of the health care worker.
- (3) On a request under subsection (2), the Commissioner of Police may give the information sought to the Director.

**42. Section 77A inserted**

After section 77 insert:

**77A. Codes of conduct**

Regulations made under section 77 may prescribe 1 or more codes of conduct relating to the provision of health services by the following —

- (a) health care workers who are not registered providers;
- (b) health care workers who are registered providers and who provide health services that are unrelated to their registration.

**43. Section 79A inserted**

After section 79 insert:

**79A. Review of amendments made by *Health and Disability Services (Complaints) Amendment Act 2022***

- (1) The Minister must review the operation and effectiveness of the amendments made to this Act by the *Health and Disability Services (Complaints) Amendment Act 2022*, and prepare a report based on the review, as soon as practicable after the 5<sup>th</sup> anniversary of the day on which the *Health and Disability Services (Complaints) Amendment Act 2022* section 43 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, but not later than 12 months after the 5<sup>th</sup> anniversary.

**44. Consequential amendment to *Freedom of Information Act 1992***

- (1) This section amends the *Freedom of Information Act 1992*.
- (2) Delete Schedule 1 clause 14(3)(a) and insert:
  - (a) Part 3A; or

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