

# **Health Services (Conciliation and Review) (Further Amendment) Bill**

**No.**

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By Authority L. V. North, Government Printer Melbourne



# LEGISLATIVE ASSEMBLY

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Read 1° 13 March 1991

*(Brought in by Mr Kennan and Mr Roper)*

## A BILL

to amend the **Health Services (Conciliation and Review) Act 1987** and  
for other purposes

### **Health Services (Conciliation and Review) (Further Amendment) Act 1991**

The Parliament of Victoria enacts as follows:

#### 1. *Purpose*

The purpose of this Act is to make various changes to the  
**Health Services (Conciliation and Review) Act 1987**.

#### 5 2. *Commencement*

- (1) This Act, except for section 10, comes into operation on the day it receives the Royal Assent.
- (2) Section 10 comes into operation on a day to be proclaimed.

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Section headings appear in bold italics and are not part of the Act  
(see **Interpretation of Legislation Act 1984**).

No. 25/1987 as amended by Nos 60/1987, 69/1990 and 76/1990.

**3. Principal Act**

In this Act, the **Health Services (Conciliation and Review) Act 1987** is called the Principal Act.

**4. Extension of definitions**

In section 3 (1) of the Principal Act— 5

(a) in the definition of “Health Service”—

(i) in paragraph (i), after “optometrists,” insert “audiologists, audiometrists, prosthetists,”;

(ii) after “other than” insert “the Department of Community Services, the Director-General of Community Services,”; 10

(b) in paragraph (f) of the definition of “Provider” for “special accommodation house,” substitute “hostel, supported residential service,”.

**5. Complaints** 15

In section 15 (4) of the Principal Act, for “the manner in which a health service has been provided for the user by another provider” substitute “any of the matters set out in section 16”.

**6. Assessment of complaints** 20

(1) In section 19 (8) of the Principal Act, after “complaint” insert “or within a further period fixed under sub-section (9A),”.

(2) After section 19 (9) of the Principal Act insert—

“(9A) If the Commissioner considers that— 25

(a) a complaint is unduly complex; or

(b) a complaint can be satisfactorily resolved within a further period fixed by the Commissioner—

the Commissioner may fix a further period of not more than 28 days for the purposes of sub-section (8).” 30

**7 Appointment of more than one conciliator**

After section 20 (4) of the Principal Act insert—

5 “(4A) If the Commissioner thinks it appropriate to do so, the Commissioner may assign additional conciliators to assist a conciliator assigned to conduct a conciliation process.”.

**8. Notices**

10 (1) In section 22 (1), (3), (4) and (5) of the Principal Act, for “Within” substitute “Unless sub-section (5A) applies, within”.

(2) After section 22 (5) of the Principal Act insert—

15 “(5A) Where the Commissioner is of the opinion that if a notice or document under this section is given to a provider—

- (a) the health or safety of the user may be put at risk; or
- (b) the proper investigation of the complaint would be prejudiced—

20 the Commissioner need not comply with sub-sections (1), (3), (4) and (5).

(5B) If sub-section (5A) applies, the Commissioner must give written notice to the provider without delay after the Commissioner is satisfied that—

- (a) the risk is at an end; or
- (b) there is no further likelihood of prejudice to the proper investigation of the complaint—

30 but in any case not later than 6 months after the complaint was made or, if the investigation ends before that time, before the end of the investigation.”.

**9. Conciliation after legal proceedings have begun**

After section 23 (2) of the Principal Act insert—

“(2A) Despite sub-section (1) (a), the Commissioner may, with the consent of—

(a) the user or the person who complained to the Commissioner; and

(b) the provider—

continue dealing with the matter, but only by referring it to conciliation.

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(2B) Where sub-section (2A) applies, the Commissioner must stop dealing with the matter when the Commissioner becomes aware that a court has commenced to hear a proceeding relating to the complaint.”.

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**10. Registration boards and complaints**

After section 24 (2) of the Principal Act insert—

“(3) Before a registration board deals with a complaint about any of the matters set out in section 16, the board must give a copy of the complaint to the Commissioner.

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(4) If a complaint relates to any of the matters set out in section 16, the registration board and the Commissioner may agree that the complaint is suitable for conciliation under this Act.

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(5) If the registration board and the Commissioner agree that the complaint is suitable for conciliation, the complaint is to be treated as if it were a complaint made under this Act.

(6) If the registration board and the Commissioner do not agree that the complaint is suitable for conciliation, the board may continue dealing with the complaint.”.

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**11. Confidentiality of returns**

In section 32 of the Principal Act—

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(a) in sub-section (1), in the definition of “Confidential information”, after “position” insert “and includes a return prepared under section 33”;

(b) in sub-section (1), in the definition of “Position”  
after paragraph (a) insert—

“(aa) Position as an officer or employee on the  
Commissioner’s staff;”;

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(c) in sub-section (6), after “confidential information”  
insert “included in a return under section 33 or”.

