

Information sheet: Legislation

As an independent statutory authority, HaDSCO operates under a number of legislative frameworks outlined here:

Health and Disability Services (Complaints) Act 1995: The primary legislation governing the operations of HaDSCO. This Act sets out the legislative framework for HaDSCO's functions, operations and powers.

Part VI of the Disability Services Act 1993: Covers complaints about disability services and provides a framework for management of complaints related to disability service providers.

Confidentiality: Section 71 of the Health and Disability Services (Complaints) Act 1995 ensures that the negotiated settlement and conciliation processes are confidential. All oral and written communications aimed at resolving the issues in dispute are confidential. This means that any offers made or positions discussed during negotiated settlement and conciliation cannot be made public, recorded, or discussed with anyone else.

Substantial fines can be imposed if these requirements are not complied with.

The Carers Recognition Act 2004: Aims to change the culture of service providers so that the impact on carers is considered when services are assessed, planned, delivered and reviewed. A key part of the Act requires service providers to comply with the Western Australian Carers Charter.

The Health and Disability Services (Complaints) Act 1995 also states that evidence of anything said or admitted during negotiated settlement and conciliation is not admissible in proceedings before a court or tribunal.

Freedom of Information Act 1992: As a government agency, HaDSCO is subject to the Freedom of Information Act 1992.

Data protection: Protects information held about individuals. HaDSCO may request complainant's authority to disclose information when discussing complaints.

HaDSCO: Supporting improvement through complaint resolution

hadsco.wa.gov.au