



Key State legislation which may impact WA health service provider boards

The following is an indicative list of legislation impacting on the roles, responsibilities and accountabilities of board chairs and board members of health service provider (HSP) boards.

This list is not exhaustive of all of the obligations that may apply to boards and their board members. There may be other obligations under common law or other legislation, including enabling legislation or subsequent legislation, which take precedence over the legislation specified here.

HSP boards should check their legislative obligations under each Act as it pertains to that HSP.

Legislation	Purpose of legislation
Anatomy Act 1930	Provides for the establishment and regulation of schools of anatomy and to authorise the practice of anatomy thereat.
Auditor General Act 2006	Provides for the appointment of an Auditor General, to set out the Auditor General's functions, and for related purposes.
Births, Deaths and Marriages Registration Act 1998	Provides for the registration of births, deaths, marriages, changes of name and information about certain parentage changes in Western Australia and for related matters.
Blood Donation (Limitation of Liability) Act 1985	Limits liability in respect of the transmission of the disease known as acquired immune deficiency syndrome through the transfusion of blood and blood products and for purposes connected therewith or incidental thereto.
Carers Recognition Act 2004	Provides for the recognition of carers by certain persons and bodies, and for related purposes. The legislation aims at improving the culture of service providers by their involving and partnering with carers in the delivery of care.
Charitable Trusts Act 1962	Amends the law relating to charitable trusts.
Children and Community Services Act 2004	Confers functions in relation to the provision of social services, the provision of financial and other assistance, and other matters concerning the wellbeing of children, other individuals, families and communities and to make provisions about the protection and care of children and related matters.
Coroners Act 1996	Establishes the office of State Coroner, to provide for a State coronial system to inquire into Western Australian deaths.
Corruption, Crime and Misconduct Act 2003	Provides for the establishment and operation of a Corruption and Crime Commission with functions with respect to serious misconduct by public officers and organised crime; and confer on the Public Sector Commissioner functions with respect to misconduct by public officers; and provide for the establishment and operation of a Parliamentary Inspector of the Corruption and Crime Commission.
Criminal Code Act Compilation Act 1913	Enacts a compilation of the <i>Criminal Code Act 1902</i> , with its amendments and portion of the <i>Secret Commissions Act 1905</i> , and for other related purposes.

Legislation	Purpose of legislation
<u>Disability Services Act 1993</u>	Establishes the Disability Services Commission and the Ministerial Advisory Council on Disability, for the furtherance of principles applicable to people with disability, for the funding and provision of services to such people that meet certain objectives, for the resolution of complaints by such people, and for related purposes.
<u>Duties Act 2008</u>	Deals with the imposition of a number of kinds of duty and should be read in conjunction with the <i>Taxation Administration Act 2003</i> .
<u>Emergency Management Act 2005</u>	Provides for prompt and coordinated organisation of emergency management in the State, and for related purposes.
<u>Environmental Protection Act 1986</u>	Provides for an Environmental Protection Authority, for the prevention, control and abatement of pollution and environmental harm, for the conservation, preservation, protection, enhancement and management of the environment and for matters incidental to or connected with the foregoing.
<u>Equal Opportunity Act 1984</u>	Promotes equality of opportunity in Western Australia and to provide remedies in respect of discrimination on the grounds of sex, marital status, pregnancy, sexual orientation, family responsibility or family status, race, religious or political conviction, impairment, age, or publication of details on the Fines Enforcement Registrar's website, or involving sexual or racial harassment or, in certain cases, on gender history grounds.
<u>Fair Trading Act 2010</u>	Promotes and encourages fair trading practices and a competitive and fair market, and protect the interests of consumers, by applying the Australian Consumer Law (with modifications) as a law of Western Australia, and providing for codes of practice; and provide for the powers and functions of a Commissioner, including powers to carry out investigations into alleged breaches of this Act.
<u>Financial Management Act 2006</u>	Provides for the management, administration and reporting of the public finances of the State, and for related purposes.
<u>Fines, Penalties and Infringement Notices Enforcement Act 1994</u>	Provides for the enforcement of the payment of fines and other penalties and for the enforcement of infringement notices and for related purposes.
<u>Food Act 2008</u>	Provides for the safety and suitability of food for human consumption, and for related purposes.
<u>Freedom of Information Act 1992</u>	Provides for public access to documents, and to enable the public to ensure that personal information in documents is accurate, complete, up to date and not misleading, and for related purposes.
<u>Guardianship and Administration Act 1990</u>	Provides for the guardianship of adults who need assistance in their personal affairs, for the administration of the estates of persons who need assistance in their financial affairs, to confer on the State Administrative Tribunal jurisdiction in respect of guardianship and administration matters, to provide for the appointment of a public officer with certain functions relative thereto, to provide for enduring powers of attorney, enduring powers of guardianship and advance health directives, and for connected purposes.

Legislation	Purpose of legislation
<u>Health (Miscellaneous Provisions) Act 1911</u>	Deals with certain matters concerning public health.
<u>Health and Disability Services (Complaints) Act 1995</u>	Establishes 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.
<u>Health Legislation Administration Act 1984</u>	Relates to the administration of certain Acts and to facilitate the provision of health services to the people of the State.
<u>Health Practitioner Regulation National Law (WA) Act 2010</u>	Provides for a national registration and accreditation scheme for health practitioners.
<u>Health Professionals (Special Events Exemption) Act 2000</u>	Allows visiting health professionals to provide health care services to visitors to the State in connection with special events, and for related purposes.
<u>Health Services (Quality Improvement) Act 1994</u>	Provides for the approval and protection of quality improvement committees reviewing, assessing and monitoring the quality of health services, and for related purposes.
<u>Health Services Act 2016</u>	Provides for health services in Western Australia.
<u>Human Tissue and Transplant Act 1982</u>	Makes provision for and in relation to the removal of human tissues for transplantation, other therapeutic purposes, or medical or scientific purposes, for post-mortem examinations.
<u>Industrial Relations Act 1979</u>	Consolidates and amends the law relating to the prevention and resolution of conflict in respect of industrial matters, the mutual rights and duties of employers and employees, the rights and duties of organisations of employers and employees, and for related purposes.
<u>Medicines and Poisons Act 2014</u>	Regulates and controls the manufacture and supply of medicines and poisons.
<u>Mental Health Act 2014</u>	Provides for the treatment, care, support and protection of people who have a mental illness; and to provide for the protection of the rights of people who have a mental illness; and to provide for the recognition of the role of carers and families in providing care and support to people who have a mental illness, and for related purposes.
<u>Misuse of Drugs Act 1981</u>	Prevents the misuse of certain drugs and plants and to provide for matters incidental thereto or connected therewith.
<u>National Health Funding Pool Act 2012</u>	Provides for the appointment of the Administrator of the National Health Funding Pool; and provide for the establishment and management of a State Pool Account.
<u>Parliamentary Commissioner Act 1971</u>	Provides for the appointment of a Parliamentary Commissioner for Administrative Investigations with functions relating to the investigation of administrative action taken by or on behalf of certain departments and authorities and to the deaths of certain children and for incidental purposes.
<u>Private Hospitals and Health Services Act 1927</u>	Provides for the control and regulation of private hospitals and private psychiatric hostels and for related purposes.
<u>Procurement Act 2020</u>	Modernises the processes for Government procurement of goods, services and works.

Legislation	Purpose of legislation
<u>Public Health Act 2016</u>	Protects, promotes and improves the health and wellbeing of the public of WesternAustralia and to reduce the incidence of preventable illness, and for related purposes.
<u>Public Interest Disclosure Act 2003</u>	Facilitates the disclosure of public interest information, to provide protection for those who make disclosures and for those the subject of disclosures, and, in consequence, to amend various Acts, and for related purposes.
<u>Queen Elizabeth II Medical Centre Act 1966</u>	Enables a medical centre to be established at Hollywood by reserving certain lands therefor and constituting a body corporate for the development, management and control of those lands and for incidental and other purposes.
<u>Radiation Safety Act 1975</u>	Regulates the keeping and use of radioactive substances, irradiating apparatus and certain electronic products, and for matters incidental thereto.
<u>Spent Convictions Act 1988</u>	Makes provision for a person who has been convicted of an offence against the law of this State or of a foreign country and who has not re-offended during a specified period to be rehabilitated by limiting the effects of the conviction, to enable that limitation to apply to a conviction against the law of another State or Territory to which a corresponding law thereof applies, to limit the effects of a dismissal or withdrawal of a charge, and for connected purposes.
<u>State Records Act 2000</u>	Provides for the keeping of State records and for related purposes.
<u>State Superannuation Act 2000</u>	Provides for superannuation contributions and superannuation schemes for and in respect of people working or formerly working in the public sector and for related purposes.
<u>Statutory Corporations (Liability of Directors) Act 1996</u>	Declares the duty that persons who control the affairs of a statutory corporation owe to the corporation, to provide for particular duties in the case of certain statutory corporations and for the recovery of compensation for breaches, to make provision in respect of Ministerial directions.
<u>Voluntary Assisted Dying Act 2019</u>	Provides for and regulates access to voluntary assisted dying; to establish the Voluntary Assisted Dying Board; to make consequential amendments to other Acts.
<u>Work Health and Safety Act 2020</u>	Makes provisions about, and in connection with the health and safety of workers; health and safety at workplaces; and risks to health and safety arising from work.
<u>Workers' Compensation and Injury Management Act 1981</u>	Amends and consolidates the law relating to compensation for, and the management of, employment-related injuries, to provide for the WorkCover Western Australia Authority to provide for the resolution of disputes, and for related purposes.
<u>Working with Children (Criminal Record Checking) Act 2004</u>	Provides for procedures for checking the criminal record of people who carry out, or propose to carry out, child-related work; to prohibit people who have been charged with or convicted of certain offences from carrying outchild-related work, and provide for related matters.

Regulatory and Administrative Requirements

- Regulations, Orders and Determinations under the *Health Services Act 2016*
- Relevant subsidiary legislation under other Acts
- [Administrative Instructions](#)
- [Public Sector Commissioner's Circulars](#)
- [Premier's Circulars](#)
- [Treasurer's Instructions](#)
- [Policy Frameworks \(health.wa.gov.au\)](http://health.wa.gov.au)
- Ministerial Directions
- Department CEO Directions
- Service Agreements
- [Code of Ethics \(CI No 7\)](#)
- [Codes of conduct and integrity training \(CI No 8\)](#)
- [Public sector standards in human resource management](#)

This document can be made available in alternative formats on request for a person with a disability.

© Department of Health 2022

Copyright to this material is vested in the State of Western Australia unless otherwise indicated. Apart from any fair dealing for the purposes of private study, research, criticism or review, as permitted under the provisions of the *Copyright Act 1968*, no part may be reproduced or re-used for any purposes whatsoever without written permission of the State of Western Australia.