

South Australia

Disability Services (Community Visitor Scheme) Regulations 2013

under the *Disability Services Act 1993*

Contents

- 1 Short title
- 2 Commencement
- 3 Interpretation
- 4 Functions of community visitors
- 5 Requests to see community visitors
- 6 Reports by community visitors

Legislative history

1—Short title

These regulations may be cited as the *Disability Services (Community Visitor Scheme) Regulations 2013*.

2—Commencement

These regulations come into operation on the day on which they are made.

3—Interpretation

In these regulations, unless the contrary intention appears—

Act means the *Disability Services Act 1993*;

community visitor has the same meaning as in the *Mental Health Act 2009*;

disability accommodation premises means any premises at which a disability services provider is providing accommodation services to persons with disabilities;

Principal Community Visitor has the same meaning as in the *Mental Health Act 2009*;

resident means a person with a disability who resides at disability accommodation premises.

4—Functions of community visitors

- (1) Community visitors have the following functions under these regulations:
 - (a) to visit disability accommodation premises to inquire into the following matters:
 - (i) the appropriateness and standard of the premises for the accommodation of residents;

- (ii) the adequacy of opportunities for inclusion and participation by residents in the community;
 - (iii) whether the accommodation services are being provided in accordance with the principles and objectives specified in Schedules 1 and 2 of the Act;
 - (iv) whether residents are provided with adequate information to enable them to make informed decisions about their accommodation, care and activities;
 - (v) any case of abuse or neglect, or suspected abuse or neglect, of a resident;
 - (vi) the use of restrictive interventions and compulsory treatment;
 - (vii) any failure to comply with the provisions of the Act or a performance agreement entered into between a disability services provider and the Minister;
 - (viii) any complaint made to a community visitor by a resident, guardian, medical agent, relative, carer or friend of a resident, or any other person providing support to a resident;
- (b) to refer matters of concern relating to the organisation or delivery of disability services in South Australia to the Minister;
 - (c) to act as advocates for residents to promote the proper resolution of issues relating to the care, treatment or control of residents, including issues raised by a guardian, medical agent, relative, carer or friend of a resident or any person who is providing support to a resident.
- (2) A community visitor may, for the purposes of carrying out the functions of a community visitor, enter disability accommodation premises at any reasonable time and, while on the premises, may—
- (a) meet with a resident; and
 - (b) with the permission of the manager of the premises—inspect the premises or any equipment or other thing on the premises; and
 - (c) request any person to produce documents or records; and
 - (d) examine documents or records produced and request to take extracts from, or make copies of, any of them.

5—Requests to see community visitors

- (1) A resident or a guardian, medical agent, relative, carer or friend of a resident or any person who is providing support to a resident may make a request to see a community visitor.
- (2) If a request is made under subregulation (1) to a manager of, or a person in a position of authority at, disability accommodation premises that person must advise a community visitor of the request within 2 days after receipt of the request.

6—Reports by community visitors

- (1) After a visit to disability accommodation premises, the community visitors must (unless 1 of them is the Principal Community Visitor) report to the Principal Community Visitor about the visit in accordance with the requirements of the Principal Community Visitor.
- (2) The Principal Community Visitor must, on or before 30 September in every year, forward a report to the Minister on the work of the community visitors under these regulations during the financial year ending on the preceding 30 June.
- (3) The Principal Community Visitor may, at any time, prepare a special report to the Minister on any matter arising out of the performance of the community visitors' functions.
- (4) The Minister must, within 6 sitting days after receiving a report under this regulation, have copies of the report laid before both Houses of Parliament.

Legislative history

Notes

- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or www.legislation.sa.gov.au.

Principal regulations

Year	No	Reference	Commencement
2013	31	<i>Gazette 2.5.2013 p1392</i>	2.5.2013: r 2