

South Australia

# Disability Services (Community Visitor Scheme) Regulations 2013

under the *Disability Services Act 1993*

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## Legislative history

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### 1—Short title

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

### 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*;

*day options program* means a daytime program provided to an eligible person at premises other than the person's usual place of residence for the purpose of developing life-skills, further learning or recreation;

*day options program premises* means any premises at which a day options program is provided;

*disability accommodation premises* means any premises at which a disability services provider is providing accommodation services to persons with disabilities (including short term accommodation, for example for respite care);

*eligible person* means an adult person with a disability who has, in connection with a funding arrangement under a law of this State or the Commonwealth, been assessed as unable to work or undertake formal study;

*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;
  - (ab) to visit day options program premises to inquire into the following matters:
    - (i) the appropriateness and standard of the premises for the provision of the disability services;
    - (ii) whether the day options programs are being provided in accordance with the principles and objectives specified in Schedules 1 and 2 of the Act;
    - (iii) any case of abuse or neglect, or suspected abuse or neglect, of a person attending a day options program at the premises;
    - (iv) the use of restrictive interventions and compulsory treatment;
    - (v) any failure to comply with the provisions of the Act or a performance agreement entered into between a disability services provider at the premises and the Minister;
    - (vi) any complaint made to a community visitor by a person attending a day options program or a guardian, medical agent, relative, carer or friend of such a person, or any other person providing support to such a person;
  - (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 and for persons attending day options programs to promote the proper resolution of issues relating to the care, treatment or control of such persons, including issues raised by a guardian, medical agent, relative, carer or friend of such a person or any person who is providing support to such a person.
- (2) A community visitor may, for the purposes of carrying out the functions of a community visitor, enter disability accommodation premises or day options program premises at any reasonable time and, while on the premises, may—
  - (a) meet with a resident or person attending a day options program; 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 request to see a community visitor may be made by any of the following persons:
  - (a) a resident;
  - (b) a person attending a day options program;
  - (c) a guardian, medical agent, relative, carer or friend of a person referred to in paragraph (a) or (b);
  - (d) any other person who is providing support to a person referred to in paragraph (a) or (b).
- (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 or day options program 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 or day options program 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](http://www.legislation.sa.gov.au).

### Principal regulations and variations

New entries appear in bold.

Year	No	Reference	Commencement
2013	31	<i>Gazette 2.5.2013 p1392</i>	2.5.2013: r 2
<b>2017</b>	<b>77</b>	<b><i>Gazette 7.6.2017 p2048</i></b>	<b>7.6.2017: r 2</b>

### Provisions varied

New entries appear in bold.

Entries that relate to provisions that have been deleted appear in italics.

Provision	How varied	Commencement
<i>r 2</i>	<i>omitted under the Legislation Revision and Publication Act 2002</i>	<i>7.6.2017</i>
r 3		
day options program	inserted by 77/2017 r 4(1)	7.6.2017
day options program premises	inserted by 77/2017 r 4(1)	7.6.2017
disability accommodation premises	varied by 77/2017 r 4(2)	7.6.2017
eligible person	inserted by 77/2017 r 4(3)	7.6.2017
r 4		
r 4(1)	varied by 77/2017 r 5(1), (2)	7.6.2017
r 4(2)	varied by 77/2017 r 5(3), (4)	7.6.2017
r 5		
r 5(1)	substituted by 77/2017 r 6(1)	7.6.2017
r 5(2)	varied by 77/2017 r 6(2)	7.6.2017
r 6		
r 6(1)	varied by 77/2017 r 7	7.6.2017