

South Australia

# **Disability Services (Community Visitor Scheme) Regulations 2013**

under the *Disability Services Act 1993*

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### **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.

**Note—**

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

**Made by the Governor's Deputy**

with the advice and consent of the Executive Council  
on 2 May 2013

No 31 of 2013

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