

South Australia

## **Disability Services (Community Visitor Scheme) (Premises) Variation Regulations 2017**

under the *Disability Services Act 1993*

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### **Part 1—Preliminary**

#### **1—Short title**

These regulations may be cited as the *Disability Services (Community Visitor Scheme) (Premises) Variation Regulations 2017*.

#### **2—Commencement**

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

#### **3—Variation provisions**

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

### **Part 2—Variation of *Disability Services (Community Visitor Scheme) Regulations 2013***

#### **4—Variation of regulation 3—Interpretation**

- (1) Regulation 3, after the definition of *community visitor* insert:

*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;

- (2) Regulation 3, definition of *disability accommodation premises*—after "persons with disabilities" insert:

(including short term accommodation, for example for respite care)

- (3) Regulation 3—after the definition of *disability accommodation premises* insert:

*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;

## **5—Variation of regulation 4—Functions of community visitors**

- (1) Regulation 4(1)—after paragraph (a) insert:

(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;

- (2) Regulation 4(1)(c)—delete paragraph (c) and substitute:

(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.

- (3) Regulation 4(2)—after "disability accommodation premises" insert:

or day options program premises

- (4) Regulation 4(2)(a)—after resident insert:

or person attending a day options program

## **6—Variation of regulation 5—Requests to see community visitors**

- (1) Regulation 5(1)—delete subregulation (1) and substitute:
- (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) Regulation 5(2)—after "disability accommodation premises" insert:  
or day options program premises

## **7—Variation of regulation 6—Reports by community visitors**

- Regulation 6(1)—after "disability accommodation premises" insert:  
or day options program premises

### **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**

with the advice and consent of the Executive Council  
on 7 June 2017

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