

South Australia

# **Disability Inclusion (Community Visitor Scheme) Amendment Regulations 2025**

under the *Disability Inclusion Act 2018*

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## **Part 1—Preliminary**

### **1—Short title**

These regulations may be cited as the *Disability Inclusion (Community Visitor Scheme) Amendment Regulations 2025*.

### **2—Commencement**

These regulations come into operation on 1 July 2026.

## **Part 2—Amendment of *Disability Inclusion Regulations 2019***

### **3—Insertion of heading to Part 1**

Before regulation 1 insert:

### **Part 1—Preliminary**

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#### 4—Insertion of heading to Part 2

After regulation 4 insert:

### **Part 2—State Disability Inclusion Plan**

#### 5—Insertion of heading to Part 3

After regulation 7 insert:

### **Part 3—Disability access and inclusion plans**

#### 6—Insertion of Part 4

After regulation 11 insert:

### **Part 4—Community Visitor Scheme**

#### **11A—Interpretation**

In this Part—

*community visitor*—see regulation 11E;

*eligible person*—see regulation 11C;

*NDIS participant* means a participant within the meaning of the *National Disability Insurance Scheme Act 2013*;

*prescribed person* means—

- (a) a person with disability who resides in accommodation provided by, or on behalf of, the Department; or
- (b) a person with disability who is under the guardianship of the Public Advocate (whether pursuant to a guardianship order under the *Guardianship and Administration Act 1993* or some other arrangement); or
- (c) any other person with disability, or person with disability of a class, determined by the Chief Executive after consultation with the Principal Community Visitor to be included in the ambit of this definition;

*Principal Community Visitor* means the Principal Community Visitor under the *Mental Health Act 2009* (and includes a person acting in that position from time to time).

#### **11B—Application of Part to children**

This Part does not apply in relation to a person who is less than 18 years of age.

### **11C—Eligible persons**

- (1) For the purposes of this Part, an *eligible person* is—
  - (a) a person with disability to whom supports, services or treatments (however described) are being provided in respect of their disability and who has opted in to the community visitor scheme in accordance with this Part; or
  - (b) any other person with disability, or person with disability of a class, determined by the Chief Executive or the Minister to be an eligible person.
- (2) For the purposes of this Part, the following persons are not eligible persons:
  - (a) a person with disability who has not opted in to, or has opted out of, the community visitor scheme in accordance with this Part;
  - (b) any other person with disability, or person with disability of a class, determined by the Chief Executive or the Minister not to be an eligible person.
- (3) To avoid doubt, a person is an eligible person whether or not they are an NDIS participant, or whether or not the supports, services or treatment being provided to them consist of, or include, supports, services or treatment provided under the NDIS.

### **11D—Opting in to and out of community visitor scheme**

- (1) A person with disability opts in to the community visitor scheme in accordance with the scheme determined by the Principal Community Visitor.
- (2) Without limiting the matters that may be included in the scheme, the scheme must provide for—
  - (a) ways in which people with disability who have impaired decision-making capacity can opt in to the community visitor scheme (including by having a guardian, substitute decision-maker, relative, carer or friend of the person, or any other person providing support to the person opt in on behalf of the person with disability); and
  - (b) in the case where a relative, carer or friend of the person, or other person providing support to the person, opts in on behalf of the person with disability—the obtaining of consent, where practicable, from the person with disability to do so.
- (3) An eligible person opts out of the community visitor scheme by—
  - (a) giving written notice to the Principal Community Visitor that they do not wish, or no longer wish, to receive visits from a community visitor; or

- (b) indicating in any other manner determined by the Principal Community Visitor that they do not wish, or no longer wish, to receive visits from a community visitor.
- (4) In the case of an eligible person with impaired decision-making capacity, a guardian or substitute decision-maker of the person may opt out of the scheme on their behalf in accordance with the scheme determined by the Principal Community Visitor.

### **11E—Community visitors**

- (1) Each of the following persons is a community visitor for the purposes of this Part:
  - (a) the Principal Community Visitor;
  - (b) each other Community Visitor under the *Mental Health Act 2009*;
  - (c) a person appointed by the Minister as a community visitor under this regulation.
- (2) The Minister may appoint such number of persons as community visitors as the Minister considers necessary for the proper performance of the community visitors' functions under this Part.
- (3) A person appointed as a community visitor under subregulation (2) will hold office on conditions determined by the Minister and for a term, not exceeding 3 years, specified in the instrument of appointment and, at the expiration of a term of appointment, will be eligible for reappointment.
- (4) The Minister may remove a community visitor appointed under subregulation (2) for any reason the Minister thinks fit.

### **11F—Functions of community visitors**

- (1) Community visitors have the following functions in relation to all eligible persons and prescribed persons:
  - (a) to visit such persons for the purpose of monitoring their wellbeing;
  - (b) to inquire into such of the following matters in relation to such persons as the community visitor considers appropriate:
    - (i) the adequacy of opportunities for inclusion and participation by the person in the community;
    - (ii) whether the person is provided with adequate information to enable them to make informed decisions about their accommodation, care and activities;
  - (c) to refer matters of concern relating to the wellbeing of persons with disability in South Australia to the Minister;

- (d) such other functions as may be assigned to community visitors by or under the Act or by the Minister.
- (2) Without limiting subregulation (1), community visitors have the following additional functions in relation to all prescribed persons, and eligible persons who are not NDIS participants:
  - (a) to visit premises where such persons reside and inquire into the appropriateness and standard of the premises for the accommodation of persons with disability;
  - (b) to inquire into any case of abuse or neglect, or suspected abuse or neglect, of such persons;
  - (c) to inquire into the use of restrictive practices in relation to such persons;
  - (d) to inquire into any complaint made to a community visitor by such persons, or a guardian, substitute decision-maker, relative, carer or friend of such persons, or any other person providing support to such persons;
  - (e) to advocate for such persons and promote or refer the proper resolution of issues relating to their wellbeing;
  - (f) such other functions as may be assigned to community visitors by or under the Act or by the Minister for the purposes of this subregulation.
- (3) A community visitor may, for the purposes of carrying out the functions of a community visitor, enter any premises at any reasonable time and, while on the premises, may—
  - (a) meet with an eligible person or prescribed person; and
  - (b) request any person to produce documents or records; and
  - (c) examine documents or records produced and request to take extracts from, or make copies of, any of them.
- (4) Without limiting subregulation (3), a community visitor may, for the purposes of carrying out the functions of a community visitor under subregulation (2), with the permission of the manager of any premises, inspect the premises or any equipment or other thing on the premises.
- (5) In this regulation—

*Department* means the administrative unit of the Public Service that is responsible for assisting a Minister in the administration of the Act.

### **11G—Requests to see community visitor**

- (1) A request to see a community visitor may be made by any of the following persons:
  - (a) an eligible person or prescribed person;

- (b) a guardian, substitute decision-maker, relative, carer or friend of an eligible person or prescribed person;
  - (c) any other person who is providing support to an eligible person or prescribed person.
- (2) If a request is made under subregulation (1) to a manager of, or a person in a position of authority at, premises at which an eligible person or prescribed person resides or is provided supports, services or treatment, that person must advise a community visitor of the request within 2 days after receipt of the request.

### **11H—Record keeping and reporting**

- (1) Each community visitor must, after visiting or attempting to visit a person or premises under this Part, make a written record of that fact setting out such information as may be required by the Principal Community Visitor.
- (2) Each community visitor (other than the Principal Community Visitor) must, after visiting a person or premises under this Part and if required to do so by the Principal Community Visitor, provide a written report to the Principal Community Visitor in relation to the visit.
- (3) A report under subregulation (2)—
  - (a) must be provided within the period specified by the Principal Community Visitor; and
  - (b) must contain such information about the visit or attempted visit as the Principal Community Visitor may require.
- (4) Without limiting this regulation, a record or report required under this regulation may be made or provided in an electronic form.
- (5) The Principal Community Visitor must, on or before 30 September in every year, provide a report to the Minister on the work of the community visitors under this Part during the financial year ending on the preceding 30 June.
- (6) 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.
- (7) 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.

### **11I—Power of delegation**

- (1) The Principal Community Visitor may delegate a function under this Act to a specified person or body (including a community visitor or a person for the time being holding or acting in a specified office or position).

- (2) A delegation under this regulation—
  - (a) must be by instrument in writing; and
  - (b) may be absolute or conditional; and
  - (c) does not derogate from the ability of a community visitor to act in any matter; and
  - (d) is revocable at will.
- (3) A function delegated under this regulation may, if the instrument of delegation so provides, be further delegated.

**7—Insertion of heading to Part 5**

Before regulation 12 insert:

**Part 5—Exemptions**

**Made by the Governor**

with the advice and consent of the Executive Council  
on 23 October 2025

No 108 of 2025