

**Authorised Version**  
**Disability Amendment Act 2012**  
**No. 22 of 2012**

**TABLE OF PROVISIONS**

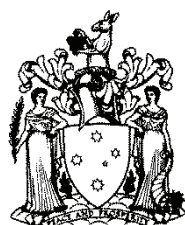
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**Authorised Version**



**Victoria**

# **Disability Amendment Act 2012<sup>†</sup>**

**No. 22 of 2012**

[Assented to 8 May 2012]

**The Parliament of Victoria enacts:**

## **PART 1—PRELIMINARY**

### **1 Purposes**

The main purposes of this Act are—

- (a) to amend the **Disability Act 2006** to—
  - (i) clarify the definition of residential service; and
  - (ii) change the eligibility requirements for membership of the Disability Services Board; and

- 
- (iii) provide for community visitors to be appointed generally, rather than for particular regions; and
  - (iv) clarify the requirements for Councils in relation to Disability Action Plans; and
  - (v) remove the requirement of a disability service provider to give a residential statement when accommodation is provided to a person with a disability on a short term basis for the purpose of providing respite to a carer of the person with a disability; and
  - (vi) provide additional procedural matters in relation to possession orders and warrants of possession; and
  - (vii) provide an additional category of persons who may give consent for a disability service provider to manage the money of a resident; and
  - (viii) provide for complaints made in relation to contracted service providers and funded service providers, including by giving the Disability Services Commissioner jurisdiction over those complaints; and
  - (ix) provide additional procedural matters in relation to complaints; and
  - (x) make separate provision in relation to restrictive interventions used on a person for whom a treatment plan is, or is required to be, made; and
  - (xi) change the circumstances in which the presence of an independent person is required to be involved in a review of a behaviour support plan; and

- (xii) provide for the approval of treatment plans by the Senior Practitioner; and
  - (xiii) provide for VCAT to make a determination in relation to the expiry of a supervised treatment order; and
  - (xiv) provide for the review of an assessment order by VCAT; and
  - (xv) make other minor and technical amendments; and
- (b) to amend the **Human Services (Complex Needs) Act 2009** to confer powers and functions under that Act on the Secretary to the Department of Human Services; and
- (c) to make consequential amendments to certain other Acts.

## 2 Commencement

- (1) Subject to subsection (2), this Act comes into operation on a day to be proclaimed.
- (2) If this Act does not come into operation before 1 July 2012, it comes into operation on that day.

## 3 Principal Act

In this Act, the **Disability Act 2006** is called the Principal Act.

See:  
Act No.  
23/2006 and  
amending Act  
Nos 80/2006,  
25/2007,  
69/2009,  
74/2009,  
91/2009,  
13/2010,  
29/2010,  
29/2011 and  
83/2011.  
Law Today:  
www.  
legislation.  
vic.gov.au

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**PART 2—AMENDMENT OF DISABILITY ACT 2006**

**4 Definitions**

- (1) In section 3(1) of the Principal Act, for the definition of *Authorised Program Officer* substitute—

*"Authorised Program Officer* means—

- (a) in relation to a disability service provider who is the Secretary, a person appointed as an Authorised Program Officer by the Secretary;
  - (b) in relation to any other disability service provider, a person appointed as an Authorised Program Officer by the disability service provider and approved by the Secretary;"
- (2) In section 3(1) of the Principal Act, for the definition of *behaviour management plan* substitute—

*"behaviour support plan* means a plan developed for a person with a disability which specifies a range of strategies to be used in supporting the person's behaviour including proactive strategies to build on the person's strengths and increase their life skills;"

- (3) In section 3(1) of the Principal Act, the definition of *community residential unit* is repealed.

- (4) In section 3(1) of the Principal Act, for the definition of *residential service* substitute—

*"residential service* means residential accommodation—

- (a) provided by, on behalf of, or by arrangement with, a disability service provider; and



- (b) provided as accommodation in which residents are provided with disability services; and
- (c) supported by rostered staff that are provided by a disability service provider; and
- (d) admission to which is in accordance with a process determined by the Secretary;"

(5) In section 3(1) of the Principal Act **insert** the following definitions—

***contracted service provider*** means a person who has entered into a contract with the Secretary under section 10 to provide services to a person with a disability;

***disability service provider providing residential services*** includes a disability service provider taken to be providing residential services under section 3A;

***funded service provider*** means a person who—

- (a) provides services to a person with a disability; and
- (b) receives from the Secretary funding provided under section 9 for the purpose of providing those services;

***group home*** means a residential service which is declared to be a group home under section 64;"

## 5 New section 3A inserted

After section 3 of the Principal Act **insert**—

### **"3A Disability service provider taken to be providing residential services**

A disability service provider is taken to be providing residential services in relation to accommodation that is provided by another person if the other person is providing the accommodation—

- (a) on behalf of the disability service provider; or
- (b) by arrangement with the disability service provider."

## 6 Annual report

After section 19(1)(a) of the Principal Act **insert**—

- "(ab) information about any occasions on which the Disability Services Commissioner considered, under section 113(4)(b), that it was reasonable to take longer than 90 days for the preliminary assessment of a complaint, including—
- (i) the reasons why the Commissioner considered that it was reasonable; and
  - (ii) information about how the complaint was or is being dealt with; and"

## 7 Constitution of the Disability Services Board

In section 20(3)(c) of the Principal Act **omit** "or members of any association which acts as a representative, advocate or adviser for disability service providers or disability service users".

## 8 Functions of the Senior Practitioner

In section 24(1)(e) of the Principal Act, for "behaviour management plans" **substitute** "behaviour support plans".

## 9 Community visitors

- (1) In section 28(1) of the Principal Act **omit** "for each region".
- (2) In section 28(2) of the Principal Act, for "Each" **substitute** "A".

## 10 Functions of a community visitor

In section 30 of the Principal Act **omit** "in the region for which the community visitor is appointed".

## 11 Certain persons deemed to be community visitors

In section 31(1)(a) of the Principal Act **omit** "for every region".

## 12 Reports by community visitors

In section 34(1) of the Principal Act—

- (a) for "community visitors for a region" **substitute** "community visitors who visit premises in a particular region";
- (b) after "visits made" **insert** "in that region".

## 13 Disability Action Plans

For section 38(4) and (5) of the Principal Act **substitute**—

- "(4) If a Council determines to prepare a Disability Action Plan, the Disability Action Plan is to be prepared for the purposes referred to in subsection (1).
- (5) If a Council determines to prepare a Disability Action Plan or is taken to have prepared a Disability Action Plan under

subsection (2), the Council must report on the implementation of the Disability Action Plan in its annual report under section 131 of the **Local Government Act 1989**.

- (5A) A Council must ensure that the matters referred to in subsection (1) are addressed in the Council Plan prepared under the **Local Government Act 1989** if the Council—
- (a) has determined not to prepare a Disability Action Plan; and
  - (b) is not taken to have prepared a Disability Action Plan under subsection (2)."

#### **14 Guiding principles for planning**

The note at the foot of section 52(2)(k) of the Principal Act is **repealed**.

#### **15 Residential statement**

- (1) In section 57(1) of the Principal Act, for "A disability service provider" **substitute** "Subject to subsection (1A), a disability service provider".
- (2) After section 57(1) of the Principal Act **insert**—
- "(1A) A disability service provider providing residential services is not required to give a residential statement under subsection (1) when a person with a disability commences residing at the residential service if—
- (a) the person with a disability is only residing at the residential service on a short term basis; and
  - (b) the disability service provider is providing the accommodation for the purpose of providing respite to a carer of the person with a disability.

(1B) Nothing in subsection (1A) affects the obligation of a disability service provider to provide information under section 89."

(3) For section 57(2)(c) of the Principal Act **substitute**—

"(c) the name and contact details of the disability service provider;"

(4) In the example at the foot of section 57(2)(e) of the Principal Act, for "management" **substitute** "support".

(5) Section 57(11) of the Principal Act is **repealed**.

#### **16 Duties of disability service provider providing residential services**

(1) In section 58(1)(h)(i) and (ii) of the Principal Act **omit** "or their agent".

(2) In section 58(2)(a) and (c) of the Principal Act, for "behaviour management plan" **substitute** "behaviour support plan".

#### **17 Entry to a resident's room**

In section 60(2)(g) of the Principal Act, for "behaviour management plan" **substitute** "behaviour support plan".

#### **18 Heading to Division 2 of Part 5 substituted**

For the heading to Division 2 of Part 5 of the Principal Act **substitute**—

**"Division 2—Group homes"**.

#### **19 Application of Division**

In section 63 of the Principal Act, for "community residential unit" **substitute** "group home".

**20 Declaration of residential service as a community residential unit**

- (1) In the heading to section 64 of the Principal Act, for "community residential unit" substitute "group home".
- (2) In section 64(1) of the Principal Act, for "community residential unit" substitute "group home".
- (3) In section 64(2) of the Principal Act, for "community residential unit" (where twice occurring) substitute "group home".

**21 Residential charge**

In section 65(1) of the Principal Act, for "community residential unit" substitute "group home".

**22 Notice of increase in residential charge**

In section 66(1) of the Principal Act, for "community residential unit" substitute "group home".

**23 Receipts for payment**

In section 69(2)(b)(iii) of the Principal Act, for "community residential unit" substitute "group home".

**24 Residential charge must be reduced if service items are reduced**

In section 70(2)(a) of the Principal Act, for "community residential unit" substitute "group home".

**25 What can VCAT order on an application under section 71?**

In section 72(2)(b) of the Principal Act, for "community residential units" substitute "group homes".

## 26 Notice of temporary relocation

- (1) In section 74(1) of the Principal Act, for "community residential unit" (wherever occurring) **substitute** "group home".
- (2) In section 74(3)(a) and (b), (5), (9) and (12) of the Principal Act, for "community residential unit" **substitute** "group home".
- (3) For section 74(8) of the Principal Act **substitute**—
  - "(8) If the notice of temporary relocation was given on a ground other than the ground specified in subsection (1)(h), the room may only be used—
    - (a) for emergency purposes; or
    - (b) on a short term basis for the purpose of providing respite to a carer of a person with a disability."
- (4) In section 74(11)(a) and (b) of the Principal Act, for "behaviour management plan" (where twice occurring) **substitute** "behaviour support plan".

## 27 Termination of residency

- (1) In section 75 of the Principal Act, for "community residential unit" **substitute** "group home".
- (2) For section 75(b) of the Principal Act **substitute**—
  - "(b) if the disability service provider gives the resident a notice to vacate in accordance with section 76, on the earliest of the following days—
    - (i) the day on which the resident vacates the room and group home; or

- (ii) the day specified in a possession order made under section 84 in relation to the notice to vacate as the day by which the resident must vacate the room and group home;".

## **28 Notice to vacate by disability service provider**

- (1) In section 76(1) of the Principal Act, for "community residential unit" (wherever occurring) **substitute** "group home".
- (2) In section 76(2)(a) of the Principal Act, for "on any ground" **substitute** "on the same ground".
- (3) In section 76(5)(a) and (b) of the Principal Act, for "community residential unit" **substitute** "group home".
- (4) In section 76(6)(c) of the Principal Act **omit** "or their agent".
- (5) For section 76(6)(d) of the Principal Act **substitute**—
  - "(d) must be given to—
    - (i) the resident; and
    - (ii) the resident's guardian or the resident's administrator, if any."

## **29 Effect of notice to vacate**

- (1) In section 77(1)(b)(ii) of the Principal Act, for "determined." **substitute** "determined; or".
- (2) After section 77(1)(b)(ii) of the Principal Act **insert**—
  - "(iii) other alternative accommodation is provided for the resident."
- (3) In section 77(2) of the Principal Act, for "community residential unit" **substitute** "group home".



**30 Application to VCAT for review of notice to vacate**

Section 82(5) of the Principal Act is **repealed**.

**31 Application to VCAT for possession order**

- (1) In section 83(1) of the Principal Act **omit** "a notice of temporary relocation or".
- (2) In section 83(2) of the Principal Act **omit** "the notice of temporary relocation or" (where twice occurring).

**32 Possession orders**

- (1) In section 84(1) of the Principal Act **omit** "82 or".
- (2) In section 84(1), (6)(a) and (6)(b) of the Principal Act, for "community residential unit" **substitute** "group home".
- (3) In section 84(1)(a) and (b) and (2) of the Principal Act **omit** "the notice of temporary relocation or".
- (4) In section 84(7) of the Principal Act, for "community residential unit" (where twice occurring) **substitute** "group home".

**33 Issue of warrant of possession**

- (1) In section 85(1) of the Principal Act **omit** "82 or".
- (2) Section 85(3) of the Principal Act is **repealed**.

**34 New sections 85A to 85D inserted**

After section 85 of the Principal Act **insert**—

**"85A Extension of time for warrant to be executed**

- (1) On the application of the person who obtained the warrant of possession, VCAT may from time to time make an order extending the time in which the warrant of possession may be executed.

- (2) An order under subsection (1) must not at any one time extend the time in which a warrant of possession may be executed by more than 30 days after the day on which the time for execution of the warrant would otherwise expire.
- (3) An order may not be made under subsection (1) if the time for execution of the warrant has passed.

### **85B Warrant of possession**

- (1) A warrant of possession must—
  - (a) be in a form prescribed by rules made under the **Victorian Civil and Administrative Tribunal Act 1998**; and
  - (b) be directed—
    - (i) to a member of the police force; or
    - (ii) to an authorised person; and
  - (c) give brief details of the possession order; and
  - (d) be signed by the principal registrar.
- (2) The warrant of possession authorises the person to whom it is directed—
  - (a) to enter the room and group home, by force if necessary; and
  - (b) with such assistance as is necessary, to compel all persons for the time being occupying the room to vacate the room and the group home and give possession of the room to the applicant for the possession order.

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- (3) A warrant of possession does not authorise the person to whom it is directed to remove any goods from the room or group home.
  - (4) Entry under a warrant of possession must not be made—
    - (a) between the hours of 6 p.m. and 8 a.m.;
    - or
    - (b) on a Sunday or public holiday.
  - (5) The Secretary may authorise any person or class of persons either generally or in a particular case to execute warrants of possession.

**85C Lapsing of possession order and lapsing or cancellation of warrant of possession**

- (1) A possession order is discharged if the person who obtained the order does not apply to the principal registrar for a warrant of possession within 6 months after the date of the order.
- (2) A warrant of possession issued under section 85 lapses if it is not executed within the time stated in the possession order which must not exceed 30 days after the date of issue of the warrant.
- (3) VCAT may at any time cancel a warrant of possession issued under section 85.

**85D Execution of warrant**

As soon as practicable, but not later than 60 days after a warrant of possession is issued, the person to whom the warrant is directed must—

- (a) return the warrant to the principal registrar; and
- (b) specify in writing whether the warrant has or has not been executed."

### **35 Management of money of a resident**

- (1) For section 93(1) of the Principal Act **substitute**—

"(1) A disability service provider providing residential services may manage or control an amount of money of a resident, being not greater than the prescribed amount, if the disability service provider has written consent to do so from—

- (a) the resident; or
- (b) the resident's guardian; or
- (c) the resident's administrator; or
- (d) a person who gives the disability service provider money to be managed for the resident, if the disability service provider is satisfied that the person—
  - (i) is a member of the resident's family or is otherwise significant in the life of the resident; and
  - (ii) informally manages or controls the resident's money."

- (2) In section 93(3) and (4) of the Principal Act, for "manages or controls" **substitute** "manages, controls or holds on trust under subsection (2)".

- (3) For section 93(3)(a) and (b) of the Principal Act **substitute**—

"(a) keep a copy of the consent given in accordance with subsection (1) in relation to that money;

- (b) if the money is not deposited in a trust account in accordance with subsection (2), keep the money of the resident in a secure place;".
- (4) In section 93(4) and (5) of the Principal Act, for "the resident or the resident's guardian or the resident's administrator" **substitute** "the person who gave consent under subsection (1)".

**36 Section 105 substituted**

For section 105 of the Principal Act **substitute**—

**"105 Report on complaints**

A disability service provider must provide an annual report to the Disability Services Commissioner including information about the number and type of complaints and the outcome of the complaints."

**37 Section 106 substituted**

For section 106 of the Principal Act **substitute**—

**"106 Duty to take all reasonable steps to prevent adverse effects**

A disability service provider to whom a complaint is made must take all reasonable steps to ensure that the following persons are not adversely affected because the complaint has been made—

- (a) the person who made the complaint;
- (b) if the complaint was made on behalf of another person, that other person;
- (c) a person with a disability."

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**38 New Division 5A of Part 6 inserted**

After Division 5 of Part 6 of the Principal Act  
**insert—**

**"Division 5A—Complaints to contracted and  
funded service providers**

**106A Internal process for complaints**

- (1) A contracted service provider must institute and operate a system to receive and resolve complaints received by the contracted service provider in respect of services provided to persons with a disability by the contracted service provider.

Penalty: 120 penalty units.

- (2) A funded service provider must institute and operate a system to receive and resolve complaints received by the funded service provider in respect of services provided to persons with a disability by the funded service provider.

Penalty: 120 penalty units.

**106B Report on complaints**

A contracted service provider or funded service provider must provide an annual report to the Disability Services Commissioner including information about the number and type of complaints and the outcome of the complaints.

**106C Duty to take all reasonable steps to  
prevent adverse effects**

A contracted service provider or funded service provider to whom a complaint is made must take all reasonable steps to ensure that the following persons are not adversely

affected because a complaint has been made—

- (a) the person who made the complaint;
- (b) if the complaint was made on behalf of another person, that other person;
- (c) a person with a disability."

**39 Section 107 substituted**

For section 107 of the Principal Act **substitute**—

**"107 Purpose of Division**

The purpose of this Division is to provide for an independent and accessible process for dealing with complaints about—

- (a) the provision of services by disability service providers; and
- (b) the provision of services to persons with a disability by contracted service providers and funded service providers."

**40 New section 108A inserted**

After section 108 of the Principal Act **insert**—

**"108A Definition**

In this Division—

***service provider*** means a disability service provider, contracted service provider or funded service provider about whom a complaint is made."

#### **41 Section 109 substituted**

For section 109 of the Principal Act **substitute—**

##### **"109 What matters can be the subject of a complaint?"**

A complaint may be made to the Disability Services Commissioner if the complaint—

- (a) arises out of the provision of services by a disability service provider; or
- (b) arises out of the provision of services to a person with a disability by a contracted service provider or a funded service provider; or
- (c) is that a disability service provider, contracted service provider or funded service provider has acted unreasonably by not properly investigating, or not taking proper action upon, a complaint made to the service provider."

#### **42 Withdrawal of complaint**

- (1) In section 112(3) of the Principal Act, for "investigate" **substitute** "deal with".
- (2) In section 112(3)(a) of the Principal Act **omit** "disability".

#### **43 Preliminary assessment of complaint**

For section 113(4)(a) and (b) of the Principal Act **substitute—**

- "(a) the period of 90 days; or
- (b) a period longer than 90 days that the Disability Services Commissioner considers reasonable—".



**44 Circumstances in which the Disability Services Commissioner may decline to consider a complaint**

- (1) In section 114(3) and (4)(b) of the Principal Act, for "disability service provider" **substitute** "service provider".
- (2) In section 114(4)(a) and (b) of the Principal Act, for "disability service" **substitute** "service".

**45 Notice of decision to consider or not to consider complaint**

In section 115(2) of the Principal Act, for "disability service provider concerned" **substitute** "service provider".

**46 Consideration of complaint suitable for conciliation**

In section 116(2)(a) and (c), (3)(a), (b) and (c), (4), (5), (6)(b) and (d) of the Principal Act, for "disability service provider" **substitute** "service provider".

**47 Dealing with a complaint**

- (1) In section 117(1)(b) of the Principal Act, for "warranted." **substitute** "warranted; or".
- (2) After section 117(1)(b) of the Principal Act **insert**—
  - "(c) it is reasonable to stop dealing with the complaint."
- (3) After section 117(1) of the Principal Act **insert**—
  - "(1A) Within 14 days after the Disability Services Commissioner decides to stop dealing with a complaint, the Disability Services Commissioner must give written notice of the decision to the service provider and the person who made the complaint.
  - (1B) The notice must specify the reasons for the decision to stop dealing with the complaint."

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- (4) In section 117(2), (3) and (4) of the Principal Act, for "disability service provider" **substitute** "service provider".
- (5) After section 117(5) of the Principal Act **insert—**
- "(6) The Disability Services Commissioner may re-open any complaint that the Disability Services Commissioner has stopped dealing with under subsection (1)(c) if the Disability Services Commissioner considers it is reasonable to do so.
- (7) A complaint is re-opened under subsection (5) or (6) when the Disability Services Commissioner gives written notice of the decision to re-open the complaint to the service provider and the person who made the complaint.
- (8) The notice must specify the reasons for the decision to re-open the complaint."

#### **48 Investigation of a complaint**

- (1) In section 118(2) of the Principal Act, for "disability service provider concerned" **substitute** "service provider".
- (2) In section 118(4)(a) of the Principal Act, for "disability service provider" **substitute** "service provider".
- (3) In section 118(7) of the Principal Act, for "disability service provider" (where twice occurring) **substitute** "service provider".

#### **49 Notice of decision and procedures**

- (1) In section 119(1)(a), (5), (8) and (9) of the Principal Act, for "disability service provider" **substitute** "service provider".
- (2) In section 119(2), (3), (4), (6) and (7) of the Principal Act, for "disability service provider" (where twice occurring) **substitute** "service provider".

#### **50 Circumstances in which notice is not to be given**

- (1) For section 120(1) of the Principal Act **substitute**—
  - "(1) The Disability Services Commissioner need not comply with section 115(2), 116(3) or 118(2) if the Disability Services Commissioner considers that if a notice or document under that section is given to a service provider—
    - (a) the health, safety or welfare of a person to whom the service provider is providing services may be affected; or
    - (b) the proper investigation of the complaint would be prejudiced."
- (2) In section 120(2) of the Principal Act, for "disability service provider" **substitute** "service provider".

#### **51 Duty to stop proceedings**

- (1) In section 121(1)(a), (2) and (3)(b) of the Principal Act, for "disability service provider" **substitute** "service provider".
- (2) In section 121(4) of the Principal Act, for "matter" **substitute** "complaint".

## 52 Warrants

In section 124(16) of the Principal Act, for "disability service provider and a disability service provider's" **substitute** "service provider and a service provider's".

## 53 Visiting of residential service

In section 129(2) of the Principal Act **omit** "for the region in which the residential institution is located".

## 54 New section 133 substituted

For section 133 of the Principal Act **substitute**—

### "133 Purpose and application of Part

- (1) This Part applies to persons with a disability (other than persons for whom a treatment plan is in force or is required to be prepared under Part 8).
- (2) The purpose of this Part is to protect the rights of persons to whom this Part applies by ensuring that restrictive interventions are—
  - (a) included in behaviour support plans for those persons only in accordance with this Part; and
  - (b) used on those persons only if the requirements imposed by this Part are complied with.

### **Note**

Division 6 of Part 8 contains corresponding protective provisions in relation to persons for whom treatment plans are in force or are required to be prepared under Part 8."

**55 Section 134 substituted**

For section 134 of the Principal Act **substitute—**

**"134 Use of restrictive interventions**

A disability service provider must not use a restrictive intervention on a person to whom this Part applies unless there is in force an approval under section 135.

Penalty: 240 penalty units."

**56 Approval to use restrictive interventions**

(1) In section 135(2)(b) of the Principal Act **omit** "and rank".

(2) After section 135(2) of the Principal Act **insert—**

"(2A) An application for approval may request the approval of more than one person to be appointed as an Authorised Program Officer for the disability service provider."

(3) For section 135(4)(c) of the Principal Act **substitute—**

"(c) must approve the title of any position and the name of the holder of the position to be appointed as an Authorised Program Officer."

(4) After section 135(4) of the Principal Act **insert—**

"(5) The Secretary may approve more than one person to be appointed as an Authorised Program Officer for the disability service provider."

**57 Authorised Program Officers**

In section 139(1) of the Principal Act, after "used" **insert** "on a person to whom this Part applies".

### 58 Use of restraint and seclusion

- (1) In section 140 of the Principal Act, after "can only be used" **insert** "on a person to whom this Part applies".
- (2) In section 140(c)(i) and (ii) of the Principal Act, for "behaviour management plan" **substitute** "behaviour support plan".
- (3) For section 140(c)(iii) of the Principal Act **substitute**—
  - "(iii) is not applied for longer than the shorter of the following periods—
    - (A) the period of time that has been authorised by the Authorised Program Officer; or
    - (B) the period of time during which the use of the seclusion or restraint is necessary under paragraph (a); and"
- (4) At the foot of section 140 of the Principal Act **insert** the following note—

**"Note**

Section 201D is a corresponding provision in relation to persons for whom treatment plans are in force or are required to be prepared under Part 8."

### 59 Use of restraint and seclusion must be included in behaviour management plan

- (1) In the heading to section 141 of the Principal Act, for "**management**" **substitute** "**support**".
- (2) In section 141(1) of the Principal Act for "a person with a disability" **substitute** "a person to whom this Part applies".
- (3) In section 141(1)(b) of the Principal Act **omit** "with a disability".

- 
- (4) In section 141(2) of the Principal Act—
- (a) for "behaviour management plan" **substitute** "behaviour support plan";
  - (b) for "person with a disability" **substitute** "person to whom this Part applies".
- (5) In section 141(2)(a) of the Principal Act, for "behaviour management" **substitute** "behaviour support".
- (6) In section 141(3) of the Principal Act, for "behaviour management plan" (where twice occurring) **substitute** "behaviour support plan".
- (7) In section 141(3)(a), (b) and (c) of the Principal Act, for "person with a disability" **substitute** "person for whom the behaviour support plan is prepared".

#### **60 Review of behaviour management plan by disability service provider**

- (1) In the heading to section 142 of the Principal Act, for "**management**" **substitute** "**support**".
- (2) In section 142(1) of the Principal Act, for "behaviour management plan" **substitute** "behaviour support plan".
- (3) For section 142(2) of the Principal Act **substitute**—
- "(2) A person for whom a behaviour support plan has been prepared under section 141 may at any time request the disability service provider to review the behaviour support plan."
- (4) In section 142(3) of the Principal Act, for "behaviour management plan" (where twice occurring) **substitute** "behaviour support plan".

- (5) In section 142(3)(a), (b) and (c) of the Principal Act, for "person with a disability" **substitute** "person for whom the behaviour support plan was prepared".

### **61 Independent person**

- (1) In section 143(1) of the Principal Act—
- (a) for "person with a disability" (where first occurring) **substitute** "person to whom this Part applies";
  - (b) for "person with a disability" (where secondly occurring) **substitute** "person".
- (2) In section 143(1)(a) and (b) and (2)(a) of the Principal Act, for "behaviour management plan" **substitute** "behaviour support plan".
- (3) In section 143(1)(b) of the Principal Act, for "so;" **substitute** "so.".
- (4) Section 143(1)(c) and (d) of the Principal Act are **repealed**.
- (5) After section 143(1) of the Principal Act **insert**—
- "(1A) Subject to subsection (1B), if changes are proposed to a behaviour support plan as a result of a review of the plan by a disability service provider, an Authorised Program Officer must ensure that an independent person is available to explain to the person for whom the behaviour support plan was prepared—
- (a) the details of those changes; and
  - (b) if those changes involve the inclusion of a more restrictive form or use of restraint or seclusion, any matter related to the inclusion of the restraint or seclusion.



- (1B) An Authorised Program Officer is not required to ensure that an independent person is available under subsection (1A) if—
- (a) it is not proposed, as a result of the review, that a more restrictive use or form of restraint or seclusion be included in the behaviour support plan; and
  - (b) the person for whom the behaviour support plan was prepared has had his or her behaviour support plan reviewed by the disability service provider in the last 12 months; and
  - (c) during that review, an independent person was available in accordance with this section."
- (6) In section 143(2) of the Principal Act, after "the Public Advocate" **insert** "or the Senior Practitioner".
- (7) In section 143(2)(a) of the Principal Act, for "person with a disability" **substitute** "person for whom a behaviour support plan was prepared".
- (8) In section 143(2)(b) of the Principal Act, for "this Part" **substitute** "sections 140, 141, 142 and 143".
- (9) In section 143(3) and (4) of the Principal Act, for "person with a disability" (where twice occurring) **substitute** "person to whom this Part applies".

## 62 Powers of Public Advocate

In section 144(1)(b) of the Principal Act, for "behaviour management plan" **substitute** "behaviour support plan".

### **63 Requirements for the use of restraint and seclusion**

- (1) In section 145(1) of the Principal Act, for "behaviour management plan" **substitute** "behaviour support plan".
- (2) In section 145(1) and (4)(b) of the Principal Act, for "person with a disability" **substitute** "person to whom this Part applies".
- (3) In section 145(2) and (4) of the Principal Act, for "behaviour management plan" (where twice occurring) **substitute** "behaviour support plan".
- (4) In section 145(3) of the Principal Act—
  - (a) for "behaviour management plan" (wherever occurring) **substitute** "behaviour support plan";
  - (b) for "person with a disability" (where twice occurring) **substitute** "person to whom this Part applies".

### **64 Review by VCAT**

- (1) In section 146(1) of the Principal Act—
  - (a) for "person with a disability" **substitute** "person for whom a behaviour support plan is prepared";
  - (b) for "behaviour management plan" (where twice occurring) **substitute** "behaviour support plan".
- (2) In section 146(3)(a), (b) and (c) of the Principal Act, for "behaviour management plan" **substitute** "behaviour support plan".
- (3) In section 146(3)(b) and (c) of the Principal Act, for "person with a disability" **substitute** "person for whom the behaviour support plan was prepared".

## **65 Use of restraint or seclusion in an emergency**

- (1) In section 147(1)(a) of the Principal Act, for "behaviour management plan" **substitute** "behaviour support plan".
- (2) In section 147(1)(a) and (b)(i) of the Principal Act, for "person with a disability" **substitute** "person to whom this Part applies".
- (3) In section 147(2) of the Principal Act, for "person with a disability" **substitute** "person to whom this Part applies if".
- (4) In section 147(2)(a) of the Principal Act **omit** "if".

## **66 Reports**

- (1) In section 148(1)(b) and (2)(e) of the Principal Act, for "behaviour management plan" **substitute** "behaviour support plan".
- (2) In section 148(3) of the Principal Act, for "person with a disability" **substitute** "person to whom this Part applies".

## **67 Offence**

- (1) In section 149 of the Principal Act, for "person with a disability" **substitute** "person to whom this Part applies".
- (2) After the penalty at the foot of section 149 of the Principal Act **insert** the following note—

**"Note**

Section 201G provides a corresponding offence in relation to persons for whom treatment plans have been prepared."

## **68 Use of other restrictive interventions**

- (1) In section 150(2) of the Principal Act, after "used by disability service providers" **insert** "on persons to whom this Part applies".

- (2) For section 150(2)(b) of the Principal Act **substitute**—

"(b) require a disability service provider to develop a behaviour support plan for a person—

(i) to whom this Part applies; and

(ii) in respect of whom the disability service provider is using other restrictive interventions;"

- (3) At the foot of section 150 of the Principal Act **insert** the following note—

**"Note**

Section 201H is a corresponding provision in relation to persons for whom treatment plans are in force or are required to be prepared under Part 8."

**69 New Division 1AA of Part 8 inserted**

After the heading to Part 8 of the Principal Act **insert**—

**"Division 1AA—Preliminary**

**150A Restrictions on liberty or freedom of movement**

A disability service provider must not detain a person with an intellectual disability otherwise than in accordance with this Part.

Penalty: 240 penalty units."

**70 Authorised Program Officer must prepare treatment plan**

- (1) At the foot of section 153(2)(c) of the Principal Act **insert** the following note—

**"Note**

Division 6 of this Part contains provisions in relation to the use of restrictive interventions in accordance with, and the inclusion of restrictive interventions in, a treatment plan."

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- (2) After section 153(3)(a) of the Principal Act **insert—**
- "(ab) explain to the person with a disability that the person can seek a review of the treatment plan by VCAT under section 155 at any time if the person wants to do so; and".
- (3) In section 153(3)(b) of the Principal Act, after "Senior Practitioner" **insert** "for his or her approval".
- (4) After section 153(3) of the Principal Act **insert—**
- "(3A) On receiving a treatment plan under subsection (3)(b), the Senior Practitioner—
- (a) must consider the acceptability of the treatment plan, having regard to—
    - (i) the provisions required to be included in the treatment plan by subsection (2); and
    - (ii) any law, policy or practice that the Senior Practitioner considers is relevant; and
  - (b) may—
    - (i) if he or she is satisfied that the treatment plan is acceptable, approve the treatment plan; or
    - (ii) direct the Authorised Program Officer to change the treatment plan; or
    - (iii) apply to VCAT for a review of the plan under section 155."

### **71 Application for review of treatment plan**

In section 155(1) of the Principal Act, for "Officer" **substitute** "Officer, the Senior Practitioner".

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## 72 Preparation of treatment plan

(1) After section 167(1) of the Principal Act **insert—**

"(1A) A treatment plan must include provisions which—

- (a) specify the treatment that will be provided to the person with an intellectual disability in the residential institution or residential treatment facility during the period that the security order remains in force;
- (b) state the benefit to the person that the person with an intellectual disability is expected to receive from the treatment;
- (c) specify any restrictive interventions that are to be used;

**Note**

Division 6 of this Part contains provisions in relation to the use of restrictive interventions in accordance with, and the inclusion of restrictive interventions in, a treatment plan.

- (d) specify the process and criteria applying in respect of the person with an intellectual disability obtaining leave of absence from the residential institution or residential treatment facility;
- (e) set out a proposed process for the transition from being a resident in a residential institution or residential treatment facility to living in the community."

- 
- (2) After section 167(2)(a) of the Principal Act **insert**—
- "(ab) explain to the person with an intellectual disability that the person can seek a review of the treatment plan by VCAT under section 169 at any time if the person wants to do so; and".
- (3) In section 167(2)(b) of the Principal Act, after "Senior Practitioner" **insert** "for his or her approval".
- (4) After section 167(2) of the Principal Act **insert**—
- "(2A) On receiving a treatment plan under subsection (2)(b), the Senior Practitioner—
- (a) must consider the acceptability of the treatment plan, having regard to—
    - (i) the provisions required to be included in a treatment plan by subsection (1A); and
    - (ii) any law, policy or practice that the Senior Practitioner considers is relevant; and
  - (b) may—
    - (i) if he or she is satisfied that the treatment plan is acceptable, approve the treatment plan; or
    - (ii) direct the Authorised Program Officer to change the treatment plan; or
    - (iii) apply to VCAT for a review of the plan under section 169."

### **73 Annual review of security order and treatment plan**

In section 168(2)(a) of the Principal Act, for "section 153(2)" **substitute** "section 167(1A)".

**74 Application for review of treatment plan**

- (1) In section 169(1) of the Principal Act, for "Officer" **substitute** "Officer, the Senior Practitioner".
- (2) In section 169(2) of the Principal Act, for "section 153(2)" **substitute** "section 167(1A)".

**75 Transfer of persons detained in prison under the Crimes (Mental Impairment and Unfitness to be Tried) Act 1997**

At the foot of section 180(6) of the Principal Act **insert** the following note—

**"Note**

Division 6 of this Part contains provisions in relation to the use of restrictive interventions in accordance with, and the inclusion of restrictive interventions in, a treatment plan."

**76 Section 184 repealed**

Section 184 of the Principal Act is **repealed**.

**77 Approval to use supervised treatment**

- (1) In section 186(2)(b) of the Principal Act **omit** "and rank".
- (2) After section 186(2) of the Principal Act **insert**—
  - "(2A) An application for approval may request the approval of more than one person to be appointed as an Authorised Program Officer for the disability service provider."
- (3) For section 186(4)(c) of the Principal Act **substitute**—
  - "(c) must approve the title of any position and the name of the holder of the position to be appointed as an Authorised Program Officer."



(4) After section 186(4) of the Principal Act **insert**—

"(5) The Secretary may approve more than one person to be appointed as an Authorised Program Officer for the disability service provider."

**78 Application for a supervised treatment order**

(1) For section 191(4) of the Principal Act **substitute**—

"(4) An Authorised Program Officer must notify the following persons of any application that he or she makes under subsection (1)—

- (a) the Public Advocate;
- (b) the person with a disability in respect of whom the supervised treatment order is applied for."

(2) At the foot of section 191(7)(c) of the Principal Act **insert** the following note—

**"Note**

Division 6 of this Part contains provisions in relation to the use of restrictive interventions in accordance with, and the inclusion of restrictive interventions in, a treatment plan."

**79 New section 196A inserted**

After section 196 of the Principal Act **insert**—

**"196A Application for determination regarding expiry of supervised treatment order**

- (1) If a person is subject to a supervised treatment order, the Authorised Program Officer must apply to VCAT for a determination regarding the expiry of the supervised treatment order as soon as practicable within 60 days of the day on which the supervised treatment order will expire.

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- (2) The Authorised Program Officer must notify the following persons of any application that he or she makes under subsection (1)—
- (a) the Public Advocate;
  - (b) the person with a disability who is subject to the supervised treatment order;
  - (c) the Senior Practitioner.
- (3) On an application under subsection (1), VCAT may—
- (a) if VCAT is satisfied that the matters specified in section 191(1) currently apply and will continue to apply after the day on which the supervised treatment order will expire, order the Authorised Program Officer to apply under section 191 for a new supervised treatment order to take effect on the day that the current supervised treatment order will expire; or
  - (b) if VCAT is satisfied that the matters specified in section 191(1) currently apply but will not apply after the day on which the supervised treatment order will expire, dismiss the application and allow the supervised treatment order to expire on that day; or
  - (c) if VCAT is not satisfied that the matters specified in section 191(1) currently apply, revoke the supervised treatment order."

**80 Senior Practitioner may make assessment order**

After section 199(4) of the Principal Act **insert—**

- "(4A) The Senior Practitioner must within 72 hours of making an assessment order—
- (a) give the person in respect of whom the order is made a written statement explaining why the Senior Practitioner is satisfied that the criteria in subsection (2) apply; and
  - (b) notify the person in respect of whom the order is made that the person may apply to VCAT for a review of the decision to make the order; and
  - (c) notify the Public Advocate that the assessment order has been made."

**81 New section 199A inserted**

After section 199 of the Principal Act **insert—**

**"199A Application for review of assessment order**

- (1) A person in respect of whom an assessment order has been made may apply to VCAT for a review of the decision by the Senior Practitioner to make the assessment order.
- (2) On an application under subsection (1), VCAT may—
  - (a) confirm the decision to make the assessment order and dismiss the application; or
  - (b) vary the conditions or period of the assessment order; or
  - (c) revoke the assessment order."

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## **82 New Division 6 of Part 8 inserted**

After Division 5 of Part 8 of the Principal Act  
**insert—**

### **"Division 6—Restrictive interventions under treatment plans**

#### **201A Purpose and application of Division**

- (1) This Division applies to persons with a disability for whom a treatment plan is in force or is required to be prepared under this Part.
- (2) The purpose of this Division is to protect the rights of persons to whom this Division applies by ensuring that restrictive interventions are—
  - (a) included in treatment plans for those persons only in accordance with this Division; and
  - (b) used on those persons only if the requirements imposed by this Division are complied with.

#### **Note**

Part 7 contains corresponding protective provisions in relation to other persons with a disability.

#### **201B Use of restrictive interventions**

A disability service provider must not use a restrictive intervention on a person to whom this Division applies unless—

- (a) there is a treatment plan in force for that person; and
- (b) the treatment plan includes the restrictive intervention.

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**201C Authorised Program Officers**

- (1) An Authorised Program Officer must ensure that any restrictive intervention used on a person to whom this Division applies in the provision of a disability service for which the Authorised Program Officer is responsible is administered in accordance with this Division.
- (2) A disability service provider must advise the Senior Practitioner of the name and qualifications of any person appointed as an Authorised Program Officer in the manner and within the period determined by the Senior Practitioner.

Penalty: 10 penalty units.

- (3) The Senior Practitioner must keep a register of the name and qualifications of each Authorised Program Officer.

**201D Use of restraint and seclusion**

Restraint or seclusion can only be used on a person to whom this Division applies—

- (a) if the use of restraint or seclusion is necessary—
  - (i) to prevent the person from causing physical harm to themselves or any other person; or
  - (ii) to prevent the person from destroying property where to do so could involve the risk of harm to themselves or any other person; and
- (b) if the use and form of restraint or seclusion is the option which is the least restrictive of the person as is possible in the circumstances; and

- 
- (c) if the use and form of restraint or seclusion—
- (i) is included in the person's treatment plan; and
  - (ii) is in accordance with the person's treatment plan; and
  - (iii) is not applied for longer than the shorter of the following periods—
    - (A) the period of time that has been authorised by the Authorised Program Officer; or
    - (B) the period of time during which the use of the seclusion or restraint is necessary under paragraph (a); and
- (d) if seclusion is to be used—
- (i) the person is supplied with bedding and clothing which is appropriate in the circumstances; and
  - (ii) the person has access to adequate heating or cooling as is appropriate in the circumstances; and
  - (iii) the person is provided with food and drink at the appropriate times; and
  - (iv) the person is provided with adequate toilet arrangements; and

- (e) if any other requirements imposed by the Senior Practitioner are complied with.

**Note**

Section 140 is a corresponding provision in relation to other persons with a disability.

**201E Use of restraint and seclusion must be included in treatment plan**

- (1) This section applies if a person who is preparing a treatment plan under this Part for a person to whom this Division applies—
  - (a) is satisfied that the criteria specified in section 201D(a) and (b) apply; and
  - (b) proposes to use restraint or seclusion on the person.
- (2) The person who is preparing the treatment plan must include provisions in the treatment plan which—
  - (a) state the circumstances in which the proposed form of restraint or seclusion is to be used for treatment;
  - (b) explain how the use of restraint or seclusion will be of benefit to the person;
  - (c) demonstrate that the use of restraint or seclusion is the option which is the least restrictive of the person as is possible in the circumstances.
- (3) The person who is preparing the treatment plan must, in preparing the plan, consult with—
  - (a) the person for whom the treatment plan is prepared;

- (b) if the person for whom the treatment plan is prepared has a guardian, the guardian;
- (c) if other disability service providers provide disability services to the person for whom the treatment plan is prepared, a representative of each disability service provider;
- (d) any other person that the person who is preparing the plan considers integral to the development of the treatment plan.

### **201F Reports**

- (1) The Senior Practitioner must—
  - (a) monitor whether the use of the restraint or seclusion is in accordance with this Part; and
  - (b) subject to any guidelines issued under subsection (3), advise the Authorised Program Officer as to the intervals, not exceeding 12 months, within which the Authorised Program Officer is to provide a report on the use of restraint and seclusion in accordance with subsection (2) to the Senior Practitioner.
- (2) A report required under subsection (1) must—
  - (a) be provided within 7 days after the end of the interval advised under subsection (1);
  - (b) include a record of all instances in which restraint or seclusion has been applied during the period for which the report is prepared;



- (c) specify any details required by the Senior Practitioner in respect of each use of restraint or seclusion during the interval for which the report is prepared;
  - (d) have attached a copy of the person's current treatment plan if the use of restraint or seclusion is being continued.
- (3) For the purposes of this section, the Senior Practitioner may make and issue guidelines relating to the preparation of reports including enabling the preparation of a consolidated report by an Authorised Program Officer where more than one disability service provider is providing services to a person to whom this Division applies involving the use of restraint or seclusion.

#### **201G Offence**

A person who, except as provided in section 201D, applies restraint or seclusion to a person to whom this Division applies is guilty of an offence against this Act.

Penalty: 240 penalty units.

#### **Note**

Section 149 provides a corresponding offence in relation to other persons with a disability.

#### **201H Use of other restrictive interventions**

- (1) In this section, *other restrictive interventions* means restrictive interventions other than restraint or seclusion.

- (2) The Senior Practitioner may, in respect of other restrictive interventions used by disability service providers on persons to whom this Division applies—
- (a) require a disability service provider to provide a report to the Senior Practitioner on the use of other restrictive interventions in disability services provided by the disability service provider;
  - (b) develop guidelines and standards in relation to the use of other restrictive interventions;

**Note**

The guidelines and standards may include clinical guidelines and standards.

- (c) audit and evaluate the use of other restrictive interventions;
- (d) give written directions to disability service providers—
  - (i) prohibiting the use of a specified other restrictive intervention;
  - (ii) regulating the use of a specified other restrictive intervention;
- (e) undertake research and provide advice to disability service providers in relation to the use of other restrictive interventions.

**Note**

Section 150 is a corresponding provision in relation to other persons with a disability."

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### 83 New sections 226 to 231 inserted

After section 225E of the Principal Act **insert—**

#### **"226 Community visitors**

A person who, before the day on which the **Disability Amendment Act 2012** comes into operation, was appointed as a community visitor for a particular region is, on and from that day, taken to be appointed as a community visitor generally.

#### **227 Behaviour support plans**

- (1) On and after the day on which the **Disability Amendment Act 2012** comes into operation, a behaviour management plan (within the meaning of this Act as in force immediately before that day) is taken to be a behaviour support plan.
- (2) On and after the day on which the **Disability Amendment Act 2012** comes into operation, any reference to a behaviour management plan in any Act, regulation or other document must be, unless the context otherwise requires, construed as a reference to a behaviour support plan.
- (3) Despite the amendments made to section 133 by section 54 of the **Disability Amendment Act 2012**, Part 7 applies to a person who is subject to both—
  - (a) a behaviour management plan prepared before the day on which the **Disability Amendment Act 2012** comes into operation; and

- (b) a treatment plan that—
- (i) was prepared before that day; and
  - (ii) has not been reviewed or varied since that day on an application under section 154(1), 155(1), 196(1)(a) or (b).

### **228 Possession orders**

- (1) A possession order made in accordance with this Act as in force immediately before the day on which the **Disability Amendment Act 2012** comes into operation continues to have effect despite the amendments made to this Act by sections 30, 31 and 32 of that Act.
- (2) An application for a possession order that has not been determined before the day on which the **Disability Amendment Act 2012** comes into operation is to be determined in accordance with this Act as in force on or after that day.

### **229 Warrants of possession**

A warrant of possession issued under section 85 in accordance with this Act as in force immediately before the day on which the **Disability Amendment Act 2012** comes into operation continues to have effect despite the amendments made to this Act by sections 33 and 34 of that Act.

### **230 Group homes**

- (1) On and after the day on which the **Disability Amendment Act 2012** comes into operation, a community residential unit (within the meaning of this Act as in force immediately before that day) is taken to be a group home.

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- (2) On and after the day on which the **Disability Amendment Act 2012** comes into operation, any reference to a community residential unit in any Act, regulation or other document must be, unless the context otherwise requires, construed as a reference to a group home.

### **231 Treatment plans**

- (1) Subject to subsection (2), Division 6 of Part 8, as inserted by section 82 of the **Disability Amendment Act 2012**, does not apply to a treatment plan prepared before the day on which that Act comes into operation.
- (2) If, on or after the day on which the **Disability Amendment Act 2012** comes into operation, an application is made under section 154(1), 155(1), 196(1)(a) or (b) to review or vary a treatment plan prepared before that day, Division 6 of Part 8 applies to the treatment plan for the purposes of that application."
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**PART 3—AMENDMENT OF OTHER ACTS**

**84 Accident Compensation Act 1985—Definitions**

In section 99AAA(1) of the **Accident Compensation Act 1985**, in the definition of *supported accommodation*, in paragraph (c), for "community residential unit" **substitute** "group home".

**85 Human Services (Complex Needs) Act 2009—Definitions**

In section 3 of the **Human Services (Complex Needs) Act 2009**, in the definition of *Department*, for "Health" **substitute** "Human Services".

**86 Transport Accident Act 1986—Definitions**

In section 3(1) of the **Transport Accident Act 1986**, in the definition of *supported accommodation*, in paragraph (c), for "community residential unit" **substitute** "group home".

**87 Victorian Civil and Administrative Tribunal Act 1998—Schedule 1**

(1) After clause 11AA(2) of Schedule 1 to the **Victorian Civil and Administrative Tribunal Act 1998** insert—

"(3) Clause 11AIA applies in relation to any proceeding on an application under section 199A of the **Disability Act 2006**."

(2) For clause 11AE of Schedule 1 to the **Victorian Civil and Administrative Tribunal Act 1998**, **substitute—**

**"11AE Commencement**

The Tribunal must commence the hearing of a proceeding on an application under the **Disability Act 2006** within—

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- (a) in the case of an application under section 199A of that Act, 5 business days of the application being lodged with the Tribunal; or
- (b) in any other case, 30 days of the application being lodged with the Tribunal."
- (3) After clause 11AI of Schedule 1 to the **Victorian Civil and Administrative Tribunal Act 1998** insert—

**"11AIA Application for review of assessment order**

- (1) Section 49(2) does not apply to an application under section 199A of the **Disability Act 2006**.
- (2) If an application is made under section 199A of the **Disability Act 2006**, the copies required to be lodged under section 49(1) must be lodged within one business day after the Senior Practitioner receives notice of the application."

**88 Victorian Civil and Administrative Tribunal Act 1998—Schedule 2**

At the end of Schedule 2 to the **Victorian Civil and Administrative Tribunal Act 1998** insert—

"Form and content of a warrant of possession under section 85B of the **Disability Act 2006**."

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**PART 4—REPEAL OF AMENDING ACT**

**89 Repeal of amending Act**

This Act is **repealed** on 1 July 2013.

**Note**

The repeal of this Act does not affect the continuing operation of the amendments made by it (see section 15(1) of the **Interpretation of Legislation Act 1984**).

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## ENDNOTES

† *Minister's second reading speech—*

*Legislative Assembly: 29 February 2012*

*Legislative Council: 29 March 2012*

The long title for the Bill for this Act was "A Bill for an Act to amend the **Disability Act 2006** to clarify procedures, address administrative issues and strengthen the rights of persons with disabilities under that Act, to amend the **Human Services (Complex Needs) Act 2009** to confer powers and functions on the Secretary to the Department of Human Services, to make consequential amendments to certain other Acts and for other purposes."