

# Disability Services (Amendment) Act 2000

## Act No. 19/2000

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Victoria

No. 19 of 2000

# Disability Services (Amendment) Act 2000<sup>†</sup>

[Assented to 16 May 2000]

The Parliament of Victoria enacts as follows:

## PART 1—PRELIMINARY

### 1. *Purposes*

The purposes of this Act are—

- (a) to amend the **Disability Services Act 1991** to provide for community visitors and to make other minor amendments to that Act;

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- (b) to amend the **Intellectually Disabled Persons' Services Act 1986** to make further provision for community visitors and to make other minor amendments to that Act.

**2. Commencement**

- (1) This Part comes into operation on the day after the day on which this Act receives the Royal Assent.
  - (2) Subject to sub-section (3), the remaining provisions of this Act come into operation on a day or days to be proclaimed.
  - (3) If a provision referred to in sub-section (2) does not come into operation before 1 July 2001, it comes into operation on that day.
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**PART 2—AMENDMENTS TO THE DISABILITY SERVICES  
ACT 1991**

**3. *Principal Act***

In this Part the **Disability Services Act 1991** is called the Principal Act.

No. 80/1991.  
Reprint No. 1  
as at 30 April  
1998. Further  
amended by  
No. 46/1998.

**4. *Division into Parts***

- (1) Before section 1 of the Principal Act **insert "PART 1—PRELIMINARY"**.
- (2) After section 3 of the Principal Act **insert "PART 2—FUNDING"**.

**5. *Definitions***

In section 3 of the Principal Act **insert** the following definitions—

**"community visitor"** means a person appointed or deemed to be a community visitor under Division 5 of Part 5 of the **Intellectually Disabled Persons' Services Act 1986**;

**"region"** has the same meaning as in the **Intellectually Disabled Persons' Services Act 1986**;

**"residential service provider"** means a person or body who has received funding under section 4 for the purpose of providing residential services to persons with disabilities;

**"senior staff member"** means a person appointed by a residential service provider to carry out the functions specified in this Act;'

**6. Insertion of new Part 3**

After section 6 of the Principal Act **insert—**

**'PART 3—COMMUNITY VISITORS**

**7. *Functions of community visitors with respect to residential service providers***

In respect of a residential service provider, the functions of a community visitor are, if the provider is within the region for which the visitor is appointed, to visit the provider and inquire into—

- (a) the appropriateness and standard of facilities for the accommodation, physical well-being and welfare of residents; and
- (b) the adequacy of opportunities and facilities for the recreation, occupation, education and training of residents; and
- (c) whether services are being provided in accordance with the principles specified in Schedule 2; and
- (d) any complaint made to a community visitor by a resident.

**8. *Visiting a residential service provider***

- (1) A community visitor or a panel of community visitors may visit a residential service provider with or without any previous notice at such times and for such periods as the community visitor or panel thinks fit.
  - (2) The Minister may direct a community visitor or a panel of community visitors to visit a
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residential service provider at such times as the Minister directs.

**9. Powers of inspection**

- (1) A community visitor is entitled, when visiting a residential service provider, to—
- (a) inspect any part of the premises; and
  - (b) see any resident; and
  - (c) make enquiries relating to the admission and care of residents; and
  - (d) inspect any document relating to any resident and any records required to be kept by or under this Act.
- (2) Where a community visitor wishes to perform or exercise or is performing or exercising any power, duty or function under this Act, the senior staff member of the residential service provider must provide the community visitor with such reasonable assistance as the community visitor requires to perform or exercise that power, duty or function effectively.
- (3) Any member of the staff or management of a residential service provider, who—
- (a) unreasonably refuses or neglects to render assistance when required to do so under sub-section (2); or
  - (b) does not give full and true answers to the best of that person's knowledge to any questions asked by a community visitor in the performance or exercise of any power, duty or function under this Act; or
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(c) assaults, obstructs, hinders, threatens, intimidates or attempts to obstruct or intimidate a community visitor visiting a residential service provider—

is guilty of an offence against this Act and liable to a penalty of not more than 25 penalty units.

**10. *Request to see a panel of community visitors***

- (1) Any resident in a residential service provider, or any person on behalf of the resident, may request the senior staff member to arrange for the resident to be seen by a community visitor.
- (2) The senior staff member must within 7 days of receiving a request under sub-section (1) advise one of the community visitors for the region that a request has been made.

Penalty: 2 penalty units.

- (3) After seeing a resident requesting to be seen, the community visitor may submit a report to the Secretary containing such recommendations as he or she considers appropriate.

**11. *Record of visits***

- (1) The senior staff member must keep a record in the prescribed form of visits by community visitors.

Penalty: 2 penalty units.

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- (2) In this section, "**prescribed form**" means a form to the same effect as the form prescribed for the purposes of section 59 of the **Intellectually Disabled Persons' Services Act 1986**.'
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**PART 3—AMENDMENTS TO THE INTELLECTUALLY  
DISABLED PERSONS' SERVICES ACT 1986**

No. 53/1986.  
Reprint No. 4  
as at  
8 October  
1998. Further  
amended by  
No. 12/1999.

**7. *Principal Act***

In this Part the **Intellectually Disabled Persons' Services Act 1986** is called the Principal Act.

**8. *Repeal of reference to aversive therapy***

In section 51(f) of the Principal Act, for  
", seclusion or aversive therapy" **substitute** "or  
seclusion"

**9. *Functions of community visitor***

- (1) In section 54(d) of the Principal Act, for  
", seclusion and aversive therapy" **substitute** "and  
seclusion".
- (2) At the end of section 54 of the Principal Act  
**insert**—  
"(2) In addition to the functions set out in sub-  
section (1) the functions of a community  
visitor include any functions conferred on  
community visitors under any other Act."

**10. *Persons deemed to be community visitors***

In section 55(1) of the Principal Act, after "Act"  
(where twice occurring) **insert** "or the **Disability  
Services Act 1991**".

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Notes

**NOTES**

† *Minister's second reading speech—*

*Legislative Assembly: 4 April 2000*

*Legislative Council: 9 May 2000*

The long title for the Bill for this Act was "to amend the **Disability Services Act 1991** and the **Intellectually Disabled Persons' Services Act 1986** to make provision for community visitors and for other purposes."