

Disability Inclusion (Community Visitor Scheme) Amendment Bill 2020

Explanation of Clauses

Part 1 – Preliminary

- 1 – Short title
 - 2 – Commencement
 - 3 – Amendment provisions
- These clauses are formal

Part 2 – Amendment of *Disability Inclusion Act 2018*

- 4 – Amendment of section – Interpretation
- 5 – Substitution of section 24

This clause inserts a new interpretation

4 – Amendment of section 3 – Interpretation

Section 3(1)

Delete interpretation of *Community Visitor* to be consistent with amendments to section 24

This clause replaces the current section 24

5 – Substitution of section 24

24 – Interpretation

Inserts the following interpretations:

day options program means a daytime program provided by a disability services provider 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;

disability accommodation premises means any premises at which a disability services provider provides accommodation services to people with disability (including short term accommodation, for example for respite care);

disability services provider means a person who provides supports and services for people with disability (whether those supports and services are NDIS-funded supports and services or mainstream supports and services);

eligible person means an adult person with 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;

resident means a person with disability who resides at disability accommodation premises or supported independent living premises;

supported independent living premises means premises at which a disability services provider provides supported independent living assistance to a person with disability, being the person's private place of residence.

24 A – Community visitors

Outlines the method a Principal Community Visitor and Community Visitors will be appointed, length of term of appointment, removal and removal procedures, causes of vacancy of office and acting appointments to the role of Principal Community Visitor.

24 B – Functions of community visitors

Outlines the role and functions in which a Community Visitor can act, including the types of accommodation, facilities and service supports they may enter, the matters in which they may seek to investigate.

This clause also outlines the requirement for the Community Visitor to refer matters of concern relating to the organisation or delivery of supports and services for people with disability to the Minister.

Furthermore, the clause allows the Community Visitor to act as an advocate for residents and persons attending day options programs.

24 C – Powers of community visitors

Allows the Community Visitor to enter disability accommodation premises, supported independent living premises or day options program premises at any reasonable time (with or without any previous notice), this include private residences where services are provided as outlined in the interpretation provided, a request to see a community visitor has been made by the resident; or a warrant is issued by a magistrate where circumstances require it. Failure allow entry for the community visitor carries a maximum penalty of \$10,000.

This clause also gives the Minister the power to direct the Community Visitor to visit premises at their discretion.

24 D – Obligations of service provider and staff

Compels service providers and staff to provide the community visitor with such reasonable assistance as the community visitor requires to perform or exercise that power, duty or function effectively, including answering questions asked by the community visitor in full and truthfully. Failure to do so carries a maximum penalty of \$10,000.

24 E – Requests to see community visitors

Allows a resident, person attending day options, guardian, agent or other person as outlined to seek the assistance of the community visitor and to seek their attendance at accommodation of day option premises. If a request is made to the manager or other person of authority within accommodation, day options premises or to a disability service provider, they must inform the community visitor within two days. Failure to do so carried a maximum penalty of \$10,000.

24 F – Delegation by Principal Community Visitor

Gives authority to the Principal Community Visitor to delegate their powers and functions to another community visitor, either absolute or conditional.

24 G – Reports by community visitors

Requires the Community Visitor to prepare a report to the Principal Community visitor following a visit. Requires the Principal Community Visitor to prepare an Annual Report to the Minister, who must table the report before both Houses of Parliament within 6 sitting days of receiving it.

This clause also allows the Principal Community Visitor to prepare special reports from time to time as they see fit.