

Western Australia

Disability Services Amendment Act 2014

As at 24 Jun 2014

No. 10 of 2014

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Disability Services Amendment Act 2014

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Disability Services Amendment Act 2014

No. 10 of 2014

An Act to amend the *Disability Services Act 1993*.

[Assented to 24 June 2014]

The Parliament of Western Australia enacts as follows:

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1. Short title

This is the *Disability Services Amendment Act 2014*.

2. Commencement

This Act comes into operation as follows —

- (a) sections 1 and 2 — on the day on which this Act receives the Royal Assent (*assent day*);
- (b) the rest of the Act —
 - (i) if assent day is before 1 July 2014 — on 1 July 2014;
 - (ii) otherwise — on the day after assent day.

3. Act amended

This Act amends the *Disability Services Act 1993*.

4. Part 4B inserted

After section 26C insert:

Part 4B — Trial of disability services model

26D. Purpose of this Part

The purpose of this Part is to facilitate the trial in WA of a model for providing disability services, in order to enable the comparison of the model to the National Disability Insurance Scheme model.

26E. Terms used

In this Part —

National Disability Insurance Scheme has the meaning given in the NDIS Act section 9;

NDIS Act means the *National Disability Insurance Scheme Act 2013* (Commonwealth);

participant means a participant in a trial;

trial means a trial conducted by the Commission under section 26G(1).

26F. Effect of certain terms in the NDIS Act

When the Commission is assessing whether or not a criterion or requirement in the NDIS Act has been met for the purposes of this Part, a reference in the NDIS Act to a term listed in the Table is to be read as if it were a reference to the corresponding term.

Table

NDIS Act term	Corresponding term
CEO	Commission
National Disability Insurance Scheme	this Act
National Disability Insurance Scheme rules	regulations made under this Act

26G. Trial of disability services model

- (1) The Commission may, in one or more areas prescribed by the regulations, conduct a trial of a model for providing disability services that meets the objectives set out in subsection (2).
- (2) The objectives of the model include —
 - (a) providing people with disability with reasonable and necessary supports; and

- (b) enabling people with disability to exercise choice and control in the pursuit of their goals and the planning and delivery of their supports.
- (3) The regulations may prescribe one or more periods during which a trial is to be conducted.

26H. Trial participants

- (1) The Commission must ensure that a person does not participate in a trial unless the Commission is satisfied that at the time the person becomes a participant —
 - (a) either —
 - (i) the person has not reached 65 years of age; or
 - (ii) the person belongs to a class of persons approved by the Commission for the purposes of this paragraph;and
 - (b) the person meets the residence requirements in the NDIS Act section 23(1)(a) and (b); and
 - (c) either —
 - (i) the person meets the disability requirements in the NDIS Act section 24; or
 - (ii) the person meets the early intervention requirements in the NDIS Act section 25;and
 - (d) the person meets any other requirement prescribed by the regulations.
- (2) For the purposes of subsection (1)(b), in deciding whether or not a person meets the residence requirement in the NDIS Act section 23(1)(a), the

Commission must have regard to the matters set out in the NDIS Act section 23(2).

26L. Reasonable and necessary supports for participants

(1) In this section —

plan, in relation to a participant, means the plan for the participant that is prepared in accordance with the Commission's requirements;

support means —

- (a) financial assistance granted under section 24; or
- (b) a disability service provided by the Commission.

(2) Before providing support to, or in relation to, a participant, the Commission must be satisfied that —

- (a) the support will assist the participant to pursue the goals, objectives and aspirations set out in the participant's plan; and
- (b) the support meets the criteria set out in the NDIS Act section 34(1)(b) to (f).

5. Section 56 amended

(1) In section 56 delete "The Governor" and insert:

(1) The Governor

(2) At the end of section 56 insert:

(2) Without limiting subsection (1), regulations may provide for any matter for which rules can be made under the NDIS Act.

6. Section 57A inserted

After section 56 insert:

57A. Regulations may refer to published documents

- (1) Regulations made for the purposes of this Act may adopt the text of any published document specified in the regulations —
 - (a) as that text exists at a particular date; or
 - (b) as that text may from time to time be amended.
- (2) The text may be adopted —
 - (a) wholly or in part; or
 - (b) as modified by the regulations.
- (3) The adoption may be direct (by reference made in the regulations), or indirect (by reference made in any text that is itself directly or indirectly adopted).
- (4) The adoption of text is of no effect unless —
 - (a) the adopted text; and
 - (b) if text is adopted as it may be amended from time to time, either —
 - (i) the amendments to the text; or
 - (ii) the text as amended,

can at all reasonable times be inspected or purchased by the public.

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