

Western Australia

Disability Services Act 1993

Disability Services Regulations 2004

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Western Australia

Disability Services Regulations 2004

CONTENTS

1.	Citation	1
2.	Commencement	1
3.	Nominations for Board membership (s. 7)	1
4A.	Disability Service Standards (s. 12)	1
4.	Nominations for Council membership (s. 22)	2
5.	Procedure for public consultation by Council (s. 23)	2
6.	Public authorities to which Part 5 does not apply (s. 27)	2
7.	Standards for disability access and inclusion plans (s. 28)	3
8.	Information in reports about disability access and inclusion plans (s. 29)	3
9.	Publication of disability access and inclusion plans (s. 29A)	3
10.	Procedure for public consultation by authorities (s. 29E)	4
11.	Repeal	4

**Schedule 1 — Public authorities to
which Part 5 applies**

**Schedule 2 — Standards for disability
access and inclusion plans**

**Schedule 3 — Desired outcomes of
disability access and inclusion
plans**

Notes

Compilation table	9
Provisions that have not come into operation	9

Disability Services Regulations 2004

1. Citation

These are the *Disability Services Regulations 2004*¹.

2. Commencement

These regulations come into operation on the day on which the *Disability Services Amendment Act 2004* comes into operation¹.

3. Nominations for Board membership (s. 7)

For the purposes of section 7(2a) of the Act, the Minister is to seek nominations for membership of the Board by notice published at least 3 weeks before nominations close in a newspaper circulating throughout the State.

4A. Disability Service Standards (s. 12)

The following Disability Service Standards, endorsed by the Commission in 1993 and 2004 and published by the Commission in 2005, are prescribed for the purposes of section 12(1)(i) of the Act —

- (a) Service Access;
- (b) Individual Needs;
- (c) Decision Making and Choice;
- (d) Privacy, Dignity and Confidentiality;
- (e) Participation and Integration;

r. 4

- (f) Valued Status;
- (g) Complaints and Disputes;
- (h) Services Management;
- (i) Protection of Human Rights and Freedom from Abuse and Neglect.

[Regulation 4A inserted in Gazette 11 Jun 2013 p. 2162.]

4. Nominations for Council membership (s. 22)

For the purposes of section 22(3) of the Act, the Minister is to seek nominations for membership of the Council by notice published at least 3 weeks before nominations close in a newspaper circulating throughout the State.

5. Procedure for public consultation by Council (s. 23)

- (1) For the purposes of section 23(1a) of the Act, the Council is to undertake consultation by calling for submissions on issues of concern to people with disability either specifically or generally —
 - (a) by notice in a newspaper circulating throughout the State; or
 - (b) on any website maintained by or on behalf of the Council.
- (2) Nothing in subregulation (1) prevents the Council from also undertaking any other consultation.

[Regulation 5 amended in Gazette 11 Jun 2013 p. 2162 and 2164.]

6. Public authorities to which Part 5 does not apply (s. 27)

Part 5 of the Act does not apply to any public authority except to a public authority specified in Schedule 1.

7. Standards for disability access and inclusion plans (s. 28)

For the purposes of section 28(5) of the Act, the standards that a disability access and inclusion plan must meet are those specified in Schedule 2.

8. Information in reports about disability access and inclusion plans (s. 29)

For the purposes of section 29(4) of the Act, a report about a disability access and inclusion plan must include information relating to —

- (a) progress made by the relevant public authority and any agents and contractors of the relevant public authority in achieving the desired outcomes specified in Schedule 3; and
- (b) the strategies implemented by the relevant public authority to inform its agents and contractors of its disability access and inclusion plan.

9. Publication of disability access and inclusion plans (s. 29A)

For the purposes of section 29A, a public authority must publish its disability access and inclusion plan in a document that is made available —

- (a) on request, at the offices of the authority —
 - (i) in an electronic format;
 - (ii) in hard copy format in both standard and large print; and
 - (iii) in an audio format on cassette or compact disc;
- (b) on request, by email; and
- (c) on any website maintained by or on behalf of the authority,

and notice of which is given in a newspaper circulating throughout the State or, in the case of a local government, the

r. 10

district of that local government under the *Local Government Act 1995*.

10. Procedure for public consultation by authorities (s. 29E)

(1) For the purposes of section 28(10) of the Act, a public authority is to undertake consultation in relation to its disability access and inclusion plan by calling for submissions either generally or specifically —

(a) by notice in a newspaper circulating throughout the State or, in the case of a local government, the district of that local government under the *Local Government Act 1995*; and

(b) on any website maintained by or on behalf of the public authority.

(2) Nothing in subregulation (1) prevents a public authority from also undertaking any other consultation.

[Regulation 10 amended in Gazette 11 Jun 2013 p. 2162-3.]

11. Repeal

The *Disability Services Regulations 1995* are repealed.

Schedule 1 — Public authorities to which Part 5 applies

[r. 6]

1. A department established under the *Public Sector Management Act 1994* section 35.
2. An entity specified in the *Public Sector Management Act 1994* Schedule 2 column 2.
3. A local government or regional local government.
4. Curtin University of Technology established under the *Curtin University of Technology Act 1966*.
5. Edith Cowan University established under the *Edith Cowan University Act 1984*.
- 5A. Electricity Generation Corporation established by the *Electricity Corporations Act 2005*.
- 5B. Electricity Networks Corporation established by the *Electricity Corporations Act 2005*.
- 5C. Electricity Retail Corporation established by the *Electricity Corporations Act 2005*.
6. Fremantle Hospital established under the *Hospitals and Health Services Act 1927*.
7. King Edward Memorial Hospital for Women established under the *Hospitals and Health Services Act 1927*.
8. Murdoch University established under the *Murdoch University Act 1973*.
9. Princess Margaret Hospital for Children established under the *Hospitals and Health Services Act 1927*.
- 9A. Regional Power Corporation established by the *Electricity Corporations Act 2005*.
10. Royal Perth Hospital established under the *Hospitals and Health Services Act 1927*.
11. Sir Charles Gairdner Hospital established under the *Hospitals and Health Services Act 1927*.

Schedule 1 Public authorities to which Part 5 applies

12. The University of Western Australia established under the *University of Western Australia Act 1911*.
13. Water Corporation established by the *Water Corporation Act 1995*.
- [14. *deleted*
 [Schedule 1 amended in Gazette 31 Mar 2006 p. 1343.]

Schedule 2 — Standards for disability access and inclusion plans

[r. 7]

1. A disability access and inclusion plan must provide a means of ensuring that people with disability have the same opportunities as other people to access the services of, and any events organised by, the relevant public authority.
2. A disability access and inclusion plan must provide a means of ensuring that people with disability have the same opportunities as other people to access the buildings and other facilities of the relevant public authority.
3. A disability access and inclusion plan must provide a means of ensuring that people with disability receive information from the relevant public authority in a format that will enable them to access the information as readily as other people are able to access it.
4. A disability access and inclusion plan must provide a means of ensuring that people with disability receive the same level and quality of service from the staff of the relevant public authority as other people receive from that authority.
5. A disability access and inclusion plan must provide a means of ensuring that people with disability have the same opportunities as other people to make complaints to the relevant public authority.
6. A disability access and inclusion plan must provide a means of ensuring that people with disability have the same opportunities as other people to participate in any public consultation by the relevant public authority.

[Schedule 2 amended in Gazette 11 Jun 2013 p. 2164-5.]

Schedule 3 Desired outcomes of disability access and inclusion plans

Schedule 3 — Desired outcomes of disability access and inclusion plans

[r. 8]

1. People with disability have the same opportunities as other people to access the services of, and any events organised by, a public authority.
2. People with disability have the same opportunities as other people to access the buildings and other facilities of a public authority.
3. People with disability receive information from a public authority in a format that will enable them to access the information as readily as other people are able to access it.
4. People with disability receive the same level and quality of service from the staff of a public authority as other people receive from the staff of that public authority.
5. People with disability have the same opportunities as other people to make complaints to a public authority.
6. People with disability have the same opportunities as other people to participate in any public consultation by a public authority.

[Schedule 3 amended in Gazette 11 Jun 2013 p. 2165.]

Notes

¹ This is a compilation of the *Disability Services Regulations 2004* and includes the amendments made by the other written laws referred to in the following table ^{1a}.

Compilation table

Citation	Gazettal	Commencement
<i>Disability Services Regulations 2004</i>	14 Dec 2004 p. 6002-6	15 Dec 2004 (see r. 2 and <i>Gazette</i> 14 Dec 2004 p. 5999)
<i>Electricity Corporations (Consequential Amendments) Regulations 2006 r. 70</i>	31 Mar 2006 p. 1299-57	1 Apr 2006 (see r. 2)
<i>Disability Services Amendment Regulations 2013</i>	11 Jun 2013 p. 2161-5	r. 1 and 2: 11 Jun 2013 (see r. 2(a)); Regulations other than 1, 2, 7, 8 and 9: 12 Jun 2013 (see r. 2(c) and <i>Gazette</i> 11 Jun 2013 p. 2161)

^{1a} On the date as at which this compilation was prepared, provisions referred to in the following table had not come into operation and were therefore not included in this compilation. For the text of the provisions see the endnotes referred to in the table.

Provisions that have not come into operation

Citation	Gazettal	Commencement
<i>Disability Services Amendment Regulations 2013 r. 7-9²</i>	11 Jun 2013 p. 2161-5	11 Jun 2014 (see r. 2(b))

² On the date as at which this compilation was prepared, the *Disability Services Amendment Regulations 2013 r. 7-9* had not come into operation. They read as follows:

7. Schedule 1 replaced

Delete Schedule 1 and insert:

Schedule 1 — Public authorities to which Part 5 applies

[r. 6]

1. A department established under the *Public Sector Management Act 1994* section 35.

2. An entity specified in the *Public Sector Management Act 1994* Schedule 2 column 2.
3. A local government.
4. A regional local government, but only when performing a public service that is not the responsibility of a particular participating local government.
5. Curtin University of Technology established under the *Curtin University of Technology Act 1966*.
6. Edith Cowan University established under the *Edith Cowan University Act 1984*.
7. Electricity Generation Corporation established by the *Electricity Corporations Act 2005*.
8. Electricity Networks Corporation established by the *Electricity Corporations Act 2005*.
9. Electricity Retail Corporation established by the *Electricity Corporations Act 2005*.
10. Forest Products Commission established by the *Forest Products Act 2000*.
11. Fremantle Hospital established under the *Hospitals and Health Services Act 1927*.
12. Heritage Council of Western Australia established under the *Heritage of Western Australia Act 1990*.
13. Information Commissioner established under the *Freedom of Information Act 1992*.
14. King Edward Memorial Hospital for Women established under the *Hospitals and Health Services Act 1927*.
15. Legal Aid Commission of Western Australia established under the *Legal Aid Commission Act 1976*.
16. Murdoch University established under the *Murdoch University Act 1973*.
17. Parliamentary Commissioner for Administrative Investigations appointed under the *Parliamentary Commissioner Act 1971*.
18. Princess Margaret Hospital for Children established under the *Hospitals and Health Services Act 1927*.
19. Regional Power Corporation established by the *Electricity Corporations Act 2005*.
20. Royal Perth Hospital established under the *Hospitals and Health Services Act 1927*.
21. Sir Charles Gairdner Hospital established under the *Hospitals and Health Services Act 1927*.

22. The University of Western Australia established under the *University of Western Australia Act 1911*.
23. Western Australian Health Promotion Foundation [*trading under the name "Healthway"*] established under the *Tobacco Products Control Act 2006*.
24. Western Australian Mint preserved and continued by the *Gold Corporation Act 1987*.
25. Water Corporation established by the *Water Corporation Act 1995*.

8. Schedule 2 amended

After Schedule 2 item 6 insert:

7. A disability access and inclusion plan must provide a means of reducing barriers to people with disability obtaining and maintaining employment.

9. Schedule 3 amended

After Schedule 3 item 6 insert:

7. People with disability have the same opportunities as other people to obtain and maintain employment with a public authority.