

DS301*

Disability Services Act 1993

Disability Services Regulations 2004

Made by the Governor in Executive Council.

1. Citation

These are the *Disability Services Regulations 2004*.

2. Commencement

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

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.

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(4) of the Act, the Council is to undertake consultation by calling for submissions on issues of concern to people with disabilities 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.

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 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 29E 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*; or
 - (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.

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*.
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*.
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*.
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. Western Power Corporation established by the *Electricity Corporation Act 1994*.

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 disabilities 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 disabilities 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 disabilities 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 disabilities 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 disabilities 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 disabilities have the same opportunities as other people to participate in any public consultation by the relevant public authority.

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

[r. 8]

1. People with disabilities have the same opportunities as other people to access the services of, and any events organised by, a public authority.
2. People with disabilities have the same opportunities as other people to access the buildings and other facilities of a public authority.
3. People with disabilities 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 disabilities 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 disabilities have the same opportunities as other people to make complaints to a public authority.
6. People with disabilities have the same opportunities as other people to participate in any public consultation by a public authority.

By Command of the Governor,

M. TRAVERS, Clerk of the Executive Council.