



**Family &
Community Services**
Ageing, Disability & Home Care

Standards in action

Practice requirements and guidelines for services
funded under the Disability Services Act



Standards in action

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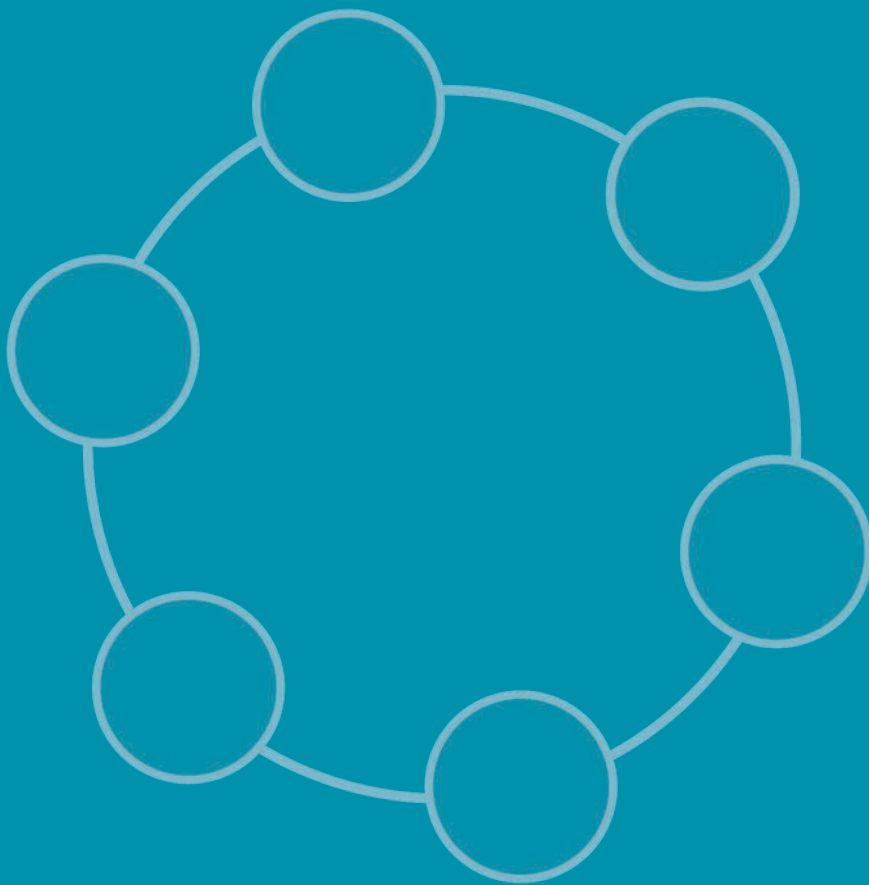
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Foreword



Foreword from the Minister



As the Minister for Ageing and Minister for Disability Services, I want to see NSW build the strongest client-focused service arrangements in the country for people with a disability, their families and carers. This approach puts the quality of services at the forefront so that people with a disability will be at the centre of decision making about the supports they receive and who provides those supports.

There are significant changes occurring in the disability sector under *Stronger Together 2* which will require fundamental reform of the service system over the next five years, to give people control over their own lives and their relationship with service providers. Improving the quality of services is fundamental to the shift to person centred and life span approaches where people will be offered more choice, portability and flexibility in their funding and supports.

In line with these approaches and with work occurring at the national level, NSW is working to create a consistent approach to improving the quality of disability services with a focus on improving outcomes for service users.

The *NSW Disability Services Standards* (NSW Standards) form the basis of our approach to quality and therefore, the *Standards in action manual* is being updated to reflect the priorities and policy direction for person-centred and lifespan approaches which underpin *Stronger Together 2*.

ADHC will also seek to ensure that the existing NSW Standards reflect the revised National Standards by incorporating these changes into the *Standards in action* manual.

As we work together to improve the lives of people with a disability, I encourage you to make use of the *Standards in action* manual to assist your organisation in delivering high quality, person-centred disability services to the people of NSW.

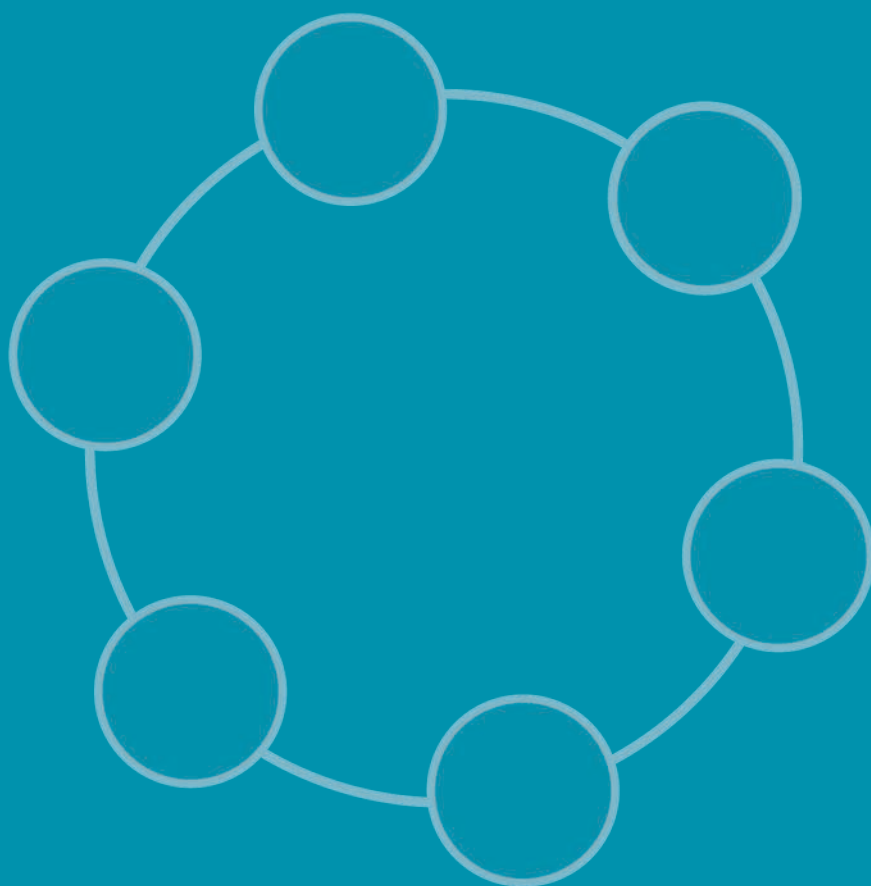
A handwritten signature in black ink that reads "Andrew Constance".

The Hon Andrew Constance MP

Minister for Ageing

Minister for Disability Services

Introduction



Introduction

Ageing, Disability and Home Care (ADHC) is part of the Department of Family and Community Services (FACS) NSW and provides funding to its community partners to deliver services to people with a disability, their families and carers.

ADHC is working in partnership with the sector to support the capacity of service providers to respond to need within the context of the *NSW Disability Services Act 1993* (DSA) and achieve positive service delivery outcomes. To support service providers in applying the principles of the DSA in every day service delivery and fulfil their obligations under the Funding Agreement, ADHC has updated the *NSW Disability Services Standards* (NSW Standards) and *Standards in action*.

Standards in action is a practical guide for service providers in implementing the NSW Standards and to support the transition to a person centred service system under *Stronger Together 2*. The manual reflects contemporary policy and practice such as person centred and life span approaches; updated legislation and policies; outcomes of *Living Life My Way* consultations; and the United Nations Convention on the Rights of Persons with Disabilities.

The NSW Standards have been streamlined from ten to six in line with the revised National Standards. These streamlined standards are:

1. Rights
2. Participation and inclusion
3. Individual outcomes
4. Feedback and complaints
5. Service access
6. Service management.

Each NSW standard includes a small number of practice requirements, tips and practice examples to assist service providers in understanding and implementing the DSA and delivering quality services.

There are a number of changes to the NSW Standards as outlined below:

- Individual Needs and Decision Making and Choice have been merged to a single standard called Individual Outcomes
- Valued Status has now been included in the standard on Participation and inclusion
- Privacy, Dignity and Confidentiality is now a core element in the new Standard on Rights
- Family Relationships have been incorporated across all standards instead of a stand alone standard.

In the NSW Standards the rights of people with a disability, their families and carers to direct their own lives are respected. For carers, this can be achieved by service providers incorporating the principles of the NSW Carers Charter into core business practices and assisting staff to further develop their understanding of carer issues and to acknowledge and support carers' roles.

The materials in Standards in Action have been designed to clearly outline ADHC's expectations of service performance and policy development without limiting service innovation and flexibility. However, the contents of the manual does not replace other more detailed ADHC policies or obligations of service providers to comply with their legislative requirements.

Standards in action apply to both ADHC funded and operated services.

Further information

Legislative obligations

NSW Disability Services Act 1993

NSW Carers (Recognition) Act 2010 (including the Carers Charter)

www.legislation.nsw.gov.au

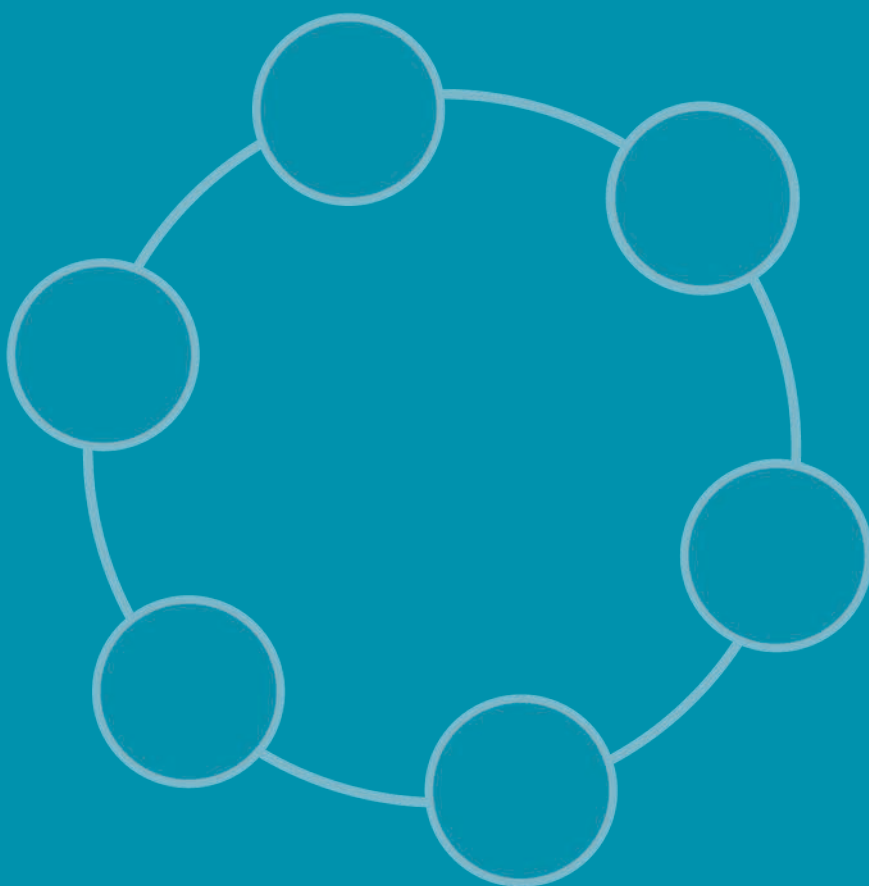
ADHC policies and manuals

www.adhc.nsw.gov.au

National Quality Framework for Disability Services

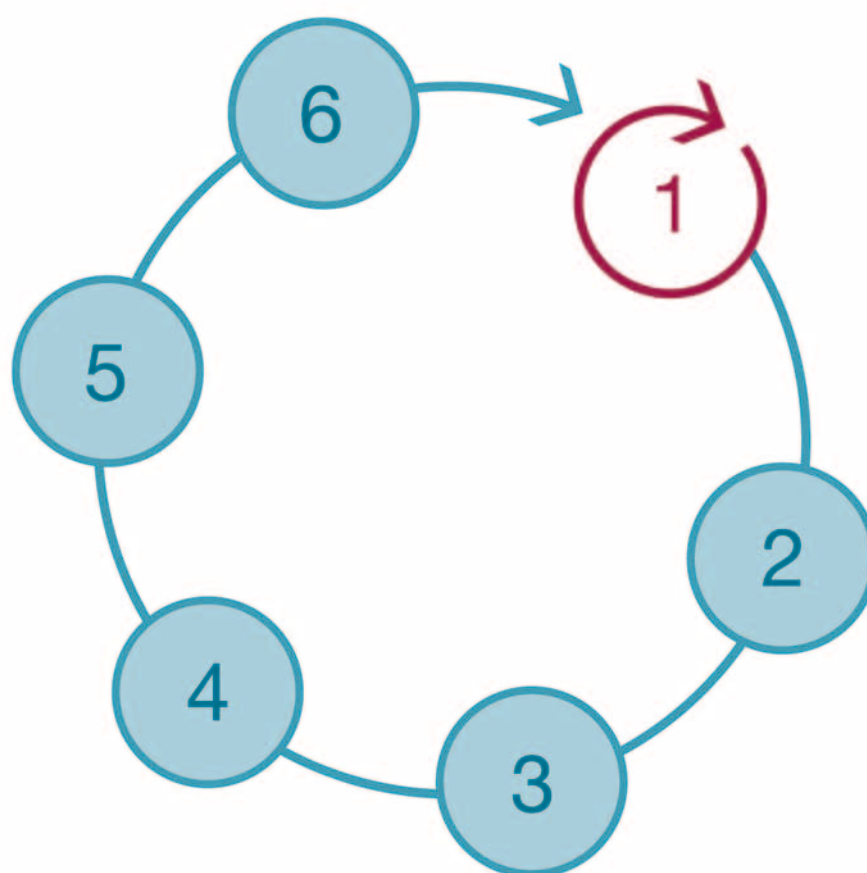
www.dhs.vic.gov.au

Practice requirements and guidelines



Standard 1

Rights



Rights

Each person receives a service that promotes and respects their legal and human rights and enables them to exercise choice like everyone else in the community



Overview

Like everyone else, people with a disability have the right to respect for their human worth and dignity and to full participation in Australian society equal to all other Australians. They have the right to exercise choices that are the same, or close to the conditions of everyday life enjoyed by other people in the community.

Under the *Disability Services Act 1993*⁶ (DSA), each person has the right to receive services which respect and promote their legal and human rights and which place them at the centre of decision making on all aspects of the way they live their life.

Service providers should be aware of the United Nations Convention on the Rights of Persons with Disabilities (CRPD)⁷ and apply the guiding principles of fairness and human rights in all aspects of service delivery.

⁶ Principles: a) persons with disabilities are individuals who have the inherent right to respect for their human worth and dignity; g) persons with disabilities receiving services have the same right as other members of Australian society to receive those services in a manner which results in the least restriction of their rights and opportunities; i) persons with disabilities have the right to protection from neglect, abuse and exploitation & Application of principles: p) to respect the rights of persons with disabilities to privacy and confidentiality.

⁷ CRPD Articles 3(a) and (c), 5, 16, 19 and 22.

It is expected that service providers will maximise opportunities to assist people with a disability to participate fully in the community according to their individual and cultural needs and preferences. Fundamental to this approach is for each person to understand they have rights and be supported to exercise these rights. In this way each person can take full advantage of their choices, opportunities for inclusion and independence.

Services are to be provided in an environment that ensures people are free from discrimination, abuse⁸, neglect and exploitation and have processes in place to manage these issues if they arise.

Service providers are also expected to support a person to make an allegation of discrimination, abuse or neglect should they wish to do so, in accordance with organisational policy.

This chapter has two practice requirements for service providers and under each is a list of elements that service providers are to implement to comply with the standard. A practice example and tips are also included to guide providers in the application of the standard.

⁸ Abuse includes physical, emotional, financial and systemic abuse, sexual assault, neglect, domestic violence, as well as unauthorised restraints and other restrictive practices (consistent with ADHC policies).

Practice requirement

1 Each person is aware of their rights and can expect to have them respected

- Each person will have access to information and support to understand and exercise their legal and human rights
- Each person will receive a service that maximises their choices for social participation and cultural inclusion
- Each person will receive a service in an environment free from discrimination, abuse, neglect and exploitation
- Each person will receive a service that reflects their right to privacy and have their personal records and details about their lives dealt with in an ethical and confidential manner in line with relevant legislation
- Each person can expect service providers to support and encourage self protective strategies and behaviours that take into account their individual and cultural needs
- Each person can expect service providers to uphold their right to make decisions, including medical treatments and interventions, and when this is not possible, assisted or substituted (alternative) decision making is in line with the person's expressed wishes, if known and if not, with their best interests
- Each child with a disability has the same rights and freedoms as all other children and service providers will take each child's best interests into account when providing services.

Tip 1

Encourage and create opportunities for people with a disability to share their experiences of relationships, or supporting them to attend workshops and seminars. These activities could be promoted as a way of upholding individual choice.

Tip 2

Encourage people with a disability to enrol and explore convenient ways to participate on election days. Support the person to either attend the booth or access the voting on-line.

Tip 3

Consider linking people with an intellectual disability who are at risk, or in contact with the criminal justice system, with professionals who can provide or access preventative intervention and other specialised support.

Tip 4

Consider new ways of communicating with children and young people by providing contemporary methods (new and interesting formats) for them to have a say concerning their rights and choices.

Practice requirement

2 Service providers are to uphold and promote the legal and human rights of each person

- Services are provided in an environment free from discrimination, financial, sexual, physical and emotional abuse, neglect and exploitation
- Service providers encourage and support access to advocacy⁹ services by people with a disability to promote their rights, interests and wellbeing
- Service providers gain consent from each person with a disability or their person responsible or legal representative for medical treatments and interventions
- Service providers provide opportunities for people with a disability to participate in the development and review of organisational policy and processes that promote strategies for equality and upholding human rights
- Service providers take into account individual choice and the rights of each person and act in their best interests in relation to nutritional and behaviour management practices in line with relevant legislation, convention, policies and practices
- Service providers have knowledge and skills to implement reporting processes on incidents of alleged or known discrimination, abuse, neglect or exploitation and know how to notify the relevant external authorities
- Service providers offer appropriate support to the person and their family or carer when they raise or pursue allegations of discrimination, abuse, neglect or exploitation.

⁹ An advocate is a person who promotes supports and represents the rights and interests of another person. An advocate is often involved in acting, speaking or responding on behalf of another person. Staff cannot be advocates for people with a disability who are clients of ADHC operated or funded non-government services. (Abuse and Neglect policy and procedures, 2010)

Tip 5

Support access to easy read information or workshops for people with an intellectual disability – to increase the awareness and understanding of their legal and human rights and to provide information about protection from abuse and neglect.

Tip 6

Consider inviting an independent person with a disability with skills and training to talk about practical strategies in self protective behaviour.

Tip 7

Support people to access the best quality health care for their needs by linking them with health professionals who understand the rights and needs of people with a disability.



Practice example – Michelle's story

Michelle is a young woman with intellectual disability who is non verbal and is in the fulltime care of her father Victor, who has been organising Michelle's activities and managing her finances, including the Disability Support Pension.

Jenny has been Michelle's support worker for over 10 years in a respite service. They have developed a method of communicating using eye movements and now the ipad. Jenny has formed the view that Michelle is bored and lonely, and does not appear to have many experiences outside of the family home.

Jenny communicated with Michelle about whether she was interested in becoming involved in other activities including the possibility of enrolling in a course at a local community college. As Michelle had her own income any costs associated with the activities could be self funded. Whilst Michelle appeared to be very excited by these ideas, when Jenny mentioned them to Victor he was unwilling to consider them, as in his view, they were inappropriate for Michelle.

Jenny invited Victor to meet her for afternoon tea to discuss the situation further. Victor informed Jenny that because of Michelle's support needs, he needed to protect her and for that reason he hadn't involved her in other activities or taught her how to manage her own finances in order to become independent. Jenny discussed with Victor that Michelle wanted experiences and with the right support she could become more independent.

Jenny commenced supporting Michelle by teaching her how to budget her pension and make a list of activities and courses she might like to do. They discussed the possibility of opening a bank account in Michelle's name and together they used the ipad to research which bank Michelle might like to use. Jenny made further contact with Victor to inform him of Michelle's progress and how he could become involved in enabling Michelle to manage her own finances and make choices about activities outside the family home.

Jenny also sought advice from a disability information service which provided a range of names and contact details of advocacy services and private counsellors who could work with the family through this period of change. Jenny helped Michelle to choose an advocate and a counsellor and together they asked Victor to become involved so they could work together to make the changes to increase the opportunities for Michelle to more fully participate in the community.

Six months later Michelle is enjoying a ceramics course and is slowly learning how to manage her money with Jenny, her advocate and Victor.

Key message

Service providers play a key role in identifying when individual rights can be enhanced for a person with a disability. Being proactive about intervention and assisting the person to navigate options and solutions for independence is crucial for upholding people's rights.

Further information on Standard 1: Rights

Legislative obligations

Age Discrimination Act 2004 (Commonwealth)

Anti-Discrimination Act 1977 (NSW)

Australian Human Rights Commission Act 1986 (Commonwealth)

Carers (Recognition) Act 2010 (NSW)

Community Services (Complaints, Reviews and Monitoring) Act 1993 (NSW)

Crimes Act 1900 (NSW)

Disability Discrimination Act 1992 (Commonwealth)

Equal Opportunity for Women in the Workplace Act 1999 (Commonwealth)

Guardianship Act 1987 (NSW)

Health Records and Information Privacy Act 2002 (NSW)

Privacy Act 1988 (Commonwealth)

Privacy and Personal Information Protection Act 1998 (NSW)

Public Health Act 1991 (NSW)

Racial Discrimination Act 1975 (Commonwealth)

Sex Discrimination Act 1984 (Commonwealth)

For links to legislation refer to:

www.comlaw.gov.au or www.Austlii.edu.au (Commonwealth legislation)

www.legislation.nsw.gov.au (NSW legislation)

Resources

Australian Human Rights Commission

www.humanrights.gov.au

Intellectual Disability Rights Service

www.idrs.org.au

Legal Aid

www.legalaid.nsw.gov.au

Anti Discrimination Board

www.lawlink.gov.au/ADB

Guardianship Tribunal

www.gt.nsw.gov.au

NSW Public Guardian

www.lawlink.nsw.gov.au/opg

NSW Trustee and Guardian

www.lawlink.nsw.gov.au/opc

Information on the **Convention on the Rights of Persons with Disabilities**
www.un.org/disabilities/convention/conventionfull.shtml

Information on **nutritional and behaviour management practices**

Behaviour Support Policy 2009

Nutrition and Swallowing Policy and Procedures 2010

www.adhc.nsw.gov.au

Information on **advocacy** refer to

www.adhc.nsw.gov.au

Information on **privacy** refer to

Privacy NSW

www.lawlink.nsw.gov.au

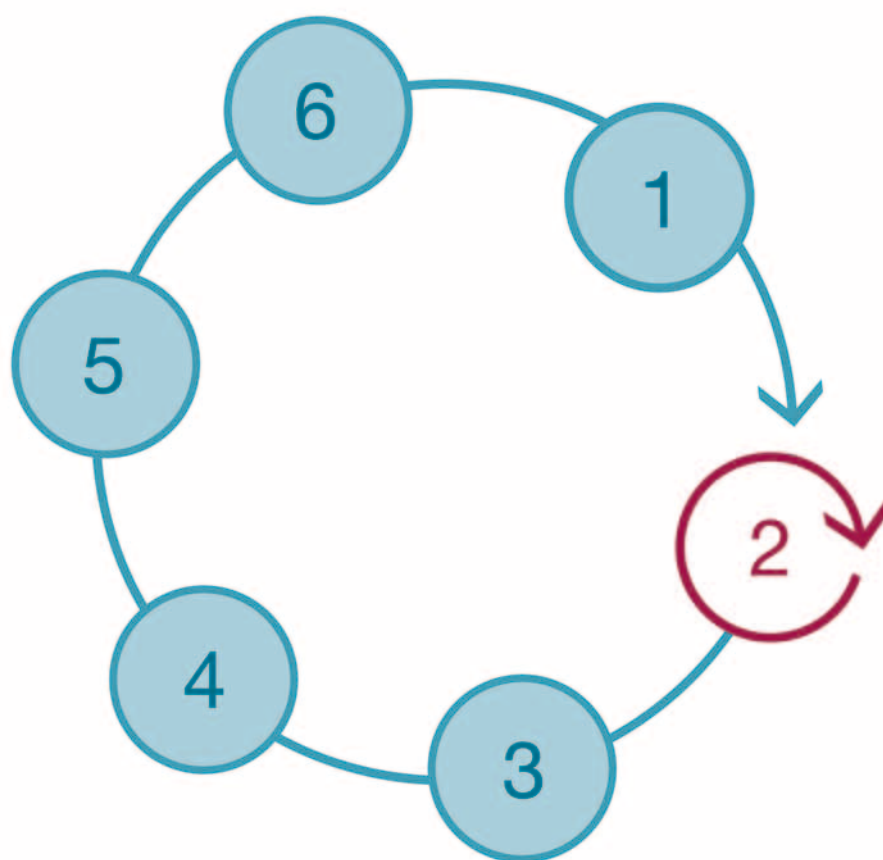
Information and Privacy Commissioner

www.ipc.nsw.gov.au

Information on:	refer to:
complaint handling	Community Handling Kit for Community Services NSW Ombudsman 2009, which can be accessed at Standard on feedback and complaints
person centred approaches	Standard on individual outcomes
working with people from Aboriginal and Torres Strait Island (ATSI) communities	Standard on individual outcomes
working with people from Culturally and Linguistically Diverse (CALD) communities	Standard on individual outcomes
working with children and young people	Standard on feedback and complaints

Standard 2

Participation and inclusion



Participation and inclusion

Each person is encouraged and supported to contribute to social and civic life in their communities in the way they choose



Standard

2

Overview

People with a disability should have the opportunity to participate in community life as they wish, as all people do. This means going beyond being present in the community to being actively included and participating in general community life. Engagement and meaningful inclusion are fundamental to being active members of all relevant aspects of community life and contributing to the economy by working and / or choosing where to spend money.

Service providers have a shared responsibility in ensuring that the people they support are able to participate in the community in their own way and have an ordinary and meaningful life like people of similar age, gender and culture.

The intent of this standard is for service providers to actively promote the genuine connection and active inclusion of children and adults with a disability with their chosen communities (and fulfil their obligations under the *Disability Services Act 1993*¹).

This standard recognises the roles that service providers play in supporting and promoting the benefits to individuals and the community of citizenship and participation of people with a disability, including through work, learning and leisure.

¹ Principles: a), c), d), e), f), g) (The DSA is fundamentally inclusive of the participation rights and needs of people with a disability. The full list of DSA principles can be found in the Appendix).

Assisting people to be included and participate in community life in ways that are meaningful to them, requires a skilled and respectful workforce that offers the same opportunities and choices as other people in the community, so people with a disability can join in everyday life, share experiences and go to ordinary places.

Service providers are to work with each other and with the broader community to increase the options and opportunities for people with a disability. Service providers are to support people to implement their own plan so they can engage in the community in a way which is equal to all other Australians. By doing this, service providers will apply the principles of the NSW Carers Charter² and carers can also participate in the community in a way that meets their own interests and needs.

This chapter has two practice requirements for service providers and under these requirements is a list of elements that service providers are to implement to comply with the standard. A practice example and tips are also included to guide providers in the application of the standard.

Further guidance on Participation and inclusion is contained in other standards: in particular Rights; Individual Outcomes and Service Access.

² There are principles that relate to carers as outlined in the NSW Carers Charter, found in Schedule 1 of the *Carers (Recognition) Act 2010*, that all service providers should be aware of and make every effort to take into consideration.

Practice requirement

1 Each person is actively encouraged and supported to participate in their community in ways that are important to them

- Service providers support each person to make decisions about how they connect with their chosen community, respectful of their choices and plans including work, learning, leisure and their social lives
- Training³ and support is provided to staff and volunteers so workers understand, respect and act on the interests and skill development of people with a disability over time
- Service providers work with people with a disability and their community to promote opportunities and support their active and meaningful participation
- Service providers, with the consent of the person with a disability, work with an individual's family, carer, significant other or advocate to promote their connection, inclusion and participation in the manner they choose
- For people exiting the criminal justice system, service providers actively support the person to develop their interests and activities in ways that consider the rights and welfare of the broader community.

³ Training could include internal and community expertise in raising awareness of diversity and cultural competency. It can also include exploring the values and beliefs of workers as people with a disability have the same rights as everyone else to participate in their community.

Tip 1

Encourage people to develop social relationships with other members of the community who share their interests.

For example, encourage people with pets to enter local pet shows to meet new friends and join in local activities such as a puppy training school.

Tip 2

Support people to contribute to civic life by ensuring they have the assistance they need to cast a vote in local, state and federal elections.

Tip 3

Support Aboriginal people to be connected to their community.

For example, encourage and support local Aboriginal community groups and Aboriginal organisations to provide information and supports for people to access community and cultural events.

Practice requirement

2 Service providers develop connections with the community to promote opportunities for active and meaningful participation

- Service providers actively seek information about other supports and services in their local community to enable people with a disability to achieve their goals and to minimise barriers to participation
- Staff and volunteers model respectful and inclusive behaviour when supporting people in their community as a way of promoting the uniqueness of each individual
- Service providers develop ways to maintain and further develop their local connections so that options for people with a disability to be included and valued are increased over time
- Service providers actively seek connections with the community for people exiting the criminal justice system.

Tip 4

Liaise with other organisations in the local area to understand their values and ways in which they support people with a disability to participate in their local community.

For example, look at an organisation's mission statement and feedback from people using their services on their webpage and social media sites.

Tip 5

Use feedback from people with a disability, their family and carers to understand their needs in accessing and participating in the community.

Make this information available to assist in local planning processes (eg local Council) to increase the access of people with a disability in and around community facilities.

Practice example – Jim's story

Jim has intellectual disability and alcohol related brain injury. Jim lived on the streets of the inner city for many years and was well known by local police. After a vehicle accident he was appointed a public guardian. Jim's life changed significantly when he asked if he could live somewhere different to the inner city and was offered supported accommodation in a regional town. Jim shared the accommodation with three others for several years in which time he became very familiar with his new community. He eventually was able to move into a home of his own with daily support from his service provider.

The community took some time to become accustomed to Jim's behaviours which included shop-lifting and becoming disorderly. To assist Jim to connect in a meaningful way with the community, the service provider worked with Jim and community members to look at ways in which they could work together to deal with his behaviour at those times when it was needed. The community members who became involved included local police, hospital and community health centre staff, some shop keepers and staff at local food halls.

Over time, Jim started to be accepted as part of the community and made friends that provided him with encouragement and support. His old behaviours of shop-lifting or becoming disorderly significantly reduced and when there were difficulties, the community put into action the strategies they developed and contacted the service provider to follow up with Jim. This approach led to an improvement in Jim's health and well being and being invited to join groups at the community centre.

Whilst many of the community members that first worked with the service provider have moved on, the strategies established years ago have been maintained with limited involvement by the service provider. People know Jim and engage with him as he moves around the community.

Key messages

Service providers need to be innovative when working with people who need extra support to enable their connection and participation in their community.

There are benefits to both the individual and the community when we work together to improve outcomes for people with a disability.

Further information on Standard 2: Participation and inclusion

Legislative obligations

Anti-Discrimination Act 2004 (NSW)

Community Services (Complaints, Reviews and Monitoring) Act 1993 (NSW)

Disability (Access to Premises- Buildings) Standards 2010 (Commonwealth)

Disability Services Act 1993 (NSW)

Disability Discrimination Act 1992 (Commonwealth)

Other relevant legislation

Carers (Recognition) Act 2010 (NSW)

For links to legislation refer to:

www.comlaw.gov.au or www.Austlii.edu.au (Commonwealth legislation)

www.legislation.nsw.gov.au (NSW legislation)

Resources

Information on **developing community partnerships**

www.fahcsia.gov.au

www.communitybuildingpartnership.nsw.gov.au

www.australiacouncil.gov.au

For information on **employing a person with a disability**

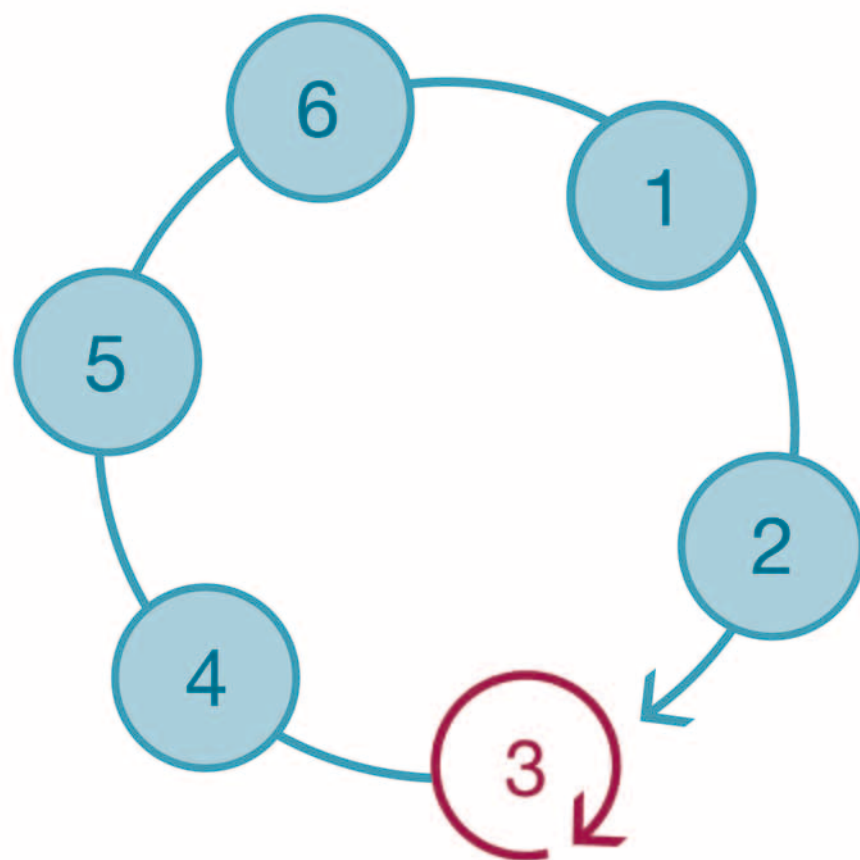
www.adhc.nsw.gov.au

www.health.gov.au

www.and.org.au

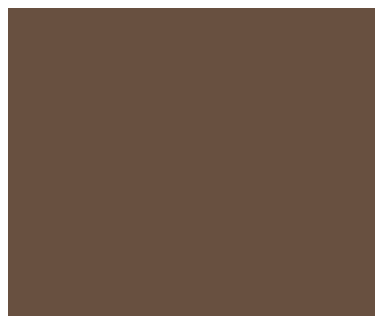
Information on:	refer to:
discrimination and human rights	Standard on rights
person centred approaches	Standard on individual outcomes
working with people from Aboriginal and Torres Strait Island (ATSI) communities	Standard on individual outcomes
working with people from Culturally and Linguistically Diverse (CALD) communities	Standard on individual outcomes
working with children and young people	Standard on feedback and complaints
assistive technology and access	Standard on service access

Standard 3 Individual outcomes



Individual outcomes

Each person is supported to exercise choice and control over the design and delivery of their supports and services



Overview

Every person has the right to make their own decisions and to have choices which enable them to fully participate in their community.

The intent of this standard is to promote flexible and responsive supports and services. People with a disability, their families, carers and advocates are at the centre of decision making and each person exercises control in the services and supports they receive. This chapter assists service providers to fulfil their obligations under the *Disability Services Act 1993*¹.

Fundamental to this standard are person centred approaches to planning and support. The person with a disability is central to planning and decision making to achieve their preferred lifestyle while remaining healthy and safe. Planning is based on the person's strengths, interests and changing needs throughout their life stages.

In accordance with the person's wishes, families, carers², advocates, significant others and service providers are actively included in the planning process to support their ongoing involvement in the person's life, and to encourage and assist growth of the person's networks and community engagement.

¹ *Disability Services Act 1993* Principle (c): persons with disabilities have the right to realise their individual capacities for physical, social, emotional and intellectual development (e): Persons with disabilities have the right to choose their own lifestyle and to have access to information, provided in a manner appropriate to their disability and cultural background, necessary to allow informed choice; and (f): Persons with disabilities have the same rights as other members of Australian society to participate in decisions which affect their lives.

² There are principles that relate to carers as outlined in the NSW Carers Charter, found in Schedule 1 of the *Carers (Recognition) Act 2010*, that service providers should be aware of and make every effort to take into consideration.

Service providers should offer information and support that reflects a range of options and which draw on broader family, cultural and religious networks and community organisations that will enable a person to explore what is possible.

As people with a disability are looking for the same opportunities as everyone else in the community, they make choices and have experiences that may involve risk. This means that service providers will need to balance the person's freedom of choice with their duty of care³ and dignity of risk⁴ responsibilities in the planning process, so that if a person wants to try different things they are able to do so.

To maximise outcomes for people receiving services, planning and service delivery should be responsive to diversity⁵ taking into account each person's individual needs and preferences.

The chapter has two practice requirements for service providers and under each is a list of elements that service providers are to implement to comply with the standard. Practice examples and tips are also included to guide providers in the application of the standard.

3 Duty of care: The obligation to take reasonable care to avoid injury to a person whom it can be reasonably foreseen might be injured by an act, or omission. (ADHC Dignity of Risk and Duty of Care Policy 2010)

4 Dignity of risk: The belief that each person with a disability is entitled to experience and learn from life situations even if these, on occasion, may be a threat to their well-being (ibid)

5 Diversity includes age, gender, culture, language, faith, sexual identity, relationship status, disability type and other factors.

Practice requirement

1 Service providers maximise person centred decision making

- Service providers respect the right of each person to be at the centre of decision making and to have responsibility, as much as possible, for each decision which affects them
- Service providers support each person to determine the involvement of their family, carers and advocates in planning and decision making processes
- Service providers respect the views of family and carers in planning and decision making processes. The person with a disability has the final say in the process
- Staff and volunteers respond in innovative and flexible ways to each person's need for decision support which reflect their individual and cultural needs
- Service providers make every effort to enable a person to make a decision or assist families, carers and advocates to come to an agreement before a substitute decision maker is engaged.

Tip 1

Provide a variety of opportunities for staff and volunteers to enhance their interpersonal skills with people receiving supports and services.

For example, exercises in “stepping in a person’s shoes” and thinking about a situation from the person’s perspective will strengthen the quality of interaction.

Tip 2

Provide a range of options that will encourage and enable the person, their family and carers to develop their decision making skills.

For example, if a person has high support needs and limited ways to communicate, one option could be to take photographs of every activity the person is engaged in and then show the pictures in a sequence. Note the ones the person smiles at, and then build on those activities to broaden the experience the person has with that activity.

Tip 3

Develop positive and creative ways to draw on the experience and knowledge of family, carers and advocates. Consider hosting opportunities for people with a disability, their families and carers to share their experiences.

Tip 4

In the absence of a person responsible for someone who can not make their own legal or medical decisions due to a lack of assessed decision making capacity, contact the Guardianship Tribunal.

If the person requires a financial manager or needs assistance with property matters, the NSW Trustee and Guardian websites also have useful information. The Guardianship Tribunal will need to be involved should a person require a guardian or financial manager to be appointed for these reasons.

Tip 5

Children and young people should also be involved in decisions which will affect them.

Service providers should actively work with parents and carers to support the child or young person to develop their own decision making skills.

Practice requirement

2 Service providers undertake person centred approaches to planning to enable each person to achieve their individual outcomes

- Service providers work together with the person to develop and implement a plan that identifies and builds on the person's strengths, aspirations and goals. Plans should draw on broader family, cultural and religious networks and community organisations
- Service providers support each person, and (when necessary with consent) their family, carer or advocate to develop, review, assess and adjust their plan as their circumstances or goals change
- Service providers recognise the importance of risk taking and enable each person to assess the benefits and risks of each option available to them and trial approaches even if they are not in agreement
- Service providers work with other organisations and community groups to expand the range of service options available in their community
- Service providers regularly review their person centred approaches to ensure the organisation has the capacity and capability to deliver flexible and responsive supports and services that meet individual needs and expectations.

Tip 6

Consider developing innovative and flexible practices to support person centred planning and decision making. For example, a 'circle of support' which is directed by the person with a disability can assist them to realistically assess their plan. Another option could be linking the person to peers who have achieved similar goals.

Tip 7

Service providers make every effort to limit any restrictions placed on individuals making a decision. For example, focus on the person's strengths when assessing the risks associated with some options.

Tip 8

There are a range of tools on-line to assist providers in participating in person centred planning to achieve the best outcomes for the person.

Practice example – Ngoc's story

Ngoc, aged in her early twenties has just moved into supported accommodation. She and her family had moved from interstate and did not know many people. Ngoc's key worker Anna arranged a meeting with Ngoc and her family to discuss a lifestyle plan to meet her interests, goals and needs relevant to her Vietnamese background. The meeting used a range of person centred thinking tools to find out what was 'important to' and 'important for' Ngoc to have a good life.

Ngoc communicates using a combination of gestures and signs. Staff learn that Ngoc is very interested in computers and would also like to make new friends and maintain connections to her cultural background. At the family meeting, it was agreed that Anna would start by contacting local organisations which run computer courses.

Anna telephoned several private computer training organisations and found they were unwilling to include Ngoc in their courses. Anna also contacted the course coordinator from the local college who encouraged Ngoc to participate. Anna discussed the options with Ngoc who decided to try the college course. Ngoc went along for a few weeks but then changed her mind, telling Anna that she did not want to continue because she found it hard to make friends with the others in her course.

Anna used her connections in the community and contacted Tanya from the local library to discuss other possible opportunities for Ngoc. She learnt about a new youth group which had just started at the community centre and was running computer courses for people close to Ngoc's age, including some people from her cultural background.

Anna discussed this new opportunity with Ngoc who was keen to give it a try. Ngoc was supported by her disability support worker to attend the youth group and had a great time on the computers. Ngoc was delighted when Sue, the group organiser, offered to take her to join the other young people for coffee at a local café. Sue dropped Ngoc at the group home after coffee and offered to drive her to and from future youth group meetings.

Since joining the youth group, Ngoc's confidence and independence has developed and she has just started to connect with Giang who is also Vietnamese.

Key message

Enabling the person to exercise choice and control over their supports and services begins with person centred approaches to planning to identify each person's goals, strengths, aspirations and needs.

Getting to know your local community and looking outside the disability system can create a range of opportunities and options for people with a disability.

Practice example – Joe’s story

Joe is a young man 25 years of age who lives with his extended family. Joe has just commenced his support activities through a self managed model.

Joe talks with his family to start planning the things he wants to do and Joe and his family choose and tailor activities with support and information from a service provider.

Joe is interested in making new friends and trying different types of physical activity. The service provider suggests a range of activities and compiles a list of services offering these activities locally. Joe decides he wants to do tumbling classes, so the family investigates local services from the list and assists Joe to make contact.

Joe’s family finds a tumbling class with a non-traditional approach and a supportive environment which Joe enjoys although he finds some of the movements challenging. At the class Joe meets Nancy, an instructor around his age, who offers to provide lessons in her home studio to develop his movement.

Joe is very keen, but his family is reluctant as they are concerned that Nancy will not be able to cope with his medical needs. Joe’s family, especially his grandmother, has difficulty letting someone else care for Joe because they are so used to managing all of his needs. The service provider suggests to Joe and his family that they meet with other families self managing their program of activities. Joe is happy with this suggestion and a meeting is organised so that his family can hear stories about the positive outcomes that can come from community connections. They also hear that wanting to make connections with your peer group is a normal part of growing up. Joe can then feel more comfortable with exploring new things to do in the community knowing that his family understands what he wants.

Joe’s family are now more accepting of his desire for independence and friendships outside the home. Joe employs Nancy to provide movement therapy lessons. Joe also asks Nancy to help him make connections in the community, so after the lesson they now visit cafes and shops and Joe is meeting new friends. Joe’s family has discussed his medical needs with Nancy so that they are confident that she can manage his needs and has all his emergency contact details.

Joe’s confidence and health have improved and his family has noticed that he is happier.

Key message

Information and support can empower the person and their family to develop decision making skills so that they can see what opportunities are possible.

Further information on Standard 3: Individual outcomes

Legislative obligations

Every service provider is required to fulfil the obligations concerning decision making and choice under:

Community Services (Complaints, Reviews and Monitoring) Act 1993
(CS CRAMA) (NSW)

Disability Services Act 1993 (NSW)

Guardianship Act 1987(NSW)

Health Records and Information Privacy Act 2002 (NSW)

Mental Health Act 2007 (NSW)

NSW Trustee and Guardian Act 2009 (NSW)

Privacy and Personal Information Protection Act 1998 (NSW)

Other relevant legislation

Carers (Recognition) Act 2010 (NSW)

Carers Recognition Act 2010 (Commonwealth)

Commission for Children and Young People Act 1998 (NSW)

For links to legislation refer to:

www.comlaw.gov.au or www.Austlii.edu.au (Commonwealth legislation)

www.legislation.nsw.gov.au (NSW legislation)

Resources

Information on **NSW decision making organisations, guidelines and resources**

Ageing, Disability and Home Care (ADHC)

www.adhc.nsw.gov.au

Guardianship Tribunal

www.gt.nsw.gov.au

NSW Trustee and Guardian

www.lawlink.nsw.gov.au/opc

NSW Public Guardian

www.lawlink.nsw.gov.au/opg

For information on **advocacy** refer to

www.adhc.nsw.gov.au

Attorney General's Department of NSW (2008) Capacity Toolkit

www.lawlink.gov.au

Information on **person centred approaches**

Person Centred Thinking and approaches

www.helensandersonassociates.co.uk

www.learningcommunity.us

Planning Tools

www.inclusion.com

Ageing, Disability and Home Care & Australian Catholic University (ACU). (2009) *Exploring and Implementing Person Centred Approaches - A guide for NSW community participation program service providers.*

www.adhc.nsw.gov.au

ACU Consortium for Ageing, Disability and Home Care. (2008) *Person centred planning; A review of the literature: Strengthening person planning in the community participation program.*

www.adhc.nsw.gov.au

Helen Sanderson Associates Australia and National Disability Services. (2001) *Progress for Providers: Checking your progress in delivering personalised services.*

www.nds.org.au

Information on **health and wellbeing**

*Health Care Policy and Procedures 2007 (amended September 2010)
Medication Management Plan and Charts*

www.adhc.nsw.gov.au

Medication Handling in Community-Based Health Services and Residential Facilities in NSW- Guidelines

www.health.nsw.gov.au

Information on the **National Disability Strategy**

www.fahcsia.gov.au

Information on **working with people from Aboriginal and Torres Strait Island (ATSI) communities**

Ageing, Disability and Home Care. (2010) *Aboriginal Policy Statement.*

www.adhc.nsw.gov.au

Information on **working with people from Culturally and Linguistically Diverse (CALD) communities**

Ageing, Disability and Home Care. (2010) *Cultural Diversity Strategic Framework 2010-2013*

www.adhc.nsw.gov.au

Ageing, Disability and Home Care (ADHC)

CALD Language Services Fact Sheets

www.adhc.nsw.gov.au

Translating and Interpreting Service (TIS National)

www.immi.gov.au

Information on **working with children and young people**

Ageing, Disability and Home Care. (2004) *Children's Standards in Action: A resource for service providers working with children and young people with a disability.*

www.adhc.nsw.gov.au

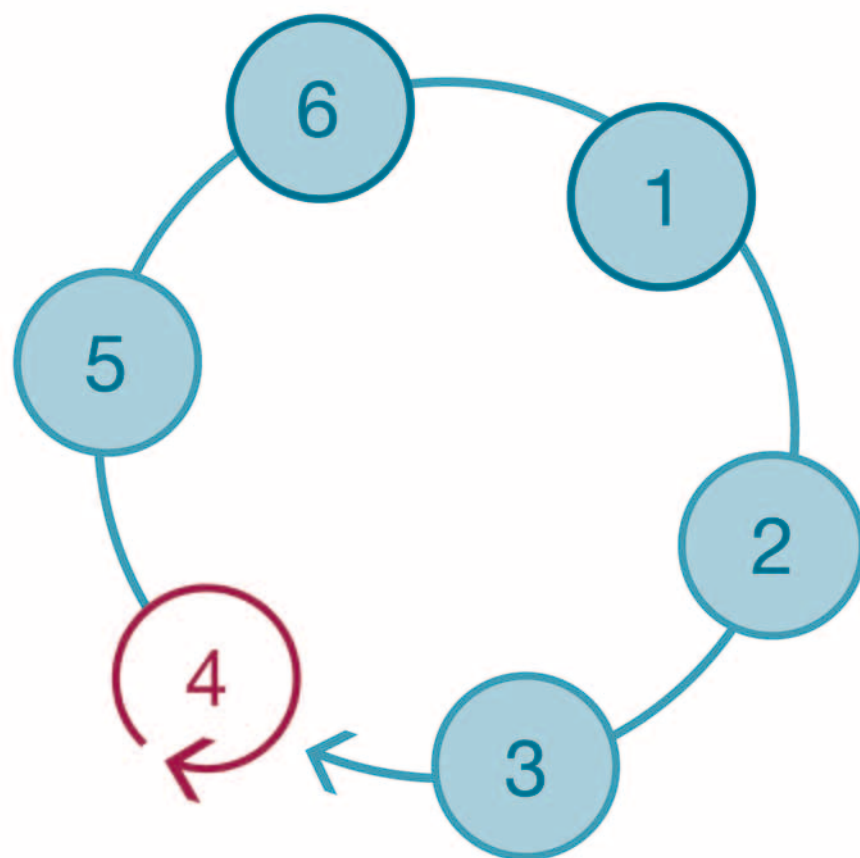
www.kidsguardian.nsw.gov.au

www.keepthemsafe.nsw.gov.au

Information on **Human Rights** refer to the Standard on Rights.

Standard 4

Feedback and complaints



Feedback and complaints

When a person wants to make a complaint, the service provider will make sure the person's views are respected, that they are informed as the complaint is dealt with, and have the opportunity to be involved in the resolution process



Overview

A 'complaint' is when a person indicates that they have an issue with the quality or delivery of their service and are seeking resolution. Complaints can be made in a number of ways including informally, in writing and verbally.

Each person has the right to complain about the quality or delivery of a service and have the opportunity to participate fully in the process of complaint resolution. This chapter assists service providers to resolve complaints, to fulfil their obligations under the *Disability Services Act 1993 No.3*¹ and implement the standard.

In implementing this standard it is expected that service providers are person centred and innovative in their approaches to support and address the needs of each person making a complaint and comply with all relevant legislation. Service providers need to have the capacity and capability for complaint handling and provide information and support that takes into consideration the person's individual and cultural needs.

Complaints play an essential role in identifying areas which can lead to improved service performance to deliver positive outcomes for people with a disability, their families and carers. Service providers should also use this information to inform service planning, identify areas for improvement and put in place strategies to address any areas requiring change at an individual or organisational level.

¹ Principle (h): Persons with disabilities have the right to pursue any grievance in relation to services without fear of the services being discontinued or recrimination from service providers.

Feedback is different to complaints and is an important way for people to have a say about a service. Service providers should also have a feedback process in addition to their complaints policy which encourages and welcomes comments, compliments or suggestions that can lead to ways of improving service delivery, systems or processes. In this way, service providers can build relationships, and work with each person to identify and attempt to resolve any issue before it escalates.

Service providers are required under the *Community Services (Complaints Reviews and Monitoring) Act 1993*, (CS-CRAMA) to develop good complaint handling systems and deal with complaints fairly, objectively and as quickly as possible.

Service providers are also required to use processes that reflect the best interests of the person with a complaint and which support a person centred approach.

The chapter has three practice requirements for service providers and under each is a list of elements that service providers are to implement to comply with the standard. Practice examples and tips are also included to guide providers in the application of the standard.

Practice requirement

1 Each person is treated fairly by the service provider when making a complaint

- Service providers inform each person of their right to complain and work with the person, their families and carer to try and resolve the issue
- Service providers provide a safe environment for each person to make a complaint
- Service providers ensure that there are no negative consequences or retribution² for any person who makes a complaint
- Service providers support participation in the complaint handling process of any person wanting to make a complaint and work with the person to identify the desired goal
- Service providers treat each person making a complaint in a manner that protects their privacy and respects confidentiality
- Service providers are committed to and demonstrate fair and timely resolution of complaints
- Each person is kept informed at all stages of the decision making process concerning their complaint and the reasons for those decisions
- Service providers inform each person of their right to complain to an external body.

² Retribution may include reduction or withdrawal of service, rough handling, ignoring requests for assistance, delayed response and verbal abuse or threats which may attract penalties under CS-CRAMA 1993.

Tip 1

Create a respectful and sensitive environment which welcomes feedback and complaints to assist a person to make a complaint without fear of any retribution or negative consequences. Elements of a supportive environment can include positive and encouraging staff and providing a quick response to a person's needs.

Tip 2

Assure the person making the complaint that their concerns will be treated with respect, resolved in a timely manner and that confidentiality will be maintained throughout the process.

Tip 3

Work with a person to identify and implement alternative service delivery options in situations where a continuation of the service is not desired.

Tip 4

Work with a person to explore alternative resolution options such as mediation, conciliation or referral to a third party, in cases where every effort has been made to reach a local resolution.

Practice requirement

2 Each person is provided with information and support to make a complaint

- Each person has continuous and easy access to meaningful and culturally relevant information about the service provider's complaint policy and processes
- Each person has the opportunity to have a chosen support person such as an advocate to assist or represent them during the process
- Each person making a complaint is supported by the service provider, in a way which reflects their individual, cultural and linguistic needs to assist them to understand and participate in the complaint handling process
- Each person determines how, when and where the complaint will be made
- Each person has the opportunity to nominate the person they want at the service as the key contact regarding the complaint.

Tip 5

Ensure that the complaint process has been clearly communicated to the person making the complaint in a way which reflects their personal and cultural needs. This includes actively listening to the person and acknowledging their concerns.

Tip 6

Work with a person's need for information and support throughout all aspects of the complaint process to assist with the desired outcome of a local resolution.

The person making the complaint can be supported in a number of different ways for example, guidance from an advocate or chosen support person and having materials provided in a variety of formats such as online, easy read and translated.

Tip 7

Complaints made on behalf of a child may be received from the child, their parent or carer. If providing out of home care, refer to the guidance on complaints by children and carers in the Children's Guardian's standards and procedures for statutory and voluntary out of home care. Privacy laws permit service providers to accept personal information about a child under 16 years of age from their parent or guardian. However, when investigating the complaint, be sure to respect the child's right to privacy.

Tip 8

Identify decision points with the person with a disability, their family and carers, to ensure that they are informed and included at all stages of the decision making process.

Practice requirement

3 Each service provider has the capacity and capability to handle and manage complaints

- Service providers have a written complaints policy and associated processes which reflect relevant legislation, standards and sector policy
- Service providers ensure that policies and processes include ways of responding to the cultural and linguistic needs of individuals
- Staff and volunteers are trained in complaint handling and demonstrate understanding and capacity to implement complaint handling
- Service providers record and analyse trends from complaints to drive organisational policy development and continuous improvement
- Service providers support each person to participate in the review and development of local complaint handling policy and processes and report outcomes to them and their families, carers or advocates
- Board and/or management committee meetings should include a standing agenda item on complaint handling, with trends presented and implications for service planning discussed
- Service providers need to be aware that some complaints need to be managed in a particular way, either because the person making a complaint has specific rights of review or because the complaint includes allegations that must be reported to an external body. For example, criminal allegations should be reported to the police
- Service providers inform each person of their right to make a complaint (where relevant) to the Ombudsman about the provision of a service by a service provider under the *Community Services (Complaints, Review and Monitoring) Act 1993* (NSW).

Tip 9

Incorporate learning and development opportunities for training in effective complaint handling in the staff training calendar to ensure that all staff are up to date on the latest policy and processes and are skilled in creating an environment that welcomes complaints and feedback.

Tip 10

Refer to and participate in planning processes for the sector where a complaint is in regard to service provision for newly emerging needs or access to limited resources.

Tip 11

Provide an array of innovative ways for the person to understand and be engaged in the complaint process. This can include individual support, group training sessions and/or workshops with parents, carers and advocates. Further information tailored to a person's needs, and internal checks made on the level of understanding and engagement to identify gaps, all represent good practice.

Practice example – Ben's story

Ben has been supported by his local service provider to go swimming three days a week and has requested his support worker to increase his service to five days a week.

The support worker repeatedly tells him they are looking into it. When Ben asks again, his support worker does not explain why they are unable to give him the extra days.

Ben feels that his support worker is not listening to him and is worried there may be a change in his service. He remembers the Complaint Policy and Complaint Form given to him by the service provider when he first received the service and the discussion they had about making a complaint. He completes the Complaint Form with the help of his carer and gives it to the service provider.

The service provider takes action to ensure Ben's complaint is responded to within a reasonable timeframe and allocates a staff person chosen by Ben to assist them with the complaint process.

A meeting with Ben and his carer is arranged by the service provider to discuss the issues and ensure that they are included in all decisions. The service provider's complaints process is discussed at the meeting and Ben is assured that his service will not be reduced. Ben is also assured that they will look into the matter and that he will be provided with regular updates as agreed by Ben, his carer and the service provider.

Ben's request was considered by the service provider in consultation with Ben and a joint decision was made for Ben to increase his time at the pool on his existing three days, which Ben accepted as a fair outcome.

The service provider meets with Ben's support worker to emphasise the organisation's expectations of how staff should handle requests and questions from the people they support. Ben is also included in the working group the service provider establishes to develop better communication and training strategies to enhance staff skills on complaint handling across the organisation.

Key messages

Providing clear information and support about the complaint process can enable the complaint to be resolved within the organisation and reduce the likelihood of the issue being escalated to an external party.

The complaints process can highlight areas where the service provider can provide additional training to enhance the skills and capacity of staff in handling complaints.

Practice example – Akmal and Kebu’s story

Akmal and his brother Kebu, who is his main carer, were given information on complaint processes upon Akmal’s entry to his support service.

During his regular day program activities Akmal travels on a bus from one venue to another. The bus is part of the day program service. The bus has been continually late since a new bus route to one of the venues began two weeks ago. When Akmal catches the bus, Kebu leaves for work. If the bus is late Kebu is also late for work.

Akmal and Kebu get distressed when the bus is late. When Kebu complains to the bus driver he is told that Akmal is lucky to get any service at all.

Kebu rang the day program coordinator to complain and mention his concerns about Akmal missing out on a reliable service following the bus driver’s comments. He also asked for a meeting to be held at his house after work. The coordinator agreed and also arranged for an interpreter to assist with the discussion. At the meeting the coordinator explained to Kebu and Akmal their rights to receive a service and gave them information about the complaint process translated into Arabic.

The coordinator assured Kebu that he would act on the complaint and that Akmal wouldn’t miss out on the bus service.

The coordinator rang the manager of the bus service and explained the situation. It was negotiated that Akmal could be picked up first without disadvantaging any other passengers. The bus driver was given additional training in appropriate service delivery and was requested to apologise to Kebu and Akmal.

Key message

Having a culturally appropriate and effective complaint handling mechanism in place can enable a person to receive a better service and the complaint to be resolved at the local level in a timely manner.

Practice example – Tim’s story

Katrina, a staff member, noticed that Tim did not want to go to activities where Tim is supported by Sam. Katrina had been trained in cultural awareness and was conscious that, as an Aboriginal person, Tim may not feel comfortable in raising issues or making a complaint to non Aboriginal staff.

Katrina spoke to Tim and assured him there would be no negative outcomes for him and that the service provider wanted to hear his concerns to work out the best way to address them. Katrina reminded Tim of the complaints process and gave him a copy of the complaints process brochure designed specifically for Aboriginal service users.

Tim chose the person he would like to talk with and the place where the discussion would take place. He was also encouraged to bring someone else with him to the meeting. Tim chose his uncle, a local community Elder. The meeting was held with Tim, his uncle and Katrina.

Tim and his uncle gave permission for the cultural issue to be discussed with management so they could consider ways in which the organisation might become more culturally appropriate and improve the way it delivered services. Tim’s uncle was willing to help with cultural awareness training for staff and share with them the best way to engage with local Aboriginal communities and respond in more culturally appropriate ways to community members. The service provider ensured all staff, including Sam, and volunteers were trained in complaint handling and cultural awareness. As a result Tim went to activities supported by Sam.

Key messages

Staff who are appropriately trained in cultural competency can increase positive outcomes for the person with a disability and their family and carers.

Information about the quality of a service received through the complaints process can lead to improved practice within an organisation and better outcomes.

Further information on Standard 4: Feedback and complaints

Legislative obligations

Every service provider is required to fulfil the complaint handling obligations under:

Disability Services Act 1993 No.3, Principles (Schedule 1)

Community Services (Complaints, Reviews and Monitoring) Act 1993 No 2 (CS CRAMA)

www.legislation.nsw.gov.au

Human rights

Information on the *Convention on the Rights of Persons with Disabilities*

www.un.org/disabilities/convention/conventionfull.shtml

Australian Human Rights Commission

www.hreoc.gov.au

NSW complaints handling organisations, guidelines and resources

Ageing, Disability and Home Care (ADHC)

www.adhc.nsw.gov.au

Health Care Complaints Commission (HCCC)

www.hccc.nsw.gov.au

NSW Ombudsman. (2010) *Effective complaint handling guidelines – 2nd Edition*.

NSW Ombudsman. (2009) *Complaint Handling Kit*.

NSW Ombudsman. (2009) *The Rights Stuff: Tips for making complaints and solving problems – A toolkit for consumers of community services in NSW*.

NSW Ombudsman. (2009) *Community Participation complaint handling review*.

NSW Ombudsman. (2009) *Managing unreasonable complainant conduct practice manual*.

NSW Ombudsman. (2009) *Know your rights as a consumer of community services*.

NSW Ombudsman. (2008) *Guidelines for dealing with youth complaints*

www.ombo.nsw.gov.au

The NSW Ombudsman offers a range of training workshops across NSW on complaint handling, including:

- Frontline skills for complaint handling
- Effective complaint management systems for disability service providers
- Managing unreasonable complainant conduct
- Handling serious allegations against employees in disability services

Workshops on how to raise issues, resolve complaints and build positive relationships with service providers are also available for those that use community services, their families and advocates.

NSW Ombudsman Community Education and Training Unit:
02 9286 0900 or training@ombo.nsw.gov.au

National complaint handling organisations

Complaints Resolution and Referral Service CRRS (CRRS)

www.crrs.org.au

Abuse and Neglect Hotline

www.disabilityhotline.org

Australian Human Rights Commission

www.hreoc.gov.au

For information on advocacy refer to

www.adhc.nsw.gov.au

Person centred approaches

Ageing, Disability and Home Care & Australian Catholic University (ACU).
(2009) *Exploring and Implementing Person Centred Approaches - A guide for NSW community participation program service providers.*

www.adhc.nsw.gov.au

ACU Consortium for Ageing, Disability and Home Care. (2008) *Person centred planning; A review of the literature: Strengthening person planning in the community participation program.*

www.adhc.nsw.gov.au

Helen Sanderson Associates Australia and National Disability Services.
(2001) *Progress for Providers: Checking your progress in delivering personalised services.*

www.nds.org.au

Working with people from Aboriginal and Torres Strait Islander communities

Ageing, Disability and Home Care. (2010) *Aboriginal Policy Statement.*

www.adhc.nsw.gov.au

NSW Ombudsman. (2010) *Improving service delivery to Aboriginal people with a disability- A review of the implementation of ADHC's Aboriginal Policy Framework and Aboriginal Consultation Strategy.*

www.ombo.nsw.gov.au

Working with people from Culturally and Linguistically Diverse (CALD) communities

Ageing, Disability and Home Care. (2010) *Cultural Diversity Strategic Framework 2010-2013*

www.adhc.nsw.gov.au

Ageing, Disability and Home Care (ADHC)

CALD Language Services Fact Sheets

www.adhc.nsw.gov.au

Translating and Interpreting Service (TIS National)

www.immi.gov.au

Working with children and young people

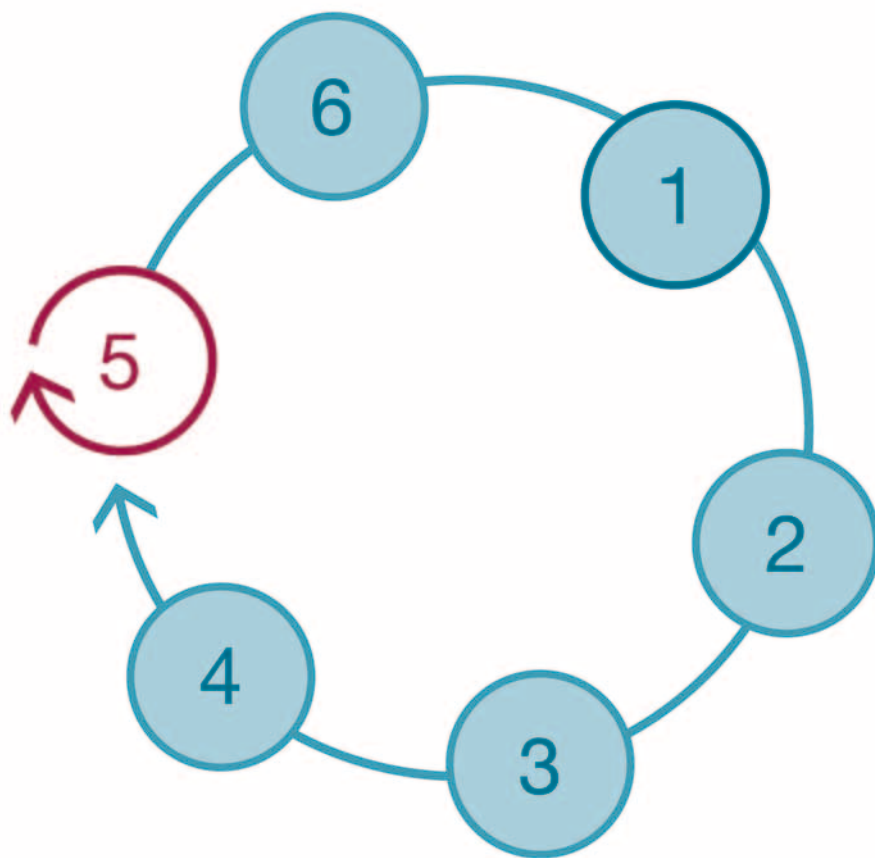
www.keepthemsafe.nsw.gov.au

www.kidsguardian.nsw.gov.au

www.ombo.nsw.gov.au

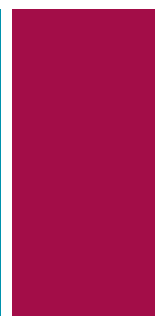
Standard 5

Service access



Service access

Each person is assisted to access the supports and services they need to live the life they choose



Overview

People with a disability require fair and equal access to a broad range of supports and services to achieve their life goals and participate in their communities. In a changing environment with a stronger focus on person centred approaches, services are provided in ways that are flexible and responsive to each person's goals so they can participate in a range of activities like everyone else in the community.

This chapter sets out practice requirements for service providers so people with a disability can access the supports and services they need and for providers to fulfil their obligations under the *Disability Services Act 1993*¹.

People with a disability, their families, carers and advocates require information that is widely available, adapted to their needs about the range of supports and services they can access within their community. This means they can make decisions about which options best suit their individual and cultural needs. This information draws on broader community networks and services.

For people with a disability accessing a service, consistent messages about the service's availability and access procedures are key to ensuring they are treated equally and fairly. This approach builds confidence for people with a disability, their families, carers and advocates that they are able to access services in a clear, transparent and predictable way.

¹ Principle (d): Persons with disabilities have the same rights as other members of Australian society to services which will support their attaining a reasonable quality of life; and (e): Persons with disabilities have the right to choose their own lifestyle and to have access to information, provided in a manner appropriate to their disability and cultural background, necessary to allow informed choice.

Seeking feedback from people with a disability about their experiences in accessing a service is important in understanding what works well and what could be improved. Working together to identify and address any barriers will assist in continuously improving people's access to services.

Working with other organisations to share information and coordinating local supports and services are ways in which service providers can build a strong and responsive referral network. This places the needs of people with a disability at its centre and enables access to other supports and service options.

This chapter has three practice requirements that service providers are to implement to comply with the standard. A practice example and tips are also included to guide providers in the application of the standard.

Practice requirement

1 Service providers make information available about their services

- Service providers are both proactive and responsive in providing people with a disability, their families and carers information about the features and capacity of the services they offer
- Service providers information about their services is in formats that can be readily accessed and easily understood by the diverse mix of people within their community
- Service providers use communication strategies that enable people with cognitive and/or sensory needs and diverse cultural styles to know how to access the service.

Tip 1

Regularly review service information in consultation with people with a disability to ensure that information can be readily accessed. For example, use graphics to communicate the services offered and formats to improve readability.

Consider using social media in addition to other media to inform people of the services available and encourage contact.

Tip 2

Create a welcoming environment that encourages people with a disability, their families and carers to make contact and ask questions about the service.

This can include responding quickly and appropriately to requests for information, providing clear signage, and having accessible buildings and websites. Working in partnership with culturally specific community groups can open up options to make the service more accessible.

Tip 3

Use technology and communication options to improve access to information for people with a disability.

For example, ensure website accessibility for people with sensory disabilities.

Tip 4

Provide information to other services or help people get access to information from other places.

One way to keep information about services updated is to add information on local and human services directories, for example local Council, community service or neighbourhood centre, and Service Link maintained by HSNet.

Practice requirement

2 Service providers have clearly defined processes to access services

- Service providers develop and apply easy to understand, consistent and transparent access processes so that each person is treated fairly and according to their assessed need
- Service providers regularly review their information, policies and practices for service access in consultation with people with a disability, their families and carers to identify and minimise barriers² that may impact on a person's fair and equal access to services.

Tip 5

Create ways to identify barriers to accessing services to suit the individual and their particular communication abilities.

Another way may be to establish a sub-committee involving people with a disability, their families and carers to help minimise and overcome the barriers.

Track your progress over time to show continuous improvement.

² Barriers may include: physical; financial; information and communication; transportation; geographical; cultural; attitudinal and structural barriers.

Practice requirement

3 Service providers work with other organisations to increase each person's support options

- Service providers understand the broad range of supports and services available to meet the needs of people with a disability, their families and carers in the community
- Service providers work with local community and other mainstream and specialist organisations to maintain community engagement and referral networks
- Service providers provide information and support to the person when recommending or referring other services or activities.

Tip 6

Improve your understanding of supports and services available in the local community by attending expos, open days and other local community and cultural events.

Meet with other organisations to maintain active referral networks so that options for people with a disability are increased.

Tip 7

Consider involving local community leaders in training for staff and volunteers to increase awareness and understanding of different cultural, cognitive and sensory needs, and to enable consistency in the way access processes are applied.

This could occur in the local community or a venue used by a particular group to maximise the understanding of staff and volunteers.

Practice example – Leanne's story

Leanne is a young woman with intellectual disability and vision impairment living with her mother who is her carer. She recently told her case manager Carol that she wanted to learn to live more independently and find new friends her own age who might share her interests.

Leanne has just completed a course and wants to spend her time on new activities. She wanted to know more about the services mentioned by Carol and was provided with information on two service providers in the local community.

Carol supported Leanne to look up information on the providers which provided information in very different ways. Leanne preferred the service that had JAWS compatibility, an easy to read webpage with large text and pictures which clearly explained what the service offered and how to make contact. Leanne could see the types of support they offered. She used their accessible map to find out that the program was located within close walking distance to public transport. Leanne was excited to see photos of people her own age doing many of the activities that she enjoys and was keen to talk with the service.

When Leanne called the service, the staff were friendly and answered all her questions, taking time so that Leanne was confident about the information. Leanne said that she wanted to visit the service with her family to discuss the activities offered and find out how to access the service. The service welcomed this request and set up a meeting time that was convenient to Leanne and her family. The service reassured Leanne and her family that she would be supported to move around the new surroundings with her cane to build her confidence and independence.

The visit to the service went very well. The building was easy to access and had well placed large signs. The service provider introduced Leanne and her family to some of the people in the program who shared their experiences. The service provider then gave Leanne and her family information on the centre's policies and procedures and outlined how they could achieve some of her goals.

Leanne now attends the day program, Tai Chi classes, volunteers at the local Lifeline shop and has joined the local karaoke club. She is learning some valuable skills to assist her in her daily living and enjoys the friendship of many at the centre.

Key message

Accessible information, supported by well managed access processes, assists people to understand what your service can offer and builds confidence in using your service.

Further information on Standard 5: Service access

Legislative obligations

Community Relations Commission and Principles of Multiculturalism Act 2000 (NSW)

Disability (Access to Premises) Standards 2010 (Commonwealth)

Disability Services Act 1993 (NSW)

Disability Discrimination Act 1992 (Commonwealth)

Premises Standards 2011 (Commonwealth)

For links to legislation refer to:

www.comlaw.gov.au or www.Austlii.edu.au (Commonwealth legislation)

www.legislation.nsw.gov.au (NSW legislation)

Resources

Information on **assistive technology and access** can be accessed at:

Independent Living Centre

www.ilcnsw.asn.au

Technical Aid to the Disabled (TAD) NSW

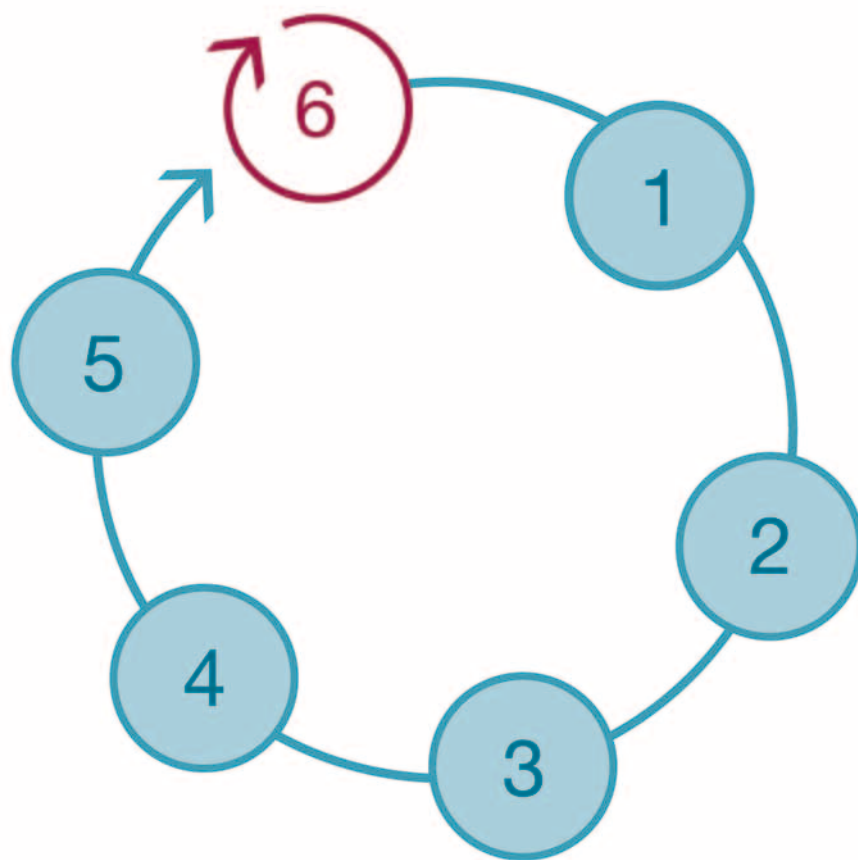
www.technicalaid.org.au

Enable NSW

www.enable.health.nsw.gov.au

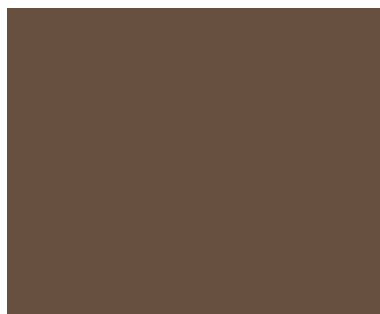
Information on:	refer to:
discrimination and human rights	Standard on rights
person centred approaches	Standard on individual outcomes
working with people from Aboriginal and Torres Strait Island (ATSI) communities	Standard on individual outcomes
working with people from Culturally and Linguistically Diverse (CALD) communities	Standard on individual outcomes
working with children and young people	Standard on feedback and complaints
community partnership approaches	Standard on Participation and inclusion

Standard 6 Service management



Service management

Service providers are well managed and have strong and effective governance to deliver positive outcomes for the people they support



Overview

The provision of flexible and responsive person centred services in safe environments by well governed service providers is crucial for maximising quality outcomes for people with a disability, their families and carers.

This chapter sets out practice requirements for service providers to govern and operate their services in line with obligations under the *Disability Services Act 1993 No.3*¹ (DSA).

It is expected that service providers will have a positive organisational culture and through strong and effective governance and robust management be responsive to the needs of people with a disability, meet their compliance and reporting obligations and embed a culture of continuous improvement by implementing quality management systems.

The corporate governance framework should ensure the strategic guidance of the organisation, and the effective monitoring of management by the governing body which is accountable to the organisation and its stakeholders². The members should be equipped with the appropriate knowledge, skills and training to fulfil their responsibilities, act in good faith with due diligence and care and in the best interest of the organisation and stakeholders.

¹ DSA Principle (g): Persons with disabilities receiving services have the same right as other members of Australian society to receive those services in a manner which results in the least restriction of their rights and opportunities.

² The OECD Principles of Corporate Governance 2004.

Organisations need to ensure the delivery of high quality services with strong internal controls which are responsive to the future needs and increased demand for services for people with a disability, their families and carers.

Crucial to an effectively managed organisation is a skilled workforce with the right values and attitudes reflecting the DSA and person centred approaches. Recruitment practices must meet probity requirements and organisations should be committed to training and equipping staff and volunteers to meet the needs of the people they support and to maximise positive service delivery outcomes. Planning for future workforce needs is essential.

Fundamental to an effectively managed organisation is the active involvement of key stakeholders³, particularly people with a disability, in providing feedback on an ongoing basis and having the opportunity to participate in the planning, management and evaluation of the organisation.

Stakeholders also have a key role in the development, implementation and periodic review of contemporary policies and practices. These reflect the organisation's compliance obligations, its strategic and business plans and effective management systems for the delivery of person centred services.

Organisations are also required to develop strategies to work in partnership with other stakeholders in the local community to be responsive to the needs of people with a disability to maximise social capital and the range of support and resources that are available.

In addition to the practice requirements, the chapter also includes practice examples and tips to guide providers in the application of the standard.

³ Stakeholders include anyone with an interest in the governance and management of services including people with a disability, their families, carers, advocates and community members.

Practice requirement

1 Each person receives quality services which are effectively and efficiently governed

The corporate governance body of an organisation:

- is comprised of members who possess or can acquire appropriate knowledge, skills and training to fulfil all responsibilities which are clearly defined, documented and disclosed
- is equipped and fulfils all responsibilities for strategic planning and developing visionary direction for the organisation based on person centred approaches and future industry needs
- is able to exercise objective and independent judgement on corporate affairs which is separate to decision making on operational matters
- is accountable to stakeholders and demonstrates high ethical standards acting in their best interests
- monitors the effectiveness of the organisation's governance policies and practices and makes changes as needed
- ensures the integrity of the organisation's accounting and financial reporting systems and that appropriate systems of control are in place for risk management, financial and operational control (including fire safety and appropriate insurance), and compliance with legislation and funding requirements
- ensures the organisation has a quality management system and internal controls are in place to comply with relevant standards
- uses feedback from stakeholders and the community to inform and develop continuous improvement strategies
- regularly reviews its policies to reflect contemporary practice and feedback from people with a disability and other key stakeholders
- recruits, supports and monitors senior management positions in line with the vision and values of the organisation and probity requirements
- has strategies in place for communication with staff to promote continuous improvement and a collaborative, responsive organisation.

Tip 1

Develop the skills and leadership competencies of governance bodies and managers by including ongoing information sharing, mentoring, networking, or on-the-job learning. Take opportunities to learn from good governance programs run for example by professional bodies and industry peaks. Regularly check websites for new ideas.

Tip 2

People receiving services and the community have a key role in informing the service delivery of an organisation. Consider setting up consultative committees, which report to the corporate governance body. Invite them to functions such as social events where informal feedback is collected eg BBQs and utilise email and other methods to encourage suggestions or comments.

Tip 3

For strong governance try and be sure that corporate governance members bring a range of relevant qualifications and capacity to make independent judgements from the organisation.

Tip 4

Meeting reporting requirements on time eg Annual Report, not only meets legal obligations but demonstrates an organisation's commitment to accountability and transparency.

Practice requirement

2 Each person receives quality services that are well managed and delivered by skilled staff with the right values, attitudes, goals and experience

- Service providers have written policies and associated processes which reflect relevant legislation, standards, funding requirements and sector policy that are accessible to all stakeholders
- Service providers have processes to monitor compliance with relevant legislation and policy and to continuously improve organisational performance
- Service providers encourage and support people with a disability, their families and carers to participate in the planning, management and evaluation of the service
- Service providers inform stakeholders how feedback has been used to improve service management and delivery
- Service providers have a workforce planning and recruitment strategy in place to ensure the organisation has a skilled, engaged and responsive workforce
- Service providers have processes in place for succession planning of leadership staff and other key positions
- Recruitment practices meet all probity requirements and ensure the right workforce is recruited and maintained to deliver the range of services provided by the organisation to meet service delivery outcomes
- Service providers provide regular staff and volunteer training, support and supervision to flexibly meet the needs of people they support
- Service providers create and maintain accessible and safe physical environments in accordance with all fire safety requirements and occupational health and safety legislative and policy requirements
- Service providers implement the organisation's strategic and business plans utilising good practices including community engagement initiatives.

Tip 5

Make sure that policies and processes ensure that staff grievances are handled fairly, in a timely and objective manner in line with industrial requirements and good practice.

Tip 6

Person centred planning, training and mentoring schemes for staff and volunteers will contribute to positive shifts in service outcomes for people with a disability.

Tip 7

Utilise the experience of people with a disability by involving them in recruitment and staff training programs. This can help to ensure staff are employed with the right values and attitudes and that training programs are directly relevant to working with people with a disability, their families and carers.

Tip 8

In line with the moves to individual and person centred approaches, organisations need to consider these impacts and build an effective and skilled workforce equipped to meet the changes required. Review retention rates and staff skill sets to plan and action workforce initiatives.

Tip 9

Development of organisations' policies and procedures is made with the active involvement of people with a disability and other stakeholders.

Tip 10

Service providers ensure staff and people receiving services are aware of fire safety procedures and have regular opportunities and support to practice evacuation.

Practice example – Organisation A's story

Organisation A is a disability service provider with an organisational culture that recognises the importance of listening to the experiences of people receiving services and acting on the feedback to inform continuous improvement and achieve positive service outcomes.

The board and senior management team are active in reviewing the organisation's core values in consultation with the people they support to ensure the culture of the organisation is reflected in all aspects of service delivery. This activity occurs through an annual forum which is hosted at times and in venues which promote a friendly and supportive environment and maximise the number of participants. Feedback can be provided in a number of ways including through individual or group discussion or anonymously through feedback forms.

Other ways in which feedback is collected is through independently conducted surveys that are distributed to people with a disability, their families and carers on a regular basis. The senior management team uses the feedback to improve or change service delivery. For example, the organisation was able to offer access to a greater range of activities by drawing on established networks with local community organisations in response to feedback that their range of activities was limited. The organisation provided information on the new activities through a variety of methods such as informal BBQs, regular newsletters and website updates highlighting that the feedback provided by people accessing services had led to improved service delivery.

People with a disability are also encouraged and supported to join or participate in the activities of the board. Opportunity is also given for involvement in the recruitment of board members and staff of the senior management team for example, through the development of position descriptions and representation on selection panels.

The board meetings include a standing agenda item on stakeholder feedback, trends and ways in which systems and practices can be improved.

Key messages

Providing opportunities for all stakeholders to provide feedback on the service in a number of different ways can lead to improved practice within an organisation and better service delivery outcomes.

Practice example – Organisation B's story

Organisation B is a disability service provider that uses a community development and partnership approach to maximise the range of support and resources available for people accessing services.

The organisation has developed a robust workforce development strategy that is reflected in its innovative and creative approaches to delivering services that respond to each person's changing needs. The organisation recruits a workforce with the values, attitudes and skills which the organisation has identified as being important to working with people with a disability, their families and carers.

Organisation B provides regular opportunities for staff training and support to ensure that staff and volunteers understand contemporary policy and practice and are equipped to meet the changing needs of the people they support. One way in which staff are supported is by attending community forums to develop networks with peaks and other local organisations.

Regular staff meetings are held to discuss service and community issues identified by staff. For example, staff meetings identified an increase in the number of new service users who are recent immigrants with low levels of English proficiency and a difficult financial situation. Staff also identified that the experience of migration had led to strained family relationships and a disruption to people's support networks.

Staff draw on their networks with relevant community organisations to obtain advice on how to provide information and support to this particular group and tap into a range of service options. Staff refer this group to other community services and volunteer networks which can assist with improving their language skills and accessing financial and other supports.

Staff work sensitively with this group and actively develop opportunities for families with a similar history to connect and share their stories.

These activities lead to positive outcomes for this group including increased family resilience and improved social networks.

Key messages

A skilled workforce can respond creatively to the needs of people with a disability and their families and maximise access to the range of appropriate support and resources that are available.

Further information on Standard 6: Service management⁴

Legislative obligations

Every service provider is required to fulfil governance and service management obligations under:

Disability Services Act 1993 No 3

www.legislation.nsw.gov.au

www.comlaw.gov.au

Key governance and service management legislation

Associations Incorporation Act 2009 No 7

Corporations Act 2001 (Commonwealth)

Corporations (New South Wales) Act 1990 No 83

Fair Work Act 2009 (Commonwealth)

Fair Work Regulation 2009 (Commonwealth)

Industrial Relations Act 1996

Long Service Leave Act 1955

Payroll Tax Act 2007

Workers Compensation Act 1987 No 70

Work Health and Safety Act 2011⁵

Workplace Injury Management and Workers Compensation Act 1998 No 86

www.legislation.nsw.gov.au

www.comlaw.gov.au

Resources

It's Your Business

www.adhc.nsw.gov.au

Good Governance Program

www.nds.gov.au

Disability Safe

www.disabilitysafe.org.au

Management Support Unit (MSU)

www.ncoss.org.au

Corporate Governance Handbook for Company Directors and Committee Members: A reference guide to understanding the serious commitment of being a company director or committee member – 2nd Edition

www.fahcsia.gov.au

The OECD Principles of Corporate Governance

www.asic.gov.au

Contribution of the Not-for-Profit Sector – Research Report

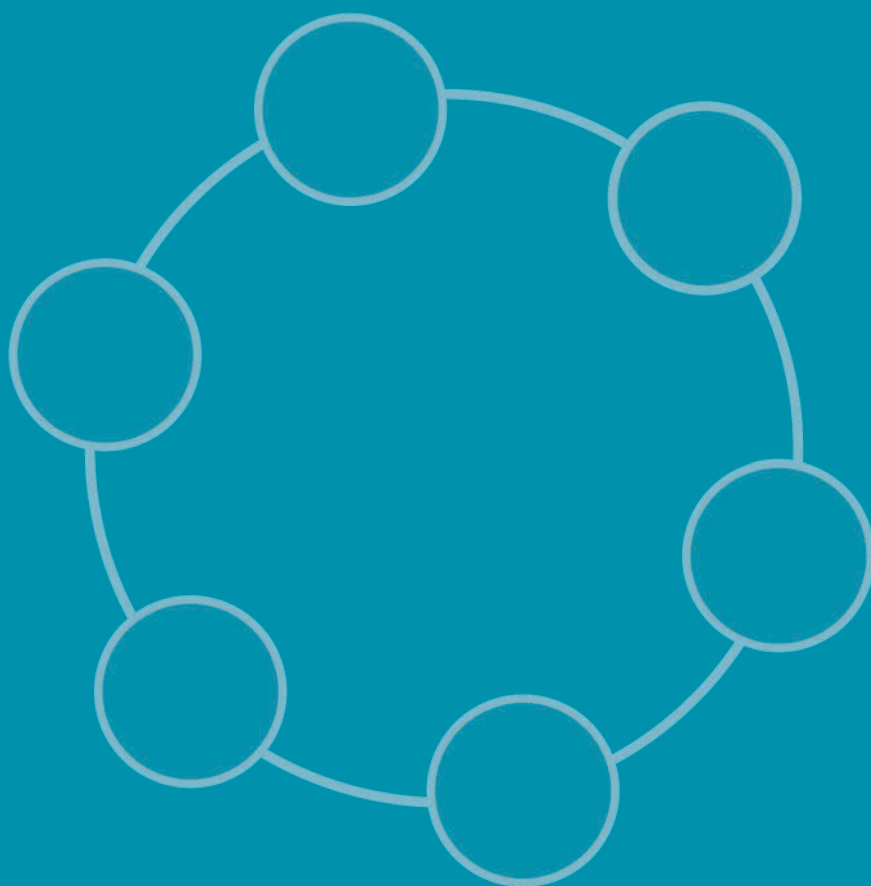
www.pc.gov.au

⁴ The legislation and resources listed are indicative only.

⁵ Work Health and Safety Act will replace the Occupational Health and Safety Act 2000 as of January 2012.

Information on:	refer to:
discrimination and human rights	Standard on rights
advocacy	Standard on individual outcomes
person centred approaches	Standard on individual outcomes
working with people from Aboriginal and Torres Strait Island (ATSI) communities	Standard on individual outcomes
working with people from Culturally and Linguistically Diverse (CALD) communities	Standard on individual outcomes
working with children and young people	Standard on feedback and complaints

Appendices



Appendix 1

Summary NSW Disability Services Standards: Purpose and Practice Requirements

RIGHTS

Purpose:

Each person receives a service that promotes and respects their legal and human rights and enables them to exercise choice like everyone else in the community

Practice Requirement 1:

Each person is aware of their rights and can expect to have them respected

Practice Requirement 2:

Service providers are to uphold and promote the legal and human rights of each person

PARTICIPATION AND INCLUSION

Purpose:

Each person is encouraged and supported to contribute to social and civic life in their communities in the way they choose

Practice Requirement 1: Each person is actively encouraged and supported to participate in their community in ways that are important to them

Practice Requirement 2: Service providers develop connections with the community to promote opportunities for active and meaningful participation

INDIVIDUAL OUTCOMES

Purpose: Each person is supported to exercise choice and control over the design and delivery of their supports and services

Practice Requirement 1: Service providers maximise person centred decision making

Practice Requirement 2: Service providers undertake person centred approaches to planning to enable each person to achieve their individual outcomes

FEEDBACK AND COMPLAINTS

Purpose:

When a person wants to make a complaint, the service provider will make sure the person's views are respected, that they are informed as the complaint is dealt with, and have the opportunity to be involved in the resolution process

Practice Requirement 1:

Each person is treated fairly by the service provider when making a complaint

Practice Requirement 2:

Each person is provided with information and support to make a complaint

Practice Requirement 3:

Each service provider has the capacity and capability to handle and manage complaints

SERVICE ACCESS

Purpose: Each person has access to information and is assisted to access the supports and services they need to live the life they choose

Practice Requirement 1: Service providers make available information about their services

Practice Requirement 2: Service providers have clearly defined processes that enable fair and transparent access to services

SERVICE MANAGEMENT

Purpose:

Service providers are well managed and have strong and effective governance to deliver positive outcomes for the people they support

Practice Requirement 1:

Each person receives quality services which are effectively and efficiently governed

Practice Requirement 2:

Each person receives quality services that are well managed and delivered by skilled staff with the right values, attitudes, goals and experience

Appendix 2



New South Wales

Disability Services Act 1993 No 3

Status information

Currency of version

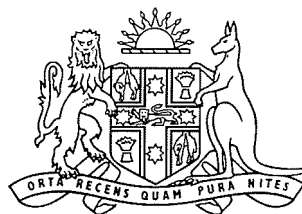
Current version for 6 July 2009 to date (generated 14 March 2011 at 09:57).

Legislation on the NSW legislation website is usually updated within 3 working days.

Provisions in force

All the provisions displayed in this version of the legislation have commenced. For commencement and other details see the Historical notes.

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website.



New South Wales

Disability Services Act 1993 No 3

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New South Wales

Disability Services Act 1993 No 3

An Act relating to the provision of disability services for persons with disabilities.

Current version for 6.7.2009 to date (generated on 14.03.2011 at 09:57)

Part 1 Preliminary

1 Name of Act

This Act may be cited as the *Disability Services Act 1993*.

2 Commencement

This Act commences on the date of assent.

3 Objects

The objects of this Act are:

- (a) to ensure the provision of services necessary to enable persons with disabilities to achieve their maximum potential as members of the community, and
- (b) to ensure the provision of services that:
 - (i) further the integration of persons with disabilities in the community and complement services available generally to such persons in the community, and
 - (ii) enable persons with disabilities to achieve positive outcomes, such as increased independence, employment opportunities and integration in the community, and
 - (iii) are provided in ways that promote in the community a positive image of persons with disabilities and enhance their self-esteem, and
- (c) to ensure that the outcomes achieved by persons with disabilities by the provision of services for them are taken into account in the granting of financial assistance for the provision of such services, and
- (d) to encourage innovation in the provision of services for persons with disabilities, and
- (e) to achieve positive outcomes, such as increased independence, employment opportunities and integration in the community, for persons with disabilities, and
- (f) to ensure that designated services for persons with disabilities are developed and reviewed on a periodic basis through the use of forward plans.

4 Definitions

In this Act:

approved research or development activity means any of the following activities:

-
- (a) research with respect to the provision of services for persons in the target group,
 - (b) the investigation of the need for services for persons in the target group,
 - (c) the initiation of services for persons in the target group,
 - (d) the planning of the provision of designated services for persons in the target group,
 - (e) the development of proposals for the provision of services for persons in the target group,
 - (f) the development or implementation of training programs for:
 - (i) persons engaged in the provision of designated services, or
 - (ii) the families of, and other persons who provide care for or assistance to, persons in the target group,
 - (g) the investigation of outcomes achieved by persons in the target group by the provision of designated services,
 - (h) any other activity that is prescribed by the regulations, or that belongs to a class of activities so prescribed, for the purposes of this definition.

designated service means a service that is provided or funded by the Minister and that is prescribed by the regulations, or that belongs to a class of services so prescribed, for the purposes of this definition.

eligible organisation means any of the following persons or bodies:

- (a) a body corporate,
- (b) a local authority constituted by or under an Act,
- (c) a tertiary institution within the meaning of the *Employment, Education and Training Act 1988* of the Commonwealth,
- (d) the Commonwealth Government,
- (e) a Minister or an authority of the State or a person exercising functions on behalf of a Minister or such an authority,
- (f) any society, association or body that is prescribed by the regulations, or that belongs to a class of societies, associations or bodies so prescribed, for the purposes of this definition.

exercise of a function includes, where the function is a duty, the performance of the duty.

financial assistance or **funding** means financial assistance under this Act.

function includes a power, authority and duty.

service includes a service consisting of the supply of goods, whether or not accompanied by the provision of other services.

5 Target group

- (1) For the purposes of this Act, a person is in the target group if the person has a disability (however arising and whether or not of a chronic episodic nature):
 - (a) that is attributable to an intellectual, psychiatric, sensory, physical or like impairment or to a combination of such impairments, and
 - (b) that is permanent or is likely to be permanent, and
 - (c) that results in:
 - (i) a significantly reduced capacity in one or more major life activities, such as communication, learning, mobility, decision-making or self-care, and
 - (ii) the need for support, whether or not of an ongoing nature.
- (2) For the purposes of this Act, the following persons (within the meaning of the *Mental Health Act 2007*) are in the target group, but only if the services provided for their care are not inconsistent with the objects and relevant requirements of that Act:
 - (a) an involuntary patient or a forensic patient,
 - (b) a person subject to a community treatment order,
 - (c) a person under detention in a mental health facility.
- (3) For the purposes of this Act, a service is taken to be provided for persons in the target group if and only if it is provided predominantly for persons in the target group.

Part 2 Disability services

Division 1 General

6 Minister to ensure that designated services are provided and funded in conformity with the Act

- (1) It is the duty of the Minister in providing and funding designated services to persons in the target group, either directly to those persons or indirectly through other persons or bodies, to ensure that the services are provided and funded in conformity with the objects of this Act and the principles and applications of principles set out in Schedule 1.
- (2) This section does not apply to a designated service that was being provided or funded by the Minister immediately before the commencement of this section until:
 - (a) 2 months after the commencement of this section, except as provided by paragraph (b), or
 - (b) 3 years after the commencement of this section if, within the 2-month period the Minister determines that a transition plan be prepared under section 7 in relation to the designated service.
- (3) This section does not apply to a transferred service until:
 - (a) 2 months after the date on which responsibility for the service is transferred to the State in accordance with the Commonwealth agreement, except as provided by paragraph (b), or
 - (b) 3 years after the date on which responsibility for the service is so transferred if, within the 2-month period, the Minister determines that a transition plan be prepared under section 7 in relation to the service.

In this subsection:

Commonwealth agreement means the agreement entitled *The Commonwealth/State Disability Agreement* entered into on 30 July 1991 between the Commonwealth and the State.

transferred service means a designated service that was being provided or funded by the Commonwealth immediately before the commencement of this section, being a service for which responsibility is transferred to the State, in accordance with the Commonwealth agreement, after that commencement.

- (4) However, during the relevant 3-year period, it is the duty of the Minister to ensure that the service concerned is provided or funded as closely as possible in conformity with the objects of this Act and the principles and applications of principles set out in Schedule 1.

7 Transition plans for existing designated services

- (1) The Minister may determine that a transition plan be prepared under this section in relation to a designated service:
 - (a) that, immediately before the commencement of section 6, was being provided or funded by the Minister to persons in the target group, either directly to those persons or indirectly through other persons or bodies, and
 - (b) that, in the Minister's opinion, does not conform in its provision or funding with the objects of this Act and the principles and applications of principles set out in Schedule 1.
- (2) The Minister may determine that a transition plan be prepared under this section in relation to a transferred service:
 - (a) that, immediately before its transfer, was being provided or funded by the Commonwealth to persons in the target group, either directly to those persons or indirectly through other persons or bodies, and
 - (b) that, in the Minister's opinion, does not conform in its provision or funding with the objects of this Act and the principles and applications of principles set out in Schedule 1.

In this subsection:

Commonwealth agreement means the agreement entitled *The Commonwealth/State Disability Agreement* entered into on 30 July 1991 between the Commonwealth and the State.

transferred service means a designated service that was being provided or funded by the Commonwealth immediately before the commencement of this section, being a service for which responsibility is transferred to the State, in accordance with the Commonwealth agreement, after that commencement.

- (3) A transition plan may be prepared by the Minister or, at the direction of the Minister, by a person or body through which a designated service is provided or funded.
- (4) A transition plan:
 - (a) must provide for the service concerned to be provided or funded as closely as possible in conformity with the objects of this Act and the principles and applications of principles set out in Schedule 1, and
 - (b) must indicate the date (being the earliest date practicable) by which the service concerned will be provided or funded in full conformity with those objects, principles and applications of principles.

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- (5) The Minister may, by order published in the Gazette, adopt a transition plan prepared under this section.
 - (6) The transition plan takes effect on the date on which the order is so published or on such later date as may be specified in the order.
 - (7) A transition plan may be amended by a subsequent plan prepared and adopted in accordance with this section.
 - (8) Before adopting a transition plan or an amendment to a transition plan, the Minister must be satisfied that:
 - (a) the persons to whom the relevant service is being provided, and
 - (b) the families and carers of, and the advocates for, those persons, have, as far as practicable, been consulted as to the proposals contained in the plan or amendment.
 - (9) A transition plan, and any amendment to a transition plan, is to be made available to the public.
 - (10) The provision or funding of a designated service is taken to comply with the requirements of section 6 if it complies with the requirements of a transition plan.

8 Minister to facilitate provision of designated services

- (1) The Minister has the function of facilitating the provision of designated services to persons in the target group.
- (2) The function may be exercised in one or more of the following ways:
 - (a) by the provision of designated services to persons in the target group, either directly to those persons or indirectly through other persons or bodies, or
 - (b) by the provision of financial assistance, either directly to persons in the target group or indirectly through other persons or bodies, or
 - (c) by the encouragement of the provision of services to persons in the target group by other persons and bodies.

9 Plans relating to services of public authorities

- (1) A public authority is to prepare, and make provision for the implementation of, a plan to encourage the provision of services by that authority in a manner that furthers the principles and applications of principles set out in Schedule 1.
- (2) Such a plan must make provision for the furnishing of periodic reports as to the public authority's progress in implementing the plan.

-
- (3) Such a plan is to be prepared as soon as practicable after the commencement of this section but no later than 2 years after that commencement. The plan may be amended from time to time.
 - (4) Such a plan, and any amendment, is to be made available to the public.
 - (5) This section applies to all services, whether or not they are provided predominantly for persons in the target group.
 - (6) This section applies to a public authority that comes into existence after the commencement of this section as if references to the commencement of this section were references to its coming into existence.
 - (7) In this section, **public authority** means a government department, administrative office or declared authority specified in Schedule 1, 2 or 3 of the *Public Sector Management Act 1988*, and includes an authority prescribed as a public authority by the regulations.

Division 2 Financial assistance

10 Financial assistance

- (1) The Minister may approve the provision of financial assistance:
 - (a) to a person in the target group, or to a person providing direct care or support to a person in the target group, for the purpose of enabling the person in the target group to be provided with designated services, or
 - (b) to an eligible organisation providing, or proposing to provide, designated services to persons in the target group for the purpose of enabling the eligible organisation to provide those services, or
 - (c) to a person or eligible organisation conducting, or proposing to conduct, an approved research or development activity for the purpose of enabling the person or organisation to conduct that activity.
- (2) Approval for the provision of financial assistance may not be given unless the Minister is satisfied on reasonable grounds that providing the assistance would conform with the objects of this Act and the principles and applications of principles set out in Schedule 1.

11 Terms and conditions on which financial assistance to be approved generally

When approving the provision of financial assistance, the Minister must determine:

- (a) the amount of the assistance or the manner in which the amount of the assistance is to be calculated, and

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- (b) the time or times at which, and the instalments (if any) in which, the assistance is to be paid, and
 - (c) the terms and conditions on which the assistance is to be provided.

12 Terms and conditions with respect to eligible organisations

- (1) The terms and conditions on which financial assistance may be provided to an eligible organisation in relation to the provision of designated services must deal with each of the following matters:
 - (a) the extent to which the organisation must conform to the principles and applications of principles set out in Schedule 1 in connection with the provision of those services,
 - (b) the purposes for which the financial assistance may be applied,
 - (c) the amounts to be applied for those purposes,
 - (d) the outcomes to be achieved for persons in the target group as a result of the provision to them by the eligible organisation of designated services, and their rights in relation to the provision of designated services or otherwise,
 - (e) the performance indicators to be used in measuring the outcomes achieved for persons in the target group as a result of the provision to them by the eligible organisation of designated services.
- (2) Without limiting section 11 (c), the terms and conditions on which financial assistance may be provided to an eligible organisation in relation to the provision of designated services may also deal with any one or more of the following matters:
 - (a) the agreements to be entered into, between:
 - (i) the eligible organisation, and
 - (ii) persons in the target group to whom it provides designated services, or persons acting on their behalf,in relation to the provision of those services,
 - (b) the furnishing of information,
 - (c) the provision of certificates with respect to the fulfilment of terms and conditions,
 - (d) the repayment of financial assistance,
 - (e) the giving of security for the fulfilment of terms and conditions,
 - (f) the use and disposal of, and the recovery of amounts that under the terms and conditions are to be taken as representing the State's interest in:
 - (i) land acquired (with or without buildings), and

- (ii) buildings acquired, erected, altered or extended, and
 - (iii) equipment acquired, altered or installed,
- as a result of the application of the financial assistance or of the financial assistance and other money.

12A Funding of psychiatric disability services by Minister for Health

- (1) Despite any other provision of this Act, the Minister administering this Act and the Minister for Health may enter into an agreement under which the Minister administering this Act provides financial assistance to the Minister for Health for the purposes of enabling the Minister for Health to fund the provision, by eligible organisations, of services to persons in the target group whose disabilities are attributable to a psychiatric impairment.
- (2) Any such agreement must set out:
 - (a) the amount of financial assistance to be provided to the Minister for Health, and
 - (b) the purposes for which the Minister for Health may apply the financial assistance.
- (3) This section applies instead of section 12 to the provision of financial assistance by the Minister administering this Act to the Minister for Health.
- (4) The services funded under this section are taken to be designated services for the purposes of this Act.
- (5) The provisions of:
 - (a) sections 6 and 7, and
 - (b) this Division (other than this section),apply in relation to the Minister for Health's funding of services under this section as if references in those provisions to the Minister were references to the Minister for Health.
- (6) The Minister for Health is taken to have duly determined that transition plans be prepared under section 7 in relation to the services funded under this section.
- (7) This section does not limit the application of the other provisions of this Act in relation to funding, or services funded, under this section.

13 Terms and conditions with respect to research and development

- (1) The terms and conditions on which financial assistance may be granted to a person or eligible organisation in relation to the conduct of an approved research or development activity must deal with each of the following matters:

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- (a) the extent to which the person or organisation must conform to the principles and applications of principles set out in Schedule 1 in connection with the conduct of that activity,
 - (b) the purposes for which the financial assistance may be applied,
 - (c) the amounts to be applied for those purposes,
 - (d) the outcomes to be achieved for persons in the target group as a result of the carrying out of the activity or the provision to them of services to which the activity relates, or both,
 - (e) the performance indicators to be used in measuring the outcomes achieved for persons in the target group as a result of the carrying out of the activity or provision to them of services to which the activity relates, or both.
- (2) Without limiting section 11 (c), the terms and conditions on which financial assistance may be provided to a person or eligible organisation in relation to the conduct of an approved research or development activity may also deal with any one or more of the following matters:
- (a) the furnishing of information,
 - (b) the provision of certificates with respect to the fulfilment of terms and conditions,
 - (c) the repayment of financial assistance,
 - (d) the giving of security for the fulfilment of terms and conditions,
 - (e) the use and disposal of, and the recovery of amounts that under the terms and conditions are to be taken as representing the State's interest in:
 - (i) land acquired (with or without buildings), and
 - (ii) buildings acquired, erected, altered or extended, and
 - (iii) equipment acquired, altered or installed,as a result of the application of the financial assistance or of the financial assistance and other money, and
 - (f) the use, disposal and ownership of anything produced by the research or development activity.

14 Payment by instalments

In the case of financial assistance to be paid in instalments, the instalments are to be paid within 5 years after the assistance is approved.

15 Review of outcomes of financial assistance for designated services

The Minister must ensure that, at intervals of not more than 3 years, a review is conducted:

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- (a) of the extent to which each eligible organisation that has received financial assistance for the provision of designated services has complied with the terms and conditions on which the assistance was given, and
 - (b) of the extent to which the outcomes required by those terms and conditions have been achieved by persons in the target group.

16 Termination of financial assistance

- (1) Subject to subsection (2), future instalments of financial assistance:
 - (a) may at any time be suspended by the Minister for a period of not more than 28 days, and
 - (b) may at any time be terminated by the Minister.
- (2) Before future instalments of approved financial assistance are terminated:
 - (a) notice of the proposed termination, and the reasons for the proposed termination, are to be given to the person or eligible organisation receiving the assistance, and
 - (b) that person or organisation is to be given a reasonable opportunity to make submissions to the Minister with respect to the proposed termination, and
 - (c) the Minister is to take any such submissions into consideration before deciding to terminate the future instalments of financial assistance.

17 Agreements with respect to terms etc of financial assistance

- (1) Financial assistance is not payable unless the person to whom it is to be paid enters into an agreement with the Minister on the same terms and conditions as those on which the provision of the assistance was approved.
- (2) The Minister may, with the consent of the other parties, vary the terms and conditions of such an agreement and the agreement is taken to have been varied accordingly.

18 Agreements arising from transfer of certain land etc

If:

- (a) either or both of the following apply:
 - (i) financial assistance has been provided to a person or eligible organisation on terms and conditions with respect to the use or disposal of any land, building or equipment,
 - (ii) a person or eligible organisation has entered into an agreement with the Minister under which the person or

organisation is required to comply with terms and conditions with respect to the use or disposal of any land, building or equipment, and

- (b) the person or organisation has transferred, or proposes to transfer, the whole or a part of the person's or organisation's interest in the land, building or equipment to another person or eligible organisation,

the Minister may enter into an agreement with the other person or organisation under which the other person or organisation is required to comply (or will, on the transfer being completed, be required to comply) with terms and conditions, whether with respect to the use or disposal of land, building or equipment or otherwise.

19 Payments to be made from funds appropriated by Parliament

- (1) Payments of financial assistance are to be made from funds to be appropriated by Parliament for the purpose.
- (2) Nothing in this Act requires a payment of financial assistance to be made otherwise than from funds that are available to the Minister for that purpose and, in particular, subsection (1) does not operate so as to appropriate money for the purpose of enabling such a payment to be made.

Division 3 Applications for review by Administrative Decisions Tribunal

20 Decisions that are reviewable by Administrative Decisions Tribunal

For the purposes of section 28 (1) (a) of the *Community Services (Complaints, Reviews and Monitoring) Act 1993*, any of the following decisions is reviewable by the Administrative Decisions Tribunal:

- (a) a decision approving the provision of financial assistance if the approval to the provision of the assistance should not have been given under section 10 (2) because the provision of the assistance will not conform with the objects of this Act and the principles and applications of principles set out in Schedule 1,
- (b) a decision to provide financial assistance to an eligible organisation in relation to the provision of designated services if the terms and conditions on which the assistance is provided to the organisation do not comply with section 12,
- (c) a decision to provide financial assistance to a person or eligible organisation in relation to the conduct of an approved research or development activity if the terms and conditions on which the assistance is provided to the person or organisation do not comply with section 13,

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- (d) a decision not to conduct a review under section 15 or to conduct a review that is not in accordance with the requirements of that section,
 - (e) a decision to terminate future instalments of approved financial assistance if those instalments have been terminated otherwise than in accordance with section 16,
 - (f) a decision belonging to such class of decisions as may be prescribed by the regulations.

Part 3 Miscellaneous

21 Notices etc to be written in other languages

- (1) If:
- (a) a person is required, by the terms and conditions on which financial assistance is provided under this Act, to cause a document or other instrument to be served on any other person, and
 - (b) it appears to the person that the other person is blind or illiterate or is not literate in the English language,
- the person is, in so far as it is reasonably practicable, to cause the information contained in the document or other instrument to be communicated to the other person in a manner that the other person understands, which may include (in the case of a person who is literate in another language) by means of a document or other instrument written in that other language.
- (2) Failure to comply with this section is not a contravention of the terms and conditions of financial assistance and does not affect any thing done under any other provision of this Act.

22 False or misleading information

A person must not, in or in connection with an application for financial assistance, make any statement that the person knows to be false or misleading in a material particular.

Maximum penalty: 10 penalty units.

23 Proceedings for offences

Proceedings for an offence against this Act or the regulations are to be dealt with summarily by the Local Court.

24 Act binds the Crown

- (1) This Act binds the Crown in right of New South Wales and, in so far as the legislative power of Parliament permits, the Crown in all its other capacities.
- (2) Nothing in this Act renders the Crown, whether in right of New South Wales or otherwise, liable to be prosecuted for an offence against this Act or the regulations.

25 Section 3 and Schedule 1 not to give rise to or affect cause of action

- (1) Nothing in section 3 or Schedule 1 (nor in any application of those provisions by this Act) gives rise to, or can be taken into account in, any civil cause of action.
- (2) In this section, *civil cause of action* does not include proceedings on an application to the Administrative Decisions Tribunal under section 28 of the *Community Services (Complaints, Reviews and Monitoring) Act 1993* in respect of a decision specified in section 20 of this Act.

26 Regulations

- (1) The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act.
- (2) The regulations may create offences punishable by a penalty not exceeding 10 penalty units.

26A Residents' amenities accounts held for certain residential centres

Schedule 3 has effect.

27 Repeal of Disability Services and Guardianship (Provision of Services) Regulation 1989

The *Disability Services and Guardianship (Provision of Services) Regulation 1989* is repealed.

28 (Repealed)

29 Review of Act

- (1) The Minister is to review this Act to determine whether the policy objectives of the Act remain valid and whether the terms of the Act remain appropriate for securing those objectives.
- (2) The review is to be undertaken as soon as possible after the period of 5 years from the date of assent to this Act.
- (3) A report on the outcome of the review is to be tabled in each House of Parliament within 12 months after the end of the period of 5 years.

Schedule 1 Principles and applications of principles

(Sections 6, 7, 9, 10, 12, 13)

1 Principles

Persons with disabilities have the same basic human rights as other members of Australian society. They also have the rights needed to ensure that their specific needs are met. Their rights, which apply irrespective of the nature, origin, type or degree of disability, include the following:

- (a) persons with disabilities are individuals who have the inherent right to respect for their human worth and dignity,
- (b) persons with disabilities have the right to live in and be part of the community,
- (c) persons with disabilities have the right to realise their individual capacities for physical, social, emotional and intellectual development,
- (d) persons with disabilities have the same rights as other members of Australian society to services which will support their attaining a reasonable quality of life,
- (e) persons with disabilities have the right to choose their own lifestyle and to have access to information, provided in a manner appropriate to their disability and cultural background, necessary to allow informed choice,
- (f) persons with disabilities have the same right as other members of Australian society to participate in the decisions which affect their lives,
- (g) persons with disabilities receiving services have the same right as other members of Australian society to receive those services in a manner which results in the least restriction of their rights and opportunities,
- (h) persons with disabilities have the right to pursue any grievance in relation to services without fear of the services being discontinued or recrimination from service providers,
- (i) persons with disabilities have the right to protection from neglect, abuse and exploitation.

2 Applications of principles

Services and programs of services must apply the principles set out in clause 1. In particular, they must be designed and administered so as to achieve the following:

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- (a) to have as their focus the achievement of positive outcomes for persons with disabilities, such as increased independence, employment opportunities and integration into the community,
 - (b) to contribute to ensuring that the conditions of the everyday life of persons with disabilities are the same as, or as close as possible to, norms and patterns which are valued in the general community,
 - (c) to form part of local co-ordinated service systems and other services generally available to members of the community, wherever possible,
 - (d) to meet the individual needs and goals of the persons with disabilities receiving services,
 - (e) to meet the needs of persons with disabilities who experience an additional disadvantage as a result of their gender, ethnic origin or Aboriginality,
 - (f) to promote recognition of the competence of, and enhance the image of, persons with disabilities,
 - (g) to promote the participation of persons with disabilities in the life of the local community through maximum physical and social integration in that community,
 - (h) to ensure that no single organisation providing services exercises control over all or most aspects of the life of a person with disabilities,
 - (i) to ensure that organisations providing services (whether specifically to persons with disabilities or generally to members of the community) are accountable to persons with disabilities who use them, the advocates of those persons, the State and the community generally for the provision of information from which the quality of those services can be judged,
 - (j) to provide opportunities for persons with disabilities to reach goals and enjoy lifestyles which are valued by the community generally and are appropriate to their chronological age,
 - (k) to ensure that persons with disabilities participate in the decisions that affect their lives,
 - (l) to ensure that persons with disabilities have access to advocacy support where necessary to ensure adequate participation in decision-making about the services they receive,
 - (m) to recognise the importance of preserving the family relationships and the cultural and linguistic environments of persons with disabilities,

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- (n) to ensure that appropriate avenues exist for persons with disabilities to raise and have resolved any grievances about services, and to ensure that a person raising any such grievance does not suffer any reprisal,
 - (o) to provide persons with disabilities with, and encourage them to make use of, avenues for participating in the planning and operation of services and programs which they receive and to provide opportunities for consultation in relation to the development of major policy and program changes,
 - (p) to respect the rights of persons with disabilities to privacy and confidentiality.

Schedule 2 (Repealed)

Schedule 3 Residents' amenities accounts

(Section 26A)

1 Definitions

In this Schedule:

amenities includes goods and services.

Government residential centre means:

- (a) Grosvenor Centre, Summer Hill, or
- (b) Kanangra Centre, Morisset, or
- (c) Macquarie Developmental Disability Service, North Ryde, or
- (d) Marsden Centre, Westmead, or
- (e) Peat Island Developmental Disability Service, Peat Island, or
- (f) Riverside Centre, Orange, or
- (g) Rydalmere Centre, Rydalmere, or
- (h) Stockton Centre, Stockton, or
- (i) Strathallan Centre, Goulburn, or
- (j) any other residential institution (whether still operating or not) that was operated by the Minister for Health before 1 July 1989 for the benefit of individual residents who had disabilities.

resident of a Government residential centre means a resident of the centre who has a disability.

residents' amenities account, in relation to a Government residential centre, means any account (whether called a residents' amenities account or not), or any fund, established in respect of the centre before 1 July 1989:

- (a) in which money is held for the purpose of providing funds for the provision of amenities to be used for the benefit of residents of the centre, and
- (b) in respect of which the money or some of the money held in the account or fund has been derived (whether in the form of income or capital gain) from the investment of money in accounts held on behalf of residents.

2 Use of money held in residents' amenities accounts where centre is still operating

- (1) This clause applies in respect of a residents' amenities account maintained in respect of a Government residential centre if the centre is operating at the commencement of this Schedule and has not since ceased to operate.

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- (2) The person in charge of a Government residential centre may from time to time use money held in a residents' amenities account to which this clause applies for the purpose of providing amenities for the benefit of the residents of the centre, but only in accordance with a scheme approved by the Minister under this clause from time to time.
 - (3) Money held in a residents' amenities account may be used for the provision of amenities at the Government residential centre concerned even though the persons who will benefit from them may not have been residents of that centre when the money was originally credited to the account.
 - (4) A scheme for the use of money held in a residents' amenities account must specify:
 - (a) the outcomes expected to be achieved from the use of the money, and
 - (b) the performance indicators to be used to determine whether or not those outcomes are achieved, and
 - (c) the period within which those outcomes are expected to be achieved.
 - (5) The Minister may approve a scheme for the use of money under subclause (1) only:
 - (a) after consultation with:
 - (i) persons who are residents of the residential centre concerned, or
 - (ii) persons who appear to the Minister to be concerned with the welfare of those residents and to represent the interests of some or all of those residents, and
 - (b) if satisfied that the use to which the money will be put is in conformity with the objects of this Act and the principles and applications of principles set out in Schedule 1.

3 Use of money held in residents' amenities accounts where centre no longer operates

- (1) This clause applies to a residents' amenities account maintained in respect of a Government residential centre if the centre has ceased to operate since 30 June 1989, or ceases to operate after the commencement of this Schedule.
- (2) The Minister may, from time to time, pay money held in a residents' amenities account to which this clause applies:
 - (a) to the person in charge of a Government residential centre that is still operating so that the money may be used in accordance with a scheme approved for the centre under clause 2, or

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- (b) to the person in charge of premises under the control of the Minister that are used for the purpose of providing accommodation, support or other services to residents of those premises who have disabilities so that the money may be used for the benefit of those residents.
 - (3) The Minister may pay money under subclause (2) only if satisfied that the use to which the money will be put is in conformity with the objects of this Act and the principles and applications of principles set out in Schedule 1.
 - (4) The Minister may impose conditions on the use of money paid to the person in charge of premises referred to in subclause (2) (b).
 - (5) The person to whom money is paid under subclause (2) must ensure that the money is used only in accordance with the scheme approved for the residential centre concerned or with the conditions imposed on its use under subclause (4).

4 Investment of money pending its use under this Schedule

Pending its use in accordance with clause 2 or 3, money held in a residents' amenities account may be invested in any manner authorised for the investment of trust funds.

5 Validation of actions of certain persons

- (1) If, at any time before the commencement of this Schedule, money was held on behalf of residents of a Government residential centre, then all acts done or omitted to be done in good faith before that commencement by persons involved in the conduct of the centre, or by the Protective Commissioner, in connection with:
 - (a) holding, investing or otherwise dealing with the money, or
 - (b) if the money has been invested:
 - (i) paying the proceeds of the investment of the money into a residents' amenities account, or
 - (ii) applying those proceeds for the provision of amenities for the benefit of residents of the centre,are declared to have been lawfully done or omitted to be done.
- (2) In any legal proceedings relating to an act or omission referred to in subclause (1), a person is not liable to pay damages in connection with the act or omission, and no other remedy is available against the person in connection with the act or omission, unless it is proved in those proceedings that the act was not done or omitted to be done in good faith.

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- (3) Any person who, but for this Schedule, would or may have been entitled to money referred to in subclause (1) ceases to be so entitled on the commencement of this Schedule.

Historical notes

The following abbreviations are used in the Historical notes:

Am	amended	LW	legislation website	Sch	Schedule
Cl	clause	No	number	Schs	Schedules
Cll	clauses	p	page	Sec	section
Div	Division	pp	pages	Secs	sections
Divs	Divisions	Reg	Regulation	Subdiv	Subdivision
GG	Government Gazette	Regs	Regulations	Subdivs	Subdivisions
Ins	inserted	Rep	repealed	Subst	substituted

Table of amending instruments

Disability Services Act 1993 No 3. Assented to 8.4.1993. Date of commencement, assent, sec 2. This Act has been amended as follows:

1993 No 2	Community Services (Complaints, Appeals and Monitoring) Act 1993. Assented to 8.4.1993. Date of commencement of Sch 2, 7.4.1994, sec 2 and GG No 50 of 25.3.1994, p 1255.
No 108	Statute Law (Miscellaneous Provisions) Act (No 2) 1993. Assented to 2.12.1993. Date of commencement of the provisions of Sch 1 relating to the Disability Services Act 1993, assent, Sch 1.
1994 No 95	Statute Law (Miscellaneous Provisions) Act (No 2) 1994. Assented to 12.12.1994. Date of commencement of the provisions of Sch 1 relating to the Disability Services Act 1993, assent, Sch 1.
1995 No 24	Disability Services Amendment (Residents' Amenities Accounts) Act 1995. Assented to 19.6.1995. Date of commencement, assent, sec 2.
1997 No 77	Administrative Decisions Legislation Amendment Act 1997. Assented to 10.7.1997. Date of commencement of Sch 1.9, 1.1.1999, sec 2 and GG No 178 of 24.12.1998, p 9946. Amended by Administrative Decisions Tribunal Legislation Further Amendment Act 1998 No 156. Assented to 14.12.1998. Date of commencement of Sch 2, 1.1.1999, sec 2 (1) and GG No 178 of 24.12.1998, p 9949.
1999 No 85	Statute Law (Miscellaneous Provisions) Act (No 2) 1999. Assented to 3.12.1999. Date of commencement of Sch 4, assent, sec 2 (1).

2002 No 42	Community Services Legislation Amendment Act 2002. Assented to 3.7.2002. Date of commencement, 1.12.2002, sec 2 and GG No 237 of 29.11.2002, p 10061.
2003 No 40	Statute Law (Miscellaneous Provisions) Act 2003. Assented to 22.7.2003. Date of commencement of Sch 2.9, assent, sec 2 (2).
2007 No 8	Mental Health Act 2007. Assented to 15.6.2007. Date of commencement, 16.11.2007, sec 2 and GG No 169 of 16.11.2007, p 8465.
No 94	Miscellaneous Acts (Local Court) Amendment Act 2007. Assented to 13.12.2007. Date of commencement of Sch 4, 6.7.2009, sec 2 and 2009 (314) LW 3.7.2009.

Table of amendments

Sec 4	Am 1993 No 108, Sch 1.
Sec 5	Am 2007 No 8, Sch 7.3.
Sec 6	Am 1994 No 95, Sch 1.
Sec 12A	Ins 1993 No 108, Sch 1.
Part 2, Div 3	Subst 1997 No 77, Sch 1.9 [1] (am 1998 No 156, Sch 2 [1]).
Sec 20	Am 1993 No 2, Sch 2. Subst 1997 No 77, Sch 1.9 [1] (am 1998 No 156, Sch 2 [1]). Am 2002 No 42, Sch 4.5.
Sec 23	Am 2007 No 94, Sch 4.
Sec 25	Am 1993 No 2, Sch 2; 1997 No 77, Sch 1.9 [2]; 2003 No 40, Sch 2.9.
Sec 26A	Ins 1995 No 24, Sch 1 (1).
Sec 28	Rep 1999 No 85, Sch 4.
Sch 2	Rep 1999 No 85, Sch 4.
Sch 3	Ins 1995 No 24, Sch 1 (2).