

Disability Services Bill 2005

Amendments agreed to during Consideration

1 Clause 25—

At page 21, line 3, at the beginning—

insert—

‘(1)’.

2 Clause 25—

At page 21, after line 4—

insert—

‘(2) To be responsive to the needs and goals of people with a disability, innovation and flexibility are encouraged when designing services.’.

3 After clause 40—

At page 24, after line 29—

insert—

‘Part 4A **Complaints about the delivery of disability services by funded service providers**

‘40A **Complaints by consumers**

‘(1) The following may make a complaint to the chief executive about the delivery of disability services by a funded service provider—

- (a) a consumer;
- (b) a family member, carer or advocate of a consumer;
- (c) another person on behalf of a consumer.

- ‘(2) The chief executive must maintain a system that deals effectively with complaints received.

Note—

A complaint received by the chief executive may result in action under part 10. Part 10 sets out powers for monitoring and enforcing compliance with this Act.

‘40B Chief executive may refer matters to complaints agency

‘The chief executive may—

- (a) liaise with a complaints agency about matters relating to people with a disability; and
- (b) refer matters relating to people with a disability to a complaints agency; and
- (c) enter into an arrangement with a complaints agency aimed at avoiding inappropriate duplication of activities.

‘40C Complaints agency to inform chief executive about actions taken for complaint

‘(1) This section applies if—

- (a) the chief executive refers a matter about a person with a disability to a complaints agency; and
- (b) the chief executive, by notice to the agency, asks for information about the way in which the agency is dealing or has dealt with the matter.

‘(2) The agency must inform the chief executive about any action taken for dealing with the matter or, if it is resolved, the resolution of the matter.

‘(3) Subsection (2) applies despite any express provision in an Act establishing a complaints agency that makes it an offence for anyone involved with administration of the Act to disclose the information.’.

4 Clause 46—

At page 27, lines 14 to 19—

omit, insert—

- ‘(b) the chief executive is satisfied it is unlikely either of the following will happen—
- (i) action will be taken to enforce compliance by the service provider with this Act;
 - (ii) funding, or further funding, will be given to the service provider under this Act.’.

5 Clause 57—

At page 33, line 11, ‘chief executive’—

omit, insert—

‘Minister’.

6 Clause 75—

At page 42, after line 27—

insert—

- ‘(6) Also, a volunteer is not engaged by a funded non-government service provider if—
- (a) the volunteer is a relative of a person with a disability who is receiving disability services at a service outlet of the service provider; and
 - (b) the volunteer is at the service outlet only to help with the care of the person.
- ‘(7) In this section—
- cousin* means a first cousin.
- parent*, of a person, includes—
- (a) in any case—the spouse of a parent of the person; and
 - (b) for an Aboriginal person—a person who, under Aboriginal tradition, is regarded as a parent of the person; and
 - (c) for a Torres Strait Islander—a person who, under Island custom, is regarded as a parent of the person.

relative, of a person with a disability—

- (a) means the person's parent, grandparent, great grandparent, brother, sister, uncle, aunt, niece, nephew or cousin; and
- (b) for an Aboriginal person—includes a person who, under Aboriginal tradition, is regarded as a relative mentioned in paragraph (a); and
- (c) for a Torres Strait Islander—includes a person who, under Island custom, is regarded as a relative mentioned in paragraph (a); and
- (d) for a person with a parent who is not a natural parent—includes anyone who would be a relative mentioned in paragraph (a) if the parent were a natural parent.

Example for paragraph (d)—

The daughter of a person's step-parent is a relative of the person.'

7 Clauses 212, 213 and 214—

Page 123, lines 18 to 24 and page 124, lines 1 to 29—
omit.

8 Clause 215—

At page 125, after line 33—
insert—

- '(8) Despite the *Public Service Act 1996*, section 19,¹ this section does not apply to a public service office.'

1 *Public Service Act 1996*, section 19 (Application of Acts to public service offices)