

# Disability Services Amendment Bill 2014

## Explanatory Memorandum

### Overview of the Bill

This *Disability Services Amendment Bill 2014* amends the *Disability Services Act 1993* to facilitate the trial in Western Australia of the National Disability Insurance Scheme using the State My Way model. The trial will enable comparison of the Western Australian model to the Commonwealth National Disability Insurance Scheme model.

### Clause 1. Short title

The short title of the Act will be the *Disability Services Amendment Act 2014*.

### Clause 2. Commencement

Proposed sections 1 and 2 of the Act will come into operation on assent. The rest of the proposed Act will commence on 1 July 2014 if the assent day is before 1 July 2014 or otherwise on the day after assent day.

### Clause 3. Act Amended.

Clause 3 provides that this is an Act to amend the *Disability Services Act 1993*.

### Clause 4. Part 4B inserted.

Clause 4 provides for the insertion of a new part to the *Disability Services Act 1993*. This part contains six sections as follows:

1. Section 26D. This section defines the purpose of the new Part.
2. Section 26E. This section inserts new definitions to recognise the National Disability Insurance Scheme, the *National Disability Insurance Scheme Act 2013* (Commonwealth), the trial and participants in the trial.
3. Section 26F. This section provides for corresponding terms between the *Disability Services Act 1993* and the *National Disability Insurance Scheme Act 2013* (Commonwealth) in the consideration of whether a criterion or requirement of the *National Disability Insurance Scheme Act 2013* (Commonwealth) has been met in the State trial.
4. Section 26G. This section provides for the prescription of trial areas and the time period or periods during which the trial may operate along with objectives for the trial model.
5. Section 26H. This section provides the criteria which must be met, to the satisfaction of the Disability Services Commission, before a person can participate in the trial.
6. Section 26I. This section inserts definitions to recognise trial participant planning and support and provides for the provision of support to participants that is, to the satisfaction of the Disability Services Commission, reasonable and necessary in

accordance with the *National Disability Insurance Scheme Act 2013* (Commonwealth).

**Clause 5. Section 56 amended.**

Clause 5 amends section 56 by inserting a subsection to specifically provide for the making of regulations under the *Disability Services Act 1993* for any matter for which rules can be made under the *National Disability Insurance Scheme Act 2013* (Commonwealth).

**Clause 6. Section 57A inserted.**

Clause 6 provides for the insertion of a new section to the *Disability Services Act 1993* which allows the making of Regulations which adopt the text of any published document.