

## Disability Services Amendment Bill 2014

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Western Australia

LEGISLATIVE ASSEMBLY

## **Disability Services Amendment Bill 2014**

**A Bill for**

**An Act to amend the *Disability Services Act 1993*.**

The Parliament of Western Australia enacts as follows:

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1   **1.     Short title**

2           This is the *Disability Services Amendment Act 2014*.

3   **2.     Commencement**

4           This Act comes into operation as follows —

5           (a)   sections 1 and 2 — on the day on which this Act  
6                receives the Royal Assent (*assent day*);

7           (b)   the rest of the Act —

8                (i)   if assent day is before 1 July 2014 — on  
9                 1 July 2014;

10              (ii)  otherwise — on the day after assent day.

11  **3.     Act amended**

12           This Act amends the *Disability Services Act 1993*.

13  **4.     Part 4B inserted**

14           After section 26C insert:  
15

16                   **Part 4B — Trial of disability services model**

17           **26D.   Purpose of this Part**

18                The purpose of this Part is to facilitate the trial in WA  
19                of a model for providing disability services, in order to  
20                enable the comparison of the model to the National  
21                Disability Insurance Scheme model.

22           **26E.   Terms used**

23                In this Part —

24                *National Disability Insurance Scheme* has the  
25                meaning given in the NDIS Act section 9;

1            *NDIS Act* means the *National Disability Insurance*  
 2            *Scheme Act 2013* (Commonwealth);  
 3            *participant* means a participant in a trial;  
 4            *trial* means a trial conducted by the Commission under  
 5            section 26G(1).

6            **26F. Effect of certain terms in the NDIS Act**

7            When the Commission is assessing whether or not a  
 8            criterion or requirement in the NDIS Act has been met  
 9            for the purposes of this Part, a reference in the NDIS  
 10            Act to a term listed in the Table is to be read as if it  
 11            were a reference to the corresponding term.

12            **Table**

NDIS Act term	Corresponding term
CEO	Commission
National Disability Insurance Scheme	this Act
National Disability Insurance Scheme rules	regulations made under this Act

13            **26G. Trial of disability services model**

- 14            (1) The Commission may, in one or more areas prescribed  
 15            by the regulations, conduct a trial of a model for  
 16            providing disability services that meets the objectives  
 17            set out in subsection (2).  
 18            (2) The objectives of the model include —  
 19            (a) providing people with disability with  
 20            reasonable and necessary supports; and

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1 (b) enabling people with disability to exercise  
2 choice and control in the pursuit of their goals  
3 and the planning and delivery of their supports.

4 (3) The regulations may prescribe one or more periods  
5 during which a trial is to be conducted.

6 **26H. Trial participants**

7 (1) The Commission must ensure that a person does not  
8 participate in a trial unless the Commission is satisfied  
9 that at the time the person becomes a participant —

10 (a) either —

11 (i) the person has not reached 65 years of  
12 age; or

13 (ii) the person belongs to a class of persons  
14 approved by the Commission for the  
15 purposes of this paragraph;

16 and

17 (b) the person meets the residence requirements in  
18 the NDIS Act section 23(1)(a) and (b); and

19 (c) either —

20 (i) the person meets the disability  
21 requirements in the NDIS Act  
22 section 24; or

23 (ii) the person meets the early intervention  
24 requirements in the NDIS Act  
25 section 25;

26 and

27 (d) the person meets any other requirement  
28 prescribed by the regulations.

29 (2) For the purposes of subsection (1)(b), in deciding  
30 whether or not a person meets the residence  
31 requirement in the NDIS Act section 23(1)(a), the

1 Commission must have regard to the matters set out in  
2 the NDIS Act section 23(2).

3 **26L. Reasonable and necessary supports for participants**

4 (1) In this section —

5 *plan*, in relation to a participant, means the plan for the  
6 participant that is prepared in accordance with the  
7 Commission’s requirements;

8 *support* means —

- 9 (a) financial assistance granted under section 24; or  
10 (b) a disability service provided by the  
11 Commission.

12 (2) Before providing support to, or in relation to, a  
13 participant, the Commission must be satisfied that —

- 14 (a) the support will assist the participant to pursue  
15 the goals, objectives and aspirations set out in  
16 the participant’s plan; and  
17 (b) the support meets the criteria set out in the  
18 NDIS Act section 34(1)(b) to (f).  
19

20 **5. Section 56 amended**

21 (1) In section 56 delete “The Governor” and insert:  
22

23 (1) The Governor  
24

25 (2) At the end of section 56 insert:  
26

27 (2) Without limiting subsection (1), regulations may  
28 provide for any matter for which rules can be made  
29 under the NDIS Act.  
30

1   **6.       Section 57A inserted**

2           After section 56 insert:

3

4           **57A.   Regulations may refer to published documents**

5           (1) Regulations made for the purposes of this Act may  
6           adopt the text of any published document specified in  
7           the regulations —

- 8                   (a) as that text exists at a particular date; or  
9                   (b) as that text may from time to time be amended.

10          (2) The text may be adopted —

- 11                   (a) wholly or in part; or  
12                   (b) as modified by the regulations.

13          (3) The adoption may be direct (by reference made in the  
14          regulations), or indirect (by reference made in any text  
15          that is itself directly or indirectly adopted).

16          (4) The adoption of text is of no effect unless —

- 17                   (a) the adopted text; and  
18                   (b) if text is adopted as it may be amended from  
19                   time to time, either —  
20                           (i) the amendments to the text; or  
21                           (ii) the text as amended,

22                                   can at all reasonable times be inspected or purchased  
23                                   by the public.

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