



New South Wales

Disability Services Amendment (Designated Services) Regulation 1997

under the

Disability Services Act 1993

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Disability Services Act 1993*.

FAYE LO PO', M.P.,

Minister for Disability Services

Explanatory note

The object of this Regulation is to replace the provision of the *Disability Services Regulation 1993* that prescribes the services to be included in the definition of **designated service** in section 4 of the *Disability Services Act 1993*. Under the new provision, all services provided or funded by the Minister are included in that definition. However, services that are co-funded by the Commonwealth under the *Home and Community Care Act 1985* of the Commonwealth, and are provided or funded otherwise than through the Home Care Service, are excluded from that definition. A further amendment, to take effect on 1 September 1998, repeals this exclusion, so bringing those services back into that definition.

This Regulation is made under the *Disability Services Act 1993*, including section 26 (the general regulation making power) and the definition of **designated service** in section 4.

Disability Services Amendment (Designated Services) Regulation 1997

1 Name of Regulation

This Regulation is the *Disability Services Amendment (Designated Services) Regulation 1997*.

2 Commencement

- (1) This Regulation (except for clause 4 and Schedule 2) commences on the day on which it is published in the Gazette.
- (2) Clause 4 and Schedule 2 commence on 1 September 1998.

3 Amendment of Disability Services Regulation 1993

The *Disability Services Regulation 1993* is amended as set out in Schedule 1.

4 Further amendment of Disability Services Regulation 1993

The *Disability Services Regulation 1993* is further amended as set out in Schedule 2.

5 Notes

The explanatory note does not form part of this Regulation.

Schedule 1 Amendments

(Clause 3)

[1] Clause 3

Omit the clause. Insert instead:

3 Definition of “designated service”: section 4

- (1) All services provided or funded by the Minister are prescribed for the purposes of the definition of *designated service* in section 4 of the Act.
- (2) In particular, the prescribed services include co-funded services provided or funded through the Home Care Service.
- (3) However, despite subclause (1), the prescribed services do not include the services referred to in Schedule 1.
- (4) In this clause and Schedule 1, *co-funded service* means a service that is provided or funded by the Minister in accordance with an agreement in force between the State and the Commonwealth under the *Home and Community Care Act 1985* of the Commonwealth.

[2] Schedule 1

Insert after clause 5:

Schedule 1 Excluded services

(Clause 3)

- 1 Co-funded services provided or funded otherwise than through the Home Care Service.

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Schedule 2 Further amendments

Schedule 2 Further amendments

(Clause 4)

[1] Clause 3 Definition of “designated service”: section 4

Insert “or otherwise” after “Home Care Service” in clause 3 (2).

[2] Schedule 1 Excluded services

Omit item 1.