

Ageing and Disability Commissioner Regulation 2019

[2019-275]



New South Wales

Status Information

Currency of version

Current version for 29 October 2021 to date (accessed 18 May 2024 at 21:34)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Notes—

- **Staged repeal status**

This legislation is currently due to be automatically repealed under the [Subordinate Legislation Act 1989](#) on 1 September 2024

Authorisation

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, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

File last modified 29 October 2021

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Ageing and Disability Commissioner Regulation 2019



New South Wales

1 Name of Regulation

This Regulation is the *Ageing and Disability Commissioner Regulation 2019*.

2 Commencement

This Regulation commences on 1 July 2019 and is required to be published on the NSW legislation website.

3 Definition

(1) In this Regulation—

the Act means the *Ageing and Disability Commissioner Act 2019*.

Note—

The Act and the *Interpretation Act 1987* contain definitions and other provisions that affect the interpretation and application of this Regulation.

(2) Notes included in this Regulation do not form part of this Regulation.

4 Delegation of Commissioner's functions

For the purposes of section 11 of the Act, persons employed by Catholic Healthcare Limited are prescribed.

5 Exchange of information

For the purposes of paragraph (f) of the definition of **relevant agency** in section 14 (8) of the Act, the following are prescribed—

- (a) the Aged Care Quality and Safety Commission established by the *Aged Care Quality and Safety Commission Act 2018* of the Commonwealth,
- (b) the National Disability Insurance Scheme Launch Transition Agency established by the *National Disability Insurance Scheme Act 2013* of the Commonwealth,

- (c) the NDIS Quality and Safeguards Commission established by the *National Disability Insurance Scheme Act 2013* of the Commonwealth,
- (d) the chief executive officer of Services Australia of the Commonwealth, or a successor of that agency,
- (e) the Secretary of the Department of Health of the Commonwealth, or a successor of that Department,
- (f) the Workers Compensation Nominal Insurer established by the *Workers Compensation Act 1987*,
- (g) the Lifetime Care and Support Authority of New South Wales constituted by the *Motor Accidents (Lifetime Care and Support) Act 2006*,
- (h) the Workers Compensation (Dust Diseases) Authority constituted by the *Workers' Compensation (Dust Diseases) Act 1942*,
- (i) the NSW Self Insurance Corporation constituted by the *NSW Self Insurance Corporation Act 2004*.

5A Search warrants—relevant health practitioners

For the purposes of the Act, section 17(6), definition of **relevant health practitioner**, the following classes of health practitioner are prescribed—

- (a) registered nurse,
- (b) speech pathologist.

6 NDIS service providers

For the purposes of paragraph (e) of the definition of **service provider** in section 20 of the Act, a person or organisation that provides supports to a participant under the participant's plan under the *National Disability Insurance Scheme Act 2013* of the Commonwealth, other than a person or organisation that provides residential care within the meaning of the *Aged Care Act 1997* of the Commonwealth, is prescribed.

7 Transitional provision—existing Official Community Visitors

- (1) A person is taken to have been appointed as an Official Community Visitor under section 21 of the Act for the balance of the term for which the person was appointed under section 7 of the CS (CRM) Act if, immediately before 1 July 2019, the person—
 - (a) was an Official Community Visitor under the CS (CRM) Act, and
 - (b) exercised functions under section 8 of the CS (CRM) Act with respect to visitable services within the meaning of Part 4 of the *Ageing and Disability Commissioner Act 2019*.

- (2) An Official Community Visitor taken to have been appointed under section 21 of the Act may provide advice or information to the Commissioner under section 22 (1) (d) or (e) of the Act about existing matters.
- (3) Nothing in this clause limits any function an Official Community Visitor may have under any other Act.
- (4) In this clause—

CS (CRM) Act means the *Community Services (Complaints, Reviews and Monitoring) Act 1993*.

existing matter means—

- (a) conduct of premises at which a visitable service is provided that occurred before 1 July 2019, or
- (b) matters affecting the welfare, interests and conditions of persons using visitable services that arose before 1 July 2019.

8 Transitional provision—existing matters under *Community Services (Complaints, Reviews and Monitoring) Act 1993*

- (1) An existing matter, in so far as it relates to an allegation of abuse, neglect or exploitation of an older adult or adult with disability, is taken to be a report made to the Commissioner under section 13 of the Act.
- (2) The Ombudsman is not required to continue to deal with an existing matter taken to be a report under this clause.
- (3) In this clause—

existing matter means an inquiry by the Ombudsman under section 11 (1) (e) of the *Community Services (Complaints, Reviews and Monitoring) Act 1993* that is not finally dealt with by 1 July 2019.