

1994—No. 410

**DISABILITY SERVICES ACT 1993—REGULATION**

(Relating to the definition of “designated services” in section 4 of the Act)

NEW SOUTH WALES



*[Published in Gazette No. 108 of 26 August 1994]*

HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Disability Services Act 1993, has been pleased to make the Regulation set forth hereunder.

Jim Longley  
Minister for Community Services.

---

The Disability Services Regulation 1993 is amended by omitting clause 3 and by inserting instead the following clause:

**Designated services (sec. 4)**

3. (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) Those services do not include the following services:

- (a) services provided or funded by the Minister in accordance with any agreement between the Commonwealth and the State;
- (b) services provided or funded by any other Minister or public authority, whether or not those services are also provided or funded by the Minister.

(3) Despite subclause (2) (a), those services do include the following services (not being services of the kind referred to in subclause (2)

- (a) services provided or funded by the Minister in accordance with the agreement entitled “The Commonwealth/State Disability Agreement” entered into on 30 July 1991 between the Commonwealth and the State;

- (b) services provided or funded by the Minister in accordance with the agreement entitled “Agreement in relation to the Provision of Financial Assistance by the Commonwealth of Australia to the State of New South Wales for Home and Community Care” entered into on 23 January 1986 between the Commonwealth and the State, to the extent to which those services are provided or funded through the Home Care Service;
  - (c) from 1 January 1998, services provided or funded by the Minister in accordance with the agreement referred to in paragraph (b), to the extent to which those services are provided or funded otherwise than through the Home Care Service.
- 

#### EXPLANATORY NOTE

The Disability Services Act 1993 requires certain “designated services” that are provided or funded by the Minister for Community Services to be provided or funded in accordance with specified guidelines. The guidelines require that those services be readily available to persons with disabilities. It is left to the regulations to identify what services are designated services. Currently, all services that are provided or funded by the Minister are designated services.

The objects of this Regulation are:

- (a) to exclude from the ambit of the definition of “designated service”:
  - (i) those services that are provided or funded by the Minister under Commonwealth/State agreements generally; and
  - (ii) those services that are provided or funded by other Ministers or public authorities; and
- (b) to include within the ambit of the definition of “designated service”:
  - (i) those services that are provided or funded by the Minister under a 1991 Commonwealth/State agreement or (to the extent to which they are provided through the Home Care Service) under a 1986 Commonwealth/State agreement; and
  - (ii) from 1 January 1998, those services that are provided or funded under the 1986 Commonwealth/State agreement otherwise than through the Home Care Service.

This Regulation is made under the Disability Services Act 1993, including section 26 (the general regulation making power) and section 4.

---