

Community visitors

Disability Act 2006

Introduction

The *Disability Act 2006* (the Act), which commenced on 1 July 2007, continues to provide for community visitors (operating out of the Office of the Public Advocate) to visit residential services managed by disability service providers.

How does the Act define a residential service?

A residential service is residential accommodation with rostered staff provided by a disability service provider for the purpose of providing disability services. This includes community residential units or residential institutions and respite houses.

Who are community visitors?

Community visitors are volunteers who have been appointed by the Governor in Council following a recommendation by the Public Advocate. The Governor in Council can appoint community visitors for each region in Victoria.

What is the role of community visitors?

Community visitors are appointed to enquire into:

- the appropriateness and standard of premises
- the adequacy of opportunities for inclusion and participation by residents in the community
- if residential services are being provided in accordance with the principles of the Act
- if information is being provided to residents as required by the Act
- any case of suspected abuse or neglect of a resident
- the use of restrictive interventions and compulsory treatment
- any failure to comply with the provisions of the Act
- any complaint made to a community visitor by a resident.

When will community visitors visit?

Under the Act, community visitors may visit any residential service with or without giving prior notice and at the times and for periods that they believe appropriate. Each residential institution must be visited at least once every month.

What information can community visitors see?

Community visitors can inspect any document relating to any resident of a residential service except medical records. Medical records can only be inspected with the consent of the resident or their legal guardian.

How does a person request a visit from a community visitor?

Any resident in a residential service or a person on their behalf can request the disability service provider to arrange a visit from a community visitor. The disability service provider must pass on any request to see a community visitor to the Community Visitors Board within 72 hours.

The Community Visitors Board must ensure they respond to any request within seven days of receiving the request. The Community Visitors Board may arrange for the Public Advocate to respond to a request if they believe it is appropriate in the circumstances.

What is the Community Visitors Board?

The Community Visitor's Board consists of the Public Advocate and two community visitors.

Can a community visitor enter a resident's room?

The Act states that community visitors can access a resident's room if required in relation to any of the functions listed above.

For more information about community visitors, contact:

Disability Services Division, Department of Human Services
Telephone: 1300 366 731 (9 am to 5 pm, Monday to Friday)

TTY: (03) 9096 0133 (for people who are deaf or have a hearing, speech or communication impairment)

Email: disability.legislation@dhs.vic.gov.au