

DISABLED PERSONS COMMUNITY WELFARE BILL

EXPLANATORY NOTE

THE purposes of this Bill are to make better provision for the training, sheltered employment, and day care of the disabled, and lay down certain aims and guidelines for the social support services necessary from time to time to assist the disabled to live in the community.

The Bill includes provisions for support to voluntary organisations involved in the training and sheltered employment of the disabled; relief for parents caring for severely disabled children; and other provisions for the general welfare of disabled persons, including a provision requiring that public buildings provide easier access for them.

Clause 1 relates to the Short Title and commencement of the Bill. *Clause 12* is to come into force on the passing of the Bill, and all the other provisions are to come into force on a date to be appointed by the Governor-General by Order in Council.

Clause 2 defines terms used in the Bill.

Clause 3 provides that the Bill shall be administered in the Department of Social Welfare by the Director-General of Social Welfare, and that the Director-General shall administer the Bill and exercise all the powers conferred on him by the Bill under the general direction and control of the Minister of Social Welfare.

Clause 4 sets out in detail the aims to be observed by the Minister and the Director-General in the exercise of the functions and powers conferred on them by the Bill.

Clause 5 authorises the Director-General, with the written consent of the Minister, to delegate his functions and powers under the Bill to such Department of State, body corporate, or other agent as he thinks fit. In the case of a delegation to the Accident Compensation Commission, provision is made for subdelegation to the agents of that Commission.

PART I

ADVISORY COUNCIL FOR THE COMMUNITY WELFARE OF DISABLED PERSONS

Clause 6 provides that, for the purposes of the Bill, there shall be established an Advisory Council to be known as the Advisory Council for the Community Welfare of Disabled Persons. The clause prescribes the membership of the Council.

No. 73—1

Price 25c

Clause 7 contains normal provisions relating to meetings of the Council.

Clause 8 provides that it shall be the function of the Advisory Council to make recommendations to the Minister on the matters contemplated in the clause.

Clause 9 makes provision for the payment of remuneration, travelling allowances, and travelling expenses to members of the Advisory Council appointed under *clause 6 (2) (f)*.

PART II

PROMOTION OF COMMUNITY WELFARE OF DISABLED PERSONS

Assistance to Families and Persons

Clause 10 provides that, in seeking to assist families and persons under any of the provisions of this Part of the Bill, the Director-General may, for the purpose of assessing whether the supportive care, counselling services, treatment, training, or financial assistance, as the case may be, is necessary, consult with any persons or organisations (including Departments of State and other agencies of the Crown) concerned with the health, education, and employment of disabled persons.

Clause 11 provides that, in seeking to promote the community welfare of disabled persons, the Director-General may—

- (a) Provide and promote such supportive care and counselling services as may be necessary to ensure that families and members of families may obtain advice and guidance to assist them to overcome social and other problems associated with caring for a disabled person:
- (b) Provide for such counselling and guidance of disabled persons as may be necessary to ensure as far as possible that such persons are able to realise and enjoy their potential.

Clause 12 provides that where a seriously disabled child is being maintained in the care of his parents, or parent, or guardian, or of any person who stands in the place of a parent to the child, and the Director-General is satisfied that relief from the care of the child is justified, he may, in his discretion, arrange for the said parents, parent, guardian, or person to be relieved from this responsibility for a period or periods not exceeding 4 weeks in any year. Provision is made for the Director-General to enlist the clause in respect of other disabled persons.

Clause 13 provides that, where a disabled person is required to undertake a course of medical treatment approved by a Hospital Board specialist, or is required to be interviewed by an officer of the Department or attend for medical examination or other educational or psychological assessment, the Director-General may authorise the payment to that person of the whole, or such part as the Director-General considers reasonable, of the cost of fares, meals, and lodging necessarily incurred by that person in connection with or in relation to that treatment or attendance, as the case may be. The clause also authorises payment to an attendant of a disabled person of the whole or part of the cost of fares, meals, and lodging in the circumstances specified in *subclause (2)*.

Clause 14 makes provision for the grant in respect of any disabled person of financial assistance by way of a suspensory loan for the purpose of carrying out essential alterations to a home to accommodate a wheelchair, walking frame, or other appliance that is necessary for the general welfare of that disabled person.

Clause 15 provides that, where in the opinion of a medical practitioner, a disabled person requires a walking frame or other similar prosthetic appliance, which is not available free of charge from a Hospital Board or other institution, the Director-General may, in his discretion, arrange for the device to be made available free of charge to the disabled person.

Clause 16 makes provision for the assessment and training under *clause 22* of persons between 13 and 15 years of age who, without that training, would be likely to become qualified to receive a benefit under Part I of the Social Security Act 1964 on attaining the age of 15 years.

Assistance to Voluntary and Charitable Organisations

Clause 17 makes provision for the grant of financial assistance to approved organisations in specified circumstances.

Clause 18 provides that no home as defined in *clause 2* shall be used as such unless it is registered under this Part of the Bill. The Director-General is to make inquiries and obtain reports before granting registration.

Clause 19 authorises the Director-General to require structural alterations to homes as so defined.

Clause 20 makes provision for the Director-General to cancel or suspend the registration of unsatisfactory homes.

Clause 21 makes provision for the inspection of homes as so defined.

Clause 22 provides that every home which is intended to care for children or young persons, as defined in section 2 of the Children and Young Persons Act 1974, shall be deemed by virtue of its registration under this Bill to be a home registered under Part IX of that Act.

Clause 23 provides that any local authority or other authority having the control and maintenance of a public street or other public thoroughfare shall ensure, having regard to local needs and circumstances, that the kerb and channel of any pedestrian-way along the street or thoroughfare are constructed so as to permit safe and easy passage from kerb to kerb of any mechanical conveyance normally and lawfully used by a disabled person.

Clause 24 provides that in any case where provision is being made for the construction on any land of any new building or premises to which the public are to be admitted, whether on payment or otherwise, and the initial work related to the construction commences on the land on or after the 1st day of January 1979, the person liable for the cost of the construction (whether the Crown, or any local authority, or public body, or corporation, or person) shall, in the means of access both to and within the building or premises, and in the parking facilities and sanitary conveniences to be available (if any), ensure that provision is made, in so far as it is in the circumstances both practicable and reasonable, for disabled persons who may be expected to visit or work in the building or premises to enter and carry out normal activities and processes therein.

PART III

VOCATIONAL TRAINING OF THE DISABLED

Clause 25 makes provision for the administration by the Director-General, under the general direction and control of the Minister, of a programme for the training, sheltered employment, and day care of disabled persons.

Clause 26 makes provision for the grant of financial assistance to approved agencies.

Clause 27 makes provision for the payment of a rehabilitation allowance to persons undertaking training for outside employment in an organisation carrying out an approved training programme.

PART IV

GENERAL PROVISIONS

Clause 28 provides for the payment out of the Consolidated Revenue Account, from money appropriated by Parliament for the purposes, of all remuneration, allowances, and other expenditure payable or incurred under or in the administration of the Bill.

Clause 29 authorises the Minister to make special arrangements in special circumstances.

Clause 30 makes provision for regulations.

Clause 31 consequentially repeals Part VI of the Mental Health Act 1969, and makes a consequential amendment to section 110 of that Act.

Hon. Mr King

DISABLED PERSONS COMMUNITY WELFARE

ANALYSIS

Title	<i>Assistance to Voluntary and Charitable Organisations</i>
1. Short Title and commencement	17. Assistance to approved organisations
2. Interpretation	18. Registration
3. Administration	19. Director-General may require structural alterations
4. Aims of Minister and Director-General	20. Further provisions as to cancellation and suspension of registration
5. Delegation of functions and powers by Director-General	21. Inspection
PART I	
ADVISORY COUNCIL FOR THE COMMUNITY WELFARE OF DISABLED PERSONS	
6. Advisory Council	22. Application of Children and Young Persons Act 1974
7. Meetings of Advisory Council	<i>Streets and Premises Open to Public</i>
8. Function of Council	23. Streets, etc.
9. Remuneration and travelling allowances of certain members of Council	24. Access to, and facilities at, premises open to public
PART II	
PROMOTION OF COMMUNITY WELFARE OF DISABLED PERSONS <i>Assistance to Families and Persons</i>	
10. Director-General may consult others	PART III
11. Family care	VOCATIONAL TRAINING OF THE DISABLED
12. Relief for parents and guardians	25. Programme for vocational training
13. Expenses and other costs	26. Financial assistance to approved agencies
14. Grants for alterations to homes	27. Rehabilitation allowance
15. Provision for walking frames	PART IV
16. Training of young persons	GENERAL PROVISIONS
	28. Financial provisions
	29. Provisions in special circumstances
	30. Regulations
	31. Repeal and amendment

A BILL INTITULED

5 An Act to make better provision for financial and other assistance in respect of the disabled, and for the support of voluntary organisations and private organisations concerned with providing facilities for the community welfare, sheltered employment, training, and day care of disabled persons

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

1. Short Title and commencement—(1) This Act may be cited as the Disabled Persons Community Welfare Act 1975. 5

(2) Except as provided in subsection (5) of section 12 of this Act, this Act shall come into force on a date to be appointed by the Governor-General by Order in Council.

2. Interpretation—In this Act, unless the context otherwise requires,— 10

“Advisory Council” or “Council” means the Advisory Council for the Community Welfare of Disabled Persons appointed under section 6 of this Act:

“Assessment”, in relation to a disabled person, means the process of assessing the various factors involved in determining his potential capacity to benefit from training, sheltered employment, and day care: 15

“Day care” means the care of a disabled person for a period during the day under adequate supervision in an occupational centre: 20

“Department” means the Department of Social Welfare:

“Director-General” means the Director-General of Social Welfare:

“Disabled person” means any person who suffers from physical or mental disablement to such a degree that he is seriously limited in the extent to which he can engage in the activities, pursuits, and processes of everyday life: 25

“Home”, except in relation to section 14, includes any institution, cottage home, family home, group home or hostel, or other premises which are not administered by the Crown and which are intended to accommodate or provide for 5 or more disabled persons, but does not include any hospital or institution within the meaning of the Mental Health Act 1969 or the Hospitals Act 1957 or any institution or premises licensed under either of those Acts or specifically exempted by the Minister from the application of this Act: 30 35

“Hospital Board specialist” means a medical practitioner employed either whole or part time as a specialist by a Hospital Board: 40

“Lease” includes a licence; and “lessee” has a corresponding meaning:

“Local authority” means a local authority within the meaning of the Local Government Act 1974:

5 “Medical Practitioner” means a medical practitioner registered under the Medical Practitioners Act 1968:

“Minister” means the Minister of Social Welfare:

10 “Occupational centre” means a place where a disabled person who has a seriously limited or no capacity for work, can take part in appropriate activities under supervision:

“Sheltered employment” means employment for disabled persons in suitable occupations under conditions less stringent than those found in normal work situations:

15 “Sheltered workshop” means a place where sheltered employment is available, being a place owned or controlled by an organisation approved by the Minister of Labour under section 2 of the Disabled Persons Employment Promotion Act 1960 in which disabled persons are engaged in sheltered employment:

20 “Training”, in relation to a disabled person, means the training of the person to enable him to undertake suitable employment:

25 “Work experience”, in relation to a disabled person, means the opportunity for that person to experience and adjust to the ordinary requirements of work situations, including the physical and psychological demands of work of various kinds.

30 **3. Administration**—(1) This Act shall be administered in the Department of Social Welfare by the Director-General of Social Welfare, and the Director-General shall administer this Act and shall exercise all the powers conferred on him by this Act under the general direction and control of the
35 Minister of Social Welfare.

(2) Nothing in this Act shall restrict the Disabled Persons Employment Promotion Act 1960 or any Act providing for the rehabilitation and placement in employment of sick or disabled persons.

4. Aims of Minister and Director-General—Without limiting in any way the functions and powers conferred on the Minister or on the Director-General by this Act, the aims of the Minister and the Director-General in the exercise of those functions and powers shall include—

- (a) To promote schemes providing for the assessment, work experience, training, sheltered employment, and other suitable activities of disabled persons: 5
- (b) To promote the general well-being, recreational opportunities, and welfare in the community of disabled persons by assisting individuals, families, and sections of the community to overcome social problems associated with physical or mental handicap: 10
- (c) To assist and encourage disabled persons to become socially and financially independent: 15
- (d) To assist voluntary or charitable organisations engaged in the provision of services and facilities for the welfare in the community of disabled persons:
- (e) To foster close working relationships, and (as appropriate) consult, with Government Departments, Hospital Boards, and other bodies, organisations, and professions concerned with rehabilitation and training of disabled persons and their placement in employment: 20
- (f) To co-operate with the Accident Compensation Commission in so far as its responsibilities relate to the promotion of the rehabilitation of persons who suffer personal injury by accident in respect of which they have cover under the Accident Compensation Act 1972: 25
- (g) To promote the co-ordination of services and facilities within the community designed to advance the welfare of disabled persons: 30
- (h) To encourage and stimulate public interest in the provision of services and facilities for the welfare in the community of disabled persons. 35

- 5. Delegation of functions and powers by Director-General**—(1) With the written consent of the Minister, the Director-General may from time to time, either generally or particularly, delegate to such Department of State, body corporate, or other agent (whether or not a body corporate) as he thinks fit all or any of the functions and powers exercisable by him under this Act, but (except as provided in subsection (2) of this section) not including this present power of delegation.
- 10 (2) In the case of any such delegation to the Accident Compensation Commission,—
- (a) The Director-General shall consult the Chairman of the terms and conditions of the delegation before he makes it:
- 15 (b) The delegation may authorise the Accident Compensation Commission to subdelegate all or any of the functions and powers delegated to it to any of its agents appointed under section 25 of the Accident Compensation Act 1972, and (subject to the provisions of this Act) the provisions of section 29 of that Act shall apply to any such subdelegation as if it were a delegation under that section.
- 20 (3) Subject to any general or special directions given or conditions attached by the Director-General, the Department of State, body corporate, or agent to which or to whom any powers are delegated or subdelegated under this section may exercise those powers in the same manner and with the same effect as if they had been conferred on it or him directly by this section and not by delegation.
- 25 (4) Every Department of State, body corporate, and agent purporting to act pursuant to any delegation or subdelegation under this section shall be presumed to be acting in accordance with the terms of the delegation or subdelegation in the absence of proof to the contrary.
- 30 (5) Any delegation under this section may be made to a specified person or to persons of a specified class, or may be made to the holder or holders for the time being of a specified office or class of offices.
- 35 (6) Any delegation or subdelegation under this section shall be revocable at will, and no such delegation or subdelegation shall prevent the exercise of any power by the Director-General.
- 40

(7) Any such delegation shall, until revoked, continue in force according to its tenor, notwithstanding that the Director-General by whom it was made may have ceased to hold office, and shall continue to have effect as if made by the successor in office of that Director-General. 5

(8) The Director-General may grant to any Department of State, body corporate, or other agent such sums as may reasonably be required to enable it or him to exercise any functions or powers conferred on it or him by the Director-General under this section. 10

PART I

ADVISORY COUNCIL FOR THE COMMUNITY WELFARE OF DISABLED PERSONS

6. Advisory Council—(1) For the purposes of this Act there shall be established an Advisory Council to be known as the Advisory Council for the Community Welfare of Disabled Persons. 15

(2) The Council shall consist of the following members to be appointed by the Minister:

(a) An officer of the Department of Social Welfare: 20

(b) An officer of the Department of Health:

(c) An officer of the Department of Labour:

(d) An officer of the Department of Education:

(e) A member or officer of the Accident Compensation Commission: 25

(f) Six other persons, of whom at least three shall be actively engaged in the provision of services and facilities for the community welfare of disabled persons, and at least one of the others shall be a disabled person. 30

(3) One of the members of the Council appointed under paragraph (f) of subsection (2) of this section shall be appointed by the Minister as Chairman thereof, and shall hold that office during the pleasure of the Minister.

(4) In the absence of the Chairman from any meeting of the Council, the members present may appoint one of their number to be chairman for the purposes of that meeting. 35

(5) Each member of the Council shall hold office during the pleasure of the Minister:

Provided that no member shall hold office for a continuous 40 period of more than 3 years without reappointment.

(6) The Minister may from time to time appoint a person to be the deputy of any member of the Council.

(7) In the absence from any meeting of the Council of any member appointed under any of the provisions of paragraphs (a) to (e) of subsection (2) of this section, any officer having the authority, during the absence from duty of that member, to exercise the powers and duties of that member as an officer of his Department, or as a member or officer of the Accident Compensation Commission, as the case may be, may attend the meeting in his stead.

7. Meetings of Advisory Council—(1) The Advisory Council shall meet at such times and places as it determines:

Provided that the first meeting of the Council shall be at such time and place as the Director-General determines.

(2) At any meeting of the Council 7 members shall form a quorum, and no business shall be transacted unless a quorum is present.

(3) On any question before the Council the person presiding shall have a deliberative vote, and in the event of an equality of votes shall have a casting vote.

(4) Every question before the Council shall be decided by a majority of the votes of the members present at the meeting of the Council.

(5) No act or proceeding of the Council, or of any person acting as a member of the Council, shall be invalidated in consequence of there being a vacancy in the number of the Council at the time of that act or proceeding, or of the subsequent discovery that there was some defect in the appointment of any person so acting, or that he was incapable of being or had ceased to be such a member.

(6) Subject to the provisions of this Act, the Council may regulate its procedure in such manner as it thinks fit.

8. Function of Council—(1) It shall be the function of the Advisory Council to make recommendations to the Minister on any matters relating to—

(a) The provision of services and facilities for the welfare in the community of, and recreational opportunities for, disabled persons; and

(b) The quality and requirements of services and facilities within the community for the welfare of disabled persons.

(2) Without limiting the generality of the function set out in subsection (1) of this section, the Council may from time to time make recommendations to the Minister on any matters relating to—

- (a) The determination of priorities and standards in the development of services and facilities within the community for the welfare, assessment, training, sheltered employment, and day care of disabled persons: 5
 - (b) The training requirements of, and the need to promote a career structure for, those engaged in the provision of those services and facilities: 10
 - (c) Areas of investigation for research into aspects relating to the welfare in the community of disabled persons. 15
- (3) The Council shall undertake such other assignments as may be referred to it from time to time by the Minister. 15

9. Remuneration and travelling allowances of certain members of Council—(1) There may, if the Minister so directs, be paid to the members of the Council appointed under paragraph (f) of subsection (2) of section 6 of this Act— 20

- (a) Remuneration by way of fees, salary, or allowances; and
- (b) Travelling allowances and travelling expenses in respect of time spent travelling in the service of the Council— 25

in accordance with the Fees and Travelling Allowances Act 1951, and the provisions of that Act shall apply accordingly.

(2) In respect of payments so directed to be made, the Council is hereby declared to be a statutory Board within the meaning of the Fees and Travelling Allowances Act 1951. 30

PART II

PROMOTION OF COMMUNITY WELFARE OF DISABLED PERSONS

Assistance to Families and Persons

35

10. Director-General may consult others—In seeking to assist families and persons under any of the provisions of this Part of this Act, the Director-General may, for the purpose of assessing whether the supportive care, counselling services, treatment, training, or financial assistance, as the case may be, is necessary, consult with any persons or organisations 40

(including Departments of State and other agencies of the Crown) concerned with the health, education, and employment of disabled persons.

5 **11. Family care**—In seeking to promote the welfare in the community of disabled persons, the Director-General may—

(a) Provide and promote such supportive care and counselling services as may be necessary to ensure that families and members of families may obtain advice and guidance to assist them to overcome
10 social and other problems associated with caring for a disabled person:

(b) Provide for such counselling and guidance of disabled persons as may be necessary to ensure as far as possible that such persons are able to realise and
15 enjoy their potential.

12. Relief for parents and guardians—(1) For the purposes of this section “disabled child” means any child in respect of whom family benefit is payable under Part I of the Social Security Act 1964, and who suffers from physical or mental
20 disablement, to such a degree that he is seriously limited in the extent to which he can engage in the activities, pursuits, and processes of everyday life.

(2) Where a disabled child is being maintained in the care of his parents, or parent, or guardian, or of any person
25 who stands in the place of a parent to the child, as the case may be, and the Director-General is satisfied that relief from the care of the child is justified, he may, in his discretion, arrange for the said parents, parent, guardian, or person to be relieved from this responsibility for a period or periods not
30 exceeding 4 weeks in any year.

(3) In any case where the Director-General relieves any parents, parent, guardian, or person from the responsibility for caring for a disabled child under subsection (2) of this section, the reasonable cost of maintaining that child
35 during the said period or periods of up to 4 weeks shall be met by the Director-General.

(4) Notwithstanding anything to the contrary in this section the Director-General may enlist the provisions of this section in respect of a disabled person other than a disabled
40 child if in the circumstances of the case relief for the person having the care of the disabled person is in his opinion justified.

(5) This section shall come into force on the day of the passing of this Act.

13. Expenses and other costs—(1) Where a disabled person is required to undertake a course of medical treatment approved by a Hospital Board specialist, or is required to be interviewed by an officer of the Department or attend for medical examination or other educational or psychological assessment, the Director-General may authorise the payment to that person of the whole, or such part as the Director-General considers reasonable, of the cost of fares, meals, and lodging necessarily incurred by that person in connection with or in relation to that treatment or attendance, as the case may be. 5 10

(2) Where—

(a) A person acts as an attendant to a disabled person who is receiving medical treatment from a medical practitioner, or is undertaking a course or training under Part III of this Act, or is required to be interviewed by an officer of the Department or attend for medical examination; and 15 20

(b) A registered medical practitioner certifies that an attendant is necessary,—

the Director-General may authorise the payment to the attendant of the whole, or such part as the Director-General considers reasonable, of the cost of fares, meals, and lodging necessarily incurred by the attendant in, or in connection with, so acting. 25

(3) A payment made under this section shall be deemed not to be income for the purposes of—

(a) Part I of the Social Security Act 1964; or 30

(b) All pensions and allowances payable under the War Pensions Act 1954 that are subject to a test as to income.

14. Grants for alterations to homes—(1) Subject to the provisions of subsection (2) of this section, the Director-General may, in his discretion, grant in respect of any disabled person financial assistance by way of a suspensory loan for the purpose of carrying out essential alterations to a home to accommodate a wheelchair, walking frame, or other appliance that is necessary for the general welfare of that disabled person. 35 40

(2) A suspensory loan under subsection (1) of this section for the purpose of the alterations may be made to any person who is entitled to make the alterations to the home in which the disabled person resides or intends to reside, if the disabled
5 person, or the person who has the care of the disabled person, is—

- (a) The owner of an estate in fee simple in the land on which the home is situated; or
- 10 (b) The tenant of the home, and the home is on State housing land; or
- (c) The lessee under a lease of the land on which the home is situated.

(3) The Director-General shall not make a grant to any person under this section unless he is satisfied that the
15 disabled person can be expected to enjoy the benefit of the alterations to the home for a period sufficient to justify the amount of the expenditure involved, having regard to—

- 20 (a) The nature of the interest in the land on which the home is situated of the disabled person or of the person with whom he resides; and
- (b) The permanency, by reason of any blood or marriage relationship or friendship or other circumstances, of any link between the disabled person and any person who may be caring for him in the home.

25 **15. Provision for walking frames—**(1) Where, in the opinion of a medical practitioner, a disabled person requires a walking frame or other similar prosthetic appliance, which is not available free of charge from a Hospital Board or other
30 institution, the Director-General may, in his discretion, arrange for the device to be made available free of charge to the disabled person.

(2) The cost of any walking frame or other similar appliance, made available to a disabled person under
35 subsection (1) of this section, shall be met by the Director-General.

16. Training of young persons—The Director-General may, in his discretion, arrange for the provision of assessment and training under section 22 of this Act, in respect of persons
40 who have attained the age of 13 years but have not yet attained the age of 15 years, being persons who, without that training, would be likely to become qualified to receive a benefit under Part I of the Social Security Act 1964 on attaining the age of 15 years.

Assistance to Voluntary and Charitable Organisations

17. **Assistance to approved organisations**—(1) Subject to the general direction and control of the Minister, the Director-General may, in accordance with any general or special instructions that he may give, grant financial assistance to such voluntary or charitable organisations as are for the time being approved by him for the purpose, under subsection (2) of this section, towards— 5

(a) The reasonable cost of establishing, adding to, improving, or providing essential alterations to a home for the general welfare and residential care in the community of disabled persons: 10

(b) The reasonable cost of training persons who are engaged, or who propose to engage, in work designed to assist in the provision of welfare services and residential care of disabled persons within the community. 15

(2) The Director-General may approve, for the purpose of receiving financial assistance under subsection (1) of this section, any voluntary or charitable organisation that provides, or that proposes to provide, a service, project, or facility that is conducive to the general welfare and residential care of disabled persons within the community. 20

(3) No financial assistance shall be granted under subsection (1) of this section in respect of residential care unless the Director-General is satisfied that the home is or will be suitable in size, amenities, staff, standard of care, and equipment for the welfare of persons maintained therein or proposed to be maintained therein. 25

(4) An application for financial assistance under this section shall be made to the Director-General in a manner and form determined by the Director-General. 30

(5) Without limiting the power of the Director-General under this section, the Director-General may require any voluntary or charitable organisation seeking financial assistance under this section to show to his satisfaction that it has established, or is prepared to establish, appropriate links with the services of Hospital Boards or of any Government agency and their staff and services. 35

(6) If the voluntary and charitable organisation to which any financial assistance under this section has been made, sells or otherwise disposes of its buildings and equipment, or ceases to provide services of a nature or standard consistent with the
5 conditions under which the grant was made, the Minister may direct the Director-General to take such action as the Minister considers justified and possible to obtain repayment of that grant in part or in full.

18. Registration—(1) Whether or not financial assistance
10 has been sought or granted under section 17 of this Act, no home shall be used as such unless it is registered under this Part of this Act.

(2) Application for registration shall be made to the Director-General and shall be lodged at the office of the
15 Director of Social Welfare for the district in which the home is situated.

(3) If the Director-General is satisfied from the report of the Director of Social Welfare for the district in which the home is situated, and from such other inquiries as he may
20 consider appropriate, that the home will be suitable in size, amenities, staff, standard of care, and equipment for the welfare of persons proposed to be maintained therein, he shall register the home under the provisions of this Act.

(4) Every home which at the commencement of this Act
25 is licensed under the Intellectually Handicapped Persons Homes Regulations 1955 shall be deemed to be registered as a home under this Part of this Act.

(5) Every person who wilfully contravenes subsection (1)
30 of this section commits an offence and is liable on summary conviction to a fine not exceeding \$1,000 and, if the offence is a continuing one, to a further fine not exceeding \$100 for every day or part of a day during which the offence has continued.

19. Director-General may require structural alterations—
35 (1) If the Director-General is satisfied that for the safety or otherwise in the interests of the persons maintained in any home which is registered or required to be registered any alterations or improvements are required in any of the buildings used for the purposes of the home he may, by
40 written notice, require the controlling authority of the home to effect such alterations, repairs, improvements, or additions as may be specified in the notice, within a time to be therein specified.

(2) If within the time specified in any notice under subsection (1) of this section or within such extended time as the Director-General may allow, the notice is not complied with to the satisfaction of the Director-General, he may, after giving to the controlling authority not less than 60 days' notice in writing of his intention to do so, cancel the registration of the home, and it shall not thereafter be lawful to use the premises as a home as defined in section 2 of this Act. 5

20. Further provisions as to cancellation and suspension of registration—(1) If at any time it appears to the Director-General for any other reason that satisfactory provision is not being made for the welfare of any persons maintained in a home, or that the conduct of the home is in any way unsatisfactory, he may, after giving to the controlling authority not less than 60 days' notice in writing of his intention to do so, cancel the registration of the home, and it shall not thereafter be lawful to use the premises as a home as defined in section 2 of this Act. 10 15

(2) Where any registration is cancelled in accordance with this section the notice of cancellation shall specify the reasons for the cancellation and the terms and conditions upon which registration will be reinstated. 20

(3) Notwithstanding anything in subsection (1) of this section the Director-General may suspend the registration of a home forthwith if he is satisfied that there are special circumstances justifying that action. 25

21. Inspection—(1) Any—

(a) Officer of the Department of Social Welfare authorised by the Director-General; and 30

(b) Officer of the Department of Health authorised by the Director-General of Health; and

(c) Officer of the Ministry of Works and Development authorised by the Commissioner of Works—

may at any reasonable time enter any home, and inspect any part thereof to ensure that— 35

(d) The services provided are of a nature or standard consistent with the conditions for registration; and

(e) The provisions of this Part of this Act are being complied with,— 40

and, in the case of persons referred to in paragraph (a) of this subsection, interview staff and persons in residence.

(2) Any such officer may at any time be accompanied by a registered medical practitioner.

(3) A report prepared in a form approved by the Director-General may be made following any inspection, and in any
5 such case a copy of the report shall be forwarded by the Director of Social Welfare for the district in which the institution is situated to the manager or controlling authority of the home.

22. Application of Children and Young Persons Act 1974—

10 Every home which is intended to care for children or young persons, as defined in section 2 of the Children and Young Persons Act 1974, shall be deemed by virtue of its registration under this Act to be a home registered under Part IX of the Children and Young Persons Act, and the provisions of that
15 Part of that Act shall apply accordingly.

Streets and Premises Open to Public

23. Streets, etc.—Any local authority or other authority having the control and maintenance of a public street or other public thoroughfare shall ensure, having regard to local
20 needs and circumstances, that the kerb and channel of any pedestrian-way along the street or thoroughfare are constructed so as to permit safe and easy passage from kerb to kerb of any mechanical conveyance normally and lawfully used by a disabled person.

25 24. Access to, and facilities at, premises open to public—

(1) In any case where provision is being made for the construction on any land of any new building or premises to which the public are to be admitted, whether on payment or otherwise, and the initial work related to the construction
30 commences on the land on or after the 1st day of January 1979, the person liable for the cost of the construction (whether the Crown, or any local authority, or public body, or corporation, or person) shall, in the means of access both to and within the building or premises, and in the parking
35 facilities and sanitary conveniences to be available (if any), ensure that provision is made, in so far as it is in the circumstances both practicable and reasonable, for disabled persons who may be expected to visit or work in the building or premises to enter and carry out normal activities and
40 processes therein.

(2) The provisions of this section shall apply to, but shall not be limited to, buildings and premises, and parts of buildings and premises, that are intended to be used for or associated with one or more of the following purposes—

- (a) Passenger transport terminals: 5
- (b) Public lavatories, whether on land belonging to the Crown, or any local authority or public body, or any other corporation or person:
- (c) Banks:
- (d) Churches and chapels: 10
- (e) Commercial buildings and premises and professional offices:
- (f) Educational and cultural institutions, including schools, universities, museums, and art galleries:
- (g) Municipal offices: 15
- (h) Government offices:
- (i) Hospitals:
- (j) Hotels and motels and other premises providing accommodation for the public:
- (k) Medical consulting rooms: 20
- (l) Public libraries:
- (m) Restaurants, cafes, and canteens:
- (n) Shops at the level of the street providing sole or primary pedestrian access thereto, and other shops connected to those shops by pedestrian ramps or passageways: 25
- (o) Sports stadiums and public recreation centres:
- (p) Swimming baths:
- (q) Theatres, cinemas, and concert halls:
- (r) Factories within the meaning of the Factories Act 1946 employing more than 20 persons. 30

(3) Where any provision required by this section is made at a building in compliance therewith, a notice or sign indicating that provision is made for the needs of disabled persons shall be displayed outside the building or so as to be visible from outside it. 35

(4) This section applies to a public lavatory provided elsewhere than in a building or premises (being a public lavatory that is not itself a building or premises) as it applies to a building. 40

(5) This section shall bind the Crown.

PART III

VOCATIONAL TRAINING OF THE DISABLED

25. Programme for vocational training—(1) The Director-General shall, under the general direction and control of the
5 Minister, administer a programme for the training, sheltered employment, and day care of disabled persons.

(2) The Director-General shall make such arrangements as he considers necessary—

- (a) For disabled persons to—
- 10 (i) Undergo assessment, and undertake work experience or training, for employment:
 - (ii) Receive education or technical training with a view to employment:
 - 15 (iii) Obtain practical experience necessary in each case to qualify the disabled person to undertake any employment that, in the opinion of the Director-General, is suitable having regard to any educational qualifications, skill, or aptitude of that disabled person:
 - 20 (iv) Undertake employment in a sheltered workshop:
- (b) To enable disabled persons to attend an occupational centre for day care.
- (3) For the purpose of the foregoing provisions of this
25 section the Director-General may:
- (a) Grant financial assistance towards the expenses of any disabled person undergoing any period of assessment, work experience, training, or education:
 - 30 (b) Grant financial assistance towards travelling and accommodation expenses of any disabled person to whom the provisions of paragraph (a) of this subsection apply in cases where the person is required to reside away from his ordinary place of residence:
 - (c) Grant financial assistance towards the cost of training or education, or the obtaining of practical experience or equipment, necessary to enable any disabled
35 person to engage in any occupation that in the opinion of the Director-General is suitable:
 - (d) Set up or arrange for facilities for research into aspects of training, sheltered employment, and day care:
 - 40 (e) Provide for the instruction and training of staff engaged in the provision of training, sheltered employment, and day care facilities for disabled persons:

- (f) Provide, equip, and administer buildings and institutions for the establishment of facilities for the training, sheltered employment, and day care of disabled persons:
- (g) Appoint or approve the appointment of suitably qualified staff necessary to operate any establishment administered by the Director-General under this Act: 5
- (h) Provide, or arrange, in consultation with the Secretary of Labour, for selected disabled persons, including persons selected under section 16 of this Act, to undertake training or work experience in any office, factory, or other place of employment; and in doing so require that the terms and conditions of the placement of the persons with an employer be the subject of an agreement between— 10
- (i) The Director-General or any Department of State, body corporate, or agent authorised by the Director-General under section 5 of this Act; and 15
- (ii) That employer; and 20
- (iii) Such industrial union or industrial association as the Director-General may specify, being an industrial union or an industrial association that is registered under the Industrial Relations Act 1973:
- (i) Provide suspensory loans or other financial assistance for or towards the provision of a motor car or other mechanical means of transport, or the alteration of its mechanism, where such a vehicle is essential to enable a disabled person to obtain and retain full economic employment, and the person has insufficient means to provide the vehicle himself. 25 30
- (4) In determining the extent of any financial assistance for disabled persons under subsection (3) of this section, the Director-General may have regard to any assistance granted by the Accident Compensation Commission or from any other source. 35

26. Financial assistance to approved agencies—(1) Subject to any general or special directions that he may give, the Director-General may from time to time grant financial assistance towards: 40

- (a) The remuneration of authorised staff of approved voluntary or charitable organisations engaged in the training, sheltered employment, and day care of

disabled persons, or in operating sheltered workshops or occupational centres for the disabled:

- 5 (b) The provision of buildings and equipment required by approved voluntary or charitable organisations for the purpose of the training, sheltered employment, and day care of the disabled, or in connection with the operation of sheltered workshops or occupational centres for the disabled:
- 10 (c) The provision of buildings and equipment and financial assistance required by approved co-operatives or any other approved organisations established for the purpose of providing full time or part time employment for disabled persons:
- 15 (d) The provision of financial assistance to enable a disabled person to become self employed.
- 20 (2) If the organisation or co-operative to which any financial assistance under this section has been made sells or otherwise disposes of its buildings and equipment or ceases to provide services of a nature or standard consistent with the conditions under which the grant was made, the Minister may direct the Director-General to take such action as the Minister considers justified and possible to obtain repayment of that grant in part or in full.

25 **27. Rehabilitation allowance**—(1) In any case where a disabled person is undertaking assessment, work experience, education, or training for employment in an organisation carrying out an approved training programme under this Part of this Act, the Director-General may, in his discretion, grant a rehabilitation allowance to that person.

30 (2) Any rehabilitation allowance granted under this section shall be at a rate determined to be appropriate in the circumstances by the Director-General, but shall not in any case exceed the maximum rate that may from time to time be prescribed by regulations made under section 30 of this Act.

35 (3) The following enactments are hereby repealed:

40 (a) Paragraph (dd) of subsection (1), and subsection (4), of section 124 of the Social Security Act 1964 (as inserted by section 19 of the Social Security Amendment Act 1969) and the Fifteenth Schedule to that Act (as inserted by section 10 (1) of the Social Security Amendment Act 1974):

(b) Section 19 of the Social Security Amendment Act 1969.

PART IV

GENERAL PROVISIONS

28. Financial provisions—There shall from time to time be paid out of the Consolidated Revenue Account, from money appropriated by Parliament for the purposes of this Act, all remuneration, allowances, and other expenditure payable or incurred under or in the administration of this Act. 5

29. Provisions in special circumstances—(1) Notwithstanding anything to the contrary in this Act, the Minister may make such special arrangements as in the circumstances he considers advisable, for the purpose of providing that adequate services instead of or in addition to the assistance provided for by this Act, will be made available for the benefit of any person or classes of persons. 10

(2) The Minister may, from time to time as occasion requires in any particular case or class of case, make such special arrangements as in his opinion are necessary for the effective operation of this Act and of any regulations made pursuant to section 30 of this Act. 15

(3) All fees and other money payable in respect of any arrangements made under this section shall be paid by the Director-General. 20

30. Regulations—The Governor-General may from time to time, by Order in Council, make regulations for all or any of the following purposes: 25

- (a) Prescribing the maximum amount of the payments, and conditions in respect of the payments, to be made by the Director-General in respect of financial assistance provided for by this Act or by any regulations made under this Act to disabled persons and other persons: 30
- (b) Prescribing the terms and conditions under which financial assistance may be granted to voluntary and charitable organisations under this Act:
- (c) Prescribing the terms and conditions under which special arrangements may be made under section 25 (2) of this Act: 35
- (d) Prescribing the conditions under which voluntary or charitable organisations may be approved for the purposes of section 17 (2) of this Act: 40
- (e) Providing for the registration of homes under section 18 of this Act:

- (f) Prescribing the conditions under which the staff of voluntary or charitable organisations may be regarded as authorised for the purposes of section 26 (1) (a) of this Act:
- 5 (g) Providing for the release of medical or other information necessary for the Director-General to carry out his functions under this Act:
- (h) Prescribing the maximum rates of rehabilitation allowances:
- 10 (i) Providing for such matters as are contemplated by or necessary for giving full effect to the provisions of this Act for the due administration thereof.

31. Repeal and amendment—(1) Part VI of the Mental Health Act 1969 is hereby consequentially repealed.

- 15 (2) Section 110 of the Mental Health Act 1969 is hereby amended by inserting in subsection (1), after the words “this Act”, the words “or the Disabled Persons Community Welfare Act 1975”.