



# Disability Services Commission Board Charter

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Version # 3.0

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## Document control

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## Amendments

Version	Date	Author	Description
0.1	3.2.2023	Manager, Strategy and Policy	Draft 1 to Board meeting
1	2.6.2023	Manager, Strategy and Policy	Endorsed
2	2.8.2024	Manager, Strategy and Policy	First annual review
3	20.10.2025	Principal Policy Officer, Office of Deputy Director General	Annual review

## 1. Definitions

“**Act**” means the *Disability Services Act 1993*

“**Board**” means the Disability Services Commission Board

“**Chairperson**” means the Chairperson of the Disability Services Commission Board

“**Chief Executive Officer**” means the highest senior executive officer of the Disability Services Commission

“**Communities**” means the Department of Communities

“**member**” means a member of the Disability Services Commission Board

“**Minister**” or “**Minister for Disability Services**” means the Minister to whom administration of the *Disability Services Act 1993* is committed

“**Secretariat**” means the public officers employed by the Department of Communities who support the administration of the Disability Services Commission Board

## 2. Background

The Disability Services Commission Board (the Board) is established under the *Disability Services Act 1993* (the Act) (section 7 and Schedule 3). The Board is the governing body of the Disability Services Commission (DSC) and is to perform the DSC’s functions under the Act or any other written law.

The Board comprises nine members appointed by the Minister for Disability Services from people nominated through an advertised recruitment process (section 7(2a) of the Act).

Division 4 of the Act defines the relationship between the DSC and the Minister for Disability Services. This includes the ability for the Minister to give directions to the DSC with respect to the performance of its functions, to require the DSC to implement government wide policies and the requirement for the DSC to consult with the Minister on major initiatives.

The Minister for Disability Services provides a *Statement of Expectation* for the strategic direction of the Board, and the Board responds with its *Statement of Intent*, which serves as a commitment to the Minister’s expectations. These documents will remain in place until the end of this Parliamentary term or until otherwise amended.

While induction briefings are provided by the Department of Communities, members are responsible for familiarising themselves with the requirements of the Board, and their own requirements as a member. The Public Sector Commission has resources to guide and support members. (See Part 6 – References and Related Documents.)

The Public Sector Commission website under the link to *Boards and Committees* contains guiding information for government boards and committees.

## **2.1 Scope**

This Charter outlines the obligations and responsibilities of the Board in accordance with the Act (and other legislation) and acknowledges that some disability services have moved from the DSC to the National Disability Insurance Scheme (NDIS), while others are integrated throughout Communities.

The Board continues to oversee, finance, risk management, and service delivery as well as driving and promoting the State Disability Strategy and its action plans.

## **2.2 . Members' roles and responsibilities**

The strategic leadership provided by the Board should place emphasis on Communities achieving its vision - Better lives together through people, place and home.

The Board will work to achieve this vision by:

- Ensuring the strong and central involvement of people with disability, their families and carers, in advising and leading strategic developments.
- Providing strong leadership to champion the rights of people with disability, their families and carers.
- Actively engaging communities, disability sector organisations, the private sector, and all levels of government.
- Ensuring its directions are guided by contemporary thinking and evidence-based practice.

Members appointed to the Board have expertise relevant to the functions of the DSC and its operations including expertise in management, finance, law, marketing and the provision of services in the public and private sectors and have knowledge of, and experience in, matters relevant to people with disability.

Members (apart from the Chairperson) may serve consecutive terms of appointment up to a maximum of six years. Where members (apart from the Chairperson) have served consecutive terms of appointment totalling six years, they cannot be re-appointed to the Board unless three years have elapsed since their last term ended. The Chairperson may serve consecutive terms of appointment greater than six years.

The Minister appoints one of the members to be the Chairperson and another of the members to be the deputy Chairperson.

The roles and responsibilities of members are determined by the Act and related legislation (see Part 6 below - References and Related documents), this Charter and the Code of Conduct. These documents should be read in conjunction with each other. All members are:

- Required to participate fully in discussions and respond to out of session requests, perform their duties in good faith and in the best interests of the DSC.
- Individually and collectively responsible for ensuring that the Board is undertaking its responsibilities.

- Required to comply with the Code of Conduct.
- Expected to exemplify a values-based approach when expressing their views, even when they may dissent from other members.
- Required to be mindful of diversity and inclusion in all discussions, decisions and recommendations.

The Chairperson provides leadership and insight to ensure delivery of the Board's purpose through engagement with all members.

### **3. Processes**

#### **Chairperson and Executive Director meetings**

The Deputy Director General, Disability Division and the Chairperson meet in advance of each meeting to discuss topics and the order of the agenda.

#### **Board meetings**

Ordinary Board meetings will be held every second month.

Where there are matters of urgent and critical importance that cannot be dealt with out of session, a Special Meeting may be called with three days' notice.

#### **Meeting papers distribution**

Meeting papers will be distributed via email one week prior to the meeting.

Urgent and unavoidably late papers will be circulated no later than 10am, three days before the meeting.

#### **Meetings**

At every meeting, members will:

- Identify strategic risks and oversee their mitigation.
- Acknowledge and record any conflicts of interest (actual, potential or perceived) in accordance with the Code of Conduct.

Meetings open with an Acknowledgement of Country or, if the Chairperson is Aboriginal, a Welcome to Country or Acknowledgment of Country (as appropriate).

Members should attend meetings in person where possible. If a member is unable to attend in person, a link to attend the meeting online should be arranged with the Secretariat.

Where a member is unable to attend a meeting, they should notify the Chairperson as soon as possible prior to a meeting.

The Board must keep minutes of its meetings. The minutes of the previous meeting will be presented for Board consideration at the next meeting.

#### **Meeting Quorum(s)**

To constitute a meeting, at least half of the members must be present for the whole of the meeting, either in person or virtually.

### **Out-of-session approvals**

Where urgent and critical decisions are needed between meetings, out of session Board approval may be sought with the approval of the Chairperson or following a decision of the Board at a previous meeting. This will be done by Flying Minute that will identify the purpose and recommendation, which will be circulated by email. Members will be required to approve or not approve the recommendation.

A recommendation will be considered approved where at least half of the Board members approve the recommendation in writing.

The decision will be minuted in the next Board meeting's Minutes.

### **Financial Reports**

Financial Reports of the DSC's budget expenditure are provided at each meeting for review and endorsement.

### **Audit and Risk Management**

The risk management function at Communities covers all activities undertaken by Communities, including those undertaken by the DSC. It is facilitated by the Risk Branch, located within the Professional Standards directorate.

Communities' [Risk Management Policy and Framework](#) have been approved by the Communities' Leadership Team and presented to the Audit and Risk Committee (ARC) for input and noting. These documents are reviewed annually and are aligned to *ISO 31000:2018 – Risk Management and Treasurer's Instruction 4*.

The ARC oversees audit and risk activities within Communities to provide independent assurance of the risk function and its performance. The ARC is independently chaired and has one DSC Board representative as an independent member.

The Risk Branch has responsibility for the business continuity framework and ensuring that Business Continuity Plans are in place for all Communities divisions and critical business units, including all business areas dealing with disability services.

### **Services**

Services for people with disability that are provided by the DSC (through Communities) are monitored for effectiveness of service outcomes and budget implications by way of a regular report to the Board from the Disability Division.

### **Sub-committees**

The DSC is a registered NDIS provider and the Board's Quality and Safeguards Sub-Committee (Quality and Safeguards Sub-Committee) is established to have oversight of NDIS quality and safeguarding compliance and associated strategic risks, in the delivery of Supported Independent Living supports to people with disability in Communities' Supported Community Living facilities.

As outlined in the Quality and Safeguards Sub-Committee Terms of Reference, the Board is responsible for functions and outcomes expected of the “governing body” and “key personnel” under the:

- *National Disability Insurance Scheme Act 2013*
- *National Disability Insurance Scheme (Quality Indicators) Guidelines 2018*, and
- *National Disability Insurance Scheme (Provider Registration and Practice Standards) Rules*

### **New member induction**

All new members will receive a comprehensive information pack and induction session prior to their commencement on the Board.

### **Remuneration**

Schedule 3 clause 4 of the Act provides that members of the Board are entitled to be paid such remuneration allowances as determined by the Minister from time to time, on the recommendation of the Public Sector Commissioner.

### **Leave of Absence**

The Chairperson may, by written notice to a member, grant the member leave to be absent for no more than two consecutive meetings.

In the case of the Chairperson, the Minister may, by written notice, grant the Chairperson leave to be absent for no more than two consecutive meetings.

The Minister may terminate the appointment of a member if the member is absent, without leave and without reasonable excuse, from three consecutive meetings of the Board of which the member has notice.

### **Review of this Charter**

This document will remain in place until a change of government or Minister, or until a two-yearly review or other occurrence that deems a review necessary.

## **4. References and related documents**

- [\*Disability Services Act 1993\*](#)
- [\*Financial Management Act 2006\*](#)
- [\*State Records Act 2000\*](#)
- [Good governance for public sector agencies:](#)
- [Good governance guide for public sector agencies checklist](#)
- [Governance Manual for WA Government Boards and Committees](#)
- Disability Services Commission Board – Code of Conduct
- Delegations under section 14 of the *Disability Services Act 1993* including to the Executive Director, Office of Disability (Refer A11146872 for full list of delegations)

- [Statutory Corporations \(Liability of Directors\) Act 1996 - \(legislation.wa.gov.au\)](#)
- [Public Interest Disclosure Act 2003](#)
- [Governance e-Learning for WA Government Boards and Committees](#)
- [Freedom of Information Act 1992](#)
- [National Disability Insurance Scheme Act 2013](#)
- [National Disability Insurance Scheme \(Quality Indicators\) Guidelines 2018](#)
- [National Disability Insurance Scheme \(Provider Registration and Practice Standards\) Rules](#)