

Disability Services and Other Legislation Amendment Bill 2015

EXPLANATORY NOTES

**For amendments to be moved during consideration in detail by
The Honourable Coralee O'Rourke MP
Minister for Disability Services
Minister for Seniors
Minister Assisting the Premier on North Queensland**

Title of the Bill

Disability Services and Other Legislation Amendment Bill 2015

Policy objectives and the reasons for them

The objectives for these amendments are two-fold.

Queensland's early transition to the NDIS commences on 1 April 2016 and it is essential that a robust quality and safeguards framework is in place and operational by this time. This will provide clarity to people with disability and service providers about the quality and safeguard requirements that apply in Queensland once the transition to the NDIS commences. An amendment to the Disability Services and Other Legislation Amendment Bill 2015 (the Bill) will be moved during the consideration in detail to make it clear that the provisions in the Bill will commence on 1 April 2016.

The remaining amendments that will be moved during consideration in detail give effect to the Queensland Government's response to recommendation 2 in the report of the Health, Communities, Disability Services and Domestic and Family Violence Prevention Committee (the Committee).

In its report on the Bill, the Committee recommended that new section 200F of the *Disability Services Act 2006*, as inserted by clause 44 of the Bill, be amended to provide greater clarity around the scope of the powers of authorised officers.

Achievement of policy objectives

Ensuring quality and safeguards requirements are in place

The proposed amendment changes the commencement date of the provisions in the Bill from a day to be fixed by proclamation to 1 April 2016. This change will provide certainty and ensure the quality and safeguard system provided for by the amendments in the Bill is in effect when services commence being delivered as part of the early launch of the NDIS in Queensland from that date.

Powers of authorised officers

Three proposed amendments make minor changes to clause 44 to improve clarity.

These include: (1) the removal of an unnecessary notation in the new section 200E to be inserted into the *Disability Services Act 2006*; (2) clarification that Division 3 applies in relation to all functions of an authorised officer; and (3) a reclassification which amalgamates the powers of authorised officers which were previously contained in Division 4 into Division 3.

The inclusion of all functions and powers of authorised officers into a single Division provides greater clarity when reading Part 6A of the *Disability Services Act 2006*.

Alternative Ways of Achieving Policy Objectives

The policy objectives can only be achieved by legislative amendment.

Estimated Cost for Government Implementation

There are no funding implications for government as a consequence of the amendments.

Consistency with Fundamental Legislative Principles

The amendments to be moved during consideration in detail are consistent with fundamental legislative principles.

Consultation

The proposed amendments have been made as a result of the Committee inquiry process, which received five written submissions on the Bill and a departmental briefing.

NOTES ON PROVISIONS

Amendment 1 amends clause 2 (Commencement) to change the commencement date of the Bill to 1 April 2016.

Amendment 2 amends clause 44 (Insertion of new pt 6A) by omitting the notation in the new section 200E, as this is unnecessary and duplicative.

Amendment 3 amends the new section 200F, inserted by clause 44, to clarify the powers of authorised officers by removing the reference to the *Community Services Act 2007*, part 4, divisions 3 and 4.

Amendment 4 amends clause 44 by re-classifying the new Part 6A, Division 4 as Part 6A, Division 3, Subdivision 6.