

2014

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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(As presented)

(Minister for Disability, Children and Young People)

## **Disability Services (Disability Service Providers) Amendment Bill 2014**

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## **Disability Services (Disability Service Providers) Amendment Bill 2014**

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### **A Bill for**

An Act to amend the *Disability Services Act 1991*

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The Legislative Assembly for the Australian Capital Territory enacts as follows:

1 **1 Name of Act**

2 This Act is the *Disability Services (Disability Service Providers)*  
3 *Amendment Act 2014*.

4 **2 Commencement**

5 This Act commences on 1 July 2014.

6 *Note* The naming and commencement provisions automatically commence on  
7 the notification day (see [Legislation Act](#), s 75 (1)).

8 **3 Legislation amended**

9 This Act amends the *Disability Services Act 1991*.

10 **4 Objects**  
11 **Section 3 (d)**

12 *substitute*

13 (d) to promote the provision of high quality and innovative  
14 supports to enable people with disabilities to maximise  
15 independent lifestyles and full inclusion in the community; and

16 **5 New part 1A**

17 *insert*

18 **Part 1A Specialist disability services**

19 **4 What is a *specialist disability service*?**

20 (1) A *specialist disability service* is a service that—

21 (a) is provided specifically for people with disability; and

22 (b) is of a type declared by the Minister under subsection (2).

1 (2) The Minister may declare a type of service to be a specialist  
2 disability service.

3 **Examples—service types**

- 4 • accommodation support services  
5 • advocacy services  
6 • case management services  
7 • personal care services  
8 • respite care services

9 *Note* An example is part of the Act, is not exhaustive and may extend, but  
10 does not limit, the meaning of the provision in which it appears (see  
11 [Legislation Act](#), s 126 and s 132).

12 (3) A declaration may apply, adopt or incorporate an instrument as in  
13 force from time to time.

14 (4) A declaration is a disallowable instrument.

15 *Note* A disallowable instrument must be notified, and presented to the  
16 Legislative Assembly, under the [Legislation Act](#).

17 **5 Who is a specialist disability service provider?**

18 (1) A *specialist disability service provider* is a person or entity (other  
19 than the Territory) that provides specialist disability services,  
20 whether or not for profit, but does not include—

- 21 (a) a close relative of a person with disability who provides  
22 specialist disability services to the person other than as an  
23 agent or employee of a specialist disability service provider; or  
24 (b) a person or entity prescribed by regulation.

25 (2) In this section:

26 *close relative* of a person means the person's—

- 27 (a) domestic partner; or

28 *Note* **Domestic partner**—see the [Legislation Act](#), s 169.

- 1 (b) father, mother, grandfather, grandmother, stepfather,  
2 stepmother, father-in-law or mother-in-law; or
- 3 (c) son, daughter, grandson, granddaughter, stepson, stepdaughter,  
4 son-in-law or daughter-in-law; or
- 5 (d) brother, sister, half-brother, half-sister, stepbrother, stepsister,  
6 brother-in-law or sister-in-law; or
- 7 (e) uncle, aunt, uncle-in-law or aunt-in-law; or
- 8 (f) nephew, niece or cousin.

9 **5A Approval of standards**

- 10 (1) The Minister may approve standards about the provision of  
11 specialist disability services by specialist disability service  
12 providers.

13 **Examples—matters standards may be about**

- 14 • quality of services
- 15 • qualifications and training for staff
- 16 • criminal history checks
- 17 • protection of personal information
- 18 • allowing reasonable access to premises to inspect the operation of services

19 *Note 1* Power to make a statutory instrument includes power to make different  
20 provision in relation to different matters or different classes of matters,  
21 and to make an instrument that applies differently by reference to stated  
22 exceptions or factors (see [Legislation Act](#), s 48).

23 *Note 2* An example is part of the Act, is not exhaustive and may extend, but  
24 does not limit, the meaning of the provision in which it appears (see  
25 [Legislation Act](#), s 126 and s 132).

- 26 (2) An approved standard may apply, adopt or incorporate an  
27 instrument as in force from time to time.

1 (3) An approved standard is a disallowable instrument.

2 *Note* A disallowable instrument must be notified, and presented to the  
3 Legislative Assembly, under the [Legislation Act](#).

4 **6 Financial assistance for providers of services**  
5 **Section 6 (2) (b)**

6 *omit*

7 and any relevant standards approved under section 11 (Disability  
8 service standards)

9 **7 Section 6 (2) (c)**

10 *omit*

11 **8 Conditions of grants**  
12 **Section 7 (4)**

13 *substitute*

14 (4) An agreement mentioned in subsection (1) is subject to the  
15 condition that the grantee complies with guidelines (if any)  
16 mentioned in section 10 (1) (a) that apply to the grantee.

17 **9 Meaning of *official visitor* etc**  
18 **Section 8A, new definition of *operating entity***

19 *insert*

20 *operating entity*, for a visitable place—see the [Official Visitor](#)  
21 [Act 2012](#), dictionary.

22 **10 Section 8A, definition of *visitable place*, paragraph (a)**

23 *substitute*

24 (a) means accommodation provided for a person with disability for  
25 respite or long-term residential purposes other than a private  
26 home; and

1 **11 Complaint about disability service provided at place other**  
2 **than visitable place**  
3 **Section 8B (1)**

4 *omit*  
5 service funded wholly or partly by the Territory  
6 *substitute*  
7 specialist disability service

8 **12 Official visitors must give notice of visit**  
9 **Section 8C (1)**

10 *omit*  
11 director-general  
12 *substitute*  
13 operating entity

14 **13 Disability service standards**  
15 **Section 11**

16 *omit*

17 **14 Regulation-making power**  
18 **Section 12 (2)**

19 *omit*  
20 section 11  
21 *substitute*  
22 section 5A



1 **15** Requirements to be complied with in relation to the  
2 design and implementation of programs and services  
3 relating to people with disabilities  
4 Schedule 2, requirement 9

5 *omit*

6 that

7 *substitute*

8 which

9 **16** Dictionary, new definition of *operating entity*

10 *insert*

11 *operating entity*, for a visitable place—see section 8A.

12 **17** Dictionary, definition of *organisation*, paragraph (c)

13 *omit*

14 **18** Dictionary, new definitions

15 *insert*

16 *specialist disability service*—see section 4 (1).

17 *specialist disability service provider*—see section 5 (1).

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## Endnotes

**1 Presentation speech**

Presentation speech made in the Legislative Assembly on 15 May 2014.

**2 Notification**

Notified under the [Legislation Act](#) on 2014.

**3 Republications of amended laws**

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

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