



Australian Capital Territory

# Disability Services (Disability Service Providers) Amendment Act 2014

A2014-27

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Australian Capital Territory

# Disability Services (Disability Service Providers) Amendment Act 2014

A2014-27

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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 Name of Act**

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

**2 Commencement**

This Act commences on 1 July 2014.

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

**3 Legislation amended**

This Act amends the *Disability Services Act 1991*.

**4 Objects  
Section 3 (d)**

*substitute*

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

**5 New part 1A**

*insert*

**Part 1A Specialist disability services**

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

- (1) A *specialist disability service* is a service that—
- (a) is provided specifically for people with disability; and
  - (b) is of a type declared by the Minister under subsection (2).

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

**Examples—service types**

- accommodation support services
- advocacy services
- case management services
- personal care services
- respite care services

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

- (3) A declaration may apply, adopt or incorporate an instrument as in force from time to time.
- (4) A declaration is a disallowable instrument.

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

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

- (1) A *specialist disability service provider* is a person or entity (other than the Territory) that provides specialist disability services, whether or not for profit, but does not include—
- (a) a close relative of a person with disability who provides specialist disability services to the person other than as an agent or employee of a specialist disability service provider; or
  - (b) a person or entity prescribed by regulation.

- (2) In this section:

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

- (a) domestic partner; or

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

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

## **5A Approval of standards**

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

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

- quality of services
- qualifications and training for staff
- criminal history checks
- protection of personal information
- allowing reasonable access to premises to inspect the operation of services

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

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

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

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

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

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

*omit*

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

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

*omit*

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

*substitute*

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

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

*insert*

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

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

*substitute*

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

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

*omit*

service funded wholly or partly by the Territory

*substitute*

specialist disability service

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

*omit*

director-general

*substitute*

operating entity

**13 Disability service standards  
Section 11**

*omit*

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

*omit*

section 11

*substitute*

section 5A



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

*omit*

that

*substitute*

which

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

*insert*

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

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

*omit*

**18 Dictionary, new definitions**

*insert*

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

*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 12 June 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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I certify that the above is a true copy of the Disability Services (Disability Service Providers) Amendment Bill 2014, which was passed by the Legislative Assembly on 5 June 2014.

Clerk of the Legislative Assembly

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