

2012

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Minister for Disability, Children and Young People)

Disability Services Amendment Bill 2012 (No 2)

Contents

	Page
1 Name of Act	2
2 Commencement	2
3 Legislation amended	2
4 Financial assistance for providers of services Section 6 (2) (b)	2
5 Conditions of grants Section 7 (4)	2
6 New sections 11 and 12	3
7 Human Rights Commission Act 2005, new section 40 (b) (va)	4

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(Minister for Disability, Children and Young People)

Disability Services Amendment Bill 2012 (No 2)

A Bill for

An Act to amend the *Disability Services Act 1991*, and for other purposes

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

1 **1 Name of Act**

2 This Act is the *Disability Services Amendment Act 2012 (No 2)*.

3 **2 Commencement**

4 This Act commences on the day after its notification day.

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

7 **3 Legislation amended**

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

9 *Note* This Act also amends the *Human Rights Commission Act 2005* (see s 7).

10 **4 Financial assistance for providers of services**
11 **Section 6 (2) (b)**

12 *after*

13 schedule 2

14 *insert*

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

17 **5 Conditions of grants**
18 **Section 7 (4)**

19 *substitute*

20 (4) An agreement mentioned in subsection (1) is subject to the
21 condition that the grantee complies with—

22 (a) guidelines (if any) mentioned in section 10 (1) (a) that apply to
23 the grantee; and

24 (b) standards (if any) mentioned in section 11 that apply to the
25 grantee.

6 New sections 11 and 12

insert

11 Disability service standards

- (1) The Minister may approve standards about the provision of services for people with disabilities.

Note Power to make a statutory instrument includes power to make different provision for different categories (see [Legislation Act](#), s 48).

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

- (3) An approval is a disallowable instrument.

Note 1 A disallowable instrument must be notified, and presented to the Legislative Assembly, under the [Legislation Act](#).

Note 2 An amendment or repeal of an approval is also a disallowable instrument (see [Legislation Act](#), s 46 (2)).

12 Regulation-making power

- (1) The Executive may make regulations for this Act.

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

- (2) A regulation may make provision in relation to standards mentioned in section 11, including the following:

- (a) the entities that must comply with the standards;
- (b) performance measures for measuring compliance with the standards;
- (c) the monitoring of compliance with the standards;
- (d) the enforcement of compliance with the standards;
- (e) the consequences of failing to comply with the standards.

- 1 (3) A regulation may create offences and fix maximum penalties of not
2 more than 10 penalty units for the offences.

3 **7 Human Rights Commission Act 2005, new**
4 **section 40 (b) (va)**

5 *insert*

- 6 (va) standards (if any) approved under the *Disability Services*
7 *Act 1991*, section 11 (Disability service standards);

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 29 November 2012.

2 Notification

Notified under the [Legislation Act](#) on 2012.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.
