

2012

THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

DISABILITY SERVICES AMENDMENT BILL 2012

EXPLANATORY STATEMENT

**Presented by
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Minister for Community Services**

Introduction

This Explanatory Statement relates to the *Disability Services Amendment Bill 2012* as presented in the Legislative Assembly. It has been prepared in order to assist the reader of the Bill and to help inform debate on it. It does not form part of the Bill and has not been endorsed by the Legislative Assembly.

The Statement must to be read in conjunction with the Bill. It is not, and is not meant to be, a comprehensive description of the Bill. What is said about a provision is not to be taken as an authoritative guide to the meaning of a provision, this being a task for the courts.

Outline

The purpose of this Bill is to make amendments to the *Disability Services Act 1991* (the Act) that will allow the Minister for Community Services to approve disability service standards and establish regulation –making power to make regulations for this Act.

Amendments

Clause 1 Name of the Act

This is a technical clause and sets out the name of the new Act as the *Disability Services Amendment Act 2012*.

Clause 2 Commencement

This clause enables the new Act to commence on a day nominated by the Minister in a commencement notice.

Clause 3 Legislation amended

This clause identifies the Act to be amended is the *Disability Services Act 1991*.

Clause 4 Financial assistance for providers of services Sections 6 (2) (b)

This clause sets out that the Minister is not allowed to approve a grant unless the Minister is satisfied that the standards will be complied with.

Note that the Minister cannot approve a grant unless an agreement is entered into between the Minister and the person receiving the grant.

Clause 5 Conditions of grants Section 7 (4)

This clause states that an agreement about a grant includes a condition that the person receiving the grant must comply with the standards.

Clause 6 New Sections
Section 11 and 12

Section 11 pertains to disability service standards and states that the Minister may approve standards about the provision of services for people with disability and the approval may apply, adopt or incorporate an instrument as in force from time to time. The approval is a disallowable instrument.

Section 12 pertains to regulation-making power and states that the Executive may make regulations for this Act. A regulation may make provision in relation to standards including the following: the entities that must comply with the standards; performance measures for measuring compliance with the standards; the monitoring of compliance with the standards; the enforcement of compliance with the standards and the consequences of failing to comply with the standards.

Clause 7 Human Rights Commission Act 2005
New Section 40 (b) (va)

This is a consequential amendment. The clause states that if a service provider acts inconsistently with a standard approved under the new section 11, then a complaint may be lodged with the Human Rights Commission.