



Queensland

# Disability Services Regulation 2017

## Subordinate Legislation 2017 No. 99

made under the

*Disability Services Act 2006*

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## Part 1 Preliminary

### 1 Short title

This regulation may be cited as the *Disability Services Regulation 2017*.

### 2 Commencement

This regulation commences on 1 July 2017.

### 3 Dictionary

The dictionary in schedule 4 defines particular words used in this regulation.

## Part 2 Matters prescribed for Act

### 4 Prescribed services—Act, s 12, definition *disability services*

For section 12(g) of the Act, each service mentioned in schedule 1 is prescribed.

### 5 Prescribed disability services—Act, ss 14 and 16A

For sections 14(1)(b) and 16A of the Act, each disability service mentioned in schedule 1 is prescribed.

### 6 Documents relating to proof of engaged person's identity prescribed—Act, s 52

- (1) For section 52(3)(b) of the Act, a funded non-government service provider or NDIS non-government service provider must have sighted 1 primary identification document, and 1 secondary identification document, for the engaged person.

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- (2) At least 1 of the documents sighted under subsection (1) must show the engaged person's signature.
- (3) If the engaged person's name in a document sighted under subsection (1) differs from the engaged person's current name, the provider must also have sighted—
  - (a) an official document evidencing the engaged person's change of name; or  
*Example—*  
a marriage certificate or a deed poll
  - (b) a document the chief executive considers provides sufficient evidence of the engaged person's change of name.

## **7 Information about restrictive practice approvals—Act, s 199**

- (1) This section applies if a relevant service provider is using a restrictive practice in relation to an adult with an intellectual or cognitive disability.
- (2) Within 14 days after the provider is given the restrictive practice approval to use the restrictive practice, the provider must give the following information to the chief executive—
  - (a) the adult's—
    - (i) full name; and
    - (ii) unique client identifier; and
    - (iii) date of birth; and
    - (iv) gender; and
    - (v) primary disability;
  - (b) the relevant service provider's—
    - (i) name; and
    - (ii) provider number; and
    - (iii) contact telephone number; and

- (iv) email address;
  - (c) the type of disability services provided by the service provider;
  - (d) the person, identified by name or position title, authorised by the service provider to use the restrictive practice;
  - (e) the type of approval;
  - (f) who gave the approval;
  - (g) the restrictive practice;
  - (h) the date of the positive behaviour support plan for the adult that provides for the use of the restrictive practice;
  - (i) the date the approval was given;
  - (j) the date the approval expires.
- (3) Within 14 days after a change in any of the information given under subsection (2), the provider must give the chief executive the current information.
- (4) The relevant service provider must give the information in the form approved by the chief executive.
- (5) In this section—

**CEO** means CEO within the meaning of the *National Disability Insurance Scheme Act 2013* (Cwlth).

**provider number** means—

- (a) for each relevant service provider—the unique number allocated to the relevant service provider under a service contract between the relevant service provider and the department; and
- (b) for a relevant service provider who is an NDIS non-government service provider—any unique registration number allocated to the relevant service provider by the CEO on the relevant service provider’s registration as a registered provider of supports.

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*registered provider of supports* means a registered provider of supports within the meaning of the *National Disability Insurance Scheme Act 2013* (Cwlth).

## **8 Information about use of restrictive practices—Act, s 199**

- (1) This section applies if a relevant service provider is using a restrictive practice in relation to an adult with an intellectual or cognitive disability.
- (2) The provider must give the following information to the chief executive for each calendar month in which the restrictive practice is used—
  - (a) the adult’s full name;
  - (b) the adult’s unique client identifier;
  - (c) the restrictive practice used;
  - (d) the days on which, or the days between which, the restrictive practice was used;
  - (e) the times when the restrictive practice started and ended on each of the days;
  - (f) the frequency with which the restrictive practice was used;
  - (g) any episodic or isolated uses of the restrictive practice;
  - (h) the place where the restrictive practice was used;
  - (i) any injury to a person that happened when the restrictive practice was used;
  - (j) if a mechanical or physical restraint was used—the type of restraint;
  - (k) if the restrictive practice involved restricting access to an object—the object;
  - (l) if a medication was used as a chemical restraint—
    - (i) the generic name of the medication; and
    - (ii) the proprietary name of the medication; and

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- (iii) the prescribed dose of the medication; and
  - (iv) the prescribed frequency of the dose of the medication; and
  - (v) the name of the doctor who prescribed the medication.
- (3) The provider must give the information to the chief executive using an electronic system approved by the chief executive.
  - (4) The provider must give the information to the chief executive—
    - (a) on the second Friday of the calendar month immediately after the calendar month in which the restrictive practice is used; and
    - (b) at other times if the chief executive, by written notice to the provider, requires the provider to do so.
  - (5) A notice under subsection (4)(b) must state—
    - (a) the period to which the information must relate; and
    - (b) the type of information, mentioned in subsection (2), that the provider is required to give; and
    - (c) when the provider must give the information to the chief executive.

**9 Records funded non-government service provider must make and keep—Act, s 215**

- (1) For section 215 of the Act, the records a funded non-government service provider must make and keep are as follows—
  - (a) the address of each of the provider's service outlets;
  - (b) for each of the provider's consumers—
    - (i) the consumer's name, address and telephone number; and

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- (ii) the name, address and telephone number of the person nominated by the consumer as the emergency contact for the consumer;
  - (c) the following relating to the screening of persons engaged or proposed to be engaged by the provider—
    - (i) copies of applications or other documents given by the provider to the chief executive;
    - (ii) documents received by the provider from the chief executive;
  - (d) documents relating to written complaints made to the provider about the delivery or non-delivery of disability services by the provider;
  - (e) copies of documents given by the provider to the chief executive relating to incidents that have happened in the provision of disability services by the provider;
  - (f) if a compliance notice has been given to the provider by the chief executive, a copy of the compliance notice;
  - (g) the financial records required to be kept by the provider under the funding agreement entered into by the provider.
- (2) A record mentioned in subsection (1) must be kept for at least 7 years after the record is made.
- (3) In this section—  
*compliance notice* see the *Community Services Act 2007*, section 19(1).

**10 Fee for application for prescribed notice about engaged person—Act, s 52**

For section 52(2)(d) of the Act, the prescribed fee is \$89.10.

**11 Fee for application to cancel negative notice or negative exemption notice—Act, s 82**

For section 82(5)(c) of the Act, the prescribed fee is \$89.10.



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**12 Fee for application for replacement positive notice, positive notice card or positive exemption notice—Act, s 92**

For section 92(2) of the Act, the prescribed fee is \$13.50.

**13 Fee for eligibility application—Act, s 99**

For section 99(4)(c) of the Act, the prescribed fee is \$89.10.

## **Part 3 Repeal and transitional provision**

**14 Repeal**

The Disability Services Regulation 2006, SL No. 161 is repealed.

**15 References in s 9(1)(f) to compliance notice**

- (1) In section 9(1)(f), a reference to a compliance notice includes a reference to a compliance notice given under former section 161 of the Act.
- (2) In this section—

*former section 161 of the Act* means section 161 of the Act as in force from time to time before its repeal by the *Communities Legislation (Funding Red Tape Reduction) Amendment Act 2014*, section 59.

*Note—*

Section 59 of that Act commenced on 1 July 2014.

## **Schedule 1      Prescribed services or disability services**

sections 4 and 5

- 1 assistance with daily life tasks in a group or shared living arrangement
- 2 daily personal activities
- 3 development of daily living and life skills
- 4 therapeutic supports
- 5 early intervention supports for early childhood
- 6 specialist positive behaviour support
- 7 assistance in coordinating or managing life stages, transitions and supports
- 8 management of funding for supports
- 9 participation in community, social and civic activities
- 10 interpreting and translation
- 11 high intensity daily personal activities
- 12 group and centre based activities
- 13 support coordination

## **Schedule 2      Primary identification documents**

schedule 4, definition *primary identification document*

- birth certificate
- current Australian driver licence containing a photograph of the engaged person
- international travel document
- an evidence of Australian citizenship document
- visa, or entry permit, under the *Migration Act 1958* (Cwlth)
- current consular identity document containing a photograph of the engaged person
- another document the chief executive considers provides sufficient identification of the engaged person

## **Schedule 3      Secondary identification documents**

schedule 4, definition *secondary identification document*

- recent account or notice issued by a public utility

*Examples—*

- 1 council rates notice
- 2 electricity account statement
- 3 gas account statement
- 4 land valuation notice
- 5 telephone account statement

- recent document evidencing electoral enrolment
- identification card issued by the Commonwealth or a State as evidence of the engaged person's entitlement to a financial benefit

*Examples—*

- 1 Commonwealth seniors health card
- 2 health care card
- 3 medicare card
- 4 pensioner concession card
- 5 repatriation health card

- current account card, or current credit card, issued by a financial institution
- account statement issued by a financial institution that shows the statement's date of issue is less than 1 year before the statement is sighted by the provider
- passbook issued by a financial institution that shows the passbook's last entry is less than 1 year before the passbook is sighted by the provider
- another document the chief executive considers provides sufficient identification of the engaged person

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## Schedule 4 Dictionary

### section 3

***Australian driver licence*** see the *Transport Operations (Road Use Management) Act 1995*, schedule 4.

***Australian electoral roll*** means an electoral roll maintained under a law of the Commonwealth or a State.

***birth certificate***, for an engaged person, means a certified copy of a birth certificate of the engaged person containing the name of at least 1 of the engaged person's parents.

***consular identity document***, for an engaged person, means a document showing the engaged person is a member of a consular post.

***document evidencing electoral enrolment***, for an engaged person, means—

- (a) a document that is part of an Australian electoral roll and sets out the engaged person's name; or
- (b) a document, issued by an entity responsible for maintaining an Australian electoral roll, that shows the engaged person's name is set out in an Australian electoral roll.

***evidence of Australian citizenship document***, for an engaged person, means—

- (a) a notice given to the person under the *Australian Citizenship Act 2007* (Cwlth), part 2, division 4 stating the person is an Australian citizen at a particular time; or
- (b) a certificate, declaration or other instrument evidencing the person is an Australian citizen or Australian national issued under the repealed *Australian Citizenship Act 1948* (Cwlth).

***international travel document*** means—

- (a) a current passport; or

- (b) any other current identity document that—
  - (i) has the characteristics of a passport; and
  - (ii) was issued by a government, the United Nations or an agency of the United Nations for the purposes of international travel; or
- (c) an expired passport that expired less than 2 years before the expired passport is sighted by the provider; or
- (d) another expired identity document, that—
  - (i) has the characteristics of a passport; and
  - (ii) was issued by a government, the United Nations or an agency of the United Nations for the purposes of international travel; and
  - (iii) expired less than 2 years before the expired identity document is sighted by the provider.

***member of a consular post*** has the same meaning as in the *Consular Privileges and Immunities Act 1972* (Cwlth).

***primary identification document*** means a document mentioned in schedule 2.

***recent***, for a document being sighted by a funded non-government service provider or NDIS non-government service provider, means having a date of issue less than 1 year before the document is sighted by the provider.

***restrictive practice approval*** see section 195(7) of the Act.

***secondary identification document*** means a document mentioned in schedule 3.

***unique client identifier***, for an adult, means the unique number allocated to the adult by the department.

ENDNOTES

- 1 Made by the Governor in Council on 22 June 2017.
- 2 Notified on the Queensland legislation website on 23 June 2017.
- 3 The administering agency is the Department of Communities, Child Safety and Disability Services.

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