



Queensland

Disability Services (Transitional) Regulation 2021

Subordinate Legislation 2021 No. 3

made under the

Disability Services Act 2006

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1 Short title

This regulation may be cited as the *Disability Services (Transitional) Regulation 2021*.

2 Commencement

This regulation commences on 1 February 2021.

3 Declaration that regulation is transitional regulation—Act, s 393

This regulation is a transitional regulation.

Note—

This regulation expires 3 years after the day section 393 of the Act commences. See section 393(5) of the Act.

4 Application of the Act, pt 5 in relation to relevant aged care provider

- (1) This section applies to a relevant aged care provider.
- (2) A *relevant aged care provider* is a registered NDIS provider that—
 - (a) is an approved provider under the *Aged Care Quality and Safety Commission Act 2018* (Cwlth); and
 - (b) under the *Aged Care Act 1997* (Cwlth), is providing residential care to an NDIS participant in a residential facility in which the provider is operating a residential care service; and
 - (c) is delivering NDIS supports or services to the NDIS participant.
- (3) Despite sections 53 and 54 of the Act, the relevant aged care provider may engage, or continue to engage, a person to carry out risk-assessed NDIS work if—
 - (a) the provider complies with the *Accountability Principles 2014* (Cwlth), parts 6 and 7A in relation to the person; and

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- (b) there is a valid police certificate for the person; and
 - (c) a relevant event has not happened for the person.
- (4) A police certificate for a person is a ***valid police certificate*** if—
- (a) the certificate was issued before 1 February 2021; and
 - (b) less than 3 years has passed since the certificate was issued.
- (5) Each of the following is a ***relevant event*** for the person—
- (a) for a person who is a staff member or volunteer of the provider under the *Accountability Principles 2014* (Cwlth)—the registered NDIS provider becomes required, under section 50 of those principles, to ensure the person is not allowed to continue as a staff member or volunteer of the provider;
 - (b) for a person who is 1 of the key personnel of the provider under the *Aged Care Quality and Safety Commission Act 2018* (Cwlth)—the provider ascertains the person is a disqualified individual under that Act;
 - (c) a disability worker screening application made by the person is decided or withdrawn;
 - (d) an interim bar is imposed on the person.
- (6) In this section—

NDIS participant means a participant under the *National Disability Insurance Scheme Act 2013* (Cwlth), section 9.

police certificate, for a person, see the *Accountability Principles 2014* (Cwlth), section 4.

ENDNOTES

- 1 Made by the Governor in Council on 28 January 2021.
- 2 Notified on the Queensland legislation website on 29 January 2021.
- 3 The administering agency is the Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships.

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