

# Disability Services (Fees) Amendment Regulation 2018

Explanatory notes for SL 2018 No. 87

made under the

*Disability Services Act 2006*

## General Outline

### Short title

*Disability Services (Fees) Amendment Regulation 2018*

### Authorising law

Section 239 of the *Disability Services Act 2006*

### Policy objectives and the reasons for them

The *Disability Services Act 2006* protects and promotes the rights of people with disability. The Department of Communities, Disability Services and Seniors (DCDSS) administers the *Disability Services Act 2006* to ensure DCDSS provides and funds services that are safe, accountable and responsive to the needs of people with disability, including improving safeguards for people with disability from abuse, neglect and exploitation.

One of the safeguards is the criminal history screening provisions under the *Disability Services Act 2006*. Individuals who are engaged by a departmentally funded non-government service provider, a National Disability Insurance Scheme (NDIS) non-government service provider or a departmental service outlet providing a specialist disability support service are required to undergo criminal history screening and obtain a positive notice and Yellow Card.

The *Disability Services Act 2006* requires a prescribed fee to accompany an application made under its criminal history screening provisions. These fees are prescribed in sections 10, 11, 12 and 13 of the *Disability Services Regulation 2017*.

The *Queensland Government Principles for Fees and Charges* requires agencies to have processes in place to ensure that fees maintain their value over time. Where regular comprehensive review is not cost effective or no specific indexation method was approved by Cabinet Budget Review Committee, then agencies should apply the Government indexation rate for fees. The indexation rate published in the *Financial Circular 2017-18* by

Queensland Treasury for increases in fees from 1 July 2018 to 30 June 2019 is 3.5 per cent. The new fees will commence on 1 July 2018.

## **Achievement of policy objectives**

The amendment regulation maintains the value of the prescribed fees in the *Disability Services Regulation 2017* through an increase to the 2018-19 fees by 3.5 per cent. The fee increase achieves the policy objective of maintaining value over time by applying the government index rate in compliance with the *Queensland Government Principles for Fees and Charges*.

## **Consistency with policy objectives of authorising law**

The amendment regulation is consistent with the policy objectives of the *Disability Services Act 2006* to provide and fund disability services that are safe, accountable and responsive to the needs of people with disability.

## **Inconsistency with policy objectives of other legislation**

The *Disability Services (Fees) Amendment Regulation (No. 87) 2018* is not inconsistent with the policy objectives of other legislation.

## **Benefits and costs of implementation**

The increase to Yellow Card fees assists DCDSS to continue to meet the costs to provide criminal history screening, while maintaining a proportionate and sustainable fee structure.

There are no additional implementation costs to Government in indexing the Yellow Card fees.

## **Consistency with fundamental legislative principles**

The *Disability Services (Fees) Amendment Regulation (No. 87) 2018* is consistent with fundamental legislative principles.

## **Consultation**

Consultation has been undertaken with the Department of the Premier and Cabinet and Queensland Treasury.

The Department of the Premier and Cabinet and Queensland Treasury support the *Disability Services Amendment Regulation (No. 87) 2018*.

This change meets an agency assessed exclusion category as outlined in the Queensland Government Guide to Better Regulation and accordingly does not require consultation with the Office of Best Practice Regulation.