

Disability Services (Fees) Amendment Regulation 2019

Explanatory notes for SL 2019 No. 109

made under the

Disability Services Act 2006

General Outline

Short title

Disability Services (Fees) Amendment Regulation 2019

Authorising law

This Regulation is made under section 239 of the *Disability Services Act 2006*.

Policy objectives and the reasons for them

The *Disability Services Act 2006* (the Act) protects and promotes the rights of people with disability. The Department of Communities, Disability Services and Seniors (DCDSS) administers the *Disability Services Act 2006* (the Act) 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*. People who are employed or proposed to be employed by DCDSS, DCDSS funded non-government organisations, or non-government organisations funded under an NDIS participant's plan need 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, agencies should apply the Government indexation rate for fees. The indexation rate published in the *Financial Circular 2019–20* by Queensland Treasury for increases in fees from 1 July 2019 to 30 June 2020 is 2.25 per cent. The new fees will commence on 1 July 2019.

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 2019-20 fees by 2.25 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 objective of authorising law

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

Inconsistency with policy objectives of other legislation

The *Disability Services (Fees) Regulation 2019* is not inconsistent with the policy objectives of other legislation.

Alternative ways of achieving policy objectives

There is no alternative way of achieving the policy objectives.

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 significant implementation costs to government in indexing the Yellow Card fees.

Consistency with fundamental legislative principles

The *Disability Services (Fees) Amendment Regulation 2019* is consistent with fundamental legislative principles as defined in section 4 of the *Legislative Standards Act 1992*.

Consultation

The changes meet an agency-assessed exclusion category as outlined in the *Queensland Government Guide to Better Regulation*.