

Disability Services (Fees) Amendment Regulation 2021

Explanatory notes for SL 2021 No. 73

made under the

Disability Services Act 2006

General Outline

Short title

Disability Services (Fees) Amendment Regulation 2021

Authorising law

The *Disability Services (Fees) Amendment Regulation 2021* (Amendment Regulation) is made under section 239 of the *Disability Services Act 2006* (Disability Services Act).

Policy objectives and the reasons for them

The objective of the Amendment Regulation is to increase the disability worker screening application fees payable under the *Disability Services Regulation 2017* (Disability Services Regulation), in accordance with the *Queensland Government Principles for Fees and Charges*.

The Disability Services Act protects and promotes the rights of people with disability. The objects of the Disability Services Act including ensuring services funded by the Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships (the department) are safe, accountable and responsive to the needs of people with disability, and ensuring the quality and safety of National Disability Insurance Scheme (NDIS) supports or services in the context of the national regulatory framework.

The statutory safeguards include screening requirements under Part 5 of the Disability Services Act. Individuals engaged, proposed to be engaged or volunteering to provide disability services in a risk-assessed role with an NDIS registered provider must undergo worker screening and obtain a NDIS worker screening clearance. Individuals engaged, proposed to be engaged or volunteering to provide disability services funded or delivered by the department must undergo worker screening and obtain a State disability worker screening clearance.

The Disability Services Act provides a prescribed fee is payable for an application made under the Part 5 screening provisions. These fees are prescribed in Schedule 1 of the Disability Services Regulation.

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 and no specific indexation method has been approved, agencies should apply the Government indexation rate.

The application and renewal fees for an NDIS worker screening clearance are increased annually from 1 July in accordance with a cost model to achieve cost recovery (where it is greater than the Government indexation rate), as required under the *Intergovernmental Agreement on Nationally Consistent Worker Screening for the National Disability Insurance Scheme*. All other fees associated with an NDIS worker screening clearance, and the fees associated with a State disability worker screening clearance, are subject to increase on 1 July 2021 applying the Government indexation rate of 1.7 per cent for the 2021–22 financial year.

The objective of the Amendment Regulation is to increase the disability worker screening fees prescribed under the Disability Services Regulation as follows:

Sections of Fees Schedule 1	Current 2020-21 Fee	New Fee as at commencement of Amendment Regulation
Section 1(a)(iii) – Fee for an NDIS clearance	\$117.00	\$120.00
Section 1(b)(iii) – Fee for a State clearance	\$95.95	\$97.60
Section 2(a) – Prescribed application fee for a person who holds an NDIS clearance who is engaged to carry out disability work other than as a volunteer	\$117.00	\$120.00
Section 2(b) – Prescribed application fee for a person who holds a State clearance who is engaged to carry out disability work other than as a volunteer	\$95.95	\$97.60
Section 2(c) – Prescribed application fee for an NDIS sole trader who carries out disability work for financial reward	\$117.00	\$120.00
Section 2(d) – Prescribed application fee for a State sole trader who carries out disability work for financial reward	\$95.95	\$97.60
Section 3 – Fee for application for a replacement clearance card	\$14.50	\$14.75
Section 4(a) – Application to cancel an NDIS exclusion	\$117.00	\$119.00
Section 4(b) – Application to cancel a State exclusion	\$95.95	\$97.60

The increased disability worker screening fees for 2021-22 will apply from 1 July 2021.

Achievement of policy objectives

The Amendment Regulation increases the fees prescribed in the Disability Services Regulation in relation to applications under the worker screening provisions of the Act, in accordance with the

Queensland Government Principles for Fees and Charges. Application and renewal fees for an NDIS worker screening clearance are increased in accordance with a cost model to achieve cost recovery. All other relevant fees are indexed in accordance with the 1.7 per cent Government indexation rate.

Consistency with policy objective of authorising law

The Amendment Regulation is consistent with the objectives of the Act. It creates provisions to ensure the proper and effective implementation of the worker screening framework under the Disability Services Act.

Inconsistency with policy objectives of other legislation

The Amendment Regulation 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. The Amendment Regulation implements provisions to support the proper and effective implementation of the worker screening framework under the Disability Services Act.

Benefits and costs of implementation

The fee increase assists the department continue to meet the costs of screening, while maintaining a proportionate and sustainable fee structure.

There are no additional significant implementation costs to government in indexing the fees.

Applications for volunteers will continue to be processed free of charge.

Consistency with fundamental legislative principles

The Amendment Regulation is consistent with fundamental legislative principles as defined in section 4 of the *Legislative Standards Act 1992*.

Consultation

As it applies approved indexation rates in accordance with established Government policy, the Amendment Regulation has not been the subject of external consultation.

As it meets an agency-assessed exclusion category under the *Queensland Government Guide to Better Regulation*, the Amendment Regulation has not been the subject of consultation with the Office of Best Practice Regulation in the Queensland Productivity Commission.