

Disability Services (Fees) Amendment Regulation 2023

Explanatory notes for SL 2023 No. 53

made under the

Disability Services Act 2006

General Outline

Short title

Disability Services (Fees) Amendment Regulation 2023

Authorising law

The *Disability Services (Fees) Amendment Regulation 2023* (Amendment Regulation) is made under section 239 of the *Disability Services Act 2006*.

Policy objectives and the reasons for them

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

The Disability Services Act 2006 (Disability Services Act) protects and promotes the rights of people with disability, including by ensuring people who pose an unacceptable risk of harm to people with disability cannot carry out particular work with people with disability. The Act requires that all individuals engaged to carry out particular work with people with disability—either by a registered NDIS provider or through a service funded or delivered by the Department of Child Safety, Seniors and Disability Services—must undergo worker screening and obtain an appropriate clearance.

The Disability Services Act provides that a prescribed fee is payable for an application for a worker screening check. These application fees are prescribed under Schedule 1 of the Disability Services Regulation.

The Principles require agencies to have processes in place to ensure that fees maintain their value over time. The Principles reflect recent amendments to the *Acts Interpretation Act 1954*, which require that all fees indexed in accordance with the Government Indexation Rate must be prescribed

as a number of fee units (rather than dollars) from 1 July 2022, unless exempt. This streamlines the annual indexing of fees across Government, by enabling that indexation occur via a single regulation prescribing fee units. The NDIS worker screening application and renewal fees are temporarily exempt from this transition to fee units and continue to be prescribed and indexed as dollar amounts.

In accordance with Queensland's obligations under the *Intergovernmental Agreement on Nationally Consistent Worker Screening for the National Disability Insurance Scheme*—which include that NDIS worker screening must achieve cost recovery—the Amendment Regulation increases application and renewal fees for an NDIS worker screening clearance from 1 July 2023 in accordance with a specific indexation method calculated to achieve cost recovery. That method has regard to the costs to Government associated with conducting NDIS worker screening clearances (including the checking of criminal history and other information) and issuing physical clearance cards. Achieving cost recovery in operation of the NDIS worker screening system contributes to preventing avoidable risk of harm to people with disability and minimising the regulatory burden on disability service providers, by supporting the operation of a timely and quality disability worker screening system.

Achievement of policy objectives

The Amendment Regulation indexes NDIS worker screening application fees in line with the approved cost recovery method, as outlined in Table 1.

Table 1: Application of the Government Indexation Rate to fees exempt from Fee Unit Model

Item of Schedule 1	Current 2022-23 Fee	New Fee as at commencement of Amendment Regulation
Item 1(c) - Fee for an NDIS clearance	\$129.00	\$138.00
Item 2(a) - Fee for a person who holds an NDIS clearance who is engaged to carry out disability work other than as a volunteer	\$129.00	\$138.00
Item 2(b) - Fee for an NDIS sole trader who carries out disability work for financial reward	\$129.00	\$138.00

Consistency with policy objective of authorising law

The Amendment Regulation is consistent with the objectives of the Disability Services Act and ensures the proper and effective implementation of screening frameworks under that 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 measures to support the proper and effective implementation of the worker screening framework under the Disability Services Act and is in accordance with the Principles.

Benefits and costs of implementation

The Amendment Regulation assists government to continue to administer timely and quality screening processes, 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 indexation rates in accordance with established Government policy set out under the Principles, the Amendment Regulation has not been the subject of external consultation.

The Office of Best Practice Regulation has confirmed that the Amendment Regulation is unlikely to result in significant adverse impacts and does not require further regulatory impact analysis under the *Queensland Government Guide to Better Regulation*.