

# Disability Services (Fees) Amendment Regulation 2021

## Human Rights Certificate

### Prepared in accordance with Part 3 of the *Human Rights Act 2019*

In accordance with section 41 of the *Human Rights Act 2019* (Human Rights Act), I, the Honourable Craig Crawford MP, Minister for Seniors and Disability Services and Minister for Aboriginal and Torres Strait Islander Partnerships, provides this human rights certificate with respect to the *Disability Services (Fees) Amendment Regulation 2021* (Amendment Regulation) made under the *Disability Services Act 2006* (Disability Services Act).

In my opinion, the Amendment Regulation, as tabled in the Legislative Assembly, is compatible with the human rights protected by the Human Rights Act. I base my opinion on the reasons outlined in this statement.

## Overview of the Subordinate Legislation

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 include 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 an 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 objective of the Amendment Regulation is to increase the disability worker screening fees prescribed under the Disability Services Regulation for 2021-22, to apply from 1 July 2021.

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, 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.

## Human Rights Issues

### Human rights relevant to the subordinate legislation (Part 2, Division 2 and 3 Human Rights Act)

I consider the following human rights to be relevant to the Amendment Regulation:

- recognition and equality before the law (section 15 of the Human Rights Act), and
- property rights (section 24 of the Human Rights Act).

In relation to the right of recognition and equality before the law, the Amendment Regulation engages this right as the fee increases will apply to applications made after commencement of the Amendment Regulation.

In relation to property rights, the Amendment Regulation engages this right as the fee increases impose additional costs on a person's ability to apply for, obtain and maintain a worker screening clearance (including a clearance card).

The fee increases effected by the Amendment Regulation are minimal and aligned with either cost recovery or the Government indexation rate, which applies to fees and charges across Government. Under the *Queensland Government Principles for Fees and Charges*, the Government indexation rate is applied annually to ensure the value of Government fees and charges is not diminished over time. The application and renewal fee increases for an NDIS worker screening clearance are similarly minimal and in line with the *Queensland Government Principles for Fees and Charges*.

Considering a similar increase occurs annually in relation to fees and charges across Government, I am satisfied the fee increases proposed in the Amendment Regulation do not appreciably limit the engaged rights.

On this basis, I am satisfied further analysis is not required.

## Conclusion

I consider that the *Disability Services (Fees) Amendment Regulation 2021* is compatible with the Human Rights Act because it engages, but does not limit, human rights.

**The Hon. Craig Crawford**  
Minister for Seniors and Disability Services and Minister for Aboriginal and Torres Strait  
Islander Partnerships

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