

Community Support and Services Committee

Report No. 1, 57th Parliament

Subordinate legislation tabled between 11 August 2020 and 7 September 2020

1 Aim of this report

This report summarises the committee's findings following its examination of the subordinate legislation within its portfolio areas tabled between 11 August 2020 and 7 September 2020.

It reports on any issues identified by the committee relating to the policy to be given effect by the legislation, fundamental legislative principles (FLPs) and lawfulness. It also reports on the compliance of the explanatory notes with the *Legislative Standards Act 1992* (LSA).¹ The report also outlines the committee's consideration of compliance with the *Human Rights Act 2019* (HRA) and the human rights certificate tabled with the subordinate legislation.²

2 Subordinate legislation examined

No.	Subordinate legislation	Date tabled	Disallowance date
146	Disability Services (Fees) Amendment Regulation 2020	11 August 2020	24 February 2021

*Disallowance dates are based on proposed sitting dates as advised by the Leader of the House. These dates are subject to change.

3 Committee consideration of the subordinate legislation

The committee did not identify any issues regarding the policy, consistency with FLPs or the lawfulness of the subordinate legislation. The committee considers that the explanatory notes tabled with the subordinate legislation comply with the requirements of section 24 of the LSA.

The human rights certificate tabled with the subordinate legislation, in accordance with section 41 of the HRA, provides a sufficient level of information to facilitate understanding of the subordinate legislation in relation to its compatibility with human rights.³

4 Disability Services (Fees) Amendment Regulation 2020 (SL 146)

The *Disability Services Act 2006* (the Act) makes provision to protect and promote the rights of people with disability. An object of the Act is to ensure services funded or delivered by the department are safe, accountable and responsive to the needs of people with disability, including by improving safeguards for people with disability from abuse, neglect and exploitation.⁴

¹ *Legislative Standards Act 1992*, Part 4.

² *Human Rights Act 2019*, section 41.

³ *Human Rights Act 2019*, section 41.

⁴ Disability Services (Fees) Amendment Regulation 2020, explanatory notes, p 1.

These statutory safeguards include screening requirements under Part 5 of the Act. Persons engaged or to be engaged, at a service outlet by the department, a funded non-government service provider or a National Disability Insurance Scheme non-government service provider are required to undergo screening and obtain a positive notice (and associated yellow card).⁵

The Act provides a prescribed fee is payable in relation to an application made under the Part 5 screening provisions. These fees are prescribed in sections 10, 11, 12 and 13 of the Disability Services Regulation 2017, and are payable in relation to the engagement of paid employees.⁶

The objective of the Disability Services (Fees) Amendment Regulation 2020 is to apply the government indexation rate of 1.8% for 2019-2021 to fees in the Disability Services Regulation 2017. All the fee increases in the regulation come within the 1.8% rate.⁷

4.1 Fundamental legislative principle issues

No issues of fundamental legislative principle were identified.

4.2 Explanatory notes comment


The explanatory notes comply with part 4 of the LSA.

4.3 Human rights considerations

The committee considers that the subordinate legislation raises no human rights issues. A human rights certificate was tabled with the amendment regulation (as required by section 41 of the HRA). It provides a sufficient level of information to facilitate understanding of the subordinate legislation in relation to its compatibility with human rights.

5 Recommendation

The committee recommends that the Legislative Assembly notes this report.



Corrine McMillan MP

Chair

December 2020

Community Support and Services Committee

Chair	Ms Corrine McMillan MP, Member for Mansfield
Deputy Chair	Mr Stephen Bennett MP, Member for Burnett
Members	Mr Michael Berkman MP, Member for Maiwar
	Mr Jon Krause MP, Member for Scenic Rim
	Ms Cynthia Lui MP, Member for Cook
	Mr Robert (Rob) Skelton MP, Member for Nicklin

⁵ Disability Services (Fees) Amendment Regulation 2020, explanatory notes, p 1.

⁶ Disability Services (Fees) Amendment Regulation 2020, explanatory notes, p 1.

⁷ Disability Services (Fees) Amendment Regulation 2020, explanatory notes, pp 1-2.