



Queensland

Communities Legislation (Funding Red Tape Reduction) Amendment Bill 2014



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2014

A Bill

for

An Act to amend the *Community Services Act 2007*, the *Child Protection Act 1999* and the *Disability Services Act 2006* for particular purposes, to repeal the *Family Services Act 1987*, and to make minor and consequential amendments of other legislation as stated in schedule 1

[s 1]

The Parliament of Queensland enacts— 1

Part 1 Preliminary 2

Clause 1 Short title 3

This Act may be cited as the *Communities Legislation
(Funding Red Tape Reduction) Amendment Act 2014.* 4
5

Clause 2 Commencement 6

This Act commences on a day to be fixed by proclamation. 7

**Part 2 Amendment of Community
Services Act 2007** 8
9

Clause 3 Act amended 10

This part amends the *Community Services Act 2007.* 11

Note— 12

See also the amendments in schedule 1. 13

Clause 4 Amendment of long title 14

Long title, from ‘assistance’ to ‘the community services,’— 15

omit, insert— 16

powers to safeguard funding for the delivery of 17
products and services to the community 18

Clause 5	Replacement of ss 3–5	1
	Sections 3 to 5—	2
	<i>omit, insert—</i>	3
	3 Main object and achievement	4
	(1) The main object of this Act is to safeguard funding for the delivery of products or services to the community that—	5 6 7
	(a) contribute to Queensland’s economic, social and environmental wellbeing; and	8 9
	(b) enhance the quality of life of individuals, groups and communities.	10 11
	(2) This object is mainly achieved by providing clear and consistent powers that safeguard—	12 13
	(a) funding provided to entities to deliver products or services; and	14 15
	(b) the delivery of products or services that are provided with the funding.	16 17
	4 Guiding principles	18
	This Act is to be administered in a way that has regard to the following principles—	19 20
	(a) the use of public funds for products and services should—	21 22
	(i) advance Queensland’s social, economic and environmental wellbeing; and	23 24 25
	(ii) respond to the diverse needs of individuals, groups and communities;	26 27
	(b) the government should administer funding in a way that—	28 29
	(i) is efficient and transparent; and	30

[s 5]

- (ii) involves clear and timely communication; and 1
2
 - (iii) promotes excellence in the delivery of products and services; and 3
4
 - (iv) provides sustainable service delivery to communities; 5
6
- (c) the contractual arrangements between government and funded entities should reflect a clear and common understanding of— 7
8
9
10
 - (i) the purpose of the funding; and 11
 - (ii) the results to be achieved from the funded products and services; and 12
13
 - (iii) the intended recipients of the products or services; 14
15
- (d) ensuring accountability in the delivery of funded products and services will— 16
17
 - (i) protect the safety and interests of users of the products or services, including those who are at risk or are vulnerable; and 18
19
20
21
 - (ii) help to maintain public confidence about the use of public funds; 22
23
- (e) the government and funded entities should recognise each other's autonomy and accountabilities. 24
25
26

5 Finite resources available 27

In administering this Act, regard must be had to the following— 28
29

- (a) the State has finite resources available to provide as funding; 30
31

	(b) there is a need to ensure the State's resources provided as funding are used properly to deliver funded products and services.	1 2 3 4
Clause 6	Amendment of s 6 (Definitions)	5
	Section 6, 'schedule 4'—	6
	<i>omit, insert</i> —	7
	schedule 2	8
Clause 7	Replacement of ss 7–9	9
	Sections 7 to 9—	10
	<i>omit, insert</i> —	11
	7 Meaning of <i>funded entity</i> and <i>funded product or service</i>	12 13
	(1) A <i>funded entity</i> is an entity that receives funding provided by a department to deliver a product or service.	14 15 16
	(2) A <i>funded product or service</i> , in relation to a funded entity, is a product or service required to be delivered by the funded entity with funding received by the funded entity.	17 18 19 20
	(3) For subsections (1) and (2), it does not matter whether—	21 22
	(a) the entity received the funding from the department or from another entity that received the funding from the department; or	23 24 25 26
	(b) the entity has a funding agreement with the department about the funding; or	27 28
	(c) other funds or resources are also used by the entity to deliver the product or service.	29 30

[s 7]

8	Meaning of <i>funding</i> and <i>funding agreement</i>	1
(1)	A department provides <i>funding</i> if the department provides aid or support in the form of money or other assistance to an entity—	2 3 4
(a)	to enable the entity to deliver a product or service to the community where the product or service has a social, environmental or economic benefit for Queensland; and	5 6 7 8
(b)	on conditions that—	9
(i)	require specified products or services to be delivered; and	10 11
(ii)	require the entity to be accountable to the department for delivering the products or services and the use of the money or other assistance.	12 13 14 15
	<i>Examples of assistance other than money the department may provide—</i>	16 17
	• lease of a building	18
	• transfer of land	19
	• goods or services	20
	• in-kind support	21
(2)	A <i>funding agreement</i> is a written agreement with an entity about a department providing funding to the entity.	22 23 24
9	References to Minister, chief executive and department	25 26
(1)	In a provision of this Act—	27
(a)	a reference to a Minister is a reference to a Minister who administers a department, or part of a department, providing funding; and	28 29 30
(b)	a reference to a chief executive is a reference to the chief executive of a department providing funding; and	31 32 33

	(c) a reference to a department is a reference to a department providing funding.	1 2
(2)	In a provision about a Minister, a reference to the department is a reference to a department, or part of a department, providing funding that is administered by the Minister.	3 4 5 6
(3)	In a provision about a chief executive, a reference to the department is a reference to the department of which the person is the chief executive.	7 8 9
(4)	The <i>Acts Interpretation Act 1954</i> , section 33(2), (7) and (11) does not apply.	10 11
	<i>Note—</i>	12
	The <i>Acts Interpretation Act 1954</i> , section 33 deals with references to Ministers, departments and chief executives. For the purposes of this Act, a reference to, for example, the chief executive is not limited to the chief executive of the public sector unit administering this Act.	13 14 15 16 17 18
Clause 8	Replacement of pts 2–6	19
	Parts 2 to 6—	20
	<i>omit, insert—</i>	21
	Part 2	22
	General provisions about funding	23
	10 Application of Act	24
(1)	This Act applies in relation to funding provided by a department that is the subject of a funding declaration.	25 26 27
(2)	To remove any doubt, it is declared that, if the funding was not the subject of a funding declaration when it was provided, this Act applies in relation to the funding from when it becomes the subject of a funding declaration.	28 29 30 31 32

[s 8]

11 Act does not limit other remedies or powers	1
This Act does not limit—	2
(a) a remedy available to a chief executive under a funding agreement; or	3 4
(b) a chief executive’s powers apart from this Act; or	5 6
(c) the powers that may be exercised in relation to a funded entity under another Act.	7 8
12 Minister may declare funding to which this Act applies	9 10
(1) A Minister may, by notice (a <i>funding declaration</i>) published on a Queensland Government website, declare funding to be funding to which this Act applies.	11 12 13 14
(2) A funding declaration may relate to—	15
(a) funding provided, or available to be provided, under a program of funding administered by the department; or	16 17 18
(b) funding provided, or to be provided, to an entity on a one-off basis.	19 20
(3) In deciding whether to make a funding declaration, the Minister may consider the following matters—	21 22 23
(a) the nature of—	24
(i) the product or service to be delivered with the funding; and	25 26
(ii) the service provider market; and	27
(iii) the entity or entities to be provided with the funding;	28 29
(b) the importance of the product or service to meeting the needs of individuals, groups and the community;	30 31 32

(c) the characteristics and vulnerability of the users, or intended users, of the product or service;	1 2 3
<i>Examples—</i>	4
• people with disability	5
• children and young people	6
(d) the amount of funding to be provided;	7
(e) whether the funding is regulated under another law or an administrative scheme;	8 9
(f) any other matter the Minister considers is relevant.	10 11
13 List of declared funding must be kept and published	12 13
(1) A chief executive must keep a list of funding administered by the chief executive’s department that is the subject of a funding declaration.	14 15 16
(2) The chief executive must publish the list on a Queensland Government website.	17 18
14 Chief executive must notify funded entities about declaration	19 20
(1) This section applies if, after a funded entity enters into a funding agreement or receives funding, the funding becomes the subject of a funding declaration.	21 22 23 24
(2) The chief executive must give the funded entity notice of the funding declaration within 1 month after the declaration is made.	25 26 27
(3) The notice must include information about the powers that can be exercised in relation to the funding under this Act.	28 29 30

[s 8]

- (4) Failure to comply with subsection (2) does not affect the validity of the funding declaration. 1
2

15 Cooperative approach 3

- (1) Before a chief executive or an authorised officer exercises a power under this Act in relation to a funded entity, the chief executive or authorised officer must consider whether it would be more appropriate, instead of exercising the power— 4
5
6
7
8
- (a) to seek the cooperation of the funded entity; 9
or 10
- (b) to use a remedy available under a funding agreement. 11
12
- Examples of cooperation—* 13
- requesting consent to inspect a funded entity's records 14
15
 - jointly developing and monitoring a remedial plan for breaches of the funding agreement 16
17
 - agreeing to reporting or monitoring requirements for an identified risk 18
19
- (2) Nothing in this Act limits the way in which a chief executive or authorised officer may cooperate with a funded entity in dealing with a matter in relation to which a power under this Act could be exercised. 20
21
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23
24
- (3) The exercise of a power under this Act can not be challenged merely because the chief executive or authorised officer did not comply with subsection (1). 25
26
27
28

Part 3	Managing serious concerns	1
		2
Division 1	Preliminary	3
16	Meaning of <i>serious concern</i>	4
	A <i>serious concern</i> for funding received by a funded entity exists if any of the following happen or there is a serious risk that any of the following will happen—	5 6 7 8
(a)	the funding received by the funded entity is improperly used;	9 10
	<i>Examples of improper use of funding—</i>	11
	• funding is used for a dishonest or fraudulent purpose	12 13
	• funding is used for a purpose other than providing a funded product or service	14 15
(b)	the funded entity significantly fails to deliver a funded product or service;	16 17
	<i>Example of significantly failing to deliver a product or service—</i>	18 19
	closing an emergency accommodation service delivered with funding where the service is required, under the funding agreement, to be continually open	20 21 22 23
(c)	an act done or omission made by the funded entity in providing a funded product or service results in harm to an individual;	24 25 26
	<i>Example—</i>	27
	an individual uses a funded service delivered by a funded entity and the individual suffers physical, psychological, emotional or financial harm as a result of neglect, abuse or exploitation by the funded entity	28 29 30 31 32

[s 8]

- (d) if the funded entity received the funding to deliver disability services to which the *Disability Services Act 2006* applies—the funded entity contravenes a provision of the *Disability Services Act 2006*.

- 17 Report by authorised officer**
- Before deciding whether to take action under this part in relation to a funded entity, a chief executive may obtain a written report from an authorised officer appointed by the chief executive about whether a serious concern exists for funding received by the funded entity.

Division 2 Compliance notice

- 18 Application of div 2**
- (1) This division applies if a chief executive reasonably believes—
 - (a) a serious concern exists for funding received by a funded entity; and
 - (b) the serious concern is reasonably capable of being remedied; and
 - (c) it is appropriate to give the funded entity an opportunity to remedy the serious concern.
 - (2) This division also applies if a chief executive reasonably believes a funded entity failed to comply with a requirement notice given to the entity by the chief executive.
 - (3) This division applies to a funded entity even if funding provided under a funding agreement has been suspended.

19 Compliance notice

- | | |
|--|----|
| | 1 |
| (1) The chief executive may give the funded entity a | 2 |
| notice (a <i>compliance notice</i>) requiring the | 3 |
| funded entity to remedy the serious concern or | 4 |
| comply with the requirement notice. | 5 |
| (2) The compliance notice must state the | 6 |
| following— | 7 |
| (a) that the chief executive reasonably | 8 |
| believes— | 9 |
| (i) a serious concern exists; or | 10 |
| (ii) the funded entity has failed to comply | 11 |
| with a requirement notice; | 12 |
| (b) the grounds for the chief executive’s belief; | 13 |
| (c) an outline of the facts and circumstances | 14 |
| forming the basis for the grounds; | 15 |
| (d) that the funded entity must remedy the | 16 |
| serious concern or noncompliance within a | 17 |
| stated reasonable time; | 18 |
| (e) that it is an offence to fail to comply with | 19 |
| the compliance notice unless the funded | 20 |
| entity has a reasonable excuse. | 21 |
| (3) The compliance notice may also state— | 22 |
| (a) the reasonable steps the chief executive is | 23 |
| satisfied are necessary to remedy the serious | 24 |
| concern or noncompliance; and | 25 |
| (b) that the funded entity must report in writing | 26 |
| to the chief executive after taking a step or | 27 |
| steps. | 28 |
| (4) The funded entity must comply with the | 29 |
| compliance notice unless the funded entity has a | 30 |
| reasonable excuse. | 31 |
| Maximum penalty—100 penalty units. | 32 |

[s 8]

- (5) If the chief executive reasonably believes the funded entity has contravened subsection (4), the chief executive may decide—
- (a) to suspend or stop the funding despite anything in a funding agreement about the funding; or
 - (b) to terminate the funding agreement to the extent it is about the funding.

Division 3 Interim manager 9

20 Chief executive may appoint interim manager 10

A chief executive may appoint a person as interim manager for the funding received by a funded entity. 11
12
13

Note— 14

Part 8 contains provisions that apply to the appointment of an interim manager under this section. 15
16

21 Basis of appointment 17

- (1) The chief executive may make the appointment only if the chief executive is satisfied—
- (a) the appointment is reasonably necessary to remedy a serious concern for the funding; and
 - (b) it is essential for a funded product or service of the funded entity to continue to be delivered; and
 - (c) an administrator, liquidator or receiver has not been appointed for the funded entity.
- (2) In being satisfied under subsection (1), the chief executive— 18
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-
- (a) must have regard to the likely consequences for persons using the funded product or service if the funded product or service is not delivered or delivered when a serious concern exists; and
 - (b) may have regard to the following—
 - (i) the type of funded product or service;
 - (ii) the amount of the funding;
 - (iii) whether funding has been suspended or stopped;
 - (iv) whether the funded entity received the funding from the department or from another entity that received the funding from the department;
 - (v) whether the funded entity is receiving money or other assistance, including funding, from another source;
 - (vi) the likely consequences of the appointment;
 - (vii) whether an administrator, liquidator or receiver is likely to be appointed for the funded entity before the interim manager is appointed;
 - (viii) any other relevant matter.

Division 4 Recovery of funding 25

22 Recovery of funding 26

- (1) This section applies if a funded entity has received, and not spent, funds (the *unspent funds*) and—
 - (a) the provision of funding to the funded entity has been suspended or stopped; or

[s 9]

	(b) a funding agreement for the funds has ended.	1 2
(2)	This section also applies if a funded entity has used funds received by the funded entity for a purpose other than the purpose for which the funds were received (the <i>improperly used funds</i>).	3 4 5 6
(3)	The unspent funds or improperly used funds are a debt owing by the funded entity to the State.	7 8
(4)	This chief executive may recover the unspent funds or improperly used funds as a debt.	9 10
(5)	If there is more than 1 funded entity for the funds, the funded entities are jointly and severally liable for the debt.	11 12 13
Clause 9	Replacement of ss 39 and 40	14
	Sections 39 and 40—	15
	<i>omit, insert—</i>	16
	39 Purpose of pt 7	17
(1)	This part includes provisions for the appointment of authorised officers, and gives authorised officers particular powers.	18 19 20
(2)	The purpose of these provisions is to ensure a chief executive has available suitably qualified persons who can help the chief executive—	21 22 23
	(a) deal with issues about compliance under this Act; and	24 25
	(b) ensure the proper and efficient delivery of funded products and services.	26 27
	40 Functions of authorised officers	28
	An authorised officer has the following functions—	29 30

	(a) investigating, monitoring and ensuring compliance with this Act;	1 2
	(b) investigating or monitoring whether an occasion has arisen for the exercise of powers under this Act;	3 4 5
	(c) facilitating the exercise of powers under this Act;	6 7
	(d) another function conferred on an authorised officer under this Act or another Act.	8 9
Clause 10	Replacement of ss 41–43	10
	Sections 41 to 43—	11
	<i>omit, insert—</i>	12
	41 Appointment	13
	(1) A chief executive of a department (an <i>appointing chief executive</i>) may appoint any of the following persons as authorised officers—	14 15 16
	(a) a public service employee or another employee of the department;	17 18
	(b) for the purpose of investigating a particular matter—another person.	19 20
	(2) However, an appointing chief executive may appoint a person as an authorised officer only if—	21 22 23
	(a) the chief executive is satisfied the person is appropriately qualified for appointment; and	24 25
	(b) the person has the competencies, if any, prescribed under a regulation as relevant to the person’s appointment.	26 27 28
	(3) A person may be appointed generally or for stated provisions of this Act or another Act.	29 30

[s 11]

42 Authorised officer subject to direction

In exercising a power given under this Act, an authorised officer is subject to the directions of the officer's appointing chief executive.

Clause 11 Amendment of s 45 (Issue of identity card)

Section 45(1)—

omit, insert—

- (1) An appointing chief executive must issue an identity card to each person the chief executive appoints as an authorised officer.

Clause 12 Amendment of s 53 (Issue of warrant)

- (1) Section 53(1)(a), 'community services from a funded service provider'—

omit, insert—

a funded product or service from a funded entity

- (2) Section 53(1)(b)—

omit, insert—

- (b) to check whether a funded entity has taken the steps required to comply with a compliance notice; or

- (c) for a funded entity that has received funding to deliver disability services to which the *Disability Services Act 2006* applies—to check whether the funded entity has complied with a provision of that Act.

- (3) Section 53(2)—

omit, insert—

- (2) However, the magistrate may issue a warrant under subsection (1)(b) or (c) only if the magistrate is satisfied noncompliance may

	severely affect the delivery of a funded product or service.	1 2
Clause 13	Amendment of s 57 (General powers after entering a place)	3 4
	Section 57(3)(g), after ‘to (f)’—	5
	<i>insert—</i>	6
	, including, for example, to give information	7
Clause 14	Replacement of ss 60 and 61	8
	Sections 60 and 61—	9
	<i>omit, insert—</i>	10
	60 Power to require information	11
	(1) This section applies if a chief executive or an authorised officer reasonably believes—	12 13
	(a) an offence against this Act has been committed or a serious concern exists; and	14 15
	(b) an entity may be able to give information about the offence or serious concern.	16 17
	(2) The chief executive or authorised officer may, by notice given to the entity, require the entity to give the chief executive or authorised officer information related to the offence or serious concern within a stated reasonable time and in a stated way.	18 19 20 21 22 23
	(3) A requirement under subsection (2) is an <i>information requirement</i> .	24 25
	(4) For information that is an electronic document, compliance with the information requirement requires the giving of a clear image or written version of the electronic document.	26 27 28 29
	(5) The chief executive or authorised officer may keep information that is a document to copy it.	30 31

[s 14]

- (6) If the chief executive or authorised officer copies the document, or an entry in the document, the chief executive or authorised officer may require the entity who has possession or control of the document to certify the copy as a true copy of the document or entry. 1
2
3
4
5
6
- (7) A requirement under subsection (6) is a *certification requirement*. 7
8
- (8) The chief executive or authorised officer must return the document to the entity as soon as practicable after copying it. 9
10
11
- (9) When making an information requirement or certification requirement, the chief executive or authorised officer must warn the entity it is an offence not to comply with the requirement, unless the entity has a reasonable excuse. 12
13
14
15
16
- 61 Offence to contravene information requirement or certification requirement** 17
18
- (1) An entity of whom an information requirement or certification requirement is made must comply with the requirement unless the entity has a reasonable excuse. 19
20
21
22
Maximum penalty—50 penalty units. 23
- (2) It is a reasonable excuse for an individual not to give the information if giving the information might tend to incriminate the individual or expose the individual to a penalty. 24
25
26
27
- (3) If a court convicts a person of an offence against subsection (1), the court may also order the person to give to a stated chief executive or authorised officer, within a stated time and in a stated way, the information to which the information requirement related. 28
29
30
31
32
33

Clause 15	Insertion of new s 61A	1
	Part 7, division 5—	2
	<i>insert</i> —	3
	61A Duty to avoid inconvenience and minimise damage	4
		5
	In exercising a power, an authorised officer must take all reasonable steps to cause as little inconvenience, and do as little damage, as possible.	6
		7
		8
		9
Clause 16	Amendment of s 63 (Compensation)	10
	Section 63(1), ‘chief executive’—	11
	<i>omit, insert</i> —	12
	State	13
Clause 17	Replacement of s 68 (Main purpose of pt 8)	14
	Section 68—	15
	<i>omit, insert</i> —	16
	68 Application of pt 8	17
	This part applies to the appointment, by a chief executive under part 3, division 3, of an interim manager for the funding received by a funded entity.	18
		19
		20
		21
Clause 18	Omission of ss 69 and 70	22
	Sections 69 and 70—	23
	<i>omit.</i>	24
Clause 19	Amendment of s 71 (Suitability of proposed appointee)	25
	Section 71(2)(a)—	26

[s 20]

omit, insert— 1
(a) the type of funded product or service; 2

Clause 20 Amendment of s 72 (Terms of appointment) 3

(1) Section 72, ‘funded service provider’— 4

omit, insert— 5

funded entity 6

(2) Section 72(b) to (d)— 7

omit, insert— 8

(b) details of the funded entity; 9

(c) the funded product or service to be delivered; 10
11

(d) the way in which, or the extent to which the funded product or service is to be delivered; 12
13

**Clause 21 Replacement of s 73 (Notice to funded service provider about appointment) 14
15**

Section 73— 16

omit, insert— 17

73 Notice to funded entity about appointment 18

(1) Immediately after appointing a person as interim manager for the funding received by a funded entity, the chief executive must give notice of the appointment to the funded entity. 19
20
21
22

(2) The chief executive must also give notice of the appointment to any other funded entity, if any, for the funding. 23
24
25

(3) The notice must be accompanied by a copy of the appointment. 26
27

Clause 22	Replacement of s 74 (Informing persons using community services about appointment)	1
		2
	Section 74—	3
	<i>omit, insert—</i>	4
	74 Informing particular persons about appointment	5
		6
	(1) The chief executive may direct the interim manager to inform persons using a funded product or service of the funded entity about the appointment before the interim manager exercises a power under this part, for example, by—	7
		8
		9
		10
		11
		12
	(a) giving them notice of the appointment; or	13
	(b) posting notice of the appointment at the premises of the funded entity where they are likely to see it.	14
		15
		16
	(2) In this section—	17
	<i>appointment</i> includes a variation of the appointment.	18
		19
Clause 23	Amendment of s 76 (Variation of appointment)	20
	(1) Section 76—	21
	<i>insert—</i>	22
	(1A) However, the chief executive must not vary the appointment to apply to other funding received by the funded entity.	23
		24
		25
	(2) Section 76(5)(a) and (b)—	26
	<i>omit, insert—</i>	27
	(a) the matters stated in section 21; and	28
	(b) the operation of the funded entity since the appointment started.	29
		30
	(3) Section 76(6), ‘service provider’—	31

[s 24]

omit, insert— 1
funded entity 2
(4) Section 76(1A) to (6)— 3
renumber as section 76(2) to (7). 4

Clause 24 Amendment of s 77 (Ending of appointment) 5

- (1) Section 77(1), ‘section 70’— 6
omit, insert— 7
section 21 8
(2) Section 77(2)— 9
omit, insert— 10
(2) The chief executive must, by notice given to an 11
interim manager, end the interim manager’s 12
appointment if the chief executive becomes 13
aware that the funded entity— 14
(a) is insolvent; or 15
(b) is being wound up voluntarily. 16
(3) Immediately after ending an appointment under 17
subsection (1) or (2), the chief executive— 18
(a) must give notice about the ending of the 19
appointment to each funded entity given 20
notice of the appointment under section 73; 21
and 22
(b) may inform persons using a funded product 23
or service of the funded entity about the 24
ending of the appointment in the way the 25
chief executive considers appropriate. 26
(4) In this section— 27
insolvent, in relation to a funded entity, means 28
the funded entity is unable to pay all its debts as 29
and when they become due and payable. 30

Clause 25	Replacement of ss 79 and 80	1
	Sections 79 and 80—	2
	<i>omit, insert—</i>	3
	79 Functions	4
	The interim manager’s functions are, to the extent stated in the instrument of appointment—	5 6
	(a) to remedy a serious concern for the funding received by the funded entity; and	7 8
	(b) to ensure a funded product or service of the funded entity continues to be delivered by the funded entity.	9 10 11
	80 Powers	12
	So far as is necessary to carry out his or her functions, the interim manager may—	13 14
	(a) enter any part of the funded entity’s premises; and	15 16
	(b) use the facilities or things in the premises that it appears are intended for use, or are ordinarily used, to deliver a funded product or service of the funded entity; and	17 18 19 20
	(c) ask for and accept payments owing to the funded entity; and	21 22
	(d) do anything in relation to the funded product or service, on behalf of the funded entity, that the funded entity is permitted or required to do.	23 24 25 26
Clause 26	Amendment of s 82 (Other powers)	27
	(1) Section 82, ‘service provider’—	28
	<i>omit, insert—</i>	29
	entity	30

[s 27]

- (2) Section 82, example, ‘service provider’s property’— 1
omit, insert— 2
entity’s property or direct staff of the funded entity in providing a 3
funded product or service 4

Clause 27 Amendment of s 86 (Access to information or documents) 5
6

- (1) Section 86(1), ‘service provider’— 7
omit, insert— 8
entity 9
(2) Section 86(2)— 10
renumber as section 86(3). 11
(3) Section 86— 12
insert— 13
(2) The funded entity and the executive officer of the 14
funded entity may disclose the information 15
despite another provision in this or another Act. 16

Clause 28 Amendment of s 87 (Confidentiality) 17

- (1) Section 87(1)(a), ‘service provider’— 18
omit, insert— 19
entity 20
(2) Section 87(1)(b) and (2)(c), ‘service provider’— 21
omit, insert— 22
funded entity 23
(3) Section 87(2)(e)— 24
omit, insert— 25
(e) if the person reasonably believes a serious 26
concern exists—to report the person’s belief 27

	to an entity that can take appropriate action;	1
	or	2
Clause 29	Amendment of s 91 (Compensation)	3
	Section 91(1), ‘chief executive’—	4
	<i>omit, insert—</i>	5
	State	6
Clause 30	Amendment of s 93 (Chief executive must give notice after making reviewable decision)	7
	Section 93(1)(e)—	8
	<i>omit.</i>	9
		10
Clause 31	Amendment of s 94 (Application for review)	11
	Section 94(2), after ‘under section 93’—	12
	<i>insert—</i>	13
	from a chief executive	14
Clause 32	Amendment of s 95 (Stay of operation of original decision)	15
	Section 95(3) to (6)—	16
	<i>omit, insert—</i>	17
	(3) The chief executive may stay the decision to secure the effectiveness of the review.	18
		19
	(4) The stay may be granted on conditions the chief executive considers appropriate and has effect for the period stated by the chief executive.	20
		21
		22
		23
	(5) The period of the stay must not extend past the time when the chief executive makes the review decision.	24
		25
		26

[s 33]

Clause 33	Amendment of s 96 (Review decision)	1
	Section 96(4), ‘QCAT information notice about the decision’—	2
	<i>omit, insert—</i>	3
	notice stating the decision and the reasons for the decision	4
		5
Clause 34	Omission of pt 9, div 3 (Review of review decision by tribunal)	6
	Part 9, division 3—	7
	<i>omit.</i>	8
		9
Clause 35	Replacement of ss 124–126	10
	Sections 124 to 126—	11
	<i>omit, insert—</i>	12
	124 Joint exercise of powers	13
	(1) This section applies if more than 1 department provides funding received by a funded entity.	14
		15
	(2) The chief executive of 1 of the departments (the <i>first chief executive</i>) may exercise a power on behalf of any or all of the chief executives of the other departments in relation to the funding received by the funded entity.	16
		17
		18
		19
		20
	(3) The first chief executive may only act on behalf of a chief executive of another department with the written consent of the other chief executive.	21
		22
		23
	(4) The exercise of a power by the first chief executive on behalf of the chief executive of another department may be in relation to all or part of the funding provided by the other chief executive’s department.	24
		25
		26
		27
		28
	(5) Nothing in this section limits the power of a chief executive under this Act.	29
		30

125 Chief executive not required to notify particular funded entities

- 1
2
- (1) This section applies if, under this Act, a chief executive is required to give notice to a funded entity that has received funding. 3
4
5
- (2) The chief executive is not required to give the notice to the funded entity (the *first entity*) if— 6
7
- (a) the first entity received the funding from another funded entity (the *second entity*); 8
9
and 10
- (b) the first entity is not an approved subcontractor of the second entity. 11
12
- (3) In this section— 13
- approved subcontractor*, of a funded entity, means an entity that may receive funding from the funded entity to deliver a funded product or service under— 14
15
16
17
- (a) a funding agreement about the funding; or 18
- (b) a written approval given by the chief executive. 19
20

Clause 36 Amendment of s 128 (Duty of confidentiality)

- 21
- (1) Section 128(1)(a)— 22
- omit, insert—* 23
- (a) who is, or has been, any of the following— 24
- (i) a chief executive of a department providing funding; 25
26
- (ii) a public service employee or another employee of a department providing funding; 27
28
29
- (iii) an authorised officer; and 30
- (2) Section 128(2)(e)— 31

[s 37]

omit, insert—

- (e) if the person reasonably believes a serious concern exists—to report the person’s belief to an entity that can take appropriate action.

Clause 37 Replacement of s 129 (Power to require information or documents)

Section 129—

omit, insert—

129 Power to require information

- (1) A chief executive may, by notice (a ***requirement notice***), require a funded entity to give the chief executive, within a stated reasonable time, information relating to the provision of a funded product or service by the funded entity.
- (2) The funded entity must comply with the requirement notice.
- (3) The funded entity may comply with the requirement by giving a copy of a document certified as a true copy of the document.

Clause 38 Amendment of s 130 (Protection from liability for giving information)

- (1) Section 130(1), ‘the chief executive, by an approved service provider or a funded service provider’—

omit, insert—

a chief executive by a funded entity

- (2) Section 130(2), from ‘An approved’ to ‘of the provider’

omit, insert—

A funded entity, or a person on behalf of the entity

Clause 39	Replacement of s 131 (Chief executive may share information about service provider)	1 2
	Section 131—	3
	<i>omit, insert—</i>	4
	131 Chief executive may share information about funded entity	5 6
	(1) A chief executive may give information about a funded entity to—	7 8
	(a) a department if the funded entity receives funding the department has provided; or	9 10
	(b) another entity if the chief executive considers the entity has an interest in the proper and efficient delivery of a funded product or service of the funded entity.	11 12 13 14
	(2) A chief executive may act under subsection (1) without the consent of the funded entity.	15 16
Clause 40	Replacement of section 132 (Delegation by Minister or chief executive)	17 18
	Section 132—	19
	<i>omit, insert—</i>	20
	132 Delegation by Minister or chief executive	21
	(1) A Minister or a chief executive of a department may delegate the Minister's or chief executive's functions under this Act to an appropriately qualified person who is a public service employee or other employee of the department.	22 23 24 25 26
	(2) In this section—	27
	<i>function</i> includes a power.	28
Clause 41	Amendment of s 133 (Protecting officials from liability)	29
	(1) Section 133—	30

[s 42]

insert—

- (1A) Without limiting subsection (1), an interim manager is not civilly liable for a loss incurred by a funded entity unless the loss is attributable to the interim manager’s dishonesty or negligence.

- (2) Section 133(2), after ‘subsection (1)’—

insert—

or (2)

- (3) Section 133(3), definition *official*, paragraphs (a) and (b)—

omit, insert—

(a) a Minister; or

(b) a chief executive; or

- (4) Section 133(3)(d), after ‘employee’—

insert—

or other employee of a department

- (5) Section 133(1A) to (3)—

renumber as section 133(2) to (4).

Clause 42 Amendment of s 136 (Definition for div 1)

Section 136—

insert—

Note—

The definitions *approved service provider, assistance, funded service provider, service agreement* and *service provider* were omitted from this Act by the *Communities Legislation (Funding Red Tape Reduction) Amendment Act 2014*.

Clause 43	Omission of pt 13, div 2 (Provision for Criminal Code and Other Acts Amendment Act 2008)	1 2	
	Part 13, division 2—	3	
	<i>omit.</i>	4	
Clause 44	Insertion of new pt 13, div 4	5	
	Part 13—	6	
	<i>insert—</i>	7	
	Division 4	Transitional provisions for Communities Legislation (Funding Red Tape Reduction) Amendment Act 2014	8 9 10 11 12
	Subdivision 1	Preliminary	13
	147 Definitions for div 4		14
	In this division—		15
	<i>amending Act</i> means the <i>Communities Legislation (Funding Red Tape Reduction) Amendment Act 2014</i> .		16 17 18
	<i>chief executive</i> means the chief executive of the department administering this Act.		19 20
	<i>commencement</i> means the commencement of the provision in which the term is used.		21 22
	<i>funded service provider</i> see previous section 9(1).		23 24
	<i>interim manager</i> means a person appointed as interim manager under previous section 69.		25 26

[s 44]

previous, for a provision of this Act, means the provision as in force immediately before the commencement. 1
2
3

service agreement see previous section 27(1). 4

service provider see previous section 7(1). 5

unamended Act means this Act as in force from time to time before the commencement. 6
7

Subdivision 2 Transitional provision for repealed Family Services Act 1987 8
9
10

148 Written agreements about grants continue in force 11
12

(1) This section applies if a written agreement about a grant provided by a department to an entity under the repealed Act was in force immediately before the commencement. 13
14
15
16

(2) The agreement continues in force despite the repeal of the repealed Act. 17
18

(3) If, before the commencement, the agreement or a provision of the repealed Act related to the agreement was contravened, the repealed Act continues to apply for the contravention as if the repealed Act had not been repealed. 19
20
21
22
23

(4) In this section— 24

repealed Act means the repealed *Family Services Act 1987*. 25
26

Subdivision 3 Other transitional provisions	1 2
149 Service agreements continue in force	3
(1) This section applies if a service agreement between the chief executive and a service provider was in force immediately before the commencement.	4 5 6 7
(2) The service agreement continues in force despite the repeal, under the amending Act, of provisions of this Act relating to service agreements.	8 9 10
(3) However, on and from the commencement, a term of the service agreement requiring the funded service provider to obtain or maintain approval as an approved service provider is of no effect.	11 12 13 14 15
(4) In this section— <i>approved service provider</i> see previous section 8.	16 17
150 Obligation to enter agreement about assistance continues	18 19
(1) This section applies if, immediately before the commencement, a service provider who received assistance after giving the written agreement mentioned in previous section 27(4)(a) has not complied with previous section 27(4)(b).	20 21 22 23 24
(2) The chief executive must stop the assistance if the service provider does not enter into a funding agreement about the assistance within the time stated in the written agreement given under previous section 27(4)(a).	25 26 27 28 29
(3) In this section— <i>assistance</i> means assistance given to a service provider under previous part 4.	30 31 32

[s 44]

151 Contraventions of funding agreement or Act before commencement	1 2
(1) This section applies if, before the commencement—	3 4
(a) a service agreement between the chief executive and a service provider was contravened; or	5 6 7
(b) a provision of the unamended Act related to the service agreement mentioned in paragraph (a) was contravened.	8 9 10
(2) The unamended Act continues to apply for the contravention as if the amending Act had not been enacted.	11 12 13
(3) Without limiting subsection (2)—	14
(a) an authorised officer may exercise, or continue to exercise, powers under the unamended Act; and	15 16 17
(b) a magistrate may hear and decide, or continue to hear and decide, an application for a warrant for a place under previous part 7, division 3, subdivision 2; and	18 19 20 21
(c) the chief executive may give the funded service provider a compliance notice; and	22 23
(d) if the service provider contravenes a compliance notice—	24 25
(i) the service provider may be prosecuted for an offence against previous section 32(6); or	26 27 28
(ii) the chief executive may suspend or cancel funding to the service provider under previous section 32(8); and	29 30 31
(e) an interim manager may be appointed for the service provider; and	32 33

(f) the chief executive may act under previous section 38 to recover all or some of the funding. 1
2
3

(4) In this section— 4
compliance notice see previous section 32(3). 5

152 Authorised officers 6

(1) A person who, immediately before the commencement, held office as an authorised officer is taken to be an authorised officer appointed under section 41 by the chief executive administering this Act until the person stops holding office under section 47. 7
8
9
10
11
12

(2) A person who, immediately before the commencement, held office as an authorised officer under the *Disability Services Act 2006* is taken to be an authorised officer appointed under section 41 by the chief executive administering that Act until the person stops holding office under section 47. 13
14
15
16
17
18
19

153 Interim managers 20

(1) This section applies if— 21
(a) immediately before the commencement, a person was appointed as an interim manager for a funded service provider; or 22
23
24
(b) an interim manager is appointed for a funded service provider under section 151. 25
26

(2) The interim manager may exercise, or continue to exercise, a power under the unamended Act in relation to the service provider. 27
28
29

(3) For the purposes of subsection (2), the unamended Act continues to apply to the interim 30
31

[s 44]

manager's appointment as if the amending Act 1
had not been enacted. 2

154 Reviews 3

- (1) This section applies to a decision of the chief 4
executive under this Act if— 5
- (a) before the commencement the decision was 6
a reviewable decision; and 7
- (b) after the commencement the decision is not 8
a reviewable decision. 9
- (2) The unamended Act continues to apply to the 10
decision despite the enactment of the amending 11
Act. 12
- (3) Without limiting subsection (2)— 13
- (a) an interested person for the review decision 14
made by the chief executive under previous 15
section 96 may apply to QCAT for a review 16
of the decision under previous section 97; 17
and 18
- (b) QCAT may hear and decide, or continue to 19
hear and decide, an application for a review 20
of the review decision under previous 21
section 97. 22

Subdivision 4 Renumbering of Act 23

155 Renumbering of Act 24

- (1) On the commencement, the provisions of this Act 25
are amended by numbering and renumbering 26
them in the same way as a reprint may be 27
numbered and renumbered under the *Reprints* 28
Act 1992, section 43. 29

(2)	Each reference in the following to a provision renumbered under subsection (1) is amended, when the renumbering happens, by omitting the reference to the previous number and inserting the new number—	1 2 3 4 5
(a)	this Act;	6
(b)	the <i>Disability Services Act 2006</i> —	7
(i)	part 10A, division 4, subdivision 3, heading, note; and	8 9
(ii)	part 10A, division 8, subdivision 2, heading, note.	10 11
(3)	This section does not limit the operation of the <i>Acts Interpretation Act 1954</i> , section 14H(2).	12 13
(4)	This subdivision expires the day after the commencement of the last numbering or renumbering of a provision done under the section.	14 15 16 17
(5)	This section does not limit the <i>Reprints Act 1992</i> .	18
Clause 45	Replacement of sch 1 (Reviewable decisions)	19
	Schedule 1—	20
	<i>omit, insert</i> —	21

[s 46]

Schedule 1 Reviewable decisions 1

section 92 2

Interested person	Reviewable decision
funded entity whose funding is suspended or stopped	to suspend or stop assistance to a funded entity or terminate a funding agreement for not complying with a compliance notice (s 19(5))
funded entity for which interim manager appointed	to appoint an interim manager for a funded entity (s 20)

Clause 46 Amendment and renumbering of sch 4 (Dictionary) 3

- (1) Schedule 4, definitions *accepted representations, approved service provider, assistance, funded service provider, prescribed requirement, proposed action, QCAT information notice, service agreement, service provider, show cause notice, show cause period, standards, tribunal*— 4
omit. 5
6
7
8
9
- (2) Schedule 4— 10
insert— 11
 appointing chief executive see section 41(1). 12
 certification requirement see section 60(7). 13
 funded entity see section 7(1). 14
 funded product or service see section 7(2). 15
 funding see section 8(1). 16
 funding agreement see section 8(2). 17
 funding declaration see section 12(1). 18
 information includes a document. 19

<i>information requirement</i> see section 60(3).	1
<i>Queensland Government website</i> means—	2
(a) a website with a URL that contains ‘qld.gov.au’, other than the website of a local government; or	3 4 5
(b) another website prescribed under a regulation.	6 7
<i>requirement notice</i> see section 129(1).	8
<i>serious concern</i> see section 16.	9
(3) Schedule 4, definition <i>authorised officer</i> , ‘section 42’—	10
<i>omit, insert</i> —	11
section 41	12
(4) Schedule 4, definition <i>compliance notice</i> , ‘section 32(3)’—	13
<i>omit, insert</i> —	14
section 19(1)	15
(5) Schedule 4, definition <i>confidential information</i> , ‘a person’s’—	16
<i>omit, insert</i> —	17
an individual’s	18
(6) Schedule 4, definition <i>confidential information</i> , paragraph (b), ‘person’—	19 20
<i>omit, insert</i> —	21
individual	22
(7) Schedule 4, definition <i>interim manager</i> , ‘section 69’—	23
<i>omit, insert</i> —	24
section 20	25
(8) Schedule 4, as amended—	26
<i>renumber</i> as schedule 2.	27

[s 47]

Part 3	Amendment of Child Protection Act 1999	1	
		2	
Clause 47	Act amended	3	
	This part amends the <i>Child Protection Act 1999</i> .	4	
Clause 48	Insertion of new ch 5, pt 1A	5	
	Chapter 5—	6	
	<i>insert—</i>	7	
	Part 1A	Honorary officers	8
	155A Function	9	
	The function of an honorary officer is to assist the chief executive in the administration of this Act.	10	
		11	
	155B Appointment	12	
	(1) The chief executive may appoint a person to be an honorary officer.	13	
		14	
	(2) However, the chief executive may appoint a person to be an honorary officer only if, in the chief executive's opinion, the person is appropriately qualified to be an honorary officer.	15	
		16	
		17	
		18	
	(3) An honorary officer, while performing the function of an honorary officer, is taken to be employed by the chief executive.	19	
		20	
		21	
	155C Term	22	
	(1) An honorary officer holds office for the term, of no more than 2 years, stated in the instrument of appointment.	23	
		24	
		25	

	(2)	An honorary officer stops holding office if the officer—	1 2
	(a)	completes a term of office; or	3
	(b)	resigns office by signed notice given to the chief executive; or	4 5
	(c)	is removed from office by the chief executive by signed notice given to the officer.	6 7 8
		155D Conditions of appointment	9
	(1)	An honorary officer holds office on the conditions stated in the officer’s instrument of appointment.	10 11 12
	(2)	A condition of an honorary officer’s appointment may—	13 14
	(a)	limit the officer’s function; or	15
	(b)	require the officer to satisfactorily complete stated training.	16 17
Clause 49		Amendment of s 182 (Evidentiary provisions)	18
		Section 182(2)(a) and (b), after ‘an authorised officer’—	19
		<i>insert—</i>	20
		or honorary officer	21
Clause 50		Insertion of new ch 9, pt 8	22
		Chapter 9—	23
		<i>insert—</i>	24

[s 51]

	Part 8	Transitional provision for Communities Legislation (Funding Red Tape Reduction) Amendment Act 2014	1 2 3 4 5
	270	Honorary officers appointed under repealed Act	6 7
		A person who, immediately before the commencement of this section, held office as an honorary officer under the repealed <i>Family Services Act 1987</i> for a purpose related to this Act is taken to be an honorary officer under this Act until the person stops holding office under section 155C.	8 9 10 11 12 13 14
Clause 51	Amendment of sch 3 (Dictionary)		15
	(1)	Schedule 3, definition <i>appropriately qualified</i> — <i>omit.</i>	16 17
	(2)	Schedule 3— <i>insert—</i>	18 19
		<i>honorary officer</i> means a person appointed as an honorary officer under section 155B.	20 21
	Part 4	Amendment of Disability Services Act 2006	22 23
Clause 52	Act amended		24
		This part amends the <i>Disability Services Act 2006</i> .	25

Clause 53	Omission of s 16 (Meaning of <i>approved non-government service provider</i>)	1
	Section 16—	2
	<i>omit.</i>	3
		4
Clause 54	Omission of pts 3 and 4	5
	Parts 3 and 4—	6
	<i>omit.</i>	7
Clause 55	Amendment of s 41 (Complaints by consumers)	8
	Section 41(2), note—	9
	<i>omit.</i>	10
Clause 56	Omission of pts 6–8	11
	Parts 6 to 8—	12
	<i>omit.</i>	13
Clause 57	Amendment of pt 10A, div 4, sdiv 3, hdg (Requirements if adult subject to forensic order or involuntary treatment order)	14
	Part 10A, div 4, sdiv 3, heading, note, ‘section 161’—	15
	<i>omit, insert—</i>	16
	the <i>Community Services Act 2007</i> , section 19	17
		18
		19
Clause 58	Amendment of pt 10A, div 8, sdiv 2, hdg (Requirements for relevant service providers)	20
	Part 10A, div 8, sdiv 2, heading, note, ‘section 161’—	21
	<i>omit, insert—</i>	22
	the <i>Community Services Act 2007</i> , section 19	23
		24

[s 59]

Clause 59	Omission of pts 11 and 12	1
	Parts 11 and 12—	2
	<i>omit.</i>	3
Clause 60	Omission of pt 14 (Reviews)	4
	Part 14—	5
	<i>omit.</i>	6
Clause 61	Amendment of s 193 (Appointments and authority)	7
	Section 193(b) and (c)—	8
	<i>omit, insert—</i>	9
	(b) the authority of the chief executive to do anything under this Act.	10 11
Clause 62	Amendment of s 194 (Signatures)	12
	Section 194, ‘or an authorised officer’—	13
	<i>omit.</i>	14
Clause 63	Amendment of s 195 (Evidentiary provisions)	15
	(1) Section 195(1)(d)—	16
	<i>omit.</i>	17
	(2) Section 195(1)(e) and (f)—	18
	<i>renumber</i> as section 195(1)(d) and (e).	19
Clause 64	Amendment of s 222 (Confidentiality of other information)	20 21
	(1) Section 222(3)(b)—	22
	<i>omit.</i>	23
	(2) Section 222(3)(e)—	24

omit, insert—

- (e) a person authorised by the chief executive to carry out research related to the objects of this Act; or

(3) Section 222(3)(c) to (da)—

renumber as section 222(3)(b) to (d).

Clause 65 Insertion of new s 226A

After section 226—

insert—

226A Monitoring and enforcement

The functions of an authorised officer under the *Community Services Act 2007* include the following—

- (a) investigating, monitoring and ensuring compliance with this Act;
- (b) investigating or monitoring whether an occasion has arisen for the exercise of powers under this Act;
- (c) facilitating the exercise of powers under this Act.

Clause 66 Amendment of s 227 (Delegation by Minister)

Section 227(2) and (3)—

omit, insert—

- (2) However, the Minister must not delegate the review of the Act under section 233.

Clause 67 Amendment of s 228 (Delegation by chief executive)

Section 228(2)—

omit.

[s 68]

Clause 68	Amendment of s 229 (Protecting officials from liability)	1
	(1) Section 229(3), definition <i>official</i> , paragraphs (c) and (e)—	2
	<i>omit.</i>	3
	(2) Section 229(3), definition <i>official</i> , paragraphs (d) to (g)—	4
	<i>renumber</i> as paragraphs (c) to (e).	5
Clause 69	Amendment of s 237 (Certain non-government service providers taken to be approved under part 6 and to be funded non-government service providers)	6
	Section 237(2)—	7
	<i>insert—</i>	8
	<i>insert—</i>	9
	<i>insert—</i>	10
	<i>Note—</i>	11
	The definition <i>approved non-government service provider</i> and part 6 were omitted from this Act by the	12
	<i>Communities Legislation (Funding Red Tape Reduction)</i>	13
	<i>Amendment Act 2014.</i>	14
		15
Clause 70	Amendment of s 238 (When grants of financial assistance under the repealed Act continue)	16
	Section 238(3)—	17
	<i>insert—</i>	18
	<i>insert—</i>	19
	<i>Note—</i>	20
	The definition <i>funding agreement</i> was omitted from this	21
	Act by the <i>Communities Legislation (Funding Red Tape</i>	22
	<i>Reduction) Amendment Act 2014.</i>	23
		23
Clause 71	Amendment of s 239 (Queensland disability service standards to continue in force)	24
	Section 239(1)—	25
	<i>insert—</i>	26
	<i>insert—</i>	27

	<i>Note—</i>	1	
	The definition <i>service standards</i> was omitted from this Act by the <i>Communities Legislation (Funding Red Tape Reduction) Amendment Act 2014</i> .	2 3 4	
Clause 72	Amendment of s 240 (Disability sector quality system to continue in force)	5 6	
	Section 240(1)—	7	
	<i>insert—</i>	8	
	<i>Note—</i>	9	
	The definition <i>disability sector quality system</i> was omitted from this Act by the <i>Communities Legislation (Funding Red Tape Reduction) Amendment Act 2014</i> .	10 11 12	
Clause 73	Insertion of new pt 16, div 10	13	
	Part 16—	14	
	<i>insert—</i>	15	
	Division 10	Transitional provisions for Communities Legislation (Funding Red Tape Reduction) Amendment Act 2014	16 17 18 19 20
	326 Definitions for div 10	21	
	In this division—	22	
	<i>amending Act</i> means the <i>Communities Legislation (Funding Red Tape Reduction) Amendment Act 2014</i> .	23 24 25	
	<i>authorised officer</i> means a person appointed immediately before the commencement as an authorised officer under previous section 125.	26 27 28	
	<i>commencement</i> means the commencement of the provision in which the term is used.	29 30	

[s 73]

funding agreement see previous section 56(1). 1

interim manager means a person appointed as 2
interim manager under previous section 169. 3

previous, for a provision of this Act, means the 4
provision as in force immediately before the 5
commencement of the amending Act, section 73. 6

unamended Act mean this Act as in force from 7
time to time before the commencement. 8

327 Funding agreements continue in force 9

(1) This section applies if a funding agreement 10
between the chief executive and a funded 11
non-government service provider was in force 12
immediately before the commencement. 13

(2) The funding agreement continues in force despite 14
the repeal, under the amending Act, of provisions 15
of this Act relating to funding agreements. 16

(3) However, if the funding agreement contains a 17
term mentioned in previous section 58(1)(j), on 18
and from the commencement— 19

(a) the term is of no effect; and 20

(b) the agreement is taken to provide that— 21

(i) the funded non-government service 22
provider must comply with the Human 23
Services Quality Standards; and 24

(ii) recurrent funding to the funded 25
non-government service provider will 26
stop if the service provider does not 27
comply with the Human Services 28
Quality Standards. 29

(4) Also, on and from the commencement, a term of 30
the funding agreement requiring the funded 31
non-government service provider to obtain or 32

maintain approval as an approved 1
non-government service provider is of no effect. 2

(5) In this section— 3

approved non-government service provider see 4
former section 16. 5

Human Services Quality Standards means the 6
standards stated in the document called ‘Human 7
Services Quality Standards’ published on the 8
department’s website on the internet. 9

**328 Obligation to enter agreement about 10
assistance continues 11**

(1) This section applies if, immediately before the 12
commencement, a non-government service 13
provider who received funding after giving the 14
written agreement mentioned in previous section 15
56(4)(a) has not complied with previous section 16
56(4)(b). 17

(2) The chief executive must stop the funding if the 18
non-government service provider does not enter 19
into a funding agreement about the funding 20
within the time stated in the written agreement 21
given under previous section 56(4)(a). 22

**329 Contraventions of funding agreement or Act 23
before commencement 24**

(1) This section applies if, before the 25
commencement— 26

(a) a funding agreement between the chief 27
executive and a funded non-government 28
service provider was contravened; or 29

(b) a provision of the unamended Act related to 30
the funding agreement mentioned in 31
paragraph (a) was contravened. 32

[s 73]

- (2) The unamended Act continues to apply for the 1
contravention as if the amending Act had not 2
been enacted. 3
- (3) Without limiting subsection (2)— 4
- (a) an authorised officer may exercise, or 5
continue to exercise, powers under the 6
unamended Act; and 7
- (b) a magistrate may hear and decide, or 8
continue to hear and decide, an application 9
for a warrant for a place under previous part 10
11, division 2, subdivision 2; and 11
- (c) the chief executive may give the funded 12
non-government service provider a 13
compliance notice under previous section 14
161; and 15
- (d) if the service provider contravenes a 16
compliance notice— 17
- (i) the service provider may be prosecuted 18
for an offence against previous section 19
161(6); or 20
- (ii) the chief executive may suspend or 21
cancel funding to the service provider 22
under previous section 161(8); and 23
- (e) an interim manager may be appointed for 24
the service provider under previous part 12. 25
- (4) In this section— 26
- authorised officer* means an authorised officer 27
under the *Community Services Act 2007*. 28

330 Interim managers 29

- (1) This section applies if— 30
- (a) immediately before the commencement, a 31
person was appointed as an interim manager 32

-
- for a funded non-government service provider; or 1
2
- (b) an interim manager is appointed for a funded non-government service provider under section 329. 3
4
5
- (2) The interim manager may exercise, or continue to exercise, a power under the unamended Act in relation to the service provider. 6
7
8
- (3) For the purposes of subsection (2), the unamended Act continues to apply to the interim manager's appointment as if the amending Act had not been enacted. 9
10
11
12
- 331 Confidentiality obligation continues to apply to authorised officers and interim managers** 13
14
- (1) This section applies to a person who is or has been either of the following under the unamended Act— 15
16
17
- (a) an authorised officer; 18
- (b) an interim manager. 19
- (2) Previous section 222 continues to apply to the person as if the amending Act had not been enacted. 20
21
22
- 332 Reviews** 23
- (1) This section applies to a decision of the chief executive under this Act if, before the commencement, the decision was a reviewable decision. 24
25
26
27
- (2) The unamended Act continues to apply to the decision despite the enactment of the amending Act. 28
29
30
- (3) Without limiting subsection (2)— 31

[s 73]

- (a) an interested person for the review decision 1
made by the chief executive under previous 2
section 211 may apply to QCAT for a review 3
of the decision under previous section 212; 4
and 5
- (b) QCAT may hear and decide, or continue to 6
hear and decide, an application for a review 7
of the review decision under previous 8
section 212. 9
- (4) In this section— 10
reviewable decision means a decision stated in 11
previous schedule 2. 12

333 Renumbering of Act 13

- (1) On the commencement, the provisions of this Act 14
are amended by numbering and renumbering 15
them in the same way as a reprint may be 16
numbered and renumbered under the *Reprints* 17
Act 1992, section 43. 18
- (2) Each reference in this Act, and each reference in 19
other legislation mentioned in schedule 2, to a 20
provision of this Act renumbered under 21
subsection (1) is amended, when the 22
renumbering happens, by omitting the reference 23
to the previous number and inserting the new 24
number. 25
- (3) This section does not limit the operation of the 26
Acts Interpretation Act 1954, section 14H(2), 27
including, for example, the operation of that Act 28
in relation to a provision that is not mentioned in 29
schedule 2. 30
- (4) This section and schedule 2 expire the day after 31
the commencement of the last numbering or 32

	renumbering of a provision done under this section.	1 2
	(5) This section does not limit the <i>Reprints Act 1992</i> .	3
Clause 74	Replacement of sch 2 (Reviewable decisions)	4
	Schedule 2—	5
	<i>omit, insert</i> —	6
	Schedule 2 Renumbered cross-references	7 8
	section 333	9
	Child Protection (Offender Reporting) Act 2004	10 11
	1 Schedule 3, definition <i>disability</i>	12
	Commission for Children and Young People and Child Guardian Act 2000	13 14 15
	1 Section 344(1)(a)	16
	2 Schedule 7, definition <i>disability services</i>	17
	3 Schedule 7, definition <i>funded non-government service provider</i>	18 19
	4 Schedule 7, definition <i>person with a disability</i>	20

[s 74]

Coroners Act 2003

	1
1 Section 9(1)(a)	2

Education (Work Experience) Act 1996

	3
	4
1 Schedule, definition <i>person with a disability</i>	5

Forensic Disability Act 2011

	6
1 Section 47	7

Guardianship and Administration Act 2000

	8
	9
1 Section 80U, definition <i>adult with an intellectual or cognitive disability</i>	10
	11
2 Section 80U, definition <i>assessment</i>	12
3 Section 80U, definition <i>chemical restraint</i>	13
4 Section 80U, definition <i>chemical restraint (fixed dose)</i>	14
	15
5 Section 80U, definition <i>community access services</i>	16
	17
6 Section 80U, definition <i>contain</i>	18
7 Section 80U, definition <i>disability services</i>	19

8	Section 80U, definition <i>harm</i>	1
9	Section 80U, definition <i>informal decision-maker</i>	2
10	Section 80U, definition <i>least restrictive</i>	3
11	Section 80U, definition <i>positive behaviour support plan</i>	4 5
12	Section 80U, definition <i>respite/community access plan</i>	6 7
13	Section 80U, definition <i>respite services</i>	8
14	Section 80U, definition <i>restrictive practice</i>	9
15	Section 80U, definition <i>seclude</i>	10
16	Section 80V(2)(e)	11
17	Section 80ZF(4)(b)	12
18	Section 80ZS(5), definition <i>restricting access</i>	13
19	Section 80ZT(1)	14
20	Section 80ZT(3)(f)	15
21	Section 80ZU	16
	Guide, Hearing and Assistance Dogs Act 2009	17 18
1	Section 108(e)(iii)	19

[s 74]

**Queensland Civil and
Administrative Tribunal
Regulation 2009** 1
2
3

- 1 Schedule 1, part 3 4
- 2 Schedule 1, part 6 5

**Queensland Civil and
Administrative Tribunal Rules
2009** 6
7
8

- 1 Rule 21(1)(a) 9
- 2 Rule 28(1)(d) 10
- 3 Rule 36(4)(a) 11

**Superannuation (State Public
Sector) Deed 1990** 12
13

- 1 Section 5A(3), definition *disability* 14

**Terrorism (Preventative
Detention) Act 2005** 15
16

- 1 Section 62(2) 17

Clause 75	Amendment of sch 7 (Dictionary)	1
(1)	Schedule 7, definitions <i>approved non-government service provider, authorised officer, compliance notice, disability sector quality system, document certification requirement, document production requirement, external certification body, funding agreement, home, interested person, interim manager, obstruct, owner, personal details requirement, prescribed requirement, reviewable decision, review decision and service standards—</i>	2 3 4 5 6 7 8 9
	<i>omit.</i>	10
(2)	Schedule 7—	11
	<i>insert—</i>	12
	<i>interested person</i> , for a relevant decision for part 10A, division 7, see section 123ZY.	13 14
Part 5	Repeal of Family Services Act 1987	15 16
Clause 76	Repeal	17
	The Family Services Act 1987, No. 32 is repealed.	18
Part 6	Minor and consequential amendments	19 20
Clause 77	Acts amended	21
	Schedule 1 amends the Acts it mentions.	22

Schedule 1	Minor and consequential amendments	1 2
	section 77	3
	Community Services Act 2007	4
1	Section 44(3), definition <i>signed notice</i>, before ‘chief executive’—	5 6
	<i>insert—</i>	7
	authorised officer’s appointing	8
2	Section 48, before ‘chief executive’—	9
	<i>insert—</i>	10
	officer’s appointing	11
3	Section 49, before ‘chief executive’—	12
	<i>insert—</i>	13
	person’s appointing	14
4	Section 64, ‘the chief executive’—	15
	<i>omit, insert—</i>	16
	a chief executive	17
5	Section 65, ‘the chief executive’—	18
	<i>omit, insert—</i>	19
	a chief executive	20

6	Section 78, ‘service provider’—	1
	<i>omit, insert—</i>	2
	entity	3
7	Section 89, ‘service provider’—	4
	<i>omit, insert—</i>	5
	entity	6
8	Section 90(1), ‘service provider’—	7
	<i>omit, insert—</i>	8
	entity	9
9	Section 90(3), ‘service provider’—	10
	<i>omit, insert—</i>	11
	funded entity	12
10	Section 92(a), ‘the chief executive’—	13
	<i>omit, insert—</i>	14
	a chief executive	15
11	Section 93(1), ‘decision, the’—	16
	<i>omit, insert—</i>	17
	decision, a	18
12	Section 114(a) and (c), ‘the chief’—	19
	<i>omit, insert—</i>	20
	a chief	21

Schedule 1

13	Section 115, ‘the chief executive’—	1
	<i>omit, insert—</i>	2
	a chief executive	3
14	Section 116(1), ‘the chief executive’—	4
	<i>omit, insert—</i>	5
	a chief executive	6
15	Section 134, ‘The’—	7
	<i>omit, insert—</i>	8
	A	9
	Maintenance Act 1965	10
1	Section 128(1)(f), ‘Family Services Act 1987’—	11
	<i>omit, insert—</i>	12
	<i>Community Services Act 2007</i>	13
2	Section 133, ‘for the purposes of the <i>Family Services Act 1987</i>’—	14
	<i>omit, insert—</i>	15
	in which the <i>Community Services Act 2007</i> is	16
	administered	17
		18

Police Service Administration Act 1990 1

1 Section 5AA.14(3)(a)(v), examples— 2

omit, insert— 3

Example for subparagraph (v)— 4

Public Service Act 2008, section 188B 5

Public Service Act 2008 6

**1 Section 155A, definition *department of communities*,
paragraph (c)—** 7

omit. 8

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