



Queensland

Disability Services (Your Life Your Choice) Amendment Act 2012

Act No. 36 of 2012



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Disability Services (Your Life Your Choice) Amendment Act 2012

Act No. 36 of 2012

An Act to amend the Disability Services Act 2006 to enable people with a disability to receive funding to obtain disability services

[Assented to 22 November 2012]

The Parliament of Queensland enacts—

1 Short title

This Act may be cited as the *Disability Services (Your Life Your Choice) Amendment Act 2012*.

2 Commencement

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

3 Act amended

This Act amends the *Disability Services Act 2006*.

4 Amendment of s 6 (Objects of Act)

(1) Section 6(b) and (c)—

renumber as section 6(c) and (d).

(2) Section 6—

insert—

‘(b) to ensure that people with a disability have choice and control in accessing relevant disability services; and’.

5 Amendment of s 7 (How objects are mainly achieved)

Section 7(c)—

omit, insert—

‘(c) regulating disability services funded by the department to enable consumer choice and ensure the quality, safety, responsiveness and accountability of the services; and’.

6 Amendment of s 19 (Principle that people with a disability have the same human rights as others)

Section 19(2)—

insert—

‘(e) recognition of their individual autonomy and independence, including the freedom to exercise choice and have control of their lives.’.

7 Insertion of new pt 5A

After section 43—

insert—

‘Part 5A Funding to people with a disability

‘43A Purpose of pt 5A

‘The purpose of this part is to enable people with a disability to receive funding to obtain relevant disability services.

‘43B Definitions for pt 5A

‘In this part—

individual funding agreement means an individual funding agreement made under this part.

parent, of a child with a disability, includes—

- (a) a person who exercises parental responsibility for the child, other than a person standing in the place of a parent of a child on a temporary basis; and
- (b) for an Aboriginal child—a person who, under Aboriginal tradition, is regarded as a parent of the child; and
- (c) for a Torres Strait Islander child—a person who, under Island custom, is regarded as a parent of the child.

[s 7]

relevant disability services, for a person with a disability, means disability services, and care and support associated with the person's disability.

relevant person means—

- (a) for an adult with a disability—
 - (i) a person nominated by the adult to deal with matters under this part on behalf of the adult; or
 - (ii) a guardian or an administrator for the adult; or
 - (iii) an attorney appointed by the adult under an enduring power of attorney under the *Powers of Attorney Act 1998*; or
 - (iv) a member of the adult's support network, other than a paid carer for the adult within the meaning of the *Guardianship and Administration Act 2000*; or
- (b) for a child with a disability—a parent of the child.

'43C Approval for funding

- '(1) The Minister may approve funding to—
 - (a) a person with a disability, to enable the person to obtain relevant disability services; or
 - (b) a relevant person for a person with a disability, to enable the relevant person to obtain relevant disability services for the person with a disability.
- '(2) If the Minister approves funding to a person mentioned in subsection (1), the funding can not be provided to the person unless the person has entered into an individual funding agreement under section 43D in relation to the funding.

'43D Individual funding agreement

- '(1) If the Minister approves funding to a person under section 43C, the person may enter into an individual funding agreement with the chief executive for the funding.

- ‘(2) The individual funding agreement must—
- (a) include the terms and conditions the chief executive considers appropriate; and
 - (b) state the relevant disability services to be obtained with the funding.’.

8 Amendment of s 123E (Definitions for pt 10A)

Section 123E, definition *support network*—
omit.

9 Amendment of sch 7 (Dictionary)

- (1) Schedule 7, definition *support network*—
omit.

- (2) Schedule 7—
insert—

‘individual funding agreement see section 43B.

parent, for part 5A, see section 43B.

relevant disability services see section 43B.

relevant person, for part 5A, see section 43B.

support network see the *Guardianship and Administration Act 2000*, schedule 4.’.