

~~contractor workers who may be less familiar with hazards and risks at a mine. The amendments will ensure all workers, including contractors, at a mine are following safety critical procedures within the overarching, single safety and health management system.~~

~~Operators of small opal and gem mines with five to 10 workers will no longer be exempt from the requirement to have a safety and health management system for their mine, to better manage the main hazards and risks to workers' safety and health. My department will work with those small opal and gem miners to assist them to develop a safety and health management system during the three-year transitional period and will continue to provide educational guidance about risk management for small opal and gem mines with four or fewer workers, which will continue to be exempt from the need to have a safety and health management system.~~

~~Health surveillance of current and former mining workers will be added to the objectives of the acts and will reflect the importance of health surveillance as part of a mine's safety and health management system. This bill is a significant step forward in improving safety and health in Queensland's coal and metals mining industries through more effective legislation, by introducing measures to better safeguard our coal mine and metal mine workers.~~

~~This bill does not include the introduction of industrial manslaughter to the resources safety legislation. Given the importance of this consideration and in order to appropriately progress this matter, I have asked my department to commence stakeholder engagement with key stakeholders, including industry and unions. Any changes to introduce this and related changes, including dispute resolution through the Queensland Industrial Relations Commission and the right of entry for union representatives, will be the subject of a future bill. I commend the bill to the House.~~

First Reading

~~**Hon. AJ LYNHAM** (Stafford—ALP) (Minister for Natural Resources, Mines and Energy) (11.22 am): I move—~~

~~That the bill be now read a first time.~~

~~Question put—That the bill be now read a first time.~~

~~Motion agreed to.~~


~~Bill read a first time.~~

Referral to State Development, Natural Resources and Agricultural Industry Development Committee

~~**Mr DEPUTY SPEAKER** (Mr Whiting): In accordance with standing order 131, the bill is now referred to the State Development, Natural Resources and Agricultural Industry Development Committee.~~

DISABILITY SERVICES AND OTHER LEGISLATION (WORKER SCREENING) AMENDMENT BILL

Introduction

 **Hon. CJ O'ROURKE** (Mundingburra—ALP) (Minister for Communities and Minister for Disability Services and Seniors) (11.23 am): I present a bill for an act to amend the Disability Services Act 2006 and the Police Service Administration Act 1990 for particular purposes. I table the bill and the explanatory notes. I nominate the Health, Communities, Disability Services and Domestic and Family Violence Prevention Committee to consider the bill.

Tabled paper: Disability Services and Other Legislation (Worker Screening) Amendment Bill 2018.

Tabled paper: Disability Services and Other Legislation (Worker Screening) Amendment Bill 2018, explanatory notes.

As the Minister for Disability Services, I am very pleased to be leading Queensland's transition to the National Disability Insurance Scheme. The key reason I am pleased is that the NDIS means more choice and control for people with disability about how they receive reasonable and necessary supports. Each jurisdiction in Australia will transition to full scheme implementation of the NDIS in accordance with individual bilateral agreements and at different stages. Queensland has started this transition and it is imperative we ensure that a robust quality and safeguards system is in place, both during transition and once full scheme implementation commences in Queensland from 1 July 2019.

I am proud to say that Queensland has one of the strongest quality and safeguards systems for people with disability in Australia. This includes a robust worker screening system for people working or volunteering with people with disability through the yellow card system provided for under the Disability Services Act 2006. Following full scheme implementation of the NDIS in Queensland, the NDIS Quality and Safeguarding Framework will apply in Queensland. The national framework has been agreed by the Council of Australian Governments. It will provide strong protections for the rights of people with disability within the market based system of the NDIS.

As part of the framework, there is a new nationally consistent approach to worker screening under the NDIS. Under the framework, the Commonwealth will be responsible for the development of national policy settings for the screening of workers. The states and territories will remain responsible for operating worker screening units under state based legislation. The intergovernmental agreement for nationally consistent worker screening for the NDIS has been developed to support the implementation of nationally consistent worker screening under the framework. The IGA will support nationally consistent worker screening policies and principles to be adopted in each jurisdiction through appropriate legislation. As a member of the COAG Disability Reform Council, I have provided in-principle support for the IGA on Queensland's behalf.

The NDIS is a national scheme. The framework and the IGA provide for jurisdictions' worker screening units to share a range of expanded criminal history information with other units across states and territories. The sharing of expanded criminal history information across jurisdictions under the IGA is similar to the existing Council of Australian Government's IGA on National Exchange of Criminal History Information for People Working with Children. This agreement allows law enforcement agencies to share expanded criminal history information for the purposes of Working with Children Checks with screening units in each jurisdiction. This includes information such as spent convictions and non-conviction charge information, which would generally not be shared.

The bill amends the Police Service Administration Act 1990 to ensure Queensland can share the same range of expanded criminal history information with the NDIS screening units in other jurisdictions. Although full scheme operation of the NDIS does not commence in Queensland until 1 July 2019, these amendments are required during transition to enable Queensland to share information with worker screening units in each state and territory, so they can carry out holistic and consistent NDIS worker screening checks as their jurisdiction transitions to full scheme NDIS and commences the new NDIS worker screening processes under the IGA. This could occur from as early as 1 July 2018 in New South Wales and South Australia.

The bill also includes amendments to confirm the safeguards that apply under the Disability Services Act 2006 during the transition period. Queensland's existing quality and safeguards system under the Disability Services Act 2006 applies to NDIS registered providers operating in Queensland to provide specialist disability support services during the transition to the NDIS. This means that workers and volunteers of NDIS registered providers who deliver prescribed disability services included in an NDIS participant's approved plan are required to undergo criminal history screening under the yellow card system.

During transition, the National Disability Insurance Agency has identified that nationally there has been an increase in service providers under the NDIS identifying as sole traders and requesting registration to deliver services as part of a participant's plan. Sole traders are individuals who are NDIS registered providers and who personally provide disability services to NDIS participants. While the provisions of the Disability Services Act 2006 require sole traders to be screened, the amendments proposed by this bill clarify the operation of the provisions under the act to ensure they clearly operate in relation to the particular circumstances of a sole trader. The bill clarifies that screening of sole traders is required under the Disability Services Act 2006. It also provides that, in making an application, a sole trader must have their identity verified by a prescribed person, such as a justice of the peace, commissioner for declarations, lawyer or police officer.

013 The bill also amends the disclosure requirements under the act to explicitly require a sole trader to disclose any changes in criminal history to the chief executive of the department. This approach to identity verification and disclosure requirements is necessary because a sole trader is operating independently and does not have the same employment relationship that other workers and volunteers have with a service provider organisation.

The bill also adopts a no-card, no-start approach for sole traders. This means that a sole trader will be required to have a yellow card before they can commence providing services under a NDIS participant's plan. A penalty of up to 250 penalty units will apply to a sole trader who breaches this

requirement. This approach prioritises the safety of people with disability by recognising the importance of ensuring a check is completed before a sole trader begins operating independently to provide services.

There are two exceptions to this no-card, no-start approach which will enable a sole trader to work without having a yellow card or exemption notice. These exceptions are: if a person already has a current blue card, that is not suspended, and, on that basis, has applied for a yellow card exemption; or if a person has applied for renewal of their yellow card 30 days prior to its expiry and the application has not been decided at the time of expiry. This recognises that, if the sole trader has already been subject to a comprehensive check and continues to be subject to ongoing daily monitoring, a person with disability need not wait for the sole trader to start providing services to them until their yellow card application is finalised.

The bill also includes a transitional provision that will enable a sole trader who is currently operating in Queensland and has made an application prior to the commencement of the provisions in the bill to continue working for a period of four months. This will enable a reasonable opportunity for an application for a yellow card for a sole trader who is already providing services to a participant under their plan when the proposed amendments commence to be determined.

Finally, the bill clarifies how the yellow card related offence and penalty provisions under the Disability Services Act 2006 apply in relation to sole traders when worker screening requirements are breached. The intent of the bill is to ensure that the offences and penalties that apply to sole traders are fair and consistent.

The Queensland government is committed to doing all we can to ensure Queenslanders with disability have the necessary safeguards in place to support them during the transition to the NDIS. The bill is another important step towards ensuring a robust quality and safeguards framework continues to apply during the transition period and once full scheme operation of the NDIS commences. I commend the bill to the House.

First Reading

Hon. CJ O'ROURKE (Mundingburra—ALP) (Minister for Communities and Minister for Disability Services and Seniors) (11.32 am): I move—

That the bill be now read a first time.

Question put—That the bill be now read a first time.

Motion agreed to.

Bill read a first time.

Referral to Health, Communities, Disability Services and Domestic and Family Violence Prevention Committee

Mr DEPUTY SPEAKER (Mr Whiting): Order! In accordance with standing order 131, the bill is now referred to the Health, Communities, Disability Services and Domestic and Family Violence Prevention Committee.

~~LOCAL GOVERNMENT LEGISLATION (VALIDATION OF RATES AND CHARGES) AMENDMENT BILL~~

~~Resumed from 15 February (see p. 90).~~

~~Second Reading~~

~~**Hon. SJ HINCHLIFFE** (Sandgate—ALP) (Minister for Local Government, Minister for Racing and Minister for Multicultural Affairs) (11.33 am): I move—~~

~~That the bill be now read a second time.~~

~~Queensland local governments and ratepayers expect and deserve to have clarity and certainty when it comes to delivery of essential services. Local governments must be financially sustainable in order to function effectively. The bill before the House addresses the potential financial exposure of Queensland councils. This follows a decision of the Supreme Court of Queensland in the case of Linville Holdings Pty Ltd v Fraser Coast Regional Council.~~