



Queensland

# **Disability Services and Other Legislation (NDIS) Amendment Bill 2019**





## Queensland

# Disability Services and Other Legislation (NDIS) Amendment Bill 2019

## Contents

---

		Page
<b>Part 1</b>	<b>Preliminary</b>	
1	Short title . . . . .	8
2	Commencement . . . . .	8
<b>Part 2</b>	<b>Amendment of Disability Services Act 2006</b>	
3	Act amended . . . . .	8
4	Amendment of s 6 (Objects of Act) . . . . .	8
5	Amendment of s 7 (How objects are mainly achieved) . . . . .	9
6	Insertion of new s 10A . . . . .	10
	10A References to entity include department . . . . .	10
7	Amendment of s 13 (Meaning of service provider) . . . . .	10
8	Omission of s 14 (Meaning of funded service provider) . . . . .	10
9	Replacement of s 16A (Meaning of NDIS non-government service provider) . . . . .	10
	16A Meaning of NDIS non-government service provider . . . . .	11
10	Amendment of pt 3, hdg (Complaints about the delivery of disability services by funded service providers) . . . . .	11
11	Insertion of new s 32A . . . . .	11
	32A Application of part . . . . .	11
12	Amendment of s 33 (Complaints by consumers) . . . . .	12
13	Amendment of s 37 (Definitions for pt 4) . . . . .	12
14	Amendment of pt 5, hdg (Screening of particular persons engaged by department or particular funded service providers) . . . . .	12
15	Insertion of new s 41A . . . . .	12
	41A This part does not apply to prescribed NDIS non-government service providers . . . . .	12
16	Amendment of s 44A (Meaning of sole trader) . . . . .	13
17	Amendment of s 46 (Persons engaged by a funded non-government	

Contents

---

	service provider or an NDIS non-government service provider at a service outlet) . . . . .	13
18	Amendment of s 139 (Purpose of pt 6) . . . . .	13
19	Replacement of s 140 (Service providers to which pt 6 applies) . . . . .	14
	140 Application of part . . . . .	14
20	Amendment of s 143 (Explanation of operation of pt 6) . . . . .	15
21	Insertion of new s 150A . . . . .	15
	150A Authorisation of containment or seclusion . . . . .	15
22	Insertion of new s 165A . . . . .	16
	165A Authorisation of chemical, mechanical or physical restraint or restricting access . . . . .	16
23	Amendment of s 181 (Requirement to develop respite/community access plan) . . . . .	16
24	Insertion of new s 183A . . . . .	17
	183A Other requirements for developing respite/community access plan . . . . .	17
25	Amendment of s 191 (Requirement to give statement about use of restrictive practices) . . . . .	17
26	Amendment of s 193 (Requirement to keep and implement procedure) . . . . .	17
27	Amendment of s 194 (Requirement to keep records and other documents) . . . . .	17
28	Amendment of s 195 (Notification requirements about approvals given for use of restrictive practices) . . . . .	18
29	Amendment of s 199 (Requirement to give information about use of restrictive practice to chief executive) . . . . .	18
30	Amendment of s 200E (Additional functions of authorised officers in relation to NDIS non-government service providers) . . . . .	19
31	Amendment of s 200M (Issue of warrant) . . . . .	19
32	Amendment of s 200S (General powers) . . . . .	19
33	Amendment of s 200W (Power to require information) . . . . .	19
34	Replacement of s 216 (Application of div 2) . . . . .	20
	216 Application of division . . . . .	20
35	Amendment of s 217 (Definitions for div 2) . . . . .	21
36	Amendment of s 218 (Immunity from liability—relevant service provider) . . . . .	21
37	Amendment of s 219 (Immunity from liability—individual acting for relevant service provider) . . . . .	22
38	Amendment of s 220 (Department’s policy about locking of gates, doors	

	and windows) . . . . .	22
39	Amendment of s 226 (Person with a disability must advise chief executive about compensation) . . . . .	22
40	Amendment of s 227 (Confidentiality of information about criminal history and related information) . . . . .	22
41	Amendment of s 228 (Confidentiality of other information) . . . . .	23
42	Amendment of s 239 (Regulation-making power) . . . . .	24
43	Insertion of new s 241AA . . . . .	26
	241AA Review of particular matters . . . . .	26
44	Omission of s 241B (Expiry of pt 6A) . . . . .	26
45	Omission of pt 9, div 10 (Transitional provisions for Disability Services and Other Legislation Amendment Act 2016) . . . . .	26
46	Insertion of new pt 9, div 12 . . . . .	27
	Division 12 Transitional provisions for Disability Services and Other Legislation (NDIS) Amendment Act 2019	
	Subdivision 1 Preliminary	
345	Definitions for division . . . . .	27
	Subdivision 2 Screening	
346	Effect of conviction or charge for new disqualifying offence . . . . .	28
347	Particular existing prescribed notice applications and exemption notice applications . . . . .	28
348	Cancelling positive notices held by particular new disqualified persons . . . . .	29
349	Cancelling positive exemption notices held by particular new disqualified persons . . . . .	30
350	Existing applications to cancel negative notices or negative exemption notices . . . . .	30
351	Particular existing applications to end suspension of positive notices . . . . .	31
352	Particular existing applications to end suspension of positive exemption notices . . . . .	32
353	Existing eligibility applications . . . . .	32
354	Particular existing eligibility declarations . . . . .	32
355	Existing application for reversal of decision refusing an eligibility declaration . . . . .	33
356	Undecided reviews and appeals by new disqualified persons . . . . .	33
357	Review of part 5 reviewable decision about new disqualified person . . . . .	34

Contents

---

358	Appeal by new disqualified person against decision of tribunal on review of part 5 reviewable decision . . . .	34
359	Existing appeal by chief executive against decision of tribunal on review of part 5 reviewable decision . . . . .	35
360	Appeal by chief executive against decision of tribunal on review of part 5 reviewable decision . . . . .	36
361	Disqualification orders for new disqualifying offences committed before commencement . . . . .	36
	Subdivision 3 Immunity from liability	
362	Definition for subdivision . . . . .	36
363	Immunity from liability—use of restrictive practices before commencement . . . . .	37
364	Immunity from liability—locking gates, doors and windows before commencement . . . . .	37
	Subdivision 4 Repeal of particular provisions	
365	Repeal of former ss 339 and 340 . . . . .	37
	Subdivision 5 Transitional regulation-making power	
366	Transitional regulation-making power . . . . .	37
47	Amendment of sch 4 (Current disqualifying offences) . . . . .	38
48	Amendment of sch 8 (Dictionary) . . . . .	39
	<b>Part 3 Amendment of Coroners Act 2003</b>	
49	Act amended . . . . .	40
50	Amendment of s 7 (Duty to report deaths) . . . . .	40
51	Amendment of s 9 (Death in care defined) . . . . .	41
52	Insertion of new pt 6, div 5 . . . . .	44
	Division 5 Transitional provision for Disability Services and Other Legislation (NDIS) Amendment Act 2019	
116	Deaths before commencement . . . . .	44
53	Amendment of sch 2 (Dictionary) . . . . .	44
	<b>Part 4 Amendment of Guardianship and Administration Act 2000</b>	
54	Act amended . . . . .	44
55	Amendment of s 80R (Application of ch 5B) . . . . .	45
56	Amendment of s 80U (Definitions for ch 5B) . . . . .	45
57	Insertion of new ch 12, pt 13 . . . . .	45
	Part 13 Transitional provision for Disability Services and Other Legislation (NDIS) Amendment Act 2019	
275	Transitional regulation-making power . . . . .	45
58	Amendment of sch 4 (Dictionary) . . . . .	46

<b>Part 5</b>	<b>Amendment of Public Guardian Act 2014</b>	
59	Act amended . . . . .	46
60	Amendment of s 12 (Functions—adult with impaired capacity for a matter) . . . . .	46
61	Amendment of s 14 (Powers) . . . . .	47
62	Amendment of s 39 (Definitions for pt 6) . . . . .	47
63	Amendment of s 41 (Inquiry and complaint functions) . . . . .	49
64	Amendment of s 44 (Power to do all things necessary or convenient) . . . . .	50
65	Amendment of s 47 (Reports by community visitors (adult)) . . . . .	50
66	Insertion of new s 49A . . . . .	50
	49A Requirement for particular registered NDIS providers to give information to public guardian . . . . .	51
67	Amendment of s 51 (Definitions for ch 4) . . . . .	51
68	Amendment of s 56 (Functions of community visitor (child), etc.) . . . . .	52
69	Insertion of new s 68A . . . . .	52
	68A Community visitor (child) may ask NDIS agency or NDIS commissioner for particular information . . . . .	52
70	Amendment of s 70 (Reports by community visitors (child)) . . . . .	52
71	Insertion of new s 72A . . . . .	53
	72A Requirement for particular NDIS providers and registered NDIS providers to give information to public guardian . . . . .	53
72	Amendment of s 110 (Eligibility for appointment as community visitor (adult)) . . . . .	53
73	Amendment of s 111 (Eligibility for appointment as community visitor (child)) . . . . .	54
74	Insertion of new ch 7, pt 3 . . . . .	55
	Part 3 Transitional provisions for Disability Services and Other Legislation (NDIS) Amendment Act 2019	
190	Definitions for part . . . . .	55
191	Inquiries in relation to former visitable sites started before commencement . . . . .	56
192	Existing complaints about former visitable sites . . . . .	56
193	Existing requests for community visitor (adult) to visit former visitable site . . . . .	57
194	Existing authorisations to enter former visitable sites outside normal hours . . . . .	58
195	Reports about visits to former visitable sites before commencement . . . . .	58
196	Proceedings for particular offences . . . . .	59

Contents

---

75	Amendment of sch 1 (Dictionary) . . . . .	60
<b>Part 6</b>	<b>Amendment of Working with Children (Risk Management and Screening) Act 2000</b>	
76	Act amended . . . . .	61
77	Amendment of s 401 (Regulation-making power) . . . . .	61
78	Insertion of new ch 11, pt 20 . . . . .	63
	Part 20 Transitional provision for Disability Services and Other Legislation (NDIS) Amendment Act 2019	
	590 Transitional regulation-making power . . . . .	63
79	Amendment of sch 1, s 6 (Health, counselling and support services) 64	
80	Amendment of sch 7 (Dictionary) . . . . .	65
<b>Part 7</b>	<b>Other amendments</b>	
81	Acts amended . . . . .	65
<b>Schedule 1</b>	<b>Other amendments</b> . . . . .	66
	Disability Services Act 2006 . . . . .	66
	Guardianship and Administration Act 2000 . . . . .	68

**2019**

---

## **A Bill**

for

***An Act to amend the Coroners Act 2003, the Disability Services Act 2006, the Guardianship and Administration Act 2000, the Public Guardian Act 2014 and the Working with Children (Risk Management and Screening) Act 2000 for particular purposes***

---

[s 1]

---

**The Parliament of Queensland enacts—** 1

**Part 1 Preliminary** 2

**Clause 1 Short title** 3

This Act may be cited as the *Disability Services and Other  
Legislation (NDIS) Amendment Act 2019*. 4  
5

**Clause 2 Commencement** 6

(1) The following provisions commence on assent— 7

- section 44; 8
- section 45; 9
- section 46, other than to the extent it inserts new part 9,  
division 12, subdivisions 2, 3 and 5. 10  
11

(2) The remaining provisions of this Act commence on a day to  
be fixed by proclamation. 12  
13

**Part 2 Amendment of Disability  
Services Act 2006** 14  
15

**Clause 3 Act amended** 16

This part amends the *Disability Services Act 2006*. 17

*Note—* 18

See also the amendments in schedule 1. 19

**Clause 4 Amendment of s 6 (Objects of Act)** 20

(1) Section 6(b)— 21

*omit.* 22

---

(2) Section 6—	1
<i>insert</i> —	2
(ca) to support the operation of the national disability insurance scheme in Queensland and ensure the quality and safety of disability services in the context of the national regulatory framework; and	3 4 5 6 7
(3) Section 6(d), ‘funded’—	8
<i>omit, insert</i> —	9
relevant	10
(4) Section 6(c) and (ca)—	11
<i>renumber</i> as section 6(b) and (c).	12
(5) Section 6—	13
<i>insert</i> —	14
(2) In this section—	15
<i>national disability insurance scheme</i> means the National Disability Insurance Scheme under the <i>National Disability Insurance Scheme Act 2013</i> (Cwlth).	16 17 18 19
<i>national regulatory framework</i> means the national regulatory framework for service providers established under the <i>National</i> <i>Disability Insurance Scheme Act 2013</i> (Cwlth).	20 21 22 23
<b>Clause 5</b> <b>Amendment of s 7 (How objects are mainly achieved)</b>	24
(1) Section 7(c), ‘enable consumer choice and’—	25
<i>omit.</i>	26
(2) Section 7—	27
<i>insert</i> —	28
(ca) regulating particular aspects of the provision of disability services by particular NDIS	29 30

---

[s 6]

---

	providers and registered NDIS providers	1
	under the <i>National Disability Insurance</i>	2
	<i>Scheme Act 2013</i> (Cwlth) to ensure the	3
	quality and safety of the services; and	4
(3)	Section 7(e), from ‘requirements’ to ‘may’—	5
	<i>omit, insert—</i>	6
	the circumstances in which relevant service	7
	providers are authorised to	8
(4)	Section 7(ca) to (e)—	9
	<i>renumber</i> as section 7(d) to (f).	10
<b>Clause 6</b>	<b>Insertion of new s 10A</b>	11
	After section 10—	12
	<i>insert—</i>	13
	<b>10A References to entity include department</b>	14
	In this Act, a reference to an entity includes a	15
	reference to a department.	16
<b>Clause 7</b>	<b>Amendment of s 13 (Meaning of <i>service provider</i>)</b>	17
	Section 13(1), ‘a person’—	18
	<i>omit, insert—</i>	19
	an entity	20
<b>Clause 8</b>	<b>Omission of s 14 (Meaning of <i>funded service provider</i>)</b>	21
	Section 14—	22
	<i>omit.</i>	23
<b>Clause 9</b>	<b>Replacement of s 16A (Meaning of <i>NDIS non-government service provider</i>)</b>	24
	Section 16A—	25
		26

*omit, insert—*

**16A Meaning of *NDIS non-government service provider***

An *NDIS non-government service provider* is a non-government service provider that is an NDIS provider, or a registered NDIS provider, providing disability services prescribed by regulation.

		1
		2
		3
		4
		5
		6
		7
		8
<b>Clause 10</b>	<b>Amendment of pt 3, hdg (Complaints about the delivery of disability services by funded service providers)</b>	9
		10
	Part 3, heading, ‘funded’—	11
	<i>omit, insert—</i>	12
	<b>particular</b>	13
<b>Clause 11</b>	<b>Insertion of new s 32A</b>	14
	Before section 33—	15
	<i>insert—</i>	16
	<b>32A Application of part</b>	17
	(1) This part applies in relation to the following service providers—	18
		19
	(a) the department;	20
	(b) a service provider that receives funds from the department to provide disability services, other than a service provider that is another department;	21
		22
		23
		24
	(c) another service provider prescribed by regulation.	25
		26
	(2) However, this part does not apply in relation to a service provider—	27
		28
	(a) prescribed by regulation; or	29

[s 12]

---

	(b) to the extent the service provider is providing disability services prescribed by regulation.	1 2 3
<b>Clause 12</b>	<b>Amendment of s 33 (Complaints by consumers)</b>	4
	Section 33(1), ‘funded service provider’—	5
	<i>omit, insert—</i>	6
	service provider in relation to which this part applies	7 8
<b>Clause 13</b>	<b>Amendment of s 37 (Definitions for pt 4)</b>	9
	Section 37, definition <i>relevant disability services</i> , ‘disability.’—	10 11
	<i>omit, insert—</i>	12
	disability, prescribed by regulation.	13
<b>Clause 14</b>	<b>Amendment of pt 5, hdg (Screening of particular persons engaged by department or particular funded service providers)</b>	14 15 16
	Part 5, heading, ‘funded’—	17
	<i>omit.</i>	18
<b>Clause 15</b>	<b>Insertion of new s 41A</b>	19
	After section 41—	20
	<i>insert—</i>	21
	<b>41A This part does not apply to prescribed NDIS non-government service providers</b>	22 23
	This part does not apply in relation to an NDIS non-government service provider prescribed by regulation.	24 25 26

---

<b>Clause 16</b>	<b>Amendment of s 44A (Meaning of <i>sole trader</i>)</b>	1
	Section 44A, paragraph (a), after ‘provider’—	2
	<i>insert</i> —	3
	in relation to which this part applies	4
<b>Clause 17</b>	<b>Amendment of s 46 (Persons engaged by a funded non-government service provider or an NDIS non-government service provider at a service outlet)</b>	5
	(1) Section 46(3), ‘provider who’—	6
	<i>omit, insert</i> —	7
	provider that	8
	(2) Section 46—	9
	<i>insert</i> —	10
	(7A) Despite anything else in this section—	11
	(a) an NDIS non-government service provider is engaging a person at a service outlet of the provider if a regulation provides that the provider is engaging the person; and	12
	(b) an NDIS non-government service provider is not engaging a person at a service outlet of the provider if a regulation provides that the provider is not engaging the person.	13
	(3) Section 46(7A) and (8)—	14
	<i>renumber</i> as section 46(8) and (9).	15
<b>Clause 18</b>	<b>Amendment of s 139 (Purpose of pt 6)</b>	16
	Section 139(a) and (b), ‘funded’—	17
	<i>omit, insert</i> —	18
	relevant	19

[s 19]

---

<b>Clause 19</b>	<b>Replacement of s 140 (Service providers to which pt 6 applies)</b>	1 2
	Section 140—	3
	<i>omit, insert—</i>	4
	<b>140 Application of part</b>	5
	(1) This part applies in relation to the following service providers that provide disability services to an adult with an intellectual or cognitive disability—	6 7 8 9
	(a) an NDIS provider;	10
	(b) a registered NDIS provider;	11
	(c) the department;	12
	(d) a service provider that receives funds from the department to provide disability services, other than a service provider that is another department;	13 14 15 16
	(e) another service provider prescribed by regulation.	17 18
	(2) However, this part does not apply in relation to a service provider—	19 20
	(a) prescribed by regulation; or	21
	(b) to the extent the service provider is providing disability services prescribed by regulation.	22 23 24
	(3) A service provider is a <i>relevant service provider</i> to the extent this part applies in relation to the provider under subsections (1) and (2).	25 26 27
	(4) To remove any doubt, it is declared that this part applies in relation to a relevant service provider in relation to the provision of disability services to all adults with an intellectual or cognitive disability receiving disability services from the provider even if particular disability services are not provided with funding received from the	28 29 30 31 32 33 34

---

	Commonwealth or the State.	1
	<i>Note—</i>	2
	For when this part applies to a forensic disability client, see also the <i>Forensic Disability Act 2011</i> , section 47.	3 4
<b>Clause 20</b>	<b>Amendment of s 143 (Explanation of operation of pt 6)</b>	5
	(1) Section 143—	6
	<i>insert—</i>	7
	(1AA) This part states the circumstances in which a relevant service provider is authorised under this part to use a restrictive practice in relation to an adult with an intellectual or cognitive disability.	8 9 10 11
	(2) Section 143(1), ‘The purpose of this section is to’—	12
	<i>omit, insert—</i>	13
	Subsections (3) and (4)	14
	(3) Section 143(1AA) to (4)—	15
	<i>renumber</i> as section 143(1) to (5).	16
<b>Clause 21</b>	<b>Insertion of new s 150A</b>	17
	Before section 151—	18
	<i>insert—</i>	19
	<b>150A Authorisation of containment or seclusion</b>	20
	A relevant service provider is authorised under this part to contain or seclude an adult with an intellectual or cognitive disability if—	21 22 23
	(a) for an adult who must be assessed under section 148—the assessment has been carried out; and	24 25 26
	(b) the relevant service provider may contain or seclude the adult under sections 151 to 154; and	27 28 29

[s 22]

---

	(c) for an adult who is the subject of a containment or seclusion approval—any change to the adult’s positive behaviour support plan has been made by the chief executive under subdivision 3.	1 2 3 4 5
<b>Clause 22</b>	<b>Insertion of new s 165A</b>	6
	Before section 166—	7
	<i>insert—</i>	8
	<b>165A Authorisation of chemical, mechanical or physical restraint or restricting access</b>	9 10
	A relevant service provider is authorised under this part to use chemical, mechanical or physical restraint on, or restrict access of, an adult with an intellectual or cognitive disability if—	11 12 13 14
	(a) for an adult who must be assessed under section 148—the assessment has been carried out under that section; and	15 16 17
	(b) the relevant service provider may use the restrictive practice under sections 166 to 171; and	18 19 20
	(c) for an adult in relation to whom subdivision 2 applies—any change to the adult’s positive behaviour support plan is made by the relevant service provider under section 174.	21 22 23 24
<b>Clause 23</b>	<b>Amendment of s 181 (Requirement to develop respite/community access plan)</b>	25 26
	Section 181(2)—	27
	<i>insert—</i>	28
	(m) any other matter prescribed by regulation.	29

---

<b>Clause 24</b>	<b>Insertion of new s 183A</b>	1
	After section 183—	2
	<i>insert</i> —	3
	<b>183A Other requirements for developing respite/community access plan</b>	4
		5
	In developing a respite/community access plan, the relevant service provider must comply with any other requirements prescribed by regulation.	6 7 8
<b>Clause 25</b>	<b>Amendment of s 191 (Requirement to give statement about use of restrictive practices)</b>	9 10
	Section 191(1)—	11
	<i>omit, insert</i> —	12
	(1) This section applies to a relevant service provider, other than a relevant service provider prescribed by regulation, that—	13 14 15
	(a) is providing disability services to an adult with an intellectual or cognitive disability; and	16 17 18
	(b) is considering using restrictive practices in relation to the adult.	19 20
<b>Clause 26</b>	<b>Amendment of s 193 (Requirement to keep and implement procedure)</b>	21 22
	Section 193(1), ‘provider who’—	23
	<i>omit, insert</i> —	24
	provider, other than a relevant service provider prescribed by regulation, that	25 26
<b>Clause 27</b>	<b>Amendment of s 194 (Requirement to keep records and other documents)</b>	27 28
	Section 194(1), after ‘provider’—	29

---



---

<b>Clause 30</b>	<b>Amendment of s 200E (Additional functions of authorised officers in relation to NDIS non-government service providers)</b>	1
	Section 200E(a), ‘this Act; and;’—	2
	<i>omit, insert—</i>	3
	a provision of this Act, other than a provision prescribed by regulation (an <i>excluded provision</i> );	4
	and	5
		6
		7
		8
<b>Clause 31</b>	<b>Amendment of s 200M (Issue of warrant)</b>	9
	(1) Section 200M(1), from ‘place—’—	10
	<i>omit, insert—</i>	11
	place to check whether an NDIS non-government service provider has complied with, or is complying with, a provision of this Act, other than an excluded provision.	12
		13
		14
		15
	(2) Section 200M(2)—	16
	<i>omit.</i>	17
	(3) Section 200M(3)—	18
	<i>renumber</i> as section 200M(2).	19
<b>Clause 32</b>	<b>Amendment of s 200S (General powers)</b>	20
	Section 200S(1)(i), ‘this Act’—	21
	<i>omit, insert—</i>	22
	a provision of this Act, other than an excluded provision,	23
		24
<b>Clause 33</b>	<b>Amendment of s 200W (Power to require information)</b>	25
	(1) Section 200W(1), from ‘believes—’—	26
	<i>omit, insert—</i>	27

[s 34]

---

	believes an offence against a provision of this Act,	1
	other than an excluded provision, has been	2
	committed by an NDIS non-government service	3
	provider.	4
(2)	Section 200W(2), ‘or matter mentioned in subsection (1)’—	5
	<i>omit.</i>	6
(3)	Section 200W(6), ‘provider who’—	7
	<i>omit, insert—</i>	8
	provider that	9
(4)	Section 200W(11)—	10
	<i>omit.</i>	11
<b>Clause 34</b>	<b>Replacement of s 216 (Application of div 2)</b>	12
	Section 216—	13
	<i>omit, insert—</i>	14
	<b>216 Application of division</b>	15
(1)	This division—	16
(a)	applies in relation to the following service	17
	providers that provide disability services to	18
	an adult with an intellectual or cognitive	19
	disability—	20
	(i) an NDIS provider;	21
	(ii) a registered NDIS provider;	22
	(iii) the department;	23
	(iv) a service provider that receives funds	24
	from the department to provide	25
	disability services, other than a service	26
	provider that is another department;	27
	(v) another service provider prescribed by	28
	regulation; and	29
(b)	applies if—	30

---

	(i) a service provider in relation to which this division applies locks gates, doors or windows at premises where disability services are provided to adults with an intellectual or cognitive disability; and	1 2 3 4 5 6
	(ii) the only reason the gates, doors or windows are locked is to prevent physical harm being caused to an adult with a skills deficit.	7 8 9 10
	(2) However, this part does not apply in relation to a service provider—	11 12
	(a) prescribed by regulation; or	13
	(b) to the extent the service provider is providing disability services prescribed by regulation.	14 15 16
	(3) A service provider is a <i>division 2 service provider</i> to the extent this division applies in relation to the provider under subsections (1)(a) and (2).	17 18 19
<b>Clause 35</b>	<b>Amendment of s 217 (Definitions for div 2)</b>	20
	(1) Section 217, definition <i>relevant service provider</i> —	21
	<i>omit.</i>	22
	(2) Section 217—	23
	<i>insert—</i>	24
	<i>division 2 service provider</i> see section 216(3).	25
<b>Clause 36</b>	<b>Amendment of s 218 (Immunity from liability—relevant service provider)</b>	26 27
	(1) Section 218, heading, ‘relevant’—	28
	<i>omit, insert—</i>	29
	<b>division 2</b>	30

---

[s 37]

---

- (2) Section 218(1), ‘The relevant’— 1  
*omit, insert*— 2  
A division 2 3  
(3) Section 218(1), ‘the relevant’— 4  
*omit, insert*— 5  
the division 2 6

- Clause 37 Amendment of s 219 (Immunity from liability—individual acting for relevant service provider)** 7  
Section 219, ‘relevant’— 8  
*omit, insert*— 9  
division 2 10  
11

- Clause 38 Amendment of s 220 (Department’s policy about locking of gates, doors and windows)** 12  
Section 220(2) and (4), ‘relevant’— 13  
*omit, insert*— 14  
division 2 15  
16

- Clause 39 Amendment of s 226 (Person with a disability must advise chief executive about compensation)** 17  
Section 226(1)(a)(ii) and (3)(b), after ‘funded’— 18  
*insert*— 19  
non-government 20  
21

- Clause 40 Amendment of s 227 (Confidentiality of information about criminal history and related information)** 22  
(1) Section 227(4)— 23  
*insert*— 24  
25

---

	(ca) if—	1
	(i) the disclosure is made, or access is given, by the chief executive to the NDIS commissioner; and	2 3 4
	(ii) the chief executive is satisfied the disclosure or giving of access would assist in the performance of the NDIS commissioner’s functions under the <i>National Disability Insurance Scheme Act 2013</i> (Cwlth); or	5 6 7 8 9 10
	(cb) if—	11
	(i) the disclosure is made, or access is given, by the chief executive to an entity responsible for the administration or enforcement of a corresponding law; and	12 13 14 15 16
	(ii) the chief executive is satisfied the disclosure or giving of access would assist in the performance of the entity’s functions relating to the corresponding law; or	17 18 19 20 21
(2)	Section 227(4)(ca) to (d)— <i>renumber</i> as section 227(4)(d) to (f).	22 23
<b>Clause 41</b>	<b>Amendment of s 228 (Confidentiality of other information)</b>	24 25
(1)	Section 228(2), ‘subsection (4) or (5)’— <i>omit, insert—</i> subsection (4), (5) or (6)	26 27 28
(2)	Section 228— <i>insert—</i> (6) The chief executive may—	29 30 31

---

[s 42]

---

- (a) disclose information to the NDIS commissioner if satisfied the disclosure would assist in the performance of the commissioner's functions under the *National Disability Insurance Scheme Act 2013* (Cwlth); or
- (b) disclose information to an entity responsible for the administration or enforcement of a corresponding law if satisfied the disclosure would assist in the performance of the entity's functions relating to the corresponding law.

**Clause 42      Amendment of s 239 (Regulation-making power)**      13

(1) Section 239(2), before paragraph (a)—      14

*insert—*      15

- (aa) delay the application of a provision of part 5 in relation to a new NDIS non-government service provider, or the engagement of a person by a new NDIS non-government service provider, for a period of not more than 1 year after the day the provider becomes a new NDIS non-government service provider; and
- (ab) delay the application of a provision of part 5 in relation to a new engaged person for a period of not more than 1 year after the day the person becomes a new engaged person; and
- (ac) make provision about a matter for which it is necessary, desirable or convenient to make provision in relation to—
  - (i) a service provider becoming a former service provider; or

- 
- (ii) a person becoming a former engaged person; and 1  
2
- (2) Section 239(2)(aa) to (b)— 3  
*renumber* as section 239(2)(a) to (e). 4
- (3) Section 239— 5  
*insert*— 6
- (3) In this section— 7
- former engaged person*** means a person who, 8  
because of the making or amendment of a 9  
regulation under section 46(8), becomes a person 10  
who is not, for part 5, engaged by an NDIS 11  
non-government service provider. 12
- former service provider*** means— 13
- (a) a service provider in relation to which part 3 14  
stops applying because of the making or 15  
amendment of a regulation under section 16  
32A; or 17
- (b) a service provider in relation to which part 5 18  
stops applying because of the making or 19  
amendment of a regulation under section 20  
16A or 41A; or 21
- (c) a service provider in relation to which part 6 22  
stops applying because of the making or 23  
amendment of a regulation under section 24  
140; or 25
- (d) a service provider in relation to which part 26  
8, division 2 stops applying because of the 27  
making or amendment of a regulation under 28  
section 216. 29
- new engaged person*** means a person who, 30  
because of the making or amendment of a 31  
regulation under section 46(8), becomes a person 32  
who is, for part 5, engaged by an NDIS 33  
non-government service provider. 34

[s 43]

---

	<i>new NDIS non-government service provider</i>	1
	means a service provider that becomes an NDIS	2
	non-government service provider in relation to	3
	which part 5 applies because of the making or	4
	amendment of a regulation under section 16A or	5
	41A.	6
<b>Clause 43</b>	<b>Insertion of new s 241AA</b>	7
	After section 241A—	8
	<i>insert—</i>	9
	<b>241AA Review of particular matters</b>	10
	(1) The Minister must review—	11
	(a) section 32A; and	12
	(b) section 140; and	13
	(c) the chief executive’s functions under part 6,	14
	division 3, subdivisions 2 and 3; and	15
	(d) section 216.	16
	(2) The review must be completed within 1 year after	17
	the commencement.	18
<b>Clause 44</b>	<b>Omission of s 241B (Expiry of pt 6A)</b>	19
	Section 241B—	20
	<i>omit.</i>	21
<b>Clause 45</b>	<b>Omission of pt 9, div 10 (Transitional provisions for</b>	22
	<b>Disability Services and Other Legislation Amendment Act</b>	23
	<b>2016)</b>	24
	Part 9, division 10—	25
	<i>omit.</i>	26

---

<b>Clause 46</b>	<b>Insertion of new pt 9, div 12</b>	1	
	Part 9—	2	
	<i>insert—</i>	3	
	<b>Division 12</b>	<b>Transitional provisions for</b>	4
		<b>Disability Services and</b>	5
		<b>Other Legislation (NDIS)</b>	6
		<b>Amendment Act 2019</b>	7
	<b>Subdivision 1</b>	<b>Preliminary</b>	8
	<b>345 Definitions for division</b>	9	
	In this division—	10	
	<i>amended Act</i> means this Act as amended by the	11	
	amending Act.	12	
	<i>amending Act</i> means the <i>Disability Services and</i>	13	
	<i>Other Legislation (NDIS) Amendment Act 2019</i> .	14	
	<i>former</i> , in relation to a provision, means as in	15	
	force immediately before the provision was	16	
	amended or repealed under the amending Act.	17	
	<i>new disqualified person</i> means a person who is a	18	
	disqualified person only because the person has	19	
	been convicted or is convicted of a new	20	
	disqualifying offence.	21	
	<i>new disqualifying offence</i> means an offence that	22	
	is a disqualifying offence under the amended Act	23	
	but was not a disqualifying offence under this Act	24	
	immediately before the commencement.	25	
	<i>new relevant disqualified person</i> means a person	26	
	who is a relevant disqualified person only because	27	
	the person has been or is convicted of a new	28	
	disqualifying offence for which an imprisonment	29	
	order was or is imposed.	30	

[s 46]

---

## **Subdivision 2 Screening**

1

### **346 Effect of conviction or charge for new disqualifying offence**

2  
3

(1) For applying section 97(1)(a) and schedule 8, definition *relevant disqualified person*, paragraph (a) in relation to a person who has been or is convicted of a new disqualifying offence, it is immaterial when the offence was committed or the person was convicted.

4  
5  
6  
7  
8  
9

(2) Without limiting this division, in applying the amended Act from the commencement, it is immaterial—

10  
11  
12

(a) when a new disqualifying offence was committed; or

13  
14

(b) when a person was convicted of a new disqualifying offence; or

15  
16

(c) when a charge for a new disqualifying offence, or the acts or omissions constituting the alleged offence, happened.

17  
18  
19

*Example—*

20

An offence may have been committed, and the person convicted of the offence, before the commencement.

21  
22

### **347 Particular existing prescribed notice applications and exemption notice applications**

23  
24  
25

(1) This section applies if—

26

(a) before the commencement, a prescribed notice application or exemption notice application had been made about a person; and

27  
28  
29  
30

- 
- (b) immediately before the commencement, the application had not been decided or withdrawn; and 1  
2  
3
- (c) on the commencement— 4
- (i) the person is a new disqualified person; 5  
or 6
- (ii) the person is the subject of a charge for a new disqualifying offence that has not been dealt with. 7  
8  
9
- (2) The prescribed notice application or exemption notice application is taken to be withdrawn. 10  
11
- (3) The chief executive must give notice of the withdrawal to— 12  
13
- (a) the person; and 14
- (b) the funded non-government service provider, or NDIS non-government service provider, that made the application. 15  
16  
17
- 348 Cancelling positive notices held by particular new disqualified persons** 18  
19
- (1) This section applies if— 20
- (a) immediately before the commencement, a person held a current positive notice; and 21  
22
- (b) on the commencement, the person is a new disqualified person but not a new relevant disqualified person. 23  
24  
25
- (2) The chief executive may cancel the positive notice and substitute a negative notice if satisfied that, if the chief executive were to decide a prescribed notice application about the person under the amended Act, the chief executive would issue a negative notice to the person. 26  
27  
28  
29  
30  
31

[s 46]

---

*Note—*

See also section 85 for when the chief executive must  
cancel a positive notice held by a person who becomes a  
relevant disqualified person.

- (3) Section 83(2) applies in relation to the  
substitution unless the person is a sole trader.

### **349 Cancelling positive exemption notices held by particular new disqualified persons**

- (1) This section applies if—

- (a) immediately before the commencement, a  
person held a current positive exemption  
notice; and
- (b) on the commencement, the person is a new  
disqualified person but not a new relevant  
disqualified person.

- (2) The chief executive may cancel the positive  
exemption notice and substitute a negative  
exemption notice if satisfied that, if the chief  
executive were to decide an exemption notice  
application about the person under the amended  
Act, the chief executive would issue a negative  
exemption notice to the person.

*Note—*

See also section 64(2) for the currency of a positive  
exemption notice.

- (3) Section 84(2) applies in relation to the  
substitution unless the person is a sole trader.

### **350 Existing applications to cancel negative notices or negative exemption notices**

- (1) This section applies if—

- (a) before the commencement, a person had  
applied to the chief executive under section

---

82 to cancel the person’s negative notice or negative exemption notice; and	1 2
(b) immediately before the commencement, the application had not been decided.	3 4
(2) If, on the commencement, the person is a new relevant disqualified person—	5 6
(a) the application is taken to be withdrawn; and	7 8
(b) the chief executive must give the person notice of the withdrawal.	9 10
(3) If, on the commencement, the person is not a new relevant disqualified person, the chief executive must decide the application under the amended Act.	11 12 13 14
<b>351 Particular existing applications to end suspension of positive notices</b>	15 16
(1) This section applies if—	17
(a) before the commencement, a person had applied to the chief executive under section 87 to cancel the person’s suspended positive notice; and	18 19 20 21
(b) immediately before the commencement, the application had not been decided; and	22 23
(c) on the commencement, the person is not a new relevant disqualified person.	24 25
(2) The chief executive must decide the application under the amended Act.	26 27
<i>Note—</i>	28
See also section 85 for when the chief executive must cancel a positive notice held by a person who becomes a relevant disqualified person.	29 30 31

[s 46]

---

<b>352 Particular existing applications to end suspension of positive exemption notices</b>	1 2
(1) This section applies if—	3
(a) before the commencement, a person had applied to the chief executive under section 89 to cancel the person’s suspended positive exemption notice; and	4 5 6 7
(b) immediately before the commencement, the application had not been decided; and	8 9
(c) on the commencement, the person is not a new relevant disqualified person.	10 11
(2) The chief executive must decide the application under the amended Act.	12 13
<i>Note—</i>	14
See also section 64(2) for the currency of a positive exemption notice.	15 16
<b>353 Existing eligibility applications</b>	17
(1) This section applies if—	18
(a) before the commencement, a person had made an eligibility application; and	19 20
(b) immediately before the commencement, the eligibility application had not been decided or withdrawn.	21 22 23
(2) The chief executive must decide the application under the amended Act.	24 25
<b>354 Particular existing eligibility declarations</b>	26
(1) This section applies if—	27
(a) before the commencement, the chief executive issued, or was taken to have issued, an eligibility declaration to a person; and	28 29 30 31

---

(b) immediately before the commencement, the eligibility declaration had not expired; and	1 2
(c) on the commencement, the person—	3
(i) is a new relevant disqualified person; or	4
(ii) is charged with a new disqualifying offence.	5 6
(2) The eligibility declaration is taken to have expired.	7 8
<b>355 Existing application for reversal of decision refusing an eligibility declaration</b>	9 10
(1) This section applies if—	11
(a) before the commencement, a person had made an application under section 107(2) to the chief executive; and	12 13 14
(b) immediately before the commencement, the application had not been decided or withdrawn.	15 16 17
(2) The chief executive must decide the application under the amended Act.	18 19
<b>356 Undecided reviews and appeals by new disqualified persons</b>	20 21
(1) This section applies if—	22
(a) before the commencement, a person—	23
(i) applied, under section 109, for a review of a part 5 reviewable decision; or	24 25
(ii) appealed, under the QCAT Act, against a decision of the tribunal relating to a part 5 reviewable decision; and	26 27 28
(b) immediately before the commencement, the application or appeal had not been decided or withdrawn; and	29 30 31

[s 46]

---

(c)	on the commencement, the person is a new disqualified person.	1 2
(2)	The application or appeal, and any proceeding in relation to the application or appeal, must be dismissed—	3 4 5
(a)	if a proceeding in relation to the application or appeal is before a court—by the court; or	6 7
(b)	otherwise—by the tribunal, even if the dismissal would be contrary to a direction of the Court of Appeal.	8 9 10
<b>357 Review of part 5 reviewable decision about new disqualified person</b>		11 12
(1)	This section applies if—	13
(a)	before the commencement—	14
(i)	the chief executive made a part 5 reviewable decision about a person; and	15 16 17
(ii)	the person had not applied for a review of the decision under section 109; and	18 19
(b)	on the commencement, the person is a new disqualified person.	20 21
(2)	The amended Act applies in relation to the part 5 reviewable decision.	22 23
<b>358 Appeal by new disqualified person against decision of tribunal on review of part 5 reviewable decision</b>		24 25 26
(1)	This section applies if—	27
(a)	before the commencement, a person may have appealed under the QCAT Act against a decision of the tribunal relating to a part 5 reviewable decision; and	28 29 30 31

---

(b)	on the commencement—	1
(i)	the time within which the person may appeal under the QCAT Act has not passed; and	2 3 4
(ii)	the person is a new disqualified person.	5
(2)	Any appeal started by the person against the decision must be dismissed—	6 7
(a)	if a proceeding in relation to the appeal is before a court—by the court; or	8 9
(b)	otherwise—by the tribunal, even if the dismissal would be contrary to a direction of the Court of Appeal.	10 11 12
<b>359</b>	<b>Existing appeal by chief executive against decision of tribunal on review of part 5 reviewable decision</b>	13 14 15
(1)	This section applies if—	16
(a)	before the commencement, the chief executive appealed, under the QCAT Act, against a decision of the tribunal relating to a part 5 reviewable decision about a person; and	17 18 19 20 21
(b)	immediately before the commencement, the appeal had not been decided or withdrawn; and	22 23 24
(c)	on the commencement, the person is a new disqualified person.	25 26
(2)	The entity hearing the appeal must apply the amended Act in relation to the matter the subject of the appeal.	27 28 29

[s 46]

---

<b>360 Appeal by chief executive against decision of tribunal on review of part 5 reviewable decision</b>	1 2 3
(1) This section applies if—	4
(a) before the commencement, the chief executive may have appealed under the QCAT Act against a decision of the tribunal relating to a part 5 reviewable decision about a person; and	5 6 7 8 9
(b) on the commencement—	10
(i) the time within which the chief executive may appeal under the QCAT Act (the <i>appeal period</i> ) has not passed; and	11 12 13 14
(ii) the person is a new disqualified person.	15
(2) The chief executive may appeal against the decision within the appeal period and the entity hearing the appeal must apply the amended Act in relation to the matter the subject of the appeal.	16 17 18 19
<b>361 Disqualification orders for new disqualifying offences committed before commencement</b>	20 21
A court may make a disqualification order under section 137 in relation to a person convicted after the commencement of a new disqualifying offence committed before the commencement.	22 23 24 25
<b>Subdivision 3 Immunity from liability</b>	26
<b>362 Definition for subdivision</b>	27
In this subdivision—	28
<i>relevant service provider</i> has the meaning given by former section 140(1).	29 30

---

<b>363 Immunity from liability—use of restrictive practices before commencement</b>	1 2
Former part 6, division 7, subdivision 1 continues to apply in relation to the use of a restrictive practice by a relevant service provider, or an individual acting for a relevant service provider, before the commencement.	3 4 5 6 7
<b>364 Immunity from liability—locking gates, doors and windows before commencement</b>	8 9
Former sections 218 and 219 continue to apply in relation to the locking of gates, doors or windows by a relevant service provider, or an individual acting for a relevant service provider, before the commencement.	10 11 12 13 14
<b>Subdivision 4 Repeal of particular provisions</b>	15 16
<b>365 Repeal of former ss 339 and 340</b>	17
The <i>Acts Interpretation Act 1954</i> , sections 20 and 20A do not apply in relation to the repeal of former sections 339 and 340.	18 19 20
<b>Subdivision 5 Transitional regulation-making power</b>	21 22
<b>366 Transitional regulation-making power</b>	23
(1) A regulation (a <i>transitional regulation</i> ) may make provision about a matter for which—	24 25
(a) it is necessary to make provision to allow or facilitate the doing of anything to achieve the transition from the operation of this Act	26 27 28

[s 47]

---

	as it was in force immediately before the commencement to the operation of the amended Act; and	1 2 3
	(b) this Act does not make provision or sufficient provision.	4 5
(2)	A transitional regulation may have retrospective operation to a day not earlier than the day of commencement.	6 7 8
(3)	A transitional regulation must declare it is a transitional regulation.	9 10
(4)	A transitional regulation may only be made within 2 years after the commencement.	11 12
(5)	This subdivision and any transitional regulation expire 3 years after the day of commencement.	13 14
<b>Clause 47</b>	<b>Amendment of sch 4 (Current disqualifying offences)</b>	15
(1)	Schedule 4, item 4, entry for the Criminal Code— <i>insert—</i>	16 17
211	Bestiality	
354	Kidnapping	if the offence was committed against a child and the context in which the offence was committed was not familial
354A	Kidnapping for ransom	if the offence was committed against a child
363	Child-stealing	if the context in which the offence was committed was not familial

---

363A	Abduction of child if the context in which under 16 the offence was committed was not familial	
(2)	Schedule 4, item 4, entry for the Criminal Code, entry for section 300, ‘and was committed against a child’— <i>omit.</i>	1 2 3
(3)	Schedule 4, item 4, entry for the Criminal Code, entry for section 349, ‘if the offence was committed against a child’— <i>omit.</i>	4 5 6
<b>Clause 48</b>	<b>Amendment of sch 8 (Dictionary)</b>	7
(1)	Schedule 8, definitions <i>funded service provider, participant, participant’s plan, plan</i> and <i>relevant service provider</i> — <i>omit.</i>	8 9 10
(2)	Schedule 8— <i>insert</i> —	11 12
	<i>corresponding law</i> means a law of another State that relates to the screening of persons engaged or to be engaged at a service outlet.	13 14 15
	<i>division 2 service provider</i> see section 216(3).	16
	<i>excluded provision</i> see section 200E(a).	17
	<i>NDIS commission</i> means the NDIS Quality and Safeguards Commission established under the <i>National Disability Insurance Scheme Act 2013</i> (Cwlth), section 181A.	18 19 20 21
	<i>NDIS commissioner</i> means the Commissioner of the NDIS commission appointed under the <i>National Disability Insurance Scheme Act 2013</i> (Cwlth), section 181L.	22 23 24 25
	<i>NDIS provider</i> see the <i>National Disability Insurance Scheme Act 2013</i> (Cwlth), section 9.	26 27

---

[s 49]

---

	<i>registered NDIS provider</i> see the <i>National Disability Insurance Scheme Act 2013</i> (Cwlth), section 9.	1 2 3
	<i>relevant service provider</i> see section 140(3).	4
(3)	Schedule 8, definition <i>consumer</i> , ‘funded non-government service provider or an NDIS non-government’— <i>omit</i> .	5 6 7
<b>Part 3</b>	<b>Amendment of Coroners Act 2003</b>	8 9
<b>Clause 49</b>	<b>Act amended</b> This part amends the <i>Coroners Act 2003</i> .	10 11
<b>Clause 50</b>	<b>Amendment of s 7 (Duty to report deaths)</b>	12
(1)	Section 7(2), after ‘section 9(1)(a)’— <i>insert</i> — or (e)	13 14 15
(2)	Section 7(8), definition <i>relevant service provider</i> — <i>omit, insert</i> — <i>relevant service provider</i> means—	16 17 18
(a)	in relation to the death in care of a person mentioned in section 9(1)(a)—the provider of the residential service, or accommodation, mentioned in that section in which the person ordinarily lived for the purposes of being in care; or	19 20 21 22 23 24
(b)	in relation to the death in care of a person mentioned in section 9(1)(e)—the registered NDIS provider that was providing the	25 26 27

---

	services or supports mentioned in that section.	1 2
<b>Clause 51</b>	<b>Amendment of s 9 (<i>Death in care</i> defined)</b>	3
(1)	Section 9(1)(e)—	4
	<i>omit, insert—</i>	5
	(e) the person was a participant who was not living in a private dwelling or an aged care facility and who was receiving or entitled to receive, under the person’s participant’s plan, services or supports—	6 7 8 9 10
	(i) paid for wholly or partly from funding under the NDIS; and	11 12
	(ii) provided by a registered NDIS provider that is registered under the NDIS Act, section 73E to provide a relevant class of supports; and	13 14 15 16
	(iii) within the relevant class of supports.	17
(2)	Section 9—	18
	<i>insert—</i>	19
	(3A) For subsection (1)(a)(iii)(A) and (e), the deceased person was living in a private dwelling if the dwelling was used, or used principally, as a separate residence for—	20 21 22 23
	(a) if a restrictive practice was used at the dwelling in relation to the deceased person under a chapter 5B approval in effect immediately before the person died—the deceased person and 1 or more of the deceased person’s relations; or	24 25 26 27 28 29
	(b) if specialist positive behaviour support was provided at the dwelling under the deceased person’s participant’s plan and the support involved the use of a restrictive practice—	30 31 32 33

[s 51]

---

the deceased person and 1 or more of the deceased person's relations; or	1 2
(c) if specialist disability accommodation was provided at the dwelling under the deceased person's participant's plan—the deceased person and 1 or more of the deceased person's relations; or	3 4 5 6 7
(d) if paragraphs (a), (b) and (c) do not apply—the deceased person and 1 or more of the deceased person's relations, or the deceased person only.	8 9 10 11
(3) Section 9(4), definitions <i>participant's plan</i> and <i>plan</i> — <i>omit.</i>	12 13
(4) Section 9(4)— <i>insert—</i>	14 15
<b><i>chapter 5B approval</i></b> means an approval given under the <i>Guardianship and Administration Act 2000</i> , chapter 5B.	16 17 18
<b><i>national disability insurance scheme rules</i></b> means the National Disability Insurance Scheme rules made under the NDIS Act, section 209.	19 20 21
<b><i>participant's plan</i></b> , for a deceased person, means a plan for the person under the NDIS Act that was in effect under section 37 of that Act immediately before the person died.	22 23 24 25
<b><i>relation</i></b> , of a deceased person, means—	26
(a) a person who is related to the deceased person by blood, spousal relationship, adoption or a foster relationship; or	27 28 29
(b) if the deceased person is an Aboriginal person—a person who, under Aboriginal tradition, is regarded as a relative of the deceased person; or	30 31 32 33

- 
- (c) if the deceased person is a Torres Strait Islander—a person who, under Island custom, is regarded as a relative of the deceased person. 1  
2  
3  
4
- relevant class of supports** means any of the following classes of supports under the NDIS Act— 5  
6  
7
- (a) high intensity daily personal activities; 8
- (b) assistance with daily life tasks in a group or shared living arrangement; 9  
10
- (c) specialist positive behaviour support that involves the use of a restrictive practice; 11  
12
- (d) specialist disability accommodation. 13
- restrictive practice** means— 14
- (a) a restrictive practice within the meaning of the *Disability Services Act 2006*, section 144; or 15  
16  
17
- (b) a regulated restrictive practice within the meaning of the national disability insurance scheme rules made for the NDIS Act, section 73H about conditions applying to registered NDIS providers in relation to the use of regulated restrictive practices. 18  
19  
20  
21  
22  
23
- specialist disability accommodation** means SDA within the meaning of the national disability insurance scheme rules made for the NDIS Act, section 35 about the funding of SDA. 24  
25  
26  
27
- specialist positive behaviour support** has the same meaning as in the *National Disability Insurance Scheme Act 2013* (Cwlth). 28  
29  
30
- (5) Section 9(3A) and (4)— 31
- renumber* as section 9(4) and (5). 32

[s 52]

---

<b>Clause 52</b>	<b>Insertion of new pt 6, div 5</b>	1
	Part 6—	2
	<i>insert—</i>	3
	<b>Division 5</b>	4
	<b>Transitional provision for Disability Services and Other Legislation (NDIS) Amendment Act 2019</b>	5 6 7
	<b>116 Deaths before commencement</b>	8
	This Act as in force immediately before the commencement continues to apply in relation to the death of a person before the commencement.	9 10 11
<b>Clause 53</b>	<b>Amendment of sch 2 (Dictionary)</b>	12
	Schedule 2—	13
	<i>insert—</i>	14
	<i>registered NDIS provider</i> see the <i>National Disability Insurance Scheme Act 2013</i> (Cwlth), section 9.	15 16 17
<b>Part 4</b>	<b>Amendment of Guardianship and Administration Act 2000</b>	18 19
<b>Clause 54</b>	<b>Act amended</b>	20
	This part amends the <i>Guardianship and Administration Act 2000</i> .	21 22
	<i>Note—</i>	23
	See also the amendments in schedule 1.	24

---

<b>Clause 55</b>	<b>Amendment of s 80R (Application of ch 5B)</b>	1
	Section 80R, from ‘funded’—	2
	<i>omit, insert—</i>	3
	relevant service provider.	4
<b>Clause 56</b>	<b>Amendment of s 80U (Definitions for ch 5B)</b>	5
	Section 80U, definition <i>relevant service provider—</i>	6
	<i>omit.</i>	7
<b>Clause 57</b>	<b>Insertion of new ch 12, pt 13</b>	8
	Chapter 12—	9
	<i>insert—</i>	10
	<b>Part 13</b>	11
	<b>Transitional provision</b>	12
	<b>for Disability Services</b>	13
	<b>and Other Legislation</b>	14
	<b>(NDIS) Amendment Act</b>	15
	<b>2019</b>	15
	<b>275 Transitional regulation-making power</b>	16
	(1) A regulation (a <i>transitional regulation</i> ) may	17
	make provision about a matter for which—	18
	(a) it is necessary to make provision to allow or	19
	facilitate the doing of anything to achieve	20
	the transition from the operation of this Act	21
	as it was in force immediately before the	22
	commencement to the operation of this Act	23
	as amended by the amending Act; and	24
	(b) this Act does not make provision or	25
	sufficient provision.	26
	(2) A transitional regulation may have retrospective	27

[s 58]

---

	operation to a day not earlier than the day of commencement.	1 2
	(3) A transitional regulation must declare it is a transitional regulation.	3 4
	(4) A transitional regulation may only be made within 2 years after the commencement.	5 6
	(5) This part and any transitional regulation expire 3 years after the day of commencement.	7 8
	(6) In this section—	9
	<i>amending Act</i> means the <i>Disability Services and Other Legislation (NDIS) Amendment Act 2019</i> .	10 11
<b>Clause 58</b>	<b>Amendment of sch 4 (Dictionary)</b>	12
	Schedule 4, definition <i>relevant service provider</i> —	13
	<i>omit, insert</i> —	14
	<i>relevant service provider</i> see the <i>Disability Services Act 2006</i> , section 140(3).	15 16
<b>Part 5</b>	<b>Amendment of Public Guardian Act 2014</b>	17 18
<b>Clause 59</b>	<b>Act amended</b>	19
	This part amends the <i>Public Guardian Act 2014</i> .	20
<b>Clause 60</b>	<b>Amendment of s 12 (Functions—adult with impaired capacity for a matter)</b>	21 22
	Section 12(1)(g), ‘(as defined under section 80U of that Act)’—	23 24
	<i>omit</i> .	25

---

<b>Clause 61</b>	<b>Amendment of s 14 (Powers)</b>	1
	Section 14—	2
	<i>insert—</i>	3
	(3) Without limiting subsection (2), the public guardian may ask the NDIS agency or NDIS commissioner for information the public guardian considers necessary or convenient to perform the public guardian’s functions.	4 5 6 7 8
<b>Clause 62</b>	<b>Amendment of s 39 (Definitions for pt 6)</b>	9
	(1) Section 39, definition <i>private dwelling house—</i>	10
	<i>omit.</i>	11
	(2) Section 39—	12
	<i>insert—</i>	13
	<b><i>chapter 5B approval</i></b> means an approval given under the <i>Guardianship and Administration Act 2000</i> , chapter 5B.	14 15 16
	<b><i>funded adult participant</i></b> means an adult—	17
	(a) with impaired capacity for a personal matter or a financial matter, or with an impairment; and	18 19 20
	(b) who is a participant under the <i>National Disability Insurance Scheme Act 2013</i> (Cwlth) and has a participant’s plan.	21 22 23
	<b><i>private dwelling house</i></b> means premises at which an adult, with impaired capacity for a personal matter or a financial matter or with an impairment, lives if the premises are used, or used principally, as a separate residence for—	24 25 26 27 28
	(a) if a restrictive practice is being used at the premises in relation to the adult under a chapter 5B approval—the adult and 1 or more of the adult’s relations; or	29 30 31 32

[s 62]

---

- (b) if specialist positive behaviour support is being provided at the premises under the adult's participant's plan and the support involves the use of a restrictive practice—the adult and 1 or more of the adult's relations; or 1  
2  
3  
4  
5  
6
- (c) if specialist disability accommodation is being provided at the premises under the adult's participant's plan—the adult and 1 or more of the adult's relations; or 7  
8  
9  
10
- (d) if paragraphs (a), (b) and (c) do not apply—the adult and 1 or more of the adult's relations, or the adult only. 11  
12  
13
- relation**, of an adult, means— 14
- (a) a person who is related to the adult by blood, spousal relationship, adoption or a foster relationship; or 15  
16  
17
- (b) if the adult is an Aboriginal person—a person who, under Aboriginal tradition, is regarded as a relative of the adult; or 18  
19  
20
- (c) if the adult is a Torres Strait Islander—a person who, under Island custom, is regarded as a relative of the adult. 21  
22  
23
- relevant class of supports** means any of the following classes of supports under the *National Disability Insurance Scheme Act 2013* (Cwlth)— 24  
25  
26
- (a) high intensity daily personal activities; 27
- (b) assistance with daily life tasks in a group or shared living arrangement; 28  
29
- (c) specialist positive behaviour support that involves the use of a restrictive practice; 30  
31
- (d) specialist disability accommodation. 32
- specialist disability accommodation** means SDA within the meaning of the national disability 33  
34

---

insurance scheme rules made for the <i>National Disability Insurance Scheme Act 2013</i> (Cwlth), section 35 about the funding of SDA.	1 2 3
<i>specialist positive behaviour support</i> has the same meaning as in the <i>National Disability Insurance Scheme Act 2013</i> (Cwlth).	4 5 6
(3) Section 39, definition <i>visitable site</i> —	7
<i>insert</i> —	8
(ba) premises, other than a private dwelling house, at which a funded adult participant lives and receives services or supports that—	9 10 11 12
(i) are paid for wholly or partly from funding under the national disability insurance scheme; and	13 14 15
(ii) are provided under the adult’s participant’s plan; and	16 17
(iii) are provided by a registered NDIS provider that is registered under the <i>National Disability Insurance Scheme Act 2013</i> (Cwlth), section 73E to provide a relevant class of supports; and	18 19 20 21 22 23
(iv) are within the relevant class of supports; or	24 25
(4) Section 39, definition <i>visitable site</i> , paragraphs (ba) and (c)—	26
<i>renumber</i> as paragraphs (c) and (d).	27
<b>Clause 63</b> <b>Amendment of s 41 (Inquiry and complaint functions)</b>	28
Section 41(3)—	29
<i>insert</i> —	30
(c) refer any other matter in relation to a complaint to the NDIS commissioner if the	31 32

---

[s 64]

---

	community visitor (adult) considers the	1
	NDIS commissioner has functions in	2
	relation to the matter.	3
<b>Clause 64</b>	<b>Amendment of s 44 (Power to do all things necessary or convenient)</b>	4
	Section 44(1)—	5
	<i>insert—</i>	6
	(g) ask the NDIS agency or NDIS	7
	commissioner for information the visitor	8
	considers necessary or convenient to	9
	perform the visitor’s functions.	10
		11
<b>Clause 65</b>	<b>Amendment of s 47 (Reports by community visitors (adult))</b>	12
	(1) Section 47(4)(e), from ‘under’ to ‘site—’—	13
	<i>omit, insert—</i>	14
	is being used at the visitable site under a chapter	15
	5B approval—	16
	(2) Section 47(4)—	17
	<i>insert—</i>	18
	(h) if the report relates to the provision of	19
	services or supports by a registered NDIS	20
	provider at the visitable site and section 49A	21
	applies to the provider in relation to the	22
	services or supports—the NDIS	23
	commissioner.	24
		25
<b>Clause 66</b>	<b>Insertion of new s 49A</b>	26
	After section 49—	27
	<i>insert—</i>	28

<b>49A Requirement for particular registered NDIS providers to give information to public guardian</b>	1
	2
	3
(1) This section applies to a registered NDIS provider that provides services or supports to a consumer under the consumer’s participant’s plan at a visitable site if—	4
	5
	6
	7
(a) the services or supports are paid for wholly or partly from funding under the national disability insurance scheme; and	8
	9
	10
(b) the registered NDIS provider is registered under the <i>National Disability Insurance Scheme Act 2013</i> (Cwlth), section 73E to provide a relevant class of supports; and	11
	12
	13
	14
(c) the services or supports are within the relevant class of supports.	15
	16
(2) The registered NDIS provider must give the public guardian, in the way and at the times prescribed by regulation, required information that is in the provider’s custody or control, unless the provider has a reasonable excuse.	17
	18
	19
	20
	21
Maximum penalty—25 penalty units.	22
(3) In this section—	23
<i>required information</i> means information about the provision of the services or supports prescribed by regulation.	24
	25
	26

<b>Clause 67</b>	<b>Amendment of s 51 (Definitions for ch 4)</b>	27
	Section 51, definition <i>residential facility</i> —	28
	<i>insert</i> —	29
	(f) to a child, under the child’s participant’s plan, for the purpose of providing respite services in relation to the child.	30
		31
		32

[s 68]

---

<b>Clause 68</b>	<b>Amendment of s 56 (Functions of community visitor (child), etc.)</b>	1
		2
	(1) Section 56—	3
	<i>insert—</i>	4
	(3A) Without limiting subsection (1)(b), the function of a community visitor (child) mentioned in that subsection includes referring a matter in relation to a child’s concerns and grievances to the NDIS commissioner if the visitor considers the NDIS commissioner has functions in relation to the matter.	5 6 7 8 9 10 11
	(2) Section 56(3A) to (5)—	12
	<i>renumber</i> as section 56(4) to (6).	13
<b>Clause 69</b>	<b>Insertion of new s 68A</b>	14
	Before section 69—	15
	<i>insert—</i>	16
	<b>68A Community visitor (child) may ask NDIS agency or NDIS commissioner for particular information</b>	17 18 19
	A community visitor (child) may ask the NDIS agency or NDIS commissioner for information the visitor considers necessary or convenient to perform the visitor’s functions.	20 21 22 23
<b>Clause 70</b>	<b>Amendment of s 70 (Reports by community visitors (child))</b>	24 25
	Section 70(4)—	26
	<i>insert—</i>	27
	(h) the NDIS commissioner.	28

---

<b>Clause 71</b>	<b>Insertion of new s 72A</b>	1
	After section 72—	2
	<i>insert—</i>	3
	<b>72A Requirement for particular NDIS providers and registered NDIS providers to give information to public guardian</b>	4
		5
		6
	(1) This section applies to an NDIS provider or a registered NDIS provider that provides a child accommodation service to a child, under the child’s participant’s plan, for the purpose of providing respite services in relation to the child.	7
		8
		9
		10
		11
	(2) The NDIS provider or registered NDIS provider must give the public guardian, in the way and at the times prescribed by regulation, required information that is in the provider’s custody or control, unless the provider has a reasonable excuse.	12
		13
		14
		15
		16
		17
	Maximum penalty—25 penalty units.	18
	(3) In this section—	19
	<i>NDIS provider</i> see the <i>National Disability Insurance Scheme Act 2013</i> (Cwlth), section 9.	20
		21
	<i>required information</i> means information about the provision of the child accommodation service prescribed by regulation.	22
		23
		24
<b>Clause 72</b>	<b>Amendment of s 110 (Eligibility for appointment as community visitor (adult))</b>	25
		26
	Section 110(2)—	27
	<i>insert—</i>	28
	(d) holds office as the chief executive officer of the NDIS agency; or	29
		30
	(e) is an employee of the NDIS agency; or	31

[s 73]

---

- (f) is a consultant engaged by the NDIS agency under the *National Disability Insurance Scheme Act 2013* (Cwlth), section 171; or
- (g) holds office as the NDIS commissioner; or
- (h) is an employee of the NDIS commission; or
- (i) is a consultant engaged by the NDIS commissioner under the *National Disability Insurance Scheme Act 2013* (Cwlth), section 181V.

<b>Clause 73</b>	<b>Amendment of s 111 (Eligibility for appointment as community visitor (child))</b>	10
(1)	Section 111(2), ‘person is’— <i>omit, insert—</i> person	12 13 14
(2)	Section 111(2)(a), ‘a member’— <i>omit, insert—</i> is a member	15 16 17
(3)	Section 111(2)(b), ‘a public’— <i>omit, insert—</i> is a public	18 19 20
(4)	Section 111(2)(c), ‘engaged’— <i>omit, insert—</i> is engaged	21 22 23
(5)	Section 111(2)(d), ‘an approved’— <i>omit, insert—</i> is an approved	24 25 26
(6)	Section 111(2)— <i>insert—</i>	27 28

- 
- (e) holds office as the chief executive officer of the NDIS agency; or 1  
2
  - (f) is an employee of the NDIS agency; or 3
  - (g) is a consultant engaged by the NDIS agency under the *National Disability Insurance Scheme Act 2013* (Cwlth), section 171; or 4  
5  
6
  - (h) holds office as the NDIS commissioner; or 7
  - (i) is an employee of the NDIS commission; or 8
  - (j) is a consultant engaged by the NDIS commissioner under the *National Disability Insurance Scheme Act 2013* (Cwlth), section 181V. 9  
10  
11  
12

<b>Clause 74</b>	<b>Insertion of new ch 7, pt 3</b>	13	
	Chapter 7—	14	
	<i>insert—</i>	15	
	<b>Part 3</b>	<b>Transitional provisions</b>	16
		<b>for Disability Services</b>	17
		<b>and Other Legislation</b>	18
		<b>(NDIS) Amendment Act</b>	19
		<b>2019</b>	20
	<b>190 Definitions for part</b>	21	
	In this part—	22	
	<i>amending Act</i> means the <i>Disability Services and Other Legislation (NDIS) Amendment Act 2019</i> .	23 24	
	<i>former</i> , in relation to a provision, means as in force immediately before the provision was amended or repealed under the amending Act.	25 26 27	
	<i>former visitable site</i> means a place that was a visitable site under former chapter 3, part 6 but is	28 29	

[s 74]

---

not a visitable site under chapter 3, part 6 as amended by the amending Act.	1 2
<b>191 Inquiries in relation to former visitable sites started before commencement</b>	3 4
(1) This section applies if—	5
(a) before the commencement, a community visitor (adult) inquired, or started to inquire, under former section 41(2) into a matter in relation to a former visitable site; and	6 7 8 9
(b) immediately before the commencement, the community visitor (adult) had not reported to the public guardian on the matter.	10 11 12
(2) The community visitor (adult) must continue to perform the inquiry functions under section 41(2) in relation to the matter.	13 14 15
(3) Section 41(4) and chapter 3, part 6, division 4 apply to the performance of the inquiry functions as if—	16 17 18
(a) the functions were being performed under section 41(2); and	19 20
(b) the former visitable site were a visitable site under chapter 3, part 6.	21 22
<b>192 Existing complaints about former visitable sites</b>	23 24
(1) This section applies if—	25
(a) before the commencement, a complaint was made about a matter mentioned in former section 41(2) in relation to a former visitable site; and	26 27 28 29
(b) immediately before the commencement, a community visitor (adult) for the former	30 31

---

visitable site had not resolved the complaint, or referred it, under former section 41(3).	1 2
(2) A community visitor (adult) for the former visitable site must perform the complaint functions mentioned in section 41(3) in relation to the complaint.	3 4 5 6
(3) Section 41(4) and chapter 3, part 6, division 4 apply to the performance of the complaint functions as if—	7 8 9
(a) the functions were being performed under section 41(3); and	10 11
(b) the former visitable site were a visitable site under chapter 3, part 6.	12 13
<b>193 Existing requests for community visitor (adult) to visit former visitable site</b>	14 15
(1) This section applies if, before the commencement, a person made a request under former section 43(1)(a) or (b) in relation to a former visitable site.	16 17 18 19
(2) Subsection (3) applies if—	20
(a) the request was made under former section 43(1)(b) to a staff member at the former visitable site; and	21 22 23
(b) immediately before the commencement—	24
(i) the staff member had not told the public guardian about the request; and	25 26
(ii) the period that is 3 business days after the request is made had not ended.	27 28
(3) The staff member must, within 3 business days after the request is made, tell the public guardian about the request.	29 30 31
Maximum penalty—40 penalty units.	32

[s 74]

---

- (4) If, immediately before the commencement, a community visitor (adult) for the former visitable site had not visited the site in accordance with the request—
- (a) a community visitor (adult) for the site must visit the site as soon as practicable after being informed of the request; and
- (b) chapter 3, part 6, division 4 applies to the performance of the function under paragraph (a) as if—
- (i) the function were being performed under section 43; and
- (ii) the former visitable site were a visitable site under chapter 3, part 6.
- 194 Existing authorisations to enter former visitable sites outside normal hours**
- (1) An existing authorisation in relation to an existing complaint continues to have effect according to its terms and conditions.
- (2) In this section—
- existing authorisation* means an authorisation given under former section 45 that was in effect immediately before the commencement.
- existing complaint* means a complaint in relation to which section 192 applies.
- 195 Reports about visits to former visitable sites before commencement**
- (1) This section applies if, before the commencement, a community visitor (adult) visited a former visitable site.
- (2) If, immediately before the commencement, the community visitor (adult) had not complied with

- 
- former section 47(1) in relation to the visit— 1
- (a) the community visitor (adult) must prepare a 2  
report on the visit under section 47 and give 3  
a copy of the report to the public guardian; 4  
and 5
- (b) the public guardian must, as soon as 6  
practicable after receiving a copy of the 7  
report, give a copy of the report to a person 8  
in charge of the site. 9
- (3) If, immediately before the commencement, the 10  
public guardian had not complied with former 11  
section 47(3) in relation to a report on the visit, the 12  
public guardian must give a copy of the report to 13  
a person in charge of the site. 14
- (4) Section 47(4) applies in relation to a copy of a 15  
report on the visit received by the public guardian 16  
before or after the commencement. 17

## **196 Proceedings for particular offences** 18

- (1) This section applies in relation to an offence 19  
committed against any of the following 20  
provisions, in relation to a former visitable site, 21  
before the commencement— 22
- (a) former section 43(2); 23
- (b) former section 44(3); 24
- (c) former section 49. 25
- (2) Without limiting the *Acts Interpretation Act 1954*, 26  
section 20, a proceeding for the offence may be 27  
started or continued, and a person may be 28  
convicted of and punished for the offence, as if 29  
the amending Act, section 62 had not 30  
commenced. 31
- (3) Subsection (2) applies despite the Criminal Code, 32  
section 11. 33

[s 75]

---

<b>Clause 75</b>	<b>Amendment of sch 1 (Dictionary)</b>	1
	Schedule 1—	2
	<i>insert—</i>	3
	<i>chapter 5B approval</i> , for chapter 3, part 6, see section 39.	4 5
	<i>funded adult participant</i> , for chapter 3, part 6, see section 39.	6 7
	<i>national disability insurance scheme</i> means the National Disability Insurance Scheme under the <i>National Disability Insurance Scheme Act 2013</i> (Cwlth).	8 9 10 11
	<i>national disability insurance scheme rules</i> means the National Disability Insurance Scheme rules made under the <i>National Disability Insurance Scheme Act 2013</i> (Cwlth), section 209.	12 13 14 15
	<i>NDIS agency</i> means the National Disability Insurance Scheme Launch Transition Agency established under the <i>National Disability Insurance Scheme Act 2013</i> (Cwlth), section 117.	16 17 18 19
	<i>NDIS commission</i> means the NDIS Quality and Safeguards Commission established under the <i>National Disability Insurance Scheme Act 2013</i> (Cwlth), section 181A.	20 21 22 23
	<i>NDIS commissioner</i> means the Commissioner of the NDIS commission appointed under the <i>National Disability Insurance Scheme Act 2013</i> (Cwlth), section 181L.	24 25 26 27
	<i>participant's plan</i> , for a person, means a plan for the person under the <i>National Disability Insurance Scheme Act 2013</i> (Cwlth) that is in effect under section 37 of that Act.	28 29 30 31
	<i>registered NDIS provider</i> see the <i>National Disability Insurance Scheme Act 2013</i> (Cwlth), section 9.	32 33 34

---

<i>relation</i> , of an adult, for chapter 3, part 6, see section 39.	1 2
<i>relevant class of supports</i> , for chapter 3, part 6, see section 39.	3 4
<i>restrictive practice</i> means—	5
(a) a restrictive practice within the meaning of the <i>Disability Services Act 2006</i> , section 144; or	6 7 8
(b) a regulated restrictive practice within the meaning of the national disability insurance scheme rules made for the <i>National Disability Insurance Scheme Act 2013</i> (Cwlth), section 73H about conditions applying to registered NDIS providers in relation to the use of regulated restrictive practices.	9 10 11 12 13 14 15 16
<i>specialist disability accommodation</i> , for chapter 3, part 6, see section 39.	17 18
<i>specialist positive behaviour support</i> , for chapter 3, part 6, see section 39.	19 20

<b>Part 6</b>	<b>Amendment of Working with Children (Risk Management and Screening) Act 2000</b>	21 22 23
---------------	--	----------------

<b>Clause 76</b>	<b>Act amended</b>	24
	This part amends the <i>Working with Children (Risk Management and Screening) Act 2000</i> .	25 26
<b>Clause 77</b>	<b>Amendment of s 401 (Regulation-making power)</b>	27
	Section 401—	28
	<i>insert</i> —	29

[s 77]

---

- (4) A regulation made under this Act may— 1
- (a) delay the application of a provision of 2  
chapter 8 in relation to a new NDIS 3  
non-government service provider, or the 4  
employment of a person by a new NDIS 5  
non-government service provider, for a 6  
period of not more than 1 year after the day 7  
the provider becomes a new NDIS 8  
non-government service provider; or 9
  - (b) delay the application of a provision of 10  
chapter 8 in relation to a new employee for a 11  
period of not more than 1 year after the day 12  
the person becomes a new employee; or 13
  - (c) make provision about a matter for which it 14  
is necessary, desirable or convenient to 15  
make provision in relation to— 16
    - (i) a service provider becoming a former 17  
NDIS non-government service 18  
provider; or 19
    - (ii) a person becoming a former employee. 20
- (5) In this section— 21
- former employee*** means a person whose 22  
employment stops being regulated employment 23  
because of the making or amendment of a 24  
regulation under schedule 1, section 6(4). 25
- former NDIS non-government service provider*** 26  
means a service provider that stops being an NDIS 27  
non-government service provider because of the 28  
making or amendment of a regulation under the 29  
*Disability Services Act 2006*, section 16A or 41A. 30
- new employee*** means a person whose 31  
employment becomes regulated employment 32  
because of the making or amendment of a 33  
regulation under schedule 1, section 6(4). 34
- new NDIS non-government service provider*** 35

means a service provider that becomes an NDIS 1  
non-government service provider because of the 2  
making or amendment of a regulation under the 3  
*Disability Services Act 2006*, section 16A or 41A. 4  
*service provider* see the *Disability Services Act* 5  
*2006*, section 13. 6

<b>Clause 78</b>	<b>Insertion of new ch 11, pt 20</b>	7	
	Chapter 11—	8	
	<i>insert</i> —	9	
	<b>Part 20</b>	<b>Transitional provision</b>	10
		<b>for Disability Services</b>	11
		<b>and Other Legislation</b>	12
		<b>(NDIS) Amendment Act</b>	13
		<b>2019</b>	14
	<b>590 Transitional regulation-making power</b>	15	
	(1) A regulation (a <i>transitional regulation</i> ) may	16	
	make provision about a matter for which—	17	
	(a) it is necessary to make provision to allow or	18	
	facilitate the doing of anything to achieve	19	
	the transition from the operation of this Act	20	
	as it was in force immediately before the	21	
	commencement to the operation of the	22	
	amended Act; and	23	
	(b) this Act does not make provision or	24	
	sufficient provision.	25	
	(2) A transitional regulation may have retrospective	26	
	operation to a day not earlier than the day of	27	
	commencement.	28	
	(3) A transitional regulation must declare it is a	29	
	transitional regulation.	30	

[s 79]

---

	(4) A transitional regulation may only be made within 2 years after the commencement.	1 2
	(5) This part and any transitional regulation expire 3 years after the day of commencement.	3 4
	(6) In this section—	5
	<i>amended Act</i> means this Act as amended by the <i>Disability Services and Other Legislation (NDIS) Amendment Act 2019</i> .	6 7 8
<b>Clause 79</b>	<b>Amendment of sch 1, s 6 (Health, counselling and support services)</b>	9 10
	(1) Schedule 1, section 6(3), ‘subsection (1)’—	11
	<i>omit, insert—</i>	12
	subsection (1) or (2)	13
	(2) Schedule 1, section 6—	14
	<i>insert—</i>	15
	(3A) Despite subsections (2) and (3)—	16
	(a) the employment of a person by an NDIS non-government service provider is regulated employment if a regulation provides that the employment is regulated employment; and	17 18 19 20 21
	(b) the employment of a person by an NDIS non-government service provider is not regulated employment if a regulation provides that the employment is not regulated employment.	22 23 24 25 26
	(3) Schedule 1, section 6(3A) and (4)—	27
	<i>renumber</i> as schedule 1, section 6(4) and (5).	28

---

<b>Clause 80</b>	<b>Amendment of sch 7 (Dictionary)</b>	1
	Schedule 7, definition <i>NDIS non-government service provider</i> —	2
	<i>omit, insert</i> —	3
	<i>NDIS non-government service provider</i> —	4
	(a) means an NDIS non-government service provider within the meaning of the <i>Disability Services Act 2006</i> , section 16A; but	5
	(b) does not include an NDIS non-government service provider prescribed by regulation under the <i>Disability Services Act 2006</i> , section 41A.	6
		7
		8
		9
		10
		11
		12
		13

## **Part 7**                      **Other amendments**                      14

<b>Clause 81</b>	<b>Acts amended</b>	15
	Schedule 1 amends the Acts it mentions.	16

<b>Schedule 1</b>	<b>Other amendments</b>	1
	section 81	2
<b>Disability Services Act 2006</b>		3
<b>1</b>	<b>Section 17, ‘Persons’—</b>	4
	<i>omit, insert—</i>	5
	Entities	6
<b>2</b>	<b>Sections 49(1), 52(1), 56(5), 59(1), 63(5), 77(3), 78(a), 98(3) and 132(10), ‘provider who’—</b>	7
	<i>omit, insert—</i>	8
	provider that	9
<b>3</b>	<b>Section 141(1), ‘a person’—</b>	10
	<i>omit, insert—</i>	11
	an entity	12
<b>4</b>	<b>Section 141(1), ‘who’—</b>	13
	<i>omit, insert—</i>	14
	that	15
<b>5</b>	<b>Section 141(2), ‘person’—</b>	16
	<i>omit, insert—</i>	17
	entity	18

<b>6</b>	<b>Section 144, definition <i>decision notice</i>, paragraph (b), ‘person to whom’—</b>	1 2
	<i>omit, insert—</i>	3
	entity to which	4
<b>7</b>	<b>Section 144, definition <i>decision notice</i>, paragraph (b), ‘person receives’—</b>	5 6
	<i>omit, insert—</i>	7
	entity receives	8
<b>8</b>	<b>Sections 156(3) and 157, ‘persons’—</b>	9
	<i>omit, insert—</i>	10
	entities	11
<b>9</b>	<b>Section 158(4)(b), ‘person who’—</b>	12
	<i>omit, insert—</i>	13
	entity that	14
<b>10</b>	<b>Section 158(6), ‘persons’—</b>	15
	<i>omit, insert—</i>	16
	entities	17
<b>11</b>	<b>Section 163(2), ‘persons’—</b>	18
	<i>omit, insert—</i>	19
	entities	20
<b>12</b>	<b>Section 178(9), ‘A person’—</b>	21
	<i>omit, insert—</i>	22
	An entity	23

Schedule 1

---

<b>13</b>	<b>Sections 182 and 183, ‘persons’—</b>	1
	<i>omit, insert—</i>	2
	entities	3
<b>14</b>	<b>Section 186, definition <i>interested person</i>, ‘a person to whom’—</b>	4
	<i>omit, insert—</i>	5
	an entity to which	6
<b>15</b>	<b>Section 200O(2)(b), ‘section 200M(3)’—</b>	8
	<i>omit, insert—</i>	9
	section 200M(2)	10
<b>16</b>	<b>Section 204(1)(d), ‘person’—</b>	11
	<i>omit, insert—</i>	12
	entity	13
<b>17</b>	<b>Section 233(6), after ‘participant’—</b>	14
	<i>insert—</i>	15
	under the <i>National Disability Insurance Scheme Act 2013</i> (Cwlth)	16
		17
	<b>Guardianship and Administration Act 2000</b>	18
<b>1</b>	<b>Sections 13A(6)(c) and 29(1)(c)(iii), ‘under chapter 5B’—</b>	19
	<i>omit.</i>	20

<b>2</b>	<b>Sections 80W(2)(c) and 80ZE(6)(c), ‘person’—</b>	1
	<i>omit, insert—</i>	2
	entity or department	3
<b>3</b>	<b>Section 80ZQ, ‘persons’—</b>	4
	<i>omit.</i>	5

© State of Queensland 2019