

# **Disability Services Bill 2005**

## **Explanatory Notes**

### **Amendments to be moved during consideration in detail by the Honourable Warren Pitt MP, Minister for Communities, Disability Services and Seniors**

#### **General Outline**

##### **Objectives of the amendments**

The main purpose is to:

- (1) clarify the operation of certain provisions of the Bill; and
- (2) correct technical and drafting matters in the Disability Services Bill 2005 (the Bill).

##### **Reasons for the objectives and how they will be achieved**

(1) The amendments seek to clarify the operation of certain provisions of the Bill and in particular:

- make it clear that the service delivery principles encourage the promotion of innovative and flexible services where relevant;
- relocate and create a separate part for the clauses relating to complaints - to highlight the Government's commitment to ensuring safe, responsive and accountable services funded or provided by Disability Services Queensland (DSQ);
- explain that a volunteer of a DSQ funded service outlet who only cares for a relative with a disability is not subject to criminal history screening in part 9 of the Bill; and
- ensure that only Queensland Government departments and not government bodies will be required to develop a disability service plan pursuant to clause 215 of the Bill.

(2) The remaining two amendments are of a technical nature, and ensure that the existing objectives of the Bill are met.

### **Administrative cost to Government of implementation**

There are no additional costs to Government as a result of the amendments.

### **Consistency with Fundamental Legislative Principles**

The amendments have been drafted to comply with fundamental legislative principles.

### **Consultation**

The Department of the Premier and Cabinet and the Office of the Queensland Parliamentary Counsel have been consulted in drafting the amendments.

## **Notes on Provisions**

Clause 1 makes a consequential amendment to clause 25 of the Bill (Services to be tailored to meet individual needs and goals) as a result of the amendment in clause 2.

Clause 2 amends clause 25 of the Bill, a service delivery principle, to refer to innovative and flexible services. The amendment states that to be responsive to the needs and goals of people with a disability, innovation and flexibility is encouraged when designing services.

The Bill did not specifically mention innovative service models because the main focus was on services being responsive to the needs of people with a disability. The amendment specifically acknowledges that innovative and flexible services can be one way of being responsive to individual needs.

Clause 3 creates a new part (Part 4A) which deals with complaints. The provisions dealing with complaints are currently located elsewhere in the Bill (clauses 212, 213 & 214). The relocation of these clauses emphasises the importance placed on a proper and effective complaints management system to investigate and resolve complaints about DSQ funded or provided disability services.

Clause 4 corrects a minor drafting error in clause 46(2) of the Bill. This subsection inadvertently refers to the chief executive enforcing compliance and making funding decisions. This may not be the case in all circumstances under the Bill.

Clause 5 corrects a minor drafting error in note 2 in clause 57 of the Bill. The words 'chief executive' are changed to 'Minister'. This amendment clarifies that the Bill provides the power to the Minister to approve funding.

Clause 6 adds two new subsections to clarify the policy intent that volunteers of a DSQ funded service outlet who only care for a relative with a disability will not be subject to criminal history screening under part 9 of the Bill. For the purposes of this amendment, the terms 'relative', 'parent' and 'cousin' are defined.

However, if a volunteer of a funded service cares for their relative as well as other consumers of that service, they will still be subject to criminal history screening.

Clause 7 makes a consequential amendment as a result of relocating and renaming the clauses relating to complaints – see clause 3.

Clause 8 amends clause 215 of the Bill to clarify that for the purposes of clause 215 the reference to 'department' does not include a reference to related government bodies which are declared as a 'public sector office' under the *Public Service Act 1996*. This amendment correctly reflects what was indicated as the policy intent during consultation. The effect is that the new requirement to develop a disability service plan only applies to government departments and not government bodies (such as statutory authorities). Government bodies will be encouraged to prepare disability service plans but it will not be a statutory requirement to do so.