

Disability Services (Fees) Amendment Regulation 2020

Explanatory notes for SL 2020 No. 146

made under the

Disability Services Act 2006

General Outline

Short title

Disability Services (Fees) Amendment Regulation 2020

Authorising law

The Disability Services (Fees) Amendment Regulation 2020 (the Amendment Regulation) is made under section 239 of the *Disability Services Act 2006*.

Policy objectives and the reasons for them

The objective of the Amendment Regulation is to increase the application fees payable under the Disability Services Regulation 2017, in accordance with the *Queensland Government Principles for Fees and Charges*.

The *Disability Services Act 2006* (the Act) protects and promotes the rights of people with disability. An object of the Act is to ensure services funded or delivered by the department are safe, accountable and responsive to the needs of people with disability, including by improving safeguards for people with disability from abuse, neglect and exploitation.

These statutory safeguards include screening requirements under Part 5 of the Act. Persons engaged or to be engaged at a service outlet by the department, a funded non-government service provider or an NDIS non-government service provider are required to undergo screening and obtain a positive notice (and associated yellow card).

The Act provides a prescribed fee is payable in relation to an application made under the Part 5 screening provisions. These fees are prescribed in sections 10, 11, 12 and 13 of the Disability Services Regulation 2017, and are payable in relation to the engagement of paid employees.

The *Queensland Government Principles for Fees and Charges* requires agencies to have processes in place to ensure that fees maintain their value over time. Where regular comprehensive review is not

cost-effective and no specific indexation method has been approved by Cabinet Budget Review Committee, agencies should apply the Government indexation rate.

The Government indexation rate for 2019-21 is 1.8 percent, which is consistent with the 2020 Brisbane March CPI data.

Achievement of policy objectives

The Amendment Regulation applies the 1.8 percent Government indexation rate to the fees prescribed in the Disability Services Regulation 2017 in relation to applications under the screening provisions of the Act, in accordance with the *Queensland Government Principles for Fees and Charges*.

Consistency with policy objective of authorising law

The Amendment Regulation is consistent with the objectives of the *Disability Services Act 2006* to provide and fund disability services that are safe, accountable and respond to the needs of people with disability.

Inconsistency with policy objectives of other legislation

The Amendment Regulation is not inconsistent with the policy objectives of other legislation.

Alternative ways of achieving policy objectives

There is no alternative way of achieving the policy objectives.

Benefits and costs of implementation

The fee increase assists the department continue to meet the costs of screening, while maintaining a proportionate and sustainable fee structure.

There are no additional significant implementation costs to government in indexing the fees.

Consistency with fundamental legislative principles

The Amendment Regulation is consistent with fundamental legislative principles as defined in section 4 of the *Legislative Standards Act 1992*.

Consultation

As it applies the approved Government indexation rate in accordance with established Government policy, the Amendment Regulation has not been the subject of external consultation.

The proposed amendments meet agency-assessed exclusion category (h), *Regulatory proposals that put forward standard annual fee variations in line with or below a government endorsed indexation factor*, under the *Queensland Government Guide to Better Regulation*. Accordingly, consultation with the Office of Best Practice Regulation in the Queensland Productivity Commission is not required.