

Proclamation – Disability Services and Other Legislation (Worker Screening) Amendment Act 2020 (commencing remaining provisions)

Explanatory notes for SL 2020 No. 265

made under the

Disability Services and Other Legislation (Worker Screening) Amendment Act 2020

General Outline

Short title

Proclamation—Disability Services and Other Legislation (Worker Screening) Amendment Act 2020 (commencing remaining provisions)

Authorising law

Section 2 of the *Disability Services and Other Legislation (Worker Screening) Amendment Act 2020* (the Amendment Act)

Policy objectives and the reasons for them

Section 2 of the Amendment Act provides that commencement will be set by a day fixed by Proclamation.

The objective of this Proclamation is to fix 1 February 2021 as the commencement date of the Amendment Act.

The Amendment Act was passed by Parliament on 4 December 2020 and received royal assent on 11 December 2020. The Amendment Act will repeal and replace Part 5 of the *Disability Services Act 2006* (the DSA) to deliver on Queensland’s commitment to implement nationally consistent National Disability Insurance Scheme (NDIS) worker screening and continue a state disability screening system for disability services outside the jurisdiction of the NDIS Quality and Safeguards Commission (NDIS Commission).

Queensland’s commitment to implement nationally consistent worker screening to enhance regulatory safeguards and protect people with disability who receive NDIS supports or services from risk of harm was made on the 3 March 2018 when the Premier of Queensland signed the *Intergovernmental Agreement on Nationally Consistent Worker Screening for the National Disability Insurance Scheme* (IGA).

All states and territories have agreed to commence nationally consistent NDIS worker screening by 1 February 2021 as per the *NDIS (Practice Standards—Worker Screening) Rules 2018* (WS Rules).

The Amendment Act also included changes to ensure the blue card system operates effectively and efficiently alongside the disability worker screening system and the strongest possible safeguards are maintained in relation to persons working with children with disability

By fixing the date of commencement of the Amendment Act to 1 February 2021, Queensland will fulfil its obligations under the IGA and Worker Screening Rules to implement nationally consistent working screening under the NDIS.

Achievement of policy objectives

The policy objective is achieved fixing a commencement day of 1 February 2021 for the Amendment Act.

Consistency with policy objective of authorising law

The Proclamation is consistent with the objectives of the Amendment Act.

Inconsistency with policy objectives of other legislation

The Proclamation is not inconsistent with any objectives of other legislation.

Benefits and costs of implementation

There are no costs associated with the Proclamation. Information about the benefits and costs of implementing NDIS worker screening and continuing a state disability worker screening system are set out in the explanatory notes for the Amendment Act.

Consistency with fundamental legislative principles

The Proclamation is consistent with fundamental legislative principles.

Consultation

In accordance with the Queensland Government Guide to Better Regulation, the Office of Best Practice Regulation in the Queensland Productivity Commission was not consulted in relation to the Proclamation. The Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships applied a self-assessed exclusion from undertaking further impact analysis in accordance with category (g) – regulatory proposals that are of a machinery nature.