

# Disability Services Amendment Regulation (No. 2) 2025

Explanatory notes for SL 2025 No.76

made under the

*Disability Services Act 2006*

## General Outline

### Short title

Disability Services Amendment Regulation (No. 2) 2025

### Authorising law

Section 140 and 239 of the *Disability Services Act 2006* DS Act

### Policy objectives and the reasons for them

The policy objective of the *Disability Services Amendment Regulation (No. 2) 2025* (the DS Amendment Regulation No. 2) is to amend the *Disability Services Amendment Regulation 2025* (the DS Amendment Regulation No. 1) due to the changed commencement date of the *Aged Care Act 2024* (Cwth) (the new Aged Care Act), which is now scheduled to commence on 1 November 2025.

#### *Reasons for the policy objectives*

The new Aged Care Act was passed by Federal Parliament on 25 November 2024. The new Aged Care Act will replace the current *Aged Care Act 1997* (Cwth) (the current Aged Care Act) and the *Aged Care Quality and Safety Commission Act 2018* (Cwth) (ACQSC Act). The new Aged Care Act was to commence on 1 July 2025, however the Commonwealth Government recently deferred commencement to 1 November 2025.

The DS Amendment Regulation No. 1 amends section 12 of the *Disability Services Regulation 2017* (the DS Regulation) to remove reference to the current Aged Care Act and ACQSC Act, and associated terminology, and provides that section 140(2) of the *Disability Services Act 2006* (DS Act) does not apply to a registered provider under the new Aged Care Act if:

- the registered provider is providing disability services or National Disability Insurance Scheme supports or services to an adult; and

- the adult has an approval, under the new Aged Care Act, section 65(2), to access funded aged care services for the service group residential care.

Commencement of the DS Amendment Regulation No. 1 was timed to align with the previous commencement date of the new Aged Care Act (1 July 2025).

## **Achievement of policy objectives**

The DS Amendment Regulation No. 2 will amend the DS Amendment Regulation No. 1 due to the changed commencement date of the new Aged Care Act, which is now scheduled to commence on 1 November 2025.

To safeguard against any further deferral of the new Aged Care Act's commencement, the commencement of the DS Amendment Regulation No. 1 will be linked to 'commencement of' the new Aged Care Act section 65, without inclusion of a date.

## **Consistency with policy objective of authorising law**

The DS Amendment Regulation No. 2 is consistent with the policy objectives of the DS Act.

## **Inconsistency with policy objectives of other legislation**

The DS Amendment Regulation No. 2 is consistent 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 DS Amendment Regulation No. 2 will not change the purpose of section 12 of the DS Regulation, but rather will promote regulatory certainty for providers and participants once the new Aged Care Act commences.

There are no implementation costs associated with the DS Amendment Regulation No. 2.

## **Consistency with fundamental legislative principles**

The DS Amendment Regulation No. 2 is consistent with fundamental legislative principles.

## **Consultation**

The Office of Best Practice Regulation was consulted on the development of the DS Amendment Regulation No. 2. As the proposal relates to a consequential amendment, no regulatory impact analysis is required under the Queensland Government Better Regulation Policy.

The DS Amendment Regulation No. 2 has not been subject to community consultation, noting the proposed amendment is not anticipated to impact current practice.

## Notes on provisions

### Short Title

Clause 1 states that the short title is the *Disability Services Amendment Regulation (No. 2) 2025*.

### Regulation amended

Clause 2 states that this regulation amends the *Disability Services Amendment Regulation 2025*.

### Commencement

Clause 3 amends section 2 to omit reference to the commencement date of ‘1 July 2025’ and inserts that the *Disability Services Amendment Regulation (No. 2) 2025* is to commence ‘on commencement’ of the *Aged Care Act 2024* (Cwlth), section 65.

The amendment will ensure commencement of the *Disability Services Amendment Regulation 2025* aligns with commencement of the relevant provision in the *Aged Care Act 2024* (Cwlth), which is now scheduled to commence on 1 November 2025.