

TASMANIA

**DISABILITY RIGHTS, INCLUSION AND
SAFEGUARDING (TRANSITIONAL AND
CONSEQUENTIAL PROVISIONS) BILL 2025**

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DISABILITY RIGHTS, INCLUSION AND SAFEGUARDING (TRANSITIONAL AND CONSEQUENTIAL PROVISIONS) BILL 2025

This Public Bill originated in the Legislative Council, and, having this day passed, is now ready for presentation to the House of Assembly for its concurrence.

C. VICKERS, *Clerk of the House*
3 April 2025

*(Brought in by the Minister for Disability Services, the
Honourable Joanne Lesley Palmer)*

A BILL FOR

**An Act to amend certain Acts and other legislation and
provide for matters of a transitional nature consequent on
the enactment of the *Disability Rights, Inclusion and
Safeguarding Act 2024***

Be it enacted by Her Excellency the Governor of Tasmania, by
and with the advice and consent of the Legislative Council and
House of Assembly, in Parliament assembled, as follows:

PART 1 – PRELIMINARY

1. Short title

This Act may be cited as the *Disability Rights,
Inclusion and Safeguarding (Transitional and
Consequential Provisions) Act 2025*.

*Disability Rights, Inclusion and Safeguarding (Transitional and
Consequential Provisions) Act 2025*
Act No. of 2023

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Part 1 – Preliminary

2. Commencement

- (1) Subject to this section, the provisions of this Act commence on the day on which the *Disability Rights, Inclusion and Safeguarding Act 2024* commences.
- (2) The provisions of Part 11 commence on a day or days to be proclaimed.

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**PART 2 – SAVINGS AND TRANSITIONAL
PROVISIONS**

3. Interpretation

In this Part –

commencement day means the day on which
the new Act commences;

former Act means the *Disability Services Act
2011*, as in force immediately before the
commencement day;

former Senior Practitioner means the person
who was, immediately before the
commencement day, appointed to be
Senior Practitioner under the former Act;

new Act means the *Disability Rights,
Inclusion and Safeguarding Act 2024*;

new Senior Practitioner means the person
appointed to be Senior Practitioner under
the new Act;

regulations means regulations made for the
purposes of this Act, whether made under
this Act or the new Act;

Tribunal means the Tasmanian Civil and
Administrative Tribunal;

undetermined application means an
application made under the former Act

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that has not been withdrawn, abandoned
or determined before the commencement
day.

4. Senior Practitioner

An approval, determination, delegation,
direction or other decision that –

- (a) is made, given or issued, by or on behalf
of the former Senior Practitioner, under
or for the purposes of a provision of the
former Act; and
- (b) is in effect immediately before the
commencement day –

is taken to be an approval, determination,
delegation, direction or other decision,
respectively, made, given or issued by the new
Senior Practitioner under the provision, if any, of
the new Act that most closely approximates the
provision of the former Act.

5. Annual report

- (1) In this section –

annual report means the report required under
section 47 of the new Act;

transition year means the financial year
during which the commencement day
falls.

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- (2) The new Senior Practitioner is to prepare the annual report for the transition year.
 - (3) The former Senior Practitioner is to provide, in respect of the portion of the transition year that precedes the commencement day, a report that includes all of the information that is required under section 47 of the new Act to be included in an annual report.
 - (4) The former Senior Practitioner is to provide the report under subsection (3) to the new Senior Practitioner within 30 days after the commencement day.
 - (5) The new Senior Practitioner is to include the information in the report provided by the former Senior Practitioner under subsection (4) in the annual report for the transition year.

6. Preservation of approvals to use restrictive practices

- (1) An approval to carry out a type of restrictive intervention granted by the Secretary under section 38 of the former Act, that is in force immediately before the commencement day, continues in force as an authorisation for the use of a type of restrictive practice granted by the new Senior Practitioner under section 52 of the new Act on the same terms and conditions.
- (2) Subject to section 9, an approval, granted by the Tribunal under section 41A or section 42 of the former Act for the carrying out of a type of

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restrictive intervention, that is in force immediately before the commencement day, continues in force as an authorisation for the use of a type of restrictive practice granted by the new Senior Practitioner under section 52 of the new Act on the same terms and conditions.

7. Applications to use restrictive practice

(1) In this section –

restrictive intervention application means an undetermined application to the Tribunal under section 41 of the former Act.

- (2) An undetermined application made to the Secretary under section 37 of the former Act is taken, on and after the commencement day, to be an application made to the new Senior Practitioner under section 51 of the new Act.
- (3) If, before the commencement day, the Tribunal has not commenced holding a hearing in relation to a restrictive intervention application, that restrictive intervention application is taken, on and after the commencement day, to be an application to the new Senior Practitioner under section 51 of the new Act.
- (4) If, before the commencement day, the Tribunal has commenced holding a hearing in relation to a restrictive intervention application, the Tribunal may, on and after the commencement day, continue hearing that application under the former Act as if –

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- (a) that Act had not been repealed; and
 - (b) any amendments to the *Tasmanian Civil and Administrative Tribunal Act 2020* made by this Act had not been made.
- (5) If, after the commencement day, the Tribunal grants an approval under section 41A or section 42 of the former Act to carry out a type of restrictive intervention, that approval is taken to be an authorisation for the use of a type of restrictive practice granted by the new Senior Practitioner under section 52 of the new Act on the same terms and conditions.

8. Review by Secretary under former Act

An undetermined application to the Secretary for a review under section 40 of the former Act is taken, on and after the commencement day, to be an application made to the new Senior Practitioner for the review of a reviewable decision under section 75 of the new Act.

9. Review by Tribunal under former Act

- (1) An undetermined application made to the Tribunal under section 45 of the former Act for the review of an approval to carry out a type of restrictive intervention may be continued under that Act until determined, as if –
- (a) that Act had not been repealed; and

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- (b) any amendments to the *Tasmanian Civil and Administrative Tribunal Act 2020* made by this Act had not been made.
- (2) If the Tribunal, under section 45 of the former Act, amends an approval to carry out a type of restrictive intervention, that approval, as amended by the Tribunal, continues in force as an authorisation for the use of a type of restrictive practice granted by the new Senior Practitioner under section 52 of the new Act on the same terms and conditions.

10. Review by Magistrates Court under former Act

An undetermined application made to the Magistrates Court under section 48 of the former Act may, on and after the commencement day, be continued under that Act until determined as if that Act had not been repealed.

11. Information

- (1) Any information kept or provided under the former Act before the commencement day is, on that day, information kept or provided for the purpose of the new Act.
- (2) For the avoidance of doubt, a person or body to whom or which an undetermined application was made under the former Act may share any information they possess regarding the application with the person or body to whom or

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Part 2 – Savings and Transitional Provisions

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which the application is taken to have been made
under the new Act.

12. Savings and transitional regulations

- (1) The Governor may make regulations of a savings and transitional nature consequent on the enactment of the new Act to effect and facilitate the transition from the former Act to the new Act.
- (2) Without limiting the generality of subsection (1), regulations made under that subsection may –
 - (a) provide for the preservation, continuation, extension, variation or revocation of any one or more of the following matters under the former Act:
 - (i) decisions, determinations, approvals, or other such authorisations;
 - (ii) notices or other instruments or documents;
 - (iii) any other matter; and
 - (b) deal with any incidental or ancillary matters.
- (3) Regulations made under subsection (1) may –
 - (a) take effect on the commencement day or a later day specified in the regulations, whether the day so specified is before, on

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Consequential Provisions) Act 2025*
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Part 2 – Savings and Transitional Provisions

or after the day on which the regulations are made; and

- (b) be made so as to apply differently according to the matters, limitations or restrictions, whether as to time, circumstance or otherwise, specified in the regulations; and
- (c) authorise any matter to be from time to time approved, determined, applied or regulated by –
 - (i) the Minister; or
 - (ii) the Secretary; or
 - (iii) such other person specified in the regulations.

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Consequential Provisions) Act 2025*
Act No. of 2023

Part 3 – Child and Youth Safe Organisations Act 2023 Amended

s. 13

**PART 3 – CHILD AND YOUTH SAFE
ORGANISATIONS ACT 2023 AMENDED**

13. Principal Act

In this Part, the *Child and Youth Safe Organisations Act 2023** is referred to as the Principal Act.

14. Schedule 2 amended (Entities to comply with child and youth safe standards)

Clause 2(e) of Schedule 2 to the Principal Act is amended by omitting “*Disability Services Act 2011*” and substituting “*Disability Rights, Inclusion and Safeguarding Act 2024*”.

15. Schedule 3 amended (Relevant entities to which reportable conduct scheme applies)

Clause 2(e) of Schedule 3 to the Principal Act is amended by omitting “*Disability Services Act 2011*” and substituting “*Disability Rights, Inclusion and Safeguarding Act 2024*”.

*No. 6 of 2023

*Disability Rights, Inclusion and Safeguarding (Transitional and
Consequential Provisions) Act 2025*
Act No. of 2023

s. 16 Part 4 – Children, Young Persons and Their Families Act 1997 Amended

**PART 4 – CHILDREN, YOUNG PERSONS AND THEIR
FAMILIES ACT 1997 AMENDED**

16. Principal Act

In this Part, the *Children, Young Persons and
Their Families Act 1997** is referred to as the
Principal Act.

17. Section 3 amended (Interpretation)

Section 3(1) of the Principal Act is amended by
omitting paragraph (e) from the definition of
information-sharing entity and substituting:

- (e) the person in charge of an organisation
that is a disability services provider
within the meaning of the *Disability
Rights, Inclusion and Safeguarding Act
2024*; or

*No. 28 of 1997

*Disability Rights, Inclusion and Safeguarding (Transitional and
Consequential Provisions) Act 2025*
Act No. of 2023

Part 5 – Dangerous Criminals and High Risk Offenders Act 2021 Amended

s. 18

**PART 5 – DANGEROUS CRIMINALS AND HIGH RISK
OFFENDERS ACT 2021 AMENDED**

18. Principal Act

In this Part, the *Dangerous Criminals and High Risk Offenders Act 2021** is referred to as the Principal Act.

19. Section 25 amended (Meaning of relevant agency)

Section 25(d) of the Principal Act is amended by omitting “*Disability Services Act 2011*” and substituting “*Disability Rights, Inclusion and Safeguarding Act 2024*”.

20. Section 26 amended (High risk offenders assessment committee)

Section 26(2)(e) of the Principal Act is amended by omitting “*Disability Services Act 2011*” and substituting “*Disability Rights, Inclusion and Safeguarding Act 2024*”.

*No. 2 of 2021

*Disability Rights, Inclusion and Safeguarding (Transitional and
Consequential Provisions) Act 2025
Act No. of 2023*

s. 21 Part 6 – End-of-Life Choices (Voluntary Assisted Dying) Act 2021
Amended

PART 6 – END-OF-LIFE CHOICES (VOLUNTARY ASSISTED DYING) ACT 2021 AMENDED

21. Principal Act

In this Part, the *End-of-Life Choices (Voluntary Assisted Dying) Act 2021** is referred to as the Principal Act.

22. Section 5 amended (Interpretation)

Section 5 of the Principal Act is amended by omitting paragraph (b) from the definition of *professional care service* and substituting:

- (b) a disability service with the meaning of the *Disability Rights, Inclusion and Safeguarding Act 2024*;

23. Section 10 amended (When person is eligible to access voluntary assisted dying)

Section 10 of the Principal Act is amended as follows:

- (a) by omitting from subsection (2)(b) “*Disability Services Act 2011*” and substituting “*Disability Rights, Inclusion and Safeguarding Act 2024*”;
- (b) by omitting from subsection (3)(a) “*Disability Services Act 2011*” and

*No. 1 of 2021

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Consequential Provisions) Act 2025*
Act No. of 2023

Part 6 – End-of-Life Choices (Voluntary Assisted Dying) Act 2021 Amended **s. 23**

substituting “*Disability Rights, Inclusion
and Safeguarding Act 2024*”.

s. 24 Part 7 – Obstetric and Paediatric Mortality and Morbidity Act 1994
Amended

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Consequential Provisions) Act 2025*
Act No. of 2023

Part 8 – Poisons Regulations 2018 Amended

s. 26

PART 8 – POISONS REGULATIONS 2018 AMENDED

26. Principal Regulations

In this Part, the *Poisons Regulations 2018** are referred to as the Principal Regulations.

27. Regulation 3 amended (Interpretation)

Regulation 3(1) of the Principal Regulations is amended as follows:

- (a) by omitting “*Disability Services Act 2011*” from the definition of *disability* and substituting “*Disability Rights, Inclusion and Safeguarding Act 2024*”;
- (b) by inserting the following definition after the definition of *disability*:

disability services provider has the same meaning as in the *Disability Rights, Inclusion and Safeguarding Act 2024*;
- (c) by omitting the definition of *funding agreement*;
- (d) by omitting the definition of *service provider*.

*S.R. 2018, No. 79

*Disability Rights, Inclusion and Safeguarding (Transitional and
Consequential Provisions) Act 2025*
Act No. of 2023

s. 28

Part 8 – Poisons Regulations 2018 Amended

28. Regulation 127 amended (Administration of certain substances by disability service workers)

Regulation 127 of the Principal Regulations is amended as follows:

- (a) by omitting “*Disability Services Act 2011*” from the definition of *Department* in subregulation (1) and substituting “*Disability Rights, Inclusion and Safeguarding Act 2024*”;
- (b) by omitting subparagraph (i) from subregulation (2)(a) and substituting the following subparagraph:
 - (i) employed by a disability services provider; and
- (c) by omitting subparagraph (i) from subregulation (2)(b) and substituting the following subparagraph:
 - (i) is a person with disability receiving services from the disability services provider; and

29. Regulation 128 amended (Disability service workers may assist with self-administration)

Regulation 128 of the Principal Regulations is amended as follows:

- (a) by omitting “disability services program approved by the Secretary of the department responsible for the

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Consequential Provisions) Act 2025*
Act No. of 2023

Part 8 – Poisons Regulations 2018 Amended

s. 30

administration of the *Disability Services Act 2011* or employed by a disability service provider who is funded by, and is the subject of a funding agreement with, the Department may assist another person” and substituting “disability services provider may assist a person with disability receiving services from that disability services provider”;

- (b) by omitting from paragraph (a) “other person” and substituting “person with disability”;
- (c) by omitting from paragraph (b) “other person” and substituting “person with disability”;
- (d) by omitting from paragraph (c) “other person” and substituting “person with disability”.

30. Regulation 135 amended (Administration of certain substances by carers)

Regulation 135(2) of the Principal Regulations is amended by omitting paragraph (a) and substituting the following paragraph:

- (a) a person employed by a disability services provider; or

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Consequential Provisions) Act 2025*
Act No. of 2023

s. 31 Part 9 – Registration to Work with Vulnerable People Regulations 2024
Amended

**PART 9 – REGISTRATION TO WORK WITH
VULNERABLE PEOPLE REGULATIONS 2024
AMENDED**

31. Principal Regulations

In this Part, the *Registration to Work with
Vulnerable People Regulations 2024** are
referred to as the Principal Regulations.

**32. Regulation 15 amended (Child disability service –
regulated activity)**

Regulation 15(1) of the Principal Regulations is
amended by omitting “*Disability Services Act
2011*” from the definition of *disability* and
substituting “*Disability Rights, Inclusion and
Safeguarding Act 2024*”.

*S.R. 2024, No. 16

*Disability Rights, Inclusion and Safeguarding (Transitional and
Consequential Provisions) Act 2025*
Act No. of 2023

Part 10 – Tasmanian Civil and Administrative Tribunal Act 2020 Amended

s. 33

**PART 10 – TASMANIAN CIVIL AND
ADMINISTRATIVE TRIBUNAL ACT 2020 AMENDED**

33. Principal Act

In this Part, the *Tasmanian Civil and Administrative Tribunal Act 2020** is referred to as the Principal Act.

34. Section 136 amended (Appeals to Supreme Court)

Section 136(6) of the Principal Act is amended by omitting “*Disability Services Act 2011*” and substituting “*Disability Rights, Inclusion and Safeguarding Act 2024*”.

35. Schedule 3 amended (Protective Division)

Schedule 3 to the Principal Act is amended by omitting “*Disability Services Act 2011*” from clause 1(1)(b) of Part 3 and substituting “*Disability Rights, Inclusion and Safeguarding Act 2024*”.

*No. 24 of 2020

*Disability Rights, Inclusion and Safeguarding (Transitional and
Consequential Provisions) Act 2025*
Act No. of 2023

s. 36 Part 11 – Tasmanian Civil and Administrative Tribunal Act 2020 Further
Amended

**PART 11 – TASMANIAN CIVIL AND
ADMINISTRATIVE TRIBUNAL ACT 2020 FURTHER
AMENDED**

36. Principal Act

In this Part, the *Tasmanian Civil and Administrative Tribunal Act 2020** is referred to as the Principal Act.

37. Schedule 1 amended (Relevant Acts)

Schedule 1 to the Principal Act is amended as follows:

- (a) by omitting item 7 and substituting the following item:

7. The *Disability Rights, Inclusion and Safeguarding Act 2024*.

- (b) by omitting item 26 and substituting the following item:

26. The *Disability Rights, Inclusion and Safeguarding Act 2024*.

38. Schedule 3 amended (Protective Division)

Schedule 3 to the Principal Act is amended as follows:

*No. 24 of 2020

*Disability Rights, Inclusion and Safeguarding (Transitional and
Consequential Provisions) Act 2025*
Act No. of 2023

Part 11 – Tasmanian Civil and Administrative Tribunal Act 2020 Further
Amended

s. 38

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- (a) by omitting the definition of *restrictive intervention* from clause 1 of Part 4 and substituting the following definition:

restrictive practice has the same meaning as in the *Disability Rights, Inclusion and Safeguarding Act 2024*;

- (b) by omitting from clause 3(a) of Part 4 “*Disability Services Act 2011*” and substituting “*Disability Rights, Inclusion and Safeguarding Act 2024*”;
- (c) by omitting subparagraph (ii) from clause 5(2)(f) of Part 4 and substituting the following subparagraph:
- (ii) a restrictive practice – the disability services provider, within the meaning of the *Disability Rights, Inclusion and Safeguarding Act 2024*, to whom the approval to which the application relates was granted; and
- (d) by omitting from clause 5(5)(b)(ii) of Part 4 “restrictive intervention” and substituting “restrictive practice”;
- (e) by omitting the definition of *restrictive practice* from clause 1 of Part 4;

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s. 38 Part 11 – Tasmanian Civil and Administrative Tribunal Act 2020 Further
Amended

- (f) by omitting paragraph (a) from clause 3 of Part 4;
- (g) by omitting paragraph (f) from clause 5(2) of Part 4 and substituting the following :
 - (f) if the matter relates to the provision of medical or dental treatment, the registered practitioner, within the meaning of the *Guardianship and Administration Act 1995*, proposing to carry out the treatment; and
- (h) by omitting paragraph (b) from clause 5(5) of Part 4 and substituting the following :
 - (b) if the matter relates to the provision of medical or dental treatment and the Tribunal considers it proper to dispense with notice of the hearing by reason of urgency.
- (i) by inserting the following paragraph after paragraph (b) in clause 2 of Part 6:
 - (ba) the *Disability Rights, Inclusion and Safeguarding Act 2024*;

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Consequential Provisions) Act 2025*
Act No. of 2023

Part 12 – Miscellaneous

s. 39

PART 12 – MISCELLANEOUS

39. Effect of certain consequential amendments

The amendment by this Act of a provision of any regulations does not prevent that or any other provision of those regulations from being amended or rescinded by a subsequent regulation.

40. Administration of Act

Until provision is made in relation to this Act by order under section 4 of the *Administrative Arrangements Act 1990* –

- (a) the administration of this Act is assigned to the Minister for Disability Services; and
- (b) the department responsible to that Minister in relation to the administration of this Act is the Department of Premier and Cabinet.