

CLAUSE NOTES

Disability Services Amendment Bill 2019

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| Clause 1 | Short Title
Provides the short title of the Amendment Act. |
| Clause 2 | Commencement
Provides for the Amendment Act to commence on Royal Assent. |
| Clause 3 | Principal Act
States that the <i>Disability Services Act 2011</i> is the Principal Act. |
| Clause 4 | Section 5 substituted

Replaces the current Principles in the Principal Act with a new set of Principles derived from the (Commonwealth) <i>National Disability Insurance Scheme Act 2013</i> . These NDIS Act Principles are more contemporary in nature. Explicit reference is also to be given to the rights of children with disabilities as requested by the Commissioner for Children and Young People during the stakeholder consultations for the review of the Principal Act. |
| Clause 5 | Section 7 amended (Strategic plan)

Amends sSection 7 (10) of the Principal Act to omit reference to purchase of the strategic plan as the plan is now available through the Department of Health website. |
| Clause 6 | Section 8 amended (Operational plans)

Amends Section 8 (7) of the Principal Act to omit reference to purchase of the operational plan as the plan is now available through the Department of Communities Tasmania website. |
| Clause 7 | Section 28 amended (Rights of authorised officers after entry of premises)

Amends Section 28 (3) of the Act such that a person with a disability who is requested to answer questions by an Authorised Officer has the right to have another person present when interviewed under Section 28(2) of the DSA. The intent is to strengthen this safeguard. |

- Clause 8 **Section 36 amended (Use of unauthorised restrictive intervention prohibited)**
- Corrects Mental Health Act references to the current *Mental Health Act 2013* and adds references to the position of Chief Civil Psychiatrist established under the 2013 Act.
- Clause 9 **Section 41A inserted (Provisional grant of approval to carry out restrictive intervention)**
- Inserts a new provision to permit the Guardianship and Administration Board to issue provisional approvals of restrictive interventions for a period of up to 90 days subject to a favourable assessment by the Senior Practitioner.
- Clause 10 **Section 50 amended (Sharing of Information)**
- Corrects Mental Health Act references to the current *Mental Health Act 2013* and adds references to the position of Chief Civil Psychiatrist established under the 2013 Act as an information sharing entity and also adds the NDIS Quality and Safeguards Commission and the National Disability Insurance Agency to the list of information sharing entities.
- Clause 11 **Repeal of Act**
- Provides for the automatic repeal of the Amendment Act at the expiry of 12 months from the date of commencement.