



# **Disability Services Amendment (Improved Quality Assurance) Act 2002**

No. 28, 2002

**An Act to improve the quality of employment  
services and rehabilitation programs provided for  
people with disabilities, and for related purposes**

Note: An electronic version of this Act is available in SCALEplus  
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**An Act to improve the quality of employment  
services and rehabilitation programs provided for  
people with disabilities, and for related purposes**

*[Assented to 5 April 2002]*

The Parliament of Australia enacts:

## **1 Short title**

This Act may be cited as the *Disability Services Amendment  
(Improved Quality Assurance) Act 2002*.

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## 2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, on the day or at the time specified in column 2 of the table.

<b>Commencement information</b>		
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provision(s)</b>	<b>Commencement</b>	<b>Date/Details</b>
1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day on which this Act receives the Royal Assent	5 April 2002
2. Schedule 1, item 1	The day on which this Act receives the Royal Assent	5 April 2002
3. Schedule 1, items 2 to 52	1 July 2002	1 July 2002

Note: This table relates only to the provisions of this Act as originally passed by the Parliament and assented to. It will not be expanded to deal with provisions inserted in this Act after assent.

- (2) Column 3 of the table is for additional information that is not part of this Act. This information may be included in any published version of this Act.

## 3 Schedule(s)

Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

## **Schedule 1—Amendment of the Disability Services Act 1986**

### **1 Section 4 (definition of *officer*)**

Repeal the definition, substitute:

*officer* means:

- (a) in section 27, and in sections 33 and 34 in so far as they apply to a power under Part III:
  - (i) an APS employee in CRS Australia; or
  - (ii) an APS employee in the Department; or
- (b) otherwise—an APS employee in the Department.

### **2 After section 5**

Insert:

#### **5A Standards for the provision of certain services and programs**

- (1) The Minister may determine:
  - (a) eligibility standards to be observed in the provision of an eligible service referred to in Part II; and
  - (b) disability employment standards to be observed in the provision of an employment service referred to in that Part; and
  - (c) rehabilitation program standards to be observed in the provision of rehabilitation programs referred to in Part III.
- (2) When the Minister determines disability employment standards under paragraph (1)(b) or rehabilitation program standards under paragraph (1)(c), the Minister must also approve key performance indicators to be applied in assessing whether the standards have been observed.

### **3 Saving**

A determination made by the Minister that was in force under paragraph 9C(a) of the *Disability Services Act 1986* immediately before the commencement of item 2 continues in force as if it had been made by the Minister under paragraph 5A(1)(a) inserted in that Act by that item but applies only in relation to eligibility services within the meaning of that Act as amended by this Schedule.

#### 4 After Part I

Insert:

### **Part IA—Accreditation and certification for the purposes of certain services and programs**

#### **6A Definitions**

In this Act, unless the contrary intention appears:

***accreditation*** means accreditation under this Part.

***accredited certification body*** means a certification body that holds a current accreditation.

***accrediting authority*** means an authority approved by the Secretary under section 6B for the purpose of granting accreditation to certification bodies.

***certificate of compliance*** has the meaning given by section 6D or 6E, as the case requires.

***certification body*** means a body that carries out certifying functions.

***certifying functions*** means:

- (a) assessing, by reference to the relevant key performance indicators:
  - (i) whether an employment service meets the disability employment standards; and
  - (ii) whether the provision of rehabilitation programs meets the rehabilitation program standards; and



- (b) giving certificates of compliance in respect of employment services, or in respect of the provision of rehabilitation programs, that meet the relevant standards.

**current accreditation** means an accreditation that has not been withdrawn.

**current certificate of compliance** means a certificate of compliance that is in force.

**key performance indicators** means key performance indicators approved under subsection 5A(2).

**person**, in relation to the provision of a rehabilitation program, includes the Commonwealth and an authority of the Commonwealth.

### **6B Secretary may approve accrediting authorities**

- (1) The Secretary may approve an authority that has the function of granting accreditation to certification bodies that the authority is satisfied will carry out certifying functions competently and impartially.
- (2) The Secretary must not approve an authority under subsection (1) unless the Secretary is satisfied that the authority:
  - (a) is internationally recognised as a suitable authority to grant accreditation of the kind mentioned in that subsection; and
  - (b) will perform its functions in an independent and impartial way.

### **6C Accrediting authority may grant accreditation to certification bodies**

- (1) The functions of an accrediting authority are:
  - (a) to assess, in accordance with disability auditing criteria established by it and made publicly available in such manner as it considers appropriate, whether certification bodies will carry out certifying functions competently and impartially; and
  - (b) if it is satisfied that a certification body will carry out those functions competently and impartially, to grant accreditation to the body.

- (2) If an accrediting authority ceases to be satisfied that an accredited certification body is carrying out certifying functions competently or impartially, the authority must, by written notice given to the body, withdraw the body's accreditation.
- (3) If an accrediting authority grants accreditation to a certification body or withdraws the accreditation granted to a certification body, the authority must, as soon as practicable, notify the Secretary in writing of the grant or withdrawal, as the case may be, of the accreditation and of the authority's reasons for its decision to grant or withdraw the accreditation.
- (4) An accreditation continues in force until:
  - (a) it is withdrawn; or
  - (b) if the authority that granted the accreditation ceases to be an accrediting authority—the end of the period of 3 months after the cessation;whichever first occurs.

**6D Accredited certification body may give certificates of compliance to States or eligible organisations**

- (1) If:
  - (a) an accredited certification body is requested by a State or eligible organisation to give the State or organisation a certificate under this section in respect of an employment service provided by the State or organisation; and
  - (b) the accredited certification body is satisfied that the service meets the disability employment standards;the accredited certification body must give to the State or organisation a certificate (a *certificate of compliance*) stating that the service meets those standards.
- (2) If an accredited certification body that has given a certificate of compliance to a State or organisation in respect of a service ceases to be satisfied that the service meets the disability employment standards, the accredited certification body must, by written notice given to the State or organisation, revoke the certificate.
- (3) If an accredited certification body gives a certificate of compliance to a State or eligible organisation, or revokes a certificate of compliance so given, the accredited certification body must, as

soon as practicable, notify the Secretary in writing of the giving or revocation, as the case may be, of the certificate and of the accredited certification body's reasons for its decision to give or revoke the certificate.

- (4) A certificate of compliance continues in force until:
- (a) it is revoked; or
  - (b) if the accredited certification body that gave the certificate ceases to be accredited—the end of the period of 3 months after the cessation;
- whichever first occurs.

### **6E Accredited certification body may give certificates of compliance to providers of rehabilitation programs**

- (1) If:
- (a) an accredited certification body is requested by a person to give the person a certificate under this section in respect of the provision of rehabilitation programs by the person; and
  - (b) the accredited certification body is satisfied that the provision of the programs meets the rehabilitation program standards;
- the accredited certification body must give to the person a certificate (a *certificate of compliance*) stating that the provision of the programs meets those standards.
- (2) If an accredited certification body that has given a certificate of compliance to a person in respect of the provision of rehabilitation programs ceases to be satisfied that the provision of the programs meets the rehabilitation program standards, the accredited certification body must, by written notice given to the person, revoke the certificate.
- (3) If an accredited certification body gives a certificate of compliance to a person in respect of the provision of rehabilitation programs, or revokes a certificate of compliance so given, the accredited certification body must notify the Secretary in writing of the giving or revocation, as the case may be, of the certificate and of the accredited certification body's reasons for its decision to give or revoke the certificate.
- (4) A certificate of compliance continues in force until:
- (a) it is revoked; or

- (b) if the accredited certification body that gave the certificate ceases to be accredited—the end of the period of 3 months after the cessation;
- whichever first occurs.

## 5 Section 7

Omit “In this Part”, substitute “In this Act”.

## 6 Section 7 (definition of *applicable standards*)

Repeal the definition, substitute:

*applicable standards* for a service means:

- (a) for an eligible service—the eligibility standards; or
- (b) for an employment service in respect of which a transitional grant is being received—the standards referred to in paragraph 12AB(2)(c).

## 7 Section 7 (definition of *competitive employment training and placement services*)

Repeal the definition, substitute:

*competitive employment training and placement services* means services (also known as open employment services) to assist persons with disabilities to obtain and retain, or retain, paid employment in the work-force, and includes:

- (a) services to increase the independence, productivity or integration of persons with disabilities in work settings; and
- (b) employment preparation, and employment and vocational training services; and
- (c) services to assist the transition of persons with disabilities from special education, or employment in supported work settings, to paid employment in the work-force.

## 8 Section 7

Insert:

*disability employment standards* means the standards determined by the Minister under paragraph 5A(1)(b) in relation to the provision of an employment service.

## 9 Section 7 (definition of *eligibility standards*)

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Omit “section 9C”, substitute “paragraph 5A(1)(a)”.

**10 Section 7 (definition of *eligible service*)**

Repeal the definition, substitute:

*eligible service* means a service of any of the following kinds:

- (a) accommodation support services;
- (b) advocacy services;
- (c) independent living training services;
- (d) information services;
- (e) print disability services;
- (f) recreation services;
- (g) respite care services;
- (h) services included in a class of services approved by the Minister under section 9.

**11 Section 7 (paragraph (b) of the definition of *employment service*)**

Omit “clients.”, substitute:

clients;

and, without limiting the generality of the above, includes a service of any of the following kinds:

- (c) competitive employment training and placement services;
- (d) supported employment services;
- (e) services that, immediately before 1 July 2002, were transitional services within the meaning of this Act as in force at that time;
- (f) services that, immediately before 1 July 2002, were prescribed services within the meaning of this Act as in force at that time;
- (g) services included in a class of services approved by the Minister under section 9A.

**12 Section 7 (definition of *enhanced standards*)**

Repeal the definition.

**13 Section 7 (definition of *minimum standards*)**

Repeal the definition.

**14 Section 7**

Insert:

*pre-2002-03 grant* has the meaning given by subsection 12AA(1).

**15 Section 7 (definition of *prescribed service*)**

Repeal the definition.

**16 Section 7**

Insert:

*receiving a grant of financial assistance*: a State or eligible organisation is taken to be receiving a particular grant of financial assistance from the time when the grant is approved until immediately after payment, or payment of the last instalment, of the grant is made.

**17 Section 7**

Insert:

*transitional grant* of financial assistance means a grant of financial assistance approved under Subdivision A of Division 2A of Part II.

**18 Section 7**

Insert:

*transitional period* means the period:  
(a) beginning on 1 July 2002; and  
(b) ending on 31 December 2004.

**19 Section 7 (definition of *transitional service*)**

Repeal the definition.

**20 Section 7 (definition of *transitional strategy*)**

Repeal the definition.

**21 Sections 9 to 9C**

Repeal the sections, substitute:

## **9 Approval of additional eligible services**

The Minister may approve a class of services for the purposes of paragraph (d) of the definition of *eligible service* in section 7 if the Minister is satisfied that the provision of services included in that class of services would:

- (a) further the objects of this Act set out in section 3 and the principles and objectives formulated under section 5; and
- (b) comply with the guidelines formulated under section 5 that are applicable to the giving of approvals under this section.

## **9A Approval of additional employment services**

The Minister may approve a class of services for the purposes of paragraph (g) of the definition of *employment service* in section 7 if the Minister is satisfied that the provision of services included in that class of services would:

- (a) further the objects of this Act set out in section 3 and the principles and objectives formulated under section 5; and
- (b) comply with the guidelines formulated under section 5 that are applicable to the giving of approvals under this section.

## **22 After Division 2 of Part II**

Insert:

### **Division 2A—Grants for employment services**

#### **Subdivision A—Transitional grants**

##### **12AA Application of Subdivision**

- (1) Subject to subsection (2), this Subdivision authorises the giving of approval in certain circumstances to the making, during the transitional period, of grants of financial assistance to a State or eligible organisation in respect of an employment service if, and only if:
  - (a) approval was given under this Part as previously in force for a grant (the *pre-2002-03 grant*) of financial assistance in respect of the service that related to the financial year that began on 1 July 2001; and

- (b) payment of, or payment of at least one instalment of, the grant has been made.

Note: The *Disability Services Act 1986* as previously in force continues to apply in relation to grants that relate to the financial year that began on 1 July 2001 (see item 52 of Schedule 1 to the *Disability Services Amendment (Improved Quality Assurance) Act 2002*).

- (2) This Subdivision does not authorise the giving of approval at a particular time (the *relevant time*) to the making of a grant of financial assistance to a State or eligible organisation in respect of an employment service where:
  - (a) at the relevant time, the State or organisation holds a current certificate of compliance in relation to the provision of the service; or
  - (b) before the relevant time, the State or organisation obtained a certificate of compliance in relation to the provision of the service, and so obtained the certificate at a time when it was receiving a grant of financial assistance that had been approved under section 12AB, even if it does not hold a current certificate of compliance in relation to the provision of the service; or
  - (c) before the relevant time, the State or organisation received a grant of financial assistance in respect of the service that was approved under section 12AD; or
  - (d) both of the following apply:
    - (i) before the relevant time, the State or organisation received a grant of financial assistance in respect of the service that was approved under section 12AB;
    - (ii) that grant of financial assistance has been terminated for any reason.

### **12AB Transitional financial assistance for employment services**

- (1) Subject to subsection (2), the Minister may approve the making of a grant of financial assistance to a State or eligible organisation in relation to the provision by the State or organisation of an employment service for persons included in the target group.
- (2) The Minister must not approve the making of a grant under subsection (1) unless:
  - (a) the Minister is satisfied that the making of the grant would:



- (i) further the objects of this Act set out in section 3 and the principles and objectives formulated under section 5; and
    - (ii) comply with the guidelines formulated under section 5 that are applicable to the making of grants under subsection (1); and
  - (b) both of the following apply:
    - (i) the Minister has determined a day by which the State or organisation must obtain a certificate of compliance in respect of the service for which the grant is sought;
    - (ii) the State or organisation has given a written notice to the Minister, in accordance with the procedure set out in the relevant guidelines formulated under section 5, stating its intention to seek to obtain such a certificate on or before that day; and
  - (c) the Minister is satisfied that the State or organisation is meeting the standards that were the applicable standards in respect of the service under this Act as in force when the pre-2002-03 grant was approved.
- (3) The Minister may make determinations for the purposes of subparagraph (2)(b)(i) and may vary such a determination so as to fix a later day than the day specified in the determination. However, the day specified in a determination, or in a determination as varied, cannot be later than 31 December 2004.
- (4) A grant of financial assistance under this section to a State or eligible organisation in relation to the provision of an employment service is subject to the following conditions:
- (a) a condition that the State or organisation meets the standards referred to in paragraph (2)(c) at all times before:
    - (i) the day determined by the Minister for the purposes of subparagraph (2)(b)(i) in relation to the service; or
    - (ii) the day on which the State or organisation receives, or first receives, a certificate of compliance in respect of the service;whichever is the earlier;
  - (b) a condition that the State or organisation holds a current certificate of compliance in respect of the service at all times on and after the day applying under paragraph (a) and before the end of the period to which the grant relates.
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## **Subdivision B—Grants (other than transitional grants)**

### **12AC Application of Subdivision**

This Subdivision authorises the giving of approval in certain circumstances to the making, on or after 1 July 2002, of grants (other than transitional grants) of financial assistance to a State or eligible organisation in respect of an employment service.

### **12AD Financial assistance for employment services**

- (1) Subject to subsection (2), the Minister may approve the making of a grant of financial assistance to a State or eligible organisation in relation to the provision by the State or organisation of an employment service for persons included in the target group.
- (2) The Minister must not approve the making of a grant under subsection (1) unless:
  - (a) the Minister is satisfied that the making of the grant would:
    - (i) further the objects of this Act set out in section 3 and the principles and objectives formulated under section 5; and
    - (ii) comply with the guidelines formulated under section 5 that are applicable to the making of grants under subsection (1); and
  - (b) either of the following applies:
    - (i) the State or organisation holds a current certificate of compliance in respect of the service for which the grant is sought;
    - (ii) the Minister has determined a day by which the State or organisation must obtain a certificate of compliance in respect of the service and the State or organisation has given a written notice to the Minister, in accordance with the procedure set out in the relevant guidelines formulated under section 5, stating its intention to seek to obtain such a certificate on or before that day.
- (3) Subparagraph (2)(b)(ii) does not apply in respect of the giving of an approval at a particular time (the *relevant time*) to the making of a grant to a State or eligible organisation in respect of a service if a grant in respect of the service:

- (a) had been approved before 1 July 2002 under this Part as previously in force; or
  - (b) had been approved on or after that date and before the relevant time under section 12AB or under this section; whether or not the grant is still being received at the relevant time.
- (4) The Minister may make determinations for the purposes of subparagraph (2)(b)(ii) and may vary such a determination so as to fix a later day than the day specified in the determination. However, the day specified in a determination, or in a determination as varied, cannot be later than 12 months after the day on which the grant to which the determination relates is approved.
- (5) A grant of financial assistance under this section to a State or eligible organisation in relation to the provision of an employment service is subject to the condition that the State or organisation:
- (a) if subparagraph (2)(b)(i) applies in respect of the approval given by the Minister for the making of the grant—holds a current certificate of compliance in respect of the service at all times during the period to which the grant relates; or
  - (b) if subparagraph (2)(b)(ii) applies in respect of the approval given by the Minister for the making of the grant—holds a current certificate of compliance in respect of the service at all times on and after:
    - (i) the day determined by the Minister for the purposes of that subparagraph in relation to the service; or
    - (ii) the day on which the State or organisation receives, or first receives, a certificate of compliance in respect of the service;whichever is the earlier, and before the end of the period to which the grant relates.

### **Subdivision C—Provisions applicable in respect of all grants under this Division**

#### **12AE Ancillary provisions relating to grants in respect of employment services**

- (1) Without limiting the generality of subsection 12AB(1) or 12AD(1), the Minister may, under that subsection, approve, in relation to the
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provision of an employment service, the making of a grant about any of the following:

- (a) recurrent expenditure incurred or to be incurred;
  - (b) the cost of acquiring land (with or without buildings);
  - (c) the cost of acquiring, erecting, altering or extending buildings;
  - (d) the cost of acquiring, altering or installing equipment.
- (2) If the Minister approves the making of a grant of financial assistance to a State or eligible organisation under section 12AB or 12AD in relation to the provision by the State or organisation of an employment service for persons included in the target group, the Minister must, subject to subsection (4) and the regulations:
- (a) determine the amount of the financial assistance or the manner in which the amount of the financial assistance is to be calculated; and
  - (b) determine the time or times at which, and the instalments (if any) in which, the financial assistance is to be paid; and
  - (c) specify any other terms and conditions on which the financial assistance is granted.
- (3) Without limiting the generality of paragraph (2)(c), the terms and conditions that may be specified pursuant to that paragraph include terms and conditions about any of the following:
- (a) the purposes for which the financial assistance may be applied;
  - (b) the amounts to be applied by the State or organisation for those purposes or any other purpose, and the source of amounts to be so applied;
  - (c) the outcomes to be achieved by persons included in the target group by the provision of the employment service, and the rights of those persons in relation to the provision of the employment service or otherwise;
  - (d) the provision of information;
  - (e) the provision of certificates with respect to the fulfilment of terms and conditions;
  - (f) the repayment of financial assistance;
  - (g) the giving of security for the fulfilment of terms and conditions;

- (h) the use and disposal of, and the recovery of amounts that under the terms and conditions are to be taken as representing the Commonwealth's interest in:
  - (i) land acquired (with or without buildings); and
  - (ii) buildings acquired, erected, altered or extended; and
  - (iii) equipment acquired, altered or installed;as a result of the application of the financial assistance or of the financial assistance and other money.
- (4) If a grant of financial assistance under this Part is to be paid in instalments, the instalments must be paid within 5 years after the approval of the making of the grant.

**23 Division 3 of Part II**

Repeal the Division.

**24 Paragraph 14C(1)(a)**

Omit "an eligible service, transitional service or prescribed service", substitute "a service".

**25 Subsection 14C(5) (definition of *service*)**

Repeal the definition, substitute:

*service* means:

- (a) an eligible service; or
- (b) an employment service in respect of which a transitional grant is being received.

**26 Division 3B (heading)**

Repeal the heading, substitute:

**Division 3B—Failure to meet applicable standards or hold certificate of compliance**

**27 Subsection 14G(1)**

Repeal the subsection, substitute:

- (1) This section applies if, at any time (the *relevant time*):

- (a) an eligible organisation is receiving a grant of financial assistance under Division 2 in respect of the provision of an eligible service; or
- (b) an eligible organisation is receiving a transitional grant of financial assistance in respect of the provision of an employment service, and the relevant time:
  - (i) is a time on or before the day determined by the Minister for the purposes of subparagraph 12AB(2)(b)(i); and
  - (ii) where the organisation received a certificate of compliance in respect of the service before that day—is a time before the day on which the certificate was received;

and, in either case, the organisation is not meeting the applicable standards in respect of the service.

(1A) The Minister may make a declaration:

- (a) stating that the organisation is not meeting the applicable standards in respect of the service and, consequently, is in breach of the condition of the grant in subsection 10(3A) or paragraph 12AB(4)(a), as the case may be; and
- (b) specifying the actions that will be taken as a result of the failure to comply with the condition.

## **28 Subsection 14G(2)**

Omit “(1)(d)”, substitute “(1A)(b)”.

## **29 Paragraph 14G(2)(a)**

Omit “(1)(c)”, substitute “(1A)(a)”.

## **30 Subsection 14G(3)**

Omit “(1)(d)”, substitute “(1A)(b)”.

## **31 After section 14G**

Insert:

### **14GA Declaration of failure to hold certificate**

- (1) This section applies if:

- (a) at any time (the *relevant time*) an eligible organisation is receiving a grant of financial assistance in respect of the provision of an employment service; and
  - (b) the relevant time is a time after the day determined by the Minister for the purposes of subparagraph 12AB(2)(b)(i) or 12AD(2)(b)(ii), as the case may be; and
  - (c) where the organisation received a certificate of compliance in respect of the service before that day—the relevant time is a time on or after the day on which the certificate was received; and
  - (d) at the relevant time the organisation does not hold a current certificate of compliance in respect of the service.
- (2) The Minister may make a declaration:
- (a) stating that the organisation does not hold a current certificate of compliance in respect of the service and, consequently, is in breach of the condition of the grant in paragraph 12AB(4)(b) or subsection 12AD(5), as the case may be; and
  - (b) specifying the actions that will be taken as a result of a failure to comply with the condition.
- (3) The actions specified under paragraph (2)(b) may be either or both of the following:
- (a) all or any of the actions that, under the terms and conditions of the grant of financial assistance, may be taken as a result of the failure to comply with the condition specified under paragraph (2)(a);
  - (b) action taken under section 14J.
- (4) Actions of a kind referred to in subsection (3) may only be taken if they are specified under paragraph (2)(b).
- (5) The Minister must provide a copy of the declaration to the eligible organisation concerned.

### **32 Subsection 14H(1)**

Omit “, a transitional service or a prescribed service”, substitute “or an employment service in respect of which a transitional grant is being received”.

### **33 Paragraph 14J(1)(a)**

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Omit “, a transitional service or a prescribed service”, substitute “or an employment service”.

**34 Paragraph 14J(1)(b)**

After “14G”, insert “or 14GA”.

**35 At the end of paragraph 14J(1)(e)**

Add “or 14GA”.

**36 Paragraphs 14J(1)(f) and (g)**

Repeal the paragraphs, substitute:

- (f) details of the eligible organisation’s failure to meet the applicable standards or to hold the certificate of compliance, as the case may be, in respect of the provision of the service;
- (g) the actions taken in respect of the eligible organisation’s failure.

**37 Subsection 14K(1)**

Omit “a service”, substitute “an eligible service or an employment service”.

Note: The heading to section 14K is replaced by the heading “**Review of services funded under Division 2, or Subdivision A of Division 2A, of Part II**”.

**38 Paragraph 14K(2)(b)**

Repeal the paragraph, substitute:

- (b) in relation to:
  - (i) an eligible service; or
  - (ii) an employment service, in so far as a transitional grant was made in respect of the service;the extent to which the State or eligible organisation complied with the applicable standards in respect of the provision of the service.

**39 Subsection 14K(3)**

Repeal the subsection.

**40 Subsection 15(2)**

Repeal the subsection.

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**41 Paragraph 15(4)(a)**

Repeal the paragraph, substitute:

- (a) the Minister has made a declaration under section 14G or 14GA in respect of the provision, by an eligible organisation, of an eligible service or an employment service; and

**42 Section 17**

Omit “In this Part”, substitute “In this Act, unless the contrary intention appears”.

**43 Section 17**

Insert:

*rehabilitation program standards* means the standards determined by the Minister under paragraph 5A(1)(c) in relation to the provision of rehabilitation programs.

**44 At the end of section 19**

Add:

- (2) The Secretary must not, on or after 1 January 2005, give an approval under subsection 20(1) to the provision of rehabilitation programs for a person unless:
  - (a) the person providing the program holds a current certificate of compliance in respect of the provision of rehabilitation programs; or
  - (b) the Secretary is satisfied that there are exceptional circumstances relating to the person for whom the program is to be provided that justify approval being given even though the person providing the program does not hold a certificate mentioned in paragraph (a).

**45 Subsection 22(4) (paragraphs (a), (b) and (c) of the definition of *pensioner or beneficiary*)**

Repeal the paragraphs, substitute:

- (a) is receiving a social security pension, or a social security benefit, within the meaning of subsection 23(1) of the *Social Security Act 1991*; or

**46 Subsection 24(6)**

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Repeal the subsection, substitute:

- (6) The following provisions apply in relation to allowances under this section as if an allowance under this section were an age pension under the *Social Security Act 1991*:
- (a) subsection 1223(1) and paragraph 1223(1AB)(d) (debt arising from recipient's contravention) and sections 1233 to 1237 (recovery, write-off and waiver) of the *Social Security Act 1991*;
  - (b) sections 44, 55 and 57 (method of payment), 58 (claim for amounts owing at recipient's death) and 60, 61 and 62 (protection of payment) of the *Social Security (Administration) Act 1999*.

#### **47 After paragraph 31(1)(a)**

Insert:

- (aa) a standard determined by the Minister under subsection 5A(1); and
- (ab) key performance indicators approved by the Minister under subsection 5A(2); and

#### **48 Paragraphs 31(1)(c) and (ca)**

Repeal the paragraphs, substitute:

- (c) an approval given under section 9; and
- (ca) an approval given under section 9A; and

#### **49 After paragraph 33(1)(a)**

Insert:

- (aa) the power to determine standards under subsection 5A(1); and
- (ab) the power to approve key performance indicators under subsection 5A(2); and

#### **50 Paragraphs 33(1)(c) and (ca)**

Repeal the paragraphs, substitute:

- (c) the power to give approvals under section 9; and
- (ca) the power to give approvals under section 9A; and

#### **51 Subsection 34(1)**

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After “other than”, insert “the power to give approvals under subsection 6B(1) and”.

**52 Transitional—pre-2002-03 grants of financial assistance under Disability Services Act**

Despite the amendments made by this Schedule, the *Disability Services Act 1986* as in force immediately before the commencement of this item continues to apply in respect of grants of financial assistance in respect of employment services approved before 1 July 2002 as if those amendments had not been made.

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*[Minister's second reading speech made in—  
Senate on 13 February 2002  
House of Representatives on 21 March 2002]*

(11/02)