



Disability Services and Inclusion (Code of Conduct) Rules 2023

I, Amanda Rishworth, Minister for Social Services, make the following rules.

Dated 15 December 2023

Amanda Rishworth
Minister for Social Services

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Part 1—Preliminary

1 Name

This instrument is the *Disability Services and Inclusion (Code of Conduct) Rules 2023*.

2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	The later of: (a) the day on which the <i>Disability Services and Inclusion Act 2023</i> commences; and (b) the day after this instrument is registered.	1 January 2024 (paragraph (a) applies)

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under the following:

- (a) the *Disability Services and Inclusion Act 2023*;
- (b) the *Disability Services and Inclusion Act (Consequential Amendments and Transitional Provisions) Act 2023*.

4 Definitions

Note: A number of expressions used in this instrument are defined in the Act, including the following:

- (a) eligible activity;
- (b) key personnel.

In this instrument:

Act means the *Disability Services and Inclusion Act 2023*.

covered person: see subsection 6(1).

Social Services Department means the Department administered by the Minister administering the *Disability Services and Inclusion Act 2023*.

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specified program means a program, or part of a program, specified in section 11.

Transitional Provisions Act means the *Disability Services and Inclusion (Consequential Amendments and Transitional Provisions) Act 2023*.

Part 2—Main code of conduct

5 Purpose of this Part

For the purposes of subsection 20(1) of the Act, this Part makes provision for and in relation to a code of conduct.

6 Main code of conduct

- (1) This section sets out a code of conduct that applies to a person (a *covered person*):
 - (a) to whom money may be payable under an arrangement made under section 13 of the Act; or
 - (b) who receives a grant of financial assistance under that section.
- (2) In undertaking an eligible activity to which the arrangement or grant relates, the covered person must:
 - (a) act with respect for the individual rights of people with disability to freedom of expression, self-determination and decision-making, in accordance with applicable laws and conventions; and
 - (b) respect the privacy of people with disability; and
 - (c) provide the eligible activity in a safe and competent manner, with care and skill; and
 - (d) act with integrity, honesty and transparency; and
 - (e) promptly take steps to raise and act on concerns about matters that may impact the quality and safety of the provision of the eligible activity to people with disability; and
 - (f) take all reasonable steps to prevent and respond to all forms of violence against, and exploitation, neglect and abuse of, people with disability; and
 - (g) take all reasonable steps to prevent and respond to sexual misconduct.

7 When covered person breaches code of conduct because of conduct by other persons

- (1) This section sets out the circumstance in which a covered person breaches the code of conduct set out in subsection 6(2) because of an act, or an omission to perform an act, by:
 - (a) a member of the key personnel of the covered person; or
 - (b) another person (an *employee*) who is employed, or otherwise engaged, by the person.
- (2) The circumstance is that:
 - (a) the member or employee undertakes, or participates in undertaking, an eligible activity for or on behalf of the covered person by:
 - (i) providing the eligible activity to a person with disability; or
 - (ii) engaging with a person with disability (or the person's family or carers) regarding the person's participation in the eligible activity; or

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- (iii) performing duties in relation to the complaints management and resolution system implemented and maintained by the covered person; or
 - (iv) performing duties in relation to the incident management system implemented and maintained by the covered person; or
 - (v) doing anything incidental to any of the matters mentioned in the preceding subparagraphs; and
- (b) while undertaking, or participating in undertaking, the eligible activity, the member or employee does not comply with the code of conduct.

Note: For the requirement for the covered person to implement and maintain a complaints management and resolution system and an incident management system, see subsections 15(4) and (5) of the Act.

- (3) Subsection (2) applies whether or not the member or employee undertakes, or participates in undertaking, the eligible activity during the ordinary working hours of the member or employee.

Part 3—Transitional code of conduct

8 Purpose of this Part

For the purposes of subitem 11(1) of Schedule 3 to the Transitional Provisions Act, this Part makes provision for and in relation to a code of conduct.

9 Transitional code of conduct

- (1) This section sets out a code of conduct that applies in relation to the following:
 - (a) an eligible organisation that receives a grant of financial assistance as mentioned in paragraph 11(1)(a) of Schedule 3 to the Transitional Provisions Act;
 - (b) a person or body that is a party to an arrangement as mentioned in paragraph 11(1)(b) of that Schedule;
 - (c) a person who is mentioned in paragraph 11(1)(c) of that Schedule because the person receives, for the purposes of a specified program, money under an arrangement under section 32B of the *Financial Framework (Supplementary Powers) Act 1997*;
 - (d) a person who is mentioned in paragraph 11(1)(d) of that Schedule because the person receives, for the purposes of a specified program, a grant of financial assistance under section 32B of the *Financial Framework (Supplementary Powers) Act 1997*.
- (2) In undertaking an activity to which the arrangement or grant relates, the eligible organisation, person or body must:
 - (a) act with respect for the individual rights of people with disability to freedom of expression, self-determination and decision-making, in accordance with applicable laws and conventions; and
 - (b) respect the privacy of people with disability; and
 - (c) provide the activity in a safe and competent manner, with care and skill; and
 - (d) act with integrity, honesty and transparency; and
 - (e) promptly take steps to raise and act on concerns about matters that may impact the quality and safety of the provision of the activity to people with disability; and
 - (f) take all reasonable steps to prevent and respond to all forms of violence against, and exploitation, neglect and abuse of, people with disability; and
 - (g) take all reasonable steps to prevent and respond to sexual misconduct.

10 When eligible organisation, person or body breaches transitional code of conduct because of conduct by other persons

- (1) This section sets out the circumstance in which an eligible organisation, person or body breaches the code of conduct set out in subsection 9(2) because of an act, or an omission to perform an act, by:
 - (a) a member of the key personnel (within the meaning of the Act) of the eligible organisation, person or body; or

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- (b) another person (an *employee*) who is employed, or otherwise engaged, by the eligible organisation, person or body.
- (2) The circumstance is that:
 - (a) the member or employee undertakes, or participates in undertaking, an activity to which an arrangement or grant mentioned in subsection 9(1) relates for or on behalf of the eligible organisation, person or body by:
 - (i) providing the activity to a person with disability; or
 - (ii) engaging with a person with disability (or the person's family or carers) regarding the person's participation in the activity; or
 - (iii) performing duties in relation to any complaints management and resolution system required to be implemented and maintained under the arrangement or grant; or
 - (iv) performing duties in relation to any incident management system required to be implemented and maintained under the arrangement or grant; or
 - (v) doing anything incidental to any of the matters mentioned in the preceding subparagraphs; and
 - (b) while undertaking, or participating in undertaking, the activity, the member or employee does not comply with the code of conduct.
- (3) Subsection (2) applies whether or not the member or employee undertakes, or participates in undertaking, the activity during the ordinary working hours of the member or employee.

11 Specified programs made for the purposes of the *Financial Framework (Supplementary Powers) Act 1997*

- (1) This section specifies programs and parts of programs for the purposes of subparagraphs 11(1)(c)(ii) and (d)(ii) of Schedule 3 to the Transitional Provisions Act.
- (2) The programs mentioned in item 50, 54, 236, 356, 404, 502, 503, 539 and 559 of Part 4 of Schedule 1AB to the *Financial Framework (Supplementary Powers) Regulations 1997* are specified.
- (3) Each part of a program mentioned in item 51, 52 or 511 of Part 4 of Schedule 1AB to the *Financial Framework (Supplementary Powers) Regulations 1997* that is administered by the Social Services Department and provides a direct benefit to people with disability is specified.