

Registration of disability service providers

Disability Act 2006

Introduction

The *Disability Act 2006* ('the Act') becomes fully operational from 1 July 2007. The Act introduces a register of disability service providers.

What is registration for?

The Act defines a **disability service** as '*a service specifically for the support of persons with a disability which is provided by a disability service provider*' and a **disability service provider** as '*(a) the Secretary; or (b) a person or body registered on the register of disability service providers*'.

Throughout the Act there are references to the way a 'disability service' is provided or conditions that apply to a 'disability service provider' in the provision of disability services.

The purpose of the registration is to clarify which community service organisations must comply with the Act.

Who has to be registered?

To receive funding from the Department of Human Services for provision of disability services, a community service organisation must be registered. This means community service organisations that have a service agreement with the department, that has at least one service plan for provision of a disability service, must be registered.

In addition, the Act makes provision to deem certain services as registered disability service providers.

Community service organisations in these categories as of 30 June 2007 will be 'deemed' registered and entered on the initial register of disability service providers as of 1 July 2007. The department will notify each community service organisation, to be included on the register, before 30 June 2007.

How is registration achieved?

A community service organisation that has sought funding from the department to provide a disability service must make an application for registration and demonstrate capacity to provide the disability service in compliance with the Act.

The process of applying and receiving registration will link with the familiar process of applying and receiving funding for provision of disability services. In satisfying the criteria for funding, the criteria for registration will also be met in the majority of cases.

Is there a registration fee?

No. The Act makes no provision for fees to be charged for registration.

How long does registration last?

Community service organisations entered on the initial register of disability service providers from 1 July 2007 will be registered to 30 June 2009.

Generally, registration will be for a period of three years, unless it is revoked earlier. Longer periods of registration are possible if circumstances require it.

Before the end of the period of registration, disability service providers intending to continue to provide disability services may apply to have their registration renewed.

How does registration end?

Registration is for a defined period and, at the end of that period, registration simply ends. From that time, the disability service provider may no longer provide disability services and funding will cease.

A community service provider may have their registration revoked prior to its expiry. The Act outlines examples where such instances may come into effect.

A significant circumstance will be where a disability service provider fails to comply with the Act. The department will continue to monitor disability service providers via established mechanisms – such as the *Monitoring framework for the health housing and community service sectors* – and will introduce independent quality monitoring from 2009 that will focus on verification of compliance with the Standards for Disability Services in Victoria. A decision to revoke registration on the basis of failure to comply with the Act would be evidence-based.

Can a decision to refuse or revoke registration be reviewed?

A notice that the decision can be reviewed will be provided to any disability service provider whose application for registration is refused or whose registration is revoked. The notice will describe the reasons for the decision, however before it takes effect, the disability service provider can make a submission to the department. If still unsatisfied with the decision the service provider can appeal to the Victorian Civil and Administrative Appeals Tribunal [VCAT].

A submission to the department must be made within 14 days of receiving the notice, and any subsequent appeal to VCAT must be made within 28 days of the decision.

Who will not be registered?

Disability services provided by the Department of Human Services will not be included on the register. However, as the Secretary is defined as a disability service provider, the provisions of the Act apply equally to disability services provided by the Department of Human Services.

The department funds a range of activities through the disability services program that are not considered disability services within the meaning of the Act. Activities such as information services, aids and equipment, training and development, sector development and support, or building inclusive communities are not usually '*... specifically for the support of persons with a disability...*' and funding for these purposes will not require registration.

Services that people with a disability access, as part of their normal participation in the community, will not be registered (For instance, gymnasia, general and allied health practitioners and dental practitioners). This includes services purchased as part of an individual support package from an organisation that does not have a service agreement.

Individuals will not be registered.

For more information about the registration of disability service providers contact:

Disability Services Division, Department of Human Services

Telephone 1300 366 731 (9am to 5pm, Monday to Friday)

TTY: (03) 9096 0133 (for people who are deaf or have a hearing, speech or communication impairment)

Email: disability.legislation@dhs.vic.gov.au