



QUEENSLAND PARLIAMENT **COMMITTEES**

**Report on subordinate legislation tabled between 5 March 2025 and
24 June 2025**

Education, Arts and Communities Committee



Report No. 7

58th Parliament, August 2025

Overview

This report summarises the committee's findings following its examination of the subordinate legislation within its portfolio areas tabled between 5 March 2025 and 24 June 2025. It reports on any issues identified by the committee relating to the policy to be given effect by the legislation, fundamental legislative principles and lawfulness. It also reports on the compliance of the explanatory notes with the *Legislative Standards Act 1992* (LSA).¹


The report also notes any issues identified by the committee in its consideration of compliance with the *Human Rights Act 2019* (HRA)² and the human rights certificate tabled with the subordinate legislation.³

Subordinate legislation examined

No.	Subordinate legislation	Date tabled	Disallowance date
47	Disability Services Amendment Regulation 2025	24 June 2025	29 October 2025

* Disallowance dates are based on proposed sitting dates as advised by the Leader of the House. These dates are subject to change.

Committee consideration of the subordinate legislation

Committee Comment	
	<p>The committee did not identify any significant issues regarding the policy, consistency with fundamental legislative principles, the lawfulness of the subordinate legislation or non-compliance with the HRA.</p> <p>Similarly, the committee considers that the explanatory notes tabled with the subordinate legislation noted in this report comply with the requirements of section 24 of the LSA, which includes advice about consultation, and that the human rights certificates tabled with the subordinate legislation provide a sufficient level of information to facilitate understanding of the subordinate legislation in relation to their compatibility with the HRA.</p>

1. SL No. 47 – Disability Services Amendment Regulation 2025

Under the National Disability Insurance Scheme (NDIS) Quality and Safeguarding Framework (QSF), Australian states and territories are responsible for the legislation and policy relating to the authorisation of the use of regulated restrictive practices for NDIS participants. The NDIS Quality and Safeguards Commission (NDIS Commission) oversees the use of regulated restrictive practices and requires that they may only be used by registered NDIS providers.

There is an exemption for NDIS participants living in residential aged care (RAC) facilities. This is because the use of regulated restrictive practices by RAC providers is subject to an alternative QSF. SL No. 47 makes minor amendments to ensure the current

¹ *Legislative Standards Act 1992* (LSA), Part 4. See also, LSA s 4.

² *Human Rights Act 2019* (HRA), ss 8, 13.

³ *HRA*, s 41.

requirements relating to regulated restrictive practices continue when the new *Aged Care Act 2024* (Cth) (new Aged Care Act) commences on 1 November 2025.⁴

SL No. 47 amends the Disability Services Regulation 2017 to:

- remove references to the *Aged Care Act 1997* (Cth) and *Aged Care Quality and Safety Commission Act 2018* (Cth)
- replace them with references to the new Aged Care Act in time for its commencement.⁵

SL No. 47 provides that Part 6 (Positive behaviour support and restrictive practices) of the *Disability Services Act 2006* does not apply to a registered provider if:

- the registered provider is providing disability services or National Disability Insurance Scheme supports or services to an adult, and
- the adult has an approval, under section 65(2) of the new Aged Care Act, to access funded aged care services for the service group residential care.⁶

1.1 Explanatory notes and FLP

No issues of fundamental legislative principle were identified. The explanatory notes comply with part 4 of the LSA.

1.2 Human Rights Act 2019

The committee is satisfied that the amendment regulations are compatible with human rights.⁷

1.3 Human Rights Certificate

The human rights certificate tabled with SL No. 47 provides a sufficient level of information to facilitate understanding of the subordinate legislation in relation to its compatibility with human rights.



Recommendation 1

The committee recommends that the Legislative Assembly note this report.

Nigel Hutton MP

Chair

⁴ Explanatory notes, pp 1-2; the explanatory notes state the new act commences on 1 July 2025, but the commencement was subsequently deferred until 1 November 2025.

⁵ SL No. 47, s 4; explanatory notes, p 1.

⁶ SL No. 47, s 4; explanatory notes, pp 2-3.

⁷ Section 8 of the HRA relevantly provides that a statutory provision is compatible with human rights if the provision does not limit a human right or limits a human right only to the extent that is reasonable and demonstrably justifiable in accordance with section 13 of the HRA. Section 13 of the HRA provides that a human right may be subject under law only to reasonable limits that can be demonstrably justified in a free and democratic society based on human dignity, equality and freedom.

Education, Arts and Communities Committee

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