

|  |
| --- |
| Department of Health and Human Services Factsheet |
| The Disability (NDIS Transition) Amendment Act 2019 |

# What does the Act do?

The *Disability (National Disability Insurance Scheme Transition) Amendment Act 2019* (Disability Amendment Act) makes necessary amendments to the *Disability Act 2006* to support Victoria’s transition to the NDIS. The Disability Amendment Act won’t change the way the NDIS or the NDIS Commission works but supports the role the Victorian Government will have following transition to the NDIS.

The Disability Amendment Act also makes important changes to the *Residential Tenancies Act 1997* (RTA) to ensure that safeguards for people with disability are strengthened and maintained and rights are fully protected for people with disability living in Specialist Disability Accommodation (SDA).

## Key changes to the *Disability Act 2006*

Amendments to the Disability Act are designed to meet Victoria’s obligations under the National Quality and Safeguards Framework and to ensure safeguards for people with disability in Victoria are maintained and strengthened during and post transition to full scheme under the NDIS.

Amendments made to the Disability Act include to:

* Provide a process for authorising the use of regulated restrictive practices for NDIS participants
* Enable the Senior Practitioner to give directions to registered NDIS providers
* Enable the transfer and disclosure of information relating to registered NDIS providers and NDIS participants
* Support the Secretary’s role in safety screening for NDIS workers
* Streamline de-registration of providers that cease providing services to state funded clients
* Ensure community visitors can visit residents in Specialist Disability Accommodation (SDA) services
  + Repeal provisions relating to residential institutions.

## Key changes tothe *Residential Tenancies Act 1997*

New laws regulating SDA were created in 2018 by the *Disability Services Safeguards Act 2018.* These new laws have been inserted in the RTA as new Part 12A.

Most of the new SDA provisions will commence from 1 July 2019. Some provisions will commence in 2020 to align with commencement of broader amendments to the RTA. A broader review of the RTA was undertaken in 2018 through the *Residential Tenancies Amendment Act 2018.* This Act will come into effect in 2020 including some of the amendments made by the Disability Amendment Act.

Amendments made to the RTA include to:

* Provide strengthened protections against eviction into homelessness for SDA residents
* Make penalties and offence provisions that are consistent with the *Residential Tenancies Amendment Act 2018*
* Align the rights of SDA residents with the rights of the rest of the renting community through the RTA.

# What do providers need to do?

The majority of amendments commenced from 1 July 2019. NDIS providers must comply with the new and amended provisions as they apply to the services they deliver to NDIS participants and/or state funded clients.

NDIS providers who support NDIS participants with behaviour support plans must comply with the new requirements for authorisation for restrictive practices, and the directions of the Senior Practitioner under the Disability Act.

SDA providers must comply with Part 12A of the RTA and other provisions of the RTA as applicable.

Information and guidelines will be provided to support providers to implement and comply with the new requirements under the Disability Act and the RTA.

* Further information about the RTA and the new SDA laws is available on the [CAV web-site](https://www.consumer.vic.gov.au/housing/renting/types-of-rental-agreements/specialist-disability-accommodation):

<https://www.consumer.vic.gov.au/housing/renting/types-of-rental-agreements/specialist-disability-accommodation>.

* Questions about implementing the new SDA laws and Disability Act amendments may be sent to:

[qualityandsafeguards@dhhs.vic.gov.au](mailto:qualityandsafeguards@dhhs.vic.gov.au)

* Visit the [Legislation.vic.gov website](http://www.legislation.vic.gov.au/) to view the *Disability (NDIS Transition) amendment Act 2019*.<https://www.legislation.vic.gov.au>.

|  |
| --- |
| To receive this publication in an accessible format phone 1800 783 783, using the National Relay Service 13 36 77 if required, or [email Disability and NDIS Branch](mailto:qualityandsafeguards@dhhs.vic.gov.au)  <qualityandsafeguards@dhhs.vic.gov.au>.  Authorised and published by the Victorian Government, 1 Treasury Place, Melbourne.  © State of Victoria, Department of Health and Human Services, June 2019.  Available at <https://www.vic.gov.au/specialist-disability-accommodation> |