

Disability Services (Rehabilitation Services) Guidelines 2017

*Disability Services Act 1986*

I, Christian Porter, Minister for Social Services, acting under subsection 5(1) of the *Disability Services Act 1986*, make these Guidelines.

Dated: 19 June 2017

**Christian Porter**

Minister for Social Services

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Part 1 Preliminaries

1 Name

These Guidelines are the *Disability Services (Rehabilitation Services) Guidelines 2017*.

2 Commencement

These Guidelines commence on the day determined under subsections 5(3) and (4) of the *Disability Services Act 1986*.

3 Authority

These Guidelines are made under subsection 5(1) of the *Disability Services Act 1986*.

4 Definitions

In these Guidelines:

***Act*** means the *Disability Services Act 1986*.

***disability services standards***means rehabilitation programstandards made under paragraph 5A(1)(c) of the Act.

***officer*** ***of the Department*:**

(a) means an APS employee in the Department whose responsibilities include performing functions under these Guidelines; and

(b) does not include a person described in paragraph (b) or (c) of the definition of ‘officer’ in section 4 of the Act.

***rehabilitation services*** means:

(a) vocational rehabilitation services; and

(b) other services designed to assist persons in the target group to improve their ability to live independently.

***Secretary*** has the meaning given by section 4 of the Act.

***target group*** has the meaning given by section 18 of the Act.

***vocational rehabilitation services*** are services designed to assist a person in the target group to prepare for, find or maintain paid employment.

5 Revocation

The *Disability Services (Rehabilitation Services) Guidelines 2007* are revoked.

6 Purpose of Guidelines

The purpose of these Guidelines is, in relation to Part III of the Act:

(a) to promote fair, open, consistent and accountable decision-making; and

(b) to inform the community of:

(i) the decision-making processes to be followed; and

(ii) the factors to be considered in making decisions under that Part; and

(c) to promote the efficient and effective administration of that Part.

7 Determining standards and key performance indicators

(1) Subsection (2) must be complied with before the Minister:

(a) determines standards under paragraph 5A(1)(c) of the Act; or

(b) approves key performance indicators, under subsection 5A(2) of the Act, for any standards of that kind.

(2) The Minister must ensure that the views of:

(a) people with disability; and

(b) the families and advocates of people with disability; and

(c) other appropriately interested persons;

are considered through consultation, so that the Minister can establish the broad views of these groups before determining the standards or approving the key performance indicators.

Part 2 Matters relevant to provision of rehabilitation services

8 Certificate of compliance

For subsection 19(2) of the Act, a person is taken to be holding a current certificate of compliance if:

(a) the accredited certification body has, under subsection 6E(3) of the Act, notified the Secretary of the giving of the certificate; and

(b) the Secretary has not been notified of any revocation of the certificate.

*Note*   The word ***person*** is taken to include a provider of rehabilitation programs who provides services on behalf of the Department under a contract made between the provider and the Commonwealth for the provision of rehabilitation services under Part III of the Act; and a provider who may be offered such a contract by the Commonwealth.

9 Factors to which the Secretary must have regard when taking measures, or entering into arrangements for the provision of rehabilitation services

In taking measures or entering into arrangements with a provider of rehabilitation programs, for the provision of rehabilitation services under subsection 20(1) of the Act, the Secretary must have regard to:

(a) the ability of the provider to effectively and efficiently provide high quality and value for money vocational rehabilitation services; and

(b) the extent to which the vocational rehabilitation services offered by the provider will achieve the purposes of the Act; and

(c) the experience of the provider in providing vocational rehabilitation services; and

(d) the skills, experience and professional qualifications of the provider’s employees; and

(e) the type and range of rehabilitation services the provider offers, including, but not limited to, rehabilitation services that are specialist services; and

(f) evidence of the provider’s successful past performance in providing rehabilitation services or similar services; and

(g) the accessibility by people with disabilities to the provider’s premises; and

(h) the ability of the provider to provide services that:

(i) enable people with an injury, disability or other health condition to achieve sustainable employment to maximise use of their capabilities;

(ii) promote the capabilities of the target group, leading to improved employment opportunities for them; and

(iii) demonstrate commitment to continuous improvement in the provision of employment services to the target group; and

(i) any other factor the Secretary considers relevant.

10 Entering into arrangements with rehabilitation service providers who do not hold a certificate of compliance

For the purposes of subsection 19(3) of the Act, when entering into an arrangement with a provider of rehabilitation programs who does not hold a certificate of compliance, the Secretary must:

(a) be satisfied that the provider intends to obtain a certificate of compliance within 12 months of commencing providing rehabilitation services under the arrangement; and

(b) have regard to:

(i) the matters mentioned in section 9 of these Guidelines; and

(ii) the capacity of the provider to comply with the disability services standards during the period in which the provider does not hold a certificate of compliance.

Part 3 Miscellaneous

11 Availability of information

An officer of the Department must, on request, provide a member of the public with a copy of the following:

(a) these Guidelines;

(b) the principles and objectives formulated under section 5 of the Act;

(c) the rehabilitation program standards;

(d) the key performance indicators approved by the Minister for the standards mentioned in paragraph (c).