



# Factsheet - Regulated Activities for service providers

## *Disability Services and Inclusion Act 2023*

The *Disability Services and Inclusion Act 2023* (the DSI Act) allows the Commonwealth to fund eligible activities. Some eligible activities involve little to no direct contact with people with disability. Others are lower risk activities that do not need extensive oversight. Some eligible activities may expose people with disability to greater risk. This could be because they are more complex to deliver.

These higher risk activities are called 'regulated activities'. To deliver regulated activities, you must hold a certificate of compliance. This fact sheet provides information about regulation under the DSI Act, including:

- Which activities are 'regulated activities'?
- What does it mean if you are a provider of a regulated activity?
- How do I get a certificate of compliance?
- What alternative compliance requirements may be recognised?

## Which activities are 'regulated activities'?

The Department of Social Services (the department) will assess each activity made under the DSI Act. A 'regulated activity' is one which meets any of the following criteria:

- an eligible activity that involves delivery of higher-risk and complex supports to people with disability
- an eligible activity that involves substantial one-on-one contact with people with disability using the service (whether the contact is in person or by other means)
- an eligible activity that involves regular engagement with people with disability using the service over a prolonged period (whether the engagement is in person or by other means).

## What does it mean if you are a provider of a regulated activity?

You must hold a certificate of compliance to deliver a regulated activity.

The National Standards for Disability Services (the NSDS) are the default compliance standards under the DSI Act. Alternative compliance standards may also be recognised for regulated activities if deemed appropriate.

The grant application process will outline whether the activity is a regulated activity. It will also outline any alternative compliance requirements recognised. The grant agreement will also include this information.

You must also meet the general requirements that apply to all eligible activities funded under the DSI Act:

- You must follow the Code of Conduct.
- You must set up and maintain a complaint and an incident management system. These should be appropriate to the size and complexity of your organisation.
- You must not be subject to a banning order under the *National Disability Insurance Scheme Act 2013*. This includes any key personnel or workers involved in delivering the activity, as well as your organisations as a whole.

## How do I get a certificate of compliance?

If you need to hold a certificate of compliance, the grant application process will provide information. This would generally involve undergoing an audit against the NSDS. More information about the NSDS is available on the department's website: [National Standards for Disability Services](#).

If you do not hold a certificate of compliance at the time that you submit a grant application, you can write to the department to advise of your intention to get one. The department may give you up to 15 months to get a certificate of compliance.

## What alternative compliance requirements may be recognised?

The Act can recognise compliance requirements established under other regulatory systems. This means that if you already meet other compliance requirements, you may be able to request a certificate of compliance under the Act.

The grant opportunity will identify whether alternative compliance requirements are recognised for the regulated activity. The alternative requirements that may be recognised in this way are:

- being a registered NDIS provider (within the meaning of the *National Disability Insurance Scheme Act 2013*)
- being an approved provider of aged care (within the meaning of the *Aged Care Quality and Safety Commission Act 2018*)
- accreditation against one or more of the following standards formulated under 9(1)(e) of the National Health Reform Act 2011:
  - the *National Safety and Quality Digital Mental Health Standards*

- the *National Safety and Quality Health Service Standards*
- the *National Safety and Quality Mental Health Standards for Community Managed Organisations*
- the *National Safety and Quality Primary and Community Healthcare Standards*.
- registration in a State or Territory as the kind of health practitioner that can provide that kind of activity under:
  - for a State or Territory other than Western Australia—the Health Practitioner Regulation National Law, as it applies (with or without modification) as a law of the State or Territory, or
  - for Western Australia—the *Health Practitioner Regulation National Law (WA) Act 2010* of Western Australia, so far as that Act corresponds to the Health Practitioner Regulation National Law
- certified practising member of Speech Pathology Australia (SPA)
- certified or recognised as a translator or interpreter by the National Accreditation Authority for Translators and Interpreters (NAATI).

If you are applying for a grant opportunity that identifies one of the above standards as an alternative compliance requirement, and you already hold the relevant accreditation or registration, you can write to the department to request recognition. If you meet the requirements, the department will grant you a certificate of compliance.

The department may request more information to ensure you meet the requirements.

You must also notify the department if you no longer meet the alternative compliance requirements.

## For further information

Please visit [www.dss.gov.au/dsi-act](http://www.dss.gov.au/dsi-act)