



Factsheet – What’s New and What’s Different

Disability Services and Inclusion Act 2023

This fact sheet sets out the differences between the previous *Disability Services Act 1986* (DSA) and the new *Disability Services and Inclusion Act 2023* (DSI Act).

Subject	Previous arrangements	DSI Act
Definition of Disability	The DSA included a defined target group	A definition has not been included in the DSI Act as to not limit who is who is able to access supports and services. Specific programs may still define a target group.
Eligible activities	The DSA provided for services relating to: <ul style="list-style-type: none">• Advocacy• Employment• Print services• Other activities approved by the Minister.	Supports and services relating to: <ul style="list-style-type: none">• Accessibility• Accommodation• Advocacy• Capacity• Carers• Community inclusion• Counselling• Education• Employment• Independent living• Information• Recreation• Respite supports and services• Research and evaluation• Other activities approved by the Minister.
Funding arrangements	Grant funding only	Funding can be arranged via grants, procurement or other types of funding arrangements
International Obligations	The DSA did not reference any international obligations	The objects of the Act include in conjunction with other laws, to give effect to the Convention on the Rights of Persons with Disability and give effect other international obligations that Australia has as a party to.
Regulatory oversight	The DSA established an automatic requirement for all advocacy and	The DSI Act establishes consistent requirements for all funded providers.

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	<p>employment providers to obtain a certificate of compliance, regardless of services provided.</p> <p>FF(SP) providers were subject to compliance requirement as stated under their grant agreements terms and conditions and in operational guidelines, which was inconsistent and less clear to people accessing services.</p>	<ul style="list-style-type: none"> Providers are only required to hold a certificate of compliance if they deliver a 'regulated activity' A 'regulated activity' is one which involves delivery of higher-risk or complex supports, one that is delivered by persons undertaking the activity through substantial one-on-one contact or that involves regular engagement over a prolonged period.
Compliance standards	All providers under the DSA requiring certification were required to comply with the National Standards for Disability Services, no matter what other standards they met.	<p>All programs are assessed if they are requiring certification. Only regulated activities are required to comply with the National Standards for Disability Services.</p> <p>Alternative standards can be recognised, potentially reducing the regulatory burden for providers who are already subject to comparable compliance standards</p>
Code of Conduct	Expectations around conduct were established separately for each program and contained in grant agreements and operational guidelines.	<p>All providers are required to comply with the Code of Conduct, which mirrors the NDIS Code of Conduct.</p> <p>Breaching the Code of Conduct can form a basis for varying or terminating an agreement, or imposing additional conditions on the provider.</p>
Complaints management system	No legislative requirement. Individual programs each had their own requirements.	<p>All providers are required to have an appropriate complaints management system.</p> <p>Providers are required to report to the Department of Social Services if any complaints relate to alleged breaches of the Code of Conduct, including where they have dealt with those complaints themselves.</p>
Incident management system	No legislative requirement. Individual programs each had their own requirements.	All providers are required to have an appropriate incident management system of appropriate size.

Additional Resources

Please visit www.dss.gov.au/dsi-act for further information about the new Act.