Disability Worker Registration Board of Victoria

in partnership with VDWC Victorian Disability Worker Commission

Rights and responsibilities of registered disability workers

August 2025

Registered disability workers meet rigorous standards for safety, skills and professionalism and demonstrate their commitment to a stronger, safer Victorian disability sector. A range of rights and responsibilities come with being a registered disability worker.

This document covers:

- Complying with registration standards
- Complying with registration guidelines
- Communicating your status as a registered disability worker
- Complying with any conditions on your registration
- Requirement to notify about certain conduct
- Obligations to provide information to the Board
- How the Board regulates registered workers.

Complying with registration standards

The Disability Worker Registration Board of Victoria (Board) sets registration standards that workers must meet to be granted and to maintain registration. Registered workers must comply with all registration standards. If registration standards change, registered workers must ensure they comply with the new standards.

You can find more information on registration standards on our website at Registration Standards vdwc.vic.gov.au.

Complying with registration guidelines

The Board can set guidelines that all registered disability workers must comply with.

Disability Service Safeguards Code of Conduct

The Board has set a guideline that all registered disability workers must comply with the Disability Service Safeguards Code of Conduct (the Code). The Code is the NDIS Code of Conduct; with the same requirements.

The Code sets out obligations that all Victorian disability workers must abide by and provides a standard to protect people with disability from harm and abuse.

You can find out more about the Code of conduct on our website at Disability Worker Code of Conduct vdwc.vic.gov.au.

Communicating your status as a registered disability worker

Using a protected title

Registered disability workers can use the legally protected titles of ‘Registered disability support worker’ or ‘Registered disability practitioner’ in line with the division they are registered under. Only workers who hold current, valid registration can use these titles.

Making false claims about the use of a legally protected title and the type of registration held is an offence.

Using a certified registration mark

Registered disability workers receive a digital copy of their certificate of registration showing either the practitioner or support worker registration mark. Registered workers can display the registration mark to clearly show that they have been assessed as safe, skilled and professional.

The mark can be used in several ways, such as in an email signature, on a business card or on a name badge. Please refer to the style guide attached to your registration acceptance email for information on how the mark can be used.

As more workers become registered, the mark will provide a significant recognition point for the public and particularly for service users, their families and carers to easily identify registered workers.

Offences relating to use of protected titles and claims about registration

It is an offence to use a protected title in a way that could induce a belief that:

- the person is registered as a disability worker holding that title
- another person is registered as a disability worker holding a protected title.

It is an offence to claim that another person:

- holds a type of registration or endorsement that the person does not hold
- is qualified to hold a type of registration or endorsement that the person is not qualified to hold.

Registered disability workers must not claim to:

- hold a type of registration or endorsement of their registration that they do not hold
- be qualified to hold a type of registration or endorsement of their registration for which they are not qualified.

Either of these claims may constitute behaviour for which health, conduct or performance action can be taken against a registered disability worker.

Certificate of registration

All registered disability workers receive an official certificate of registration. In accordance with the *Disability Service Safeguards Act 2018* (the Act), the certificate contains information including: registration number, division and type of registration, any endorsements, conditions or undertakings and when registration expires.

Complying with any conditions on registration

The Board may impose a condition on a disability worker's registration. Conditions are imposed to ensure that disability services are delivered in a safe manner. If a condition is imposed on a disability worker's registration, then the registered disability worker is required to comply with the condition. The Board will set a review period for the condition.

The disability worker can apply to the Board to change or remove a condition on their registration during the review period if their circumstances change. A condition on a registration can be changed or removed if there has been a material change in the disability worker's circumstances, and the Board believes that it is necessary to change a condition or that the condition is no longer necessary.

Requirement to notify about certain conduct

Under the Act all Victorian disability workers and employers must notify the Victorian Disability Worker Commission (Commission) if they reasonably believe that a worker has engaged in certain types of notifiable conduct. You can find out more about what is a notification and how to make a notification on our website at Complaints and Notifications vdwc.vic.gov.au.

Obligations to provide information to the Board

Under the Act, a registered worker must notify the Board of certain events and information.

Events that require notice to the Board within 7 days

Where another regulatory body or authority takes action about the conduct of a registered disability worker, the worker may need to tell the Board.

Within **7 days** of the event occurring, a registered disability worker must advise the Board of:

- being charged, whether in Victoria or elsewhere, with an offence punishable by 12 months' imprisonment or more
- being convicted of, or found guilty of, an offence, whether in Victoria or elsewhere, punishable by imprisonment
- appropriate professional indemnity insurance arrangements no longer being in place (this requirement will come into place when the Board makes professional indemnity insurance a registration requirement – registered workers will be notified when this occurs)
- their right to practise at a hospital or another facility from which disability services are provided is withdrawn or restricted because of the disability worker's conduct, performance or health
- their billing privileges are withdrawn or restricted under the Commonwealth *Human Services (Medicare) Act 1973* because of the disability worker's conduct, professional performance or health
- their authority under a law of a State or Territory to administer, obtain, possess, prescribe, sell, supply or use a scheduled medicine or class of scheduled medicines is cancelled or restricted
- their registration under the law of another jurisdiction that provides for the registration of disability workers is suspended or cancelled or made subject to a condition or another restriction. This includes registration with Commonwealth bodies e.g., as a National Disability Insurance Scheme (NDIS) registered provider
- their registration as a health practitioner within the meaning of the Health Practitioner Regulation National Law is suspended, cancelled or made subject to a condition, prohibition order or other restriction under the Health Practitioner Regulation National Law

- their NDIS clearance has been suspended or revoked under the *Worker Screening Act 2020* (Vic)
- they are given an exclusion or interim exclusion in relation to a NDIS worker screening clearance under the *Worker Screening Act 2020* (Vic)
- they have been refused registration as a NDIS registered provider under the *National Disability Insurance Scheme Act 2013* (Cth) (NDIS Act) or their registration has been suspended or revoked
- they are subject to a banning order under the NDIS Act
- they are subject to a prohibition order or banning order under any other Act in relation to providing health services or disability services or other services involving the care of children
- having a complaint or notification made about them to a relevant entity.

A relevant entity means:

- the Health Complaints Commissioner
- the Mental Health Complaints Commissioner
- the Public Advocate
- any entity of the Commonwealth or another State or a Territory that is equivalent to an entity referred to in the three dot points above
- the NDIS Quality and Safeguards Commission
- a registration authority within the meaning of the Health Practitioner Regulation National Law.

Failure to give the Board notice of these events may constitute behaviour for which the Board may take health, conduct or performance action.

Events that require notice to the Board within 30 days

A registered disability worker must give the Board notice of the following changes within **30 days** of the change:

- the place they principally practise as a disability worker changes
- the address provided by them as the address the Board should use in corresponding with them changes
- there is a change in their name.

Failure to give the Board notice of these changes may constitute behaviour for which the Board may take health, conduct or performance action.

How the Board regulates registered workers

Information the Board may request from a registered disability worker

The Board may request certain information from a registered disability worker. Not complying with a request may constitute behaviour for which the Board may take health, conduct or performance action.

The Board may request the following specific information in writing from a registered disability worker:

- if they are self-employed and share premises with registered health practitioners or other registered disability workers with whom the disability worker shares the cost of the premises, then

  - that they are self-employed as a disability worker
  - if they practise as a disability worker under a business name or names, each business name
  - the address of each of the premises from which they practise as a disability worker
  - the names of the registered health practitioners and other registered disability workers with whom they share one or more premises.
- if they are self-employed and they don't share premises and the cost of those premises with other registered disability workers or registered health practitioners), then
  - that they are self-employed as a disability worker
  - if they practise as a disability worker under a business name or names, each business name
  - the address of each of the premises from which they practise as a disability worker.
- if they are engaged by one or more entities under a contract of employment, a contract for services or any other arrangement or agreement, the name, address and contact details of each entity
- if they practise as a disability worker for or on the behalf of one or more entities, whether in an honorary capacity, as a volunteer or otherwise, and if they receive payment from an entity, the name, address and contact details of each entity
- if they practise as a disability worker under a name or names that are not the same as the name under which they are registered under the Act, the other name or names
- details of their continued competence to practise as a disability worker
- details of any complaint or notification made against them to a relevant entity
- whether they have been given a NDIS exclusion or interim exclusion, or had their NDIS clearance suspended or revoked
- whether they are subject to a banning order under the NDIS Act
- whether they are the subject of a prohibition order.

Board’s powers to receive complaints and investigate registered disability workers

The Board receives and assesses complaints about registered disability workers.

Complaints can be made to the Commission about any disability worker in Victoria, registered or not. Complaints can be about the professional conduct of a worker, including:

- their standard of work
- the knowledge, skill or judgement of the disability worker
- their capacity to provide services safely
- an alleged breach of the Code or the Act.

The Board may deal with a complaint by:

- taking immediate action
- counselling the worker
- referring the worker to an appropriate entity
- settling the complaint by agreement
- requiring the worker to undergo a performance assessment or health assessment

- investigating the worker
- taking any other appropriate action
- taking no further action.

If the Board considers it necessary and appropriate, then it can investigate a registered disability worker:

- because of a complaint or notification about the worker
- because the Board believes that the registered disability worker
  - has or may have an impairment that detrimentally affects their capacity to provide disability services in a safe manner or
  - their conduct is, or may be, or they provide disability services in a manner that is, or may be, unprofessional
- to ensure they are complying with an undertaking, or a condition imposed on their registration.

Immediate action, health and performance assessments

Immediate action

The Board may take immediate action in relation to a registered disability worker, if:

- the registered disability worker poses a serious risk to people because of their conduct, performance or health and immediate action is necessary to protect public health and safety
- their registration was improperly obtained
- the worker has had their registration in relation to providing health services, disability services or education cancelled or suspended
- the Board believes it is otherwise in the public interest, for example, where the worker is charged with a serious criminal offence unrelated to providing disability services and it is necessary to maintain public confidence.

Immediate actions the Board can take include:

- suspending or imposing a condition on registration
- accepting an undertaking from the registered disability worker
- accepting surrender of the disability worker's registration
- prohibiting a registered disability worker whose registration has been cancelled or suspended from providing any or all disability services.

If the Board proposes to take immediate action, the Board will notify the worker in writing and invite them to make a submission to the Board. The Board must consider any submission made in deciding whether to take immediate action.

Health assessments and performance assessments

The Board may require a registered disability worker to undergo a health assessment if the Board believes the worker has or may have an impairment that detrimentally affects their capacity to provide disability services in a safe manner.

The Board may require a registered disability worker to undergo a performance assessment if the Board believes the way the worker practises is, or may be, unsatisfactory.

If an assessment is required, the Board will notify the registered disability worker in writing. After the assessment, a copy of the assessor's report is given to the worker.

Actions the Board can take about a registered disability worker

If the Board believes the way a registered disability worker practises is, or may be, unsatisfactory or the worker has an impairment that detrimentally affects them from providing disability services in a safe manner and which poses a serious risk, the Board may take one or more actions, including:

- counsel the worker
- caution the worker
- accept an undertaking from the worker
- impose a condition on registration
- refer the matter to the Commission or another entity for investigation or other action.

The Board may establish a health panel to hear and decide a matter if it believes the worker has or may have an impairment that detrimentally affects their capacity to practise in a safe manner. A health panel must be established where suspending registration is to be considered.

The Board may establish a professional standards panel to hear and decide a matter if it believes the way a worker practises or their conduct when practising is unprofessional or unsatisfactory.

Victorian Civil and Administrative Tribunal (VCAT)

Referring matters to VCAT

If the Board believes a disability worker has engaged in professional misconduct or that their registration was improperly obtained, the Board must refer the matter to VCAT.

A panel can also require the Board to refer a matter to VCAT.

Under the Act, VCAT may make various determinations and orders in relation to disability workers. The determinations include that the worker:

- has no case to answer and no further action is to be taken in relation to the matter
- behaved in a way that constitutes unsatisfactory professional performance, unprofessional conduct or professional misconduct
- has an impairment which detrimentally affects their capacity to provide disability services in a safe manner
- obtained their registration improperly because they, or someone else, gave the Board information or a document that was false or misleading in a material particular.

As well as cancelling or suspending a registered disability worker's registration, VCAT can make orders that a disability worker:

- has their registration cancelled, and VCAT may disqualify the worker from applying for registration or prohibit them from providing a specified disability service, or using a specified title
- has their registration suspended
- be cautioned or reprimanded
- have a condition imposed on their registration
- pay a fine (maximum $30,000) to the Board.

Decisions that can be reviewed by VCAT

An affected worker can apply to VCAT for review of a decision made under the Act. These include the following decisions:

- Board decisions to refuse registration, endorsement or renewal
- Board decisions to impose, change or remove a condition or undertaking placed on a person's registration or endorsement
- Board decisions to suspend registration
- Panel decisions about conditions, suspension, reprimands and cautions.

Offences and penalties

Penalties apply to registered workers who commit an offence against the Act. These offences include but are not limited to misuse of legally protected titles, unprofessional conduct and contravening a VCAT or prohibition order.

The Act includes several offences and penalties:

Offences punishable by imprisonment, civil penalty or both

Offences for which up to two years imprisonment, as well as a civil penalty can be imposed include:

- a person not complying with an interim prohibition order or prohibition order
- a person not complying with a VCAT order made under the Act
- a person providing disability services if they are prohibited in another State or Territory from providing a service in the nature of a disability service.

Offences punishable by civil penalty

Offences for which a civil penalty can be imposed include where a registered disability worker knowingly or recklessly makes false claims, in relation to themselves or another person, about:

- the registered disability worker, disability support worker and disability practitioner titles as well as any prescribed titles, to induce a belief that they are a registered disability worker
- registration type or endorsement or their qualification to hold these when they do not, or are not qualified, to hold these
- the division of the register in which they are registered.

A person must not provide prescribed disability services that they are not registered to carry out, or where they do so otherwise than in a prescribed circumstance.

Other offence provisions where a civil penalty applies include:

- Directing or inciting a registered disability worker to, in the course of them practising as a disability worker, do anything that amounts to unprofessional conduct or professional misconduct.
- Failing to produce information or attend before an authorised officer or investigator or not giving a person named in a warrant reasonable assistance to exercise the powers of search, seizure and investigation conferred on them.
- Impersonating or obstructing authorised officers or investigators or knowingly giving them false or misleading information or documents.
- Various advertising offences, such as advertising a disability service to be provided by a disability worker in a way that:

- is false, misleading or deceptive or likely to mislead or deceive
- omits terms and conditions of any offer of a gift, benefit or discount or other inducement to attract a person to use the service
- uses testimonials or purported testimonials about the business or service
- creates an unreasonable expectation of beneficial treatment
- directly or indirectly encourages the indiscriminate or unnecessary use of disability services.

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