

Social Services Regulation Taskforce

Communique

Official communique from the Social Services Regulation
Taskforce meeting of 16 May 2023

Taskforce Chair:

Adjunct Professor Susan Pascoe AM

Communique from the Social Services Regulation Taskforce – Meeting of 16 May 2023

On 16 May 2023, the Social Services Regulation Taskforce (the taskforce) convened its eighth meeting. The taskforce membership is at **Attachment 1**.

The meeting agenda included:

1. An update from the department on the timeline for the draft regulations and the regulatory impact statement, and communication and engagement on the regulatory impact statement
2. An overview of the content of the regulatory impact statement
3. An update on a small number of changes to the draft regulations
4. An update on transition arrangements for the phasing out of accreditation audits
5. An overview of amendments to the Social Services Regulation Act included in the Disability and Social Services Regulation Amendment Bill 2023.

Content

Taskforce chair, Adjunct Professor Susan Pascoe AM, welcomed two new members of the taskforce:

- Juanita Pope, Board Member, Victorian Council of Social Service, replacing Ms Sue Woodward, who resigned following her appointment as Commissioner, Australian Charities and Not-for-profits Commission
- Deborah Di Natale, Chief Executive Officer (CEO), Council to Homeless Persons, replacing Ms Jenny Smith, who retired from the CEO role.

The department advised that the Minister has:

- confirmed that Stuart Harridge, Senior Advisor, Office of the Hon. Lizzie Blandthorn MP, will attend taskforce meetings as an observer
- confirmed the two new taskforce members
- invited Adjunct Professor Susan Pascoe to be on the selection panel to appoint the new Regulator in her capacity as chair of the taskforce.

1. Update from the department on the regulatory impact statement, the draft regulations and communication and engagement

The department noted that the important work of the taskforce had been recognised by Mr Josh Bull MP, Parliamentary Secretary for Transport and Level Crossing Removals, and former co-chair of the taskforce, during the parliamentary debate on the *Disability and Social Services Regulation Amendment Bill*. Mr Bull noted:

... as the Parliamentary Secretary for Health and Parliamentary Secretary for Carers and Volunteers I had the great privilege of serving as the government co-chair of the taskforce alongside independent co-chair Susan Pascoe. ... Susan was an outstanding co-chair.

Mr Bull went on to acknowledge:

... the work of the taskforce members. Their extraordinary dedication, their passion, their commitment to this space has been – and the work continues – absolutely outstanding. I just want to again put that on the record.

The department confirmed the forward work program, noting the role of taskforce in 2023 will be to provide input to the regulatory impact statement process, promote the regulatory impact statement consultation within their networks, and consider the key themes arising from the consultation. The department noted the indicative timeline it is working to is to:

- publish the regulatory impact statement and draft regulations on the Engage Victoria website (late May)
- provide stakeholders with around 50 days to make submissions (closing date mid-July)
- deliver two general information sessions, which will be recorded and made available to taskforce members (mid-June)
- publish the final regulations (around end October).

The department further noted:

- draft regulations on fees and supported residential services will not be included in the draft regulations released with the regulatory impact statement for consultation, given the complexity of these matters and the need to prioritise the release of the substantive regulatory impact statement and draft regulations
- consultation on fees regulations will be through a separate fees regulatory impact statement in late 2023, and consultation on the specific supported residential services regulations will be subject to a separate process later this year.

Note:

- *The regulatory impact statement and draft regulations have now been published on the [Engage Victoria](https://engage.vic.gov.au/regulatory-impact-statement-and-draft-regulations-for-social-services) website: <<https://engage.vic.gov.au/regulatory-impact-statement-and-draft-regulations-for-social-services>>*
- *The consultation period closes at midnight on 16 July 2023.*
- *The department will hold information sessions on the regulatory impact statement and consultation process on 15 and 21 June 2023. Register [here](https://www.eventbrite.com/cc/information-sessions-ris-for-draft-regulations-2216099): <<https://www.eventbrite.com/cc/information-sessions-ris-for-draft-regulations-2216099>>*

2. Overview of the content of the regulatory impact statement

The department provided an overview of the regulatory impact statement.

Following feedback from taskforce members, the department agreed to:

- amend some consultation questions in the regulatory impact statement and survey on Engage Victoria
- include additional information in the *Social Services Regulation Reform Q&A* document on the Engage Victoria website that it is expected that the Regulator's approach in the early stages will focus on supporting providers to comply with the new scheme. The department notes, however, that the Regulator's regulatory approach is ultimately a matter for it, once established.

3. Update on changes to the draft regulations about notifiable incidents, out of home carers and infringements

The department provided an update on proposed changes to the draft regulations including changes to:

- notifiable incidents, to require notification of:
 - an unexpected death of a service user during the delivery of a social service (all providers)
 - incidents that result in serious injury to a service user (supported residential services providers, maintaining this current notification requirement for these providers)
- replicate existing screening requirements for out-of-home carers and foster carers as a registration requirement under the new scheme
- the drafting of the service requirements and outcomes, to link individual outcomes more clearly to specific service requirements
- proposed infringement offences and penalty levels.

Some Taskforce members expressed concern that the presentation of service requirements and outcomes appears to have undergone significant alteration, based on the department's description of the drafting changes. The alterations have occurred at an advanced stage in the process and after considerable discussion and negotiation on the part of taskforce members. The Department noted the changes were required to meet legislative drafting standards and explained that the Department was not in a position to share the regulations with taskforce members before the release of the regulatory impact statement and draft regulations.

4. Update on transition arrangements for the phasing out of accreditation audits

Some taskforce members:

- noted the value of the accreditation process to their service

- raised concerns about removing accreditation requirements without replacing them with another process to support continuous quality improvement, given this was intended to be a focus of the reforms
- queried what could be included in department contracts to support continuous quality improvement, or how voluntary commitments to ongoing external audit might be encouraged and recognised.

The department undertook to raise with its contract management area a possible discussion with taskforce members about ongoing mechanisms to encourage and support continuous quality improvement.

5. Overview of amendments to the Social Services Regulation Act included in the Disability and Social Services Regulation Amendment Bill

The department briefed members on the amendments relevant to the social services regulatory scheme that have been included in the Disability and Social Services Regulation Amendment Bill. The key amendments in the Bill include:

- amendments to enable authorised officers to enter a resident’s room in supported residential services and disability residential services without consent, in limited circumstances and with a number of safeguards
- safeguards for children and young people in out of home care who may be interviewed or attend a hearing under the Worker and Carer Exclusion Scheme
- allowing regulations to be made for screening volunteer workers and carers, such as foster carers.

The Bill was debated in the Legislative Council and passed on 15 May 2023. Some Taskforce members considered this to be a missed opportunity to address other practical challenges with the Act, which had been raised previously.

Attachment 1: Taskforce Members

Taskforce Chair:

Adjunct Professor Susan Pascoe AM

Taskforce members:

Colleen Pearce, The Public Advocate

David Tennant, CEO, FamilyCare

Michele Lonsdale, Deputy CEO, Centre for Excellence in Child and Family Welfare

Expert Advisory Panel Member, Safe and Equal

Deborah Di Natale, CEO, Council to Homeless Persons

Kathleen Maltzahn, CEO, Sexual Assault Services Victoria

Linda Bamblett, CEO, Victorian Aboriginal Community Services Association Limited

Sarah Fordyce, State Manager, National Disability Services Victoria

Simon Corden, Public Policy Expert

Tania Farha, CEO, Safe and Equal

Juanita Pope, Board Member, Victorian Council of Social Service

Observer:

Stuart Harridge, Senior Advisor, Office of the Hon. Lizzie Blandthorn MP, Minister for Child Protection and Family Services, and Minister for Disability, Ageing and Carers