



12 August 2021

Senator the Hon Simon Birmingham
Minister for Finance
Parliament House
CANBERRA ACT 2600

Via email: financeminister@finance.gov.au

CC: DLO-Finance@finance.gov.au

Dear Minister,

Financial Framework (Supplementary Powers) Amendment (Health Measures No. 1) Regulations 2021 [F2021L00290]

Thank you for your response of 27 July 2021 to the Senate Standing Committee for the Scrutiny of Delegated Legislation in relation to the above instrument. The committee considered your response at its private meeting on 11 August 2021 and has resolved to seek your further advice about the issues outlined below.

Matters more appropriate for parliamentary enactment

Parliamentary oversight

Thank you for your advice that the Disability Support for Older Australians (DSOA) program currently supports just under 3,000 older people with disability and that to be eligible for DSOA a person must have been receiving services under the previous Commonwealth Continuity of Support (CoS) Program.

You also advised that although significant funding of \$1.45 billion is attached to the program, that this is due to the current client base being high needs. In addition, you advised that despite this high level of funding, the DSOA program is not a structural part of the Commonwealth's response to disability services, noting that over time, the cohort of DSOA program participants will decrease to zero.

Finally, you advised that primary legislation is not considered necessary for the DSOA program on the basis that the program is delivered through grants, that there are no ongoing eligibility criteria, and that the program has a relatively short life span.

Although the committee acknowledges your advice that providers under DSOA program are overseen by the NDIS Quality and Safeguards Commission, there is currently no other delegated legislation or primary legislation supporting or regulating the DSOA Program beyond table item 470 in Part 4 of Schedule 1AB to the Financial Framework (Supplementary Powers) Regulations. The committee therefore remains concerned that there is no detail as to how the program will operate

on the face of the instrument including, for example, that the table item only relates to persons who had been receiving services under the CoS program.

The committee therefore requests that the instrument be amended to include core details of how the DSOA program will operate on the face of the instrument.

The committee's expectation is to receive a response in time for it to consider and report on the instrument while it is still subject to disallowance. Noting that the 15th sitting day after the instrument was tabled in the Senate was 11 August 2021, the committee gave a notice of motion to disallow the instrument on that day as a precautionary measure to allow additional time for the committee to consider information received.

Noting this, and to facilitate the committee's consideration of the matters above, the committee would appreciate your response by **26 August 2021**.

Finally, please note that, in the interests of transparency this correspondence and your response will be published on the committee's website.

If you have any questions or concerns, please contact the committee's secretariat on (02) 6277 3066, or by email to sdlc.sen@aph.gov.au.

Thank you for your assistance with this matter.

Yours sincerely,

Senator the Hon Concetta Fierravanti-Wells
Chair
Senate Standing Committee for the Scrutiny of Delegated Legislation