

Senate Community Affairs Committee
ANSWERS TO ESTIMATES QUESTIONS ON NOTICE
SOCIAL SERVICES PORTFOLIO
2014-15 Supplementary Estimates Hearings

Outcome Number: Cross Outcome - Across Programs

Question No: 71

Topic: Statutory Review Provisions

Hansard Page: Written

Senator Ludwig asked:

Please list all current legislation, covered by the department's portfolio, which contain a statutory review provision/s. For each, please provide:

1. What work has been done towards preparing for the review? If none, why not?
2. Please provide a schedule or a work plan for the review.
3. When did/will this work begin?
4. When is/was the review due to commence?
5. What is the expected report date?
6. Who is the Minister responsible for the review?
7. What department is responsible for the review?
8. List the specific clauses or legislation under review caused by the statutory provision.
9. List the terms of reference.
10. What is the scope of the review?
11. Who is conducting the review? How were they selected? What are the legislated obligations for the selection of the person to conduct the review?
12. What is the budgeted, projected or expected cost of the review?
13. When was the Minister briefed on this matter?
14. What decision points are upcoming for the Minister on this matter?
15. List the number of officers, and their classification level, involved in conducting the review.
16. Will the report will be tabled in Parliament or made public. If so, when?

Answer:

The answers are provided in the **below**.

Aged Care (Living Longer Living Better) Act 2013, subsection 4(1):

The Minister must cause an independent review to be undertaken of the operation of the amendments made by:

- (a) this Act; and**
- (b) the *Aged Care (Bond Security) Amendment Act 2013*; and**
- (c) the *Aged Care (Bond Security) Levy Amendment Act 2013*.**

Answers:

1. The legislation provides for an independent review to commence in 2016 with a report to be tabled in both Houses of Parliament by late 2017. The Department will commence work to establish the review in 2015.
2. There is no schedule or work plan available at this time.
3. Work will commence in 2015.
4. Subsection 4(4) of the *Aged Care (Living Longer Living Better) Act 2013* states: “The review must be undertaken as soon as practicable after the end of the period of 3 years after the commencement of Schedule 1.” As Schedule 1 commenced on 1 August 2013, the review must be undertaken as soon as practicable after 1 August 2016.
5. Subsection 4(5) of the *Aged Care (Living Longer Living Better) Act 2013* states: “The person who undertakes the review must give the Minister a written report of the review within 12 months after the end of the 3 year period.” The review must therefore be provided to the Minister by 1 August 2017.
6. The Assistant Minister for Social Services, Senator the Hon Mitch Fifield.
7. The Department of Social Services.
8. The legislation provides for the Minister to cause an independent review of the operation and amendments made by the *Aged Care (Living Longer Living Better) Act 2013*, the *Aged Care (Bond Security) Amendment Act 2013* and the *Aged Care (Bond Security) Levy Amendment Act 2013*.
9. Subsection 4(2) of the *Aged Care (Living Longer Living Better) Act 2013* describes the mandatory issues that the review must take into account. These will form the framework of the terms of reference for the review.

According to subsection 4(2) of the *Aged Care (Living Longer Living Better) Act 2013*, the review must consider the following:

- (a) whether unmet demand for residential and home care places has been reduced;
- (b) whether the number and mix of places for residential care and home care should continue to be controlled;
- (c) whether further steps could be taken to change key aged care services from a supply driven model to a consumer demand driven model;
- (d) the effectiveness of means testing arrangements for aged care services, including an assessment of the alignment of charges across residential care and home care services;
- (e) the effectiveness of arrangements for regulating prices for aged care accommodation;
- (f) the effectiveness of arrangements for protecting equity of access to aged care services for different population groups;

- (g) the effectiveness of workforce strategies in aged care services, including strategies for the education, recruitment, retention and funding of aged care workers;
- (h) the effectiveness of arrangements for protecting refundable deposits and accommodation bonds;
- (i) the effectiveness of arrangements for facilitating access to aged care services; and
- (j) any other related matter that the Minister specifies.

The review must also make provision for public consultation and, in particular, must provide for consultation with:

- (a) approved providers;
- (b) aged care workers;
- (c) consumers;
- (d) people with special needs;
- (e) carers; and
- (f) representatives of consumers.

10. The review will consider those matters listed in subsection 4(2) of the *Aged Care (Living Longer Living Better) Act 2013*.

11. No decision has been made about who will conduct the review. Subsection 4(1) of the *Aged Care (Living Longer Living Better) Act 2013* states: “The Minister must cause an independent review to be undertaken of the operation of the amendments ...”

12. The costs of undertaking the review will be met within the Department’s existing appropriation. As the review will not commence until 2016, the Department has not yet allocated specific funding.

13. Advice on the arrangements for this review will be submitted to the Minister for his approval in 2015.

14. There are no upcoming decisions points for the Minister at this time.

15. Officers involved in undertaking the review have not yet been identified.

16. Subsection 4(6) of the *Aged Care (Living Longer Living Better) Act 2013* states: “The Minister must cause a copy of the report of the review to be tabled in each House of the Parliament within 15 sitting days of receiving it.”

National Disability Insurance Scheme Act 2013, section 208:

- (1) The Minister must cause an independent review of the operation of this Act to be undertaken commencing on the second anniversary of the commencement of Chapter 3.**
- (2) The review is to be undertaken by a person or persons chosen by the Minister with the agreement of the Ministerial Council.**
- (3) The terms of reference of the review must be agreed by the Ministerial Council.**

Answers:

1. Commonwealth officials are in the process of consulting with state and territory officials about the terms of reference for the review. The COAG Ministerial Council on Disability Reform will consider the draft terms of reference at their meeting in February 2014.

2. Proposed Timeframe:

- November 2014 – officials agree terms of reference with members of the Disability Policy Group and Senior Officials Working Group
- February 2015 – Disability Reform Council agrees terms of reference and the process for selecting the reviewer
- March 2015 – process commences for selection of reviewer
- May 2015 – reviewer appointed
- Mid-2015 – review commences

3. October 2014.

4. 1 July 2015.

5. 31 December 2015.

6. The Assistant Minister for Social Services, Senator the Hon Mitch Fifield.

7. The Department of Social Services

8. The *National Disability Insurance Scheme Act 2013*.

9. These are under development.

10. This is under development.

11. The selection process is yet to be agreed with state and territory governments. The review is to be undertaken by a person or persons chosen by the Minister with the agreement of the Ministerial Council.

12. This has yet to be decided and will depend on the scope of the review as determined by the terms of reference when agreed.

13. The Assistant Minister was briefed on the process for the review in October 2014.

14. Once officials have negotiated the draft terms of reference, the Assistant Minister will be asked to agree that these be taken to the Ministerial Council for agreement.

15. This has yet to be decided.

16. The Minister must cause copies of the report to be tabled in each House of the Parliament within 15 sitting days of that House after receiving the report, as provided by subsection 208(7) of the *National Disability Insurance Scheme Act 2013*. The Minister must also cause copies of COAG's response to the report to be tabled in each House of the Parliament within six months of giving the copy of the report to the Ministerial Council, as provided by subsection 208(8).

Paid Parental Leave Act 2010, subsection 307A(1):

The Minister must cause a comprehensive review of the general operation of this Act to be begun by 31 January 2013.

Answers:

1. Preparation for the review commenced in late 2012 and the review was completed in June 2014.

2. The Paid Parental Leave Review Report has been completed and its final report was tabled in Parliament on 10 June 2014.

3. The Paid Parental Leave Review commenced on 31 January 2013.
4. The Paid Parental Leave Review was due to commence by 31 January 2013 and it commenced on that date.
5. The Paid Parental Leave Review Report was tabled in Parliament on 10 June 2014.
6. The Minister for Social Services, the Hon Kevin Andrews MP, was responsible for the review.
7. The Department of Social Services (formerly FaHCSIA) conducted the review.
8. The legislated scope of the review is set out in the Paid Parental Leave Review Terms of Reference, which are available at: <https://www.dss.gov.au/our-responsibilities/families-and-children/benefits-payments/review-of-the-paid-parental-leave-scheme-terms-of-reference>
9. The Paid Parental Leave Review Terms of Reference are available at: <https://www.dss.gov.au/our-responsibilities/families-and-children/benefits-payments/review-of-the-paid-parental-leave-scheme-terms-of-reference>
10. The scope of the review is set out in the Paid Parental Leave Review Terms of Reference which are available at: <https://www.dss.gov.au/our-responsibilities/families-and-children/benefits-payments/review-of-the-paid-parental-leave-scheme-terms-of-reference>
11. The Minister for Social Services, the Hon Kevin Andrews MP, was responsible for the review. The review was overseen by the Paid Parental Leave Review Steering Group. Details about the Paid Parental Leave Review Steering Group are available at: <https://www.dss.gov.au/our-responsibilities/families-and-children/benefits-payments/review-of-the-paid-parental-leave-scheme/ppl-review-steering-group>
12. The Paid Parental Leave Review was conducted internally by the Department of Social Services (formerly FaHCSIA). Design and typesetting services for communication materials to support the public consultation phase were procured using Departmental funding (\$2,524 excluding GST) in 2012-13.
13. On 30 April 2014.
14. N/A
15. Preparation for the review commenced in late 2012 and the review was completed in June 2014. Over this period, up to seven officers (2 x APS4, 2 x APS6, 2 x EL1 and 1 x EL2) spent various proportions of their time working on the review, under the direction of the Branch Manager of the Parental Payments and Family Research Branch (now Birth Adoption and Care Branch).
16. The Paid Parental Leave Review Report was tabled in Parliament on 10 June 2014.