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| Social Services Regulation Taskforce |
| Terms of referenceMay 2024 |
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Contents

[Background and context 1](#_Toc156988357)

[Critical timelines 2](#_Toc156988358)

[Purpose of the taskforce 2](#_Toc156988359)

[Consultation 3](#_Toc156988360)

[Role of the taskforce 3](#_Toc156988361)

[Role of the department 3](#_Toc156988362)

[Role of regulator 4](#_Toc156988363)

[Co-chairs 4](#_Toc156988364)

[Membership 4](#_Toc156988365)

[Remuneration 5](#_Toc156988366)

[Term of the taskforce and meeting frequency 5](#_Toc156988367)

[Confidentiality 6](#_Toc156988368)

[Termination 6](#_Toc156988369)

[Media enquiries 6](#_Toc156988370)

[Attachment 1: 7](#_Toc156988371)

[Membership of the taskforce 7](#_Toc156988372)

# Background and context

On 16 September 2021, Parliament passed the Social Services Regulation Bill. The Bill gives effect to a comprehensive new regulatory scheme for Victorian social services. The scheme aims to reduce or prevent harms to social services users. It will be implemented in a phased manner from 1 July 2024

The regulatory scheme will cover the following social services:

* child protection
* community-based child and family
* disability (some services)
* family violence
* homelessness
* out-of-home care
* sexual assault
* supported residential services.

Section 3 of the *Social Services Regulation Act 2021* (the Act) provides that these services will be prescribed in Regulations.

The key elements of the new scheme are a:

* **mandatory registration framework** for all providers of services that are within scope of the scheme to be accompanied by a one-off registration fee in some circumstances, and an annual registration fee
* **requirement that all registered providers will be required to comply with a new set of Social Services Standards**. The new standards will replace the current human services standards and will be outcomes focussed and appropriately target risk. These standards will be prescribed in regulation.
* **Social Services Regulator**, established as a separate statutory body, to administer the registration system and enforce compliance with the new scheme. The regulator is intended to be appointed in early 2024.

During the debate on the Social Services Reform Bill in Parliament, the government committed to establishing a Social Services Regulation Taskforce. The taskforce will support and guide the development of the regulation process ahead of the scheme’s commencement from July 2024.

The announcement included that the taskforce will have:

* an independent co-chair to represent both service providers and users
* a government co-chair representative to advise the government on other issues including further detail around the service standards and scheme coverage in the regulations.

The taskforce is also expected to advise on the requirements that should be set in the regulations to support ongoing advisory mechanisms to the regulator.

# Critical timelines

In respect of the regulations, it is anticipated that the Victorian Government will:

* continue to engage with key stakeholders within and outside government during 2023 and early 2024
* progressively develop and finalise the regulatory impact assessment to support the draft Regulations between December 2022 and May 2023
* undertake formal public consultation for the regulatory impact assessment and draft Regulations
* publish the Regulations in late 2023.

# Purpose of the taskforce

The Social Services Regulation Taskforce will provide strategic advice. It will incorporate the perspectives of:

* social service users
* providers
* an individual with expertise in contemporary regulatory practice.

The strategic advice will inform:

* The **development of draft Regulations** critical to the effective implementation of the regulatory scheme. These include:
	+ definitions of prescribed social services that will be subject to the regulatory scheme. This will ensure the scope of the scheme operates as intended
	+ outcomes and service requirements for each of the 6 social service standards provided for in the Act.
* The **regulatory impact assessment**, developed by an external consultant.
* A **mapping exercise**, developed and supported by the Department of Families, Fairness and Housing. It will compare the service standards with other schemes. It will also consider both State and Commonwealth requirements that service providers are already subject to. This will inform consideration about possible recognition of other schemes for the purpose of:
	+ the Act requiring providers to notify the regulator of serious incidents or matters that may pose a serious risk to service users
	+ exempting a provider or class of person providing social services from any of the provisions in the regulations. For example, a requirement to comply with one or more service requirements
	+ ensuring a proportionate approach for reporting, compliance and enforcement. This approach must lance risk and avoid unnecessary regulatory burden.
* **Options and advice about possible advisory and consultation mechanisms** with stakeholders including regulated entities, for consideration by the regulator.
* The development of a complaints model for social services, and new arrangements for disability worker regulation, both to be overseen by the Regulator, announced by the Minister on 1 February 2024.
* **Any other matters that the taskforce identifies** as critical to inform the development of appropriate regulations.

# Consultation

The taskforce will be a key consultation mechanism with the social services sector. To inform their work, taskforce members should consult as appropriate with social service providers, service users and experts.

The department will continue to consult with internal and external stakeholders and across government. This will inform operational, legal and policy and design aspects of implementing the scheme, including developing a broad range of regulations.

# Role of the taskforce

The role of the taskforce is to:

* provide input into the development of key draft regulations
* provide input into a mapping exercise of other schemes that may already cover providers
* consider and make recommendations about possible models for advisory and consultation mechanisms to the regulator, for the regulator’s consideration.
* represent and reflect the perspectives of providers and/or service users, and regulatory experts.
* share information and communicate with other stakeholders, where such information is not confidential.
* inform and report to relevant ministers at regular intervals about progress and any critical issues.

# Role of the department

The department’s role will include responsibility for:

* drafting the regulations and regulatory impact assessment. This will be with support from an external consultant and input from the taskforce and internal and external stakeholders
* final policy decisions. This includes finalising the draft regulations and regulatory impact assessment for consideration of the Minister and the Governor in Council.
* providing secretariat support to the taskforce. This includes developing meeting agendas and discussion and policy papers, recording meeting outcomes, and tracking progress against agreed actions
* updating the taskforce about key deliverables. This includes progress in developing the regulations, the regulatory impact assessment and standing up the Social Services Regulator
* engaging with stakeholders external to and within the department, and across government.

# Role of regulator

The regulator will be an independent body corporate. The Governor in Council will appoint the regulator on advice from the responsible minister.

The regulator’s role, once appointed, will include responsibility for:

* contributing to implementation planning. This includes drafting information for regulated entities to explain the requirements of the new scheme
* compliance monitoring and enforcement
* developing and issuing guidance and education about social service providers’ duties and obligations under the Act and how they may comply with those
* issuing and publishing guidelines about matters relevant to the exercise of its functions, as provided for in the Act
* engaging with stakeholders to inform priority setting and the regulatory approach
* issuing compliance codes to provide practical guidance to any registered social service provider, once approved by the Governor in Council.

# Co-chairs

The taskforce will consist of a government co-chair and an independent co-chair representing both service users and service providers from the Social Services sector.

Responsibilities of the co-chairs include:

* chairing meetings
* supporting the formation of the taskforce
* setting priorities for the taskforce
* taking advice from the members of the taskforce
* supporting the mitigation of risks for complex policy issues.

The co-chairs may invite an individual to attend, observe, and/or submit advice at a meeting. They may also arrange workshops for sub-groups or the whole taskforce, to resolve complex issues on an as needs basis.

Co-chairs will report directly to the Minister for Children and Minister for Disability.

# Membership

Members of the taskforce will comprise social service advocates, representatives of providers of social services, a First Nations representative and a person with regulatory expertise.

The Minister for Children and Minister for Disability will approve the membership of the taskforce and any proposed changes to the membership.

Members must act in accordance with their:

* + employment codes of conduct, legal requirements and ethical standards
	+ declaration of conflict of interest.

Members will endeavour to read and consider all circulated papers before discussion at the meeting.

Where a member representing an organisation is unable to attend a taskforce meeting, they may nominate a delegate from their organisation to attend. They must inform the secretariat and co-chairs in advance and ensure the delegate can fully consider and discuss the taskforce issue. Members invited in their personal capacity cannot delegate attendance to an alternative party.

The membership of the taskforce is at [**Attachment 1**](#_Attachment_1:)**.**

A senior advisor from the office of the Minister for Children and Minister for Disability will also attend in an observer capacity.

The structure of the taskforce, and relationships between the taskforce and the department are reflected below.



# Remuneration

The Minister’s representative and any attendee who is a member of the Victorian Government or Victorian Public Service is generally not entitled to receive any salary or fee for their membership on the taskforce.

The independent co-chair and standing committee members will receive sitting fees. These will be broadly in line with the Victorian Government’s Appointment remuneration guidelines.

# Term of the taskforce and meeting frequency

The taskforce will operate until 30 June 2024, unless dissolved earlier by the department or the Minister for Children and Minister for Disability.

At the end of the taskforce’s term, the department will:

* assess the utility of extending the duration of the taskforce in consultation with the taskforce
* determine whether to extend the term of the existing membership or whether to include different or extra members.

The taskforce may conduct business in or out of session.

# Confidentiality

Unless the co-chairs advise otherwise, matters discussed and materials prepared for the taskforce are not confidential. The taskforce can discuss these matters with the social services sector to inform the taskforce’s deliberations and consultations with the sector.

The secretariat must maintain the records of the taskforce and other documents provided to, or prepared by, or for the purposes of, the taskforce in accordance with the *Freedom of Information Act 1982* (Vic). For example, correspondence to and from members in relation to the work of the taskforce.

The co-chairs and secretariat must handle personal information in accordance with the *Privacy and Data Protection Act 2014* (Vic).

# Termination

The co-chairs can remove invited members from the taskforce meetings for any reason. The Minister for Children and Minister for Disability can remove the co-chairs for any reason.

# Media enquiries

Members should refer all media enquiries and public speaking requests about the taskforce to the secretariat in the first instance.

Members can only make comments to the media and undertake speaking engagements (in an official capacity) after approval by the department.

# Attachment 1:

## Membership of the taskforce

| Member | Organisation |
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| **Iwan Walters** | Parliamentary Secretary for Disability, Government Co-Chair Social Services Regulation Taskforce |
| **Susan Pascoe AM** | Independent Co-Chair Social Services Regulation Taskforce |
| **Tania Farha** | CEO Safe + Equal, the peak body for specialist family violence services in Victoria  |
| **Expert Advisory Panel member** | Safe and Equal’s Expert Advisory Panel |
| **Kathleen Maltzahn** | CEO of Sexual Assault Services Victoria (SASVic), the peak body for Victoria’s specialist sexual assault and harmful sexual behaviour services |
| **Sarah Fordyce** | Victorian State Manager of National Disability Services |
| **David Tennant** | CEO, Family Care Shepparton |
| **Deborah Di Natale** | CEO, Council to Homeless Persons, the peak body in specialist homelessness services |
| **Simon Corden** | Public policy expert  |
| **Linda Bamblett** | CEO, Victorian Aboriginal Community Services Association |
| **Michele Lonsdale** | Deputy CEO, Centre for Excellence in Child and Family Welfare    |
| **Colleen Pearce** | The Public Advocate, Office of the Public Advocate |
| **Juanita Pope** | CEO, Victorian Council of Social Service |

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