

Attachment 1: Overview of the provisions to be retained in/repealed from existing Acts

<i>Community Services Act 2007 (CSA)</i>			
Part of current Act	Retained	Repealed	Impact / justification
Part 1 Preliminary	<ul style="list-style-type: none"> Objects and principles have been revised. 	<ul style="list-style-type: none"> n/a 	<ul style="list-style-type: none"> The objects and principles have been reduced and revised to better align with the narrower scope of the revised Act. The revised CSA's main object is to provide the department with clear and consistent powers to safeguard funding for and the delivery of, products and services to the community.
Part 2 Standards		<ul style="list-style-type: none"> Provisions for making service standards will be repealed. 	<ul style="list-style-type: none"> Organisations are <u>contractually</u> required to meet quality standards, so it is not necessary to provide for these in legislation.
Part 3 Approved service providers		<ul style="list-style-type: none"> The requirement for pre-approval will be repealed. 	<ul style="list-style-type: none"> Provisions requiring NGOs to be 'approved service providers' before they can apply for funding will be repealed. Instead NGOs will only need to make one application, i.e. for funding, during which the department will confirm the organisation's bona fides, governance arrangements, and organisational capability to manage the funds and deliver the required services.
Part 4 Assistance to service providers		<ul style="list-style-type: none"> Provisions— <ul style="list-style-type: none"> specifying how a Minister approves funding, and requiring a Director-General to enter into a written funding agreement will be repealed. 	<ul style="list-style-type: none"> Removing these requirements from legislation allows purchasing decisions and contracts to be decided in line with the Queensland Procurement Policy, provides greater flexibility, and aligns with the Social Services Reform Program. In the absence of these provisions, the revised CSA will apply to declared funding. A Minister may declare a funding program or one-off funding. In deciding whether to make a 'funding declaration', a Minister may consider a range of factors — e.g. the nature of the product or service, the level of vulnerability of the users of the product or service and the amount of the government investment.
Part 5 Prescribed requirements		<ul style="list-style-type: none"> All prescribed requirements have been repealed, along with the power to make them. 	<ul style="list-style-type: none"> The CSA currently allows for prescribed requirements to be set out in a Regulation. For example, these <u>require</u> funded organisations to have procedures in place for ensuring officers have sufficient knowledge of their constitution and other governing documents. These prescribed requirements impose 'upfront' compliance obligations on all organisations. A breach of a prescribed requirement triggers use of the Act's investigative and remedial powers. Existing quality systems and clearer criteria for investigation and enforcement under the revised Act make these requirements redundant. Instead, the revised CSA will specify that the powers may be used in response to the following 'serious concerns': <ul style="list-style-type: none"> harm to a person significant failure in service delivery misuse of public funds a breach of the <i>Disability Services Act 2006</i> (e.g. restrictive practices, criminal history requirements).
Parts 6, 7 and 8 Dealing with serious concerns	<ul style="list-style-type: none"> The following powers will be retained for <i>investigating</i> serious concerns — <ul style="list-style-type: none"> obtaining relevant documents and information allowing authorised officers to enter premises (either with consent or a warrant) to conduct investigations. The following powers will be retained for <i>remedying</i> serious concerns — <ul style="list-style-type: none"> issuing a compliance notice recovering misspent funds appointing an interim manager for funding. 	<ul style="list-style-type: none"> Provisions outlining 'a show cause' process – for the termination of a funding contract where an NGO has breached the contract – will be repealed. 	<ul style="list-style-type: none"> Retaining investigative and remedial powers enables a department to take swift, effective action where necessary to respond to serious concerns. The 'show cause' process is set out in service contracts and does not need to be duplicated in legislation.
Part 9 Reviews	<ul style="list-style-type: none"> Funded organisations will continue to be able to request an <u>internal</u> review of decisions to use the specific remedial powers in the Act (e.g. to appoint an interim manager). 	<ul style="list-style-type: none"> Funded organisations will no longer be able to request an <u>external</u> appeal (to the Queensland Civil and Administrative Tribunal) about decisions to use the specific remedial powers in the Act (e.g. to appoint an interim manager). 	<ul style="list-style-type: none"> An important objective of the revised CSA is to enable government to take quick and effective remedial action to ensure publicly-funded products and services are delivered safely, and to safeguard the use of public funds. Providing an external appeal may impede government's ability to take swift and effective remedial action on these matters.
Part 11 Legal proceedings	<ul style="list-style-type: none"> Provisions on proceedings under the Act have been retained. 	<ul style="list-style-type: none"> n/a 	<ul style="list-style-type: none"> No changes are made, save for minor changes to reflect terminology used in the Bill
Part 12 Miscellaneous	<ul style="list-style-type: none"> Provisions on confidentiality, liability and delegations have been retained. 	<ul style="list-style-type: none"> Provisions on the establishment of advisory committees have been repealed as legislation is not needed to allow this. 	<ul style="list-style-type: none"> Advisory committees will be established administratively.

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Community Services Regulation 2008		<ul style="list-style-type: none"> The <i>Community Services Regulation 2008</i> will be repealed. 	<ul style="list-style-type: none"> The Regulation solely sets out the prescribed requirements. As all prescribed requirements are being repealed, the entire Regulation can be repealed.

Note: Part 10 of the CSA (which dealt with criminal history screening) was repealed previously.

Disability Services Act 2006 (DSA)			
As well as funding, the DSA covers a wide range of matters relating to the provision of disability services, e.g. disability rights, criminal history screening and use of restrictive practices. Key specialist requirements, conditions and obligations regarding such matters will be retained in the DSA to ensure disability services are safe, accountable and responsive to the needs of the vulnerable client group.			
Part of current Act	Retained	Repealed	Impact / justification
Parts 3 and 4 Disability service standards & certification		<ul style="list-style-type: none"> Provisions for making service standards and certifying compliance with them will be repealed 	<ul style="list-style-type: none"> Similar to CSA.
Part 6 Approved non-government service providers		<ul style="list-style-type: none"> Provisions requiring organisations to apply to become an approved non-government service provider will be repealed. 	<ul style="list-style-type: none"> Similar to CSA.
Part 7 Funding of non-government service providers		<ul style="list-style-type: none"> Provisions— <ul style="list-style-type: none"> specifying eligibility for funding on the types of funding that may be provided specifying how the Minister approves funding, and requiring the Director-General to enter into a written agreement. <p>will be repealed.</p>	<ul style="list-style-type: none"> Similar to CSA. <p>NB: The Minister can now declare funding previously approved under the DSA to be subject to the powers in the revised CSA.</p>
Part 8 Prescribed requirements		<ul style="list-style-type: none"> All prescribed requirements will be repealed, along with the power to make them. 	<ul style="list-style-type: none"> Similar to CSA.
Parts 11 and 12 Monitoring and enforcement & Interim manager		<ul style="list-style-type: none"> Investigation and remediation provisions will be repealed. 	<ul style="list-style-type: none"> Investigation and remediation powers in the revised CSA will apply instead.
Part 14 Reviews	<ul style="list-style-type: none"> NB: External review provisions for decisions about criminal history screening and restrictive practices will be <u>retained</u> (under Parts 10 & 10A of the DSA respectively). 	<ul style="list-style-type: none"> Provisions for an internal review and an external appeal (to the Queensland Civil and Administrative Tribunal) for key funding decisions will be repealed. 	<ul style="list-style-type: none"> Internal review steps are now captured in the revised CSA. As outlined above, removal of these external appeal provisions is to avoid impeding government's ability to take swift remedial action where necessary to deal with serious concerns.
Disability Services Regulation 2006	<ul style="list-style-type: none"> Provisions not relating to prescribed requirements will be retained. 	<ul style="list-style-type: none"> All prescribed requirements in the Regulation will be repealed. 	<ul style="list-style-type: none"> Only necessary content will remain in the Regulation (e.g. provisions about identification documents for screening people engaged by service providers).

Family Services Act 1987 (FSA)			
Part of current Act	Retained	Repealed	Impact / justification
Part 2 Objects and administration	<ul style="list-style-type: none"> Provisions that enable the department to appoint honorary officers (Part 2, Division 2) are being transferred into the <i>Child Protection Act 1999</i>. 	<ul style="list-style-type: none"> The FSA is being repealed entirely. 	<ul style="list-style-type: none"> Transferring these provisions will enable the department to continue to appoint non-departmental employees as honorary officers to carry out activities linked to the child protection system — such as conducting research. The provisions allow the department to check the criminal histories of applicants and impose terms and conditions on their appointment, including that they maintain the confidentiality of client files.