

~~Justice Act to clarify that community based orders which have been breached but which expired before the offender is returned to court can only be amended or adjusted by the court.~~

~~Finally, in response to the disproportionate rates of vehicle related crime caused by young offenders in Townsville, I foreshadow to the House that it is intended to move amendments during the consideration in detail stage of the bill that will hold these young offenders accountable and redirect them from further offending. This will be achieved through an amendment to the Youth Justice Act that will ensure that recidivist motor vehicle offenders who have been found guilty of two or more motor vehicle offences in the previous 12 months will be sent to the sentenced youth boot camp on a finding of guilt for a further unlawful use of a motor vehicle. For the next few weeks we want to engage with the Townsville community, recognising they have a serious problem of vehicular thefts, to come up with a proposal during the committee process. We will be writing to the committee about a proposal which essentially is that if there is a recidivist motor vehicle offender in the Townsville area they will have a mandatory sentence imposed and that will be a boot camp order. It is to get these young people to turn their lives around, get them an education and a job and out of a life of crime. I commend the bill to the House.~~

### **~~First Reading~~**

~~Hon. JP BLEIJIE (Kawana—LNP) (Attorney-General and Minister for Justice) (12.16 pm): I move—~~

~~That the bill be now read a first time.~~

~~Question put—That the bill be now read a first time.~~

~~Motion agreed to.~~

~~Bill read a first time.~~

### **~~Referral to the Legal Affairs and Community Safety Committee~~**

~~Mr DEPUTY SPEAKER (Dr Robinson): In accordance with standing order 131, the bill is now referred to the Legal Affairs and Community Safety Committee.~~

## **COMMUNITIES LEGISLATION (FUNDING RED TAPE REDUCTION) AMENDMENT BILL**



**Hon. TE DAVIS** (Aspley—LNP) (Minister for Communities, Child Safety and Disability Services) (12.17 pm): I present a bill to amend the Community Services Act 2007, the Child Protection Act 1999 and the Disability Services Act 2006 for particular purposes, to repeal the Family Services Act 1987, and to make minor and consequential amendments of other legislation as stated in schedule 1. I table the bill and explanatory notes and I nominate the Health and Community Services Committee to consider the bill.

*Tabled paper:* Communities Legislation (Funding Red Tape Reduction) Bill 2014.

*Tabled paper:* Communities Legislation (Funding Red Tape Reduction) Bill 2014, explanatory notes.

I am pleased to introduce a bill to streamline the legislation that my department and others use to safeguard investment in services and products for the community. These vital services and products are delivered by non-government organisations, local governments and other entities to vulnerable people across Queensland. This bill will deliver reforms that slash red tape and reduce the cost of doing business for funded organisations. This will enable them to focus more of their valuable resources on services and products that make a real difference in people's lives. This is part of the Queensland government's commitment to revitalising front-line services and putting customers first, including providing Queenslanders with more choice by strengthening contestability. We are also committed to ensuring better value for taxpayers' money in line with the reports of the Commission of Audit and Child Protection Commission of Inquiry, both of which recommended maximising returns on government investment and improving procurement processes.

Importantly, this bill will reduce unnecessary administrative costs so NGOs can deliver services more efficiently. Through simpler processes like the ones set out in this bill, and building stronger partnerships with service providers, we are driving better outcomes for clients. Front-line services and products are vital to the state's wellbeing and involve a large investment of public funds. For example, in 2012-13 the Department of Communities, Child Safety and Disability Services provided

approximately \$1.5 billion to not-for-profit organisations, local governments and other organisations to deliver child safety, disability and community services.

018 At present, my department administers its large investment under three acts inherited by our government: the Community Services Act 2007, the Disability Services Act 2006 and the Family Services Act 1987. While these acts safeguard services and the public funds used to deliver them, the laws are not as efficient as they could be. They contain duplications and different requirements that increase red tape costs for NGOs, especially those that are funded under two or more acts. For example, an organisation that receives funding under both the Disability Services Act 2006 and the Community Services Act 2007 must have one policy for dealing with complaints about its disability services and a separate policy for dealing with complaints about its community services.

The bill amends the existing laws to remove all this unnecessary red tape, yet retains essential safeguards. It does this by repealing the Family Services Act 1987, removing parts of the Disability Services Act 2006 that duplicate the Community Services Act 2007 and shortening and amending the Community Services Act 2007. Importantly, the bill will cut red tape costs for funded organisations by about \$2.6 million per year, remove more than 60 pages from the Queensland statute book, help my department to exceed its 23 per cent regulatory reduction target, and provide a common legislative base for funding across my department and the other agencies that choose to use it.

Funded organisations make an invaluable contribution to our communities. They enable people, particularly those who are vulnerable, to access a broad range of vital support services. These services are central to a better outlook in life for many, including people with a disability and their carers, children and young people and their families who are doing it tough, and people suffering domestic violence. The vast majority of funded organisations use government funding in good faith for the benefit of Queenslanders. There are, however, rare occasions when serious concerns arise. For example, an NGO might stop delivering a vital taxpayer funded service, a vulnerable client may be at risk of harm or funds may be misused. Breakdowns like those can have serious consequences, especially where the issue cannot be managed promptly and effectively through the funding contract or where an organisation can no longer comply with its contract. As I said, those situations are rare.

However, as a responsible investor, government has a responsibility to ensure that publicly funded services are delivered safely and accountably. That is why we need legislation. The current legislation gives government the power to take quick and decisive action in situations like this. For example, we could appoint an interim manager to ensure that the service continues and vulnerable clients and public funds are protected. Under the bill, these powers will continue to be available, but only if strict criteria are met. If these criteria are met, a department will continue to be able to have specific officers investigate a matter, require documents or information to be provided, issue a compliance notice requiring a funded organisation to take specific action, appoint an interim manager to manage the funding or recover funding that has been misspent. This means that if my department was notified that a funded organisation was misusing a large amount of government funding, for example, we could investigate the matter and formally request the directors or management committee provide us with its financial records. If the directors or management committee refused, they would be committing a criminal offence and could face prosecution.

To ensure that the powers are available where necessary, the bill allows ministers to declare which funding the revised Community Services Act applies to. At a minimum, these declarations will be published on a department's website so everyone is clear what rules apply. A declaration may relate to a funding program or one-off funding. In deciding whether to make a declaration, a minister may consider a range of factors including, for example, the nature of the product or service to be delivered, the importance of the product or service to the community, the vulnerability of service users and the amount government invests in the product or service. For example, in my portfolio I would be interested in safeguarding large investments in services for vulnerable children in the child safety system, so I would declare funding for those services. However, I might not declare small amounts of funding to help volunteer groups purchase equipment and materials.

To cut red tape costs and reduce the size of the statute book, the bill removes various duplications. It also removes matters that do not need to be in the legislation and that can be dealt with in another way, for example, through funding contracts. The bill removes the need for organisations to become 'approved service providers' before they can apply for funding. Instead, organisations will only need to make one application for the funding itself. During this process, departments will confirm the organisation's bona fides, governance arrangements and capability to manage the funds and deliver the required services.

The bill will not specify how ministers approve funding or require directors-general to enter into a written funding contract. This will provide more flexibility for approval processes and allow funding contracts to be tailored to suit the funding being provided. Service quality standards applied by my department will no longer be dealt with under legislation. Organisations are required to meet standards under their funding contracts, so it is not necessary to include this in legislation. The bill takes out provisions that set the process for ending an organisation's funding contract when that organisation has breached its contract. Again, this process is set out in funding contracts, so it is not necessary to duplicate it in legislation.

Importantly, the bill also removes the power to set particular requirements that all funded organisations must meet. For example, the Community Services Act requires funded organisations to have procedures in place to ensure their directors and officers know what is in the organisation's constitution and governing documents. This imposes 'upfront' obligations that all funded organisations must comply with, even those that are performing well, and adds red tape costs. Instead, the bill provides that the powers in the revised Community Services Act will only be available where a 'serious concern' exists. A serious concern is defined as harm to a person, a significant failure in service delivery, the misuse of funds or a breach of the Disability Services Act. This approach will provide a much more efficient and effective way of ensuring that government has powers to take quick and decisive action when necessary. It will significantly reduce the compliance burden on funded organisations that are doing the right thing though, while preserving current safeguards. The bill will also support and enable other government reforms to achieve a more consistent approach to investment across social services agencies. This will further reduce red tape costs for funded organisations.

Key human services peak bodies have been consulted about the proposals in the bill. These included the Queensland Council of Social Services, the Local Government Association of Queensland, National Disability Services and PeakCare. Those organisations strongly support the bill's focus on reducing red tape costs and agree that clear legal protections are important for publicly funded products and services. I take this opportunity to thank the organisations that took part in those consultations. Their input and feedback was extremely valuable in helping to shape the bill and was very much appreciated.

Previous community services funding reforms were considered by the Queensland government in 2011. The proposals from that time were examined by the former health and disabilities committee and recommended for passage. As a member of that committee, I took an interest in the proposals. As the Minister for Communities, Child Safety and Disability Services I am taking a different approach. Rather than creating a whole new mandatory funding act with a compulsory funding process, I am streamlining existing laws and stripping them back to their essentials. The bill creates a new regulatory framework that reduces red tape for funded organisations and the size of the statute book, while increasing flexibility and preserving essential safeguards for the community and taxpayers money.

The Communities Legislation (Funding Red Tape Reduction) Amendment Bill 2014 will deliver essential reforms to free funded organisations from unnecessary red tape, while preserving legal safeguards for important social services. It will help overhaul the way my department does business with funded organisations and will result in better services for Queenslanders. I commend the bill to the House.

### First Reading

**Hon. TE DAVIS** (Aspley—LNP) (Minister for Communities, Child Safety and Disability Services) (12.28 pm): I move—

That the bill be now read a first time.

Question put—That the bill be now read a first time.

Motion agreed to.

Bill read a first time.

### Referral to the Health and Community Services Committee

**Mr DEPUTY SPEAKER** (Dr Robinson): Order! In accordance with standing order 131, the bill is now referred to the Health and Community Services Committee.