Queensland Alliance
FOR MENTAL HEALTH INC.
Peak body for the mental health community sector

Ms Cawcutt,

Research Director

Health and Disability Committee

Queensland Parliament

hdc@parliament.qld.gov.au

Sub # 2

RECEIVED
24 OCT 2011
HEALTH AND DISABILITIES COMMITTEE

11.1.3.3

Dear Ms Cawcutt

RE: Submission regarding *One Funding System for Better Services Bill 2011*

The Queensland Alliance would like to take this opportunity to contribute to the deliberations of the Health and Disability Committee of the Queensland Parliament with regards the *One Funding System for Better Services Bill 2010* which was introduced to Parliament on October 6, 2011.

We understand that if passed and implemented the Bill has the capacity to significantly streamline funding arrangements for not-for-profit and non-government organisations that contract with the Queensland Government to provide a range of community based services. Our membership consists of over 200 organisations, many of which are in receipt of government funding to provide services and who certainly welcome a more transparent and accountable system of funding relationships.

The Alliance would also like to reiterate comments made by previous submissions from the Queensland Council of Social Services (QCOSS) congratulating the Government for engaging in widespread consultation while drafting this legislation. The emphasis on co-operative relationships which provides a framework with which to interpret other provisions in the Bill is welcome and consistent with commitments made to the community sector through the Queensland Compact.

The Bill also provides Government with suite of new powers to respond to matters of serious concern. Clearly these remedial measures are intended as interventions of last resort. Nonetheless we have some concerns about the drafting of the relevant sections of the Bill. The relevant sections are discussed individually below:

- Part 3, s 21(1): provides that before a relevant Chief Executive Officer (CEO) exercises powers provided under the Bill that there is nothing to stop said CEO from engaging co-operatively with the funded entity.

Comment: while it is good that the Bill does not prohibit working co-operatively when a matter of serious concern arises; the Alliance recommends that the wording of this clause be altered to produce a positive statement that ensures that the relevant CEO co-operates as far as possible with the funded entity whenever exercising the powers provided for under this Bill.

- Part 4, s22 (a): provides that the powers available for exercise under the auspices of the Bill do not also limit access to a remedy available under the funding agreement. The previous section entails an obligation that the relevant CEO "must consider" using a remedy in the funding agreement (s22(1))

Comment: the Alliance recommends that these sections are changed such that remedies available for managing disputes under the funding agreement are exhausted prior to the exercise of powers contained in this Bill, unless there is a specific reason that would impede this course of action.

- Part 4, s23: provides that the CEO *may* obtain a written report regarding the existence of a serious concern

Comment: the inclusion of the word "may" in this clause presumably suggests that the relevant CEO may use other forms of evidence to determine whether a matter of serious concern has arisen that warrants remedial intervention. However, the draft Bill does not contain further direction regarding the evidentiary standard to be met before triggering the powers contained in the Bill. Subsequent sections of the Bill refer to the relevant CEO's "reasonable belief" with regards to the existence of a serious concern (e.g. 24(1)(b)). Nonetheless, the Alliance recommends that the Bill itself contain greater clarity with regards what kinds of evidence that should be obtained by the relevant CEO to indicate that the threshold of a serious matter has been crossed.

- S36 Interim manager's powers: the section outlines activities in which the interim manager may engage in order to carry out his/her functions

Comment: The Alliance notes that many of our members are in receipt of funding from numerous different sources, including Commonwealth Government and philanthropic organisations. In order to protect an organisation's capacity to meet other contractual obligations if the circumstances should arise that result in the appointment of an interim manager, the Alliance recommends that this section be re-written to affirm that the interim manager should not act in such a way that would jeopardise the provision of services or the conduct of activities required to fulfil contractual obligations owed to agencies other that the State Government. Alternatively s26(2)(b)(iv) includes that the interim manager *may* have regard to 'whether the funded entity is receiving money or assistance including funding from another source'. Perhaps this could be altered so that the interim manager *must* have regard to such matters.

Please do not hesitate to contact me on (07) 3252 9411 if you have any questions regarding this submission. Thank you for your consideration.

Yours sincerely

Richard Nelson Acting Chief Executive 24.10.2011