

**PAST REGULATORY ACTIVITIES
(1 July 2011 to 30 June 2012)**

PAST REGULATORY CHANGES

Type of entry	Past activity
Title	Paid Parental Leave (PPL) scheme: Dad and Partner Pay – public consultation prior to development of legislation
Description of issue	<p>Following public consultation in late 2011, the <i>Paid Parental Leave and Other Legislation Amendment</i> (Dad and Partner Pay and Other Measures) Bill 2012 was drafted and then passed by the Parliament on 27 June 2012. The legislation extends the Government’s PPL scheme to include a new two week payment for eligible fathers, or partners, caring for a newborn or adopted child from 1 January 2013.</p> <p>Dad and Partner Pay (DAPP) will be available to working fathers or partners, including same sex couples, who are caring for a child born or adopted from 1 January 2013. To receive Dad and Partner Pay, fathers and partners will need to satisfy work, income and residency requirements and be on unpaid leave, or not working, during their DAPP period. Dad and Partner Pay will be paid at the rate of the National Minimum Wage (\$606 per week in 2012/13).</p> <p>Employers will not provide Dad and Partner Pay to their employees. The Department of Human Services (DHS) will make the payment directly to eligible claimants once they have met all claim requirements. Employers will have an important role in supporting their employees to access unpaid leave entitlements so that they can receive Dad and Partner Pay. The payment will not be paid at the same time as employer funded leave such as annual leave, sick leave or parental leave.</p> <p>Dad and Partner Pay will not change existing employer arrangements for Parental Leave Pay (PLP). Employers are funded by the Australian Government to pay their eligible long-term employees, to help maintain mothers’ workplace attachment during their 18 week PPL period. Employers will not be required to pay Dad and Partner Pay as men’s workforce attachment will not be affected by the two week payment.</p>
Date of effect	<p>Fathers or partners of primary carers will be able to lodge claims with DHS from 1 October 2012 for births or adoptions expected from 1 January 2013.</p> <p>Payments will commence from 1 January 2013 for babies born or adopted on or after that date.</p>
Contact details	<p>Branch Manager Branch: Parental Payments and Family Research Group: Families Phone: 1300 653 227 (Note: Calls are charged at a local rate except from mobile phones which are charged at mobile rates) Email: enquires@fahcsia.gov.au</p>
Date last modified	13 July 2012
Type of entry	Past activity.

Title	<i>Carer Recognition Act 2010 and Guidelines</i>
Description of issue	<p>The <i>Carer Recognition Act 2010</i> is the Australian Government's commitment to deliver the first element of the National Carer Recognition Framework.</p> <p>The aim of the Act is to increase recognition and awareness of the role carers play in providing daily care and support to people with disability, medical conditions, mental illness or who are frail aged.</p> <p>The Act includes the important principle that carers should have the same rights, choices and opportunities as other Australians, and requires Australian Public Service agencies with programs and policies directed to carers, or the people they care for, to consult with carers and report each year on what they have done to better support carers.</p> <p>The cornerstone of the Act is the Statement for Australia's Carers, which sets out 10 principles that Australian Government agencies and funded organisations need to adopt in developing policies and delivering services for carers or the person they care for.</p> <p>The Australian Government has released the <i>Carer Recognition Act 2010</i> Guidelines. The Guidelines have been developed to assist Australian Public Service Agencies and funded providers to meet their responsibilities under the Act.</p> <p>The legislation can be viewed at: http://www.comlaw.gov.au/Details/C2010A00123</p> <p>The guidelines can be viewed at: http://www.fahcsia.gov.au/disability-and-carers/news/2011/carers-recognition-act-2010-guidelines</p>
Date of effect	The regulatory change came into effect on 18 November 2010.
Contact details	<p>Branch Manager Disability and Carer Policy Branch Disability and Carers Group Phone: 1300 653 227 (Note: Calls are charged at a local rate except from mobile phones which are charged at mobile rates.) Email: nationalcarerstrategy@fahcsia.gov.au</p>

Type of entry	Past activity
Title	<i>Special Benefit - Social Security (Administration) (Penalty Amount) (FaHCSIA Determination) 2012 (No.1).</i>
Description of issue	<p>Some recipients of Special Benefit are required to satisfy an activity test in order to remain qualified for the payment. In the event that a person does not comply with the activity test, the primary legislation provides a basic formula to determine a maximum penalty amount for reconnection and no show, no pay failures. This formula is sufficient to ensure that the Government's intention of deducting the equivalent of a working day's participation payment for a no show, no pay failure or a day in a reconnection failure period is achieved in the majority of cases: that is, where the job seeker has a standard 14 day instalment period.</p> <p>However, the formula in the primary legislation can result in inequitable outcomes when applied to job seekers whose payment periods are less than the standard 14 days. The instrument provides an alternative formula to ensure that the penalty calculation process does not disadvantage job seekers in these circumstances.</p> <p>The Determination may be viewed at: http://www.comlaw.gov.au/Details/F2012L01335</p>
Date of effect	The change came into effect on 1 July 2012.
Contact details	Branch Manager Disability & Carers Payments Policy Branch Disability and Carers Group Phone: 02 6146 2500

Type of entry	Past activity
Title	The Disability Services Standards (Advocacy Standards) (FaHCSIA) Determination 2012 (the Determination)
Description of issue	<p>The Determination is made by the Minister for Families, Community Services and Indigenous Affairs and Minister for Disability Reform under paragraph 5A(1)(ba) of the <i>Disability Services Act 1986</i> (the Act).</p> <p>Since the commencement of the Amending Act (Social Security and Other Legislation Amendment Bill 2011), advocacy services are now a separate entity from other 'eligible services'; therefore the Determination seeks to deliver a separate set of standards, applicable only to those advocacy services funded by the Department of Families, Housing, Community Services and Indigenous Affairs under the Act. The Eligible Service Standards continue to apply to all other 'eligible services' as defined under the Act.</p> <p>The purpose of the Determination is to set out the standards to be observed in the provision of disability advocacy services, as a key requirement of the new Quality Assurance (QA) system (as provided for in the Amending Act). The Determination also specifies Key Performance Indicators (KPIs) relevant to each standard to be applied in assessing whether the standard has been observed in the provision of those services.</p> <p>Legislation, namely, the Amending Act to enact a new QA system for the National Disability Advocacy Program (NDAP) was given Royal Assent on 29 November 2011. The new QA system to be introduced from the 1 July 2012 provides mechanisms independent from government to assess the compliance of disability advocacy services against a set of Disability Advocacy Standards, as distinct from the Eligible Services Standards. Accredited certification bodies will undertake certification assessment of disability advocacy services against the Disability Advocacy Standards.</p> <p>The new QA system links the funding under the Act to the certification. After the expiration of an 18 month period (7 November 2013) only those existing disability advocacy services that fully meet the Disability Advocacy Standards will continue to be funded under the Act.</p> <p>All NDAP funded advocacy agencies were provided with a QA audit contribution cost in their base funding to assist with meeting their audit requirements under the new QA system.</p> <p>A link to the legislative instrument and explanatory statement is to be found at: http://www.aph.gov.au/Parliamentary_Business/Bills_Legislation/Bills_Search_Results/Result?bId=r4628</p>
Date of effect	The change comes into effect from 1 July 2012.
Contact details	Branch Manager Disability and Carers Programs Disability and Carers Group Phone: 1300 653 227

	Email: enquiries@fahcsia.gov.au
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Type of entry	Past activity
Title	<i>Family Assistance and Other Legislation Amendment Act 2012 - Act No. 49 of 2012 as made.</i> <i>Originating Bill: Family Assistance and Other Legislation Amendment Bill 2012.</i>
Description of issue	<p>The <i>Family Assistance and Other Legislation Amendment Act 2012</i> received Royal Assent on 26 May 2012 and was registered on 29 May 2012.</p> <p>The <i>Family Assistance and Other Legislation Amendment Act 2012</i>, Schedule 5 Carer Supplement, amended the <i>Social Security Act 1991</i> to allow access to carer supplement for those carers whose rate of payment is reduced to nil because of employment income received in the fortnight covering 1 July in any given year.</p> <p>Carers qualified for an eligible payment, on 1 July each year, will receive the Carer Supplement even if their payment rate is reduced to nil due to employment income.</p> <p>This will help ensure the income support system does not act as a disincentive to carers working in paid employment.</p> <p>The legislation can be viewed at: http://www.comlaw.gov.au/Details/C2012A00049</p>
Date of effect	The change came into effect on 1 July 2012.
Contact details	Branch Manager Disability & Carers Payments Policy Branch Disability and Carers Group Phone: 02 6146 2500

Type of entry	Past activity.
Title	<i>Equal Opportunity for Women in the Workplace Amendment Bill 2012</i>
Description of issue	<p>The Equal Opportunity for Women in the Workplace Amendment Bill 2012 (the “EOWWA Bill”) was introduced in Parliament on 1 March 2012, has passed through the House of Representatives and is currently awaiting debate in the Senate.</p> <p>Under the EOWWA Bill, annual reporting by non-public sector employers with 100 or more employees will be made simpler and more transparent, focussing on outcomes for women and men in the workplace. The Bill will rename the Act and Agency to, respectively, the Workplace Gender Equality Act and the Workplace Gender Equality Agency. The Bill strengthens the Agency’s focus on gender equality, highlighting pay equity and caring responsibilities as key concerns.</p> <p>The EOWWA Bill, explanatory memorandum (including regulation impact statement) and second reading speech can be found at: http://www.aph.gov.au/Parliamentary_Business/Bills_Legislation/Bills_Search_Results/Result?bId=r4765</p>
Date of effect	<p>The EOWWA Bill is awaiting Senate debate.</p> <p>The new reporting framework will be phased in over time, with the first new reports proposed to be due in 2014.</p>
Contact details	<p>Section Manager, Economic Security Women’s Branch 02 6146 1861</p>

Type of entry	Past activity.
Title	<i>The Social Security and Other Legislation Amendment (Disability Support Pension Participation Reforms) Bill 2012.</i>
Description of issue	<p><i>The Social Security and Other Legislation Amendment (Disability Support Pension Participation Reforms) Bill 2012</i> introduced new participation requirements for Disability Support Pension (DSP) recipients who have some capacity for work.</p> <p>The Bill also introduced more generous rules to allow DSP recipients to work up to 30 hours a week and continue to receive a part pension, subject to income and assets testing.</p> <p>From 1 July 2012:</p> <p>For the first time certain DSP recipients aged under 35 years with some capacity to work are required to attend regular participation interviews with Centrelink to develop participation plans, to help build their capacity and overcome barriers to work; and</p> <p>All DSP recipients are able to work up to 30 hours a week without their payment being suspended or cancelled, subject to the income test. Prior to the introduction of the Bill, DSP recipients granted after 11 May 2005 could only work up to 15 hours a week before their payment was suspended or cancelled.</p> <p>This important change gives people with disability the security they need to test their ability to work more hours, without worrying about losing qualification for the disability pension.</p> <p>In addition to these changes to the Disability Support Pension, there will be more employment services and new financial incentives for employers to take on more people with disability within the portfolio responsibility of the Department of Education, Employment and Workplace Relations.</p> <p>The legislation can be viewed at http://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=Id%3A%22legislation%2Fbills%2Fr4752_aspassed%2F0000%22;rec=0</p> <p>The explanatory memorandum can be viewed at: http://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=Id%3A%22legislation%2Fems%2Fr4752_ems_fd5c0bd7-23ce-4714-971c-39cbf4c9682f%22</p>
Date of effect	The legislation came into effect 1 July 2012.
Contact details	<p>Branch Manager Disability and Carer Payments Policy Branch Disability and Carers Group Phone: 1300 653 227 (Note: Calls are charged at a local rate except from mobile phones which are charged at mobile rates) Email: enquiries@fahcsia.gov.au</p>

Type of entry	Past activity
Title	<i>National Gambling Reform Bill 2012 & National Gambling Reform (Related Matters) Bill 2012 ('draft legislation')</i>
Description of issue	<p>The draft legislation introduces a package of reforms to reduce the harm from gaming machines to problem gamblers, the families and communities of problem gamblers, and those at risk of experiencing that harm. These reforms are based on the recommendations of the 2010 Productivity Commission Inquiry Report into gambling in Australia and build on the agreement of the Council of Australian Governments Select Council on Gambling Reform in May 2011 to support the infrastructure for precommitment in every gaming venue in the country.</p> <p>The draft legislation implements several measures, which were announced by the Government on 21 January 2012, including:</p> <ul style="list-style-type: none"> • new machines manufactured or imported from the end of 2013 be capable of supporting precommitment; • all gaming machines be part of a state-wide precommitment system and display electronic warnings by 2016, with longer implementation timeframes for smaller venues; and • a \$250 a day automatic teller machine withdrawal limit for gaming venues (other than casinos) from 2013. <p>The draft legislation also provides for an inquiry by the Productivity Commission into the results of a proposed trial of mandatory precommitment and progress towards implementing the reforms under the draft legislation.</p> <p>A Commonwealth regulator ('Regulator') is also proposed under the draft legislation to regulate implementation of the reforms. The Regulator may collect fees for its services including a supervisory levy to recover the Commonwealth's administrative costs. The Regulator also has the ability to delegate powers and functions to Commonwealth Senior Executive Service employees, equivalent State and Territory Government employees and certain State and Territory Government bodies.</p> <p>On 17 February 2012, the Commonwealth Government released exposure drafts of the legislation for consultation and comment for a two week period. (Copies of the draft legislation may be accessed at http://www.fahcsia.gov.au/our-responsibilities/communities-and-vulnerable-people/programs-services/problem-gambling/national-gambling-reform-bills).</p> <p>Extensive consultations were conducted with industry groups, manufacturers, the community sector and State and Territory Governments.</p>
Contact details	<p>Branch Manager Problem Gambling Taskforce Families Group Phone: 02 6146 0148</p>

**PLANNED REGULATORY ACTIVITIES
(1 July 2012 to 30 June 2013)**

Type of entry	Planned activity
Title	Review of the Disability Services Standards
Description of issue	<p>The National Standards for Disability Services (introduced in 1993) have a primary focus of ensuring results for consumers receiving funded disability services that are consistent with the Principles and Objectives of Commonwealth and State/Territory legislation.</p> <p>The National Disability Services Standards are being revised to improve and measure outcomes for service users, modernise language and concepts, address gaps and better reflect contemporary organisational practice. They impact on people with disability who are consumers of funded disability services, their families and carers, service providers and other organisations involved in monitoring quality assurance and service provision. More information about the Standards is available at:</p> <p>http://www.fahcsia.gov.au/disability-and-carers/news/2010/review-of-the-national-standards-for-disability-services</p> <p>The revision of the National Disability Services Standards is being undertaken by Commonwealth, state and territory governments as part of the development of a National Quality Framework for Disability Services in Australia, a key priority of the National Disability Agreement (NDA).</p> <p>Although State and Commonwealth governments currently have their own individual quality assurance processes in place for funded disability services, there is considerable variation in the nature and shape of the quality systems, with the various jurisdictions at different points of reform.</p> <p>The development and implementation of a National Quality Framework, as well as reviewing the National Standards for Disability Services, will include the investigation of opportunities to introduce, where appropriate, generic or common quality requirements. It is expected that this could reduce the regulatory burden currently experienced by service providers funded by different jurisdictions.</p>
Consultation opportunities	<p>As part of the revision a cross jurisdictional approach was used to consult with disability service users, family members and carers, service providers and organisations and individuals involved in the disability service sector in all states and territories throughout Australia. This consultation, which ran from April to July 2010, sought the opinions of a range of stakeholders with direct experience of the National Standards for Disability Services.</p> <p>The Disability Studies and Research Centre, University of New South Wales (DSRC UNSW) designed materials for the consultations with stakeholders and analysed the consultation data.</p> <p>The consultations were considered to be a success with more than 1,200 people providing input. This included people with disability who access disability services (37.7% of responses), their family members and carers (16.9%), as well as disability service providers funded under the NDA</p>

(31.5%), advocacy organisations and relevant disability sector peak bodies.

In December 2010, DSRC UNSW reported its findings from consultation on the National Standards with recommendations about the language, focus, content, structure and implementation of revised National Standards.

In February 2011, the DSRC UNSW report was tabled at the Community and Disability Services Ministers Advisory Council (CDSMAC). Members endorsed that revised National Standards will be clear in their purpose and objectives, and will be described in a manner that is relevant to both service providers and service users, and define the role of the standards in:

- protecting the rights and responsibilities of people with a disability and their family members and carers as service users
- improving outcomes for people with a disability and their family members
- service provider quality assessment and improvement processes.

Accessible information on the consultation findings includes an easy read version of the DSRC UNSW report and fact sheets in community languages.

To view the report visit the Victorian Department of Human Services website at:

<http://www.dhs.vic.gov.au/for-service-providers/disability/service-quality-and-improvement/national-quality-framework-for-disability-services-in-australia#content-heading-2>

On 19 August 2011, the Council of Australian Governments decided to progress measures agreed as part of the NDA that have also been identified as foundation reforms for a proposed National Disability Insurance Scheme. This includes development of nationally consistent quality standards for the disability services sector.

In September 2011, the Select Council on Disability Reform (Select Council), comprised of Ministers and Treasurers from each of the states and territories, agreed to build on the work already underway to revise the National Standards.

Draft National Standards for Disability Services endorsed

In October 2011, Synergistiq (formally Success Works) was contracted to develop a set of draft revised National Standards based on the findings of the DSRC UNSW research project. These draft National Standards were endorsed to be used for consultation in February 2012 by the Select Council on Disability Reform.

The six draft National Standards are summarised as:

- Rights
- Participation
- Individual Outcomes

	<ul style="list-style-type: none"> •Feedback and Complaints •Service Access •Service Management <p>Accessible versions of the draft National Standards for Disability Services, including an easy read version and community languages have been made available:</p> <ul style="list-style-type: none"> •Draft National Standards for Disability Services <p>Consultation on the draft National Standards for Disability Services closed on Friday 22 June 2012.</p>
Expected timetable	December 2012
Contact details	<p>Branch Manager Disability and Carers Program Branch Disability and Carers Group Phone: 1300 653 227 (Note: Calls are charged at a local rate except from mobile phones which are charged at mobile rates.) Email: enquiries@fahcsia.gov.au</p>
Date last modified	9 July 2012

Type of entry	Planned activity
Title	Review of the operation of the <i>Paid Parental Leave Act 2010</i> - public consultation
Description of issue	<p>The Government has legislated to undertake a comprehensive review of the <i>Paid Parental Leave Act 2010</i>. The review will take into account emerging evaluation findings and the views of stakeholders on the scheme's future development. The review must commence by 31 January 2013.</p> <p>The role of employers in the Paid Parental Leave scheme is to provide Parental Leave Pay to their eligible, long-term, continuing employees in accordance with the employees' usual pay cycle. The Australian Government provides the funds for Parental Leave Pay upfront to employers.</p> <p>The issues the review will examine include the availability and amount of leave and payments provided by employers in relation to the birth or adoption of a child, and the interaction of those entitlements with Parental Leave Pay; whether employers should make superannuation contributions in relation to Parental Leave Pay; the administration of the Act and any other matters relevant to the general operation of the Act.</p>
Consultation opportunities	Public submissions will be sought in relation to the Review from interested groups and individuals. The nature and timing of the consultation process is to be determined.
Expected timetable	The Government has legislated that a comprehensive review of the operation of the <i>Paid Parental Leave Act 2010</i> is to commence by 31 January 2013. Further information on the timing of the review will be provided as soon as it is available.
Contact details	<p>Branch Manager Branch: Parental Payments and Family Research Group: Families Phone: 1300 653 227 (Note: Calls are charged at a local rate except from mobile phones which are charged at mobile rates) Email: enquiries@fahcsia.gov.au</p>
Date last modified	13 July 2012

Type of entry	Planned activity
Title	Introducing regulations for national gambling reform legislation
Description of issue	<p>The draft legislation for national gambling reform ('draft legislation') and its regulations deliver on the commitment made by the Australian Government on 21 January 2012 to reduce the harm caused by gaming machines to problem gamblers and those at risk of experiencing that harm, including the families and communities of problem gamblers.</p> <p>Once the draft legislation is introduced and passed through the Parliament, regulations will be developed to facilitate implementation of the reforms. The main measures include manufacture and importing requirements, precommitment and dynamic warnings for all gaming machines, and \$250 withdrawal limits from automatic teller machines located in gaming premises (except casinos).</p> <p>Regulations will provide further details on the requirements that manufacturers, importers and venues owners and operators will need to satisfy, to enable compliance with these measures under the draft legislation.</p> <p>A Commonwealth gambling regulator ('Regulator') is also proposed under the draft legislation to regulate implementation of the reforms. Regulations and legislative instruments may be required to help establish functions of the Regulator and fund the administration of these functions.</p>
Consultation opportunities	Consultations on the various regulations will be undertaken with stakeholders.
Expected timetable	<p>The draft legislation is currently awaiting introduction into the Parliament.</p> <p>Consultations on regulations will be timed to enable regulations to be introduced before the measures under the draft legislation begin to apply. The timing for developing and consulting on regulations will also be informed by the need to ensure there is sufficient lead time for industry to implement the regulatory requirements within the timeframes specified under the draft legislation.</p>
Contact details	<p>Branch Manager Problem Gambling Taskforce Families Group Phone: 02 6146 0148</p>
Date last modified	July 2012.