

Outcome Number: Cross Outcome - Across Programmes Question No: SQ16-000055

Topic: Statutory Review Provisions

Hansard page: Written

Senator Joe Ludwig asked:

Please list all current legislation, covered by the department's portfolio, which contain a statutory review provision/s. For each, please provide:

1. What work has been done towards preparing for the review? If none, why not?
2. Please provide a schedule or a workplan for the review.
3. When did/will this work begin?
4. When is/was the review due to commence?
5. What is the expected report date?
6. Who is the minister responsible for the review?
7. What department is responsible for the review?
8. List the specific clauses or legislation under review caused by the statutory provision.
9. List the terms of reference.
10. What is the scope of the review?
11. Who is conducting the review. How were they selected? What are the legislated obligations for the selection of the person to conduct the review?
12. What is the budgeted, projected or expected costs of the review?
13. When was the Minister briefed on this matter?
14. What decision points are upcoming for the minister on this matter?
15. List the number of officers, and their classification level, involved in conducting the review.
16. Will the report be tabled in parliament or made public? If so, when?

Answer:

The answers are provided in the **Attachment**.

National Disability Insurance Scheme Act 2013, section 208:

- (1) The Minister must cause an independent review of the operation of this Act to be undertaken commencing on the second anniversary of the commencement of Chapter 3.**
- (2) The review is to be undertaken by a person or persons chosen by the Minister with the agreement of the Ministerial Council.**
- (3) The terms of reference of the review must be agreed by the Ministerial Council.**

1. In July 2015, the former Assistant Minister for Social Services, Senator the Hon Mitch Fifield, commissioned Ernst and Young to undertake an independent review of the *National Disability Insurance Scheme Act 2013* (NDIS Act) pursuant to section 208 of the NDIS Act. The Review was finalised and a copy of the report was provided to the Department of Social Services on 18 December 2015. Copies of the report were delivered to the COAG Disability Reform Council in January 2016.

2. Timeframe:

- July 2015 – review commenced.
- December 2015 – final Report delivered to Department of Social Services.
- March 2016 – report on the Review is tabled in both Houses of Parliament.
- April 2016 – disability Reform Council considers draft COAG response.
- June 2016 – response to the Review is agreed by COAG.
- July 2016 – COAG response is tabled in both Houses of Parliament.

3. July 2015.

4. July 2015.

5. The Final Report was provided to the Department of Social Services on 18 December 2015.

6. The Minister for Social Services, the Hon Christian Porter MP.

7. The Department of Social Services.

8. The *National Disability Insurance Scheme Act 2013*.

9. The terms of reference for the review, as agreed by the COAG Disability Reform Council, require that the review consider:

- the operation of the NDIS Act in furthering its objects and principles,
- if the NDIS Act can be simplified,
- if the NDIS Act can be amended to increase the efficiency of the NDIS's administration, including providing greater clarity around access requirements,
- if the NDIS Act can be amended to ensure that the National Disability Insurance Agency has the required capacity to control costs,
- whether parts of the NDIS Act could be refined, removed or replaced for the purposes of more effective regulation (including deregulation, where appropriate),

- if the NDIS Act can be amended to ensure it interacts appropriately with other legislation, including State and Territory legislation,
- any interim or final recommendations for legislative change from other reviews,
- any other matter relevant to the general operation of the NDIS Act.

10. The scope of the review was to assess the operation of the NDIS Act, as well as to consider whether or not any amendments can be made to better enable government to further the objects and principles of the NDIS Act.

11. The former Assistant Minister for Social Services, Senator the Hon Mitch Fifield, agreed to appoint Ernst and Young to undertake the Review, pursuant to section 208 of the NDIS Act. Ernst and Young was recommended to Minister Fifield after a panel procurement process undertaken by the Department found them to be most suitable to undertake the Review. As required under Section 208 of the NDIS Act, the Disability Reform Council agreed to the appointment of Ernst and Young.

12. A work order was signed on 6 August 2015 between the Department of Social Services and Ernst and Young to undertake the review. This contract was for \$249,700 (GST inclusive), payable in five instalments aligned with the completion of review milestones.

13. The Minister was briefed prior to the review commencing and on completion of the review.

14. The Minister tabled the report in the House of Representatives on 3 March 2016.

15. The review was conducted by Ernst and Young as independent reviewers.

16. The Minister approved copies of the report to be tabled in each House of Parliament after receiving the report, as provided by subsection 208(7) of the NDIS Act. The report was tabled in both Houses of Parliament on 3 March 2016. The Minister must also cause copies of COAG's response to the report to be tabled in each House of the Parliament within six months of giving the copy of the report to the Ministerial Council, as provided by subsection 208(8).

Paid Parental Leave Act 2010, subsection 307A(1):

The Minister must cause a comprehensive review of the general operation of this Act to be begun by 31 January 2013.

1. Preparation for the review commenced in late 2012 and the review was completed in June 2014.
2. The Paid Parental Leave Review Report has been completed and its final report was tabled in Parliament on 10 June 2014.
3. The Paid Parental Leave Review commenced on 31 January 2013.
4. The Paid Parental Leave Review was due to commence by 31 January 2013 and it commenced on that date.
5. The Paid Parental Leave Review Report was tabled in Parliament on 10 June 2014.
6. The former Minister for Social Services, the Hon Kevin Andrews MP, was responsible for the review.
7. The Department of Social Services (formerly FaHCSIA) conducted the review.
8. The legislated scope of the review is set out in the Paid Parental Leave Review Terms of Reference, which are available at: <https://www.dss.gov.au/our-responsibilities/families-and-children/benefits-payments/review-of-the-paid-parental-leave-scheme-terms-of-reference>
9. The Paid Parental Leave Review Terms of Reference are available at: <https://www.dss.gov.au/our-responsibilities/families-and-children/benefits-payments/review-of-the-paid-parental-leave-scheme-terms-of-reference>
10. The scope of the review is set out in the Paid Parental Leave Review Terms of Reference which are available at: <https://www.dss.gov.au/our-responsibilities/families-and-children/benefits-payments/review-of-the-paid-parental-leave-scheme-terms-of-reference>
11. The former Minister for Social Services, the Hon Kevin Andrews MP, was responsible for the review. The review was overseen by the Paid Parental Leave Review Steering Group. Details about the Paid Parental Leave Review Steering Group are available at: <https://www.dss.gov.au/our-responsibilities/families-and-children/benefits-payments/review-of-the-paid-parental-leave-scheme/ppl-review-steering-group>
12. The Paid Parental Leave Review was conducted internally by the Department of Social Services (formerly FaHCSIA). Design and typesetting services for communication materials to support the public consultation phase were procured using Departmental funding (\$2,524 excluding GST) in 2012-13.
13. On 30 April 2014.
14. N/A
15. Preparation for the review commenced in late 2012 and the review was completed in June 2014. Over this period, up to seven officers (2 x APS4, 2 x APS6, 2 x EL1 and 1 x EL2) spent various proportions of their time working on the review, under the direction of the

Branch Manager of the Parental Payments and Family Research Branch (now Children's Policy Branch).

16. The Paid Parental Leave Review Report was tabled in Parliament on 10 June 2014.