



# Victoria Government Gazette

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## Subordinate Legislation Act 1994

### NOTICE OF PREPARATION OF REGULATORY IMPACT STATEMENT

#### Proposed Social Services Regulations 2023

Notice is given in accordance with section 11 of the **Subordinate Legislation Act 1994**, that a Regulatory Impact Statement (RIS) has been prepared in relation to the proposed Social Services Regulations 2023 ('the proposed Regulations').

The proposed Regulations aim to support the objectives of the **Social Services Regulation Act 2021** ('the Act') that will introduce a new regulatory framework for social services, which is set to commence on 1 July 2024. The proposed Regulations, to be made under section 316 of the Act, are intended to commence on 1 July 2024, and seek to operationalise fundamental aspects of the reforms introduced by the Act by prescribing:

- 1) the scope of social services required to comply with the Act and proposed Regulations;
- 2) requirements for the registration of social service providers;
- 3) service requirements that registered social service providers must comply with and the intended outcomes of the requirements, which correspond with the Social Services Standards;
- 4) matters required for operation of the worker and carer exclusion scheme;
- 5) information that must be included in the Register;
- 6) matters for which the Regulator must be notified;
- 7) infringement offences and infringement penalties for the purposes of the Act;
- 8) entities to be relevant agencies for the purposes of collecting, using and disclosing information under the Act.

The RIS considers options for each of the reforms set out above at (1) to (4), as these four reforms may impose an additional economic or social burden on a sector of the public. Only a limited analysis was undertaken for the prescribed scope of social services, as the policy scope in respect of services was substantially set by the Victorian Government through statements in the second reading speech of the Social Services Regulation Bill 2021.

The RIS uses a multi-criteria analysis to assess and compare the costs and benefits arising from the reforms, which represents a qualitative judgement about the likely relative impacts of the various options on service providers and on the new independent Social Services Regulator, and the extent to which they improve the safety and rights of service users.

The RIS assesses the regulatory options as follows:

- 1) Scope of social services
  - Only a limited options analysis was undertaken as the policy scope in respect of scope of services was substantially set by the Victorian Government through statements in the second reading speech of the Social Services Regulation Bill 2021.
- 2) Registration requirements
  - *Reference case*: Prescribe minimum requirements, namely the service provider's name, address and contact person.
  - *Option A*: Prescribe more extensive registration requirements and considerations based on suitability of the provider and key personnel, suitability of arrangements, suitability of premises and qualifications, skills or experience requirements.
  - *Option B*: Prescribe registration requirements based on a narrower assessment of the suitability of the provider and key personnel.

**SPECIAL**

- 3) Service requirements and outcomes
  - *Reference case:* No service requirements or outcomes prescribed.
  - *Option A:* Prescribe the same service requirements and outcomes for all in-scope services.
  - *Option B:* Prescribe service requirements and outcomes that are tailored to each social services sector.
- 4) Operation of the worker and carer exclusion scheme
  - *Reference case:* No additional conduct prescribed.
  - *Option A:* Prescribe the various types of ‘reportable conduct’ as defined under the **Child Wellbeing and Safety Act 2005** as additional conduct that could lead to a person being excluded from providing out-of-home care services.
  - *Option B:* Prescribe some but not all types of ‘reportable conduct’ as additional conduct that could lead to a person being excluded from providing out-of-home care services.

The RIS concludes the preferred method of achieving the objectives of the reforms are:

- 1) Scope of social services
  - Only a limited options analysis was undertaken as the policy scope is substantially set.
- 2) Registration requirements
  - Option A
- 3) Service requirements and outcomes
  - Option A
- 4) Operation of the worker and carer exclusion scheme
  - Option A.

### **RIS and Submissions**

Copies of the RIS and proposed regulations can be obtained from the Engage Victoria website at: <https://engage.vic.gov.au/regulatory-impact-statement-and-draft-regulations-for-social-services>  
To receive a hardcopy of the RIS and proposed regulations or for further information, please email the Social Services Regulation Reform team <[regulationreform@dfh.vic.gov.au](mailto:regulationreform@dfh.vic.gov.au)>.

Public comment is invited on the proposed Regulations and RIS. Please note that all survey responses and submissions received will be treated confidentially and in accordance with the collection notice. Comments and submissions should be submitted by no later than midnight, 16 July 2023.

The Engage Victoria website is the method for receiving feedback and submissions.

HON. LIZZIE BLANDTHORN MP  
Minister for Disability, Ageing and Carers  
Minister for Child Protection and Family Services

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