

Terms of Reference — Non-Government Advisory Group	
Name	The National Non-Government Advisory Group ("Advisory Group") to the Inter-jurisdictional working group (IJWG) on access to physical and sexual abuse insurance for non-government service providers
Timeframe/term	The Advisory Group will be operational from June 2022 to December 2022.
Background	<p>Government-funded non-government organisations (NGOs) providing out-of-home care (OOHC) and youth homelessness and some disability services are having difficulty obtaining insurance for physical and sexual abuse (PSA).</p> <p>Commercial insurers have withdrawn PSA cover from the market for these services due to substantial increases in the size and quantum of claims, as well as increasing preference for litigation over redress.</p> <p>Non-government service providers have raised serious concerns about their exposure to uninsured abuse claims and some have advised they are seriously considering exiting their contract. The exit of providers could lead to a catastrophic market failure and unacceptable gaps in the delivery of essential services for vulnerable children and young people.</p> <p>This is a national issue, impacting every Australian jurisdiction and the Commonwealth, and may expand to other sectors, such as housing and education.</p> <p>The Community Services Ministers' Group agreed to establish an inter-jurisdictional working group to identify feasible long-term options to respond to the issue at a national level, and to facilitate state, territory and commonwealth-based approaches.</p> <p>The Advisory Group is being established as a forum of engagement with key non-government stakeholders to inform this project and ensure the solution identified is fit for purpose.</p>
Purpose	<p>The purpose of the Advisory Group is to provide expert input to the IJWG on key aspects of the project to identify a sustainable long-term solution to the issue of access to PSA insurance, and to represent the interests of non-government stakeholders, including NGO service providers and the insurance sector, in the development and implementation of a solution.</p> <p>The Advisory Group will focus on the sectors impacted, which includes:</p> <ul style="list-style-type: none"> • OOHC, including NDIS-funded accommodation outside the family home for children and young people; and • youth homelessness services. <p>The work of the Advisory Group does not replace wider consultation with key stakeholders.</p>
Scope of work	<p>Provide strategic advice and input (during meetings and out-of-session) concerning the key milestones of the IJWG's work:</p> <ul style="list-style-type: none"> • definition and analysis of the issue at a national level

	<ul style="list-style-type: none"> • development of options for a solution • selection of an option • development of a concept implementation plan • implementation of a solution.
Responsibilities of members	<p>Members will:</p> <ul style="list-style-type: none"> • provide strategic advice and input on key aspects of work of the IJWG, in meetings and out-of-session • provide updates to the group on issues of concern to their sector, advocate for the priorities of their sector, and recommend agenda items for upcoming meetings.
Confidentiality of information shared at meetings and out-of-session	<p>Information shared with and between Advisory Group members will support the development of a long-term solution that is acceptable to all stakeholders.</p> <p>The Advisory Group will be advised when information must be treated as strictly confidential.</p> <p>Members are to exercise their professional judgement if sharing any information obtained through their membership of the Advisory Group, having regard to factors such as:</p> <ul style="list-style-type: none"> • the Advisory Group's role of advising on options that may or may not progress • the need to safeguard commercial in confidence information • the necessity of sharing the information.
Chair and Membership	<p>Chair</p> <p>The Advisory Group will be chaired by the QLD Department of Children, Youth Justice and Multicultural Affairs.</p> <p>Membership</p> <p>Membership of the Advisory Group will comprise the following nominated representatives:</p> <ul style="list-style-type: none"> • 2 IJWG representatives (in addition to the chair): <ul style="list-style-type: none"> ○ NSW Department of Communities and Justice ○ ACT Community Services Directorate • Up to 2 NGO service provider representatives from each jurisdiction either from: <ul style="list-style-type: none"> ○ an OOHC, youth homelessness, or NDIS-funded accommodation service provider; or ○ a peak body for the community services sector • 2 insurance sector representatives <p>Membership will be selected and agreed upon by the IJWG to ensure adequate representation of the OOHC and youth homelessness sectors, peak organisations, the Aboriginal and Torres Strait Islander community services sector and the insurance industry. Membership will also be selected to ensure that the Advisory</p>

	Group contains adequate technical skills and knowledge to provide advice on the issue of the withdrawal of PSA insurance for NGO service providers.
Meeting arrangements	
Meeting frequency	<p>Meetings will be scheduled to allow the Advisory Group to provide input to the work of the IJWG before key IJWG milestones are finalised. The proposed key IJWG milestones and their deadlines are:</p> <ul style="list-style-type: none"> • Analysis of problem and potential options to be developed for the consideration of the IJWG – July 2022 • Develop options paper with recommendations for long-term solution – August 2022 • Draft concept implementation plan developed – October 2022 • Final implementation plan developed – November 2022 • TBD – implementation begins or Jurisdictions commence approval process for long-term solution– December 2022
Meeting format	Meetings will be conducted via MS Teams, unless otherwise required.
Time meetings are held	Meetings will be held at a time that fits within business hours of all jurisdictions, noting that SA, NT and WA are in different time zones to NSW, TAS, VIC and QLD.
Administration and Secretariat	
Secretariat	Management and resourcing of the Secretariat will be undertaken by QLD Department of Children, Youth Justice and Multicultural Affairs.
Meeting administration	<p>The Secretariat is responsible for meeting logistics, coordination of meeting papers, and the documenting and tracking of actions arising from meetings.</p> <p>Agendas and meeting papers will be attached to the meeting invitation in advance of each meeting.</p>
Reporting	<p>The Advisory Group will report directly to the IJWG.</p> <p>The IJWG reports directly to the Community Services Ministers' (CSM) Meeting and provides updates to the Children and Families Secretaries (CAFS) group.</p>