

 <p>Australian Government Department of Social Services</p>	<p>General Brief MS19-000682</p>
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To: Minister for the National Disability Insurance Scheme, the Hon Stuart Robert MP
(for decision)

Subject: National Disability Insurance Scheme (NDIS) mainstream interfaces

Critical Date: Please action by 11 June 2019, to allow draft papers for the Disability Reform Council (DRC) to be considered by the DRC Senior Officials Working Group (SOWG) on 12 June 2019

Recommendations for Minister Robert: That you

<ol style="list-style-type: none"> 1. Agree the draft DRC paper on the health interface at Attachment A. 2. Agree the draft DRC paper on children with disability in alternate accommodation outside the family home at Attachment B. 3. Agree these papers be provided to SOWG for consideration on 12 June 2019. 4. Note that the Department will brief you separately on other NDIS/mainstream interface areas. <p>Minister's Signature:.....</p>	<p>Agreed / Not Agreed</p> <p>Agreed / Not Agreed</p> <p>Agreed / Not Agreed</p> <p>Noted/ Please Discuss</p> <p>Date:...../...../ 2019</p>
Minister's Comments	

Key Issues:

1. Since late 2017, the Commonwealth has been negotiating with states and territories on resolving how the NDIS interacts with mainstream services provided by states and territories. DRC identified the following areas as priorities for resolution: health, child protection and family support, mental health, justice, specialist school transport and personal care in schools.
2. This brief provides you with a proposed position to take to DRC on key outstanding issues in health and child protection and family support. The Department will brief you separately on NDIS/mainstream interface issues more broadly.

Health

3. In December 2018, DRC agreed a number of matters in relation to the health interface. Further detail is at **Additional Information**.
4. The key outstanding matter was responsibility for funding of supports required due to permanent functional impairment that would usually be delivered by clinicians outside hospital settings. DRC agreed that officials from all jurisdictions would do further work and provide advice to DRC in 2019.

5. s47B [Redacted]

6. s47C and 47E(d) [Redacted]

7. s47B [Redacted]

8. s47C and 47E(d) [Redacted]

9. The Department supports the revised position from the NDIA Board as it puts the participant at the centre. s47B [Redacted]

The Department considers that the risks at paragraph 8 can be mitigated through a combination of pricing, education of planners and participants, and close monitoring of trends and adjustments to policy if necessary. Subject to your approval, the Department will provide the paper to the SOWG for consideration.

10. While this approach is likely to be welcomed by states and territories, they may also raise concerns about the Commonwealth and NDIA unilaterally developing the model, and about lack of transparency of costings. The Department will provide material to SOWG and seek to gain agreement.

Children with disability in alternate accommodation outside the home (also referred to as voluntary out of home care)

11. Voluntary out of home care describes when a child is living outside the family home, but the parents retain guardianship and there are no child protection concerns. As of 13 May 2019, the National Disability Insurance Agency (NDIA) knew of s47E(d) children in voluntary out of home care arrangements who are also NDIS participants. Over time, the number of children requiring an out of home care arrangement is anticipated to decrease because of higher levels of support provided to families under the NDIS.

- 12. Prior to the NDIS, states and territories generally managed these cases through their specialist disability services, which have progressively been dismantled. State and territory child protection agencies argue that unless there are child protection concerns they do not have a role. The NDIA has been concerned about being asked to fund supports that are more in the nature of parental responsibility rather than disability supports, and that where parental engagement is low, the NDIA may be perceived to be the de facto guardian of the children, which is beyond its remit and expertise.
- 13. In December 2018, DRC agreed to the Department working with senior officials from multiple portfolios in states and territories to find a way through the impasse. These discussions have made significant progress.
- 14. The draft DRC paper at **Attachment B** reflects the without prejudice agreement reached by senior officials in February 2019. Under this arrangement, the NDIS would fund: the full cost of overnight staffing (passive and active); disability supports; and specialist coordination supports (via the NDIS Exceptional Needs Complex Pathway). In return, states and territories would provide case management for the cohort; board and lodging (an estimated contribution of \$30,000 per participant per annum); information sharing; and, early intervention and prevention services for families at risk of requiring accommodation outside the home.
- 15. As an additional incentive you could highlight that the NDIA would conduct an assessment for Specialist Disability Accommodation (SDA) and Supported Independent Living (SIL) from the age of 16 (instead of 18 under current arrangements). In cases where this can be approved, SDA/SIL would replace board and lodging payments made to families by states and territories and address concerns that appropriate lead in time for transition to new housing arrangements and/or independent living is provided for this vulnerable cohort.
- 16. Subject to your approval, the Department will provide the paper to the SOWG for consideration.

Sensitivity: N/A

Risk Management: N/A

Consultation:

- 17. The NDIA has been consulted in the preparation of this brief and draft papers for DRC.

Attachments:

Attachment A – Draft DRC agenda paper on the health interface.

Attachment B – Draft DRC agenda paper on children in alternate accommodation outside the home.

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Date: _____ / _____ / _____

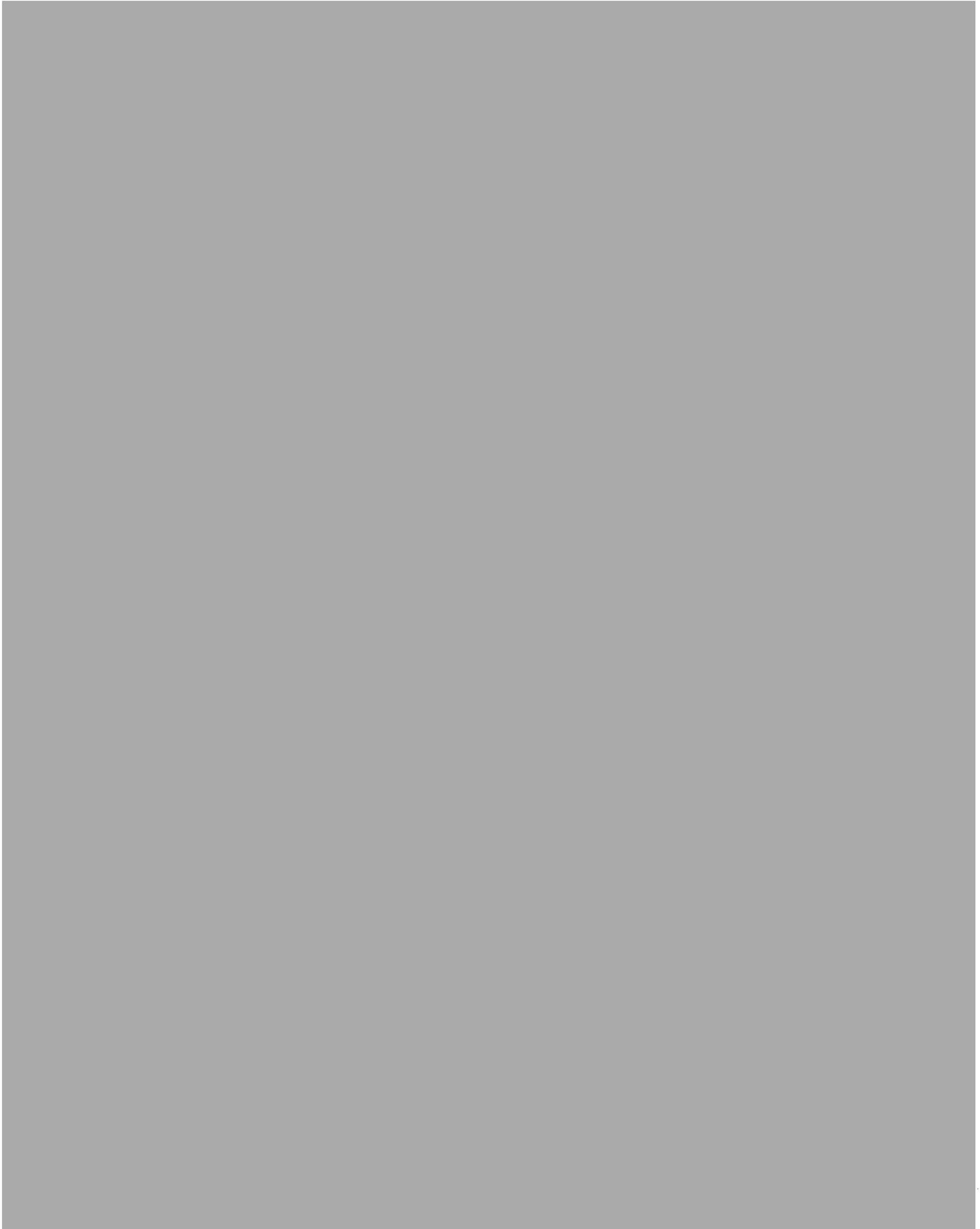
Additional information

On 10 December 2018, DRC agreed a number of policy positions in relation to the interface between the NDIS and mainstream health systems. These positions are consistent with the existing legislative framework and are intended to provide clarity for people responsible for the day to day implementation of the NDIS (such as NDIA planners) or those working in health systems with NDIS participants (such as hospital or other health workers) and address reported community misconceptions of what the NDIS will or will not fund:

- There was a misconception that certain conditions mean automatic access to the scheme or that people with significant and permanent disability were being denied access to the scheme because their disability arose from a health condition. The cause of disability does not determine access to the scheme. Only meeting the access criteria outlined at section 21 of the *National Disability Insurance Act 2013* (NDIS Act) determines access to the scheme. This position is outlined in the NDIA's published Operational Guidelines.
- A person's disability may prevent them from being able to self-manage certain health conditions and/or self-administer treatment that a person without disability would be expected to do themselves. In these circumstances, the NDIS will fund self-care supports, for example, non-complex wound care. Where a person without disability would not be expected to self-manage a health condition and would receive management and treatment of a health condition from the health system, this would be provided by the health system, as it would for all Australians.
- Where an NDIS participant has a palliative care plan in place and is not hospitalised, the NDIS will continue to fund reasonable and necessary supports required as a result of the person's permanent functional impairment, concurrently with palliative care supports.
- Under the NDIS Act the NDIA is required to consider whether it is more appropriate for another service system to provide a support. This consideration is separate to value for money considerations. Value for money considerations apply to the type and extent of a support, not whether a support should be provided by another services system.
- It is necessary to consider the capacity of families, carers, informal networks and the community to fulfil support needs, and ensure expectations on these networks are not unreasonable or unsafe for the participant. The NDIS Act and Rules are clear about the need to consider reasonable informal care arrangements as part of plan development.

DRC also agreed further work be undertaken to ensure the NDIS and health systems are working well together in managing the transition from rehabilitation to NDIS maintenance supports; and, roles and responsibilities while a participant is hospitalised. This work is progressing well.

DRC has also agreed on interim arrangements for clinical supports outside hospital whereby they will continue to be funded by the NDIS where they are in a person's plan, or by the relevant state or territory where they are not in a person's plan. This ensures that there are no gaps in supports and participant wellbeing is maintained, while the work to settle a long-term approach proceeds.



TALKING POINTS

Subject	Telephone call with the Queensland Minister for Disability Services and Seniors, the Hon Coralee O'Rourke MP
Date	TBC
Intended	Minister Robert

- I am calling to introduce myself, as the new Minister for the National Disability Insurance Scheme (NDIS) as well as the Minister for Government Services, in the Morrison government.
- Having a separate Cabinet Minister with responsibility for the NDIS demonstrates the Morrison Government's focus on getting the NDIS right.
- I am keen to work with you bilaterally, and through the Disability Reform Council (DRC), to make the NDIS a success in Queensland and nationally.
 - To this end, I am looking to convene a meeting of DRC as soon as possible - likely towards the end of June.
- One of my key priorities is for the National Disability Insurance Agency to streamline processes for people to access the Scheme and receive funding through their plans, without compromising on the quality of plans.
- In support of this, we will be looking to introduce amendments to the NDIS Act to enshrine participant service guarantees, in line with our election commitment.
- I am interested to understand from you what your priorities are to make the Scheme a success in Queensland.
- The support of yourself and the Queensland government is essential for Queenslanders to benefit from the national scheme.
 - This includes finalising the Queensland full scheme agreement alongside the agreements already in place with New South Wales, South Australia, Tasmania, the Australian Capital Territory and the Northern Territory.
 - I am keen that our officials work closely to see if we can reach agreement sooner rather than later on a full scheme agreement.
- I am committed to the effective operation of the NDIS market in Queensland, and will ensure that price setting in the NDIS continues to support growth of the market.

Issues and Sensitivities:

- Queensland and Victoria are the only states due to finish transition on 30 June 2019 who have not yet signed a full scheme agreement.
- There is significant risk Queensland will not sign a full scheme agreement by 30 June 2019. They will not receive their 2018-19 DisabilityCare Australia Fund payment of around \$0.8 billion until they sign an agreement.
- Queensland is very concerned about the low number of participants compared to bilateral estimates. Queensland want to negotiate a lower contribution for at least one further year until participant numbers are higher, as they feel they would not be getting ‘value for money’ for their full scheme contribution with only around 55,000 participants expected by 30 June 2019, compared to the 91,000 they expect to be in the Scheme. Their biggest concern is that not as many “new” participants are entering the Scheme (new participants are those who weren’t previously receiving government disability services).
- In March 2019 the Queensland Premier wrote to the Prime Minister with concerns about hospital discharge delays for NDIS participants. Queensland also considers they are financially impacted because they expected nursing and allied health services to be funded by the Scheme, to a greater extent than is currently the case, creating pressure for such services to be provided by their health services.
- Queensland has concerns about market supply gaps and lack of service capability, particularly in remote and regional areas, and for Aboriginal and Torres Strait Islander people.
- Queensland Minister has raised concerns with several previous Social Services ministers about delays in the NDIA contracting Partners in the Community in Queensland – noting all Partners are now in place.
- Queensland is also concerned about the amount of transport support NDIS participants are receiving and has given this reason for continuing to fund its taxi subsidy scheme after initially announcing taxi subsidies for NDIS participants would cease.

NDIS transition progress in Queensland

Table 1: Progress Against Bilateral Estimates – 31 March 2019

	Bilateral Estimates			Actuals			
	Existing	New/CW	Total	Existing	New/CW	Total Participants	
NSW	78,808	56,548	135,356	54,567	45,950	101,963	75%
Vic	65,592	22,573	88,165	44,980	20,895	71,770	81%
Qld	40,620	37,347	77,967	26,575	16,512	46,036	59%
WA*	13,034	6,277	19,311	10,325	4,614	14,945	77%
SA	14,421	16,281	30,702	12,459	14,830	27,487	90%
Tas	3,618	5,311	8,929	2,710	3,014	6,314	71%
NT	2,599	1,561	4,160	1,231	681	2,291	55%
ACT			5,075	2,885	4,735	7,661	151%
Grand Total	218,692	145,898	369,666	155,732	111,231	278,467	75%

**includes participants currently in the WA-led NDIS.*

TALKING POINTS

Subject	Conversation with the Victorian Minister for Disability, Ageing and Carers, the Hon. Luke Donnellan MP
Date	TBC
Intended	Minister Robert

- I am calling to introduce myself, as the new Minister for the National Disability Insurance Scheme (NDIS) as well as the Minister for Government Services, in the Morrison government.
- Having a separate cabinet minister with responsibility for the NDIS demonstrates the Morrison Government's focus on getting the NDIS right.
- I am keen to work with you bilaterally, and through the Disability Reform Council (DRC), to make the NDIS a success in Victoria and nationally.
 - To this end, I am looking to convene a meeting of DRC as soon as possible - likely towards the end of June.
- One of my key priorities is for the National Disability Insurance Agency to streamline processes for people to access the Scheme and receive funding through their plans, without compromising on the quality of plans.
- In support of this, we will be looking to introduce amendments to the NDIS Act to enshrine participant service guarantees, in line with our election commitment.
- I am interested to understand from you what your priorities are to make the Scheme a success in Victoria.
- The support of yourself and the Victorian government is essential for Victorians to benefit from the national scheme.
 - This includes finalising the Victorian full scheme agreement alongside the agreements already in place with New South Wales, South Australia, Tasmania, the Australian Capital Territory and the Northern Territory.
 - I understand from my department that negotiations are progressing well and we are close to reaching agreement.
- I am committed to the effective operation of the NDIS market in Victoria, and will ensure that price setting in the NDIS continues to support growth of the market while we consider longer term pricing approaches.

Issues and Sensitivities:

- Victoria is due to finish its NDIS transition phase on 30 June 2019. The Department is seeking to reach agreement on the drafting of a full scheme agreement with the Victorian officials in the next week.
- Execution of a full scheme agreement needs to occur by 14 June 2019 in order for Victoria to receive its scheduled Disability Care Australia Fund payment of \$1.1 billion in this financial year (2018-19).
- The main full scheme issue for resolution is Victoria wants more assurance in the agreement on how the Commonwealth contributions will meet the commitment to ‘pay the balance of scheme costs’. Victoria is concerned that full scheme agreements signed to date allow the Commonwealth too much flexibility to lower its contributions and feel it could lead to states disproportionately funding the NDIS.

S47B

- Victoria is concerned about potential funding or delivery gaps between NDIS and their state systems, with particular concerns in relation to:
 - Crisis situation responses and cross-system responses for complex clients
 - The delivery of nursing and allied health supports and delays in hospital discharge.
- Victoria is supportive of independent price setting and price deregulation and would like quicker action on these issues.
- Victoria is working with the Commonwealth, South Australia, Victoria and New South Wales on a coordinated national approach to NDIS workforce development.
- The previous Federal Shadow Disability spokesperson recently raised concern about the need for the Victorian government funded State-Wide Equipment Program (SWEP) shedding staff as assistive technology services transition to market-based models under the NDIS. SWEP is run by Ballarat Health. SWEP has predicted the loss of 20 staff at the end of the financial year.

NDIS transition progress in Victoria

Table 1: Progress Against Bilateral Estimates – 31 March 2019

	Bilateral Estimates			Actuals			
	Existing	New/CW	Total	Existing	New/CW	Total Participants	
NSW	78,808	56,548	135,356	54,567	45,950	101,963	75%
Vic	65,592	22,573	88,165	44,980	20,895	71,770	81%
Qld	40,620	37,347	77,967	26,575	16,512	46,036	59%
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ACT			5,075	2,885	4,735	7,661	151%
Grand Total	218,692	145,898	369,666	155,732	111,231	278,467	75%

*includes participants currently in the WA-led NDIS.

TALKING POINTS

Subject	Conversation with the New South Wales Minister for Families, Communities and Disability Services, the Hon Gareth Ward MP
Date	TBC
Intended	Minister Robert

- I am calling to introduce myself, as the new Minister for the National Disability Insurance Scheme (NDIS) as well as the Minister for Government Services, in the Morrison government.
- Having a separate cabinet minister with responsibility for the NDIS demonstrates the Morrison Government's focus on getting the NDIS right.
- I am keen to work with you bilaterally, and through the Disability Reform Council (DRC), to make the NDIS a success in New South Wales and nationally.
 - To this end, I am looking to convene a meeting of DRC as soon as possible - likely towards the end of June.
- One of my key priorities is for the National Disability Insurance Agency to streamline processes for people to access the Scheme and receive funding through their plans, without compromising on the quality of plans.
- In support of this, we will be looking to introduce amendments to the NDIS Act to enshrine participant service guarantees, in line with our election commitment.
- I am committed to the effective operation of the NDIS market in New South Wales, and will ensure that price setting in the NDIS continues to support growth of the market while we consider longer term pricing approaches.
- I am interested to understand from you what your priorities are to make the Scheme a success in New South Wales.
- The support of yourself and the New South Wales government is essential for the people of New South Wales to benefit from the national scheme.

Issues and Sensitivities:

- New South Wales has been paying full scheme contributions since July 2018. Their officials have indicated they are not happy that they are currently paying more than 50 per cent of NDIS costs in New South Wales because of how full scheme funding arrangements work (New South Wales is paying around 60 per cent of NDIS participant plan costs in 2018-19).
- New South Wales has been working with the Commonwealth, South Australia and Victoria on a coordinated national approach to NDIS workforce development.
- New South Wales is concerned with the long wait times for children accessing the Early Childhood Early Intervention gateway, particularly those children who have met NDIS access requirements and are waiting for a planning meeting. The Department and the NDIA are working closely with New South Wales to put in place strategies to address this issue in their state.
- New South Wales is concerned they have transitioned nursing and allied health services to the NDIS that the scheme is not funding, and about hospital discharge delays for participants.
- New South Wales supports moving towards independent price setting.

NDIS transition progress in New South Wales

Table 1: Progress Against Bilateral Estimates – 31 March 2019

	Bilateral Estimates			Actuals			
	Existing	New/CW	Total	Existing	New/CW	Total Participants	
NSW	78,808	56,548	135,356	54,567	45,950	101,963	75%
Vic	65,592	22,573	88,165	44,980	20,895	71,770	81%
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ACT			5,075	2,885	4,735	7,661	151%
Grand Total	218,692	145,898	369,666	155,732	111,231	278,467	75%

**includes participants currently in the WA-led NDIS.*

TALKING POINTS

Subject	Conversation with the South Australian Minister for Human Services, the Hon Michelle Lensink MP
Date	TBC
Intended	Minister Robert

- I am calling to introduce myself, as the new Minister for the National Disability Insurance Scheme (NDIS) as well as the Minister for Government Services, in the Morrison government.
- Having a separate cabinet minister with responsibility for the NDIS demonstrates the Morrison Government's focus on getting the NDIS right.
- I am keen to work with you bilaterally, and through the Disability Reform Council (DRC), to make the NDIS a success in South Australia and nationally.
 - To this end, I am looking to convene a meeting of DRC as soon as possible - likely towards the end of June.
- One of my key priorities is for the National Disability Insurance Agency to streamline processes for people to access the Scheme and receive funding through their plans, without compromising on the quality of plans.
- In support of this, we will be looking to introduce amendments to the NDIS Act to enshrine participant service guarantees, in line with our election commitment.
- I am committed to the effective operation of the NDIS market in South Australia, and will ensure that price setting in the NDIS continues to support growth of the market.
- I am committed to a national approach to workforce development, and would like to thank the South Australian Government for its work with the Commonwealth on this issue.
- I am interested to understand from you what your priorities are to make the Scheme a success in South Australia.
- The support of yourself and the South Australian government is essential for the people of South Australia to benefit from the national scheme.

Issues and Sensitivities:

- South Australia reached full scheme in July 2018 but transition of their state clients to the NDIS has taken longer than expected and is still not complete. South Australia officials and the NDIA expect it will be complete (with a small number of exceptions) by 30 June 2019.
- South Australia may raise an amendment to their full scheme agreement so that South Australia continues to receive a discount for any client still receiving South Australian services after 30 June 2019, where he or she has not yet transitioned to the NDIS.
- South Australia has regularly raised concerns about hospital discharge delays and NDIA is running a pilot in South Australia for a new hospital discharge model.
- South Australia is concerned about workforce shortages and is working with the Commonwealth, Victoria and New South Wales on a coordinated national approach to NDIS workforce development.
- South Australia holds concerns about market supply gaps and lack of service delivery capability in remote and regional areas, for people needing complex supports and for Aboriginal and Torres Strait Islander people and participants from culturally and linguistically diverse backgrounds.

NDIS transition progress in South Australia

Table 1: Progress Against Bilateral Estimates – 31 March 2019

	Bilateral Estimates			Actuals			
	Existing	New/CW	Total	Existing	New/CW	Total Participants	
NSW	78,808	56,548	135,356	54,567	45,950	101,963	75%
Vic	65,592	22,573	88,165	44,980	20,895	71,770	81%
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ACT			5,075	2,885	4,735	7,661	151%
Grand Total	218,692	145,898	369,666	155,732	111,231	278,467	75%

**includes participants currently in the WA-led NDIS.*

TALKING POINTS

Subject	Conversation with the Tasmanian Minister Disability Services and Community Development, the Hon Jacqui Petrusma MP
Date	TBC
Intended	Minister Robert

- I am calling to introduce myself, as the new Minister for the National Disability Insurance Scheme (NDIS) as well as the Minister for Government Services, in the Morrison government.
- Having a separate cabinet minister with responsibility for the NDIS demonstrates the Morrison Government's focus on getting the NDIS right.
- I am keen to work with you bilaterally, and through the Disability Reform Council (DRC), to make the NDIS a success in Tasmania and nationally.
 - To this end, I am looking to convene a meeting of DRC as soon as possible - likely towards the end of June.
- One of my key priorities is for the National Disability Insurance Agency to streamline processes for people to access the Scheme and receive funding through their plans, without compromising on the quality of plans.
- In support of this, we will be looking to introduce amendments to the NDIS Act to enshrine participant service guarantees, in line with our election commitment.
- I am committed to the effective operation of the NDIS market in Tasmania and will ensure that price setting in the NDIS continues to support growth of the market.
- I am interested to understand from you what your priorities are to make the Scheme a success in Tasmania.
- The support of yourself and the Tasmanian government is essential for Tasmanians to benefit from the national scheme.

Issues and Sensitivities:

- Tasmania is due to complete NDIS transition on 30 June 2019. They are unhappy with the recent slowing in the rate of participants coming into the scheme in their state, compared to their bilateral estimate. In previous years, Tasmania was consistently one of the best performing states in relation to meeting their participant intake schedule.
- Plan approval, performance and satisfaction rates in Tasmania have gone down in the last three to six months. Tasmanian officials have indicated they feel that the NDIA doesn't appear to be acting effectively on concerns raised by officials.
- Tasmania consider they may never reach their estimated NDIS full scheme population and their officials have noted they signed a full scheme agreement in December 2018 based on the estimated population.
- Tasmania wrote to Minister Fletcher and then to you, outlining concerns that NDIA is prioritising the transition in other states to the detriment of Tasmania. The letter also raised concerns about delays in providing Information, Linkages and Capacity building (ILC) funding to Tasmanian organisations.
- On 30 May 2019, the Tasmanian Minister attended for the first 15 minutes of a meeting between NDIA senior officials and Tasmanian senior officials. The NDIA indicated it expects that nearly all eligible Tasmanian disability clients to have NDIS plans by 30 June 2019. The NDIA also undertook to:
 - Work with Tasmania and the Commonwealth on a plan to increase the rate of new entrants to the NDIS in Tasmania; and
 - Hold a workshop with Tasmanian officials on Information, Linkages and Capacity building (ILC) funding.
- Tasmania is concerned with long wait times for children accessing the Early Childhood Early Intervention gateway, particularly those children who have met NDIS access requirements and are waiting for a planning meeting. Tasmania is also concerned about the closure of their ECIS program. The Department and the NDIA are working closely with Tasmania to put in place strategies to address these issues.

NDIS transition progress in Tasmania

Table 1: Progress Against Bilateral Estimates – 31 March 2019

	Bilateral Estimates			Actuals			
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Grand Total	218,692	145,898	369,666	155,732	111,231	278,467	75%

*includes participants currently in the WA-led NDIS.

TALKING POINTS

Subject	Conversation with the Northern Territory Minister for Disabilities, the Hon Natasha Fyles MLA
Date	TBC
Intended	Minister Robert

- I am calling to introduce myself, as the new Minister for the National Disability Insurance Scheme (NDIS) as well as the Minister for Government Services, in the Morrison government.
- Having a separate cabinet minister with responsibility for the NDIS demonstrates the Morrison Government's focus on getting the NDIS right.
- I am keen to work with you bilaterally, and through the Disability Reform Council (DRC), to make the NDIS a success in the Northern Territory and nationally.
 - To this end, I am looking to convene a meeting of DRC as soon as possible - likely towards the end of June.
- One of my key priorities is for the National Disability Insurance Agency to streamline processes for people to access the Scheme and receive funding through their plans, without compromising on the quality of plans.
- In support of this, we will be looking to introduce amendments to the NDIS Act to enshrine participant service guarantees, in line with our election commitment.
- I am committed to the effective operation of the NDIS market in the Northern Territory, and will ensure that price setting in the NDIS continues to support growth of the market.
- I am interested to understand from you what your priorities are to make the Scheme a success in the Northern Territory.
- The support of yourself and the Northern Territory government is essential for territorians to benefit from the national scheme.

Issues and Sensitivities:

- The Northern Territory is due to finish its NDIS transition on 30 June 2019. Northern Territory has raised some concern that they are significantly below their estimated full scheme NDIS population, although Northern Territory and Commonwealth ministers had previously agreed the quality of Northern Territory transition was more important than the speed of transition.
- Northern Territory has regularly raised concerns about NDIS market supply and service delivery gaps in remote and regional areas, and for Aboriginal and Torres Strait Islander participants. Commonwealth and Northern Territory included additional clauses in their full Scheme agreement to recognise the need for local approaches to delivering the NDIS in remote areas and to Indigenous communities.
- The Northern Territory will commence receiving DisabilityCare Australia Fund payments as per the *National Partnership on DisabilityCare Australia Fund Payments* in June 2019.

NDIS transition progress in the Northern Territory

Table 1: Progress Against Bilateral Estimates – 31 March 2019

	Bilateral Estimates			Actuals			
	Existing	New/CW	Total	Existing	New/CW	Total Participants	
NSW	78,808	56,548	135,356	54,567	45,950	101,963	75%
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NT	2,599	1,561	4,160	1,231	681	2,291	55%
ACT			5,075	2,885	4,735	7,661	151%
Grand Total	218,692	145,898	369,666	155,732	111,231	278,467	75%

**includes participants currently in the WA-led NDIS.*

TALKING POINTS

Subject	Conversation with the Australian Capital Territory Minister for Disability, the Hon Rachel Stephen-Smith MLA
Date	TBC
Intended	Minister Robert

- I am calling to introduce myself, as the new Minister for the National Disability Insurance Scheme (NDIS) as well as the Minister for Government Services, in the Morrison government.
- Having a separate cabinet minister with responsibility for the NDIS demonstrates the Morrison Government's focus on getting the NDIS right.
- I am keen to work with you bilaterally, and through the Disability Reform Council (DRC), to make the NDIS a success in the Australian Capital Territory (ACT) and nationally.
 - To this end, I am looking to convene a meeting of DRC as soon as possible - likely towards the end of June.
- One of my key priorities is for the National Disability Insurance Agency to streamline processes for people to access the Scheme and receive funding through their plans, without compromising on the quality of plans.
- In support of this, we will be looking to introduce amendments to the NDIS Act to enshrine participant service guarantees, in line with our election commitment.
- I am committed to the effective operation of the NDIS market in the Australian Capital Territory, and will ensure that price setting in the NDIS continues to support growth of the market
- I am interested to understand from you what your priorities are to make the Scheme a success in the Australian Capital Territory.
- The support of yourself and the Australian Capital Territory government is essential for people in the ACT to benefit from the national scheme.

Issues and Sensitivities:

- NDIS transition is complete in the ACT – all their eligible disability clients have transitioned to the NDIS.
- ACT officials have noted concerns with the NDIA’s delivery of the Information, Linkages and Capacity building program delivery, particularly in relation to lack of communication with state governments on grant rounds.
- ACT is concerned that people with mental health conditions may not be well serviced by the NDIS and the NDIA is running a pilot in the ACT of a streamlined access and planning pathway for these people.
- The ACT will commence receiving DisabilityCare Australia Fund payments as per the National Partnership on DisabilityCare Australia Fund Payments in 2019-20, as agreed.

NDIS transition progress in the ACT

Table 1: Progress Against Bilateral Estimates – 31 March 2019

	Bilateral Estimates			Actuals			
	Existing	New/CW	Total	Existing	New/CW	Total Participants	
NSW	78,808	56,548	135,356	54,567	45,950	101,963	75%
Vic	65,592	22,573	88,165	44,980	20,895	71,770	81%
Qld	40,620	37,347	77,967	26,575	16,512	46,036	59%
WA*	13,034	6,277	19,311	10,325	4,614	14,945	77%
SA	14,421	16,281	30,702	12,459	14,830	27,487	90%
Tas	3,618	5,311	8,929	2,710	3,014	6,314	71%
NT	2,599	1,561	4,160	1,231	681	2,291	55%
ACT			5,075	2,885	4,735	7,661	151%
Grand Total	218,692	145,898	369,666	155,732	111,231	278,467	75%

**includes participants currently in the WA-led NDIS.*

TALKING POINTS

Subject	Conversation with the Western Australia Minister for Disability Services, the Hon Stephen Dawson MLC
Date	TBC
Intended	Minister Robert

- I am calling to introduce myself, as the new Minister for the National Disability Insurance Scheme (NDIS) as well as the Minister for Government Services, in the Morrison government.
- Having a separate cabinet minister with responsibility for the NDIS demonstrates the Morrison Government's focus on getting the NDIS right.
- I am keen to work with you bilaterally, and through the Disability Reform Council (DRC), to make the NDIS a success in Western Australia and nationally.
 - To this end, I am looking to convene a meeting of DRC as soon as possible - likely towards the end of June.
- One of my key priorities is for the National Disability Insurance Agency to streamline processes for people to access the Scheme and receive funding through their plans, without compromising on the quality of plans.
- In support of this, we will be looking to introduce amendments to the NDIS Act to enshrine participant service guarantees, in line with our election commitment.
- I am committed to the effective operation of the NDIS market in Western Australia, and will ensure that price setting in the NDIS continues to support growth of the market, including by implementing the results of the Western Australian Market Review.
- I am interested to understand from you what your priorities are to make the Scheme a success in Western Australia.
- The support of yourself and the Western Australian government is essential for the people of Western Australia to benefit from the national scheme.

Issues and Sensitivities:

- Western Australia started rolling out the NDIS under its own state-administered model, and didn't sign up to the national model until late 2017.
- Western Australia has been concerned that the transfer of clients from its previous Western Australia-administered NDIS hasn't happened as quickly as expected – it was due to be complete by December 2018 but will not be complete until June 2019.
- The transition of all Western Australia disability service clients to NDIS is not due to be complete until July 2020. Full scheme funding arrangements in Western Australia are not due to start until 2023.
- Western Australia is not satisfied about some aspects of NDIA service delivery including the length of time taken for the NDIA to contract Partners in the Community (Local Area Coordinators and Early Childhood Partners). Western Australia is also keen to ensure that NDIS services are available to Western Australia participants who live in remote areas of the state.
- Western Australia has raised concerns about price settings not being suitable for Western Australia.

NDIS transition progress in Western Australia

Table 1: Progress Against Bilateral Estimates – 31 March 2019

	Bilateral Estimates			Actuals			
	Existing	New/CW	Total	Existing	New/CW	Total Participants	
NSW	78,808	56,548	135,356	54,567	45,950	101,963	75%
Vic	65,592	22,573	88,165	44,980	20,895	71,770	81%
Qld	40,620	37,347	77,967	26,575	16,512	46,036	59%
WA*	13,034	6,277	19,311	10,325	4,614	14,945	77%
SA	14,421	16,281	30,702	12,459	14,830	27,487	90%
Tas	3,618	5,311	8,929	2,710	3,014	6,314	71%
NT	2,599	1,561	4,160	1,231	681	2,291	55%
ACT			5,075	2,885	4,735	7,661	151%
Grand Total	218,692	145,898	369,666	155,732	111,231	278,467	75%

*includes participants currently in the WA-led NDIS.

QUESTION TIME BRIEF NDIS Progress and Full Scheme Agreements

QUESTION: What is the current status of the National Disability Insurance Scheme (NDIS) rollout and full Scheme agreements?

KEY POINTS:

- The NDIS is available across Australia, with residents of all states now able to apply to access the Scheme, except in some parts of Western Australia.
 - The NDIS in Western Australia will be fully rolled out by July 2020, because it joined the national Scheme later than other states.
- NDIS full Scheme agreements are being finalised with each state and territory to provide certainty for all NDIS participants and their families by securing long-term funding and governance arrangements.
- The Australian Government has successfully negotiated NDIS full Scheme agreements with New South Wales, [Victoria – TBC], South Australia, Tasmania, the Australian Capital Territory and the Northern Territory, prior to the commencement of full Scheme arrangements in those states.
- [Queensland is the only state scheduled to transition to full Scheme on 1 July 2019 without a full Scheme agreement in place - TBC]
- The Department of Social Services is working to engage with Queensland to finalise arrangements as soon as possible.
- To recognise the slower than expected transition in some states, the full Scheme agreements provide reimbursement for costs that states may incur if all their eligible state clients do not get NDIS plans by the end of their transition period.
- No person receiving disability support, either from a state or from the Commonwealth, will be left without support during the transition to the NDIS.

 <p>Australian Government Department of Social Services</p>	<p>General Brief MS19-000695</p>
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To: Minister for the National Disability Insurance Scheme, the Hon Stuart Robert MP
(for decision)

Subject: 2019 Review of the *National Disability Insurance Scheme Act 2013* (the Act) (the Act Review)

Critical Date: Please action by 11 June 2019 to allow consultation with states and territories (states) at the June meetings of the Disability Reform Council (DRC) and its Senior Officials Working Group (SOWG).

Recommendations for Minister Robert: That you

<ol style="list-style-type: none"> 1. Agree the Act Review will be conducted in consultation with states and will focus on: <ol style="list-style-type: none"> a. removing process impediments to streamlined National Disability Insurance Agency (NDIA) processes; b. developing and legislating the National Disability Insurance Scheme (NDIS) Participant Service Guarantee (the Guarantee); and c. include a broad four to six week public consultation strategy. 2. Agree that a Bill seeking to legislate the Guarantee, and any other recommendations arising out of the Act Review, should also seek to implement any relevant amendments agreed as a result of the 2015 Independent Review of the Act. 3. Agree the proposed DRC paper, at Attachment A, which includes the draft Terms of Reference (ToR) and that it be circulated to SOWG for consideration. 4. Agree that a Review of NDIA and NDIS Quality and Safeguards Commission (NDIS Commission) operating funding be undertaken concurrently, in consultation with the NDIA, the NDIS Commission and the Department of Finance, and focus on the operational resources required to deliver and regulate a maturing NDIS from 1 July 2020. 5. Note that David Tune AO PSM has agreed to lead the review. <p>Minister's signature:.....</p>	<p>Agreed / Not Agreed</p> <p>Agreed / Not Agreed</p> <p>Agreed / Not Agreed</p> <p>Agreed / Not Agreed</p> <p>Noted / Please Discuss</p> <p>Date:...../...../ 2019</p>
<p>Minister's Comments</p>	
<p> </p>	

Key Issues:Terms of Reference

1. The Department of Social Services (the Department) has developed draft ToR for the Act Review, at **Attachment B**, to support the Government's election commitment to develop and legislate, by 1 July 2020, the Guarantee and remove legislative red tape for participants and providers.
2. The Department does not propose the Act Review replace the scheduled 2021 Independent Review of the Act, which will focus on the entire operation and administration of the Act.
3. If legislative changes are to come into force on 1 July 2020, legislation should be introduced to Parliament no later than the Autumn 2020 sittings. Meeting this timeframe will require the Act Review to have handed down recommendations to government by December 2019, in order to allow time for a Bill to be drafted and introduced into Parliament. A more detailed timeline for the Act Review is provided at **Attachment C**.
4. There is no explicit requirement for states to agree to the ToR, or any subsequent amendments to the Act in response to the Act Review's recommendations. However, the Act requires you to consult with DRC about policy matters that relate to the NDIS or arise under the Act. Past practice has been to seek DRC's agreement.
5. The Department understands you wish to discuss the Act Review at the next DRC meeting. A paper has been drafted for the meeting, including the draft ToR and timeline for the conduct of the Act Review, and is provided at **Attachment A**.
6. The Department requested Mr David Tune AO PSM to undertake the review, and he has agreed. Mr Tune is a former Secretary of the Department of Finance.
7. We recommend that the reviewer undertake a broad four to six week consultation strategy with:
 - a. people with disability, their families and carers;
 - b. the disability services sector;
 - c. ministers and officials from the Commonwealth and state governments; and
 - d. the NDIAwhere the public will have an opportunity to make submissions to the Act Review.

Possible Legislative Amendments

8. The Department has identified a number of possible amendments to the NDIS Act and/or Rules that may be recommended through the Act Review, at **Attachment D**, and is working with the NDIA, where appropriate, to settle underlining policy positions and the operational requirements needed to implement the Guarantee.
9. The Department is also considering other legislative issues that could be progressed through a Bill to amend the NDIS Act, including recommendation that arose out of the 2015 Independent Review of the NDIS Act but have not yet been passed by Parliament.

Review of NDIA Operating Funding

10. In the context of developing the 2019-20 Budget, the NDIA advised the Department that its operational resources may not be adequate to deliver the NDIS to the participants who are expected in the Scheme in 2019-20 and 2020-21. An additional \$193 million in operational funding was provided to the NDIA in the 2019-20 Budget.

11. The Department has agreed with the NDIA that a review of NDIS operational funding be undertaken in advance of the 2020-21 Budget. We recommend Mr Tune also undertake this review.
12. The Department will separately brief you on the scope of work and draft ToR for that review, noting it would need to be conducted in partnership with the Department of Finance, and in consultation with the Minister for Finance, Senator the Hon Mathias Cormann and the Minister for the Public Service, the Prime Minister, the Hon Scott Morrison MP.

Review of NDIS Commission Operating Funding

13. In establishing the NDIS Commission, operating funding was calculated based on conservative estimates of demand from participants and providers (number of complaints, provider registrations etc.) No existing system of quality and safeguards is directly comparable to the national scope and integrated model of the NDIS Commission.
14. To mitigate the risk of inadequate resourcing, it is important to assess these early demand and resourcing estimates against actual data on the NDIS Commission's functions.
15. The Department and the NDIS Commission commenced an early-stage resource review in early 2019, which indicated that resourcing pressures are becoming evident after the first year of operation.
16. Therefore, the Department recommends that Mr Tune also be asked to review the NDIS Commissions operating funding. The Department will also separately brief you on the scope of work and draft ToR for that review, noting it would be conducted in the same manner as the NDIA operating funding review and utilise the work undertaken for the 2019 early stage NDIS Commission resource review, and the experience of the first year of operation in NSW and SA.

Risk Management: N/A

Consultation: N/A

Attachments:

Attachment A: s47C [Redacted]
Attachment B: [Redacted]
Attachment C: [Redacted]
Attachment D: [Redacted]

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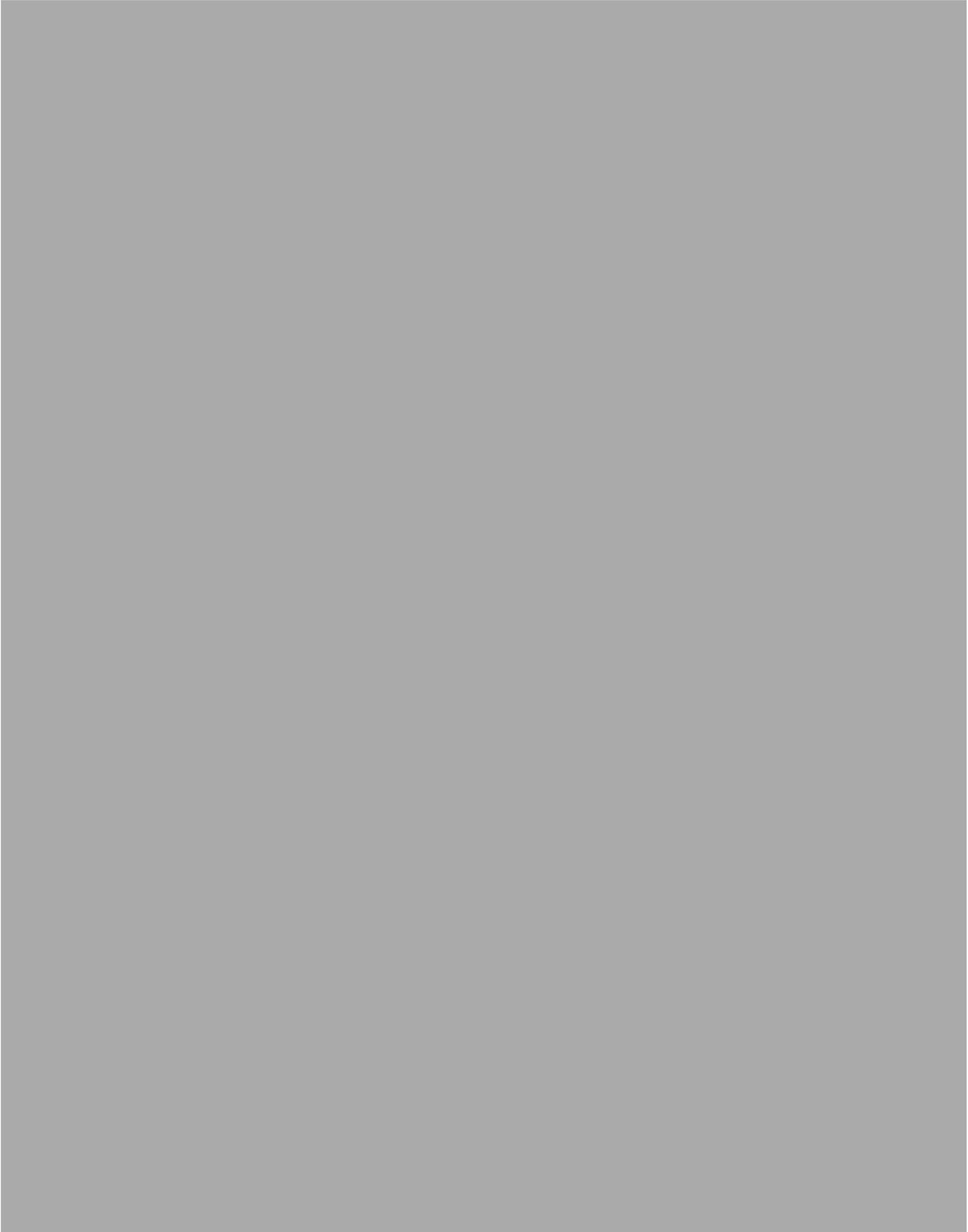
Cleared by: Michael Lye
Position: Deputy Secretary
Phone/Mobile:

Signature: _____

Date: ____ / ____ / ____

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QUESTION TIME BRIEF

NDIS-05

NDIS: FULL SCHEME AGREEMENTS AND DCAF

Full Scheme Agreements

- The National Disability Insurance Scheme (NDIS) is now available across Australia, except in some parts of Western Australia (WA).
- The Australian Government settled NDIS full scheme agreements with New South Wales (NSW), Victoria, South Australia (SA), Tasmania, the Australian Capital Territory (ACT) and the Northern Territory (NT) prior to the commencement of full scheme arrangements in those states.
- Queensland signed a full scheme agreement on 9 July 2019.
- The Commonwealth and Queensland governments have agreed to continue transition in Queensland until at least 30 June 2020, to recognise Queensland's lower than expected participant numbers.
- Experience shows while the NDIS has rolled out on schedule to locations across Australia, the intake of participants is taking longer than estimated.
- To recognise the slower than expected transition in some states, some full scheme agreements include provisions that reimburse states for costs incurred if all their eligible state clients do not get NDIS plans by the end of the transition period.
- No one receiving disability supports from a state or the Commonwealth will be left without support during the transition to the NDIS.

DCAF

- The purpose of the DisabilityCare Australia Fund (DCAF) is to partially reimburse the Commonwealth and the states for expenditure incurred under the *National Disability Insurance Scheme Act 2013*.
- A DCAF National Partnership for the full \$9.5 billion available to states to 2023-24 is offered to states alongside new NDIS full scheme agreements.
- This National Partnership has been signed by all seven states that have signed full scheme agreements, with \$2.1 billion already paid out as at 30 June 2019, including \$1.1 billion paid to Victoria on 24 June 2019.
- The next payment from the DCAF to those states who have signed the National Partnership will occur by the end of September 2019.

IF ASKED: Why has Queensland's transition been extended for at least an additional 12 months?

- NDIS participants in Queensland will not experience any service or funding gaps with the continued transition.
- The continuation of transition until at least 30 June 2020 and no later than 31 December 2020 recognises that participant numbers during the transition period in Queensland fell short of the bilaterally-agreed participant estimate.
- Queensland will commence paying its full scheme contribution no later than 1 January 2020.

IF ASKED: When will WA sign up to a full scheme agreement?

- Full scheme funding arrangements in WA are not due until 2023.
- The Department of Social Services will negotiate with WA on full scheme arrangements as required.

IF ASKED: When will WA receive access to DCAF payments?

- Once they have signed a National Partnership for access to DCAF.

GOVERNMENT PLAN

- To have consistent full scheme agreements settled with all states and territories apart from WA by 1 July 2019.
- To offer the DCAF National Partnership alongside NDIS full scheme agreements.
- To improve the NDIS by developing and legislating a NDIS Participant Service Guarantee.

OPPOSITION PLAN

- Labor announced DCAF in the 2013-14 Budget to assist the Commonwealth and states fund the NDIS.
- Labor offered the states access to DCAF in May 2013. The offer was not accepted.

STAKEHOLDER REACTIONS

- Queensland Premier, the Hon Anastacia Palaszczuk MP, wrote to the Prime Minister, the Hon Scott Morrison MP, on 9 July 2019 agreeing to a Queensland full Scheme NDIS agreement and access to \$1.9 billion in DCAF payments through the DCAF NP.

CONTACT AND CLEARANCE INFORMATION

Contact: Julie Yeend, Branch Manager, 02 6146 3480 | S22

Consulted: Peter Broadhead, A/g Group Manager, 02 6146 5367 | S22

Cleared by: Michael Lye, Deputy Secretary, 02 6146 0024 | S22

Date created: 21 June 2019 | Last Updated: 17 July 2019

SUPPORTING INFORMATION TO QUESTION TIME BRIEF

NDIS-05

BACKGROUND

KEY FACTS/FIGURES /EVIDENCE SUPPORTING POLICY

NDIS Progress

- The NDIS is now available across all states and territories, except some parts of WA. It will be available in all parts of WA on 1 July 2020, making it a truly national scheme.
- The NDIS will continue to grow to provide individualised funding for supports and services for up to 500,000 people within five years, who have permanent and significant disability.
- The NDIS has been implemented in stages across the states, and as at 31 March 2019, there were 277,155 participants being supported by the NDIS, including children in the Early Childhood Early Intervention gateway. This is 75 per cent of the expected number of participants estimated in transition agreements, since commencement of the scheme.
- A number of states and territories have raised concerns that participant intake has been much slower than expected during transition.
 - This affected full scheme negotiations with Queensland, which resulted in the continuation of transition arrangements until full scheme funding arrangements commence from 1 July 2020. Queensland may choose to continue transition for a further six months, if participant numbers in Queensland do not reach 64,000 by 31 March 2020.
- The department and the National Disability Insurance Agency (NDIA) are working closely with states and territories to put in place strategies to address this in their state, including development of an NDIS Participant Service Guarantee in line with the Government's election commitment.

NDIS Full Scheme Agreements

- To date, the Australian Government has successfully negotiated full scheme agreements with seven states and territories. Four key aspects of the Commonwealth's negotiation position for these agreements are:
 - that states make full, regular up-front funding contributions;
 - agreement to an ongoing 4 per cent escalation rate of states' annual funding contributions;
 - agreement to use cash that accumulates in the Scheme to build a reserve fund to improve participant outcomes and manage scheme sustainability on insurance principles, by using the fund to manage the lifetime risk of participant cost; and
 - a commitment to governance changes to streamline NDIS Board appointments and decision making.
- Although NDIS will be available in all parts of WA by July 2020, full scheme funding arrangements are not due to commence until 1 July 2023.
- Access DCAF payments was a critical lever for the Commonwealth in securing agreements with states and territories. DCAF payments scheduled for 2018-19 that did not occur in 2018-19 have moved into 2019-20. In signing the DCAF National Partnership recently, Queensland agreed to re-profile its accumulated backpay across 2019-20 (\$350 million) and 2020-21 (\$488.6 million).

DCAF

- The balance was \$14.2 billion at 31 March 2019.
- The Commonwealth offered the states a one-off DCAF National Partnership 2017. The ACT, Queensland, the NT and SA signed this National Partnership and were paid a combined \$129.9 million in 2017. The Commonwealth offered the states a National Partnership on DCAF Payments alongside new NDIS full scheme agreements. This offer will be made to Western Australia in due course. The National Partnership is worth \$9.5 billion to the states to 2023-24. A sum of \$2.1 billion was paid from DCAF to the states in 2018-19.

STATUS OF LEGISLATION

NDIS-05

- The *DisabilityCare Australia Fund Act 2013* is in effect and does not require any amendments.

KEY ISSUES

Key NDIS full scheme dates and milestones including chronology of recent events

Date	Event
25 May 2018	The Commonwealth and New South Wales governments entered into an NDIS full scheme bilateral agreement and the DCAF National Partnership.
29 June 2018	The Commonwealth and South Australian governments entered into an NDIS full scheme bilateral agreement and the DCAF National Partnership.
1 July 2018	Scheduled commencement of full scheme arrangements for New South Wales and South Australia.
10 December 2018	The Commonwealth and Tasmanian Governments entered into an NDIS full scheme bilateral agreement and the DCAF National Partnership.
22 March 2019	The Commonwealth and Australian Capital Territory Governments entered into an NDIS full scheme bilateral agreement and the DCAF National Partnership.
29 March 2019	The Commonwealth and Northern Territory Governments entered into an NDIS full scheme bilateral agreement and the DCAF National Partnership.
17 June 2019	The Commonwealth and Victorian Governments entered into an NDIS full scheme bilateral agreement and the DCAF National Partnership.
24 June 2019	The Commonwealth paid Victoria \$1.1 billion from DCAF.
1 July 2019	Scheduled commencement of full scheme arrangements for Tasmania, the Northern Territory, the Australian Capital Territory and Victoria.
9 July 2019	The Commonwealth and Queensland Governments entered into an NDIS full scheme bilateral agreement and the DCAF National Partnership.
31 March 2020	Queensland to decide on the continuation of transition for up to six months to 31 December 2020, if participant numbers in Queensland have not reached 64,000 by this date.
1 July 2020	Scheduled commencement of full scheme arrangements for Queensland, if participant numbers are over 64,000 by 31 March 2020 or should Queensland choose to finish transition arrangements on 30 June 2020.
1 January 2021	The latest date for commencement of full scheme arrangements for Queensland.
1 July 2023	Scheduled commencement of full scheme arrangements for WA.

RECENT RELEVANT MP/MINISTERIAL/PRIME MINISTERIAL COMMENTS

- On 10 July 2019, Minister Roberts issued a media release announcing the [Queensland full scheme agreement](#).

RELATED DOCUMENTS

RECENT RELEVANT MINISTERIAL BRIEFS

- MB19-900005 – NDIS full scheme bilateral agreement – Victoria
- MS19-001715 – NDIS full scheme bilateral agreement – Queensland

MEDIA

NDIS-05

CURRENT MEDIA

1. 15 July 2019, National Disability Services ([NDIS full scheme agreement signed by Queensland and Commonwealth Governments](#)). An NDIS full-scheme agreement has now been signed by the Queensland and Commonwealth Governments, taking effect from 1 July 2020.

OTHER RECENT MEDIA

1. 16 July 2019, Disability Support Guide ([NDIS celebrates two huge milestones](#)). Queensland has joined the rest of the country in full Scheme agreements.