



# Operational Plan Commitment between Western Australia and the Commonwealth Government for transition to the NDIS

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# Table of Contents

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<b>Background .....</b>	<b>3</b>
1. Terms of the Operational Plan .....	3
1.1 Purpose .....	3
1.2 Working together .....	4
1.3 Key Elements .....	4
2. Performance, Governance and Accountability .....	5
2.1 Operational Plan Governance .....	5
2.2 Progress monitoring and reporting .....	5
2.3 Privacy and Confidentiality .....	6
<b>Part 1 - Bilateral and National Policy Elements .....</b>	<b>7</b>
1.0 Legislation for the NDIS in WA .....	7
2.0 Phasing Arrangements .....	8
3.0 Implementation of Funding Arrangements .....	9
4.0 Continuity of Support Arrangements for Ineligible Clients .....	10
5.0 Sector and System Readiness .....	12
6.0 Quality and Safeguards Arrangements .....	13
7.0 Management of Interfaces between the NDIS and Mainstream Services .....	14
8.0 Transition of NDIA Trial Areas .....	15
9.0 Workforce Arrangements .....	15
10.0 Specialist Disability Housing for Participants .....	16
11.0 Information, Linkages and Capacity Building (ILC) .....	17
<b>Part 2 – Administration and Service Delivery Elements .....</b>	<b>18</b>
12.0 Data Exchange and Systems Planning .....	18
13.0 Reviews and Evaluations (Inter-operability) .....	19
14.0 Participant Readiness .....	20
15.0 Complex Cohorts and Service Delivery .....	21
16.0 Participants Over the Age of 65 .....	21
17.0 Cash and In-kind Supports .....	22
18.0 Functions to Support System Stewardship .....	23
19.0 Transition Working Arrangements .....	23
19.1 Regional, Rural and Remote Locations .....	23
19.2 Aboriginal and Torres Strait Islander Communities .....	24
19.3 Culturally and Linguistically Diverse (CALD) Communities .....	24
20.0 Public Communication and Engagement .....	25
<b>Glossary of Terms .....</b>	<b>27</b>
<b>Appendix A .....</b>	<b>29</b>
<b>Appendix B .....</b>	<b>30</b>
<b>Appendix C .....</b>	<b>31</b>
<b>Appendix D .....</b>	<b>32</b>
<b>Appendix E .....</b>	<b>33</b>
<b>Appendix F .....</b>	<b>34</b>



## Background

On 31 January 2017 the Prime Minister and the Premier of Western Australia finalised the *Bilateral Agreement between the Commonwealth and Western Australia – Transition to a National Disability Insurance Scheme in Western Australia* (the Bilateral Agreement).

This Operational Plan sets out the implementation arrangements to give effect to the Bilateral Agreement, its supporting schedules and other key deliverables agreed between Western Australia and the Commonwealth Government to support the full scheme roll out of the NDIS. This Operational Plan serves as the roadmap for transitioning to the NDIS in Western Australia.

The parties to this Operational Plan are the Commonwealth Department of Social Services (DSS) and the Western Australian Disability Services Commission.

## 1. Terms of the Operational Plan

### 1.1 Purpose

- 1.1.1 This Operational Plan identifies a program of work and the responsibilities of the parties during transition to full scheme NDIS in Western Australia and operationalises the high level Bilateral Agreement and supporting schedules agreed between the Western Australian and Commonwealth Governments on transition. The relationship between the Bilateral Agreement and other key documents is shown at Appendix A.
- 1.1.2 The Western Australian and Commonwealth Governments acknowledge the transition to full scheme is a shared responsibility of all parties that requires a considered approach, as supported by the governance arrangements at Appendix B.
- 1.1.3 From 1 July 2017 to 30 June 2020, the NDIS will be progressively rolled out in Western Australia, In addition to the existing trial sites, eligible people will be able to access the NDIS in the following sequence:
  - Kimberley-Pilbara and the remaining population of South Metro will commence transition to the NDIS from 1 July 2017;
  - Goldfields-Esperance, North Metro and the remaining populations of the Wheatbelt, South West and Central South Metro will commence transition to the NDIS from 1 July 2018; and
  - Midwest-Gascoyne, Great Southern, Central North Metro and South East Metro will commence transition to the NDIS from 1 July 2019.
- 1.1.4 This Operational Plan outlines implementation actions for the transition to full scheme NDIS in Western Australia. It identifies key elements required of the Western Australian and Commonwealth Governments to transition to full scheme in Western Australia, including the respective roles and responsibilities of governments and the WA NDIS authority in achieving the outcomes in this Operational Plan.
- 1.1.5 This Operational Plan is to be considered in conjunction with the Bilateral Agreement between the Commonwealth and Western Australia and accompanying schedules.
- 1.1.6 For the removal of doubt, nothing within the Operational Plan shall override agreements between the Commonwealth Government and the Western Australian Government as set out in the Bilateral Agreement and accompanying schedules.
- 1.1.7 It is the expectation that the Operational Plan development will be iterative as actions are undertaken and content developed. Changes to the Operational Plan shall be by agreement of the signatories to the Operational Plan.



- 1.1.8 Any of the parties to the Operational Plan may request a review at any time. Any changes to the Operational Plan, excluding amendments to appendices must be agreed between all the signatories to the Operational Plan, as outlined in Part 2, clause 19 of the Bilateral Agreement.
- 1.1.9 The parties acknowledge actions agreed in the Operational Plan are to be implemented consistent with policies and frameworks agreed by the Council of Australian Governments (COAG) and the COAG Disability Reform Council (DRC).
- 1.1.10 The parties acknowledge that actions highlighted in the Operational Plan will continue to be shaped by the development and finalisation of a range of policy settings that may have flow-on impacts to the key elements critical for transition to the NDIS. This includes, but is not limited to:
- Ongoing development and implementation of the National Quality and Safeguarding Framework;
  - Market design work, including the development of metrics under the Disability Reform Council;
  - Outcomes from the review of the National Disability Insurance Scheme Act 2013; and
  - Outcomes of the Productivity Commission Review into NDIS Costs.

## 1.2 Working together

- 1.2.1 This Operational Plan has been developed in partnership between the Commonwealth Government and the Government of Western Australia. The parties are committed to closely collaborating on this Operational Plan to ensure implementation of the Plan is founded on strong planning processes and a commitment achieving the best possible outcomes for people with disability, their families and carers.
- 1.2.2 The parties will act in partnership on the actions detailed in this Operational Plan, including through working groups established between the WA NDIS authority, the Commonwealth and jurisdictional representatives and agreed roles and responsibilities (as identified in the Operational Plan).

## 1.3 Key Elements

The key elements which form the basis of this plan have been identified by the parties as critical for managing the transition to the NDIS in Western Australia. The parties intend to draw on lessons learnt from trial sites and build upon the Western Australian experience and knowledge in funding and managing the State's disability service system.

**Part 1** – Includes elements related to NDIS design, national policy and the Bilateral Agreement that provide a framework for implementation.

**Part 2** – Includes elements for transition that the Commonwealth and Western Australian Governments can work on together under current policy settings and existing inter-governmental agreements.



## **Part 1 – Bilateral and National Policy Elements**

1. Legislation for the NDIS in WA
2. Phasing arrangements
3. Implementation of agreed Bilateral funding arrangements
4. Continuity of support arrangements for ineligible clients
5. Sector and system readiness
6. Quality and safeguards
7. Management of Interfaces between the NDIS and mainstream services
8. Transition of NDIA Trial Areas
9. Workforce transition
10. Specialist disability accommodation for participants
11. Information, Linkages and Capacity Building (ILC)

## **Part 2 – Administration & Service Delivery Elements**

12. Data exchange and systems planning
13. Reviews and evaluation: inter-operability
14. Participant readiness
15. Complex cohorts and service delivery
16. Participants over the age of 65
17. Cash and in-kind supports
18. Functions to support system stewardship
19. Transition working arrangements for people in:
  - 19.1 Regional, rural and remote locations
  - 19.2 Aboriginal and Torres Strait Islander communities
  - 19.3 Culturally and Linguistically Diverse communities
20. Public communications and engagement

## **2. Performance, Governance and Accountability**

### **2.1 Operational Plan Governance**

- 2.1.1 The specific governance arrangements for the Operational Plan as agreed between the Parties are detailed in Appendix B of this Operational Plan. These structures relate to the implementation of the Bilateral Agreement between the State and Commonwealth Governments only. The WA NDIS authority is committed to ensuring co-development of the WA NDIS and will develop structures for the involvement of people with disability in the governance and design of the NDIS in WA.
- 2.1.2 Terms of Reference for the WA NDIS Bilateral Steering Committee (BSC) are included at Appendix C. The BSC has an assurance role in the transition to the NDIS in Western Australia. It is a decision-making forum for matters that relate to implementing the Bilateral Agreement including monitoring and reviewing risks including participant, market, sector and system readiness and national consistency; and on matters relating to the terms of the Bilateral Agreement that cannot be resolved at the BWG. The BSC also has the responsibility for developing risk mitigation strategies to give effect to Clauses 55 - 61 of the Bilateral Agreement.



- 2.1.3 Terms of Reference for the WA NDIS Bilateral Working Group (BWG) are included at Appendix D. The BWG will monitor progress on actions identified in the Operational Plan, identify and manage risks associated with the implementation of the Bilateral Agreement and the Operational Plan and identify key issues and actions critical to ensuring successful implementation of the Bilateral Agreement.
- 2.1.4 Further working groups with representation from the Western Australia and Commonwealth Governments and the WA NDIS authority (including the NDIA if in relation to the transition of NDIA sites) may be established to implement the agreed activities under each element of the Operational Plan.

## **2.2 Progress monitoring and reporting**

- 2.2.1 The implementation of the Operational Plan will be aligned with sound and responsive project management practices by each of the parties. Both the State and Commonwealth Governments will closely monitor the progress toward achieving the deliverables under the Operational Plan.
- 2.2.2 The BWG will monitor the delivery of agreed outcomes under each of the elements identified in the Operational Plan on a regular basis and report to the BSC on progress. The BWG will also maintain Risk and Issues Registers to record key risks and issues along with their timely treatment and resolution during the transition period.

## **2.3 Privacy and Confidentiality**

- 2.3.1 Both the State and Commonwealth Governments agree that people with disability should have their privacy and dignity respected and that all participants have a right to expect that their information is managed appropriately.
- 2.3.2 Each party agrees that it will ensure its officers, employees, contractors and agents will at all times comply with all applicable privacy laws, including the Privacy Act 1988 (Cth), the Freedom of Information Act 1992 (WA) and other relevant WA legislation to the extent that those laws apply to the party or the party's officers, employees, contractors or agents or the personal information held by, or available to, that party.
- 2.3.3 The parties agree that information about participants that the NDIA is authorised to disclose for the purposes of transfer to the WA NDIS authority under this agreement is and continues to be 'protected information' for the purposes of the National Disability Insurance Scheme Act 2013 (Cth).



## Part 1 – Bilateral and National Policy Elements

### 1.0 Legislation for the NDIS in WA

The Western Australian and Commonwealth Governments have agreed that the NDIS in Western Australia will operate under State legislation which will mirror or effectively mirror agreed provisions of the National Disability Insurance Scheme Act 2013 (NDIS Act 2013).

The State legislation will ensure that there is no divergence between the NDIS in Western Australia and in other parts of Australia on agreed fundamental components of the national scheme into the future. The Commonwealth Government will amend the NDIS Act 2013 and any relevant legislative instruments under the NDIS Act 2013, along with other relevant Commonwealth legislation as required to support the establishment of a State administered NDIS in Western Australia.

#### **Deliverable:**

The implementation of a legislative framework that enables the roll out and ongoing delivery of a State administered NDIS in Western Australia.

#### **Agreed Actions:**

- 1.1 The Western Australian Government and Commonwealth Government will collaboratively review the NDIS Act 2013 to agree specific clauses that must be mirrored, or effectively mirrored within Western Australian legislation.
- 1.2 The Commonwealth Government will consult with the Western Australian Government to consider any changes to the NDIS Act 2013, and other relevant legislation, to establish a State administered NDIS in Western Australia.
- 1.3 Subject to the consideration of the WA Parliament, the Western Australian Government will review and, in consultation with the Commonwealth Government, amend State-based legislation and regulations to enable the roll out and ongoing delivery of a State administered NDIS in Western Australia.
- 1.4 Western Australia will consult with the Commonwealth on an exposure draft of the new State legislation and the Commonwealth will consult with WA on:
  - a. an exposure draft of Bill/s amending Commonwealth legislation to support the establishment of the NDIS in WA.

#### **Timeframes:**

The Western Australian and Commonwealth Governments will agree the specific clauses of the NDIS Act 2013 that must be mirrored, or effectively mirrored within Western Australian legislation, by September 2017.

Subject to passage through State Parliament, Western Australia will progress the following:

- a. minor amendments to existing State legislation to facilitate transition to a State administered NDIS in Western Australia by December 2017; and
- b. comprehensive new State legislation which will establish the wider legislative framework for a State administered NDIS in Western Australia by July 2018.



Subject to passage through the Commonwealth Parliament, the Commonwealth Government will progress the following:

- a. amendments to the NDIS Act 2013 and any other Commonwealth legislation identified to facilitate transition to a State administered NDIS in Western Australia from 1 July 2017 by July 2018, or once new WA NDIS legislation is developed.
- b. amendments to the Rules under the NDIS Act 2013 to give practical effect to the transition of current NDIA participants to enable the timely and efficient phasing of eligible participants into the WA NDIS.

## **2.0 Phasing Arrangements**

The Western Australian Bilateral Agreement and schedules for transition to full scheme detail high level phasing arrangements for Western Australia. Phasing and related funding arrangements are set out in Schedule B: Participant Transition Arrangements in Western Australia and Schedule C: Financial Contributions for Transition in Western Australia of the Bilateral Agreement.

The Western Australian Government will agree a detailed phasing strategy with the Commonwealth Government.

### **Deliverable:**

The Western Australian Government will implement a detailed Phasing Strategy including the cohort phasing approach to give practical effect to Schedule B of the Bilateral Agreement to enable timely and efficient phasing of eligible participants to the NDIS in WA. A strategy for the 2017 transition areas for Quarter 1 is included at Appendix F.

### **Agreed Actions:**

- 2.1 The Western Australian Government (in consultation with the Commonwealth) will develop and implement a Phasing Strategy to operationalise Schedule B that:
  - Identifies and agrees intake prioritisation criteria, sequencing and mechanisms for intake;
  - Includes an intake plan for existing Western Australian and Commonwealth clients and other participants in Western Australia and considers more detailed categories within phasing cohorts (e.g.: geographic spread and participants with urgent needs);
  - Includes a monitoring approach to the phasing in transition, contingency planning and a process for making adjustments as required (within the parameters of Schedule B).
- 2.2 The Western Australian Government (in consultation with the Commonwealth in relation to Commonwealth clients and providers) will develop key messages for public communications and engagement on the Strategy.

### **Timeframe:**

The phasing strategy for each region will be finalised six months before transition of each region.



### **Performance Measures:**

Schedule H of the Bilateral Agreement – Level B measures (reported quarterly):

- 2.1.1 Access requests made by outcome.
- 2.1.2 Eligible participants against bilateral targets, including key characteristics.
- 2.1.3 Participants with approved plans against bilateral targets.
- 2.1.4 Trends in plan approvals.
- 2.1.5 Access request to plan approval within different timeframes.
- 2.1.6 Ineligible participant numbers and key characteristics.
- 2.2.4 Details of participants with second plans, including length and value of supports.

### **3.0 Implementation of Agreed Bilateral Funding Arrangements**

The Western Australian and Commonwealth Governments will jointly consider the practical requirements of the Bilateral Agreement regarding the transition of existing client supports and the management of in-kind supports as set out in Schedule C: Financial Contributions for Transition in Western Australia.

#### **Deliverable:**

Working arrangements will be developed to define responsibilities and manage the continuation of funding and maintenance of government supports, services, programs and management of in-kind supports and any bulk purchasing of supports throughout the transition period. An invoicing methodology, consistent with Schedule C of the Bilateral Agreement, will be agreed by the Parties by 31 July 2017.

#### **Agreed Actions:**

- 3.1 The Western Australian and Commonwealth Governments will develop and agree the most effective and efficient funding mechanisms during transition.
- 3.2 The Western Australian and Commonwealth Governments will confirm the current mix of cash and in-kind supports for the first areas to transition, including a detailed breakdown of in-kind supports as per agreed data standard. Details for all other phasing areas of Western Australia will be agreed by September 2017.
- 3.3 The Western Australian and Commonwealth Governments will agree on an efficient process for managing or exiting from in-kind arrangements prior to full scheme commencement on 1 July 2020 and effectively communicate information about this transition to providers and participants.
- 3.4 The Western Australian and Commonwealth Governments will develop an agreed resolution framework to resolve funding and policy issues via agreed governance arrangements and protocols.
- 3.5 Consistent with the Bilateral Agreement an independent actuarial assessment, undertaken by the Australian Government Actuary, unless otherwise agreed, will determine the attribution of risk.
- 3.6 To streamline referral to the Australian Government Actuary, or otherwise agreed Actuary, the Commonwealth and WA will agree on a supporting framework of standard agreed information that the Reviewing Actuary will use as background for determining the attribution of risk. The Framework will be provided to the Reviewing Actuary before the first assessment of risk and will be agreed by September 2017.
- 3.7 The Framework will include background information that the Reviewing Actuary will need in determining the attribution of risk and will clarify key definitions critical to the assessment, such as 'eligible' cost overruns and baseline funding.



- 3.8 The Framework will also include agreed key data inputs to be provided by the parties, including baseline funding, actual committed supports and reference packages. The supporting framework would have regard to Clause 57 (a) of the Bilateral Agreement that outlines the risk allocations for the Commonwealth and WA if data is not provided within the specified timeframe.

**Timeframe:**

The development and implementation of working arrangements will be agreed by 31 December 2017. Implementation will be in accordance with the phasing schedule.

**Performance Measures:**

Schedule H of the Bilateral Agreement – Level B measures (reported quarterly):

- 2.2.1 Committed support.
- 2.2.2 Actual payments.
- 2.2.3 Average and median package costs by sub-groups of the population and for all participants compared with the expected averages and medians, including trends.
- 2.2.4 Details of participants with second plans, including length and value of supports.
- 2.2.5 Distribution of package costs.
- 2.3.1 Number of participants and other people with a disability supported by LCs by participant characteristics.

Schedule H of the Bilateral Agreement – Level A measures (reported annually):

- 2.1.1 Comparison of actual expenditure against projected expenditure.
- 2.1.2 Changes in medium and long-term expenditure projections.
- 2.1.3 Projected expenditure matches projected revenue over the medium-term and long-term.
- 2.1.4 WA NDIS authority operating expenses ratio.
- 2.1.5 Reduction of long-term cost trends against population, price and wages growth.
- 2.1.6 Estimated future lifetime costs of support for current clients (NPV) – including disaggregation for new and existing clients by client group.

#### **4.0 Continuity of Support Arrangements for Ineligible Clients**

The Western Australian and the Commonwealth Governments will agree to a process to give effect to the arrangements set out in Schedule E: Continuity of Support Arrangements in Western Australia and implement specific arrangements in Western Australia during the transition to the NDIS.

**Deliverable:**

The Parties will develop and implement approaches to provide continuity of support arrangements for existing clients of Western Australian and Commonwealth Government specialist disability programs who will not meet NDIS access requirements for individual funded support or who are eligible but are receiving supports that do not meet the definition of reasonable and necessary support.



### **Agreed Actions:**

- 4.1 The WA NDIS authority will identify the cohorts or individuals in Western Australia that do not meet the access requirements for NDIS. The Western Australian and Commonwealth Governments will jointly identify the number of people supported by programs and services that will cease or transition as the NDIS is introduced.
- 4.2 For people aged under 65 (or under 50 years for Aboriginal or Torres Strait Islander Australians) who are eligible to receive continuity of support, the Western Australian and Commonwealth Governments will develop their own administrative arrangements and management plans for those clients who fall within their continuity of support responsibilities under the Bilateral Agreement.
- 4.3 People aged 65 and over (Aboriginal or Torres Strait Islander Australians people aged 50-64) will be eligible for the Commonwealth Continuity of Support Program, established by the Commonwealth Department of Health. Administrative arrangements for enabling access by eligible clients from Western Australia will be developed between Commonwealth and Western Australian Governments.
- 4.4 The Western Australian and Commonwealth Governments will jointly develop arrangements to transfer administrative responsibility for people 65 years and over (or over 50 years for Aboriginal or Torres Strait Islander Australians) who are ineligible for the NDIS to the Commonwealth.
- 4.5 The Western Australian Government and the Commonwealth Government will develop a joint communication strategy to inform existing clients who will not meet the access requirements for the NDIS, and incorporate any key messages into the joint WA NDIS Communication and Engagement Strategy.
- 4.6 The Western Australian Government will provide continuity of support on behalf of the Commonwealth Government, on a fee-for-service basis, if requested. Any arrangement would be negotiated between the Western Australian and the Commonwealth Governments and outline how the NDIS in Western Australia will deliver supports and the associated funding arrangements.

### **Timeframes:**

Commonwealth administrative arrangements for people aged 65 and over (Indigenous people aged 50-64) will be finalised by 30 June 2018. The Commonwealth will transfer all people aged 65 and over (Indigenous people aged 50-64) on 1 July 2019.

Western Australian and Commonwealth administrative arrangements for people aged under 65 (Indigenous people aged under 50) will be finalised by 30 June 2018.

Agreed communication strategies will be implemented in accordance with the agreed phasing schedule.

### **Performance Measures:**

Performance measures as developed by the Commonwealth and Western Australian Governments from the activity data, including the number of people receiving Western Australian and Commonwealth Specialist Disability services aged 65 and over (Indigenous people aged over 50) for whom administrative responsibility is transferred to the Commonwealth Government consistent with the agreed phasing arrangements.



## 5.0 Sector and System Readiness

Consistent with Schedule F: Sector and System Readiness in Western Australia, the parties will have a role in preparing providers, the workforce, individuals, the WA NDIS authority and existing systems to operate in the NDIS system.

The Western Australian and Commonwealth Governments will identify existing levers in their respective jurisdictions to influence market responsiveness to meet the demand for disability supports during transition. The parties will seek to minimise market gaps, promote market access and maximise choice and control for participants.

Market readiness activities will support the implementation of nationally agreed market, sector and workforce strategies and build on existing work by the Western Australian and Commonwealth Governments and the NDIA.

### **Deliverables:**

The WA NDIS authority will implement a Market, Sector and Workforce Strategy to address the development of a NDIS market, sector and workforce across metropolitan, regional, rural and remote areas of Western Australia.

The Western Australian and Commonwealth Governments will continually review market, sector, participant, workforce and system readiness to transition to the NDIS. If this monitoring indicates significant concerns that put agreed transition arrangements at risk, then a strategy for addressing issues will be developed. This will be supported by a statement which outlines the agreed roles and responsibilities of the Parties.

The WA NDIS authority will maintain a registration process for new providers to facilitate efficient and effective market entry. The registration process will initially target those Western Australian Service Regions scheduled for immediate transition on 1 July 2017.

### **Agreed Actions:**

- 5.1 The Western Australian Government will develop a State Market, Sector and Workforce Strategy that reflects the market, sector and workforce conditions of metropolitan, regional and remote Western Australia, includes a risk management framework, support for participants in thin markets, leveraging of existing programs and work undertaken by governments and opportunities for investment through the Sector Development Fund (dependent on available funds), to support provider readiness.
- 5.2 The Western Australian and Commonwealth Governments will continue to work together in regard to progressing effort and contingencies related to Western Australian sector and system readiness.
- 5.3 The Western Australian and Commonwealth Governments will share information about local markets for disability supports, including any existing gap analysis or market development activities undertaken in Western Australia.
- 5.4 The Western Australian and Commonwealth Governments will work together to agree a statement on roles and responsibilities that reflects the NDIS Market, Sector and Workforce Roles and Responsibilities During Transition, as agreed by DRC in August 2016.

**Timeframes:**

The WA NDIS Market, Sector and Workforce Strategy will be finalised by 1 October 2017 and implemented through the transition period in line with Participant Transition Arrangements outlined in Schedule B.

An agreed statement on the roles and responsibilities of the parties in the market will be finalised by 1 October 2017.

**Performance Measures:**

Schedule H of the Bilateral Agreement – Level B measures (reported quarterly):

- 1.2.1 Number of registered service providers by characteristics and market profile.

**6.0 Quality and Safeguards Arrangements**

Consistent with Schedule G: Transition Arrangements for Quality and Safeguards in Western Australia, existing Western Australian and Commonwealth Government quality and safeguards arrangements for programs or activities transitioning to the NDIS will continue to operate during transition to full scheme until such a time as elements of the nationally consistent framework have been implemented.

Roles and responsibilities of the parties and a mechanism for the transfer of relevant providers already registered with Commonwealth Government or the NDIA to the WA NDIS authority will be agreed between the Western Australian and Commonwealth Governments, and the NDIA where applicable.

**Deliverable:**

The Western Australian and Commonwealth Governments quality and safeguards arrangements will continue to operate during transition to full scheme as interim measures.

**Agreed Actions:**

- 6.1 The Western Australian and Commonwealth Governments will review existing quality and safeguard systems, including legislation and policy, for compatibility with transition arrangements and identify any operational issues.
- 6.2 The Western Australian and Commonwealth governments will continue to participate in the development of the NDIS Quality and Safeguarding Framework. This includes communicating and engaging with Western Australian participants and providers to ensure they are aware of any relevant consultation processes.
- 6.3 The Western Australian and Commonwealth Governments will develop a transition strategy prior to the implementation of the NDIS Quality and Safeguarding Framework in Western Australia. This will include a data transfer protocol and operating arrangements with the National Quality and Safeguarding Commission.

**Timeframe:**

Interim quality and safeguarding arrangements will continue until elements of the National Quality and Safeguarding Framework have been agreed and implemented in Western Australia. It is the Commonwealth's aim to have the full scheme NDIS quality and safeguarding arrangements implemented by the end of the Western Australian transition period.

**Performance Measures:**

Schedule H of the Bilateral Agreement – Level A measures (reported annually):

- 1.3.1 Proportion of participants, and their families and carers, who report being able to exercise choice.

## 7.0 Management of Interfaces between the NDIS and Mainstream Services

The Western Australian and Commonwealth Governments will support participants' access to mainstream services as outlined in the Applied Principles and Tables of Support (APTOS) agreed by COAG. Governments will work with the WA NDIS authority and mainstream agencies to ensure the interface between the NDIS and mainstream services is managed effectively and efficiently at the local level and give effect to Schedule I: Arrangements for the Interface between the National Disability Insurance Scheme and Mainstream Services in Transition in the Bilateral Agreement.

**Deliverable:**

The Western Australian Government will develop and implement working arrangements to ensure the interface between mainstream agencies and the WA NDIS agencies are established, maintained and communicated in line with agreed Bilateral Schedule I, Attachment A.

**Agreed Actions:**

- 7.1 The WA NDIS authority will develop memorandums of understanding and operational documents with mainstream agencies where required to support participant access to mainstream services during the transition to the NDIS in Western Australia, consistent with the APTOS. These will include specific communication strategies for each mainstream interface area, governance arrangements and escalation processes.

**Timeframe:**

Working arrangements will be iterative and will develop over transition.

**Performance Measures:**

Schedule H of the Bilateral Agreement – Level B measures (reported quarterly):

- 3.1.1 Number of participants accessing mainstream services by service type.

Schedule H of the Bilateral Agreement – Level A measures (reported annually):

- 3.1.1 Referrals to mainstream services (participants and non-participants through Information, Linkages and Capacity Building (ILC)).
- 3.1.2 Proportion of participants accessing mainstream services.



## 8.0 Transition of NDIA Trial Areas

The Western Australian and Commonwealth Governments agree that the transition of the NDIA trial site to Western Australia will be managed efficiently and in a manner that minimises disruption to the supports and services provided to NDIS participants.

The Western Australian and Commonwealth Governments and the NDIA have agreed to the attached Interim Transition Plan for the NDIA trial areas (Appendix E). A further more detailed plan will be agreed, subject to receipt of NDIA trial data.

### **Deliverable:**

The Western Australian and Commonwealth Government and the NDIA will implement an agreed Transition Plan for the transfer of the NDIA trial site participants and providers to the State administered NDIS in Western Australia to operationalise Schedule J: Transition of National Disability Insurance Agency Trial Areas and Workforce.

### **Agreed Actions:**

- 8.1 The Western Australian Government, Commonwealth Government and the NDIA will develop a joint Transition Plan which will detail arrangements and timelines for the transition of NDIA trial site participants to the WA NDIS authority, to be agreed by 1 August 2017.
- 8.2 The Western Australian Government, Commonwealth Government and the NDIA will develop a communication strategy which will provide relevant stakeholders with timely and accurate information about the transition arrangements for current NDIA trial site participants, to be agreed by 1 August 2017.
- 8.3 The Western Australian Government, Commonwealth Government and the NDIA will share data required by the Western Australian Government to facilitate the seamless transition of NDIA trial site participants and providers to the WA NDIS authority.

### **Timeframe:**

The NDIA will complete an agreed transfer of data to the WA NDIS by 10 July 2017. This will facilitate the transfer of NDIA trial site participants to the WA NDIS authority, which should be completed by 31 October 2017.

## 9.0 Workforce Arrangements

Schedule J: Transition of National Disability Insurance Agency Trial Areas and Workforce provides that, consistent with relevant Commonwealth and State legislation, a first offer of employment for the WA NDIS authority can be made to materially affected NDIA staff who are appropriately skilled.

### **Deliverable:**

The Western Australian Government, Commonwealth Government and the NDIA will operationalise the NDIA workforce elements of Schedule J of the Bilateral Agreement.



### **Agreed Actions:**

- 9.1 The NDIA will identify and quantify materially affected NDIA staff and provide this information to the Western Australian Government.
- 9.2 The Western Australian and Commonwealth Governments and NDIA will develop arrangements for the transition of materially affected NDIA staff who are appropriately skilled. For the purposes of Schedule J of the Bilateral Agreement, the term “NDIA staff” means permanent employees of the NDIA who work in WA and are affected by the decision to establish a state administered NDIS in WA.
- 9.3 The Western Australian and Commonwealth Governments and NDIA will develop a communication strategy which will provide materially affected NDIA staff with information about the workforce transition arrangements.

### **Timeframe:**

The arrangements to transition materially affected NDIA staff to the WA NDIS authority will be implemented in parallel with the transition of NDIA participants to a State administered NDIS in Western Australia. The NDIA Workforce Transition Plan will be developed by 30 July 2017 and executed from end August 2017.

## **10.0 Specialist Disability Housing for Participants**

Consistent with Schedule K: Supports for Specialist Disability Housing, the Western Australian Government, in consultation with people with disability, their families and carers, accommodation providers and support providers, will develop an operational framework for the funding of specialist disability housing in Western Australia. The operational framework will be consistent with the principles in the Bilateral Agreement and Specialist Disability Accommodation Framework agreed by DRC.

### **Deliverable:**

The development of a nationally consistent operational framework for the funding of specialist disability housing in Western Australia, in consultation with people with disability, their families and carers.

### **Agreed Actions:**

- 10.1 The Western Australian Government will consult with people with disability, their families and carers, accommodation providers and support providers regarding the funding of specialist disability housing in the WA NDIS.
- 10.2 The Western Australian Government will develop an operational framework for the funding of specialist disability housing in WA that is informed by the findings of the consultation process.

### **Timeframe:**

The Western Australian Specialist Disability Housing Framework will be finalised, following consultation, by December 2017.



## 11.0 Information, Linkages and Capacity Building (ILC)

The Western Australian Government is responsible for implementing ILC across the State.

The Western Australian and Commonwealth Governments will work collaboratively to ensure the sharing of learnings across State and National ILC delivery.

### **Deliverable:**

A robust system of ILC supports that assists transition and complements support to participants as well as providing support to non-participants and the community.

### **Agreed Actions:**

- 11.1 Western Australia will finalise an ILC Commissioning Framework consistent with the national ILC Framework by 1 July 2017.
- 11.2 Western Australia will communicate with stakeholders to raise awareness of the State's ILC Commissioning Framework.
- 11.3 Western Australia will coordinate and promote links between the NDIS and mainstream services and non-government and community-based support.

### **Timeframe:**

The WA NDIS ILC Commissioning Framework will be effective from July 2017.

### **Performance Measures:**

Schedule H of the Bilateral Agreement – Level B measures (reported quarterly):

- 3.2.1 Number of participants and other people with a disability supported by LCs by participant characteristics.
- 3.2.2 Descriptions of activities undertaken on ILC including dollars spent by regions and activities.
- 3.3.1 Number of participants and other people with a disability supported by ILC activities by participant characteristics.
- 3.3.2 Descriptions of activities undertaken on ILC including dollars spent by regions and activities.

Schedule H of the Bilateral Agreement – Level A measures (reported annually):

- 3.1.1 Referrals to mainstream services (participants and non-participants through Information, Linkages and Capacity Building (ILC)).
- 3.2.1 Activities undertaken by the Western Australian Government and the WA NDIS authority to increase community awareness of the issues that affect people with disability.
- 3.3.1 Number of people supported through ILC.



## Part 2 – Administration and Service Delivery Elements

### 12.0 Data Exchange and Systems Planning

Consistent with the Bilateral Agreement, Schedule F: Sector and System Readiness in Western Australia, and Schedule H: Integrated National Disability Insurance Scheme Performance Reporting Framework, the parties will maximise the utility and value of data relevant to the NDIS held by Commonwealth, State and Territory Governments and the NDIA.

During transition this will include using data held by the parties to manage and streamline the transition of existing Western Australian, Commonwealth and NDIA clients to the WA NDIS, and to manage continuity of support, financial accountability and effective interactions with supports and services outside of the NDIS. All data sharing will be subject to privacy and other requirements as provided for in this Plan.

Qualitative and quantitative data and information on any issues relevant to the NDIS, taken together with the outcomes from other jurisdictions, will be shared between all governments and the NDIA that will contribute to the analysis of costs, liabilities, service interventions, service delivery models and implementation strategies.

The WA NDIS authority will, in accordance with Schedule H of the Bilateral Agreement, provide quarterly and annual reports to DRC on the performance of the WA NDIS.

#### **Deliverables:**

Effective and timely transfer of client and service provider data between Western Australia, Commonwealth and the NDIA to ensure streamlined intake arrangements are implemented.

Ongoing exchange of data between the WA NDIS authority, the NDIA and Commonwealth, State and Territory Governments to facilitate national data collection, analysis, reporting and a data management approach on the performance of the NDIS.

Reporting on the aspects of operational performance contributing directly to the achievement of outcomes and KPIs of the NDIS will be reported to DRC quarterly, one calendar month after the end of each quarter.

Reporting against the outcomes, KPIs, and performance measures for the NDIS will be provided to DRC annually, two calendar months after the end of each year.

#### **Agreed Actions:**

- 12.1 The Western Australian and Commonwealth Governments will agree legal authorisation for data exchange and privacy provisions, a secure data transfer methodology and information protocols.
- 12.2 The Western Australian and Commonwealth Governments will agree an approach for the collection, cleansing and transfer of data relevant to the NDIS, including client and service provider data.



- 12.3 The Commonwealth Government and the NDIA will identify the availability of participant data requested by the WA NDIS authority and provide this data to the WA NDIS authority subject to privacy and other requirements.
- 12.4 The Commonwealth Government and Western Australia will agree core data fields and standards, a minimum data set and a standard reporting framework that aligns with the national reporting framework, by December 2017.
- 12.5 The Western Australian and Commonwealth Governments will develop specific jurisdictional financial and activity reporting requirements,
- 12.6 The Commonwealth Government will supply Western Australia with the data definitions for all reportable measures set out in the Bilateral Agreement.
- 12.7 The Western Australian Government will provide the DRC with reporting against NDIS performance and outcomes.
- 12.8 The Western Australian and Commonwealth Governments will finalise the establishment of a national minimum data set by 31 December 2017.

#### **Timeframes:**

Actions 12.3 and 12.6 will be completed by 1 July 2017. Actions 12.1, 12.2, 12.5 and 12.6 will be completed by 31 July 2017. Actions 12.4 and 12.8 will be completed by December 2017.

### **13.0 Reviews and Evaluations (Inter-operability)**

The Western Australian Government will review State legislation and other instruments to assess how they may affect the transition to the WA NDIS and will implement a process for achieving any required amendments that are identified.

The Commonwealth Government will review Commonwealth legislation and other instruments to assess how they may affect, or be affected by, the transition to the State administered NDIS in Western Australia and will implement a process for achieving any required amendments that are identified.

In addition, the Western Australian and the Commonwealth Governments will monitor the outcomes of relevant evaluations, reviews and the experiences of NDIS operations during transition for the purpose of informing full scheme legislative arrangements.

#### **Deliverable:**

Where legislation or regulation is identified as inconsistent with the NDIS Act 2013, and changes to legislation or regulation prior to full scheme commencement are impractical, governments will develop and implement remediation strategies to manage these inconsistencies during the transition period.



### **Agreed Actions:**

- 13.1 The Western Australian and Commonwealth Governments will undertake a review and evaluation of inter-operability of legislation and other instruments to support full scheme transition and will develop remediation plan(s) if required.
- 13.2 The Western Australian and the Commonwealth will identify any gaps or conflicts in legislation (and other instruments) and develop and agree remediation plan(s) as required.

### **Timeframes:**

A review and evaluation of State and Commonwealth legislation and other instruments to support full scheme transition will occur by 1 July 2018. Activities to enable full scheme will be completed by 30 June 2020, subject to passage through relevant Parliaments.

Active monitoring and remediation strategies will be developed and implemented as required throughout the transition period.

## **14.0 Participant Readiness**

Consistent with Schedule F: Sector and System Readiness in Western Australia, the Western Australian and Commonwealth Governments will identify and implement strategies to support and prepare people with disability, their families and carers to transition to the NDIS and maximise their capacity to exercise choice and control.

### **Deliverable:**

People with disability, their families and carers will be supported and prepared for the transition to the NDIS.

### **Agreed Actions:**

- 14.1 The WA NDIS authority will review lessons learnt from trials and transition both in Western Australia and nationally to build the capacity of participants throughout transition.
- 14.2 The Western Australian Government (in consultation with the Commonwealth Government) will develop a communication strategy which provides people with disability, their families and carers with timely and accurate information about the transition to the NDIS in WA.
- 14.3 The Western Australian Government will plan, implement and coordinate initiatives to prepare people with disability, their families and carers for their entry into the NDIS. This includes capacity building initiatives and pre-planning activities that will support people to articulate their goals and aspirations, understand reasonable and necessary supports and services, and engage as active consumers.
- 14.4 The Western Australian Government will ensure preparation and transition activities align to pre-intake preparations and phasing.

**Timeframe:**

Participant Readiness Activities will align with Participant Transition Arrangements outlined in Schedule B.

**15.0 Complex Cohorts and Service Delivery**

Both the State and Commonwealth Governments agree that some participants may require additional consideration and support to ensure their needs are addressed during transition and that they are able to successfully transition to the NDIS.

**Deliverable:**

The Western Australian and Commonwealth Governments will define and agree cohorts with specific or complex needs and ensure they are appropriately supported to transition to the NDIS.

**Agreed Actions:**

15.1 The Western Australian and Commonwealth Governments will develop approaches for the transition of existing participants and cohorts with specific or complex needs. This may include, but is not limited to:

- People living in shared supported accommodation facilities.
- People with psychosocial disability.
- Hard to reach and / or high risk individuals and cohorts who may require intensive support to transition to the NDIS.
- People with immediate needs requiring rapid provision of NDIS or non-NDIS supports.
- New and emerging cohorts during transition.
- People involved in out-of-home care or the justice system.

**Timeframe:**

Activities to support the transition cohorts with sensitive or complex requirements will align with Participant Transition Arrangements outlined in Schedule B.

**16.0 Participants Over the Age of 65**

Consistent with the Applied Principles and Tables of Support in Schedule I of the Bilateral Agreement, a participant can choose to continue to receive supports from the NDIS after age of 65 (or the age of 50 for Indigenous participants), or can choose to take up an aged care place. For a NDIS participant over the age of 65, the WA NDIS planning process will take into consideration the purpose of the aged care system and seek to leverage their expertise as appropriate. Arrangements will be developed to ensure a person's interaction with the NDIS and the aged care system is as seamless as possible.

**Deliverable:**

The Western Australian and Commonwealth Government will implement arrangements for the interface between the NDIS and the aged care system for people over the age of 65 (or the age of 50 for Indigenous participants).



### **Agreed Actions:**

- 16.1 The Western Australian and Commonwealth Governments will jointly develop a management plan for people who wish to remain in the NDIS in WA after the age of 65 and require supports that relate to both disability and ageing.
- 16.2 The Western Australian and Commonwealth Governments will jointly develop transition protocols for people who choose to move from the NDIS to the aged care system.

### **Timeframe:**

The arrangements for the interface between the NDIS and the aged care system will be developed by 1 July 2018.

## **17.0 Cash and In-kind Supports**

Consistent with Schedule C: Financial Contributions for Transition in Western Australia, the Western Australian and Commonwealth Governments agree to work towards ceasing in-kind contributions to the NDIS by the end of the transition period, and where possible cash out in-kind programs to accelerate the transition from in-kind services to cash contributions. In-kind contributions during transition will be based on the agreed current cost of delivering the services. The Western Australian and Commonwealth Governments and the NDIA will share lessons learned regarding cash and in-kind supports to support a nationally consistent approach to these areas.

### **Deliverable:**

A nationally consistent approach to cash and in-kind supports implemented for the State administered NDIS in Western Australia.

### **Agreed Actions:**

- 17.1 The Western Australian and Commonwealth Governments will identify and confirm cash and 'in-kind' type supports prior to the transition of each Western Australian Service Region, including a detailed breakdown of in-kind supports.
- 17.2 Pricing for the provision of supports, will be consistent with the WA NDIS Support Clusters and Pricing Framework, unless supports are provided in-kind as part of the Bilateral Agreement between Western Australia and the Commonwealth.
- 17.3 The Western Australian and Commonwealth Governments will continue to work towards the transition from in-kind services to cash contributions.
- 17.4 Western Australia and the Commonwealth will, by 31 July 2017, finalise interim arrangements for the provision of mobility supports under the WA NDIS pending the passage of Commonwealth legislation for recipients of the Mobility Allowance.

### **Timeframe:**

This work will be ongoing throughout the transition period.



## 18 Functions to Support System Stewardship

The Western Australian and Commonwealth Governments will work to identify key administrative functions that will need to intersect with or be delivered by the WA NDIS authority to ensure they continue seamlessly during transition to full scheme.

### **Deliverable:**

The identification, management and, where necessary, transfer of administrative functions that will need to continue during transition.

### **Agreed Actions:**

- 18.1 The Western Australian and Commonwealth Governments will identify emerging administrative issues during transition that are most appropriately addressed by the WA NDIS authority.
- 18.2 The Western Australian and Commonwealth Governments will agree roles, responsibilities and arrangements of key administrative functions during transition. As part of this, the Western Australian and Commonwealth Governments and the NDIA will agree which key administrative functions currently facilitated and managed by Western Australia, the Commonwealth should continue to be performed by these parties during transition, taking into account business as usual requirements as the NDIS rolls out.
- 18.3 The WA NDIS authority will develop emergency management processes to ensure these supports continue to be available for participants in times of emergency during transition and the WA disability support system and the WA NDIS authority are prepared to effectively support the management of an emergency situation.

### **Timeframe:**

The identification, management and, where necessary, transfer of administrative functions will occur through the transition period.

## 19 Transition Working Arrangements

### 19.1 Regional, Rural and Remote Locations

The State Market Sector and Workforce Strategy (see section 5.0 Sector and System Readiness) and Participant Readiness Activities (see section 14.0 Participant Readiness) will identify and address the particular challenges and opportunities that exist in regional, rural and remote areas of Western Australia. The Strategy will align to the principles of the COAG NDIS Regional and Remote strategy.

### **Deliverable:**

The parties will develop and implement approaches to support effective transition for people with disability living in regional, rural and remote areas of Western Australia. This will give consideration to the challenges of mode of service delivery, workforce supply, provider and participant readiness and communication and engagement.



#### **Agreed Actions:**

- 19.1.1 The Western Australian Government will review its regional, rural and remote strategies and collate understanding of local issues and learnings
- 19.1.2 The Western Australian Government will identify challenges and opportunities in terms of mode of service delivery, workforce supply, provider and participant readiness and communication and engagement for regional, rural and remote communities in Western Australia to inform the development of a State Market Sector and Workforce Strategy and Participant Readiness Activities.
- 19.1.3 The Western Australian and Commonwealth Governments and the NDIA will share learnings and information about the delivery of the NDIS to regional, rural and remote locations on an ongoing basis.

### **19.2 Aboriginal and Torres Strait Islander Communities**

The State Market, Sector and Workforce Strategy (see section 5.0 Sector and System Readiness) and Participant Readiness Activities (see section 14.0 Participant Readiness) will identify and address challenges and opportunities unique to Aboriginal and Torres Strait Islander communities.

#### **Agreed Actions:**

- 19.2.1 The Western Australian Government will review its existing Aboriginal and Torres Strait Islander strategies and collate understanding of local issues and learnings.
- 19.2.2 The Western Australian Government will identify challenges and opportunities in terms of mode of service delivery, workforce supply, provider and participant readiness and communication and engagement for the Aboriginal and Torres Strait Islander community in Western Australia to inform the development of a State Market Sector and Workforce Strategy and Participant Readiness activities.
- 19.2.3 The Western Australian and Commonwealth Governments and the NDIA will share learnings and information about the delivery of the NDIS to Aboriginal and Torres Strait Islander Communities on an ongoing basis.

### **19.3 Culturally and Linguistically Diverse (CALD) Communities**

The State Market, Sector and Workforce Strategy (see section 5.0 Sector and System Readiness) and Participant Readiness Activities (see section 14.0 Participant Readiness) will identify and address challenges and opportunities unique to CALD communities.

#### **Deliverable:**

The parties will develop and implement approaches to effective transition for people from CALD communities in Western Australia. This will give consideration to the challenges of mode of service delivery, workforce supply, provider and participant readiness and communication and engagement.



### **Agreed Actions:**

- 19.3.1 The Western Australian Government will review its CALD strategies and collate understanding of local issues and learnings.
- 19.3.2 The Western Australian Government will identify challenges and opportunities in terms of mode of service delivery, workforce supply, provider and participant readiness and communication and engagement for people from CALD communities in Western Australia to inform the development of a State Market Sector and Workforce Strategy and Participant Readiness Activities.
- 19.3.3 The Western Australian and Commonwealth Governments and the NDIA will share learnings and information about the delivery of the NDIS to CALD communities on an ongoing basis.

### **Timeframe:**

Market, sector and workforce development activities and participant readiness activities in Western Australia will align with Participant Transition Arrangements outlined in Schedule B.

The sharing of lessons and information between the Western Australian and Commonwealth Governments and the NDIA will occur throughout transition.

## **20 Public Communication and Engagement**

The Western Australian Government will develop tailored communications and engagement plans for a range of stakeholders including the general public, providers, existing state clients and new potential participants. These will be based on key messages and communications protocols agreed with the Commonwealth Government.

The Western Australian and Commonwealth Government develop a Communications and Engagement strategy for responding to matters related to the Operational Plan.

### **Deliverables:**

The State and Commonwealth Governments will develop a Communications and Engagement Strategy on the Operational Plan.

### **Agreed Actions:**

- 20.1 The parties will develop a Communications and Engagement Strategy which provides for consistent messaging and identifies opportunities for joint messaging about roles and responsibilities.
- 20.2 The parties will develop and implement a media management protocol, including crisis communications, risks, key messages and mitigation strategies.

### **Timeframe:**

The WA NDIS Communications and Engagement Strategy will be developed commencing 1 August 2017 and will provide for further communications aligned to key milestones.



The Parties have confirmed their commitment to this Agreement as follows:

Signed for and on behalf of the Department of Social Services by

**Michael Lye**  
**Deputy Secretary Disability and Carers**

A handwritten signature in black ink, appearing to read 'M Lye'.

Signed for and on behalf of the Disability Services Commission by

**Ron Chalmers**  
**Director General**

A handwritten signature in blue ink, appearing to read 'R. Chalmers'.



## Glossary of Terms

Term	Description
Aboriginal and Torres Strait Islander	Aboriginal and Torres Strait Islander peoples is the collective term for all people who identify and are recognised as descendants of the original inhabitants of Australia, and acknowledges the many Aboriginal and Torres Strait Islander groups in Australia.
Applied Principles and Tables of Support (APTOS)	The principles to determine the responsibilities of the NDIS and other service systems (see Mainstream Interface). These principles reinforce the obligations of other service delivery systems to improve the lives of people with disability, in line with the National Disability Strategy and are used to determine the funding and delivery responsibilities of the NDIS and other systems in achieving this vision. They can be found at <a href="https://www.coag.gov.au/node/497">https://www.coag.gov.au/node/497</a>
Bilateral Agreement	An agreement between the Commonwealth Government and jurisdictional Governments regarding roles and responsibilities for the transition to full coverage of an NDIS in Australia. The Western Australia NDIS Bilateral Agreement is between the Commonwealth and the State Government of Western Australia.
Cash contribution to NDIS	Cash funding provided by State and Commonwealth Governments to the NDIS. See In Kind Contribution (a non-cash contribution from State and Commonwealth Governments to the NDIS).
Council of Australian Governments (COAG)	The Council of Australian Governments (COAG) is the peak intergovernmental forum in Australia. The members of COAG are the Prime Minister, State and Territory Premiers and Chief Ministers and the President of the Australian Local Government Association.
Full Scheme	The dates by which the Scheme will be available to all eligible residents in a jurisdiction.
In-kind contribution	Contributions to the NDIS which are not in the form of cash but instead are in the form of services provided to individuals on behalf of the NDIS through existing government programs.
Mainstream Interface	The interactions of the NDIS with other service systems, which are governed by the Applied Principles and Tables of Support.
National Disability Insurance Agency (NDIA)	The NDIA is an independent statutory body whose role is to implement the National Disability Insurance Scheme (NDIS) across Australia, except in WA. It delivered a trial site in the Perth Hills from 1 July 2014. See WA NDIS Authority.
National Disability Insurance Scheme (NDIS)	The NDIS is an insurance scheme created to provide assistance in the form of funding for persons or entities for the purpose of assisting people with disability to realise their potential for physical, social, emotional and intellectual development, and to fully participate in social and economic life. See WA NDIS.

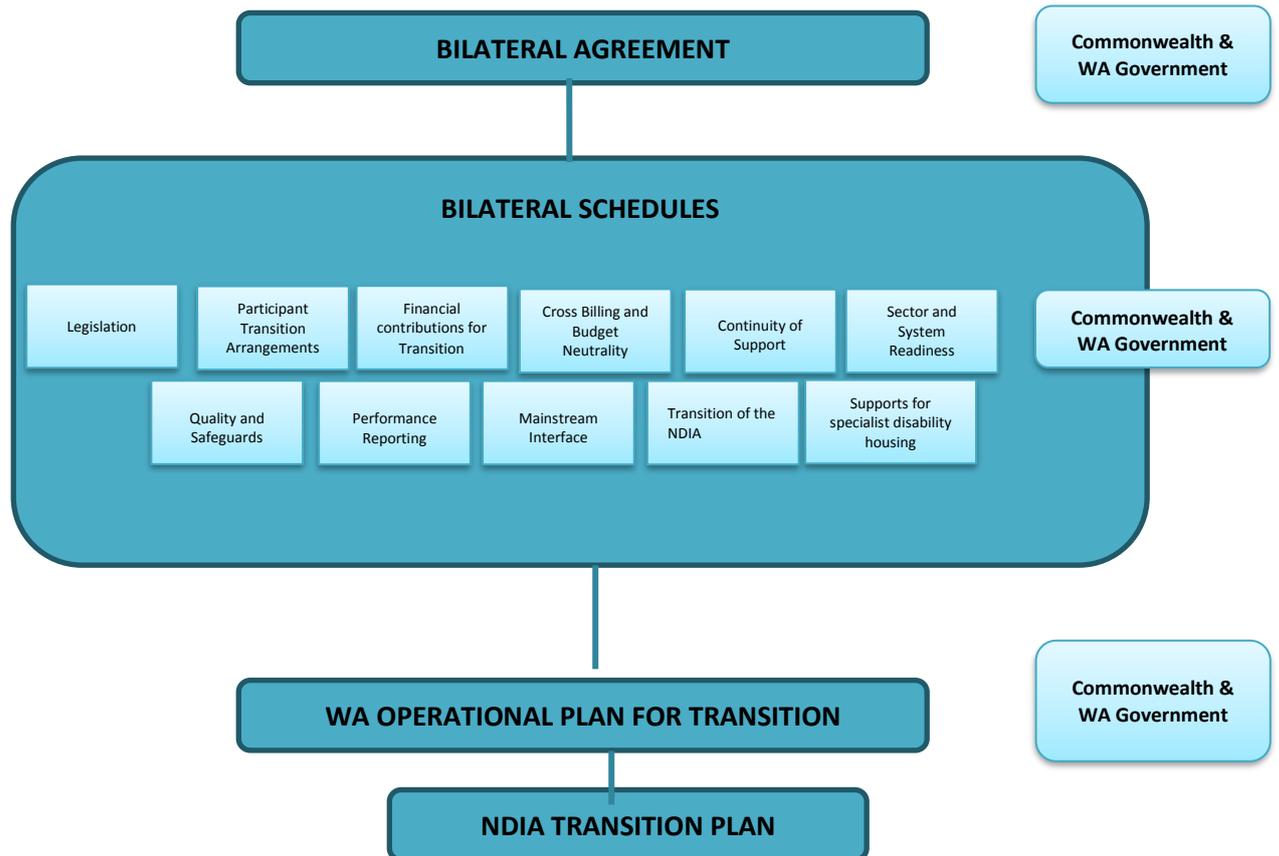


National Disability Insurance Scheme Act 2013	National Disability Insurance Scheme (NDIS) Act 2013 is the Commonwealth legislation that allows for the NDIS.
Participant	A person becomes a participant in the WA NDIS when they have an approved plan.
Parties	Parties refers to the signatories to this Operational Plan.
Planning process	The process designed to assist participants and their families to plan for the reasonable and necessary supports they require to meet their disability support needs and achieve their goals.
Provider	An organisation or individual who provides support and/or care, aids and equipment, funded through a participant's NDIS funded supports. Providers can offer a range of support services and operate in a single location or multiple locations.
National Quality and Safeguards Framework	A nationally consistent framework that ensures people with disability can make decisions about their supports while also enabling them to live free from abuse, neglect and exploitation. The framework will also promote innovation, continuous improvement and best practice in the provision of supports.
Reasonable and necessary supports	Defined in Commonwealth legislation as the most appropriate, cost effective support to enable a participant's social and economic participation. For supports to be reasonable and necessary they must meet all elements of the test set out in the relevant legislation.
WA NDIS	The WA NDIS is a State-delivered nationally consistent model of the NDIS. See NDIS.
WA NDIS authority	The body implementing the NDIS in WA. See National Disability Insurance Agency (NDIA).



**Appendix A**  
**The Relationship between the Bilateral Agreement and other Key Governance Documents**

**Parties to Agreement**





## Appendix B Governance Arrangements



### National Governance

#### Coalition of Australian Governments (COAG)

##### Disability Reform Council (DRC)

Chair – Commonwealth Minister for Social Services.  
Membership – State and Territory Ministers with responsibility for disability policy.  
Meets as required.

##### Senior Officials Working Group (SOWG)

Chair – Commonwealth.  
Membership – Senior representatives of disability and community services departments, treasuries and first ministers' departments – from the Commonwealth and all States and Territories.  
Meets as required.

##### Issue Specific Working Groups

Membership – Senior representatives of disability and community services departments, treasuries and first ministers' departments – from the Commonwealth and all States and Territories.  
Meets as required to progress priority projects on the SOWG work plan

### WA NDIS Governance

#### WA NDIS Transition Bilateral Steering Committee (BSC)

Chair Western Australian Government  
Membership – Senior representatives from the Commonwealth, WA Government (including disability and other agencies if required), and the WA NDIS Authority.  
Meets as required.

#### WA NDIS Bilateral Working Group (BWG)

Chaired –WA Government.  
Membership – representatives from WA Government and representatives from the Commonwealth Department of Social Services and the WA NDIS Authority.  
Meets monthly.



## Appendix C WA NDIS Transition Bilateral Steering Committee Terms of Reference

<b>Chair</b>	The WA Transition Bilateral Steering Committee (BSC) is chaired by the Western Australian Government.
<b>Membership</b>	The BSC will comprise senior representatives from the Commonwealth and Western Australian Governments.
<b>Term</b>	The BSC will operate for the duration of transition to full scheme in WA.
<b>Objectives</b>	<p>The BSC will provide oversight of the Bilateral Agreement for the Transition to the NDIS between the Commonwealth and WA (Bilateral Agreement), consistent with:</p> <ul style="list-style-type: none"> <li>• The shared responsibilities of the Commonwealth and WA outlined in Clause 25; and</li> <li>• The agreed approach to the management of risk outlined in Clauses 55-61.</li> </ul>
<b>Scope</b>	<p>The BSC will monitor the implementation of the Bilateral Agreement for Transition to the NDIS in WA. It will also monitor and manage risks and provide assurance of national consistency.</p> <p>The BSC will also consider issues referred from the WA NDIS Implementation Working Group (BWG), where matters relate to the terms of the Bilateral Agreement as above.</p>
<b>Operations and Resources</b>	Meetings will be held on an as-needed basis or as determined by the BSC via telepresence. Meetings must be held at least quarterly. The WA NDIS authority will provide Secretariat support.
<b>Decision Making</b>	<p>The BSC will make recommendations to the WA Minister for Disability Services and the Commonwealth Minister for Social Services on bilateral matters.</p> <p>The BSC will escalate multilateral policy matters with broader implications to the appropriate multilateral groups, the Disability Reform Council and the Council of Australian Governments as appropriate.</p> <p>The escalation of issues will be consistent with the process outlined in Clauses 80-82 of the Bilateral Agreement.</p>
<b>Reporting</b>	Actions arising from BSC meetings will be recorded and distributed to all members by the Secretariat.
<b>Review</b>	The BSC Terms of Reference will be reviewed annually.



## Appendix D WA NDIS Bilateral Working Group Terms of Reference

<b>Chair</b>	The WA NDIS Bilateral Working Group (BWG) will be chaired by the Western Australian Government.
<b>Membership</b>	The BWG will comprise representatives from the Commonwealth Government and the WA NDIS Authority. Representatives from other agencies will be invited as required.
<b>Meetings</b>	The BWG will meet monthly or as otherwise agreed to maintain oversight of issues as full scheme implementation progresses.
<b>Objectives</b>	The BWG is responsible for overseeing implementation of the Bilateral by all parties.
<b>Scope</b>	<p>The BWG will be responsible for:</p> <ul style="list-style-type: none"> <li>• Monitoring progress on actions identified in the Operational Plan.</li> <li>• Identifying and managing risks associated with the implementation of the Bilateral Agreement and the Operational Plan.</li> <li>• Identifying key issues and actions critical to ensuring successful implementation of the Bilateral Agreement.</li> <li>• The provision of advice and issues resolution related to implementation of the Bilateral Agreement.</li> <li>• Monitor the development of Western Australian NDIS legislation to ensure it includes agreed key elements that mirror or effectively mirror the National Disability Insurance Scheme Act.</li> <li>• Monitor the development and provision of data to the NDIA to support national performance assessment.</li> </ul>
<b>Operations and Resources</b>	<p>Meetings will be held via video/teleconference.</p> <p>The WA NDIS authority will provide secretariat support.</p>
<b>Decision Making</b>	The BWG is a decision making committee at the state level. Matters relating to the terms of the Bilateral will be directed to the WA Bilateral Steering Committee. Any matters which may have broader national policy implications will be referred to the Senior Officials Working Group.
<b>Reporting</b>	Actions arising from the meetings will be recorded and distributed to all members by the Secretariat.
<b>Review</b>	These Terms of Reference will be reviewed annually.



## **Appendix E**

### **Transition of National Disability Insurance Agency Trial Sites in Western Australia Interim Plan – July 2017**

#### **Background**

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On 31 January 2017 the Prime Minister and the Premier of Western Australia finalised a Bilateral Agreement for the transition to the National Disability Insurance Scheme (NDIS) in Western Australia (WA).

This document sets out interim arrangements for the transition of National Disability Insurance Agency (NDIA) trial site participants to the WA NDIS, as agreed to in Schedule J of the Bilateral Agreement.

The State and Commonwealth Governments agree that the transition of the NDIA trial site to the WA NDIS will be managed efficiently and in a manner that minimises disruption to people's supports and services.

This Interim Plan provides for supports to people in the NDIA sites and for transition to the WA NDIS for people not yet connected to the NDIA. A further transition plan between the parties will be agreed during July.

The seamless transition of participants to the WA NDIS will require continued co-operation between Western Australia and the NDIA. The provision of further participant data held by the NDIA is currently being negotiated to enable a managed process of transition.

#### **Interim transition arrangements for People: Quarter 1 (July-September 2017)**

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##### **New Clients**

New clients will transition directly to the WA NDIS from 1 July 2017 and can contact the WA NDIS to start this process.

This will apply to people who are within the Perth Hills or Expansion Areas (the local government areas of Bassendean, Bayswater, Chittering, Kalamunda, Mundaring, Northam, Swan, Toodyay and York) and are:

- not yet connected to the NDIA; or
- current clients of the Commission who have yet to transfer to the NDIA

It is noted that if someone lodges an access request with the NDIA, the NDIA is currently required to make a decision on that person's eligibility, within 21 days under the National Disability Insurance Scheme Act 2013.

All other people who are already connected to the NDIA and who have made an access request or have a plan in place will remain with the NDIA until the further transition planning is complete. This will include plan review and approval.

##### **Transition arrangements for Providers**

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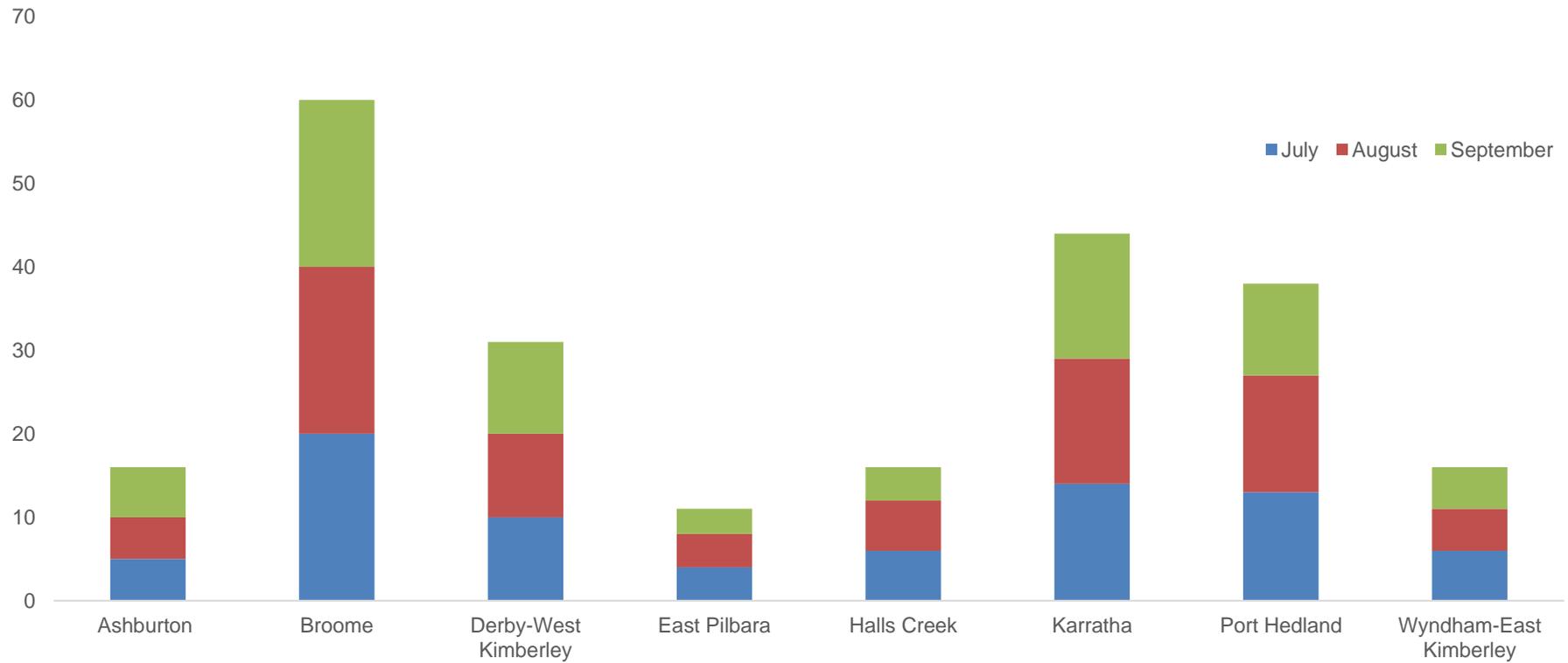
Across Australia, all States and Territories are required to provide quality assurance processes for providers registered by the NDIA until the implementation of the national Quality and Safeguarding Framework.

This means that providers who are registered with the NDIA but who are yet to be registered by the WA NDIS should contact: [registration@dsc.wa.gov.au](mailto:registration@dsc.wa.gov.au)



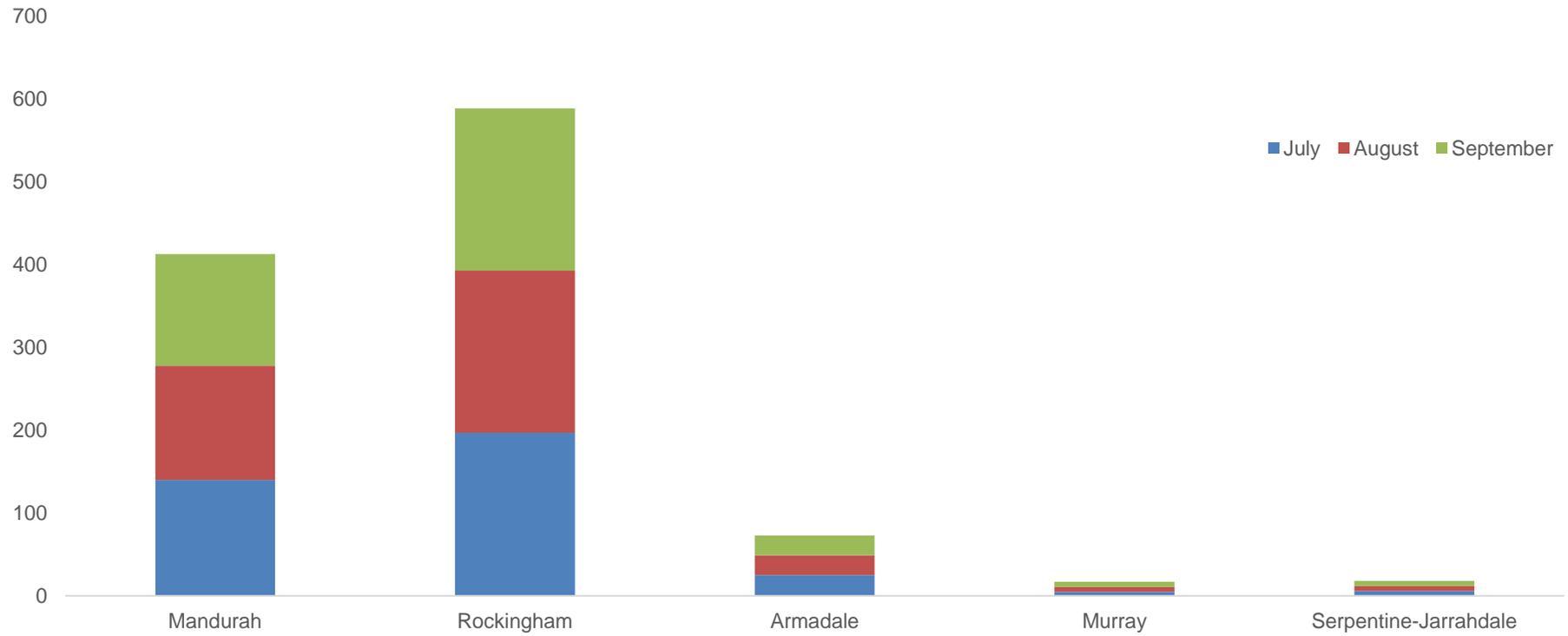
**Appendix F  
WA NDIS Phasing  
July - September 2017**

**NDIS - Kimberley/Pilbara Participant Intake by Month by LGA (Q1 2017)**



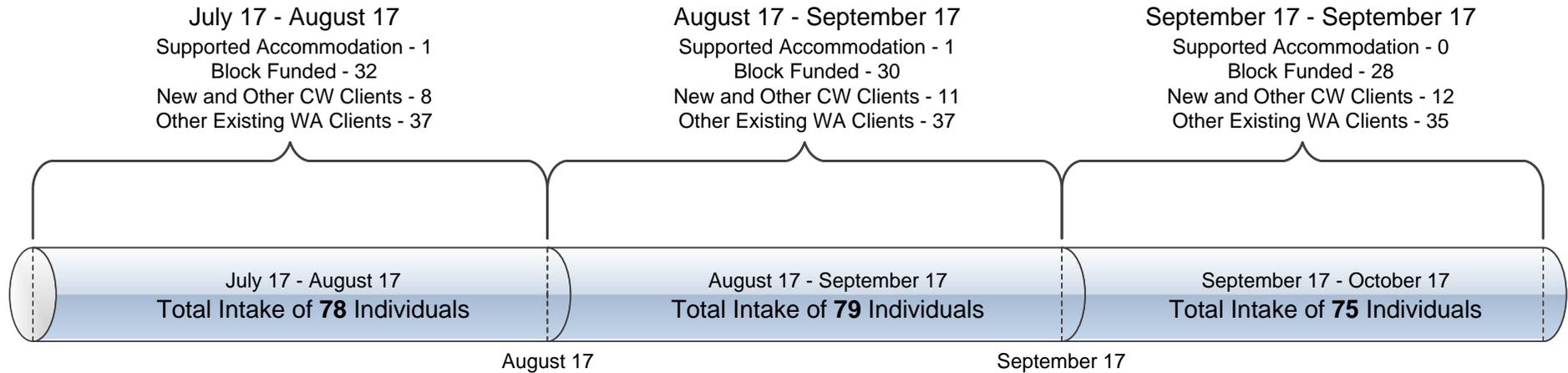


### NDIS - South Metro Participant Intake by Month by LGA (Q1 2017)





## NDIS – Kimberley-Pilbara Participant Intake by Month by Cohort (Q1 2017)

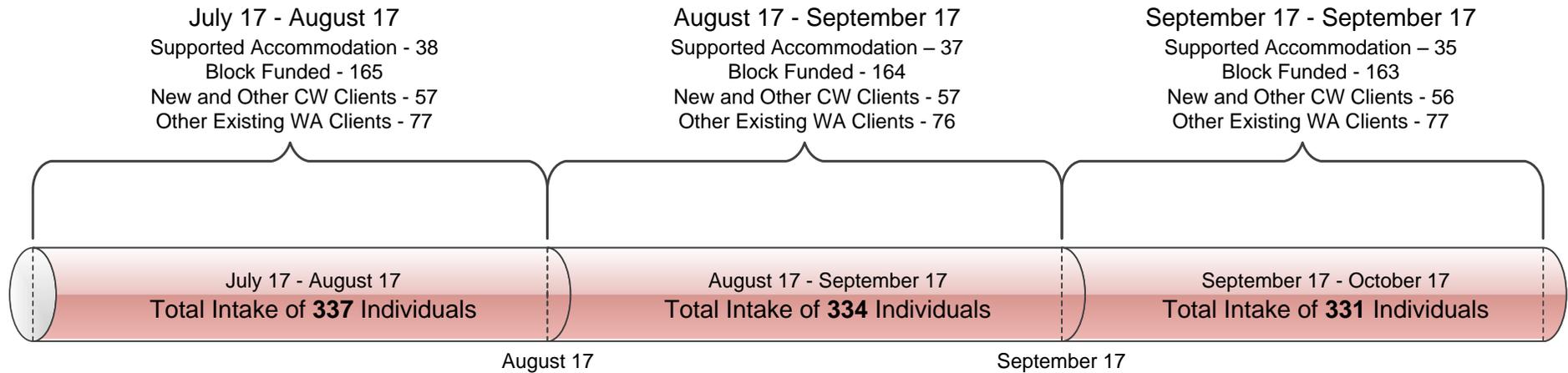


1 July, 2017

30 September, 2017



## NDIS – South Metro Participant Intake by Month by Cohort (Q1 2017)



1 July, 2017

30 September, 2017



The Operational Plan outlines the phasing of the 1,416 participants to be phased into the NDIS in WA from the roll in sites and includes population growth of new clients in the former trial areas operated by both WA and the Commonwealth.

In addition, it had been anticipated that 9,847 participants would be rolled over from the former trial areas into the WA NDIS of which 6,533 participants would have been former clients of DSC. However, it is estimated that only 3,816 participants, who formerly received services from DSC prior to the NDIS will have been transitioned into the NDIS by 30 June. It is proposed by WA that the remaining 2,717 former clients can be rolled in to the WA NDIS progressively without breaching the agreed total cumulative intake of the bilateral agreement.

Taken together, this suggests a cumulative existing participant cap in the first quarter of 3,750. Western Australia's phasing plan assumes that 1,631 participants will be phased in across the various NDIS sites in the first quarter, of which 1,247 are existing state clients.

### Participants Carried Over

Participants	Bilateral	Estimate	Difference
Existing state clients	6533	3816	2717
New and other participants	3314	2825	489
<b>Total intake</b>	<b>9847</b>	<b>6641</b>	<b>3206</b>

### Participant Caps

Participants	Bilateral Carry-over	Q1	Cumulative total
Existing state clients	1033	2717	3750
New and other participants	383	489	872

### Quarter 1 phasing plan

Participants	Existing	New
Kimberley Pilbara	201	31
South Metro	832	170
Trial (WA NDIS and NDIA sites)	215	182
<b>TOTAL</b>	<b>1247</b>	<b>383</b>