

Disability Services Amendment Bill 2014

Second Reading

I move —

That the bill be now read a second time.

I am pleased to present the Disability Services Amendment Bill 2014 to the House.

The Disability Services Act sets the legislative framework for the establishment and functions of the Disability Services Commission, provisions relating to the Ministerial Advisory Council on Disability, complaints mechanisms for disability services, provisions for the delivery and funding of specialist disability services and the principles and objectives which guide service delivery for people with disability. The Act also promotes an accessible and socially inclusive community through the Disability Access and Inclusion Plan framework requirements of State and Local Government Authorities. The Disability Services Act also enables Western Australia to meet its obligations under the United Nations Conventions on Rights of Persons with Disabilities.

This Government has been passionate about improving supports and services for West Australians with disability. This commitment has been demonstrated over many years, most recently through its strong negotiation with the Commonwealth in regard to national disability reform. While WA was eager to participate in the National Disability Insurance Scheme (the NDIS) when it was first proposed in 2012, we did not rush into any agreements. This measured approach was taken to ensure that WA's participation in a national scheme did not disadvantage West Australians with disability or compromise our current system – a system already regarded as the best in Australia and one that ensures that people with disability, families and carers have genuine choice and control and are at the centre of the decision making about their supports and services.

The State Government was committed to retaining the strong foundations on which our existing system was built – elements such as the internationally recognised, relationship based Local Area Coordination program, early engagement in good planning processes, community inclusion and a strong partnership with the non government disability services sector.

On 5 August 2013 the Premier and former Prime Minister signed an agreement for disability reform in Western Australia - an agreement which will see approximately 8,400 West Australians with disability directly benefit from the additional resources which are an inherent part of the NDIS.

This is a unique Agreement, under which the Commonwealth and Western Australian Governments will contrast two approaches for the delivery of disability services in different locations. WA is the only jurisdiction to have reached an agreement with the Commonwealth which will trial a state-based model alongside the national one. The agreement is for a two year trial commencing on 1 July 2014.

The Commonwealth model will be implemented in the current City of Swan and the Shires of Kalamunda and Mundaring and will be administered by the National Disability Insurance Agency. This location will be governed by the National Disability Insurance Scheme Act 2013 and its associated Rules.

The State Government's Western Australian model, known as WA NDIS My Way, will be implemented in both a regional and metropolitan location. It will be run by the WA Disability Services Commission, under State Legislation.

From 1 July 2014 it will be trialled in the State's Lower South West region and on 1 July 2015, the trial will be expanded to include the Cockburn/ Kwinana area.

The WA NDIS My Way model will adopt the eligibility provisions approved by the Commonwealth in the National Disability Insurance Scheme Act 2013. WA is keen to trial a model that has minimal bureaucracy and that maintains some of the key features of WA services for people with disability who participate in the state's WA NDIS My Way trial.

To enable implementation of the state's WA NDIS My Way trial, amendments to the Disability Services Act are required.

The Disability Services Amendment Bill 2014 has been prepared and is presented to you today. This Bill presents minimal change to the Disability Services Act 1993 and does not alter or weaken the current principles and safeguards of the Act.

Amendments to the Regulations will commence once the draft amendments are complete. These include:

- Inclusion of the National Standards for Disability Services
- Specification of the geographic areas for the trial sites
- Adoption of appropriate NDIS Rules or amendment to the rules as appropriate for the WA context.

The Disability Services Amendment Bill 2014 seeks to:

- Facilitate the trial in Western Australia of the National Disability Insurance Scheme using the State My Way model.

The following specific amendments have been made:

Insertion of a new part: Part 4B – trial of disability services model:

- Clause 2 deals with the commencement of the Bill. Sections 1 and 2 of the Act will come into operation on assent. The rest of the proposed Act will commence on 1 July 2014 if the assent day is before 1 July 2014 or otherwise on the day after assent day, to align with the commencement of the trial.
- Clause 4 provides for the insertion of a new part, Part 4B to the Disability Services Act 1993 after Part 4A. This part contains six sections as follows:
 - Section 26D states that the purpose of this part is to facilitate the trial in WA of a model for providing disability services, in order to enable the comparison of the model to the National Disability Insurance Scheme model.
 - Section 26E inserts new definitions to recognise the National Disability Insurance Scheme, the National Disability Insurance Scheme Act 2013 (Commonwealth), the trial and participants in the trial.
 - Section 26F provides for corresponding terms between the Disability Services Act 1993 and the National Disability Insurance Scheme Act 2013 (Commonwealth) in the consideration of whether a requirement of the National Disability Insurance Scheme Act 2013 (Commonwealth) has been met in the State trial.
 - Section 26G provides for the prescription in regulation of trial areas and the time period or periods during which the trial may operate along with objectives for the trial model.

The objectives of the model include:

- (a) providing people with disability with reasonable and necessary supports; and
 - (b) enabling people with disability to exercise choice and control in the pursuit of their goals and the planning and delivery of their supports.
 - Section 26H provides the criteria which must be met before a person can participate in the trial.
 - Section 26I. This section inserts definitions to recognise trial participant planning and support and provides for the provision of support to participants that is reasonable and necessary in accordance with the National Disability Insurance Scheme Act 2013 (Commonwealth).
- Clause 5 amends section 56 by inserting a subsection to specifically provide for the making of Regulations under the Disability Services Act 1993 for any matter for which rules can be made under the National Disability Insurance Scheme Act 2013 (Commonwealth).
 - Clause 6 provides for the insertion of a new section to the Disability Services Act 1993, Section 57A. This section allows the making of Regulations which adopt the text of any published document, with intent to enable the reference to the National Disability Insurance Scheme Rules as they relate to the WA trial.

This Bill strengthens Western Australia's commitment to deliver quality supports and services to people with disability, their families and carers. In addition, eligibility to participate in the trial is broader than the existing eligibility requirements for the disability services. This means that West Australians with psychosocial disability who live in the trial sites will also benefit from this Bill.

The introduction of this legislation marks an important milestone for Western Australia's robust disability services sector and most importantly for West Australians with disability, their families and carers.

"Pursuant to Standing Order 126(1), I advise that this Bill is a uniform legislation Bill. It is a Bill that, by reason of its subject matter, is part of a uniform scheme or uniform laws throughout the Commonwealth."

I commend the Bill to the house and table the Explanatory Memorandum.