

DISABILITY SERVICES AMENDMENT BILL 2014

Introduction and First Reading

Bill introduced, on motion by **Ms A.R. Mitchell (Parliamentary Secretary)**, and read a first time.

Explanatory memorandum presented by the parliamentary secretary.

Second Reading

MS A.R. MITCHELL (Kingsley — Parliamentary Secretary) [9.54 am]: 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 that guide service delivery for people with disability. The act also promotes an accessible and socially inclusive community through the disability access and inclusion plans framework requirements of state and local government authorities. The Disability Services Act also enables Western Australia to meet its obligations under the United Nations' Convention on the Rights of Persons with Disabilities. This government has been passionate about improving supports and services for Western 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. Although Western Australia was eager to participate in the National Disability Insurance Scheme—NDIS—when it was first proposed in 2012, the government did not rush into any agreements. This measured approach was taken to ensure that Western Australia's participation in a national scheme did not disadvantage Western 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 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 that will see approximately 8 400 Western Australians with disability directly benefit from the additional resources that 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. Western Australia is the only jurisdiction to have reached an agreement with the commonwealth. Western Australia 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 regional and metropolitan locations. It will be run by the Western Australian 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 the house 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 the inclusion of the national standards for disability services, specification of the geographic areas for the trial sites, and adoption of appropriate NDIS rules or amendment to the rules as appropriate in 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. There is the insertion of a new 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, to align with the commencement of the trial.

Clause 4 provides for the insertion of a new part 4B to the Disability Services Act 1993 after part 4A. This part contains six proposed sections as follows. Proposed 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. Proposed section 26E inserts new definitions to recognise the National Disability Insurance Scheme, the commonwealth National Disability Insurance Scheme Act 2013, and the trial and participants in the trial. Proposed section 26F provides for corresponding terms between the Disability Services Act 1993 and the commonwealth National Disability Insurance Scheme Act 2013 in consideration of whether a requirement of the commonwealth National Disability Insurance Scheme Act 2013 has been met in the state trial. Proposed 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. These objectives of the model include providing people with disability with reasonable and necessary supports, and enabling people with disability to exercise choice and control in the pursuit of their goals and the planning and delivery of their supports. Proposed section 26H provides the criteria that must be met before a person can participate in the trial. Proposed section 26I 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 commonwealth National Disability Insurance Scheme Act 2013.

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 commonwealth National Disability Insurance Scheme Act 2013. Clause 6 provides for the insertion of a new section to the Disability Services Act 1993, proposed section 57A. This section allows the making of regulations that 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 Western 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 Western Australians with disability, their families and carers. Legislative Council standing order 126 applies; therefore, this amendment bill will be referred to the Standing Committee on Uniform Legislation and Statutes Review. I commend the bill to the house.

Debate adjourned, on motion by **Ms S.F. McGurk**.