



The Hon Ray Williams MP
Minister for Multiculturalism
Minister for Disability Services

Mr David Blunt
Clerk of the Parliaments and Clerk of the Legislative Council
The Department of the Legislative Council
Parliament House
Macquarie Street
Sydney NSW 2000

Dear Clerk

I am pleased to provide the NSW Government Response to the recent Report of the Portfolio Committee No.2 –Health and Community Services' Inquiry into the implementation of the National Disability Insurance Scheme and the provision of disability services in NSW.

I thank the Committee for its consideration of this important issue. The Committee's Report provides an important source of learnings as NSW continues work to improve outcomes for people with disability, their families and carers.

I would also like to note one minor error of fact in the Report. Section 4.44 refers to Transport for NSW's initiatives to support people with disability. This would be more accurate if it referred to three separate programs - the Transport Access Program, which delivers accessible stations and wharves, the Taxi Transport Subsidy Scheme, which assists people with disability who are unable to use public transport, and the NSW Community Transport Program which provides transition services to people experiencing transport disadvantage.

Yours sincerely

Ray Williams MP
Minister for Multiculturalism
Minister for Disability Service

*Received at 4.45 pm
Thursday 20 December 2018
[Signature]*

NSW Government Response

Portfolio Committee No.2 – Health and Community Services:

Inquiry into the implementation of the National Disability Insurance Scheme and the provision of disability services in NSW

December 2018



The NSW Government welcomes the findings and recommendations of the Committee's Inquiry into the implementation of the National Disability Insurance Scheme (NDIS), and the provision of disability services in NSW.

The Inquiry's report comes at a critical time in disability reform. While NSW has moved to full scheme, the NDIS will take many years to become fully embedded. The Inquiry provides an important source of information and analysis for NSW as we continue to work to successfully implement the NDIS and ensure it achieves its intended benefits.

NSW remains committed to both ensuring that the NDIS delivers on its full potential for all participants, and fulfilling its enduring responsibility to provide accessible mainstream services and an inclusive community for all people with disability, including those not eligible for the NDIS.

Reaffirming the potential of the NDIS

The NSW Government particularly welcomes the Committee's finding that the NDIS is a transformative, once-in-a-generation, person-centric reform with the capacity to significantly improve the lives of Australians with disability.

NSW was the first jurisdiction to commit to the full scheme NDIS in 2012, the first jurisdiction to roll out the NDIS in trial in 2013, the first state to sign an enduring full scheme agreement in May 2018 and the first state to complete the rollout of the NDIS in July 2018. As at 30 November 2018, over 100,000 people with disability were accessing the Scheme including more than 38,000 people who never previously received support and over 2,600 children accessing Early Childhood Early Intervention. . It is expected the NDIS will more than double specialist disability service funding in NSW, to over \$6.5 billion per year. The NSW Government commits more than \$3.2 billion each year to the NDIS, in addition to funding from the Commonwealth Government.

As previously acknowledged, while scheme participant satisfaction ratings are high (with the latest quarterly data showing 93% of participants now rate their experience as very good or good), NSW recognises that not all participants have had a positive experience with the Scheme. NSW remains committed to ensuring that the Scheme delivers on its potential for all participants.

Working with all Australian governments to help the NDIS reach maturity

As highlighted during the Inquiry, a distinctive feature of the NDIS is that it is both co-funded and co-governed by every jurisdiction. All jurisdictions play an important stewardship role in making it work – and while decision-making is shared, it is the role of the Commonwealth Government to operationalise decisions through the National Disability Insurance Agency (NDIA).

NSW appreciates that the Committee's recommendations have reinforced these roles and responsibilities. We have, and will continue to, take an active role in NDIS governance forums, including the Disability Reform Council, to resolve issues for NSW Scheme participants (Recommendation 7). In response to the Committee's recommendations, NSW will advocate through these forums for:

- the resolution of Scheme implementation issues (Recommendation 1);
- strengthened and streamlined planning processes (Recommendation 2);
- resolution of issues related to the Early Childhood Early Intervention Approach (Recommendation 3);
- better recognition of the needs of carers as part of the planning process (Recommendation 6);
- an agreement on the boundaries between the NDIS and the health system (Recommendation 11);
- improved training for the NDIS workforce (Recommendation 16);
- a strategy to address thin markets, such as in regional, rural and remote areas, and a review of pricing structures (Recommendation 17);
- appropriate oversight mechanisms to ensure compliance with the NDIS Quality and Safeguarding Framework and the review of the deaths of people with disability in residential care (Recommendation 19 and 20); and

- the inclusion of Official Community Visitors in the NDIS Quality and Safeguarding Framework (Recommendation 21).

The Committee's identification of these areas for improvement for the NDIS will assist NSW as it continues to advocate to ensure the Scheme meets its full potential for all participants, their families and carers. At the 10 December 2018 Disability Reform Council meeting, the NSW Minister for Disability Services tabled the Inquiry's report and requested that the issues raised in it inform the Council's 2019 work program.

NSW will also continue to actively work with the NDIA to support its work to establish its Maintaining Critical Supports capacity, and to strengthen the Participant Pathway for participants with specific needs. The Committee's recommendations that the NSW Government be established as a service provider of last resort to ensure crisis situations are appropriately managed (Recommendation 13) and reinstate its role in delivering specialist disability supports, particularly for those with complex and challenging needs (Recommendation 12), are noted. However in the context of the NDIS, the Commonwealth retains primary ongoing funding responsibility as provider of last resort and for providing a safety net for participants.

In effect, NSW mainstream services continue to provide both of these roles when there are service gaps for participants, when participants are admitted to hospitals, homeless shelters and prisons. The NSW Government is working with the National Disability Insurance Agency to assist them to reduce and avoid these service gaps in the future.

NSW recognises the importance of the disability workforce to the success of the NDIS, and supports in principle the development of a disability workforce strategy (Recommendation 18). Work has commenced to better understand the key challenges facing the workforce, including in regional, rural and remote areas, and to determine whether these are issues NSW can address. The outcome of this work, as well as current national discussions on the disability workforce, will help determine whether a state-based strategy is appropriate.

Transitional arrangements to support the early years of full scheme NDIS

As outlined in its submission to the Inquiry, the NSW Government is aware of the risks that potentially arise with the transition to the NDIS and potential gaps in services. A range of supports for people with disability have therefore been funded during the early years of full scheme to manage these risks, while roles and responsibilities are clarified and implementation is further embedded. In the 2018-19 Budget, \$87 million (part of \$150 million over three years) was allocated for residual disability functions in the Family and Community Services cluster. This is being supplemented with expenditure on residual disability services across other clusters.

In line with the Committee's recommendations, NSW will continue to actively promote these transitional arrangements (Recommendation 8), including through the Disability Council NSW, NSW Carers Advisory Council and NSW Ministerial Advisory Council on Ageing. The Committee's recommendations that these arrangements be maintained for five years post the transition to full scheme (Recommendation 9), with ongoing support provided to advocacy organisations (Recommendation 15) are noted. These recommendations will be further considered as part of the ongoing implementation of the NDIS.

The NSW Government is, and will continue to proactively identify, monitor and address any emerging gaps in service provision as the Scheme matures and as roles and responsibilities are settled, particularly as they relate to the health interface and clinical supports. This will include reviewing any ongoing need for the current transitional arrangements in consultation with relevant stakeholders (Recommendation 9). NSW will monitor the requirement for the Scheme to provide early intervention to children with disability regardless of whether they become participants, to ensure the seamless integration of services for children (Recommendation 4).

Supporting all people with disability through a focus on inclusion and accessibility

As well as working to ensure the successful implementation of the NDIS, the NSW Government remains committed to ensuring accessible and inclusive mainstream services, and an inclusive community.

This includes investing in services and supports through mainstream services that are inclusive of all people with disability, not just those who require specialist disability services and are eligible for the NDIS, to help them achieve their full potential (Recommendation 14).

NSW's disability inclusion planning is guided by the *Disability Inclusion Act 2014*. In line with the Committee's recommendation, the statutory review of the Act planned for 2019 will include a focus on the National Disability Strategy (currently under review) and opportunities to strengthen governance in relation to Disability Inclusion Action Plans (Recommendation 10). Any role for the NSW Ombudsman in this process needs to be considered in the context of changes to the Ombudsman's disability functions as a result of the transition of certain functions to the NDIS Quality and Safeguards Framework and the establishment of a NSW Ageing and Disability Commissioner.

The establishment of the Ageing and Disability Commissioner responds to the Committee's recommendation for the establishment of a Public Advocate, to strengthen protections available for people with disability (Recommendation 23) and extends these protections to the elderly, as recommended by the 2016 Parliamentary Inquiry into Elder Abuse. As part of its commitment to safeguarding, the NSW Government also accepts the Committee's recommendation to educate people receiving support outside of the NDIS about the complaint mechanisms available to them (Recommendation 22).

In recognition of the important role of carers, NSW will investigate the provision of carer support including respite (Recommendation 5), in the context of the Commonwealth's recently announced commitment of an additional \$85.6 million over four years for a range of early intervention services for carers.

Maintaining the momentum for disability reform

NSW has been a leader in disability reform over the last decade. A number of different initiatives and programs have reshaped how people with disability are supported, culminating in NSW being the first state to fully transition to the NDIS.

These reforms have significantly improved the lives of people with disability, and their families and carers. However, there is more work to be done. NSW remains committed to embedding and building on these reforms, to empower all people with disability to live fulfilling lives and achieve their potential.

The Committee's findings and recommendations, as well as the experience of witnesses who made a submission to the Inquiry or appeared at a hearing, will help inform NSW's future disability reform agenda. As part of implementing the Inquiry's recommendations, consideration will be given to the best way to keep the community updated on the progress of this work.