Operational Plan Commitment between the National Disability Insurance Agency (NDIA), State Government of South Australia and Commonwealth Government for transition to the National Disability Insurance Scheme (NDIS)
# Contents

## 2 TERMS OF THE SOUTH AUSTRALIAN OPERATIONAL PLAN ............................................... 3

2.0 Purpose .............................................................................................................................................. 3

2.1 Working together ................................................................................................................................. 4

2.2 Key Elements ............................................................................................................................... 4

## 3 PERFORMANCE AND ACCOUNTABILITY ............................................................................. 5

3.0 South Australian Operational Plan Governance ............................................................................... 5

3.1 Progress monitoring and reporting ................................................................................................. 6

3.2 Privacy ................................................................................................................................................. 6

3.3 Confidentiality ................................................................................................................................... 7

3.4 General .............................................................................................................................................. 7

3.5 Escalation of issues ........................................................................................................................ 7

## 4 PART 1 – BILATERAL AND NATIONAL POLICY ELEMENTS ..................................... 8

## 5 PART 2 – ADMINISTRATION AND SERVICE DELIVERY ELEMENTS .................. 18
BACKGROUND
On 11 December 2015 the Prime Minister and the Premier of South Australia signed a Bilateral Agreement for Transition to the National Disability Insurance Scheme (NDIS).

This Operational Plan sets out the implementation arrangements to give effect to the Bilateral Agreement and other key deliverables agreed between the National Disability Insurance Agency (NDIA), the State Government of South Australia and Commonwealth Government to support the roll out of the full NDIS. The Operational Plan has been developed in partnership between these Parties and serves as the roadmap for transitioning to the NDIS as best achieved in South Australia.

2 Terms of the South Australian Operational Plan

2.0 Purpose
This Operational Plan identifies a program of work and the responsibilities of the Parties during transition to the full NDIS commencing 1 February 2016 and supports the high level Bilateral Agreements and supporting Schedules agreed between governments on transition.

The State Government of South Australia, the Commonwealth Government, and the NDIA acknowledge the transition to the NDIS is a shared responsibility of all Parties that requires a considered approach.

From February 2016, the NDIS will be progressively rolled out in South Australia and by June 2018 the NDIA will have responsibility for eligible participants who are existing clients in South Australia.

This Operational Plan outlines the implementation actions for the transition to the full Scheme in South Australia from February 2016. It identifies the key elements required in South Australia to transition to full Scheme, including the respective roles and responsibilities of governments and the NDIA in achieving the outcomes in this Operational Plan.

This Operational Plan is to be considered in conjunction with the Bilateral Agreement between the Commonwealth and South Australia (Transition to a National Disability Insurance Scheme) and accompanying schedules.

For the removal of doubt, nothing within the Operational Plan shall override agreements between the Commonwealth and the State Government of South Australia as set out in the Bilateral Agreement and accompanying schedules.

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/or the COAG Disability Reform Council.

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 will have flow-on impacts to the key elements critical for transition to the NDIS. For example:

Development and implementation of a nationally consistent quality and safeguarding framework for the NDIS.
Market design work between the NDIA, the Commonwealth and the states and territories to define governance arrangements, and roles and responsibilities for the development of the market including a market intervention framework and participant and provider readiness.

Outcomes arising from the review of the NDIS Act 2013.

2.1 Working together
This Operational Plan has been developed in partnership between the NDIA, the Commonwealth Government and the State Government of South 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 to work closely in achieving the best possible outcomes for people with disability, their families and carers.

The Parties will act in partnership on the co-design and delivery of the actions as detailed in this Operational Plan, including through working groups established between the NDIA and jurisdictional representatives and agreed roles and responsibilities identified in the Operational Plan.

2.2 Key Elements
The following key elements have been agreed by the Parties as critical for managing the transition to the NDIS. The key elements also draw on lessons learned from trial sites and build upon South Australian Government experience and knowledge in funding and managing the state’s disability service system.

Part 1 – Includes elements dependent on the Bilateral Agreement between governments on transition or further national policy development.

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

Part 1 – Bilateral and National Policy Elements
1. Phasing arrangements
2. Workforce arrangements
3. NDIA locations and infrastructure
4. Quality and safeguards arrangements
5. Continuity of support arrangements
6. Sector and system readiness
7. Mainstream Interfaces
8. Information, Linkages and Capacity Building (ILC)
9. Specialist disability accommodation for NDIS participants
10. Implementation of funding arrangements

Part 2 – Administration and Service Delivery Elements
11. Pre-intake preparations
12. Data exchange and systems planning
13. Reviews and evaluation: Inter-operability of legislation
14. Participant readiness
3 Performance and accountability

3.0 South Australian Operational Plan Governance
The specific governance arrangements for the Operational Plan have been agreed between the Parties.

A Bilateral Steering Committee (BSC) consisting of senior officials from the Commonwealth and South Australian Governments and the NDIA will oversee the implementation of the Bilateral Agreement.

An Executive Steering Committee (ESC) will be responsible for overseeing the rollout of the NDIS in South Australia. This includes a focus on core frameworks under the Bilateral Agreement, and overseeing and monitoring progress to ensure the transition is successful. The membership of the ESC can include the Chief Executive Officer, NDIA and Chief Executive, Department for Communities and Social Inclusion as required or by agreement. The ESC will report as necessary to the Bilateral Steering Committee when issues are no longer operational in nature.

A South Australian Transition Implementation Group (STIG) consisting primarily of officials from the State Government of South Australia and the NDIA will be established to implement agreed activities under each element of the South Australian Operational Plan. The Commonwealth Government will be represented on the STIG as required, and will receive relevant meeting invitations and papers to assist. The STIG will focus on addressing operational planning, administrative, program and service delivery events at a local level. The STIG will report to the South Australian Executive Steering Committee (ESC).

The Parties agree to establish the ESC, the STIG, and other sub-groups as required, and commence work as agreed on required activities and actions. Meeting arrangements for the ESC and STIG will be agreed between the State Government of South Australia and the NDIA.

The working arrangements to deliver on the Operational Plan will support the sustainable and effective implementation of the NDIS, including cost effectiveness, productivity and strong insurance principles. These arrangements will also enable the best outcomes for all South Australians with disability, their families and carers and provide choice and control and a whole-of-life approach to support people to live more independently and work towards achieving their goals.
The Operational Plan will be supported by working arrangements developed between the NDIA, the South Australian Government, and where applicable the Commonwealth Government to achieve the outcomes described under each element in the Operational Plan. These products may include:

South Australian Program of Work – guiding plan that breaks down the elements in the Operational Plan and identifies detailed activities, responsibilities, timeframes dependencies, status etc.

Local Implementation Plans – detailed plans that further breakdown the key activities identified in the Program of Work and support local implementation, for example, for specific regions or areas. The NDIA and South Australian Government may have separate Local Implementation Plans, including the scope of each project, for specific activities.

Any of the Parties may request a review of the Operational Plan at any time. Any changes to this Operational Plan must be agreed between all the Parties through the Executive Steering Committee.

Reviews of, and changes to, the South Australian Program of Work can be negotiated and agreed between the NDIA and South Australia (and the Commonwealth where relevant) at any time. Each element and the agreed actions outlined in this Operational Plan will be reviewed on an annual basis at a minimum and will build on lessons learned during transition.

3.1 Progress monitoring and reporting
The implementation of the Operational Plan will be governed by sound project management practices that will closely monitor the progress toward achieving the deliverables under the Operational Plan.

The STIG will implement, monitor and report to the ESC on the delivery of agreed outcomes under each of the elements identified in this Operational Plan. The STIG will maintain a risk register and issues register to record key risks and issues and their treatment and resolution during the transition period.

Monitoring and reporting arrangements agreed between the Parties are set out below:

- Reporting on progress and issues to the ESC.
- Reporting on the progress of activities under the Operational Plan to Bilateral Steering Committees and multilaterally will be as required.
- Other reporting requirements as agreed.

The Parties acknowledge that failure to deliver on the elements outlined in this Operational Plan places the implementation of the full NDIS at risk, with consequences for people with disability, their families and carers, the financial sustainability and public support for the NDIS.

The initial South Australian Program of Work will be finalised within one month of signing of the Operational Plan. The Program of Work will be reviewed and updated where necessary to ensure it is effective in responding to potential changes and circumstances as the Scheme rolls out.

3.2 Privacy
Each Party agrees that it will use its best efforts to ensure its officers, employees, contractors and agents at all times comply with all applicable privacy laws, including the Privacy Act 1988 (Cwth) to
Under this agreement, any participant information the NDIA discloses to other Parties including state and territory governments is ‘protected information’ for the purposes of the National Disability Insurance Scheme Act 2013. A person may only collect, use, or disclose such information in accordance with that Act (unauthorised collection, use or disclosure is a criminal offence).

The NDIA will treat any actuarial analysis conducted using client data or funding information provided to it by the State Government of South Australia as ‘protected information’ and will not share this information with any other Party, except with the written agreement of the State Government of South Australia. This undertaking will be formalised by an Exchange of Letters between the NDIA and the State Government of South Australia.

3.3 Confidentiality
All information exchanged between the Parties is confidential. A Party ("Recipient") must not disclose information to third parties, or use information for any purpose other than the purpose for which it was provided. Any confidential information obtained from the other Party ("Discloser") cannot be used unless that disclosure or use is:

- Specifically authorised in writing by the Discloser;
- Required by law or expressly permitted by law; or
- To legal advisers genuinely for the purpose of obtaining legal advice

3.4 General
Each Party enters this agreement within the context of its respective jurisdiction. No Party may, except as expressly provided in this Agreement, act on behalf of, represent itself as an agent for, or otherwise bind, the other Party.

3.5 Escalation of issues
Any Party may give notice to other Parties of a dispute under this Agreement at any time as outlined in sections 54-56 of the Bilateral Agreement between the Commonwealth and South Australia.

Designated officials of the relevant Parties will attempt to resolve any dispute in the first instance, through the South Australian Bilateral Steering Committees for transition and relevant multilateral officials groups.

If the issue cannot be resolved by officials, it may be escalated to the relevant Ministers and, if necessary, the Disability Reform Council, or equivalent Ministerial Council and Council of Australian Governments (COAG).
4 Part 1 – Bilateral and National Policy Elements

1.0 Phasing Arrangements

The South Australian Bilateral Agreement and Schedules for transition to full scheme detail high level phasing arrangements for South Australia. Phasing and related funding arrangements are set out in Schedule A (Participant Transition Arrangements in South Australia) and Schedule B (Financial Contributions for Transition in South Australia).

Deliverable:

A legislative rule under the NDIS Act 2013 will give practical effect to Schedule A and B of the Bilateral Agreement to enable timely and efficient phasing of eligible participants to the NDIS. This will assist the South Australian Government and the NDIA to develop and implement a detailed cohort/regional phasing approach, consulting with Commonwealth program areas when necessary.

Outcome:

The detailed cohort/regional phasing methodology and the legislative rule under the NDIS Act 2013 will enable the Parties to prepare for Scheme implementation and engage in pre-planning for participants.

Agreed Actions:

1.1. Phasing strategies for all defined cohorts will be developed and will provide detail of the methodology to operationalise Schedule A: Participant Transition Arrangements in South Australia and will:

1.2. Identify and agree intake prioritisation criteria, sequencing and mechanisms for intake, including the development of working arrangements to effectively manage the re-prioritisation of participant streaming in urgent circumstances.

1.3. Facilitate the smooth transition of participants into the NDIS, with the NDIA commencing local area coordination functions six months in advance of the scheduled phasing of a disability region. Under Schedule A to the Bilateral Agreement, phasing based on disability region commences 1 July 2017.

1.4. Develop key intake messages for public communications and engagement (including existing providers) and identify and agree responsibility for phasing actions. This includes developing working arrangements for managing state border phasing, including public communications and engagement.

1.5. Ensure Commonwealth programs are aligned (where possible) to transition at the same time as similar South Australian programs.
Timeframe:

The Commonwealth and South Australian Governments will develop new legislative rules for South Australia by Quarter 3 2015/16. The NDIA and South Australian Government will develop age cohort phasing strategies in accordance with the following timeframes:

- February 2016 to June 2016 will be confirmed by Quarter 3 2015/16;
- July 2016 to December 2016 will be developed by Quarter 3 2015/16; and
- January 2017 to June 2017 will be developed by Quarter 1 2016/17.
- Regional phasing between July 2017 and June 2018 will be developed by Quarter 2 2016/17.

Phasing strategies will be reviewed quarterly by the Transition Implementation Group and implemented in sequence throughout transition.

2.0 Workforce Arrangements

Consistent with Schedule H: Workforce, the first offer of employment for the NDIA should be to appropriately skilled existing South Australian Government disability staff. For the purposes of Schedule H, “disability staff” means all South Australian Government staff materially affected by the national roll-out of the NDIS, regardless of whether the roles are directly involved in the delivery of services to clients. Under Schedule H, the South Australian Government and the Commonwealth have agreed to a confined merit based selection process to fill roles within the NDIA targeting South Australian Government disability staff. The NDIA, the South Australian Government and the Commonwealth will develop and agree to a Workforce Transition Plan to give effect to Schedule H: Workforce. This work is separate to broader work on market, sector and workforce development.

Deliverable:

The NDIA and South Australian Government will implement an agreed Workforce Transition Plan for South Australia to operationalise Schedule H: Workforce that will accurately identify and quantify materially affected South Australian Government staff.

Outcome:

An appropriately skilled workforce will enhance the NDIA’s capacity to support participants to access the Scheme in line with the phasing schedule.

Agreed Actions:

2.1. The NDIA will develop an NDIA Workforce Transition Plan to cover the transition period in South Australia by Quarter 3 2015/16. The Plan will detail the NDIA’s staff requirements including roles, cohorts, skills and capabilities, classifications and locations.

2.2. The NDIA and the South Australian Government will develop interim working arrangements in Quarter 3 2015/16 to cover the intake of participants between 1 February 2016 and 30 June 2016.

2.3. The Workforce Transition Plan will consider the need to manage South Australian Government business as usual during transition years.
2.4. The NDIA and South Australian Government will agree to the definition of materially affected staff in accordance with Schedule H.

2.5. The NDIA will develop a process to support the first offer process for South Australian Government materially affected staff for the initial and subsequent recruitment campaigns (in consultation with the South Australian Government).

2.6. The South Australian Government will implement a communication strategy to relevant South Australian staff regarding the transition process.

2.7. The Parties will advise each other of issues arising or unintended consequences in relation to the implementation of the Workforce Transition Plan such as the location of the current workforce.

Timeframe:
Workforce transition of South Australian Government staff will be aligned with the agreed Bilateral phasing schedule. The NDIA Workforce Transition Plan will be developed by Quarter 3 2015/16 and executed from July 2016.

3.0 NDIA Locations and Infrastructure

During transition the NDIA will have a physical presence in selected communities, including a network of offices that have branding and a staff complement.

Deliverable:

The NDIA will develop and execute a property strategy that aligns with agreed phasing arrangements and which takes into consideration strategic property procurement and existing Commonwealth/State infrastructure.

Outcome:
The NDIA has an appropriate physical presence to support participants to access the Scheme.

Agreed Actions:

3.1. The NDIA will establish a physical presence in South Australia and develop a Property Strategy and Implementation Plan.

3.2. The NDIA will advise the South Australian State Government on strategic property planning and implementation to support the intake of participants during the transition period, including exploring co-location opportunities, use of existing office accommodation and use of existing government infrastructure and resources as appropriate.

3.3. The NDIA will identify issues associated with intake during transition and consult with governments to ensure the NDIA has the necessary physical assets to manage the intake of clients during the transition period.

Timeframe:
As outlined in the NDIA Property Strategy and Implementation Plan the NDIA will establish a physical presence in South Australian locations prior to commencement of transition and will be progressively rolled out across South Australia.
4.0 Quality and Safeguards Arrangements

An interim approach to quality and safeguards is agreed in Schedule F: Transition Arrangements for Quality and Safeguards in South Australia to the Bilateral Agreement during transition. The respective roles and responsibilities of the NDIA, South Australian and Commonwealth Governments for implementing quality and safeguards during transition are set out in the Bilateral Agreement.

Deliverable:

The Commonwealth, South Australian Government and NDIA will develop an agreed approach and implement an interim arrangement for quality and safeguards in South Australia during transition (until a National Framework is agreed and implemented).

Outcome:

The current level of quality and safeguarding mechanisms available to people with disability, their families and carers, living in South Australia during transition is maintained.

Agreed Actions:

4.1. The NDIA and the South Australian Government will review lessons learned in trial to inform a review of quality and safeguards working arrangements so they are sustainable and applicable for transition, including the roles and responsibilities of each Party. The working arrangements will be confirmed by Quarter 4 2015/16 and amended if necessary.

4.2. The NDIA, Commonwealth and South Australian Governments will work together to consider any impacts of the interim arrangements on the development of the National Framework for Quality and Safeguards and will develop a transition strategy once this National Framework is agreed.

4.3. The Parties will participate in the development of the National Framework for Quality and Safeguards. This includes communicating and engaging with South Australian participants and providers to ensure they are aware of consultation options.

4.4. The NDIA, Commonwealth and South Australian Governments will work together to operationalise the National Framework for Quality and Safeguards once developed and agreed.

4.5. The NDIA and the South Australian Government to agree to a streamlined registration process for providers as part of the Working Arrangements by Quarter 4 2015/16.

Timeframe:

Quality and Safeguards at full scheme is highly dependent on the development of a National Framework for Quality and Safeguards. Current Working Arrangements will be confirmed for sustainability by Quarter 4 2015/16 and amended as necessary. Schedule F will be updated to reflect any decisions on the direction of a national system. Current quality and safeguard mechanisms will continue in South Australia until the National Framework has been agreed and implemented.
5.0 Continuity of Support Arrangements in South Australia

The NDIA and the Commonwealth and South Australian Governments will agree to a process to give effect to the arrangements and implementation that is set out in Schedule D: Continuity of Support Arrangements in South Australia.

Deliverable:

The Parties will develop and implement Continuity of Support working arrangements as per Schedule D of the Bilateral Agreement.

Outcome:

Working arrangements are established to manage continuity of support as agreed during the rollout of the NDIS.

Agreed Actions:

5.1. The South Australian Government and the Commonwealth will identify cohorts or individuals in South Australia for whom they currently have administrative responsibility and Continuity of Support may apply (see Schedule D – Continuity of Support Arrangements in South Australia, Clause 4), and identify the number of people and programs where this may apply.

5.2. South Australia and the Commonwealth, in consultation with the NDIA will develop working arrangements for existing clients under 65 years (or under 50 years for Aboriginal or Torres Strait Islander clients) for whom Continuity of Support applies by Quarter 3 2015/16.

5.3. The Commonwealth, in consultation with the South Australian Government will determine the administrative arrangements for people 65 years and over (or over 50 years for Aboriginal or Torres Strait Islander clients) in specialist disability services by Quarter 4 2015/16. The Commonwealth will work in partnership with South Australia to develop appropriate transfer arrangements for people over 65 years.

5.4. The South Australian Government, the Commonwealth Government and the NDIA will develop working arrangements to identify participants who do not meet access requirements.

5.5. The NDIA will provide continuity of support on behalf of the South Australian Government, on a fee-for-service basis, if requested. Any arrangement would be negotiated between South Australia and the NDIA and outline how the NDIA will deliver supports and the associated funding arrangements. The South Australian Government will advise the NDIA of its Continuity of Support requirements by Quarter 3 2015/16.

Timeframe:

Continuity of Support working arrangements agreed by Quarter 4 2015/16. Implementation (including communications and engagement) will be sequenced through-out the transition period.

6.0 Sector and System Readiness

Consistent with Schedule E: Sector and System Readiness, the Parties will have a role in preparing providers, the workforce, individuals, the NDIA and existing mainstream and community systems to operate in the NDIS system. The Parties will identify existing levers in their respective jurisdictions to
influence market responsiveness to meet the demand for disability supports during transition, consistent with the NDIS Integrated Market, Sector and Workforce Strategy. Market readiness activities will support the implementation of nationally agreed market, sector and workforce strategies and build on existing work by governments and the NDIA.

**Deliverable:**

Consistent with Schedule E, the South Australian Government and the Commonwealth 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.

**Outcome:**

Participants are able to exercise choice and control in regards to their plan implementation that will enhance social and economic outcomes.

**Agreed Actions:**

6.1. The NDIA, Commonwealth and South Australian Government will continue to work together to progress efforts and address emerging issues related to South Australian sector and system readiness.

6.2. The Parties will share information about local markets and existing disability support supply in South Australia and develop appropriate market indicators and monitoring mechanisms.

6.3. A market readiness risk management framework will be developed and implemented (as required) by the NDIA through-out the transition period.

6.4. The South Australian Government will support the NDIA to manage the transition from the current assistive technology (AT) programs to the NDIS. During the transition, the South Australian Government will provide continued access to AT products and services sourced by South Australian equipment programs, where this is agreed by both Parties and it provides value for the NDIS.

6.5. The NDIA will work with DCSI to identify and develop approaches to ensure that a provider of last resort is available, as well as support for participants in crisis.

**Timeframe:**

The South Australian Government, Commonwealth and the NDIA will make best endeavours to plan and implement a range of activities to prepare and inform market and sector development by Quarter 4 2015/16. This work will intersect and build on other sector and system readiness activities outlined in Part 2.

7.0 **Mainstream Interfaces**

The NDIA, South Australian and Commonwealth Governments will support participants’ access to mainstream services as per the updated Mainstream Interface Principles, Applied Principles, and Tables of Support as agreed by COAG. Governments will work with the NDIA to ensure the interface between the NDIS and mainstream services is managed effectively and efficiently at the local level.
and in line with COAG policy decisions and to give effect to Schedule I (Mainstream Interfaces) in the Bilateral Agreement.

Deliverable:

The review of the interaction between NDIS and mainstream services identified a comprehensive list of operational issues that require ongoing monitoring between mainstream service systems and the NDIA. Efficient and effective development and implementation of detailed working arrangements, including a schedule of issues to ensure the interface between mainstream and NDIS supports at a state level are established, maintained and communicated (in line with the agreed Mainstream Interface Principles, Applied Principles and Tables of Support agreed by COAG) to maximise economic and social participation.

Outcome:

Participants receive supports from the most appropriate service system, enhancing Scheme sustainability and participant outcomes.

Agreed Actions:

7.1. The NDIA and the South Australian and Commonwealth Governments will determine local governance arrangements and escalation processes to resolve mainstream interface policy and practice issues to support transition to full scheme.

7.2. The South Australian Government, the Commonwealth and the NDIA will support the implementation of the local working arrangements and resolve mainstream interface issues which includes establishing local governance arrangements through local escalation points, ensuring streamlined referrals can occur to coordinate participants’ NDIS planned supports with mainstream services.

7.3. The Parties will implement arrangements for the interface between the NDIS and mainstream agencies, as set out in the Applied Principles and Tables of Support by formalising a review process to assess operational practice, providing clear communication to people and broader mainstream entities.

7.4. Establish and maintain supports consistent with the Mainstream Interface Principles, Applied Principles and Tables of Support and Outcomes Framework. The South Australian Government with the NDIA, where appropriate, will inform the South Australian mainstream services and their staff at all levels to support successful interface.

Timeframe:

Escalation processes will be reviewed throughout transition. Working arrangements for the escalation process will be developed by Quarter 4 2015/16.

8.0 Information, Linkages and Capacity Building (ILC)

During transition to full Scheme, the Parties agree to work together to ensure ILC supports are available to support the transition, including having Local Area Coordination (LAC) supports available in advance of NDIS roll-out into a particular area as per Schedule A (Participant Transition
Arrangements in South Australia), and consistent with the agreed framework on Information, Linkages and Capacity Building.

**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.

**Outcome:**

A holistic approach to the delivery of ILC supports that promotes collaboration and partnership with local communities and mainstream and universal services to create greater inclusivity and accessibility of people with disability and enhances the sustainability of the Scheme.

**Agreed Actions:**

8.1. The South Australian and Commonwealth Governments will map current ILC type supports. Detailed mapping of current Commonwealth and State funded ILC type services in South Australia to include: identification of providers, program expenditure, support types and activities and any other relevant information (where available). The Parties note that some data may be difficult to obtain given the nature of ILC-type activity delivered. However, if mapping is not finalised by Quarter 3 2015/16, the Parties will agree to a process for finalising mapping and transition working arrangements including timeframes.

8.2. The Parties will develop criteria and an overall transition plan for current ILC type services delivered in South Australia taking into account both national priorities and local need, building on existing best practice and well-established networks and resources that are in place.

8.3. The NDIA will develop in consultation with the South Australian and Commonwealth Governments an ILC Transition Plan by Quarter 3 2015/16 which includes:

8.4. Identifying supports and / or contracts that during transition will either continue to be maintained by the South Australian and Commonwealth Governments or cease, and respective timeframes.

8.5. Identify any funding that will be provided to the South Australian and Commonwealth Governments by the NDIS to support ILC activity during transition

8.6. A process for managing and working with relevant providers to enable them to remain sustainable during transition and understand future requirements.

8.7. Trialling outcome based reporting measures for programs that are funded during transition consistent with the ILC Commissioning Framework.

**Timeframe:**

ILC mapping work to be completed by Quarter 3 2015/16. The plan for ILC transition will be completed by Quarter 3 2015/16. The communication strategy is to be drafted by Quarter 3 2015/16. The above actions will be implemented prior to July 2016 and sequenced according to the Phasing Schedule.
9.0 Specialist Disability Accommodation for NDIS participants

Consistent with Schedule J in the Bilateral Agreement and the Pricing and Payment Framework agreed by the Disability Reform Council on 13 November 2015, the NDIS will support specialist disability accommodation for participants with high support needs who require and prefer specialist accommodation to live independently. The NDIA will implement the Framework (noting the NDIA will not own or manage any participant accommodation assets).

**Deliverable:**

South Australia will inform the NDIA of the current operating model in the jurisdiction including asset ownership and funding obligations of governments, and any transfer of assets from government to non-government organisations.

**Outcome:**

Access to appropriate specialist disability housing and related supports is maximised for participants during transition.

**Agreed Actions:**

9.1. The Parties will jointly identify issues arising from the agreed approach between governments to disability accommodation that must be managed during transition

9.2. The NDIA and South Australia will discuss options for South Australian group homes and other supported accommodation arrangements.

9.3. Plans or strategies agreed between government and the NDIA should have due regard to any policy agreements on the use of user cost of capital during the transition period.

9.4. The NDIA and South Australian Government will develop a working arrangement (where necessary) to manage the impact of accommodation changes (if any) during transition for participants and providers including vacancy management.

9.5. The South Australian Government will inform NDIA about the currency of the current operating model in South Australia including asset ownership (of government and non-government facilities) and funding obligations.

**Timeframe:**

The South Australian Government will inform the NDIA about asset ownership and administrative and working arrangements to manage the impact of any disability accommodation changes during transition by Quarter 4 2015/16, and implement these working arrangements throughout transition.

Note: The Commonwealth and jurisdictions agreed to a process in December 2015 to identify:

- participants for whom funding for specialist disability housing is reasonable and necessary and its appropriate uses;
- how much residents will be expected to contribute and how that will impact NDIS funding for specialist disability housing; and
- funding to participants or providers for specialist disability housing (e.g. land, geographical loadings etc.)
10.0 Implementation of Funding Arrangements

The Parties will jointly consider practical approaches to implement the funding arrangements set out in Schedule B: Financial Contributions for Transition in South Australia and the agreed NDIS funding mechanism in transition, including continuity of client supports and the management of in-kind supports during transition.

Deliverable:

A clear and consistent strategy with distinct responsibilities to implement funding arrangements. The current invoicing methodology will be reviewed by Quarter 4 2015/16 for consistency with Schedule B of the Bilateral Agreement and amended as necessary as agreed by the Parties.

Outcome:

Financial sustainability of the NDIS and ability to provide reasonable and necessary supports to eligible participants.

Agreed Actions:

10.1. The South Australian and Commonwealth Governments and the NDIA will agree on processes to ensure that responsibility for client supports shifts to the NDIA at a specified time.

10.2. The Commonwealth and South Australian Government will confirm with the NDIA the current mix of cash and in-kind supports for the first cohorts/regions to transition by Quarter 3 2015/16, including a detailed breakdown of in-kind supports. Details for 15 to 17 year olds will be confirmed by Quarter 1 2016/17, with details for all other phasing cohorts/regions in South Australia to be confirmed by Quarter 3 2016/17.

10.3. The South Australian Government and the NDIA will develop and agree the most effective and efficient funding mechanisms during transition which may include, but are not limited to, progressive cash out, or bulk purchasing.

10.4. The South Australian and Commonwealth Governments and the NDIA will agree on an efficient process for managing or exiting from in-kind funding arrangements and effectively communicate information about transition to providers and participants.

10.5. The NDIA and South Australian Government will develop an agreed resolution framework to resolve funding and policy issues via agreed governance arrangements and protocols.

Timeframe: The working arrangements will be agreed by Quarter 1 2016/17.
5  Part 2 – Administration and Service Delivery Elements

11.0  Pre-intake preparations

The South Australian Government, the Commonwealth Government and the NDIA will agree on preparations (not covered elsewhere in this plan) to support transition to the full scheme commencing in February 2016 in order to streamline the intake of participants into the NDIS.

Deliverable:

The Parties agree the required transition preparations (not covered elsewhere in the Operational Plan or Bilateral Agreement) and their practical implementation to ensure streamlined intake and access for existing South Australian disability clients.

Outcome:

Phasing targets are achieved through participants’ streamlined eligibility and intake to the NDIS, ensuring they receive reasonable and necessary supports.

Agreed Actions:

11.1. Align current policy and practice regarding eligibility decisions between NDIS and the South Australian Disability Services Act 1993 and other associated legislation to reasonable and necessary (if required).

11.2. The South Australian Government and the NDIA will confirm those State funded programs (defined programs) where a streamlined intake process will apply for existing SA specialist disability clients by Quarter 1 2016/17 for people entering the scheme from January 2017. The South Australian Government and the NDIA will also confirm State funded programs in scope for the NDIS that are not defined programs and where a simplified intake process may apply for people eligible for the NDIS.

11.3. The Commonwealth Government will identify existing Commonwealth programs that are to be considered by the NDIA as a defined program for a streamlined intake process.

11.4. The NDIA in collaboration with the South Australian Government will develop a streamlined access process for clients accessing defined South Australian Government programs. The Parties will agree how participants in non-defined programs can access the scheme in a streamlined way and will develop a streamlined access process by Quarter 1 2016/17.

11.5. The NDIA will design and implement intake pathways that respond to the need for determination of eligibility, pre-planning support and plan development and plan implementation. Referral pathways for those found ineligible for the Scheme and those that will be provided with Continuity of Support will also be created.

11.6. The Commonwealth and South Australian Governments will inform the NDIA of any contracts that cannot be ceased in line with the phasing schedule, and agree with the NDIA, a plan for managing these contracts through transition by Quarter 4 2015/16.

11.7. The South Australian Government will identify and collate information regarding any existing state-wide or area specific bulk purchasing contracts.

11.8. Governments will put in place arrangements that allow for variation and cessation of funding agreements with disability service providers in line with Schedule A to the Bilateral Agreement.
11.9. The South Australian Government will inform and support existing providers with regard to existing contracts and support collection of data required to facilitate access for existing clients to the NDIS from South Australian Government funded providers.

11.10. The NDIA in collaboration with the South Australian Government will develop agreed governance structures for the NDIS in South Australia ensuring existing South Australian governance structures and disability regions are adequately represented to effectively facilitate and support transition.

Timeframe:

Pre-intake roles and responsibilities will be captured in the Program of Work and will be confirmed by Quarter 3 2015/16. Defined programs will be confirmed by Quarter 1 2016/17.

12.0 Data Exchange and Systems Planning

Consistent with Schedule G in the Bilateral Agreement, the purpose of this element is to maximise the utility/value of client and provider data held by jurisdictions and use this data to manage and streamline the transition of existing South Australian and Commonwealth clients to the NDIS.

Deliverable:

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

Outcome:

The NDIA will implement streamlined participant access to the Scheme, which will help avoid delays against the agreed phasing schedule. Participants will gain benefit from the NDIS resulting in increased social and economic participation.

Agreed Actions:

12.1. The NDIA will negotiate with South Australia the agreed Data Standard items required to effectively transition people from existing South Australian and Commonwealth systems into the NDIS.

12.2. The Parties will agree legal authorisation for data exchange and privacy provisions by Quarter 3 2015/16.

12.3. The Parties will identify availability of participant data requested by the NDIA, including what data is held by the South Australian Government and what data is held by external providers (e.g. block funded supports) by Quarter 3 2015/16.

12.4. The South Australian and Commonwealth Governments will develop an approach for the collection, cleansing and transfer of client and service provider data to the NDIA, including roles and responsibilities, key activity and milestones by Quarter 3 2015/16.

12.5. The Parties will develop information sharing processes by Quarter 3 2015/16 consistent with the Bilateral Agreement.

12.6. The NDIA will work with jurisdictions to update data transitioned between jurisdictions to NDIA to allow for changes in circumstances three months prior to cohort/regional phasing.
12.7. The NDIA will provide the South Australian Government with a monthly data report consistent with Schedule G during transition to manage ongoing State data requirements as people transition to NDIS.

12.8. South Australia and the NDIA will develop specific jurisdictional financial and activity reporting requirements consistent with Schedule G by Quarter 4 2015/16.

Timeframe:

Legal authorisation for data exchange will be confirmed by Quarter 3 2015/16. A plan to collect and transfer data will be developed and agreed by Quarter 3 2015/16. Implementation will commence once a way forward is agreed by all Parties. Information sharing protocols are to be agreed by Quarter 4 2015/16 and jurisdictional reporting arrangements are to be agreed by Quarter 4 2015/16.

13.0 Reviews and Evaluations: Interoperability of Legislation

The South Australian Government will review state legislation and other instruments to assess how they may affect the transition to the NDIS. Key areas include, but are not limited to: the role of the Ombudsman, Commissioners and nominees, business registration, OHS regulations, building codes (shared accommodation), boarding house regulations, justice legislation, quality and safeguards, restrictive practices and mental health legislation.

In addition South Australia and the NDIA will monitor the outcomes of relevant evaluations, reviews and the experience of trial site operations for the purpose of ensuring transition to the NDIS is as seamless as possible for people.

Deliverable:

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

Outcome:

Reputational risk to the South Australia Government and the NDIA is managed and potential legal action against the South Australian or Commonwealth Governments and the NDIA is avoided.

Agreed Actions:

13.1. The South Australian Government will undertake a stocktake of inter-operability of legislation and other instruments to support full scheme transition (e.g. self-assessment, analysis of gaps/conflicts and develop remediation plan if required).

13.2. The South Australian Government and the NDIA will identify any gaps or conflicts in legislation (and other instruments) and develop remediation plan(s) as required.

Timeframe:

All review and evaluation activities relating to state legislation and other instruments will be undertaken by Quarter 1 2016/17. Where impediments are identified, remediation strategies will be
developed and implemented to support transition to full scheme. Active monitoring and remediation strategies will be developed and implemented as required throughout the transition period.

14.0 Participant Readiness

Consistent with Schedule E: Sector and System Readiness, the South Australian Government, the Commonwealth and the NDIA 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. This includes establishing an LAC presence and enhancing ILC supports in advance of the NDIS commencing in a disability region as per Schedule A of the Bilateral Agreement.

Deliverable:

A joint approach between the Parties to support and prepare people with a disability to feel empowered to exercise choice and control as they transition to the NDIS.

Outcome:

Participants have access to pre-planning and plan development supports to enable them to access the Scheme in line with the phasing schedules.

Agreed Actions:

14.1. The NDIA will review and share lessons learned from trial to build the capacity of participants throughout transition. This may include a stocktake of lessons learned in trial, sector development initiatives and pre-planning and implementation workshops.

14.2. The South Australian Government will review and share by Quarter 4 2015/16 lessons learned about building the capacity of participants for transition. This may include a stocktake of lessons learned from specific participant readiness activities conducted by the South Australian Government.

14.3. The NDIA, the Commonwealth and South Australian Governments will plan, implement and coordinate capacity building initiatives for people with disability, their families and carers. This includes supporting people to articulate their goals and aspirations, understand reasonable and necessary and engage as active consumers.

14.4. The NDIA and South Australian Government will ensure preparation and transition activities align to pre-intake preparations and phasing.

Timeframe:

A participant readiness approach, agreed actions and a Communications and Engagement Plan will be developed by Quarter 4 2015/16 and implemented through transition according to phasing in Schedule A: Participant Transition Arrangements in South Australia.

15.0 Participants/Cohorts with Specific or Complex Requirements

Some participants and cohorts of participants may require additional consideration and support to access the NDIS (by the NDIA, the Commonwealth and the South Australian Governments) to
ensure they are identified and their needs are addressed during the transition to the NDIS, especially as State and Commonwealth participants transition to NDIS funded supports.

**Deliverable:**

The NDIA, the Commonwealth and the South Australian Governments will define and agree cohorts with specific or complex needs to access supports and plan appropriate transition arrangements.

**Outcome:**

Specific needs are addressed avoiding delays to phasing, and increasing participant outcomes and social and economic participation.

**Agreed Actions:**

15.1. The South Australian and Commonwealth Governments will work with the NDIA to 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 Supported Residential Facilities (SRF).
- Hard to reach and / or high risk individuals and cohorts who may require intensive support to transition to the NDIS, such as clients of the Exceptional Needs Unit.
- 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.

15.2. The NDIA and the South Australian Government will review existing working arrangements to engage and transition cohorts with sensitive or complex requirements and develop a strategy for transition by Quarter 2 2016/17.

**Timeframe:**

The working arrangements to transition people and/or cohorts with complex needs will be implemented between six and nine months prior to the phasing of the age cohorts / regions phasing in from July 2017 and will align with the NDIA Access Pathway for Transition.

**16.0 Provider Readiness**

Consistent with Schedule E: Sector and System Readiness, the Parties will improve the capacity of providers to transition to the Scheme (note this element links to 11. Pre-intake Preparations). Communication and capacity building strategies will help ensure existing and potential providers are ready to participate in the NDIS, minimise risks to support continuity, and assist provider’s transition to the NDIS. The roles and responsibilities of respective Parties will be determined further through market, sector and workforce policy work subject to consideration by DRC. The Parties will identify existing levers in their respective jurisdictions to influence market responsiveness to meet the demand for disability supports during transition, consistent with the NDIS Integrated Market, Sector and Workforce Strategy.
Deliverable:

An agreed plan between the Commonwealth, South Australia and the NDIA to improve the capacity of providers to transition to full scheme, including the development of communication and capacity building strategies.

Outcome:

Provider sustainability and service availability are improved in areas where there are historically limited markets. Participants are able to access reasonable and necessary supports as providers have business operating models in place that allow them to operate successfully in the NDIS market.

Agreed Actions:

16.1. The South Australian and Commonwealth Governments will undertake a stocktake of existing readiness activities to ensure providers are able to operate effectively with the NDIS.
16.2. The NDIA will develop and implement national approaches to provider readiness. Working arrangements will be developed in consultation with the South Australian and Commonwealth Governments to optimise preparedness for the scheme.
16.3. The South Australian Government will assist existing State funded providers to prepare for the transition to the NDIS.

Timeframe:

A stocktake of lessons learned will be completed by Quarter 4 2015/16. Communication and capacity building provider initiatives will be developed prior to transition and implemented throughout transition according to sequencing and in alignment with the Communication and Engagement Plan.

17.0 Government Provision of Disability Supports

The South Australian Government will inform the NDIA of intentions regarding their ongoing role in direct delivery of disability and related supports.

Deliverable:

The South Australian Government will identify and confirm services that will continue to be directly provided and funded by government during transition and at full Scheme and those that may not continue.

Outcome:

The market and participants are suitably prepared for any changes in direct service provision of disability supports by the South Australian Government.
Agreed Actions:

17.1. The South Australian Government will notify the NDIA of any decisions regarding changes to its role in direct provision of disability supports including risk management considerations and handling strategies.

17.2. The Commonwealth and South Australian Government will identify and confirm cash and ‘in-kind type’ supports including a detailed breakdown of in-kind supports as per agreed data standard in line with the phasing schedule.

Timeframe:

The approach to service delivery will be developed by the South Australian Government and shared with the NDIA by Quarter 2 2016/17.

18.0 Functions to Support System Stewardship

The South Australian Government and the NDIA will work to identify key administrative functions currently delivered or oversighted by South Australia, acknowledging the South Australian Government’s ongoing role in providing these services to the whole population including people with disability, which need to be managed to ensure continuity of these functions during the transition to full Scheme.

Deliverable:

The development of a continuity plan for the management of South Australian Government’s remaining administrative functions is considered and implemented prior to transition.

Outcome:

Functions, knowledge and expertise transferred from the State system to identified Parties to ensure continuity of function and minimise the impact on people with disability of inadequate management/transfer of functions. If functions/business are identified as best undertaken by the NDIA, but are not currently agreed as core key business, funding will be required for the additional administrative cost.

Agreed Actions:

18.1. The South Australian Government (in collaboration with the NDIA) will identify emerging issues during the transition, including ancillary administration issues around functions such as emergency management, maintenance of vulnerable persons registers, business continuity, vacancy management, registering demand, quality and safeguards and capacity building.

18.2. The South Australian Government and the NDIA will, by Quarter 4 2015/16, determine which key administrative functions currently facilitated and managed by South Australia should continue during transition, taking into account business as usual requirements of South Australia as the NDIS rolls out.

18.3. The South Australian Government and the NDIA (and the Commonwealth as required) will discuss and explore roles and responsibilities and arrangements of administrative key functions during transition.
18.4. The South Australian Government will provide information to the NDIA by Quarter 1 2016/17, about emergency management processes to ensure these supports continue to be available for participants in times of emergency during transition. Working arrangements will be developed to ensure the disability support system and the NDIA are prepared to effectively support the management of an emergency situation.

Timeframe:

The South Australian Government and the NDIA will work together to identify, plan and clarify roles and responsibilities for the management of identified key functions during transition. Agreement of the Commonwealth will be sought in regard to any functions proposed to be transferred to the NDIA.

19.0 Transition Working Arrangements for People in:
- Regional, Rural and Remote Locations
- Aboriginal and Torres Strait Islander Communities
- Culturally and Linguistically Diverse (CALD) Communities

19.1. Regional, Rural and Remote Transition Working Arrangements

Consistent with the NDIA’s Rural and Remote Strategy, the delivery of the NDIS in regional, rural and remote locations in South Australia poses particular challenges in terms of mode of delivery of services and workforce supply throughout the state. South Australian working arrangements will be developed and informed by the NDIA’s Rural and Remote Strategy agreed by governments.

Deliverable:

Identify particular challenges in terms of mode of service delivery, workforce supply, provider and participant readiness and communication and engagement for people living in regional, rural and remote areas. Develop and implement transition working arrangements to facilitate streamlined transition for people with disability living in regional, rural and remote South Australia.

Outcome:

Access to the NDIS for people in regional, rural and remote locations will enable them to achieve their capacity to participate in the Scheme and realise social and economic benefits.

Agreed Actions:

19.1.1. The South Australian and Commonwealth Governments will support knowledge transfer to the NDIA by identifying existing strategies and information of local issues.
19.1.2. The NDIA will develop and implement ‘Regional, Rural and Remote South Australian working arrangements’ in collaboration with the South Australian and Commonwealth Governments, including seeking feedback from key stakeholders.

19.2. Aboriginal and Torres Strait Islander Transition Working Arrangements

Consistent with the NDIA’s Indigenous Engagement Plan, the delivery of the NDIS in Aboriginal and Torres Strait Islander communities provides opportunities to enhance participant supports. South
Australian working arrangements will be developed to implement the NDIA’s Indigenous Engagement Plan once considered by governments in early 2016.

**Deliverable:**

Identify particular needs in terms of mode of service delivery, workforce supply, provider and participant readiness and communication and engagement for Aboriginal and Torres Strait Islander people. Develop and implement working arrangements to facilitate streamlined transition.

**Outcome:**

The NDIA is sensitive to and supports the needs of Aboriginal and Torres Strait Islander participants, their families, carers and communities in South Australia.

**Agreed Actions:**

19.2.1. The South Australian Government will review existing Aboriginal and Torres Strait Islander strategies and collate understanding of local issues to support knowledge transfer to the NDIA.

19.2.2. The NDIA and South Australian Government will develop and implement South Australian Aboriginal and Torres Strait Islander working arrangements in consultation with the South Australian Aboriginal and Torres Strait Islander people and their communities, other stakeholders and the South Australian Government. Working Arrangements will reflect the Aboriginal and Torres Strait Islander Engagement Plan and include a detailed communications and engagement strategy.

19.3. **Culturally and Linguistically Diverse (CALD) Transition Working Arrangements**

The delivery of the NDIS in CALD communities provides particular challenges in terms of mode of delivery and workforce supply.

**Deliverable:**

Identify particular challenges in terms of mode of service delivery, workforce supply, provider and participant readiness and communication and engagement for people from CALD communities. Develop and implement transition working arrangements to facilitate streamlined transition.

**Outcome:**

The NDIA is sensitive to, and supports the needs of, participants from a CALD background in South Australia.

**Agreed Actions:**

19.3.1. The South Australian and Commonwealth Governments will review their CALD strategies and collate understanding of local issues and experiences to support knowledge transfer to the NDIA.

19.3.2. The NDIA and South Australian Government will develop South Australian CALD transition working arrangements, taking into account the NDIA’s CALD Strategy.
(currently under development). Consolidate findings and seek feedback from key stakeholders. Transition working arrangements will include a detailed communications strategy.

**Timeframe:**

Transition working arrangements will be developed and implemented for Aboriginal and Torres Strait Islander people, the South Australian CALD population and people residing in regional, rural and remote areas in 2016, (cascading from national policy work agreed at COAG) and will inform transition working arrangements in accordance with sequencing and phasing arrangements.

### 20.0 Public Communications and Engagement

The South Australian and Commonwealth Governments and the NDIA will work together to develop tailored communication and engagement plans for a range of stakeholders including the general public, providers, existing State clients / potential participants with an agreed and aligned message structure. These plans will reflect agreed national communications strategies for transition to the NDIS.

**Deliverable:**

A tailored communication and engagement strategy that reflects agreed national communications strategies for transition to full scheme.

**Outcome:**

People are actively engaged with the NDIS through consistent messaging, and the scheme meets public expectations regarding the attainment of the intended outcomes.

**Agreed Actions:**

- **20.1.** The NDIA (working with the South Australian and Commonwealth Governments) will develop a transition to NDIS communications and engagement strategy and will identify opportunities for joint messaging roles and responsibilities by Quarter 3 2015/16.
- **20.2.** The NDIA and the South Australian and Commonwealth Governments will develop and implement a media management protocol, including crisis communications, risks, key messages and mitigation strategies.
- **20.3.** The NDIA and the South Australian and Commonwealth Governments’ communication and engagement plans will be aligned to provide consistent messages to potential participants and the public. The execution of agreed actions in communication and media plans will occur from January 2016 throughout transition. The Parties agree that the NDIS content on external sites will not replicate NDIS website content and will provide an appropriate web-link.

**Timeframe:**

The NDIS communications and engagement strategy for transition will be developed and commence by Quarter 3 2015/16. The NDIS Communications and engagement strategy for the age cohorts transitioning from January 2017 will be completed by Quarter 2 2016/17. The NDIS communications
and engagement strategy for the regions transitioning from July 2017 will be completed by Quarter 4 2016/17. Messaging will change according to the stages of transition.