



# Portability of Funding between States and Territories for People with Disability Policy

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Confidentiality:	Public
DCSI strategic objectives:	Support independence and participation Make our communities stronger Provide the best services
SA Strategic Plan:	Safe communities, healthy neighbourhoods

## 1 Intent

The intent of this policy is to articulate the South Australian Government’s commitment under the National Interstate Portability Protocol (the Protocol). The Protocol aims to facilitate access to disability services if and when people move from South Australia to another state or territory, or to South Australia from another state or territory.

## 2 Context

The Protocol was developed jointly by the Commonwealth and state and territory governments. It was endorsed by Disability Ministers in 2000, and revised in 2006.

Under the Protocol, the South Australian Government agrees to manage the demand for services and supports for people with disability transferring from another state or territory. The South Australian Government also agrees to register individuals’ demand for disability services prior to any planned transfer so that people with disability can choose the disability supports and services they require to live independently and participate in community life on an equal basis with others.

Articles 9 and 19 of the [United Nations Convention on the Rights of Persons with Disabilities](#) require Parties to undertake appropriate measures to ensure people with disability are able to live independently. This includes supporting people with disability to make important decisions such as the choice of a preferred place of residence and the services they need to support their active involvement in the community.

The [National Disability Strategy 2010-2020](#) (NDS) recognises the need for government, industry and communities to address challenges faced by people with disability. The NDS highlights six key outcomes. In particular, Outcome 4 – personal and community support, is focused on person-centred approaches to supporting people with disability achieve independence, participate in community life and choose services that best suit their individual needs.

The [National Disability Agreement](#) (NDA) affirms the commitment of Australian governments to improve outcomes for people with disability. The NDA has a focus on enabling people with disability to enjoy choice and wellbeing, to live independently and access services that provide desired supports. The NDA aims for continuous improvement in continuity of support across disability service systems to ensure smooth transitions and maximum choice for people with disability.

The principles of the [Disability Services Act 1993](#) (SA) recognise that people with disability are entitled to the same human rights and responsibilities as others including the right to choose and control their own lifestyle and the right to assistance and support to achieve a reasonable quality of life. People with disability have the right to choose services and supports to suit their needs and personal circumstances, including the choice to move interstate.

The Australian disability service system is undergoing significant reform. The [National Disability Insurance Scheme](#) (NDIS) was launched in July 2013 in four locations, with further launch sites coming on line in the following year. Portability arrangements related to people with disability who are NDIS participants and being supported by the National Disability Insurance Agency in launch sites are set out in the [Intergovernmental Agreement for the National Disability Insurance Scheme Launch](#) (IGA) and in particular in Annex C: Portability Arrangements of the IGA<sup>1</sup>. These provide for portability for people moving in and out of launch sites and interact with the provisions of the Protocol.

### **3 Risk**

Without clarifying the opportunities for people with disability to access disability funding and services when relocating interstate, there is a potential risk that individuals may not receive the ongoing support they require. Having an established protocol will ensure appropriate administration tasks have been undertaken and allow for an uninterrupted transition for people with disability.

### **4 Reference Documents**

#### **4.1 Directive Documents**

- Disability Services Act 1986 (Cth)
- Disability Services Act 1993 (SA)
- National Interstate Portability Protocol
- Equal Opportunity Act 1984 (SA)
- Intergovernmental Agreement for the National Disability Insurance Scheme Launch (Annex C: Portability Arrangements)

#### **4.2 Supporting Documents**

- United Nations Convention on the Rights of Persons with Disabilities
- United Nations Universal Declaration of Human Rights
- National Disability Strategy 2010-2020
- National Disability Agreement July 2012
- National Standards for Disability Services
- Eligibility for Disability Services and Programs: Sector-wide Policy

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<sup>1</sup> Annex C: Portability arrangements are subject to all jurisdictional agreements

#### 4.3 Related Documents and Resources

- Disability SA Interstate Registration Form

### 5 Scope

This policy provides direction to Disability SA and Disability Services on the Protocol. Services and supports available to people with disability under the Protocol include all disability services provided or funded by the Department for Communities and Social Inclusion.

This policy includes people moving from South Australia to another state or territory, or to South Australia from another state or territory.

### 6 Definitions

- **Portability** is the transfer of funds for disability services between states and territories and allows individuals to register their demand for service prior to any planned transfer. This approach gives people with disabilities the security of staying in their state of origin until services become available to them in the new location.
- **Person-centred approaches** refer to the process of working with a person with disability to identify and achieve things that they want, drawing on the supports and resources that are available around each person. The person is at the centre of all decisions regarding their need for, and access to, services and supports.

### 7 Policy Detail

People with disability have the right to achieve a comparable level of support if and when they move between Australian states and territories. This will assist people with disability to live independently and to choose the services and supports they require and participate in community life on an equal basis with others.

#### 7.1 General Principles

- People with disability have the right to participate in and contribute to the social, cultural, political and economic life of the community on an equal basis with others.
- People with disability have the right to have access to appropriate assistance and support that will enable them to maximise their capacity to exercise choice and control, and realise their potential.
- People with disability are empowered to determine their own best interests, including the right to exercise informed choice and take calculated risks.
- Intervention in the lives of people with disability occurs in the least intrusive way, with the smallest infringements on the fewest rights.
- Services and supports are based on contemporary evidence-based best practice with a strong focus on person-centred approaches.

## 7.2 Agreed Responsibilities under the National Interstate Portability Protocol

Under the Protocol, the South Australian Government has committed to:

- Assessing the needs of people with disability in a clear and transparent manner and facilitating access to and from the disability service system for people with disability that choose to enter or exit South Australia.
- Allowing people with disability to register their service requirements prior to any planned interstate transfer, thus giving the individual the security of staying in their state of origin until services become available to them in their new location.
- Administering a process by which South Australians with disability who wish to leave the state can apply to have their funds transferred without establishing urgency of need. If the application is approved, South Australia will quarantine these funds for 12 months from the time of transfer. The quarantine period gives the person the option of returning to South Australia within 12 months, without loss of funding.
- Ensuring South Australians with disability are adequately informed about their options and ensuring people with disability from other states or territories are informed about their options and the types of services they could expect to receive in South Australia.
- Liaising with disability service providers and other jurisdictions to coordinate settlement of arrangements regarding funding, equipment and access to services.
- Identifying a central coordination point to:
  - Provide a clear point of contact for people with disability, service providers and other states and territories
  - Provide relevant information for people considering moving to South Australia
  - Coordinate arrangements including the settlement of any funding arrangements, transfer of equipment and ensuring access to services based on need
  - Maintain of a database on transfers into and out of South Australia
  - Make available the agreed [Moving Interstate Registration](#) form.

## 7.3 Interaction with the National Disability Insurance Scheme (NDIS) Portability Arrangements<sup>2</sup>

For the three years of launch (2013-14 to 2015-16):

- Children moving into South Australia:
  - Children<sup>3</sup> who are existing NDIS participants who move into South Australia from another launch site will continue to receive NDIS supports from the National Disability Insurance Agency.

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<sup>2</sup> Annex C: Portability Arrangements are subject to all jurisdictional agreement

<sup>3</sup> For the purpose of the interaction with NDIS portability arrangements – children are aged birth to 14 years of age.

- Children that move into South Australia and who have been receiving support from their departing state and who do not meet the NDIS access requirements, will be responded to according to the National Interstate Portability Protocol (as set out in 7.2).
- Children who move into South Australia and who have not been receiving support from their departing state and who were not a NDIS participant may make an access request to the National Disability Insurance Scheme under the exceptional circumstances criteria to see if they are eligible for supports.
- Other persons moving into South Australia:
  - Other NDIS participants that move into South Australia from a launch site will continue to receive support from the National Disability Insurance Agency.
- Children moving out of South Australia:
  - Children who are NDIS participants who move out of South Australia to another launch site will continue to receive support from the National Disability Insurance Agency.
  - Children who are NDIS participants who move out of South Australia to a non-launch site will continue to receive support from the National Disability Insurance Agency for a 12 month period, after which the destination state will agree access to services according to the destinations state’s eligibility and access guidelines.

#### 7.4 Contact Details

The South Australian contact person is the Program Manager Community Services. The Program Manager can be contacted by telephoning 08 8372 1486 or emailing [disabilityinfo@dcsi.sa.gov.au](mailto:disabilityinfo@dcsi.sa.gov.au).

## 8 Approval

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