

# BILATERAL AGREEMENT

**A BILATERAL COMMONWEALTH/TERRITORY DISABILITY AGREEMENT** (“this Bilateral Agreement”) is made the 21<sup>st</sup> day of August 2003

- (1) **COMMONWEALTH OF AUSTRALIA** (“the Commonwealth”) of the one part
- (2) **THE AUSTRALIAN CAPITAL TERRITORY** (“ the Territory ”) of the other part

## RECITALS

A. The Commonwealth and the Territory are parties to an Agreement made between the Commonwealth and the Territory dated the 21st day of August 2003 (“the CSTDA”) the purposes of which Agreement are set out in paragraphs (a) to (i) inclusive of Recital A to the CSTDA including:

“(a) provide for a national framework outlining the objective and policy priorities for services for people with disabilities across Australia to be progressed over the life of the Agreement, and outline a means for measuring and publicising the progress of Governments towards achieving this national framework (clauses 4 and 7)”.

B. Recital B of the CSTDA provides that the Commonwealth and individual States/Territories may make Bilateral Agreements, the purposes of the Bilateral Agreements being set out in Recital B of the CSTDA, including to:

“(a) provide for action between the Commonwealth and individual States/Territories on strategic disability issues within the broad national framework”.

C. Clause 2 of Part II of the CSTDA provides that:

“2(1) A Bilateral Agreement made between the Commonwealth and a State/Territory shall come into effect in respect of those parties on a date to be specified in the Bilateral Agreement and shall continue for the term to be specified in the Bilateral Agreement.

2(2) A Bilateral Agreement shall (unless otherwise agreed between the parties to the Bilateral Agreement) contain the same terms and conditions as those which are contained in this Agreement.

2(3) The Commonwealth agrees that within one month of entering into a Bilateral Agreement with a State/Territory, or varying or extending a Bilateral Agreement with a State/Territory, it will supply a copy of that Bilateral Agreement to all other States/Territories that are parties to this Agreement.”

D. The Commonwealth and the Territory wish to make this Bilateral Agreement under which both parties will examine areas of mutual interest and develop processes to address issues of joint concern.

NOW IT IS AGREED AS FOLLOWS:

### **PART 1 - TERM AND DURATION**

- 1(1) This Bilateral Agreement shall come into force and effect on a nominated date agreed by both parties, which date is described as “the commencement date” in this Bilateral Agreement.
- 1(2) This Bilateral Agreement shall continue in force and effect until the earlier of the following dates or events:
  - (i) 30 June 2007;
  - (ii) earlier termination of the CSTDA.
- 1(3) The Bilateral Agreement may be varied at any time by agreement of both parties which agreement can be signified by exchange of correspondence.

### **PART 2 – CONDITIONS AND INTERPRETATION OF BILATERAL AGREEMENT**

- 2(1) Except where they are excluded by, or are inconsistent with, the conditions of the Bilateral Agreement, the conditions contained in the CSTDA are conditions of this Bilateral and the words and phrases used in the CSTDA have the same meaning when used in this Bilateral Agreement.
- 2(2) Although the parties are bound by the terms and conditions of both this Bilateral Agreement and the CSTDA, in the event of any inconsistency between the terms and conditions of each of the Bilateral Agreement or the CSTDA, the terms and conditions of the Bilateral Agreement will prevail.
- 2(3) The parties acknowledge the joint nature of the Bilateral Agreement and will use their best efforts to work co-operatively to achieve the intended purpose.

### **PART 3 – TERMS OF REFERENCE**

The Australian Capital Territory Disability Services are undergoing major reform in response to two recent reviews, the ACT Health Review and the Gallop Inquiry into Disability Services. Both reviews included extensive public consultation. The ACT government has accepted 30 of the 36 recommendations made by The ACT Health Review. The remaining 6 recommendations are under consideration. The Gallop Report made 93 findings and 50 recommendations that have been considered in future funding for ACT Disability Services.

The ACT government is currently undertaking broad public consultations in line with the CSTDA strategic policy priority 3 to plan for improved services, participation and support for people with disabilities and their families.

Within this environment of reform, the Australian Capital Territory and the Commonwealth will work collaboratively on jurisdiction-specific areas of mutual concern throughout the life of the third Commonwealth State/Territory Disability Agreement. As a first step, a workshop will be held with relevant parties within 12 months of signing this Agreement. An agreed work plan to implement areas of common interest will be developed within 15 months of signing this Agreement.

## **Consultative Arrangements**

3.1 Parties to this Agreement will meet at least quarterly to exchange information and review progress on joint issues of interest. These meetings will also identify opportunities arising from the current reform consultations process where the parties can collaborate on issues such as improving advocacy, stronger complaints processes and quality assurance for people with disabilities and their families. The Bilateral will be reviewed annually by senior officials from both Parties.

Outcome: Increased opportunities for collaboration and improved understanding of issues and outcomes for each Party's areas of responsibility.

Performance indicators:

- ❑ Quarterly meetings have taken place
- ❑ Information shared on areas of joint interest and the ACT reforms process
- ❑ Areas of joint interest arising from the reform process identified and agreed within 12 months of signing this Agreement.

## **Strategies to strengthen and increase opportunities for, individuals, families and carers to participate and influence the development and implementation of supports and service at all levels.**

3.2 Parties to this Agreement will encourage a more coordinated framework for community consultation and advice on national and local disability issues. The Commonwealth will continue to contribute to ACT disability advisory bodies as per the CSTDA. A Commonwealth officer will be invited to attend meetings of the ACT disability advisory body as an ex-officio observer. Membership, appointment and administrative procedures for the Territory disability advisory body rest solely with the Territory.

Outcome: Maximise collaboration and opportunities to building stronger effective partnerships across governments and the disability community.

Performance indicators:

- ❑ Feedback from meetings is communicated to the relevant authorities by attending Territory/Commonwealth officers and incorporated in policy development and decision-making.

## **Strategies to improve transition of young people from school to alternative options**

3.3 Parties to this Agreement will examine options to improve the coordination between Commonwealth and Territory services to assist school leavers to access services, by:

- building capacity to improve data modeling, planning and service mapping using shared data (especially predictive planning),
- exploring feasibility of reducing duplication of assessment processes.

Outcome: Better co-ordination at gateway and a streamlining of assessment processes.

Performance indicators:

- System developed to share data on the number of school students with disabilities within the ACT education system, number of recipients of DSP who are of school age, number of school age children registered with Disability ACT
- FaCS, Centrelink and Disability ACT examine and report on how existing assessment information and processes can be better applied
- Funding rounds tailored so that growth funds (when available) are released in parallel and / or when most appropriate for young people exiting the secondary education system
- Systems in place for ongoing dialogue with Territory and Commonwealth education authorities on the interface between the education system and preparedness of school leavers to meet post secondary goals

## **Strategies to improve Aged care/disability services interface**

3.4 Both governments acknowledge the inappropriate placement of some young people with disabilities in aged care homes and that some older people with disabilities require additional and more appropriate aged care services if they are to age in place or may need to access aged care services. This has resource implications for both jurisdictions, and will require the involvement of the Commonwealth Department of Health and Ageing.

Jurisdictions will work together to develop

- improved assessment processes informed by an understanding of the needs of people with disabilities as they age;
- more flexible funding approaches, including shared funding where appropriate and possible involvement in Commonwealth Innovative Pool Project;
- models of support which promote 'ageing in place' for people with disabilities; and
- appropriate training and skills development for disability and aged care support staff to ensure that both sectors have an improved understanding of the support needs of people with disabilities as they age.

Further, jurisdictions will explore together

- alternative support models for young people in aged care homes; and
- capacity to transfer younger people who have been inappropriately placed in aged care homes to more appropriate accommodation.

Outcome: To ensure young people with disabilities are supported in appropriate accommodation or appropriately supported in the aged care home; and for people with disabilities to have the support required to age in place.

#### Performance Indicators

- ❑ joint work undertaken with aged care assessment teams to increase their understanding of the needs of ageing people with disabilities;
- ❑ flexible funding and/or Innovative Pool Project approaches are trialed;
- ❑ models of support which promote 'ageing in place' for people with disabilities are developed;
- ❑ number of people with disabilities aged over 60 years in receipt of aged care funding to 'age in place';
- ❑ joint training and skills development undertaken with disability and aged care support staff;
- ❑ support models for young people in aged care homes are identified;
- ❑ number of people with disabilities aged under 50 in aged care homes.

### **Strategies to reduce duplication in assessment and improve coordination, flexibility and pathways between employment services and territory disability services.**

3.5 Parties to this Agreement will share client and service information and develop strategies for strengthening government linkages between disability employment services and Territory disability services. The aim is to provide a flexible, supportive disability system that caters to individual need and which takes into account a person's changing needs during the normal course of their life cycle. Individuals should be able to easily move between State and Commonwealth disability systems and/or be able to access a combination of State and Commonwealth-funded disability services.

Outcomes: A more flexible system that provides improved transfer arrangements between and for entering and leaving Territory and Commonwealth disability services.

#### Performance indicators:

- ❑ An agreed process that allows for the appropriate transfer of clients between Territory and Commonwealth services
- ❑ Number of Commonwealth clients accessing Territory services
- ❑ Number of Territory clients accessing Commonwealth services
- ❑ Availability and take up of mixed packages

### **Strategy to improve long-term strategies to respond to, and manage, demand for specialist disability services**

3.6 The need to establish and reform systems to improve demand management over time is recognised. The Australian Capital Territory will provide information to the Commonwealth on improvements made in any or all of the following areas:

- Improved systems for data collection and long term planning capacity;

- Systems to predict, monitor and manage inflows;
- Methods for assessment and prioritisation of applicants;
- Strategies for early intervention and prevention;
- Systems for balancing long term accommodation demand with other early intervention; and
- Improved efficiency, accountability and achievement of outcomes by service providers.

The Commonwealth will provide a report annually on progress in systemic reform of employment services' including any improvements made in any or all of the following arrears:

- Improved systems for data collection and long term planning capacity;
- Systems to predict, monitor and manage inflows;
- Methods for assessment and prioritisation of applicants;
- Strategies for early intervention and prevention;
- Improved efficiency, accountability and achievement of outcomes by service providers.

Outcome: Regular progress on building robust demand management capacity for disability services.

Performance Indicator:

- Annual report provided to the Commonwealth for exchange amongst National Disability administrators by 31 December each year in respect of the previous financial year addressing the areas listed above.
- Annual national employment progress report provided to the Australian Capital Territory by 31 December each year in respect of the previous financial year.

## **PART 4 - General**

### 4(1) Giving effect to this Agreement

Each party must do anything (including execute any document), and must ensure that its employees and agents do anything (including execute any document), that the other party may reasonably require to give full effect to this Agreement.

### 4 (2) Entire Agreement

This Agreement and the CSTDA represent the parties' entire agreement on the subject matter. All representations, communications, statements, understandings and prior agreements in relation to this subject matter are merged in and are superseded by this Agreement and the CSTDA.

**EXECUTED** as an agreement.

<< signed >>

**SIGNED** by **THE HONOURABLE A VANSTONE,**  
**MINISTER OF STATE FOR FAMILY AND**  
**COMMUNITY SERVICES** for and on behalf  
of the **Commonwealth of Australia** in the presence of:

<< signed >>

**SIGNED** by **THE HONOURABLE Bill Wood,**  
**Minister for Disability, Housing and Community Services,**  
for and on behalf of the **Australian Capital Territory**  
in the presence of: