

BILATERAL AGREEMENT

A BILATERAL COMMONWEALTH/STATE DISABILITY AGREEMENT (“this Bilateral Agreement”) is made the seventeenth day of February 2004

- (1) **COMMONWEALTH OF AUSTRALIA** (“the Commonwealth”) of the one part
- (2) **THE STATE OF NEW SOUTH WALES** (“the State”) of the other party

RECITALS

A. The Commonwealth and the State are parties to an Agreement made between the Commonwealth and the State dated the 17th day of February 2004 (“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 to guide the provision of specialist disability services across Australia, and 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 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 State 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

- 3(1) Both the Commonwealth and NSW agree that they will work together with other relevant Commonwealth and State government agencies to achieve the purposes and actions prescribed in Part 3.

NSW, through its Department of Ageing, Disability and Home Care has the aim that older people, people with a disability and their carers have equitable opportunity to participate in community life. This requires:

- The development of sustainable services;
- The development of policy frameworks, relationships and communities; and
- The development of organisational capacity.

In this context the Parties have agreed on two priority areas for action over the life of this agreement:

- Intersections between the ageing and disability support systems, particularly people with a disability who have age care related needs and younger people with a disability living in, or at risk of living in, residential aged care; and
- Employment, transitions and alternatives to work for people with a disability.

In execution of this agreement the Parties will pay particular attention to the needs of and impact on rural/remote, Indigenous, and culturally and linguistically diverse populations.

3(2) Intersections between the disability support and aged care systems

a) The Parties aim:

- i. to develop effective models of care to support people with a disability who have age-related care needs and require services from both the aged care and disability service systems (government and non-government);
- ii. to improve the access of younger people with a disability in residential aged care to appropriate disability services and supports, to avoid the admission of younger people with disabilities to residential aged care and, to explore alternative support models for young people in nursing homes including the capacity to transfer younger people who have been inappropriately placed in aged care nursing homes to more appropriate accommodation.; and
- iii. To assist people with disabilities and age-related care needs to access residential aged care in the same way as any other frail, older person.

b) Steps that will be taken to progress these objectives include:

1. Development of mixed program models for people with a disability who have age-related care needs:

- Mapping of policies and practices affecting the provision of services to meet the changing needs of people with a disability who have age-related care needs;
- Identification of barriers to residential aged care and to disability services for people with a disability who have age-related care needs;
- Development and implementation of strategies and models to address identified barriers in policies and practices;
- Development of a cross-jurisdictional workforce strategy that addresses training, and transferability of skills across the aged care and disability sectors.

Outcome(s): Development of mixed program models for people with a disability who have age-related care needs, with at least one of these models to be based in a rural area.

Performance Indicator(s):

- Policies, practices and barriers mapped.
- Cross agency and cross-jurisdictional contribution identified.
- Mixed program models developed.
- Workforce strategy developed.

2. Younger people with a disability living in, or at risk of living in, residential aged care:

- Mapping of the number and current characteristics (including age, disability types, assessed care, support and nursing needs, geographical location) of younger people (aged under 50) with a disability living in residential aged care in public hospital beds or multi-purpose services in NSW;
- Development and costing of strategies and models to provide disability services for younger people with a disability currently residing in residential aged care;
- Development of an assessment model to assist in the identification and planning of services.

Outcome(s): Improvements in the delivery of disability services to younger people with a disability at risk of living in residential aged care. Alternative sustainable accommodation and funding models for younger people inappropriately placed in residential aged care.

Performance Indicator(s):

- Demographics and need mapped.
- Support models and strategies for young people in residential aged care are developed and costed.
- Assessment model developed.
- Number of people with disabilities aged over 60 years in receipt of aged care funding to 'age in place';
- Number of people with disabilities aged under 50 in aged care homes.

3(3) Employment, Transitions and Alternatives to Work Programs

a) The Parties aim:

to develop a supportive disability system that provides flexible arrangements and improved outcomes for those moving between State programs and Commonwealth disability services, and for those retiring from Commonwealth disability employment services.

b) Steps that will be taken to progress these objectives include:

1. Pathways:

- Map policies and practices affecting movement between, and within State and Commonwealth disability services;
- Identify and share the lessons from Australians Working Together and the Adult Training, Learning and Support (ATLAS) Review & Reform Project to reduce barriers and to improve pathways;

- Develop strategies to improve pathways (this may include mixed programs and streamlined assessments);
- Develop an improved process for the referral to Centrelink of school leavers seeking disability employment assistance.
- The Commonwealth will work with NSW to continually review the allocation of disability employment places with a view to achieving the best possible outcomes for school leavers.
- Identify and address barriers for school leavers to employment (including attitudes and skill gaps);
- Map the number and characteristics of the affected population.
- The Commonwealth will make available disability employment places proportional to the NSW working age disability population.
- The Commonwealth and NSW will work jointly to encourage service providers to increase take-up of employment places;
- The Commonwealth and State will jointly identify, plan and implement any additional actions and strategies to effect an uptake of disability employment places to achieve a full population share for NSW. The Commonwealth will retain the right to reallocate employment places to other jurisdictions if they are not taken up in NSW.

Outcome(s): A more flexible system that provides improved transfer arrangements between and for entering and leaving State and Commonwealth-funded disability services.
Improved referral and coordination of disability employment place allocation with the school leavers.
NSW achieves its full population share of disability employment places.

Performance Indicator(s):

- Policies, practices and barriers mapped.
- Pathway strategies developed.
- Employment places made available to reflect NSW's full population share.
- Annual national employment progress report provided to New South Wales by 31 December each year in respect of the previous financial year.
- A strategy to increase the take-up of employment places in NSW is developed, agreed to, and implemented by both parties.
- The number of employment places taken up in NSW annually.
- The number of mixed program packages taken up in NSW annually.
- The number of people transferring between Commonwealth and State programs.
- Improved referral process to Centrelink for school leavers developed.
- Strategies and policies developed to provide effective transition across services.

2. Training:

- Encourage recognition of training received and skills developed by people with a disability through appropriate accreditation of training and recognition of competencies;
- Develop joint objectives for vocational education and training for the disability sector in partnership with Australian National Training Authority (ANTA).

Outcome(s): Vocational education and training system developed to accommodate the disability sector.

Performance Indicator(s):

- Both parties develop and agree on objectives for vocational education and training in the disability sector.
- Other jurisdictions are approached to jointly present objectives to ANTA.

3. Retirement transition options for people with a disability who have age-related care needs:

- Develop an understanding of the characteristics and needs of this population;
- Map the services that the affected population may require;
- Identify constraints to access of those services;
- Identify the circumstances of those individuals who have retired;
- Identify any costs and funding sources associated with retirement.

Outcome(s): People with a disability who have age-related care needs have access to retirement options consistent with those available to the general population.

Performance Indicator(s):

- Policies, practices and constraints mapped.
- Retirement supports used by the general population identified and mapped.
- Costs and funding sources identified.
- Strategy developed to assist business service providers to introduce retirement planning options for their clients who wish to retire.
- Strategy developed to ensure appropriate alternative opportunities for individuals wishing to retire.

3(4) Long-term strategies to respond to, and manage, demand and supply for specialist disability services

The need to establish and reform systems to improve demand management over time is recognized. NSW 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 to NSW on progress in systemic reform of employment services including any improvements made in any or all of the following areas:

- Funding;
- Assessment;
- Quality;
- Efficiency; and
- Achievement of consumer outcomes.

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

Performance Indicator(s):

- 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 New South Wales by 31 December each year in respect of the previous financial year.

3(5) 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.

- a) 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 NSW disability advisory body as per the CSTDA. It is acknowledged that issues identified by the Disability Council of NSW will be communicated to the appropriate parties to achieve effective responses. Membership, appointment and administrative procedures for the NSW disability advisory body rest solely with NSW.

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

Performance Indicator(s):

- Feedback from disability advisory body meetings is communicated effectively to relevant authorities and incorporated into policy development and decision-making as appropriate.
- Meetings to occur regularly to enable feedback from the Chair, Disability Advisory Bodies to FaCS and DADHC representatives.

PART 4 - REPORTING TIME-FRAMES

4(1) It is agreed that a joint NSW and Commonwealth Senior Officers Group be convened and will meet six-monthly to discuss progress on the actions prescribed in Part 3. This will include the development of a detailed work plan as soon as possible following the execution of this Agreement. The Bilateral will be reviewed annually by this Group to measure progress and determine if any amendments to the Agreement are required.

PART 5 - General

5(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.

5(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 by **THE HONOURABLE K PATTERSON,**
MINISTER OF STATE FOR FAMILY AND
COMMUNITY SERVICES for and on behalf
of the **Commonwealth of Australia** in the presence of:

SIGNED by **THE HONOURABLE CARMEL TEBBUTT MLC**

MINISTER FOR COMMUNITY SERVICES
MINISTER FOR AGEING
MINISTER FOR DISABILITY SERVICES
MINISTER FOR YOUTH
for and on behalf of the **State of New South Wales**
in the presence of: