

QUEENSLAND BILATERAL AGREEMENT

A BILATERAL COMMONWEALTH STATE TERRITORY DISABILITY AGREEMENT (“this Bilateral Agreement”) is made the 30th day of June 2003 between

- (1) THE COMMONWEALTH OF AUSTRALIA (“the Commonwealth”)** of the one part and
- (2) QUEENSLAND (“the State”)** of the other part

RECITALS

A. The Commonwealth and the State are parties to an Agreement made between the Commonwealth and the States/Territories dated the 30th day of June 2003 (“the CSTDA”) the purposes of which Agreement are set out in paragraphs (a) to (g) 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.

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 within available resources 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 purpose of the Bilateral Agreement is to provide a framework for the parties to work collaboratively to develop and implement strategies to improve the social and economic participation by people with disabilities in the community and to provide access to appropriate support which best meets their needs and abilities.

Areas of mutual concern that will be progressed through this bilateral agreement are derived from the policy priorities of the multilateral agreement. Particular areas to be addressed are:

1. Strengthening cross government linkages, particularly at critical life stages and transition points:
 - a). Aged care/disability services interface
 - b). Movement of people with disabilities from school to appropriate employment, day options and training services
 - c). Service infrastructure and establishment development.

2. Strengthening supports and services based on individual needs to enhance the well-being, contribution and capacity of individuals, families and carers:
 - a). A more coordinated and effective approach to advocacy for people with disabilities.
 - b). Disability Advisory Bodies (DABs).
 - c). Acquired Brain Injury (ABI).

3. Improving long term strategies to respond to, and manage, demand for specialist disability support:
 - a). Exchange of information on service strategies and demand trends.

Implementation and Management

The implementation of this Bilateral Agreement will be outlined in an overall work plan covering the life of the Agreement. The specific details in this Bilateral Agreement will be set out in annual work plans, commencing in 2003/2004.

Progress on the implementation of this Agreement will be monitored through quarterly meetings as well as an annual meeting of senior officers from both jurisdictions.

3(1) Strengthening cross government linkages, particularly at critical life stages and transition points

Activities

a). Aged care/disability and services interface

The following issues are identified as areas of significant importance:

- Younger people (under 50 yrs) inappropriately placed in aged care facilities (including nursing homes);
- Older people (over 50 yrs) in State disability services; and
- Ageing carers of people with disabilities

Both governments acknowledge the inappropriate placement of some younger people with disabilities (under 50 years) in nursing homes. Some older people with disabilities (over 50 years) require additional and more suitable aged care in appropriate placements. Work on these issues needs to be undertaken in the context of a National Policy Framework and agenda. This has resource implications for both jurisdictions, and will require the involvement of both the Commonwealth Department of Health and Ageing and Queensland Health.

Commonwealth and State Outcomes

Jurisdictions will work together to develop:

- A common understanding, defined terminology and scope of the issues in Queensland;
- Improved assessment processes informed by an understanding of the needs of people with disabilities as they age;
- More flexible funding approaches; and
- Models of support which provide access to the same range of services for people with disabilities who are ageing, as other members of the community.

Further, jurisdictions will explore together:

- Alternative support models for younger people inappropriately placed in aged care facilities (including nursing homes) and other health care institutions (including psychiatric wards); and
- Capacity to transfer younger people who have been inappropriately placed in nursing homes to more appropriate accommodation.

Commonwealth and State Performance Indicators

- Agreed understanding on key terminology.
- Joint work undertaken with aged care and other assessment teams to increase their understanding of the needs of ageing people with disabilities.
- Flexible funding approaches are piloted.
- Models of support developed which provide access to the same range of services for people with disabilities who are ageing, as other members of the community.
- Monitor and report on the utilisation of people with a disability of an agreed range of aged care services.
- Proportion of people with disabilities aged under 50 years of age inappropriately in aged care homes.
- Develop service and support options for people with a disability under 50 years of age who require nursing care.

b). Movement of people with disabilities from school to appropriate employment, day options and training services.

Parties to this Agreement are committed to undertaking joint analysis of policies and practices that impact upon the movement of people with disabilities between and within employment, day options and training programs.

Commonwealth and State Outcomes

- Consumers can access employment and/or day options which are appropriate to their needs and stage of life and recognise their aspirations and abilities within available resources.
- Pathways and transition between State and Commonwealth administered services are clear and responsive to individual needs.
- Individuals can move seamlessly between State and Commonwealth disability systems where appropriate and/or access a combination of State and Commonwealth-funded disability services on the basis of assessed need considering the limited resources available and the equity and needs in allocating resources.

Commonwealth and State Performance Indicators

- The barriers for people with disabilities that inhibit their transition and pathways between appropriate services are identified.
- Communication channels are established to enable information dissemination and sharing between relevant stakeholders.
- Opportunities for more coordinated and streamlined assessments are explored.
- People with disabilities for whom the current service mix is inappropriate are identified and strategies to address general issues developed.
- Options are developed to increase the range and level of support for future Government investment and pilots within available resources.

c). Service infrastructure and establishment development

Both parties to this agreement recognise the value in identifying and evaluating the opportunities to undertake joint service delivery, in particular, to cover gaps in service provision in rural and remote areas. Both jurisdictions will work collaboratively to:

- jointly analyse policies and practices that impact upon the movement between and within employment and day options programs;
- jointly map Commonwealth and State disability services by region;
- identify gaps and barriers to service provision in rural and remote communities; and
- assess feasibility of co-joint approaches where appropriate to meet the identified needs.

Commonwealth and State Outcome

Create efficiencies between DSQ and FaCS service delivery structures while still maximising services for people with disabilities, including shared arrangements to increase the range and level of supports available in rural and remote communities, particularly for Indigenous people with disabilities.

Commonwealth and State Performance Indicators

- Map of Commonwealth and State disability services completed by 2004.
- Gaps in service provision identified.
- Feasibility of joint responses is assessed and reported on.
- Gaps and barriers to service provision in rural and remote communities are identified.
- Options are developed to increase the range and level of support in rural and remote communities.

3(2) Strengthening supports and services based on individual needs to enhance the well-being, contribution and capacity of individuals, families and carers

Activities

a). Provide a more coordinated and effective approach to advocacy for people with disabilities

Both parties to the Agreement acknowledge the value in planning advocacy services based on an understanding of current service coverage, gaps and effectiveness. They are committed to the examination of the coverage and effectiveness of advocacy services (service mapping).

Commonwealth and State Outcome

Existence of an effective system of support and representation for people with disabilities, their families and carers.

Commonwealth and State Performance Indicators

- Service mapping completed.
- A common framework for reporting advocacy outcomes developed.
- DSQ and FaCS exchange information on advocacy demand and program development.

b). Disability Advisory Bodies (DAB)

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 Queensland disability advisory body as per the CSTDA. It is acknowledged that issues identified by the Disability Council Queensland will be communicated to the appropriate parties to achieve a more effective response.

Commonwealth and State Outcome

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

Commonwealth and State Performance Indicators

- Feedback from disability advisory body meetings is communicated effectively to Commonwealth and State Governments and incorporated into policy development where relevant.
- Meetings to occur regularly to enable feedback from the Chair, Disability Advisory Bodies to FaCS and DSQ Government representatives.

c). Acquired Brain Injury (ABI)

Both Parties to this Agreement recognise the need to have a shared understanding of the issues of common concern prior to developing a response for people with ABI. Both parties also recognise the importance of drawing on the substantial work already undertaken in relation to acquired brain injury rather than undertaking new work. They will undertake to jointly review existing ABI information undertaken with the relevant stakeholders.

Commonwealth and State Outcome

A shared understanding of the issues for people with acquired brain injuries.

Commonwealth and State Performance Indicators

- A review of ABI information with relevant stakeholders completed.

3(3) Improve long term strategies to respond to, and manage, demand for specialist disability services

Both jurisdictions recognise the need to develop long-term strategies to better respond to and manage demand.

Commonwealth and State Outcomes

Better planning to underpin the allocation of equitable funding to respond to demand; and the development of approaches that enhance prevention and early intervention outcomes, and improve coordination across service systems in an accountable and transparent manner.

Activities

a). Exchange of information on service strategies and demand trends

Queensland 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 prioritization 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 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;
- Improved efficiency, accountability and achievement of outcomes by service providers.

Both jurisdictions will also share outcomes from research and evaluations of the effectiveness of support strategies and demand for services.

Commonwealth and State Performance Indicators

- 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 Queensland 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 J SPENCE**
MINISTER FOR DISABILITY SERVICES,
for and on behalf of the **State of Queensland**
in the presence of: