

VARIATION AGREEMENT

VARIATION TO THE COMMONWEALTH STATE/TERRITORY DISABILITY
AGREEMENT (CSTDA)

Date

This Variation Agreement is dated 2008.

Parties

This Variation Agreement is made between the following parties:

1. The Commonwealth of Australia as represented by the Minister for Families, Housing, Community Services and Indigenous Affairs (the Commonwealth)
 2. The State of New South Wales as represented by the Minister for Disability Services (New South Wales)
 3. The State of Victoria as represented by the Minister for Community Services (Victoria)
 4. The State of Queensland as represented by the Minister for Disability Services (Queensland)
 5. The State of Western Australia as represented by the Minister for Disability Services (Western Australia)
 6. The State of South Australia as represented by the Minister for Disability (South Australia)
 7. The State of Tasmania as represented by the Minister for Health and Human Services (Tasmania)
 8. The Australian Capital Territory as represented by the Minister for Disability and Community Services (Australian Capital Territory)
 9. The Northern Territory as represented by the Minister for Family and Community Services (Northern Territory)
- (together, 'the Parties')

Context

- A. This Variation Agreement varies the Commonwealth State/Territory Disability Agreement (CSTDA) commencing 1 July 2002 and all bilateral agreements entered into under the CSTDA between the Commonwealth and each State or Territory (Bilateral Agreements).
 - B. The current CSTDA, known as CSTDA 3, is the third of the CSTDA agreements. CSTDA 3 builds on the earlier CSTDA 2 and sets five key policy priorities. These policy priorities are to:
 - a. strengthen access to generic services for people with disabilities;
 - b. strengthen across government linkages;
 - c. strengthen individuals, families and carers;
-

- d. improve long-term strategies to respond to and manage demand for specialist disability services; and
 - e. improve accountability, performance reporting and quality.
- C. The CSTDA agreement framework consists of a two-tiered arrangement of a multilateral agreement between the Parties and Bilateral Agreements between the Commonwealth and each State and Territory. The Bilateral Agreements are the:
 - a. CSTDA Bilateral Agreement developed as part of CSTDA 3;
 - b. increased Access to Respite Care for Older Carers Bilateral Agreement; and
 - c. Transfer of Services Bilateral Agreement for those States and Territories that have signed that Bilateral Agreement.
- D. Each Party to this Variation Agreement entered into two earlier variation agreements (the First and Second Variations) that were signed individually between the Commonwealth and each State and Territory. The purpose of each of these individually signed agreements forming the First and Second Variations was to, amongst other things, extend the term of CSTDA3 and the Bilateral Agreements to 31 December 2007 and 30 June 2008 respectively. The Parties confirm their intention that both Variations signed separately by each State and Territory should operate to amend the multi-party CSTDA3 and Bilateral Agreements as described in those Variations.
- E. The purpose of this Variation Agreement is to:
 - a. extend the term of CSTDA 3 until a new Disability Agreement is negotiated between the Parties;
 - b. ensure that funding continues under the extended CSTDA 3; and
 - c. extend the term of the Bilateral Agreements.
- F. It is the intention of the Parties to:
 - a. negotiate the new Disability Agreement prior to the expiry of the extension of the term of CSTDA 3 under this Variation Agreement; and
 - b. negotiate Bilateral Agreements under a new Disability Agreement to replace the Bilateral Agreements under CSTDA 3.

Operative provisions

In consideration of the provisions contained in this Variation Agreement, the Parties agree as follows:

1. Variation

1.1. Variation in accordance with CSTDA

1.1.1. In accordance with clause 1(5) of the CSTDA, the Parties, who are parties to the CSTDA, agree to vary the CSTDA as set out in this Variation Agreement.

1.1.2. This Variation Agreement may be executed in counterparts, meaning that the execution will be complete when each Party to this Variation Agreement holds a copy of this Variation Agreement signed by each other Party, even though the signatures of the Parties do not appear on the same copy.

1.2. Variation of expiry date

1.2.1. The Parties agree to vary clause 1(2) of the CSTDA to read:

This Agreement shall terminate in respect of all parties on 31 December 2008 unless:

- a) it is terminated earlier, in respect of a party giving notice of termination, in accordance with clause 1(3); or
- b) prior to 31 December 2008, the parties execute a new agreement to take the place of this Agreement in which case this Agreement shall terminate from the date on which the new agreement comes into force.

1.3. Continuation and indexation of funding arrangements

1.3.1. The Parties agree, for the period of the extension of the CSTDA and subject to clauses 1.3.2, 1.3.3 and 1.3.4, that they will each:

- a. maintain current base funding under the CSTDA 3;
- b. continue funding provided under CSTDA 2 and CSTDA 3 for unmet need; and
- c. continue funding provided under the CSTDA for Increased Access to Respite Care for Older Carers Bilateral Agreement,

in accordance with the table at Schedule A to this Variation Agreement.

1.3.2. Funding continued under clause 1.3.1 will be based on funding levels under the CSTDA during the 2007-2008 financial year, indexed by Wage Cost Index 2 in accordance with clause 8(10) of the CSTDA with effect from 1 July 2008.

1.3.3. Provision of funding by the Parties is subject to the appropriation of funds by their respective Parliaments.

1.3.4. Funding will continue to be paid fortnightly in advance. Funding provided during the extension period will be provided and used in accordance with the provisions of the CSTDA.

1.4. Bilateral Agreements under the CSTDA

- 1.4.1. Each Party to this Variation Agreement agrees, in respect of each Bilateral Agreement under the CSTDA to which they are a party, to extend the term of those Bilateral Agreements to 31 December 2008 except and unless:
- a. a Bilateral Agreement is terminated earlier in accordance with the terms of that Bilateral Agreement; or
 - b. prior to 31 December 2008, the parties to a Bilateral Agreement execute a new Disability Agreement to take the place of CSTDA 3 in which case the Bilateral Agreements shall terminate from the date on which the new Disability Agreement comes into force, unless otherwise agreed in writing between the parties to that Bilateral Agreement.
- 1.4.2. Continuation of funding in respect to Bilateral Agreements for the extension period shall be as set out in clause 1.3 of this Variation Agreement.

2. Acknowledgement

- 2.1.1. In addition to the provisions included in clause 1 of this Variation Agreement, the Commonwealth reserves the right to terminate the CSTDA with one month's notice to all Parties. In this event, the Parties agree that all Bilateral Agreements will terminate at the same time as the CSTDA.

3. Continuation of CSTDA generally

- 3.1.1. Subject to clauses 1 and 2 of this Variation Agreement, the Parties confirm that in all other respects the terms of the CSTDA and each Bilateral Agreement continue as amended by the First and second Variations.
-

Schedule A

SCHEDULE A – FUNDING ARRANGEMENTS FOR THE PERIOD 30 JUNE 2008 TO 31 DECEMBER 2008

The amounts specified in columns 3-10 will be paid to the State or Territory specified in row 1:

Period	Date	NSW \$	VIC \$	QLD \$	SA \$	WA \$	TAS \$	NT \$	ACT \$	Total for Period \$
1	1/07/08	8,198,095	5,581,266	4,702,164	2,748,004	1,990,018	841,183	257,427	345,600	24,663,757
2	15/07/08	8,198,095	5,581,266	4,702,164	2,748,004	1,990,018	841,183	257,427	345,600	24,663,757
3	29/07/08	8,198,095	5,581,266	4,702,164	2,748,004	1,990,018	841,183	257,427	345,600	24,663,757
4	12/08/08	8,198,095	5,581,266	4,702,164	2,748,004	1,990,018	841,183	257,427	345,600	24,663,757
5	26/08/08	8,198,095	5,581,266	4,702,164	2,748,004	1,990,018	841,183	257,427	345,600	24,663,757
6	9/09/08	8,198,095	5,581,266	4,702,164	2,748,004	1,990,018	841,183	257,427	345,600	24,663,757
7	23/09/08	8,198,095	5,581,266	4,702,164	2,748,004	1,990,018	841,183	257,427	345,600	24,663,757
8	7/10/08	8,198,095	5,581,266	4,702,164	2,748,004	1,990,018	841,183	257,427	345,600	24,663,757
9	21/10/08	8,198,095	5,581,266	4,702,164	2,748,004	1,990,018	841,183	257,427	345,600	24,663,757
10	4/11/08	8,198,095	5,581,266	4,702,164	2,748,004	1,990,018	841,183	257,427	345,600	24,663,757
11	18/11/08	8,198,095	5,581,266	4,702,164	2,748,004	1,990,018	841,183	257,427	345,600	24,663,757
12	2/12/08	8,198,095	5,581,266	4,702,164	2,748,004	1,990,018	841,183	257,427	345,600	24,663,757
13	16/12/08	8,198,095	5,581,266	4,702,164	2,748,004	1,990,018	841,183	257,427	345,600	24,663,757
14	30-31/12/08	1,171,156	797,319	671,740	392,575	284,291	120,165	36,774	49,377	3,523,397
Total for each State or Territory		107,746,391	73,353,777	61,799,872	36,116,627	26,154,525	11,055,544	3,383,325	4,542,177	324,152,238

- (a) Twelve days only of this pay period are in January 2008, the other two days being in December 2007.
 (b) Two extra days, 29 and 30 June 2008, are included in this pay period.

Signatures

SIGNED for and on behalf of the)
COMMONWEALTH OF AUSTRALIA)
by The Hon Jenny Macklin MP,
Minister for Families, Housing,
Community Services and
Indigenous Affairs)
in the presence of)

Name of Witness

Signature of Witness

SIGNED for and on behalf of the)
STATE OF NEW SOUTH WALES)
by The Hon Kristina Keneally MP,
Ministry for Disability Services)
in the presence of)

Name of Witness

Signature of Witness

SIGNED for and on behalf of the)
STATE OF VICTORIA)
by The Hon Lisa Neville MP
Minister for Community Services)
in the presence of)

Name of Witness

Signature of Witness

SIGNED for and on behalf of the)
STATE OF QUEENSLAND)
by The Hon Lindy Nelson-Carr MP,)
Minister for Disability Services)
in the presence of)

Name of Witness

Signature of Witness

SIGNED for and on behalf of the)
STATE OF WESTERN AUSTRALIA)
by the Hon Sheila McHale MLA)
Minister for Disability Services)
in the presence of)

Name of Witness

Signature of Witness

SIGNED for and on behalf of the)
STATE OF SOUTH AUSTRALIA)
by The Hon Jay Weatherill MP,)
Minister for Disability)
in the presence of)

Name of Witness

Signature of Witness

SIGNED for and on behalf of the)
STATE OF TASMANIA)
by The Hon Lara Giddings MHA)
Minister for Health and Human Services)
in the presence of)

Name of Witness

Signature of Witness

SIGNED for and on behalf of the)
AUSTRALIAN CAPITAL TERRITORY)
by Ms Katy Gallagher)
Minister for Disability and Community Services)
in the presence of)

Name of Witness

Signature of Witness

SIGNED for and on behalf of the)
NORTHERN TERRITORY)
by The Hon Marion Scrymgour MLA)
Minister for Family and Community Services)
in the presence of)

Name of Witness

Signature of Witness