

WESTERN AUSTRALIAN BILATERAL AGREEMENT

A BILATERAL COMMONWEALTH STATE TERRITORY DISABILITY AGREEMENT ("this Bilateral Agreement") is made the 20th day of June 2003 between

- (1) THE COMMONWEALTH OF AUSTRALIA ("the Commonwealth") of the one part and**
- (2) THE STATE OF WESTERN AUSTRALIA ("the State") of the other part**

RECITALS

- A. The Commonwealth and the State are parties to an Agreement made between the Commonwealth and the State dated the 20th 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 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 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

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. The policy priorities and the specific activities for this bilateral are:

1. Policy Priority: Strengthen across government linkages

- Transition of young people from school to appropriate employment and day options
- Planning for appropriate service provision
- Improved aged care/disability services interface

2. Policy Priority: Strengthen Individuals, families and carers

- providing a more coordinated and effective approach to advocacy for people with disabilities
- Input to Disability Advisory Bodies

3. Policy Priority: Improve long term strategies to respond to, and manage, demand for specialist disability services

- Exchange of information on service strategies and demand trends

1. Implementation and Management

A joint Senior Officers Group will be convened and will meet regularly and as required to progress the work of the bilateral and determine whether any amendments are required to progress the work of the bilateral and determine whether any amendments are required. The respective heads of each department will meet at least annually to review the bilateral.

2. Activities

1. Strengthen across government linkages

a) Employment and day options services

Both jurisdictions have a strong commitment to an improved interface across employment and day option services such that

- consumers can access employment and/or day options which are appropriate to their needs and stage of life and recognise their aspirations and abilities;
- pathways and transition between State and Commonwealth administered services are clear and responsive to individual needs; and
- individuals can easily move between State and Commonwealth disability systems and/or access a combination of State and Commonwealth-funded disability services on the basis of assessed need.

To achieve the above outcomes, the Commonwealth and State Governments will work together to develop systems and mechanisms in the following areas:

Transition of young people from school to appropriate employment and day options

Both jurisdictions will work together to assist young people, particularly school leavers to access the most appropriate post school opportunity that recognises their aspirations and abilities. This will be facilitated through:

- examining opportunities for improved forward planning for service delivery;
- exploring opportunities for more coordinated and streamlined assessments to minimise impacts on the school leaver and his/her family or carers;
- exploring opportunities for a more coordinated approach to the use of growth funds across the Employment and Alternatives to Employment programs;
- exploring opportunities for more flexible approaches to funding across programs, including joint arrangements to achieve better outcomes for individuals, particularly those with high support needs;
- jointly exploring work preparation opportunities for school leavers prior to them seeking Employment/Alternatives to Employment; and
- examining the interface between the education system and preparedness of school leavers to meet post-secondary goals.

Performance Indicators

- Data on school leavers is shared
- Forward planning is undertaken
- Information, referral and assessment procedures are streamlined and coordinated where agreed
- Opportunities for coordinated use of growth funds are explored
- Joint arrangements are examined that could assist school leavers (including those with high support needs) to make the transition to adult life
- Data on employment outcomes achieved for school leavers with high support needs, by age group
- A working group is established with key stakeholders (including education and TAFE) to explore work preparation strategies
- Strategies to support young people's preparedness for adult life are jointly developed

Planning for appropriate service provision

It is acknowledged that the initial transfer of some specialist disability services may have been inappropriate, and that some individuals in existing business services may have their needs more appropriately met in day programs. Both jurisdictions will work jointly with providers to review mutually agreed employment and day option services and placement of individuals to ensure that people are accessing supports which are appropriate to their needs, abilities and/or goals. This may include identifying, where appropriate, opportunities for services to transfer between Commonwealth and State programs.

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 the impact of reforms on services administered by either jurisdiction and make plans for managing any flow-on effect to other services and programs;
- identify gaps and barriers to service provision in rural and remote communities; and
- explore alternative service models and opportunities for interjurisdictional shared arrangements to increase the range and level of supports available in rural and remote communities, particularly for Indigenous people with disabilities.

Performance Indicators

- strategies and policies developed to provide effective transition across programs
- processes developed to identify and monitor consumers affected by program reforms
- strategies developed to manage the impact of changes
- map of Commonwealth and State disability services completed by 2004
- people with disabilities who are currently in services have access to appropriate services that meet their needs by 2005
- 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

b) Aged care/disability services interface

Both governments acknowledge the inappropriate placement of some young people with disabilities in aged care facilities 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 nursing homes; and
- capacity to transfer younger people who have been inappropriately placed in aged care nursing homes to more appropriate accommodation.

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 nursing homes are identified;
- number of people with disabilities aged under 50 in aged care nursing homes.

2. Strengthen individuals, families and carers

Providing a more coordinated and effective approach to advocacy for people with disabilities

Both jurisdictions share responsibility for administration of advocacy services for people with disabilities, and will work together to develop a collaborative approach to advocacy for people with disabilities in Western Australia to improve the quality and coverage of advocacy services across the State.

Performance Indicators

- Planning information shared
- A common framework for reporting advocacy outcomes developed
- Reporting requirements from jointly funded programs are streamlined
- Jurisdictions exchange information on advocacy demand and program development

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

Parties to this Agreement will work together to maximise collaboration and opportunities for consultation to build strong and effective partnerships across governments and the disability community. The Commonwealth will continue to contribute to the Western Australian disability advisory body as per the CSTDA. A Commonwealth officer will be invited to attend meetings of the West Australian disability advisory body as ex-officio observer. Membership, appointment and administrative procedures for the Western Australian disability advisory body rest solely with WA.

Performance indicators:

- Feedback from disability advisory body meetings is communicated to the relevant authorities by attending WA/Commonwealth officers and incorporated into policy development and decision-making.

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

Exchange of information on service strategies and demand trends

Both jurisdictions recognise the need to develop long term strategies to better respond to and manage demand. This includes better planning to underpin the allocation of equitable funding to respond to demand; and the development of approaches which enhance prevention and early intervention outcomes, and improve coordination across service systems.

WA 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.

Performance Indicators

- Information for the previous financial year, addressing the areas listed above, to be provided to the Commonwealth by 31 December for exchange among National Disability Administrators.
- Annual national employment progress report provided to WA 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 S M^CHALE**
MINISTER FOR COMMUNITY DEVELOPMENT; WOMEN'S INTERESTS; SENIORS
AND YOUTH; DISABILITY SERVICES; CULTURE AND THE ARTS,
for and on behalf of the **State of Western Australia**