

# BILATERAL AGREEMENT

**A BILATERAL COMMONWEALTH/STATE DISABILITY AGREEMENT** (“this Bilateral Agreement”) is made the 30<sup>th</sup> day of July 2003

- (1) **COMMONWEALTH OF AUSTRALIA** (“the Commonwealth”) of the one part
- (2) **THE STATE OF TASMANIA** (“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 30<sup>th</sup> day of July (“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 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**

At present, Tasmania has the highest rate of disability of any other State and Territory. Nearly 22% of Tasmanian’s have a disability (ABS SADAC 1998). The incidence of disability in Tasmania is expected to rise due to a number of factors including Tasmania’s ageing population.

Tasmania's population is projected to age more rapidly than other States, overtaking South Australia as the 'oldest' State in about twenty years' time and reaching a median age of around 51 years by 2051. By 2051, the proportion of the population aged 65 and over is projected to reach 32% in Tasmania well above the average of 24% for total Australia. As Tasmania’s population ages another effect will be the ageing of carers of people with a disability, increasing the level of additional support services required in the future.

Tasmania Disability Services has been undergoing major reform through the Sector Reform Project which is looking at reviewing and reshaping the existing disability service system in Tasmania, to ensure its viability in the longer term, and to make services more accessible to people with disabilities and their families. Sector Reform is a response to the Disability Sector Strategic Plan, 1999 – 2004, and to concerns about the vulnerable financial status of some funded service providers.

Discussions between the Parties have indicated that many of the objectives Tasmania has in the reforming the sector are shared with Commonwealth objectives. In particular, these include:

- A responsive flexible service system which meets the individual needs of people with disabilities and their families and enables easy transition between services as required
- Clarity for the roles and responsibilities of service providers that ensures accountability in the way in which resources are expended
- Long-term viability for the service system and adequate planning and management of supply and demand that provides people with disabilities and their families, with a sense of confidence about the reliability and responsiveness of their service networks.

Within this environment of reform Tasmania and the Commonwealth will work collaboratively on jurisdiction specific areas of mutual concern throughout the life of the third Commonwealth State/Territory Disability 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. The Bilateral will be reviewed annually by senior officials from both Parties, to measure progress and review the work plan.

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
- ❑ Annual review of Bilateral
- ❑ Areas of joint interest are identified and progress reviewed

### **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 the Tasmanian disability advisory bodies as per the CSTDA. A Commonwealth officer will be invited to attend meetings of the Tasmanian disability advisory body as an ex-officio observer. Membership, appointment and administrative procedures for the State disability advisory body rest solely with the State.

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 Tasmanian/Commonwealth officers and incorporated in policy development and decision-making.

### **Strategies to improve flexibility and pathways between employment services and state disability services e.g. day activity and business services**

3.3 Parties to this Agreement will form a working group to look at developing strategies for strengthening government linkages between disability employment services and State disability services such as day activity and post school options programs with the aim of improving flexibility and accessibility for people with disabilities. Examples of strategies that will be explored are identifying/developing pathways between Commonwealth and State services to meet client needs, exploring the suitability of common transition and assessment processes and the use of mixed service packages. The Parties will also work together to facilitate a process to ensure individuals are funded from the most appropriate funding source.

Outcomes: A more flexible system that provides improved transfer arrangements between and for entering and leaving State and Commonwealth disability services. Improved service delivery and packages of services to meet individual needs.

Performance indicators:

- ❑ An agreed assessment process that allows for the appropriate transfer of clients between State and Commonwealth services
- ❑ Number of Commonwealth clients accessing State services
- ❑ Number of State clients accessing Commonwealth services
- ❑ Availability and delivery of mixed packages – number of individuals in receipt
- ❑ Qualitative performance indicator measuring flexibility in service transition and assessment

### **Strategies for providing the most appropriate form of accommodation to meet the individual needs of a person with a disability.**

3.4 Parties to this Agreement will establish a working group to examine issues surrounding clients inappropriately placed in accommodation i.e. young people in nursing homes and older people in group homes requiring nursing care. The working group should include officers from the State and Commonwealth Departments of Health.

Outcome: Agreed assessment process to determine most suitable accommodation. Workable strategies for moving young people with disabilities in nursing homes and older people requiring nursing care in group homes to more appropriate accommodation.

Performance indicators:

- ❑ Numbers of people Parties agree are inappropriately placed.
- ❑ Number of people transferred to more appropriate accommodation.

## **Examining the service needs of people with challenging behaviours**

- 3.5 Parties to this Agreement will establish a working group to examine the issues facing a person who have mental health and/or behavioural issues including the availability and appropriateness of services and options for a strategic approach to addressing long-term issues. This working group should include officers from the State and Commonwealth Departments of Health. There is no obligation on any party of the Working Group to implement any option.

Outcome: A policy paper outlining possible options for improving the provision of services and supports for people with challenging behaviours. This paper will be provided to relevant senior officers to inform policy thinking within eighteen months of the signing of this Bilateral.

Performance Indicator:

- Policy paper on Challenging Behaviours completed and agreed upon by Parties to this Agreement.

## **Long-term strategies to respond to, and manage, demand and supply for specialist disability services**

- 3.6 The need to establish and reform systems to improve demand management over time is recognized. The State 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 funding, assessment, quality, efficiency and achievement of consumer outcomes.

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

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 Tasmania by 31 December each year in respect of the previous financial year.

## **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 >>

**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 D LLEWELLYN,**  
**MINISTER FOR HEALTH AND HUMAN SERVICES,**  
for and on behalf of the **State of Tasmania**  
in the presence of: