

BILATERAL AGREEMENT

A BILATERAL COMMONWEALTH STATE TERRITORY DISABILITY AGREEMENT
("this Bilateral Agreement") is made the 5th day of June 2003.

(1) COMMONWEALTH OF AUSTRALIA ("the Commonwealth") of the one part

(2) THE STATE OF VICTORIA ("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 5th 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 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

Both parties commit to improve assistance to people with a disability currently facing inequalities and barriers to participate socially and economically in the community. Some of the challenges that people with a disability face in Victoria include access to community infrastructure including education, transport, training, health, accommodation and employment.

In response to these issues, the State has developed a State Disability Plan 2002-2012 that aims to improve the quality of life for people with a disability. The State Disability Plan has a ten-year outlook and reaffirms the rights that people with a disability have to live and participate in the life of the community, with the same rights, responsibilities and opportunities as all citizens of Victoria.

The plan takes a whole-of-government and whole-of-community approach to disability. In doing so, the Plan looks at all aspects of life and addresses the needs of people with a range of different types of disabilities.

In recognition of some of the barriers facing people with a disability, the Commonwealth is also increasing opportunities for people with a disability to participate economically and socially through initiatives included in the *Australians Working Together* package and 2002-03 Budget measures.

The improvements introduced by the Commonwealth will also focus on an individual's abilities and recognise the potential of people with a disability to become involved in the community or working life.

In addition to increasing opportunities for people with a disability to participate in the community, the Commonwealth is continuing to implement a broad reform agenda to improve the quality of disability employment assistance and rehabilitation.

Both governments' approaches have been developed in a spirit of partnership, inclusion and collaboration across levels of government and across the community.

Within this environmental and reform context, Victoria and the Commonwealth will work collaboratively on jurisdiction specific areas of mutual concern throughout the life of the third Commonwealth State/Territory Disability Agreement.

Areas of mutual concern that will be progressed under this bilateral are derived from the policy priorities of the CSTDA. The policy priorities and the specific activities for this bilateral are:

Policy Priority 1: Strengthen access to generic services for people with a disability

Activity areas:

Clarifying the role of both parties in advocacy.

People with a dual disability and acquired brain injury.

Policy Priority 2: Strengthen across government linkages

Activity areas:

Improving consumer access within and across the support services that best meet their individual needs.

Aged Care/Disability services interface.

Policy Priority 3: Strengthen individuals, families and carers

Activity Areas:

Clarifying the role the parties with regard to Disability Advisory Bodies.

Policy Priority 4: Improve long-term strategies to respond to, and manage demand for specialist disability services

2. Implementation and Management

Parties to this agreement will meet at least every six months to implement, and monitor the progress of bilateral projects, and promote the bilateral and evaluate outcomes. The Bilateral will be reviewed annually by a steering committee consisting of senior officials from both parties.

3. Activities

a) Strengthen access to generic services for people with a disability

- (i) Clarifying the role of both parties in advocacy.

The parties will work collaboratively to maximise the alignment of common elements of State and Commonwealth models for advocacy service provision and ensure consistent approaches to advocacy service development and provision between the State and Commonwealth jurisdictions.

The parties will also work to enable a flexible and dynamic approach to advocacy service development and to ensure a comprehensive and equitable distribution of advocacy services to people in local communities in all regional, rural and metropolitan areas.

Outcome(s):

Development of a comprehensive and equitable distribution of advocacy services to people to better meet the needs of people with a disability.

Performance Indicator(s):

Outcome-oriented performance indicators agreed by both parties, developed by December 2003.

- (ii) People with a dual disability and acquired brain injury.

The Parties will seek to establish a group of key stakeholders to review existing and State or Commonwealth strategies and their impact on people with a dual disability or acquired brain injury, with a view to developing better outcomes for people with these disabilities.

A person with a dual disability is defined as a person who is eligible for Victorian disability services and who also has a mental illness.

This working group shall seek input from relevant State and Commonwealth Departments. A particular focus for both parties is people accessing both jurisdictions' services who present with challenging behaviours.

Outcome(s):

A policy paper outlining possible options for improving the provision of services and supports for people with a dual disability and or an acquired brain injury. This paper will be provided to relevant senior officers to inform policy thinking within two years of the signing of this Bilateral.

Performance Indicator(s):

A policy paper within two years of the signing of this Bilateral agreement.

(b) Strengthen across Government linkages

Both parties are committed to an improved interface across employment and day option services such that:

Consumers can access the day support (Commonwealth or State) that best meets an individual's needs and stage of life;

Services and places will be funded by the most appropriate level of government for the outcomes being achieved in the service/place; and

Accessing services and moving between them will be a more seamless process for consumers.

To achieve the above, the parties will work together to develop systems and mechanisms in the following areas:

- (i) Improved access to services that will allow people with a disability to choose supports that best meet their needs, abilities and goals, and improved pathways to help consumers change services at transition points in life.

Outcome(s):

Both parties agree to undertake joint reviews of services and placement of individuals commencing in selected pilot regions and expanding progressively to other regions.

On the basis of the outcomes of such reviews:

- the parties agree to provide opportunities for individuals to access services on a cost neutral basis up to regional or State-wide level;
- the parties will enter into discussions on a case-by-case basis where the individual support needs cannot be accommodated on a cost neutral basis; and
- the parties will examine the feasibility of flexible support systems which enable consumers to meet their range of needs.

The project will also identify issues that act as barriers to people accessing those services that best meet their needs, or barriers to movement between services. The project will develop solutions to enable people to access day supports and employment services or a combination of both.

Work will also be undertaken to improve the sharing of information between the parties, and within the constraints of privacy legislation, so to ensure their assessments are minimized and a package of supports is provided that meets individual needs.

Performance Indicator(s):

1. Development of agreed protocols and mechanisms for the sharing of assessment information.
2. Establishment of routine mechanisms, by June 2007, that enable individuals to access the mix of Commonwealth and State services that best meet their individual needs at transition points in their life.
3. Development of agreed protocols and mechanisms for State-Commonwealth funding models that allow flexible funding to meet the individual needs of people with a disability.

4. Number of clients at the end of each financial year choosing a support option, provided by the other party, that best meets their needs and stage of life.

(ii) 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 frail aged care services.

Outcome(s):

For older people with disabilities both parties 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.
- To evaluate current models of support for people with a disability who are ageing and explore opportunities to pilot models that consider the needs of people 'ageing in place'.
- 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.

For young people in nursing homes both parties will explore together:

- Alternative support models for young people in nursing homes including the capacity to transfer young people in nursing homes to more age appropriate accommodation.
- The capacity to participate in the Innovative Pool Project.

Performance Indicator(s):

1. Aged care assessment processes are informed by an understanding of the needs of people with disabilities as they age.
2. Models of support which promote 'ageing in place' for people with disabilities are developed.
3. Joint training and skills development undertaken with disability and aged care support staff.

4. Improved support models for young people in nursing homes are identified including the capacity to move to other accommodation services.
5. Workable strategies are developed to move some young people with disabilities in nursing homes, and older people requiring nursing care in group homes, to more appropriate accommodation.

(c) 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 encourage a more coordinated framework for community consultation and advice on national and local disability issues. The Commonwealth will continue to contribute to the Victorian Disability Advisory Council as per the CSTDA. A Commonwealth officer will be invited to attend meetings of the Victorian Disability Advisory Council as an ex-officio observer. Membership, appointment and administrative procedures for the Victorian Disability Advisory Council rest solely with Victoria.

Outcome(s):

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

Performance Indicator(s):

Feedback from meetings is communicated to the relevant authorities by attending Victorian/Commonwealth officers and incorporated in policy development and decision-making.

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

The need to establish and reform systems to improve demand management over time is recognized. Victoria 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.
- 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.

Performance Indicator(s):

1. 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.
2. Annual national employment progress report provided to Victoria 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 GARBUTT**
MINISTER FOR COMMUNITY SERVICES,
for and on behalf of the **State of Victoria**
in the presence of: