

BILATERAL AGREEMENT ON ACHIEVING UNIVERSAL ACCESS TO EARLY CHILDHOOD EDUCATION

An agreement between

- the **Commonwealth of Australia** as represented by the Department of Education, Employment and Workplace Relations (**the Commonwealth**)
and
- the Crown in Right of the **State of Tasmania** as represented by the Department of Education (**Tasmania**)

Through this Agreement the Commonwealth will fund Tasmania to facilitate it achieving Universal Access to Early Childhood Education Programs by 2013 in its jurisdiction.

Bilateral Agreement on Achieving Universal Access to Early Childhood Education

Intergovernmental Agreement

Parties **Commonwealth of Australia** as represented by the Department of Education, Employment and Workplace Relations of 16-18 Mort Street, Braddon in the Australian Capital Territory.

The Crown in Right of the State of Tasmania as represented by the Department of Education of Level 2, 99 Bathurst St, Hobart, Tasmania, 7000.

RECOGNISING THAT:

- A. The Commonwealth and Tasmania are committed to implementing the National Partnership Agreement on Early Childhood Education (NP ECE) and to working together to improve the accessibility, quality and quantity of Early Childhood Education for Australian children. In particular, the NP ECE is the means by which the Commonwealth and the States and Territories have committed to ensure that, by 2013, every child will have access to Early Childhood Education Programs in the year prior to formal schooling.
- B. Under the NP ECE the Commonwealth provides funding to Tasmania to help achieve the aims of the NP ECE.
- C. The Commonwealth provides funding to the States and Territories for the purposes of and subject to this Bilateral Agreement, the NP ECE and the Intergovernmental Agreement on Federal Financial Relations (IGA). These agreements provide the framework of the Universal Access to Early Childhood Education Program (the Program).

THE PARTIES HAVE REACHED THE FOLLOWING AGREEMENT

1. PURPOSE

- (a) The Parties agree to cooperate in the implementation of this Bilateral Agreement, as part of the NP ECE and in accordance with the IGA, as agreed by all governments at the Council of Australian Governments (COAG) on 29 November 2008.

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- (b) The Parties have further agreed to cooperate in multilateral intergovernmental arrangements established under the NP ECE, with particular reference to the Roles and Responsibilities outlined in part 3 of the NP ECE, including developing and implementing:
 - i. agreed data for performance measurement;
 - ii. a national early years workforce strategy; and
 - iii. a national strategy for achieving universal access to early childhood education for Indigenous children (including in remote communities).

2. OBJECTIVES

The objectives of this Agreement are to establish a framework for:

- (a) the provision of funding by the Commonwealth to Tasmania;
- (b) the management and implementation of the program in Tasmania; and
- (c) reporting on performance against the Performance Benchmarks and Deliverables.

3. PERFORMANCE BENCHMARKS AND DELIVERABLES

Tasmania will achieve the Performance Benchmarks and the Deliverables:

- (a) at the times and in the manner specified in table 1 of item C and in table 1 of item D of schedule 1; and
- (b) in accordance with the terms of this Bilateral Agreement, the NP ECE, the IGA and assisted by the Guidelines.

4. FUNDING

- (a) Subject to clause 34 of the NP ECE and paragraph 4(b), the Commonwealth will make payments to Tasmania in the manner specified in item A of schedule 2. The Commonwealth's obligation is subject to Tasmania's delivery of the Reports and the Commonwealth's acceptance of the Reports.
- (b) If Tasmania does not meet the agreed Performance Benchmarks and Deliverables as specified in table 1 of item C and in table 1 of item D of schedule 1, the Commonwealth will consider whether or not further payments should be made, and the timing and amount of such payments. Such consideration will be subject to clauses 7 and 8 of this Agreement, and clauses 37 to 40 and 45 of the NP ECE.

5. DISCONTINUANCE OF FUNDING

- (a) In carrying out their responsibilities under this Bilateral Agreement and the NP ECE, the parties confirm they will operate in an open and collaborative manner. However, the Commonwealth reserves the right to withhold or discontinue funding if Tasmania does not fulfil its obligations under this Bilateral Agreement or the NP ECE. Notification will be provided in writing.

6. REPORTS

Tasmania will provide to the Commonwealth:

- (a) the financial reports at the times and in the manner specified by paragraph D33 of the Intergovernmental Agreement; and
- (b) the Reports at the times and in the manner stated in item E of schedule 1 of Tasmania's progress in achieving the Performance Benchmarks and Deliverables and of Tasmania's Data Capability.

7. MONITORING AND REVIEW

- (a) The Parties agree that achievement of the Deliverables and Performance Benchmarks as detailed in this Bilateral Agreement will be jointly monitored by both parties in accordance with the relevant provisions of the NP ECE (part 4) and the IGA (schedule C).
- (b) The NP ECE and this Bilateral Agreement will be reviewed at least 18 months after 29 November 2008. The review will have regard to the progress made by the Parties against the NP ECE and this Bilateral Agreement, and will specifically address:
 - i. the adequacy of funding to achieve specified outcomes and outputs;
 - ii. the appropriateness of timelines;
 - iii. achievement of agreed outcomes, outputs and performance indicators;
 - iv. satisfactory compliance by governments with all financial reporting requirements of the NP ECE; and
 - v. annual bilateral discussions to review the progress against this Bilateral Agreement, and the outcomes and outputs set out in the NP ECE.

8. GOVERNANCE ARRANGEMENTS

- (a) The Parties confirm that the relevant dispute resolution clauses of the NP ECE (clauses 37 to 40) apply.
- (b) In order to facilitate the collaborative implementation of this Bilateral Agreement and the NP ECE, the Commonwealth will be invited to participate in any Tasmanian implementation oversight or management committee that may be established, thereby giving effect to shared responsibilities under clause 24 of the NP ECE.

9. STATUS OF THIS AGREEMENT

- (a) This Bilateral Agreement forms part of and is subsidiary to the NP ECE. This Bilateral Agreement ceases to have effect if the NP ECE is terminated by either party in accordance with clause 46 of the NP ECE. The Bilateral Agreement will be reviewed if the NP ECE is amended in accordance with clause 45 of the NP ECE.
- (b) This Bilateral Agreement is not intended to, and does not, create legally binding obligations between the Parties.
- (c) This Bilateral Agreement is entered into on the date set out at page 6 below.

Bilateral Agreement on Achieving Universal Access to Early Childhood Education

The Parties have executed this agreement as follows:

**Signed for and on behalf of the
Commonwealth of Australia by**



The Hon Julia Gillard MP
Minister for Education, Employment and Workplace Relations

Date 26/4/07

**Signed for and on behalf of the
State of Tasmania by**



David Bartlett MP
Minister for Education and Skills

Date 15 APR 2009

Schedule 1

A Program and Guidelines

Universal Access to Early Childhood Education Program

For details on the Universal Access to Early Childhood Education Program, refer to the NP ECE.

For details on the administration processes and procedures of the Universal Access to Early Childhood Education Program, refer to the Universal Access to Early Childhood Education Program Guidelines. The Program Guidelines specify the roles of the Commonwealth and State-Territory Program Delegates, outline the relevant coordination and consultation arrangements between the parties, address administrative processes in support of the Program, and provide relevant templates for reporting under item E of schedule 1.

B Performance Objectives

In accordance with clauses 17 and 18 of the NP ECE:

- By 2013 every child will have access to a preschool program in the 12 months prior to full-time schooling.
- The preschool program is to be delivered by a four year university qualified early childhood teacher, in accordance with a national early years learning framework, for 15 hours a week, 40 weeks a year. Reasonable transitional arrangements—including potentially beyond 2013—are needed to implement the commitment to preschool program delivery by four year university qualified early childhood teachers, as agreed in the bilateral agreements.
- The program will be accessible across a diversity of settings, in a form that meets the needs of parents and in a manner that ensures cost does not present a barrier to access.
- In the first two years of implementing the NP ECE (2009 and 2010), national priorities include:
 - increasing participation rates, particularly for Indigenous and disadvantaged children
 - increasing program hours
 - ensuring cost is not a barrier to access
 - strengthening program quality and consistency
 - fostering service integration and coordination across stand-alone preschool and child care.

The strategies for addressing these priorities may differ on a state-by-state basis.

C Performance Benchmarks

Tasmania is responsible for achieving the Performance Benchmarks as agreed with the Commonwealth and specified in Table 1 below.

Table 1: Early Childhood Education Program Performance Benchmarks^{1,2}

Outputs	Performance Indicators	Baseline Position	Performance Benchmarks				
			31 December 2009	31 December 2010	31 December 2011	31 December 2012	30 June 2013
Children have universal access to an Early Childhood Education Program for 15 hours per week, 40 weeks per year.	The proportion of children who are enrolled in (and attending, where possible to measure) an Early Childhood Education Program.	97.5% ³	maintain	maintain	maintain	maintain	maintain
	The number of teachers delivering Early Childhood Education Programs who are four year university trained and early childhood qualified.	There are 355 kindergarten teachers in Tasmania. ⁴	To be provided ⁴	To be provided ⁴	To be provided ⁴	To be provided ⁴	To be provided ⁴

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Outputs	Performance Indicators	Baseline Position	Performance Benchmarks				
			31 December 2009	31 December 2010	31 December 2011	31 December 2012	30 June 2013
	<p>Hours per week of attendance (where possible to measure) at an Early Childhood Education Program.</p> <ul style="list-style-type: none"> <i>The proportion of children enrolled in an Early Childhood Education Program that is available for at least 15 hours a week</i> <i>The average number of hours per week of attendance at an Early Childhood Education Program.</i> 	<p>6%</p> <p>10.8⁵</p>	<p>21%</p> <p>11.1</p>	<p>29%</p> <p>11.4</p>	<p>39%</p> <p>11.9</p>	<p>87%</p> <p>14.3</p>	<p>100%</p> <p>15.0</p>

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Outputs	Performance Indicators	Baseline Position	Performance Benchmarks				
			31 December 2009	31 December 2010	31 December 2011	31 December 2012	30 June 2013
Universal access to an Early Childhood Education Program is delivered across a range of settings at a cost which is not a barrier to access	Distribution of children who attend an Early Childhood Education Program by weekly cost per child (after subsidies) as defined by jurisdictions	Government kindergarten is supported by a small levy (currently up to \$210 per year), with reduced costs for low income families ⁶	maintain	maintain	maintain	maintain	maintain
Disadvantaged children have universal access to an Early Childhood Education Program.	The proportion of disadvantaged children enrolled in (and attending, where possible to measure) an Early Childhood Education Program.	36.8% ^{7,8} (The share of disadvantaged children as a proportion of all children enrolled.)	Maintain for government kindergarten. Recalculate when non-government provider data is available.	Maintain for government kindergarten. Recalculate when non-government provider data is available.	Maintain for government kindergarten. Recalculate when non-government provider data is available.	Maintain for government kindergarten. Recalculate when non-government provider data is available.	32.5% ⁷

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Outputs	Performance Indicators	Baseline Position	Performance Benchmarks				
			31 December 2009	31 December 2010	31 December 2011	31 December 2012	30 June 2013
Indigenous children (including those in Remote Indigenous Communities) enrolled in and attending an Early Childhood Education Program	The proportion of Indigenous children (by geographic location as identified by the Australian Standard Geographic Classification), who are enrolled in (and attending, where possible to measure) an Early Childhood Education Program. ^{9, 10, 11}	5.8 ^{12, 13} (The share of Indigenous children as a proportion of all children enrolled.)	5.8	5.9	6.0	6.3	6.7 ¹⁴

Notes:

1. This table should be read in conjunction with the Deliverables in item D, table 1.
2. Where agreed reliable data is not available, Tasmania will agree with the Commonwealth a strategy for developing an appropriate data set, as part of Tasmania's Data Capability Report.
3. The 97.5% only relates to eligible children ie those who have turned four by January 1 and who did not delay entry by one year.
4. All kindergarten teachers in Tasmania are four year degree qualified and registered teachers. The baseline position is an estimate using 2008 figures. The proportion of these with an early childhood qualification is not known but may be clarified through the proposed national workforce survey. Appropriate benchmarks will then be set. The intended reporting mechanism will be outlined in the Data Capability Report.
5. The figure in ROGS has been rounded to 11; it is also a 2007 figure. 10.8 hours represents the actual data for 2008 (rounded to 1 decimal place).
6. Because Tasmania has effective universal access to kindergarten services, and because fee information from non-government providers is not currently collected, it is agreed that Tasmania will only report fee information that relates to the children attending government kindergartens. It is proposed that there will be a nationally agreed approach to gathering and reporting fees data in non-government provided settings. Currently 72.5% of eligible children participate in government kindergarten programs in Tasmania. Levies in government schools can be up to \$210 per annum, but where a family qualifies for the Student Assistance Scheme (STAS) no levy is payable. Currently, parents of about 25% of children choose settings other than government schools as their children's kindergarten. Fees in these settings can vary from \$0 to about \$7,500 pa. Fees at individual schools vary also for individual children, eg because of fee relief programs or family discounts, and whether they are in integrated

education and care settings where Child Care Benefit may be payable. It is anticipated that information on costs for families using non-government kindergarten providers will be collected by the Commonwealth at a later point.

7. The Baseline Position is calculated by dividing all children attending government Kindergarten in disadvantaged areas (calculated as enrolments in government kindergartens, which are geographically located in the bottom 20% using SEIFA, Index of Relative Socio-economic Disadvantage), by all children attending government Kindergarten in Tasmania. When non-Government Kindergarten providers are included in the data collection, the additional data may alter the baseline position. The 2013 Performance Benchmark is calculated by dividing the number of disadvantaged four year old children in the population (calculated as children which are geographically located in the bottom 20% using SEIFA, Index of Relative Socio-economic Disadvantage) by all four year old children in the State population. Taking into account preschool participation is voluntary and that universal access is considered to equate to 95% participation, the target in 2013 is 32.5.
8. Tasmania is developing a mechanism to capture attendance data for disadvantaged children. A baseline position will be provided after the mechanism is established (see Table 2).
9. The proportion of Indigenous children enrolled has been calculated as a **share** of the total enrolments (as is currently reported in RoGS for children with special needs) rather than as a **rate** (as is calculated for all children in the first NP performance indicator). This is because deriving proportions as a **share** rather than a **rate** is better statistically when the denominator needed for the rate cannot be estimated accurately enough to give a reliable estimate of the rate.
10. The Commonwealth will be providing data on geographic location on a national basis.
11. Tasmania is developing a mechanism to capture attendance data for Indigenous children. A baseline position will be provided after the mechanism is established (see Table 2).
12. In 2007, Indigenous children represented 5.8% of preschool enrolments in Tasmania (National Preschool Census).
13. Population and participation data for Indigenous communities can vary significantly over time and between data sets.
14. The 2013 Performance Benchmark is based on an assumption that current demographic patterns will remain constant. It is calculated by dividing the number of Indigenous four year old children in the population in 2006 by all four year old children in the State population in 2006. (This is 7% using data from ABS cat no. 3238.0.55.001). Taking into consideration the reliability of the Indigenous population data, preschool participation is voluntary and that universal access is considered to equate to 95% participation, the target in 2013 is 6.7.

D Deliverables

Tasmania is responsible for achieving the Deliverables as agreed with the Commonwealth and specified in the table below.

Table 1: Early Childhood Education Program Deliverables¹

Outputs	Performance Indicators	Deliverables	Quantity/Target	Timing
<p>Children have universal access to an Early Childhood Education program for 15 hours per week, 40 weeks per year.</p>	<p>The proportion of children who are enrolled in (and attending, where possible to measure) an Early Childhood Education Program.</p>	<ol style="list-style-type: none"> 1. Current preschool participation rates are maintained with an increased focus on attendance. 2. Devise and implement attendance data collection mechanism 3. Initiatives targeting participation of children not attending an Early Childhood Education Program are continued and strengthened as necessary 	<p>Maintain current participation rates</p> <p>Provided annually, at least for Kindergarten provided by Government schools.</p> <p>Efforts to engage the families of children (2.5%) not attending will continue through <i>Launching into Learning</i>, Aboriginal Early Years liaison officers and school links with non-government organisations including the <i>Home Interaction Program</i>. The rollout of State Child and Family centres in areas of high need will also enable contact and referrals.</p>	<p>Ongoing</p> <p>From 2010</p> <p>Ongoing</p>

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Outputs	Performance Indicators	Deliverables	Quantity/Target	Timing
		4. The facility to provide data against each of the performance indicators in this table as indicated.	Collect and report available data annually	Ongoing
		5. Consultation with the child care sector about the possibility of providing or supporting Kindergarten programs for working parents.	Regular meetings occur with the child care sector at which these issues can be discussed.	10 meetings each year
	The number of teachers delivering Early Childhood Education programs who are four year university trained and early childhood qualified.	6. Numbers of early childhood trained teachers in kindergartens increase over the timeframe which will be set over next two years.	Kindergarten in all settings is currently taught by four year degree qualified and registered teachers. The percentage of these teachers who are early childhood trained will be increased (based on the availability of training and the gap in numbers involved).	Increase each year in the % of early childhood trained teachers teaching Kindergarten by 2013. ²
	7. Participation in the proposed national workforce survey.	All schools and child care services will participate in the survey.	Dependent on survey availability	

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Outputs	Performance Indicators	Deliverables	Quantity/Target	Timing
	<p>Hours per week of attendance (where possible to measure) at an Early Childhood Education program.</p> <ul style="list-style-type: none"> <i>The proportion of children enrolled in an Early Childhood Education Program that is available for at least 15 hours a week</i> <i>The average number of hours per week of attendance at an Early Childhood Education Program.</i> 	<p>8. Provide 15 hours per week for 40 weeks per year for all kindergartens over four to five years.</p>	<p>30 gov't schools 12 non-gov't schools (est)³ 50 gov't schools 20 non-govt schools (est) 160 gov't schools 58 non-govt schools (est)</p>	<p>2009 2010 2011 - 2013</p>
<p>Universal access to an Early Childhood Education program is delivered across a range of settings at a cost which is not a barrier to access</p>	<p>Distribution of children who attend an Early Childhood Education program by weekly cost per child (after subsidies) as defined by jurisdictions</p>	<p>9. Sustain existing approach where all eligible children are able to access a government school place but parents may choose a place in fee paying settings.</p>	<p>Maintain at least 95% participation in kindergarten by all eligible children</p>	<p>Ongoing</p>

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Outputs	Performance Indicators	Deliverables	Quantity/Target	Timing
Disadvantaged children have universal access to an Early Childhood Education program.	The proportion of disadvantaged children enrolled in (and attending, where possible to measure) an Early Childhood Education program.	<p>10. Initiatives targeting participation of disadvantaged children not attending are continued</p> <p>11. When available, attendance data will be disaggregated by disadvantaged children</p>	<p>Efforts to engage disadvantaged children not attending will continue through <i>Launching into Learning</i>, and school links with non-government organisations including the <i>Home Interaction Program</i>. The rollout of State Child and Family centres in areas of high need will also enable contact and referrals.</p> <p>Provided annually, at least for children attending Kindergarten provided by the Tasmanian Government.</p>	<p>Ongoing</p> <p>From 2010</p>

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Outputs	Performance Indicators	Deliverables	Quantity/Target	Timing
Indigenous children (including those in remote Indigenous communities) enrolled in and attending an Early Childhood Education program	The proportion of Indigenous children (by geographic location as identified by the Australian Standard Geographic Classification), who are enrolled in (and attending, where possible to measure) an Early Childhood Education program.	<p>12. Initiatives targeting participation of Indigenous children not attending are continued</p> <p>13. When available, attendance data will be disaggregated by Indigenous children</p>	<p>Efforts to engage Indigenous families of children not attending will continue through <i>Launching into Learning</i>, Aboriginal Early Years liaison officers and school links with non-government organisations including the <i>Home Interaction Program</i>. The rollout of State Child and Family centres in areas of high need will also enable contact and referrals.</p> <p>Provided annually, at least for children attending Kindergarten provided by the Tasmanian Government.</p>	<p>Ongoing</p> <p>From 2010</p>

Notes:

1. This table should be read in conjunction with the Performance Benchmarks in table 1, item C.
2. Actual increases will be dependent on the actual shortfall which will be established over the next 2 years.
3. Figures for non-government schools are still being negotiated. These will be finalised by May 2009 for 2009 and June 2009 for 2010.

E Reporting

- E1 The State Delegate is responsible for providing the Program Delegate with two hard copies and an electronic copy of Reports as follows:

Details of Report	Due Date*
Data Capability Report	30 June 2009
2009 Progress Report	30 September 2009
2009 Annual Report	31 March 2010
2010 Progress Report	30 September 2010
2010 Annual Report	31 March 2011
2011 Progress Report	30 September 2011
2011 Annual Report	31 March 2012
2012 Progress Report	30 September 2012
2012 Annual Report	31 March 2013
Final Report	30 September 2013

* Where the due date falls on a weekend or a public holiday, the due date is taken to be the next business day.

- E2 Data Capability Reports must contain the following details for each Performance Indicator:

- (a) Collection Name(s)
- (b) Data (i.e. the figure(s) for the Baseline Data position)
- (c) Methodology (of the underlying data and sources)
- (d) Coverage (i.e. the participant coverage in the collection)
- (e) Data Quality Assessment
- (f) Future Data Developments.

- E3 Progress Reports must contain the following details:

- (a) Title of the Program
- (b) Description of the Program
- (c) Program activities commenced in the reporting period 1 January to 30 June
- (d) Program activities completed in the reporting period
- (e) A statement of issues of concern that may impact on the achievement of any of the Deliverables or Performance Benchmarks
- (f) be signed by the State Delegate or the State Delegate's authorised representative.

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- E4 Annual Reports must contain the following details:
- (a) Title of the Program
 - (b) Description of the Program
 - (c) Program activities commenced in the reporting period
 - (d) Program activities completed in the reporting period
 - (e) Progress against:
 - i. the Deliverables and Performance Benchmarks
 - ii. the national priorities, as outlined in paragraph 18 of the NP ECE
 - (f) A statement of issues of concern that may impact on the achievement of any of the Deliverables or Performance Benchmarks
 - (g) Copies of all reports, evaluations, analysis and /or survey outcomes Tasmania has undertaken or had commissioned in relation to achieving any of the Deliverables or Performance Benchmarks
 - (h) A Data Capability Exception Report reflecting any changes from the previous year
 - (i) be signed by the State Delegate or the Delegate's authorised representative.
- E5 As part of the Annual Report, the State Delegate or State Delegate's authorised representative will attend a meeting with the Commonwealth to present and discuss the Annual Report.
- E6 The Final Report must contain the information to be included in Annual Reports described in item E4, except for the information described in paragraphs (f) and (h).

Schedule 2 - the Commonwealth's Obligations

A Funding

A1 The total funding for the Agreement is \$20 575 000 (exclusive of GST) payable by the following instalments:

Amount	Payable on acceptance by the Commonwealth of the:	No later than:
\$740 000	signing of this agreement	7 June 2009
\$780 000	Data Capability Report due by 30 June 2009	7 Oct 2009
\$760 000	Progress Report due by 30 September 2009	7 Dec 2009
\$1 600 000	Annual Report due by 31 March 2010	7 Jul 2010
\$340 000	Progress Report due by 30 September 2010	7 Dec 2010
\$2 970 000	Annual Progress Report due by 31 March 2011	7 Jul 2011
\$2 970 000	Progress Report due by 30 September 2011	7 Dec 2011
\$5 207 500	Annual Report due by 31 March 2012	7 Jul 2012
\$5 207 500	Progress Report due by 30 September 2012	7 Dec 2013

A2 The Commonwealth will not provide any additional funds to Tasmania to meet any GST liabilities Tasmania incurs as a result of subcontracting any part of the performance of Tasmania's obligations under this Agreement.