

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 Australian Capital Territory as represented by the Australian Capital Territory Department of Education and Training

Through this Agreement the Commonwealth will fund the Australian Capital Territory 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 Australian Capital Territory as represented by the Department of Education and Training of 220 Northbourne Ave, Braddon in the Australian Capital Territory.

RECOGNISING THAT:

- A. The Commonwealth and the Australian Capital Territory 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 the Australian Capital Territory 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 the Australian Capital Territory;
- (b) the management and implementation of the program in the Australian Capital Territory; and
- (c) reporting on performance against the Performance Benchmarks and Deliverables.

3. PERFORMANCE BENCHMARKS AND DELIVERABLES

The Australian Capital Territory will achieve the Performance Benchmarks and Deliverables:

- (a) at the times and in the manner specified in table 1 of item C and 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 the Australian Capital Territory in the manner specified in item A of schedule 2. The Commonwealth's obligation is subject to the Territory's delivery of the Reports and the Commonwealth's acceptance of the Reports.
- (b) If the Australian Capital Territory does not meet the agreed Performance Benchmarks and Deliverables as specified in tables 1 of item C and in table 1 of item D of schedule 1, to 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 the Australian Capital Territory does not fulfil its obligations under this Bilateral Agreement or the NP ECE. Notification will be provided in writing.

6. REPORTS

The Australian Capital Territory 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 the Australian Capital Territory's progress in achieving the Performance Benchmarks and Deliverables and of the Australian Capital Territory's Data Capability.

7. MONITORING AND REVIEW

- (a) The Parties agree that achievement of the Performance Benchmarks and Deliverables 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 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 Australian Capital Territory 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.

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(c) This Bilateral Agreement is entered into on the date set out at page 6 below.
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 10/6/09

Signed for and on behalf of the
Australian Capital Territory by



The Hon Andrew Barr, MLA
Minister for Education and Training

Date 29.5.2009

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 Program, refer to the Universal Access to Early Childhood Education Program Guidelines. The Early Childhood Education Program Guidelines specify the roles of the Commonwealth and 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

The Australian Capital Territory 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 Benchmarks¹

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.	94% ²	94%	94%	94%	94%	95%
	The number of teachers delivering Early Childhood Education Programs who are four year university trained and early childhood qualified ³	60% ⁴	65%	72%	80%	89%	95% ⁵
	Hours per week of attendance (where possible to measure) at an Early Childhood Education Program. <ul style="list-style-type: none"> • <i>The proportion of children enrolled in an Early Childhood Education Program that is available for 15 hours a week</i> • <i>The average number of hours per week of attendance at an Early Childhood Education Program.</i> 	13.7% ⁶	13.7%	18%	25%	75%	100%
		13.0 ⁷	13.0	13.5	13.75	14.25	15

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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 preschool is free in the ACT ⁸	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.	1.7% ⁹ Based on the number of disadvantaged children enrolled in ACT govt preschool Benchmark based on ABS CD data = 1.3%	Maintain at or above benchmark (1.3%)	Maintain at or above benchmark (1.3%)	Maintain at or above benchmark (1.3%)	Maintain at or above benchmark (1.3%)	Maintain at or above benchmark (1.3%)

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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.	1.9% ¹⁰ Benchmark based on ABS data = 2.5%	2.0%	2.1%	2.2%	2.3%	2.4%

Notes:

1. This table should be read in conjunction with the Deliverables at Table 2 below.
2. The baseline data identified uses the ACT 2009 February census as the numerator as the most complete and accurate source of public and non-government school enrolment data. The ACT Chief Minister’s Department estimate of 4 yr old population (**4230**) has been used for the denominator. (For comparison 2009 ABS population 4 yr old ERP (cat 3222.08) = **4256**). There are significant cross-border issues with preschool enrolment and attendance data. It should be noted, therefore, that precisely identifying enrolment and attendance rates for all children, and for groups such as disadvantaged and Indigenous children, can be problematic. The ACT seeks to minimise this problem by developing a strategy to foster service integration and coordination of information across all sectors that offer preschool programs.
3. The ACT only employs four year degree qualified teachers however there are a small number of staff who were employed prior to the introduction of the four year degree qualification requirement. The proportion of preschool teachers with early childhood qualifications is not known, but may be clarified through ACT data collection and the proposed national workforce survey. The Department has an ageing workforce that potentially represents uncertainty in terms of early childhood qualified teachers. To address this concern a scholarship initiative has been put in place as a strategy to increase the number of early childhood trained teachers. All recruitment practices in the ACT are affected by the actions of NSW and in this instance the rate at which the Universal Access is rolled out in that jurisdiction will be a factor for the ACT.
4. The Department does not currently hold sufficient detailed information in relation to teacher qualifications for early childhood teachers in preschool units. The figure provided is preliminary data that is offered with confidence until an analysis of each teacher’s qualification is completed. It is proposed that this data will be sourced from public schools directly in December 2009 (and onwards) through the School Accountability and Performance Data Sheets. Data will also need to be obtained from non-government schools perhaps via the proposed national survey. It may be possible to survey all schools to determine the baseline and performance data. Where agreed reliable data is not

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available, the ACT will agree with the Commonwealth a strategy for developing an appropriate data set, as part of the ACT's Data Capability Report

5. As stated in Part 2, Clause 17 of the National Partnership Agreement on Early Childhood Education: 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.
6. The baseline of 13.7% represents the proportion of the current enrolment of children in the Early Childhood Schools and the Independent school programs that are offered for 15 hours or more per week as at February 2009. The ACT has already achieved effective universal access to preschool services (for 12 hours per week in government preschools). According to the February 2009 ACT schools census 87% of children (YBFTS) participate in government preschool programs in the ACT. There are no fees levied for these programs.
7. The population figure of 4 256 eligible preschool age children in accordance with ABS data has been used as the baseline. It is acknowledged that an adjustment will be required once new ABS data is available. The average number of hours is inclusive of those children enrolled within the Independent school sector who already access 15 hours or more of preschool per week.
8. The ACT has already achieved effective universal access to preschool services (for 12 hours per week in government preschools). According to the February 2009 ACT schools census 87% of children (YBFTS) participate in government preschool programs in the ACT. There are no fees levied for these programs. Fee information from non-government providers is not currently collected.
9. The baseline data is the number of 'disadvantaged' ACT preschool students as a proportion of all ACT preschool students enrolled in ACT government preschool, using 2009 February census data geo-coded at suburb level. The benchmark is the number of disadvantaged 4 year olds in the ACT as a proportion of all 4 year olds in the ACT, calculated using ABS Socio Economic Index For Areas (SEIFA) data.
10. All Indigenous students attending ACT schools are coded as metropolitan, even though this may include some students resident in adjacent regional centres in NSW. The ACT proposes to include all Indigenous children of the school age groups in the updated ABS population census projections and the numbers attending preschools from our school census be used to provide information for this performance indicator. The benchmark is based on data from ABS cat no.3238.0.55.001. The ACT may need caveats for cross border students as the ACT census numerator is not entirely compatible with the ABS census denominator.

D Deliverables

The Australian Capital Territory is responsible for achieving the Deliverables as agreed with the Commonwealth and specified at Table 1 below.

Table 1: Early Childhood Education Deliverables¹

Outputs	Performance Indicators	Deliverables	Quantity/Target	Timing
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.	1. Maintain enrolments with the aim to increase current levels of children attending preschool.	95%	2013
	The number of teachers delivering Early Childhood Education programs who are four year university trained and early childhood qualified.	2. Ensure preschool programs in the ACT are delivered by four year university trained and qualified early childhood teachers.	95% ²	2013

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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>3. Ensure Early Childhood Schools will implement 15 hours of free preschool per week and/or 30 hours per fortnight.</p> <p>4. Implement 15 hours of preschool per week and/or 30 hours per fortnight for eligible children in partnership with the Archdiocese of Canberra and Goulburn Catholic Education Office (CEO)</p> <p>5. Commence partial implementation of the delivery of 15 hours of preschool per week and/or 30 hours per fortnight of eligible children in a preschool program in identified ACT Government preschools</p>	<p>Five schools in Narrabundah, Isabella Plains, Lyons, O'Connor and Scullin</p> <p>One catholic preschool established in the ACT</p> <p>Expansion of the CEO initial program and an additional site.</p> <p>Increase to additional four Government Schools (7.5 FTE preschool units)</p> <p>Increase to an additional six Government Schools (10 FTE preschool units)</p> <p>Increase to an additional 24 Government Schools (55 FTE preschool units)</p> <p>All remaining Government Schools</p>	<p>2009</p> <p>2009</p> <p>2010</p> <p>2010</p> <p>2011</p> <p>2012</p> <p>2013</p>

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Outputs	Performance Indicators	Deliverables	Quantity/Target	Timing
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	<p>6. Investigate service integration and coordination across preschool and childcare sectors to assist in providing increased access by 2010</p> <p>7. Continue to ensure that eligible children are able to access a preschool through a range of settings and that cost is not a barrier to access</p>	<p>Service integration investigation complete</p> <p>Continue to support access to ACT Government Preschool</p>	<p>2009 - 2010</p> <p>2009 - 2013</p>
Disadvantaged and Indigenous children have universal access to an Early Childhood Education program.	The proportion of disadvantaged and Indigenous children enrolled in (and attending, where possible to measure) an Early Childhood Education program.	<p>8. Continue to support and assist disadvantaged and Indigenous children to have universal access to a preschool program.</p> <p>9. Implementation of the Universal Access initiative across all sectors to target to schools and/or communities with a high proportion of disadvantaged children.</p>	<p>Ensure programs providing assistance and support are continued.</p> <p>Ensure identified schools/ communities prioritised in the rollout</p>	<p>2009 - 2013</p> <p>2009 - 2013</p>

Note:

1. This table should be read in conjunction with the Performance Benchmarks at Table 1 above.
2. As stated in Part 2, Clause 17 of the National Partnership Agreement on Early Childhood Education: 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.

E Reporting

- E1 The Australian Capital Territory 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 Performance Benchmarks or Deliverables
- (f) be signed by the Australian Capital Territory Delegate or the 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 Performance Benchmarks and Deliverables
 - 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 Performance Benchmarks or Deliverables
 - (g) Copies of all reports, evaluations, analysis and /or survey outcomes the Australian Capital Territory has undertaken or had commissioned in relation to achieving any of the Performance Benchmarks or Deliverables
 - (h) A Data Capability Exception Report reflecting any changes from the previous year
 - (i) be signed by the Territory Delegate or the Territory Delegate's authorised representative.
- E5 As part of the Annual Report, the Territory Delegate or the Territory 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 \$13 176 000 (exclusive of GST) payable by the following instalments:

Amount	Payable on acceptance by the Commonwealth of the:	No later than:
\$444 000	Signing of this agreement	7 June 2009
\$468 000	Data Capability Report due by 30 June 2009	7 Oct 2009
\$456 000	Progress Report due by 30 September 2009	7 Dec 2009
\$960 000	Annual Report due by 31 March 2010	7 Jul 2010
\$204 000	Progress Report due by 30 September 2010	7 Dec 2010
\$1 782 000	Annual Progress Report due by 31 March 2011	7 Jul 2011
\$1 782 000	Progress Report due by 30 September 2011	7 Dec 2011
\$3 540 000	Annual Report due by 31 March 2012	7 Jul 2012
\$3 540 000	Progress Report due by 30 September 2012	7 Dec 2013

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