

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 **State of South Australia** as represented by the Department of Education and Children's Services

Through this Agreement the Commonwealth will fund South Australia 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 State of South Australia as represented by the Department of Education and Children's Services of 31 Flinders Street, Adelaide in South Australia.

RECOGNISING THAT:

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

3. PERFORMANCE BENCHMARKS AND DELIVERABLES

South Australia will achieve the Performance Benchmarks and the Deliverables:

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

6. REPORTS

South Australia 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 South Australia's progress in achieving the Performance Benchmarks and Deliverables and of South Australia'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 South Australian implementation oversight or management committee that may be established, thereby giving effect to shared responsibilities under clause 24 of the NP ECE.

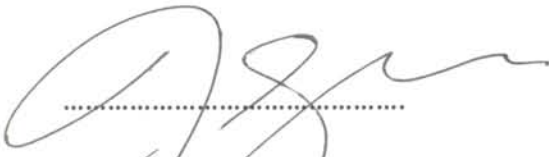
9. STATUS OF THIS AGREEMENT

- (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 4/5/09

Signed for and on behalf of the
State of South Australia by



The Hon Jay Weatherill MP
Minister for Early Childhood Development

Date 23/5/09

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 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

South Australia 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.	87.9% ³	88.0%	88.4%	88.5%	91.8%	95.0% ⁴
	The number of teachers delivering Early Childhood Education Programs who are four year university trained and early childhood qualified.	300 Full-time equivalent (FTE) ⁵	300 FTE	352 FTE (Base 300 + New 32 + Upskill 20)	379 FTE (Base 352+ New 7 + Upskill 20)	507 FTE (Base 379 + New 108 + Upskill 20)	596 FTE ⁶ (Base 507 + New 69 +Upskill 20)

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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>0%</p> <p>11⁷</p>	<p>2.6%</p> <p>11.00</p>	<p>25%</p> <p>11.9</p>	<p>28%</p> <p>12.0</p>	<p>74%</p> <p>13.8</p>	<p>100%</p> <p>15.0</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>Current average weekly fee to parents using government preschools is \$5⁸</p>	<p>Maintain current hourly out of pocket costs to parents using government preschools</p>	<p>Maintain current hourly out of pocket costs to parents using government preschools</p>	<p>Maintain current hourly out of pocket costs to parents using government preschools</p>	<p>Maintain current hourly out of pocket costs to parents using government preschools</p>	<p>Maintain current hourly out of pocket costs to parents using government preschools</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
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.	23.3% ^{9,10} (The share of disadvantaged children as a proportion of all children enrolled.)	Maintain for government preschool. Recalculate when non-government data is available.	Maintain for government preschool. Recalculate when non-government data is available.	Maintain for government preschool. Recalculate when non-government data is available.	Maintain for government preschool. Recalculate when non-government data is available.	Maintain for government preschool. Recalculate when non-government data is available.
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.	100% ^{11,12} enrolment of four year old Aboriginal children ¹⁰ 81% ¹³ attendance compared with 87% for all four year olds	Maintain 100% enrolment 6% attendance gap	Maintain 100% enrolment 5% attendance gap	Maintain 100% enrolment 3% attendance gap	Maintain 100% enrolment 1% attendance gap	Maintain 100% enrolment Nil attendance gap

Notes:

1. This table should be read in conjunction with the Deliverables at Table 2 below.
2. Where agreed reliable data is not available, South Australia will agree with the Commonwealth a strategy for developing an appropriate data set, as part of the South Australian Data Capability Report. The performance benchmarks in this table have been developed using the best information that is available at this time. South Australia proposes to develop improved data and information systems which will come into effect during 2010–11. These new systems will generate improved information in relation to these performance benchmarks and this in turn might prompt a re-evaluation of the performance benchmarks.
3. *Report on Government Services 2009* estimates that 87.9% of South Australia's four year old children were enrolled in early childhood education in May 2008. 16 020 4 yr old South Australian children were enrolled compared with an estimated total population of 18 218 4 year old children. Of the children enrolled, around 87% were in attendance at the last South Australian preschool census count.
4. The estimated number of new enrolments funded through implementation of this Agreement year by year is: 48 in 2008–09; 40 in 2009–10; 24 in 2010–11; 668 in 2011–12; and 671 in 2012–13. In the period from 2009 to 2013, a total of 1451 children who would not have access to early childhood education will have access to early childhood education for the first time.
5. The 2007 annual census of children's services, conducted by the South Australian Department of Education and Children's Services (DECS), indicates that 79% (712) of the total DECS preschool workforce are trained early childhood teachers and that 42% (300) hold four year university degrees in early childhood education. 39% (280) have three year not four year university early childhood degrees and the qualifications of a further 19% or 132 staff are unspecified.
6. A total 216 additional full time teachers will be required in the system by 2013 to accommodate the growth in early childhood education that is specified in this Agreement. These new teachers will have four year early childhood teaching degrees. The expected number of new teachers that will be required, year by year is: 32 in 2009–10; 7 in 2010–11; 108 in 2011–12; and 69 in 2012–13. In addition, up to 80 existing staff (20 per year from 2010 to 2013) will be offered scholarships to convert their existing three year early childhood qualifications to a four year early childhood standard.
7. The overall early childhood education enrolment target for this Agreement is 15 hours of early childhood education for 95% of all South Australian four year old children by 2013, or 19 501 out of a total estimated four year old population of 20 527 children (high end ABS population estimates). 18 049 children—or 87.93% of an estimated population of 20 572 four year old—will move from an eleven hour to fifteen hour entitlement to early childhood education by June of 2013. An additional 1451 four year old children will have access to early childhood education for the first time as a result of this Agreement.
8. The average out of pocket costs to families using government preschools in South Australia in 2009 is \$50 per term, or \$5 per week for forty weeks of the year. This translates into an average hourly fee of \$0.45. This average fee covers approximately 95% of the total number of children who are enrolled in preschool in South Australia. It is government policy that children cannot be excluded from government preschool due to unpaid fees. Fee information is not collected from non government preschool or child care sectors. It is anticipated that information on costs for families using non-government kindergarten providers will be collected by the Commonwealth at a later point.
9. Disadvantaged four year old children living in the two lowest deciles as measured by Socio Economic Index for Areas currently constitute 23.32% of the total number of four year olds enrolled in early childhood education in South Australia.
10. This group of children currently constitutes 23.16% of the total four year old population.

11. Term four 2008 data indicated that 628 four year old Aboriginal children were enrolled in DECS preschools and currently constitutes 4.1% of four year old enrolled in South Australian preschools. ABS population estimates suggest that there are 608 Aboriginal 4 year olds in South Australia.
12. This group of children currently constitutes 3.5% of the total four year old population.
13. South Australia collects data each term on the number of children that are enrolled in government operated or funded preschools and the numbers of children that are in attendance during the collection period or 'census week'. During the Term 4 2008 census week 511 four year old Aboriginal children attended preschool, giving an attendance rate of 81% compared to an overall attendance rate of 87% in the wider population. South Australia proposes to sustain the high early childhood enrolment rate of four year old Aboriginal children and to close the attendance gap – that is to ensure that Aboriginal attendance at preschool matches that of the wider preschool population by 2013. This would involve an increase of 6% in the attendance of Aboriginal four year olds children.

D Deliverables

South Australia is responsible for achieving the Deliverables as agreed with the Commonwealth and specified at Table 2 below.

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

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.	<p>1. South Australia will increase the proportion of four year old children who are enrolled in early childhood education 95% by 2013.</p> <p><i>South Australia will fund or resource child care centres so that they can provide early childhood education for children that are unable to access government preschools. New strategies will be implemented to improve access to early childhood education for disadvantaged and hard to reach children including children in rural and remote communities and children with additional needs.</i></p>	From 87.9% to 95% of the total four year old population	By June 2013

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Outputs	Performance Indicators	Deliverables	Quantity/Target	Timing
	<p>The number of teachers delivering Early Childhood Education programs who are four year university trained and early childhood qualified.</p>	<p>2. South Australia will increase the number of four year early childhood trained teachers delivering early childhood education.</p> <p><i>South Australia will recruit new four year trained early childhood teachers needed to deliver 15 hours of early childhood education in government preschools, while upgrading the qualifications of teachers in government preschools with three year early childhood degrees to four year standard. Non government providers of early childhood education will be required to employ four year trained teachers as a condition of funding under this Agreement.</i></p>	<p>216 new d four year early childhood trained teachers will be recruited. In addition up to 80 three year trained early childhood teachers will be offered scholarships to upgrade to four year early childhood education qualification.</p>	<p>By December 2013</p>

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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. South Australia will increase the average hours of early childhood education offered to 95% of the total population of four year old children.</p> <p><i>South Australia will increase the hours of early childhood education in government preschools which currently provide 95% of all early childhood education in SA, from 11 to 15 per week. SA will fund 15 hours of early childhood education in non government child care centres and schools and implement new strategies designed to ensure that more disadvantaged and hard to reach children are able to access 15 hours of early childhood education.</i></p>	<p>From an average of 11 hours for forty weeks in the year before full time schooling in 2009 to 15 hours per week for forty weeks in the year before full time schooling by 2013.</p>	<p>By June 2013</p>

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Outputs	Performance Indicators	Deliverables	Quantity/Target	Timing
<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>4. South Australia will increase the number of child care centres that are able to offer early childhood education programs.</p> <p><i>From 2011–12 South Australia will provide grants, or early childhood teachers through partnerships with local preschools, to child care centres in communities with unmet demand for early childhood education.</i></p> <p>5. South Australia will ensure that the early childhood education delivered by government early childhood services remains affordable for families.</p> <p>6. No child shall be excluded from government early childhood education services because their families are unable to pay fees.</p> <p><i>As a condition of grant funding under this Agreement, non government providers of early childhood education will be required to ensure that cost is not a barrier to access to early childhood education for children and families using their services.</i></p>	<p>128 additional child care centres will offer early childhood education programs.</p> <p>Early childhood education in South Australian government preschools will remain affordable</p> <p>No child is excluded from government preschools due to failure to pay fees</p>	<p>By June 2013</p> <p>From June 2011 to June 2013</p> <p>Ongoing³</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.	7. South Australia will maintain the proportion of disadvantaged four year old children receiving early childhood education. <i>South Australia will monitor the attendance patterns of disadvantaged children and act to ensure that they attend early childhood education as often as the wider population of four year old children.</i>	Enrolment rates for four year old disadvantaged children in early childhood education in South Australia continue to match those of the wider population.	By 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.	8. South Australia will maintain the current rate of enrolment of four year old Aboriginal children in early childhood education. 9. South Australia will ensure that Aboriginal children attend early childhood education as often as the wider population four year old children.	100% The current gap between the attendance rate of four year olds Aboriginal children and the wider population of four year olds will be eliminated.	Ongoing By June 2013

Notes:

1. This table should be read in conjunction with the Performance Benchmarks at Table 1 above.
2. The deliverables targets and timing information included in this table have been developed using the best information that is available at this time. South Australia will develop improved data and information systems which will come into effect during 2010 and 2011. These new systems will generate improved information in relation to these deliverables and targets, and this in turn may prompt a re-evaluation of the deliverables targets and timing described in this document.
3. This continues a longstanding policy on fee-charging in government preschools, which currently deliver 95% of all early childhood education in South Australia.

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 Performance Benchmarks or Deliverables
- (f) Signed by the State 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 South Australia 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) Signed by the State Delegate or the State Delegate's authorised representative.
- E5 As part of the Annual Report, the South Australian Delegate or South Australian 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 \$65,471,000 (exclusive of GST) payable by the following instalments:

Amount	Payable on acceptance by the Commonwealth of the:	No later than:
2,516,000	signing of this agreement	7 June 2009
2,652,000	Data Capability Report due by 30 June 2009	7 Oct 2009
2,584,000	Progress Report due by 30 September 2009	7 Dec 2009
5,440,000	Annual Report due by 31 March 2010	7 Jul 2010
1,156,000	Progress Report due by 30 September 2010	7 Dec 2010
10,098,000	Annual Progress Report due by 31 March 2011	7 Jul 2011
10,098,000	Progress Report due by 30 September 2011	7 Dec 2011
15,463,500	Annual Report due by 31 March 2012	7 Jul 2012
15,463,500	Progress Report due by 30 September 2012	7 Dec 2013

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