

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 Queensland** as represented by the Office for Early Childhood Education and Care

Through this Agreement the Commonwealth will fund Queensland 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 Queensland as represented by the Office for Early Childhood Education and Care of 30 Mary Street, Brisbane in Queensland

RECOGNISING THAT:

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

3. PERFORMANCE BENCHMARKS AND DELIVERABLES

Queensland 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 Queensland in the manner specified in item A of schedule 2. The Commonwealth's obligation is subject to Queensland's delivery of the Reports and the Commonwealth's acceptance of the Reports.
- (b) If Queensland 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 Queensland does not fulfil its obligations under this Bilateral Agreement or the NP ECE. Notification will be provided in writing.

6. REPORTS

Queensland 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 Queensland's progress in achieving the Performance Benchmarks and Deliverables and of Queensland'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 the date of signing. 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 and Queensland will establish a means to oversight implementation, 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 Kate Ellis MP
Minister for Early Childhood Education, Child Care and Youth**

Date **09 SEP 2009**

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



**The Hon Geoff Wilson MP
Minister for Education and Training**

Date **24.8.09.**

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

Queensland 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 ²	29%	30%	36%	65%	86%	95%
	The number of teachers delivering Early Childhood Education Programs who are four year university trained and early childhood qualified ³	600	630 640	720 790	1,120 1,450	1,435 1,950	1,570 2,180

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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 Program⁴</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>12.8</p>	<p>3%</p> <p>12.8</p>	<p>20%</p> <p>13.5</p>	<p>57%</p> <p>13.5</p>	<p>68%</p> <p>14.0</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 jurisdictions⁵</p>	<p>State Funded Community Kindergartens</p> <p>\$0 to \$19 per week – 11%</p> <p>\$20 to \$39 per week – 51%</p> <p>\$40 to \$59 per week – 37%</p> <p>Over \$60 per week – 1%</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 ⁶	Representation of disadvantaged in community (13%)	13%	13%	13%	13%	13%
		Queensland average of disadvantaged children enrolled in a kindergarten program (38%)	42%	55%	65%	75%	95%
		Proportion of disadvantaged enrolled (16%)	18%	20%	13%	13%	13%

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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 ⁷	Representation of Indigenous in Community (6%)	6%	6%	6%	6%	6%
		Queensland average of Indigenous children enrolled in a kindergarten program (29%)	29%	33%	47%	78%	95%
		Proportion of Indigenous enrolled (6%)	5%	5%	4%	5%	6%

Notes:

1. The targets in this table reflect current national, state and industry standards and regulations. Future reforms to existing standards and regulations, as currently being considered through COAG, may impact on the achievement of these targets.
2. Achievement of these enrolment rates is dependent on the successful rollout of a kindergarten program in existing private and not-for-profit long day care centres which currently enrol around 55% of the eligible cohort. However, it is estimated that only 7% of this cohort participates in a quality kindergarten program delivered by a four year qualified teacher or registered teacher with early childhood qualifications in these long day care centres. It is proposed that by 30 June 2013, 55% of the total cohort enrolled in a kindergarten program will access the program through long day care centres. The targets are also dependent on the provision of community kindergarten services

to support an increase from approximately 22% of the cohort to 45% by 30 June 2013. This increase will also be facilitated by the rollout of the Queensland Government's extra kindergarten services.

3. To be eligible for kindergarten funding, Queensland will require services to employ a four year qualified early childhood teacher or registered teacher with an early childhood qualification to directly deliver the program to the cohort. In Queensland, teachers are registered through the Queensland College of Teachers which may recognise some three year qualified teachers with experience as equivalent to a four year qualification. The teacher number estimates are presented as an upper and lower range as the method of delivery of a kindergarten program may differ depending on the setting and the number of children per teacher (e.g. long day care or a standalone kindergarten). The teacher estimates are head count and hence includes part-time teachers.
4. The targets assume that a minimum of 15 hours per week educational instruction will be provided in kindergarten programs integrated in long day care programs from approval of the funding scheme in 2009 and that due to current industrial award conditions, the duration of the educational instruction in community kindergartens will be up to 13.5 hours per week in 2010 with the aim of providing 15 hours per week from 2011.
5. The estimates are derived from a sample of State-funded community kindergartens and State provided pre-prep in discrete Indigenous communities taken in 2007. The estimates represent an approximation of baseline weekly contribution to term enrolment fees (approximately 10 weeks each) but exclude sundry costs such as waiting list fees. Measurement of weekly cost after subsidies for children attending kindergarten delivered through long day care will be addressed through the National Data Strategy.
6. The estimates are based on the cohort population that reside in statistical local areas classified by the ABS in the bottom 2 deciles using the Index of Socio-economic disadvantage (SEIFA) from the 2006 census. This indicator assumes that the proportion of disadvantaged children in the total cohort population remains static for the term of this agreement. It is estimated that approximately 38% of the disadvantaged cohort population already attend State-funded community kindergarten services and some long day care services with an embedded program. This participation rate is higher than the state average of 29% resulting in a higher proportion of the disadvantaged cohort enrolled as a proportion of all children enrolled (16%). As universal access is achieved, it is estimated that enrolment will reach 95% by mid 2013 and representation in the community will normalise to the estimated representation in the community (estimated at 13%).
7. It is estimated that the state-wide average participation by Indigenous children is 29%, which is also the state-wide average participation of the overall cohort. This is based on enrolment in State-funded community kindergarten and State provided pre-Prep in discrete Indigenous communities. Accordingly, Indigenous representation in the total cohort enrolled is broadly equivalent to the representation of Indigenous children in the total population. As universal access is achieved the representation of Indigenous should normalise with that of the representation in the community.

D Deliverables

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

Table 2: Early Childhood Education Program Deliverables

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	Provide extra community kindergarten services across the State in areas of unmet need	Provide up to extra 240 services - First 20 services - Remaining services: Up to 50 Up to 170	By end 2013 - Open 8 in 2010 - Open 12 in 2011 Planning by end 2009 for services to open in 2012 Planning by end 2010 for services to open in 2013

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Outputs	Performance Indicators	Deliverables	Quantity/Target	Timing
		<p>New kindergarten funding scheme for ECEC services (e.g. kindergarten and long day care) providing a quality early learning program approved by the Queensland Office for Early Childhood Education and Care</p> <p>Build data capacity and capability progressively against each of the performance indicators in this table as indicated, including addressing issues in the Data Capability Report</p>	<p>Progressively implement scheme</p> <ul style="list-style-type: none"> - new community kindergartens - long day care & other ECEC services - existing community kindergartens <p>Collect and report available data annually</p>	<p>From approval of the funding scheme in 2009.</p> <p>From January 2011</p> <p>Ongoing</p>
	<p>The number of teachers delivering Early Childhood Education programs who are four year university trained and early childhood qualified</p>	<p>Provide scholarships to encourage ECEC staff to upgrade to teacher qualifications</p> <p>Work with the ECEC sector, the Australian Government and other key stakeholders to develop strategies to encourage qualified teachers to work in ECEC settings (particularly long day care)</p>	<p>Up to 200 scholarships</p> <p>Consult with stakeholders</p> <p>Develop strategy</p> <p>Implement strategy</p>	<p>Over four years commencing 2010</p> <p>By end 2009</p> <p>By end 2009</p> <p>From 2010</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>Gradually implement a new kindergarten funding scheme including additional subsidies for services in socio-economically disadvantaged areas and targeted support for low income families</p> <p>Develop in consultation with the Australian Government a consistent and comparable methodology for measurement of weekly cost after subsidies across the different types of ECEC services</p>	<p>Progressively implement scheme</p> <ul style="list-style-type: none"> - new community kindergartens - long day care & other ECEC services - existing community kindergartens <p>Raise issue in Queensland's Data Capability Report.</p> <p>Contribute to a nationally agreed methodology and targets.</p>	<p>From approval of the funding scheme in 2009.</p> <p>From January 2011</p> <p>Due 31 August 2009</p> <p>By end 2009</p>

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Outputs	Performance Indicators	Deliverables	Quantity/Target	Timing
<p>Disadvantaged children have universal access to an Early Childhood Education program</p>	<p>The proportion of disadvantaged children enrolled in (and attending, where possible to measure) an Early Childhood Education program</p>	<p>Gradually implement a new kindergarten funding scheme that provides:</p> <ul style="list-style-type: none"> - additional subsidies for services in socio-economically disadvantaged areas (Statistical Local Areas in ABS SEIFA deciles 1 and 2) - targeted subsidies for services with low income families (in SEIFA deciles 3 to 10) <p>Provide access through the provision of up to an extra 240 kindergarten services state-wide, including extra services for disadvantaged communities</p> <p>Develop and implement innovative solutions to access kindergarten – e.g. mobile and outreach programs to target children in remote areas or where centre based services are not viable</p> <p>Provide additional support to maximise participation and inclusion of children with additional needs (e.g. children with a disability) as well as leveraging existing services</p>	<p>Progressively implement scheme</p> <ul style="list-style-type: none"> - new community kindergartens - long day care & other ECEC services - existing community kindergartens <p>Up to 20% of extra services in disadvantaged communities (bottom 2 SEIFA deciles)</p> <p>Provide up to 12 mobile and 6 outreach over four years</p> <p>Finalise model</p> <p>Implementation</p>	<p>From approval of the funding scheme in 2009.</p> <p>From January 2011</p> <p>By mid-2013</p> <p>By mid-2013</p> <p>By end 2009</p> <p>From 2010</p>

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Outputs	Performance Indicators	Deliverables	Quantity/Target	Timing
<p>Indigenous children (including those in remote Indigenous communities) enrolled in and attending an Early Childhood Education program</p>	<p>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>	<p>Gradually implement a new kindergarten funding scheme that provides:</p> <ul style="list-style-type: none"> - additional subsidies for services in socio-economically disadvantaged areas (Statistical Local Areas in ABS SEIFA deciles 1 and 2) - targeted subsidies for services with low income families (in SEIFA deciles 3 to 10) <p>Provide extra kindergarten services in communities with significant under utilisation by indigenous families</p> <p>Develop and implement innovative solutions to accessing kindergarten – e.g mobile and outreach programs to target indigenous children in rural and regional areas where centre based care is not viable</p> <p>Provide participation and inclusion support for services targeting Indigenous children and for Indigenous children with additional needs and leverage existing services</p>	<p>Implement in all existing community kindergartens</p> <p>Implement in new community kindergartens</p> <p>Gradually implement in other ECEC services with an approved program</p> <p>Plan for services in line with roll-out of 240 kindergarten initiative</p> <p>Provide up to 12 mobile and 6 outreach services over four years</p> <p>Finalise model</p> <p>Implementation</p>	<p>From 1/1/2011</p> <p>From approval of the funding scheme in 2009.</p> <p>By mid-2013</p> <p>By mid-2013</p> <p>By end 2009</p> <p>From 2010</p>

Notes:

1. The enrolment target of 95% of the cohort by 30 June 2013 (as stated in note 2 to the Performance Benchmarks Table) is largely dependent on the successful rollout of an integrated program within existing long day care centres and the roll-out of the Queensland Government's extra 240 kindergarten initiative. The planning and delivery of the each stage of the extra 240 kindergartens will be affected by the take-up in long day care, growth in the sector and changes in demographic trends and need and demand in the community.
2. Refer note 4 on page 11.

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 September 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 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 Queensland 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 State Delegate or the State 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 \$252,029,000 (exclusive of GST) payable by the following instalments:

Amount	Payable on acceptance by the Commonwealth of the:	No later than:
\$11,248,000	Signing of this agreement	7 Oct 2009
\$11,856,000	Data Capability Report due by 31 August 2009	7 Nov 2009
\$11,552,000	Progress Report due by 30 September 2009	7 Dec 2009
\$24,320,000	Annual Report due by 31 March 2010	7 Jul 2010
\$5,168,000	Progress Report due by 30 September 2010	7 Dec 2010
\$45,144,000	Annual Progress Report due by 31 March 2011	7 Jul 2011
\$45,144,000	Progress Report due by 30 September 2011	7 Dec 2011
\$48,798,500	Annual Report due by 31 March 2012	7 Jul 2012
\$48,798,500	Progress Report due by 30 September 2012	7 Dec 2013

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