

APPENDIX 3: BILATERAL AGREEMENT BETWEEN WESTERN AUSTRALIA AND THE COMMONWEALTH ON QUALITY SCHOOLS REFORM

Preliminaries

1. This agreement satisfies the conditions of subsection 22(2)(b) of the *Australian Education Act 2013* (the Act) requiring each State and Territory to be party to an agreement with the Commonwealth relating to the implementation of school education reform.
2. This bilateral agreement will inform the priorities for the work plans for non-government representative bodies in Western Australia under the Australian Government's Non-Government Reform Support Fund.
3. This bilateral agreement between the Commonwealth and Western Australia will commence on 1 January 2019 and expire on 31 December 2024. Although these agreements commence on 1 January 2019, a State-Territory share stipulated in a bilateral agreement for 2018 will apply to the 2018 calendar year.
4. In the event the Commonwealth offers terms to the agreement that are more favourable in bilateral agreements with other jurisdictions, including but not limited to:
 - a. an adjustment to the measurement of state funding contribution included in another state's bilateral agreement, or
 - b. any subsequent agreement the Commonwealth makes with any other state or territory, which favourably impacts on that state's financial contributions or risk sharing arrangements under the agreement,

then these terms will also be made available to Western Australia and this agreement will be updated to take into account the adjustment or material change to circumstance. The agreement may also be updated through agreement with the Commonwealth if there is a material change in the state's circumstances, beyond its reasonable control, which will affect Western Australia's fiscal position or the recognition of the state's funding contribution.

Reform context

5. Western Australia's large land mass and low population density result in low economies of scale and higher costs for infrastructure and service delivery in the State.
6. This uniqueness creates a challenging environment that is not conducive to service delivery within a 'one-size-fits-all' approach.
7. Western Australia is responsible for servicing one of the most geographically diverse schooling sectors in the world and faces significant challenges in providing an equitable, quality education to all students.
8. Some of the most isolated schools in the world are in Western Australia, with approximately 44% of all public schools located in regional areas. The closest town to a remote school is, on average, 400 kilometres away, with access mainly on unsealed roads.

9. In 2018, there are over 307,500 students in 809 public schools that are administered by the Western Australian Department of Education (the Department). The Department also provided more than \$430 million in recurrent financial assistance for approximately 148,000 students in 308 Catholic and independent non-government schools.
10. With a population density of approximately one person per square kilometre and responsibility for servicing one of the most geographically diverse schooling sectors in the world, Western Australia faces significant challenges in providing an equitable, quality education to all students.
11. Information in this section of the agreement was current as at the time of signing the original agreement in 2018. There has been significant further investment and reform in school education by the Western Australian Government in subsequent years.
12. Western Australia has a history of significant investment in schools, with capital investments of \$1.2 billion over four years from 2018–19 supporting the delivery of new public schools, as well as expanding existing ones to meet student enrolment growth across the State. This program will also provide upgrades to existing public schools, and will help shape the growth and development of towns and suburbs across Western Australia while strengthening the delivery of education services.
13. Having regard to significant State investment over many years, universal access to Kindergarten (two years before Year 1 and one year before full-time schooling) has been a reality in Western Australia since 1995, and participation is normalised. This solid universal platform includes all Aboriginal, disadvantaged and vulnerable children.
14. To respond to the unique challenges of the Western Australian context, and for system-wide and school-based initiatives to have maximum impact, there are a number of key educational settings that are driving improved student outcomes in public schools within the State.
15. Success for every student and best possible teaching practice remain key priorities for delivering high quality education in public schools. The focus will be on explicit teaching of literacy and numeracy, particularly writing across all years; development of students' innovation, creativity and entrepreneurial skills; progressive implementation of the new languages curriculum; and continued targeting of Science, Technology, Engineering and Mathematics (STEM) and digital technologies learning. Key initiatives and opportunities include the following:
 - a. Professional learning will complement initiatives that arise regarding enduring improvements in teacher performance. The safety of students and staff in public schools remains a focus with further training and resources being provided to support the prevention and management of violent incidents in schools.
 - b. The State Government is adopting a lead role in supporting policy development in relation to reducing bullying and cyberbullying in Western Australian schools. Collaborative work is being undertaken with the Telethon Kids Institute and the e-Safety Office to address cyberbullying and promote cyber safety practices, through initiatives such as; whole-school plans, customised bullying strategies, and the promotion of respectful behaviour.
 - c. In terms of the challenges and opportunities afforded to STEM, the Department commenced the implementation of the State Government's commitment to provide

200 schools (\$12 million) with a science laboratory and an additional grant of \$25,000 (\$5 million) to purchase laboratory equipment and STEM related resources.

- d. Investing in more one-on-one attention for students in the classroom, including an additional 300 FTE Education Assistants over three years (\$3.14 million), 50 FTE Aboriginal and Islander Education Officers (\$864,000) and 120 FTE teachers introduced to improve classroom teaching and oversee the delivery of mental health programs (\$6.30 million).
16. Western Australia also affords all four-year old children the entitlement to enrol in Kindergarten (the year before full-time schooling) at a public school, free of compulsory charges. In addition, all Catholic and most Independent schools offer Kindergarten, with an increasing number of non-government schools offering three-year old, or pre-Kindergarten early education.
17. The Department assessed more than 25,000 pre-primary students in the on-entry assessment program, giving teachers high quality diagnostic information about literacy and numeracy skills and understandings of students at the start of compulsory schooling. Additionally, 285 three-year-old Aboriginal children were registered to participate with their parents in the final year of the three-year KindiLink pilot.
18. The State Government has established a further early childhood initiative, led by the Department of Education, with the development of 21 Child and Parent Centres, in low socio-economic communities. The Centres provide programs and services, culminating with child and parent attendances, that builds confidence and capacity of parents/caregivers through family-centric and culturally safe services on public school sites prior to a child's transition to full-time schooling.
19. Achieving equity in the provision of education is particularly challenging in Western Australia as a result of its geographic size and diversity. The Department is addressing this challenge, in part, through initiatives such as the Rural and Remote Training Schools project. This project promotes rural and remote teaching to university students, identifies schools with capacity to support pre-service teachers, and works with universities, pre-service teachers and school staff to ensure a positive and effective practicum experience.
20. The Department is implementing the Aboriginal Cultural Standards Framework as a clear statement of expected practice and behaviour in schools and communities to increase Aboriginal student achievement and drive improvement planning. Its Aboriginal Employment Strategy also includes long-term investments for new and current Aboriginal employees to enhance leadership opportunities, professional capacity and career progression.
21. The activities listed above are provided for context and are not considered part of the Agreement for the purposes of subsections 22(2) (b) and (c) of the Act.
22. Building on these reform activities, this Agreement sets out additional activities to be undertaken during the term of this bilateral agreement.

Part 1 — REFORMS

Reform activity

23. The reform activities agreed in this bilateral agreement align with the national reform directions of the National School Reform Agreement.

24. Bilateral reforms will include activity to support improved outcomes for specific cohorts of students as appropriate, including Aboriginal and Torres Strait Islander students.
25. Western Australia undertakes to work with the non-government school sector in Western Australia in the implementation of the reforms outlined in this agreement as follows:
 - a. continuing professional collaboration with the Catholic Education Western Australia (CEWA) and the Association of Independent Schools Western Australia (AISWA) on key matters involving; cross-sectoral educational policy, approach and practice; the regulation and planning of non-government schools, funding of Catholic and independent schools, and
 - b. developing and encouraging further mechanisms for positive collaboration and implementation of specific reforms that impact across all school sectors in this State.
26. The Commonwealth will not impose financial or other sanctions on States or Territories for failure by the non-government school sector to cooperate with bilateral agreements, as per clause 50 of the Agreement. Nor will the Commonwealth impose sanctions on the non-government school sector for a failure of a State or Territory to cooperate with them in the implementation of this bilateral agreement.

Reform Direction	Actions	Sector(s)	Timing
<p><u>General Capabilities (Australian Curriculum)</u></p> <ul style="list-style-type: none"> Enhance the focus on General Capabilities, as outlined in the Australian Curriculum, for the various learning areas. Continue to support the use of formative assessment tools, such as Brightpath. 		Public, Catholic and Independent schools	2018 to 2020
<p>Reform Direction B – Support teaching, school leadership and school improvement</p>			
<p><u>New Public School Review Process</u></p> <ul style="list-style-type: none"> Public School Review (PSR) will provide assurances to the Minister, Director General and school communities that public schools are operating effectively and delivering high quality education to its students. School principals, in collaboration with school staff, will critically assess data and other evidence related to student achievement and school operations, as a basis for decisions about the actions required to maximise achievement across all student cohorts, including priority equity cohorts. Public schools will undertake and submit a school self-assessment using an educative electronic school assessment tool (ESAT) that provides verifiable judgments about student achievement and school operations. Public schools will make student achievement, both academic and non-academic, the central priority of school self-assessment, including a focus on priority equity cohorts, where applicable. Performance validation will be identified through a subsequent report that includes the school’s responsiveness to key elements of school effectiveness, and will reflect the school’s compliance with corporate reporting requirements. All public schools will be reviewed on a continuing three-year cycle using both system and school-based information. A PSR implementation review will be undertaken at the conclusion of 2021 (i.e. first year of cycle). 		Public schools	2018 to 2023

Reform Direction	Actions	Sector(s)	Timing
	<p><u>Support for School Leaders</u></p> <ul style="list-style-type: none"> • Improved talent identification and selection through better-targeted and differentiated leadership development and support programs. • Introduction of a new leadership talent identification process. Review principal selection processes and trial alternative resources. • Implement self-assessment development analysis using the Principal Performance Improvement Tool. • Introduction of a new leadership program where aspiring leaders are encouraged to self-select into the relevant programs. • Develop and implement a 'Transition Support program' for new principals. • Support for the 'WA Public School Leadership Strategy 2018-2021' that will comprise 10 projects, with each of these projects having a focus on supporting leaders from diverse backgrounds and different school contexts. One project has as its explicit focus a suite of early identification and development opportunities tailored for Aboriginal people who aspire to school leadership. • Implement the 'Aspirant Aboriginal Leaders' project that includes the Department co-developing: <ul style="list-style-type: none"> ○ an aspirant Aboriginal statement with key stakeholders, current and aspirant Aboriginal leaders; ○ a suite of development opportunities with Aboriginal leaders, including a career pathway program that is specifically targeted to the needs of aspirant Aboriginal leaders, and ○ a mentoring and coaching support structure contextualised to support aspirant Aboriginal leaders. • Enhance the Leadership Development program focused on 'Building Cultures of Teaching Excellence'. • Introduction of the Lead Principal role to ensure all principals receive professional and personalised support from a highly credible colleague. • Early Career Teachers program to provide opportunities for teachers in their first and second year of practice to network and develop their capabilities. • Implement the School Climate Survey to provide leaders with information regarding the cultural climate of their organisation. 	<p>Public /Catholic schools</p> <p>Public schools</p> <p>Public and Independent schools</p> <p>Public schools</p> <p>Independent schools</p> <p>Independent & Catholic schools</p> <p>Catholic schools</p>	<p>2019 (early/mid) to 2020</p> <p>2018 to 2021</p> <p>2019 (mid/late) to 2020</p> <p>2019 (early/mid)</p>

Reform Direction	Actions	Sector(s)	Timing
	<p><u>Recruitment and management of staff in remote areas</u></p> <ul style="list-style-type: none"> Development of professional teaching and leadership networks in remote schools across regions and sectors via remote school conferencing, social media and video conferencing. Establishment of a process for remote teachers and leaders to undertake the certification at Highly Accomplished and Lead Teacher level. 	Independent schools	2019 (mid/late) to 2020 (mid)
	<p><u>Teacher workforce</u></p> <ul style="list-style-type: none"> Support national discussion and effort related to initial teacher education and the teacher workforce, including future arrangements to contribute to the Australian Teacher Workforce Data Strategy 	All Sectors	2019 (mid/late) onwards
	<p><u>Aboriginal Cultural Standards Framework</u></p> <p>Provide professional learning and evidence-informed resources to increase the capacity of teachers to embed Aboriginal histories, cultures and languages into their classroom practice.</p> <ul style="list-style-type: none"> Undertake case studies with a sample group of schools, in a range of contexts to capture promising practices on the use of the Framework in their local context, for sharing across schools and networks. The case studies will be used to inform the Department's approaches to supporting schools with implementation. Provide targeted support to build the capability of school leaders to use the Framework to develop and sustain an individual and school-wide focus on improving the participation, engagement and achievement of Aboriginal students and drive improvement planning. Implement the Transforming Lives strategy to 'close the gap' between the achievement and retention of Aboriginal students and their non-Aboriginal peers. Investigate opportunities to extend Cultural Competency online professional development from initial trial with Catholic Education Western Australia (CEWA) office staff to all state-wide CEWA employees. 	Public schools Catholic schools Catholic schools	Ongoing 2019 to 2020 2018 to 2019 (early)

Reform Direction	Actions	Sector(s)	Timing
<u>Science, Technology, Engineering & Maths (STEM)</u>			
<ul style="list-style-type: none"> • Improving STEM education and identify ways of promoting the importance of the key STEM skills. The focus is on promoting the importance of the key STEM skills of problem solving, critical thinking and innovation to employers, educators, parents and students. • Professional learning and the levels of teaching resources are being enhanced through service arrangements with SciTec to build capacity of teachers to implement STEM education. • Targeted program for low socio-economic schools to build STEM interests, aspiration and capability in STEM. • Develop a 'Pick and Buy' list of endorsed resources to support STEM programs in schools. • Publish advice on age-appropriate pedagogy, skills and capabilities for STEM and on-line resources, including Kodeklx. 		All Sectors	2018 to 2021
		Public schools	2018 to 2021
		All Sectors	2018 to 2019
Reform Direction C – Enhancing the national evidence base			
<u>Nationally Consistent Collection of Data for Students with Disability (NCCD)</u>			
<ul style="list-style-type: none"> • Reporting in a nationally consistent manner on students with disability and the adjustments these students receive to enable schools to evaluate their learning and support systems. • Teachers make evidence-based decisions about the level of adjustment being provided for each student with disability, and the broad category of disability, to achieving quality teaching for all students. • Regular collection of data to assist with the evaluation and adjustments to learning and support systems. 		All Sectors	2019 to 2023
<u>Enhancing the evidence base</u>			
<ul style="list-style-type: none"> • Contribute to national discussion and efforts relating to a national unique student identifier, an independent national evidence institute, and improving national data quality, consistency and collections 		All Sectors	Life of the agreement

Part 2 — STATE AND TERRITORY FUNDING CONTRIBUTIONS

Required funding contributions

27. Under section 22A of the Act, the state must meet its funding contributions for the government and non-government sectors as a condition of receiving Commonwealth funding.
28. The funding contributions for the government and non-government sectors in 2017 (also known as the 2017 starting share) will be set out in the Regulation and will determine the default requirement if this bilateral agreement is terminated by either party.
29. The 2017 starting shares for Western Australia are:
 - a. 88.15 per cent for the government sector
 - b. 26.86 per cent for the non-government sector
30. The funding contributions for the government and non-government sectors agreed in this bilateral agreement are outlined in the table below for each year from 2018 to 2024. The minimum funding contributions are expressed as a percentage of the Schooling Resource Standard (SRS) as defined in Part 3 of the Act.

Sector	2018	2019	2020	2021	2022	2023	2024
Government	84.43%	80.56 %	77.56 %	75.46 %	75.00 %	75.00 %	75.00%
Non-government	26.30%	25.72%	20.00%	20.00%	20.00%	20.00%	20.00%

31. The funding contributions outlined above have been agreed based on the following rationale:
 - a. Western Australia's contribution to government schools is made on the basis of current State Government policy settings.
 - b. While minimum required shares are outlined at clause 30, Western Australia retains the flexibility to fund non-government schools above the minimum requirements for all or part of the term of the agreement.

If the reported contribution for a state or territory for a year falls short of meeting the required contribution for a sector by an immaterial amount, this will not be considered non-compliant with section 22A of the Act. An immaterial amount is less than or equal to 0.6 per cent of the total SRS for the sector, or another immaterial amount agreed by the Commonwealth Minister for Education for a year, which accounts for the timing constraint of state budget processes being finalised in advance of the year and the required contribution for the year being finalised at the end of the year following the annual School Census.

32. In assessing compliance with this agreement, the National School Resourcing Board (the Board) will take into account mitigating factors that have contributed to non-compliance. This may include, but is not be limited to, fluctuations from year-to-year in funding which could be assessed through, for example, the application of a three year rolling average if funding has fallen below the required amount, unintended and unforeseeable budget pressures in the state budget process, financial accounting impacts (e.g. actuarial assessments and timing of expenditures due to reporting dates), and other unforeseeable circumstances (e.g. such as natural disasters).
33. Consistent with clause 61 of the National School Reform Agreement and in the event of a change to the SRS that has a consequential impact on state contribution requirements, the Parties can agree to amend the contribution shares set out in clause 30 above, to ensure that the state contribution amount is not impacted. The amended amount should represent the funding calculated as if the SRS settings are applied that were in operation at the time the agreement commenced. The Commonwealth will facilitate this process by continuing to provide data required to enable the State to calculate the amount of its contribution on an unchanged basis.

Measurement of contributions

34. For the purpose of this Schedule, Parties have agreed the costs that are measured towards Western Australia's funding contribution requirements for the government and non-government sectors.
35. Consistent with the calculation of the SRS, the state funding contributions will be measured consistent with the existing Australian Curriculum, Assessment and Reporting Authority (ACARA) financial data reporting methodology for state Net Recurrent Income Per Student (NRIPS) for school years Year 1 minus 1 to Year 12, excluding funding for full fee paying overseas students, along with the following additional funding types:
 - a. Up to 4 per cent of the total SRS for the government sector each year for funding for costs contributing to the provision of education in schools, which may only include, at the State's full discretion, direct school transport, capital depreciation and Kindergarten expenditure.
 - b. All regulatory funding provided by the government for the purpose of:
 - i. the School Curriculum and Standards Authority and
 - ii. the (former) Department of Education Services' regulatory functions.
 - c. All funding for the reform measures outlined in Part 1 of this bilateral reform agreement and the national policy initiatives outlined in the National School Reform Agreement (with the exception of any capital funding).

Requirements for annual reporting to the Commonwealth

36. The following clauses set out the annual reporting arrangements for Western Australia for a year (Year T).
37. The Commonwealth will provide all states and territories with a Funding Estimation Tool (FET) in January Year T+1 prior to the state or territory's annual report with the final Schooling Resource Standard (SRS) data for Year T for the purpose of the Board's review of section 22A of the Act.

38. The Director General or equivalent of the education portfolio for the state or territory must provide an annual report to the Secretary of the Department of Education and Training for each year of the agreement.
39. The annual report must be provided no later than 31 October Year T+1 (i.e. 31 October of the following year).
40. The annual report must set out the following:
 - a. the total amount of funding provided by the state or territory for government schools in the state or territory for Year T as measured in line with clause 35 above
 - b. the total amount of funding provided by the state or territory for non-government schools in the state or territory for Year T as measured in line with clause 35 above
 - c. total full time equivalent enrolments for Year T relating to the funding amounts above.
41. The annual report must also specify the amount for each funding type set out in clause 35 as well as the amount of funding consistent with the NRIPS methodology at a sector level, not an individual school.
42. Each amount included in the report must have been:
 - a. Spent by the State or Territory government for schools for Year T (including centralised funds expended by the department for schools and funds allocated for schools that are not spent within Year T but are spent within remainder of the financial year or subsequent years by schools in accordance with their local financial plans) or approved authorities, or
 - b. spent by schools or approved authorities for schools, and
 - c. not counted towards another reporting year for the purposes of this agreement.

Note this does not prevent a state or territory also including budgeted amounts in its report.
43. Each amount included in the report for a sector must have been allocated or provided for that sector. Note this means a state or territory cannot count funding provided for one sector towards the contribution requirement for the other sector.
44. Each amount included in the report must be net of any Australian Government funding.
45. For each amount, except items listed in clause 46 below, the report must include evidence that the amount has been certified and is consistent with the agreed methodology in clause 35 of this bilateral agreement by one of the following:
 - a. the Auditor-General of the state or territory or
 - b. an independent qualified accountant or
 - c. an independent qualified accountant engaged by ACARA for NRIPS funding or
 - d. the Director General or equivalent of the education portfolio for the state or territory, but only up to 0.1 per cent of the SRS for the state or territory for all reported funding.

46. For the items listed below, the amounts must be certified in accordance with clause 45 above however it is agreed that evidence of certification will be provided after the annual report but no later than 31 January Year T+2:
- a. This clause relates to items where the State or Territory has provided evidence the amount does not typically have a material change once audited – i.e. NRIPS data and will be enacted as required.
47. The annual report may also provide an explanation and supporting evidence for the National School Resourcing Board's (the Board) consideration of any shortfall between the total amount reported for Year T and the agreed funding contributions for Year T in clause 30 of this bilateral agreement.
48. The Commonwealth will provide the state or territory's annual report to the Board for assessment of the state or territory's compliance for Year T with section 22A of the Act, including any funding requirements specified in this bilateral agreement.
49. The Commonwealth may request additional information from the state or territory on behalf of the Board, to be provided within 21 days. If the state or territory does not provide information or advice in this timeframe, the Board will make an assessment based on the information and evidence available.
50. The state or territory will have an opportunity to provide further information for the Board's consideration following their receipt of the Board's draft findings.

SIGNATURES

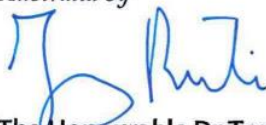
Signed for and on behalf of the Commonwealth of
Australia by



The Honourable Jason Clare MP
Minister for Education

Date: 16/11/23

Signed for and on behalf of the state of Western
Australia by



The Honourable Dr Tony Buti MLA
Minister for Education

Date: 29/11/23