

APPENDIX 5: BILATERAL AGREEMENT BETWEEN TASMANIA 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 Tasmania under the Australian Government's Non-Government Reform Support Fund.
3. This bilateral agreement between the Commonwealth and Tasmania 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 Tasmania 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 Tasmania's fiscal position or the recognition of the state's funding contribution.

Tasmania's education context

5. The Tasmanian Government has a comprehensive, evidence-informed improvement program underway to lift education outcomes for all Tasmanian learners and in doing so, realise significant social and economic benefits for individuals and the Tasmanian community.
6. This is underpinned by an Education Act that commenced in 2016 (Education Act). The Education Act provides a comprehensive and contemporary legislative framework, which supports Tasmanian children and young people over the next generation.
7. The Education Act and the Government's program are designed to achieve meaningful and sustained improvement in education outcomes in Tasmania against a back-drop of a range of long-standing, inter-generational economic and social challenges that are inextricably linked to these outcomes.
8. Tasmania's relative isolation, both geographically and economically, and the dispersed communities living outside our major population areas, all combine to create a range of social, economic and logistical difficulties for many students in the Tasmanian education system. In the face of these inherent challenges, the strategic focus for education is to improve the participation, retention and engagement of all young Tasmanians.

9. To ensure our learners have the skills and attributes they need to succeed in the modern world, the provision of education must account for the local context in which it is delivered. The Tasmanian and Australian Governments acknowledge the operational context in which education is delivered in Tasmania. In practical terms, this means a small number of identified education priorities for the cohort of children in each school.
10. The scope of the national and bilateral agreements, in relation to both funding and policy, is focused on the school setting, which reflects government models of service delivery, however it is important to note the comprehensive learning needs of young people are often broader than this.
11. As with every child, Tasmanian children have the right to feel loved and safe, have the material basics for life and good health, both physical and mental. These are the foundations of a good education and for school-based education policy to be effective, students must firstly be present and ready, both physically and mentally, to learn.
12. Tasmania has a proud history of being at the forefront of early childhood education, and the *Strategy for Children – Pregnancy to eight years 2018–2021* continues this important focus. It sets the direction and expectations for the critical early years of a Tasmanian child's life across education, health and wellbeing outcomes.
<https://documentcentre.education.tas.gov.au/Documents/Tasmania-Strategy-for-Children-Pregnancy-to-Eight-Years-2018-2021.PDF>.
13. Tasmania has a number of early childhood education programs in place to address the educational disadvantage experienced by many of Tasmania's children. Tasmania's early years' programs are a crucial pre-investment to engage children and their families in the school environment to ensure that education is more efficient and effective when children enter compulsory education.
14. Furthermore, Tasmania's delivery of preschool (the year before compulsory schooling) is through schools (both government and non-government) and Tasmania's *Education Act 2016* provides every Tasmanian child with a legal entitlement to attend 'Kindergarten' at their local government school.
15. Given the demonstrable value of investment in high quality early learning, particularly for children from disadvantaged backgrounds, the Australian Government acknowledges Tasmania's substantial investment in early years' education, which is outside of the calculation of the Schooling Resource Standard (SRS).
16. As part of its improvement program, the Tasmanian Government has also made structural changes to lift engagement and year 12 completion rates.
17. Under the Education Act, from 2020 young people are required to participate in formal education and training until the completion of Year 12, attainment of a Certificate III, or the age of 18 – whichever occurs first.
18. For government schools, the Years 11 and 12 extension program aims to address the barriers that young people (particularly in rural and remote communities) face in completing secondary schooling and continuing on to an education, training or employment pathway. More than 30 schools in rural and remote communities have joined the program, with more to follow.
19. Building on the structural changes outlined above, the 2018-2021 Department of Education Strategic Plan *Learners First: Every Learner, Every Day* supports a culture of continuous improvement through a shared commitment to our learners.

https://documentcentre.education.tas.gov.au/_layouts/15/DocIdRedir.aspx?ID=TASED-1797567314-8606

20. The Strategic Plan has a strong focus on allowing schools, services and business units to self-determine a small number of priorities, which fit within the broader goals. This approach represents a substantial change for Tasmania's public education system through its emphasis on empowering schools and principals to drive their own improvement.
21. The benefits of this approach will be significant for all students, but particularly so for those students for whom educational disadvantage is a reality, as schools and communities focus on improvement activities that align to the unique learning needs of their students.
22. This approach is supported by a range of resources designed to empower teachers and to engage all students in effective and rigorous learning. This includes the Orb – a collection of online multimedia resources designed to assist the teaching of Tasmanian Aboriginal histories and cultures; and a nation-leading approach to making the adjustments required to educate students with disability.
23. For Tasmania, it is important to note that the System Improvement Activities outlined in this Agreement build on a wide range of resources and activities available at a system level, designed for schools and teachers to prioritise the learning needs of their students.
24. For all Tasmanian schools, this Agreement provides further resources and capacity to maximise the benefits of new and existing improvement activities and to enable every Tasmanian school to realise the ultimate objective of improving education outcomes. This bilateral agreement sets out additional improvement activities to be undertaken over the term of the Agreements.

Part 1 — SCHOOL / SYSTEM IMPROVEMENT APPROACH

Improvement activities

25. To reflect the range of existing work being undertaken across Tasmania's education system, the term "improvement activity" replaces the term "reform activity" in this bilateral agreement.
26. Tasmania has four areas of focus for system improvement which broadly align with the national reform directions:
 - a. **Quality Teaching** – curriculum , pedagogy, assessment and differentiation
 - b. **Effective Leadership** – school culture, educational leadership, building teacher capacity, building leadership capacity
 - c. **School Improvement and support** – review, data, planning and resourcing, monitoring and evaluation
 - d. **School community partnerships** – local and community partnerships.
27. Tasmania's improvement activities will build on and maximise the benefits from existing activities for all students as well as specific cohorts of students, including Aboriginal and Torres Strait Islander students and students with disability.
28. In line with the commitments made in the historic Partnership Agreement on 'Closing the Gap' agenda, the National Aboriginal and Torres Strait Islander Education Strategy 2015, the National Indigenous Reform Agreement (NIRA) and through ongoing collaboration with the Tasmanian Aboriginal Education Reference Group, Tasmania is committed to improving the

educational outcomes and wellbeing of Aboriginal students so that they excel and achieve in every aspect of their education. From July 2020, a new National Agreement on Closing the Gap was signed by all Australian Governments and the Coalition of Peaks to build on and replace the NIRA. This commitment underpins Tasmania's work in all areas and within the implementation of its improvement activities.

29. Tasmania undertakes to work with the non-government school sector in Tasmania in the implementation of improvement activities outlined in this agreement through:
 - a. Continuing existing consultation channels and representation of the sectors through relevant working groups, including:
 - i. The Years 9-12 Project Group
 - ii. The Inclusion Advisory Committee (students with disability)
 - iii. The Peter Underwood Centre
 - iv. The Online Assessment Steering Committee.
 - b. Establishing further mechanisms for consultation in the implementation of specific improvement activities that affect all school sectors.
30. The Commonwealth will not impose financial or other sanctions on States or Territories for a 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 it in the implementation of this bilateral agreement.

Table 1 – Tasmania’s bilateral system and school improvement plan

Improvement Activity	Actions	Sector(s)	Timing
Improvement Direction A – Quality Teaching – curriculum, pedagogy, assessment and differentiation			
Contribute to national effort and discussions and effort regarding learning progressions, formative assessment and the review of senior secondary education.	All sectors	Ongoing	
Meet the needs of students at risk of educational disadvantage (including students with disability, Aboriginal students, students with low English proficiency and students in rural and regional areas) through evidence-based pedagogy, quality teaching and leadership and innovation.	All sectors	Ongoing	
Implement recommendations from Tasmania’s Years 9-12 Review <ul style="list-style-type: none"> • Development of a curriculum framework • Revise accreditation and certification standards for completion of Year 12 • Develop a strategic response to gaps in workforce • Review of the use of senior secondary data. 	All sectors / Government	From 2019	
Implement learning progressions for literacy and numeracy to support curriculum delivery, including in the early years of schooling.	Independent	2019	
Provide opportunities and encourage access to professional learning and networking for school leaders to improve performance and capabilities in alignment with AITSL standards.	Independent	Ongoing	
Collaboration with schools and colleges to establish uniform feedback and reporting to ACARA standards and progressions.	Catholic	2019	
Trial of Staff Learning Management System to enhance capability, tracking and delivery of professional development.	Catholic	2019	

Improvement Activity	Actions	Sector(s)	Timing
Improvement Direction B – Effective Leadership – school culture, educational leadership, building teacher capacity, building leadership capacity			
	Contribute to national discussion and effort with regard to initial teacher education and national teacher workforce strategy and review of teacher registration, including consideration of legislative amendments.	All sectors	2019
	Implement the four year <i>More Teachers, Quality Teaching</i> action plan, including a marketing strategy and collaboration with education leaders across Tasmania to attract, train and develop a diverse (including Aboriginal and Torres Strait Islander), future fit, skilled and ready workforce.	Government	From 2019
	Develop a strong pipeline of school leaders by giving highly skilled teachers opportunities and support to complete leadership development offerings and through prioritisation of succession planning.	Government / Catholic	From 2019
	Strengthen teacher induction processes and mentoring to support transition from the Graduate to Proficient teaching standards.	Government / Catholic	2019
	Increase staffing in selected schools to the support our principals to focus on leading high quality teaching and learning in their schools.	Government	From 2019
	Undertake a functional analysis of school leadership teams and review the role of the principal in the context of leadership in government schools, with a focus on the principal being the instructional leader.	Government	From 2019
	Develop a leadership continuum model aligning AITSL standards and Catholic Education Tasmania defined capability streams with an ongoing reference to principal well-being strategies.	Catholic	Ongoing
Improvement Direction C – School Improvement and support – review, data, planning and resourcing, monitoring and evaluation			
	Develop a new school and system review approach and associated quality assurance processes to drive improvement in student learning outcomes, with a focus on specific cohorts of students including Aboriginal and Torres Strait Islander students.	Government	From 2019

Improvement Activity	Actions	Sector(s)	Timing
	Continue to utilise external expertise to engage and evaluate system improvement priorities, with a particular focus on capacity building.	Government	Ongoing
	Enhance schools' internal self-review and external quality assurance process for the purpose of monitoring and reviewing student learning gain.	Independent	Ongoing
	Continue to improve school improvement frameworks consistent with the ACER National School Improvement Tool and its nine domains.	Catholic	Ongoing
Improvement Direction D – School community partnerships – local and community partnerships			
	Undertake a review of the approaches to, and levels of family engagement in schools to drive continued improvement across the government system.	Government	2019
	Consult with the Aboriginal Education Reference Group on relevant initiatives.	All Sectors	Ongoing
	Recognise, acknowledge and further utilise the existing high levels of parent engagement in our schools.	All sectors	Ongoing

Part 2 — STATE AND TERRITORY FUNDING CONTRIBUTIONS

Required funding contributions

31. 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.
32. 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.
33. The 2017 starting shares for Tasmania are:
 - a. 72.93 per cent for the government sector
 - b. 21.50 per cent for the non-government sector
34. 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 SRS as defined in Part 3 of the Act, and take into account clause 40 of this Agreement.

Sector	2018	2019	2020	2021	2022	2023	2024
Government	72.93 %	73.16 %	73.39 %	73.62 %	73.85 %	74.08%	74.31%
Non-government	21.50 %	21.20 %	20.90 %	20.60 %	20.30 %	20.00 %	20.00%

35. The minimum funding contributions outlined above have been agreed having regard to clause 40 and based on the following rationale:
 - a. The Tasmanian final share for government schools in Tasmania will reach 75 per cent of the SRS by 2027.
 - b. An acknowledgement that the Tasmanian Government also invests significantly in early years education programs and kindergarten programs that are not reflected in the calculations detailed above. As noted in Part 1, these programs represent a crucial pre-investment to engage children and their families in the school environment ultimately improving educational outcomes and acting as a driver to Tasmania's high early childhood participation programs. Research clearly indicates that there is a greater return on investment in the early years compared to investing more in reactive programs in years Prep to 12, with returns particularly high for children from disadvantaged backgrounds.

If this investment equating to approximately 4 per cent of the SRS was included in the SRS calculation, the Tasmanian Government contribution would exceed 75 per cent. The Tasmanian Government is also investing in an initiative that will deliver free pre-school for three year olds across the State, supporting those children who are the most disadvantaged or vulnerable. Once implemented in 2020, this initiative will provide up to \$10.5 million per annum to support free pre-school delivered by the ECEC sector.

The Tasmanian Government's investment in early years education will contribute significantly to Tasmania meeting its obligations under this Agreement and to its commitment to achieve meaningful and sustained improvement in educational outcomes in Tasmania.

36. 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.
37. 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 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).
38. 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 34 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

39. For the purpose of this Schedule and in accordance with section 22A of the Act, Parties have agreed the costs that are measured towards Tasmania's funding contribution requirements for the government and non-government sectors.
40. The state funding contributions will be measured according to Tasmania's funding as captured by the 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 direct student transport costs (including transport for rural and special needs students, student-only bus services) and depreciation costs.

Note if a state or territory reports a lower proportion of the SRS than the 4 per cent cap for a year, they cannot subsequently increase the expenditure reported to a higher proportion of the SRS.

- b. All regulatory funding provided by the government for the purpose of:
 - i. The Office of the Tasmanian Assessment, Standards and Certification
 - ii. The Teachers Registration Board.
 - 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).
41. Tasmania commits to provide sufficient evidence to satisfy the Commonwealth that the Tasmanian 2017 starting share reflects the principles of the agreement by 5 December 2018.

Requirements for annual reporting to the Commonwealth

42. The following clauses set out the annual reporting arrangements for Tasmania for a year (Year T).
43. 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 SRS data for Year T for the purpose of the Board's review of section 22A of the Act.
44. 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.
45. The annual report must be provided no later than 31 October Year T+1 (i.e. 31 October of the following year).
46. 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 40 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 40 above
 - c. total full time equivalent enrolments for Year T relating to the funding amounts above.
47. The annual report must also specify the amount for each funding type set out in clause 40 of this bilateral agreement as well as the amount of funding consistent with the specified NRIPS methodology.

48. Each amount included in the report must have been:
- a. spent by the state or territory government for schools (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) or approved authorities, or
 - b. spent by schools or approved authorities for Year T, 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.

49. 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.
50. Each amount included in the report must be net of any Australian Government funding.
51. For each amount, except items listed in clause 52 below, the report must include evidence that the amount has been certified and is consistent with the agreed methodology in clause 40 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.
52. For the items listed below, the amounts must be certified in accordance with clause 51 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.
53. The annual report may also provide an explanation and supporting evidence for the Board consideration of any shortfall between the total amount reported for Year T and the agreed funding contributions for Year T in clause 34 of this bilateral agreement.
54. 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.
55. 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.

56. 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 Tasmania by



The Honourable Roger Jaensch MP
Minister for Education, Children and Youth

Date: 4/12/23