



Schools Assistance (Learning Together— Achievement Through Choice and Opportunity) Act 2004

No. 135, 2004

**An Act to grant financial assistance to the States for
2005 to 2008 for primary and secondary education,
and for related purposes**

Note: An electronic version of this Act is available in SCALEplus
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Schools Assistance (Learning Together— Achievement Through Choice and Opportunity) Act 2004

No. 135, 2004

**An Act to grant financial assistance to the States for
2005 to 2008 for primary and secondary education,
and for related purposes**

[Assented to 13 December 2004]

The Parliament of Australia enacts:

Part 1—Preliminary

1 Short title

This Act may be cited as the *Schools Assistance (Learning Together—Achievement Through Choice and Opportunity) Act 2004*.

2 Commencement

This Act commences, or is taken to have commenced, on 1 January 2005.

3 Simplified outline of Act

- (1) This section is a simplified outline of this Act.
- (2) Financial assistance may be paid to the States for both government and non-government schools in the States for:
 - (a) the 2005 to 2008 calendar years (for grants for general recurrent expenditure and expenditure for specific purposes); and
 - (b) the 2005 to 2011 calendar years (for grants for capital expenditure).
- (3) Payments may be authorised only for the purposes in Parts 5 to 10.
- (4) Financial assistance to a State for government schools must not be paid unless there is an agreement with the State. The agreement must set out the conditions on financial assistance, including conditions that this Act requires the agreement to include.
- (5) Financial assistance to a State for a non-government school or system of schools must not be paid unless:
 - (a) there is an agreement with the relevant authority of the school or system that sets out the requirements that this Act requires the agreement to include; and

- (b) the list of non-government schools includes the school, or the schools in the system.
- (6) If there is a breach of a condition, the Minister may require an amount to be repaid to the Commonwealth. Alternatively, the Minister may reduce or delay the amount of other payments under this Act.

4 Definitions

In this Act, unless the contrary intention appears:

AGSRC, for primary education for a program year, means:

- (a) the Average Government School Recurrent Costs in Schedule 1 for primary education for the program year; or
- (b) if regulations are made for the purposes of subsection 121(1) for primary education for the program year—the amount specified in the regulations for that year.

AGSRC, for secondary education for a program year, means:

- (a) the Average Government School Recurrent Costs in Schedule 1 for secondary education for the program year; or
- (b) if regulations are made for the purposes of subsection 121(1) for secondary education for the program year—the amount specified in the regulations for that year.

approved authority means a body determined under section 9 to be an approved authority.

approved Catholic school system means a school system:

- (a) that is included in the list of approved school systems kept under section 48; and
- (b) for which the relevant authority is a Catholic education authority.

approved government school community organisation means a body corporate determined under section 11 to be an approved government school community organisation.

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approved school system means a school system that is included in the list of approved school systems kept under section 48.

authorised person has the meaning given by subsection 18(4).

block grant authority means a body corporate that the Minister determines to be a block grant authority for the purposes of Division 3 of Part 6 in connection with non-government schools or non-government rural student hostels.

body means any organisation or body, whether incorporated or not, or an individual.

capital expenditure includes expenditure relating to any one or more of the following:

- (a) investigating the need for:
 - (i) schools, government rural student hostels or non-government rural student hostels in particular areas; or
 - (ii) schools, government rural student hostels or non-government rural student hostels of particular kinds in particular areas; or
 - (iii) buildings, parts of buildings, other facilities or equipment;
- (b) purchasing land, with or without buildings or parts of buildings;
- (c) planning for the erection, alteration, extension, demolition or refurbishment of a building, part of a building or other facility;
- (d) developing or preparing land for building or other purposes;
- (e) erecting, altering, extending, demolishing or refurbishing a building, part of a building or other facility;
- (f) installing or upgrading water, electricity or any other services;
- (g) providing equipment, including information technology equipment;
- (h) providing furniture;

- (i) providing library materials or obtaining services and goods for cataloguing a library;
- (j) payment to a block grant authority for its administrative expenses.

child with disabilities means either:

- (a) a child:
 - (i) who has not reached school age; and
 - (ii) in respect of whom a disability assessment has been made; or
- (b) a child:
 - (i) who is of school age; and
 - (ii) who does not attend a government school, a government centre, a non-government school or a non-government centre; and
 - (iii) in respect of whom a disability assessment has been made.

current SES funding level, for a school with a particular SES score, means the percentage of AGSRC in column 2 of the table in each of Parts 1 and 2 of Schedule 4 that relates to that SES score.

disability assessment, for a child or a student, means an assessment, by a person with relevant qualifications, that the child or student has an intellectual impairment, a sensory impairment, a physical impairment, a social impairment, an emotional impairment or more than one of those impairments to a degree that satisfies the criteria for eligibility to access:

- (a) special education services; or
- (b) special education programs;

provided by the Government of the State in which the child or student resides.

Education Assistance Act means this Act, the former Act, the 1996 Act or the 1992 Act.

education in English as a second language for eligible new arrivals means education that is provided for the purpose of

teaching the English language to eligible new arrivals by means of intensive instruction.

eligible new arrival means a person:

- (a) whose first language is not English; and
- (b) who satisfies criteria determined by the Minister for the purposes of this paragraph for being a person newly arrived in Australia; and
- (c) to whom one or more of the following subparagraphs applies:
 - (i) the person is an Australian citizen;
 - (ii) the person holds a permanent visa in force under the *Migration Act 1958*;
 - (iii) the person is included in a permanent visa in force under that Act;
 - (iv) the person is not an Australian citizen but has his or her permanent home in the Territory of Christmas Island or in the Territory of Cocos (Keeling) Islands;
 - (v) the person satisfies criteria determined by the Minister for the purposes of this subparagraph.

A determination under subparagraph (c)(v) of this definition may take effect from a day before the day on which the determination was made, but not before 1 January 2005.

ESL course means a course designed to teach English as a second language.

ESL new arrivals amount, for a program year, means the amount in Part 2 of Schedule 8 for the program year.

former Act means the *States Grants (Primary and Secondary Education Assistance) Act 2000*.

funding level has the meaning given by section 6.

government centre means a place conducted by or on behalf of the Government of a State at which special education is provided.

government educational institution has the meaning given by subsection 108(2).

government rural student hostel means a hostel in a State whose primary purpose is to provide accommodation for students from rural areas who are undertaking education at government schools in the State (whether or not it also provides accommodation for other students), but does not include a hostel that is conducted for profit.

government school, in relation to a State, means a school in the State that is conducted by or on behalf of the Government of the State.

guardian, in relation to a child, includes a person who has been granted (whether alone or jointly with another person or other persons) guardianship of the child under the law of the Commonwealth or of a State or Territory.

level of education means a thing determined under section 7.

list of approved school systems means the list of approved school systems kept under section 48.

list of non-government schools means the list of non-government schools kept under section 47.

location proposal has the meaning given by subsection 60(2).

new school proposal has the meaning given by subsection 60(4).

nominated authority means a body nominated under section 10.

non-government body means a body that is not managed or controlled by or on behalf of the Government of a State and:

- (a) includes an approved school system, a systemic school, a non-systemic school, a non-government centre and a non-government rural student hostel; and
- (b) for the purposes of grants under section 99 or 100 for projects in connection with non-government rural student hostels—includes a local government body;

but does not include an approved government school community organisation.

non-government centre has the meaning given by subsection 119(3).

non-government rural student hostel means a hostel:

- (a) that is in a State; and
- (b) that is conducted by a non-government body; and
- (c) whose primary purpose is to provide accommodation for students from rural areas who are undertaking education at schools in the State (whether or not it also provides accommodation for other students);

but does not include a government rural student hostel or a hostel that is conducted for profit.

non-government school means a school in a State that is not conducted by or on behalf of the Government of a State, but does not include a school conducted for profit.

non-systemic school means a non-government school that:

- (a) is not included in an approved school system; and
- (b) is in the list of non-government schools as not being included in an approved school system.

number of primary distance education students, for a non-government school in a State for a program year, means the number of students (including the full-time equivalent of part-time students) receiving primary distance education at the school on the schools census day for the school for the program year.

number of primary students, for a non-government school in a State for a program year, means the number of students (including the full-time equivalent of part-time students) receiving primary education at the school on the schools census day for the school for the program year, but not including students receiving primary distance education.

number of secondary distance education students, for a non-government school in a State for a program year, means the number of students (including the full-time equivalent of part-time students) receiving secondary distance education at the school on the schools census day for the school for the program year.

number of secondary students, for a non-government school in a State for a program year, means the number of students (including the full-time equivalent of part-time students) receiving secondary education at the school on the schools census day for the school for the program year, but not including students receiving secondary distance education.

overseas student has the meaning given by subsection 67(2).

program year means:

- (a) the 2005, 2006, 2007 or 2008 calendar year; or
- (b) in relation to capital grants—the 2005, 2006, 2007, 2008, 2009, 2010 or 2011 calendar year.

public service employee means an APS employee.

Note: *APS employee* is defined in the *Acts Interpretation Act 1901*.

qualified accountant means a person who:

- (a) is registered, or is taken to be registered, as a company auditor under Part 9.2 of the *Corporations Act 2001*; or
- (b) is a member of CPA Australia or the Institute of Chartered Accountants in Australia; or
- (c) is approved by the Minister as a qualified accountant for the purposes of this Act.

recurrent expenditure means expenditure relating to the ongoing operating costs of schools.

relevant authority, for a non-government body, means:

- (a) the approved authority or nominated authority for the body; or
- (b) in respect of a payment for a project administered by a block grant authority—the block grant authority.

relevant Minister, in relation to a provision of the former Act, means (except in a reference to a State Minister) the Minister who administered that provision.

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school includes a proposed school, but does not include a school at which education is provided at a standard (however described) that is pre-school standard only.

schools census day, for a State for a program year, means the day in that year (being a day as close as possible to 1 August in that year) that the State Minister notifies the Minister is the schools census day for the State for that year.

schools census day means:

- (a) for a non-systemic school, or an approved school system, in a State for a program year—the schools census day for the State for that program year; or
- (b) for a non-systemic school, or an approved school system, for a program year and in relation to which the Minister has, because of special circumstances, declared a particular day in that program year to be the schools census day for the school or system for that program year—the day so declared; or
- (c) for a non-systemic school, or an approved school system, in a State for a program year if:
 - (i) paragraphs (a) and (b) do not apply; and
 - (ii) the State Minister and the Minister have agreed that a particular day in that program year is to be the schools census day for the school or system for that program year;the day so agreed.

secondary education means junior secondary education or senior secondary education.

section 30 agreement means an agreement made as mentioned in section 30.

SES score has the meaning given by section 8.

special education means education under special programs, or special activities, designed specifically for children with disabilities or students with disabilities, or both.

special school means a school in a State that:

- (a) has been, or is likely to be, recognised by the State Minister as a special school; and
- (b) provides special education.

State includes the Australian Capital Territory and the Northern Territory.

State Minister, for a State, means the Minister of the State who is responsible, or primarily responsible, for the administration of matters relating to school education in the State.

student with disabilities means a student:

- (a) who attends a government school, a government centre, a non-government school (whether or not as a distance education student) or a non-government centre; and
- (b) in respect of whom a disability assessment has been made.

systemic school means a non-government school that:

- (a) is included in an approved school system; and
- (b) is in the list of non-government schools as being included in an approved school system.

the 1992 Act means the *States Grants (Primary and Secondary Education Assistance) Act 1992*.

the 1996 Act means the *States Grants (Primary and Secondary Education Assistance) Act 1996*.

year 2000 funding level, for a school, means the percentage of AGSRC in column 1 of the table in each of Parts 3 and 4 of Schedule 4 to the former Act that was used to determine amounts payable in respect of the school for the 2004 program year.

year 2004 funding level, for a school, means the percentage of AGSRC in column 2 of the table in each of Parts 1 and 2 of Schedule 4 to the former Act that was used to determine amounts payable in respect of the school for the 2004 program year.

year 2004 primary amount, for a school, means the amount in column 6 of the table in Part 1 of Schedule 4 to the former Act that

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was used to determine amounts payable in respect of the school for the 2004 program year.

year 2004 secondary amount, for a school, means the amount in column 6 of the table in Part 2 of Schedule 4 to the former Act that was used to determine amounts payable in respect of the school for the 2004 program year.

5 Students receiving education at non-government schools

- (1) For the purposes of this Act, a student is taken not to be receiving primary education or not to be receiving secondary education (as appropriate) at a non-government school unless:
 - (a) the student attends, on a daily basis, the school at a location specified in the list of non-government schools in respect of the school; or
 - (b) the Minister has determined that the student is to be treated (because of special circumstances) as so attending the school.
- (2) For the purposes of this Act, a student is taken not to be receiving primary distance education or not to be receiving secondary distance education (as appropriate) at a non-government school in a State if:
 - (a) the student does not reside in the State; or
 - (b) the school is not approved in accordance with the law of the State in which the school is located to provide distance education; or
 - (c) the student is approved as a home education student (however described) in accordance with the law of the State in which the student resides.

6 Funding level

For the purposes of this Act, *funding level*, for a school, means:

- (a) the school's current SES funding level if Subdivision C or F of Division 2 of Part 6 is used to work out the funding for the school's general recurrent expenditure; or

- (b) the school's year 2000 funding level if Subdivision D of Division 2 of Part 6 is used to work out the funding for the school's general recurrent expenditure; or
- (c) the school's year 2004 funding level if Subdivision E of Division 2 of Part 6 is used to work out the funding for the school's general recurrent expenditure; or
- (d) 70.0% of AGSRC if Subdivision G of Division 2 of Part 6 (which deals with special schools) is used to work out the funding for the school's general recurrent expenditure.

7 Levels of education

- (1) For the purposes of this Act, the Minister may make a determination declaring what is a level of primary education or a level of secondary education for a State. The determination may relate to:
 - (a) education provided at schools generally; or
 - (b) education provided at schools included in a particular class of schools.
- (2) In making a determination under subsection (1), the Minister must have regard to the arrangements made for providing education at government schools in the State. This does not limit the matters to which the Minister may have regard.
- (3) The Minister must cause a copy of each determination under subsection (1) to be published in the *Gazette* as soon as practicable after the determination is made.
- (4) A reference in this Act to a level of education at a school in a State includes a reference to a year in a course of primary education or secondary education provided at the school at a level, determined by the Minister, that applies to the school.

8 SES score

- (1) For the purposes of this Act, an *SES score* means a whole number determined by the Minister for a school in accordance with guidelines approved by the Minister.

- (2) Guidelines approved by the Minister for the purposes of subsection (1) are a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.

9 Approved authority

The Minister may determine that a body is the *approved authority* of:

- (a) an approved school system; or
- (b) a non-systemic school; or
- (c) a non-government school; or
- (d) a non-government rural student hostel; or
- (e) another non-government body;

for the purposes of the provision of this Act in which the expression appears.

10 Nominated authority

A group of non-government schools may make a written nomination to the Secretary of the Department of a body to be the *nominated authority* of the group for the purposes of this Act or of a particular provision or particular provisions of this Act.

11 Approved government school community organisation

The Minister may determine that a body corporate that the Minister is satisfied:

- (a) is connected with a government school; and
- (b) represents the school's community;

is the *approved government school community organisation* for the school for the purposes of this Act.

Part 2—General provisions relating to grants

Division 1—Simplified outline of Part

12 Simplified outline

- (1) This section is a simplified outline of this Part.

Government schools

- (2) Financial assistance to a State for government schools (other than assistance referred to in subsection (5)) must not be paid unless there is an agreement between the Commonwealth and the State.
- (3) The agreement must set out the conditions of financial assistance required by Division 2. The agreement may also set out other conditions.
- (4) If there is a breach of a condition, the Minister may require an amount to be repaid to the Commonwealth. Alternatively, the Minister may reduce or delay the amount of other payments under this Act.

Approved government school community organisations— section 69

- (5) Financial assistance to a State under section 69 for an approved government school community organisation must not be paid unless there is an agreement between the Commonwealth and the organisation.
- (6) The agreement must set out the conditions of financial assistance required by Division 3. The agreement may also set out other conditions.
- (7) If there is a breach of a condition, the Minister may require an amount to be repaid to the Commonwealth. Alternatively, the

Part 2 General provisions relating to grants

Division 1 Simplified outline of Part

Section 12

Minister may reduce or delay the amount of other payments under section 69.

Non-government schools

- (8) Financial assistance to a State for a non-government school or system must not be paid unless there is an agreement between the Commonwealth and the relevant authority of the school or system that sets out the requirements mentioned in Division 4. The agreement may also set out other requirements.
- (9) If there is a breach of a requirement, the Minister may require an amount to be repaid to the Commonwealth. Alternatively, the Minister may reduce or delay the amount of other payments for the non-government school under this Act.
- (10) The grant to a State of financial assistance for a non-government school for a program year is subject to conditions.

Division 2—Grants for government schools

13 Division does not apply in relation to financial assistance under section 69 for approved government school community organisations

Nothing in this Division applies in relation to financial assistance paid or payable to a State under section 69 for an approved government school community organisation.

Note: This kind of financial assistance is covered by agreements to which Division 3 applies.

14 Agreement on conditions of financial assistance

- (1) The Minister must not authorise a payment to a State under a provision of this Act for government schools for a program year unless the State has made an agreement with the Commonwealth that sets out:
 - (a) a commitment by the State to the National Goals for Schooling prepared by the Ministerial Council on Education, Employment, Training and Youth Affairs; and
 - (b) a commitment by the State to achieve the performance targets, and report against the performance measures, specified in the regulations; and
 - (c) a commitment by the State to the publication, within one year after the end of each program year, of a national report on the outcomes of schooling; and
 - (d) a commitment by the State to ensure that school performance information is made publicly available; and
 - (e) a commitment by the State to report to the Minister about student attendance at each government school in the State, in a manner that is meaningful and allows ready comparisons to be made between different States; and
 - (f) a commitment by the State to the development, before 1 January 2006, of Statements of Learning that describe the key knowledge, understandings, skills and capacities in
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English, mathematics, science, civics and citizenship education, and information and communications technology, that each child should have the opportunity to acquire at school; and

- (g) a commitment by the State to implement those Statements of Learning, either:
 - (i) as part of the State's next curriculum review if that review starts after 1 January 2006 and ends before 1 January 2008; or
 - (ii) before 1 January 2008 if the State does not undertake such a curriculum review; and
- (h) a commitment by the State to put into place common testing standards in English, mathematics, science, civics and citizenship education, and information and communications technology; and
- (i) a commitment by the State to put into effect, before 1 January 2006, the National Safe Schools Framework endorsed by the Ministerial Council on Education, Employment, Training and Youth Affairs; and
- (j) a commitment by the State to provide, in the curriculum of each government school in the State, at least 2 hours of physical activity each school week for students undertaking primary education and junior secondary education at the school; and
- (k) a commitment by the State to give the principal, and the governing body, of each government school in the State strengthened autonomy over, and responsibility for, education programs, staffing, budget and other aspects of the school's operations within a supportive framework of broad systemic policies; and
- (l) without limiting paragraph (k), a commitment by the State that appointments of staff in each government school in the State will be made with the approval of the principal, or the governing body, of the school; and
- (m) a commitment by the State to implement, before 1 January 2006, a consistent national system for the timely transmission

between schools of student information relating to students moving interstate; and

- (n) a commitment by the State to ensure that the parents, guardians or other persons who have care and control of each child attending a government school in the State are given a report on the child's achievement against the appropriate national benchmarks for years 3, 5 and 7; and
 - (o) a commitment by the State to the achievement, before 1 January 2010, of:
 - (i) national consistency in the age at which a child starts the educational level undertaken in the year starting one year before the child starts year 1; and
 - (ii) a nationally consistent description for the educational level a child undertakes in the year starting 2 years before the child starts year 1; and
 - (iii) a nationally consistent description for the educational level a child undertakes in the year starting one year before the child starts year 1; and
 - (p) the commitment mentioned in section 15; and
 - (q) the conditions mentioned in section 16; and
 - (r) the conditions mentioned in sections 18, 19, 20 and 21.
- (2) The agreement mentioned in subsection (1) may have been made before the commencement of this Act.

15 Further commitment—student reports

For the purposes of paragraph 14(1)(p), the agreement must include a commitment by the State to ensure that each government school in the State gives the parents, guardians or other persons who have care and control of each child attending the school student reports, relating to the child, that:

- (a) use plain language and are able to be readily understood by the parents, guardians or other persons who have care and control of the child; and
- (b) are timely and given at least twice in any program year; and

- (c) give an accurate and objective assessment of the child's progress and achievement, including an assessment of the child's achievement:
 - (i) against national standards, if such standards are available; and
 - (ii) relative to the performance of the child's peer group at the school; and
- (d) are confidential and deal with the child's academic and non-academic learning; and
- (e) are followed by an opportunity for the child and the parents, guardians or other persons who have care and control of the child to meet with the child's teachers to discuss all aspects of the report and for the school to give constructive advice about supporting the child's further progress at school; and
- (f) meet any other requirements specified in the regulations.

16 Further conditions of financial assistance

- (1) For the purposes of paragraph 14(1)(q), the agreement must include the following conditions:
 - (a) a condition that the amount of the payment is to be spent for the purposes determined by the Minister and set out in the condition;
 - (b) a condition that the State will provide to the Minister reports about the expenditure of the financial assistance that contain information of a kind that the Minister thinks appropriate relating to that assistance to the State;
 - (c) a condition that the State will provide the reports mentioned in paragraph (b) to the Minister at the times, and in the manner, that the Minister thinks appropriate.

Note: The purposes that may be set out in the condition and determined by the Minister are those in Parts 5 to 10.

- (2) The agreement with the State may also include other conditions that the Minister thinks appropriate in relation to financial assistance to the State.

17 General conditions of financial assistance

The grant to a State under this Act of financial assistance for government schools for a program year is subject to the conditions set out in the agreement made between the State and the Commonwealth as mentioned in section 14 in respect of the financial assistance.

18 Specific condition—financial accountability

- (1) One condition is that the State will:
 - (a) give the Secretary of the Department a certificate by the State Minister (or by an authorised person) stating whether the amount or the sum of the amounts of financial assistance paid to the State under a provision of this Act for the program year has been spent (or committed to be spent) for that program year for the purpose for which the assistance was granted; and
 - (b) give the certificate to the Secretary of the Department on or before 30 June next following the program year concerned or such other date as the Minister determines.
- (2) A further condition is that, if not all the amount or amounts of the assistance were spent (or committed to be spent) by the State for the program year concerned for the purpose for which the assistance was granted, the State will, if the Minister so determines, pay to the Commonwealth the amount stated in the determination within a period determined by the Minister.
- (3) The amount stated in the determination must not be more than:
 - (a) the unspent or uncommitted amount; or
 - (b) the sum of the unspent or uncommitted amounts.
- (4) In this Act:

authorised person, for a State, means:

 - (a) the Auditor-General of the State; or
 - (b) another person acting with the authority of the State Minister of the State.

19 Specific condition—educational accountability

- (1) A further condition is that the State will do each of the following:
 - (a) participate in preparing a national report on the outcomes of schooling for each program year;
 - (b) give the Minister (for inclusion in the report mentioned in paragraph (a)) a report or reports, of a kind or kinds required by the Minister, addressing the requirements for performance information specified in the regulations;
 - (c) give the Minister (for inclusion in the report mentioned in paragraph (a)) a report or reports, of a kind or kinds required by the Minister, in relation to the student attendance information specified in the regulations;
 - (d) give the Minister (for inclusion in the report mentioned in paragraph (a)) any other report or reports, of a kind or kinds required by the Minister.
- (2) A condition referred to in paragraph (1)(a), (b), (c) or (d) must be satisfied not later than:
 - (a) if the Minister determines a date or dates for the purposes of that paragraph—that date or dates; or
 - (b) in any other case—a date or dates that will allow publication of the report mentioned in paragraph (1)(a) to happen within one year after the end of each program year.
- (3) A further condition is that the State will do each of the following not later than a date or dates determined by the Minister for the purposes of each paragraph:
 - (a) give the Minister a report or reports, of a kind or kinds required by the Minister, in relation to financial assistance provided to the State under this Act;
 - (b) participate in evaluating the outcomes of programs of financial assistance provided under this Act;
 - (c) give the Minister a report or reports, of a kind or kinds required by the Minister, in relation to the State's expenditure on the professional learning of teachers in government schools in the State;

- (d) ensure that each government school in the State gives the parents, guardians or other persons who have care and control of each child who:
 - (i) attends the school; and
 - (ii) undertakes at the school a standard assessment in reading, writing, spelling and numeracy at year 3, 5 or 7;
a report of the results of that assessment against the appropriate national benchmarks, specified in the regulations, for years 3, 5 and 7;
 - (e) ensure that the school performance information specified in the regulations is made publicly available and, if the regulations specify the manner in which the information is to be made publicly available, ensure that the information is made publicly available in that manner;
 - (f) if the Minister considers that the State has not achieved the performance targets specified in the regulations and the Minister has directed the State to take the action specified in the direction—give the Minister a report on the action taken in response to the direction.
- (4) A further condition is that the State will implement, before 1 January 2008, in accordance with the regulations, the common testing standards, including common national tests, specified in the regulations, in English, mathematics, science, civics and citizenship education, and information and communications technology.

20 Specific condition—non-fulfilment of conditions

- (1) A further condition is that if the State does not fulfil a condition mentioned in section 16, within the period stated in the agreement or does not fulfil a condition mentioned in section 18 or 19 by the date specified in the section or the date determined by the Minister for the purposes of the section:
 - (a) the State will, if the Minister so determines, repay to the Commonwealth the amount stated in the determination; and

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- (b) if the State does not do so, the Minister may make a determination reducing any other amount or amounts of financial assistance for the State under this Act for government schools by an amount or amounts totalling not more than the amount stated in the determination under paragraph (a); and
- (c) the Minister may delay the making of any further payment to the State under this Act for government schools until the State fulfils this condition.

Note: A determination mentioned in paragraph (1)(b) is made under section 41.

- (2) The amount stated in the determination under paragraph (1)(a) must not be more than the sum of the amounts of financial assistance paid to the State under the provision for the program year concerned.

21 Specific condition—overpayment of financial assistance

A further condition is that if the amount of financial assistance paid to the State under a provision of this Act for government schools exceeds the amount that was properly payable:

- (a) the State will, if the Minister so determines, pay to the Commonwealth the amount (not more than the excess) stated in the determination; and
- (b) if the State does not do so, the Minister may make a determination reducing any other amount or amounts of financial assistance for the State under this Act for government schools by an amount or amounts not more than the amount stated in the determination under paragraph (a).

Note: A determination mentioned in paragraph (b) is made under section 41.

Division 3—Grants for approved government school community organisations

Subdivision A—Conditions of grants for approved government school community organisations

22 Agreement on conditions of financial assistance

- (1) The Minister must not authorise a payment to a State under section 69 for an approved government school community organisation for a program year unless the organisation has made an agreement with the Commonwealth that sets out:
 - (a) the conditions mentioned in section 23; and
 - (b) the conditions mentioned in sections 24, 25, 26 and 27.
- (2) The agreement mentioned in subsection (1) may have been made before the commencement of this Act.
- (3) The grant to a State under section 69 of financial assistance for an approved government school community organisation for a program year is subject to the conditions set out in the agreement made between the organisation and the Commonwealth as mentioned in subsection (1) in respect of the financial assistance.

Note: The grant is also subject to the conditions set out in Subdivision B.

23 General conditions of financial assistance

- (1) For the purposes of paragraph 22(1)(a), the agreement must include the following conditions:
 - (a) a condition that the amounts received by the approved government school community organisation from the State, as a result of the payment to the State for the organisation, are to be spent for the purposes determined by the Minister and set out in the condition;
 - (b) a condition that the organisation will provide to the Minister reports about the expenditure of the amounts that contain

information of a kind that the Minister thinks appropriate relating to that assistance for the organisation;

- (c) a condition that the organisation will provide the reports mentioned in paragraph (b) to the Minister at the times, and in the manner, that the Minister thinks appropriate.
- (2) The agreement may also include other conditions that the Minister thinks appropriate in relation to the organisation.

24 Specific condition—financial accountability

- (1) One condition is that the approved government school community organisation will:
- (a) give the Secretary of the Department a certificate by a qualified accountant stating whether an amount equal to the sum of the amounts mentioned in paragraph 23(1)(a) has been spent (or committed to be spent) for the program year for the purposes mentioned in that paragraph; and
 - (b) give the Secretary of the Department the certificate on or before 30 June next following the program year concerned or such other date as the Minister determines.
- (2) A further condition is that, if not all the amounts mentioned in paragraph 23(1)(a) were spent (or committed to be spent) by the organisation for the program year concerned for the purpose for which the assistance was granted, the organisation will, if the Minister so determines, pay to the Commonwealth the amount stated in the determination within a period determined by the Minister.
- (3) The amount stated in the determination must not be more than:
- (a) the unspent or uncommitted amount; or
 - (b) the sum of the unspent or uncommitted amounts.

25 Specific condition—other accountability requirements

A further condition is that the approved government school community organisation will do each of the following not later

than a date or dates determined by the Minister for the purposes of each paragraph:

- (a) give the Minister a report or reports, of a kind or kinds required by the Minister, in relation to financial assistance provided for the organisation under section 69;
- (b) participate in evaluating the outcomes of programs of financial assistance provided under this Act.

26 Specific condition—non-fulfilment of conditions

- (1) A further condition is that if the approved government school community organisation does not fulfil a condition mentioned in section 23, 24 or 25 by the time required by or under the condition:
 - (a) the organisation will, if the Minister so determines, pay to the Commonwealth the amount stated in the determination; and
 - (b) the Minister may delay the making of any further payment to the State under section 69 for the organisation until the organisation fulfils this condition.
- (2) The amount stated in the determination under paragraph (1)(a) must not be more than the sum of the amounts mentioned in paragraph 23(1)(a).

27 Specific condition—overpayment of financial assistance

A further condition is that, if the sum of the amounts mentioned in paragraph 23(1)(a) exceeds the total amount that was properly authorised to be paid to the State for the approved government school community organisation:

- (a) the organisation will, if the Minister so determines, pay to the Commonwealth an amount equal to the excess; and
- (b) if the organisation does not do so, the Minister may make a determination reducing any other amount or amounts of financial assistance for the organisation under section 69 by an amount or amounts not more than the excess.

Note: A determination mentioned in paragraph (b) is made under section 43.

Subdivision B—Conditions of grants to States for approved government school community organisations

28 General conditions of grant to State of financial assistance

The grant to a State under section 69 of financial assistance for an approved government school community organisation for a program year is subject to the following conditions:

- (a) a condition that the State will:
 - (i) as soon as practicable, pay to the organisation each amount paid to the State for the organisation under section 69; and
 - (ii) when making such a payment, describe the amount paid to the organisation as a payment made out of money paid to the State by the Commonwealth under section 69;
- (b) the condition in section 29.

29 Specific condition—non-fulfilment of conditions

- (1) The grant to a State under section 69 of financial assistance for an approved government school community organisation for a program year is subject to the condition that, if the State does not fulfil the condition mentioned in paragraph 28(a) in relation to the grant at the time stated in that paragraph or within such further period as the Minister allows:
 - (a) the State will, if the Minister so determines, repay to the Commonwealth the amount stated in the determination; and
 - (b) the Minister may delay making any future payment to the State under this Act for government schools if the State fails to comply with the condition mentioned in paragraph 28(a) because it delays paying an amount to the organisation.
- (2) The amount stated in the determination under paragraph (1)(a) must not be more than the sum of the amounts of financial assistance paid to the State under section 69 for the organisation for the program year concerned.

Division 4—Grants for non-government bodies

Subdivision A—Requirements for relevant authorities etc.

30 Minister not to authorise payment to a State for a non-government body in certain circumstances

- (1) The Minister must not authorise a payment to a State under this Act for a non-government body unless the relevant authority of the non-government body has made an agreement with the Commonwealth that:
 - (a) complies with all the requirements of section 31, if the agreement is with the relevant authority for a non-government school or for an approved school system; or
 - (b) in any other case—includes the matters required by sections 34, 35, 37 and 38.

Note 1: Paragraph (a) requires compliance with section 31, which (in addition to the requirements set out in that section) requires compliance with sections 32 and 34 to 38, and paragraphs 56(2)(d), 58(4)(b) and 59(4)(e).

Note 2: An agreement may also include other provisions (see section 33).

- (2) The agreement mentioned in subsection (1) may have been made before the commencement of this Act.
- (3) The Minister may refuse to authorise a payment to a State under this Act for a non-government school, or for a non-government school for a particular level of education, during any period when the State Minister does not recognise:
 - (a) the school; or
 - (b) the school for that level of education.
- (4) The Minister may refuse to authorise, or may delay, a payment to a State under this Act for a non-government body if the relevant authority of the non-government body is a body corporate:
 - (a) that is being wound up; or

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- (b) in respect of whose property a receiver has been appointed;
or
 - (c) whose affairs are under the control of a manager.
- (5) The Minister may refuse to authorise, or may delay, a payment to a State under this Act for a non-government body if:
- (a) the relevant authority of the non-government body is not a body corporate; and
 - (b) the Minister considers that:
 - (i) the liabilities of the relevant authority are substantially greater than its assets; or
 - (ii) the relevant authority is (and is likely to continue for a substantial period to be) unable to pay its debts as and when they fall due for payment.

31 Provisions that must be included in agreements

A section 30 agreement with the relevant authority for a non-government school, or approved school system, must include the following:

- (a) a commitment by the relevant authority to the National Goals for Schooling prepared by the Ministerial Council on Education, Employment, Training and Youth Affairs;
- (b) a commitment by the relevant authority to achieve the performance targets, and report against the performance measures, specified in the regulations;
- (c) a commitment by the relevant authority to the publication, within one year after the end of each program year, of a national report on the outcomes of schooling;
- (d) a commitment by the relevant authority to ensure that school performance information is made publicly available;
- (e) a commitment by the relevant authority to report to the Minister about student attendance at the school, or each school in the approved school system, in a manner that is meaningful and allows ready comparisons to be made between different States;

- (f) a commitment by the relevant authority to the development, before 1 January 2006, of Statements of Learning that describe the key knowledge, understandings, skills and capacities in English, mathematics, science, civics and citizenship education, and information and communications technology, that each child should have the opportunity to acquire at school;
- (g) a commitment by the relevant authority to implement those Statements of Learning, either:
 - (i) as part of the relevant authority's next curriculum review if that review starts after 1 January 2006 and ends before 1 January 2008; or
 - (ii) before 1 January 2008 if the relevant authority does not undertake such a curriculum review;
- (h) a commitment by the relevant authority to put into place common testing standards in English, mathematics, science, civics and citizenship education, and information and communications technology;
- (i) a commitment by the relevant authority to put into effect, before 1 January 2006, the National Safe Schools Framework endorsed by the Ministerial Council on Education, Employment, Training and Youth Affairs;
- (j) a commitment by the relevant authority to provide, in the curriculum of the school, or each school in the approved school system, at least 2 hours of physical activity each school week for students undertaking primary education and junior secondary education at the school or those schools;
- (k) a commitment by the relevant authority to give the principal, and the governing body, of the school, or each school in the approved school system, strengthened autonomy over, and responsibility for, education programs, staffing, budget and other aspects of the school's, or each of those schools', operations within a supportive framework of broad systemic policies;
- (l) without limiting paragraph (k), a commitment by the relevant authority that:

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- (i) appointments of staff in the school or each school in the approved school system will be made with the approval of the principal, or the governing body, of the school or each of those schools; and
- (ii) in the case of a Catholic school, such appointments will take account of the relationship of the school with the bishop, parish priests and the leadership of religious institutions;
- (m) a commitment by the relevant authority to implement, before 1 January 2006, a consistent national system for the timely transmission between schools of student information relating to students moving interstate;
- (n) a commitment by the relevant authority to ensure that the parents, guardians or other persons who have care and control of each child attending the school, or a school in the approved school system, are given a report on the child's achievement against the appropriate national benchmarks for years 3, 5 and 7;
- (o) a commitment by the relevant authority to the achievement, before 1 January 2010, of:
 - (i) national consistency in the age at which a child starts the educational level undertaken in the year starting one year before the child starts year 1; and
 - (ii) a nationally consistent description for the educational level a child undertakes in the year starting 2 years before the child starts year 1; and
 - (iii) a nationally consistent description for the educational level a child undertakes in the year starting one year before the child starts year 1;
- (p) the commitment mentioned in section 32;
- (q) the matters required by sections 34, 35, 36, 37 and 38;
- (r) any provision required by paragraph 56(2)(d);
- (s) any provision required by paragraph 58(4)(b);
- (t) any provision required by paragraph 59(4)(e).

32 Further commitment—student reports

For the purposes of paragraph 31(1)(p), a section 30 agreement must include a commitment by the relevant authority for a non-government school, or approved school system, to ensure that the school, or each school in the approved school system, gives the parents, guardians or other persons who have care and control of each child attending the school student reports, relating to the child, that:

- (a) use plain language and are able to be readily understood by the parents, guardians or other persons who have care and control of the child; and
- (b) are timely and given at least twice in any program year; and
- (c) give an accurate and objective assessment of the child's progress and achievement, including an assessment of the child's achievement:
 - (i) against national standards, if such standards are available; and
 - (ii) relative to the performance of the child's peer group at the school; and
- (d) are confidential and deal with the child's academic and non-academic learning; and
- (e) are followed by an opportunity for the child and the parents, guardians or other persons who have care and control of the child to meet with the child's teachers to discuss all aspects of the report and for the school to give constructive advice about supporting the child's further progress at school; and
- (f) meet any other requirements specified in the regulations.

33 Provisions that may be included in agreements

A section 30 agreement may also include any other provisions that the Minister thinks appropriate in relation to the relevant authority.

34 General requirements

- (1) A section 30 agreement must require amounts received by the relevant authority from the State, as a result of the payment to the State for the non-government body, to be spent for purposes determined by the Minister and set out in the agreement (which may include the purpose of paying administrative expenses incurred by the authority).

Note: The purposes that may be determined by the Minister and set out in the agreement are those in Parts 5 to 10.

- (2) The agreement must require the relevant authority to allow a person authorised in writing by the Minister for the purpose, with such help as the person requires:
- (a) to have full and free access, at all reasonable times after giving reasonable notice to the relevant authority, to accounts, records and documents of the relevant authority relating to information that the relevant authority is required under the agreement to give to the Minister; and
 - (b) to take extracts from, or make copies of, any such accounts, records and documents.

35 Specific requirement—financial accountability

A section 30 agreement must require the relevant authority:

- (a) to give the Secretary of the Department a certificate by a qualified accountant stating whether an amount equal to the sum of the amounts mentioned in subsection 34(1) has been spent (or committed to be spent) for the program year for the purposes mentioned in that subsection; and
- (b) to give the Secretary of the Department the certificate on or before 30 June next following the program year concerned or such other date as the Minister determines.

36 Specific requirement—educational accountability

- (1) A section 30 agreement must require the relevant authority for a non-government school, or approved school system, to do each of the following:
 - (a) participate in preparing a national report on the outcomes of schooling;
 - (b) give the Minister (for inclusion in the report mentioned in paragraph (a)) a report or reports, of a kind or kinds required by the Minister, addressing the requirements for performance information specified in the regulations;
 - (c) give the Minister (for inclusion in the report mentioned in paragraph (a)) a report or reports, of a kind or kinds required by the Minister, in relation to the student attendance information specified in the regulations;
 - (d) give the Minister (for inclusion in the report mentioned in paragraph (a)) any other report or reports, of a kind or kinds required by the Minister.
- (2) A requirement referred to in paragraph (1)(a), (b), (c) or (d) must be satisfied not later than:
 - (a) if the Minister determines a date or dates for the purposes of that paragraph—that date or dates; or
 - (b) in any other case—a date or dates that will allow publication of the report mentioned in paragraph (1)(a) to happen within one year after the end of each program year.
- (3) A section 30 agreement must require the relevant authority for a non-government school, or approved school system, to do each of the following not later than a date or dates determined by the Minister for the purposes of each paragraph:
 - (a) give the Minister a report or reports, of a kind or kinds required by the Minister, in relation to programs of financial assistance provided under this Act so far as they relate to the authority;
 - (b) participate in evaluating the outcomes of those programs;
 - (c) give the Minister a report or reports, of a kind or kinds required by the Minister, in relation to the relevant

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- authority's expenditure on the professional learning of teachers in the school or approved school system;
- (d) ensure that the school, or each school in the approved school system, gives the parents, guardians or other persons who have care and control of each child who:
- (i) attends the school; and
 - (ii) undertakes at the school a standard assessment in reading, writing, spelling and numeracy at year 3, 5 or 7;
- a report of the results of that assessment against the appropriate national benchmarks, specified in the regulations, for years 3, 5 and 7;
- (e) ensure that the school performance information specified in the regulations is made publicly available and, if the regulations specify the manner in which the information is to be made publicly available, ensure that the information is made publicly available in that manner;
- (f) if the Minister considers that the relevant authority has not achieved the performance targets specified in the regulations and the Minister has directed the relevant authority to take the action specified in the direction—give the Minister a report on the action taken in response to the direction.
- (4) A section 20 agreement must require the relevant authority to implement, before 1 January 2008, in accordance with the regulations, the common testing standards, including common national tests, specified in the regulations, in English, mathematics, science, civics and citizenship education, and information and communications technology.

37 Specific requirement—provision dealing with failure to comply within time limit

A section 30 agreement must contain a provision that, if the relevant authority does not comply with a requirement set out in the agreement within the period required by or under the agreement or within such further period as the Minister allows:

- (a) the relevant authority will, if the Minister so determines, pay to the Commonwealth an amount (not more than the sum of the amounts mentioned in subsection 34(1)) stated in the determination; and
- (b) if the relevant authority does not do so, the Minister may make a determination reducing any other amount or amounts of financial assistance for the State under this Act for the non-government body by an amount or amounts totalling not more than the amount stated in the determination under paragraph (a); and
- (c) the Minister may delay the making of any further payment to the State under this Act for the non-government body until the relevant authority complies with the requirement.

Note: A determination mentioned in paragraph (b) is made under section 44.

38 Specific requirement—failure to comply with other requirements

A section 30 agreement must contain a provision that, if the sum of the amounts mentioned in subsection 34(1) exceeds the total amount that was properly authorised to be paid to the State for the non-government body:

- (a) the relevant authority will, if the Minister so determines, pay to the Commonwealth an amount equal to the excess; and
- (b) if the authority does not do so, the Minister may make a determination reducing any other amount or amounts of financial assistance for the State under this Act for the non-government body by an amount or amounts not more than the excess.

Note: A determination mentioned in paragraph (b) is made under section 44.

Subdivision B—Conditions of grants to States for non-government bodies

39 General conditions of grant to State of financial assistance

The grant to a State because of a provision of this Act of financial assistance for a non-government body for a program year is subject to the following conditions:

- (a) a condition that the State will:
 - (i) as soon as practicable, pay to the relevant authority of the non-government body each amount paid to the State for the body because of the provision; and
 - (ii) when making such a payment, describe the amount paid to the relevant authority as a payment made out of money paid to the State by the Commonwealth because of the provision;
- (b) the condition in section 40.

40 Specific condition—non-fulfilment of conditions

- (1) The grant to a State because of a provision of this Act of financial assistance for a non-government body for a program year is subject to the condition that, if the State does not fulfil the condition mentioned in paragraph 39(a) in relation to the grant at the time stated in that paragraph or within such further period as the Minister allows:
 - (a) the State will, if the Minister so determines, repay to the Commonwealth the amount stated in the determination; and
 - (b) the Minister may delay making any future payment to the State under this Act for government schools if the State fails to comply with the condition mentioned in paragraph 39(a) because it delays paying an amount to the relevant authority of the non-government body.
- (2) The amount stated in the determination under paragraph (1)(a) must not be more than the sum of the amounts of financial

assistance paid to the State under the provision for the non-government body for the program year concerned.

Division 5—Miscellaneous

41 Powers of Minister if amounts of grants become repayable

- (1) This section applies if:
 - (a) financial assistance:
 - (i) is granted to a State under a provision of this Act; or
 - (ii) was granted to a State under a provision of the former Act that corresponds to a provision of this Act; and
 - (b) under a condition of the grant the Minister or the relevant Minister (as appropriate) has determined that the State is to repay an amount to the Commonwealth; and
 - (c) an amount (the *amount repayable*) that is all or a part of the amount mentioned in paragraph (b) remains unpaid.
- (2) The Minister may make a determination reducing an amount that is authorised to be paid to the State under any provision of this Act in a program year by an amount not more than the amount repayable.
- (3) The Minister may make a determination under a provision of this Act increasing the maximum amount that may be paid to the States for any purpose under that provision in any program year by an amount or amounts totalling not more than the amount of any reduction under subsection (2).
- (4) It does not matter whether the reduction was made in relation to the same provision as the provision mentioned in subsection (3), or a different provision.

42 Amount payable by a State to the Commonwealth is a debt

An amount payable by a State to the Commonwealth under this Act is a debt due by the State to the Commonwealth.

43 Powers of Minister if amounts payable by approved government school community organisations

- (1) This section applies if:
 - (a) under a provision of an agreement made as mentioned in Division 3 between the Commonwealth and an approved government school community organisation, the Minister has determined that the organisation is to pay an amount to the Commonwealth; and
 - (b) an amount (the *amount repayable*) that is all or a part of the amount mentioned in paragraph (a) remains unpaid.
- (2) The Minister may make a determination reducing an amount that is authorised to be paid to a State for the organisation under section 69 in any program year by an amount not more than the amount repayable.
- (3) The Minister may make a determination under a provision of this Act (whether section 69 or a different provision) increasing the maximum amount that may be paid to the States for any purpose under that provision in any program year by an amount or amounts totalling not more than the amount of any reduction under subsection (2).

44 Powers of Minister if amounts payable by relevant authorities

- (1) This section applies if:
 - (a) under a provision of an agreement made as mentioned in Division 4 (or a provision of the former Act that corresponds to that Division) between the Commonwealth and the relevant authority of a non-government body, the Minister or the relevant Minister (as appropriate) has determined that the authority is to pay an amount to the Commonwealth; and
 - (b) an amount (the *amount repayable*) that is all or a part of the amount mentioned in paragraph (a) remains unpaid.
- (2) The Minister may make a determination reducing an amount that is authorised to be paid to a State for the non-government body under

any provision of this Act in any program year by an amount not more than the amount repayable.

- (3) The Minister may make a determination under a provision of this Act increasing the maximum amount that may be paid to the States for any purpose under that provision in any program year by an amount or amounts totalling not more than the amount of any reduction under subsection (2).
- (4) It does not matter whether the reduction was made in relation to the same provision as the provision mentioned in subsection (3), or a different provision.

45 Determinations requiring repayments

If the Minister is considering whether to make:

- (a) a determination under subsection 18(2) or paragraph 20(1)(a), 21(a), 29(1)(a) or 40(1)(a) that a State is to repay an amount to the Commonwealth; or
- (b) a determination under subsection 24(2) or paragraph 26(1)(a) or 27(a) that an approved government school community organisation is to pay an amount to the Commonwealth; or
- (c) a determination under a provision of an agreement mentioned in paragraph 37(a) or 38(a) that the relevant authority of a non-government body is to pay an amount to the Commonwealth;

the Minister must take into account all relevant matters, including whether the State, approved government school community organisation or relevant authority gave all relevant information to the Commonwealth before the grant of financial assistance was made.

Part 3—Lists of non-government schools and approved school systems

Division 1—Funding of non-government schools

46 Funding of non-government schools

Financial assistance under this Act is not to be provided to a State for education at a particular level at a particular location at a non-government school unless the school is included in the list of non-government schools for the level and location.

Division 2—List of non-government schools

47 List of non-government schools

- (1) The Minister must keep a list of non-government schools for which financial assistance may be provided under this Act.
- (2) The list may be kept in any manner that the Minister determines, which may be wholly or partly by means of a computer or any other electronic or other device.
- (3) The list is to contain the following details for each school included in the list:
 - (a) the name of the school;
 - (b) whether or not the school is included in an approved school system;
 - (c) if the school is included in an approved school system—the name of the system and the name of each approved authority of the system for the purposes of each relevant provision of this Act;
 - (d) if the school is not included in an approved school system—the name of each approved authority of the school for the purposes of each relevant provision of this Act;
 - (e) the address of each location at which the school provides education for which financial assistance may be provided under this Act;
 - (f) a description of:
 - (i) each level of education that is provided at the school and for which financial assistance may be provided under this Act; and
 - (ii) if more than one location is listed under paragraph (e) for the school—each level of education that is provided at each of those locations and for which financial assistance may be provided under this Act;

- (g) whether or not the school is approved in accordance with the law of the State in which the school is located to provide distance education for a level of education at a location;
 - (h) whether or not the school is a special school;
 - (i) the funding level of the school;
 - (j) if the school is not a special school—the school’s SES score.
- (4) As soon as practicable after 1 July in each program year, the Minister must arrange for a notice to be published in the *Gazette* setting out:
- (a) the name of each school in the list; and
 - (b) the funding level of each school.

If Subdivision F of Division 2 of Part 6 is used to work out the funding for the school’s general recurrent expenditure for a particular level of education, the notice must also indicate that the school’s funding for that level of education is guaranteed under that Subdivision.

Division 3—List of approved school systems

48 List of approved school systems

- (1) The Minister must keep a list of approved school systems.
- (2) The list may be kept in any manner that the Minister determines, which may be wholly or partly by means of a computer or any other electronic or other device.
- (3) The list is to contain:
 - (a) the name of each approved school system; and
 - (b) the name of the approved authority for each approved school system.
- (4) As soon as practicable after 1 July in each program year, the Minister must arrange for the following to be published in the *Gazette*:
 - (a) the name of each approved school system included in the list;
 - (b) the name of each systemic school in each approved school system included in the list.

Part 4—Varying lists

Division 1—Simplified outline of Part

49 Simplified outline

- (1) This section is a simplified outline of this Part.
- (2) The list of non-government schools and the list of approved school systems may be varied only for a reason specified in this Act. The reasons include the following:
 - (a) to change SES scores;
 - (b) to change funding levels;
 - (c) to change approved authorities;
 - (d) to change systemic status;
 - (e) to change special school status;
 - (f) to include a new level of education;
 - (g) to include a new location;
 - (h) to include distance education;
 - (i) to include a new school;
 - (j) to correct clerical errors.
- (3) A variation is to be made by determination by the Minister.

Division 2—Varying lists of non-government schools and approved school systems

50 Varying list of non-government schools

- (1) Any variation of the list of non-government schools is to be made by determination by the Minister.

Note 1: Section 65 requires the Minister to give notice of the determination to the approved authority.

Note 2: For the circumstances in which a variation of the list of non-government schools may be made, see subsections (2), (3), (4), (5), (6) and (7) and sections 53, 57, 58, 59, 61, 64 and 131.

- (2) If a school, in a State, that is included in the list ceases to be recognised by the State for a particular level of education, the Minister may vary the list to remove the reference to that level of education for the school.
- (3) If a school, in a State, that is included in the list ceases to be approved in accordance with the law of the State to provide distance education for a particular level of education at a particular location, the Minister may vary the list to remove the reference to distance education for that level of education at that location.
- (4) If a school, in a State, that is included in the list as a special school ceases to be recognised by the State as a special school, the Minister may vary the list to:
- (a) remove the reference to the school as a special school; and
 - (b) include the school's SES score; and
 - (c) change the school's funding level.
- (5) If a school, in a State, that, at a particular time, is:
- (a) included in the list; and
 - (b) not included as a special school;
- at a later time is recognised by the State as a special school, the Minister may vary the list to:
- (c) include a reference to the school as a special school; and
-

- (d) remove the school's SES score; and
 - (e) change the school's funding level.
- (6) If a school, in a State, that is included in the list:
- (a) ceases to be recognised by the State Minister; or
 - (b) starts to be conducted for profit;
- the Minister may vary the list to remove the name of the school from the list.
- (7) The Minister may vary the list:
- (a) under another provision of this Act; or
 - (b) to correct clerical errors or to make alterations of a formal kind, including to remove from the list:
 - (i) the name of a school that has ceased to exist; or
 - (ii) the address of a location at which a school has ceased to provide education; or
 - (iii) a reference to a level of education at a school that has ceased to provide education at that level.

51 Varying list of approved school systems

- (1) Any variation of the list of approved school systems is to be made by determination by the Minister.

Note: Section 65 requires the Minister to give notice of the determination to the approved authority.

- (2) The Minister may vary the list to correct clerical errors or to make alterations of a formal kind, including the removal from the list of the name of a school system that has ceased to exist.

Division 3—Change of funding level

52 Application to change funding level of non-government school due to incorrect SES score etc.

- (1) The approved authority of a school that is included in the list of non-government schools with an SES score may apply to the Minister to vary the list to change the SES score if the approved authority considers that the SES score:
 - (a) has not been determined correctly; or
 - (b) without limiting paragraph (a), does not reflect the socioeconomic circumstances of the school's community (in the way required by the guidelines approved by the Minister under section 8); or
 - (c) is no longer accurate because of a significant change in the school's circumstances.
- (2) The application must:
 - (a) be in writing; and
 - (b) set out the name and address of the school and of the approved authority of the school; and
 - (c) if the school is a systemic school—set out the name of the approved school system; and
 - (d) set out the reasons why the approved authority considers the SES score should be changed.

53 Change of funding level of non-government school due to incorrect SES score etc.

- (1) If the Minister is satisfied that the school's SES score (the *old SES score*):
 - (a) has not been determined correctly; or
 - (b) without limiting paragraph (a), does not reflect the socioeconomic circumstances of the school's community (in the way required by the guidelines approved by the Minister under section 8); or
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- (c) is no longer accurate because of a significant change in the school's circumstances;
- the Minister must:
- (d) determine a different SES score (the *new SES score*); and
 - (e) determine a different current SES funding level for the school if, immediately before the Minister determined the new SES score, Subdivision C of Division 2 of Part 6 applied to the school; and
 - (f) determine a current SES funding level for the school if, immediately before the Minister determined the new SES score, Subdivision D or E of Division 2 of Part 6 applied to the school; and
 - (g) determine a current SES funding level for the school if, immediately before the Minister determined the new SES score, Subdivision F of Division 2 of Part 6 applied to the school; and
 - (h) make appropriate variations to the list of non-government schools.
- (2) A determination under paragraph (1)(g) is taken to apply in relation to:
- (a) the program year in which the application under section 52 is made if the current SES funding level determined under that paragraph is equal to or greater than the percentage of AGSRC relating to the school's old SES score; or
 - (b) the program year immediately after the program year in which the application under section 52 is made if the current SES funding level determined under that paragraph is less than the percentage of AGSRC relating to the school's old SES score.
- (3) The Minister must refuse the application if the Minister is not satisfied of any of the matters in subsection (1).
- Note: Section 65 requires the Minister to give notice of the determination to the approved authority.
- (4) A variation under this section must not take effect for a program year before the program year in which the application is made.
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Division 4—Change of approved authority

54 Application of Division

- (1) This Division applies in relation to:
 - (a) a proposal for a new body to be approved as the approved authority of a non-systemic school; or
 - (b) a proposal for a new body to be approved as the approved authority of an approved school system.
- (2) However, this Division does not apply to a proposal that is consequential on a proposal to which Division 5 or 6 applies.

55 How to obtain Ministerial approval of proposal

- (1) The approved authority (the *existing authority*) of a non-systemic school or of an approved school system may apply in writing to the Minister for approval of a proposal.
- (2) The application must:
 - (a) set out details of the school or of the school system (as appropriate) and of the new body; and
 - (b) state whether the new body agrees to fulfil obligations (if any) of the existing authority under this Act or the former Act in relation to the school or the school system that have not been fulfilled; and
 - (c) request the Minister to approve the new body as the approved authority of the school or of the school system.

56 Decision by Minister on application

- (1) The Minister may:
 - (a) approve the proposal; or
 - (b) refuse the application.
 - (2) The Minister must not approve the proposal unless:
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- (a) the new body is recognised by the State Minister under the law of the State in which the non-systemic school or the schools in the approved school system are situated (if that law requires the new body to be recognised); and
- (b) the school, or the schools in the system, are not conducted for profit; and
- (c) if the application relates to a non-systemic school—the new body is a body corporate; and
- (d) the agreement made by the new body with the Commonwealth as mentioned in subsection 30(1) provides that the new body agrees to fulfil the obligations (if any) of the existing authority under this Act or the former Act that have not been fulfilled in respect of the school or of the schools in the system.

57 Varying list of non-government schools

If the Minister approves the proposal, the Minister must:

- (a) determine that the new body is the approved authority of the non-systemic school or of the approved school system (as appropriate); and
- (b) make the appropriate variations to the list of non-government schools.

Note: Section 65 requires the Minister to give notice of the determination to the approved authority.

Division 5—Change in systemic status

58 Proposal for a non-systemic school to become a member of an approved school system

- (1) The approved authority of a non-systemic school may apply in writing to the Minister for approval of a proposal for the school to become a member of an approved school system.
- (2) The application must:
 - (a) set out the name and address of the school and of the approved school system; and
 - (b) be accompanied by evidence that the approved authority of the approved school system agrees to the school becoming a member of the system; and
 - (c) state the earliest program year to which the proposal relates; and
 - (d) state whether the approved authority of the approved school system agrees to fulfil the obligations (if any) of the approved authority of the school under this Act or the former Act that have not been fulfilled; and
 - (e) request the Minister to approve the proposal.
- (3) The Minister may:
 - (a) approve the proposal; or
 - (b) refuse the application.
- (4) The Minister must not approve the proposal unless:
 - (a) the agreement made by the approved authority of the approved school system with the Commonwealth as mentioned in subsection 30(1) (or the agreement as varied) applies to the school for the earliest program year to which the proposal relates, and all later program years; and
 - (b) the agreement has been varied to provide that the approved authority of the approved school system has agreed to fulfil the obligations (if any) of the approved authority of the

school under this Act or the former Act that have not been fulfilled.

- (5) If the Minister approves the proposal, the Minister must make the appropriate variations to the list of non-government schools.

Note: Section 65 requires the Minister to give notice of the determination to the approved authority.

59 Proposal for a school to cease to be a member of an approved school system

- (1) Either of the following may apply in writing to the Minister to approve a proposal for a school that is a member of an approved school system to cease to be a member of the approved school system:
- (a) the body (the *responsible body*) that is to be principally responsible for the school under the proposal;
 - (b) the approved authority of the approved school system.
- (2) The application must:
- (a) set out the name and address of the school and of the responsible body; and
 - (b) state the earliest program year to which the proposal relates; and
 - (c) state whether the responsible body agrees to fulfil the obligations (if any) of the approved authority of the approved school system under this Act or the former Act in relation to the school that have not been fulfilled; and
 - (d) request the Minister to approve the proposal.
- (3) The Minister may:
- (a) approve the proposal; or
 - (b) refuse the application.
- (4) The Minister must not approve the proposal unless:
- (a) if the application is made by the responsible body:
 - (i) the application is accompanied by evidence that the approved authority of the approved school system

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agrees to the school ceasing to be a member of the approved school system; or

(ii) the Minister has given notice to the approved authority of the approved school system in relation to the proposal; and

(b) the school is not conducted for profit; and

(c) the responsible body is a body corporate; and

(d) the responsible body has made an agreement with the Commonwealth as mentioned in subsection 30(1) for the earliest program year to which the proposal relates, and all later program years; and

(e) the agreement provides that the responsible body agrees to fulfil the obligations (if any) of the approved authority of the approved school system under this Act or the former Act in relation to the school that have not been fulfilled.

(5) If the Minister approves the proposal, the Minister must:

(a) make the appropriate variations to the list of non-government schools; and

(b) determine that the responsible body is the approved authority of the school.

Note: Section 65 requires the Minister to give notice of the determination to the approved authority.

Division 6—Changes to schools or education provided

60 Application to vary list of non-government schools

Location proposal

- (1) The approved authority of a school may apply to the Minister to have the list of non-government schools varied to take account of a location proposal.
- (2) In this Act:

location proposal means a proposal to vary the list of non-government schools to take account of a change as a result of which a systemic school or a non-systemic school will provide:

- (a) a new level of education at a location for which the school is already included in the list for the provision of another level of education; or
- (b) education, or a level of education, at another location; or
- (c) distance education for a level of education and at a location for which the school is already included in the list.

New school proposal

- (3) An application to the Minister to have the list of non-government schools varied to take account of a new school proposal in respect of a school may be made by:
 - (a) if the school is to be included in an approved school system—the approved authority of the system; or
 - (b) otherwise—the body principally responsible for the school.
- (4) In this Act:

new school proposal means a proposal to include in the list of non-government schools:

- (a) a school formed as a result of the amalgamation of a systemic or non-systemic school with another school, whether or not the other school is included in the list; or

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- (b) a school formed as a result of the separation of a systemic school or a non-systemic school into 2 or more schools; or
- (c) a new school; or
- (d) an existing school that is not already included in the list.

Application to vary list

- (5) An application under this section must:
 - (a) be in writing; and
 - (b) set out details of the proposal; and
 - (c) subject to subsection (6), state the earliest program year to which the variation is to apply; and
 - (d) if the applicant considers that there are exceptional circumstances that justify the variation applying to the program year immediately preceding the program year in which the application is made—set out those circumstances; and
 - (e) request the Minister to vary the list to take account of the proposal.
- (6) The earliest program year to be stated in an application for the purposes of paragraph (5)(c) is to be:
 - (a) the program year in which the application is made; or
 - (b) the program year immediately following the program year in which the application is made; or
 - (c) if the applicant considers that there are exceptional circumstances that justify the variation applying to the program year immediately preceding the program year in which the application is made—that preceding program year.

61 Decision by Minister on application

- (1) The Minister may:
 - (a) make a determination varying the list of non-government schools to take account of the proposal; or
 - (b) refuse the application.

The Minister's power under paragraph (a) is subject to the requirements in sections 62 and 63.

Note: Section 64 requires the Minister to also vary the list to include a funding level of a school that is covered by a new school proposal.

- (2) If the variation is to take account of a new school proposal under which the school concerned is not included in an approved school system, the Minister must determine the body that is to be the approved authority of the school.

Note: Section 65 requires the Minister to give notice of the determination to the approved authority.

62 Prerequisites for variation of list

- (1) The Minister must not make a determination varying the list of non-government schools to take account of the proposal unless the applicable requirements of this section have been satisfied.
- (2) The requirements for a location proposal are:
- (a) education has begun to be provided by the school at the location concerned in accordance with the relevant paragraph of the definition of *location proposal*; and
 - (b) the provision of education by the school at the location concerned in accordance with the relevant paragraph of the definition of *location proposal* has been recognised by the State Minister of the State in which the school is situated; and
 - (c) if the proposal relates to distance education—the school is approved, in accordance with the law of the State in which it is located, to provide distance education; and
 - (d) the requirements under paragraphs (a), (b) and (c) are satisfied before the schools census day for the school in the earliest program year to which the variation is to apply.
- (3) The requirements for a new school proposal are:
- (a) education has begun to be provided at the school; and
 - (b) education at the school has been recognised by the State Minister of the State in which the school is situated; and
 - (c) the school is not conducted for profit; and
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- (d) if the school is not included in an approved school system—
the applicant for the proposal is a body corporate; and
- (e) the requirements under paragraphs (a), (b), (c) and (d) are
satisfied before the schools census day for the school in the
earliest program year to which the variation is to apply.

63 Application relating to previous program year

The Minister must not vary the list of non-government schools with effect from a date in the program year preceding the program year in which the application is made unless the Minister is satisfied that there are exceptional circumstances that justify the variation taking effect in that preceding program year.

Division 7—Miscellaneous

64 Variation to include funding level in certain circumstances

- (1) If the Minister varies the list of non-government schools under this Part in relation to a school in any of the circumstances set out in subsection (2), the Minister must:
 - (a) determine the school's SES score if the school is not a special school; and
 - (b) determine the school's current SES funding level; and
 - (c) vary the list to include:
 - (i) that SES score if the school's SES score is determined under paragraph (a); and
 - (ii) that funding level.
- (2) The circumstances are the inclusion in the list of:
 - (a) a school formed as a result of the amalgamation of a non-systemic school or a systemic school with another school, whether or not the other school is included in the list; or
 - (b) a school formed as a result of the separation of a non-systemic school or a systemic school into 2 or more schools; or
 - (c) a new school; or
 - (d) an existing school that was not included in the list immediately before the variation of the list.

65 Minister to give notice to authority of determination

If the Minister makes a determination under this Part, the Minister must give written notice of the determination to the approved authority concerned (if any).

66 Determination may be given retrospective effect

Subject to subsection 53(4) and section 63, a determination under this Part may take effect from a day before the day on which the determination was made, but not before 1 January 2005.

67 Overseas students disregarded

- (1) Overseas students are to be disregarded for the purposes of this Part.
- (2) In this Act:

overseas student means:

(a) a person who:

- (i) has a visa; or
- (ii) is included in a visa;

in force under the *Migration Act 1958* that permits the person to travel to Australia for the purpose of undertaking a course provided by a body; or

(b) a person, or a person included in a class of persons, prescribed by the regulations for the purposes of this paragraph;

but does not include a person, or a person included in a class of persons, determined by the Minister not to be a person or class of persons to whom this definition applies.

Part 5—Grants for education at government schools

Division 1—Grants for general recurrent expenditure

68 Grants for general recurrent expenditure

The Minister may make a determination authorising payment of financial assistance to a State for recurrent expenditure of government schools in the State for a program year of an amount that is not more than the amount worked out using the formula:

$$\left(\begin{array}{l} \text{Primary} \\ \text{education} \\ \text{amount} \end{array} \times \begin{array}{l} \text{Number of} \\ \text{government} \\ \text{school primary} \\ \text{students} \end{array} \right) + \left(\begin{array}{l} \text{Secondary} \\ \text{education} \\ \text{amount} \end{array} \times \begin{array}{l} \text{Number of} \\ \text{government} \\ \text{school secondary} \\ \text{students} \end{array} \right)$$

where:

number of government school primary students means the number of students (including the full-time equivalent of part-time students) receiving primary education at government schools in the State on the schools census day for the State for the program year.

number of government school secondary students means the number of students (including the full-time equivalent of part-time students) receiving secondary education at government schools in the State on the schools census day for the State for the program year.

primary education amount means the amount for primary education in column 3, 4, 5 or 6 of the table in Schedule 2 for the program year.

secondary education amount means the amount for secondary education in column 3, 4, 5 or 6 of the table in Schedule 2 for the program year.

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Note: The operation of sections 121, 122 and 123 may affect the amounts in Schedule 2.

Division 2—Capital grants

69 Authorising payments of capital grants

- (1) The Minister may make a determination authorising payment of financial assistance to the States, for capital expenditure for a program year in connection with government schools or government rural school hostels (or both) in the States, of amounts totalling not more than the amount worked out by adding up:
 - (a) the amount in column 2 of the table in Schedule 3 for the program year; and
 - (b) the amount in column 3 of the table in Schedule 3 for the program year.
- (2) Without limiting subsection (1), financial assistance for capital expenditure for a program year in connection with a government school in a State may be provided by paying the assistance to the State for the approved government school community organisation for the school.

Part 6—Grants for non-government schools

Division 1—Simplified outline of Part

70 Simplified outline

- (1) This section is a simplified outline of this Part.
- (2) This Part allows the Minister to make determinations authorising the payment of financial assistance to the States for:
 - (a) recurrent expenditure of non-government schools; and
 - (b) capital expenditure of non-government schools; and
 - (c) capital and other expenditure of non-government rural student hostels; and
 - (d) short term emergency assistance for non-government schools; and
 - (e) establishment assistance.
- (3) It also sets limits for financial assistance for those purposes.

Division 2—Grants for general recurrent expenditure

Subdivision A—Simplified outline of Division

71 Simplified outline

- (1) This section is a simplified outline of this Division.
- (2) Funding for general recurrent expenditure of non-government schools is worked out on a school by school basis (whether the school is in an approved school system or not).
- (3) Schools that will receive current SES funding are dealt with under Subdivision C.
- (4) Schools that will receive maintained year 2000 funding are dealt with under Subdivision D.
- (5) Schools that will receive maintained Catholic school funding are dealt with under Subdivision E.
- (6) Schools that will receive guaranteed year 2004 SES funding are dealt with under Subdivision F.
- (7) Special schools are dealt with under Subdivision G.
- (8) The ceiling on funding is worked out using a series of per student amounts for different kinds of students at the school.

Subdivision B—Application

72 Application of Division

This Division is applied to work out the funding for the general recurrent expenditure of non-government schools.

73 Application of Subdivision C—current SES funding

- (1) Subdivision C applies to a school:
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- (a) for a particular program year; and
 - (b) for a particular level of education provided at the school; unless Subdivision D, E, F or G applies to the school for that program year and for that level of education.
- (2) Subdivision C applies to the school whether or not the school is in an approved school system.

74 Application of Subdivision D—maintained year 2000 funding

- (1) Subdivision D applies to a school for a particular program year if:
- (a) the school had, on 31 December 2004, a year 2000 funding level for the purposes of the former Act; and
 - (b) the school is not a special school for that program year; and
 - (c) subsection (3) or (4) applies to the school; and
 - (d) the school's SES score has not been determined under paragraph 53(1)(d), 64(1)(a) or 132(2)(a) for that program year or an earlier program year.
- (2) Subdivision D applies to the school whether or not the school is in an approved school system.

School provides either primary or secondary education

- (3) This subsection applies to a school if:
- (a) the school provides either primary or secondary education; and
 - (b) the school's year 2000 funding level exceeds the school's current SES funding level.

School provides both primary and secondary education

- (4) This subsection applies to a school if the school provides both primary and secondary education and the amount worked out using the formula:

$$\left(\begin{array}{l} \text{School's year} \\ \text{2000 primary} \\ \text{amount at the} \\ \text{relevant time} \end{array} \times \begin{array}{l} \text{Number of} \\ \text{primary} \\ \text{students for} \\ \text{the school} \\ \text{for the 2004} \\ \text{program year} \end{array} \right) + \left(\begin{array}{l} \text{School's year} \\ \text{2000 secondary} \\ \text{amount at the} \\ \text{relevant time} \end{array} \times \begin{array}{l} \text{Number of} \\ \text{secondary} \\ \text{students for} \\ \text{the school} \\ \text{for the 2004} \\ \text{program year} \end{array} \right)$$

exceeds the amount worked out using the formula:

$$\left(\begin{array}{l} \text{School's} \\ \text{current SES} \\ \text{primary} \\ \text{amount at the} \\ \text{relevant time} \end{array} \times \begin{array}{l} \text{Number of} \\ \text{primary} \\ \text{students for} \\ \text{the school} \\ \text{for the 2004} \\ \text{program year} \end{array} \right) + \left(\begin{array}{l} \text{School's} \\ \text{current SES} \\ \text{secondary} \\ \text{amount at the} \\ \text{relevant time} \end{array} \times \begin{array}{l} \text{Number of} \\ \text{secondary} \\ \text{students for} \\ \text{the school} \\ \text{for the 2004} \\ \text{program year} \end{array} \right)$$

where:

current SES primary amount at the relevant time, for a school, means the amount that is, immediately after the commencement of this Act, in column 3 of the table in Part 1 of Schedule 4 for the school's current SES funding level.

current SES secondary amount at the relevant time, for a school, means the amount that is, immediately after the commencement of this Act, in column 3 of the table in Part 2 of Schedule 4 for the school's current SES funding level.

number of primary students, for a school for the 2004 program year, has the same meaning as in the former Act.

number of secondary students, for a school for the 2004 program year, has the same meaning as in the former Act.

year 2000 primary amount at the relevant time, for a school, means the amount that is, immediately after the commencement of this Act, in column 2 of the table in Part 3 of Schedule 4 for the school's year 2000 funding level.

year 2000 secondary amount at the relevant time, for a school, means the amount that is, immediately after the commencement of this Act, in column 2 of the table in Part 4 of Schedule 4 for the school's year 2000 funding level.

75 Application of Subdivision E—maintained Catholic school funding

Subdivision E applies to a school for a particular program year if:

- (a) the school was, on 31 December 2004, in an approved Catholic school system for the purposes of the former Act; and
- (b) the school is not a special school for that program year; and
- (c) the school's year 2004 funding level exceeds the school's current SES funding level; and
- (d) the school's SES score has not been determined under paragraph 53(1)(d), 64(1)(a) or 132(2)(a) for that program year or an earlier program year.

76 Application of Subdivision F—guaranteed year 2004 SES funding

(1) Subdivision F applies to a school:

- (a) for a particular program year; and
- (b) for a particular level of education provided at the school;

if:

- (c) the school had, on 31 December 2004, an SES funding level for the purposes of the former Act; and
- (d) the school is not a special school for that program year; and
- (e) the school's current SES funding level amount for that level of education has not, in that program year or an earlier program year, equalled or exceeded the school's year 2004 SES funding level amount for that level of education; and
- (f) the school's SES score has not been determined under paragraph 53(1)(d), 64(1)(a) or 132(2)(a) for that program year or an earlier program year.

(2) Subdivision F applies to the school whether or not the school is in an approved school system.

(3) Use the following table to work out whether a school's current SES funding level amount for a particular level of education has, in a

particular program year, equalled or exceeded the school's year
 2004 SES funding level amount for that level of education:

Item	If, in that program year, the school provides the following level of education...	and...	is equal to or exceeds...	then...
1	primary education (whether or not the school also provides secondary education)	the amount in the table in Part 1 of Schedule 4 for that program year and the school's current SES funding level	the school's year 2004 primary amount	the school's current SES funding level amount for that level of education has equalled or exceeded the school's year 2004 SES funding level amount for that level of education.
2	secondary education (whether or not the school also provides primary education)	the amount in the table in Part 2 of Schedule 4 for that program year and the school's current SES funding level	the school's year 2004 secondary amount	the school's current SES funding level amount for that level of education has equalled or exceeded the school's year 2004 SES funding level amount for that level of education.

77 Application of Subdivision G—special schools

- (1) Subdivision G applies to a school for a particular program year if the school is a special school for that program year.
- (2) Subdivision G applies to the school whether or not the school is in an approved school system.

Subdivision C—Current SES funding

78 Authorising payments for non-systemic schools

- (1) This section applies to a school in a State for a particular program year and for a particular level of education provided at the school if:
 - (a) this Subdivision applies to the school for that program year and for that level of education in accordance with section 73; and
 - (b) the school is a non-systemic school.
- (2) If this section applies to the school for the program year and for primary education, the Minister may make a determination under this subsection authorising payment of financial assistance to the State for recurrent expenditure of the school for the program year of an amount not more than the amount worked out for the school by adding up:
 - (a) the amount worked out under section 80 for the school's primary students (if any) for the program year; and
 - (b) the amount worked out under section 97 for the school's primary distance education students (if any) for that program year.
- (3) If this section applies to the school for the program year and for secondary education, the Minister may make a determination under this subsection authorising payment of financial assistance to the State for recurrent expenditure of the school for the program year of an amount not more than the amount worked out for the school by adding up:
 - (a) the amount worked out under section 81 for the school's secondary students (if any) for the program year; and
 - (b) the amount worked out under section 98 for the school's secondary distance education students (if any) for the program year.

79 Authorising payments for approved school systems

- (1) This section applies to a school in a State for a particular program year and for a particular level of education provided at the school if:
 - (a) this Subdivision applies to the school for that program year and for that level of education in accordance with section 73; and
 - (b) the school is in an approved school system; and
 - (c) the school is in the list of non-government schools as being included in that system.
- (2) If this section applies to the school for the program year and for primary education, the Minister may make a determination under this subsection authorising payment of financial assistance to the State for recurrent expenditure of the approved school system for the program year of an amount for the school not more than the amount worked out for the school by adding up:
 - (a) the amount worked out under section 80 for the school's primary students (if any) for the program year; and
 - (b) the amount worked out under section 97 for the school's primary distance education students (if any) for that program year.
- (3) If this section applies to the school for the program year and for secondary education, the Minister may make a determination under this subsection authorising payment of financial assistance to the State for recurrent expenditure of the approved school system for the program year of an amount for the school not more than the amount worked out for the school by adding up:
 - (a) the amount worked out under section 81 for the school's secondary students (if any) for that program year; and
 - (b) the amount worked out under section 98 for the school's secondary distance education students (if any) for that program year.

80 Primary student amount

For the purposes of paragraphs 78(2)(a) and 79(2)(a), work out the amount for the school's primary students for the program year using the formula:

$$\begin{array}{l} \text{School's current SES} \\ \text{funding level} \\ \text{primary amount for} \\ \text{the program year} \end{array} \times \begin{array}{l} \text{Number of} \\ \text{primary students} \\ \text{for the school for} \\ \text{the program year} \end{array}$$

where:

current SES funding level primary amount, for the school for the program year, means the amount in the table in Part 1 of Schedule 4 for the program year and the school's current SES funding level.

81 Secondary student amount

For the purposes of paragraphs 78(3)(a) and 79(3)(a), work out the amount for the school's secondary students for the program year using the formula:

$$\begin{array}{l} \text{School's current SES} \\ \text{funding level} \\ \text{secondary amount for} \\ \text{the program year} \end{array} \times \begin{array}{l} \text{Number of} \\ \text{secondary students} \\ \text{for the school for} \\ \text{the program year} \end{array}$$

where:

current SES funding level secondary amount, for the school for the program year, means the amount in the table in Part 2 of Schedule 4 for the program year and the school's current SES funding level.

Subdivision D—Maintained year 2000 funding

82 Authorising payments for non-systemic schools

- (1) This section applies to a school in a State for a particular program year if:

- (a) this Subdivision applies to the school for that program year in accordance with section 74; and
 - (b) the school is a non-systemic school.
- (2) The Minister may make a determination authorising payment of financial assistance to the State for recurrent expenditure of the school for the program year of an amount not more than the amount worked out for the school by adding up:
- (a) the amount worked out under section 84 for the school's primary students (if any) for the program year; and
 - (b) the amount worked out under section 85 for the school's secondary students (if any) for that program year; and
 - (c) the amount worked out under section 97 for the school's primary distance education students (if any) for that program year; and
 - (d) the amount worked out under section 98 for the school's secondary distance education students (if any) for that program year.

83 Authorising payments for approved school systems

- (1) This section applies to a school in a State for a particular program year if:
- (a) this Subdivision applies to the school for that program year in accordance with section 74; and
 - (b) the school is in an approved school system; and
 - (c) the school is in the list of non-government schools as being included in that system.
- (2) The Minister may make a determination authorising payment of financial assistance to the State for recurrent expenditure of the approved school system for the program year of an amount for the school not more than the amount worked out for the school by adding up:
- (a) the amount worked out under section 84 for the school's primary students (if any) for the program year; and
 - (b) the amount worked out under section 85 for the school's secondary students (if any) for that program year; and

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- (c) the amount worked out under section 97 for the school's primary distance education students (if any) for that program year; and
- (d) the amount worked out under section 98 for the school's secondary distance education students (if any) for that program year.

84 Primary student amount

For the purposes of paragraphs 82(2)(a) and 83(2)(a), work out the amount for the school's primary students for the program year using the formula:

$$\begin{array}{l} \text{School's year 2000} \\ \text{funding level} \\ \text{primary amount for} \\ \text{the program year} \end{array} \times \begin{array}{l} \text{Number of} \\ \text{primary students} \\ \text{for the school for} \\ \text{the program year} \end{array}$$

where:

year 2000 funding level primary amount, for the school for the program year, means the amount in the table in Part 3 of Schedule 4 for the program year and the school's year 2000 funding level.

85 Secondary student amount

For the purposes of paragraphs 82(2)(b) and 83(2)(b), work out the amount for the school's secondary students for the program year using the formula:

$$\begin{array}{l} \text{School's year 2000} \\ \text{funding level} \\ \text{secondary amount for} \\ \text{the program year} \end{array} \times \begin{array}{l} \text{Number of} \\ \text{secondary students} \\ \text{for the school for} \\ \text{the program year} \end{array}$$

where:

year 2000 funding level secondary amount, for the school for the program year, means the amount in the table in Part 4 of Schedule 4 for the program year and the school's year 2000 funding level.

Subdivision E—Maintained Catholic school funding

86 Authorising payments for approved Catholic school systems

- (1) This section applies to a school in a State for a particular program year if:
 - (a) this Subdivision applies to the school for that program year in accordance with section 75; and
 - (b) the school is in the approved Catholic school system; and
 - (c) the school is in the list of non-government schools.
- (2) The Minister may make a determination authorising payment of financial assistance to the State for recurrent expenditure of the system for the program year of an amount for the school not more than the amount worked out for the school by adding up:
 - (a) the amount worked out under section 87 for the school's primary students (if any) for the program year; and
 - (b) the amount worked out under section 88 for the school's secondary students (if any) for that program year; and
 - (c) the amount worked out under section 97 for the school's primary distance education students (if any) for that program year; and
 - (d) the amount worked out under section 98 for the school's secondary distance education students (if any) for that program year.

87 Primary student amount

For the purposes of paragraph 86(2)(a), work out the amount for the school's primary students for the program year using the formula:

$$\begin{array}{l} \text{School's year 2004} \\ \text{funding level} \\ \text{primary amount for} \\ \text{the program year} \end{array} \times \begin{array}{l} \text{Number of} \\ \text{primary students} \\ \text{for the school for} \\ \text{the program year} \end{array}$$

where:

year 2004 funding level primary amount, for the school for the program year, means the amount in the table in Part 1 of Schedule 4 for the program year and the school's year 2004 funding level.

88 Secondary student amount

For the purposes of paragraphs 86(2)(b), work out the amount for the school's secondary students for the program year using the formula:

$$\begin{array}{l} \text{School's year 2004} \\ \text{funding level} \\ \text{secondary amount for} \\ \text{the program year} \end{array} \times \begin{array}{l} \text{Number of} \\ \text{secondary students} \\ \text{for the school for} \\ \text{the program year} \end{array}$$

where:

year 2004 funding level secondary amount, for the school for the program year, means the amount in the table in Part 2 of Schedule 4 for the program year and the school's year 2004 funding level.

Subdivision F—Guaranteed year 2004 SES funding

89 Authorising payments for non-systemic schools

- (1) This section applies to a school in a State for a particular program year and for a particular level of education provided at the school if:
 - (a) this Subdivision applies to the school for that program year and for that level of education in accordance with section 76; and
 - (b) the school is a non-systemic school.
- (2) If this section applies to the school for the program year and for primary education, the Minister may make a determination under this subsection authorising payment of financial assistance to the State for recurrent expenditure of the school for the program year of an amount not more than the amount worked out for the school by adding up:

- (a) the amount worked out under section 91 for the school's primary students (if any) for the program year; and
 - (b) the amount worked out under section 97 for the school's primary distance education students (if any) for that program year.
- (3) If this section applies to the school for the program year and for secondary education, the Minister may make a determination under this subsection authorising payment of financial assistance to the State for recurrent expenditure of the school for the program year of an amount not more than the amount worked out for the school by adding up:
- (a) the amount worked out under section 92 for the school's secondary students (if any) for that program year; and
 - (b) the amount worked out under section 98 for the school's secondary distance education students (if any) for that program year.

90 Authorising payments for approved school systems

- (1) This section applies to a school in a State for a particular program year and for a particular level of education provided at the school if:
- (a) this Subdivision applies to the school for that program year and for that level of education in accordance with section 76; and
 - (b) the school is in an approved school system; and
 - (c) the school is in the list of non-government schools as being included in that system.
- (2) If this section applies to the school for the program year and for primary education, the Minister may make a determination under this subsection authorising payment of financial assistance to the State for recurrent expenditure of the approved school system for the program year of an amount for the school not more than the amount worked out for the school by adding up:
- (a) the amount worked out under section 91 for the school's primary students (if any) for the program year; and

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- (b) the amount worked out under section 97 for the school's primary distance education students (if any) for that program year.
- (3) If this section applies to the school for the program year and for secondary education, the Minister may make a determination under this subsection authorising payment of financial assistance to the State for recurrent expenditure of the approved school system for the program year of an amount for the school not more than the amount worked out for the school by adding up:
- (a) the amount worked out under section 92 for the school's secondary students (if any) for that program year; and
 - (b) the amount worked out under section 98 for the school's secondary distance education students (if any) for that program year.

91 Primary student amount

For the purposes of paragraphs 89(2)(a) and 90(2)(a), work out the amount for the school's primary students for the program year using the formula:

$$\text{School's year 2004 primary amount} \times \frac{\text{Number of primary students for the school for the program year}}{\text{Number of primary students for the school for the program year}}$$

92 Secondary student amount

For the purposes of paragraphs 89(3)(a) and 90(3)(a), work out the amount for the school's secondary students for the program year using the formula:

$$\text{School's year 2004 secondary amount} \times \frac{\text{Number of secondary students for the school for the program year}}{\text{Number of secondary students for the school for the program year}}$$

Subdivision G—Special schools

93 Authorising payments for non-systemic schools

- (1) This section applies to a school in a State for a particular program year if:
 - (a) this Subdivision applies to the school for that program year in accordance with section 77; and
 - (b) the school is a non-systemic school.
- (2) The Minister may make a determination authorising payment of financial assistance to the State for recurrent expenditure of the school for the program year of an amount not more than the amount worked out for the school by adding up:
 - (a) the amount worked out under section 95 for the school's primary students (if any) for the program year; and
 - (b) the amount worked out under section 96 for the school's secondary students (if any) for that program year; and
 - (c) the amount worked out under section 97 for the school's primary distance education students (if any) for that program year; and
 - (d) the amount worked out under section 98 for the school's secondary distance education students (if any) for that program year.

94 Authorising payments for approved school systems

- (1) This section applies to a school in a State for a particular program year if:
 - (a) this Subdivision applies to the school for that program year in accordance with section 77; and
 - (b) the school is in an approved school system; and
 - (c) the school is in the list of non-government schools as being included in that system.
 - (2) The Minister may make a determination authorising payment of financial assistance to the State for recurrent expenditure of the
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approved school system for the program year of an amount for the school not more than the amount worked out for the school by adding up:

- (a) the amount worked out under section 95 for the school's primary students (if any) for the program year; and
- (b) the amount worked out under section 96 for the school's secondary students (if any) for that program year; and
- (c) the amount worked out under section 97 for the school's primary distance education students (if any) for that program year; and
- (d) the amount worked out under section 98 for the school's secondary distance education students (if any) for that program year.

95 Primary student amount

For the purposes of paragraphs 93(2)(a) and 94(2)(a), work out the amount for the school's primary students for the program year using the formula:

$$\text{School's special primary amount for the program year} \times \frac{\text{Number of primary students for the school for the program year}}{\text{Number of primary students for the school for the program year}}$$

where:

special primary amount, for the school for the program year, means the amount in the table in Part 1 of Schedule 4 for the program year and the funding level of 70.0% of AGSRC.

96 Secondary student amount

For the purposes of paragraphs 93(2)(b) and 94(2)(b), work out the amount for the school's secondary students for the program year using the formula:

$$\text{School's special secondary amount for the program year} \times \frac{\text{Number of secondary students for the school for the program year}}{\text{Number of secondary students for the school for the program year}}$$

where:

special secondary amount, for the school for the program year, means the amount in the table in Part 2 of Schedule 4 for the program year and the funding level of 70.0% of AGSRC.

Subdivision H—Distance education amounts

97 Primary distance education student amount

For the purposes of paragraphs 78(2)(b), 79(2)(b), 82(2)(c), 83(2)(c), 86(2)(c), 89(2)(b), 90(2)(b), 93(2)(c) and 94(2)(c), work out the amount for the school's primary distance education students for the program year using the formula:

$$\begin{array}{l} \text{School's primary} \\ \text{distance education} \\ \text{amount for the} \\ \text{program year} \end{array} \times \begin{array}{l} \text{Number of primary} \\ \text{distance education} \\ \text{students for the school} \\ \text{for the program year} \end{array}$$

where:

primary distance education amount, for the school for the program year, means the amount in the table in Part 1 of Schedule 4 for the program year and the funding level of 13.7% of AGSRC.

98 Secondary distance education student amount

For the purposes of paragraphs 78(3)(b), 79(3)(b), 82(2)(d), 83(2)(d), 86(2)(d), 89(3)(b), 90(3)(b), 93(2)(d) and 94(2)(d), work out the amount for the school's secondary distance education students for the program year using the formula:

$$\begin{array}{l} \text{School's secondary} \\ \text{distance education} \\ \text{amount for the} \\ \text{program year} \end{array} \times \begin{array}{l} \text{Number of secondary} \\ \text{distance education} \\ \text{students for the school} \\ \text{for the program year} \end{array}$$

where:

secondary distance education amount, for the school for the program year, means the amount in the table in Part 2 of

Part 6 Grants for non-government schools
Division 2 Grants for general recurrent expenditure

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Schedule 4 for the program year and the funding level of 13.7% of AGSRC.

Division 3—Capital grants

99 Authorisation of payment of capital grants

- (1) The Minister may make a determination authorising payment of financial assistance to the States for:
 - (a) capital expenditure for a program year in connection with:
 - (i) non-government schools or non-government rural student hostels in the States; or
 - (ii) groups of non-government schools or non-government rural student hostels (or both) in the States; or
 - (b) capital expenditure for a program year in connection with block grant authorities and non-government schools or non-government rural student hostels in the States.
- (2) The sum of the amounts determined under subsection (1) for a program year must not be more than the amount worked out by adding up:
 - (a) the amount in column 2 of the table in Schedule 5 for the program year; and
 - (b) the amount in column 3 of the table in Schedule 5 for the program year.

Division 4—Other grants for non-government rural student hostels

100 Authorisation of payment of other grants for non-government rural student hostels

- (1) The Minister may make a determination authorising payment of financial assistance to a State for expenditure for a program year in connection with a non-government rural student hostel (the *funded hostel*) in the State.

Note: Assistance under this section is in addition to the financial assistance for non-government rural student hostels that is available under section 99.

- (2) The amount determined under subsection (1) for the funded hostel and the program year must not be more than the amount worked out using the formula:

$$\text{Amount specified in Schedule 6 for the program year} \times \text{Number of students for the hostel for the program year}$$

where:

number of students for the hostel for the program year means the number of students who, on the day in the program year determined by the Minister as the census day for hostels in the State in which the hostel is located:

- (a) are resident at the funded hostel; and
- (b) are undertaking primary or secondary education.

Division 5—Grants of short term emergency assistance

101 Grants of short term emergency assistance

- (1) The Minister may make a determination authorising payment of financial assistance to a State to provide short term emergency assistance for a non-government school in the State for one or more program years if the Minister is satisfied that, because of any unexpected circumstance, the school:
 - (a) is in severe financial difficulty; and
 - (b) has a special need of that assistance in the program year or years.
- (2) The sum of the amounts paid to the States under subsection (1) for a program year must not be more than the amount in the table in Schedule 7 for the program year.

Division 6—Grants to provide establishment assistance

102 Grants to provide establishment assistance

Non-systemic school

- (1) The Minister may make a determination authorising payment of financial assistance to a State to provide establishment assistance for a non-systemic school in the State for one or 2 program years if the circumstance in subsection (3) applies to the school.

Note: The amount must not exceed the maximum amount worked out under subsection (4).

School system

- (2) The Minister may make a determination authorising payment of financial assistance to a State to provide establishment assistance for an approved school system in the State for one or 2 program years in relation to a school included in the system if the circumstance in subsection (3) applies to the school.

Note: The amount must not exceed the maximum amount worked out under subsection (4).

Subsection (3) circumstance

- (3) The circumstance in this subsection is that the Minister varies the list of non-government schools in relation to the school because the school is covered by paragraph (c) of the definition of ***new school proposal***.

Maximum amount

- (4) The amount under subsection (1) or (2) for a program year in relation to a school must not exceed the amount worked out using the formula:

$$\text{Establishment amount for the program year} \times \left(\begin{array}{l} \text{Number of primary} \\ \text{students for the school} \\ \text{for the program year} \end{array} + \begin{array}{l} \text{Number of secondary} \\ \text{students for the school} \\ \text{for the program year} \end{array} \right)$$

where:

establishment amount for the program year is:

- (a) if the program year is the year in which the Minister varies the list of non-government schools in relation to the school—\$500; and
- (b) if the program year is the year after the year referred to in paragraph (a)—\$250.

Part 7—Grants for education in country areas

103 Object of Part

The object of this Part is to help schools and school communities to improve the educational outcomes and opportunities of students who are educationally disadvantaged because of their geographical isolation.

104 Grants for government schools in country areas

The Minister may make a determination authorising payment of financial assistance to a State for expenditure approved by the Minister for a program year connected with the education of students at government schools in country areas of the State.

Note: Section 106 sets a ceiling on grants to the States under this Part for a program year.

105 Grants for non-government schools in country areas

The Minister may make a determination authorising payment of financial assistance to a State for expenditure approved by the Minister for a program year connected with the education of students at non-government schools in country areas of the State.

Note: Section 106 sets a ceiling on grants to the States under this Part for a program year.

106 Ceiling for grants under this Part

- (1) The sum of the amounts paid to the States under this Part for a program year must not be more than the amount in column 2 of the table in Part 1 of Schedule 8 for the program year.
- (2) This section has effect despite sections 104 and 105.

Part 8—Grants to foster languages education

107 Object of Part

The object of this Part is to help schools and school communities to improve the learning outcomes of students who are learning languages other than English.

108 Grants for government schools etc.

- (1) The Minister may make a determination authorising payment of financial assistance to a State for expenditure for a program year connected with government schools, government educational institutions or any other body (except the relevant authority of a school mentioned in section 109) in the State to improve the learning outcomes of students learning languages other than English.

Note: Section 111 sets a ceiling on grants to the States under this Part for a program year.

- (2) In this Act:

government educational institution means an educational institution in a State:

- (a) that is not a government school; and
- (b) that is conducted by or on behalf of the Government of the State.

109 Grants for non-government schools

The Minister may make a determination authorising payment of financial assistance to a State for expenditure for a program year connected with non-government schools in the State to improve the learning outcomes of students who are learning languages other than English.

Part 8 Grants to foster languages education

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Note: Section 111 sets a ceiling on grants to the States under this Part for a program year.

110 Grants for national projects to foster languages education

- (1) The Minister may approve a project for the purposes of this section if the sole or principal object of the project is to foster the learning of languages other than English.
- (2) The Minister may make a determination authorising payment to a State for a program year of an amount of financial assistance for:
 - (a) expenditure on a project approved under subsection (1); and
 - (b) expenditure to publicise a project approved under subsection (1) by disseminating information about the project or carrying out other related activities in connection with the project.

Note: Section 111 sets a ceiling on grants to the States under this Part for a program year.

- (3) It does not matter whether:
 - (a) the project is conducted by the State or not; or
 - (b) the project is conducted within, or outside, or within and outside, the State.

111 Ceiling for grants under this Part

- (1) The sum of the amounts authorised to be paid to the States under this Part for a program year must not be more than the amount in column 3 of the table in Part 1 of Schedule 8 for the program year.
- (2) This section has effect despite sections 108, 109 and 110.

Part 9—Grants for teaching English to new arrivals

112 Object of Part

The object of this Part is to help with the provision of intensive teaching of the English language to certain students who have recently arrived in Australia.

113 Grants for teaching English as a second language in government schools

- (1) The Minister may make a determination authorising payment of financial assistance to a State for recurrent expenditure for a program year connected with providing education in English as a second language for eligible new arrivals enrolled in ESL courses:
 - (a) beginning or continuing in the program year; and
 - (b) provided at or in connection with government schools in the State.
- (2) However, the total amount authorised to be paid to a State under subsection (1) for a program year must not be more than the amount worked out using the formula:

$$\text{ESL new arrivals amount for the program year} \times \frac{\text{Number of eligible new arrivals in government schools}}{\text{Number of eligible new arrivals in government schools}}$$

where:

number of eligible new arrivals in government schools means the number of eligible new arrivals enrolled in ESL courses, in the State, described in subsection (1).

114 Grants for teaching English as a second language in non-government schools

- (1) The Minister may make a determination authorising payment of financial assistance to a State for recurrent expenditure for a

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program year connected with providing education in English as a second language for eligible new arrivals enrolled in ESL courses:

- (a) beginning or continuing in the program year; and
 - (b) provided at or in connection with non-government schools in the State.
- (2) However, the total amount paid to a State under subsection (1) for a program year must not be more than the amount worked out using the formula:

$$\text{ESL new arrivals amount for the program year} \times \frac{\text{Number of eligible new arrivals in non-government schools}}{\text{Number of eligible new arrivals in non-government schools}}$$

where:

number of eligible new arrivals in non-government schools

means the number of eligible new arrivals enrolled in ESL courses, in the State, described in subsection (1).

Part 10—Literacy, numeracy and special learning needs

Division 1—Object of Part

115 Object of Part

(1) The object of this Part is:

- (a) to help improve the literacy, numeracy and other learning outcomes of students who are educationally disadvantaged (including because they are students with disabilities, Indigenous, of a low socioeconomic background, of a language background other than English or geographically isolated) through grants for schools and grants for national projects; and
- (b) to help improve the educational participation and learning outcomes of children, and students, with disabilities through grants for non-government centres.

(2) In this Act:

Indigenous means:

- (a) a member of the Aboriginal race of Australia; or
- (b) a descendant of the Indigenous inhabitants of the Torres Strait Islands.

Division 2—Grants for schools

116 Grants for government schools and centres

- (1) The Minister may make a determination authorising payment of financial assistance to a State for expenditure for a program year connected with:
 - (a) government schools (including schools providing special education); or
 - (b) government centres;in the State to improve the learning outcomes of students who are educationally disadvantaged.
- (2) The total amount authorised to be paid to the States under this section for a program year must not be more than the amount worked out using the formula:

Strategic assistance amount \times Number of students with disabilities
where:

number of students with disabilities, for a program year, means the number of students with disabilities (including the full-time equivalent of part-time students with disabilities) receiving primary education or secondary education at government schools in the State on the schools census day for the State for the program year immediately before that program year.

strategic assistance amount means the amount in column 2 of the table in Part 2 of Schedule 9 for the program year.

117 Grants for non-government schools

- (1) The Minister may make a determination authorising payment of financial assistance to a State for expenditure for a program year connected with non-government schools (including schools providing special education) in the State to improve the learning outcomes of students who are educationally disadvantaged.

- (2) The total amount authorised to be paid to the States under this section for a program year must not be more than the amount worked out using the formula:

Strategic assistance amount \times Number of students with disabilities
where:

number of students with disabilities, for a program year, means the number of students with disabilities (including the full-time equivalent of part-time students with disabilities) receiving primary education, secondary education or distance education at non-government schools in the State on the schools census day for the State for the program year immediately before that program year.

strategic assistance amount means the amount in column 3 of the table in Part 2 of Schedule 9 for the program year.

118 Grants for both government schools and centres and non-government schools

- (1) The Minister may make a determination authorising payment of financial assistance to a State for expenditure for a program year connected with:
- (a) government schools (including schools providing special education); or
 - (b) government centres; or
 - (c) non-government schools (including schools providing special education);
- in the State to improve the learning outcomes of students who are educationally disadvantaged.
- (2) The total amount authorised to be paid to the States under this section for a program year must not be more than the amount worked out by adding up:
- (a) the amount in column 2 of the table in Part 1 of Schedule 9 for the program year; and

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- (b) the amount in column 3 of the table in Part 1 of Schedule 9 for the program year.

Division 3—Grants for non-government centres

119 Grants for non-government centres

- (1) The Minister may make a determination authorising payment of financial assistance to a State for a program year for expenditure connected with special education provided at or in connection with non-government centres in the State.
- (2) The total amount authorised to be paid to the States under this section for a program year must not be more than the amount worked out by adding up:
 - (a) the amount in column 4 of the table in Part 1 of Schedule 9 for the program year; and
 - (b) the amount in column 5 of the table in Part 1 of Schedule 9 for the program year.
- (3) In this Act:

non-government centre means a place in a State at which special education is provided by a non-government body (except a non-government body that is conducted for profit) and that is not a school.

Division 4—Grants for national projects

120 Grants for national projects

- (1) The Minister may approve a project for the purposes of this section if:
 - (a) the sole or principal object of the project is to improve the learning outcomes of students who are educationally disadvantaged; and
 - (b) the project is to be carried out in Australia.
- (2) A project approved under subsection (1) may be a project relating to expenditure mentioned in section 116, 117, 118 or 119.
- (3) Subsection (2) does not limit subsection (1).
- (4) It does not matter whether:
 - (a) the project is conducted by a State or by a non-government body established in a State; or
 - (b) the project is conducted within, or outside, or within and outside, a State.
- (5) The Minister may make a determination authorising payment of financial assistance to a State for a program year for:
 - (a) expenditure on a project approved under subsection (1); and
 - (b) expenditure to publicise a project approved under subsection (1) by disseminating information about the project or carrying out other related activities in connection with the project.
- (6) The sum of the amounts authorised to be paid to the States under this section for a program year must not be more than the amount in column 6 of the table in Part 1 of Schedule 9 for the program year.

Part 11—Miscellaneous

Division 1—Average Government School Recurrent Costs

121 Changes to Average Government School Recurrent Costs

- (1) The regulations may provide that an amount specified in the regulations for a program year replaces an amount in Schedule 1 for the program year.
- (2) The regulations have effect according to their terms.
- (3) Before the Governor-General makes regulations for the purposes of subsection (1), the Minister must consider changes in the relevant figures known as Average Government School Costs published by:
 - (a) the Ministerial Council on Education, Employment, Training and Youth Affairs; or
 - (b) a prescribed body that has a corresponding function.

122 Changes to amounts for primary education

- (1) This section applies if an amount in Schedule 1 for primary education is replaced for a program year by an amount (the *primary AGSRC amount*) under regulations made for the purposes of subsection 121(1).
- (2) The amount in Schedule 2 for primary education for the program year is replaced by the amount worked out using the formula:
$$\% \text{ of AGSRC} \times \text{Primary AGSRC amount}$$
where:
% of AGSRC means the percentage of AGSRC in column 2 of Schedule 2 for primary education.
- (3) Each amount opposite a percentage of AGSRC in Parts 1 and 3 of Schedule 4 for the program year is replaced by the amount worked out using the formula:

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The percentage of AGSRC \times Primary AGSRC amount

- (4) If an amount worked out under subsection (2) or (3) is an amount of dollars and cents, the amount is to be rounded to the next higher dollar.

123 Changes to amounts for secondary education

- (1) This section applies if an amount in Schedule 1 for secondary education is replaced for a program year by an amount (the *secondary AGSRC amount*) under regulations made for the purposes of subsection 121(1).

- (2) The amount in Schedule 2 for secondary education for the program year is replaced by the amount worked out using the formula:

% of AGSRC \times Secondary AGSRC amount

where:

% of AGSRC means the percentage of AGSRC in column 2 of Schedule 2 for secondary education.

- (3) Each amount opposite a percentage of AGSRC in Parts 2 and 4 of Schedule 4 for the program year is replaced by the amount worked out using the formula:

The percentage of AGSRC \times Secondary AGSRC amount

- (4) If an amount worked out under subsection (2) or (3) is an amount of dollars and cents, the amount is to be rounded to the next higher dollar.

Division 2—Cost supplementation

124 Recurrent grants—general

- (1) Each of the following amounts (the *recurrent amount*):
- (a) an amount in the table in Schedule 7 for a program year;
 - (b) an amount in the table in Part 1 of Schedule 8 for a program year;
 - (c) an amount in the table in Part 2 of Schedule 8 for a program year;
 - (d) an amount in column 2, 4 or 6 of the table in Part 1 of Schedule 9 for a program year;
 - (e) an amount in the table in Part 2 of Schedule 9 for a program year;

is replaced for the program year by the amount worked out using the formula:

Recurrent amount \times Recurrent number for the program year

where:

recurrent number for the program year means:

- (a) 1; or
 - (b) if the regulations set out another number for the program year—that other number.
- (2) If an amount worked out under paragraph (1)(a), (b) or (d) is not a multiple of \$1,000, the amount is to be rounded to the nearest \$1,000 (rounding \$500 upwards).
- (3) If an amount worked out under paragraph (1)(c) or (e) is an amount of dollars and cents, the amount is to be rounded to the next higher dollar.
- (4) Before the Governor-General makes regulations for the purposes of subsection (1), the Minister must consider changes in the relevant figures known as Average Government School Costs published by:

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- (a) the Ministerial Council on Education, Employment, Training and Youth Affairs; or
- (b) a prescribed body that has a corresponding function.

125 Recurrent grants—guarantee amounts

- (1) The regulations may specify an amount for column 3 or 5 of the table in Part 1 of Schedule 9 for a particular program year.
- (2) If regulations are made under subsection (1), this Act has effect as if the amount specified in column 3 or 5 of the table in Part 1 of Schedule 9 for that program year were the amount specified in the regulations for that column for that program year.
- (3) The amount the regulations may specify under subsection (1) may be nil.

126 Capital grants for government schools and non-government schools

- (1) Each amount (the *capital amount*) in:
 - (a) column 2 of the table in Schedule 3; or
 - (b) column 2 of the table in Schedule 5;for a program year is replaced by the amount worked out using the formula:

$$\text{Capital amount} \times \text{Capital number for the program year}$$
where:

capital number for the program year means:
 - (a) 1; or
 - (b) if the regulations set out another number for the program year—that number.
- (2) If an amount worked out under subsection (1) is not a multiple of \$1,000, the amount is to be rounded to the nearest \$1,000 (rounding \$500 upwards).

- (3) Before the Governor-General makes regulations for the purposes of subsection (1), the Minister must consider changes in an index of building prices, and an index of wage costs, published by the Australian Statistician.

127 Other grants for non-government rural student hostels

- (1) The regulations may provide for an amount (the *specified amount*) in the table in Schedule 6 to be increased by reference to changes in an index determined in writing by the Finance Minister for the purposes of this section.
- (2) If regulations are made under subsection (1), this Act has effect as if the specified amount were replaced by that amount as increased in accordance with those regulations.
- (3) In this section:

Finance Minister means the Minister administering the *Financial Management and Accountability Act 1997*.

Division 3—Timing of payments etc.

128 Minister may fix amounts and times of payment of financial assistance

- (1) Financial assistance authorised to be paid to a State or States under this Act is to be paid in such amounts, and at such times, as the Minister determines.
- (2) A determination under subsection (1) may apply generally to all financial assistance payable under this Act or may be limited to particular financial assistance, including the following:
 - (a) financial assistance payable to a particular State or States;
 - (b) financial assistance payable under a particular provision or provisions of this Act;
 - (c) financial assistance payable for a particular program year or program years;
 - (d) a combination of any of the above.

129 Advances

- (1) The Minister may make an advance to a State on account of an amount that is expected to become payable under this Act to the State.
- (2) The conditions that would apply to the payment apply to the advance.

130 Determination authorising the making of payments may authorise Minister to determine amounts of payments

Whenever this Act provides that the Minister may make a determination authorising the making of payments to a State, the determination may either:

- (a) set out the amounts authorised to be paid; or
 - (b) authorise the Minister (or another person named in the determination) to decide those amounts.
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Division 4—False or misleading statements

131 Payment reduction for false or misleading statement

- (1) This section applies if:
 - (a) a person made a statement for the purposes of:
 - (i) an Education Assistance Act; or
 - (ii) an agreement made as mentioned in such an Act; relating to the grant of financial assistance for schools, hostels, approved government school community organisations or other bodies involved in primary education or secondary education; and
 - (b) the statement was made to:
 - (i) the Minister administering that Act; or
 - (ii) the Secretary of the Department administering that Act; or
 - (iii) a public service employee in the Department administering that Act; or
 - (iv) a block grant authority for the purposes of that Act; or
 - (v) a person employed by or acting on behalf of such an authority; and
 - (c) the statement was false or misleading in a material particular; and
 - (d) relying on the statement, a payment has been made under this Act to a State, for the State, for an approved government school community organisation or for a non-government body (including a block grant authority and a nominated authority), of an amount that, in the Minister's opinion, exceeds the amount that would have been authorised to be paid if the statement had not been false or misleading in a material particular.
- (2) The Minister may make a determination reducing any amount payable to the State under this Act for the State, the approved government school community organisation or the non-government

body (as appropriate), in one or more program years, by the amount of the excess.

- (3) A determination under this section may take effect from a day before the day on which the determination was made.

132 Change of SES score due to false or misleading statement

- (1) This section applies if:

- (a) the approved authority of a non-systemic school, or of an approved school system, made a statement for the purposes of:

- (i) an Education Assistance Act; or
(ii) the making of an agreement as mentioned in such an Act;

relating to the grant of financial assistance for schools or other bodies involved in primary education or secondary education; and

- (b) the statement was made to:

- (i) the Minister administering that Act; or
(ii) the Secretary of the Department administering that Act; or
(iii) a public service employee in the Department administering that Act; and

- (c) the statement was false or misleading in a material particular; and

- (d) as a result of the statement:

- (i) the school; or
(ii) a school in the approved school system; obtains a higher funding level for the purposes of meeting recurrent expenditure than, in the Minister's opinion, the school may have obtained if the statement had not been made.

- (2) The Minister may make a determination varying the list of non-government schools by setting out:

- (a) a different SES score for the school; and
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- (b) a different current SES funding level for the school relating to that SES score.
- (3) A determination under this section may take effect from a day before the day on which the determination was made.

Division 5—Appropriation and authority to borrow

133 Appropriation

The Consolidated Revenue Fund is appropriated as necessary for the purposes of this Act.

134 Authority to borrow

The Treasurer may, from time to time, in accordance with the provisions of the *Commonwealth Inscribed Stock Act 1911*, or in accordance with the provisions of an Act authorising the issue of Treasury Bills, borrow amounts totalling not more than the sum of the amounts that may become payable to the States under sections 69 and 99 of this Act.

Division 6—Administrative matters

135 Determinations, approvals etc. by Minister

- (1) A determination or approval by the Minister under this Act must be in writing.
- (2) A determination or approval takes effect on:
 - (a) the day stated for the purpose in the determination or approval; or
 - (b) if no day is stated—the day on which the determination is made or approval is given.
- (3) The provision of this Act under which, or for the purposes of which, a determination is made or an approval is given may permit the day of effect of the determination or approval to be a day before the day on which the determination is made, or the approval is given.
- (4) If:
 - (a) a provision of this Act refers to a determination made, approval given or other act or thing done by the Minister; and
 - (b) no other provision of this Act expressly authorises the Minister to make such a determination, give such an approval or do such an act or thing;this subsection authorises the Minister to make such a determination, give such an approval or do such an act or thing.
- (5) In this Act, unless the contrary intention appears, a reference to a determination or approval by the Minister is a reference to such a determination or approval that is in force.

136 Revocation or variation of determinations or approvals by Minister

- (1) The power of the Minister under this Act to make a determination or give an approval includes the power, by writing, to revoke or

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vary a previous determination made, or previous approval given, in the exercise of the power.

- (2) An instrument that is expressed to revoke a determination as previously varied, or to revoke an approval as previously varied, has effect as the revocation of the determination or approval and of every later instrument so far as that later instrument varied the determination or approval or varied the determination or approval as previously varied.
- (3) An instrument that is expressed to vary a determination as previously varied or to vary an approval as previously varied has effect according to its terms even though it does not specifically refer to the previous instruments of variation.
- (4) The one instrument may contain one or more revocations or one or more variations, or both.
- (5) An instrument of revocation or variation takes effect on:
 - (a) the day stated for the purpose in the instrument; or
 - (b) if no day is stated—the day on which the instrument is made.
- (6) The day of effect of an instrument revoking or varying a determination or approval may be a day before the day of the making of the instrument only if the provision under or for the purposes of which the determination or approval was made or given permits the determination or approval to take effect on a day before it was made or given.
- (7) Subsection (6) has effect despite subsection (5).

137 Delegation

The Minister may, by written instrument, delegate all or any of the Minister's powers and functions under this Act or under an agreement mentioned in this Act to:

- (a) the Secretary of the Department; or
- (b) an SES employee in the Department.

Note: **SES employee** is defined in the *Acts Interpretation Act 1901*.

138 Report by Minister

- (1) This section applies to each of the years 2005, 2006, 2007, 2008, 2009, 2010 and 2011.
- (2) As soon as practicable after 30 June next following the year, the Minister must cause a report dealing with the following to be laid before each House of the Parliament:
 - (a) financial assistance (if any) granted in the year under this Act for recurrent expenditure;
 - (b) the application of the financial assistance granted in the year under this Act (including financial assistance by way of capital grants).

Division 7—Overseas students

139 Overseas students

Financial assistance under this Act is not to be provided to a State for overseas students.

Division 8—Regulations

140 Regulations

- (1) The Governor-General may make regulations prescribing all matters:
 - (a) required or permitted by this Act to be prescribed; or
 - (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.
- (2) Despite the *Legislative Instruments Act 2003*, regulations made for the purposes of section 14, 15, 19, 31, 32 or 36 of this Act take effect not earlier than on the first day on which they are no longer liable to be disallowed, or to have been taken to have been disallowed, under that Act.

Part 12—Transitional provisions

141 Application of this Part

- (1) This Part has effect despite any other provision of this Act.
- (2) If, under this Part, a determination, approval, declaration, list or other instrument made, given or kept under the former Act is taken to be made, given or kept under this Act, subsection (1) does not prevent the application of this Act other than this Part in relation to that determination, approval, declaration, list or other instrument as it has effect because of this Part.

142 Approved authority

A determination in force immediately before 1 January 2005 for the purposes of any of the following provisions of the former Act:

- (a) paragraph 42(a);
- (b) paragraph 44(5)(b);
- (c) subsection 46(2);
- (d) paragraph (a) of the definition of *approved authority* in section 9;

is taken to be a determination made by the Minister for the purposes of section 9 of this Act.

143 Levels of education

A determination made by the relevant Minister under section 6 of the former Act and in force immediately before 1 January 2005 is taken to be a determination made by the Minister under section 7 of this Act.

144 Previous list of non-government schools

- (1) The list (the *old list*) that was kept by the relevant Minister immediately before 1 January 2005 under subsection 33(1) of the
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former Act is taken to be the list of non-government schools kept by the Minister under subsection 47(1) of this Act.

- (2) Subsection (1) does not apply to the old list to the extent to which the old list specified an SES score or a funding level.

Note: SES scores and funding levels are dealt with under sections 146 and 147.

Manner in which list is kept

- (3) A determination made by the Minister for the purposes of subsection 33(2) of the former Act and in force immediately before 1 January 2005 is taken to be a determination made by the Minister for the purposes of subsection 47(2) of this Act.

Approved authorities

- (4) An approved authority that is taken (because of section 142) to have been determined by the Minister under section 9 of this Act to be the approved authority of an approved school system, or of a non-systemic school, is taken to be included in the list of non-government schools as a matter mentioned in paragraph 47(3)(c) or (d) for the appropriate system or school.

145 Previous list of approved school systems

- (1) The list that was kept by the relevant Minister immediately before 1 January 2005 under subsection 34(1) of the former Act is taken to be the list of approved school systems kept by the Minister under subsection 48(1) of this Act.

Manner in which list is kept

- (2) A determination made by the Minister for the purposes of subsection 34(2) of the former Act and in force immediately before 1 January 2005 is taken to be a determination made by the Minister for the purposes of subsection 48(2) of this Act.

146 SES scores and funding levels of existing non-systemic schools

- (1) This section applies to a non-systemic school included in the list of non-government schools because of subsection 144(1).
- (2) The Minister must vary the list by setting out the school's:
 - (a) SES score if the school is not a special school; and
 - (b) funding level.
- (3) A variation under subsection (2) takes effect, or is taken to have taken effect, on 1 January 2005.

Once only operation

- (4) Subsection (2) requires the Minister to vary the list only once in relation to each school.
- (5) This section does not prevent the Minister varying the list of non-government schools for the purposes of section 132.

147 SES scores and funding levels of existing systemic schools

- (1) This section applies to each systemic school in an approved school system that is included in the list of approved school systems because of subsection 145(1).
- (2) The Minister must vary the list of non-government schools by setting out the school's:
 - (a) SES score if the school is not a special school; and
 - (b) funding level.
- (3) A variation under subsection (2) takes effect, or is taken to have taken effect, on 1 January 2005.

Once only operation

- (4) Subsection (2) requires the Minister to vary the list only once in relation to each school.
 - (5) This section does not prevent the Minister varying the list of non-government schools for the purposes of section 132.
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148 Overseas students

A determination made by the relevant Minister for the purposes of the definition of *overseas student* in subsection 52(2) of the former Act and in force immediately before 1 January 2005 is taken to be a determination made by the Minister for the purposes of the definition of *overseas student* in subsection 67(2) of this Act.

149 Block grant authority

A determination made by the Minister under the definition of *block grant authority* in subsection 4(1) of the former Act and in force immediately before 1 January 2005 is taken to be a determination made by the Minister for the purposes of the definition of *block grant authority* in section 4 of this Act.

150 Regulations*Agreement—performance targets and measures*

- (1) Regulations made for the purposes of paragraph 12(1)(b) of the former Act and in force immediately before 1 January 2005 also have effect, on and after 1 January 2005, as if they had been made under paragraph 14(1)(b) of this Act.
- (2) Regulations made for the purposes of paragraph 19(b) of the former Act and in force immediately before 1 January 2005 also have effect, on and after 1 January 2005, as if they had been made under paragraph 31(b) of this Act.

Educational accountability—performance information

- (3) Regulations made for the purposes of paragraph 15(b) of the former Act and in force immediately before 1 January 2005 also have effect, on and after 1 January 2005, as if they had been made under paragraph 19(1)(b) of this Act.
 - (4) Regulations made for the purposes of paragraph 23(b) of the former Act and in force immediately before 1 January 2005 also
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have effect, on and after 1 January 2005, as if they had been made under paragraph 36(1)(b) of this Act.

Educational accountability—performance targets

- (5) Regulations made for the purposes of paragraph 15(e) of the former Act and in force immediately before 1 January 2005 also have effect, on and after 1 January 2005, as if they had been made under paragraph 19(3)(f) of this Act.
- (6) Regulations made for the purposes of paragraph 23(e) of the former Act and in force immediately before 1 January 2005 also have effect, on and after 1 January 2005, as if they had been made under paragraph 36(3)(f) of this Act.

151 Guidelines

Guidelines approved by the Minister for the purposes of subsection 7(1) of the former Act and in force immediately before 1 January 2005 also have effect, on and after 1 January 2005, as if:

- (a) they had been made under section 8 of this Act; and
- (b) for each of the old references in the following table, the new reference were substituted:

Guidelines		
Item	Old reference	New reference
1	section 7 of the <i>States Grants (Primary and Secondary Education Assistance) Act 2000</i>	section 8 of the <i>Schools Assistance (Learning Together—Achievement Through Choice and Opportunity) Act 2004</i>
2	<i>States Grants (Primary and Secondary Education Assistance) (SES Scores Guidelines) Approval 2000</i>	<i>States Grants (Primary and Secondary Education Assistance) (SES Scores Guidelines) Approval 2004</i>
3	1 January 2001	1 January 2005
4	<i>States Grants (Primary and Secondary Education Assistance) Act 2000</i>	<i>Schools Assistance (Learning Together—Achievement Through Choice and Opportunity) Act 2004</i>

Guidelines

Item	Old reference	New reference
5	2000, 2001, 2002, 2003 or 2004 calendar year	2003, 2004, 2005, 2006, 2007 or 2008 calendar year
6	1996 Census of Population and Housing	2001 Census of Population and Housing
7	the document entitled Funding Arrangements for Non-Government Schools 2001-2004: SES Dimension Scores for Census Collection Districts (CDs) based on the SES Index for General Recurrent Grants Funding	the document entitled SES Dimension Scores for the Census Collection Districts (CDs) based on the SES Index for General Recurrent Grants Funding 2005-2008

Schedule 1—Average Government School Recurrent Costs (AGSRC)

Note: See the definitions of *AGSRC* in section 4.

AGSRC amounts				
Column 1	Column 2	Column 3	Column 4	Column 5
Type of education	2005 program year	2006 program year	2007 program year	2008 program year
	(\$)	(\$)	(\$)	(\$)
1 Primary	6,580	6,580	6,580	6,580
2 Secondary	8,595	8,595	8,595	8,595

Note: The operation of section 121 may affect the amounts in this Schedule.

Schedule 2—General recurrent grants for government schools

Note: See section 68.

Primary education amount and secondary education amount						
	Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
	Level of education	Funding entitlement (% of AGSRC)	2005 program year (\$)	2006 program year (\$)	2007 program year (\$)	2008 program year (\$)
1	Primary education	8.9	586	586	586	586
2	Secondary education	10.0	860	860	860	860

Note: The operation of sections 121, 122 and 123 may affect the amounts in columns 3, 4, 5 and 6.

Schedule 3—Capital grants for government schools

Note: See section 69.

Capital grants for government schools		
Column 1	Column 2	Column 3
Program year	Amount of capital grants (\$'000)	Amount of capital infrastructure grants (\$'000)
1	2005	249,000
2	2006	249,000
3	2007	249,000
4	2008	249,000
5	2009	
6	2010	
7	2011	

Note 1: The operation of section 126 may affect the amount of the grants in column 2.

Note 2: Amounts for program years 2009, 2010 and 2011 will be inserted by later amending Acts.

Schedule 4—General recurrent grants for non-government schools

Note: See sections 4, 78 to 88, 93 to 96 and 144 to 147.

Part 1—Current SES funding for primary education

Current SES funding for primary education						
Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 6
SES score	Current SES funding level (% of AGSRC)	Amount for 2005 program year (\$)	Amount for 2006 program year (\$)	Amount for 2007 program year (\$)	Amount for 2008 program year (\$)	Amount for 2008 program year (\$)
1	130 or greater	13.7	902	902	902	902
2	129	15.0	987	987	987	987
3	128	16.2	1,066	1,066	1,066	1,066
4	127	17.5	1,152	1,152	1,152	1,152
5	126	18.7	1,231	1,231	1,231	1,231
6	125	20.0	1,316	1,316	1,316	1,316
7	124	21.2	1,395	1,395	1,395	1,395
8	123	22.5	1,481	1,481	1,481	1,481
9	122	23.7	1,560	1,560	1,560	1,560
10	121	25.0	1,645	1,645	1,645	1,645
11	120	26.2	1,724	1,724	1,724	1,724
12	119	27.5	1,810	1,810	1,810	1,810
13	118	28.7	1,889	1,889	1,889	1,889
14	117	30.0	1,974	1,974	1,974	1,974
15	116	31.2	2,053	2,053	2,053	2,053

Schedule 4 General recurrent grants for non-government schools
Part 1 Current SES funding for primary education

Current SES funding for primary education						
	Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
	SES score	Current SES funding level (% of AGSRC)	Amount for 2005 program year (\$)	Amount for 2006 program year (\$)	Amount for 2007 program year (\$)	Amount for 2008 program year (\$)
16	115	32.5	2,139	2,139	2,139	2,139
17	114	33.7	2,218	2,218	2,218	2,218
18	113	35.0	2,303	2,303	2,303	2,303
19	112	36.2	2,382	2,382	2,382	2,382
20	111	37.5	2,468	2,468	2,468	2,468
21	110	38.7	2,547	2,547	2,547	2,547
22	109	40.0	2,632	2,632	2,632	2,632
23	108	41.2	2,711	2,711	2,711	2,711
24	107	42.5	2,797	2,797	2,797	2,797
25	106	43.7	2,876	2,876	2,876	2,876
26	105	45.0	2,961	2,961	2,961	2,961
27	104	46.2	3,040	3,040	3,040	3,040
28	103	47.5	3,126	3,126	3,126	3,126
29	102	48.7	3,205	3,205	3,205	3,205
30	101	50.0	3,290	3,290	3,290	3,290
31	100	51.2	3,369	3,369	3,369	3,369
32	99	52.5	3,455	3,455	3,455	3,455
33	98	53.7	3,534	3,534	3,534	3,534
34	97	55.0	3,619	3,619	3,619	3,619
35	96	56.2	3,698	3,698	3,698	3,698
36	95	57.5	3,784	3,784	3,784	3,784
37	94	58.7	3,863	3,863	3,863	3,863
38	93	60.0	3,948	3,948	3,948	3,948
39	92	61.2	4,027	4,027	4,027	4,027
40	91	62.5	4,113	4,113	4,113	4,113
41	90	63.7	4,192	4,192	4,192	4,192

General recurrent grants for non-government schools **Schedule 4**
 Current SES funding for primary education **Part 1**

Current SES funding for primary education

	Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
	SES score	Current SES funding level (% of AGSRC)	Amount for 2005 program year (\$)	Amount for 2006 program year (\$)	Amount for 2007 program year (\$)	Amount for 2008 program year (\$)
42	89	65.0	4,277	4,277	4,277	4,277
43	88	66.2	4,356	4,356	4,356	4,356
44	87	67.5	4,442	4,442	4,442	4,442
45	86	68.7	4,521	4,521	4,521	4,521
46	85 or less	70.0	4,606	4,606	4,606	4,606

Note: The operation of sections 121 and 122 may affect the amounts in columns 3, 4, 5 and 6.

Schedule 4 General recurrent grants for non-government schools
Part 2 Current SES funding for secondary education

Part 2—Current SES funding for secondary education

Current SES funding for secondary education						
Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 6
SES score	Current SES funding level (% of AGSRC)	Amount for 2005 program year (\$)	Amount for 2006 program year (\$)	Amount for 2007 program year (\$)	Amount for 2008 program year (\$)	Amount for 2008 program year (\$)
1	130 or greater	13.7	1,178	1,178	1,178	1,178
2	129	15.0	1,290	1,290	1,290	1,290
3	128	16.2	1,393	1,393	1,393	1,393
4	127	17.5	1,505	1,505	1,505	1,505
5	126	18.7	1,608	1,608	1,608	1,608
6	125	20.0	1,719	1,719	1,719	1,719
7	124	21.2	1,823	1,823	1,823	1,823
8	123	22.5	1,934	1,934	1,934	1,934
9	122	23.7	2,038	2,038	2,038	2,038
10	121	25.0	2,149	2,149	2,149	2,149
11	120	26.2	2,252	2,252	2,252	2,252
12	119	27.5	2,364	2,364	2,364	2,364
13	118	28.7	2,467	2,467	2,467	2,467
14	117	30.0	2,579	2,579	2,579	2,579
15	116	31.2	2,682	2,682	2,682	2,682
16	115	32.5	2,794	2,794	2,794	2,794
17	114	33.7	2,897	2,897	2,897	2,897
18	113	35.0	3,009	3,009	3,009	3,009
19	112	36.2	3,112	3,112	3,112	3,112
20	111	37.5	3,224	3,224	3,224	3,224

General recurrent grants for non-government schools **Schedule 4**
Current SES funding for secondary education **Part 2**

Current SES funding for secondary education						
	Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
	SES score	Current SES funding level (% of AGSRC)	Amount for 2005 program year (\$)	Amount for 2006 program year (\$)	Amount for 2007 program year (\$)	Amount for 2008 program year (\$)
21	110	38.7	3,327	3,327	3,327	3,327
22	109	40.0	3,438	3,438	3,438	3,438
23	108	41.2	3,542	3,542	3,542	3,542
24	107	42.5	3,653	3,653	3,653	3,653
25	106	43.7	3,757	3,757	3,757	3,757
26	105	45.0	3,868	3,868	3,868	3,868
27	104	46.2	3,971	3,971	3,971	3,971
28	103	47.5	4,083	4,083	4,083	4,083
29	102	48.7	4,186	4,186	4,186	4,186
30	101	50.0	4,298	4,298	4,298	4,298
31	100	51.2	4,401	4,401	4,401	4,401
32	99	52.5	4,513	4,513	4,513	4,513
33	98	53.7	4,616	4,616	4,616	4,616
34	97	55.0	4,728	4,728	4,728	4,728
35	96	56.2	4,831	4,831	4,831	4,831
36	95	57.5	4,943	4,943	4,943	4,943
37	94	58.7	5,046	5,046	5,046	5,046
38	93	60.0	5,157	5,157	5,157	5,157
39	92	61.2	5,261	5,261	5,261	5,261
40	91	62.5	5,372	5,372	5,372	5,372
41	90	63.7	5,476	5,476	5,476	5,476
42	89	65.0	5,587	5,587	5,587	5,587
43	88	66.2	5,690	5,690	5,690	5,690
44	87	67.5	5,802	5,802	5,802	5,802
45	86	68.7	5,905	5,905	5,905	5,905
46	85 or less	70.0	6,017	6,017	6,017	6,017

Schedule 4 General recurrent grants for non-government schools
Part 2 Current SES funding for secondary education

Note: The operation of sections 121 and 123 may affect the amounts in columns 3, 4, 5 and 6.

Part 3—Year 2000 funding for primary education

Year 2000 funding for primary education					
	Column 1	Column 2	Column 3	Column 4	Column 5
	Year 2000 funding level (% of AGSRC)	Amount for 2005 program year (\$)	Amount for 2006 program year (\$)	Amount for 2007 program year (\$)	Amount for 2008 program year (\$)
1	11.8	777	777	777	777
2	14.0	922	922	922	922
3	15.7	1,034	1,034	1,034	1,034
4	19.6	1,290	1,290	1,290	1,290
5	19.7	1,297	1,297	1,297	1,297
6	23.9	1,573	1,573	1,573	1,573
7	29.0	1,909	1,909	1,909	1,909
8	32.0	2,106	2,106	2,106	2,106
9	34.7	2,284	2,284	2,284	2,284
10	35.0	2,303	2,303	2,303	2,303
11	38.7	2,547	2,547	2,547	2,547
12	43.8	2,883	2,883	2,883	2,883
13	47.5	3,126	3,126	3,126	3,126
14	51.6	3,396	3,396	3,396	3,396
15	56.0	3,685	3,685	3,685	3,685

Note: The operation of sections 121 and 122 may affect the amounts in columns 2, 3, 4 and 5.

Schedule 4 General recurrent grants for non-government schools
Part 4 Year 2000 funding for secondary education

Part 4—Year 2000 funding for secondary education

Year 2000 funding for secondary education					
	Column 1	Column 2	Column 3	Column 4	Column 5
	Year 2000 funding level (% of AGSRC)	Amount for 2005 program year (\$)	Amount for 2006 program year (\$)	Amount for 2007 program year (\$)	Amount for 2008 program year (\$)
1	14.2	1,221	1,221	1,221	1,221
2	15.6	1,341	1,341	1,341	1,341
3	18.9	1,625	1,625	1,625	1,625
4	21.9	1,883	1,883	1,883	1,883
5	28.7	2,467	2,467	2,467	2,467
6	32.2	2,768	2,768	2,768	2,768
7	35.7	3,069	3,069	3,069	3,069
8	38.8	3,335	3,335	3,335	3,335
9	39.1	3,361	3,361	3,361	3,361
10	43.2	3,714	3,714	3,714	3,714
11	48.8	4,195	4,195	4,195	4,195
12	53.0	4,556	4,556	4,556	4,556
13	57.5	4,943	4,943	4,943	4,943
14	62.4	5,364	5,364	5,364	5,364

Note: The operation of sections 121 and 123 may affect the amounts in columns 2, 3, 4 and 5.

Schedule 5—Capital grants for non-government schools

Note: See section 99.

Capital grants for non-government schools			
Column 1	Column 2	Column 3	
Program year	Amount of capital grants (\$'000)	Amount of capital infrastructure grants (\$'000)	
1	2005	101,838	60,000
2	2006	101,838	80,000
3	2007	101,838	80,000
4	2008	90,123	80,000
5	2009		
6	2010		
7	2011		

Note 1: The operation of section 126 may affect the amount of the grants in column 2.

Note 2: Amounts for program years 2009, 2010 and 2011 will be inserted by later amending Acts.

Schedule 6—Other grants for non-government rural student hostels

Note: See section 100.

Other grants for rural student hostels		
	Column 1	Column 2
	Program year	Amount
		(\$)
1	2005	2,500
2	2006	2,500
3	2007	2,500
4	2008	2,500

Note: The operation of section 127 may affect the amount of the grants.

Schedule 7—Grants of short term emergency assistance for non-government schools

Note: See section 101.

Grants of short term emergency assistance		
	Column 1	Column 2
	Program year	Amount of grants (\$'000)
1	2005	887
2	2006	887
3	2007	887
4	2008	887

Note: The operation of section 124 may affect the amount of the grants.

Schedule 8 Grants for targeted assistance
Part 1 Grants for targeted assistance

Schedule 8—Grants for targeted assistance

Note: See sections 103 to 114.

Part 1—Grants for targeted assistance

Grants for targeted assistance			
	Column 1	Column 2	Column 3
	Program year	Grants for education in country areas (\$'000)	Grants to foster languages education (\$'000)
1	2005	25,597	24,984
2	2006	25,597	24,984
3	2007	25,597	24,984
4	2008	25,597	24,984

Note: The operation of section 124 may affect the amount of the grants.

Part 2—ESL new arrivals amount

ESL new arrivals amount		
	Column 1	Column 2
	Program year	Amount (\$)
1	2005	4,854
2	2006	4,854
3	2007	4,854
4	2008	4,854

Note: The operation of section 124 may affect the amount of the grants.

Schedule 9 Grants for literacy, numeracy and special learning needs

Part 1 Grants for literacy, numeracy and special learning needs

Schedule 9—Grants for literacy, numeracy and special learning needs

Note: See sections 115 to 120.

Part 1—Grants for literacy, numeracy and special learning needs

Grants for literacy, numeracy and special learning needs						
Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	
Program year	Grants for schools (\$'000)	Grants for schools: guarantee amount (\$'000)	Grants for non-gov't centres (\$'000)	Grants for non-gov't centres: guarantee amount (\$'000)	Grants for national projects (\$'000)	
1	2005	370,313	9,815	28,392	3,433	9,445
2	2006	370,393	9,815	29,250	3,433	9,445
3	2007	370,390	9,815	30,109	3,433	9,445
4	2008	370,390	9,815	30,967	3,433	0

Note: The operation of section 124 may affect the amount of the grants.

Part 2—Strategic assistance amounts

Strategic assistance amounts			
	Column 1	Column 2	Column 3
	Program year	Government schools	Non-government schools
		(\$)	(\$)
1	2005	141	715
2	2006	141	715
3	2007	141	715
4	2008	141	715

Note: The operation of section 124 may affect the amount of the grants.

*[Minister's second reading speech made in—
House of Representatives on 17 November 2004
Senate on 2 December 2004]*

(199/04)

140 *Schools Assistance (Learning Together—Achievement Through Choice and
Opportunity) Act 2004 No. 135, 2004*