



Indigenous Education (Targeted Assistance) Amendment Act 2004

No. 145, 2004

An Act to amend the law relating to assistance for Indigenous education, and for related purposes

Note: An electronic version of this Act is available in SCALEplus
(<http://scaleplus.law.gov.au/html/comact/browse/TOCN.htm>)

Contents

1	Short title.....	1
2	Commencement.....	2
3	Schedule(s).....	2

Schedule 1—Amendments relating to assistance for Indigenous education

Part 1—Appropriation amounts	3
<i>Indigenous Education (Targeted Assistance) Act 2000</i>	3
Part 2—Strengthening accountability for certain agreements	5
<i>Indigenous Education (Targeted Assistance) Act 2000</i>	5
Part 3—Other amendments	9
<i>Indigenous Education (Supplementary Assistance) Act 1989</i>	9
<i>Indigenous Education (Targeted Assistance) Act 2000</i>	9



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No. 145, 2004

An Act to amend the law relating to assistance for Indigenous education, and for related purposes

[Assented to 14 December 2004]

The Parliament of Australia enacts:

1 Short title

This Act may be cited as the *Indigenous Education (Targeted Assistance) Amendment Act 2004*.

2 Commencement

This Act commences on the day on which it receives the Royal Assent.

3 Schedule(s)

Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Schedule 1—Amendments relating to assistance for Indigenous education

Part 1—Appropriation amounts

Indigenous Education (Targeted Assistance) Act 2000

1 Subsection 3(1)

Omit “2005”, substitute “2009”.

2 Section 4 (definition of *funding year*)

Omit “, 2002, 2003, 2004 or 2005 calendar year”, substitute “calendar year, the 2009 calendar year, or any calendar year between those years”.

Note: The heading to section 14 is altered by adding at the end “—2001 to 2004 quadrennium”.

3 After section 14

Insert:

14A Appropriations for non-ABSTUDY payments—2005 to 2008 quadrennium

Appropriations—starting amounts

- (1) Each amount specified in the following table (as increased in accordance with subsection (2)) is appropriated out of the Consolidated Revenue Fund for the purpose of making non-ABSTUDY payments during the specified period.

Appropriations for non-ABSTUDY payments			
Item	Starting amount	for the period starting on...	and ending on...
1	\$231,890,000	1 January 2005	30 June 2006
2	\$226,896,000	1 January 2006	30 June 2007
3	\$227,769,000	1 January 2007	30 June 2008
4	\$226,596,000	1 January 2008	30 June 2009

Schedule 1 Amendments relating to assistance for Indigenous education

Part 1 Appropriation amounts

Increasing starting amounts

- (2) The regulations may make provision for increasing an amount mentioned in subsection (1) by reference to changes in a specified index.

Part 2—Strengthening accountability for certain agreements

Indigenous Education (Targeted Assistance) Act 2000

4 Section 4

Insert:

other party, in relation to an agreement made under section 10, means the party, or each party, making the agreement with the Commonwealth.

Note: If there is only one such party, references in this Act to each other party, or to one of the other parties, are taken to be references to that party.

5 Section 4

Insert:

performance indicators, in relation to an agreement made under section 10, means the performance indicators specified in the agreement.

6 Section 4

Insert:

performance targets, in relation to an agreement made under section 10, means the performance targets specified in the agreement.

7 Before section 10

Insert in Part 3:

Division 1—Making agreements

8 Subsection 11(1)

Omit “other than”, substitute “including”.

Note: The heading to section 11 is altered by omitting “other” and substituting “any”.

9 After section 11

Insert:

Division 2—Accountability for section 10 agreements

Subdivision A—Commitments and general conditions

11A Agreements are subject to commitments

- (1) The Minister must not make an agreement under section 10 unless the agreement specifies the following commitments by each other party:
 - (a) a commitment to advance the objects of this Act;
 - (b) a commitment to achieve the performance targets.
- (2) The agreement may also specify other commitments.

11B Agreements are subject to conditions

- (1) The Minister must not make an agreement under section 10 unless the agreement specifies the following conditions:
 - (a) a condition that payments received under the agreement by each other party be spent by the party for the purposes specified in the agreement;
 - (b) the conditions mentioned in Subdivisions B and C;
 - (c) a condition that reports covered by paragraph (b) must be given to the Secretary of the Department at the times, and in the manner, required by the agreement;
 - (d) a condition that each other party give to the Minister any reports:
 - (i) of a kind or kinds required by the Minister; and
 - (ii) at the times, and in the manner, required by the Minister.
- (2) The Minister must not make the agreement unless the agreement specifies that the payments under the agreement are made on the conditions described in subsection (1).
- (3) The agreement may also specify other conditions, and that the payments under the agreement are made on those conditions.

Subdivision B—Specific conditions about financial accountability

11C Certifying agreement payments duly spent or committed

There must be a condition that, for each funding year covered by the agreement, each other party give the Secretary of the Department a certificate:

- (a) made by a person authorised to do so by the agreement; and
- (b) specifying whether the payments to the party for the funding year have been spent (or committed to be spent) in that year for the purposes specified in the agreement.

11D Reporting other funds used to advance the objects of this Act

- (1) There must be a condition that each other party report how the party has advanced, and intends to advance, the objects of this Act from funds coming from sources other than the following:
 - (a) this Act;
 - (b) the *States Grants (Primary and Secondary Education Assistance) Act 2000* (the *States Grants Act*);
 - (c) any Act:
 - (i) applying to periods ending after the last period covered by the States Grants Act; and
 - (ii) having purposes similar to the States Grants Act.
- (2) This condition must require, for each funding year covered by the agreement, a report covering:
 - (a) such funds spent (or committed to be spent) by the party in the funding year; and
 - (b) such funds expected to be spent (or to be committed for spending) by the party in the next funding year; and
 - (c) the information required by the agreement about those funds.

Subdivision C—Specific conditions about educational accountability

11E Reporting on performance

- (1) There must be a condition that each other party complies with the requirements specified in the agreement about reporting on performance against the performance indicators and performance targets.
- (2) This condition may include a requirement to report on performance against the performance indicators in a way that gives data for different geographical regions. This subsection does not limit subsection (1).

11F Minister may intervene if under-performance

- (1) If the Minister thinks one of the other parties is not achieving the performance targets, the Minister may direct the party to take the action specified in the direction.
- (2) There must be a condition that the party complies with the requirements specified in the agreement about reporting on the action taken in response to such a direction.

11G Participation in evaluation and data validation exercises

There must be a condition that each other party does each of the following:

- (a) participate in evaluating how effectively projects, and initiatives, covered by the agreement advance the objects of this Act;
 - (b) participate in data validation exercises;
- in the manner, and by the times, specified in the agreement.

Division 3—Contravening conditions

10 Application of amendments to agreements

The amendments of the *Indigenous Education (Targeted Assistance) Act 2000* made by this Part apply in relation to agreements made under that Act after the commencement of this Part.

Part 3—Other amendments

Indigenous Education (Supplementary Assistance) Act 1989

11 The whole of the Act

Repeal the Act.

Indigenous Education (Targeted Assistance) Act 2000

12 Section 16

Repeal the section.

*[Minister's second reading speech made in—
House of Representatives on 17 November 2004
Senate on 6 December 2004]*

(183/04)