



# **Education Legislation Amendment Act 2008**

**No. 142, 2008**

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

Note: An electronic version of this Act is available in ComLaw (<http://www.comlaw.gov.au/>)



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No. 142, 2008

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## **An Act to amend the law relating to education, and for related purposes**

[Assented to 9 December 2008]

The Parliament of Australia enacts:

### **1 Short title**

This Act may be cited as the *Education Legislation Amendment Act 2008*.

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## 2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

| <b>Commencement information</b>   |   |                     |
|---|---|---------------------|
| <b>Column 1</b>   | <b>Column 2</b>   | <b>Column 3</b>     |
| <b>Provision(s)</b>   | <b>Commencement</b>   | <b>Date/Details</b> |
| 1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table | The day on which this Act receives the Royal Assent.                  | 9 December 2008     |
| 2. Schedule 1   | The day on which this Act receives the Royal Assent.                  | 9 December 2008     |
| 3. Schedules 2 and 3  | At the same time as the <i>Schools Assistance Act 2008</i> commences. | 1 January 2009      |
| 4. Schedule 4   | The day on which this Act receives the Royal Assent.                  | 9 December 2008     |

Note: This table relates only to the provisions of this Act as originally passed by both Houses of the Parliament and assented to. It will not be expanded to deal with provisions inserted in this Act after assent.

- (2) Column 3 of the table contains additional information that is not part of this Act. Information in this column may be added to or edited in any published version of this Act.

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Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.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

### ***Indigenous Education (Targeted Assistance) Act 2000***

#### **1 Subsection 3(1)**

Omit “2009”, substitute “2013”.

#### **2 Section 4 (paragraph (b) of the definition of *ABSTUDY approved course*)**

Omit “higher education institution”, substitute “higher education provider”.

#### **3 Section 4 (definition of *funding year*)**

Omit “2009”, substitute “2013”.

#### **4 Section 4 (definition of *higher education institution*)**

Repeat the definition.

#### **5 Section 4**

Insert:

*higher education provider* has the same meaning as in section 16-1 of the *Higher Education Support Act 2003*.

#### **6 After section 14A**

Insert:

#### **14B Appropriations for non-ABSTUDY payments—2009 to 2012 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.

## Schedule 1 Indigenous education

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### Appropriations for non-ABSTUDY payments

| Item | Starting amount | for the period starting on | and ending on ... |
|------|-----------------|----------------------------|-------------------|
| 1    | \$159,430,000   | 1 January 2009             | 30 June 2010      |
| 2    | \$163,778,000   | 1 January 2010             | 30 June 2011      |
| 3    | \$159,559,000   | 1 January 2011             | 30 June 2012      |
| 4    | \$157,731,000   | 1 January 2012             | 30 June 2013      |

#### *Increasing starting amounts*

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

## 7 Section 17A

Repeal the section, substitute:

### 17A Annual report

As soon as practicable after the end of each funding year, the Minister must cause to be laid before each House of the Parliament a report dealing, in relation to the year, with payments and performance information under agreements made under this Act.

## 8 Application

The amendment made by item 7 of this Schedule applies in relation to the 2009 funding year and later funding years.



## **Schedule 2—Amendments consequential on the Schools Assistance Act 2008**

### ***Australian Technical Colleges (Flexibility in Achieving Australia's Skills Needs) Act 2005***

#### **1 Section 3 (definition of government school)**

Repeal the definition, substitute:

**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.

#### **2 Section 3 (definition of non-government school)**

Omit “Schools Assistance Act”, substitute “*Schools Assistance Act 2008*”.

#### **3 Section 3 (definition of school)**

Omit “Schools Assistance Act”, substitute “*Schools Assistance Act 2008*”.

#### **4 Section 3 (definition of Schools Assistance Act)**

Repeal the definition.

#### **5 Subparagraph 7(2)(a)(i)**

Omit “Part 6 of the Schools Assistance Act”, substitute “Parts 4 and 5 of the *Schools Assistance Act 2008*”.

#### **6 Subparagraph 7(2)(a)(ii)**

Omit “that Part”, substitute “those Parts”.

#### **7 Transitional provision**

- (1) This item applies in relation to an agreement that, immediately before the commencement of this item:
  - (a) was of the type mentioned in subsection 7(2) of the *Australian Technical Colleges (Flexibility in Achieving Australia's Skills Needs) Act 2005*; and

- (b) included a condition of the type mentioned in paragraph (a) of that subsection.
- (2) The condition has effect, from the commencement of this item, as if it were a condition of the type mentioned in that paragraph as amended by this Schedule.

### ***Indigenous Education (Targeted Assistance) Act 2000***

#### **8 Paragraph 11D(1)(b)**

Repeal the paragraph, substitute:

- (b) an Education Assistance Act (within the meaning of the *Schools Assistance Act 2008*);

#### **9 Subparagraphs 11D(1)(c)(i) and (ii)**

Omit “State Grants Act”, substitute “Education Assistance Acts”.

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

#### **10 Subsection 3(2)**

Repeal the subsection, substitute:

- (2) Financial assistance may be paid to the States for both government and non-government schools in the States for the 2005 to 2008 calendar years for grants for the following:
  - (a) general recurrent expenditure;
  - (b) capital expenditure;
  - (c) expenditure for certain other specific purposes.

#### **11 Section 4 (definition of *program year*)**

Repeal the definition, substitute:

*program year* means the 2005, 2006, 2007 or 2008 calendar year.

#### **12 Subsection 138(1)**

Omit “, 2008, 2009, 2010 and 2011”, substitute “and 2008”.

#### **13 Schedule 3 (table items 5, 6 and 7)**

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Repeal the items.

**14 Schedule 3 (note 1)**

Omit “Note 1”, substitute “Note”.

**15 Schedule 3 (note 2)**

Repeal the note.

**16 Schedule 5 (table items 5, 6 and 7)**

Repeal the items.

**17 Schedule 5 (note 1)**

Omit “Note 1”, substitute “Note”.

**18 Schedule 5 (note 2)**

Repeal the note.

**Schedule 3—Repeal of the States Grants  
(Primary and Secondary Education  
Assistance) Act 2000**

**1 The whole of the Act**

Repeal the Act.

## **Schedule 4—Technical amendment**

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

#### **1 Subsection 50(1) (note 2)**

Omit “131”, substitute “132”.

Note: This item corrects an incorrect cross-reference.

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*[Minister’s second reading speech made in—  
House of Representatives on 24 September 2008  
Senate on 10 November 2008]*

(175/08)

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