

EXPLANATORY STATEMENT

Select Legislative Instrument 2007 No. 156

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

Schools Assistance (Learning Together – Achievement Through Choice and Opportunity) Regulations 2007 (No. 1)

Background

The *Schools Assistance (Learning Together – Achievement Through Choice and Opportunity) Act 2004* (the Act) provides for Australian Government financial assistance to the States and Territories for government and non-government schools for the 2005-2008 funding quadrennium.

Authority

Section 140 of the Act provides that the Governor-General may make regulations for the purposes of the Act. Sections 14, 15, 19, 31, 32 and 36 of the Act refer to requirements that may be specified in regulations made under section 140 for a number of commitments and educational accountability requirements under the enhanced performance framework for schools for 2005-2008.

Purpose and operation

The purpose of the *Schools Assistance (Learning Together – Achievement Through Choice and Opportunity) Regulations 2005* (the Principal Regulations) is to specify performance targets and performance measures; requirements relating to student reports; requirements for performance information and the requirements for publication of school performance information in accordance with the relevant sections of the Act.

The regulations relevant to the government school sector are contained in Part 2, and the regulations relevant to the non-government school sector are contained in Part 3 of the Regulations. This separation reflects the structure of the Act, but the educational accountability and reporting requirements are the same, and apply equally, for government and non-government schools.

The purpose of the Regulations is to amend Parts 2 and 3 of the Principal Regulations to specify requirements under paragraphs 19(1)(c) and 36(1)(c) of the Act in relation to reporting student attendance and to amend the national standards for civics and citizenship education in Part 8 of Schedule 1 to the Principal Regulations.

The national attendance measure was developed by the Ministerial Council on Education, Employment and Training and Youth Affairs (MCEETYA) Performance Measurement Reporting Taskforce, which includes representatives from government and non-government education authorities and the Australian Government.

The other purpose of the Regulations is to correct the *Schools Assistance (Learning Together – Achievement Through Choice and Opportunity) Amendment Regulations 2006 No. 3*. (Select Legislative Instrument 2006 No. 311, made on 30 November 2006.) Those Regulations amended the Principal Regulations to change funding amounts specified for a number of programmes and to carry over funds from the 2006 programme year to the 2007 programme year, in accordance with section 123A of the Act.

Consultation

A major consultation process occurred with stakeholders in relation to the funding arrangements and legislation for the 2005-2008 funding quadrennium and to develop the Principal Regulations.

The national attendance measure was developed by the MCEETYA Performance Measurement Reporting Taskforce, which includes representatives from government and non-government education authorities.

Commencement

Regulations 1, 2 and 3 and Schedule 1 commence on the day after they are registered on the Federal Register of Legislative Instruments. Schedule 2 will commence on the day after they are no longer liable to be disallowed, or to have been taken to have been disallowed, by either house of Parliament in accordance with subsection 140(2) of the Act.

Detailed description of provisions

Part 1 Preliminary

Regulation 1 – Name of Regulations

This regulation provides that the title of the Regulations is the *Schools Assistance (Learning Together – Achievement Through Choice and Opportunity) Amendment Regulations 2007 (No. 1)*.

Regulation 2 – Commencement

This regulation provides that regulations 1, 2 and 3 and Schedule 1 commence on the day after they are registered on the Federal Register of Legislative Instruments. This regulation also provides that Schedule 2 will commence on the day after the Regulations are no longer liable to be disallowed, or to have been taken to have been disallowed, by either house of Parliament.

Regulation 3 – Amendment of *Schools Assistance (Learning Together – Achievement Through Choice and Opportunity) Regulations 2005*

This regulation provides that the *Schools Assistance (Learning Together – Achievement Through Choice and Opportunity) Regulations 2005* (the Principal Regulations) are amended as set out in Schedule 1 and Schedule 2.

Schedule 1– Amendments commencing on day after registration

During the *Schools Assistance (Learning Together - Achievement Through Choice and Opportunity) Amendment Regulations 2006* amendments to the regulations' final funding figures were not available and as such interim figures were provided. Subsequent to these amendments, final figures have become available and as such the following amendments are required.

Item [1] – Subregulation 4.2(1), table

Part 4.2 deals with *Changes to grants for literacy, numeracy and special learning needs*. Item 1 deletes and substitutes amounts in the table at subregulation 4.2(1) for the 2006 program year in the Principal Regulations.

Sub-regulation 4.2(1) deals with changes to grant amounts for a particular program year and provides that for subsection 123A(1) of the Act, the amounts mentioned in the table are specified for columns 3 and 5 of the table in Part 1 of Schedule 9 to the Act.

The amounts in column 3 and column 5 of the table at Part 1 of Schedule 9 to the Act are the ‘guarantee amounts’ for funding recipients which are intended to ensure that funding recipients are not disadvantaged by changes in the mechanisms by which funding is allocated for the 2005-2008 quadrennium.

The amendment would have the effect of making a minor correction to one number in the table.

Item [2] – Regulation 4.8, table

Item 2 substitutes the table at *Part 4.8 Changes to grants for targeted assistance*, for the 2006 and 2007 program years in the Principal Regulations.

Regulation 4.8 deals with changes to grants for targeted assistance and provides that for subsection 123A(1) of the Act, an amount mentioned in the table is specified for column 3 of the table in Schedule 8 to the Act.

Section 123A, while directed to all non per-capita programmes under the Act, is to assist the financial management of the project-type programmes such as literacy and languages projects which often involve projects being undertaken over a number of years. The Act has effect as if the amount specified in the relevant column for the program year were the amount specified in the regulations for that relevant column for that program year.

The amendment would have the effect of making minor corrections to the heading of the table and to the one number in the table.

Schedule 2– Amendments commencing in accordance with subsection 140(2) of the Act

Item [1] – After regulation 2.5

Item 1 inserts regulation 2.5A *Educational accountability – student attendance*. Regulation 2.5A sets out the student attendance information that relates to a report required under paragraph 19(1)(c) of the Act for government schools.

Subregulation 2.5A(1) provides that for the purpose of paragraph 19(1)(c) of the Act, the student attendance information to which a report mentioned in that paragraph relates is the ratio of the number of actual student days attended during the period to which the report relates to the number of possible student days during that period. A note at the end of the subregulation clarifies that the Minister will determine the period to which a report relates.

Subregulation 2.5A(2) provides that the student attendance information must be expressed as a percentage.

Subregulation 2.5A(3) provides that the information must be in a form that enables the publication of the information for the relevant program year to be disaggregated by State and Territory and for each State and Territory by certain characteristics of students: school sector, school grade, sex and Indigenous status.

Subregulation 2.5A(4) sets out definitions for the purpose of subregulation 2.5A(3):

- “school sector” means all government schools;
- “school grades” means Years 1 to 10, ungraded primary students and ungraded secondary students; and
- the characteristics “sex” and “Indigenous status” is as described in the *Data Implementation Manual for Enrolments for the 2007 School Year*, published by MCEETYA and as in effect when this regulation commences.

A note at the end of the subregulation assists the reader by providing an internet address to access the *Data Implementation Manual for Enrolments for the 2007 School Year*.

Subregulation 2.5A(5) sets out definitions of:

- **actual student days** means the total number of school days attended by students in the period to which the report relates;
- **possible student days** means the total number of school days that could be attended by students in the period to which a report relates; and
- **student** means a full-time student who is an ungraded primary school student or an ungraded secondary school student or in any of Years 1 to 10 and is enrolled for the entire duration of the period to which a report relates.

Item [2]-After regulation 3.5

Item 2 inserts regulation 3.5A *Educational accountability – student attendance*. Regulation 3.5A sets out the student attendance information that relates to a report required under paragraph 36(1)(c) of the Act for non-government schools.

Subregulation 3.5A(1) provides that for the purpose of paragraph 36(1)(c) of the Act, the student attendance information to which a report mentioned in that paragraph relates is the ratio of the number of actual student days attended during the period to which the report relates to the number of possible student days during that period. A note at the end of the subregulation clarifies that the Minister will determine the period to which a report relates.

Subregulation 3.5A(2) provides that the student attendance information must be expressed as a percentage.

Subregulation 3.5A(3) provides that the information must be in a form that enables the publication of the information for the relevant program year to be disaggregated by State and Territory and for each State and Territory by certain characteristics of students: school sector, school grade, sex and Indigenous status.

Subregulation 3.5A(4) sets out definitions for the purpose of subregulation 3.5A(3):

- “school sector” means for non-government systemic schools for which the approved school system is a Catholic education authority all schools of that kind and in any other

case school sector means all other non-government non-systemic schools and all other non-government systemic schools;

- “school grades” means Years 1 to 10, ungraded primary students and ungraded secondary students; and
- the characteristics “sex” and “Indigenous status” is as described in the *Data Implementation Manual for Enrolments for the 2007 School Year*, published by MCEETYA and as in effect when this regulation commences.

A note at the end of the subregulation assists the reader by providing an internet address to access the *Data Implementation Manual for Enrolments for the 2007 School Year*.

Subregulation 3.5A(5) sets out definitions of *actual student days*, *possible student days* and *student*.

Item [3]-Schedule 1, Part 8, items 9 to 12

Item 3 substitutes items 9 to 12 of Part 8 of Schedule 1 to the Principal Regulations. Part 8 of Schedule 1 describes the civics and citizenship standards in terms of levels on a scale in the National Assessment Program developed by MCEETYA in 2004. The revised standards were developed and endorsed in late 2006 by MCEETYA.

Item 9 (performance measure 401) and Item 10 (performance measure 402) relate to the Year 6 assessment, while Item 11 (performance measure 403) and Item 12 (performance measure 404) relate to Year 10. These items insert the national standards for civics and citizenship education in Year 6 and Year 10 which correspond to the proficient standards identified in the National Assessment Program – Civics and Citizenship, 2004. At the time the principal Regulations commenced, the national standards had not been finalised.