

## **EXPLANATORY STATEMENT**

Issued by the authority of the Minister for Education

Subject: - *Schools Assistance Act 2008*  
*Determination of Levels of Education*

### **Authority**

The *Schools Assistance Act 2008* (the Act) provides, among other things, for the Commonwealth to give financial assistance to eligible non-government schools and the eligible students attending them.

Section 7 of the Act provides that the Minister may, by legislative instrument, determine a level of primary education or a level of secondary education for a State and in so doing must take into account the state and territory arrangements for education provision at schools conducted by or on their behalf.

The determination reflects the same structure of schooling used by each state and territory government for schools in their jurisdiction.

### **Background**

Part 4 of the Act specifies the type of funding arrangements applicable for recurrent expenditure of non-government schools using a series of per student amounts for different levels of education.

### **Purpose and operation**

The purpose of this instrument is to determine what is a primary level of education or a secondary level of education in each State and Territory. These levels of education are used to calculate the maximum amounts of financial assistance that can be paid under certain provisions of the Act.

### **Explanation of Provisions**

The instrument determines levels of education as set out in Schedule 1 and Schedule 2 to the instrument.

Schedule 1 provides for the approved grades within the primary and secondary levels of education at non-government schools (other than special schools) for each state and territory. These grades are the same as the state/territory governments approve for the schools within their jurisdictions.

Schedule 2 provides for the ages of students to be approved as receiving primary and secondary education across all states/territories. These levels of education relate to longstanding policy about the ages of students determining the level of education for the purpose of providing recurrent assistance.

## **Commencement**

This determination commences on 1 January 2009.

## **Consultation**

This determination enables a benefit to be conferred on non-government schools for the provision of grants for recurrent expenditure. There has been no substantial change to how the funding levels are determined for schools. Therefore consultation with stakeholders was considered unnecessary.