

EXPLANATORY STATEMENT

Issued by the authority of the Minister for School Education, Early Childhood and Youth

Schools Assistance Act 2008

*Schools Assistance (Guidelines for Determining Socio-Economic Status (SES) Scores)
Amendment 2013 (No.1)*

Authority

Subsection 72(3) of the Act provides that the Minister for School Education, Early Childhood and Youth may, by legislative instrument, approve guidelines for determining SES scores for the purposes of making a determination under subsection 72(2) of the Act.

Purpose and operation

The purpose of this instrument is to amend the legislative instrument titled ‘Guidelines for Determining Socio-Economic Status (SES) Scores 2008’ to reflect the extension of funding for recurrent expenditure which has been made under the Act.

Background

The *Schools Assistance Act 2008* (the Act) provides for Commonwealth financial assistance to the states and territories for non-government schools. The Act has been amended to extend the current funding arrangements including those with respect to recurrent expenditure until the end of 2013.

Amongst other things, the Act provides that grants for recurrent expenditure be provided to non-government schools based on calculations using a formulae which depends on the school’s Socio-Economic Status score (SES score). An SES score for a non-government school may be determined by the Minister pursuant to subsection 72(2) of the Act and in accordance with subsection 72(3), the Minister may by legislative instrument, approve guidelines for the determination of SES scores.

The *Guidelines for Determining Socio-Economic Status (SES) Scores 2008* (Federal Register of Legislative Instrument No. F2008L04762) (the Guidelines) were made on 17 December 2008. Part 1.2 of the Guidelines, titled SES dimension scores, makes reference to the 2009-2012 program years. In accordance with the extension of the Act which enables grants for recurrent expenditure to be made until the end of 2013, the reference to the program years in Part 1.2 of the Guidelines requires amendment to reflect this.

Schedule 1

Paragraph 1 of Schedule 1 to the instrument contains an amendment to Part 1.2 of the Guidelines. It provides that the reference to the 2009-2012 program years be removed and replaced with a reference to 2009 onwards. The amendment will ensure that the instrument is operative in conjunction with the Act.

Consultation

Consultation was not undertaken as there is no change to the methodology in determining SES scores for non-government schools.

Commencement

The instrument commences on the day after registration.

STATEMENT OF COMPATIBILITY WITH HUMAN RIGHTS

Prepared in accordance with Part 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*

Schools Assistance (Guidelines for Determining Socio-Economic Status (SES) Scores) Amendment 2013 (No. 1)

This Legislative Instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

Overview of the Legislative Instrument

The *Schools Assistance Act 2008* (the Act) provides for Commonwealth financial assistance to the states and territories for non-government schools. The Act has been amended to extend the current funding arrangements including those with respect to recurrent expenditure until the end of 2013.

Amongst other things, the Act provides that grants for recurrent expenditure be provided to non-government schools based on a calculations using a formulae which depends on the school's Socio-Economic Status score (SES score). An SES score for a non-government school may be determined by the Minister pursuant to subsection 72(2) of the Act and in accordance with subsection 72(3), the Minister may by legislative instrument, approve guidelines for the determination of SES scores.

The *Guidelines for Determining Socio-Economic Status (SES) Scores 2008* (Federal Register of Legislative Instruments No. F2008L04762) (the Guidelines) were made on 17 December 2008. Part 1.2 of the Guidelines, titled SES dimension scores, makes reference to the 2009-2012 program years. In accordance with the extension of the Act which enables grants for recurrent expenditure to be made until the end of 2013, a minor amendment is required to the reference to the program years in Part 1.2 of the Guidelines to reflect this.

There has been no change to the methodology for the calculation of the SES score.

Human rights implications

The Bill engages the following human rights:

Right to Education

To the extent that this instrument engages the right to education as set out in the International Covenant on Economic, Social and Cultural Rights, the instrument is consistent with the protection of that right.

The instrument is machinery in nature and simply extends the application of current guidelines used for determining the SES score of a non-government school in accordance with the extension of the funding arrangements under the Act. The amendment is minor and there is no change to the methodology by which the SES score for a non-government school is determined.

To the extent that the instrument engages the right to education, the instrument does not limit the right to education.

Conclusion

This Instrument is compatible with human rights and to the extent it may limit any other human right, any limitation is reasonable and proportionate.

The Hon Peter Garrett AM MP

Minister for School Education, Early Childhood and Youth