



Australian Education Amendment (2016 Measures No. 3) Regulation 2016

I, General the Honourable Sir Peter Cosgrove AK MC (Ret'd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulation.

Dated 27 October 2016

Peter Cosgrove
Governor-General

By His Excellency's Command

Simon Birmingham
Minister for Education and Training

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1 Name

This is the *Australian Education Amendment (2016 Measures No. 3) Regulation 2016*.

2 Commencement

- (1) Each provision of this instrument 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.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	The day after this instrument is registered.	29 October 2016

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under the *Australian Education Act 2013*.

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Amendments

Australian Education Regulation 2013

1 Subsection 4(1)

Insert:

PIRLS means the Progress in International Reading Literacy Study.

2 Subsection 29(7)

Repeal the subsection, substitute:

Time limit for spending, or committing to spend, funding

- (7) Financial assistance mentioned in subsection (1) or (4) must be spent, or committed to be spent:
- (a) in the year in which the financial assistance is paid to the approved authority; or
 - (b) if a determination is made by the Minister under subsection (7A) for the approved authority—before the day, or within the period, specified in the determination.
- (7A) For paragraph (7)(b), the Minister may determine, in writing, a day before, or a period within which, an approved authority must spend, or commit to spend, financial assistance mentioned in subsection (1) or (4).

3 Subsection 43(1) (note)

Omit “2013”, substitute “2016”.

4 Subsection 43(1) (table item 4, column 2)

Omit “Once every 3 years beginning in 2015”, substitute “Once in 2015 and in each year determined by the Ministerial Council”.

5 Subsection 43(1) (table item 5, column 2)

Omit “Once every 3 years beginning in 2016”, substitute “Once in 2016 and in each year determined by the Ministerial Council”.

6 Subsection 43(1) (table item 6, column 2)

Omit “Once every 3 years beginning in 2014”, substitute “Once in 2017 and in each year determined by the Ministerial Council”.

7 Subsection 43(1) (table item 7, column 1)

Omit “and collaborative problem solving”, substitute “, and innovation”.

8 Subsection 43(1) (table item 8, column 1)

Omit “TIMSS mathematics and science assessment”, substitute “TIMSS assessment in mathematics and science”.

9 Subsection 43(1) (at the end of the table)

Add:

9	PIRLS assessment in reading literacy	Once every 5 years beginning in 2016	Selected students in year 4
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10 Subdivision D of Division 3 of Part 5

Repeal the Subdivision.

11 Section 53 (table item 1, column headed “Performance measures”, paragraph (a))

Repeal the paragraph, substitute:

- (a) the percentage of students at or above the national minimum standard in each of years 3, 5, 7 and 9 in the NAP annual assessment in each of reading, writing and language conventions for the reporting period; and

12 Section 53 (table item 1, column headed “Performance measures”, paragraph (d))

Repeal the paragraph, substitute:

- (d) the percentage of selected students achieving at or above the proficient standard (level 3) on the PISA assessment combined reading literacy scale for the reporting period; and
- (e) the percentage of selected students achieving at or above the proficient standard (intermediate international benchmark) on the PIRLS reading literacy scale for students in year 4 for the reporting period.

13 Section 53 (table item 2, column headed “Performance measures”, paragraph (a))

Repeal the paragraph, substitute:

- (a) the percentage of students at or above the national minimum standard in each of years 3, 5, 7 and 9 in the NAP annual assessment in numeracy for the reporting period; and

14 Section 53 (table item 2, column headed “Performance measures”, paragraphs (d) and (e))

Repeal the paragraphs, substitute:

- (d) the percentage of selected students achieving at or above the proficient standard (level 3) on the PISA assessment combined mathematical literacy scale for the reporting period; and
- (e) the percentage of selected students achieving at or above the proficient standard (intermediate international benchmark) on the TIMSS mathematics assessment scale for students in each of years 4 and 8 for the reporting period.

15 Section 53 (table item 3, column headed “Performance measures”, paragraph (a))

Repeal the paragraph, substitute:

- (a) the percentage of selected students achieving at or above the proficient standard (level 3.2) for the NAP sample assessment in science literacy for students in year 6 for the reporting period; and

16 Section 53 (table item 3, column headed “Performance measures”, paragraphs (e) and (f))

Repeal the paragraphs, substitute:

- (e) the percentage of selected students achieving at or above the proficient standard (level 3) on the PISA assessment combined scientific literacy scale for the reporting period; and
- (f) the percentage of selected students achieving at or above the proficient standard (intermediate international benchmark) on the TIMSS science assessment scale for students in each of years 4 and 8 for the reporting period.

17 Section 53 (table item 4, column headed “Performance measures”)

Omit “the following level of the proficient standard for civics and citizenship in the NAP sample assessment in civics and citizenship for students in each of years 6 and 10”, substitute “the proficient standard for the NAP sample assessment in civics and citizenship, which is set at the following levels”.

18 Section 53 (table item 5, column headed “Performance measures”)

Omit “the following level of the proficient standard for the NAP sample assessment in ICT literacy for students in each of years 6 and 10”, substitute “the proficient standard for the NAP sample assessment in ICT literacy, which is set at the following levels”.

19 Paragraph 61(3)(a)

Repeal the paragraph, substitute:

- (a) either:
 - (i) the amount of financial assistance, received by the authority in accordance with Division 2 of Part 3 of the Act, that is determined in relation to the school by the Minister under subsection (3A); or
 - (ii) if subparagraph (i) does not apply, all financial assistance received for the school in accordance with Division 2 of Part 3 of the Act;

20 After the heading to subsection 61(4)

Insert:

- (3A) For subparagraph (3)(a)(i), if an approved authority receives an amount of financial assistance in accordance with Division 2 of Part 3 of the Act, the Minister may, in writing, determine the amount of financial assistance that relates to a school for which the approved authority is approved.

21 At the end of Part 8

Add:

70 Application provisions for the *Australian Education Amendment (2016 Measures No. 3) Regulation 2016*

Approved authorities—spending, or committing to spend, financial assistance

- (1) Subsections 29(7) and (7A), as in force at the commencement time, applies in relation to financial assistance that is paid to an approved authority for the 2016 year or a later year.

Student assessments under the National Assessment Program

- (2) Section 43, as in force at the commencement time, applies in relation to the 2016 year and later years.

Information about performance measures

- (3) Section 53, as in force at the commencement time, applies in relation to the 2016 year and later years.

Needs-based funding arrangements

- (4) Paragraph 61(3)(a) and subsection 61(3A), as in force at the commencement time, apply in relation to financial assistance received for a school and paid to the approved authority for the school for the 2016 year or a later year.

Definitions

- (5) In this section:

commencement time means the time when the *Australian Education Amendment (2016 Measures No. 3) Regulation 2016* commences.