



Australian Education Amendment (2017 Measures No. 3) Regulations 2017

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 regulations.

Dated 14 December 2017

Peter Cosgrove
Governor-General

By His Excellency's Command

Simon Birmingham
Minister for Education and Training

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1 Name

This instrument is the *Australian Education Amendment (2017 Measures No. 3) Regulations 2017*.

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. Sections 1 to 4 and anything in this instrument not elsewhere covered by this table	The day after this instrument is registered.	19 December 2017
2. Schedule 1	The later of: (a) the start of the day after this instrument is registered; and (b) immediately after the commencement of Schedule 1 to the <i>Australian Education Amendment (2017 Measures No. 2) Regulations 2017</i> .	1 January 2018

Note: This table relates only to the provisions of this instrument as originally made.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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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:

Capital Grants Program Guidelines means the *Capital Grants Program Guidelines* issued by the Department, as in force from time to time.

Note: The Capital Grants Program Guidelines could in 2018 be viewed on the Department's website (<http://www.education.gov.au>).

commit to spend, for an approved authority, block grant authority or non-government representative body and in relation to financial assistance payable to the authority or body under the Act, includes the authority or body committing to spend financial assistance in circumstances where:

- (a) either:
 - (i) the authority or body has entered into a legal arrangement under which the authority or body will be liable to pay an amount; or
 - (ii) an amount will become due or payable under a liability under a law of the Commonwealth, a State or a Territory that the authority or body is required to meet; and
- (b) the time for paying the amount has not yet arisen; and
- (c) the authority or body sets aside all, or part of, the financial assistance to pay the amount.

2 Sections 7 and 8

Repeal the sections, substitute:

7 Levels of education that constitute primary and secondary education for schools other than special schools

- (1) For the purposes of section 15 of the Act, the levels of education that constitute primary education for a school other than a special school are:
 - (a) for schools in South Australia other than those specified in the table in clause 1 of Schedule 3—foundation to year 7; and
 - (b) for all other schools (including those specified in that table)—foundation to year 6.
- (2) For the purposes of section 15 of the Act, the levels of education that constitute secondary education for a school other than a special school are:
 - (a) for schools in South Australia other than those specified in the table in clause 1 of Schedule 3—years 8 to 12; and
 - (b) for all other schools (including those specified in that table)—years 7 to 12.

3 Subsection 9(1)

Omit all the words after “provided”, substitute “to students aged 4 to 11 at the school”.

4 Subsection 9(2)

Omit all the words after “provided”, substitute “to students aged 12 to 21 at the school”.

5 At the end of section 10

Add:

Agreements relating to school education

- (6) For the purposes of subsection 22(3) of the Act, the agreement known as School Funding and Reform Principles is prescribed for the 2018 calendar year.

6 Before section 17

Insert:

16A Starting Commonwealth share

For the purposes of subsection 35B(2) of the Act, the starting Commonwealth share for a school specified in column 1 of an item in the table in clause 1 of Schedule 4 is the percentage specified in column 2 of the item.

Note: This section applies to certain schools if, in 2017, the schools’ approved authorities were not approved system authorities.

7 Paragraph 29(2)(f)

Repeal the paragraph.

8 Subsection 29(2) (note)

Repeal the note.

9 Paragraph 29(3)(a)

Repeal the paragraph, substitute:

- (a) as security for any form of loan, credit, payment or other interest; or

10 At the end of subsection 29(3)

Add:

; or (c) for a school other than a school whose capacity to contribute percentage is 0%—on any of the following:

- (i) the purchase of land or a building for the school;
- (ii) the construction of a building or a part of the building for the school;
- (iii) capital improvements for the school;
- (iv) any form of loan, credit or other interest in relation to expenditure mentioned in subparagraphs (i) to (iii).

Note: See subsection 54(1) of the Act for schools whose capacity to contribute percentage is 0%.

11 After subsection 29(3)

Insert:

- (3A) The restriction in subparagraph (3)(c)(iv) does not extend to interest payments on the forms of loan, credit or other interest mentioned in that subparagraph.

12 Paragraph 30(1)(a)

Omit “for the purpose of capital expenditure relating to the provision of school education at”, substitute “on capital expenditure in relation to”.

13 Paragraph 30(1)(b)

Repeal the paragraph, substitute:

- (b) in accordance with:
 - (i) any written directions of the Minister; and
 - (ii) the Capital Grants Program Guidelines.

14 Paragraph 30(3A)(b)

Repeal the paragraph, substitute:

- (b) in accordance with:
 - (i) any written directions of the Minister; and
 - (ii) the Capital Grants Program Guidelines.

15 Subsection 30(4)

Omit all the words after “expenditure”, substitute:

in relation to a school for which the block grant authority is approved, in accordance with:

- (a) any written directions of the Minister; and
- (b) the Capital Grants Program Guidelines.

16 Subparagraph 34(3)(a)(i)

Omit “for”, substitute “in”.

17 Subsection 36(1)

Omit “, block grant authority or non-government representative body”.

18 Paragraph 36(1)(a)

Omit “or body”.

19 Paragraph 36(1)(c)

Omit “or body,”.

20 Paragraph 36(1)(d)

Omit “or body, and the school, has”, substitute “and the school have”.

21 Paragraph 36(1)(e)

Omit “or body”.

22 Paragraph 36(1)(e)

Omit “authority or body’s”, substitute “authority’s”.

23 Subparagraph 36(1)(e)(vii)

Omit “for approved authorities—”.

24 Paragraph 36(1)(f)

Omit “for an approved authority—”.

25 Paragraph 36(2)(a)

Omit “or body”.

26 At the end of section 36

Add:

- (5) A block grant authority for a non-government school must give the Secretary a report or reports for each year in accordance with the Capital Grants Program Guidelines.
- (6) A non-government representative body for a non-government school must give the Secretary a report or reports for each year in accordance with the Non-Government Reform Support Fund Guidelines.

27 Paragraph 38(a)

Omit “financial assistance paid in accordance with the Act to”, substitute “money received by”.

28 Subparagraphs 48(1)(b)(ii) and 50(1)(b)(iv)

Repeal the subparagraphs.

29 In the appropriate position in Part 8

Insert:

72 Application provision for the *Australian Education Amendment (2017 Measures No. 3) Regulations 2017*

- (1) Despite the amendments made by the *Australian Education Amendment (2017 Measures No. 3) Regulations 2017*, this regulation, as in force immediately before the commencement of this section, continues to apply in relation to financial assistance for years before 2018.
- (2) However, the amendments made by items 16 and 27 of that instrument apply in relation to 2017 and each later year.

30 Part 2 of Schedule 1 (heading)

Repeal the heading, substitute:

**Part 2—Additional financial assistance and adjustment
funding for non-government schools****31 Division 1 of Part 2 of Schedule 1 (heading)**

Repeal the heading, substitute:

Division 1—Additional financial assistance for low-growth non-government schools for 2018

32 Paragraph 7(1)(c) of Schedule 1

Repeal the paragraph, substitute:

- (c) the school's Commonwealth share for the relevant transition year is greater than 80%.

33 Subclause 7(2) of Schedule 1

Repeal the following definitions:

- (a) definition of *2017 recurrent funding*;
(b) definition of *per-student amount*.

34 Subclauses 8(1) and (2) of Schedule 1

Repeal the subclauses, substitute:

Total amount of funding for relevant transition years

For the purposes of paragraph 69B(4)(a) of the Act, the total of the amounts determined by the Minister for the relevant transition years, taken together, in relation to the circumstances mentioned in clause 7, is \$39.9 million.

35 Part 4 of Schedule 1 (heading)

Repeal the heading, substitute:

Part 4—Additional financial assistance for system weighted average SES schools for 2018

36 Schedule 2 (note to Schedule heading)

Omit “subclauses 5(3) and 7(2)”, substitute “subclause 5(3)”.

37 At the end of the instrument

Add:

Schedule 3—Levels of education: certain schools in South Australia

Note: See section 7.

1 Certain schools in South Australia

For a school specified in an item in the following table, the levels of education constituting primary and secondary education are those mentioned in paragraphs (7)(1)(b) and (2)(b), respectively.

Certain schools in South Australia	
Item	Name of school
1	Blackfriars Priory School (AGEID: 15689)

Certain schools in South Australia	
Item	Name of school
2	Blakes Crossing Christian College (AGEID: 30155)
3	Cabra Dominican College (AGEID: 255)
4	Caritas College (AGEID: 351)
5	Cedar College (AGEID: 14586)
6	Christian Brothers College (AGEID: 15342)
7	Concordia College (AGEID: 15944)
8	Cornerstone College (AGEID: 17262)
9	Crossways Lutheran School, Ceduna (AGEID: 2630)
10	Domino Servite College Inc (AGEID: 30308)
11	Emmaus Christian College Incorporated (AGEID: 2610)
12	Encounter Lutheran College (AGEID: 17272)
13	Endeavour College (AGEID: 16101)
14	Garden College (AGEID: 30212)
15	Harvest Christian College (AGEID: 16728)
16	Heritage College Inc (AGEID: 14653)
17	Hope Christian College (AGEID: 2622)
18	Horizon Christian School (AGEID: 14133)
19	Immanuel College (AGEID: 17260)
20	Investigator College (AGEID: 17289)
21	King's Baptist Grammar School (AGEID: 4039)
22	Loreto College (AGEID: 15690)
23	Maitland Lutheran School (AGEID: 269)
24	Mary Mackillop College (AGEID: 275)
25	Marymount College (AGEID: 276)
26	Mercedes College (AGEID: 279)
27	Meridian School Incorporated (AGEID: 15880)
28	Mid North Christian College (AGEID: 22798)
29	Mount Barker Waldorf School (AGEID: 2611)
30	Navigator College (AGEID: 28557)
31	Nazareth Catholic College (AGEID: 26772)
32	Pembroke School (AGEID: 265)
33	Pinnacle College—Elizabeth East Campus (AGEID: 22817)
34	Portside Christian College (AGEID: 2601)
35	Prescott College Southern (AGEID: 2606)
36	Prince Alfred College (AGEID: 299)
37	Pulteney Grammar School (AGEID: 300)
38	Rivergum College (AGEID: 5529)
39	Rostrevor College (AGEID: 15341)
40	Sacred Heart College (AGEID: 303)
41	Samaritan College (AGEID: 28124)
42	Scotch College (AGEID: 390)
43	Seymour College (AGEID: 298)

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Certain schools in South Australia	
Item	Name of school
44	Southern Montessori School (AGEID: 13279)
45	Southern Vales Christian College (AGEID: 2619)
46	St Aloysius College (AGEID: 306)
47	St Barbara's Parish School (AGEID: 16983)
48	St Columba College (AGEID: 15419)
49	St Dominic's Priory College (AGEID: 315)
50	St Francis de Sales College (AGEID: 381)
51	St Ignatius' College (AGEID: 15343)
52	St John's Grammar School (AGEID: 326)
53	St Joseph's School (AGEID: 352)
54	St Mark's College (AGEID: 362)
55	St Martins Lutheran College (AGEID: 2629)
56	St Mary's College (AGEID: 366)
57	St Michael's College (AGEID: 15691)
58	St Paul's College (AGEID: 375)
59	St Peter's College (AGEID: 252)
60	St Peter's Collegiate Girls' School (AGEID: 377)
61	Tatachilla Lutheran College (AGEID: 14290)
62	Temple Christian College (AGEID: 4040)
63	Tenison Woods College (AGEID: 17290)
64	The Hills Christian Community School Incorporated (AGEID: 4038)
65	The Hills Montessori School (AGEID: 2623)
66	Torrens Valley Christian School (AGEID: 2616)
67	Trinity College Blakeview (AGEID: 16029)
68	Trinity College Gawler River School (AGEID: 16879)
69	Trinity College North (AGEID: 16030)
70	Trinity College South (AGEID: 16031)
71	Tyndale Christian School (AGEID: 4046)
72	Tyndale Christian School Murray Bridge (AGEID: 16724)
73	Tyndale Christian School Strathalbyn (AGEID: 13508)
74	Unity College Inc (AGEID: 2605)
75	Walford Anglican School for Girls (AGEID: 401)
76	Westminster School (AGEID: 402)
77	Wilderness School (AGEID: 404)
78	Willunga Waldorf School (AGEID: 13521)
79	Woodcroft College (AGEID: 13281)

Note: AGEID (short for Australian Government Education ID) is the unique identifier used by the Commonwealth for managing client information for Australian schools receiving financial assistance under the Act.

Schedule 4—Starting Commonwealth shares for certain schools

Note: See section 16A.

1 Starting Commonwealth shares for certain schools

For a school specified in column 1 of an item in the following table, the starting Commonwealth share is the percentage specified in column 2 of the item.

Starting Commonwealth shares		
Item	Column 1 School	Column 2 Starting Commonwealth share
1	Albury Wodonga Community College (AGEID: 25136)	48.6522050004613%
2	Albury Wodonga Community College, Albury (AGEID: 28887)	48.4661505326270%
3	Al-Faisal College (AGEID: 15403)	71.6992001005908%
4	Al-Faisal College—Campbelltown (AGEID: 30306)	72.1654376322807%
5	Al-Faisal College—Liverpool (AGEID: 30305)	71.5390187132141%
6	Aspect Central Coast School (AGEID: 4079)	25.5616598585510%
7	Aspect Hunter School (AGEID: 3039)	25.1901516288512%
8	Aspect Macarthur School (AGEID: 29102)	28.8772093546382%
9	Aspect Riverina School (AGEID: 29104)	26.9179050387181%
10	Aspect South Coast School (AGEID: 6747)	27.1043253408633%
11	Aspect South East Sydney School (AGEID: 15942)	25.6612555160671%
12	Aspect Treetop School (AGEID: 30339)	25.0873599943858%
13	Aspect Vern Barnett School (AGEID: 3048)	24.6168284282390%
14	Aspect Western Sydney School (AGEID: 4280)	31.1503311107875%
15	Australian Industry Trade College (AGEID: 28118)	72.5207820941737%
16	Australian Industry Trade College—Redlands (AGEID: 30340)	74.7786418935663%
17	Australian International Academy, Kellyville Campus (AGEID: 30170)	72.1065987398766%
18	Australian International Academy of Education (AGEID: 4270)	70.8336603203212%
19	Australian Islamic College (Dianella) (AGEID: 14588)	77.3029477379847%
20	Australian Islamic College (Kewdale) (AGEID: 16671)	65.7136629335187%
21	Australian Islamic College (Thornlie) (AGEID: 13273)	63.8026551050662%
22	Blakes Crossing Christian College (AGEID: 30155)	75.8646957235202%
23	Brisbane Boys College (AGEID: 416)	77.6630504647665%
24	Broughton Anglican College (AGEID: 5492)	73.4786864456646%
25	Calderwood Christian School (AGEID: 80047)	84.8491089641012%
26	Calvary Christian College (AGEID: 4228)	74.1631457760165%
27	Calvin Christian School (AGEID: 17627)	70.7638141432998%
28	Carey Baptist College (AGEID: 15683)	71.8695402444461%
29	Carey Baptist College—Forrestdale (AGEID: 29930)	76.3228230993271%
30	Carinity Education—Glendyne (AGEID: 17689)	45.1671328091429%
31	Carinity Education—Rockhampton (AGEID: 30310)	70.2762707482453%

Schedule 1 Amendments

Starting Commonwealth shares		
Item	Column 1 School	Column 2 Starting Commonwealth share
32	Carinity Education—Southside (AGEID: 16708)	47.9797341138407%
33	Carinya Christian School (AGEID: 3321)	74.9503504488285%
34	Carinya Christian School (AGEID: 4263)	66.2259646848742%
35	Carmichael College (AGEID: 30254)	70.6122782000276%
36	Channel Christian School (AGEID: 30320)	80.3489209050332%
37	Charlotte Mason College (AGEID: 84817)	76.1116015606124%
38	Chinchilla Christian School (AGEID: 4245)	66.2793023448318%
39	Christian Aboriginal Parent-Directed School (AGEID: 2756)	66.3131418729447%
40	Christian Aboriginal Parent-Directed School (Caps), Kurrawang (AGEID: 8870)	76.6600070784544%
41	Christian Brothers High School (AGEID: 1348)	69.7621907436576%
42	Christian Outreach College (AGEID: 4005)	69.0832714767509%
43	Citipointe Christian College The Christian Outreach College Brisbane (AGEID: 2531)	80.2760808935746%
44	Clayfield College (AGEID: 432)	72.6539681776869%
45	Craig Davis College (AGEID: 30001)	72.6649481647520%
46	Dalby Christian College (AGEID: 2548)	68.7381473775431%
47	Dynamic Alternative Learning Environment (D.A.L.E.) Christian School (AGEID: 16054)	65.9800820771600%
48	Dynamic Alternative Learning Environment (D.A.L.E.) Young Parents School (AGEID: 30309)	55.5947570052009%
49	EDEN College (AGEID: 29772)	78.0630653192559%
50	Edmund Rice College (AGEID: 1379)	82.0231790647844%
51	Emmanuel Christian School (AGEID: 30319)	83.9152117718619%
52	Endeavour Christian College (AGEID: 29365)	79.0464472870589%
53	Frensham School (AGEID: 1381)	73.1896360182342%
54	Gib Gate School (AGEID: 1382)	58.0235450422818%
55	Groves Christian College (AGEID: 17213)	57.4010527860922%
56	Hilliard Christian School (AGEID: 55)	66.9613662938440%
57	Hinterland Christian College (AGEID: 5454)	66.2050960998458%
58	Illawarra Christian School (AGEID: 14564)	80.8062417793818%
59	Key College (AGEID: 16513)	49.2226466730455%
60	Kinross Wolaroi School (AGEID: 1410)	72.0452921787067%
61	Knox Grammar School (AGEID: 1411)	81.6799020383603%
62	Livingstone Christian College (AGEID: 17662)	71.3952284955135%
63	Mercedes College (AGEID: 106)	95.0054866620962%
64	MLC School (AGEID: 1452)	88.0370836254364%
65	Montgrove College (AGEID: 16519)	76.7624347963428%
66	Mueller College (AGEID: 17214)	75.1832668260603%
67	Muswellbrook Christian School (AGEID: 16412)	55.7815802921001%

Starting Commonwealth shares		
Item	Column 1 School	Column 2 Starting Commonwealth share
68	Northern Christian School (AGEID: 84755)	82.9418472578858%
69	North West Christian School (AGEID: 2803)	64.6681696890563%
70	Pacific Coast Christian School (AGEID: 28198)	67.4206735584334%
71	Pacific Hope School (AGEID: 30206)	121.6532757878780%
72	Presbyterian Ladies College (AGEID: 1526)	80.8560000413309%
73	Presbyterian Ladies' College (PLC) Armidale (AGEID: 1525)	65.8654086903361%
74	Pymble Ladies' College (AGEID: 1528)	104.5120315637080%
75	Ravenswood School for Girls (AGEID: 1531)	77.1826390815258%
76	Redfield College (AGEID: 5601)	62.4034380494687%
77	Royal Institute for Deaf and Blind Children (RIDBC) Alice Betteridge School (AGEID: 3040)	47.8357959397027%
78	Royal Institute for Deaf and Blind Children (RIDBC) Garfield Barwick School (AGEID: 13283)	82.5107592728883%
79	Royal Institute for Deaf and Blind Children (RIDBC) Thomas Pattison School (AGEID: 15957)	63.5163218036350%
80	Santa Maria College (AGEID: 232)	93.5911320619446%
81	Seaview Christian College (AGEID: 30314)	75.9743517939866%
82	Shalom Christian College (AGEID: 13496)	56.3991342372840%
83	Somerville House (AGEID: 724)	82.8947552248611%
84	St Aloysius College (AGEID: 306)	69.3880483590263%
85	St Andrew's Cathedral Gawura School (AGEID: 29067)	54.5167538690093%
86	St Andrew's Cathedral School (AGEID: 29275)	82.5030823404072%
87	St Andrew's Christian School (AGEID: 16099)	67.6938885814789%
88	St Brigid's College (AGEID: 15269)	77.1992281931506%
89	St Dominic's College (AGEID: 1632)	65.5576532129772%
90	St Edmund's College (AGEID: 2068)	101.2582463932710%
91	St Edmund's School (AGEID: 3032)	42.8829362598815%
92	St Edward's Christian Brothers College (AGEID: 1636)	72.8940813338856%
93	St Gabriel's School for Hearing Impaired Children (AGEID: 3033)	41.8411895588886%
94	St John's Anglican College (AGEID: 15331)	75.0736032131571%
95	St Joseph's College (AGEID: 1442)	109.9415782193520%
96	St Mary's Flexible Learning Centre (AGEID: 30203)	46.1944939756858%
97	St Patrick's College (AGEID: 1900)	85.9945620213759%
98	St Paul's College (AGEID: 375)	63.6402702366984%
99	St Peter's Anglican Primary School (AGEID: 4064)	70.5130321095179%
100	St Philip's Christian College (AGEID: 3317)	80.0313066328361%
101	St Philip's Christian College—Gosford (AGEID: 2398)	70.7119754810385%
102	St Philip's Christian College—Port Stephens (AGEID: 14376)	77.8025672083785%
103	St Pius X College (AGEID: 1954)	162.5809819402880%

Schedule 1 Amendments

Starting Commonwealth shares		
Item	Column 1 School	Column 2 Starting Commonwealth share
104	Staines Memorial College (AGEID: 28858)	66.9741224051203%
105	Summerland Christian College (AGEID: 5297)	76.6439424468203%
106	Suncoast Christian College (AGEID: 2525)	71.2818209090640%
107	Sunshine Coast Grammar School (AGEID: 15407)	65.5235235047999%
108	Sydney Grammar School (AGEID: 2021)	92.9399534438846%
109	Sydney Grammar School, Edgecliff Preparatory School (AGEID: 2019)	97.1454711007720%
110	Sydney Grammar School, St Ives Preparatory School (AGEID: 2020)	89.2619054466916%
111	Tangara School for Girls (AGEID: 4021)	69.0294087244639%
112	The John Berne School (AGEID: 16089)	63.9529440909565%
113	The King's School (AGEID: 2027)	82.1659646966863%
114	The Lakes College (AGEID: 22799)	77.3458881610775%
115	The Lakes College (AGEID: 80038)	77.1539669769758%
116	The Scots College (AGEID: 2029)	83.3892310836450%
117	The SCOTS PGC College (AGEID: 738)	69.8093098654266%
118	The Scots School (AGEID: 2030)	71.1841802005491%
119	The Springfield Anglican College (AGEID: 15361)	77.8981104429128%
120	Tom Quinn Community Centre Alternative School (AGEID: 30336)	53.2899488253848%
121	Tudor House (AGEID: 2034)	67.1071796420408%
122	Victory College (AGEID: 2545)	78.7122647252496%
123	Warwick Christian College (AGEID: 26131)	55.4346746183599%
124	Waverley College (AGEID: 2039)	126.9484220848820%
125	Wesley College (AGEID: 10940)	77.6002024660756%
126	Whitsunday Christian College (AGEID: 15362)	62.4049095408888%
127	Wollemi College (AGEID: 27644)	68.4822987423388%
128	Wollongong Flexible Learning Centre (AGEID: 29962)	55.6256135271664%
129	Wongutha Christian Aboriginal Parent-Directed School (AGEID: 13603)	45.6371682551572%
130	Yiramalay/Wesley Studio School (AGEID: 29953)	88.1794781097356%
131	Youth Outreach Service (YOS) Lawnton (AGEID: 30260)	42.2528526421334%
	Note 1:	This clause applies to certain schools if, in 2017, the schools' approved authorities were not approved system authorities.
	Note 2:	AGEID (short for Australian Government Education ID) is the unique identifier used by the Commonwealth for managing client information for Australian schools receiving financial assistance under the Act.