



Australian Education Amendment (2018 Measures No. 3) Regulations 2018

I, the Honourable Paul de Jersey AC, Administrator of the Government of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 06 December 2018

Paul de Jersey AC
Administrator of the Government of the Commonwealth of Australia

By His Excellency's Command

Dan Tehan
Minister for Education

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1 Name

This instrument is the *Australian Education Amendment (2018 Measures No. 3) Regulations 2018*.

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.	7 December 2018
2. Schedule 1	The day after this instrument is registered.	7 December 2018
3. Schedule 2	1 January 2019.	1 January 2019

Note: This table relates only to the provisions of this instrument as originally made.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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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

Australian Education Regulation 2013

1 After Subdivision A of Division 2 of Part 1

Insert:

Subdivision AA—SRS indexation factor

6A SRS indexation factor

For the purposes of subsection 11A(5) of the Act, the SRS indexation factor for 2019 and 2020 is 1.0356.

2 After section 10

Insert:

10A Starting State-Territory shares

- (1) This section is made for the purposes of the definition of *starting State-Territory share* in subsection 22A(3) of the Act.
- (2) The starting State-Territory share for the purposes of working out the State-Territory share for a State or Territory for 2018 and each later year is:
 - (a) for government schools in a State or Territory specified in column 1 of an item in the following table—the percentage specified in column 2 of the item; and
 - (b) for non-government schools in a State or Territory specified in column 1 of an item in the following table—the percentage specified in column 3 of the item.

Starting State-Territory shares for 2018 and each later year

Item	Column 1 State or Territory	Column 2 Starting State-Territory share for government schools	Column 3 Starting State-Territory share for non-government schools
1	New South Wales	70.73%	25.29%
2	Victoria	65.30%	19.70%
3	Queensland	65.90%	23.80%
4	Western Australia	85.87%	27.63%
5	South Australia	75.00%	19.72%
6	Tasmania	72.93%	21.50%
7	Australian Capital Territory	92.11%	36.97%
8	Northern Territory	54.40%	15.09%

3 Section 16A (note)

Repeal the note.

4 Subsection 23(4) (note)

Repeal the note.

5 Subsection 23(5) (heading)

After “2018”, insert “and 2019”.

6 Subsection 23(5)

After “2018”, insert “and for 2019”.

7 Section 23 (note at the end)

Repeal the note, substitute:

Note 1: Information about the 2011 Census of Population and Housing could in 2018 be viewed on the Australian Bureau of Statistics website (<http://www.abs.gov.au>).

Note 2: This section does not apply to a school if the Minister is satisfied that determining the school’s SES score in accordance with this section would result in an SES score that does not accurately reflect the general socioeconomic circumstances of the persons responsible for students at the school (see subsection 52(4) of the Act).

8 Subsection 34(2)

After “must be prepared”, insert “and certified”.

9 Subparagraph 34(2)(a)(ii)

Repeal the subparagraph, substitute:

- (ii) an independent third party agreed to by the Minister; or
- (iii) the Chief Executive Officer (however described) of the approved authority; or
- (iv) the Chief Financial Officer (however described) of the approved authority; or

10 At the end of paragraph 34(2)(b)

Add “who is independent from the approved authority, block grant authority or non-government representative body”.

11 Subparagraph 34(3)(a)(i)

Omit “25D, 25G, 25L, 29, 30 or 31”, substitute “29, 30 or 31 or a provision of Schedule 1”.

12 Subparagraph 34(3)(a)(iii)

Omit “25D(6), 25L(5), 29(8) or 31(4)”, substitute “29(8) or 31(4) or a provision of Schedule 1”.

13 Paragraph 35(1)(b)

Omit “of the schools”, substitute “school”.

14 Paragraph 35(1)(ba)

Omit “section 25H”, substitute “Schedule 1”.

15 Paragraph 35(1)(c)

Omit “participating government”.

16 Paragraph 35(1)(d)

Repeal the paragraph.

17 Subsection 35(1) (note)

Omit “section 61 of this regulation and paragraph 78(3)(a)”, substitute “subsection 78(3)”.

18 After subsection 35(1)

Insert:

- (1A) Despite subsection (1), an approved authority is not required to include the information mentioned in paragraph (1)(ba) in a report for a year if the Minister has not requested, in writing, the approved authority to do so in relation to that year.

19 Paragraph 35(2)(b)

Repeal the paragraph, substitute:

- (b) an independent third party agreed to by the Minister; or
- (c) the Chief Executive Officer (however described) of the approved authority; or
- (d) the Chief Financial Officer (however described) of the approved authority.

20 After subsection 36(1)

Insert:

- (1A) Despite subsection (1), an approved authority is not required to include the information mentioned in paragraph (1)(fa) in a report for a year if the Minister has not requested, in writing, the approved authority to do so in relation to that year.

21 After section 39

Insert:

39A Requirement to provide information and records

- (1) A block grant authority, non-government representative body or an approved authority for a non-government school must provide the Minister or an authorised person with any information or records requested by the Minister or authorised person that relate to the following:
 - (a) the authority or body’s compliance with the Act and this regulation;
 - (b) the financial administration of the authority or body;
 - (c) the financial administration of the school.
- (2) The information or records must be provided in the manner, and by the day, specified by the Minister or the authorised person.

22 In the appropriate position in Part 8

Insert:

73 Application provisions for the *Australian Education Amendment (2018 Measures No. 3) Regulations 2018*

- (1) The amendments made by items 8 to 10 and 13 to 20 of Schedule 1 to the *Australian Education Amendment (2018 Measures No. 3) Regulations 2018* apply in relation to 2018 and each later year.
- (2) The amendments made by items 11 and 12 of Schedule 1 to the *Australian Education Amendment (2018 Measures No. 3) Regulations 2018* apply in relation to 2018.
- (3) The amendments made by items 23 and 27 of Schedule 1 to the *Australian Education Amendment (2018 Measures No. 3) Regulations 2018* apply in relation to financial assistance paid to an approved authority before, at or after the commencement of that Schedule.

23 Paragraph 6(3)(a) of Schedule 1

Omit “2028”, substitute “31 December 2022”.

24 Division 2 of Part 2 of Schedule 1

Repeal the Division, substitute:

Division 2—Adjustment funding for low-growth non-government schools for 2019

7 Circumstances

For the purposes of subsection 69A(1) of the Act, the circumstances for a school for 2019 are:

- (a) the school is a non-government school; and
- (b) subsection 78(6) of the Act does not apply to the approved authority for the school for that year.

8 Total amount payable

For the purposes of paragraph 69A(4)(a) of the Act, the total of the amounts determined by the Minister for 2019, taken together, in relation to the circumstances mentioned in clause 7 of this Schedule, is \$8.84 million.

9 Matters that Minister may have regard to

For the purposes of paragraph 130(2)(b) of the Act, in making a decision under subsection 69A(1) of the Act about the amount of financial assistance that is payable for a school in the circumstances mentioned in clause 7 of this Schedule, the Minister may have regard to the total amount, if any, of financial assistance payable for the school in the circumstances mentioned in clause 20 of this Schedule.

10 Purpose for which funding is spent or committed to be spent

- (1) For the purposes of paragraph 78(2)(a) of the Act, an approved authority for a school must spend, or commit to spend, financial assistance that is payable for

the school under subsection 69A(1) of the Act in the circumstances mentioned in clause 7 of this Schedule:

- (a) for the purpose of providing school education at a school for which the authority is approved; and
 - (b) in accordance with any written directions given by the Minister.
- (2) Subsections 29(2) and (3) of this regulation have effect as if a reference in those subsections to subsection (1) included a reference to subclause (1) of this clause.
- (3) Financial assistance mentioned in subclause (1) must be spent, or committed to be spent:
- (a) before 31 December 2022; or
 - (b) as otherwise directed in writing by the Minister.
- (4) For the purposes of paragraphs (1)(b) and (3)(b) of this clause, the Minister may give written directions to an approved authority.
- (5) Any interest earned on financial assistance mentioned in subclause (1) must be spent, or committed to be spent, in the same way as the financial assistance.

25 Clause 12 of Schedule 1

Omit “\$46.07”, substitute “\$46.073”.

26 Subclause 16(1) of Schedule 1

Omit “subsection 69B(1)”, substitute “subsection 69A(1)”.

27 Paragraph 16(3)(a) of Schedule 1

Omit “2028”, substitute “31 December 2022”.

28 At the end of Schedule 1

Add:

Part 5—Financial assistance certainty for non-government schools

Division 1—Additional financial assistance for non-government schools of approved system authorities (system weighted benefit) for 2019

17 Circumstances

For the purposes of subsection 69A(1) of the Act, the circumstances for a school for 2019 are:

- (a) the school is a non-government school; and
- (b) subsection 78(6) of the Act applies to the approved authority for the school for that year; and
- (c) the school’s Commonwealth share for that year is more or less than 80%.

18 Total amount payable

For the purposes of paragraph 69A(4)(a) of the Act, the total of the amounts determined by the Minister for 2019, taken together, in relation to the circumstances mentioned in clause 17 of this Schedule, is \$82.74 million.

19 Purpose for which funding is spent or committed to be spent

- (1) For the purposes of paragraph 78(2)(a) of the Act, an approved authority for a school must spend, or commit to spend, financial assistance that is payable for the school under subsection 69A(1) of the Act in the circumstances mentioned in clause 17 of this Schedule:
 - (a) for the purpose of providing school education at a school for which the authority is approved; and
 - (b) in accordance with any written directions given by the Minister.
- (2) Subsections 29(2) and (3) of this regulation have effect as if a reference in those subsections to subsection (1) included a reference to subclause (1) of this clause.
- (3) Financial assistance mentioned in subclause (1) must be spent, or committed to be spent:
 - (a) before 31 December 2022; or
 - (b) as otherwise directed in writing by the Minister.
- (4) For the purposes of paragraphs (1)(b) and (3)(b) of this clause, the Minister may give written directions to an approved authority.
- (5) Any interest earned on financial assistance mentioned in subclause (1) must be spent, or committed to be spent, in the same way as the financial assistance.

Division 2—Additional financial assistance for non-government schools (2016 census data arrangements) for 2019**20 Circumstances**

For the purposes of subsection 69A(1) of the Act, the circumstance for a school for 2019 is that the school is a non-government school.

21 Total amount payable

For the purposes of paragraph 69A(4)(a) of the Act, the total of the amounts determined by the Minister for 2019, taken together, in relation to the circumstances mentioned in clause 20 of this Schedule, is \$79.28 million.

22 Purpose for which funding is spent or committed to be spent

- (1) For the purposes of paragraph 78(2)(a) of the Act, an approved authority for a school must spend, or commit to spend, financial assistance that is payable for the school under subsection 69A(1) of the Act in the circumstances mentioned in clause 20 of this Schedule:
 - (a) for the purpose of providing school education at a school for which the authority is approved; and
 - (b) in accordance with any written directions given by the Minister.

- (2) Subsections 29(2) and (3) of this regulation have effect as if a reference in those subsections to subsection (1) included a reference to subclause (1) of this clause.
- (3) Financial assistance mentioned in subclause (1) must be spent, or committed to be spent:
 - (a) before 31 December 2022; or
 - (b) as otherwise directed in writing by the Minister.
- (4) For the purposes of paragraphs (1)(b) and (3)(b) of this clause, the Minister may give written directions to an approved authority.
- (5) Any interest earned on financial assistance mentioned in subclause (1) must be spent, or committed to be spent, in the same way as the financial assistance.

29 Clause 1 of Schedule 2 (cell at table item 1, column 2)

Repeal the cell, substitute:
\$15,892.75

30 Clause 1 of Schedule 2 (table item 37)

Repeal the item.

31 Clause 1 of Schedule 2 (cell at table item 44, column 2)

Repeal the cell, substitute:
\$4,679.04

32 Clause 1 of Schedule 2 (cell at table item 50, column 2)

Repeal the cell, substitute:
\$8,640.24

33 Clause 1 of Schedule 2 (cell at table item 52, column 2)

Repeal the cell, substitute:
\$16,707.75

34 Clause 1 of Schedule 2 (cell at table item 62, column 2)

Repeal the cell, substitute:
\$8,325.34

35 Clause 1 of Schedule 2 (cell at table item 83, column 2)

Repeal the cell, substitute:
\$4,045.21

36 Clause 1 of Schedule 2 (cell at table item 86, column 2)

Repeal the cell, substitute:
\$3,995.34

37 Clause 1 of Schedule 2 (cell at table item 90, column 2)

Repeal the cell, substitute:
\$7,623.05

38 Clause 1 of Schedule 2 (cell at table item 98, column 2)

Repeal the cell, substitute:

\$8,647.18

39 Clause 1 of Schedule 2 (cell at table item 107, column 2)

Repeal the cell, substitute:

\$6,751.92

40 Clause 1 of Schedule 2 (cell at table item 122, column 2)

Repeal the cell, substitute:

\$10,282.96

41 Clause 1 of Schedule 2 (cell at table item 123, column 2)

Repeal the cell, substitute:

\$12,255.14

42 Clause 1 of Schedule 3 (after table item 14)

Insert:

14A Gleeson College (AGEID: 13267)

43 Clause 1 of Schedule 3 (after table item 60)

Insert:

60A Sunrise Christian School Marion (AGEID: 85516)

44 Clause 1 of Schedule 4 (cell at table item 1, column 2)

Repeal the cell, substitute:

48.8211955280624%

45 Clause 1 of Schedule 4 (after table item 5)

Insert:

5A Araluen Christian College (AGEID: 15336) 64.8942029740351%

46 Clause 1 of Schedule 4 (after table item 18)

Insert:

18A Australian Islamic College Adelaide (AGEID: 84996) 70.8618634725575%

47 Clause 1 of Schedule 4 (cell at table item 23, column 2)

Repeal the cell, substitute:

77.6633329457661%

48 Clause 1 of Schedule 4 (table item 38, column 1)

Omit "School", substitute "College".

49 Clause 1 of Schedule 4 (cell at table item 44, column 2)

Repeal the cell, substitute:

72.6387000895762%

50 Clause 1 of Schedule 4 (cell at table item 50, column 2)

Repeal the cell, substitute:

82.0245210991853%

51 Clause 1 of Schedule 4 (cell at table item 52, column 2)

Repeal the cell, substitute:

79.0285261552167%

52 Clause 1 of Schedule 4 (after table item 53)

Insert:

53A Gawa Christian School (AGEID: 18020) 64.8942029740351%

53 Clause 1 of Schedule 4 (cell at table item 62, column 2)

Repeal the cell, substitute:

71.3869527935565%

54 Clause 1 of Schedule 4 (after table item 62)

Insert:

62A Mapuru Yirralka College (AGEID: 28912) 44.9657177432755%

62B Marrara Christian School (AGEID: 16995) 64.8942029740351%

55 Clause 1 of Schedule 4 (table item 67)

Repeal the item, substitute:

67A Nhulunbuy Christian School (AGEID: 16521) 64.8942029740351%

56 Clause 1 of Schedule 4 (after table item 68)

Insert:

68A Northern Territory Christian College (AGEID: 16981) 64.8942029740351%

57 Clause 1 of Schedule 4 (after table item 69)

Insert:

69A Pacific Brook Christian School (AGEID: 16412) 55.7815802921001%

58 Clause 1 of Schedule 4 (after table item 71)

Insert:

71A Palmerston Christian School (AGEID: 15335) 64.8942029740351%

59 Clause 1 of Schedule 4 (after table item 80)

Insert:

80A Sattler Christian College (AGEID: 14589) 64.8942029740351%

60 Clause 1 of Schedule 4 (cell at table item 83, column 2)

Repeal the cell, substitute:

82.8950749388982%

61 Clause 1 of Schedule 4 (cell at table item 86, column 2)

Repeal the cell, substitute:

82.5102226831073%

62 Clause 1 of Schedule 4 (cell at table item 90, column 2)

Repeal the cell, substitute:

101.2599049314080%

63 Clause 1 of Schedule 4 (cell at table item 98, column 2)

Repeal the cell, substitute:

63.6225053058534%

64 Clause 1 of Schedule 4 (cell at table item 107, column 2)

Repeal the cell, substitute:

65.5237661164868%

65 Clause 1 of Schedule 4 (cell at table item 122, column 2)

Repeal the cell, substitute:

78.7228566584716%

66 Clause 1 of Schedule 4 (cell at table item 123, column 2)

Repeal the cell, substitute:

55.3575394973601%

67 Clause 1 of Schedule 4 (note 1)

Repeal the note.

68 Clause 1 of Schedule 4 (note 2)

Omit “Note 2”, substitute “Note”.

Schedule 2—Amendments commencing 1 January 2019

Australian Education Regulation 2013

1 Section 10

Repeal the section.

2 Subsection 34(3)

Repeal the subsection, substitute:

- (3) The certificate:
- (a) for an approved authority—must state:
 - (i) the amount of financial assistance paid to the authority in accordance with the Act in the year that has been spent in accordance with section 29 or a provision of Schedule 1 (as the case requires); and
 - (ii) the amount of financial assistance paid to the authority in accordance with the Act in the year that has been committed to be spent in accordance with section 29 or a provision of Schedule 1 (as the case requires); and
 - (iii) whether interest earned on financial assistance paid to the authority in accordance with the Act has been spent, or committed to be spent, in the year in accordance with section 29 or a provision of Schedule 1 (as the case requires); and
 - (iv) the amount of financial assistance paid to the authority in accordance with the Act in a previous year that has been spent, or committed to be spent, in the year in accordance with section 29 or a provision of Schedule 1 (as the case requires), including any amounts of such financial assistance committed in a previous year but spent in the current year; and
 - (b) for a block grant authority or non-government representative body—must state:
 - (i) the amount of financial assistance paid to the authority or body in accordance with the Act in the year that has been spent, or committed to be spent, in accordance with section 30 or 31 (as the case requires); and
 - (ii) whether interest earned on financial assistance paid to the authority or body in accordance with the Act has been spent, or committed to be spent, in the year in accordance with section 30 or 31 (as the case requires); and
 - (c) must be given to the Secretary:
 - (i) on or before 30 June of the next year, or another day determined by the Minister; and
 - (ii) in a way or ways (if any) determined by the Minister.

3 At the end of section 73

Add:

- (4) The amendment made by item 2 of Schedule 2 to the *Australian Education Amendment (2018 Measures No. 3) Regulations 2018* applies in relation to 2019 and each later year.