



## **Australian Education Amendment (2019 Measures No. 1) Regulations 2019**

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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 04 April 2019

Peter Cosgrove  
Governor-General

By His Excellency's Command

Dan Tehan  
Minister for Education

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## 1 Name

This instrument is the *Australian Education Amendment (2019 Measures No. 1) Regulations 2019*.

## 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	1 January 2020.	1 January 2020

Note: This table relates only to the provisions of this instrument as originally made.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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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

*Choice and Affordability Fund Guidelines* means the *Choice and Affordability Fund Guidelines* issued by the Department, as in force from time to time.

Note: The Choice and Affordability Fund Guidelines could in 2020 be viewed on the Department's website (<http://www.education.gov.au>).

#### **2 At the end of Part 4**

Add:

### **Division 4—Funding for non-government representative bodies**

#### **25B Funding for non-government representative bodies**

- (1) For the purposes of paragraph 130(2)(b) of the Act, for the purposes of determining under section 70 of the Act the amount of financial assistance that is payable to a State or Territory for a year for a non-government representative body for a non-government school, the Minister must have regard to the following matters:
  - (a) the Choice and Affordability Fund Guidelines;
  - (b) the Non-Government Reform Support Fund Guidelines;
  - (c) any written arrangement entered into between the Secretary and the non-government representative body relating to financial assistance payable to the body under Division 4 of Part 5 of the Act (funding for non-government representative bodies);
  - (d) the amount specified in subsection (2) as the total amount of financial assistance under Division 4 of Part 5 of the Act for the matters set out in the Choice and Affordability Fund Guidelines for all non-government representative bodies for the year.
- (2) For the purposes of paragraph (1)(d), the total amount is:
  - (a) for 2020:
    - (i) for all non-government representative bodies approved for non-government schools that are Catholic systemic schools—\$61.5 million; and
    - (ii) for all other non-government representative bodies approved for non-government schools—\$41.5 million; and
  - (b) for each later year—the amount worked out by multiplying the total amount of financial assistance for the previous year by the SRS indexation factor for the current year.

#### **3 At the end of subsection 31(1)**

Add:

; and (c) in accordance with the Choice and Affordability Fund Guidelines; and

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- (d) in accordance with any written arrangement entered into between the Secretary and the non-government representative body relating to financial assistance payable to the body under Division 4 of Part 5 of the Act; and
  - (e) in accordance with any written directions of the Minister.

**4 Subsections 31(2) and (3)**

Repeal the subsections.

**5 Paragraph 34(3)(a)**

After “approved authority”, insert “or a non-government representative body”.

**6 Subparagraph 34(3)(a)(i)**

After “authority”, insert “or body”.

**7 Subparagraph 34(3)(a)(i)**

After “section 29”, insert “or 31”.

**8 Subparagraph 34(3)(a)(ii)**

After “authority”, insert “or body”.

**9 Subparagraph 34(3)(a)(ii)**

After “section 29”, insert “or 31”.

**10 Subparagraph 34(3)(a)(iii)**

After “authority”, insert “or body”.

**11 Subparagraph 34(3)(a)(iii)**

After “section 29”, insert “or 31”.

**12 Subparagraph 34(3)(a)(iv)**

After “authority”, insert “or body”.

**13 Subparagraph 34(3)(a)(iv)**

After “section 29”, insert “or 31”.

**14 Paragraph 34(3)(b)**

Omit “or non-government representative body”.

**15 Subparagraph 34(3)(b)(i)**

Omit “or body”.

**16 Subparagraph 34(3)(b)(i)**

Omit “or 31 (as the case requires)”.

**17 Subparagraph 34(3)(b)(ii)**

Omit “or body”.

**18 Subparagraph 34(3)(b)(ii)**

Omit “or 31 (as the case requires)”.

**19 Subsection 36(6)**

Omit all the words after “accordance”, substitute:

with:

- (a) the Choice and Affordability Fund Guidelines; and
- (b) the Non-Government Reform Support Fund Guidelines; and
- (c) any written arrangement entered into between the Secretary and the non-government representative body relating to financial assistance payable to the body under Division 4 of Part 5 of the Act (funding for non-government representative bodies).

**20 In the appropriate position in Part 8**

Insert:

**74 Application provisions for the *Australian Education Amendment (2019 Measures No. 1) Regulations 2019***

- (1) Despite the amendments made by items 3 and 4 of Schedule 1 to the *Australian Education Amendment (2019 Measures No. 1) Regulations 2019*, section 31 of this regulation, as in force immediately before the commencement of that Schedule, continues to apply in relation to financial assistance that is payable for 2019 and each earlier year.
- (2) The amendments made by items 5 to 19 of Schedule 1 to the *Australian Education Amendment (2019 Measures No. 1) Regulations 2019* apply in relation to 2020 and each later year.