



## **Australian Education Regulations 2023**

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I, General the Honourable David Hurley AC DSC (Retd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated                    20 July                    2023

David Hurley  
Governor-General

By His Excellency's Command

Jason Clare  
Minister for Education

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## Part 1—Preliminary

### Division 1—Preliminary

#### 1 Name

This instrument is the *Australian Education Regulations 2023*.

#### 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.	21 July 2023

Note: This table relates only to the provisions of this instrument as originally made.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*.

#### 3A Schedule 4

Each instrument that is specified in Schedule 4 to this instrument is amended or repealed as set out in the applicable items in that Schedule, and any other item in that Schedule has effect according to its terms.

#### 4 Definitions

Note: A number of expressions used in this instrument are defined in the Act, including the following:

- (a) approved authority;
- (b) government school;
- (c) non-government school;
- (d) school;
- (e) student.

- (1) In this instrument:

**2011 SES score** has the meaning given by subsection 24(1).

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**2013 regulations** means the *Australian Education Regulation 2013*.

**2016 SES score** has the meaning given by subsection 24(4).

**2023 transition period** for a transition year means the number of years from the transition year to 2023 (not including the transition year).

Example: If the transition year is 2020, the number of years from the transition year to 2023 is 3.  
If the transition year is 2023, the number of years from the transition year to 2023 is 0.

**2029 transition period** for a transition year means the number of years from the transition year to 2029 (not including the transition year).

Example: If the transition year is 2024, the number of years from the transition year to 2029 is 5.  
If the transition year is 2029, the number of years from the transition year to 2029 is 0.

**ACARA** (short for Australian Curriculum, Assessment and Reporting Authority) means the authority established by section 5 of the *Australian Curriculum, Assessment and Reporting Authority Act 2008*.

**Act** means the *Australian Education Act 2013*.

**attendance rate**, for students at a school, means a percentage representing the total number of full-time equivalent days the students attended the school to receive primary education or secondary education, divided by the number of full-time equivalent days the students at the school could have received primary education or secondary education.

Note: Only certain students are taken into account for the purposes of this definition (see subsection (2)).

**Australian Accounting Standards** means the accounting standards issued or adopted by the Australian Accounting Standards Board, as existing from time to time.

Note: In 2023, the Australian Accounting Standards could be viewed on the Board's website (<http://www.aasb.gov.au>).

**Australian Auditing Standards** means the auditing standards issued or adopted by the Auditing and Assurance Standards Board, as existing from time to time.

Note: In 2023, the Australian Auditing Standards could be viewed on the Board's website (<http://www.auasb.gov.au>).

**Australian Professional Standards for Teachers** means the standards of that name issued by the Australian Institute for Teaching and School Leadership Limited and as existing from time to time.

Note: In 2023, the Australian Professional Standards for Teachers could be viewed on the Institute's website (<http://www.aitsl.edu.au>).

**Australian Statistical Geography Standard** means the geographical framework of that name published by the Australian Bureau of Statistics, as existing from time to time.

Note: In 2023, the Australian Statistical Geography Standard could be viewed on the Australian Bureau of Statistics' website (<http://www.abs.gov.au>).

**authorised person** means a person appointed as an authorised person under section 33.

**average DMI score** has the meaning given by subsection 22(1).

**basis** of a school's CTC score for a year means whichever of the following is the basis of the number that is the CTC score for the school for the year:

- (a) the average DMI score;
- (b) the 2016 SES score;
- (c) the 2011 SES score;
- (d) the refined area based score;
- (e) a determination made by the Minister other than in accordance with this instrument for the reason mentioned in subsection 52(4) of the Act.

Note: The basis of a school's CTC score is the same in successive years if the number that is the school's CTC score is determined on the same basis for each of those years. The number itself need not be the same each year. For example, the basis of a school's CTC score for 2021 is the same as in 2020 if in both years the basis of the CTC score was a determination made by the Minister other than in accordance with this instrument for the reason mentioned in subsection 52(4) of the Act.

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

Note: In 2023, the Capital Grants Program Guidelines could be viewed on the Department's website (<http://www.education.gov.au>).

**census day** has the meaning given by subsection 5(1).

**census day enrolment:**

- (a) for a government school—has the meaning given by subsection 9A(1); or
- (b) for a non-government school—has the meaning given by subsection 9B(1).

**census reference period** has the meaning given by subsection 5(6).

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

Note: In 2023, the Choice and Affordability Fund Guidelines could 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.

**CTC-adjusted SRS amount for the school for the year** has the meaning given by section 19F.

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**Data Standards Manual: Student Background Characteristics** means the *Data Standards Manual: Student Background Characteristics* issued by ACARA, as existing from time to time.

Note: In 2023, the Data Standards Manual: Student Background Characteristics could be viewed on ACARA's website (<http://www.acara.edu.au>).

**DMI methodology document** means the *Direct Measure of Income Methodology Document* issued by the Department, as existing from time to time.

Note: In 2023, the DMI methodology document could be viewed on the Department's website (<http://www.education.gov.au>).

**DMI score** (short for direct measure of income score) has the meaning given by subsection 22(4).

**first funding year** for a school means the year for which the Minister first makes a determination under section 25 of the Act for the school.

**foundation** means the year of schooling immediately before year 1.

**ICT** means Information and Communications Technology.

**key individual**: an individual is a **key individual** of an approved authority, a block grant authority or a non-government representative body if the individual:

- (a) is an officer, of the authority or body, within the meaning of section 9 of the *Corporations Act 2001*; or
- (b) is responsible for executive decisions of the authority or body; or
- (c) is concerned with, or takes part in, the management of the authority or body; or
- (d) manages or supervises the provision of school education for the authority or body under an arrangement with the authority or body.

**language conventions** means spelling, grammar and punctuation.

**Local Schools Community Fund Guidelines** means the *Local Schools Community Fund Guidelines* issued by the Department, as existing from time to time.

Note: In 2023, the Local Schools Community Fund Guidelines could be viewed on the Department's website (<http://www.education.gov.au>).

**Ministerial Council disability guidelines**, for a year, means the guidelines for the Nationally Consistent Collection of Data on School Students with Disability approved by the Ministerial Council for the year and as existing from time to time.

Note: In 2023, the Ministerial Council disability guidelines could be viewed at <https://www.nccd.edu.au>.

**NAP** means the national assessment program.

**NAPLAN Online Data Extract Dictionary** means the NAPLAN Online Data Extract Dictionary issued by ACARA, as existing from time to time.

Note: In 2023, the NAPLAN Online Data Extract Dictionary could be viewed on ACARA's website (<http://www.acara.edu.au>).

**National Schools Statistics Collection** means the national collection of information on schools undertaken in accordance with the NSSC Collection Manual.

**Non-Government Reform Support Fund Guidelines** means the *Non-Government Reform Support Fund Guidelines* issued by the Department, as existing from time to time.

Note: In 2023, the Non-Government Reform Support Fund Guidelines could be viewed on the Department's website (<http://www.education.gov.au>).

**notional funding amount for the school for the year** has the meaning given by section 19G.

**notional starting share** has the meaning given by section 19E.

**NSSC Collection Manual** means the National Schools Statistics Collection-Collection Manual:

- (a) issued by the Australian Bureau of Statistics; and
- (b) as existing from time to time.

**PIRLS** means the Progress in International Reading Literacy Study.

**PISA** means the Programme for International Student Assessment.

**record** includes an account or a document.

**refined area based score** has the meaning given by subsection 23(2).

**reporting period** has the meaning given by subsection 52(7).

**selected student** means a student selected in a sample.

**SES dimension** means each of the following dimensions:

- (a) the education dimension;
- (b) the family income dimension;
- (c) the household income dimension;
- (d) the occupation dimension.

**statement of student addresses**, for a school, means:

- (a) a statement provided in relation to the school that contains the information in paragraph 58B(2)(b), so far as the statement relates to students who are not distance education students; or
- (b) a statement provided in relation to the school in accordance with section 21 of the 2013 regulations (as in force before the commencement of the *Australian Education Amendment (2020 Measures No. 1) Regulations 2020*).

**Statistical Area Level 1** means an area designated by the Australian Bureau of Statistics as a Statistical Area Level 1 as mentioned in the Australian Statistical Geography Standard.

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**student with disability**, for a year, means a student about whom information must be provided as specified in the Ministerial Council disability guidelines for the year.

**TIMSS** means the Trends in International Mathematics and Science Study.

**ungraded primary or secondary student** means a student at a special school who receives primary education or secondary education at a level of education that constitutes primary education or secondary education (as the case requires) for the school under section 15 of the Act.

- (2) For the purposes of the definition of **attendance rate** in subsection (1), a student may be taken into account for a reporting period only if the student is:
- (a) a full-time student who is:
    - (i) in any of years 1 to 10; or
    - (ii) an ungraded primary or secondary student; and
  - (b) enrolled for any part of the reporting period.

### 5 Meanings of **census day** and **census reference period**

- (1) The **census day** for a non-government school for a year is the day determined in writing by the Minister.

*Determining the census day*

- (2) The Minister may determine, in writing, that a particular day in a year is the school's census day for the year.
- (3) The Minister must not determine a day to be a school's census day for a year less than 10 weeks before the day unless the Minister is satisfied that special circumstances justify determining that day. If the Minister is so satisfied, the Minister may determine any day, including a past day.

*Notifying census day*

- (4) The Minister must:
- (a) notify the approved authority for a school of the school's census day for a year; and
  - (b) do so in a way that makes it reasonably likely the approved authority will become aware of the census day.

Example: A census day could be published on a website that the approved authority is likely to access regularly.

- (5) The notification must be given at least 10 weeks before the census day. If the Minister determines a day under subsection (3) because of special circumstances, the notification must be given as soon as practicable.

*Meaning of census reference period*

- (6) The **census reference period** for a non-government school for a year is the period of 20 school days for the school that ends at the end of the census day for the school for the year.

Note: A public holiday is not a school day.

## **Division 2—Interpretation**

### **Subdivision A—Overseas students**

#### **6 Overseas students**

For the purposes of paragraph (b) of the definition of *overseas student* in section 6 of the Act, the following persons are excluded from being an overseas student:

- (a) a dependant of a person who is receiving a sponsorship or a scholarship for the purpose of undertaking a course provided by an institution in Australia that:
  - (i) is a Table A provider or a Table B provider (within the meaning of the *Higher Education Support Act 2003*); and
  - (ii) is meeting the full cost of the education component of the course;
- (b) a person who is undertaking a course of study provided by an institution or body in Australia under a Student Exchange Program registered by the relevant education authority in the State or Territory where the person is undertaking the Program;
- (c) a person, or a dependant of a person, who is receiving a sponsorship or a scholarship from the Commonwealth for the purpose of undertaking a course provided by an institution or other body or person in Australia.

### **Subdivision B—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.

### **Subdivision C—Levels of education**

#### **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 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 years 7 to 12.

#### **9 Levels of education that constitute primary education and secondary education for special schools**

- (1) For the purposes of section 15 of the Act, the level of education that constitutes primary education for a special school is the education provided to students aged 4 to 11 at the school.



- (2) For the purposes of section 15 of the Act, the level of education that constitutes secondary education for a special school is the education provided to students aged 12 to 21 at the school.

### **Subdivision D—Census day enrolment**

#### **9A Government schools**

- (1) For the purposes of section 16 of the Act, the number of students at a government school (the school's ***census day enrolment***) for a year is the number of primary and secondary students at the school who are to be included in the National Schools Statistics Collection for the year.

##### *Counting part-time students*

- (2) For the purposes of working out a census day enrolment for a government school, a student who is not undertaking a full-time study load is to be counted as the fraction of the full-time study load which the student is undertaking.

#### **9B Non-government schools**

- (1) For the purposes of section 16 of the Act, the number of students at a non-government school (the school's ***census day enrolment***) for a year is the number of primary and secondary students:
- (a) who are enrolled at the school on the census day for the school for the year; and
  - (b) whose enrolment is for education at a level specified for the school in the approval of the approved authority for the school; and
  - (c) who have a pattern of regular attendance at the school, or at school generally, during the year; and
  - (d) whose attendance is, for at least one day during the census reference period for the school for the year:
    - (i) at a location specified for the school in the approval of the approved authority for the school; or
    - (ii) as a distance education student.

##### *Counting part-time students*

- (2) For the purposes of working out a census day enrolment for a non-government school, a student who is not undertaking a full-time study load is to be counted as the fraction of the full-time study load which the student is undertaking.

##### *Minister may determine that a person be included*

- (3) The Minister may, in writing, determine that a person who does not meet the requirements set out in paragraphs (1)(c) and (d) is to be included in a non-government school's census day enrolment as a primary student or secondary student (including as a part-time student) if the Minister is satisfied that special circumstances justify the determination.

**Section 9B**

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- (4) In making a determination under subsection (3), the Minister must have regard to the following:
- (a) the period or periods of attendance by the person at the school, or at school generally, during the year;
  - (b) the pattern of attendance by the person at the school, or at school generally, during the year;
  - (c) whether the person is or will be included in the census day enrolment of another school for the year;
  - (d) for any period of non-attendance by the person—the steps taken by the school to engage the person in the relevant level of education;
  - (e) any other matter the Minister considers relevant.
- (5) A determination under subsection (3) may be made:
- (a) on the Minister’s own initiative; or
  - (b) on application by the approved authority for the school.
- Note: For rules relating to applications, see Division 2 of Part 9 of the Act.
- (6) An application by an approved authority for a school for a determination under subsection (3) that relates to a year must be made within:
- (a) 14 days of the school’s census day for the year; or
  - (b) if the Minister, in writing, allows a longer period (whether before or after the end of the period referred to in paragraph (a))—that longer period.
- (7) For the purposes of subsection 118(2) of the Act, a determination under subsection (3) is a reviewable decision, and the relevant person for the reviewable decision is the approved authority for the school concerned.

## Part 2—Grants of financial assistance to States and Territories

### 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.

<b>Starting State-Territory shares for 2018 and each later year</b>			
<b>Item</b>	<b>Column 1 State or Territory</b>	<b>Column 2 Starting State-Territory share for government schools</b>	<b>Column 3 Starting State-Territory share for non-government schools</b>
1	New South Wales	70.73%	25.29%
2	Victoria	67.80%	19.70%
3	Queensland	65.90%	23.80%
4	Western Australia	84.43%	26.30%
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%

### 11 Condition of financial assistance—recovering amounts

- (1) For the purposes of section 24 of the Act, if the Minister makes a determination under paragraph 110(1)(a) of the Act that a State or Territory pay to the Commonwealth a specified amount, the State or Territory must (subject to subsection (6)) pay the amount by the time specified in the determination.

*Assigning rights of recovery to the Commonwealth or recovering debts*

- (2) A State or Territory must ensure that there is in force an arrangement (whether by or under a law, or otherwise) that complies with subsection (3) in relation to each approved authority, block grant authority or non-government representative body to whom the State or Territory may pay an amount of financial assistance in accordance with the Act.

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- (3) An arrangement in relation to an approved authority, a block grant authority or a non-government representative body must provide that if:
- (a) the Minister makes a determination under paragraph 110(1)(a) of the Act that the State or Territory must pay to the Commonwealth a specified amount; and
  - (b) the Minister makes the determination as a result of:
    - (i) non-compliance or a breach by the authority or body mentioned in section 108 of the Act; or
    - (ii) a payment mentioned in subsection 109(1), (2) or (4) or paragraph 109(3)(a) of the Act that was paid to the State or Territory for the authority or body;
- then the amount mentioned in paragraph (a) of this subsection is a debt due by the authority or body to the State or Territory, and may be recovered by the State or Territory (or another person on behalf of the State or Territory) in a court.
- (4) The State or Territory must:
- (a) assign to the Commonwealth the right to recover the debt; or
  - (b) promptly recover the debt from the authority or body.
- (5) The Commonwealth must accept the assignment by the State or Territory of the right to recover the debt.
- (6) If the State or Territory assigns to the Commonwealth the right to recover the debt due by the authority or body, then:
- (a) the debt may be recovered by the Minister, on behalf of the Commonwealth, in a court of competent jurisdiction; and
  - (b) the debt due by the State or Territory to the Commonwealth that arises under subsection 111(1) of the Act is taken to be extinguished (and the State or Territory is not required to pay the amount to the Commonwealth under subsection (1) of this section).

## 12 Pro-rating of recurrent funding

- (1) For the purposes of section 27 of the Act, the total entitlement is to be determined in accordance with this section for a year if one or more of the following events occurs during the year:
- (a) no student receives primary education or secondary education at a school, or at a location of a school, during a part of the year (except school holidays);
  - (b) a school becomes entitled to financial assistance under Part 3 of the Act;
  - (c) a school ceases to be entitled to financial assistance under Part 3 of the Act.
- (2) The amount of financial assistance that is to be determined in relation to the school for the year is the lesser of:
- (a) the amount the Minister considers appropriate; and
  - (b) the full amount of financial assistance.
- (3) In deciding an appropriate amount for the purposes of paragraph (2)(a), the Minister must have regard to the following:

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- (a) the proportion of the school year during which the school was providing education or was entitled to financial assistance under Part 3 of the Act;
  - (b) the time during the school year when the school began or ceased to provide education or be entitled to financial assistance under Part 3 of the Act;
  - (c) in the case of a school that has ceased to provide education or be entitled to financial assistance under Part 3 of the Act—the amount of any financial assistance that has already been paid for the school for the year in accordance with determinations under subsection 25(1) of the Act.
- (4) Subsection (3) does not limit the matters to which the Minister may have regard.

## Part 3—Recurrent funding for schools

### Division 1—Matters related to the funding formula

#### 14 ARIA index value

For the purposes of the definition of *ARIA index value* in section 6 of the Act, a school's *ARIA index value* is the average ARIA+ score for the Statistical Area Level 1 in which the school is located.

Note 1: The average ARIA+ scores are obtained from the Hugo Centre for Population and Migration Studies. The Hugo Centre for Population and Migration Studies is responsible for the development and dissemination of the ARIA+ (2011) index.

Note 2: The Minister may determine the location of a school with more than one location for the purposes of working out the school's ARIA index value (see section 18 of the Act).

#### 16 Definition of *Aboriginal and Torres Strait Islander student*

For the purposes of the definition of *Aboriginal and Torres Strait Islander student* in section 6 of the Act, a student is an *Aboriginal and Torres Strait Islander student* if:

- (a) either or both of the following apply:
  - (i) the student is of Aboriginal descent;
  - (ii) the student is of Torres Strait Islander descent; and
- (b) the student identifies as a person of that descent; and
- (c) the student is accepted by the community in which the student lives as being of that descent.

#### 16AA Base amounts for schools

For the purposes of paragraph 33(4)(b) of the Act, 45% is prescribed.

#### 17 Disability loading—disability loading percentages

- (1) For the purposes of subsection 36(5) of the Act, this section prescribes disability loading percentages.

##### *Supplementary disability loading percentage*

- (2) The supplementary disability loading percentage is:
  - (a) for a primary school—42%; and
  - (b) for a secondary school—33%; and
  - (c) for a combined school—the percentage worked out using the following formula:

$$\frac{\text{Primary student supplementary adjustment number} + \text{Secondary student supplementary adjustment number}}{\text{Total number of students at the school classified as needing a supplementary level of adjustment}} \times \text{The SRS funding amount for the year for a student at the school}$$

*Substantial disability loading percentage*

- (3) The substantial disability loading percentage is:
- (a) for a primary school—146%; and
  - (b) for a secondary school—116%; and
  - (c) for a combined school—the percentage worked out using the following formula:

$$\frac{\text{Primary student substantial adjustment number} + \text{Secondary student substantial adjustment number}}{\text{Total number of students at the school classified as needing a substantial level of adjustment}} \times \text{The SRS funding amount for the year for a student at the school}$$

*Extensive disability loading percentage*

- (4) The extensive disability loading percentage is:
- (a) for a primary school—312%; and
  - (b) for a secondary school—248%; and
  - (c) for a combined school—the percentage worked out using the following formula:

$$\frac{\text{Primary student extensive adjustment number} + \text{Secondary student extensive adjustment number}}{\text{Total number of students at the school classified as needing an extensive level of adjustment}} \times \text{The SRS funding amount for the year for a student at the school}$$

Note: The SRS funding amount for a year for a student at a combined school is worked out in accordance with section 34 of the Act.

- (5) The **primary student extensive adjustment number** is the amount worked out using the following formula:

$$\text{Number of primary students at the school classified as needing an extensive level of adjustment} \times 312\% \times \text{The SRS funding amount for the year for a primary student}$$

- (6) The **primary student substantial adjustment number** is the amount worked out using the following formula:

$$\text{Number of primary students at the school classified as needing a substantial level of adjustment} \times 146\% \times \text{The SRS funding amount for the year for a primary student}$$

- (7) The **primary student supplementary adjustment number** is the amount worked out using the following formula:

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Number of primary students  
at the school classified as needing  
a supplementary level of adjustment  $\times 42\% \times$  The SRS funding amount for the year  
for a primary student

- (8) The **secondary student extensive adjustment number** is the number worked out using the following formula:

Number of secondary students  
at the school classified as needing  
an extensive level of adjustment  $\times 248\% \times$  The SRS funding amount for the year  
for a secondary student

- (9) The **secondary student substantial adjustment number** is the number worked out using the following formula:

Number of secondary students  
at the school classified as needing  
a substantial level of adjustment  $\times 116\% \times$  The SRS funding amount for the year  
for a secondary student

- (10) The **secondary student supplementary adjustment number** is the number worked out using the following formula:

Number of secondary students  
at the school classified as needing  
a supplementary level of adjustment  $\times 33\% \times$  The SRS funding amount for the year  
for a secondary student

### 17A Disability loading—levels of adjustment

For the purposes of subsection 36(6) of the Act, a student needs a supplementary level of adjustment, a substantial level of adjustment or an extensive level of adjustment for a year if the student is classified as receiving that level of adjustment in accordance with the Ministerial Council disability guidelines for the year.

Note: References to student in this instrument and in section 36 of the Act do not include references to overseas students: see the definitions of **primary student** and **secondary student** in section 6 of the Act.

### 18 Other loadings

#### *Socio-educational disadvantage loading—students in quartile 1*

- (1) For the purposes of subsection 38(4) of the Act, the number of students at a school for a year who are in quartile 1 is the number worked out using the following formula:

$$\text{Number of students at the school for the year} \times \frac{\text{ACARA quartile 1 students for the school for the year}}{\text{Total ACARA students for the school for the year}}$$

#### *Socio-educational disadvantage loading—students in quartile 2*

- (2) For the purposes of subsection 38(7) of the Act, the number of students at a school for a year who are in quartile 2 is the number worked out using the following formula:



$$\text{Number of students at the school for the year} \times \frac{\text{ACARA quartile 2 students for the school for the year}}{\text{Total ACARA students for the school for the year}}$$

*Low English proficiency loading*

- (3) For the purposes of subsection 39(2) of the Act, the number of students at a school for a year who have low English proficiency is the number worked out using the following formula:

$$\text{Number of students at the school for the year} \times \frac{\text{ACARA low English proficiency students for the school for the year}}{\text{Total ACARA students for the school for the year}}$$

*Definitions*

- (4) In this section:

***ACARA low English proficiency students for the school for the year*** means the number of students at the school for the year identified by ACARA as disadvantaged language background other than English students.

Note 1: ACARA identifies a student as a disadvantaged language background other than English student if:

- (a) ACARA identifies the student as having a language background other than English; and
- (b) at least one of the student's parents completed school education only to year 9 (or equivalent) or below.

Note 2: ACARA uses the definitions in the Data Standards Manual: Student Background Characteristics to determine language background and school education.

***ACARA quartile 1 students for the school for the year*** means the number of students at the school for the year identified by ACARA as being in the lowest Socio-Educational Advantage quarter.

Note: ACARA identifies a student as being in a quarter by allocating all students in a school to a scale of socio-educational advantage and segmenting the scale into quarters. Information about socio-educational advantage could in 2023 be viewed on ACARA's website (<http://www.acara.edu.au>).

***ACARA quartile 2 students for the school for the year*** means the number of students at the school for the year identified by ACARA as being in the second lowest Socio-Educational Advantage quarter.

***total ACARA students for the school for the year*** means the number of students at the school for the year as identified by ACARA.

Note: The total ACARA students for the school for the year may be different from the number of students at the school for the year worked out under section 16 of the Act.

## Division 2—Commonwealth share for non-government schools for transition years for the schools

### 19 Transition years for non-government schools

- (1) For the purposes of paragraph (c) of the definition of *transition year* in section 6 of the Act, the prescribed year is (subject to subsection (2) of this section):
  - (a) for a non-government school that has a Commonwealth share of 80% for 2023—2023; or
  - (b) for any other non-government school—2029.
- (2) However, for a non-government school that has its first funding year for the school in 2022 or later (but no later than 2029), the prescribed year for the school is the first funding year for the school.

### 19A Commonwealth share for non-government schools worked out using the notional starting share for 2019

#### *Scope*

- (1) For the purposes of section 35C of the Act, this section applies to a non-government school (subject to section 19D of this instrument) for a transition year for the school if:
  - (a) the transition year is 2020; or
  - (b) the transition year is 2021 and the basis of the school's CTC score for 2021 is the same as for 2020; or
  - (c) the transition year is 2022 and the basis of the school's CTC score for the school for 2022 is the same as for both 2020 and 2021; or
  - (d) the transition year is 2023 or later and section 19A of the 2013 regulations (as in force immediately before the commencement of this section) applied to the school in 2022.

#### *Notional starting share is less than or equal to 80%*

- (2) If the notional starting share for the school for 2019 is less than or equal to 80% (which is the Commonwealth share for a non-government school under paragraph 35A(b) of the Act), the Commonwealth share for the school for the transition year is the percentage worked out using the following formula:

$$\text{Notional starting share for 2019} + \frac{1}{4} \left( 4 - \frac{\text{2023 transition period}}{\text{period}} \right) \times \left( 0.8 - \frac{\text{Notional starting share for 2019}}{\text{share for 2019}} \right)$$

Note: If a non-government school's Commonwealth share in 2023 is 80%, this is also its last transition year: see paragraph 19(1)(a).

#### *Notional starting share is greater than 80%*

- (3) If the notional starting share for the school for 2019 is greater than 80% (which is the Commonwealth share for a non-government school under paragraph 35A(b)

of the Act), the Commonwealth share for the school for the transition year is the percentage worked out using the following formula:

$$\text{Notional starting share for 2019} + \frac{1}{10} \left( 10 - \frac{2029 \text{ transition period}}{\text{period}} \right) \times \left( 0.8 - \frac{\text{Notional starting share for 2019}}{\text{share for 2019}} \right)$$

### **19B Commonwealth share for non-government schools worked out using the notional starting share for 2020**

#### *Scope*

- (1) For the purposes of section 35C of the Act, this section applies to a non-government school (subject to section 19D of this instrument) for a transition year for the school if:
  - (a) the transition year is 2021 and the basis of the school's CTC score for 2021 is not the same as for 2020; or
  - (b) the transition year is 2022, section 19B of the 2013 regulations (as in force immediately before the commencement of this section) applied to the school in 2021 and the basis of the school's CTC score for 2022 is the same as for 2021; or
  - (c) the transition year is 2023 or later and section 19B of the 2013 regulations (as in force immediately before the commencement of this section) applied to the school in 2022.

*Notional starting share is less than or equal to 80%*

- (2) If the notional starting share for the school for 2020 is less than or equal to 80% (which is the Commonwealth share for a non-government school under paragraph 35A(b) of the Act), the Commonwealth share for the school for the transition year is the percentage worked out using the following formula:

$$\text{Notional starting share for 2020} + \frac{1}{3} \left( 3 - \frac{2023 \text{ transition period}}{\text{period}} \right) \times \left( 0.8 - \frac{\text{Notional starting share for 2020}}{\text{share for 2020}} \right)$$

Note: If a non-government school's Commonwealth share in 2023 is 80%, this is also its last transition year: see paragraph 19(1)(a).

*Notional starting share is greater than 80%*

- (3) If the notional starting share for the school for 2020 is greater than 80% (which is the Commonwealth share for a non-government school under paragraph 35A(b) of the Act), the Commonwealth share for the school for the transition year is the percentage worked out using the following formula:

$$\text{Notional starting share for 2020} + \frac{1}{9} \left( 9 - \frac{2029 \text{ transition period}}{\text{period}} \right) \times \left( 0.8 - \frac{\text{Notional starting share for 2020}}{\text{share for 2020}} \right)$$

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**19C Commonwealth share for non-government schools worked out using the notional starting share for 2021**

*Scope*

- (1) For the purposes of section 35C of the Act, this section applies to a non-government school (subject to section 19D of this instrument) if:
  - (a) the transition year for the school is 2022 or later; and
  - (b) the school is covered by neither section 19A nor 19B of this instrument for the transition year.

*Notional starting share is less than or equal to 80%*

- (2) If the notional starting share for the school for 2021 is less than or equal to 80% (which is the Commonwealth share for a non-government school under paragraph 35A(b) of the Act), the Commonwealth share for the school for the transition year is the percentage worked out using the following formula:

$$\text{Notional starting share for 2021} + \frac{1}{2} \left( 2 - \frac{2023 \text{ transition period}}{\text{period}} \right) \times \left( 0.8 - \text{Notional starting share for 2021} \right)$$

Note: If a non-government school's Commonwealth share in 2023 is 80%, this is also its last transition year: see paragraph 19(1)(a).

*Notional starting share is greater than 80%*

- (3) If the notional starting share for the school for 2021 is greater than 80% (which is the Commonwealth share for a non-government school under paragraph 35A(b) of the Act), the Commonwealth share for the school for the transition year is the percentage worked out using the following formula:

$$\text{Notional starting share for 2021} + \frac{1}{8} \left( 8 - \frac{2029 \text{ transition period}}{\text{period}} \right) \times \left( 0.8 - \text{Notional starting share for 2021} \right)$$

**19D Commonwealth share for new non-government schools**

*Scope*

- (1) For the purposes of section 35C of the Act, this section applies to a non-government school whose first funding year is 2020 or later.

*Commonwealth share for new non-government schools*

- (2) The Commonwealth share for the school for the school's first funding year is 80% (which is the Commonwealth share for a non-government school under paragraph 35A(b) of the Act).
- (3) If the school's first funding year is 2020 or 2021, the Commonwealth share for the school for a transition year after the first funding year is worked out in accordance with section 19A, 19B or 19C, as applicable.

Note: If a non-government school's first funding year is 2022 or later, this is also its last transition year: see subsection 19(2).

### 19E Notional starting share for non-government schools

- (1) The **notional starting share** for a non-government school for a year for the school is (subject to subsection (2)) the percentage worked out using the following formula:

$$\frac{\text{Notional funding amount for the school for the year}}{\text{CTC-adjusted SRS amount for the school for the year}}$$

where:

**CTC-adjusted SRS amount for the school for the year** has the meaning given by section 19F.

**notional funding amount for the school for the year** has the meaning given by section 19G.

*Exceptions—Bacchus Marsh Grammar and All Saints College*

- (2) However:
- (a) for 2019 the **notional starting share** for Bacchus Marsh Grammar (AGEID 16082) is 75.255235070306%; and
  - (b) for 2021 the **notional starting share** for All Saints College (AGEID 13863) is 184.130020331571%.

### 19F CTC-adjusted SRS amount

- (1) The **CTC-adjusted SRS amount for the school for the year** is the amount that would have been the school's total entitlement for the year if:
- (a) the Commonwealth share for the school had been 100%; and
  - (b) the SES score or the CTC score for the school had been the CTC score of the school for the next year.

Note: **SES score** was defined in the Act as previously in force before the commencement of the *Australian Education Amendment (Direct Measure of Income) Act 2020*.

- (2) For the purposes of paragraph (1)(b), disregard the application of subsection 22(3) or 23(4) when applying the CTC score of the school for the next year.

### 19G Notional funding amount

*Notional funding amount for the school*

- (1) The **notional funding amount for the school for the year** is (subject to subsection (2)) the school's total entitlement for the year.

Note: See section 12 of the Act for the definition of a school's **total entitlement** for a year.

*Exception—schools with a certain approved authority*

- (2) However, in 2019 the **notional funding amount for the school for the year** is the amount worked out under subsection (4) if the person who was the approved authority for the school in 2019 was also:

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- (a) the school's approved authority in 2017; and
  - (b) the school's approved system authority within the meaning of section 5 of the 2013 regulations as in force immediately before 1 January 2018.
- (3) For the purposes of subsection (2), if:
- (a) the school's approved authority in 2017 was the school's approved system authority within the meaning of section 5 of the 2013 regulations as in force immediately before 1 January 2018; and
  - (b) the school's approved authority changed legal entity status after 2017; the school's approved authority in 2017 is taken to be the approved authority for the school in 2019.
- (4) For the purposes of subsection (2), the amount is worked out under this subsection using the following formula:

2017 school funding proportion  $\times$  2019 approved authority total entitlement

where:

**2017 school funding proportion** for the school is the amount worked out by:

- (a) identifying the amount of financial assistance paid to the school's approved authority in accordance with Part 3 of the Act for 2017 that was allocated to the school for the year; and
- (b) dividing that amount by the sum of the total entitlements of the approved authority's schools for 2017 (not including a school for which the Minister has not made a determination under section 25 of the Act that applies to the school in either or both 2018 and 2019).

**2019 approved authority total entitlement** for the school is the sum of the total entitlements of the approved authority's schools for 2019 (not including a school whose first funding year is 2018 or 2019).

## Division 3—CTC score

### 21 CTC score

- (1) For the purposes of subsection 52(4) of the Act, a school's CTC score to be determined by the Minister must be the number worked out in accordance with this section.

#### *CTC score for 2020 or 2021*

- (2) The number that is the CTC score for a school for 2020 or for 2021 is whichever of the following would, if it were the CTC score for the school for the year, result in the highest amount of financial assistance being payable to a State or Territory for the school for the year under Division 2 of Part 3 of the Act:
- (a) the average DMI score;
  - (b) the 2016 SES score;
  - (c) the 2011 SES score.

#### *CTC score for 2022 or later years*

- (3) In working out the CTC score for a school for 2022 or a later year, the number is:
- (a) the average DMI score for the school for the year; or
  - (b) the refined area based score for the school for the year worked out in accordance with section 23, if the Minister is satisfied that:
    - (i) it is not reasonably practicable to use the average DMI score for the school for the year; and
    - (ii) if less than 95% of the residential addresses included in a school's statement of student addresses can be assigned to the Statistical Area Level 1 in which the addresses are located—it is still appropriate to work out a refined area based score for the school for the year.

Note: This section does not apply to a school if the Minister is satisfied that determining the school's CTC score in accordance with this section would result in a CTC score that does not accurately reflect the capacity of the persons responsible for students at the school to contribute financially to the operation of the school (see subsection 52(4) of the Act).

### 22 Average DMI score

- (1) A school's **average DMI score** is:
- (a) for 2020—the average of the DMI scores for the school for 2018 and 2019; or
  - (b) for a later year—the average of the DMI scores for the school for the 3 years before that year.
- (2) A number worked out under subsection (1) must be rounded to the nearest whole number, rounding up a number that ends in 0.5.
- (3) However, if, for 2022 or a later year, the number worked out under subsection (1) for a small school or a very small school for the year is 3 or more higher, or 3 or more lower, than the school's CTC score for the previous year,

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the average DMI score is taken to be 2 higher or 2 lower (as applicable) than the school's CTC score for the previous year.

- (4) A school's **DMI score** for a year is worked out as follows:

*Method statement*

- Step 1. Use the DMI methodology document to determine the annual income of each person responsible for a student at the school for the year.
- Step 2. Add the annual incomes of each person responsible for each student at the school for the year to work out the family income for each student.
- Step 3. Use the family income for each student at the school for the year to calculate the median family income for the school for the year.
- Step 4. Calculate the standardised and weighted family income for the school using the median family income of all schools for the year, the number of students at the school for the year and the number of students at all schools for the year as set out in the DMI methodology document. The result is the school's **DMI score** for the year.

### 23 Refined area based score

- (1) For the purposes of subparagraph 21(3)(b)(i), and without limiting that subparagraph, the Minister may be satisfied that it is not reasonably practicable to use the average DMI score for the school if:
- (a) there is less than 3 years of information to calculate the average DMI score for the school for the year; or
  - (b) the number of persons responsible for students at the school for the year is too low to ensure that the CTC score does not identify information relating to a particular student or a person responsible for that student; or
  - (c) the information available to calculate step 2 of the method statement for the DMI score does not meet the standards in the document titled *Capacity to Contribute Data Validation and Quality Assurance Process* published by the Department and as existing from time to time.

Note: In 2023, the document titled *Capacity to Contribute Data Validation and Quality Assurance Process* could be viewed on the Department's website (<http://www.education.gov.au>).

*Refined area based score*

- (2) The **refined area based score** for a school for a year is worked out using the following formula:

$$\frac{\text{School's average SES dimension score for the family income dimension}}{2} + \frac{\text{School's average SES dimension score for the household income dimension}}{2}$$



- (3) A number worked out under subsection (2) must be rounded to the nearest whole number, rounding up a number that ends in 0.5.
- (4) However, if, for 2022 or a later year, the number worked out under subsection (2) for a small school or a very small school for the year is 3 or more higher or 3 or more lower than the school's CTC score for the previous year, the refined area based score is taken to be 2 higher or 2 lower (as applicable) than the school's CTC score for the previous year.

*Working out the school's average SES dimension score for an SES dimension*

- (5) A school's **average SES dimension score** for an SES dimension is, subject to subsection (6), worked out by:
  - (a) adding, for each residential address represented in the latest statement of student addresses, the SES dimension score for the SES dimension of the Statistical Area Level 1 to which the address has been assigned; and
  - (b) dividing the result by the total number of those SES dimension scores.
- (6) In working out an average SES dimension score under subsection (5), the Minister may include a residential address in the school's statement of student addresses that was not included in that statement, but the Minister considers ought to have been.

## 24 SES score

*2011 SES score*

- (1) The **2011 SES score** for a school for a year is the number worked out using the formula in subsection (7) and the following information:
  - (a) if statements of student addresses were provided for the school between 2012 and 2016 (inclusive)—the most recent of those statements;
  - (b) otherwise—the oldest of the statements of student addresses provided for the school after 2016.
- (2) A number worked out under subsection (1) must be rounded to the nearest whole number, rounding up a number that ends in 0.5.
- (3) For each residential address represented in a statement of student addresses mentioned in subsection (1), the Minister must use the SES dimension score for the SES dimension of the Statistical Area Level 1 to which the address has been assigned, as determined in the 2011 Census of Population and Housing.

Note: Information about the 2011 Census of Population and Housing could in 2023 be viewed on the Australian Bureau of Statistics' website (<http://www.abs.gov.au>).

*2016 SES score*

- (4) The **2016 SES score** for a school for a year is the number worked out using the formula in subsection (7) and the oldest of the statements of student addresses for the school provided for 2017 or a later year.
- (5) A number worked out under subsection (4) must be rounded to the nearest whole number, rounding up a number that ends in 0.5.

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- (6) For each residential address represented in a statement of student addresses mentioned in subsection (4), the Minister must use the SES dimension score for the SES dimension of the Statistical Area Level 1 to which the address has been assigned, as determined in the 2016 Census of Population and Housing.

Note: Information about the 2016 Census of Population and Housing could in 2023 be viewed on the Australian Bureau of Statistics' website (<http://www.abs.gov.au>).

*Formula*

- (7) The following formula is to be used for the purposes of the 2011 SES score and 2016 SES score:

$$\frac{\text{School's average SES dimension score for the education dimension}}{3} + \frac{\text{School's average SES dimension score for the family income dimension}}{6} + \frac{\text{School's average SES dimension score for the household income dimension}}{6} + \frac{\text{School's average SES dimension score for the occupation dimension}}{3}$$

*Working out the school's average SES dimension score for an SES dimension*

- (8) The school's **average SES dimension score** for an SES dimension is, subject to subsection (9), worked out by:
- (a) adding, for each residential address represented in a statement of student addresses, the SES dimension score for the SES dimension of the Statistical Area Level 1 to which the address has been assigned; and
  - (b) dividing the result by the total number of those SES dimension scores.
- (9) In working out an average SES dimension score under subsection (8), the Minister may include a residential address in the school's statement of student addresses that was not included in that statement, but the Minister considers ought to have been.

**24AAA Publication of CTC score if determined other than in accordance with this instrument**

If the Minister makes a determination of a CTC score for a school other than in accordance with this instrument for the reason mentioned in subsection 52(4) of the Act, the Minister must:

- (a) publish, in a way the Minister considers appropriate, the CTC score for the school and the reasons for making the determination; and
- (b) do so within 30 days of making the determination.

Note: The Minister must determine a school's CTC score in accordance with this instrument unless the Minister is satisfied doing so would result in a CTC score that does not accurately reflect the capacity of the persons responsible for students at the school to contribute financially to the operation of the school: see subsection 52(4) of the Act.

## **Part 4—Capital and other funding**

### **Division 1—Capital funding**

#### **24AA Base assistance amount**

For the purposes of section 68 of the Act, the base assistance amount is:

- (a) for 2018—\$150,895,000; and
- (b) for 2019—\$160,920,000; and
- (c) for 2020—\$170,584,000; and
- (d) for 2021—\$178,845,000.

#### **24A Indexation percentage**

For the purposes of paragraph 68(3)(b) of the Act, the indexation percentage is:

- (a) for 2015—102.30%; and
- (b) for 2016—101.76%; and
- (c) for 2017—101.92%; and
- (d) for 2022—108.75%.

#### **24B Indexes of building prices and wage costs**

For the purposes of paragraph 68(4)(a) of the Act, the index of building prices and the index of wage costs is the composite index of construction activity costs in the Index Number for Australian and New Zealand Standard Industrial Classification, 2006 Class 3020 Non-residential Building Construction Australia, published by the Australian Bureau of Statistics in Table 17 (Output of the Construction industries) in the *Producer Price Indexes, Australia* (Catalogue No. 6427.0), as it exists from time to time.

Note: In 2023, the *Producer Price Indexes, Australia* could be viewed on the Australian Bureau of Statistics' website (<http://www.abs.gov.au>).

## Division 2—Special circumstances funding

### 25 Special circumstances funding

For the purposes of paragraph 130(2)(b) of the Act, the matters that the Minister may have regard to in making a decision for a school for a year that special circumstances justify a determination under subsection 69(1) of the Act are:

- (a) whether the special circumstances would not have been reasonably foreseeable by a competent approved authority; and
- (b) whether the special circumstances would, or are likely to, result in severe financial difficulty requiring the school to cease a large part of its educational activities, or significantly lower the quality of the education it provides, during the year; and
- (c) if the school were to receive financial assistance under subsection 69(1) of the Act, whether the school would be able to:
  - (i) resume operating satisfactorily within 2 years; or
  - (ii) continue operating until the end of the year; and
- (d) whether, having exhausted all other options to remedy the financial situation of the school (including all alternative sources of financial assistance), there is still a need for financial assistance under subsection 69(1) of the Act to address the school's immediate financial difficulties; and
- (e) whether the approved authority for the school has complied with the Act and this instrument; and
- (f) whether the approved authority for the school proposes to use any financial assistance provided under subsection 69(1) of the Act to pay any debts due to the Commonwealth that are recoverable by the Commissioner of Taxation; and
- (g) whether the approved authority for the school proposes to use any financial assistance provided under subsection 69(1) of the Act:
  - (i) in relation to the school, and the school has provided primary education or secondary education for less than 5 years; or
  - (ii) to lower the amount of debt the authority owes; or
  - (iii) as capital expenditure; and
- (h) whether the approved authority for the school requires financial assistance under subsection 69(1) of the Act as a result of a financial loss resulting from inadequate insurance for capital facilities.

## **Division 3—Funding in prescribed circumstances**

### **25A Funding in prescribed circumstances**

Schedule 1 has effect.

Note: Schedule 1 deals with financial assistance payable under sections 69A and 69B of the Act.

## **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, the Minister must have regard to the following matters in 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:
  - (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.

## **Part 5—Approved authorities and bodies**

### **Division 1—Basic requirements for authorities and bodies**

#### **26 Not-for-profit requirement**

For the purposes of paragraph 130(2)(b) of the Act, the matters that the Minister may have regard to for the purposes of determining whether a person satisfies the requirement in subsection 75(3), 84(3) or 92(3) of the Act are:

- (a) whether the person has not-for-profit status under a law of the Commonwealth, a State or a Territory; and
- (b) whether:
  - (i) the person has financial policies and practices for a school in relation to which the person has applied to be an approved authority, block grant authority or non-government representative body; and
  - (ii) if so, the quality of those policies and practices; and
- (c) whether money derived from or relating to a school in relation to which the person has applied to be the approved authority, block grant authority or non-government representative body:
  - (i) has been applied for the purposes of the school or for the purposes of the functions of the authority or body; or
  - (ii) has been distributed (whether directly or indirectly) to an owner of the authority or body or any other person; and
- (d) if the person is a body corporate—the requirements in any legislation under which the person is established, or in the person’s constitution.

Note: A law of the Commonwealth under which a person may have not-for-profit status is the *Australian Charities and Not-for-profits Commission Act 2012*.

#### **27 Financial viability requirement**

For the purposes of paragraph 130(2)(b) of the Act, the matters that the Minister may have regard to for the purposes of determining whether a person satisfies the requirement in subsection 75(4), 84(4) or 92(4) of the Act are:

- (a) whether the person is a body corporate that is being wound up; and
- (b) whether the affairs of the person are under any form of external control (for example, the control of a manager) under a law of the Commonwealth, a State or a Territory; and
- (c) whether the Minister considers that the liabilities of the person are greater than the person’s assets; and
- (d) whether the Minister considers that the person is (and is likely to continue for a substantial period to be) unable to pay the person’s debts as and when they fall due for payment; and
- (e) whether an audit conducted in accordance with a law of the Commonwealth, a State or a Territory:
  - (i) is expressed to be qualified; or
  - (ii) expresses concern about the financial viability of the person.

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**28 Fit and proper person requirement**

*Requirements for approved authorities*

- (1) For the purposes of paragraph 130(2)(b) of the Act, in determining whether a person satisfies the requirement in subsection 75(5) of the Act, the Minister may have regard to:
  - (a) the experience and expertise of the person, and key individuals of the person, in administering a school and providing education at a school; and
  - (b) the person's governance arrangements, including:
    - (i) arrangements for managing and supervising the provision of education at the school; and
    - (ii) arrangements to ensure compliance with the laws of the Commonwealth, a State or a Territory relating to the provision of school education; and
  - (c) whether the person has debts due to the Commonwealth in relation to the provision of school education.

*Requirements for all authorities and bodies*

- (2) For the purposes of paragraph 130(2)(b) of the Act, in determining whether a person satisfies the requirement in subsection 75(5), 84(5) or 92(5) of the Act, the Minister may have regard to:
  - (a) the person's governance arrangements, including arrangements to receive independent and professional advice about the way in which the person complies, or will comply, with the person's obligations under the Act and this instrument; and
  - (b) whether there is in force an arrangement of a kind mentioned in subsections 11(2) and (3) (recovering debts) of this instrument in relation to the person; and
  - (c) the record of financial management of the person, and key individuals of the person, taking into account whether the person or individual has been:
    - (i) bankrupt or insolvent; or
    - (ii) placed under external administration; and
  - (d) whether the person, or a key individual of the person, has been convicted of, or charged with, an offence, including an offence in relation to children, dishonesty or violence (subject to Part VIIC of the *Crimes Act 1914*); and
  - (e) whether the person, or a key individual of the person, has engaged in a deliberate pattern of immoral or unethical behaviour.



## **Division 2—Ongoing policy and funding requirements for authorities and bodies**

### **Subdivision A—Spending, or committing to spend, financial assistance**

#### **29 Approved authorities**

##### *Recurrent funding*

- (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 to the authority in accordance with Division 2 of Part 3 of the Act (recurrent funding for schools) for the purpose of providing school education at a school for which the approved authority is approved.
- (2) Without limiting subsection (1), the purpose mentioned in that subsection includes the following:
  - (a) salaries and other expenses relating to staff at the school, including expenses related to the professional development of the staff;
  - (b) developing materials related to the school's curriculum;
  - (c) general operating expenses of the school;
  - (d) maintaining the school's land and buildings;
  - (e) purchasing capital equipment for the school;
  - (f) in any case—administrative costs associated with the authority's compliance with the Act and this instrument.
- (3) Despite subsections (1) and (2), financial assistance must not be spent, or committed to be spent:
  - (a) as security for any form of loan, credit, payment or other interest; or
  - (b) for the preparation of, or in the course of, any litigation, except litigation by a State or Territory to recover a debt from an authority or body as mentioned in paragraph 11(4)(b); 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%.
- (4) 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.

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*Special circumstances funding*

- (5) 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 to the authority under section 69 of the Act (special circumstances funding) in accordance with any written directions of the Minister.
- (6) For the purposes of subsection (5), the Minister may give written directions to an approved authority.

*Time limit for spending, or committing to spend, funding*

- (7) Financial assistance mentioned in subsection (1) or (5) 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 (8) for the approved authority—before the day, or within the period, specified in the determination.
- (8) For the purposes of 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 (5).

*Interest earned on financial assistance*

- (9) Any interest earned on financial assistance mentioned in subsection (1) or (5) must be spent, or committed to be spent, in the same way as the financial assistance.

**30 Block grant authorities**

- (1) For the purposes of paragraph 85(2)(a) of the Act, a block grant authority for a school must spend, or commit to spend, financial assistance that is payable to the authority under Division 2 of Part 5 of the Act (capital funding):
  - (a) on capital expenditure in relation to a school for which the block grant authority is approved; and
  - (b) in accordance with:
    - (i) any written directions of the Minister; and
    - (ii) the Capital Grants Program Guidelines.
- (2) The financial assistance must (subject to subsections (3) and (4)) be spent, or committed to be spent:
  - (a) in the year in which the financial assistance is paid to the block grant authority; or
  - (b) before a day, or within a period, determined in writing by the Minister for the block grant authority.
- (3) Subsection (4) applies to financial assistance that:
  - (a) is paid to a block grant authority in accordance with the Act; and
  - (b) is recovered from:

- (i) savings on capital expenditure; or
  - (ii) capital expenditure that has not proceeded.
- (4) The financial assistance must be spent, or committed to be spent:
- (a) on alternative capital expenditure, in relation to a school for which the block grant authority is approved:
    - (i) within 12 months of the financial assistance being recovered; or
    - (ii) before a day, or within a period, determined in writing by the Minister for the block grant authority; and
  - (b) in accordance with:
    - (i) any written directions of the Minister; and
    - (ii) the Capital Grants Program Guidelines.
- (5) The block grant authority may retain any interest earned on financial assistance that is payable to the authority under Division 2 of Part 5 of the Act. However, the block grant authority must spend, or commit to spend, the interest on capital expenditure 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.
- (6) For the purposes of subsections (1), (4) and (5), the Minister may give written directions to a block grant authority.

### **31 Non-government representative bodies**

- (1) For the purposes of paragraph 93(2)(b) of the Act, a non-government representative body for a school must spend, or commit to spend, financial assistance that is payable to the body under Division 4 of Part 5 of the Act (funding for non-government representative bodies):
- (a) for the purpose of supporting school education; and
  - (b) in accordance with the Non-Government Reform Support Fund Guidelines; and
  - (c) in accordance with the Choice and Affordability Fund Guidelines; and
  - (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 that Division; and
  - (e) in accordance with any written directions of the Minister.
- (2) Any interest earned on the financial assistance must be spent, or committed to be spent, in the same way as the financial assistance.

### **Subdivision B—Monitoring compliance of authorities and bodies**

#### **32 Application of this Subdivision**

This Subdivision sets out requirements for monitoring compliance with the Act for:

- (a) approved authorities for the purposes of paragraph 78(2)(b) of the Act; and

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- (b) block grant authorities for the purposes of paragraph 85(2)(b) of the Act; and
- (c) non-government representative bodies for the purposes of paragraph 93(2)(c) of the Act.

### 33 Minister may appoint authorised persons

The Minister may, in writing, appoint a person as an authorised person if the Minister is satisfied that the person has suitable qualifications or experience.

### 34 Certificate to be given to Secretary

- (1) An approved authority, block grant authority or non-government representative body for a school must give the Secretary a certificate that relates to a year.
- (2) The certificate must be prepared and certified by:
  - (a) for an approved authority for a government school located in a State or Territory:
    - (i) the Auditor-General of the State or Territory; or
    - (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
  - (b) for any other authority or body—a qualified accountant who is independent from the authority or body.
- (3) The certificate:
  - (a) for an approved authority or a 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 in accordance with section 29 or 31 or a provision of Schedule 1 (as the case requires); and
    - (ii) the amount of financial assistance paid to the authority or body in accordance with the Act in the year that has been committed to be spent in accordance with section 29 or 31 or a provision of Schedule 1 (as the case requires); and
    - (iii) 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 29 or 31 or a provision of Schedule 1 (as the case requires); and
    - (iv) the amount of financial assistance paid to the authority or body 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 31 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—must state:

- (i) the amount of financial assistance paid to the authority in accordance with the Act in the year that has been spent, or committed to be spent, in accordance with section 30; and
- (ii) 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 30; and
- (c) must be given to the Secretary:
  - (i) on or before 30 June of the next year, or another day determined in writing by the Minister; and
  - (ii) in a way or ways (if any) determined in writing by the Minister.
- (4) In this section:
  - qualified accountant** means:
    - (a) a qualified accountant within the meaning of the *Corporations Act 2001*; or
    - (b) a person registered (or taken to be registered) as an auditor under that Act; or
    - (c) a person approved as a qualified accountant under subsection (5).
  - (5) For paragraph (c) of the definition of **qualified accountant** in subsection (4), the Minister may, in writing, approve a person if the Minister is satisfied that the person has relevant qualifications or experience.

### **35 Requirement relating to financial assistance and financial operations— government schools**

- (1) An approved authority for government schools located in a State or Territory must give the Secretary a report for each year that includes the following:
  - (a) the total amount of financial assistance paid in accordance with the Act that is allocated by the authority to the schools for the year;
  - (b) for each school—the amount of financial assistance paid in accordance with the Act that is allocated by the authority to the school for the year;
  - (c) for each school—the amount of financial assistance paid in accordance with the Act and allocated by the authority to the school because the circumstances mentioned in Schedule 1 applied in relation to the school for the year;
  - (d) for each school—information showing how the amount mentioned in paragraph (b) was determined in accordance with the authority’s needs-based funding arrangement;
  - (e) the total amount of financial assistance paid in accordance with the Act to the authority that is not allocated by the authority to the schools.
- Note: For paragraph (d), see subsection 78(3) of the Act in relation to needs-based funding arrangements for approved authorities for more than one school.
- (2) Despite subsection (1), an approved authority is not required to include the information mentioned in paragraph (1)(c) 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.
- (3) The report must be prepared by:

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- (a) the Auditor-General of the State or Territory; or
  - (b) an independent third party agreed to in writing 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.
- (4) The report must be given to the Secretary:
- (a) no later than a day or days (if any) determined in writing by the Minister; and
  - (b) in a way or ways (if any) determined in writing by the Minister.

**36 Requirement relating to financial assistance and financial operations—  
non-government schools**

- (1) An approved authority for a non-government school must give the Secretary a report for each year that includes the following:
- (a) the total amount of financial assistance paid in accordance with the Act that is allocated by the authority to the school for the year;
  - (b) a statement about how the financial assistance paid in accordance with the Act was used, or is intended to be used, by the authority and the school;
  - (c) a statement about whether the authority and the school have in place satisfactory internal accounting systems, controls and procedures for records kept by the authority in accordance with section 37;
  - (d) a statement about the financial operations of the authority and the school, that includes the authority's financial viability, funding sources and the following:
    - (i) recurrent income and expenditure;
    - (ii) capital income and expenditure;
    - (iii) trading activities;
    - (iv) loans for recurrent or capital purposes;
    - (v) assets and liabilities;
    - (vi) any other financial information required, in writing, by the Minister;
    - (vii) refundable enrolment deposits;
  - (e) the total amount of financial assistance paid in accordance with the Act to the authority that is not allocated by the authority to a school;
  - (f) for an approved authority that is an approved system authority—the amount of financial assistance paid in accordance with the Act and allocated by the authority to a school because the circumstances mentioned in Schedule 1 applied in relation to the school for the year;
  - (g) for an approved authority for more than one school—information showing how each amount mentioned in paragraph (a) for a school was determined in accordance with the authority's needs-based funding arrangement.

Note: For paragraph (g), see subsection 78(3) of the Act in relation to needs-based funding arrangements for approved authorities for more than one school.

- (2) Despite subsection (1), an approved authority is not required to include the information mentioned in paragraph (1)(f) 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.

- (3) The report must:
  - (a) identify any records kept by the authority in accordance with section 37; and
  - (b) include a copy of any financial statement prepared in accordance with section 38; and
  - (c) include a copy of any audit document prepared in accordance with section 38.
- (4) The report must not include any information that would identify a donor as a funding source of the school.
- (5) The report must be given to the Secretary:
  - (a) no later than a day or days (if any) determined in writing by the Minister; and
  - (b) in a way or ways (if any) determined in writing by the Minister.
- (6) 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.
- (7) A non-government representative body for a non-government school must give the Secretary a report or reports for each year in accordance 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 body relating to financial assistance payable to the body under Division 4 of Part 5 of the Act (funding for non-government representative bodies).

### **37 Requirement to keep records**

- (1) An approved authority, block grant authority or non-government representative body for a school must keep records relating to:
  - (a) the authority's or body's compliance with the Act and this instrument; and
  - (b) for an approved authority, block grant authority or non-government representative body for a non-government school—the financial administration of the authority or body; and
  - (c) for an approved authority for a non-government school—the following:
    - (i) the financial administration of the school;
    - (ii) capital expenditure in relation to land or buildings at or for the school, including expenditure by contractors and sub-contractors carrying out works in relation to that capital expenditure.
- (2) The records of an approved authority, block grant authority or non-government representative body for a non-government school must:
  - (a) be identifiably separate from other records that the authority or body may hold for the purposes of other undertakings the authority or body conducts or to which the authority or body is related; and

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- (b) identify all income and expenditure that relates to any financial assistance paid to the authority or body in accordance with the Act.
- (3) A record kept under this section must be kept for 7 years.
- (4) Without limiting subsection (1), records relating to an approved authority's compliance with the Act or this instrument include records relating to enrolments and attendance rolls at schools for which the authority is approved.

**38 Requirement for authorities or bodies for non-government schools to prepare and audit financial statements**

An approved authority, block grant authority or non-government representative body for a non-government school must:

- (a) prepare financial statements in accordance with the Australian Accounting Standards that relate to any money received by the authority or body in a year; and
- (b) have those statements audited in accordance with the Australian Auditing Standards and generally accepted auditing practices.

**39 Requirements for access to records and premises**

- (1) An approved authority, block grant authority or non-government representative body for a school must (subject to subsection (6)) comply with the requirements mentioned in this section.
- (2) The authority or body must allow an authorised person full and free access to any record relating to:
  - (a) the authority's or body's compliance with the Act and this instrument; and
  - (b) for an authority or body for a non-government school—the financial administration of the authority or body; and
  - (c) for an approved authority for a non-government school—the financial administration of the school.
- (3) The authority or body must allow the authorised person to take extracts from, or make copies of, the records.
- (4) An approved authority, block grant authority or non-government representative body for a non-government school must allow an authorised person to have the following for a purpose mentioned in subsection (2) or (3):
  - (a) full and free access to any premises occupied by the authority or body in its capacity as such an authority or body;
  - (b) for an approved authority for a non-government school—full and free access to the school, and a location of the school:
    - (i) to inspect the school; and
    - (ii) to count students at the school.
- (5) An approved authority, block grant authority or non-government representative body for a school must give or arrange for any help that the authorised person requires in exercising a power under this section.



- (6) An authority or body is not required to comply with subsections (2) to (5) unless:
  - (a) the authorised person gives reasonable notice to the authority or body of any access required under subsection (2) or (4); and
  - (b) that access occurs at reasonable times.
- (7) An authorised person must seek and consider the views of the relevant authority or body on any access required by the authorised person under subsection (2) or (4).

### **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, in writing, by the Minister or authorised person that relate to the following:
  - (a) the authority's or body's compliance with the Act and this instrument;
  - (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 in writing by the Minister or the authorised person.

### **40 Requirement to keep Minister informed**

An approved authority, block grant authority or non-government representative body for a school must notify the Minister, in writing, if there are any changes to:

- (a) any information in the authority's or body's approval under Part 6 of the Act; or
- (b) for an authority (other than an approved system authority) or body for a non-government school—any of the key individuals of the authority or body; or
- (c) for an approved system authority—a person who is, or who is acting in the capacity of, the Chief Executive Officer (however described) or Chief Finance Officer (however described) of the authority.

## Division 3—Ongoing policy requirements for approved authorities

### Subdivision A—Implementing a curriculum

#### 42 Implementing a curriculum

- (1) For the purposes of paragraph 77(2)(b) of the Act, an approved authority for a school must implement at the school:
  - (a) the Australian Curriculum that is authorised by the Ministerial Council and as existing from time to time; or
  - (b) if ACARA assesses another curriculum as allowing comparable outcomes to the Australian Curriculum authorised by the Ministerial Council, and that curriculum is included in ACARA's Recognition Register as existing from time to time—that curriculum.

Note: In 2023, the Australian Curriculum could be viewed at <https://v9.australiancurriculum.edu.au> and ACARA's Recognition Register could be viewed on ACARA's website (<http://www.acara.edu.au>).

- (2) An approved authority for a school must fully implement a curriculum mentioned in subsection (1) in learning areas, and by the times, agreed by the Ministerial Council from time to time.
- (3) An approved authority for a school fully implements a curriculum at a school by teaching, assessing and reporting on student achievement using the content and achievement standards in the curriculum.

### Subdivision B—National assessment program

#### 43 Student assessments

##### *Participation in the NAP*

- (1) For the purposes of paragraph 77(2)(c) of the Act, an approved authority for a school ensures that the school participates in the NAP by requiring that:
  - (a) the assessments mentioned in column 1 of items 1 to 3 of the following table are undertaken; and
  - (b) any other assessments mentioned in column 1 of items 4 to 9 of that table are undertaken if the school is selected in a sample; and
  - (c) the assessments mentioned in column 1 of an item of that table are undertaken by the students at the school mentioned in column 3 of that item; and
  - (d) other assessments are undertaken as agreed by the Ministerial Council.

Note: In 2023, the other assessments mentioned in paragraph (d) are outlined on the NAP website (<http://www.nap.edu.au>).

<b>Assessments</b>			
<b>Item</b>	<b>Column 1 Assessments</b>	<b>Column 2 How frequently the assessments must be undertaken</b>	<b>Column 3 Who must undertake the assessments</b>
1	NAP annual assessment in reading, writing and language conventions	Once a year	Students in each of years 3, 5, 7 and 9
2	NAP annual assessment in numeracy	Once a year	Students in each of years 3, 5, 7 and 9
3	NAP annual assessment in science literacy	Once a year from the year determined by the Ministerial Council	Students in each of the years determined by the Ministerial Council
4	NAP sample assessment in science literacy	Once in 2015 and in each year determined by the Ministerial Council	Selected students in year 6
5	NAP sample assessment in civics and citizenship	Once in 2016 and in each year determined by the Ministerial Council	Selected students in years 6 and 10
6	NAP sample assessment in ICT literacy	Once in 2017 and in each year determined by the Ministerial Council	Selected students in years 6 and 10
7	PISA assessment in reading, mathematical and scientific literacy, and innovation	Once every 3 years beginning in 2015	Selected students aged 15
8	TIMSS assessment in mathematics and science	Once every 4 years beginning in 2015	Selected students in years 4 and 8
9	PIRLS assessment in reading literacy	Once every 5 years beginning in 2016	Selected students in year 4

- (2) The assessments must be undertaken:
- (a) with the frequency mentioned in column 2 of the relevant item of the table in subsection (1); and
  - (b) no later than a day or days determined by the Minister.

Note: The performance of students in the assessments is reported under section 53.

*Provision of information*

- (3) For the purposes of paragraph 77(2)(f) of the Act, an approved authority for a school must provide to ACARA the following information about each student at the school who is required to undertake an assessment mentioned in column 1 of items 1 to 6 of the table in subsection (1):
- (a) the student's result in the assessment, or if the student did not undertake the assessment, an indication of that fact;
  - (b) the information specified in:
    - (i) the Data Standards Manual: Student Background Characteristics; and
    - (ii) for an assessment mentioned in column 1 of items 1 and 2 of that table—the NAPLAN Online Data Extract Dictionary.

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- (4) The information mentioned in subsection (3) must be provided to ACARA:
  - (a) no later than the day or days determined in writing by the Minister; and
  - (b) in a way or ways (if any) determined in writing by the Minister.
- (5) An approved authority for a school must participate in all activities associated with the NAP in accordance with any written directions of the Minister.
- (6) For the purposes of subsection (5), the Minister may give a written direction to an approved authority for a school.

**Subdivision C—Information relating to a school’s census**

**46 Providing information about a school’s census**

- (1) For the purposes of paragraph 77(2)(f) of the Act, an approved authority for a school must provide information each year to the Secretary relating to the school’s census in accordance with this section.
- (2) The approved authority for a school must provide the relevant information mentioned in sections 47 to 50.
- (3) The information must be included in a census return:
  - (a) for each location of the school; and
  - (b) in the form and manner approved in writing by the Secretary.
- (4) A single census return provided by an approved authority for more than one school may include the information for more than one school.
- (5) A census return for a year for a non-government school must be given to the Secretary:
  - (a) no later than 7 days after the school’s census day for the year; or
  - (b) if the Secretary, in writing, allows a longer period (whether before or after the end of the period mentioned in paragraph (a))—before the end of that longer period.
- (6) A census return for a year for a government school must be given to the Secretary by the day determined in writing by the Minister.

**47 Government schools—information about the schools**

The following information about government schools located in a State or Territory must be included in a census return for the schools for a year:

- (a) the name of each school;
- (b) the street address of each location of each school;
- (c) the years of schooling offered by each school;
- (d) whether each school is a primary school, a secondary school or a combined school;
- (e) whether each school is a special school or a special assistance school.

#### **48 Government schools—information about students**

- (1) The following information about students included in government schools' census day enrolments for a year must be included in a census return for the schools for the year:
  - (a) the number of students at each school for the year;
  - (b) for each year of schooling at each school—the number of students at the school in each of the following categories:
    - (i) Aboriginal and Torres Strait Islander students;
    - (ii) distance education students.

Note: For the number of students at a school for the year, see section 9A.

- (2) For each year of schooling, the number of:
  - (a) overseas students; and
  - (b) students who hold or are included in a visa in force under the *Migration Act 1958*;included in government schools' census day enrolments for a year must also be included in a census return for the schools for the year.
- (3) An overseas student is taken to be a student for the purposes of subsection (2).
- (4) Information must not explicitly identify any student.
- (5) Paragraph 46(3)(a) does not apply in relation to the information mentioned in subparagraph (1)(b)(ii) of this section.

#### **49 Non-government schools—information about the school**

The following information about a non-government school must be included in the school's census return for a year:

- (a) the name of the school;
- (b) the street address of each location of the school;
- (c) the postal address of the school;
- (d) the school's email address;
- (e) the years of schooling offered by the school;
- (f) whether the school is a primary school, a secondary school or a combined school;
- (g) whether the school is a special school or a special assistance school;
- (h) the number of staff at the school in the following categories on the school's census day for the year:
  - (i) teaching staff;
  - (ii) staff who are not teaching staff;
  - (iii) full-time staff;
  - (iv) part-time staff;
  - (v) full-time equivalent staff;
  - (vi) Aboriginal and Torres Strait Islander staff;

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- (vii) if the school is a combined school—full-time equivalent staff providing primary education and full-time equivalent staff providing secondary education;
- (viii) if students board at the school—full-time equivalent staff with boarding duties and full-time equivalent staff without boarding duties.

**50 Non-government schools—information about students**

- (1) The following information about students included in a non-government school's census day enrolment for a year must be included in the school's census return for the year:
  - (a) the number of students at the school for the year, and the number of full-time and part-time students at the school for the year;
  - (b) for each year of schooling—the number of students at the school in each category that is defined by reference to the following characteristics as specified, in writing, by the Secretary:
    - (i) age;
    - (ii) sex;
    - (iii) Aboriginal and Torres Strait Islander students;
    - (iv) distance education students;
    - (v) students who board.

Note: For the number of students at a school for the year, see section 9B.

- (2) For each year of schooling, the number of:
  - (a) overseas students; and
  - (b) students who hold or are included in a visa in force under the *Migration Act 1958*;included in a non-government school's census day enrolment for a year must also be included in the school's census return for the year.
- (3) An overseas student is taken to be a student for the purposes of subsection (2).
- (4) Information must not explicitly identify any student.
- (5) Paragraph 46(3)(a) does not apply in relation to the information mentioned in subparagraph (1)(b)(iv) of this section.

**Subdivision D—Information for the purposes of a national program to collect data on schools and school education**

**52 Information for the purposes of a national program to collect data on schools and school education**

- (1) For the purposes of paragraph 77(2)(f) of the Act, an approved authority for a school must provide information mentioned in sections 53 to 58B in relation to the school.
- (2) Information mentioned in section 53 must be given to the Minister:
  - (a) no later than:

- (i) if the Minister determines, in writing, a day or days—that day or those days; or
  - (ii) otherwise—a day or days that will allow publication of the report within one year after the end of each year; and
  - (b) in a way or ways (if any) determined in writing by the Minister.
- (3) Information mentioned in sections 55 to 57 must be given to ACARA:
- (a) no later than:
    - (i) if ACARA determines, in writing, a day or days—that day or those days; or
    - (ii) otherwise—a day or days that will allow publication of the report within one year after the end of each year; and
  - (b) in a way or ways (if any) determined in writing by ACARA.
- (4) Information mentioned in section 58A must be given:
- (a) to the Department, or a person determined in writing by the Minister for the purposes of this paragraph; and
  - (b) by the day determined in writing by the Minister; and
  - (c) in the way determined in writing by the Minister.
- (5) In determining a matter under subsection (4), the Minister must have regard to the Ministerial Council disability guidelines for the year.
- (6) Information mentioned in section 58B must be given:
- (a) to the Department; and
  - (b) by the day determined in writing by the Minister; and
  - (c) in the way determined in writing by the Minister.
- (7) The Minister may, in writing, determine a period (the *reporting period*) to which information, or a specified class of information, must relate.

### 53 Required information—performance measures

The performance measures for students at a school set out in the following table must be provided as mentioned in section 52.

Performance measures	
Item	Performance measures
1	<p>The performance measures for English literacy are:</p> <ul style="list-style-type: none"><li>(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</li><li>(b) the percentage of students, during the reporting period, in each of those years in each of the following categories:<ul style="list-style-type: none"><li>(i) students who participated in those assessments;</li><li>(ii) students who were absent from those assessments;</li><li>(iii) students who were exempted from those assessments;</li><li>(iv) students who were withdrawn from those assessments; and</li></ul></li><li>(c) the NAP mean scale scores for reading, writing and language conventions for the</li></ul>

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**Performance measures**

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<b>Item</b>	<b>Performance measures</b>
	reporting period; and (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.
2	The performance measures for numeracy and mathematics are: (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 (b) the percentage of students, during the reporting period, in each of those years in each of the following categories: (i) students who participated in that assessment; (ii) students who were absent from that assessment; (iii) students who were exempted from that assessment; (iv) students who were withdrawn from that assessment; and (c) the NAP mean scale scores for numeracy for the reporting period; and (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.
3	The performance measures for science are: (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 (b) for the year determined by the Ministerial Council and for each later year, the percentage of students in each of those years at each level of proficiency in the NAP annual assessment in science literacy for the reporting period, including specific reference to the national minimum standards; and (c) for paragraph (b), the percentage of students, during the reporting period, in each of the years determined in each of the following categories: (i) students who participated in that assessment; (ii) students who were absent from that assessment; (iii) students who were exempted from that assessment; (iv) students who were withdrawn from that assessment; and (d) for paragraph (b), the NAP mean scale scores for science literacy for the reporting period; and (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.
4	The performance measures for civics and citizenship are the percentages of selected students achieving at or above the proficient standard for the NAP sample assessment in civics and citizenship, which is set at the following levels for the reporting period: (a) for students in year 6—level 2;



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**Performance measures**

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Item	Performance measures
	(b) for students in year 10—level 3.
5	The performance measures for ICT literacy are the percentages of selected students achieving at or above the proficient standard for the NAP sample assessment in ICT literacy, which is set at the following levels for the reporting period: (a) for students in year 6—level 3; (b) for students in year 10—level 4.
6	The performance measure for vocational education and training is the percentage of selected students aged 15 to 19 years who successfully completed at least one unit of competency as part of a vocational education and training qualification at the Australian Qualifications Framework Certificate II or above during the reporting period.
7	The performance measures for student participation are: (a) the attendance rate for students in the reporting period; and (b) the proportion of students who attended school 90% or more of the time during the reporting period; and (c) the apparent retention rates from year 10 to year 12 for the reporting period.

Note 1: See subsection 4(2) for who may be taken into account for the purposes of determining the attendance rate at a school.

Note 2: An approved authority for a school is not required to provide the performance measures for an assessment mentioned in any of items 4 to 8 of the table in subsection 43(1) unless the school is selected in the sample for the assessment.

**54 Form of information—performance measures**

- (1) The percentages mentioned in paragraphs (a) and (b) of items 1 and 2, paragraphs (a) to (c) of item 3, and items 4 and 5, of the table in section 53 must be in a form that enables the publication of information to be broken down into the following categories:
  - (a) sex;
  - (b) Aboriginal and Torres Strait Islander students;
  - (c) socioeconomic background;
  - (d) language background;
  - (e) disability;
  - (f) geographic location.
- (2) The percentages mentioned in paragraph (d) of item 1, paragraphs (d) and (e) of item 2 and paragraphs (e) and (f) of item 3, and the information mentioned in item 7, of the table in section 53 must be in a form that enables the publication of information to be broken down into the following categories:
  - (a) sex;
  - (b) Aboriginal and Torres Strait Islander students;
  - (c) socioeconomic background;
  - (d) geographic location;
  - (e) either:
    - (i) students in each of years 1 to 10; or
    - (ii) ungraded primary or secondary students.

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- (3) In subsections (1) and (2):
- (a) the categories mentioned in paragraphs (1)(a) to (e) and (2)(a) to (c) are as described in the Data Standards Manual: Student Background Characteristics; and
  - (b) the category mentioned in paragraphs (1)(f) and (2)(d) is as approved by the Ministerial Council at its meeting in July 2001.

### 55 Required information—general information

The following information about a school must be provided as mentioned in section 52:

- (a) a short statement about the school that may include information about any of the following matters:
  - (i) the school's mission;
  - (ii) the school's values;
  - (iii) the school's focus;
  - (iv) the school's philosophy;
  - (v) the school's achievements;
  - (vi) the school's curriculum strengths;
  - (vii) any specialist programs offered by the school;
  - (viii) any student welfare programs offered by the school;
  - (ix) any extracurricular activities offered by the school;
  - (x) affiliations (if any) of the school;
- (b) whether the school is part of the Catholic school sector, the independent school sector or the government school sector;
- (c) the number of teaching staff at the school during the reporting period, including:
  - (i) the number of teaching staff, and full-time equivalent teaching staff, at the school; and
  - (ii) the positions of teaching staff at the school; and
  - (iii) the number of teaching staff at the school at each level of the Australian Professional Standards for Teachers;
- (d) the number of staff who are not teaching staff at the school during the reporting period, including the number of full-time equivalent staff who are not teaching staff at the school;
- (e) a statement about whether students, parents and teachers were satisfied with the school during the reporting period, including (if applicable) data collected using the National School Opinion Survey;
- (f) a statement of the financial information for a school during the reporting period that complies with the *My School Financial Reporting: Key Principles and Methodology*, as existing from time to time.

Note: In 2023, the *My School Financial Reporting: Key Principles and Methodology* could be viewed on the *My School* website (<http://www.myschool.edu.au>).

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## 56 Required information—information about a school’s students

The following information about a school’s students must be provided as mentioned in section 52:

- (a) the total number of full-time equivalent students at the school during the reporting period;
- (b) the number of students at the school during the reporting period who have a language background other than English;
- (c) the attendance rate for students at the school during the reporting period;
- (d) the attendance rate for each of the following categories during the reporting period:
  - (i) sex;
  - (ii) year of schooling;
  - (iii) Aboriginal and Torres Strait Islander students;
- (e) student results, which do not identify students, from each of the NAP annual assessments at the school for each of the years required to undertake the assessments;
- (f) any other information that is specified in the Data Standards Manual: Student Background Characteristics, but not so as to explicitly identify any student.

Note: See subsection 4(2) for who may be taken into account for the purposes of determining the attendance rate at a school.

## 57 Required information—secondary schools and combined schools

For a secondary school or a combined school, the following information must be provided as mentioned in section 52:

- (a) the number of students at the school who participated in vocational education and training during the reporting period, including for each of those students:
  - (i) the number who were enrolled in a vocational education and training course (if any); and
  - (ii) the number of vocational education and training qualifications (if any) that were completed; and
  - (iii) the level of vocational education and training qualifications (if any) that were completed; and
  - (iv) the industry with which each vocational education and training course enrolled in was associated;
- (b) the number of students at the school who undertook a school-based apprenticeship during the reporting period;
- (c) the number of students at the school who undertook a school-based traineeship during the reporting period;
- (d) the number of students at the school who attained year 12 (or an equivalent level) during the reporting period;
- (e) the number of students at the school who at the end of their schooling completed a qualification other than year 12 (or an equivalent level) during the reporting period;

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- (f) a statement of the tertiary entrance results (if any) of students at the school after the end of the students' schooling;
- (g) a statement of the destination of students at the school after the end of the students' schooling.

**58 Form of information—information required under sections 55 to 57**

The Minister may, by legislative instrument, determine categories into which information, or a class of information, required under sections 55 to 57 is to be broken down.

**58A Required information—students with disability**

- (1) The information in subsection (2) must be provided, as mentioned in section 52, in relation to each student with disability at the school.
- (2) The information is:
  - (a) the student's category of disability; and
  - (b) the student's level of adjustment; and
  - (c) the student's year of schooling; and
  - (d) if the student is not undertaking a full-time study load, the fraction of the full-time study load that the student is undertaking; and
  - (e) any other information required, by the Ministerial Council disability guidelines for the year, to be reported; and
  - (f) any other information determined by the Minister, by legislative instrument, for the purposes of this paragraph.
- (3) An overseas student is taken to be a student for the purposes of this section.
- (4) The information must not explicitly identify a student.
- (5) If a school has more than one location, the information mentioned in subsections (1) and (2) must be provided for each location of the school.
- (6) In this section:

*category of disability* has the same meaning as in the Ministerial Council disability guidelines for a year.

*level of adjustment* has the same meaning as in the Ministerial Council disability guidelines for a year.

**58B Required information—information about students at certain schools**

- (1) The information in subsection (2) must be provided, as mentioned in section 52, in relation to each student at a school unless the school is:
  - (a) a government school; or
  - (b) a special school; or
  - (c) a special assistance school; or
  - (d) a school that is a majority Aboriginal and Torres Strait Islander school for a year; or

- (e) a sole provider school.
- (2) The information is:
  - (a) the name and residential address of each person responsible for the student; and
  - (b) the residential address of the student; and
  - (c) whether the student is a distance education student; and
  - (d) whether the student is a primary student or secondary student; and
  - (e) whether the student boards at the school; and
  - (f) any other information determined by the Minister, by legislative instrument, for the purposes of this paragraph.
- (3) If the school has more than one location, the information must be provided for each location of the school.

### **Subdivision E—Reports to persons responsible for students at a school**

#### **59 Student reports**

- (1) For the purposes of paragraph 77(2)(f) of the Act, an approved authority for a school must provide a report to each person responsible for each student at the school in accordance with this section.
  - (2) A report must be readily understandable to a person responsible for a student at the school.
  - (3) A report must be given to each person responsible for the student at least twice a year.
  - (4) For a student who is in any of years 1 to 10, the report must:
    - (a) give an accurate and objective assessment of the student's progress and achievement, including an assessment of the student's achievement:
      - (i) against any available national standards; and
      - (ii) relative to the performance of the student's peer group; and
      - (iii) reported as A, B, C, D or E (or on an equivalent 5 point scale) for each subject studied, clearly defined against specific learning standards; or
    - (b) contain the information that the Minister determines is equivalent to the information in paragraph (a).
- Note: An approved authority for a school may have obligations under the *Privacy Act 1988* in providing information.
- (5) For the purposes of paragraph (4)(b), the Minister may, in writing, determine information that the Minister considers is equivalent to the information in paragraph (4)(a).

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**Subdivision F—Making information publicly available annually**

**60 Making information publicly available annually**

- (1) For the purposes of paragraph 77(2)(f) of the Act, an approved authority for a school must make the following information about a school for a year publicly available within 6 months after the end of the year:
- (a) contextual information about the school, including the characteristics of students at the school;
  - (b) teacher standards and qualifications (as mandated in the State or Territory in which the school is located);
  - (c) workforce composition, including Aboriginal and Torres Strait Islander composition;
  - (d) student attendance at the school, including:
    - (i) the attendance rates for each year of schooling; and
    - (ii) a description of how non-attendance is managed by the school;
  - (e) student results in NAP annual assessments;
  - (f) parent, student and teacher satisfaction with the school, including (if applicable) data collected using the National School Opinion Survey;
  - (g) school income broken down by funding source;
  - (h) for a school that provides secondary education:
    - (i) senior secondary outcomes, including the percentage of year 12 students undertaking vocational training or training in a trade and the percentage of year 12 students attaining a year 12 certificate or equivalent vocational education and training qualification; and
    - (ii) post-school destinations.

Note 1: The information need not be made separately publicly available for the purposes of this section if it has been made publicly available for some other purpose, provided that subsection (3) is also complied with.

Note 2: See subsection 4(2) for who may be taken into account for the purposes of determining the attendance rate at a school.

- (2) The information mentioned in subsection (1) is the minimum information required, and this section does not prevent the approved authority for a school from making other information publicly available.
- (3) The approved authority for a school must:
- (a) make the information publicly available on the internet; and
  - (b) make arrangements to provide the information, on request, to a person who is responsible for a student at the school and is unable to access the internet.

Note: The approved authority for a school may have obligations under the *Privacy Act 1988* in providing information.

## **Division 4—Ongoing policy requirements for block grant authorities and non-government representative bodies**

### **62 Information to the public about financial assistance**

- (1) For the purposes of paragraphs 85(2)(c) and 93(2)(d) of the Act, a block grant authority, or non-government representative body, for a non-government school must publish the following information each year:
  - (a) for a block grant authority:
    - (i) the amount of financial assistance (if any) provided in the year under Division 2 of Part 5 of the Act (capital funding) to the authority; and
    - (ii) the application of that financial assistance;
  - (b) for a non-government representative body:
    - (i) the amount of financial assistance (if any) provided in the year under Division 4 of Part 5 of the Act (funding for non-government representative bodies) to the body; and
    - (ii) the application of that financial assistance;
  - (c) information about the way or manner in which a school applies for financial assistance;
  - (d) how decisions of the authority or body to allocate financial assistance are reviewed.

Note: For example, information mentioned in this subsection may be published on the internet.

- (2) The information mentioned in subsection (1) is the minimum information required, and this section does not prevent the authority or body from making other information publicly available.

Note: The authority or body may have obligations under the *Privacy Act 1988* in providing information.

## **Division 5—Former approved authorities and bodies**

### **62A Continuing requirements**

- (1) For the purposes of subsection 96A(1) of the Act, this section prescribes requirements that must be met by a person who was:
  - (a) an approved authority for a school; or
  - (b) a block grant authority for a school; or
  - (c) a non-government representative body for a school.
- (2) The person must meet the requirements set out in Division 2 as if:
  - (a) section 36, subsections 37(1), (2) and (4) and section 38 applied in relation only to a year in which the person spent, or committed to spend, financial assistance provided under the Act; and
  - (b) section 40 were omitted.



## Part 6—Actions Minister may take for failure to comply with the Act or this instrument, and to require amounts to be repaid

### 63 Limits on recovery of overpayments, recoverable payments and other unpaid amounts

This section prescribes, for the purposes of subsection 110(3) of the Act, limits on amounts that may be determined under paragraph 110(1)(a) or (b) of the Act (actions the Minister may take for failure to comply with the Act).

<b>Limits on recovery of overpayments, recoverable payments and other unpaid amounts</b>		
<b>Item</b>	<b>If Division 2 of Part 8 of the Act applies to a State or Territory because ...</b>	<b>the amount that may be determined by the Minister under paragraph 110(1)(a) or (b) of the Act must not exceed ...</b>
1	as mentioned in subsection 109(1) of the Act, the Commonwealth makes an overpayment under the Act to the State or Territory	the amount of the excess referred to in paragraph (b) of the relevant subsection in section 9 of the Act (definition of <i>overpayment</i> ).
2	as mentioned in subsection 109(2) of the Act, the Commonwealth makes a recoverable payment under the Act to the State or Territory	the amount of the recoverable payment.
3	as mentioned in paragraph 109(3)(b) of the Act, the whole or part of an amount has not been repaid	the amount that has not been repaid as mentioned in paragraph 109(3)(b) of the Act.

### 64 Recovering capital funding when a school ceases to provide education

- (1) For the purposes of subsection 109(4) of the Act, an amount (the *capital funding amount*) of financial assistance, mentioned in paragraph 109(4)(a) of the Act, that is provided for a school is recoverable if:
- the capital funding amount is included in column 1 of an item of the table in this subsection; and
  - the school ceases to provide any primary education or secondary education in the period mentioned in column 2 of that item.

<b>When a capital funding amount may be recovered</b>		
<b>Item</b>	<b>Column 1 Capital funding amount</b>	<b>Column 2 Designated use period</b>
1	\$75,001 to \$500,000	2 years plus one additional year for each \$50,000 of financial assistance that is over \$100,000
2	\$500,001 to \$1.5 million	10 years plus one additional year for every \$100,000 of financial assistance that is over \$500,000

**Part 6** Actions Minister may take for failure to comply with the Act or this instrument, and to require amounts to be repaid

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### When a capital funding amount may be recovered

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<b>Item</b>	<b>Column 1 Capital funding amount</b>	<b>Column 2 Designated use period</b>
3	Over \$1.5 million	20 years

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- (2) If the school ceases to provide primary education or secondary education during the first half of the period specified in column 2 of an item in the table in subsection (1), the amount specified under paragraph 110(1)(a) or (b) of the Act must not exceed the capital funding amount.

Note 1: Paragraphs 110(1)(a) and (b) of the Act allow the Minister to require a State or Territory to repay an amount and reduce the amount that is payable to a State or Territory.

Note 2: Subsections (2) and (3) are prescribed for subsection 110(3) of the Act.

- (3) If the school ceases to provide primary education or secondary education during the second half of the period specified in column 2 of an item of the table in subsection (1), the amount specified under paragraph 110(1)(a) or (b) of the Act must not exceed the amount that remains if, each year in the second half of the period, the capital funding amount were reduced by equal proportions.

Example: Financial assistance of \$2 million is provided to a block grant authority to build a school building for a primary school. If the school ceases to provide primary education during the 10 year period after the financial assistance is provided, the entire amount may be recovered by the Commonwealth. For each year following that 10 year period, the amount that may be recovered by the Commonwealth reduces by 10%.

- (4) In determining a period for the purposes of subsection (2) or (3), round the period to the nearest full year.

## Part 7—Miscellaneous

### 65 Using or disclosing school education information

- (1) For the purposes of paragraph 125(1)(a) of the Act, the Minister may use or disclose school education information for the following purposes:
  - (a) the purposes of the Act or this instrument;
  - (b) the National School Resourcing Board;
  - (c) programs administered by the Minister;
  - (d) research into matters of relevance to the Department;
  - (e) statistical analysis of matters of relevance to the Department;
  - (f) policy development;
  - (g) any other purpose determined under subsection (4).
- (2) The Minister may also disclose school education information to the following persons or bodies for the following purposes:
  - (a) ACARA for the purposes of its functions;
  - (b) the Australian Bureau of Statistics for the purposes of its functions;
  - (c) the Productivity Commission for the purposes of its functions;
  - (d) a State or Territory body responsible for school education in the State or Territory, for the purposes of its functions;
  - (e) any other person or body determined under subsection (4) for the purposes determined by the Minister.
- (3) Without limiting subsection (1) or (2), the Minister may disclose school education information to the Australian Bureau of Statistics for the purposes of its assistance in determining a CTC score for a school.

Note: For requirements in relation to information disclosed by the Australian Bureau of Statistics: see the *Census and Statistics Act 1905*.
- (4) The Minister may, by legislative instrument, determine any one or more of the following:
  - (a) a purpose for the purposes of paragraph (1)(g);
  - (b) a person, body or purpose for the purposes of paragraph (2)(e).
- (5) To avoid doubt, this section does not limit any other lawful use or disclosure of school education information.

### 66 Giving notice to persons of proposed decisions

- (1) This section applies if the Minister proposes to make any of the following decisions:
  - (a) a decision to make a determination under subsection 76(2) of the Act (approved authorities for government schools not taken to satisfy basic requirements);
  - (b) a decision to take action under paragraph 110(1)(a) or (b) of the Act in relation to a State or Territory because of a matter mentioned in section 108

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of the Act (actions the Minister may take for failure to comply with the Act).

- (2) The Minister must, in writing, give the person mentioned in subsection (3) a notice that:
    - (a) contains:
      - (i) the terms of the proposed decision; and
      - (ii) the reasons for the proposed decision; and
    - (b) invites the person to make a submission about the proposed decision within the period specified in the notice (which must be at least 28 days).
  - (3) The person who must be given a notice under subsection (2) is:
    - (a) the relevant person for the decision; or
    - (b) for a decision under subsection 76(2) of the Act—the approved authority.
- Note: For the definition of *relevant person*, see section 6 of the Act.
- (4) For the purposes of paragraph 130(2)(b) of the Act, in making the final decision, the Minister must have regard to any submission made in accordance with this section in relation to the decision.

## **Part 8—Application and transitional provisions**

### **67 Application of this instrument etc.**

- (1) This instrument applies in relation to 2023 and later years.
- (2) Despite the repeal of the 2013 regulations by this instrument, those regulations, as in force immediately before the commencement of this section, continue to apply on and after that commencement in relation to 2022 and earlier years as if the repeal had not happened.

### **68 Things done under the 2013 regulations**

- (1) If:
  - (a) a thing was done for a particular purpose under the 2013 regulations before the commencement of this section; and
  - (b) the thing could be done for that purpose under this instrument;the thing has effect for the purposes of this instrument as if it had been done for that purpose under this instrument.
- (2) Without limiting subsection (1), a reference in that subsection to a thing being done includes a reference to a notice, application or other instrument being given or made.

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## Schedule 1—Funding in prescribed circumstances

Note: See section 25A.

### Part 1—Additional support for Northern Territory government schools

#### 1 Circumstances

- (1) For the purposes of subsection 69B(1) of the Act, the circumstances for a school for a relevant transition year are:
  - (a) the school is a government school located in the Northern Territory; and
  - (b) the approved authority for the school has entered into an arrangement with the Minister relating to the use of financial assistance payable under subsection 69B(1) of the Act.
- (2) In this Part:

*relevant transition year* means any of the years from 2018 to 2027 (inclusive).

#### 2 Amounts payable

*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 relevant transition years, taken together, in relation to the circumstances mentioned in clause 1, is \$78.453 million.

#### 3 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 69B(1) of the Act in the circumstances mentioned in clause 1:
  - (a) for the purpose of supporting school education; and
  - (b) in accordance with the arrangement mentioned in paragraph 1(1)(b).
- (2) Financial assistance mentioned in subclause (1) 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) as otherwise directed in writing by the Minister.
- (3) For the purposes of paragraph (2)(b) of this clause, the Minister may give written directions to an approved authority.
- (4) 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.

## **Part 2—Additional financial assistance and adjustment funding for non-government schools**

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

#### **4 Circumstances**

For the purposes of subsection 69A(1) of the Act, the circumstances for a school for 2018 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; and
- (c) the school's Commonwealth share for that year is greater than 80%.

#### **5 Amounts payable**

*Total amount of funding for 2018*

- (1) For the purposes of paragraph 69A(4)(a) of the Act, the total of the amounts determined by the Minister for 2018 in relation to the circumstances mentioned in clause 4 is the sum of the total amounts determined by the Minister under subclause (2).

*Maximum amount of funding for a particular school for 2018*

- (2) For the purposes of paragraph 69A(2)(b) of the Act, the total of the amounts determined by the Minister for a school for 2018, in relation to the circumstances mentioned in clause 4, must not exceed the difference between:
  - (a) the amount payable under section 32 of the Act for the school for that year; and
  - (b) the amount worked out using the following formula:

$$\frac{\text{Per-student amount for the school for 2017}}{\text{Number of students at the school for 2018}} \times 103\% \times \text{Number of students at the school for 2018}$$

- (3) In this Division:

**2017 recurrent funding** for an approved authority means the amount worked out under subsection 35B(3) of the Act for the approved authority.

**per-student amount** for a school for 2017 means:

- (a) if the school is specified in column 1 of an item in the table in clause 1 of Schedule 2—the amount specified in column 2 of the item; or
- (b) otherwise—the 2017 recurrent funding for the school's approved authority divided by the number of students at the schools of the approved authority for 2017.

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**6 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 4:
  - (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 instrument have effect as if a reference in those subsections to subsection (1) included a reference to subclause (1).
- (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—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 \$36.49 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 instrument 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), 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.

## **Part 3—Adjustment assistance for ACT non-government schools**

### **11 Circumstances**

(1) For the purposes of subsection 69B(1) of the Act, the circumstance for a school for a relevant transition year is that the school is a non-government school located in the Australian Capital Territory.

(2) In this Part:

*relevant transition year* means any of the years from 2018 to 2027 (inclusive).

### **12 Amounts payable**

*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 relevant transition years, taken together, in relation to the circumstances mentioned in clause 11, is \$46.073 million.

### **13 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 69B(1) of the Act in the circumstances mentioned in clause 11:

- (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 instrument have effect as if a reference in those subsections to subsection (1) included a reference to subclause (1).

(3) Financial assistance mentioned in subclause (1) must be spent, or committed to be spent:

- (a) before 2028; 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.

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

### **14 Circumstances**

For the purposes of subsection 69A(1) of the Act, the circumstances for a school for 2018 are:

- (a) in 2017 the approved authority for the school was an approved system authority; and
- (b) the SES score for the school for 2017 was specified in the *Australian Education (SES Scores) Determination 2013*.

### **15 Amounts payable**

*Total amount of funding for 2018*

- (1) For the purposes of paragraph 69A(4)(a) of the Act, the total of the amounts determined by the Minister for 2018 in relation to the circumstances mentioned in clause 14 is the sum of the total amounts determined by the Minister under subclause (2).

*Maximum amount of funding for a particular school for 2018*

- (2) For the purposes of paragraph 69A(2)(b) of the Act, the total of the amounts determined by the Minister for a school for 2018, in relation to the circumstances mentioned in clause 14, must not exceed the difference between:
  - (a) the amount payable under section 32 of the Act for the school for 2018; and
  - (b) the amount that would be payable under section 32 of the Act for the school for 2018 if that amount were calculated using the SES score for the school for 2017.

### **16 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 14:
  - (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 instrument have effect as if a reference in those subsections to subsection (1) included a reference to subclause (1).
- (3) Financial assistance mentioned in subclause (1) must be spent, or committed to be spent:
  - (a) before 31 December 2022; or

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

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- (b) as otherwise directed in writing by the Minister.
- (4) For the purposes of paragraphs (1)(b) and (3)(b), 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.

## **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**

- (1) For the purposes of subsection 69A(1) of the Act, prescribed circumstances will apply in relation to a school for 2019 if subclause (2) or (3) applies to the school for 2019.
- (2) This subclause applies to the school for 2019 if:
  - (a) the school is a non-government school at any time during 2019; and
  - (b) subsection 78(6) of the Act applies to the approved authority for the school for 2019; and
  - (c) the school's Commonwealth share for 2019 is more or less than 80%.
- (3) This subclause applies to the school for 2019 if:
  - (a) in 2017 the approved authority for the school was an approved system authority; and
  - (b) the SES score for the school for 2017 was specified in the *Australian Education (SES Scores) Determination 2013*.

#### **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:
  - (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 instrument 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

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

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(b) as otherwise directed in writing by the Minister.

- (4) For the purposes of paragraphs (1)(b) and (3)(b), 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:
  - (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 instrument 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), 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.

## **Part 6—Local Schools Community Fund**

### **23 Circumstances**

For the purposes of subsection 69A(1) of the Act, the circumstance for 2019 or 2020 is that a project for the school has been approved by the Minister, in writing, for the year in accordance with the Local Schools Community Fund Guidelines.

### **24 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 and 2020, taken together, in relation to the circumstances mentioned in clause 23 of this Schedule, is \$30.2 million.

### **25 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 23 of this Schedule:
  - (a) for the purposes of the project mentioned in clause 23 of this Schedule; and
  - (b) in accordance with the Local Schools Community Fund Guidelines or as otherwise directed in writing by the Minister.
- (2) Financial assistance mentioned in subclause (1) must be spent, or committed to be spent:
  - (a) before 1 January 2021; or
  - (b) as otherwise directed in writing by the Minister.
- (3) For the purposes of paragraphs (1)(b) and (2)(b) of this clause, the Minister may give written directions to an approved authority.
- (4) 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.



## **Part 7—Schools Upgrade Fund**

### **Division 1—Targeted Round School Upgrades**

#### **30 Circumstances**

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

- (a) the school is located in a State or Territory that has been affected by the COVID-19 pandemic; and
- (b) there is a need for capital expenditure in relation to the school.

#### **31 Total amount payable**

For the purposes of paragraph 69A(4)(a) of the Act, \$21.6 million is the amount prescribed for 2022 and 2023, taken together, in relation to the circumstances mentioned in clause 30 of this Schedule.

#### **32 Ongoing funding requirements**

- (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 30 of this Schedule:
  - (a) on a project to upgrade the school that was a funding commitment made before the general election in 2022 by the party that formed government after that election; or
  - (b) in accordance with any written directions given by the Minister.
- (2) Financial assistance mentioned in subclause (1) must be spent, or committed to be spent:
  - (a) before 1 January 2024; or
  - (b) as otherwise directed in writing by the Minister.
- (3) For the purposes of paragraphs (1)(b) and (2)(b), the Minister may give written directions to an approved authority.
- (4) 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.

#### **33 Providing information about financial assistance under this Division**

- (1) For the purposes of paragraph 77(2)(f) of the Act, an approved authority for a school must provide to the Secretary information determined, in writing, by the Minister.
- (2) The information must be provided to the Secretary in the manner, and by the day, determined in writing by the Minister.

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- (3) For the purposes of subclauses (1) and (2) of this clause, the Minister may determine:
- (a) information for a specified school or for a class of schools, which must relate to financial assistance that is payable under subsection 69A(1) of the Act in the circumstances mentioned in clause 30 of this Schedule; and
  - (b) the manner in which, and the day by which, such information is to be provided.

## **Division 2—Open Round School Upgrades**

### **34 Circumstances**

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

- (a) the school is located in a State or Territory that has been affected by the COVID-19 pandemic; and
- (b) there is a need for capital expenditure in relation to the school.

### **35 Total amount payable**

For the purposes of paragraph 69A(4)(a) of the Act, \$32 million is the amount prescribed for 2022 and 2023, taken together, in relation to the circumstances mentioned in clause 34 of this Schedule.

### **36 Ongoing funding requirements**

- (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 34 of this Schedule, in accordance with any written directions given by the Minister.
- (2) Financial assistance mentioned in subclause (1) must be spent, or committed to be spent:
  - (a) before 1 January 2024; or
  - (b) as otherwise directed, in writing, by the Minister.
- (3) For the purposes of subclause (1) and paragraph (2)(b), the Minister may give written directions to an approved authority.
- (4) 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.

### **37 Providing information about financial assistance under this Division**

- (1) For the purposes of paragraph 77(2)(f) of the Act, an approved authority for a school must provide to the Secretary information determined, in writing, by the Minister.
- (2) The information must be provided to the Secretary in the manner, and by the day, determined in writing by the Minister.
- (3) For the purposes of subclauses (1) and (2) of this clause, the Minister may determine:
  - (a) information for a specified school or for a class of schools, which must relate to financial assistance that is payable under subsection 69A(1) of the Act in the circumstances mentioned in clause 34 of this Schedule; and

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- (b) the manner in which, and the day by which, such information is to be provided.

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## **Part 8—Adjustment funding for highly disadvantaged independent school students**

### **38 Circumstances**

For the purposes of subsection 69A(1) of the Act, the circumstances for a school for a year from 2023 to 2026 (inclusive) are that:

- (a) the school is a school other than a government school or a Catholic systemic school, and is:
  - (i) a majority Aboriginal and Torres Strait Islander school; or
  - (ii) a special assistance school; or
  - (iii) a special school; and
- (b) the school is included in the table in Schedule 3; and
- (c) the approved authority for the school has provided the information mentioned in section 56 of this instrument that is relevant to working out the school's socio-educational disadvantage loading and low English proficiency loading (the *loading amount*) for the year; and
- (d) the loading amount for the year:
  - (i) is worked out in reliance on the information mentioned in paragraph (c); and
  - (ii) is lower than it would be if the number of students relied upon in working out the loading amount were a number identified by ACARA for the year by using the method it used in 2022 to work out the number of students by the application of fixed percentages.

Note 1: For how a school's socio-educational disadvantage loading is worked out, see section 38 of the Act and section 18 of this instrument.

Note 2: For how a school's low English proficiency loading is worked out, see section 39 of the Act and section 18 of this instrument.

### **39 Amounts payable**

#### *Maximum amounts payable*

- (1) For the purposes of paragraph 69A(2)(b) of the Act, the maximum amount payable for a school for a year under a determination under subsection 69A(1) of the Act in the circumstances mentioned in clause 38 of this Schedule is the following percentage of the base adjustment amount for the school specified in the table in Schedule 3:
  - (a) for 2023—100%;
  - (b) for 2024—75%;
  - (c) for 2025—50%;
  - (d) for 2026—25%.

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*Total amounts payable*

- (2) For the purposes of paragraph 69A(4)(a) of the Act, the following are the amounts that the total of the amounts that the Minister determines under subsection 69A(1) of the Act for a year in the circumstances mentioned in clause 38 of this Schedule must not exceed:
  - (a) for 2023—\$62,774,474;
  - (b) for 2024—\$47,080,856;
  - (c) for 2025—\$31,387,237;
  - (d) for 2026—\$15,693,619.

**40 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 38 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 instrument have effect as if a reference in those subsections to subsection (1) included a reference to paragraph (1)(a) of this clause.
- (3) Financial assistance mentioned in subclause (1) must be spent, or committed to be spent:
  - (a) by the day, or within the period, directed in writing by the Minister; or
  - (b) if there is no such direction—in the year in which the assistance is paid to the approved authority.
- (4) For the purposes of subclause (1) and paragraph (3)(a), 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.

## Schedule 2—Per-student amounts for 2017 for certain schools

Note: See subclause 5(3) of Schedule 1.

### 1 Per-student amounts for 2017 for certain schools

For a school specified in column 1 of an item in the following table, the per-student amount is the amount specified in column 2 of the item.

<b>Per-student amounts for 2017</b>		
<b>Item</b>	<b>Column 1 School</b>	<b>Column 2 Per-student amount for 2017</b>
1	Albury Wodonga Community College (AGEID: 25136)	\$15,892.75
2	Albury Wodonga Community College, Albury (AGEID: 28887)	\$14,867.86
3	Al-Faisal College (AGEID: 15403)	\$8,410.30
4	Al-Faisal College—Campbelltown (AGEID: 30306)	\$8,122.73
5	Al-Faisal College—Liverpool (AGEID: 30305)	\$8,128.03
6	Aspect Central Coast School (AGEID: 4079)	\$12,883.41
7	Aspect Hunter School (AGEID: 3039)	\$12,505.69
8	Aspect Macarthur School (AGEID: 29102)	\$12,546.84
9	Aspect Riverina School (AGEID: 29104)	\$13,841.56
10	Aspect South Coast School (AGEID: 6747)	\$12,231.79
11	Aspect South East Sydney School (AGEID: 15942)	\$12,344.46
12	Aspect Treetop School (AGEID: 30339)	\$13,081.14
13	Aspect Vern Barnett School (AGEID: 3048)	\$11,853.54
14	Aspect Western Sydney School (AGEID: 4280)	\$14,482.80
15	Australian Industry Trade College (AGEID: 28118)	\$8,798.72
16	Australian Industry Trade College—Redlands (AGEID: 30340)	\$8,972.48
17	Australian International Academy, Kellyville Campus (AGEID: 30170)	\$7,346.17
18	Australian International Academy of Education (AGEID: 4270)	\$9,047.18
19	Australian Islamic College (Dianella) (AGEID: 14588)	\$9,161.39
20	Australian Islamic College (Kewdale) (AGEID: 16671)	\$9,651.01
21	Australian Islamic College (Thornlie) (AGEID: 13273)	\$8,553.27
22	Blakes Crossing Christian College (AGEID: 30155)	\$9,077.13
23	Brisbane Boys College (AGEID: 416)	\$3,290.06
24	Broughton Anglican College (AGEID: 5492)	\$7,305.71
25	Calderwood Christian School (AGEID: 80047)	\$11,182.58
26	Calvary Christian College (AGEID: 4228)	\$7,763.45
27	Calvin Christian School (AGEID: 17627)	\$8,679.20
28	Carey Baptist College (AGEID: 15683)	\$6,610.51

**Schedule 2** Per-student amounts for 2017 for certain schools

Clause 1

<b>Per-student amounts for 2017</b>		
<b>Item</b>	<b>Column 1 School</b>	<b>Column 2 Per-student amount for 2017</b>
29	Carey Baptist College—Forrestdale (AGEID: 29930)	\$8,493.58
30	Carinity Education—Glendyne (AGEID: 17689)	\$15,096.38
31	Carinity Education—Rockhampton (AGEID: 30310)	\$20,066.16
32	Carinity Education—Southside (AGEID: 16708)	\$15,742.71
33	Carinya Christian School (AGEID: 3321)	\$11,723.90
34	Carinya Christian School (AGEID: 4263)	\$9,590.92
35	Carmichael College (AGEID: 30254)	\$8,674.59
36	Channel Christian School (AGEID: 30320)	\$11,721.48
38	Chinchilla Christian School (AGEID: 4245)	\$10,156.97
39	Christian Aboriginal Parent-Directed School (AGEID: 2756)	\$21,122.84
40	Christian Aboriginal Parent-Directed School (Caps), Kurrawang (AGEID: 8870)	\$30,225.68
41	Christian Brothers High School (AGEID: 1348)	\$6,682.78
42	Christian Outreach College (AGEID: 4005)	\$7,927.65
43	Citipointe Christian College The Christian Outreach College Brisbane (AGEID: 2531)	\$6,450.58
44	Clayfield College (AGEID: 432)	\$4,679.04
45	Craig Davis College (AGEID: 30001)	\$34,486.86
46	Dalby Christian College (AGEID: 2548)	\$9,644.49
47	Dynamic Alternative Learning Environment (D.A.L.E.) Christian School (AGEID: 16054)	\$23,578.95
48	Dynamic Alternative Learning Environment (D.A.L.E.) Young Parents School (AGEID: 30309)	\$19,687.94
49	EDEN College (AGEID: 29772)	\$27,671.94
50	Edmund Rice College (AGEID: 1379)	\$8,640.24
51	Emmanuel Christian School (AGEID: 30319)	\$13,348.67
52	Endeavour Christian College (AGEID: 29365)	\$16,707.75
53	Frensham School (AGEID: 1381)	\$6,320.87
54	Gib Gate School (AGEID: 1382)	\$6,193.60
55	Groves Christian College (AGEID: 17213)	\$7,768.27
56	Hilliard Christian School (AGEID: 55)	\$12,179.86
57	Hinterland Christian College (AGEID: 5454)	\$10,127.16
58	Illawarra Christian School (AGEID: 14564)	\$8,186.95
59	Key College (AGEID: 16513)	\$20,453.01
60	Kinross Wolaroi School (AGEID: 1410)	\$7,269.64
61	Knox Grammar School (AGEID: 1411)	\$2,339.71
62	Livingstone Christian College (AGEID: 17662)	\$8,325.34
63	Mercedes College (AGEID: 106)	\$7,627.87
64	MLC School (AGEID: 1452)	\$5,208.49



<b>Per-student amounts for 2017</b>		
<b>Item</b>	<b>Column 1 School</b>	<b>Column 2 Per-student amount for 2017</b>
65	Montgrove College (AGEID: 16519)	\$7,573.54
66	Mueller College (AGEID: 17214)	\$8,903.83
67	Muswellbrook Christian School (AGEID: 16412)	\$10,208.30
68	Northern Christian School (AGEID: 84755)	\$13,199.02
69	North West Christian School (AGEID: 2803)	\$13,785.45
70	Pacific Coast Christian School (AGEID: 28198)	\$10,433.21
71	Pacific Hope School (AGEID: 30206)	\$35,077.37
72	Presbyterian Ladies College (AGEID: 1526)	\$4,680.07
73	Presbyterian Ladies' College (PLC) Armidale (AGEID: 1525)	\$8,042.90
74	Pymble Ladies' College (AGEID: 1528)	\$2,771.72
75	Ravenswood School for Girls (AGEID: 1531)	\$2,351.55
76	Redfield College (AGEID: 5601)	\$4,715.28
77	Royal Institute for Deaf and Blind Children (RIDBC) Alice Betteridge School (AGEID: 3040)	\$22,323.88
78	Royal Institute for Deaf and Blind Children (RIDBC) Garfield Barwick School (AGEID: 13283)	\$32,027.62
79	Royal Institute for Deaf and Blind Children (RIDBC) Thomas Pattison School (AGEID: 15957)	\$28,012.00
80	Santa Maria College (AGEID: 232)	\$5,957.48
81	Seaview Christian College (AGEID: 30314)	\$12,909.00
82	Shalom Christian College (AGEID: 13496)	\$21,111.80
83	Somerville House (AGEID: 724)	\$4,045.21
84	St Aloysius College (AGEID: 306)	\$7,056.04
85	St Andrew's Cathedral Gawura School (AGEID: 29067)	\$20,531.80
86	St Andrew's Cathedral School (AGEID: 29275)	\$3,995.34
87	St Andrew's Christian School (AGEID: 16099)	\$12,352.17
88	St Brigid's College (AGEID: 15269)	\$7,565.06
89	St Dominic's College (AGEID: 1632)	\$8,783.93
90	St Edmund's College (AGEID: 2068)	\$7,623.05
91	St Edmund's School (AGEID: 3032)	\$18,635.94
92	St Edward's Christian Brothers College (AGEID: 1636)	\$8,163.92
93	St Gabriel's School for Hearing Impaired Children (AGEID: 3033)	\$17,918.05
94	St John's Anglican College (AGEID: 15331)	\$6,916.01
95	St Joseph's College (AGEID: 1442)	\$5,833.72
96	St Mary's Flexible Learning Centre (AGEID: 30203)	\$20,517.15
97	St Patrick's College (AGEID: 1900)	\$6,189.01
98	St Paul's College (AGEID: 375)	\$8,647.18
99	St Peter's Anglican Primary School (AGEID: 4064)	\$7,027.27
100	St Philip's Christian College (AGEID: 3317)	\$7,404.55

**Schedule 2** Per-student amounts for 2017 for certain schools

Clause 1

<b>Per-student amounts for 2017</b>		
<b>Item</b>	<b>Column 1 School</b>	<b>Column 2 Per-student amount for 2017</b>
101	St Philip's Christian College—Gosford (AGEID: 2398)	\$8,242.95
102	St Philip's Christian College—Port Stephens (AGEID: 14376)	\$8,909.65
103	St Pius X College (AGEID: 1954)	\$6,974.27
104	Staines Memorial College (AGEID: 28858)	\$9,807.41
105	Summerland Christian College (AGEID: 5297)	\$9,888.85
106	Suncoast Christian College (AGEID: 2525)	\$8,181.84
107	Sunshine Coast Grammar School (AGEID: 15407)	\$6,751.92
108	Sydney Grammar School (AGEID: 2021)	\$2,628.37
109	Sydney Grammar School, Edgecliff Preparatory School (AGEID: 2019)	\$2,200.26
110	Sydney Grammar School, St Ives Preparatory School (AGEID: 2020)	\$2,015.11
111	Tangara School for Girls (AGEID: 4021)	\$4,118.78
112	The John Berne School (AGEID: 16089)	\$25,815.45
113	The King's School (AGEID: 2027)	\$4,531.43
114	The Lakes College (AGEID: 22799)	\$7,256.47
115	The Lakes College (AGEID: 80038)	\$30,209.25
116	The Scots College (AGEID: 2029)	\$2,668.66
117	The SCOTS PGC College (AGEID: 738)	\$9,671.91
118	The Scots School (AGEID: 2030)	\$8,243.29
119	The Springfield Anglican College (AGEID: 15361)	\$7,863.66
120	Tom Quinn Community Centre Alternative School (AGEID: 30336)	\$18,348.33
121	Tudor House (AGEID: 2034)	\$6,405.19
122	Victory College (AGEID: 2545)	\$10,282.96
123	Warwick Christian College (AGEID: 26131)	\$12,255.14
124	Waverley College (AGEID: 2039)	\$6,971.43
125	Wesley College (AGEID: 10940)	\$3,743.98
126	Whitsunday Christian College (AGEID: 15362)	\$9,657.91
127	Wollemi College (AGEID: 27644)	\$8,757.75
128	Wollongong Flexible Learning Centre (AGEID: 29962)	\$21,825.19
129	Wongutha Christian Aboriginal Parent-Directed School (AGEID: 13603)	\$27,434.31
130	Yiramalay/Wesley Studio School (AGEID: 29953)	\$48,570.30
131	Youth Outreach Service (YOS) Lawnton (AGEID: 30260)	\$18,179.96

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 3—Adjustment funding for highly disadvantaged independent school students

Note: See paragraph 38(b) and subclause 39(1) of Schedule 1.

### 1 Schools and base adjustment amounts

For a school specified in column 1 of an item in the following table, the base adjustment amount for the school is the amount specified for the item.

<b>Schools and base adjustment amounts</b>		
<b>Item</b>	<b>School</b>	<b>Base adjustment amount</b>
1	Aboriginal and Islander Independent Community School (AGEID: 5894)	\$506,271.00
2	Advance College of Education Incorporated (AGEID: 30348)	\$183,966.00
3	ALESCO Senior College (AGEID: 18110)	\$1,530,351.00
4	Allegra School Coffs Harbour (AGEID: 80023)	\$296,419.81
5	Alta-1 College—Western Australia (AGEID: 26753)	\$3,115,724.00
6	Alta-1 College—Queensland (AGEID: 30253)	\$270,612.00
7	Alta-1 Kimberley College (AGEID: 87600)	\$60,673.00
8	Andale School (AGEID: 3054)	\$121,346.00
9	Arcadia College (AGEID: 30013)	\$1,205,473.26
10	Arethusa College (AGEID: 28541)	\$4,194,075.00
11	Arise Christian College (AGEID: 86498)	\$148,792.00
12	Aspect Central Coast School (AGEID: 4079)	\$561,263.00
13	Aspect Hunter School (AGEID: 3039)	\$928,418.00
14	Aspect Macarthur School (AGEID: 29102)	\$521,837.00
15	Aspect Riverina School (AGEID: 29104)	\$440,255.00
16	Aspect South Coast School (AGEID: 6747)	\$432,400.00
17	Aspect South East Sydney School (AGEID: 15942)	\$1,010,384.00
18	Aspect Treetop School (AGEID: 30339)	\$370,860.00
19	Aspect Vern Barnett School (AGEID: 3048)	\$523,155.00
20	Aspect Western Sydney School (AGEID: 4280)	\$733,061.00
21	Autism Queensland Education and Therapy Centre (AGEID: 3130)	\$567,841.00
22	Berengarra School (AGEID: 3057)	\$484,444.00
23	Berry Street School - Narre Warren Campus (AGEID: 17749)	\$94,265.00
24	Biala Special School (AGEID: 3006)	\$92,833.00
25	Blacktown Youth College Incorporated (AGEID: 15988)	\$34,450.00
26	Bunbury Regional Community College (AGEID: 85184)	\$428,422.04
27	Burnett Youth Learning Centre (AGEID: 26130)	\$98,234.00
28	Carbrook Animal Assisted Learning Centre (AGEID: 85821)	\$68,494.00
29	Carinity Education—Glendyne (AGEID: 17689)	\$157,809.00

**Schedule 3** Adjustment funding for highly disadvantaged independent school students

Clause 1

<b>Schools and base adjustment amounts</b>		
<b>Item</b>	<b>School</b>	<b>Base adjustment amount</b>
30	Carinity Education—Rockhampton (AGEID: 30310)	\$398,082.00
31	Carinity Education—Shalom (AGEID: 13496)	\$223,320.00
32	Carinity Education—Southside (AGEID: 16708)	\$423,516.00
33	Christian Aboriginal Parent-Directed School (AGEID: 2756)	\$195,345.00
34	Christian Aboriginal Parent-Directed School (Caps), Kurrawang (AGEID: 8870)	\$69,484.00
35	Cire Community School (AGEID: 30222)	\$1,423,698.57
36	Communicare Academy (AGEID: 30041)	\$184,005.07
37	Communities@Work Galilee School (AGEID: 16302)	\$307,685.79
38	Craig Davis College (AGEID: 30001)	\$41,420.00
39	Crossways Lutheran School, Ceduna (AGEID: 2630)	\$345,524.00
40	D.A.L.E. Christian School (AGEID: 16054)	\$730,899.00
41	Darkinjung Barker (AGEID: 85175)	\$181,092.00
42	David Scott School (AGEID: 84737)	\$393,005.00
43	Dhupuma Barker (AGEID: 87700)	\$19,071.00
44	Djarragun College (AGEID: 5590)	\$600,128.00
45	Djerriwarrh Community College (AGEID: 87137)	\$118,915.00
46	Dunlea Centre, Australia's Original Boys' Town (AGEID: 16698)	\$159,879.86
47	EDEN College (AGEID: 29772)	\$158,237.00
48	EdSpace (AGEID: 28121)	\$101,813.00
49	Education Centre Gippsland Community College (AGEID: 28612)	\$526,031.00
50	Elouera Special School (AGEID: 3010)	\$77,727.00
51	ET Australia Secondary College (AGEID: 29950)	\$1,042,581.19
52	Fairbridge College (AGEID: 30338)	\$250,904.00
53	Frank Dando Sports Academy (AGEID: 3128)	\$145,404.00
54	Frank W Cheshire Education Centre (AGEID: 3061)	\$90,825.00
55	Gateway Community High (AGEID: 87255)	\$208,567.00
56	Gawa Christian School (AGEID: 18020)	\$47,657.00
57	Giant Steps Melbourne (AGEID: 30327)	\$227,122.00
58	Giant Steps Sydney (AGEID: 15625)	\$543,582.00
59	Giant Steps Tasmania (AGEID: 14375)	\$158,508.00
60	Gulf Christian College (AGEID: 14047)	\$357,980.00
61	Gumbaynggirr Giingana Freedom School (AGEID: 87977)	\$58,268.00
62	Hester Hornbrook Academy Ltd (AGEID: 80108)	\$793,126.00
63	Horizons College (AGEID: 30165)	\$334,010.00
64	Hymba Yumba Community Hub (AGEID: 28630)	\$814,179.00
65	Indie School Albury (AGEID: 28887)	\$532,914.00
66	Indie School Devonport (AGEID: 86643)	\$253,327.00
67	Indie School Elizabeth (AGEID: 86717)	\$281,935.00
68	Indie School Glenorchy (AGEID: 86008)	\$160,070.00

<b>Schools and base adjustment amounts</b>		
<b>Item</b>	<b>School</b>	<b>Base adjustment amount</b>
69	Indie School Logan (AGEID: 88075)	\$144,358.00
70	Indie School Western Australia (AGEID: 87623)	\$323,525.00
71	Indie School Wodonga (AGEID: 25136)	\$2,596,879.00
72	Jabiru Community College (AGEID: 29083)	\$305,693.00
73	Josiah College (AGEID: 85196)	\$288,027.00
74	Kairos Community College (AGEID: 30246)	\$433,797.00
75	Kamaruka (AGEID: 17514)	\$187,978.00
76	Karalundi College (AGEID: 86512)	\$57,610.00
77	Key College (AGEID: 16513)	\$151,492.00
78	Kulkarriya Community School (AGEID: 16023)	\$4,178.00
79	Kutta Mulla Gorinna Special Assistance School (AGEID: 86358)	\$15,271.01
80	Lyrebird College (AGEID: 87004)	\$61,182.00
81	Macquarie University Special Education Centre (AGEID: 5274)	\$187,472.00
82	Mancel College (AGEID: 4216)	\$704,370.00
83	Mansfield Autistic Centre (AGEID: 3082)	\$120,735.00
84	Margaret Jurd College (AGEID: 15906)	\$175,436.86
85	Mastery Schools Australia (AGEID: 87087)	\$1,407,058.00
86	Mater Dei Special School (AGEID: 3024)	\$585,179.00
87	Melbourne Indigenous Transition School (AGEID: 30333)	\$91,101.48
88	Men of Business Academy (AGEID: 86578)	\$506,933.00
89	Minimbah Primary School (AGEID: 15383)	\$54,927.00
90	Mountain District Community College. (AGEID: 87940)	\$225,285.00
91	Mungalla Silver Lining School (AGEID: 85556)	\$80,933.00
92	Nautilus Senior College (AGEID: 80020)	\$185,717.00
93	Nawarddeken Academy (AGEID: 85759)	\$15,072.00
94	Nawarddeken Academy Mamadawerre School (AGEID: 87762)	\$22,565.00
95	Nawarddeken Academy Manmoyi School (AGEID: 87763)	\$22,268.00
96	New Hope School (AGEID: 30211)	\$173,339.23
97	NextSense School—Blind and Deafblind Program (AGEID: 3040)	\$33,691.00
98	NextSense School—Sign Bilingual Program (AGEID: 15957)	\$45,254.00
99	NextSense School—Spoken Language Program (AGEID: 13283)	\$67,672.85
100	Ngaruki Gulgul (AGEID: 30150)	\$157,519.00
101	Novo Education Space (AGEID: 29085)	\$250,665.00
102	Nyangatjatjara College (AGEID: 14570)	\$30,643.00
103	Nyikina Mangala Community School (AGEID: 17285)	\$17,059.00
104	Oasis College Surry Hills (AGEID: 85158)	\$23,741.01
105	Odyssey House (AGEID: 2379)	\$264,135.67
106	Ohana College (AGEID: 85218)	\$355,467.04
107	Ontrack (AGEID: 85134)	\$38,258.01
108	Pacific Gulgangali Jarjums Christian School (AGEID: 88043)	\$32,752.00

**Schedule 3** Adjustment funding for highly disadvantaged independent school students

## Clause 1

<b>Schools and base adjustment amounts</b>		
<b>Item</b>	<b>School</b>	<b>Base adjustment amount</b>
109	Pacific Hope School (AGEID: 30206)	\$357,566.45
110	Pambula Beach Flexible Learning Centre (AGEID: 86592)	\$36,999.00
111	Plenty River College (AGEID: 87890)	\$123,724.00
112	Port School (AGEID: 16104)	\$429,497.00
113	PRACE College (AGEID: 80123)	\$258,125.60
114	Purnululu Aboriginal Community Independent School (AGEID: 13596)	\$64,078.00
115	Radiant Life College (AGEID: 30133)	\$90,925.00
116	Rawa Community School (AGEID: 4264)	\$52,985.00
117	Redfern Jarjum College (AGEID: 28908)	\$29,385.00
118	Rosbourne School (AGEID: 3095)	\$868,802.00
119	Shoalhaven River College (AGEID: 85753)	\$234,907.03
120	Silver Lining School (AGEID: 85766)	\$153,747.00
121	Skillset Senior College (AGEID: 30245)	\$457,349.42
122	SMYL Community College (AGEID: 29090)	\$377,721.00
123	Sowilo Community High School (AGEID: 17313)	\$268,738.00
124	Specialised Assistance School for Youth (SASY) (AGEID: 30351)	\$1,021,112.78
125	St Andrew's Cathedral Gawura School (AGEID: 29067)	\$170,757.00
126	St Edmund's School (AGEID: 3032)	\$776,000.00
127	St Gabriel's School for students with special needs (AGEID: 3033)	\$813,999.00
128	St Lucy's School (AGEID: 3034)	\$1,150,318.00
129	St Mary's Flexible Learning Centre (AGEID: 30203)	\$120,021.00
130	St Paul's College (AGEID: 3102)	\$303,987.00
131	St Peter's Heart (AGEID: 87858)	\$64,031.00
132	St Philip's Christian College DALE Young Parents (AGEID: 30309)	\$71,257.00
133	Strelley Community School (AGEID: 2705)	\$62,139.00
134	Suneden Specialist School (AGEID: 3164)	\$340,197.00
135	Telethon Speech & Hearing (AGEID: 3177)	\$613,172.00
136	The Bowen College (AGEID: 85100)	\$8,233.00
137	The BUSY School (AGEID: 86670)	\$1,772,788.00
138	The Currajong School (AGEID: 3067)	\$198,282.00
139	The John Berne School (AGEID: 16089)	\$187,721.00
140	The Joseph Varga School (AGEID: 8818)	\$107,969.00
141	The Lakes College (AGEID: 80038)	\$18,648.00
142	The Sycamore School (AGEID: 80044)	\$454,641.00
143	Tiwi College (AGEID: 27652)	\$145,021.00
144	TLK Youth College (AGEID: 29072)	\$160,980.00
145	Tombolo Academy (AGEID: 87021)	\$205,745.00
146	Toogoolawa School (AGEID: 17613)	\$369,127.00
147	Valley Hope School (AGEID: 80011)	\$86,264.66

<b>Schools and base adjustment amounts</b>		
<b>Item</b>	<b>School</b>	<b>Base adjustment amount</b>
148	Wadja High School (AGEID: 13632)	\$64,992.00
149	Warakirri College (AGEID: 26389)	\$607,990.00
150	Waranara School (AGEID: 30217)	\$304,569.94
151	Warrah Village Rudolf Steiner School for Curative Education (AGEID: 3049)	\$159,909.00
152	Warwick Christian College (AGEID: 26131)	\$642,831.00
153	WAYS Secondary (AGEID: 28606)	\$284,308.00
154	Western Riverina Community School (AGEID: 85079)	\$8,529.00
155	Wollongong Flexible Learning Centre (AGEID: 29962)	\$27,791.00
156	Wongutha Christian Aboriginal Parent-Directed School (AGEID: 13603)	\$118,965.00
157	Woodbury (AGEID: 24017)	\$142,246.00
158	Worawa Aboriginal College (AGEID: 3402)	\$44,356.00
159	Wulungarra Community School (AGEID: 16021)	\$15,177.00
160	Wycliffe Hope School. (AGEID: 87233)	\$144,393.00
161	Yakanarra Community School (AGEID: 14016)	\$28,543.00
162	Yattalunga Valley Christian School (AGEID: 87821)	\$36,898.00
163	Yipirinya School (AGEID: 4218)	\$1,510,446.00
164	Yiramalay Studio School (AGEID: 29953)	\$41,102.79
165	Yiyili Aboriginal Community School (AGEID: 2771)	\$68,956.00
166	YMCA Vocational School—Redlands (AGEID: 87755)	\$334,269.00
167	YMCA Vocational School—Brisbane South (AGEID: 86645)	\$289,078.00
168	YMCA Vocational School—Ipswich (AGEID: 86646)	\$257,079.00
169	YMCA Vocational School—Logan (AGEID: 29004)	\$225,933.00
170	YMCA Vocational School—Moreton Bay (AGEID: 86647)	\$399,793.00
171	YOS Lawnton (AGEID: 30260)	\$92,117.00
172	Youth Futures Community School (Clarkson) (AGEID: 30258)	\$694,232.00
173	Youth2Industry College (AGEID: 87056)	\$174,511.00
174	Youthinc. Enterprise Academy (AGEID: 85147)	\$421,294.00

## **Schedule 4—Repeals**

### *Australian Education Regulation 2013*

#### **1 The whole of the instrument**

Repeal the instrument.