

2008

The Parliament of the  
Commonwealth of Australia

HOUSE OF REPRESENTATIVES

*Presented and read a first time*

## **Education Legislation Amendment Bill 2008**

**No.     , 2008**

*(Education, Employment and Workplace Relations)*

**A Bill for an Act to amend the law relating to  
education, and for related purposes**



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## Contents

1	Short title .....	1
2	Commencement .....	1
3	Schedule(s) .....	2
<b>Schedule 1—Indigenous education</b>		3
	<i>Indigenous Education (Targeted Assistance) Act 2000</i>	3
<b>Schedule 2—Amendments consequential on the Schools Assistance Act 2008</b>		5
	<i>Australian Technical Colleges (Flexibility in Achieving Australia’s Skills Needs) Act 2005</i>	5
	<i>Indigenous Education (Targeted Assistance) Act 2000</i>	6
	<i>Schools Assistance (Learning Together—Achievement Through Choice and Opportunity) Act 2004</i>	6
<b>Schedule 3—Repeal of the States Grants (Primary and Secondary Education Assistance) Act 2000</b>		8
<b>Schedule 4—Technical amendment</b>		9
	<i>Schools Assistance (Learning Together—Achievement Through Choice and Opportunity) Act 2004</i>	9



1     **A Bill for an Act to amend the law relating to**  
2     **education, and for related purposes**

3     The Parliament of Australia enacts:

4     **1 Short title**

5                     This Act may be cited as the *Education Legislation Amendment Act*  
6                     *2008*.

7     **2 Commencement**

8                     (1) Each provision of this Act specified in column 1 of the table  
9                     commences, or is taken to have commenced, in accordance with  
10                    column 2 of the table. Any other statement in column 2 has effect  
11                    according to its terms.  
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**Commencement information**

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<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provision(s)</b>	<b>Commencement</b>	<b>Date/Details</b>
1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day on which this Act receives the Royal Assent.	
2. Schedule 1	The day on which this Act receives the Royal Assent.	
3. Schedules 2 and 3	At the same time as the <i>Schools Assistance Act 2008</i> commences.	
4. Schedule 4	The day on which this Act receives the Royal Assent.	

1 Note: This table relates only to the provisions of this Act as originally  
2 passed by both Houses of the Parliament and assented to. It will not be  
3 expanded to deal with provisions inserted in this Act after assent.

4 (2) Column 3 of the table contains additional information that is not  
5 part of this Act. Information in this column may be added to or  
6 edited in any published version of this Act.

### 7 **3 Schedule(s)**

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

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## **Schedule 1—Indigenous education**

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### ***Indigenous Education (Targeted Assistance) Act 2000***

5

#### **1 Subsection 3(1)**

6 Omit “2009”, substitute “2013”.

7

#### **2 Section 4 (paragraph (b) of the definition of *ABSTUDY approved course*)**

8  
9 Omit “higher education institution”, substitute “higher education  
10 provider”.

11

#### **3 Section 4 (definition of *funding year*)**

12 Omit “2009”, substitute “2013”.

13

#### **4 Section 4 (definition of *higher education institution*)**

14 Repeal the definition.

15

#### **5 Section 4**

16 Insert:

17 *higher education provider* has the same meaning as in section 16-1  
18 of the *Higher Education Support Act 2003*.

19

#### **6 After section 14A**

20 Insert:

21

#### **14B Appropriations for non-ABSTUDY payments—2009 to 2012 22 quadrennium**

23 *Appropriations—starting amounts*

- 24 (1) Each amount specified in the following table (as increased in  
25 accordance with subsection (2)) is appropriated out of the  
26 Consolidated Revenue Fund for the purpose of making  
27 non-ABSTUDY payments during the specified period.  
28

## Schedule 1 Indigenous education

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### Appropriations for non-ABSTUDY payments

Item	Starting amount	for the period starting on	and ending on ...
...			
1	\$159,430,000	1 January 2009	30 June 2010
2	\$163,778,000	1 January 2010	30 June 2011
3	\$159,559,000	1 January 2011	30 June 2012
4	\$157,731,000	1 January 2012	30 June 2013

1 *Increasing starting amounts*

2 (2) The regulations may make provision for increasing an amount  
3 mentioned in the table in subsection (1) by reference to changes in  
4 a specified index.

## 5 **7 Section 17A**

6 Repeal the section, substitute:

### 7 **17A Annual report**

8 As soon as practicable after the end of each funding year, the  
9 Minister must cause to be laid before each House of the Parliament  
10 a report dealing, in relation to the year, with payments and  
11 performance information under agreements made under this Act.

## 12 **8 Application**

13 The amendment made by item 7 of this Schedule applies in relation to  
14 the 2009 funding year and later funding years.



1  
2 **Schedule 2—Amendments consequential on**  
3 **the Schools Assistance Act 2008**  
4

5 *Australian Technical Colleges (Flexibility in Achieving*  
6 *Australia’s Skills Needs) Act 2005*

7 **1 Section 3 (definition of government school)**

8 Repeal the definition, substitute:

9 *government school*, in relation to a State, means a school in the  
10 State that is conducted by or on behalf of the Government of the  
11 State.

12 **2 Section 3 (definition of non-government school)**

13 Omit “Schools Assistance Act”, substitute “*Schools Assistance Act*  
14 *2008*”.

15 **3 Section 3 (definition of school)**

16 Omit “Schools Assistance Act”, substitute “*Schools Assistance Act*  
17 *2008*”.

18 **4 Section 3 (definition of Schools Assistance Act)**

19 Repeal the definition.

20 **5 Subparagraph 7(2)(a)(i)**

21 Omit “Part 6 of the Schools Assistance Act”, substitute “Parts 4 and 5  
22 of the *Schools Assistance Act 2008*”.

23 **6 Subparagraph 7(2)(a)(ii)**

24 Omit “that Part”, substitute “those Parts”.

25 **7 Transitional provision**

- 26 (1) This item applies in relation to an agreement that, immediately before  
27 the commencement of this item:

- 1 (a) was of the type mentioned in subsection 7(2) of the  
2 *Australian Technical Colleges (Flexibility in Achieving*  
3 *Australia's Skills Needs) Act 2005; and*  
4 (b) included a condition of the type mentioned in paragraph (a)  
5 of that subsection.
- 6 (2) The condition has effect, from the commencement of this item, as if it  
7 were a condition of the type mentioned in that paragraph as amended by  
8 this Schedule.

9 ***Indigenous Education (Targeted Assistance) Act 2000***

10 **8 Paragraph 11D(1)(b)**

11 Repeal the paragraph, substitute:

- 12 (b) an Education Assistance Act (within the meaning of the  
13 *Schools Assistance Act 2008*);

14 **9 Subparagraphs 11D(1)(c)(i) and (ii)**

15 Omit "State Grants Act", substitute "Education Assistance Acts".

16 ***Schools Assistance (Learning Together—Achievement***  
17 ***Through Choice and Opportunity) Act 2004***

18 **10 Subsection 3(2)**

19 Repeal the subsection, substitute:

- 20 (2) Financial assistance may be paid to the States for both government  
21 and non-government schools in the States for the 2005 to 2008  
22 calendar years for grants for the following:  
23 (a) general recurrent expenditure;  
24 (b) capital expenditure;  
25 (c) expenditure for certain other specific purposes.

26 **11 Section 4 (definition of *program year*)**

27 Repeal the definition, substitute:

28 *program year* means the 2005, 2006, 2007 or 2008 calendar year.

29 **12 Subsection 138(1)**

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1 Omit “, 2008, 2009, 2010 and 2011”, substitute “and 2008”.

2 **13 Schedule 3 (table items 5, 6 and 7)**

3 Repeal the items.

4 **14 Schedule 3 (note 1)**

5 Omit “Note 1”, substitute “Note”.

6 **15 Schedule 3 (note 2)**

7 Repeal the note.

8 **16 Schedule 5 (table items 5, 6 and 7)**

9 Repeal the items.

10 **17 Schedule 5 (note 1)**

11 Omit “Note 1”, substitute “Note”.

12 **18 Schedule 5 (note 2)**

13 Repeal the note.

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**Schedule 3—Repeal of the States Grants  
(Primary and Secondary Education  
Assistance) Act 2000**

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7

**1 The whole of the Act**  
Repeal the Act.

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## **Schedule 4—Technical amendment**

### ***Schools Assistance (Learning Together—Achievement Through Choice and Opportunity) Act 2004***

#### **1 Subsection 50(1) (note 2)**

Omit “131”, substitute “132”.

Note: This item corrects an incorrect cross-reference.