

1983-84

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

Presented and read a first time, 4 October 1984

(Minister representing the Minister for Education and Youth Affairs)

A BILL

FOR

An Act to amend the *States Grants (Education Assistance—Participation and Equity) Act 1983*

BE IT ENACTED by the Queen, and the Senate and the House of Representatives of the Commonwealth of Australia, as follows:

Short title, &c.

5 **1. (1)** This Act may be cited as the *States Grants (Education Assistance—Participation and Equity) Amendment Act (No. 2) 1984*.

(2) The *States Grants (Education Assistance—Participation and Equity) Act 1983*¹ is in this Act referred to as the Principal Act.

Commencement

10 **2.** This Act shall come into operation on the day on which it receives the Royal Assent.

Interpretation

3. Section 4 of the Principal Act is amended by inserting after the definition of “approved project or program of national significance” in sub-section (1) the

following definition:

“approved project or program related to Aboriginal education” means an 5
approved project or program in respect of which a declaration by the
Minister under sub-section 6 (4) is in force;”.

Approval of projects or programs that further objects of Act

4. Section 6 of the Principal Act is amended by adding at the end thereof 10
the following sub-section:

“(4) Where the Minister approves a project or program under sub-section
(1), the Minister may, if the Minister is satisfied—

(a) that the project or program is related to Aboriginal education; and

(b) that it is desirable that financial assistance in connection with the 15
project or program be provided under section 22A,

make a declaration accordingly.”.

5. After section 8 of the Principal Act the following section is inserted:

Limit on grants under section 7 in respect of 1985

“8A. The Minister shall not authorize payments to a State under section 7
in respect of the year 1985 that exceed, in the aggregate, the amount specified in 20
column 2 of Schedule 4 opposite to the name of the State.”.

6. After section 12 of the Principal Act the following section is inserted:

Limit on grants under Part in respect of 1985

“12A. The Minister shall not authorize payments to a State under this Part
in respect of the year 1985 that exceed, in the aggregate, the amount specified in 25
column 2 of Schedule 5 opposite to the name of the State.”.

7. After section 15 of the Principal Act the following section is inserted:

Limit of grants under section 14 in respect of 1985

“15A. The Minister shall not authorize payments to a State under section
14 in respect of the year 1985 that exceed, in the aggregate, the amount 30
specified in column 2 of Schedule 6 opposite to the name of the State.”.

Limits on grants in respect of 1984 and 1985

8. Section 18 of the Principal Act is amended—

(a) by omitting from sub-section (1) “\$69,273,000” and substituting 35
“\$70,363,000”;

(b) by inserting after sub-section (1) the following sub-section:

“(1A) The Minister shall not authorize prescribed payments in
respect of the year 1985 that exceed, in the aggregate, \$74,406,000”;
and

(c) by omitting from sub-section (2) “sub-section (1)” and substituting 40
“sub-sections (1) and (1A)”.

Limits on grants under section 20 in respect of 1984 and 1985

9. Section 21 of the Principal Act is amended—

(a) by omitting “\$649,000” and substituting “\$663,000”; and

(b) by adding at the end thereof the following sub-section:

“(2) The Minister shall not authorize payments to the States under section 20 in respect of the year 1985 that exceed, in the aggregate, \$697,000.”.

10. After Part VI of the Principal Act the following Part is inserted:

**“PART VIA—PROJECTS AND PROGRAMS RELATED TO
ABORIGINAL EDUCATION**

**Grants for expenditure in relation to approved projects or programs
related to Aboriginal education**

“22A. (1) Subject to sections 22B and 24, the Minister may authorize the payment to a State under this section, in respect of a year to which this Act applies, by way of financial assistance to the State in respect of expenditure in relation to an approved project or program related to Aboriginal education that is being, or is to be, carried out by or in the State (including an approved project or program that is being, or is to be, carried out together with, or as part of, an approved project or program that is being, or is to be, carried out by or in another State or by the Commonwealth or in a Territory), of such amounts as the Minister determines.

“(2) Financial assistance is granted to a State under this section in respect of a year to which this Act applies in respect of expenditure in relation to an approved project or program related to Aboriginal education on the conditions that—

(a) the State will ensure that an amount equal to the sum of the amounts of financial assistance paid to the State under this section in respect of that year is applied by the State for the purpose of meeting expenditure in respect of that year in relation to the approved project or program related to Aboriginal education;

(b) the State will cause to be furnished to the Minister, not later than 30 June next after the end of that year or such later date as the Minister approves, a certificate by an authorized person to the effect that the person has satisfied himself or herself that the condition specified in paragraph (a) has been fulfilled; and

(c) the State will cause to be furnished to the Minister, not later than such date as the Minister specifies, such statistical and other information as the Minister requires in respect of the carrying out of the approved project or program related to Aboriginal education in that year.

Limits on grants under section 22A in respect of 1985

“22B. The Minister shall not authorize payments to the States under section 22A in respect of the year 1985 that exceed, in the aggregate, \$1,159,000.

Additional conditions to which grants of financial assistance under section 22A subject 5

“22C. Financial assistance is granted to a State under section 22A in respect of a year to which this Act applies on the additional conditions that—

- (a) if the Minister notifies the State that the Minister is satisfied that the State has in respect of that year failed to fulfil a condition specified in that section with respect to that grant, the State will pay to the Commonwealth an amount equal to the amount of the financial assistance in respect of that year, or to such part of the amount of the financial assistance in respect of that year as the Minister specifies; and 10
- (b) if the amount of the financial assistance paid to the State under section 22A in respect of that year exceeds the amount of that financial assistance that is properly payable to the State under that section in respect of that year, the State will pay to the Commonwealth an amount equal to the excess.” 15

11. Section 24 of the Principal Act is repealed and the following section is substituted: 20

Limit on grants under Act in respect of 1986

“24. The Minister shall not authorize payments under this Act in respect of the year 1986 that exceed, in the aggregate, \$80,885,000.”

12. After section 25 of the Principal Act the following section is inserted: 25

Transfer of amounts between Schedules 4 and 6

“25A. (1) Subject to sub-section (2), the Commonwealth Education Minister may, at the request of the State Education Minister of a State, declare that this Act shall have effect as if there were substituted for the amount in column 2 of Schedule 4, and the amount in column 2 of Schedule 6, opposite to the name of the State such other amounts as are respectively specified in the declaration, being amounts the sum of which is equal to the sum of the first-mentioned amount and the second-mentioned amount and, where the Minister so declares, this Act shall have effect accordingly. 30

“(2) The Minister shall not, in a declaration under sub-section (1), specify, as the amount to be substituted for the amount in column 2 of Schedule 4, or column 2 of Schedule 6, opposite to the name of a State, an amount that is less than the sum of the amounts of the payments to the State that have previously been authorized by the Minister in respect of the year 1985 under section 7 or 14, as the case may be.” 35
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Amounts payable by the States to the Commonwealth

13. Section 27 of the Principal Act is amended by omitting “repayable” and substituting “payable”.

14. After section 27 of the Principal Act the following section is inserted:

5 **Amounts payable by approved authorities to the Commonwealth**

“27A. Where an approved authority is liable to pay an amount to the Commonwealth under section 10 or 11, the Commonwealth may recover that amount as a debt due to the Commonwealth by action in a court of competent jurisdiction.”.

10 **Schedules**

15. The Schedules to the Principal Act are repealed and the Schedules set out in Schedule 1 to this Act are substituted.

Minor and consequential amendments

16. The Principal Act is amended as set out in Schedule 2 to this Act.

15 **Payments made before Royal Assent**

17. Payments (including advances) by way of financial assistance made to a State or to the Northern Territory under the Principal Act shall be deemed to have been made for the purposes of the Principal Act as amended by this Act.

SCHEDULE 1

Section 15

New Schedules 1 to 6 (inclusive) to be inserted in the States Grants (Education Assistance—Participation and Equity) Act 1983

SCHEDULE 1

Section 8

GOVERNMENT SCHOOLS PROJECTS AND PROGRAMS—1984

Column 1 Name of State	Column 2 Amounts
	\$
New South Wales	13,244,000
Victoria	10,750,000
Queensland	6,954,000
Western Australia	3,718,000
South Australia	3,747,000
Tasmania	1,326,000
Northern Territory	407,000
Total	40,146,000

SCHEDULE 2

Section 12

NON-GOVERNMENT SCHOOLS PROJECTS AND PROGRAMS—1984

Column 1 Name of State	Column 2 Amounts
	\$
New South Wales	1,564,000
Victoria	1,558,000
Queensland	748,000
Western Australia	369,000
South Australia	311,000
Tasmania	103,000
Northern Territory	33,000
Total	4,686,000

SCHEDULE 1—continued

SCHEDULE 3

Section 15

**TECHNICAL AND FURTHER EDUCATION PROJECTS AND
PROGRAMS—1984**

Column 1 Name of State	Column 2 Amounts
	\$
New South Wales	10,906,000
Victoria	7,270,000
Queensland	4,504,000
Western Australia	2,803,000
South Australia	3,210,000
Tasmania	1,231,000
Northern Territory	293,000
Total	30,217,000

SCHEDULE 4

Section 8A

GOVERNMENT SCHOOLS PROJECTS AND PROGRAMS—1985

Column 1 Name of State	Column 2 Amounts
	\$
New South Wales	13,019,000
Victoria	10,576,000
Queensland	6,936,000
Western Australia	3,942,000
South Australia	3,655,000
Tasmania	1,289,000
Northern Territory	423,000
Total	39,840,000

SCHEDULE 1—continued

SCHEDULE 5

Section 12A

NON-GOVERNMENT SCHOOLS PROJECTS AND PROGRAMS—1985

Column 1 Name of State	Column 2 Amounts
	\$
New South Wales	1,536,000
Victoria	1,535,000
Queensland	747,000
Western Australia	368,000
South Australia	303,000
Tasmania	99,000
Northern Territory	35,000
Total	4,623,000

SCHEDULE 6

Section 15A

**TECHNICAL AND FURTHER EDUCATION PROJECTS AND
 PROGRAMS—1985**

Column 1 Name of State	Column 2 Amounts
	\$
New South Wales	12,768,000
Victoria	8,239,000
Queensland	5,515,000
Western Australia	3,196,000
South Australia	3,293,000
Tasmania	1,249,000
Northern Territory	306,000
Total	34,566,000

SCHEDULE 2

Section 16

MINOR AND CONSEQUENTIAL AMENDMENTS

Sub-section 7 (1)—

After “8,” insert “8A,”.

Paragraph 9 (1) (a)—

After “himself”, insert “or herself”.

Paragraph 9 (2) (a)—

- (a) Omit “repay”, substitute “pay”.
- (b) Omit “repaid”, substitute “paid”.

Sub-section 10 (1)—

After “12”, insert “, 12A”.

Sub-sub-paragraph 10 (2) (b) (ii) (A)—

- (a) Omit “he”, substitute “the accountant”.
- (b) After “himself”, insert “or herself”.

Sub-section 11 (1)—

After “12”, insert “, 12A”.

Sub-sub-paragraph 11 (2) (b) (ii) (A)—

- (a) Omit “he”, substitute “the accountant”.
- (b) After “himself”, insert “or herself”.

Paragraph 13 (1) (a)—

- (a) Omit “repay”, substitute “pay”.
- (b) Omit “repaid”, substitute “paid”.

Sub-section 14 (1)—

After “15,” insert “15A,”.

Paragraph 17 (2) (b)—

After “himself”, insert “or herself”.

Paragraph 20 (2) (b)—

After “himself”, insert “or herself”.

Sub-section 25 (1)—

Omit “Column” (wherever occurring), substitute “column”.

Sub-section 25 (2)—

Omit “Column” (wherever occurring), substitute “column”.

NOTE

1. No. 118, 1983, as amended. For previous amendments, see Nos. 51 and 72, 1984.

