

1993-94

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

Presented and read a first time

(Employment, Education and Training)

STATES GRANTS (PRIMARY AND SECONDARY EDUCATION ASSISTANCE) AMENDMENT BILL (NO. 2) 1994

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THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA
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(Employment, Education and Training)

A BILL

FOR

An Act to amend the *States Grants (Primary and Secondary Education Assistance) Act 1992*, to clarify the validity of certain acts done under that Act and under the *States Grants (Schools Assistance) Act 1988*, and for related purposes

The Parliament of Australia enacts:

Short title etc.

1.(1) This Act may be cited as the *States Grants (Primary and Secondary Education Assistance) Amendment Act (No. 2) 1994*.

5 (2) In this Act, “**Principal Act**” means the *States Grants (Primary and Secondary Education Assistance) Act 1992*¹.

Commencement

2.(1) Sections 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14, subsections 31(1), (2), (4) and (5), and sections 32 and 33 commence on the day on which this Act receives the Royal Assent.

(2) Paragraphs 3(a) and (c), sections 15, 16, 17, 18, 19, 20 and 21, paragraph 22(a) and sections 23, 24, 25, 26 and 27, paragraph 28(b), and sections 29 and 30 (in so far as it relates to Item Nos. 6, 7, 8 and 9 of Schedule 1) commence on 1 January 1995. 5

(3) Section 30 (in so far as it relates to Item Nos. 1, 2 and 5 of Schedule 1) and subsection 31(3) are taken to have commenced on 1 January 1993. 10

(4) Paragraphs 3(b), 22(b) and 28(a) and (c) and section 30 (in so far as it relates to Item Nos. 3, 4, 10 and 11 of Schedule 1) are taken to have commenced on 1 January 1994.

Definitions

3. Section 3 of the Principal Act is amended: 15

(a) by omitting from the definition of “block grant authority” all the words after “rural student hostel,” and substituting “means the block grant authority in which that school or hostel, as the case may be, is recorded as a participant under section 51;”; 20

(b) by omitting the definition of “nominated authority” and substituting the following definition:

“ ‘nominated authority’ means a body nominated by:

(a) an aggregation of non-government schools under subsection 65A(1), 65B(1), 67A(1), 68A(1), 69A(1), 71A(1), 72B(1), 77(1) or 77B(1); or 25

(b) an aggregation of non-systemic schools under section 84;”;

(c) by inserting the following definition:

“ ‘early years of schooling’ means:

(a) in relation to schooling in a State that has a year designated as the kindergarten year—the kindergarten year and years 1, 2 and 3; or 30

(b) in relation to schooling in any other State—the years of schooling that are equivalent to the kindergarten year and years 1, 2 and 3;”. 35

Repeal of sections 23 and 24 and substitution of new sections

4. Sections 23 and 24 of the Principal Act are repealed and the following sections are substituted:

Approved authority to give notice of change or proposal

“23.(1) If the approved authority of an approved school system or of a non-systemic school:

(a) proposes to make a change referred to in section 21; or

5 (b) makes a proposal referred to in section 22;

the authority must give to the Minister a written notice, in the approved form, setting out particulars of the proposed change or proposal.

“(2) Subject to subsection (4), the approved authority must give the notice:

10 (a) if the change is intended to occur or the proposal is intended to take effect before 1 January 1998—not later than 2 years before 1 March in the year in which the change is intended to occur or the proposal is intended to take effect; or

15 (b) if the change is intended to occur or the proposal is intended to take effect on or after 1 January 1998—not later than 3 years before 31 October in the year in which the change is intended to occur or the proposal is intended to take effect.

“(3) The Minister may, in special circumstances, allow the authority to give notice later than the day fixed under subsection (2).

20 “(4) If the Minister allows the authority to submit a notice after the day fixed by subsection (2), the authority must give the notice not later than a day fixed by the Minister.

Approved authority must apply to make a change or proposal if change is to occur on or after 1 January 1998

25 “23A.(1) If:

(a) an approved authority of an approved school system or a non-systemic school has given notice under section 23 in respect of a change referred to in section 21 or a proposal referred to in section 22; and

30 (b) the change is intended to occur or the proposal is intended to take effect on or after 1 January 1998;

the authority may apply to the Minister, in the approved form, for provisional approval of the proposed change or proposal.

35 “(2) If the approved authority has given notice under paragraph 23(2)(b), the application must be made by 1 March of the year following the year in which the notice was given.

“(3) If the approved authority has given notice under subsection 23(4), the application must be made within 2 months after the last day the notice could be given under that subsection.

Provisional approval when no significant change in clientele

“24.(1) If:

- (a) as required by section 23, the approved authority of an approved school system or of a non-systemic school has notified the Minister of a proposed change referred to in section 21; and 5
- (b) the authority intends that the proposed change will take effect before 1 January 1998; and
- (c) the Minister is satisfied that the clientele of the school after the change will not be significantly different from the clientele of the school before the change; 10

the Minister must give provisional approval to the change.

“(2) If:

- (a) as required by section 23, the approved authority of an approved school system or of a non-systemic school has notified the Minister of a proposed change referred to in section 21; and 15
- (b) the authority intends that the proposed change will take effect on or after 1 January 1998; and
- (c) the authority has applied to the Minister for provisional approval in respect of the proposed change in the manner required by section 23A; and 20
- (d) the Minister is satisfied that the clientele of the school after the change will not be significantly different from the clientele of the school before the change;

the Minister must give provisional approval to the change.”.

Provisional approval when significant change in clientele 25

5. Section 25 of the Principal Act is amended by omitting paragraph (a) and substituting the following paragraph:

“(a) the approved authority of an approved school system or of a non-systemic school:

- (i) in the case of a change referred to in section 21 (other than a change to which section 24 applies) that is intended to occur, or a proposal referred to in section 22 that is intended to take effect, before 1 January 1998—has notified the Minister of the change or proposal in the manner required by section 23; or 30
- (ii) in the case of such a change that is intended to occur, or of such a proposal that is intended to take effect, on or after 1 January 1998—has applied to the Minister for provisional approval in respect of the change or the proposal in the manner required by section 23A; and” 35

Variation to take account of change if there is no progressive provision of secondary education

5 6. Section 29 of the Principal Act is amended by inserting in paragraph (1)(d) “and the change does not involve a progressive provision of secondary education referred to in subsection 29A(1)” after “applicable”.

Insertion of new section

7. After section 29 of the Principal Act the following section is inserted:

Variation to take account of change to which paragraph 26(c) or (d) applies if there is a progressive provision of secondary education

10 “29A.(1) This section applies if:

(a) the approved authority of an approved school system or of a non-systemic school makes a change referred to in section 21 in relation to a school; and

(b) paragraph 26(c) or (d) applies to the change; and

15 (c) the change involves progressively providing a course of secondary education over a number of years in the school or schools that emerge from the change, so that the first year or years in the course begin in one year and the remaining later years in the course begin progressively in subsequent years until the complete course is being provided.

20 “(2) Subject to subsection (3), if:

(a) the Minister has given provisional approval to the change; and

(b) the change is recognised by the State Minister of the State in which the school is situated; and

25 (c) the change consists of the amalgamation of a school with another school or the separation of a school into 2 or more schools—the school or schools that emerge from the change are not conducted for profit; and

30 (d) in the case of a non-systemic school—the approved authority of the school is a body corporate; and

(e) the school or schools that emerge from the change have, not later than:

(i) the last day of the year in which the change is proposed to be initiated; or

35 (ii) the schools census day for the State in the next year;
a number of students enrolled in the first year or years of the course that is not less than the minimum number of students for that level;
the Minister must vary the list to reflect the change in respect of the first year or years of education in the course.

“(3) The Minister must not vary the list if a matter referred to in subsection (2) (other than paragraph (e) of that subsection) occurs after the end of 2 years from the beginning of the year in which the change was proposed to be initiated, unless the Minister is satisfied that there are exceptional circumstances justifying the variation. 5

“(4) If, in subsequent years, the school or schools that have emerged continue progressively to attain, by a day not later than the schools census day in the State in each of those years, a number of students enrolled for a subsequent year of education in the course that is not less than the minimum number of students for that level, the Minister must vary the list to reflect the change in respect of the new years of education.”. 10

Variation to take account of proposal if there is no progressive provision of secondary education

8 Section 30 of the Principal Act is amended by inserting after paragraph (1)(b) the following paragraph: 15

“(ba) the change does not involve a progressive provision of secondary education referred to in subsection 30A(1); and”.

Insertion of new section

9. After section 30 of the Principal Act the following section is inserted:

Variation to take account of proposal if there is a progressive provision of secondary education 20

“30A.(1) This section applies if:

- (a) the Minister has given provisional approval to a proposal referred to in section 22 in relation to a school; and
- (b) the proposal involves progressively providing a course of secondary education over a number of years in the school that emerges from the change involved in the proposal so that the first year or years in the course begin in one year and the remaining later years in the course begin progressively in subsequent years until the complete course is being provided. 25 30

“(2) Subject to subsection (3), if:

- (a) the change involved in the proposal is recognised by the State Minister of the State in which the school is situated; and
- (b) the school is not conducted for profit; and
- (c) in the case of a non-systemic school—the approved authority of the school is a body corporate; and 35
- (d) the school has, not later than:

- (i) the last day in the year in which the proposal is intended to take effect; or
 - (ii) the schools census day for the State in the next year;
- 5 a number of students enrolled in the first year or years of the course that is not less than the minimum number of students for that level; the Minister must vary the list to reflect the change involved in the proposal in respect of the first year or years of education in the course.

10 “(3) The Minister must not vary the list in relation to a school if a matter referred to in subsection (2) (other than paragraph (d)) occurs at the end of 2 years from the beginning of the year in which financial assistance was sought for the school, unless the Minister is satisfied there are exceptional circumstances justifying the variation.

15 “(4) If, in subsequent years, the school that emerges continues progressively to attain, by a day not later than the schools census day in the State in each of those years, a number of students enrolled for each subsequent year of education in the course that is not less than the minimum number of students at that level, the Minister must vary the list to reflect the change involved in the proposal in respect of the new years of education.”.

Repeal of section 39 and substitution of new section

20 **10.** Section 39 of the Principal Act is repealed and the following section is substituted:

Approved authority to give notice of change

25 “39.(1) If the approved authority of an approved school system or of a non-systemic school proposes to make a change referred to in section 38, the authority must give to the Minister a written notice:

- (a) setting out, in the approved form, particulars of the proposed change; and
- (b) requesting the Minister to vary the list to take account of the proposed change.

30 “(2) The notice must be given:

- (a) not later than 1 July in the year before the year in which the change is intended to occur; or
- (b) if the Minister, in special circumstances, has allowed the notice to be given after the day fixed under paragraph (a)—not later than a day fixed by the Minister.”.

Minister may change maximum number of students eligible for general recurrent funding

11. Section 44 of the Principal Act is amended:

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- (a) by omitting from subsection (1) “or 30 in relation to a school, the Minister may vary” and substituting “, 29A, 30 or 30A in relation to a school, the Minister may make a determination varying”;
- (b) by omitting paragraph (2)(b) and substituting the following paragraph: 5
“(b) the authority did not notify the Minister of the proposed change in the manner required by section 23;”;
- (c) by omitting from subsection (2) “Minister may vary” and substituting “Minister may make a determination varying”.

Insertion of new section 10

12. After section 44 of the Principal Act the following section is inserted:

Approved authority to give notice of variation of list if variation to occur on or after 1 January 1998

“44A.(1) If: 15

- (a) a maximum number of students eligible for general recurrent funding is specified in the list for a systemic school or a non-systemic school or for a location for which the school is included in the list; and

- (b) the authority wishes the Minister to increase or decrease the specified number on or after 1 January 1998; 20

the authority must give to the Minister a written notice in the approved form setting out particulars of the proposed variation.

“(2) The approved authority must give the notice:

- (a) not later than 3 years before 31 October in the year in which the variation is intended to occur; or 25

- (b) if the Minister, in special circumstances, has allowed the authority to give notice after the day fixed under paragraph (a)—not later than a day fixed by the Minister.”.

Approved authority must apply to Minister for a variation of list 30

13. Section 45 of the Principal Act is amended:

- (a) by omitting subsections (1) and (2) and substituting the following subsections:

“(1) If:

- (a) a maximum number of students eligible for general recurrent funding is specified in the list for a systemic school or a non-systemic school or for a location for which a school is included in the list; and 35

(b) the authority wishes the Minister to increase or decrease the specified number before 1 January 1998;

the approved authority may apply to the Minister in the approved form for a variation of the list so as to increase or decrease the number so specified.

“(2) If:

(a) a maximum number of students eligible for general recurrent funding is specified in the list for a systemic school or a non-systemic school or for a location for which a school is included in the list; and

(b) the authority wishes the Minister to increase or decrease the number so specified on or after 1 January 1998; and

(c) an approved authority has given notice under section 44A in respect of a systemic school or a non-systemic school or in respect of a location for which a school is included in the list; the authority may apply to the Minister in the approved form for a variation of the list so as to increase or decrease the maximum number of students so specified.

“(2A) An application under subsection (1) must be made:

(a) not later than 2 years before 1 March in the year in which the proposed variation would take effect; or

(b) if the Minister, in special circumstances, has allowed the authority to give a notice after the day fixed under paragraph (a)—not later than a day fixed by the Minister.

“(2B) If the approved authority has given notice under paragraph 44A(2)(a), the application must be made by 1 March in the year following the year in which notice was given.

“(2C) If the approved authority has given notice under paragraph 44A(2)(b), the application must be made within 2 months after the last day the notice could be given under that paragraph.”;

(b) by inserting in subsection (3) “or subsection (2)” after “subsection (1)”;

(c) by inserting in subsection (4) “or subsection (2)” after “subsection (1)”;

(d) by inserting in subsection (6) “or subsection (2)” after “subsection (1)”.

Insertion of new section

14. After section 46 of the Principal Act the following section is inserted:

Non-government schools—change if there is a failure, during the course of a progressive provision, to meet minimum enrolments

“46A.(1) If, in respect of a systemic or non-systemic school that has emerged from a change referred to in section 21 or a proposal referred to in section 22:

- (a) the Minister has made a variation to the list of a kind referred to in subsection 29A(2) or 30A(2) in respect of the first year or years in a course of secondary education; and
 - (b) in one of the subsequent years after the variation was made (but while the school is still extending into providing a full course of secondary education), the Minister cannot make a further variation to the list of a kind referred to in subsection 29A(4) or 30A(4) because the number of students enrolled in a later year of education in the course is less than the minimum number of students for that year of education on the schools census day for that State in a program year;
- the Minister may make a determination varying the list by removing the name of the school from the list so far as it provides education at that secondary education level.

“(2) If the Minister proposes to take action under this section in relation to a school, the Minister must, by written notice given to the approved authority, tell the authority of the proposed action.

“(3) The notice must state the reasons for the proposed action and invite the authority to make, if it considers that there is a special justification for the low enrolment, within such reasonable period as is set out in the notice, submissions in relation to the proposed action.

“(4) If the approved authority makes submissions, the Minister must reconsider the decision to take action under this section, taking those submissions into account.

“(5) The Minister must give to the authority written notice of the decision on reconsideration and the reasons for it.”.

Approval of block grant authorities and maintenance of lists of participating schools and hostels

15. Section 51 of the Principal Act is amended:

- (a) by omitting “the schools and rural student hostels specified in the determination” and substituting “schools and rural student hostels”;
- (b) by adding at the end the following subsections:

“(2) The Minister must keep, in respect of each block grant authority approved under subsection (1), a list of the schools and rural student hostels that participate in that block grant authority.

“(3) The list is to be kept in such manner as the Minister determines, which may be wholly or partly by means of a computer or any other electronic or other device.

“(4) If a block grant authority notifies the Minister that:

- 5 (a) a particular school or rural student hostel has applied to the authority for participation in the authority; and
(b) the authority is willing to accept that school or hostel as a participant;

10 particulars of that school or hostel may be added to the list of schools and hostels that participate in that authority.

“(5) If a block grant authority notifies the Minister that:

- 15 (a) a particular school or rural student hostel:
(i) no longer wishes to participate in the authority; and
(ii) has no outstanding obligations to the authority; or
(b) a particular school or rural student hostel has ceased to exist;
particulars of that school or hostel may be removed from the list of schools and hostels that participate in that authority.

20 “(6) The Minister may, before taking any action under subsection (4) or (5), make such inquiries as he or she thinks appropriate to verify the matters notified to the Minister.

“(7) At any one time a school or rural student hostel must not be recorded as participating in more than one block grant authority.”.

Grants for special projects in connection with non-government rural student hostels

25 **16.** Section 60A of the Principal Act is amended:

(a) by omitting paragraph (1)(b) and substituting the following paragraph:

“(b) the Minister is satisfied that the aims of the project in respect of each such hostel include any of the following:

- 30 (i) to improve the standard of services provided to students in the hostel;
(ii) to improve the administration of the hostel;
(iii) to improve community liaison with persons managing or operating the hostel.”;

35 (b) by omitting from subsection 60A(2) “the approved project” and substituting “a project or projects approved under this section”;

(c) by inserting in paragraph (8)(a) “the approved authority of” after “pay to”;

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- (d) by omitting from paragraph (8)(b) “body” and substituting “authority”.

Additional conditions—if agreement between Commonwealth and body other than a State

17. Section 60C of the Principal Act is amended: 5
- (a) by omitting from paragraph (1)(b) “or other body” and substituting “or of another body”;
- (b) by omitting from paragraph (1)(b) “or body” (wherever occurring).

Grants for recurrent expenditure on intervention support—program years 1994, 1995 and 1996 10

18. Section 68A of the Principal Act is amended:
- (a) by adding after paragraph (2)(c) the following word and paragraph: “and (d) government centres in the State.”;
- (b) by omitting from subsection (2) “for special education” and substituting “in connection with special education”; 15
- (c) by inserting in subsection (5) “for expenditure of the kind referred to in paragraph (2)(a), (b) or (c)” after “for the program year”;
- (d) by omitting from paragraph (5)(a) “the centre” and substituting “the non-government centre or non-government school”;
- (e) by adding at the end the following subsections: 20

“(6) The Minister must not authorise a payment to a State under this section in respect of expenditure of the kind referred to in paragraph (2)(d) for a program year unless the State has made an agreement with the Commonwealth for that year, or for a number of years including that year, that sets out conditions on which financial assistance is granted to the State under subsection (1) in respect of that expenditure of that kind. 25

“(7) Financial assistance is granted to a State for a program year in respect of expenditure of a kind referred to in paragraph (2)(d): 30

(a) on the conditions set out in the agreement; and

(b) on the additional conditions applicable under section 82.”.

Grants for national projects enhancing literacy and learning

19. Section 75 of the Principal Act is amended by omitting subsection (2) and substituting the following subsection:

“(2) The Minister may make a determination authorising the payment to a State for a program year after program year 1994 of an amount by way of financial assistance to the State for expenditure on the approved project, whether the project is conducted: 35

- (a) by the State or by a non-government body established in the State; and
- (b) whether the project is conducted within, or outside, or within and outside, the State.”.

5 **Insertion of new sections**

20. After section 77 of the Principal Act the following sections are inserted:

Grants for projects in connection with government primary schools to foster literacy in the early years of schooling

10 “77A.(1) The Minister may make a determination approving for the purposes of this section a project or program for expenditure in program year 1995 if:

- 15 (a) the project or program is being, or is to be, carried out at or in connection with government schools in a State with the objective of fostering the development of literacy in the early years of schooling; and
- (b) the Minister is satisfied that it is desirable that financial assistance in connection with the project or program be provided under this section.

20 “(2) The Minister may make a determination authorising payment to a State, for program year 1995, by way of financial assistance to the State for expenditure on projects or programs approved under subsection (1) in relation to the State.

25 “(3) The total of the amounts paid to the States under subsection (2) for program year 1995 must not be greater than the amount set out opposite to that year in column 7 of Schedule 8.

30 “(4) The Minister must not authorise payment to a State under subsection (2) for program year 1995 unless the State has made an agreement with the Commonwealth for that year, of a kind determined by the Minister, that sets out conditions on which financial assistance is granted to the State under subsection (2).

“(5) Financial assistance is granted to a State under subsection (2) for program year 1995 for an approved project or approved program carried out in the State:

- 35 (a) on the conditions set out in the agreement; and
- (b) on the additional conditions applicable under section 82.

Grants for projects in connection with non-government primary schools to foster literacy in the early years of schooling

“77B.(1) An aggregation of non-government schools may nominate a body to be the nominated authority of the aggregation for the purposes of this section.

5

“(2) The Minister may make a determination approving for the purposes of this section a project or program for expenditure in program year 1995 if:

- (a) the project or program is being, or is to be, carried out at or in connection with non-government schools in a State with the objective of fostering the development of literacy in the early years of schooling; and
- (b) the Minister is satisfied that it is desirable that financial assistance in connection with the project or program be provided under this section.

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“(3) The Minister may make a determination authorising payment to a State, for program year 1995, by way of financial assistance to the State for expenditure on projects or programs approved under subsection (2) in relation to the State.

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“(4) The total of the amounts paid to the States under subsection (3) for program year 1995 must not be greater than the amount set out opposite to the year in column 8 of Schedule 8.

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“(5) Financial assistance is granted to a State under this section for expenditure on a project or program for an approved school system, a non-government school, or an aggregation of non-government schools, for program year 1995 on the following conditions:

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- (a) that, subject to paragraph (b), the State will, as soon as practicable, pay to the approved authority of the school system or of the school, or to the nominated authority of the aggregation, as the case may be, an amount equal to each amount paid to the State under this section for the project or program;
- (b) that, when making a payment, the State will describe the amount paid as a payment made out of money paid to the State by the Commonwealth under this section;
- (c) the additional conditions applicable under section 83.

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Grants for national projects to foster literacy in the early years of schooling

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“77C.(1) The Minister may approve a project for the purposes of this section if:

- (a) the project is to be carried out in Australia; and

(b) the sole or principal object of the project is to enhance literacy in the early years of schooling.

5 “(2) The Minister may make a determination authorising the payment to a State for program year 1995 of an amount by way of financial assistance to the State for expenditure on the approved project, whether the project is conducted:

(a) by the State or by a non-government body established in the State; and

10 (b) whether the project is conducted within, or outside, or within and outside, the State.

“(3) The total of the amounts paid to the States for program year 1995 under this section must not be an amount that, when aggregated with amounts paid to the States under sections 77A and 77B, exceeds the total of the amounts set out opposite to that year in columns 7 and 8 of Schedule 8.

15 “(4) The Minister is to determine the conditions on which financial assistance is granted to a State for program year 1995 under this section for a project conducted by the State.

“(5) The conditions are to be included in an agreement made by the State with the Commonwealth.

20 “(6) The Minister may not authorise a payment to the State for program year 1995 for a project conducted by the State unless the State has made the agreement.

“(7) Financial assistance is granted to a State under this section for program year 1995 for an approved project conducted by the State:

25 (a) on the conditions set out in the agreement; and

(b) on the additional conditions applicable under section 82.

“(8) Financial assistance is granted to a State for program year 1995 for an approved project conducted by a body other than the State on the following conditions:

30 (a) that, subject to paragraph (b), the State will, as soon as practicable, pay to the body an amount equal to each amount paid to the State under subsection (2) in relation to the project;

35 (b) that, when making a payment, the State will describe the amount paid to the body as a payment made in relation to the project from money paid to the State under this section;

(c) the additional conditions applicable under section 83.”.

Additional conditions—if agreement between Commonwealth and body other than a State

40 **21.** Section 83 of the Principal Act is amended by inserting after subsection (1) the following subsection:

“(1A) In the application of subsection (1) to a non-government body that is established in a particular State and conducting a project approved under subsection 75(1) or 77C(1), whether that project is conducted within, or outside, or within and outside, that particular State, that non-government body is to be treated as conducting that project in that State.”.

5

Nominated authority

22. Section 84 of the Principal Act is amended:

- (a) by omitting “and 93” and substituting “, 93 and 93G”;
- (b) by omitting “non-government” and substituting “non-systemic”.

Priority languages before Division 2A comes into force

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23. Section 85 of the Principal Act is amended:

- (a) by inserting in subsection (2) “, at any time before the start of program year 1995”, after “may”;
- (b) by inserting in subsection (4) “, at any time before the start of program year 1995” after “may”.

15

Insertion of new section in Division 1

24. After section 85 of the Principal Act the following section is inserted in Division 1 of Part 7:

Priority languages for grants under Division 2A

“85A. For the purpose of the making of grants under Division 2A the following languages are taken to be priority languages:

20

- (a) Aboriginal languages;
- (b) Arabic;
- (c) French;
- (d) German;
- (e) Italian;
- (f) Modern Greek;
- (g) Russian;
- (h) Spanish;
- (i) Thai;
- (j) Vietnamese.”.

25

30

Amendment of heading to Division 2

25. The heading to Division 2 of Part 7 of the Principal Act is amended by adding at the end “*in program year 1993 or 1994*”.

Grants—Government schools and educational institutions

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26. Section 87 of the Principal Act is amended by inserting in subsection (1) “before program year 1995” after “a program year”.

Grants—approved school systems

27. Section 88 of the Principal Act is amended by inserting in subsection (1) “before program year 1995” after “a program year”.

Grants—non-systemic schools

5 28. Section 89 of the Principal Act is amended:

(a) by omitting “aggregation of non-government schools” and substituting “aggregation of non-systemic schools”;

(b) by inserting in subsection (1) “before program year 1995” after “a program year”;

10 (c) by omitting from paragraph (b) of the definition of “Eligible students” in subsection (2) “non-government” and substituting “non-systemic”.

Insertion of new Division

15 29. After Division 2 of Part 7 of the Principal Act the following Division is inserted:

“Division 2A—Grants for priority languages in a program year after program year 1994

Grants in respect of government schools and educational institutions

20 “93A. The Minister may make a determination authorising the payment to a State of an amount by way of financial assistance to the State for expenditure for a program year after program year 1994 on education in priority languages provided at or in connection with government schools or government educational institutions in the State.

Grants in respect of non-government schools

25 “93B.(1) The Minister may make a determination authorising the payment to a State of an amount by way of financial assistance to the State for expenditure of an approved school system in the State for a program year after program year 1994 on education in priority languages provided at or in connection with systemic schools in the school system:

30 “(2) The Minister may make a determination authorising the payment to a State of an amount by way of financial assistance to the State for expenditure in the State for a program year after program year 1994 on education in priority languages provided at or in connection with a non-systemic school or a school or schools within an aggregation of
35 non-systemic schools.

Ceiling for grants under sections 93A and 93B

“93C. The aggregate of amounts paid to a State under section 93A and subsections 93B(1) and (2) for a program year must not be greater than the amount set out opposite to the name of that State in column 2 of the part of Schedule 10 that relates to that program year.

5

Agreements relating to conditions

“93D.(1) The Minister is to determine the conditions on which financial assistance is granted to a State for a program year under this Division for government schools or government educational institutions in the State.

“(2) The conditions are to be included in an agreement entered into by the State with the Commonwealth.

10

“(3) The Minister must not authorise a payment to a State for a program year unless the State has entered into the agreement.

Conditions—government schools and educational institutions

“93E. Financial assistance is granted to a State under this Division for a government school or a government educational institution in the State for a program year:

15

(a) on the conditions set out in the agreement; and

(b) on the additional conditions applicable under section 98.

Conditions—approved school systems

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“93F. Financial assistance is granted to a State under this Division for an approved school system in the State for a program year on the following conditions:

(a) that, subject to paragraph (b), the State will, as soon as practicable, pay to the approved authority of the school system an amount equal to each amount paid to the State under this Division for the school system for that year;

25

(b) that, when making the payment the State will describe the amount paid as a payment made out of money paid to the State by the Commonwealth under this Division;

30

(c) the additional conditions applicable under section 99.

Conditions—non-systemic schools

“93G. Financial assistance is granted to a State under this Division for a non-systemic school or an aggregation of non-systemic schools, in the State for a program year on the following conditions:

35

- (a) that, subject to paragraph (b), the State will, as soon as practicable, pay:
- (i) to the approved authority of the school an amount equal to each amount paid to the State under this Division for the school for that year; or
 - (ii) to the nominated authority of the aggregation an amount equal to each amount paid to the State under this Division for the aggregation for that year;
- (b) that, when making the payment, the State will describe the amount paid as an amount paid out of money paid to the State by the Commonwealth under this Division;
- (c) the additional conditions applicable under section 99.”.

Further minor amendments

30. The Principal Act is further amended as set out in Schedule 1 to this Act.

Amendments of Schedules

31.(1) Schedule 1 to the Principal Act is amended:

- (a) by omitting the Note at the end of Part 2;
- (b) by adding after Part 2 the Part and Note set out in Schedule 2 to this Act.

(2) Schedule 3 to the Principal Act is amended:

- (a) by inserting in column 2 “110,569,000” opposite to the year 1995 in column 1 of that Schedule;
- (b) by omitting the Note at the end of Schedule 3 and substituting the following Note:

“Note: The figure for 1996 will be inserted by a subsequent amending Act.”.

(3) Schedule 6 to the Principal Act is amended by omitting Part 1 of the Schedule and substituting the Part set out in Schedule 3 to this Act.

(4) Schedule 8 to the Principal Act is amended by adding to the Schedule the columns 7 and 8 set out in Schedule 4 to this Act so that the amount specified in each of those columns is an amount specified in respect of the program year 1995 as referred to in column 1 of Schedule 8.

(5) Schedule 10 to the Principal Act is amended by adding after Part 2 the Part set out in Schedule 5 to this Act.

Payments made before 1 January 1995 in respect of capital projects

32.(1) If an amount has been paid to a State for expenditure on a capital project approved under section 20 of the *States Grants (Schools Assistance) Act 1988*, on condition that the State pay that amount to a body nominated

as the relevant block grant authority in respect of that project, that body is to be treated, for the purposes of that Act, as if it had been validly determined under section 19 of that Act to be the block grant authority for the school or hostel to which the project relates.

(2) If an amount has been paid to a State, either before the day on which this Act receives the Royal Assent or after that day and before 1 January 1995, for expenditure on a capital project approved under section 52 of the *States Grants (Primary and Secondary Education Assistance) Act 1992*, on condition that the State pay that amount to a body nominated as the relevant block grant authority in respect of that project, that body is to be treated, for the purposes of that Act, as if it had been validly determined under section 51 of that Act to be the block grant authority for the school or hostel to which the project relates.

Payments made on national projects relating to literacy and learning

33.(1) Money paid to a State by way of financial assistance under section 39A of the *States Grants (Schools Assistance) Act 1988* in respect of a project purportedly approved under that section in respect of the program year 1991 is to be treated as if that money had been properly paid to that State in respect of a project properly approved by the Minister under that section.

(2) Money paid to a State by way of financial assistance under section 39F of the *States Grants (Schools Assistance) Act 1988* in respect of a project purportedly approved under that section in respect of the program year 1992 is to be treated as if that money had been properly paid to that State in respect of a project properly approved by the Minister under that section.

(3) Money paid to a State by way of financial assistance under section 75 of the *States Grants (Primary and Secondary Education Assistance) Act 1992* in respect of a project purportedly approved under that section in respect of the program year 1993 is to be treated as if that money had been properly paid to that State in respect of a project properly approved by the Minister under that section.

(4) The agreement entered into by the body corporate known as the Curriculum Corporation and the Commonwealth in respect of amounts paid to a State by way of financial assistance to that State under section 75 of the *States Grants (Primary and Secondary Education Assistance) Act 1992* in respect of the expenditure of the Curriculum Corporation in respect of the program year 1993 has effect, and is to be taken at all times to have had effect, as if the Curriculum Corporation:

- (a) had been determined under section 3 of that Act to be the approved authority of itself; and
- (b) had entered into the agreement in that capacity.

(5) Payments made to the Curriculum Corporation and governed by the agreement referred to in subsection (4) are to be treated as if those payments had been governed by the agreement as it has effect because of the operation of that subsection.

SCHEDULE 1

Section 30

FURTHER AMENDMENTS OF THE PRINCIPAL ACT

1. Section 65:

Insert “(1)” after “65.”.

2. Subsection 65(3):

Omit “systemm”, insert “system”.

3. Paragraph 65A(5)(a):

Insert “school system or the” after “under this section for the”.

4. Subparagraph 67A(6)(a)(iii):

Omit “or” (first occurring).

5. Subsection 68(1):

Omit “chilren”, substitute “children”.

6. Subsection 76(1):

Omit “recurrent”.

7. Subsection 77(2):

Omit “recurrent”.

8. Subsection 98(1):

Insert “, 93E(b)” after “91(b)”.

9. Subsection 99(1):

Insert “, 93F(c), 93G(c)” after “93(c)”.

10. Paragraph 106(1)(b):

Omit “Australian Education Council”, substitute “Ministerial Council of Education, Employment, Training and Youth Affairs”.

11. Paragraph 106(4)(a):

Omit “amounts specified in column 8”, substitute “amounts specified in columns 8 and 9”.

SCHEDULE 2

Paragraph 31(1)(b)

**ADDITION OF NEW PART IN SCHEDULE 1 TO THE
PRINCIPAL ACT**

“PART 3—1995

Column 1	Column 2
State	General grants
	\$
New South Wales	68,769,000
Victoria	47,780,000
Queensland	36,678,000
Western Australia	20,182,000
South Australia	16,750,000
Tasmania	5,873,000
Australian Capital Territory	3,679,000
Northern Territory	2,435,000
Total	202,146,000

Note: This Schedule presently contains only Parts 1, 2 and 3 which relate to capital grants for government schools in 1993, 1994 and 1995. It is proposed to insert an additional Part, relating to 1996, by a subsequent amending Act.”

SCHEDULE 3

Subsection 31(3)

**SUBSTITUTION OF NEW PART 1 IN SCHEDULE 6 TO THE
PRINCIPAL ACT**

“PART 1—1993

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7	Column 8
State	Grants for general education in English as a second language provided at or in connection with government schools	Grants for general education in English as a second language provided at or in connection with non-government schools	Amount per eligible new arrival	Grants for special education in government schools and centres	Grants for special education in non-government schools and centres	Grants for special education intervention support	Grants for capital projects for children and students with disabilities in non-government schools and centres
	\$	\$	\$	\$	\$	\$	\$
New South Wales	16,647,000	8,185,911		8,855,000	7,782,000	5,223,000	
Victoria	12,847,000	7,730,655		6,327,000	7,633,000	4,334,000	
Queensland	3,744,000	1,765,756		4,721,000	3,340,000	3,286,000	
Western Australia	3,271,000	1,708,445		2,596,000	2,137,000	1,535,000	
South Australia	3,286,000	1,267,615		2,216,000	1,654,000	1,360,000	
Tasmania	432,000	152,320		779,000	538,000	506,000	
Australian Capital Territory	816,000	419,160		485,000	488,000	276,000	
Northern Territory	842,000	371,138		322,000	199,000	206,000	
Total	41,885,000	21,601,000	2,722	26,301,000	23,771,000	16,726,000	3,915,000 ”.

SCHEDULE 4

Subsection 31(4)

**ADDITION OF NEW COLUMNS TO SCHEDULE 8 TO THE
PRINCIPAL ACT**

“

Column 7	Column 8
Grants for projects fostering literacy in early years of schooling at government schools	Grants for projects fostering literacy in early years of schooling at non-government schools
\$	\$
6,535,000	2,165,000

”

SCHEDULE 5

Subsection 31(5)

**ADDITION OF NEW PART IN SCHEDULE 10 TO THE
 PRINCIPAL ACT**

“PART 3—1995

Column 1	Column 2	Column 3	Column 4
State	Grants for priority languages	Grants for community languages provided at or in connection with government schools or by persons or organisations other than non-government non-systemic schools	Grants for community languages provided at or in connection with non-government
	\$	\$	\$
New South Wales	1,455,040	2,669,000	813,000
Victoria	1,209,611	1,807,000	2,998,000
Queensland	443,403	494,000	295,000
Western Australia	296,509	283,000	139,000
South Australia	392,323	378,000	118,000
Tasmania	59,544	20,000	4,000
Australian Capital Territory	134,502	82,000	86,000
Northern Territory	9,068	30,000	
Total	4,000,000	5,763,000	4,453,000 „

NOTE

1. No. 160 of 1992, as amended. For previous amendments, see No. 19, 1994.



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