

1985

The Parliament of the
Commonwealth of Australia

States Grants (Schools Assistance) Amendment Bill 1985

Explanatory Memorandum

(Circulated by authority of the
Minister for Education, Senator
the Hon Susan Ryan)

STATES GRANTS (SCHOOLS ASSISTANCE) AMENDMENT BILL 1985

GENERAL OUTLINE OF BILL

The purpose of the Bill is to -

1. Supplement existing financial provisions relating to the 1985 calendar year to take into account increases in price levels.
2. Extend annual programs to the 1986 calendar year and provide financial allocations in respect of these programs in 1986.
3. Provide for the transfer of certain early special education responsibilities from the Department of Community Services to the Commonwealth Schools Commission. These involve the inclusion of national elements of \$2.7m in the capital grants program and \$12.8m in the special education at non-government schools program.
4. Provide for the Government's policy on new non-government schools. The Minister announced details of the policy in Parliament on 21 March 1985 and stated that legislation would be introduced to implement it. All affected schools and proposed schools were notified at that time of any effect the changes would have.

Financial Impact

The Bill appropriates an estimated \$1,495m for schools programs in calendar year 1986, consisting of \$1,081m for general recurrent grants, \$210m for capital grants and \$204m for specific purpose grants. The Bill also appropriates a further \$14m for 1985 programs for price increases in line with retrospective cost supplementation arrangements. This brings total funding for 1985 programs to an estimated \$1,450m.

NOTES ON CLAUSES

Clause 1

Short title.

Clause 2

Act commences generally upon Royal Assent.

Clauses 3 - 5

Amend Sections 3 - 5. The main purpose is to provide formal changes to continue existing provisions to 1986. Formal provision is also made for the new schools policy.

Clause 6

Amends section 6, List of systemic schools and list of approved school systems, to continue provision for new schools which commenced in 1985 or which relocated or provided a new level of education in 1985. No change in policy is involved.

Clause 7

Inserts new sections, 6A and 6B, to effect government policy on new non-government systemic schools, a new section 6C to continue existing policies with respect to existing systems and schools already on the list and a new formal section 6D. Detailed provisions are -

Section 6A. New non-government systemic schools, &c. - 1986 and subsequent years

(1) For systemic schools proposing to relocate or provide a new level of education from 1986, or amalgamate, separate, change to or from a single sex school or to or from a boarding school from 1987, systems shall give specified notice.

(2) If such notice is not given the Minister may specify or vary the maximum number of students for the school.

(3) Where such notice is received the Minister shall provisionally approve the proposed change or, if not satisfied that the changes should be so approved, invite the system to make submissions.

(4) Where submissions are so invited they shall be considered by the Minister, who shall then provisionally approve the proposed change or inform the system that she is not satisfied that the change should be so approved.

(5) The Minister shall provisionally approve a proposed change if satisfied that no significant increase or alteration to the clientele of the school is involved.

(6) The Minister shall not provisionally approve a proposed change unless satisfied that the initial eligibility criteria are met.

(7) such initial eligibility criteria are -

- (a) for changes in location, the change has reasonable prospects of being recognized by the State
- (b) for changes in level, the change has reasonable prospects of being recognized by the State and reasonable prospects of having the minimum acceptable number of students for the new level
- (c) for all changes, the school has reasonable prospects of financial viability
- (d) for all changes, government and non-government education authorities in the State have been given notice.

(8) In deciding whether to approve provisionally a proposed change the Minister shall have regard to -

- (a) plans for future education, both government and non-government, in the State and the locality
- (b) characteristics of the locality regarding the provision of education
- (c) priority that the proposed change should be accorded for Commonwealth funding.

(9) If the school relocates after the Minister has informed the system that she is not satisfied the proposed change should be provisionally approved, the Minister may remove the school from the list. If the school has been provisionally approved the Minister shall include the school on the list in respect of the change if satisfied that the relocated school has been recognized by the State Minister.

(10) If a school has proposed to initiate a change in location in 1986, 1987 or 1988 and has been provisionally approved, the Minister shall not include it on the list in respect of the change after the expiration of that year unless satisfied that exceptional circumstances exist.

(11) If a school changes a level after the Minister has informed the system that the change is provisionally approved, the Minister shall include the school on the list in respect of the change if satisfied that the new level has been recognized by the State Minister and the school has the minimum acceptable number of students.

(12) If a school has proposed to initiate a change in level in 1986, 1987 or 1988 and the change has been provisionally approved, the Minister shall not include it on the list in respect of the change after the expiration of that year unless satisfied that exceptional circumstances exist.

(13) In respect of -

- (i) new schools not on the list
- (ii) existing schools on the list for one level but not for another level, where the school is providing education at that other level
- (iii) existing schools on the list for a particular location but not for another location, where the school is providing education at that other location;

which seek financial assistance for the school or for the other level or location to commence between 1986 and 1990 systems shall give specified notice.

(14) Where such notice is received the Minister shall provisionally approve the new school or, if not satisfied that it should be so approved, invite the system to make submissions.

(15) Where submissions are so invited they shall be considered by the Minister, who shall then provisionally approve the new school or inform the system that she is not satisfied that the change should be so approved.

(16) The Minister shall not provisionally approve the new school unless it meets the initial eligibility criteria.

(17) Such initial eligibility criteria are -

- (a) the new school has reasonable prospects of being recognized by the State, of having the minimum acceptable number of students and of financial viability
- (b) government and non-government education authorities in the State have been given notice.

(18) In deciding whether to approve provisionally a new school the Minister shall have regard to -

- (a) plans for future education, both government and non-government, in the State and the locality
- (b) characteristics of the locality regarding the provision of education
- (c) priority that the proposed change should be accorded for Commonwealth funding.

(19) After a new school has been provisionally approved the Minister shall include the school on the list if satisfied that the new school has been recognized by the State, is not conducted for profit and has the minimum acceptable number of students.

(20) If a new school has proposed to commence in a year between 1986 and 1990 and has been provisionally approved, the Minister shall not include it on the list after the expiration of that year unless satisfied that exceptional circumstances exist.

(21) Minister shall give notice to the system of variations of the list and of provisional approvals.

Section 6B. Non-government systemic schools - funding to a plan

(1) Minister may specify or vary a maximum number of students for a school after provisionally approving an amalgamation, separation or change to or from a single sex school or to or from a boarding school, or when varying the list following any other provisional approval or after finally informing the system that she is not satisfied the school should be provisionally approved.

(2) Where the Minister so specifies or varies a maximum number in relation to a change proposed for a particular year and the change is not made by the end of that year, Minister may again vary the maximum number or omit it.

(3) System may request Minister to increase the maximum number of enrolments specified in respect of a school on the list by notice in writing not later than 2 years before the year for which the change is requested.

(4) Where Minister receives such notice she shall increase the maximum number or inform the system she is not satisfied such an increase should be made and invite submissions from the system.

(5) Where submissions are so invited they shall be considered by the Minister who shall then increase the maximum number or inform the system she is not satisfied the increase should be made.

(6) Minister will increase the maximum number of students if satisfied this will not involve or lead to a significant increase or alteration to the clientele of the school.

(7) Minister will not increase the maximum number unless satisfied that government and non-government education authorities in the State have been given notice of the proposed increase.

(8) In deciding whether to increase the maximum number of students the Minister shall have regard to -

- (a) plans for future education, both government and non-government, in the State and locality
- (b) characteristics of the locality regarding the provision of education
- (c) priority that the proposed increase should be accorded for Commonwealth funding.

(9) Minister shall give notice to the system of any variation of the list under this section.

6C. Non-government systemic schools - variation of list, &c.

This section restates the maintenance of effort provisions in the existing legislation. No change in policy is involved.

6D. List of approved school systems

Formal restatement of existing position with respect to funding level of systems. No change in policy is involved.

Clause 8

Amends section 7, List of non-systemic schools, to continue provision for new schools which commenced in 1985 or which relocated or provided a new level of education in 1985. No change in policy is involved.

Clause 9

Inserts new sections, 7A and 7B, to effect government policy on new non-government non-systemic schools and a new section 7C to continue existing policies with respect to existing schools already on the list. These provisions exactly parallel proposed sections 6A, 6B and 6C, the only difference being that the Minister must determine a level of funding, having regard to the need for such assistance, of new non-systemic schools placed on the list (sub-sections 7A (21) and (22) refer). There is no need for such a provision with respect to systemic schools because the level of funding for the new school will be that of the system. Conversely, there is no requirement for a parallel section 6D with respect to non-systemic schools.

Clause 10

Repeals section 8, Movement of schools between lists, the provisions of which are now included in those relating to new non-government schools.

Clause 11

Amends section 9, Grants for building projects and equipment projects in connection with government schools, by extending the program to 1986 and by providing a single aggregate amount for each State rather than a number of elements.

Clause 12

Amends section 10, Limits on grants under section 9, by extending the financial provisions of section 9 to 1986.

Clause 13

Corrects a reference.

Clauses 14 - 22

Continue existing programs to 1986. No policy changes are made.

Clause 23

Amends section 25, Approval of building projects and equipment projects in connection with non-government schools and non-government centres, by -

- (a) extending the program to 1986
- (b) providing a national allocation for handicapped children in schools or centres
- (c) providing a single aggregate amount for each State rather than a number of elements.

Clauses 24 and 25

Make amendments consequent upon the changes to section 25.

Clause 26

Clarifies the formal payment provisions with respect to general recurrent grants for non-government schools on the list of systemic schools.

Clauses 27 and 28

Formal provisions to implement funding to a plan in the new non-government schools policy. New sections 28A and 28B apply to systemic schools and new sections 29A and 29B to systemic schools.

Clauses 29 - 61

Continue existing programs to 1986. The only changes are the inclusion of a national element within the special education at non-government schools provisions (Clauses 38 and 39 refer) and financial provisions with respect to early special education joint programs which are brought into line with parallel provisions for government schools (Clause 55 in respect of section 70 refers).

Clause 62

Substitutes new financial schedules to extend programs to 1986 and to provide for increases in price levels.

Clauses 63 and 64

Procedural only.

