

THE PARLIAMENT OF THE
COMMONWEALTH OF AUSTRALIA
HOUSE OF REPRESENTATIVES

STATES GRANTS (EDUCATION ASSISTANCE - PARTICIPATION AND EQUITY)
BILL 1983

EXPLANATORY MEMORANDUM
(Briefing Document)

(Circulated by authority of the Minister for Education and
Youth Affairs Senator the Hon. Susan Ryan)

STATES GRANTS (EDUCATION ASSISTANCE - PARTICIPATION
AND EQUITY) BILL 1983

General Outline

The purpose of this Bill is to provide funds for the Participation and Equity Program which will commence in 1984 and continue in 1985 and 1986. Programs for schools will be administered by the Commonwealth Schools Commission while the TAFE program will be administered by the Commonwealth Tertiary Education Commission.

The Department of Education and Youth Affairs will exercise a co-ordinating role.

Because this Program will be administered by both Commissions the Government has decided to provide the funds separately from the States Grants (Schools Assistance) legislation and the States Grants (Tertiary Education Assistance) legislation for which the normal separate Bills will be introduced concurrently.

The Participation and Equity Program is designed to encourage a significant increase in participation by young people in education and training, to provide a useful and fulfilling education, and to encourage the achievement of more equal educational outcomes. The Program is directed towards bringing about wide ranging changes in schools which will enable them to give all students, and especially those from a disadvantaged background, a rewarding, useful education through to the end of secondary schooling.

The Program will provide support for courses and activities in TAFE colleges which positively enrich and expand the range of options available to youth, particularly for those less academically inclined and those currently unemployed. Courses should meet community needs, individual needs, and the national need for an adequately educated and adaptable skilled workforce. Funds will also be available for approved projects conducted by other State authorities, community organizations and other non-institutional bodies.

NOTES ON CLAUSES

PART I - PRELIMINARY

Clause 1 - Short title

Clause 2 - Commencement

The legislation will come into operation on the day on which it receives Royal Assent.

Clause 3 - Objects

This clause states the objects of the Bill and of the Participation and Equity Program. In brief, the objects are to increase participation of young people in education and training and to ensure more equal outcomes of education and training.

Clause 4 - Interpretation

Definitions

Clause 5 - Years to which Act applies

1984, 1985, 1986

Clause 6 - Approval of projects and programs that further the objects of the Act

Sub-clause (1) provides for the Minister to approve for funding, projects and programs in Australia, which are consistent with the objects stated in Clause 3;

Sub-clause (2) prevents the Minister from approving projects unless the Minister is satisfied that as far as practicable, the opportunities created by the project, are equally available to males and females or that the project will assist the members of one sex to have equal educational opportunities with members of the other sex.

Sub-clause (3) allows the Minister to declare a particular project as one of national significance and thereby to be funded under clause 20 rather than from State allocations.

PART II - GOVERNMENT SCHOOLS PROJECTS AND PROGRAMS

Clause 7 - Grants for expenditure in connection with approved projects and programs for government schools

Sub-clause (1) provides for the Minister to authorize payment of financial assistance to the States for approved programs and projects at, in connection with or for the purposes of State government schools

Sub-clause (2) requires the State to spend the financial assistance on approved projects and programs.

Clause 8 - Limits on grants under section 7 in respect of 1984

This clause ensures that the Minister's authorization of payments does not exceed the amounts appropriated. These amounts are listed in Schedule 1.

Clause 9 - Additional conditions to which grants of financial assistance under Section 7 subject

Sub-clause (1) requires the State to furnish to the Minister by 30 June of the next year

- a) a certificate by an authorized person that Commonwealth financial assistance under Clause 7 has been spent on approved projects
- b) a statement, in a form approved by the Minister that summarizes the manner in which Commonwealth funds have been applied.

Sub-clause (2) provides that if a State does not meet a condition, the State will repay an amount specified by the Minister. It also provides for repayment of unspent funds.

PART III NON-GOVERNMENT SCHOOLS PROJECTS AND PROGRAMS

Clause 10 - Grants for expenditure in connection with approved projects on programs for systemic schools

Sub-clause (1) provides for the Minister to authorize Commonwealth grants to the States for expenditure on approved projects or programs carried out at, in connection with, or for the purposes of, systemic schools.

Sub-clause (2) prescribes that Commonwealth grants are to be transmitted to systemic schools without delay and that the approved school authority will furnish to the Minister not later than 30 June next -

- a) a certificate by a qualified accountant that Commonwealth funds have been spent on approved projects and
- b) a statement containing information required by the Minister in respect of approved projects. It also provides for repayment where a condition is not met.

Clause 11 - Grants for expenditure in connection with approved projects or programs for non-systemic schools

This clause provides for basically the same authorization and accountability machinery as for systemic schools (Clause 10)

Clause 12 - Limits on grants under Clauses 10 and 11 in respect of 1984

This clause ensures that the Minister's authorization of payments does not exceed the amount appropriated. These amounts are listed in Schedule 2.

Clause 13 - Additional conditions to which grants of financial assistance under clauses 10 and 11 subject

This clause provides for repayment where a condition has not been met or an overpayment has been made.

PART IV TECHNICAL AND FURTHER EDUCATION
PROJECTS AND PROGRAMS

Clause 14 - Grants for expenditure in connection with approved projects or programs for technical and further education institutions

Sub-clause (1) provides for the Minister to authorize payments to a State in respect of an approved project or program carried out at, in connection with, or for the purposes of TAFE institutions or connected with the provision of technical and further education.

Sub-clause (2) requires the State to spend the financial assistance on approved programs and projects. It also requires the State to furnish to the Minister by 30 September next, a statement by an approved auditor in a form approved by the Minister, as to expenditure by the State, its

instrumentalities and other bodies on approved projects. It also requires the State to provide other information on approved projects which the Minister requires.

Clause 15 - Limits on grants under Section 14 in respect of 1984

This clause ensures that the Minister's authorization of payments does not exceed the amounts appropriated. These are listed in Schedule 3.

Clause 16 - Additional Conditions to which grants under Section 14 subject

This clause provides for repayment if a condition is not met or if overpayment has occurred.

PART V OTHER PROJECTS AND PROGRAMS

Clause 17 - Grants for expenditure in relation to other approved projects and programs

Sub-clause (1) provides for the Minister to authorize payments of Commonwealth grants for other projects that are in accord with the objects of the Bill but which are not conducted in connection with, or for the purposes of, schools or TAFE colleges. Sub-clause (2) specifies as a condition that the State will furnish to the Minister by 30 June next, a certificate by an authorized person that Commonwealth funds have been spent on approved projects. It also requires the State to provide information on approved projects which the Minister requires.

Clause 18 - Limits on grants in respect of 1984

Funds for other projects are to be provided from amounts provided for government schools or for TAFE institutions. This clause therefore limits the amounts the Minister may authorize for other projects to the amounts provided for government schools and for TAFE.

Clause 19 - Additional conditions to which grants of financial assistance under Clause 17 subject

This clause provides for repayment if a condition is not met or if an overpayment has occurred.

PART VI PROJECTS AND PROGRAMS OF NATIONAL SIGNIFICANCE

Clause 20 - Grants for expenditure in relation to approved projects and programs of national significance

Sub-clause (1) provides for the Minister to authorize payment in respect of projects of national significance (See Clause 6(3)) including a project which is part of or conducted in conjunction with another project or in another State.

Sub-clause (2) specifies that the State is to furnish to the Minister by 30 June next, a certificate by an authorized person that Commonwealth funds have been spent on the project. It also provides for States to furnish information about the project as specified by the Minister.

Clause 21 - Limit on grants under Section 20 in respect of 1984

This clause places a limit of \$625,000 on expenditure in 1984 on projects of national significance.

Clause 22 - Additional conditions to which grants of financial assistance under Section 20 subject

This clause provides for repayment if a condition is not met or if an overpayment is made.

PART VII MISCELLANEOUS

Clause 23 - Advisory Committees

Sub-clauses (1) and (2) provide that the Minister may not authorize payment of financial assistance to a State unless the State Minister has appointed a committee with representation approved by the Commonwealth Minister to advise on the implementation of

the Participation and Equity Program

These Committees would recommend approval at the State level of particular programs and projects before they are forwarded for Commonwealth approval. The Commonwealth Minister's approval of such committees is to ensure that representation is in accordance with Government policy.

Sub-clause (3) provides for the Minister to establish a committee in each State to advise on the development of the Participation and Equity Program in non-government schools.

Sub-clause (4) provides for Committees to undertake functions other than those specified in this legislation.

Clause 24 - Limits on grants in respect of 1985 and 1986

This clause provides for limits and prevents Minister from authorizing more than the amounts appropriated.

Clause 25 - Transfer of amounts between Schedules 1 and 3

This allows the Commonwealth Minister, at the request of a State Minister, to transfer funds between the government schools and TAFE Schedules (Schedules 1 and 3) in respect of that State.

Clause 26 - Minister may fix amounts, and times of payments of financial assistance

This clause provides for arrangements for making payments to be approved by the Minister for Finance.

Clause 27 - Amounts repayable to the Commonwealth

This clause provides that amounts repayable to the Commonwealth are deemed to be a debt due by the State to the Commonwealth

Clause 28 - Advances

This clause provides for advances of funds to be made with concurrence of the Minister for Finance.

Clause 29 - Payments to be made out of Consolidated Revenue
Fund

Clause 30 - Appropriation

This clause provides for appropriation of funds.

Clause 31 - Delegation by Minister

This clause provides that the Minister may delegate powers to the Commonwealth Schools Commission, the Commonwealth Tertiary Education Commission or full-time member(s) or an officer of the Australian Public Service.

Clause 32 - Determinations to be in writing

This clause provides for any declaration, approval, authorization, determination or notification etc. under the Act to be in writing.

Clause 33 - Report by Minister

This clause provides that as soon as practicable after 30 September each year, the Minister is to table a Report in Parliament on the application of financial assistance.

Clause 34 - Regulations

This clause provides for the Governor-General to make regulations.

