

1983

The Parliament of the
Commonwealth of Australia

States Grants (Schools Assistance) Bill 1983

Explanatory Memorandum

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

OUTLINE

STATES GRANTS (SCHOOLS ASSISTANCE) BILL 1983

The purpose of this Bill is to put into operation the Government's commitment to provide funding for the primary and secondary education of children in the States and the Northern Territory. The programs are to be administered by the Commonwealth Schools Commission and this Bill will make provision for the funding and conditions applicable to programs in respect of the 1984 calendar year. This Bill also adjusts grants in respect of 1983 programs arising out of the effects of the wages pause and the subsequent National Wages increase of 4.3 per cent from 6 October 1983.

The principles of the programs to operate in 1984 were summarised in the Commonwealth Schools Commission's Report which was tabled in Parliament on 18 October 1983 subsequent to the Guidelines announced by the Minister on 28 July 1983. Provision is not made in this Bill for the new Participation and Equity program which is provided for under the States Grants (Education Assistance - Participation and Equity) Bill 1983.

The variations from existing legislation are detailed in this memorandum in explanations of individual clauses of the Bill.

The adjustment to the 1983 programs is anticipated to bring the total cost of all 1983 grants to \$1,230 million.

The estimated cost of grants in respect of the 1984 calendar year for programs under this Bill is \$1,290 million.

CLAUSES OF THE BILL

The provisions of the Bill are similar to those of the existing States Grants (Schools Assistance) Act 1982. The main variations are indicated below.

Provision for 1984 Grants

PART I - PRELIMINARY

Clause 3

Sub-clause (1) (Interpretation)

"approved authority" - in the existing legislation has been re-expressed in sub-clause (18).

"co-educational school" - new provision to define what is meant by co-educational school.

"general education in English as a second language" - re-expressed to allow Aboriginal students to participate in the program.

"library materials" - extension of the provision to include computer software.

"people of the Aboriginal race of Australia" - new provision to define the people who are included in the Aboriginal race.

"program of computer education" - a new provision to define a new program.

"program of ethnic education" - extension of this provision to enable assistance to be provided to the Aboriginal race of Australia.

"schools serving a predominantly Aboriginal community" - new provision to define a new program.

"severely handicapped child" - extension of the provision to allow for a better definition of a severely handicapped child.

"special education" - re-expression of definition of special education.

Sub-clauses (9) to (13)

Provides arrangements to enable the Minister to review the systemic status of a school if a school has undergone a substantial change in character. The review procedures provide for the approved authority for the school system to make submissions, in writing, for consideration by the Minister.

The review enables the Minister to re-affirm a school as part of a school system; declare only part of a school to be included in a system; or not include the school in a system. Student enrolments in a school system are the basis for payment of recurrent grants to the system.

Sub-clause (19)

New provisions to ensure that as far as practicable that education will be equally available to male and female students.

Clause 4

Sub-clause (5)

Extension of the qualifying criteria for non-government schools considered eligible for short-term emergency assistance to include those requiring assistance because of sudden economic decline in the locality in which the school is situated.

Sub-clause (7)

New provision to allow the Minister to declare that a school in a State is serving a predominantly Aboriginal community for the purposes of the Bill.

PART II - GOVERNMENT SCHOOLS PROGRAMS

Clause 6

Sub-clause (2)(3) and (7)

Provision is made for the Minister to specify that financial assistance is granted for particular prescribed purposes in relation to building projects and equipment projects in connection with government schools. The financial allocation for each prescribed purpose are set out in schedule 1 and provide specific allocations for

- (a) General Capital
- (b) Upgrading of Existing Schools
- (c) Libraries
- (d) Special Education
- (e) Secondary Facilities

Sub-clause (6)

New provision to allow for financial assistance to be provided for hostel accommodation for students at government schools.

Clause 17 and 18

New provisions to cover the new program for Computer education at government schools.

Clause 19

Sub-clause (4)

New provision to ensure that as far as practicable that financial assistance will be equally available to male and female students.

PART III - NON-GOVERNMENT SCHOOLS PROGRAMS

Clause 20

Sub-clause (3) and (5)

Provision is made to allow the Minister to specify that financial assistance is granted for a particular prescribed purposes in relation to building projects and equipment projects in connection with non-government schools. The financial allocation for each prescribed purpose are set out in schedule 7 and provide specific allocations for

- (a) General Capital
- (b) Upgrading of Existing Schools
- (c) Libraries
- (d) Secondary Facilities

Sub-clause (4)

New provision to ensure that as far as practicable that financial assistance will be equally available to male and female students.

Clause 21 (sub-clause (2)(b))

Clause 21 (sub-clause (4)(c))

Clause 23 (sub-clause (9)(b))

Clause 26 (sub-clause (2)(b))

Clause 27 (sub-clause (2)(b))

Clause 29 (sub-clause (2)(b))

Clause 30 (sub-clause (2)(b))

Clause 32 (sub-clause (2)(b))

Clause 34 (sub-clause (3)(c))

Clause 37 (sub-clause (2)(b))

Clause 38 (sub-clause (2)(b))

New provisions require the Commonwealth Education Minister to furnish the State Education Minister with a certificate to the effect that the approved authority for a non-government school or school system has agreed with the Commonwealth to be bound by specified conditions relating to the grant before the State makes a payment to the approved authority.

Clause 24

Sub-clauses (1), (2) and (3)

Provides arrangements to enable the Minister to review the inclusion of a non-systemic school in the list of non-systemic schools where there has been a substantial change in character of the school. Inclusion on the list is the basis of payment of per capita re-current grants to a school.

The review procedures provide for the approved authority for the school to make submissions in writing for consideration by the Minister. The review, enables the Minister to re-approve a school's status; include only part of a school on the list; or not include the school on the list.

Clause 24 (sub-clause (9)(ii))
 Clause 26 (sub-clause (2)(ii))
 Clause 27 (sub-clause (2)(ii))
 Clause 29 (sub-clause (2)(ii))
 Clause 30 (sub-clause (2)(ii))
 Clause 31 (sub-clause (2)(ii))
 Clause 32 (sub-clause (2)(ii))
 Clause 34 (sub-clause (3)(ii))

New provisions to ensure that as far as practicable that financial assistance will be equally available to male and female students.

Clause 34

Sub-clause (3) (i)

The definition of prescribed special education is now included in Clause 3(1) interpretation.

Clause 36, 37, 38 and 39

New clauses provide for the new computer education program in connection with non-government schools.

PART IV - SUPPLEMENTARY GRANTS FOR BUILDING AND EQUIPMENT PROJECTS AT SCHOOLS SERVING PREDOMINANTLY ABORIGINAL COMMUNITIES

The inclusion of this new part allows for financial assistance to be provided to schools serving predominantly Aboriginal communities.

PART V - JOINT GOVERNMENT AND NON-GOVERNMENT SCHOOLS PROGRAMS

Clause 46, 47 and 48

Provision is made for the transfer of the multicultural projects of national significance funding from the general projects of national significance program to the multicultural education program.

Clause 50

Sub-clause (4)(b)

New provision to ensure that as far as practicable that financial assistance will be equally available to male and female students.

Sub-clause (4)(d)

New provision which requires an ethnic schools authority to have complied with conditions under the 1982 legislation before funds are provided to it under this legislation.

Clause 51

New provisions require the Commonwealth Education Minister to furnish the State Education Minister with a certificate to the effect that the approved ethnic schools authority has agreed with the Commonwealth to be bound by specified conditions relating to the Grant before the State makes a payment to the approved ethnic schools authority.

Clause 52 (sub-clause (3))

Clause 54 (sub-clause (3))

Clause 57 (sub-clause (3))

New provisions to ensure that as far as practicable that financial assistance will be equally available to male and female students.

Clause 59

Sub-clause (3)

Re-expression of sub-section 47(3) in the existing legislation to restrict the use of funds for teacher replacement to inservice activities supporting Commonwealth specific objective or programs.

Clause 60

Makes provision within the Professional Development Program for recurrent expenditure in connection with the temporary transfer within Australia and New Zealand of teachers for the purpose of improving their experience, knowledge or skills in relation to primary or secondary education.

Clause 61 (2)(b)

New provisions require the Commonwealth Education Minister to furnish the State Education Minister with a certificate to the effect that the governing body of an approved education centre has agreed with the Commonwealth to be bound by specified conditions relating to the grant before the State makes a payment to the governing body.

Clause 63

Sub-clause (2)

New provision to ensure that as far as practicable that financial assistance will be equally available to male and female students.

Clause 66

Re-expression of section 54 in the existing legislation to provide for the State Education Minister to consult with the Commonwealth Education Minister in relation to committees established to provide advice on the distribution of financial assistance granted under the legislation for specified programs.

PART IV - MISCELLANEOUS

Clause 70

New provision to allow the Minister to approve re-allocations of funds for computer education between States for 1985 and 1986 after receiving the advice of the Commonwealth Schools Commission.

Clause 76

Sub-clause (1)

Re-expression of section 63(1) in the existing legislation to allow the Minister to delegate powers under the legislation to an officer of the Australian Public Service.

PART VIII - AMENDMENTS OF STATES GRANTS (SCHOOLS ASSISTANCE) ACT 1982

Amendment of 1982 Schools Assistance Act

Clause 81

Adjustment to grants in the existing States Grants (Schools Assistance) Act 1982 to take into account the effect of the wages pause and the 1983 National Wages Case decision.

Clause 82 and 83

Provides an extension of time for the application of moneys and for accountability purposes for special education purposes in relation to non-government schools in respect of the year 1983.

SCHEDULES TO THE BILL

The schedules specify the revised grants for 1983 and the proposed grants for 1984. The 1983 per capita payments for non-government schools (Schedule 6, 1982 Act) provides for three levels of assistance. The 1984 provisions (Schedule 8) provides for four levels of assistance; the former group 1 has been divided into group 1a and group 1b. Group 1a schools would receive 25% less assistance than schools in group 1b.

SUMMARY OF GRANTS FOR 1983 AND 19841983 GRANTS - ADJUSTMENT

	<u>Adjustment</u>	<u>New Entitlement</u>
	\$'000	\$'000
<u>Government</u>		
Recurrent	(18,781)	405,219
Capital	-	143,500
	-	548,719
<u>Non-Government</u>		
Recurrent	(27,171)	585,802(a)
Capital	-	51,400
		637,202
Joint		
Recurrent	(1,902)	44,048
TOTAL	(47,854)	1,229,969

1984 GRANTS - LEGISLATION

	<u>Entitlement</u>
	\$'000
<u>Government</u>	
Recurrent	420,647
Capital	152,356
	573,003
<u>Non-Government</u>	
Recurrent	627,137(a)
Capital	52,030
	679,167
Joint	
Recurrent	37,995
TOTAL	1,290,165

(a) Includes the latest estimate of the cost of the General Recurrent Program based on the most recent enrolment figures.

