Schools Assistance (Learning Together—Achievement Through Choice and Opportunity) Amendment (2007 Budget Measures) Act 2007

No. 120, 2007

An Act to amend the *Schools Assistance (Learning Together—Achievement Through Choice and Opportunity) Act 2004*, and for related purposes

Note: An electronic version of this Act is available in ComLaw (http://www.comlaw.gov.au/)

Contents

Schools Assistance (Learning Together—Achievement Through Choice and Opportunity) Amendment (2007 Budget Measures) Act 2007

No. 120, 2007

An Act to amend the *Schools Assistance (Learning Together—Achievement Through Choice and Opportunity) Act 2004*, and for related purposes

[*Assented to 28 June 2007*]

The Parliament of Australia enacts:

1 Short title

This Act may be cited as the *Schools Assistance (Learning Together—Achievement Through Choice and Opportunity) Amendment (2007 Budget Measures) Act 2007*.

2 Commencement

This Act commences on the day on which it receives the Royal Assent.

3 Schedule(s)

Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Schedule 1—Eligible humanitarian new arrivals

Schools Assistance (Learning Together—Achievement Through Choice and Opportunity) Act 2004

1 Section 4

Insert:

eligible humanitarian new arrival means a person:
   (a) who is an eligible new arrival; and
   (b) who holds a visa that is specified in a determination made by the Minister for the purposes of this paragraph.

2 Section 4

Insert:

ESL new arrivals humanitarian amount, for a program year, means the amount in Part 3 of Schedule 8 for the program year.

3 Subsection 113(2) (formula)

Repeal the formula, substitute:

$$\left(\begin{array}{c} \text{ESL new arrivals} \\ \text{amount for the program} \\ \text{year} \end{array} \times \begin{array}{c} \text{Number of eligible} \\ \text{new arrivals in} \\ \text{government schools} \end{array} \right) + \left(\begin{array}{c} \text{ESL new arrivals} \\ \text{humanitarian amount} \\ \text{for the program year} \end{array} \times \begin{array}{c} \text{Number of eligible} \\ \text{humanitarian new arrivals} \\ \text{in government schools} \end{array} \right)$$

4 Subsection 113(2)

Insert:

number of eligible humanitarian new arrivals in government schools means the number of eligible humanitarian new arrivals enrolled in ESL courses, in the State, described in subsection (1).

5 Subsection 113(2) (definition of *number of eligible new arrivals in government schools*)

After "the number of eligible new arrivals", insert ", other than eligible humanitarian new arrivals,".

6 Subsection 114(2) (formula)

Repeal the formula, substitute:

$$\left(\begin{array}{c}\text{ESL new arrivals}\\\text{amount for the program}\\\text{year}\end{array}\times\begin{array}{c}\text{Number of eligible}\\\text{new arrivals in}\\\text{non-government}\\\text{schools}\end{array}\right)+\left(\begin{array}{c}\text{ESL new arrivals}\\\text{humanitarian amount}\\\text{for the program year}\end{array}\times\begin{array}{c}\text{Number of eligible}\\\text{humanitarian new arrivals}\\\text{in non-government}\\\text{schools}\end{array}\right)$$

7 Subsection 114(2)

Insert:

number of eligible humanitarian new arrivals in non-government schools means the number of eligible humanitarian new arrivals enrolled in ESL courses, in the State, described in subsection (1).

8 Subsection 114(2) (definition of *number of eligible new arrivals in non-government schools*)

After "the number of eligible new arrivals", insert ", other than eligible humanitarian new arrivals,".

9 After paragraph 124(1)(c)

Insert:

(ca) an amount in the table in Part 3 of Schedule 8 for a program year;

10 At the end of Schedule 8

Add:

Part 3—ESL new arrivals humanitarian amount

ESL new arrivals humanitarian amount		
	Column 1	**Column 2**
	Program year	Amount
		($)
1	2005	0
2	2006	0
3	2007	0
4	2008	9,708

Note: The operation of section 124 may affect the amount of the grants.

Schedule 2—Remoteness per capita loading

Schools Assistance (Learning Together—Achievement Through Choice and Opportunity) Act 2004

1 Section 4

Insert:

> *moderately accessible school campus*: a school campus of a non-government school is a moderately accessible school campus of a non-government school in a State for a program year if the school campus, on either or both of the following days:
>
> > (a) the school campus census day for the school campus in the previous program year;
> >
> > (b) the school campus census day for the school campus in the program year;
>
> was, or is, in a location that is categorised under the Remoteness Structure as Outer Regional Australia.

2 Section 4

Insert:

> *Remoteness Structure* means the Remoteness Structure described in the document entitled "Statistical Geography Volume 1 Australian Standard Geographical Classification (ASGC) 2001", published by the Australian Statistician in September 2001, that was effective 1 July 2001.

3 Section 4

Insert:

> *remote school campus*: a school campus of a non-government school is a remote school campus of a non-government school in a State for a program year if the school campus, on either or both of the following days:
>
> > (a) the school campus census day for the school campus in the previous program year;
> >
> > (b) the school campus census day for the school campus in the program year;

was, or is, in a location that is categorised under the Remoteness Structure as Remote Australia.

4 Section 4

Insert:

school campus: a location is a school campus of a non-government school if the location is one at which students receive primary education or secondary education at the school.

5 Section 4

Insert:

school campus census day means:

   (a) for a school campus of a non-government school for a program year—the schools census day for the school for that program year; or

   (b) for a school campus of a non-government school for a program year and in relation to which the Minister has, because of special circumstances, declared a particular day in that program year to be the school campus census day for the school campus for that program year—the day so declared.

6 Section 4

Insert:

very remote school campus: a school campus of a non-government school is a very remote school campus of a non-government school in a State for a program year if the school campus, on either or both of the following days:

   (a) the school campus census day for the school campus in the previous program year;

   (b) the school campus census day for the school campus in the program year;

was, or is, in a location that is categorised under the Remoteness Structure as Very Remote Australia.

7 Paragraph 53(1)(f)

After "determine a", insert "different".

8 Paragraph 53(1)(g)

After "determine a", insert "different".

9 After paragraph 53(1)(g)

Insert:

> (ga) determine a different current SES funding level for the school if, immediately before the Minister determined the new SES score, Subdivision G of Division 2 of Part 6 applied to the school; and

10 After subsection 71(7)

Insert:

> (7A) Schools that will receive the remoteness per capita loading are dealt with under Subdivision I.

11 At the end of Subdivision B of Division 2 of Part 6

Add:

77A Application of Subdivision I—remoteness per capita loading

Subdivision I applies to a school for a particular program year if:

> (a) there are one or more school campuses of the school during the program year; and
>
> (b) at least one of the school campuses is a moderately accessible school campus, a remote school campus, or a very remote school campus, for that program year; and
>
> (c) Subdivision C, D, E, F or G applies to the school for that program year.

Note: Assistance under Subdivision I is in addition to the financial assistance that is available under Subdivision C, D, E, F or G.

12 At the end of Division 2 of Part 6

Add:

Subdivision I—Remoteness per capita loading

98A Authorising payments

(1) This section applies to a school in a State for a particular program year if this Subdivision applies to the school for that program year in accordance with section 77A.

> Note: Assistance under this Subdivision is in addition to the financial assistance that is available under this Act.

(2) The Minister may make a determination under this subsection authorising payment of financial assistance to the State for recurrent expenditure of the school for the program year of an amount not more than the amount worked out for the school by adding up:

  (a) the amount worked out under subsection 98B(1) for the school's primary students (if any) for the program year; and

  (b) the amount worked out under subsection 98B(2) for the school's primary students (if any) for the program year; and

  (c) the amount worked out under subsection 98B(3) for the school's primary students (if any) for the program year.

(3) The Minister may make a determination under this subsection authorising payment of financial assistance to the State for recurrent expenditure of the school for the program year of an amount not more than the amount worked out for the school by adding up:

  (a) the amount worked out under subsection 98C(1) for the school's secondary students (if any) for the program year; and

  (b) the amount worked out under subsection 98C(2) for the school's secondary students (if any) for the program year; and

  (c) the amount worked out under subsection 98C(3) for the school's secondary students (if any) for the program year.

98B Primary student amount

(1) For the purposes of paragraph 98A(2)(a), work out the amount for the school's primary students for the program year using the formula:

$$
\begin{array}{c}
\text{School's current SES} \\
\text{funding level primary amount} \\
\text{for the program year}
\end{array}
\times
\begin{array}{c}
\text{Number of} \\
\text{relevant primary students for} \\
\text{the school for the program year}
\end{array}
\times 0.05
$$

where:

current SES funding level primary amount, for the school for the
program year, means the amount in the table in Part 1 of
Schedule 4 for the program year and the school's current SES
funding level.

number of relevant primary students, for the school for the
program year, means the total number of students (including the
full-time equivalent of part-time students) receiving primary
education at a moderately accessible school campus of the school
on the school campus census day for the school campus in the
program year.

(2) For the purposes of paragraph 98A(2)(b), work out the amount for
the school's primary students for the program year using the
formula:

$$
\begin{array}{c}
\text{School's current SES} \\
\text{funding level primary amount} \\
\text{for the program year}
\end{array}
\times
\begin{array}{c}
\text{Number of} \\
\text{relevant primary students for} \\
\text{the school for the program year}
\end{array}
\times 0.10
$$

where:

current SES funding level primary amount, for the school for the
program year, means the amount in the table in Part 1 of
Schedule 4 for the program year and the school's current SES
funding level.

number of relevant primary students, for the school for the
program year, means the total number of students (including the
full-time equivalent of part-time students) receiving primary
education at a remote school campus of the school on the school
campus census day for the school campus in the program year.

(3) For the purposes of paragraph 98A(2)(c), work out the amount for
the school's primary students for the program year using the
formula:

$$\begin{array}{c}\text{School's current SES} \\ \text{funding level primary amount} \\ \text{for the program year}\end{array} \times \begin{array}{c}\text{Number of} \\ \text{relevant primary students for} \\ \text{the school for the program year}\end{array} \times 0.20$$

where:

current SES funding level primary amount, for the school for the program year, means the amount in the table in Part 1 of Schedule 4 for the program year and the school's current SES funding level.

number of relevant primary students, for the school for the program year, means the total number of students (including the full-time equivalent of part-time students) receiving primary education at a very remote school campus of the school on the school campus census day for the school campus in the program year.

(4) If an amount worked out under subsection (1), (2) or (3) is an amount of dollars and cents, the amount is to be rounded to the next higher dollar.

98C Secondary student amount

(1) For the purposes of paragraph 98A(3)(a), work out the amount for the school's secondary students for the program year using the formula:

$$\begin{array}{c}\text{School's current SES} \\ \text{funding level secondary amount} \\ \text{for the program year}\end{array} \times \begin{array}{c}\text{Number of relevant} \\ \text{secondary students for the} \\ \text{school for the program year}\end{array} \times 0.05$$

where:

current SES funding level secondary amount, for the school for the program year, means the amount in the table in Part 2 of Schedule 4 for the program year and the school's current SES funding level.

number of relevant secondary students, for the school for the program year, means the total number of students (including the full-time equivalent of part-time students) receiving secondary education at a moderately accessible school campus of the school

on the school campus census day for the school campus in the program year.

(2) For the purposes of paragraph 98A(3)(b), work out the amount for the school's secondary students for the program year using the formula:

$$\text{School's current SES funding level secondary amount for the program year} \times \text{Number of relevant secondary students for the school for the program year} \times 0.10$$

where:

current SES funding level secondary amount, for the school for the program year, means the amount in the table in Part 2 of Schedule 4 for the program year and the school's current SES funding level.

number of relevant secondary students, for the school for the program year, means the total number of students (including the full-time equivalent of part-time students) receiving secondary education at a remote school campus of the school on the school campus census day for the school campus in the program year.

(3) For the purposes of paragraph 98A(3)(c), work out the amount for the school's secondary students for the program year using the formula:

$$\text{School's current SES funding level secondary amount for the program year} \times \text{Number of relevant secondary students for the school for the program year} \times 0.20$$

where:

current SES funding level secondary amount, for the school for the program year, means the amount in the table in Part 2 of Schedule 4 for the program year and the school's current SES funding level.

number of relevant secondary students, for the school for the program year, means the total number of students (including the full-time equivalent of part-time students) receiving secondary education at a very remote school campus of the school on the school campus census day for the school campus in the program year.

(4) If an amount worked out under subsection (1), (2) or (3) is an amount of dollars and cents, the amount is to be rounded to the next higher dollar.

13 Paragraph 132(1)(d)

Repeal the paragraph, substitute:

    (d) as a result of the statement:

       (i) the school; or

      (ii) a school in the approved school system;

    either:

     (iii) obtains a higher funding level for the purposes of meeting recurrent expenditure than, in the Minister's opinion, the school may have obtained if the statement had not been made; or

     (iv) obtains a larger amount under Subdivision I of Division 2 of Part 6 than, in the Minister's opinion, the school may have obtained if the statement had not been made.

14 Schedule 4 (note)

After "93 to 96", insert ", 98A to 98C".

15 Application

The amendments made by this Schedule apply to a school for the 2008 program year and later program years.

(86/07)