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About this compilation

This compilation

This is a compilation of the *Australian Education Act 2013* that shows the text of the law as amended and in force on 1 January 2018 (the ***compilation date***).

The notes at the end of this compilation (the ***endnotes***) include information about amending laws and the amendment history of provisions of the compiled law.

Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Legislation Register (www.legislation.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on the Legislation Register for the compiled law.

Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Editorial changes

For more information about any editorial changes made in this compilation, see the endnotes.

Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on the Legislation Register for the compiled law.

Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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An Act in relation to school education and reforms relating to school education, and for related purposes

Preamble

The Parliament of Australia acknowledges the following matters.

Education is the foundation of a skilled workforce and a creative community. A strong and sustainable schooling system is critical for Australia's future prosperity. A good education prepares students for full participation in society, both in employment and in civic life. Education also has a role to play in overcoming social and economic disadvantage.

If Australia is to be a prosperous nation with a high standard of living in the 21st Century, our schooling system must provide children with the skills needed to participate fully in a knowledge-based economy. The performance of Australia's schools, and school students, must continuously improve; our capacity to innovate, to embrace change and to seize new opportunities will depend more and more on the education and skills of our community.

There is an ongoing and essential role for the Commonwealth in school education through its unique position to provide national policy leadership and facilitate national performance assessment and reporting. Transparency and accountability ensure public confidence in the education system and promote excellence in teaching and school leadership.

The Commonwealth will deliver record and growing levels of investment in schools. To help education authorities provide every child with a quality education, regardless of where they live and what school they attend, this investment will be fairly and transparently distributed and allocated according to need.

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In its role as a national policy leader, the Australian Government will work collaboratively with States and Territories to achieve agreed national objectives and priorities for schools through the Council of Australian Governments and the Education Council.

To drive improvement in school outcomes, State and Territory education authorities will be required to deliver evidence-based reforms in schools.

The Parliament of Australia enacts:

Part 1—Preliminary

Division 1—Preliminary

1 Short title

This Act may be cited as the *Australian Education Act 2013*.

2 Commencement

This Act commences on 1 January 2014.

3 Objects of this Act

The objects of this Act are:

(a) to provide a Commonwealth needs-based funding model for school education that:
  (i) includes a base amount of funding for every student and loadings for students and schools who need extra support; and
  (ii) is affordable, simple, predictable and fair; and
  (iii) invests in evidence-based reforms that will improve student outcomes; and

(b) to support the objectives of intergovernmental agreements on school education.

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4 Guide to this Act

This Act provides Commonwealth financial assistance for schools. The financial assistance is provided to States under section 96 of the Constitution, and to Territories under section 122 of the Constitution. The Act imposes requirements on States and Territories as conditions of this financial assistance, including requirements to comply with intergovernmental agreements on school education, and to implement nationally-agreed policy initiatives on school education.

Each school has an approved authority, which is approved by the Minister. For a government school located in a State or Territory, the approved authority is the State or Territory. For a non-government school, the approved authority is a body corporate that is approved by the Minister for the school.

Financial assistance is provided directly to a State or Territory for its government schools. Financial assistance for a non-government school located in a State or Territory is provided to the State or Territory which must give it to the approved authority for the school.

The amount of financial assistance that a school attracts for a year is worked out using the formula in Division 2 of Part 3. The financial assistance consists of a base amount for all schools, plus loadings for schools with students with greater needs. The base amount and most of the loadings are worked out by reference to an amount per student called the SRS funding amount. (SRS is short for schooling resource standard.)

The formula produces the Commonwealth share of a total amount of funding. Not all schools will attract the final Commonwealth share immediately. Most schools (called transitioning schools) will move to that share over a period of 6 to 10 years.

The Minister can determine other kinds of funding for any school under Part 5. The Minister can determine capital funding for

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non-government schools, which is ultimately provided to capital grants authorities and block grant authorities. The Minister can determine funding for schools in special circumstances or if the Minister is satisfied that prescribed circumstances apply in relation to schools. In addition, the Minister can determine additional adjustment funding for transitioning schools for 6 to 10 years, in accordance with the regulations.

The Minister can also determine funding for non-government representative bodies for non-government schools. Non-government representative bodies are bodies that represent approved authorities for non-government schools. A block grant authority or non-government representative body is approved by the Minister.

The Minister may require an amount to be repaid, reduce an amount that would otherwise be payable, or delay making a payment, if an amount is owed to the Commonwealth under this Act (or other similar Acts) or there is a failure to comply with particular requirements.

5 Binding the Crown

(1) This Act binds the Crown in each of its capacities.

(2) This Act does not make the Crown liable to be prosecuted for an offence.

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Division 2—Interpretation

6 Definitions

In this Act:

6-year transitioning school means a transitioning school whose starting Commonwealth share is less than its final Commonwealth share.

Aboriginal and Torres Strait Islander loading has the meaning given by subsection 37(1).

Aboriginal and Torres Strait Islander student has the meaning given by the regulations.

amount includes a nil amount.

approved authority for a school means the person that is approved as the approved authority for the school under section 73.

approved system authority has the meaning given by subsection 78(6).

ARIA index value has the meaning given by the regulations.

Note: The Minister may determine the location of a school with more than one location for the purposes of working out the school's ARIA index value (see section 18).

ARIA student number has the meaning given by section 50.

ATSI percentage has the meaning given by subsection 37(2).

base amount has the meaning given by subsections 33(1), (2) and (3).

block grant authority for a school means the person that is approved as the block grant authority for the school under section 83.

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capacity to contribute percentage has the meaning given by subsections 54(1), (2) and (3).

capital expenditure includes expenditure relating to any of the following:

(a) investigating the need for:
  (i) schools in particular areas; or
  (ii) schools of particular kinds in particular areas; or
  (iii) buildings or other facilities (or parts of buildings or other facilities) or equipment;
(b) purchasing land, with or without buildings (or parts of buildings);
(c) planning for the erection, alteration, extension, demolition or refurbishment of a building or other facility (or part of a building or other facility);
(d) developing or preparing land for building or other purposes;
(e) erecting, altering, extending, demolishing or refurbishing a building or other facility (or part of a building or other facility);
(f) installing or upgrading water, electricity or any other services;
(g) providing equipment, including information technology equipment;
(h) providing furniture;
(i) providing library materials or obtaining services and goods for cataloguing a library (or part of a library);
(j) the administrative expenses of a capital grants authority in relation to administering other capital expenditure;
(k) any other expenditure prescribed by the regulations for the purposes of this definition.

capital grants authority for a school means:

(a) the approved authority for the school; and
(b) if a block grant authority is also approved for the school—the block grant authority; and

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(c) if the school is a non-government school located in a State or Territory—the approved authority for government schools located in that State or Territory.

combined school means a school that provides both primary education and secondary education.

Commonwealth share:

(a) for a school not covered by paragraph (b)—has the meaning given by section 35A; and

(b) for a transitioning school for a transition year for the school—has the meaning given by subsection 35B(1).

continuing requirement has the meaning given by subsection 96A(2).

departmental official means an official (within the meaning of the *Financial Management and Accountability Act 1997*):

(a) who is in, or part of, the Department; and

(b) whose duties consist of, or include, dealing with matters relating to payments of financial assistance to a State or Territory under this Act.

distance education student: a person is a ***distance education student*** at a school located in a State or Territory only if:

(a) the person resides in the State or Territory; and

(b) the State or Territory provides funding for the school (other than financial assistance provided to the State or Territory for the school in accordance with this Act) for students enrolled at the school who receive distance education (however described) from the school; and

(c) the person is not approved as a home education student (however described) in accordance with the law of the State or Territory in which the person resides.

final Commonwealth share has the meaning given by subsection 35B(6).

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government school means a school that is conducted by or on behalf of the government of a State or Territory.

inner regional school has the meaning given by subsection 13(1).

internal reviewer has the meaning given by subsection 120(3).

large school has the meaning given by subsection 43(1).

level of education: see section 15.

location loading has the meaning given by subsection 40(1).

location percentage has the meaning given by subsection 40(2).

low English proficiency loading has the meaning given by subsection 39(1).

major city school has the meaning given by subsection 13(1).

majority Aboriginal and Torres Strait Islander school has the meaning given by subsections 8(1) and (2).

maximum lower limit has the meaning given by subsection 43(2).

maximum size loading has the meaning given by subsections 44(1) and (4).

maximum upper limit has the meaning given by subsection 43(3).

medium-sized school has the meaning given by subsection 43(1).

Ministerial Council means the Council of Commonwealth, State and Territory Ministers, as it exists from time to time, with responsibility for school education.

non-government representative body for a non-government school means the person that is approved as the non-government representative body for the school under section 91.

non-government school means a school that is not a government school.

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outer regional school has the meaning given by subsection 13(1).

overpayment has the meaning given by subsections 9(1) to (7).

overseas student: an ***overseas student*** is a person:

(a) to whom one or more of the following subparagraphs apply:
  (i) the person holds a visa in force under the *Migration Act 1958* that permits the person to travel to Australia for the purpose of undertaking a course provided by a body;
  (ii) the person is included in such a visa in force under that Act;
  (iii) the person is prescribed as an overseas student by regulations made for the purposes of this subparagraph; and

(b) who is not excluded from being an overseas student by regulations made for the purposes of this paragraph.

personal information has the same meaning as in the *Privacy Act 1988*.

primary education: see subsections 15(1) and (3).

primary percentage has the meaning given by subsection 45(1).

primary school means a school (other than a combined school) that provides primary education.

primary student at a school means a person receiving primary education at the school (including a part-time student, but excluding an overseas student).

recoverable payment has the meaning given by section 11.

relevant person for a reviewable decision means:

(a) for a reviewable decision referred to in an item of the table in subsection 118(1)—the person referred to in column 3 of that item; and

(b) for a reviewable decision prescribed by regulations made for the purposes of subsection 118(2)—the person specified by the regulations as the relevant person for that decision.

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remote school has the meaning given by subsection 13(1).

reviewable decision has the meaning given by subsections 118(1) and (2).

school means a primary school, a secondary school or a combined school, and, where appropriate, a proposed school.

Note 1: Non-government schools that provide education to distance education students only are taken not to be schools (see section 19).

Note 2: For references to school in Part 3 (recurrent funding for schools), see section 55.

school education information means information obtained under or for the purposes of this Act.

school education reform agreement has the meaning given by subsection 22A(6).

secondary education: see subsections 15(1) and (3).

secondary percentage has the meaning given by subsection 45(2).

secondary school means a school (other than a combined school) that provides secondary education.

secondary student at a school means a person receiving secondary education at the school (including a part-time student, but excluding an overseas student).

Secretary means the Secretary of the Department.

SES score: a school's ***SES score*** is the number determined by the Minister under subsection 52(1).

size loading has the meaning given by subsections 42(1) to (4).

small school has the meaning given by subsection 43(1).

socio-educational disadvantage loading has the meaning given by subsection 38(1).

sole provider school: a school is a ***sole provider school*** if:

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(a) the school:
  (i) has an ARIA index value of more than 5.92; or
  (ii) is in a remote or very remote area (as defined in the MCEETYA Geographical Location Classification issued in July 2001, or any equivalent document); and
(b) the distance between the school and any other school that provides the same level of education is more than 25 km.

Note: This distance is measured in a straight line (see section 35 of the *Acts Interpretation Act 1901*).

special assistance school means a school that:
(a) is, or is likely to be, recognised by the State or Territory Minister for the school as a special assistance school; and
(b) primarily caters for students with social, emotional or behavioural difficulties.

special school means a school that:
(a) is, or is likely to be, recognised by the State or Territory Minister for the school as a special school; and
(b) provides education under special programs, or special activities, designed specifically for students with disabilities.

SRS funding amount has the meaning given by subsections 34(1), (2) and (4).

SRS indexation factor, for a year, means the SRS indexation factor worked out in accordance with, or prescribed under, section 11A.

starting amount has the meaning given by subsections 49(1) and (4).

starting Commonwealth share has the meaning given by subsection 35B(2).

State or Territory Minister for a school means the Minister of the State or Territory in which the school is located who has responsibility for school education.

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State-Territory contribution amount has the meaning given by subsection 22A(2).

student means a primary student or a secondary student.

student with disability loading has the meaning given by subsection 36(1).

Territory means the Australian Capital Territory or the Northern Territory.

this Act includes any regulations made under this Act.

total entitlement has the meaning given by section 12.

total loading has the meaning given by section 35.

transitioning school means:

(a) a school for which financial assistance was payable under Part 3 or 4 of this Act for 2017; or

(b) a school prescribed by the regulations.

transition year means:

(a) for a school other than a 6-year transitioning school—a year from 2018 to 2027 (inclusive); or

(b) for a 6-year transitioning school—a year from 2018 to 2023 (inclusive).

very remote school has the meaning given by subsection 13(1).

very small school has the meaning given by subsection 43(1).

year means a calendar year (except when used to refer to a year in a course of primary education or secondary education).

zero lower limit has the meaning given by subsection 43(4).

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8 Definition of *majority Aboriginal and Torres Strait Islander school*

(1) A school is a ***majority Aboriginal and Torres Strait Islander school*** for a year if:

(a) the school:

(i) has an ARIA index value of more than 10.53; or

(ii) is in a very remote area (as defined in the MCEETYA Geographical Location Classification issued in July 2001, or any equivalent document); and

(b) at least 50% of the primary and secondary students at the school for the previous year were Aboriginal and Torres Strait Islander students.

Note: For the number of students at the school, see section 16.

(2) A school is also a ***majority Aboriginal and Torres Strait Islander school*** for a year if:

(a) the school is not covered by paragraph (1)(a); and

(b) at least 80% of the primary and secondary students at the school for the previous year were Aboriginal and Torres Strait Islander students.

9 Definition of *overpayment*

Recurrent funding

(1) A payment is an ***overpayment*** under this Act if:

(a) the Commonwealth makes the payment to a State or Territory for a school for a year as a result of a determination made under paragraph 25(1)(a); and

(b) the total of the amount of the payment, and any previous payments made, as a result of the determination, to the State or Territory for the school for the year, exceeds the school's total entitlement for the year.

Note: ***Total entitlement*** is defined in section 12.

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Capital funding

(4) A payment is an ***overpayment*** under this Act if:

(a) the Commonwealth makes the payment to a State or Territory for a year for a capital grants authority or block grant authority for a school as a result of a determination made under paragraph 28(1)(a) or (b); and

(b) the total of the amount of the payment, and any previous payments made, as a result of the determination, to the State or Territory for the year for that authority and school, exceeds the amount determined under section 67 for the year for that authority and school.

(5) A payment is an ***overpayment*** under this Act if:

(a) the Commonwealth makes the payment to a State or Territory for a year for a block grant authority for a school as a result of a determination made under paragraph 28(1)(b); and

(b) the total of the amount of the payment, and any previous payments made, as a result of that or any other determination made under that paragraph, to any State or Territory for the year for a block grant authority, exceeds the amount worked out for the year under section 68.

Other funding for schools

(6) A payment is an ***overpayment*** under this Act if:

(a) the Commonwealth makes the payment to a State or Territory for a school for a year as a result of a determination made under paragraph 29(1)(a); and

(b) the total of the amount of the payment, and any previous payments made, as a result of the determination, to the State or Territory for the school for the year, exceeds the amount determined for the school for the year under section 69.

(6A) A payment is an ***overpayment*** under this Act if:

(a) the Commonwealth makes the payment to a State or Territory for a school for a year as a result of a determination made under paragraph 29(1)(aa); and

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(b) the total of the amount of the payment, and any previous payments made, as a result of the determination, to the State or Territory for the school for the year, exceeds the amount determined for the school for the year under section 69A.

(6B) A payment is an ***overpayment*** under this Act if:

(a) the Commonwealth makes the payment to a State or Territory for a school for a year as a result of a determination made under paragraph 29(1)(ab); and

(b) the total of the amount of the payment, and any previous payments made, as a result of the determination, to the State or Territory for the school for the year, exceeds the amount determined for the school for the year under section 69B.

Funding for non-government representative body

(7) A payment is an ***overpayment*** under this Act if:

(a) the Commonwealth makes the payment to a State or Territory for a non-government representative body for a non-government school as a result of a determination made under section 30; and

(b) the total of the amount of the payment, and any previous payments made, as a result of the determination, to the State or Territory for the body for the year, exceeds the amount determined for the body for the year under section 70.

11 Definition of *recoverable payment*

A payment is a ***recoverable payment*** if:

(a) the Commonwealth purports to make the payment as a payment of financial assistance to a State or Territory under this Act; and

(b) the Commonwealth does not have the power to make the payment (apart from under section 112); and

(c) the payment is not an overpayment.

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11A Definition of SRS indexation factor

(1) The ***SRS indexation factor*** for a year is the higher of the following:

(a) 1.03;

(b) the number worked out under subsection (2) for the year.

(2) The number is worked out using the following formula:

$$\left(0.75 \times \frac{\text{Wage index number for the reference quarter}}{\text{Wage index number for the base quarter}}\right) + \left(0.25 \times \frac{\text{Consumer index number for the reference quarter}}{\text{Consumer index number for the base quarter}}\right)$$

where:

base quarter means the June quarter in the previous year.

consumer index number, for a quarter, means the All Groups Consumer Price Index number (being the weighted average of the 8 capital cities) published by the Australian Statistician for that quarter.

reference quarter means the June quarter in the year.

wage index number, for a quarter, means the Wage Price Index (total hourly rates of pay excluding bonuses/all sectors/all Australia/original) number published by the Australian Statistician for that quarter.

(3) An SRS indexation factor worked out under subsection (2) is to be calculated to 3 decimal places (rounding up if the fourth decimal place is 5 or more).

(4) Calculations under subsection (2):

(a) are to be made using only the index numbers published in terms of the most recently published index reference period; and

(b) are to be made disregarding index numbers that are published in substitution for previously published index numbers

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(except where the substituted numbers are published to take account of changes in the index reference period).

(5) The regulations may prescribe the ***SRS indexation factor*** for a year.

(6) If the regulations prescribe the SRS indexation factor for a year, subsections (1) to (4) do not apply in relation to the year.

(7) Amounts worked out using an SRS indexation factor are to be rounded to the nearest whole dollar (rounding 50 cents upwards).

12 Definition of *total entitlement*

A school's ***total entitlement*** for a year is the amount payable to a State or Territory under Division 2 of Part 3 for the school for the year.

Note: In some circumstances, section 27 may affect a school's total entitlement.

13 Definitions of kinds of schools based on location

(1) The following table sets out definitions of kinds of schools based on location.

Definitions of kinds of schools based on location

Item	Column 1 A school is this kind of school …	Column 2 if the school has an ARIA index value of …
1	a ***major city school***	1, or less than 1.
2	an ***inner regional school***	more than 1, and less than 2.4.
3	an ***outer regional school***	at least 2.4, and less than 6.
4	a ***remote school***	at least 6, and less than 10.
5	a ***very remote school***	at least 10, and less than or equal to 15.

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(2) The regulations may replace a number (the ***original number***) in column 2 of the table with a new number. If the regulations do so, a reference to the original number in:

(a) the table; and

(b) the fractions in section 41 (location percentage for certain schools), subsection 47(2) and section 50 (size loading for very small schools); and

(c) the denominator of the fraction in subsection 47(1) (size loading for very small schools);

is taken to be a reference to the new number.

15 Levels of education

(1) The regulations may prescribe, for a State or Territory, the level of education that constitutes ***primary education*** or ***secondary education*** for schools located in the State or Territory.

Note: A level of education may be prescribed by reference to a particular year in a course of primary education or secondary education (such as year 6), or by reference to a student's age.

(2) Before the Governor-General makes regulations for the purposes of subsection (1) for a State or Territory, the Minister must have regard to the arrangements made for providing education at government schools located in the State or Territory. This does not limit the matters to which the Minister may have regard.

Ministerial determination

(3) The Minister may determine, in writing, that a different level of education from the level prescribed by the regulations constitutes ***primary education*** or ***secondary education*** for a specified special school, special assistance school or student at the school if the Minister is satisfied that the special circumstances justify the determination.

Note: A decision under this subsection is a reviewable decision (see Division 3 of Part 9).

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(4) A determination under subsection (3) is not a legislative instrument.

16 Working out the number of students at a school for a year

(1) The regulations must prescribe a method for working out the number of students at a school for a year.

(2) A reference in this Act to the number of students at a school for a year is a reference to the number worked out in accordance with the regulations.

18 Minister to make determinations in relation to locations of schools

(1) This section applies if a school has more than one location.

(2) The Minister may, in writing, determine the location of the school for the purposes of working out the school's ARIA index value.

(3) If not all locations of the school are in the same State or Territory, the Minister may, in writing, determine which State or Territory the school is located in.

(4) For the purposes of this Act, a determination under subsection (2) or (3) has effect according to its terms.

(5) A determination under subsection (2) or (3) is not a legislative instrument.

19 Non-government schools providing only distance education

(1) A non-government school that provides primary education or secondary education to distance education students only is taken not to be a school for the purposes of this Act.

(2) The Minister may, by legislative instrument, determine that subsection (1) does not apply to a specified non-government school.

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Part 2—Grants of financial assistance to States and Territories

20 Guide to this Part

This Part sets out the financial assistance that is payable by the Commonwealth to States and Territories under this Act, and the conditions that apply when that financial assistance is provided.

The conditions include requiring States and Territories to implement national policy initiatives for school education, as well as requiring a State or Territory to give any financial assistance provided to the State or Territory to the appropriate approved authority, capital grants authority, block grant authority or non-government representative body.

The Minister may determine the amounts and timing of individual payments of financial assistance.

21 Financial assistance for schools

Financial assistance is payable to a State or Territory for a year under the following provisions:

(a) Division 2 of Part 3 (funding formula for schools) for a school located in the State or Territory;

(d) Division 2 of Part 5 (capital funding) for a capital grants authority or block grant authority for a school if the Minister determines that financial assistance is payable for the authority;

(e) Division 3 of Part 5 (other funding for schools) for a school if the Minister determines that financial assistance is payable for the school for the year;

(f) Division 4 of Part 5 (funding for non-government representative bodies) for a non-government representative

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body for a non-government school if the Minister determines that financial assistance is payable for the body for the year.

22 Conditions of financial assistance—implementing national policy initiatives and agreements relating to school education

(1) A payment of financial assistance under this Act to a State or Territory is subject to the condition that the State or Territory implements national policy initiatives for school education:

(a) agreed by the Ministerial Council from time to time; or

(b) prescribed by the regulations.

Note: Before regulations are made for the purposes of this subsection, the Minister must consult, and have regard to any relevant decisions of, the Ministerial Council (see subsection 130(5)).

(2) A payment of financial assistance under this Act to a State or Territory is also subject to the following conditions:

(a) that the State or Territory is party to a national agreement relating to school education reform;

(b) that the State or Territory is party to an agreement with the Commonwealth relating to implementation by the State or Territory of school education reform;

(c) that the State or Territory complies with the agreements mentioned in paragraphs (a) and (b).

(3) The regulations may prescribe agreements for the purposes of paragraphs (2)(a) and (b).

22A Conditions of financial assistance—State-Territory contributions

(1) A payment of financial assistance under this Act to a State or Territory is subject to the following conditions:

(a) the total amount of funding provided by the State or Territory for a year for government schools located in the State or Territory must equal or exceed the State-Territory contribution amount for government schools in the State or Territory for the year;

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(b) the total amount of funding provided by the State or Territory for a year for non-government schools located in the State or Territory must equal or exceed the State-Territory contribution amount for non-government schools in the State or Territory for the year.

(2) The ***State-Territory contribution amount*** for government schools or non-government schools in a State or Territory for a year is the amount worked out using the following formula:

$$\text{State-Territory share for the State or Territory} \times \text{Total SRS amount for the State or Territory}$$

(3) Unless the State or Territory's school education reform agreement specifies otherwise, the ***State-Territory share*** for the State or Territory for a year from 2018 to 2023 (inclusive) is the percentage worked out using the following formula:

$$\text{Starting State-Territory share} + \left[\left(\text{Final State-Territory share} - \text{Starting State-Territory share}\right) \times \text{Transition rate}\right]$$

where:

final State-Territory share means the State-Territory share (within the meaning of subsection (4)) for government schools or non-government schools, as the case requires, for the State or Territory for a year after 2023.

starting State-Territory share means the percentage prescribed by the regulations for the year for government schools or non-government schools, as the case requires, in the State or Territory.

transition rate means:

(a) for 2018—0%; and

(b) for each later year—the transition rate for the previous year increased by 20 percentage points.

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(4) Unless the State or Territory's school education reform agreement specifies otherwise, the ***State-Territory share*** for the State or Territory for a year after 2023:

(a) for government schools is:

(i) if the starting State-Territory share (within the meaning of subsection (3)) for the State or Territory for government schools is 75% or less—75%; or

(ii) if the starting State-Territory share for the State or Territory for government schools is more than 75% but less than 80%—the starting State-Territory share; or

(iii) if the starting State-Territory share for the State or Territory for government schools is 80% or more—80%; and

(b) for non-government schools is:

(i) if the starting State-Territory share for the State or Territory for non-government schools is 15% or less—15%; or

(ii) if the starting State-Territory share for the State or Territory for non-government schools is more than 15% but less than 20%—the starting State-Territory share; or

(iii) if the starting State-Territory share for the State or Territory for non-government schools is 20% or more—20%.

(5) The ***total SRS amount*** for the State or Territory is:

(a) for government schools—the sum of the amounts worked out under Division 2 of Part 3 for the year for each government school located in the State or Territory, as if the Commonwealth share for the year were 100%; and

(b) for non-government schools—the sum of the amounts worked out under Division 2 of Part 3 for the year for each non-government school located in the State or Territory, as if the Commonwealth share for the year were 100%.

(6) The ***school education reform agreement*** for a State or Territory is the agreement between the State or Territory and the Commonwealth relating to implementation by the State or

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Territory of school education reform mentioned in paragraph 22(2)(b).

23 Conditions of financial assistance—conditions relating to payments to States and Territories for non-government schools

(1) The following payments of financial assistance are subject to the conditions in this section:

(a) a payment under Division 2 of Part 3 (funding formula for schools) to a State or Territory for a non-government school;

(c) a payment under Division 2 of Part 5 (capital funding) to a State or Territory for a capital grants authority for a non-government school, or a block grant authority;

(d) a payment under Division 3 of Part 5 (other funding for schools) to a State or Territory for a non-government school;

(e) a payment under Division 4 of Part 5 (funding for non-government representative body) to a State or Territory for a non-government representative body for a non-government school.

Note: For the consequences of failing to comply with this section, see Division 2 of Part 8.

Payment to be made to relevant authority or body

(2) The State or Territory is required:

(a) to pay to the approved authority for a school each payment referred to in paragraph (1)(a) or (d) that is paid to the State or Territory for the school; and

(c) to pay to the capital grants authority or block grant authority for a school each payment referred to in paragraph (1)(c) that is paid to the State or Territory for the authority; and

(d) to pay to the non-government representative body for a school each payment referred to in paragraph (1)(e) that is paid to the State or Territory for the body; and

(e) when making a payment referred to in any of paragraphs (a) to (d) of this subsection, to describe the payment as a

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payment made out of money paid to the State or Territory by the Commonwealth.

Payment to be made as soon as practicable

(3) The State or Territory is required to make a payment referred to in subsection (1):

(a) as soon as practicable after the amount is paid to the State or Territory; or

(b) within a further period allowed by the Minister (whether the Minister allows this before or after the end of the time referred to in paragraph (a)).

24 Condition of financial assistance—recovering amounts

A payment of financial assistance under this Act to a State or Territory is subject to the condition that the State or Territory comply with any requirements prescribed by the regulations in relation to recovering amounts, as a result of a determination made under paragraph 110(1)(a) or (b) in relation to a State or Territory, from:

(a) the State or Territory; or

(b) an approved authority, a capital grants authority, a block grant authority or a non-government representative body.

25 Minister to determine timing and amounts of recurrent funding

(1) The Minister may, in writing, determine:

(a) an amount or amounts of payments of financial assistance that it appears to the Minister are or will become payable under Division 2 of Part 3 (funding formula for schools) to a State or Territory for a year for a school that is located in the State or Territory; and

(d) when the payments are to be made.

Note: A State or Territory is entitled to be paid a certain amount (see section 26).

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Determination of payments in advance

(2) An amount may be determined, and a payment made under subsection (1), for a year:
  (a) taking account of information from a previous year; and
  (b) before the beginning of the year.

Determinations after the end of the year

(3) To avoid doubt, a determination for a school for a year may be made after the end of the year.

26 Entitlement to recurrent funding

(1) The total amount of payments made under paragraph 25(1)(a) to a State or Territory for a school for a year must equal the amount determined under subsection (4) as the school's total entitlement for the year.

Note 1: ***Total entitlement*** is defined in section 12.

Note 2: The total entitlement may be reduced under section 110 (action Minister may take for failure to comply with this Act, and to require amounts to be repaid).

(4) The Minister must, in writing, determine an amount that the Minister is satisfied is the total entitlement for a school covered by Division 2 of Part 3 (funding formula for schools).

Note: A decision under this subsection is a reviewable decision (see Division 3 of Part 9).

Determination not legislative instrument

(5) A determination under this section is not a legislative instrument.

27 Pro-rating of recurrent funding

(1) The total entitlement for a school for a year is to be determined under section 26 in accordance with the regulations if:

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(a) no student receives primary education or secondary education at the school, or at a location of the school, during a part of the year (except school holidays); or

(b) the approval of the school's approved authority is varied during the year to change a level of education for a location of the school; or

(c) the school becomes or ceases to be entitled to financial assistance under Part 3.

(2) Without limiting subsection (1), the regulations may prescribe:

(a) that no financial assistance is payable for a school for a year in prescribed circumstances; or

(b) that a full amount of financial assistance is payable for a school for a year in prescribed circumstances; or

(c) that an amount of financial assistance is to be determined for a year on a pro rata basis set out in the regulations in prescribed circumstances.

28 Minister to determine timing and amounts of capital funding

(1) The Minister may, in writing, determine:

(a) an amount or amounts of payments of financial assistance that have been determined under subsection 67(1) (capital funding for capital grants authorities) to be payable to a State or Territory for a year for a capital grants authority; and

(b) an amount or amounts of payments of financial assistance that have been determined under subsection 67(2) (capital funding for block grant authorities) to be payable to a State or Territory for a year for a block grant authority; and

(c) when the payments referred to in paragraphs (a) and (b) are to be made.

Note: The amount payable to a State or Territory may be reduced under section 110 (action Minister may take for failure to comply with this Act, and to require amounts to be repaid).

Determinations not legislative instruments

(2) A determination under this section is not a legislative instrument.

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29 Minister to determine timing and amounts of other funding for schools

(1) The Minister may, in writing, determine:

(a) an amount or amounts of payments of financial assistance that have been determined under section 69 (special circumstances funding) to be payable to a State or Territory for a year for a school that is located in the State or Territory; and

(aa) an amount or amounts of payments of financial assistance that have been determined under section 69A (funding in prescribed circumstances) to be payable to a State or Territory for a year for a school that is located in the State or Territory; and

(ab) an amount or amounts of payments of financial assistance that have been determined under section 69B (transition adjustment funding) to be payable to a State or Territory for a year for a school that is located in the State or Territory; and

(b) when the payments referred to in paragraphs (a) to (ab) are to be made.

Note: The amount payable to a State or Territory may be reduced under section 110 (action Minister may take for failure to comply with this Act, and to require amounts to be repaid).

Determinations not legislative instruments

(2) A determination under this section is not a legislative instrument.

30 Minister to determine timing and amounts of funding for non-government representative body

(1) The Minister may, in writing, determine:

(a) an amount or amounts of payments of financial assistance that have been determined under Division 4 of Part 5 (funding for non-government representative body) to be payable to a State or Territory for a year for a non-government representative body; and

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(b) when the payments referred to in paragraph (a) are to be made.

Note: The amount payable to a State or Territory may be reduced under section 110 (action Minister may take for failure to comply with this Act, and to require amounts to be repaid).

Determinations not legislative instruments

(2) A determination under this section is not a legislative instrument.

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Part 3—Recurrent funding for schools

Division 1—Preliminary

31 Guide to this Part

Financial assistance for schools is payable by the Commonwealth each year, based on a formula in Division 2 of this Part. The formula produces the Commonwealth share of a total amount of funding. Most schools (called transitioning schools) will move to that share over a period of 6 to 10 years.

All schools are entitled to a base amount of funding for every student. Students and schools who need extra support will also attract additional loadings.

The base amount, and most of the loadings, are worked out by reference to an amount per student called the SRS funding amount. (SRS is short for schooling resource standard). There is a different SRS funding amount for primary and secondary students, which is indexed yearly.

The base amount for a school for a year reflects:

(a) the number of students at the school for the year; and

(b) the SRS funding amount for the year for a student at the school; and

(c) the capacity of the school's community to contribute financially to the school.

The following loadings are also provided:

(a) a loading for students with disability;

(b) a loading for Aboriginal and Torres Strait Islander students;

(c) a loading for socio-educational disadvantage;

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(d) a loading for students who have low English proficiency;
(e) a loading for schools that are not in major cities;
(f) a loading for schools that are not large schools.

The loadings (except the size loading) are a percentage of the relevant SRS funding amount multiplied by the number of students at a school that qualify for that loading. The size loading provides an amount based on the total number of students at a school. Small schools, and very small schools in very remote areas with a certain number of students, are entitled to the maximum size loading while large schools are not entitled to any size loading. All other schools are entitled to a proportion of the maximum size loading.

31A Eligibility for funding under this Part

Financial assistance is not payable under this Part for a school unless:

(a) there is an approved authority for the school; and
(b) the approved authority is approved in relation to:
  (i) one or more locations of the school; and
  (ii) a level of education provided by the school at any of those locations.

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Division 2—The funding formula for schools

32 The amount payable for a school

The amount of financial assistance that is payable under this Division to a State or Territory for a year for a school is worked out using the following formula:

$$\left(\begin{array}{c}\text{The school's base}\\ \text{amount for the year}\end{array} + \begin{array}{c}\text{The school's total}\\ \text{loading for the year}\end{array}\right) \times \begin{array}{c}\text{The Commonwealth share}\\ \text{for the school for the year}\end{array}$$

Note: This amount may be rounded up or down (see section 56).

33 Base amount for schools

(1) A primary school or secondary school's ***base amount*** for a year is worked out using the following formula:

$$\begin{array}{c}\text{The number}\\ \text{of students}\\ \text{at the school}\\ \text{for the year}\end{array} \times \begin{array}{c}\text{The SRS funding}\\ \text{amount for the year}\\ \text{for a student}\\ \text{at the school}\end{array} \times \left(1 - \begin{array}{c}\text{The school's}\\ \text{capacity to}\\ \text{contribute}\\ \text{percentage}\end{array}\right)$$

Note: For the number of students at a school for a year, see section 16.

(2) To work out the ***base amount*** for a year for a combined school, add up the following amounts:

(a) the amount that would be the school's base amount for the year if the school were a primary school consisting only of those students at the school who are primary students;

(b) the amount that would be the school's base amount for the year if the school were a secondary school consisting only of those students at the school who are secondary students.

(3) To work out the ***base amount*** for a year for a school that is not covered by subsection 54(1) (capacity to contribute percentage) at

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which there are distance education students, add up the following amounts:

(a) the amount that would be the school's base amount under subsection (1) or (2) for the year excluding the distance education students;

(b) the amount that would be the school's base amount under subsection (1) or (2) for the year if:

(i) the school were a school consisting only of the distance education students; and

(ii) the SRS funding amount for a student at the school were the percentage of that amount set out in subsection (4); and

(iii) the school's capacity to contribute percentage were 0%.

(4) For the purposes of subparagraph (3)(b)(ii), the percentage is:

(a) 35%; or

(b) if the regulations prescribe another percentage for the purposes of this paragraph—that other percentage.

Note 1: The percentage set out in this subsection maintains support for a school, while recognising the recurrent cost structure and operating profile of the school.

Note 2: A school attracts 100% of the loadings for distance education students.

34 SRS funding amounts

SRS funding amount for a primary student

(1) The ***SRS funding amount*** for a year for a primary student is:

(a) for 2018—$10,953; or

(b) if the regulations prescribe another amount for a primary student for the year—that other amount; or

(c) otherwise—the SRS funding amount for a primary student for the year, as indexed under subsection (3).

Note: For distance education students, see subsection 33(3).

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SRS funding amount for a secondary student

(2) The ***SRS funding amount*** for a year for a secondary student is:
  (a) for 2018—$13,764; or
  (b) if the regulations prescribe another amount for a secondary student for the year—that other amount; or
  (c) otherwise—the SRS funding amount for a secondary student for the year, as indexed under subsection (3).

Indexation of SRS funding amounts

(3) An SRS funding amount for a primary student or a secondary student for a year is indexed as follows:

$$\text{The SRS funding amount for such a student for the previous year} \times \text{SRS indexation factor for the year}$$

SRS funding amount for a student at a combined school

(4) For the purposes of Division 3 (loadings), the ***SRS funding amount*** for a year for a student at a combined school is worked out in accordance with the following formula:

$$\frac{\left(\text{The number of primary students at the school for the year} \times \text{SRS funding amount for the year for a primary student}\right) + \left(\text{The number of secondary students at the school for the year} \times \text{SRS funding amount for the year for a secondary student}\right)}{\text{The number of students at the school for the year}}$$

Note: The SRS funding amounts in subsections (1) and (2) are used to work out a combined school's base amount under section 33.

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35 School's total loading

A school's ***total loading*** for a year is the total of the following amounts:

(a) the school's student with disability loading for the year;
(b) the school's Aboriginal and Torres Strait Islander loading for the year;
(c) the school's socio-educational disadvantage loading for the year;
(d) the school's low English proficiency loading for the year;
(e) the school's location loading for the year;
(f) the school's size loading for the year.

35A Commonwealth share

Unless the regulations prescribe otherwise, the ***Commonwealth share*** for a school for a year (subject to section 35B) is:

(a) for a government school—20%; and
(b) for a non-government school—80%.

35B Commonwealth share for transitioning schools

(1) The ***Commonwealth share*** for a transitioning school for a transition year for the school is the percentage worked out using the following formula:

$$\text{Starting Commonwealth share} + \left[\left(\text{Final Commonwealth share} - \text{Starting Commonwealth share}\right) \times \text{Transition rate}\right]$$

(2) Unless the regulations prescribe otherwise, the ***starting Commonwealth share*** is the amount worked out using the following formula (expressed as a percentage):

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$$\frac{\text{The 2017 recurrent funding for the relevant approved authority}}{\text{The adjusted SRS amount for the relevant approved authority}}$$

(3) The ***2017 recurrent funding*** for the relevant approved authority is:

(a) if financial assistance was payable under Division 2 of Part 3 for schools of the relevant approved authority for 2017—the sum of the total entitlements for those schools for that year; or

(b) if financial assistance was payable under Division 5 of Part 3, or under Part 4, for schools of the relevant approved authority for 2017—the relevant approved authority's total entitlement for that year.

(4) The ***adjusted SRS amount*** for the relevant approved authority is the sum of the amounts of financial assistance that would be payable under Division 2 of Part 3 for the schools of the relevant approved authority for 2017 if:

(a) Division 2 of Part 3 as in force immediately before the commencement of this paragraph applied for the purposes of working out those amounts; and

(b) Divisions 3 and 4 of Part 3 as in force immediately after the commencement of this paragraph applied in relation to 2017; and

(c) for the purposes of the operation of paragraphs (a) and (b) in relation to 2017:

(i) the Commonwealth share for each school were 100%; and

(ii) the SRS funding amount for a primary student were $10,576; and

(iii) the SRS funding amount for a secondary student were $13,290; and

(iv) the SES score for each school were the score for the school for 2018; and

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(v) the maximum size loading for a primary school were $166,790; and

(vi) the maximum size loading for a secondary school were $266,864; and

(vii) the starting amount for a primary school were $11,119; and

(viii) the starting amount for a secondary school were $22,239.

(5) The ***relevant approved authority*** is:

(a) for a school for which financial assistance was payable under Part 3 or 4 of this Act for 2017—the authority that was the approved authority for the transitioning school immediately before the commencement of this subsection; and

(b) for a school prescribed as a transitioning school by the regulations—the authority prescribed by the regulations.

(6) The ***final Commonwealth share*** is:

(a) unless a percentage is prescribed under paragraph (b)—the percentage that would be the Commonwealth share if the school was not a transitioning school; or

(b) the percentage prescribed by the regulations.

Note: For paragraph (a), see section 35A.

(7) Unless the regulations otherwise provide, the ***transition rate*** for a school other than a 6-year transitioning school:

(a) for the transition year 2018 is 10%; and

(b) for each later transition year is the transition rate for the previous transition year increased by 10 percentage points.

(7A) Unless the regulations otherwise provide, the ***transition rate*** for a 6-year transitioning school:

(a) for the transition year 2018 is 16.67%; and

(b) for each transition year from 2019 to 2022 (inclusive) is the transition rate for the previous year increased by 16.67 percentage points; and

(c) for the transition year 2023 is 100%.

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(8) The regulations may prescribe a ***transition rate*** for a transition year for a school that is:

(a) more than the rate that would apply for the year under subsection (7) or (7A) if no regulations had been made for the purposes of this subsection; and

(b) no more than 100%.

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Division 3—Working out loadings

Subdivision A—Loadings (except location and size loadings)

36 Student with disability loading

(1) A school's ***student with disability loading*** for a year is the sum of the following:

(a) the school's supplementary disability loading for the year;

(b) the school's substantial disability loading for the year;

(c) the school's extensive disability loading for the year.

(2) The school's ***supplementary disability loading*** for the year is the amount worked out using the following formula:

$$\text{The supplementary disability loading percentage} \times \text{The SRS funding amount for the year for a student at the school} \times \text{The number of students classified as needing a supplementary level of adjustment}$$

(3) The school's ***substantial disability loading*** for the year is the amount worked out using the following formula:

$$\text{The substantial disability loading percentage} \times \text{The SRS funding amount for the year for a student at the school} \times \text{The number of students classified as needing a substantial level of adjustment}$$

(4) The school's ***extensive disability loading*** for the year is the amount worked out using the following formula:

$$\text{The extensive disability loading percentage} \times \text{The SRS funding amount for the year for a student at the school} \times \text{The number of students classified as needing an extensive level of adjustment}$$

(5) The ***supplementary disability loading percentage,*** the ***substantial disability loading percentage*** and the ***extensive disability loading***

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percentage are those percentages as prescribed for the school for the year by the regulations.

(6) The number of students classified as needing a ***supplementary level of adjustment***, a ***substantial level of adjustment*** or an ***extensive level of adjustment*** are the numbers of those students, so classified in accordance with the regulations, at the school for the year.

37 Aboriginal and Torres Strait Islander loading

(1) A school's ***Aboriginal and Torres Strait Islander loading*** for a year is the amount worked out using the following formula:

$$\text{The school's ATSI percentage for the year} \times \text{The SRS funding amount for the year for a student at the school} \times \text{The number of Aboriginal and Torres Strait Islander students at the school for the year}$$

Note: This amount may be rounded up or down (see section 56).

(2) A school's ***ATSI percentage*** for a year is the following (expressed as a percentage):

$$\frac{1}{5} + \frac{\text{The number of Aboriginal and Torres Strait Islander students at the school for the year}}{\text{The number of students at the school for the year}}$$

38 Socio-educational disadvantage loading

(1) A school's ***socio-educational disadvantage loading*** for a year is the amount worked out using the following formula:

$$\text{The school's quartile 1 amount for the year} + \text{The school's quartile 2 amount for the year}$$

Note: This amount may be rounded up or down (see section 56).

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A school's quartile 1 amount

(2) A school's ***quartile 1 amount*** for a year is the amount worked out using the following formula:

$$\text{The school's quartile 1 percentage for the year} \times \text{The SRS funding amount for the year for a student at the school} \times \text{The number of students at the school for the year who are in quartile 1}$$

(3) A school's ***quartile 1 percentage*** for a year is the lower of 50%, and the amount worked out using the following formula (expressed as a percentage):

$$\frac{3}{20} + \left(\frac{\text{The number of students at the school for the year who are in quartile 1}}{\text{The number of students at the school for the year}} \times \frac{7}{15} \right)$$

Note: For the number of students at a school for a year, see section 16.

(4) The number of students at a school for a year who are in quartile 1 is the number prescribed by the regulations.

A school's quartile 2 amount

(5) A school's ***quartile 2 amount*** for a year is the amount worked out using the following formula:

$$\text{The school's quartile 2 percentage for the year} \times \text{The SRS funding amount for the year for a student at the school} \times \text{The number of students at the school for the year who are in quartile 2}$$

(6) A school's ***quartile 2 percentage*** for a year is the lower of 37.5%, and the amount worked out using the following formula (expressed as a percentage):

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$$\frac{3}{40} + \left(\frac{\begin{array}{c}\text{The number of students}\\ \text{at the school for the year}\\ \text{who are in quartile 2}\end{array}}{\begin{array}{c}\text{The number of students}\\ \text{at the school}\\ \text{for the year}\end{array}} \times \frac{2}{5} \right)$$

(7) The number of students at a school for a year who are in quartile 2 is the number prescribed by the regulations.

39 Low English proficiency loading

(1) A school's ***low English proficiency loading*** for a year is the amount worked out using the following formula:

$$10\% \times \begin{array}{c}\text{The SRS funding}\\ \text{amount for the year}\\ \text{for a student}\\ \text{at the school}\end{array} \times \begin{array}{c}\text{The number of students}\\ \text{at the school for the year}\\ \text{who have low English}\\ \text{proficiency}\end{array}$$

Note: This amount may be rounded up or down (see section 56).

(2) The number of students at a school for a year who have low English proficiency is the number prescribed by the regulations.

Subdivision B—Location loading

40 Location loading

(1) A school's ***location loading*** for a year is the amount worked out using the following formula:

$$\begin{array}{c}\text{The}\\ \text{school's}\\ \text{location}\\ \text{percentage}\end{array} \times \left[\left(\begin{array}{c}\text{The SRS}\\ \text{funding}\\ \text{amount for}\\ \text{the year}\\ \text{for a student}\\ \text{at the school}\end{array} \times \begin{array}{c}\text{The number}\\ \text{of students}\\ \text{at the school}\\ \text{for the year}\end{array} \right) + \begin{array}{c}\text{The school's}\\ \text{size loading}\\ \text{for the year}\end{array} \right]$$

Note 1: For the number of students at a school for a year, see section 16.

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Note 2: This amount may be rounded up or down (see section 56).

Note 3: For the locations of a school that are covered by this Part, see section 55.

(2) A school's ***location percentage*** is set out in the following table.

Location percentage		
Item	**For this kind of school ...**	**the school's location percentage is ...**
1	a major city school	0%.
2	an inner regional school	the percentage worked out under subsection 41(1).
3	an outer regional school	the percentage worked out under subsection 41(2).
4	a remote school	the percentage worked out under subsection 41(3).
5	a very remote school	the percentage worked out under subsection 41(4).

41 Location percentage for certain schools

Inner regional schools

(1) The location percentage for an inner regional school is the number worked out using the following formula divided by 100 (expressed as a percentage):

$$\frac{\text{The school's ARIA index value} - 1}{2.4 - 1} \times 10$$

Note: The numbers referred to in a fraction in a formula in this section may be changed if regulations are made for the purposes of subsection 13(2).

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Outer regional schools

(2) The location percentage for an outer regional school is the number worked out using the following formula divided by 100 (expressed as a percentage):

$$10 + \left(\frac{\text{The school's ARIA index value} - 2.4}{6 - 2.4} \times 20 \right)$$

Remote schools

(3) The location percentage for a remote school is the number worked out using the following formula divided by 100 (expressed as a percentage):

$$30 + \left(\frac{\text{The school's ARIA index value} - 6}{10 - 6} \times 40 \right)$$

Very remote schools

(4) The location percentage for a very remote school is the number worked out using the following formula divided by 100 (expressed as a percentage):

$$70 + \left(\frac{\text{The school's ARIA index value} - 10}{15 - 10} \times 10 \right)$$

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Subdivision C—Size loading

42 Size loading

(1) The ***size loading*** for a school that is a small school for a year is the school's maximum size loading for the year.

Note 1: A school's maximum size loading for a year is worked out under section 44.

Note 2: The kinds of school referred to in this section are defined in section 43.

(2) The ***size loading*** for a school that is a very small school for a year is the amount worked out in accordance with section 46.

Note: A very small school that is very remote or has more than a certain number of students is entitled to the maximum size loading. Other very small schools are entitled to a proportion of that maximum size loading, depending on their remoteness and size.

(3) The ***size loading*** for a school that is a medium-sized school for a year is the amount worked out in accordance with section 51.

Note: A medium-sized school is entitled to a proportion of the maximum size loading, depending on its size.

(4) The ***size loading*** for a school that is a large school for a year is zero.

43 Definitions—kinds of schools based on size

(1) The following table sets out definitions of kinds of schools based on size.

Definitions of kinds of schools based on size

Item	Column 1 A school is this kind of school for a year …	Column 2 if the school has this number of students at the school for the year …
1	a ***very small school***	less than the school's maximum lower limit.
2	a ***small school***	(a) more than or equal to the school's

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Definitions of kinds of schools based on size		
Item	**Column 1** **A school is this kind of school for a year …**	**Column 2** **if the school has this number of students at the school for the year …**
		maximum lower limit; and (b) less than or equal to the school's maximum upper limit.
3	a ***medium-sized school***	(a) more than the school's maximum upper limit; and (b) less than the school's zero lower limit.
4	a ***large school***	more than or equal to the school's zero lower limit.

Note: The maximum upper and lower limits are the numbers of students required for a school to be entitled to the maximum size loading. The zero lower limit is the number of students at or above which a school is not entitled to any size loading.

(2) A school's ***maximum lower limit*** is:

(a) for a primary school:

(i) 15; or

(ii) if the regulations prescribe another number as the maximum lower limit for a primary school—that number; and

(b) for a secondary school:

(i) 100; or

(ii) if the regulations prescribe another number as the maximum lower limit for a secondary school—that number; and

(c) for a combined school for a year—the amount worked out using the following formula:

$$\left(\text{The maximum lower limit for a primary school} \times \text{The school's primary percentage for the year}\right) + \left(\text{The maximum lower limit for a secondary school} \times \text{The school's secondary percentage for the year}\right)$$

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Note: The ***primary percentage*** and ***secondary percentage*** are defined in section 45.

(3) A school's ***maximum upper limit*** is:

(a) for a primary school:

(i) 200; or

(ii) if the regulations prescribe another number as the maximum upper limit for a primary school—that number; and

(b) for a secondary school:

(i) 500; or

(ii) if the regulations prescribe another number as the maximum upper limit for a secondary school—that number; and

(c) for a combined school for a year—the amount worked out using the following formula:

$$\left(\begin{array}{c}\text{The maximum upper limit for a primary school}\end{array} \times \begin{array}{c}\text{The school's primary percentage for the year}\end{array}\right) + \left(\begin{array}{c}\text{The maximum upper limit for a secondary school}\end{array} \times \begin{array}{c}\text{The school's secondary percentage for the year}\end{array}\right)$$

(4) A school's ***zero lower limit*** is:

(a) for a primary school:

(i) 300; or

(ii) if the regulations prescribe another number as the zero lower limit for a primary school—that number; and

(b) for a secondary school:

(i) 700; or

(ii) if the regulations prescribe another number as the zero lower limit for a secondary school—that number; and

(c) for a combined school for a year—the amount worked out using the following formula:

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$$\left(\text{The zero lower limit for a primary school} \times \text{The school's primary percentage for the year}\right) + \left(\text{The zero lower limit for a secondary school} \times \text{The school's secondary percentage for the year}\right)$$

44 Definition—*maximum size loading*

Primary schools and secondary schools

(1) A primary school or secondary school's ***maximum size loading*** for a year is:

(a) for a primary school for 2018—$172,728; and

(b) for a secondary school for 2018—$276,365; and

(c) for any other year:

(i) the school's maximum size loading for the year, as indexed under subsection (2); or

(ii) if the regulations prescribe another amount as the maximum size loading for the school (whether generally or by reference to a class of schools) for the year—that other amount.

(2) A primary school or secondary school's maximum size loading for a year is indexed as follows:

$$\text{The school's maximum size loading for the previous year} \times \text{SRS indexation factor for the year}$$

Combined schools

(4) A combined school's ***maximum size loading*** for a year is the amount worked out using the following formula:

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$$\left(\begin{array}{c}\text{The maximum size loading for a primary school for the year}\end{array} \times \begin{array}{c}\text{The school's primary percentage for the year}\end{array}\right) + \left(\begin{array}{c}\text{The maximum size loading for a secondary school for the year}\end{array} \times \begin{array}{c}\text{The school's secondary percentage for the year}\end{array}\right)$$

45 Definitions—*primary percentage* and *secondary percentage*

(1) A combined school's ***primary percentage*** for a year is the percentage of primary students at the school for the year.

(2) A combined school's ***secondary percentage*** for a year is the percentage of secondary students at the school for the year.

46 Very small schools—size loading

The size loading for a school that is a very small school for a year is specified in column 2 of the item that applies to the school.

Size loading for very small schools

Item	Column 1 For this kind of school …	Column 2 the size loading is …
1	a very remote school	the school's maximum size loading for the year.
2	a school that: (a) is not a very remote school or a major city school; and (b) has more students at the school for the year than the school's ARIA student number	the school's maximum size loading for the year.
3	a school that is not covered by item 1, 2 or 4	the amount worked out under section 47.
4	a major city school	the amount worked out under section 48.

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Note: The school's ARIA student number is a number of students worked out for the school under section 50 by reference to the school's ARIA index value.

47 Very small schools—schools covered by item 3 of the table in section 46

(1) The size loading for a year for a school covered by item 3 of the table in section 46 is worked out using the following formula:

$$\text{The school's increased starting amount for the year} + \left[\left(\text{The school's maximum size loading for the year} - \text{The school's increased starting amount for the year} \right) \times \frac{\text{The number of students at the school for the year} - 1}{\text{The school's ARIA student number} - 1} \right]$$

Note 1: The number referred to in the denominator of the fraction in the formula in this subsection may be changed if regulations are made for the purposes of subsection 13(2).

Note 2: For the number of students at a school for a year, see section 16.

(2) A school's ***increased starting amount*** for a year is worked out using the following formula:

$$\text{The school's starting amount for the year} + \left[\left(\text{The school's maximum size loading for the year} - \text{The school's starting amount for the year} \right) \times \frac{\text{The school's ARIA index value} - 1}{10 - 1} \right]$$

Note 1: The ***starting amount*** is defined in section 49.

Note 2: The numbers referred to in the fraction in the formula in this subsection may be changed if regulations are made for the purposes of subsection 13(2).

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48 Very small schools—major city schools

The size loading for a year for a school covered by item 4 of the table in section 46 is worked out using the following formula:

$$\text{The school's starting amount for the year} + \left[\left(\text{The school's maximum size loading for the year} - \text{The school's starting amount for the year} \right) \times \frac{\text{The number of students at the school for the year} - 1}{\text{The school's maximum lower limit} - 1} \right]$$

Note: For the number of students at a school for a year, see section 16.

49 Very small schools—starting amount

Primary and secondary schools

(1) A primary school or secondary school's ***starting amount*** for a year is:

(a) for a primary school for 2018—$11,515; and

(b) for a secondary school for 2018—$23,030; and

(c) for any other year:

(i) the starting amount for the school for the year, as indexed under subsection (2); or

(ii) if the regulations prescribe another amount as the starting amount for the school (whether generally or by reference to a class of schools) for the year—that other amount.

(2) A primary school or secondary school's starting amount for a year is indexed as follows:

$$\text{The school's starting amount for the previous year} \times \text{SRS indexation factor for the year}$$

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Combined schools

(4) A combined school's ***starting amount*** for a year is worked out using the following formula:

$$\left(\begin{array}{c}\text{The starting amount for a primary school for the year}\end{array} \times \begin{array}{c}\text{The school's primary percentage for the year}\end{array}\right) + \left(\begin{array}{c}\text{The starting amount for a secondary school for the year}\end{array} \times \begin{array}{c}\text{The school's secondary percentage for the year}\end{array}\right)$$

50 Very small schools—ARIA student number

A school's ***ARIA student number*** is worked out using the following formula:

$$\text{The school's maximum lower limit} - \left[\left(\text{The school's maximum lower limit} - 1\right) \times \frac{\text{The school's ARIA index value} - 1}{10 - 1}\right]$$

51 Medium-sized schools—size loading

The size loading for a medium-sized school for a year is:

$$\left(\frac{\text{The school's zero lower limit} - \text{The number of students at the school for the year}}{\text{The school's zero lower limit} - \text{The school's maximum upper limit}}\right) \times \text{The school's maximum size loading for the year}$$

Note: For the number of students at a school for a year, see section 16.

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Division 4—Miscellaneous

Subdivision A—Capacity to contribute percentage

52 Determining SES scores

(1) The Minister must (subject to subsection (6)) determine, in writing, the ***SES score*** for a school.

Note: Decisions under this subsection are reviewable decisions (see Division 3 of Part 9).

(4) A determination under subsection (1) for a school must be in accordance with the regulations unless the Minister is satisfied doing so would result in an SES score that does not accurately reflect the general socioeconomic circumstances of the persons responsible for students at the school.

Note: The regulations may prescribe matters that the Minister may or must have regard to in making a decision under this subsection (see paragraph 130(2)(b)).

(5) A determination of a school's SES score that applies to a year must not be made under subsection (1) after the year has ended unless:

(a) both of the following apply:

(i) the determination (the ***new determination***) replaces a previous determination that is in force for the school;

(ii) the SES score in the new determination is no higher than the SES score in the previous determination; or

(b) the approved authority for the school agrees in writing to the determination being made retrospectively; or

(c) the Minister is satisfied that special circumstances justify the determination; or

(d) the determination is made by, or as a result of a decision by, an internal reviewer, the Administrative Appeals Tribunal or a court after reviewing a previous determination that applied to the year.

(6) This section does not apply in relation to the following schools:

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(a) a government school;
(b) a special school;
(c) a special assistance school;
(d) a school that is a majority Aboriginal and Torres Strait Islander school for a year;
(e) a sole provider school.

53 Determinations may be on application or on Minister's own initiative

(1) A determination of a school's SES score may be made under subsection 52(1) on the Minister's own initiative.

(2) A determination of a school's SES score may be made under subsection 52(1) on application by the approved authority for the school (or a person who is applying to be the approved authority for the school).

Note: For rules relating to applications, see Division 2 of Part 9.

(3) An application made by a person must specify the following:
(a) the school to which the application relates;
(b) the year to which the application relates;
(c) if a determination under section 52 is already in force for the school—the reasons why the person is applying for a new determination.

54 Capacity to contribute percentage

(1) The ***capacity to contribute percentage*** for any of the following schools is 0%:
(a) a government school;
(b) a special school;
(c) a special assistance school;
(d) a school that is a majority Aboriginal and Torres Strait Islander school for a year;
(e) a sole provider school.

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(2) The ***capacity to contribute percentage*** for a primary school (except one referred to in subsection (1)) is the percentage in column 2 of the item in the table in subsection (3) that contains the school's SES score.

Note: A school that has distance education students has a 0% capacity to contribute percentage in relation to those students (see subsection 33(3)).

(3) The ***capacity to contribute percentage*** for a secondary school (except one referred to in subsection (1)) is the percentage in column 3 of the item in the table in this subsection that contains the school's SES score.

Note: A school that has distance education students has a 0% capacity to contribute percentage in relation to those students (see subsection 33(3)).

Capacity to contribute percentage

Item	Column 1 SES score	Column 2 Primary school	Column 3 Secondary school
1	93 or lower	10.00	10.00
2	94	10.86	12.19
3	95	11.71	14.38
4	96	12.57	16.56
5	97	13.43	18.75
6	98	14.29	20.94
7	99	15.14	23.13
8	100	16.00	25.31
9	101	17.90	27.50
10	102	19.80	29.69
11	103	21.70	31.88
12	104	23.60	34.06
13	105	25.50	36.25
14	106	27.40	38.44
15	107	29.30	40.63

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Capacity to contribute percentage			
Item	**Column 1** **SES score**	**Column 2** **Primary school**	**Column 3** **Secondary school**
16	108	31.20	42.81
17	109	33.10	45.00
18	110	35.00	47.19
19	111	37.62	49.38
20	112	40.23	51.56
21	113	42.85	53.75
22	114	45.46	55.94
23	115	48.08	58.13
24	116	50.69	60.31
25	117	53.31	62.50
26	118	55.92	64.69
27	119	58.54	66.88
28	120	61.15	69.06
29	121	64.92	71.25
30	122	68.69	73.44
31	123	72.46	75.63
32	124	76.23	77.81
33	125 or higher	80.00	80.00

Subdivision B—Miscellaneous

55 Locations of a school

For the purposes of this Part, and any other provision of this Act to the extent that it relates to this Part, a reference to a school includes a location of the school only if:

(a) the location is specified in the approval of the approved authority for the school; and

(b) the level of education provided by the school at that location is specified in that approval.

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56 Rounding amounts

If any of the following amounts is not a whole dollar, the amount is to be rounded to the nearest dollar, rounding up an amount of 50 cents:

(a) an amount of financial assistance that is payable to a State or Territory under Division 2 of Part 3 for a school for a year;

(b) an amount of a school's loading for a year as referred to in any of paragraphs 35(a) to (f).

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Part 5—Capital and other funding

Division 1—Guide to this Part

66 Guide to this Part

This Part provides additional discretionary funding for schools.

The Minister may determine capital funding to be paid to a State or Territory under this Part. The capital funding is to be paid by the State or Territory to either a capital grants authority or a block grant authority, as determined by the Minister.

Block grant authorities are bodies corporate that are approved for a non-government school by the Minister under Division 3 of Part 6. A school's capital grants authority is its approved authority. If the school has a block grant authority, the block grant authority is also the school's capital grants authority. If the school is a non-government school located in a State or Territory, the approved authority for government schools located in the State or Territory is also the school's capital grants authority.

The Minister may also determine that financial assistance is payable for a school in special circumstances or if the Minister is satisfied that prescribed circumstances apply in relation to the school. In addition, the Minister can determine additional adjustment funding for transitioning schools for the years 2018 to 2027, in accordance with the regulations.

The total amount of capital funding payable to block grant authorities for a year is capped.

The Minister can also determine funding for non-government representative bodies. These are bodies that are approved by the

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Minister under Division 4 of Part 6 and that represent the interests of one or more approved authorities for non-government schools.

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Division 2—Capital funding

67 Capital funding

Capital funding for capital grants authorities

(1) The Minister may, in writing, determine an amount of financial assistance that is payable under this Division to a State or Territory for a year for a capital grants authority for a school (including a capital grants authority that is also a block grant authority for the school) if the Minister is satisfied that the financial assistance is required for capital expenditure by the capital grants authority in relation to the school.

Capital funding for block grant authorities

(2) The Minister may, in writing, determine an amount of financial assistance that is payable under this Division to a State or Territory for a year for a block grant authority for a school if the Minister is satisfied that the financial assistance is required for capital expenditure by the block grant authority in relation to the school.

Note 1: There is a limit on the total amount that can be determined for block grant authorities for a year (see section 68).

Note 2: Financial assistance provided for a block grant authority is appropriated by section 126.

Determinations not legislative instruments

(3) A determination under subsection (1) or (2) is not a legislative instrument.

68 Limit on total amount available for capital funding for block grant authorities

(1) The total of the amounts that the Minister determines under subsection 67(2) for a year for block grant authorities must not exceed:

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(a) for 2014—$134,496,000 (the ***base assistance amount***); and
(b) for any other year:
(i) the base assistance amount for the year, as indexed under subsection (2) of this section; or
(ii) if the regulations prescribe another amount as the base assistance amount for the year for the purposes of this section—that other amount.

Indexing the base assistance amount

(2) The base assistance amount for a year is indexed as follows:

$$\text{The base assistance amount for the previous year} \times \text{The indexation percentage}$$

(3) The ***indexation percentage*** is:
(a) 100%; or
(b) if the regulations prescribe another percentage (whether more or less than 100%) for the purposes of this paragraph—that percentage.

(4) Before the Governor-General makes regulations for the purposes of subsection (3), the Minister must consider changes in the following:
(a) indexes of building prices and wage costs prescribed by the regulations;
(b) student enrolment in non-government schools.

(5) If the base assistance amount worked out under subsection (2) for a year is not a multiple of $1,000, the amount is to be rounded to the nearest $1,000 (rounding $500 upwards).

Failure to comply with subsection (1)

(6) A failure to comply with subsection (1) does not affect the validity of a payment made as a result of a determination made under paragraph 28(1)(b) (Minister to determine timing and amounts of capital funding).

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Division 3—Other funding for schools

69 Special circumstances funding

(1) The Minister may, in writing, determine an amount of financial assistance that is payable under this section to a State or Territory for a school for a year if the Minister is satisfied that special circumstances justify the determination.

Note 1: The regulations may prescribe matters that the Minister may or must have regard to in making a decision under this subsection (see paragraph 130(2)(b)).

Note 2: Decisions under this section are not reviewable decisions.

(2) A determination under subsection (1) is not a legislative instrument.

69A Funding in prescribed circumstances

(1) The Minister may, in writing, determine an amount of financial assistance that is payable under this section to a State or Territory for a school for a year if the Minister is satisfied that prescribed circumstances apply in relation to the school for that year.

Note 1: The regulations may prescribe matters that the Minister may or must have regard to in making a decision under this subsection (see paragraph 130(2)(b)).

Note 2: Financial assistance provided under this section is appropriated by section 126.

(2) The regulations may do either or both of the following:

(a) prescribe an amount payable for a school for a year under a determination under subsection (1) or prescribe a method for working out that amount;

(b) prescribe a maximum amount that is payable for a school for a year under a determination under subsection (1) or prescribe a method for working out that maximum amount.

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(3) The regulations may prescribe different amounts, or different methods for working out amounts, for different circumstances.

(4) The total of the amounts that the Minister determines under subsection (1) for a year in relation to particular prescribed circumstances must not exceed the amount:
  (a) prescribed by the regulations; or
  (b) worked out in accordance with a method prescribed by the regulations.

(5) A determination under subsection (1) is not a legislative instrument.

69B Transition adjustment funding

(1) The Minister may, in writing, determine an amount of financial assistance that is payable under this section to a State or Territory for a transitioning school for a year from 2018 to 2027 (inclusive) if the Minister is satisfied that prescribed circumstances apply in relation to the school for that year.

Note: The regulations may prescribe matters that the Minister may or must have regard to in making a decision under this subsection (see paragraph 130(2)(b)).

(2) The regulations may do either or both of the following:
  (a) prescribe an amount payable for a school for a year under a determination under subsection (1) or prescribe a method for working out that amount;
  (b) prescribe a maximum amount that is payable for a school for a year under a determination under subsection (1) or prescribe a method for working out that maximum amount.

(3) The regulations may prescribe different amounts, or different methods for working out amounts, for different circumstances.

(4) The total of the amounts that the Minister determines under subsection (1) for a year in relation to particular prescribed circumstances must not exceed the amount:
  (a) prescribed by the regulations; or

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(b) worked out in accordance with a method prescribed by the regulations.

(5) A determination under subsection (1) is not a legislative instrument.

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Division 4—Funding for non-government representative bodies

70 Funding for non-government representative bodies

(1) The Minister may, in writing, determine an amount of financial assistance that is payable under this Division to a State or Territory for a year for a non-government representative body for a non-government school.

Note 1: The regulations may prescribe matters that the Minister may or must have regard to in making a decision under this subsection (see paragraph 130(2)(b)).

Note 2: Decisions under this section are not reviewable decisions.

(2) A determination under subsection (1) is not a legislative instrument.

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Part 6—Approving authorities and bodies

Division 1—Guide to this Part

71 Guide to this Part

The Minister approves approved authorities, block grant authorities and non-government representative bodies under this Part.

An approved authority is the body to which recurrent funding under this Act is ultimately paid. For government schools, the approved authority is the relevant State or Territory. For a non-government school, the approved authority is the body corporate approved by the Minister for the school.

A block grant authority is one of the bodies to which capital funding may ultimately be paid under subsection 67(1), and is the body to which capital funding is ultimately paid under subsection 67(2). A body can be a block grant authority only for non-government schools.

A non-government representative body for a non-government school represents the interests of the approved authority for the school. A non-government representative body is the body to which funding under section 70 is ultimately paid.

An approved authority, block grant authority or non-government representative body must satisfy basic requirements (such as being fit and proper), as well as ongoing requirements (such as requirements relating to dealing with financial assistance and providing information).

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Division 2—Approving approved authorities

72 Application for person to be approved as an approved authority

(1) A person may apply to the Minister to be approved as an approved authority for one or more schools.

Note: For rules relating to applications, see Division 2 of Part 9.

(2) The application must specify the following:
(a) each school for which the application is made;
(b) each location of each school;
(c) for each location of each school—the level of education provided at the location.

73 Approval of person

(1) The Minister may, in writing, approve a person as an approved authority for one or more schools if:
(a) the person has made an application under section 72; and
(b) the Minister is satisfied that:
(i) the person satisfies, and will continue to satisfy, the requirements in section 75; and
(ii) the ongoing policy requirements in section 77 will be satisfied in relation to the schools; and
(iii) the ongoing funding requirements in section 78 will be satisfied in relation to the schools.

Note 1: This section is subject to section 74 (approval or refusal on public interest grounds).

Note 2: Decisions under this section are reviewable decisions (see Division 3 of Part 9).

Note 3: An approved authority is approved only for specified locations and levels of education (see section 79).

(2) The Minister must not approve a person as an approved authority for a school if another approved authority is already approved for the school.

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(3) An approval of an approved authority may be made subject to one or more conditions, and the approved authority must comply with those conditions.

(5) An approval must specify the day on and after which the approval is in force.

(6) A day specified under subsection (5) can be earlier than the day the approval is given, but may be earlier than 1 January of the year in which the relevant application was made only if the Minister is satisfied that special circumstances justify determining that day.

Note: The regulations may prescribe matters that the Minister may or must have regard to in making a decision under this subsection (see paragraph 130(2)(b)).

74 Approval or refusal of approval on public interest grounds

(1) Despite subsection 73(1), the Minister may, in writing, do the following:

(a) refuse to approve, as an approved authority, a person that the Minister would otherwise approve, if the Minister is satisfied that it would be contrary to the public interest to approve the person;

(b) approve, as an approved authority, a person that the Minister would not otherwise approve, if the Minister is satisfied that it is in the public interest to approve the person.

Note 1: A decision under this section is not a reviewable decision.

Note 2: A report must be laid before each House of the Parliament if the Minister makes a decision under this section (see section 127).

(2) If the Minister makes a decision under subsection (1) in relation to a person, the Minister must, within 7 days of making the decision, publish a notice that:

(a) states that the decision has been made; and

(b) gives a brief statement of the reasons for the decision.

(3) Subsections 73(2) to (6) apply to an approval under this section as if the approval were given under section 73.

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(4) An approval of a person under paragraph (1)(b) of this section may specify either or both of the following:
   (a) a period during which the approval is to be in force;
   (b) one or more requirements under section 75, 77 or 78 with which the person is not required to comply.

(5) An approval that specifies:
   (a) a period under paragraph (4)(a); or
   (b) one or more requirements under paragraph (4)(b);

has effect accordingly.

75 Basic requirements for approval

(1) This section sets out requirements for a person for the purposes of subparagraph 73(1)(b)(i) and paragraph 81(1)(a).

Note: Approved authorities for government schools may be taken to satisfy the requirements in this section (see section 76).

Body corporate or body politic

(2) The person is a body corporate or a body politic.

Not-for-profit

(3) The person does not conduct for profit any school in relation to which the application is made.

Financial viability

(4) The person is financially viable.

Fit and proper person

(5) The person is fit and proper to be an approved authority for one or more schools.

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Matters to have regard to

(6) For the purposes of determining whether a person satisfies the requirement in subsection (3), (4) or (5), the Minister may have regard to:

(a) for the purposes of subsection (3)—whether the State or Territory Minister for a school in relation to which the person is applying considers that the person conducts the school for profit; and

(b) for the purposes of subsection (4)—the amount of financial assistance the person receives, or is likely to receive, from the Commonwealth, a State or a Territory; and

(c) for the purposes of subsection (5)—whether the person has complied, or is complying, with laws of the Commonwealth, a State or a Territory relating to the provision of school education; and

(d) any other matters the Minister considers relevant.

Note: The regulations may prescribe other matters that the Minister may or must have regard to in making a decision under this section (see paragraph 130(2)(b)).

Permission under law of relevant State or Territory

(7) For each level and location specified in the approval, the person is permitted under a law of the relevant State or Territory to provide that level of education at that location.

76 Approved authorities for government schools taken to satisfy basic requirements

(1) An approved authority for government schools located in a State or Territory is taken to satisfy the requirements in section 75.

(2) The Minister may, in writing, determine that subsection (1) does not apply in relation to an approved authority for government schools located in a State or Territory.

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Note 1: The regulations may prescribe matters that the Minister may or must have regard to in making a decision under this subsection (see paragraph 130(2)(b)).

Note 2: A report must be laid before each House of the Parliament if the Minister makes a decision under this subsection (see section 127).

(3) A determination under subsection (2) is not a legislative instrument.

77 Ongoing policy requirements for approved authorities

(1) This section sets out the ongoing policy requirements for all approved authorities for the purposes of subparagraph 73(1)(b)(ii) and paragraph 81(1)(a).

(2) The ongoing policy requirements for an approved authority for the schools for which the authority is approved are the following:

(b) the approved authority implements a curriculum at the schools in accordance with the regulations;

(c) the approved authority ensures that the schools participate in the national assessment program in accordance with the regulations;

(f) the approved authority provides information in accordance with the regulations.

(2A) In addition, the ongoing policy requirements for an approved authority for the non-government schools for which the authority is approved include the following:

(a) the approved authority cooperates with the States and Territories in which the schools are located in implementing:

(i) the national policy initiatives mentioned in subsection 22(1); and

(ii) the agreements mentioned in paragraphs 22(2)(a) and (b); and

(b) the approved authority implements policy initiatives in accordance with the regulations.

(3) Without limiting paragraph (2)(f), the regulations may require the approved authority to provide the following information:

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(a) information relating to a school's census;
(b) information for the purposes of a national program to collect data on schools and school education;
(c) information for the purposes of conducting research on schools and school education;
(e) information relating to the administration and operation of a school;
(f) information in reports to persons responsible for students at a school;
(g) information provided to the public about a school.

Note: The regulations may prescribe penalties for offences in relation to the requirement to provide information relating to a school's census (see paragraph 130(2)(a)).

78 Ongoing funding requirements for approved authorities

(1) This section sets out the ongoing funding requirements for an approved authority for a school for the purposes of subparagraph 73(1)(b)(iii) and paragraph 81(1)(a).

(2) The ongoing funding requirements for all approved authorities are the following:
(a) the approved authority deals, in accordance with the regulations, with financial assistance that is payable under Division 2 of Part 3 (funding formula for schools) or Division 2 or 3 of Part 5 (capital funding and other funding for schools) to the authority;
(b) the approved authority complies with requirements prescribed by the regulations in relation to monitoring the authority's compliance with this Act.

(3) An ongoing funding requirement for an approved authority for more than one school is to distribute all financial assistance received in accordance with Division 2 of Part 3 in accordance with a needs-based funding arrangement determined by the approved authority that complies with subsection (4) or (5).

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Funding arrangement based on Division 2 of Part 3

(4) A needs-based funding arrangement that complies with this subsection distributes to each school for which the authority is approved the amount of financial assistance worked out for the school under Division 2 of Part 3.

Funding arrangement based on other factors

(5) A needs-based funding arrangement that complies with this subsection:

(a) provides an amount per student that:

(i) represents the recurrent resources required to support a student with minimal educational disadvantage to achieve expected educational outcomes; and

(ii) takes account of efficiencies that can be realised while improving educational outcomes; and

(b) in addition to the amount per student mentioned in paragraph (a), provides loadings to students and schools with additional needs in order to support student achievement, including loadings for the following:

(i) students with disability;

(ii) Aboriginal and Torres Strait Islander students;

(iii) students with socio-educational disadvantage;

(iv) students who have low English proficiency;

(v) schools based on location;

(vi) schools based on size; and

(c) is publicly available and transparent.

(6) An approved authority that distributes financial assistance in accordance with subsection (5) is an ***approved system authority***.

79 Limitation on approval

An approved authority is approved only for:

(a) a school that is specified in the approval; and

(b) a location of the school that is specified in the approval; and

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(c) a level of education at that location that is specified in the approval.

80 Variation or revocation of approval on application

(1) An approved authority may apply, in writing, for the authority's approval to be varied or revoked.

Note: For rules relating to applications, see Division 2 of Part 9.

(2) The Minister may, in writing, vary the approved authority's approval for one or more schools only if the Minister is satisfied that the requirements referred to in paragraph 73(1)(b) are, and will continue to be, satisfied in relation to the varied approval.

Note 1: Decisions under this section are reviewable decisions (see Division 3 of Part 9).

Note 2: This subsection is subject to paragraph 74(4)(b) (approval or refusal on public interest grounds).

(3) The Minister may, in writing, revoke the approved authority's approval.

(4) A variation or revocation must specify the day on which the variation or revocation takes effect, which may be earlier than the day the Minister varies or revokes the approval.

81 Variation or revocation of approval on Minister's own initiative

(1) The Minister may, in writing, vary or revoke an approved authority's approval for one or more schools on the Minister's own initiative if:

(a) the Minister is satisfied that the approved authority does not comply, is not complying, or has not complied, with section 75, 77 or 78; or

(b) the Minister is satisfied that the approved authority is not complying or has not complied with a condition to which the approval is subject; or

(c) the Minister is satisfied that varying or revoking the approval is in the public interest; or

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(d) for an approved authority for government schools located in a State or Territory—the Minister is satisfied that the State or Territory has not complied with a condition under section 22, 22A or 24, any of paragraphs 23(2)(a) to (d), or subsection 23(3).

Note 1: Decisions under paragraphs (1)(a), (b) and (d) are reviewable decisions (see Division 3 of Part 9).

Note 2: A report must be laid before each House of the Parliament if the Minister makes a decision under paragraph (1)(c) (see section 127).

(2) Without limiting subsection (1), the Minister may vary an approved authority's approval by making the approval subject to one or more conditions, and the approved authority must comply with those conditions.

(3) The Minister may do either of the following if the Minister is satisfied that a school has ceased to provide primary education or secondary education:

(a) if the approved authority for the school is approved only for that school—revoke the authority's approval;

(b) if the approved authority for the school is approved for other schools as well—vary the authority's approval by removing the school from the approval.

(5) A variation or revocation must specify the day on which the variation or revocation takes effect, which may be earlier than the day the Minister varies or revokes the approval.

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Division 3—Approving block grant authorities

82 Application for person to be approved as a block grant authority

(1) A person may apply to the Minister to be approved as a block grant authority for a non-government school.

Note: For rules relating to applications, see Division 2 of Part 9.

(2) The application must specify each school for which the application is made. However, a school may be specified by referring to the approved authority for the school.

83 Approval of person

(1) The Minister may, in writing, approve a person as a block grant authority for one or more schools if:

(a) the person has made an application under section 82; and

(b) the Minister is satisfied that:

(i) the person satisfies, and will continue to satisfy, the requirements in section 84; and

(ii) the ongoing requirements in section 85 will be satisfied.

Note 1: Decisions under this section are reviewable decisions (see Division 3 of Part 9).

Note 2: A block grant authority is approved only for specified schools (see section 86).

(2) The Minister must not approve a person as a block grant authority for a school if another block grant authority is already approved for the school.

(3) An approval of a person as a block grant authority may be made subject to one or more conditions, and the block grant authority must comply with those conditions.

(4) An approval must specify the day on and after which the approval is in force.

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(5) A day specified under subsection (4) can be earlier than the day the approval is given, but may be earlier than 1 January of the year in which the relevant application was made only if the Minister is satisfied that special circumstances justify determining that day.

Note: The regulations may prescribe matters that the Minister may or must have regard to in making a decision under this subsection (see paragraph 130(2)(b)).

84 Basic requirements for approval

(1) This section sets out requirements for a person for the purposes of subparagraph 83(1)(b)(i) and paragraph 88(1)(a).

Body corporate

(2) The person is a body corporate.

Not-for-profit

(3) The person is a not-for-profit organisation.

Financial viability

(4) The person is financially viable.

Fit and proper person

(5) The person is fit and proper to be a block grant authority for one or more schools.

Matters to have regard to

(6) For the purposes of determining whether a person satisfies the requirement in subsection (4), the Minister may have regard to the amount of financial assistance the person receives, or is likely to receive, from the Commonwealth, a State or a Territory.

Note: The regulations may prescribe other matters that the Minister may or must have regard to in making a decision under this section (see paragraph 130(2)(b)).

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Permission from approved authority

(7) For each school specified (whether expressly or by reference to an approved authority) in an approval of a block grant authority, the block grant authority has the written permission of the approved authority for the school to receive financial assistance that is payable under Division 2 of Part 5.

85 Ongoing requirements for approval

(1) This section sets out the ongoing requirements for the purposes of subparagraph 83(1)(b)(ii) and paragraph 88(1)(a).

(2) The ongoing requirements for an approval of a block grant authority are the following:

(a) the block grant authority deals, in accordance with the regulations, with financial assistance that is payable under Division 2 of Part 5 to the authority;

(b) the block grant authority complies with requirements prescribed by the regulations in relation to monitoring the authority's compliance with this Act;

(c) the block grant authority provides information in accordance with the regulations.

(3) Without limiting paragraph (2)(a), the regulations may:

(a) specify how financial assistance that is payable to a State or Territory under Division 2 of Part 5 for a block grant authority is to be allocated in relation to schools; and

(b) provide for requirements for review of decisions of the block grant authority on how to allocate that financial assistance.

(4) Without limiting paragraph (2)(c), the regulations may require the block grant authority to provide:

(a) information relating to the administration and operation of a school; and

(b) information to the public about a school.

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86 Limitation on approval

A block grant authority is approved only for:

(a) schools specified in the approval; or

(b) if the approval instead specifies an approved authority (see subsection 82(2))—the schools for which the approved authority is, from time to time, approved.

87 Variation or revocation of approval on application

(1) A block grant authority may apply, in writing, for its approval to be varied or revoked.

Note: For rules relating to applications, see Division 2 of Part 9.

(2) The Minister may, in writing, vary the approval only if the Minister is satisfied that the requirements referred to in paragraph 83(1)(b) are, and will continue to be, satisfied in relation to the varied approval.

Note: Decisions under this section are reviewable decisions (see Division 3 of Part 9).

(3) The Minister may, in writing, revoke the approval.

(4) A variation or revocation must specify the day on which the variation or revocation takes effect, which may be earlier than the day the Minister varies or revokes the approval.

88 Variation or revocation of approval on Minister's own initiative

(1) The Minister may, in writing, vary or revoke an approval of a block grant authority for one or more schools on the Minister's own initiative if:

(a) the Minister is satisfied that the authority does not comply, is not complying, or has not complied, with section 84 or 85; or

(b) the Minister is satisfied that the authority is not complying or has not complied with a condition to which the approval is subject.

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Note: Decisions under this subsection are reviewable decisions (see Division 3 of Part 9).

(2) Without limiting subsection (1), the Minister may vary an approval of a block grant authority by making the approval subject to one or more conditions, and the block grant authority must comply with those conditions.

(3) The Minister may do either of the following if the Minister is satisfied that a school has ceased to provide primary education or secondary education:

(a) if a block grant authority for the school is approved only for that school—revoke the approval of the authority;

(b) if a block grant authority for the school is approved for other schools as well—vary the approval of the authority by removing the school from the approval.

(5) A variation or revocation must specify the day on which the variation or revocation takes effect, which may be earlier than the day the Minister varies or revokes the approval.

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Division 4—Approving non-government representative bodies

89 Minister may invite a person to apply to be a non-government representative body

(1) The Minister may, in writing, invite a person to apply to be approved as a non-government representative body for a non-government school if the Minister is satisfied that:

(a) the person represents the interests of the approved authority for the school; and

(b) the person is likely to meet the requirements in section 92 (basic requirements for approval).

(2) The Minister may, in writing, withdraw an invitation at any time before the person makes an application under section 90 (in which case the person may not make an application).

(3) To avoid doubt, the Minister may be satisfied that a person represents the interests of an approved authority irrespective of the views of the authority.

90 Application for person to be approved as a non-government representative body

(1) A person who the Minister has, under section 89, invited to apply to be approved as a non-government representative body for a non-government school may apply to the Minister to be so approved.

Note: For rules relating to applications, see Division 2 of Part 9.

(2) The application must specify each non-government school for which the application is made. However, a school may be specified by referring to the approved authority for the school.

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91 Approval of person

(1) The Minister may, in writing, approve a person as a non-government representative body for a non-government school if:

(a) the person has made an application under section 90; and

(b) the Minister is satisfied that:

(i) the person satisfies, and will continue to satisfy, the requirements in section 92; and

(ii) the ongoing requirements in section 93 will be satisfied.

Note 1: Decisions under this section are reviewable decisions (see Division 3 of Part 9).

Note 2: A non-government representative body is approved only for specified schools (see section 94).

(2) An approval of a person as a non-government representative body may be made subject to one or more conditions, and the body must comply with those conditions.

(3) An approval must specify the day on and after which the approval is in force. The day specified must be on or after the day the approval is given.

Note: The regulations may prescribe matters that the Minister may or must have regard to in making a decision under this subsection (see paragraph 130(2)(b)).

92 Basic requirements for approval

(1) This section sets out requirements for a person for the purposes of subparagraph 91(1)(b)(i) and paragraph 96(1)(a).

Body corporate

(2) The person is a body corporate.

Not-for-profit

(3) The person is a not-for-profit organisation.

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Financial viability

(4) The person is financially viable.

Fit and proper person

(5) The person is fit and proper to be a non-government representative body for a non-government school.

Note: The regulations may prescribe matters that the Minister may or must have regard to in making a decision under this section (see paragraph 130(2)(b)).

Matters to have regard to

(6) For the purposes of determining whether a person satisfies the requirement in subsection (4), the Minister may have regard to the amount of financial assistance the person receives, or is likely to receive, from the Commonwealth, a State or a Territory.

Note: The regulations may prescribe other matters that the Minister may or must have regard to in making a decision under this section (see paragraph 130(2)(b)).

93 Ongoing requirements for approval

(1) This section sets out the ongoing requirements for the purposes of subparagraph 91(1)(b)(ii) and paragraph 96(1)(a).

(2) The ongoing requirements for an approval of a non-government representative body for a non-government school are the following:

(a) the body represents the interests of the approved authority for the school;

(b) the body deals, in accordance with the regulations, with financial assistance that is payable under Division 4 of Part 5 (funding for non-government representative bodies) to the body;

(c) the body complies with requirements prescribed by the regulations in relation to monitoring the body's compliance with this Act;

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(d) the body provides information in accordance with the regulations.

94 Limitation on approval

A non-government representative body is approved only for:

(a) schools specified in the approval; or

(b) if the approval instead specifies an approved authority (see subsection 90(2))—the schools for which the authority is, from time to time, approved.

95 Variation or revocation of approval on application

(1) A non-government representative body may apply, in writing, for its approval to be varied or revoked.

Note: For rules relating to applications, see Division 2 of Part 9.

(2) The Minister may, in writing, vary the approval only if the Minister is satisfied that the requirements referred to in paragraph 91(1)(b) are, and will continue to be, satisfied in relation to the varied approval.

Note: Decisions under this section are reviewable decisions (see Division 3 of Part 9).

(3) The Minister may, in writing, revoke the approval.

(4) A variation or revocation must specify the day on which the variation or revocation takes effect, which may be earlier than the day the Minister varies or revokes the approval.

96 Variation or revocation of approval on Minister's own initiative

(1) The Minister may, in writing, vary or revoke an approval of a non-government representative body for a non-government school on the Minister's own initiative if:

(a) the Minister is satisfied that the body does not comply, is not complying, or has not complied, with section 92 or 93; or

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(b) the Minister is satisfied that the body is not complying or has not complied with a condition to which the approval is subject.

Note: Decisions under this subsection are reviewable decisions (see Division 3 of Part 9).

(2) Without limiting subsection (1), the Minister may vary an approval of a non-government representative body by making the approval subject to one or more conditions, and the body must comply with those conditions.

(4) A variation or revocation must specify the day on which the variation or revocation takes effect, which may be earlier than the day the Minister varies or revokes the approval.

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Division 5—Former approved authorities and bodies

96A Continuing requirements

(1) The regulations may prescribe continuing requirements that must be met by a person who was:

(a) an approved authority for a school; or

(b) a block grant authority for a school; or

(c) a non-government representative body for a school.

(2) A ***continuing requirement*** is a requirement that would or could be imposed on the person if the person were still the approved authority, block grant authority or non-government representative body for the school.

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Part 8—Taking action for non-compliance and requiring amounts to be repaid

Division 1—Guide to this Part

107 Guide to this Part

This Part gives the Minister the power to take action if an approved authority, a block grant authority, a non-government representative body or a State or Territory fails to comply with particular requirements or does not repay an amount that it owes to the Commonwealth. The Minister may require a State or Territory to pay an amount, reduce an amount that would otherwise be payable under this Act or delay a payment.

Division 3 deals with recoverable payments (which are payments that the Commonwealth does not otherwise have the power to make). The Secretary must report on any recoverable payments that are made.

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Division 2—Taking action for non-compliance and requiring amounts to be repaid

108 Application of Division for non-compliance

This Division applies to a State or Territory if the Minister is satisfied that any of the following applies:

(a) the State or Territory fails to comply with any of section 22 or 22A, paragraphs 23(2)(a) to (d) or subsection 23(3) (conditions of financial assistance);

(b) an approved authority for one or more schools located in the State or Territory does not comply, is not complying or has not complied with section 75, 77 or 78 (basic and ongoing requirements for approval);

(c) a block grant authority for one or more schools located in the State or Territory does not comply, is not complying or has not complied with section 84 or 85 (basic and ongoing requirements for approval);

(d) a non-government representative body for a non-government school does not comply, is not complying or has not complied with section 92 or 93 (basic and ongoing requirements for approval);

(e) an approved authority or block grant authority for one or more schools located in the State or Territory breaches a condition to which the authority's approval is subject;

(f) a non-government representative body for a non-government school breaches a condition to which the body's approval is subject;

(g) an approved authority or block grant authority for one or more schools located in the State or Territory is not complying, or has not complied, with a requirement included in a funding agreement in accordance with Division 3 of Part 3 of the *Schools Assistance Act 2008* that applies or applied to the authority;

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(h) a person who was an approved authority, a block grant authority or a non-government representative body does not comply, is not complying or has not complied with a continuing requirement.

109 Application of Division when amounts are required to be repaid

Overpayments under this Act

(1) This Division applies to a State or Territory if the Minister is satisfied that the Commonwealth has made an overpayment under this Act to the State or Territory.

Note: ***Overpayment*** is defined in section 9.

Recoverable payments under this Act

(2) This Division applies to a State or Territory if the Minister is satisfied that the Commonwealth has made a recoverable payment under this Act to the State or Territory.

Note: For other rules relating to recoverable payments, see Division 3.

Unpaid amounts under other Acts

(3) This Division applies to a State or Territory if the Minister is satisfied that:

(a) any of the following applies:

(i) the State or Territory has been paid an amount under section 11 of the *Federal Financial Relations Act 2009* in excess of the amount that it was entitled to receive under that section;

(ii) an approved authority or block grant authority for one or more schools located in the State or Territory, or the State or Territory, has been paid an amount under the *Schools Assistance Act 2008* in excess of the amount that it was entitled to receive under that Act or a funding agreement under that Act;

(iii) an approved authority or block grant authority for one or more schools located in the State or Territory, or the

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State or Territory, has been paid an amount under the *Schools Assistance (Learning Together—Achievement Through Choice and Opportunity) Act 2004* in excess of the amount that it was entitled to receive under that Act or a section 30 agreement (within the meaning of that Act);

(iv) an approved authority for one or more schools located in the State or Territory, or the State or Territory, has been paid an amount under the *States Grants (Primary and Secondary Education Assistance) Act 2000* in excess of the amount that it was entitled to receive under that Act or a section 18 agreement (within the meaning of that Act); and

(b) the whole or a part of the amount has not been repaid.

Recovering capital funding

(4) This Division applies to a State or Territory if the Minister is satisfied that:

(a) an amount of financial assistance has been paid to the State or Territory under Division 2 of Part 5 (capital funding) for a block grant authority or capital grants authority for a school; and

(b) the amount has been spent as capital expenditure in relation to the school; and

(c) the school has ceased to provide primary education or secondary education; and

(d) the regulations prescribe that the amount is recoverable.

110 Actions the Minister may take

(1) The Minister may take any one or more of the following actions in relation to a State or Territory to which this Division applies:

(a) determine, in writing, that the State or Territory pay to the Commonwealth a specified amount;

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(b) determine, in writing, that the amount of financial assistance that is payable to the State or Territory under this Act is reduced by a specified amount;

(c) delay making any further payment (or a part of a further payment) to the State or Territory under this Act for a year until:

(i) if this Division applies because of section 108—the non-compliance, breach or failure is rectified; and

(ii) if this Division applies because of section 109—the overpayment, the amount of the recoverable payment, or the unpaid amount referred to in paragraph 109(3)(b), is repaid.

Note 1: For the effect of a determination made under paragraph (1)(a) or (b), see sections 24 and 111.

Note 2: Decisions under this section are reviewable decisions (see Division 3 of Part 9).

Note 3: Under subsection 33(3) of the *Acts Interpretation Act 1901*, the Minister could revoke a determination that reduces the amount of financial assistance that is payable to a State or Territory. This would require the amount of the reduction to be paid by the Commonwealth to the State or Territory.

(2) An amount may be reduced or a payment delayed under paragraph (1)(b) or (c):

(a) for one or more schools for a year; or

(c) for a capital grants authority or block grant authority for a school for a year; or

(d) for a non-government representative body for a non-government school for a year.

Regulations

(3) The regulations may prescribe a limit, or a method of determining a limit, on an amount determined under paragraph (1)(a) or (b).

Determination not legislative instrument

(5) A determination under this section is not a legislative instrument.

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111 Effect of determination under paragraph 110(1)(a) or (b)

Effect of determination under paragraph 110(1)(a)

(1) If the Minister determines under paragraph 110(1)(a) that a State or Territory pay an amount to the Commonwealth, the amount payable by the State or Territory to the Commonwealth is (subject to any regulations made for the purposes of section 24) a debt due by the State or Territory to the Commonwealth, and may be recovered by the Minister, on behalf of the Commonwealth, in a court of competent jurisdiction.

Effect of determination under paragraph 110(1)(b)

(2) Subsection (3) applies if the Minister determines under paragraph 110(1)(b) that the amount of financial assistance that is payable to a State or Territory under this Act is reduced by a specified amount:

(a) for one or more schools for one or more years; or

(c) for a capital grants authority or block grant authority for a school for a year; or

(d) for a non-government representative body for a non-government school for a year.

(3) For the purposes of this Act, the amount that is payable to the State or Territory for the schools, authority or body for the year under the following provision (as the case requires) is reduced by the amount specified:

(a) Division 2 of Part 3 (funding formula for schools);

(d) subsection 67(1) (capital funding for capital grants authorities);

(e) subsection 67(2) (capital funding for block grant authorities);

(f) Division 3 of Part 5 (other funding for schools);

(g) Division 4 of Part 5 (funding for non-government representative bodies).

Note: This affects the amounts of the payments of financial assistance that are determined under section 25, 28, 29 or 30.

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Division 3—Recoverable payments

112 Recoverable payments

(1) This section applies if the Commonwealth makes a recoverable payment.

(2) The Commonwealth is taken to have the power to make the recoverable payment.

Note: The Minister may also determine that the State or Territory repay the amount (see Division 2).

Appropriation

(3) If the recoverable payment was purportedly made in accordance with a determination made under section 25, then section 126 (appropriation) applies as if the recoverable payment were made in accordance with the determination.

(4) If the recoverable payment was purportedly made in accordance with a determination made under paragraph 28(1)(b), then section 126 applies as if the recoverable payment were made in accordance with the determination.

(5) If the recoverable payment was purportedly made in accordance with a determination made under paragraph 29(1)(aa), then section 126 applies as if the recoverable payment were made in accordance with the determination.

113 Reports about recoverable payments

(1) The Secretary must cause the following information to be included in the Department's annual report for a financial year:

(a) the number of recoverable payments that departmental officials are aware of that were paid during that financial year;

(b) the total amount of recoverable payments referred to in paragraph (a);

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(c) the number of recoverable payments that departmental officials became aware of during that financial year that were paid during an earlier financial year;

(d) the total amount of recoverable payments referred to in paragraph (c);

(e) for each recoverable payment referred to in paragraph (c)—the financial year in which the payment was made.

(2) Information is not required in the Department's annual report if no departmental officials are aware of any recoverable payments referred to in paragraph (1)(a) or (c).

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Part 9—Miscellaneous

Division 1—Guide to this Part

114 Guide to this Part

Division 2 contains rules relating to applications made under this Act.

Division 3 provides for decisions under this Act to be reviewed internally and by the Administrative Appeals Tribunal.

Division 4 contains miscellaneous provisions, including provisions relating to false and misleading information, the use and disclosure of information, and delegations.

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Division 2—Rules relating to applications

115 Approved form for applications

(1) The Minister may approve a form for applications made under a provision of this Act.

(2) If the Minister does so, an application made under that provision must be in the approved form.

116 Request for further information

(1) The Minister may, by written notice, request a person applying under a provision of this Act to give the Minister further information in relation to the application, within the period specified in the notice.

(2) A period specified under subsection (1) must be reasonable, and at least 28 days.

(3) The Minister may refuse to consider the application until the information is provided.

(4) The application is taken to be withdrawn if the information is not provided within the specified period.

117 Withdrawal of application

A person applying under a provision of this Act may, by written notice given to the Minister, withdraw the application at any time before the Minister makes a decision on the application.

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Division 3—Review of decisions

118 Reviewable decisions

(1) Each decision of a kind referred to in column 1 of an item in the following table made under the provision referred to in column 2 of the item is a ***reviewable decision***.

Reviewable decisions

Item	Column 1 Decision	Column 2 Provision under which the decision is made	Column 3 Relevant person for the reviewable decision
2	To determine a different level of education for a special school, special assistance school or student at a special school or special assistance school	Subsection 15(3)	The approved authority for the school
3	To determine a total entitlement for a school for a year if the amount of financial assistance to which the determination relates is payable under Division 2 of Part 3	Subsection 26(4)	The approved authority for the school
4	To determine a school's SES score	Subsection 52(1)	The approved authority for the school

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Reviewable decisions			
Item	**Column 1** **Decision**	**Column 2** **Provision under which the decision is made**	**Column 3** **Relevant person for the reviewable decision**
5	To refuse to approve a person as an approved authority for a school	Subsection 73(1)	The person
6	To refuse to approve a person as an approved authority for a location of a school or a level of education at a location of a school	Subsection 73(1)	The person
7	To make an approval of an approved authority subject to conditions	Subsection 73(3)	The approved authority
8	To specify a day on and after which an approval of an approved authority is in force (other than in accordance with an application by the authority)	Subsection 73(5)	The approved authority
9	To vary or revoke an approval of an approved authority for one or more schools (other than in accordance with an application by the authority or under paragraph 81(1)(c))	Section 80 or paragraph 81(1)(a), (b) or (d)	The approved authority (or former approved authority)

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Reviewable decisions			
Item	**Column 1** **Decision**	**Column 2** **Provision under which the decision is made**	**Column 3** **Relevant person for the reviewable decision**
10	To refuse to vary or revoke an approval of an approved authority	Section 80	The approved authority
11	To specify in a variation or revocation of an approval of an approved authority a day on which the variation or revocation takes effect that is earlier than the day the Minister varies or revokes the approval and that is not in accordance with an application by the authority	Subsection 80(4) or 81(5)	The approved authority (or former approved authority)
12	To refuse to approve a person as a block grant authority for a school	Subsection 83(1)	The person
13	To make an approval of a block grant authority subject to conditions	Subsection 83(3)	The block grant authority

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Reviewable decisions			
Item	**Column 1** **Decision**	**Column 2** **Provision under which the decision is made**	**Column 3** **Relevant person for the reviewable decision**
14	To specify a day on and after which an approval of a block grant authority is in force (other than in accordance with an application by the authority)	Subsection 83(4)	The block grant authority
15	To vary or revoke an approval of a block grant authority for one or more schools (other than in accordance with an application by the authority)	Section 87 or subsection 88(1)	The block grant authority (or former block grant authority)
16	To refuse to vary or revoke an approval of a block grant authority	Section 87	The block grant authority

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Reviewable decisions			
Item	**Column 1** **Decision**	**Column 2** **Provision under which the decision is made**	**Column 3** **Relevant person for the reviewable decision**
17	To specify in a variation or revocation of an approval of a block grant authority a day on which the variation or revocation takes effect that is earlier than the day the Minister varies or revokes the approval and that is not in accordance with an application by the authority	Subsection 87(4) or 88(5)	The block grant authority (or former block grant authority)
18	To refuse to approve a person as a non-government representative body for a non-government school	Subsection 91(1)	The person
19	To make an approval of a non-government representative body subject to conditions	Subsection 91(2)	The non-government representative body

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Reviewable decisions			
Item	**Column 1** **Decision**	**Column 2** **Provision under which the decision is made**	**Column 3** **Relevant person for the reviewable decision**
20	To specify a day on and after which an approval of a non-government representative body is in force (other than in accordance with an application by the body)	Subsection 91(3)	The non-government representative body
21	To vary or revoke an approval of a non-government representative body (other than in accordance with an application by the body)	Section 95 or subsection 96(1)	The non-government representative body (or former non-government representative body)
22	To refuse to vary or revoke an approval of a non-government representative body	Section 95	The non-government representative body

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Reviewable decisions			
Item	**Column 1** **Decision**	**Column 2** **Provision under which the decision is made**	**Column 3** **Relevant person for the reviewable decision**
23	To specify in a variation or revocation of an approval of a non-government representative body a day on which the variation or revocation takes effect that is earlier than the day the Minister varies or revokes the approval and that is not in accordance with an application by the body	Subsection 95(4) or 96(4)	The non-government representative body (or former non-government representative body)
25	To determine that a State or Territory pay to the Commonwealth a specified amount	Paragraph 110(1)(a)	The State or Territory
25A	To determine that a State or Territory pay to the Commonwealth a specified amount	Paragraph 110(1)(a)	The approved authority, capital grants authority, block grant authority or non-government representative body (or former such authority or body) whose interests are affected by the determination

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Reviewable decisions			
Item	**Column 1** **Decision**	**Column 2** **Provision under which the decision is made**	**Column 3** **Relevant person for the reviewable decision**
26	To reduce the amount payable to a State or Territory for a year for a school or an approved authority for a school	Paragraph 110(1)(b)	The approved authority for the school
27	To reduce the amount payable to a State or Territory for a year for a capital grants authority, a block grant authority or a non-government representative body	Paragraph 110(1)(b)	The authority or body

(2) The regulations may also:

(a) prescribe a decision made under a specified provision of the regulations as a ***reviewable decision***; and

(b) specify the relevant person for the reviewable decision.

119 Notice of decision

After a reviewable decision is made, the person who made the decision must give a written notice to the relevant person for the decision containing:

(a) the terms of the decision; and

(b) the reasons for the decision; and

(c) notice of the person's right to have the decision reviewed.

However, a failure to give the notice required by this section does not affect the validity of the decision.

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120 Internal review of reviewable decisions

Application for review

(1) A relevant person for a reviewable decision may apply to the Secretary for review of the decision, unless the decision was made:
  (a) by the Minister or Secretary personally; or
  (b) under paragraph 81(1)(a), (b) or (d) or subsection 88(1) or 96(1).

(2) An application for review must:
  (a) be in writing; and
  (b) set out the reasons for the application; and
  (c) be made within:
    (i) 30 days after the decision was made; or
    (ii) if the Secretary allows a longer period (whether before or after the end of the period referred to in subparagraph (i))—that longer period.

Note: Under section 121, further information may be required in relation to an application.

Review of decision

(3) On receiving an application, the reviewable decision must be reviewed by:
  (a) the Secretary personally; or
  (b) another person (the ***internal reviewer***) who:
    (i) is a person to whom the power to make the decision has been delegated; and
    (ii) was not involved in making the decision; and
    (iii) if the decision was made by an individual—occupies a position that is at least the same level as the individual who actually made the decision.

Note: Decisions may be made by computer programs (see section 124).

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(4) In reviewing a decision, the Secretary or internal reviewer may exercise all powers and discretions that are conferred on the person who made the decision.

(5) The Secretary or the internal reviewer may:
  (a) affirm, vary or set aside the reviewable decision; and
  (b) if he or she sets aside the reviewable decision—make such other decision as he or she thinks appropriate.

(6) The decision (the ***decision on review***) of the Secretary or internal reviewer is taken (other than for the purposes of section 118) to have been made under the provision under which the original decision was made.

(7) The decision on review takes effect:
  (a) on the day specified in the decision on review; or
  (b) if a day is not specified—on the day the decision on review was made.

Notice of decision

(8) After the decision on review is made, the person who made the decision must give the applicant a written notice containing:
  (a) the terms of the decision; and
  (b) the reasons for the decision; and
  (c) notice of any right of the applicant to have the decision reviewed by the Administrative Appeals Tribunal.

However, a failure to comply with this subsection does not affect the validity of the decision.

121 Secretary or internal reviewer may require further information from applicants

(1) The Secretary or an internal reviewer may, by written notice, require a person who has made an application under section 120 to give the Secretary or the internal reviewer further information about the application.

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(2) The Secretary or internal reviewer may refuse to consider the application until the person gives the Secretary or the internal reviewer the information.

122 Review by the Administrative Appeals Tribunal

(1) An application may be made to the Administrative Appeals Tribunal for review of:

(a) a reviewable decision made by the Minister or Secretary personally; or

(b) a decision of the Secretary or an internal reviewer made in accordance with section 120 that relates to a reviewable decision; or

(c) a reviewable decision made under paragraph 81(1)(a), (b) or (d) or subsection 88(1) or 96(1).

(3) An application under subsection (1) may be made only by, or on behalf of, the relevant person for the reviewable decision referred to in paragraph (1)(a), (b) or (c).

(4) Subsection (3) has effect despite subsection 27(1) of the *Administrative Appeals Tribunal Act 1975*.

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Division 4—Miscellaneous

123 False or misleading information

(1) This section applies if:

(a) a decision is made under a provision of this Act; and

(b) the decision was based on, or took account of, information that was false or misleading in a material particular.

Note: A reference to ***this Act*** includes the regulations (see section 6).

(2) Despite anything in this Act:

(a) the decision may be set aside and a new decision made under the provision; and

(b) the new decision may take effect from any day determined by the person making the decision (including a day that is earlier than the day the original decision was made).

124 Secretary may arrange for use of computer programs to make decisions

(1) The Secretary may arrange for the use, under the Secretary's control, of computer programs for any purposes for which the Minister may make decisions under this Act.

(2) A decision made by the operation of a computer program under such an arrangement is, for the purposes of this Act (except section 120 and paragraph 122(1)(a) (review of decisions)), taken to be a decision made by the Minister personally.

125 Using, disclosing or publishing school education information

(1) The Minister may:

(a) use or disclose school education information (including school education information that is personal information) in accordance with the regulations; and

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(b) impose conditions on any use or disclosure of school education information.

Note: This section constitutes an authorisation for the purposes of other laws, such as the *Privacy Act 1988*.

(2) The Minister may publish, in any manner he or she thinks fit, school education information (except personal information).

(3) Without limiting subsection (1), the regulations may prescribe the following:

(a) a person or body to whom school education information may be disclosed;

(b) the purposes for which school education information may be used or disclosed (whether by the Minister or any other person);

(c) conditions (other than conditions determined by the Minister) on any use or disclosure of school education information.

Note: The regulations may prescribe offences in relation to using or disclosing school education information (see paragraph 130(2)(a)).

126 Appropriation

The Consolidated Revenue Fund is appropriated for the purposes of making payments of financial assistance under this Act to a State or Territory for a year in accordance with a determination made under:

(a) section 25 (timing and amounts of recurrent funding); or

(b) paragraph 28(1)(b) (capital funding for block grant authorities); or

(c) paragraph 29(1)(aa) (funding in prescribed circumstances).

Note: A payment may be taken to have been made in accordance with a determination made under section 25 or paragraph 28(1)(b) or 29(1)(aa) (see section 112 (recoverable payments)).

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127 Annual report by Minister

As soon as practicable after 30 June each year, the Minister must cause a report dealing with the following to be laid before each House of the Parliament:

(a) any financial assistance paid to an approved authority in the previous year under this Act;

(b) the application of any financial assistance paid to an approved authority in the previous year under this Act;

(c) any decisions made under any of the following provisions:

(i) section 74 (relating to public interest test in considering whether to approve a person as an approved authority);

(ii) subsection 76(2) (approved authorities for government schools not taken to satisfy basic requirements);

(iii) paragraph 81(1)(c) (variation or revocation of approval of approved authority in public interest);

(d) any other matter prescribed by the regulations.

128 Independent reviews of arrangements and requirements relating to funding

(1) Independent reviews of the operation of this Act, and in particular of arrangements and requirements relating to funding for schools, are to be conducted by a review board (the ***National School Resourcing Board***):

(a) on request by the Minister; or

(b) on its own initiative.

Review boards

(2) A review board must consist of at least 6, but no more than 9, members who:

(a) are appointed by the Minister; and

(b) in the opinion of the Minister, have suitable experience and expertise in the matters to be addressed by the review.

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(3) In appointing members, the Minister must consult with the following:
  (a) the Ministerial Council;
  (b) the national representative body for Catholic systemic schools;
  (c) the national representative body for independent schools.

(4) A review board must include members nominated by the bodies mentioned in paragraphs (3)(a) to (c).

(5) The Minister must appoint one member to be the Chair of a review board, and another to be the Deputy Chair of the board.

Reviews to be conducted periodically

(6) The independent reviews must be conducted periodically.

(6A) An independent review of the matter mentioned in paragraph (7)(a) must be conducted at least annually.

(7) A review must address at least one of the following:
  (a) compliance by States and Territories with section 22A;
  (b) compliance by approved authorities with section 78;
  (c) the matters set out in written terms of reference given to the review board by the Minister.

(7A) A review may also address the following:
  (a) whether the Commonwealth, a State, a Territory or an approved authority has:
    (i) not distributed funding on a needs basis; or
    (ii) funded a school below its share for a year; or
    (iii) funded a school above its share for a year;
  (b) measuring improved educational outcomes for students against the rate of school funding.

(8) In developing the terms of reference for a review, the Minister must:

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(a) consider the matters (if any) prescribed by regulations for the purposes of this paragraph; and

(b) consult the following:

(i) the Ministerial Council;

(ii) the national representative body for Catholic systemic schools;

(iii) the national representative body for independent schools.

Reports of reviews

(9) The Chair of a review board must give to the Minister a report of a review as soon as practicable after the review is completed. A review board must use its best efforts to provide a consensus report.

(10) The Minister must:

(a) give a copy of the report to the following:

(i) the Ministerial Council;

(ii) the national representative body for Catholic systemic schools;

(iii) the national representative body for independent schools; and

(b) cause a copy of the report to be tabled in each House of the Parliament within 15 sitting days of that House after the report is given to the Ministerial Council.

(11) The Minister:

(a) may have regard to reports of reviews in deciding:

(i) whether to take action in relation to a State or Territory or approved system authority under this Act; and

(ii) what action to take; and

(b) must consider the results of reviews and any impact of reviews on this Act.

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Minister may undertake other reviews and investigations

(12) This section does not prevent the Minister from undertaking any other review or investigation in relation to the operation of this Act.

129 Delegation

Minister

(1) The Minister may, by written instrument, delegate all or any of the Minister's powers and functions under this Act, except those in subsection (2), to:
  (a) the Secretary; or
  (b) an APS employee in the Department.

(2) The Minister must not delegate his or her powers and functions under the following provisions:
  (b) section 74 (relating to public interest test in considering whether to approve a person as an approved authority);
  (c) subsection 76(2) (approved authorities for government schools not taken to satisfy basic requirements);
  (d) paragraph 81(1)(c) (variation or revocation of approval of approved authority in public interest).

Secretary

(3) The Secretary may, by written instrument, delegate all or any of the Secretary's powers and functions under this Act to an APS employee in the Department.

130 Regulations

(1) The Governor-General may make regulations prescribing matters:
  (a) required or permitted by this Act to be prescribed by the regulations; or
  (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.

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Content of the regulations

(2) Without limiting subsection (1), the regulations may prescribe the following:

(a) penalties, not exceeding 50 penalty units, for offences in the regulations relating to:

(i) the requirement to provide information relating to a school's census; or

(ii) using or disclosing school education information;

(b) if a provision of this Act (including the regulations) permits or requires a decision to be made—matters that the decision-maker may or must (as prescribed by the regulations) have regard to in making the decision.

Example: A provision of this Act permits or requires a decision to be made if the provision permits or requires the Minister to make a determination of an administrative character.

(3) The regulations may allow the Minister to determine matters in relation to anything in relation to which regulations may be made.

(4) Despite subsection 14(2) of the *Legislation Act 2003*, the regulations may provide in relation to a matter by applying, adopting or incorporating, with or without modification, any matter contained in any other instrument or other writing as in force or existing from time to time.

Requirement to consult Ministerial Council

(5) Before the Governor-General makes one of the following, the Minister must consult, and have regard to any relevant decisions of, the Ministerial Council:

(a) a regulation for the purposes of:

(i) subsection 22(1) (conditions of financial assistance—implementing national policy initiatives relating to school education); or

(ii) section 22A (conditions of financial assistance—maintaining State and Territory contributions);

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(iii) section 24 (condition of financial assistance—recovering amounts);

(b) a regulation that will affect an approved authority for a government school for the purposes of:

(i) section 77 (ongoing policy requirements for approved authorities); or

(ii) section 78 (ongoing funding requirements for approved authorities).

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Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes
Endnote 2—Abbreviation key
Endnote 3—Legislation history
Endnote 4—Amendment history

Abbreviation key—Endnote 2
The abbreviation key sets out abbreviations that may be used in the endnotes.

Legislation history and amendment history—Endnotes 3 and 4
Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

Editorial changes
The *Legislation Act 2003* authorises First Parliamentary Counsel to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law. Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Parliamentary Counsel.

Misdescribed amendments
A misdescribed amendment is an amendment that does not accurately describe the amendment to be made. If, despite the misdescription, the amendment can

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be given effect as intended, the amendment is incorporated into the compiled law and the abbreviation "(md)" added to the details of the amendment included in the amendment history.

If a misdescribed amendment cannot be given effect as intended, the abbreviation "(md not incorp)" is added to the details of the amendment included in the amendment history.

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Endnote 2—Abbreviation key

ad = added or inserted

am = amended

amdt = amendment

c = clause(s)

C[x] = Compilation No. x

Ch = Chapter(s)

def = definition(s)

Dict = Dictionary

disallowed = disallowed by Parliament

Div = Division(s)

ed = editorial change

exp = expires/expired or ceases/ceased to have effect

F = Federal Register of Legislation

gaz = gazette

LA = *Legislation Act 2003*

LIA = *Legislative Instruments Act 2003*

(md) = misdescribed amendment can be given effect

(md not incorp) = misdescribed amendment cannot be given effect

mod = modified/modification

No. = Number(s)

o = order(s)

Ord = Ordinance

orig = original

par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)

pres = present

prev = previous

(prev…) = previously

Pt = Part(s)

r = regulation(s)/rule(s)

reloc = relocated

renum = renumbered

rep = repealed

rs = repealed and substituted

s = section(s)/subsection(s)

Sch = Schedule(s)

Sdiv = Subdivision(s)

SLI = Select Legislative Instrument

SR = Statutory Rules

Sub-Ch = Sub-Chapter(s)

SubPt = Subpart(s)

underlining = whole or part not commenced or to be commenced

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Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Australian Education Act 2013	67, 2013	27 June 2013	1 Jan 2014 (s 2)	
Australian Education Amendment Act 2014	120, 2014	26 Nov 2014	Sch 1 (items 1–43, 45, 46): 27 Nov 2014 (s 2(1) item 2) Sch 2: 1 Jan 2014 (s 2(1) item 3)	Sch 1 (items 45, 46)
Statute Law Revision Act (No. 1) 2015	5, 2015	25 Feb 2015	Sch 1 (item 7): 25 Mar 2015 (s 2(1) item 2)	—
Acts and Instruments (Framework Reform) (Consequential Provisions) Act 2015	126, 2015	10 Sept 2015	Sch 1 (item 45, 46): 5 Mar 2016 (s 2(1) item 2)	—
Australian Education Amendment Act 2017	78, 2017	27 June 2017	Sch 1 (items 1–105, 110–176): 1 Jan 2018 (s 2(1) items 2, 6) Sch 1 (items 106, 109): 27 June 2017 (s 2(1) items 3, 5)	Sch 1 (items 43, 44, 109, 176)

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Endnote 4—Amendment history

Provision affected	How affected
Preamble	rs No 78, 2017
Part 1	
Division 1	
s 3	rs No 78, 2017
s 4	am No 120, 2014
	rs No 78, 2017
Division 2	
s 6	am No 120, 2014; No 78, 2017
s 7	rep No 78, 2017
s 8	am No 78, 2017
s 9	am No 120, 2014; No 78, 2017
s 10	rep No 78, 2017
s 11A	ad No 78, 2017
s 12	am No 120, 2014; No 78, 2017
s 13	am No 120, 2014
s 14	am No 126, 2015
	rep No 78, 2017
s 15	am No 78, 2017
s 16	rs No 78, 2017
s 17	rep No 78, 2017
s 19	am No 78, 2017
Part 2	
s 21	am No 120, 2014; No 78, 2017
s 22	rs No 78, 2017
s 22A	ad No 78, 2017
s 23	am No 120, 2014; No 78, 2017
s 25	am No 78, 2017
s 26	am No 78, 2017

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Provision affected	How affected
s 27	am No 120, 2014; No 78, 2017
s 29	am No 120, 2014; No 78, 2017
Part 3	
Part 3 heading	rs No 78, 2017
Division 1	
Division 1 heading	rs No 78, 2017
s 31	am No 120, 2014
	rs No 78, 2017
s 31A	ad No 78, 2017
Division 2	
Division 2 heading	rs No 78, 2017
s 32	am No 78, 2017
s 33	am No 78, 2017
s 34	am No 78, 2017
s 35	am No 78, 2017
s 35A	ad No 78, 2017
s 35B	ad No 78, 2017
Division 3	
Subdivision A	
s 36	rs No 78, 2017
s 37	am No 78, 2017
s 38	am No 78, 2017
s 39	am No 78, 2017
Subdivision B	
s 40	am No 78, 2017
Subdivision C	
s 44	am No 78, 2017
s 45	am No 78, 2017
s 47	am No 78, 2017
s 48	am No 78, 2017
s 49	am No 78, 2017

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Endnote 4—Amendment history

Provision affected	How affected
s 51	am No 78, 2017
Division 4	
Subdivision A	
s 52	am No 78, 2017
s 53	am No 78, 2017
s 54	am No 78, 2017
Subdivision B	
s 56	am No 78, 2017
Division 5	rep No 78, 2017
Subdivision A heading	ad No 120, 2014
	rep No 78, 2017
s 57	am No 120, 2014
	rep No 78, 2017
s 58	am No 120, 2014
	rep No 78, 2017
s 59	am No 120, 2014
	rep No 78, 2017
s 60	rep No 78, 2017
s 61	am No 120, 2014
	rep No 78, 2017
s 62	am No 120, 2014
	rep No 78, 2017
s 63	rep No 78, 2017
Subdivision B	ad No 120, 2014
	rep No 78, 2017
s 63A	ad No 120, 2014
	rep No 78, 2017
s 63B	ad No 120, 2014
	rep No 78, 2017
Part 4	rep No 78, 2017
s 64	rep No 78, 2017

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Endnote 4—Amendment history

Provision affected	How affected
s 65	rep No 78, 2017
Part 5	
Part 5 heading	rs No 120, 2014
Division 1	
s 66	am No 120, 2014; No 78, 2017
Division 2	
s 68	am No 120, 2014; No 78, 2017
Division 3	
Division 3 heading	rs No 120, 2014
s 69	am No 120, 2014
s 69A	ad No 120, 2014
s 69B	ad No 78, 2017
Part 6	
Division 2	
s 73	am No 78, 2017
s 77	am No 78, 2017
s 78	am No 120, 2014; No 5, 2015; No 78, 2017
s 81	am No 78, 2017
Division 3	
s 88	am No 78, 2017
Division 4	
s 96	am No 78, 2017
Division 5	
Division 5	ad No 78, 2017
s 96A	ad No 78, 2017
Part 7	rep No 78, 2017
s 97	rep No 78, 2017
s 98	rep No 78, 2017
s 99	rep No 78, 2017
s 100	rep No 78, 2017
s 101	rep No 78, 2017

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Endnote 4—Amendment history

Provision affected	How affected
s 102	rep No 78, 2017
s 103	rep No 78, 2017
s 104	rep No 78, 2017
s 105	rep No 78, 2017
s 106	rep No 78, 2017
Part 8	
Part 8 heading	rs No 120, 2014
Division 1	
s 107	am No 120, 2014
Division 2	
Division 2 heading	rs No 120, 2014
s 108	am No 120, 2014; No 78, 2017
s 109	am No 120, 2014; No 78, 2017
s 110	am No 78, 2017
s 111	am No 120, 2014; No 78, 2017
Division 3	
s 112	am No 120, 2014
Part 9	
Division 3	
s 118	am No 120, 2014; No 78, 2017
s 120	am No 78, 2017
s 122	am No 78, 2017
Division 4	
s 125	am No 78, 2017
s 126	am No 120, 2014; No 78, 2017
s 127	am No 78, 2017
s 128	rs No 78, 2017
s 129	am No 78, 2017
s 130	am No 126, 2015; No 78, 2017

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