2016-2017

The Parliament of the
Commonwealth of Australia

THE SENATE

**Australian Education Amendment Bill 2017**

*(Government)*

(1) Schedule 1, item 1, page 3 (line 9), after “year”, insert “for the school”.  

*([accelerated transition]*)

(2) Schedule 1, page 3 (after line 10), after item 1, insert:

1A Section 6

Insert:

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

*([accelerated transition]*)

(3) Schedule 1, page 3 (after line 10), before item 2, insert:

1B Section 6

Insert:

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

*([accelerated transition]*)

(4) Schedule 1, page 3 (after line 23), after item 5, insert:

5A Section 6

Insert:

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

*([accelerated transition]*)

(5) Schedule 1, item 6, page 4 (line 4), omit the definition of transition year, substitute:

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).  

*([accelerated transition]*)
(6) Schedule 1, item 16, page 6 (line 24), after “year”, insert “for the school”.

(7) Schedule 1, item 16, page 8 (line 9), after “transition rate”, insert “for a school other than a 6-year transitioning school”.

(8) Schedule 1, item 16, page 8 (after line 12), after subsection 35B(7), insert:

(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%.

(9) Schedule 1, item 16, page 8 (line 13), after “transition year”, insert “for a school”.

(10) Schedule 1, item 16, page 8 (line 16), after “subsection (7)”, insert “or (7A)”.

(11) Schedule 1, item 40, page 13 (line 1), omit “transition year”, substitute “year from 2018 to 2027 (inclusive)”.

(12) Schedule 1, item 47, page 17 (line 21), omit “10 transition”, substitute “6 to 10”.

(13) Schedule 1, item 47, page 17 (line 29), omit “transition”, substitute “6 to 10”.

(14) Schedule 1, item 71, page 22 (line 6), omit “10 transition”, substitute “6 to 10”.

(15) Schedule 1, item 82, page 24 (line 26), omit “transition years”, substitute “the years 2018 to 2027”.

[accelerated transition]
Australian Education Amendment Bill 2017
GX160, GX167

Statement of reasons: why certain amendments should be moved as requests

Section 53 of the Constitution is as follows:

Powers of the Houses in respect of legislation

53. Proposed laws appropriating revenue or moneys, or imposing taxation, shall not originate in the Senate. But a proposed law shall not be taken to appropriate revenue or moneys, or to impose taxation, by reason only of its containing provisions for the imposition or appropriation of fines or other pecuniary penalties, or for the demand or payment or appropriation of fees for licences, or fees for services under the proposed law.

The Senate may not amend proposed laws imposing taxation, or proposed laws appropriating revenue or moneys for the ordinary annual services of the Government.

The Senate may not amend any proposed law so as to increase any proposed charge or burden on the people.

The Senate may at any stage return to the House of Representatives any proposed law which the Senate may not amend, requesting, by message, the omission or amendment of any items or provisions therein. And the House of Representatives may, if it thinks fit, make any of such omissions or amendments, with or without modifications.

Except as provided in this section, the Senate shall have equal power with the House of Representatives in respect of all proposed laws.

GX160, amendment (8)

The effect of this amendment is to change the basis for calculating funding for certain schools under the Australian Education Act 2013. It is covered by section 53 because this will increase the amount of expenditure out of the Consolidated Revenue Fund under the standing appropriation in section 126 of the Act.

Consequential amendments

The following amendments on GX160 are consequential on the amendment mentioned above: (1) to (7), (9) to (15).

GX167, amendment (2)

The effect of this amendment is to change the basis for calculating funding for certain schools under the Australian Education Act 2013. It is covered by section 53 because this will increase the amount of expenditure out of the Consolidated Revenue Fund under the standing appropriation in section 126 of the Act.
Consequential amendments

There are no amendments on GX167 that are consequential on the amendment mentioned above.
Statement by the Clerk of the Senate pursuant
to the order of the Senate of 26 June 2000

Amendment (8)

This amendment will change the basis for calculating funding for certain schools under the *Australian Education Act 2013*, with the effect of accelerating their transition to a higher rate of Commonwealth funding. This will increase the amount of expenditure out of the Consolidated Revenue Fund under the standing appropriation in section 126 of the Act.

The Senate has long followed the practice that an amendment which “clearly, necessarily and directly” increases expenditure under an appropriation is regarded as an increase in a charge or burden on the people within the meaning of section 53 of the Constitution (*Odgers’ Australian Senate Practice*, 14th edition, p. 412). On the basis that this amendment would result in increased expenditure under the standing appropriation in the Act, it is in accordance with the precedents of the Senate that this amendment be moved as a request.

Amendments (1) to (7) and (9) to (15)

Amendments (1) to (7) and (9) to (15) are consequential on the request. It is the practice of the Senate that amendments purely consequential on amendments framed as requests may also be framed as requests.