Australian Education Amendment Bill 2017

(Amendments and requests to be moved by Senator Collins, on behalf of the Opposition, in committee of the whole)

(1) Schedule 1, item 1, page 3 (lines 4 to 10), omit the item. [Commonwealth share]

(2) Schedule 1, page 3 (before line 11), before item 2, insert:

1A Section 6
Insert:

child: without limiting who is a child of a person for the purposes of this Act, someone is the child of a person if he or she is a child of the person within the meaning of the Family Law Act 1975. [National Schools Resourcing Body]

(3) Schedule 1, page 3 (after line 13), after item 2, insert:

2A Section 6
Insert:

overall funding, for a school for a year, is the total of:
(a) the school’s total entitlement for the year; and
(b) any recurrent funding for the school for the year from a State or Territory, other than:
   (i) financial assistance provided to the State or Territory for the school under this Act; or
   (ii) capital funding. [Commonwealth share; National Schools Resourcing Body]

(4) Schedule 1, item 3, page 3 (lines 14 and 15), to be opposed. [SES scores]

(5) Schedule 1, item 16, page 6 (line 15) to page 8 (line 18), omit the item.
(6) Schedule 1, items 29 to 36, page 10 (line 17) to page 12 (line 1), omit the items, substitute:

29 Subsection 52(1)
Omit “participating”.

30 At the end of Subdivision A of Division 4 of Part 3
Add:

54A Review into how SES scores are determined

(1) Within 12 months after section 1 of the Australian Education Amendment Act 2017 commences, the Minister must cause to be conducted a review into how SES scores for schools are determined.

(2) The Minister must cause to be prepared a report of a review under subsection (1).

(3) The Minister must cause a copy of the report to be tabled in each House of the Parliament within 15 sitting days of that House after the completion of the preparation of the report.

(7) Schedule 1, page 13, after item 40 (after line 23), insert:

40A Section 114 (after the paragraph relating to Division 3)
Insert:

Division 3A sets out the functions of the National Schools Resourcing Body.

(8) Schedule 1, item 41, page 13 (lines 24 and 25), to be opposed.

(9) Schedule 1, page 13 (after line 25), after item 41, insert:

41A After Division 3 of Part 9
Insert:

Division 3A—National Schools Resourcing Body

122A Functions of the National Schools Resourcing Body
The National Schools Resourcing Body has the following functions:
(a) advising the Minister in relation to regulations mentioned in subsection 130(7) before they are made;
(b) reviewing, and advising the Minister in relation to, the following:
   (i) SRS funding amounts;
   (ii) amounts of loadings under Division 3 of Part 3;
   (iii) how SES scores are determined, in particular whether they accurately reflect the capacity of persons to contribute to their children’s education;
(c) monitoring funding provided for schools by States and Territories, in particular monitoring whether they are increasing their funding, to bring the overall funding for a school for a year commencing on or after 1 January 2019 to at least 95% of the total of:

(i) the base amount for the school for the year; and
(ii) the school’s total loading for the year.

[National Schools Resourcing Body]

(10) Schedule 1, item 42, page 13 (lines 26 and 27), to be opposed.

[SES scores]

(11) Schedule 1, page 13 (after line 27), after item 42, insert:

42A After subsection 130(5)

Insert:

Regulations prescribing Commonwealth share

(6) Before the Governor-General makes a regulation for the purposes of the definition of Commonwealth share in section 6 in relation to:

(a) a school located in Victoria in relation to a year commencing on or after 1 January 2022; or
(b) a school located in another State or Territory in relation to a year commencing on or after 1 January 2019;

the Minister must be satisfied, having regard to the combined contributions of the Commonwealth and the State or Territory, that the regulation has the effect that the overall funding for the school for the year is at least 95% of the total of:

(c) the base amount for the school for the year; and
(d) the school’s total loading for the year.

[Commonwealth share]

(12) Schedule 1, page 13 (before line 28), before item 43, insert:

42B At the end of section 130

Add:

Requirement to consult National Schools Resourcing Body

(7) Before the Governor-General makes one of the following, the Minister must consult, and have regard to advice from, the National Schools Resourcing Body:

(a) a regulation for the purposes of the definition of Commonwealth share in section 6;
(b) a regulation for the purposes of section 22A (maintaining State and Territory contributions);
(c) a regulation for the purposes of paragraph 34(1)(b) or (2)(b) (SRS funding amounts);
(d) a regulation for the purposes of Division 3 of Part 3 (loadings).

[National Schools Resourcing Body]

(13) Schedule 1, item 43, page 13 (line 29), omit “sections 52 and 53”, substitute “section 52”.

[SES scores]
(14) Schedule 1, item 43, page 13 (line 33), omit “subsection 52(1)”, substitute “section 52”.

(15) Schedule 1, item 45, page 15 (line 3) to page 16 (line 7), to be opposed.

(16) Schedule 1, item 46, page 16 (lines 8 to 21), omit the item, substitute:

46 After paragraph 3(1)(c)
Insert:

(ca) to ensure that, as the Commonwealth increases its school funding, the States and Territorial also increase their school funding so that each Australian school receives, from the Commonwealth and the State or Territory in which the school is located, recurrent funding equal to at least 95% of the total of the base amount for the school for the year and the school’s total loading for the year, for each year commencing on or after:
(i) if the school is located in Victoria—1 January 2022; or
(ii) if the school is located in another State or Territory—1 January 2019;

46A Subsections 3(2) and 8 (note)
Repeal the note.

(17) Schedule 1, item 47, page 17 (lines 19 to 21), omit “Not all schools will attract the final Commonwealth share immediately. Most schools (called transitioning schools) will move to that share over a period of 10 transition years.”.

(18) Schedule 1, item 48, page 18 (line 10), omit paragraph (c).

(19) Schedule 1, item 71, page 22 (lines 5 and 6), omit “Most schools (called transitioning schools) will move to that share over a period of 10 transition years.”.
Australian Education Amendment Bill 2017

(Amendments and requests to be moved by Senator Collins, on behalf of the Opposition, in committee of the whole)

Statement pursuant to the order of the Senate of 26 June 2000

Amendments (3) and (11)

Amendments (3) and (11) are framed as requests because together these amendments would be likely to increase expenditure under the standing appropriation in section 126 of the *Australian Education Act 2013* from 1 January 2019.

Amendment (3) inserts in section 6 of the Act a definition of “overall funding” for a school year as the total of both the school’s “total entitlement” under the Act and the recurrent funding from a State or Territory.

Amendment (11) would constrain an existing regulation-making power, to set the “Commonwealth share” of funding, to circumstances where the Minister is satisfied that the purpose of the regulation will be to ensure that “overall funding” for a school for the year is at least 95% of both the base funding amount and the school’s total loading for the year.

From 2019 onwards (or 2022 for Victorian schools), this requirement is likely to increase the amount of Commonwealth funding under the standing appropriation in order to attain this funding target. As a result, the amendments are likely to increase expenditure under the standing appropriation in section 126 of the *Australian Education Act 2013*.

Amendments (1), (5), (17) and (19)

Amendments (1), (5), (17) and (19) are consequential on amendments (3) and (11). Amendments (1) and (5) omit provisions proposed by the Bill which would alter the method for calculating the “Commonwealth share” of funding to schools. Amendments (17) and (19) omit references to schools transitioning to the final Commonwealth share of funding over 10 years, as schools will likely transition to this share from 2019 (or 2022 for Victorian schools). Amendments (1), (5), (17) and (19) should therefore be moved as requests.
Amendments (3) and (11)

If the effect of amendments (3) and (11) is to increase expenditure under the standing appropriation in section 126 of the *Australian Education Act 2013* then it is in accordance with the precedents of the Senate that those amendments be moved as requests.

Amendments (1), (5), (17) and (19)

These amendments are consequential on the requests. It is the practice of the Senate that amendments purely consequential on amendments framed as requests may also be framed as requests.