



New South Wales

Education Amendment (Non-Government School Funding) Bill 2013

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The objects of this Bill are as follows:

- (a) to facilitate the provision under the *Education Act 1990* (*the Act*) of financial assistance to non-government schools, in accordance with the State's obligations under the National Education Reform Agreement (or under any future Commonwealth-State agreement on financial assistance in respect of non-government school children),
- (b) to require the level of financial assistance provided under the Act in respect of non-government school children to be maintained if the provision of that assistance ceases to be subject to such an agreement,
- (c) to enable any financial assistance provided under the Act in respect of non-government school children to be allocated having regard to the needs of different non-government schools.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent to the proposed Act.

Schedule 1 Amendment of Education Act 1990 No 8

Schedule 1 gives effect to the objects described in the Overview.



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New South Wales

Education Amendment (Non-Government School Funding) Bill 2013

No. , 2013

A Bill for

An Act to amend the *Education Act 1990* with respect to the provision of funding to non-government schools.

The Legislature of New South Wales enacts:

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1 Name of Act

2

This Act is the *Education Amendment (Non-Government School Funding) Act 2013*.

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2 Commencement

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This Act commences on the date of assent to this Act.

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Schedule 1	Amendment of Education Act 1990 No 8	1
Section 21		2
Omit the section. Insert instead:		3
21	Financial and other assistance in respect of non-government school children	4
(1)	The Minister may provide financial assistance or other assistance, or both, in respect of non-government school children.	5 6
(2)	The determination of the amount of financial assistance provided under this section is subject to the obligations of the State, under any agreement made between the State and the Commonwealth, that relate to financial assistance in respect of non-government school children. The amount may exceed any amount that the State is so obliged to contribute in respect of non-government school children.	7 8 9 10 11 12
(3)	If there ceases to be any relevant agreement in operation in respect of non-government school children, the following provisions have effect subject to this section:	13 14 15
(a)	the Minister is to maintain financial assistance in respect of non-government school children at the level that the State was obliged to contribute under the most recent relevant agreement before it ceased,	16 17 18
(b)	the Minister may increase the amount of that financial assistance from time to time to take account of the costs of schooling (as assessed by the Minister).	19 20 21
(4)	Financial assistance under this section may be allocated having regard to the needs of different non-government schools.	22 23
(5)	Financial assistance under this section includes the cost to the State of the administration of the provision of that financial assistance.	24 25
(6)	Any financial assistance under this section to non-government schools may be paid directly to the schools or to an organisation (such as the Catholic Education Commission) for the benefit of the schools.	26 27 28
(7)	Any payment of financial assistance under this section is to be paid out of money to be provided by Parliament and is subject to Parliament appropriating money for the payment.	29 30 31
(8)	The Minister is to review the operation of this section in 2017.	32
(9)	In this section, <i>relevant agreement</i> means:	33
(a)	the National Education Reform Agreement, or	34
(b)	any subsequent replacement agreement.	35