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### Endnotes

1. General information

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Authorised by the Chief Parliamentary Counsel

1
The Parliament of Victoria enacts:

1 Purpose

The purpose of this Act is to amend the Education and Training Reform Act 2006 to establish a transparent mechanism for State funding of non-Government schools.

2 Commencement

(1) Subject to subsection (2), this Act comes into operation on a day or days to be proclaimed.
(2) If a provision of this Act does not come into operation before 23 December 2015, it comes into operation on that day.

3 Definitions

In section 1.1.3(1) of the Education and Training Reform Act 2006 insert the following definitions—

"ISV" means Independent Schools Victoria Inc., a body incorporated under the Associations Incorporation Reformation Act 2012;

School Policy and Funding Advisory Council means the advisory council established by section 2.7.9;".

4 New Part 2.7 inserted

After Part 2.6 of the Education and Training Reform Act 2006 insert—

"Part 2.7—State funding for Non-Government schools

Division 1—Preliminary

2.7.1 Intent of Part

The intent of this Part is to establish a transparent mechanism for State funding of non-Government schools for the purpose of meeting student needs.

Note

Non-Government schools are required to be registered under Part 4.3 and must meet the prescribed minimum standards for registration. One of the minimum standards for registration is that a school must be a not-for-profit school.
2.7.2 Government school recurrent funding

(1) For the purposes of this Part—

*Government school recurrent funding* means funding provided by the State out of money appropriated by Parliament that directly supports the teaching, learning and welfare of students attending Government schools.

(2) Without limiting subsection (1), *Government school recurrent funding* includes—

(a) any funding specified in the regulations to be Government school recurrent funding for the purposes of this Part; and

(b) any funding specified by the Minister to be Government school recurrent funding for the purposes of this Part, after taking into account any advice of the School Policy and Funding Advisory Council.

(3) However, *Government school recurrent funding* does not include any of the following—

(a) funding for programs or initiatives provided to both Government and non-Government schools;

(b) early childhood development funding;

(c) higher education funding;

(d) funding provided to schools referred to in Schedule 10;

(e) payroll tax;

(f) capital property items (such as capital asset charges and depreciation);
(g) any funding from the Commonwealth passed on to Government schools by the State;

(h) any funding specified in the regulations not to be Government school recurrent funding for the purposes of this Part;

(i) any funding specified by the Minister not to be Government school recurrent funding for the purposes of this Part, after taking into account any advice of the School Policy and Funding Advisory Council.

Division 2—Funding for non-Government schools

2.7.3 Minister may provide funding to non-Government schools

The Minister may provide funding to non-Government schools.

2.7.4 Minimum amount of funding for non-Government schools

(1) The total amount of funding provided under this Part for a calendar year must not be less than the amount calculated in accordance with the formula—

\[
\left( \frac{A}{B} \times \frac{1}{4} \right) \times C
\]

where—

A is the amount of Government school recurrent funding for the financial year commencing on 1 July in the previous calendar year;
B is the number of students enrolled in Government schools (other than in a school referred to in Schedule 10), as counted in the Government school census for the previous year;

C is the number of students enrolled in non-Government schools, as counted in the non-Government school census for the previous year.

(2) In this section—

*Government school census* means the Student Enrolment Census conducted by the Department as part of the February School Census Collection in February each year;

*non-Government school census* means information about non-Government schools provided by approved authorities in August each year under section 77 of the Australian Education Act 2013 of the Commonwealth.

2.7.5 Payment of funding

Any funding under this Part may be paid directly to the non-Government school or to an organisation (such as the Catholic Education Commission or ISV) for the benefit of the non-Government school.

2.7.6 Minister may have regard to needs of schools and students

(1) The Minister may have regard to the needs of non-Government schools and students attending non-Government schools when providing funding under this Part.
(2) In having regard to the needs of non-Government schools and students attending non-Government schools, the Minister must take into account any advice provided by the School Policy and Funding Advisory Council.

(3) Nothing in this Part requires the Minister to provide the same amount of funding to each non-Government school on a per student basis, or to calculate the amount of funding based on the same percentage per student for each non-Government school.

2.7.7 Conditions of funding

(1) The Minister—

(a) may impose any reasonable conditions on the provision of funding under this Part; and

(b) may require a non-Government school or an organisation referred to in section 2.7.5 to enter an agreement under section 5.2.11.

(2) In determining whether to impose a condition, the Minister must take into account any advice provided by the School Policy and Funding Advisory Council.

2.7.8 Accountability and reporting

(1) The Minister may require a non-Government school or an organisation referred to in section 2.7.5 to which funding has been provided under this Part to give the Minister a report as to the application of the funding.

(2) In determining whether to request a report, the Minister must take into account any advice provided by the School Policy and Funding Advisory Council.
Division 3—School Policy and Funding Advisory Council

2.7.9 Establishment
The School Policy and Funding Advisory Council is established.

2.7.10 Function
The function of the School Policy and Funding Advisory Council is to advise the Minister about regulatory, policy and funding issues that affect Government schools and non-Government schools.

2.7.11 Membership
(1) The School Policy and Funding Advisory Council consists of the following members, appointed by the Minister—
   (a) the Secretary of the Department, who is to be the Chairperson of the Council;
   (b) a representative of the Catholic Education Commission;
   (c) a representative of ISV;
   (d) a representative of Government schools, who is employed in the Department.

(2) The Minister, from time to time, may appoint any other person as a member of the School Policy and Funding Advisory Council who, in the Minister's opinion, has the necessary expertise to contribute to its function.

2.7.12 Further provisions for School Policy and Funding Advisory Council
The Minister, by Order, may make any further provisions in relation to the School Policy and Funding Advisory Council.
Division 4—Review of Part

2.7.13 Review of Part

The Minister, in consultation with the School Policy and Funding Advisory Council, must review the operation of this Part in 2018.

5 New Schedule 10 inserted

After Schedule 9 to the Education and Training Reform Act 2006 insert—

"Schedule 10—schools excluded from calculation of Government school recurrent funding

Section 2.7.2

1 Specialist schools.

2 English language Government schools or centres.

3 The following schools—

(a) Distance Education Centre Victoria;

(b) Parkville Youth Justice Centre;

(c) Victorian College of the Arts Secondary School;

(d) Victorian School of Languages.

4 The deaf facilities attached to the following schools—

(a) Brighton Primary School;

(b) Charles LaTrobe P-12 College;

(c) Eastwood Primary School;

(d) Forest Hill College;

(e) Forest Street Primary School;
(f) Grovedale West Primary School;
(g) Guthrie Street Primary School;
(h) Kennington Primary School;
(i) Mount Erin Secondary College;
(j) Mount View Primary School;
(k) Pearcedale Primary School;
(l) Rosanna Golf Links Primary School;
(m) St Albans East Primary School;
(n) Shepparton High School;
(o) Sunshine College;
(p) Willmott Park Primary School.

5 In this Schedule—

*English language Government school or centre* means a Government school that offers students a full-time and intensive English language program for a minimum of 6 months and a maximum of 12 months and includes a part of a Government school that offers such a program;

*specialist school* means—

(a) a school established for the main purpose of providing instruction for students with disabilities; or

(b) a school established for the main purpose of providing instruction for students with social, emotional or behavioural difficulties.".
6 Repeal of amending Act

This Act is repealed on 23 December 2016.

Note

The repeal of this Act does not affect the continuing operation of the amendments made by it (see section 15(1) of the Interpretation of Legislation Act 1984).
Endnotes

1 General information


† Minister's second reading speech—
Legislative Assembly: 11 February 2015
Legislative Council: 12 February 2015

The long title for the Bill for this Act was "A Bill for an Act to amend the Education and Training Reform Act 2006 to establish a transparent mechanism for State funding of non-Government schools and for other purposes."