

# States Grants (Independent Schools)

No. 89 of 1969

An Act to grant Financial Assistance to the States in relation to Independent Schools.

[Assented to 27 September 1969]

[Date of commencement 25 October 1969]

**B**E it enacted by the Queen's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows:—

Short title.

1. This Act may be cited as the *States Grants (Independent Schools) Act 1969*.

Interpretation.

2.—(1.) In this Act, unless the contrary intention appears—

“independent school” or “school” means a school or institution in a State, other than a school or institution conducted by the State, at which primary education or secondary education is, or both are, provided, but does not include a school conducted for the profit, direct or indirect, of an individual or individuals;

“primary education” means full time education of a kind similar to that provided for pupils in primary classes in schools conducted by the State concerned;

“qualified accountant”, in relation to the furnishing of a statement referred to in section 4 of this Act, means—

(a) a person who is registered as a company auditor or public accountant under the law of a State or Territory of the Commonwealth;

(b) a member of The Institute of Chartered Accountants in Australia or of the Australian Society of Accountants; or

(c) a person approved by the Minister as a person competent to furnish such statements;

“recurrent expenditure”, in relation to an independent school, means expenditure, other than capital expenditure, incurred for purposes related to the provision of primary education or secondary education at the school;

“school authority”, in relation to an independent school, means the person or body conducting the school;

“secondary education” means full time education of a kind similar to that provided for pupils in secondary classes in schools conducted by the State concerned.

“ the schools census date ”, in relation to schools in a State, means the date in the relevant year as at which the Commonwealth Statistician compiles statistics in relation to the numbers of pupils in schools in that State;

“ year ” means the year One thousand nine hundred and seventy or a subsequent year.

(2.) A reference in this Act to primary education or secondary education shall, in relation to pupils who, by reason of physical or mental handicap or for any other reason, require special educational treatment, be read as including a reference to such education of those pupils as, in the opinion of the Minister, should be treated as primary education or secondary education, as the case may be, for the purposes of this Act.

3.—(1.) There is payable to each State, in respect of each year, by way of financial assistance to the State, an amount in respect of each independent school in the State, being an amount calculated at the rates of—

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(a) Thirty-five dollars for each pupil receiving primary education; and

(b) Fifty dollars for each pupil receiving secondary education,

at the school on the schools census date.

(2.) Payments to a State under this section shall be made at such times, and in such instalments, as the Minister determines.

4.—(1.) The financial assistance to a State constituted by a payment of moneys (including an advance) under this Act to the State in respect of an independent school in respect of a year is granted on the conditions that—

Conditions of payments.

(a) subject to the next succeeding paragraph, the State will pay to the school authority, without undue delay, an amount equal to those moneys and will describe the amount as a payment in respect of that school in respect of that year out of moneys provided to the State by the Commonwealth;

(b) the payment to the school authority will not be made unless the school authority agrees with the State, before or at the time of accepting that payment, to be bound by the following conditions:—

(i) the school authority will ensure that amounts equal to the total of all payments made by the State to the school authority in respect of the school in accordance with this section in the year in which the payment is made (less any amount that has become repayable to the State by the school authority in respect of those payments) are applied, in that year or not later than three months after the end of that year, for the purposes of recurrent expenditure in respect of the school;

- (ii) the school authority will cause to be furnished to the Minister, not later than six months after the end of the year in which the payment is made, a statement in writing signed by a qualified accountant to the effect that he has satisfied himself that the condition referred to in the last preceding sub-paragraph has been complied with; and
  - (iii) if the total of the amounts paid by the State to the school authority and described as payments in respect of that school, in respect of the year in which the payment is made, out of moneys provided to the State by the Commonwealth exceeds the amount calculated in respect of the school in respect of that year in accordance with sub-section (1.) of section 3 of this Act, the school authority will repay to the State the amount of the excess;
- (c) if the State does not fulfil the conditions to be observed by the State in relation to the payment under the preceding paragraphs of this sub-section, or the school authority does not agree to be bound by the conditions referred to in sub-paragraphs (i), (ii) and (iii) of the last preceding paragraph, the State will repay to the Commonwealth an amount equal to the payment; and
- (d) the State will repay to the Commonwealth amounts equal to so much of any amounts paid by the State to the school authority in accordance with this section as are repaid to the State by, or recovered by the State from, the school authority.

(2.) If the Minister is satisfied that a school authority has failed to fulfil a condition applicable to a payment made by a State to the school authority in accordance with this Act in respect of any year, the Minister may direct that an amount equal to the whole or a part of the payments made by the State to the school authority in accordance with this Act in respect of that year shall be deducted from further amounts becoming payable to the State under this Act in respect of that school.

(3.) Where—

- (a) the last preceding sub-section is applicable in relation to a school authority (whether or not a direction is given under that sub-section); or
- (b) a school authority has failed to accept the conditions upon which, in accordance with paragraph (b) of sub-section (1.) of this section, a payment to the school authority was proposed to be made by a State,

the Minister may direct that further payments to the State in respect of that school shall not be made until the Minister is satisfied that the school authority will accept and observe the conditions upon which payments to the school authority by the State in accordance with this section are required to be made.

(4.) An amount repayable by a State to the Commonwealth in accordance with the condition contained in paragraph (c) or (d) of subsection (1.) of this section is a debt due by the State to the Commonwealth.

5. The Minister and the Treasurer may make arrangements for the making by the Treasurer to a State, by way of financial assistance to the State, of advances of specified amounts in respect of specified independent schools on account of the respective amounts that are expected to become payable to the State under this Act in respect of those respective schools in respect of the year in which the advances are made. Advances.

6. Amounts payable to a State under this Act are payable out of the Consolidated Revenue Fund, which is appropriated accordingly. Appropriation.

7. As soon as practicable after the end of each year, the Minister shall cause a statement to be laid before each House of the Parliament setting out— Annual statement by Minister.

- (a) the names of the schools in each State in respect of which payments to the State have been made under this Act in respect of that year and, in respect of each school, the amount paid by reference to pupils receiving primary education and the amount paid by reference to pupils receiving secondary education; and
  - (b) the totals of the amounts paid to each State under this Act in respect of that year by reference to pupils receiving primary education and by reference to pupils receiving secondary education, respectively.
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