

## **SCHOOL EDUCATION ACT 1999**

### **NON-GOVERNMENT SCHOOLS FUNDING ORDER 2023**

Made by the Minister for Education under section 183 of the *School Education Act 1999*.

#### **1. Citation**

This order may be cited as the Non-Government Schools Funding Order 2023.

#### **2. Application**

This Order applies for the year commencing on 1 January 2023.

#### **3. Interpretation**

In this Order, unless the contrary intention appears –

**Act** means the *School Education Act 1999*;

**attendance data report** means an application for funding by schools in funding category ‘H’ referred to in clause 21(3);

**chief executive officer** has the same meaning as in section 151 of the Act;

**eligible school** means a registered school described in clause 5;

**eligible student** means a student described in clause 6;

**full-time equivalent** has the meaning specified;

**funding** means funding referred to in clause 8;

**funding category** means a category specified in column 1 of the table in Part 1 of the Schedule;

**Guidelines** means the Guidelines issued by the Minister under clause 23;

**high support needs student** means an eligible student classified as having high support needs;

**incorporated** in respect of a governing body means incorporated in Australia;

**per capita funding application form** means an application for funding by schools in a funding category other than ‘H’ referred to in clause 7;

**schedule** means the Schedule to this Order;

**special education student** means an eligible student classified as having a mild, moderate or severe disability;

**specified** means specified by the Minister, whether in the Guidelines or otherwise;

**student census** means a student census referred to in clause 21(3) or any other document specified as such;

**Talkabout 4 student** means an eligible student classified as being enrolled in Telethon Speech and Hearing’s “Talkabout 4” program;

**Talkabout 5 student** means an eligible student classified as being enrolled in Telethon Speech and Hearing’s “Talkabout 5” program; and

**Telethon Speech and Hearing** means the registered non-government school of that name.

## **PART 1 – ELIGIBILITY AND APPLICATION FOR FUNDING**

### **4. Funding**

Funding for the purposes of school education will be paid under and in accordance with this Order and the Guidelines to or for eligible schools which apply for funding in accordance with clause 7. Funding will be:

- (a) in the case of funding referred to in clause 8(1), calculated for an eligible school on the basis of its eligible students;
- (b) in the case of funding referred to in clause 8(3), calculated as determined by the Minister; and
- (c) provided on and subject to the conditions, limitations and restrictions set out in this Order and in the Guidelines.

### **5. Eligible Schools**

An eligible school is a registered school which satisfies all of the following criteria at the relevant point in time:

- (a) its governing body is incorporated or the Minister has otherwise approved its status for the purposes of this clause;
- (b) there is not in effect a determination of the Minister that the registered school is conducted for profit for the purposes of this clause; and
- (c) there is not in effect a determination of the Minister that the registered school is ineligible for the purposes of this clause.

### **6. Eligible Students**

A student is an eligible student in relation to an eligible school if he or she satisfies all of the following criteria –

- (a) the student is resident in Western Australia;
- (b) the student is enrolled at the eligible school;
- (c) the student is enrolled in a year level of education which is recorded in the register in respect of the eligible school and which is no earlier than the pre-compulsory education period for the student;
- (d) the student is compliant with the specified year level requirements;
- (e) the student has specified citizenship, residency or visa status in Australia;
- (f) the student meets the specified attendance requirements; and
- (g) the student has not turned 21 years of age before 1 January 2023.

### **7. Application for Funding**

- (1) An eligible school, or a school system for which a system agreement is in force, may apply for funding under clause 8(1) in respect of its eligible students in the manner set out in this clause and as specified.

- (2) An application for funding under subclause (1) is to be made, on behalf of the eligible school or school system, by its governing body.
- (3) An application for funding is to be certified as specified.

## **PART 2 – CALCULATION AND PAYMENT OF FUNDING**

### **8. Calculation of Funding**

- (1) The amount of funding to be paid to the governing body of an eligible school or school system which has made an application under clause 7 will be, in respect of its eligible students:
  - (a) a Per Capita Grant for each eligible student, calculated and paid in accordance with clause 9;
  - (b) a Special Education Supplementary Per Capita Grant for each eligible student who is a special education student, calculated and paid in accordance with clause 10;
  - (c) a High Support Needs Per Capita Grant for each eligible student who is a high support needs student, calculated and paid in accordance with clause 11;
  - (d) a Talkabout 4 Supplementary Per Capita Grant for each eligible student who is a Talkabout 4 student, calculated and paid in accordance with clause 12; and
  - (e) a Talkabout 5 Supplementary Per Capita Grant for each eligible student who is a Talkabout 5 student, calculated and paid in accordance with clause 13.
- (2) The funding category for each eligible school is as determined by the Minister.
- (3) In addition to the funding described in subclause (1), other funding may be provided for a registered school or school system at the discretion of and as determined by the Minister.

### **9. Calculation and Payment of Per Capita Grant Funding**

- (1) A Per Capita Grant amount for a full-time equivalent eligible student of an eligible school is specified in the table in Part 1 of the Schedule, corresponding to the funding category of the eligible school and according to the year level of the full-time equivalent eligible student specified in columns 2, 3, 4 and 5 of that table. This amount is the **Part 1 amount** for that full-time equivalent eligible student.
- (2) Per Capita Grant funding under clause 8(1)(a) for an eligible school in a funding category other than 'H' is to be calculated and, unless otherwise determined in accordance with clause 15, paid in four instalments as follows –
  - (a) a February instalment equal to the aggregate of 25% of the Part 1 amount for each full-time equivalent eligible student properly included in the eligible school's August 2022 student census;
  - (b) a May instalment equal to the aggregate of 50% of the Part 1 amount for each full-time equivalent eligible student properly included in the eligible school's February 2023 student census, less the instalment amount paid for the eligible school in February as calculated under subclause (2)(a);

- (c) an August instalment equal to the aggregate of 25% of the Part 1 amount for each full-time equivalent eligible student properly included in the eligible school's February 2023 student census; and
  - (d) an October instalment equal to the aggregate of 50% of the Part 1 amount for each full-time equivalent eligible student properly included in the eligible school's August 2023 student census, less the instalment amount paid for the eligible school in August as calculated under subclause (2)(c).
- (3) Per Capita Grant funding under clause 8(1)(a) for an eligible school in funding category 'H' is to be calculated and, unless otherwise determined in accordance with clause 15, paid in four instalments as follows –
- (a) a February instalment equal to the aggregate of 25% of the Part 1 amount for each full-time equivalent eligible student properly included in the eligible school's attendance data report for the November 2022 quarter;
  - (b) a May instalment equal to the aggregate of 25% of the Part 1 amount for each full-time equivalent eligible student properly included in the eligible school's attendance data report for the March 2023 quarter;
  - (c) an August instalment equal to the aggregate of 25% of the Part 1 amount for each full-time equivalent eligible student properly included in the eligible school's attendance data report for the June 2023 quarter; and
  - (d) an October instalment equal to the aggregate of 25% of the Part 1 amount for each full-time equivalent eligible student properly included in the eligible school's attendance data report for the September 2023 quarter.

#### **10. Calculation and Payment of Special Education Supplementary Per Capita Grant Funding**

- (1) A Special Education Supplementary Per Capita Grant amount for a full-time equivalent special education student of an eligible school applies as follows –
- (a) mild disability – 110 per cent of the relevant Part 1 amount for the full-time equivalent eligible student;
  - (b) moderate disability – 210 per cent of the relevant Part 1 amount for the full-time equivalent eligible student; and
  - (c) severe disability – 360 per cent of the relevant Part 1 amount for the full-time equivalent eligible student.
- (2) Special Education Supplementary Per Capita Grant funding under clause 8(1)(b) for an eligible school is to be calculated and, unless otherwise determined in accordance with clause 15, paid in two instalments as follows –
- (a) a June instalment equal to the aggregate of 50% of the relevant Special Education Supplementary Per Capita Grant amount for each full-time equivalent special education student of the eligible school; and
  - (b) an October instalment equal to the aggregate of 50% of the relevant Special Education Supplementary Per Capita Grant amount for each full-time equivalent special education student of the eligible school.

## 11. Calculation and Payment of High Support Needs Per Capita Grant Funding

- (1) A High Support Needs Per Capita Grant amount for a full-time equivalent high support needs student of an eligible school is specified in the table in Part 2 of the Schedule, according to the year level of the full-time equivalent high support needs student specified in columns 2, 3, 4 and 5 of that table. This amount is the **Part 2 amount** for that full-time equivalent high support needs student.
- (2) High Support Needs Per Capita Grant funding under clause 8(1)(c) for an eligible school is to be calculated and, unless otherwise determined in accordance with clause 15, paid in two instalments as follows –
  - (a) a June instalment equal to:
    - (i) the aggregate of 50% of the Part 2 amount for each full-time equivalent high support needs student of the eligible school,  
less
    - (ii) all amounts of funding paid or payable in respect of those full-time equivalent high support needs students under clause 9(2)(a) and (b) or clause 9(3)(a) and (b); and
  - (b) an October instalment equal to:
    - (i) the aggregate of 50% of the Part 2 amount for each full-time equivalent high support needs student of the eligible school,  
less
    - (ii) all amounts of funding paid or payable in respect of those full-time equivalent high support needs students under clause 9(2)(c) and (d) or clause 9(3)(c) and (d).

## 12. Calculation and Payment of Talkabout 4 Supplementary Per Capita Grant Funding

- (1) A Talkabout 4 Supplementary Per Capita Grant amount for a full-time equivalent Talkabout 4 student of Telethon Speech and Hearing, in lieu of Special Education Supplementary Per Capita Funding, applies as follows –
  - (a) mild disability – 110 per cent of the relevant Part 1 amount for the full-time equivalent eligible student;
  - (b) moderate disability – 210 per cent of the relevant Part 1 amount for the full-time equivalent eligible student; and
  - (c) severe disability – 360 per cent of the relevant Part 1 amount for the full-time equivalent eligible student.
- (2) Talkabout 4 Supplementary Per Capita Grant funding under clause 8(1)(d) for Telethon Speech and Hearing is to be calculated and, unless otherwise determined in accordance with clause 15, paid in two instalments as follows –
  - (a) a March instalment equal to:
    - (i) the aggregate of 50% of the relevant Talkabout 4 Supplementary Per Capita Grant amount for each full-time equivalent Talkabout 4 student of Telethon Speech and Hearing,  
less
    - (ii) all amounts of funding paid or payable in respect of those full-time equivalent Talkabout 4 students also enrolled in Telethon Speech and Hearing's Outpost program under clause 9(2)(a) and (b); and
  - (b) a September instalment equal to:

- (i) the aggregate of 50% of the relevant Talkabout 4 Supplementary Per Capita Grant amount for each full-time equivalent Talkabout 4 student of Telethon Speech and Hearing,  
less
- (ii) all amounts of funding paid or payable in respect of those full-time equivalent Talkabout 4 students also enrolled in Telethon Speech and Hearing's Outpost program under clause 9(2)(c) and (d).

### **13. Calculation and Payment of Talkabout 5 Supplementary Per Capita Grant Funding**

- (1) A Talkabout 5 Supplementary Per Capita Grant amount for a full-time equivalent Talkabout 5 student of Telethon Speech and Hearing and the eligible school, in lieu of Special Education Supplementary Per Capita Funding, is 50% of the combined total of payments otherwise applicable for the full-time equivalent Talkabout 5 student under clause 9 and clause 10.
- (2) Talkabout 5 Supplementary Per Capita Grant funding under clause 8(1)(e) for Telethon Speech and Hearing and the eligible school is to be calculated and, unless otherwise determined in accordance with clause 15, paid in two instalments as follows –
  - (a) a March instalment equal to:
    - (i) the aggregate of 50% of the relevant Talkabout 5 Supplementary Per Capita Grant amount for each full-time equivalent Talkabout 5 student of Telethon Speech and Hearing and the eligible school,  
less
    - (ii) all amounts of funding paid or payable in respect of those full-time equivalent Talkabout 5 students under clause 9(2)(a) and (b); and
  - (b) a September instalment equal to:
    - (i) the aggregate of 50% of the relevant Talkabout 5 Supplementary Per Capita Grant amount for each full-time equivalent Talkabout 5 student of Telethon Speech and Hearing and the eligible school,  
less
    - (ii) all amounts of funding paid or payable in respect of those full-time equivalent Talkabout 5 students under clause 9(2)(c) and (d).

### **14. Variation or Withholding of Payment of Funding**

- (1) Subject to subclause (2), a payment of funding for an eligible school may, with the approval of the chief executive officer, be increased or decreased to correct an overpayment or an underpayment previously made for that eligible school, whether due to an error in the eligible school's application or student census or otherwise.
- (2) Funding will not be paid in respect of eligible students for any period prior to the 2023 year.
- (3) A payment of funding for an eligible school may be withheld or payment recouped for the relevant period if, in the opinion of the Minister, the eligible school has not provided to the chief executive officer satisfactory evidence of an appropriate claim of funding under Part 4, Division 4 of the Act.
- (4) A payment of funding for an eligible school may be withheld or payment recouped for the relevant period if, in the opinion of the Minister, the eligible school has not provided to the chief executive officer satisfactory evidence of appropriate acquittal of funding previously provided to the eligible school under Part 4, Division 5 of the Act.

## **15. Safeguarding of Funds – Monthly Payments**

- (1) Should the Minister consider it necessary in order to ensure that funding to be paid for an eligible school under this Order will be available to be applied for the purposes stipulated in clause 17, the Minister may determine that funding for the eligible school is to be paid in equal monthly instalments in the manner determined by the chief executive officer instead of in accordance with clauses 9, 10, 11, 12 or 13 (as the case may be).
- (2) The Minister is to notify the governing body of the eligible school in writing if the Minister makes a determination under subclause (1) as soon as practicable after the making of that determination.
- (3) The Minister may, by notice in advance to its governing body, revoke a determination made under subclause (1) in relation to an eligible school.

## **16. Payment Method**

Unless otherwise approved by the chief executive officer, funding paid to a governing body under this Order is to be paid into the bank account of the governing body.

## **PART 3 – APPLICATION AND ACQUITTAL OF FUNDING**

### **17. Purposes for which Funding May Be Applied**

- (1) The governing body of an eligible school must apply, and ensure the application of, Per Capita Grant funding received for that eligible school under clause 8(1)(a) only for the purposes of school education.
- (2) The governing body of an eligible school must apply, and ensure the application of, Special Education Supplementary Per Capita Grant funding, High Support Needs Per Capita Grant funding, Talkabout 4 Supplementary Per Capita Grant funding and Talkabout 5 Supplementary Per Capita Grant funding received for that eligible school under clause 8(1)(b), (c), (d) and (e) only to support the education of the students in respect of whom that funding is paid, either individually or collectively.
- (3) The governing body of an eligible school which receives funding under clause 8(3) must apply, and ensure the application of, that funding for the purpose stipulated by the Minister in allocating the funding.

### **18. Distribution of Funding by the Governing Body**

- (1) Unless authorised under subclause (2), where:
  - (a) a governing body of a school system receives funding for eligible schools in its school system, the governing body must allocate to each school in the school system the funding paid for that school under clause 8; and
  - (b) a governing body receives funding as the governing body of more than one eligible school other than as the governing body of a school system, the governing body must allocate to each such eligible school the funding paid for that eligible school under clause 8.
- (2) The Minister may authorise:

- (a) the governing body of a school system to allocate the funding paid to it under clause 8 among the schools in the school system in a manner approved by the chief executive officer; and
- (b) a governing body which is the governing body for more than one eligible school to allocate the funding paid to it under clause 8 among the eligible schools for which it receives funding, in a manner approved by the chief executive officer,

instead of in accordance with subclause (1).

## **19. Grant Acquittal and Reporting**

- (1) A governing body in receipt of funding under this Order must provide to the chief executive officer a statement (a **funding acquittal**) by no later than 30 June 2023 confirming that the funding paid to it under this Order has been spent or committed in accordance with this Order.
- (2) A funding acquittal must comply with the specified requirements.

## **20. Safeguarding of Funds – Separate Accounting**

- (1) The chief executive officer may determine that the governing body of a registered school must separately identify in its accounts the revenue and expenditure related to funding provided under this Order, as from a specified date and in the manner determined by the chief executive officer.
- (2) The chief executive officer is to notify the governing body of the eligible school in writing if the chief executive officer makes a determination under subclause (1) as soon as practicable after the making of that determination and of the date from which the governing body must give effect to the determination. The chief executive officer's notice must be given not less than 60 days prior to the date from which the governing body must give effect to the determination and the commencement of the governing body's financial year.
- (3) The chief executive officer may, by notice in advance to its governing body, revoke a determination made under subclause (1) in relation to an eligible school.

## **21. Governing Body Records**

- (1) The chief executive officer may personally or through any representative conduct an audit to verify entitlement to or expenditure of funding or to verify any other matter in connection with this Order or the provision of funding. A governing body in receipt of funding under this Order must keep and provide when requested all necessary or appropriate student enrolment and attendance records and other records (including disability assessment and residency status records) validating a school's funding application to enable audits to be conducted by the chief executive officer or any representative of the chief executive officer.
- (2) A governing body in receipt of funding under this Order must maintain financial records and documents to enable audits to be conducted by the chief executive officer or any representative of the chief executive officer in accordance with Australian Accounting Standards and Australian Auditing and Assurance Standards.
- (3) A governing body applying for, or in receipt of, funding under this Order must provide, at the times and in the form from time to time specified:
  - (a) in the case of an eligible school in a funding category other than 'H', a per capita funding application form; and



(b) in the case of an eligible school in funding category 'H', an attendance data report,

in respect of each eligible school for which funding has been provided or for which an application for funding is made.

## **22. Notice to be Given to the Chief Executive Officer**

A governing body in receipt of funding under this Order must notify the chief executive officer within 14 days if any of the following occurs –

- (a) any change to the governing body's bank account details;
- (b) any change to the governing body's registration for Goods and Services Tax by the Commissioner of Taxation;
- (c) a decision to proceed with the winding up of any eligible school of which it is the governing body;
- (d) the affairs of the governing body or the affairs of any eligible school of which it is the governing body go under any form of external control (for example the control of a voluntary administrator) under a law of the Commonwealth or a State or Territory;
- (e) any change to the relationship between the governing body and one or more eligible schools insofar as it affects the governing body's ownership, oversight, management or control, or which negatively impacts interaction with an eligible school; and
- (f) any eligible school of which it is the governing body is conducted for profit.

## **23. Information Sharing**

Information pertaining to the funding or eligibility of a governing body, school or students including, but not limited to, in regard to clauses 14, 15, 20, 21 and 22 may be shared with the Commonwealth Department of Education from time to time as deemed appropriate.

## **24. Guidelines**

The Minister may from time to time issue Guidelines under this Order expressing the principles on which funding will be provided and assistance given under this Order.

## SCHEDULE

### Part 1 2023 Per Capita Grants

Column 1	Column 2	Column 3	Column 4	Column 5
State Funding Category	School year Pre-Compulsory (Kindergarten)	School year Compulsory Primary (Pre-Primary to Year 6)	School year Compulsory Middle (Year 7 to Year 10)	School year Compulsory Secondary (Year 11 and Year 12)
	\$	\$	\$	\$
A	2,249	1,500	2,204	2,276
B	2,592	1,727	2,539	2,799
C	2,602	1,736	2,550	2,867
D	2,684	1,789	2,631	2,953
E	2,816	1,877	2,757	3,082
F	2,937	1,956	2,876	3,182
G	3,029	2,019	2,969	3,297
G (A)	4,512	3,010	4,423	4,909
H	0	0	4,423	4,909
I	6,004	4,003	5,885	6,486
J	0	8,701	12,791	14,093

### Part 2 2023 High Support Needs Per Capita Grants

State Funding Category	School year Pre-Compulsory (Kindergarten)	School year Compulsory Primary (Pre-Primary to Year 6)	School year Compulsory Middle (Year 7 to Year 10)	School year Compulsory Secondary (Year 11 and Year 12)
	\$	\$	\$	\$
A - J	12,977	32,443	32,443	32,443

Dated this 8th day of December 2022

  
Sue Ellery MLC

Minister for Education and Training