



Australian Government

# Quality Schools

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## **Non-Government Reform Support Fund Guidelines**

**2018**

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## Preamble

Non-government representative bodies are bodies corporate approved by the Minister for Education and Training (**the Minister**) under the *Australian Education Act 2013 (the Act)*, in order to, among other things, receive funding under the Act to support the implementation of the Australian Government's school education reform priorities in non-government schools.

Contact details for, and a list of, each non-government representative body in each state and territory are available at: <http://education.gov.au/ngrs>

As part of the *Quality Schools* package, the Australian Government announced the non-government Reform Support Fund (Reform Support Fund) will provide \$186.4 million over five years from 2018 to 2022 for non-government representative bodies to support implementation of national and state reforms in all non-government schools. The Reform Support fund commences 1 January 2018 and replaces the Students First Support Fund which provided funding to non-government representative bodies from 2014 to 2017.

## Purpose of the Guidelines

1. The Guidelines have been made for the purposes of sections 31 and 36 of the *Australian Education Regulation 2013 (the Regulation)*. *[Note: Should references to the applicable sections of the Regulation change once the Regulation is amended, the Guidelines will be updated].*
2. The Guidelines set out the Australian Government's requirements under the Regulation in relation to the administration, use and reporting of the Reform Support Fund provided for non-government representative bodies.
3. The Guidelines take effect from 1 January 2018.
4. The Guidelines will be updated in consultation with non-government representative bodies and state and territory governments (**states**) once the Regulation is amended and the national agreement and bilateral reform plans are finalised in 2018.
5. The department may review and update the Guidelines at other times as required and before 31 August each year. The department will consult with non-government representative bodies prior to making any amendments.
6. A current copy of the Guidelines will be published on the department's website.
7. A reference to the Minister for Education and Training (**the Minister**) in the Guidelines includes a reference to a delegate of the Minister under section 70 of the Act.

## Objectives

8. From 1 January 2018, the Reform Support fund will support implementation of the Australian Government's school education reform priorities.
9. For 2018 funding, the Australian Government's school reform priorities are:
  - (a) quality assurance, moderation and support for the continued improvement of the Nationally Consistent Collection of Data on School Students with Disability
  - (b) implementation of online delivery of the National Assessment program
  - (c) improving governance and financial management practices in non-government schools.
10. From 2019, Australian Government reform priorities will include:
  - (a) national reforms agreed with states and articulated in a new four-year national agreement on school education reform
  - (b) state reforms outlined in bilateral school education reform agreements

(c) other priorities identified by the Minister from time to time.

### **Legislative requirements**

11. Section 31 of the Regulation sets out the requirements on non-government representative bodies in relation to how any funding provided under the Reform Support Fund must be used.
12. In short, these are that:
  - (a) the funding must be used for the purposes of supporting school education and in accordance with these Guidelines.
  - (b) the funding must be spent, or committed, in the year in which it is provided to the non-government representative body, unless the Minister agrees to a longer period.
13. Subsection 36(6) of the Regulation provides that non-government representative bodies must provide such reports as are required by these Guidelines.
14. Sections 34, 36 and 38 of the Regulation set out the acquittal and financial reporting requirements of non-government representative bodies in relation to funding provided under section 70 of the Act.
15. Section 37 of the Regulation sets out the record keeping requirements of non-government representative bodies.
16. Note that there are other legislative requirements set out under the Act and the Regulation, which are discussed under the heading “Other requirements” in the Guidelines.

### **Strategic plan**

17. By 30 September 2018, unless a later date is approved by the Minister, each non-government representative body must provide the Minister a strategic plan for the years 2019 to 2022 for the Minister’s approval.
18. The strategic plan must focus on reform activities to support state efforts under the national and bilateral agreements. Each non-government representative body will need to work collaboratively with the relevant state authority to support local priorities and cross-sectoral reforms.
19. Prior to approval, the Minister may require a non-government representative body to amend a strategic plan for a year, in which case the non-government representative body must amend that strategic plan and resubmit it to the Minister by the date required by the Minister.
20. Once approved by the Minister, the approved work plan forms an attachment to, and is part of, these Guidelines.
21. Any variation to an approved strategic plan must be agreed by both the Minister and relevant non-government representative body in writing.

### **Yearly work plans**

22. Prior to the Minister providing any amount of funding for a non-government representative body for a year, the non-government representative body must have submitted a work plan for that year for the Minister’s approval.
23. A work plan for a year must be provided in the template approved by the Minister.
24. A work plan for a year must be provided by 31 October in the previous year, unless a later date is approved by the Minister, with the exception of the 2018 work plan which is due 8 December 2017.
  - (a) The work plan for 2018 must:

- i. include the activities the non-government representative body will undertake for the year in relation to the non-government school sector that supports the Australian Government priorities outlined at section 9;
  - ii. include an indicative budget for each activity, including all funding sources, and the expected amount of that funding, for example, funding provided by the state or other organisations, or where participants covered their own travel and/or accommodation costs to attend workshops;
  - iii. outline the intended outcomes of the activity and quantifiable measures of success.
- (b) The work plan for 2019 and each later year must:
- i. be developed in consultation with the relevant state government.
  - ii. include the activities the non-government representative body will undertake for the year to support the implementation of school education reforms, detailed in the agreements referenced in subsection 22(2) of the Act or as notified to the non-government representative body in writing by the Minister, in relation to the non-government school sector.
  - iii. include a budget for each activity, including all funding sources, and the expected amount of that funding, for example, funding provided by the state or other organisations, or where participants covered their own travel and/or accommodation costs to attend workshops.
25. The department will assess work plans against the requirements in these Guidelines.
26. Once approved by the Minister, the approved work plans form an attachment to, and are part of, these Guidelines.
27. Any variation to an approved work plan that results in a significant redirection of resources or a significant impact on intended outcomes must be agreed by both the Minister and relevant non-government representative body in writing.

### Annual reports

28. By 31 March of each year, unless a later date is approved by the Minister, each non-government representative body must provide the Minister a report in relation to the activities of the non-government representative body for the previous year (**annual report**).
29. An annual report must include an account of actual activities undertaken, and the outcomes demonstrating the change from these activities.  
*Note: a template for 2018 will be provided for consultation*
30. The annual report must include financial statements prepared in accordance with the Australian Accounting Standards, as outlined in section 38 of the Regulation.
31. To ensure a more standardised format and consistent reporting, annual reports under these Guidelines should be consistent with the performance reporting framework used under the national and bilateral agreements from 2019.

### Amount of funding and payment schedule

32. The amount of funding allocated annually to non-government representative bodies is notionally based on enrolment share of students at non-government schools. For the purposes of determining state allocation of Reform Support funding to non-government representative bodies, the Minister may have regard to the recommendations of the Independent Schools Council of Australia and National Catholic Education Commission on their preferred distribution to non-government representative bodies.

33. Sixty-five per cent of the annual allocation for a non-government representative body will be paid in January on approval by the Minister of the work plan for that year. A thirty per cent progress payment will be made in August each year, and the remainder will be paid once the annual report for the previous year has been approved by the Minister.
34. Unless otherwise agreed in writing by the Minister, non-government representative bodies will submit documentation according to the following schedule:

**Table 1.** Reporting and payment schedule for each of the Reform Support funding years

Submission Date	Report	Payment date*
<b>By 8 December 2017</b>	2018 work plan	January 2018
<b>By 31 July 2018</b>	Progress payment	July 2018
<b>By September 2018</b>	Draft 2019-2022 NGRB strategic plan	-
<b>By 31 October 2018</b>	Final 2019-2022 NGRB strategic plan	
<b>By 31 October 2018</b>	2019 work plan	January 2019
<b>By 31 March 2019</b>	2018 annual report	May 2019
<b>By 31 July 2019</b>	Progress payment	July 2019
<b>By 31 October 2019</b>	2020 work plan	January 2020
<b>By 31 March 2020</b>	2019 annual report	May 2020
<b>By 31 July 2020</b>	Progress payment	July 2020
<b>By 31 October 2020</b>	2021 work plan	January 2021
<b>By 31 March 2021</b>	2020 annual report	May 2021
<b>By 31 July 2021</b>	Progress payment	July 2021
<b>By 31 October 2021</b>	2022 work plan	January 2022
<b>By 31 March 2022</b>	2021 annual report	May 2022
<b>By 31 July 2022</b>	Progress payment	July 2022
<b>By 31 March 2023</b>	2022 annual report	December 2022**

\* Payment dates are indicative only and may be subject to change.

\*\* Payment for the 2022 annual report will be made in December 2022 as the program ends on 31 December 2022, however it is still a requirement that an annual report for 2022 be provided by 31 March 2023.

### Use of funding

35. A non-government representative body must only spend, or commit, funding provided under the Act for a year for the purposes of:
- implementing the activities specified in the non-government representative body's approved work plan for the year
  - administration and operational costs of the non-government representative body directly associated with implementing the activities specified in the non-government representative body's approved work plan for the year

- (c) administration and operational costs of the non-government representative body directly associated with compliance with the Act and the Regulation, including these Guidelines.
36. A non-government representative body must spend, or commit, all funding provided under the Act in a year by the end of that same year, unless a later date is approved by the Minister. This is consistent with the requirements for the use of recurrent funding.
- (a) Such approval must be requested by the non-government representative body, with any supporting information required by the Minister, prior to the end of the year in question. Such approval will generally only be considered in exceptional circumstances.
37. Notwithstanding paragraph 36, a non-government representative body must not spend, or commit, funding provided under the Act for:
- (a) study tours
  - (b) international travel of any kind
  - (c) capital expenditure of any kind
- Note: capital expenditure is defined in the Act*
- (d) security for any form of loan, credit, payment or other interest
  - (e) the preparation of, or in the course of, any litigation, except litigation by a state to recover a debt from the non-government representative body arising under the operation of the Act
  - (f) administration and operational costs of the non-government representative body not otherwise covered by paragraph 36.
38. When a non-government representative body undertakes an activity specified in its approved work plan, the Australian Government requires the non-government representative body to acknowledge, in all publicly available materials, Australian Government funding through the non-government Reform Support Fund as having provided partial or complete funding for the activity.

## **Other requirements**

### *Financial acquittal*

39. Each non-government representative body must comply with the financial statement, reporting and acquittal requirements specified in sections 34, 36 and 38 of the Regulation.

### *Record keeping*

40. Each non-government representative body must keep records as specified in section 37 of the Regulation, including but not limited to records:
- (a) identifying all expenditure of funding provided under the Act
  - (b) demonstrating the non-government representative body is meeting its obligations under the Act, the Regulation and these Guidelines
  - (c) demonstrating non-government representative body decision-making in relation to its financial administration and governance.

*Note: records must be kept for 7 years.*

### *Access to premises and records, and the provision of information and records*

41. Each non-government representative body must provide an authorised person access to premises and records of the non-government representative body in accordance with section 39 of the Regulation.

For example, from time to time, the Department of Education and Training (**the department**) may undertake an audit of the financial and administrative procedures of a non-government representative body. Such audit may be undertaken by the department or by an independent auditor engaged by the department.

Matters to be audited will be determined by the department, but without limitation, may include:

- (a) compliance by the non-government representative body with the Act and the Regulation, including these Guidelines
- (b) the financial administration of the non-government representative body.

42. Each non-government representative body must provide the Minister, or an authorised person, information and records in accordance with section 39 of the Regulation.

#### *Keeping the department informed*

43. Each non-government representative body must keep the department informed of changes to its operations as specified in section 40 of the Regulation, including but not limited to any change in the key individuals (as defined in section 4 of the Regulation) of the non-government representative body.

#### *Information to the public*

44. Each non-government representative body must ensure that it makes the information specified in paragraphs 62(b), (c), (d) of the Regulation publicly available each year.
45. Each non-government representative body must ensure that it makes its strategic plan, any approved work plan, and annual reports publicly available.

#### *Criminal Code*

46. Non-government representative bodies should note that in providing any information to the department, giving false or misleading information is a serious offence under section 137.1 of the *Criminal Code Act 1995 (Cth)*.

### **Consequences for not complying with the Act, the Regulation or these Guidelines**

47. If a non-government representative body does not comply with any of its requirements in the Act, the Regulation or these Guidelines, the Minister may consider taking one or more compliance actions against that non-government representative body, including but not limited to where there is evidence the non-government representative body may have misused funding.
48. These include imposing conditions on the approval of the non-government representative body under the Act (section 96 of the Act). Further, under section 110 of the Act, the Minister may make a determination to suspend, withhold or require the repayment of funds.

### **Information management**

49. Information created or provided for the purposes of the Act, including information, plans, and reports provided by non-government representative bodies in accordance with the Regulation and these Guidelines, is “school education information” under the Act. It can therefore be used, disclosed and published in accordance with section 125 of the Act and section 65 of the Regulation.
50. The department is subject to the *Freedom of Information Act 1982 (Cth)* and any information held by the department, including information, plans, and reports provided by non-government representative bodies in accordance with the Regulation and these Guidelines, may be subject to freedom of information applications.



## **Department contact information**

Contact details for the department are as follows:

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