

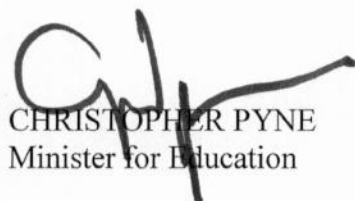


Australian Education Act 2013
Australian Education Regulation 2013

Delegation under section 129 of the *Australian Education Act 2013*

I, CHRISTOPHER PYNE, Minister for Education, make this instrument under subsection 129(1) of the *Australian Education Act 2013*.

Dated *17th Dec* 2014



CHRISTOPHER PYNE
Minister for Education

Delegation of powers and functions to officers of the Department of Education

1 Commencement

This instrument commences on the day it is executed.

2 Revocation

This instrument revokes instrument number DoEd 13-020.

3 Interpretation

(1) In this instrument:

Branch means a Branch in the Schools and Youth Cluster of the Department.

EL2 means a position classified as an Executive Level 2.

the Act means the *Australian Education Act 2013*.

the Regulation means the *Australian Education Regulation 2013*.

(2) Terms used both in this instrument and in the Act have the same meaning in this instrument as they do in the Act.

(3) Reference in this instrument to administration of a payment includes calculating, making, reviewing, auditing, and recovering that payment.

(4) For the avoidance of doubt, where this instrument refers to a Branch being responsible for a specified matter, nothing in this instrument implies that other Branches cannot also be responsible for that matter or aspects of that matter, nor that the Branch cannot be responsible for other specified matters.

4 General delegation

I delegate all my powers and functions under the Act and the Regulation (except the powers mentioned in subsection 129(2) of the Act, and any power to make a legislative instrument) to:

- (a) the Secretary of the Department; and
- (b) each person from time to time holding, occupying, or performing the duties of, the following positions in the Department:
 - (i) Associate Secretary;
 - (ii) Deputy Secretary;
 - (iii) Group Manager in the Schools and Youth Cluster;
 - (iv) Chief Lawyer.

5 Delegation of specific powers and functions under the *Australian Education Act 2013*

I delegate my powers and functions under the provision of the Act mentioned in column 1 of a row of the table in Schedule 1 to each person from time to time holding, occupying or performing the duties of a position mentioned in column 3 of that row.

6 Delegation of specific powers and functions under the *Australian Education Regulation 2013*

I delegate my powers and functions under the provision of the Regulation mentioned in column 1 of a row of the table in Schedule 2 to each person from time to time holding, occupying or performing the duties of a position mentioned in column 3 of that row.

Out

Schedule 1 Delegation of specific powers and functions under the *Australian Education Act 2013***Schedule 1 Delegation of specific functions and powers under the
*Australian Education Act 2013***

Delegation of powers and functions under the Act		
Column 1 Provision of Act	Column 2 Description of power or function	Column 3 Delegates
7	Power to determine a particular day as a school's census day.	Branch Manager of a Branch responsible for a matter referred to subsection 77(3) of the Act. EL2 in such a Branch.
10	Power to determine that a person receives primary or secondary education at a specified school in special circumstances.	Branch Manager of a Branch responsible for a matter referred to subsection 77(3) of the Act. EL2 in such a Branch.
15(3)	Power to determine that a different level of education than that prescribed by the regulations constitutes primary or secondary education in special circumstances.	Branch Manager of a Branch responsible for: (a) a matter referred to subsection 77(3) of the Act; or (b) approval of approved authorities. EL2 in such a Branch.
18(2)	Power to determine the location of a multi-campus school for purpose of working out school's ARIA index value.	Branch Manager of a Branch responsible for a matter referred to subsection 77(3) of the Act. EL2 in such a Branch.
18(3)	Power to determine which State or Territory a multi-campus school is located in.	Branch Manager of a Branch responsible for approval of approved authorities. EL2 in such a Branch.
23(3)(b)	Power to allow further period for State or Territory to pass payment on to non-government authority or body.	Branch Manager of a Branch responsible for administration of payments to non-government authorities or bodies.
25(1)(a)	Power to determine amount of financial assistance for recurrent funding for a participating school.	Branch Manager of a Branch responsible for administration of payments of recurrent funding to approved authorities. EL2 in such a Branch.
25(1)(b)	Power to determine amount of financial assistance for transitional recurrent funding for participating schools.	Branch Manager of a Branch responsible for administration of payments of recurrent funding to approved authorities. EL2 in such a Branch.

Schedule 1 Delegation of specific powers and functions under the *Australian Education Act 2013*

Delegation of powers and functions under the Act		
Column 1 Provision of Act	Column 2 Description of power or function	Column 3 Delegates
25(1)(c)	Power to determine amount of financial assistance for recurrent funding for non-participating schools.	Branch Manager of a Branch responsible for administration of payments of recurrent funding to approved authorities. EL2 in such a Branch.
25(1)(d)	Power to determine timing of payment referred to in paragraphs 25(1)(a) to (c).	Branch Manager of a Branch responsible for administration of payments of recurrent funding to approved authorities. EL2 in such a Branch.
26(4)	Power to determine total entitlement to recurrent funding.	Branch Manager of a Branch responsible for administration of payments of recurrent funding to approved authorities. EL2 in such a Branch.
28(1)(a)	Power to determine amount of financial assistance payable to a State or Territory for a capital grants authority.	Branch Manager of a Branch responsible for administration of payments of capital funding to capital grants authorities or block grant authorities. EL2 in such a Branch.
28(1)(b)	Power to determine amount of financial assistance payable to a State or Territory for a block grant authority.	Branch Manager of a Branch responsible for administration of payments of capital funding to capital grants authorities or block grant authorities. EL2 in such a Branch.
28(1)(c)	Power to determine timing of payment referred to in paragraph 28(1)(a) or (b).	Branch Manager of a Branch responsible for administration of payments of capital funding to capital grants authorities or block grant authorities. EL2 in such a Branch.
29(1)(a) and (b)	Power to determine amount of payment of special circumstances financial assistance and when the payment is to be made.	Branch Manager of a Branch responsible for administration of payments of financial assistance to schools in special circumstances.
29(1)(aa) and (b)	Power to determine amount of payment of prescribed circumstances financial assistance and when the payments is to be made.	Branch Manager of a Branch responsible for administration of payments of financial assistance to schools in prescribed circumstances. EL2 in such a Branch.
30(1)	Power to determine amount of financial assistance to non-government representative body and when these payments are to be made.	Branch Manager of a Branch responsible for administration of payments to non-government representative bodies.

Schedule 1 Delegation of specific powers and functions under the *Australian Education Act 2013*

Delegation of powers and functions under the Act		
Column 1 Provision of Act	Column 2 Description of power or function	Column 3 Delegates
52(3)	Power to determine a school's SES score by administrative decision.	Branch Manager of a Branch responsible for a matter referred to subsection 77(3) of the Act. EL2 in such a Branch.
58(1)	Power to determine for each approved authority, where applicable, an old per student amount for 2013 and 2014, and an old Commonwealth per student amount for 2013 and 2014.	Branch Manager of a Branch responsible for administration of payments of recurrent funding to approved authorities. EL2 in such a Branch.
59(3)	Power to determine amount of financial assistance payable for a year during the transition period to a "below SRS" approved authority.	Branch Manager of a Branch responsible for administration of payments of recurrent funding to approved authorities. EL2 in such a Branch.
59(7)	Power to determine last day of a "below SRS" approved authority's transition period.	Branch Manager of a Branch responsible for administration of payments of recurrent funding to approved authorities. EL2 in such a Branch.
63A(2)	Power to determine amount of financial assistance payable for a year during the transition period for the new approved authority for a transition school.	Branch Manager of a Branch responsible for administration of payments of recurrent funding to approved authorities. EL2 in such a Branch.
67(1)	Power to determine amount of financial assistance payable for a capital grants authority.	Branch Manager of a Branch responsible for administration of payments of capital funding to capital grants authorities or block grant authorities.
67(2)	Power to determine amount of financial assistance payable for a block grant authority.	Branch Manager of a Branch responsible for administration of payments of capital funding to capital grants authorities or block grant authorities. EL2 in such a Branch.
69(1)	Power to determine amount of financial assistance for special circumstances.	Branch Manager of a Branch responsible for administration of payments of financial assistance to schools in special circumstances.
69A(1)	Power to determine amount of financial assistance for prescribed circumstances.	Branch Manager of a Branch responsible for administration of payments of financial assistance to schools in prescribed circumstances. EL2 in such a Branch.

Schedule 1 Delegation of specific powers and functions under the *Australian Education Act 2013*

Delegation of powers and functions under the Act		
Column 1 Provision of Act	Column 2 Description of power or function	Column 3 Delegates
70(1)	Power to determine amount of financial assistance payable under Part 5, Division 4 for a non-government representative body.	Branch Manager of a Branch responsible for administration of payments to non-government representative bodies.
73	Power to approve a person as an approved authority.	Branch Manager of a Branch responsible for: (a) approval of approved authorities; or (b) administration of payments of recurrent funding to approved authorities. EL2 in such a Branch.
80	Power to vary or revoke approved authority's approval on application.	Branch Manager of a Branch responsible for: (a) approval of approved authorities; or (b) administration of payments of recurrent funding to approved authorities. EL2 in such a Branch.
81(1)(a), (b) and (d)	Power to vary or revoke an approved authority's approval for non-compliance with Act or conditions of approval.	Branch Manager of a Branch responsible for: (a) approval of approved authorities; or (b) administration of payments of recurrent funding to approved authorities.
81(3)	Power to vary or revoke an approved authority's approval because of a school closure.	Branch Manager of a Branch responsible for: (a) approval of approved authorities; or (b) administration of payments of recurrent funding to approved authorities. EL2 in such a Branch.
81(5)	Power to specify day on which a variation or revocation of approved authority's approval takes effect, including retrospectively.	Officer who has been delegated power to vary or revoke approval under section 81.

Schedule 1 Delegation of specific powers and functions under the *Australian Education Act 2013*

Delegation of powers and functions under the Act		
Column 1 Provision of Act	Column 2 Description of power or function	Column 3 Delegates
83	Power to approve a person as a block grant authority.	Branch Manager of a Branch responsible for administration of payments of capital funding to capital grants authorities or block grant authorities. EL2 in such a Branch.
87	Power to vary or revoke block grant authority's approval on application.	Branch Manager of a Branch responsible for administration of payments of capital funding to capital grants authorities or block grant authorities. EL2 in such a Branch.
88(1)	Power to vary or revoke block grant authority's approval for non-compliance with the Act or conditions.	Branch Manager of a Branch responsible for administration of payments of capital funding to capital grants authorities or block grant authorities.
88(3)	Power to vary or revoke block grant authority's approval because of a school closure.	Branch Manager of a Branch responsible for administration of payments of capital funding to capital grants authorities or block grant authorities. EL2 in such a Branch.
88(5)	Power to specify day on which a variation or revocation of block grant authority's approval takes effect, including retrospectively.	Officer who has been delegated power to vary or revoke approval under section 88.
91	Power to approve a person as a non-government representative body.	Branch Manager of a Branch responsible for administration of payments to non-government representative bodies.
95	Power to vary or revoke non-government representative body's approval on application.	Branch Manager of a Branch responsible for administration of payments to non-government representative bodies.
96(1)	Power to vary or revoke non-government representative body's approval for non-compliance with Act or conditions.	Branch Manager of a Branch responsible for administration of payments to non-government representative bodies.
96(4)	Power to specify day on which a variation or revocation of block grant authority's approval takes effect, including retrospectively.	Officer who has been delegated power to vary or revoke approval under section 96.
105(1)	Power to give an approved authority a written direction in relation to its implementation plan.	Branch Manager of a Branch responsible for administration of implementation plans.

Schedule 1 Delegation of specific powers and functions under the *Australian Education Act 2013*

Delegation of powers and functions under the Act		
Column 1 Provision of Act	Column 2 Description of power or function	Column 3 Delegates
110(1)	Power to determine State or Territory pay the Commonwealth a specified amount, or that financial assistance to a State or Territory be reduced or delayed.	Branch Manager of a Branch responsible for administration of payments to authorities or bodies under the Act. EL2 in such a Branch, but only in relation to a decision under paragraph 110(1)(c)(i).
115(1)	Power to approve a form of application made under a provision of the Act.	Branch Manager of a Branch responsible for administration of payments to authorities or bodies under the Act. EL2 in such a Branch.
116(1)	Power to request further information from a person applying under a provision of the Act.	Officer who has been delegated power to make a decision on the application.
125(1)(a)	Power to make a record of, use or disclose protected information (including information that is personal information) in accordance with the Regulation.	Officer of the Department. An authorised person appointed under section 33 of the Regulation.
125(1)(b)	Power to impose conditions on the recording, use or disclosure of protected information.	Branch Manager of a Branch responsible for a matter referred to subsection 77(3) of the Act. EL2 in such a Branch.
125(2)	Power to publish protected information.	Branch Manager of a Branch responsible for a matter referred to subsection 77(3) of the Act.

Schedule 2 Delegation of specific powers and functions under the *Australian Education Regulation 2013***Schedule 2 Delegation of specific functions and powers under the *Australian Education Regulation 2013***

Delegation of powers and functions under the Regulation		
Column 1 Provision of Regulation	Column 2 Description of power or function	Column 3 Delegates
5(2)	Power to enter an approved system arrangement with an approved authority for more than one participating school.	Branch Manager of a Branch responsible for approval of approved authorities.
5(3)	Power to determine an arrangement entered into before 1 January 2014 to be an approved system arrangement.	Branch Manager of a Branch responsible for approval of approved authorities.
15(4)	Power to determine an approved authority's old per student amount for a year after 2014.	Branch Manager of a Branch responsible for administration of payments of recurrent funding to approved authorities. EL2 in such a Branch.
15(5)	Power to determine a higher percentage to be the Commonwealth share than that provided for by s 15(2).	Branch Manager of a Branch responsible for administration of payments of recurrent funding to approved authorities.
15(6)	Power to determine a percentage to be the Commonwealth share for a school whose approved authority is not approved until after 1 January 2014.	Branch Manager of a Branch responsible for administration of payments of recurrent funding to approved authorities.
21(1)	Power to request approved authority to provide Secretary with a statement of residential addresses of each student.	Branch Manager of a Branch responsible for: (a) approval of approved authorities; or (b) administration of payments of recurrent funding to approved authorities. EL2 in such a Branch.
21(4)	Power to determine form of statement of addresses, and day on which it must be provided.	Branch Manager of a Branch responsible for: (a) approval of approved authorities; or (b) administration of payments of recurrent funding to approved authorities. EL2 in such a Branch.

Schedule 2 Delegation of specific powers and functions under the *Australian Education Regulation 2013*

Delegation of powers and functions under the Regulation		
Column 1 Provision of Regulation	Column 2 Description of power or function	Column 3 Delegates
25D(3)	Power to give directions to an approved authority relating to purposes for, and period during, which prescribed circumstances funding (Indigenous boarders at non-government schools) must be spent, or committed to be spent.	Branch Manager of a Branch responsible for administration of payments of financial assistance to schools in prescribed circumstances. EL2 in such a Branch.
25G(3)	Power to give directions to an approved authority relating to purposes for, and period during, which prescribed circumstances funding (National school for travelling show children) must be spent, or committed to be spent.	Branch Manager of a Branch responsible for administration of payments of financial assistance to schools in prescribed circumstances. EL2 in such a Branch.
29(5)	Power to give directions to an approved authority relating to purposes for which special circumstances funding can be spent, or committed to be spent.	Branch Manager of a Branch responsible for administration of payments of financial assistance to schools in special circumstances.
30(3A)	Power to determine period during which financial assistance that is paid to a block grant authority and recovered must be spent or committed to be spent.	Branch Manager of a Branch responsible for administration of payments of capital funding to capital grants authorities or block grant authorities.
30(5)	Power to give directions to a block grant authority under subsections 30(1), (3A) and (4).	Branch Manager of a Branch responsible for administration of payments of capital funding to capital grants authorities or block grant authorities.
33	Power to appoint a person as an authorised person.	Branch Manager of a Branch responsible for administration of payments to authorities or bodies under the Act. EL2 in such a Branch.
34(3)(b)(ii)	Power to determine date other than 30 June for the provision of certificate required by s 34(1).	Branch Manager of a Branch responsible for administration of payments to authorities or bodies under the Act. EL2 in such a Branch.
34(5)	Power to approve a person as a qualified accountant for purposes of providing audit certificate.	Branch Manager of a Branch responsible for administration of payments to authorities or bodies under the Act. EL2 in such a Branch.
35(3)	Power to set due date for and the form of the financial report required for authority for government schools.	Branch Manager of a Branch responsible for administration of payments to authorities or bodies under the Act. EL2 in such a Branch.

Schedule 2 Delegation of specific powers and functions under the *Australian Education Regulation 2013*

Delegation of powers and functions under the Regulation		
Column 1 Provision of Regulation	Column 2 Description of power or function	Column 3 Delegates
36(1)(e)	Power to require further financial information to be included in statement about financial operations of an authority or body for non-government schools.	Branch Manager of a Branch responsible for administration of payments to authorities or bodies under the Act. EL2 in such a Branch
36(4)	Power to set due date for and the form of the financial report required for authority or body for non-government schools.	Branch Manager of a Branch responsible for administration of payments to authorities or bodies under the Act. EL2 in such a Branch.
43(2)(b)	Power to set date by which national assessments set out in the section must be undertaken.	Branch Manager of a Branch responsible for the national assessment program.
43(5)	Power to provide directions to approved authority as to how they participate in all activities associated with NAP.	Branch Manager of a Branch responsible for the national assessment program.
52(2)	Power to determine due date and the form information mentioned in s 53 must be given to Minister.	Branch Manager of a Branch responsible for a matter referred to subsection 77(3) of the Act.
52(4)	Power to determine the reporting period to which information in ss 53 to 57 must relate.	Branch Manager of a Branch responsible for a matter referred to subsection 77(3) of the Act.
59(5)	Power to determine information which is equivalent to information in s 59(4)(a) for student reports	Branch Manager of a Branch responsible for a matter referred to subsection 77(3) of the Act.
61(4)	Power to determine amount of financial assistance payable to each school for approved authority where approved authority receives transitional recurrent funding.	Branch Manager of a Branch responsible for administration of payments of recurrent funding to approved authorities.

Changes made to existing Instrument of Delegation.

Australian Education Act 2013

Section of the Act	Description of power or function	Delegates	Comments
29(1)(aa) and (b)	Power to determine amount of prescribed circumstances financial assistance and when these payments are to be made.	Branch Manager of a Branch responsible for administration of schools in prescribed circumstances. ELs in such a Branch.	This is a new provision of the Act.
58(1)	Power to determine for each approved authority, where applicable, an old per student amount for 2013 and 2014, and an old Commonwealth per student amount for 2013 and 2014.	Branch Manager of a Branch responsible for administration of payments of recurrent funding to approved authorities. EL2 in such a Branch.	This is an existing delegation that has been updated to more accurately reflect the operation of the Act (changes highlighted).
63A(2)	Power to determine amount of financial assistance payable for a year during the transition period for the new approved authority for a transition school.	Branch Manager of a Branch responsible for administration of payments of recurrent funding to approved authorities. EL2 in such a Branch.	This is a new provision of the Act.
69A(1)	Power to determine amount of financial assistance for prescribed circumstances.	Branch Manager of a Branch responsible for administration of payments of financial assistance to schools in prescribed circumstances. EL2 in such a Branch.	This is a new provision of the Act.
110(1)	Power to determine State or Territory pay the Commonwealth a specified amount, or that financial assistance to a State or Territory be reduced or delayed.	Branch Manager of a Branch responsible for administration of payments to authorities or bodies under the Act. EL2 in such a Branch, but only in relation to a decision under paragraph 110(1)(c)(i).	This is an existing delegation that has been updated to more accurately reflect the operation of the Act (changes highlighted).
125(1)(a)	Power to make a record of, use or disclose protected information (including information that is personal information) in accordance with the Regulation.	Officer of the Department. An authorised person appointed under section 33 of the Regulation.	This is a new provision of the Act.

Australian Education Regulation 2013

Section of the Regulation	Description of power or function	Delegates	Comments
25D(3)	Power to give directions to an approved authority relating to purposes for, and period during, which prescribed circumstances funding (Indigenous boarders at non-government schools) must be spent, or committed to be spent.	Branch Manager of a Branch responsible for administration of payments of financial assistance to schools in prescribed circumstances. EL2 in such a Branch.	This is a new provision of the Regulation.
25G(3)	Power to give directions to an approved authority relating to purposes for, and period during, which prescribed circumstances funding (national school for travelling show children) must be spent, or committed to be spent.	Branch Manager of a Branch responsible for administration of payments of financial assistance to schools in prescribed circumstances. EL2 in such a Branch.	This is a new provision of the Regulation.
29(5)	Power to give directions to an approved authority relating to purposes for which special circumstances funding can be spent, or committed to be spent.	Branch Manager of a Branch responsible for administration of payments of financial assistance to schools in special circumstances.	This is an existing delegation that has been updated to more accurately reflect the operation of the Regulation (changes highlighted).
30(3A)	Power to determine period during which financial assistance that is paid to a block grant authority and recovered must be spent or committed to be spent.	Branch Manager of a Branch responsible for administration of payments of capital funding to capital grants authorities or block grant authorities.	This is a new provision of the Regulation.
30(5)	Power to give directions to a block grant authority under subsections 30(1), (3A) and (4).	Branch Manager of a Branch responsible for administration of payments of capital funding to capital grants authorities or block grant authorities.	This is an existing delegation that has been updated to more accurately reflect the operation of the Regulation (changes highlighted).
34(3)(b)(ii)	Power to allow date other than 30 June for the provision of audit certificate required by s 34(1).	Branch Manager of a Branch responsible for administration of payments to authorities or bodies under the Act. EL2 in such a Branch.	This is a new provision of the Regulation.
35(3)	Power to set due date for and the form of the financial report required for authority for government schools.	Branch Manager of a Branch responsible for administration of payments to authorities or bodies under the Act. EL2 in such a Branch.	This is an existing delegation that has been updated to more accurately reflect the operation of the Regulation (changes highlighted).

52(3A)	Power to determine the person to whom the information mentioned in section 58A must be given, and the due date and the way that information must be given.	Branch Manager of a Branch responsible for a matter referred to subsection 77(3) of the Act.	This is a new provision of the Regulation.
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Australian Government
Department of Education and Training

Australian Education Act 2013
Australian Education Regulation 2013

Delegation under section 129 of the *Australian Education Act 2013*

I, SIMON BIRMINGHAM, Minister for Education and Training, make this instrument under subsection 129(1) of the *Australian Education Act 2013*.

Dated 31 October 2015

A handwritten signature in blue ink, appearing to read 'Simon Birmingham', is written over a horizontal line.

SIMON BIRMINGHAM
Minister for Education and Training

Delegation of powers and functions to officers of the Department of Education and Training

1 Commencement

This instrument commences on the day it is executed.

2 Revocation

This instrument revokes instrument number DoEd 14-068.

3 Interpretation

(1) In this instrument:

Branch means a Branch in the Schools and Youth Cluster of the Department.

EL2 means a position classified as an Executive Level 2.

the Act means the *Australian Education Act 2013*.

the Regulation means the *Australian Education Regulation 2013*.

(2) Terms used both in this instrument and in the Act have the same meaning in this instrument as they do in the Act.

(3) Reference in this instrument to administration of a payment includes calculating, making, reviewing, auditing, and recovering that payment.

A small handwritten signature in blue ink is located in the bottom right corner of the page.

- (4) For the avoidance of doubt, where this instrument refers to a Branch being responsible for a specified matter, nothing in this instrument implies that other Branches cannot also be responsible for that matter or aspects of that matter, nor that the Branch cannot be responsible for other specified matters.

4 General delegation

I delegate all my powers and functions under the Act and the Regulation (except the powers mentioned in subsection 129(2) of the Act and any power to make a legislative instrument) to:

- (a) the Secretary of the Department; and
- (b) each person from time to time holding, occupying, or performing the duties of, the following positions in the Department:
 - (i) Associate Secretary;
 - (ii) Deputy Secretary;
 - (iii) Group Manager in the Schools and Youth Cluster;
 - (iv) Chief Lawyer.

5 Delegation of specific powers and functions under the *Australian Education Act 2013*

I delegate my powers and functions under the provision of the Act mentioned in column 1 of a row of the table in Schedule 1 to each person from time to time holding, occupying or performing the duties of a position mentioned in column 3 of that row.

6 Delegation of specific powers and functions under the *Australian Education Regulation 2013*

I delegate my powers and functions under the provision of the Regulation mentioned in column 1 of a row of the table in Schedule 2 to each person from time to time holding, occupying or performing the duties of a position mentioned in column 3 of that row.



Schedule 1 Delegation of specific powers and functions under the *Australian Education Act 2013***Schedule 1 Delegation of specific functions and powers under the
*Australian Education Act 2013***

Delegation of powers and functions under the Act		
Column 1 Provision of Act	Column 2 Description of power or function	Column 3 Delegates
7	Power to determine a particular day as a school's census day.	Branch Manager of a Branch responsible for a matter referred to subsection 77(3) of the Act. EL2 in such a Branch.
10	Power to determine that a person receives primary or secondary education at a specified school in special circumstances.	Branch Manager of a Branch responsible for a matter referred to subsection 77(3) of the Act. EL2 in such a Branch.
15(3)	Power to determine that a different level of education than that prescribed by the regulations constitutes primary or secondary education in special circumstances.	Branch Manager of a Branch responsible for: (a) a matter referred to subsection 77(3) of the Act; or (b) approval of approved authorities. EL2 in such a Branch.
18(2)	Power to determine the location of a multi-campus school for purpose of working out school's ARIA index value.	Branch Manager of a Branch responsible for a matter referred to subsection 77(3) of the Act. EL2 in such a Branch.
18(3)	Power to determine which State or Territory a multi-campus school is located in.	Branch Manager of a Branch responsible for approval of approved authorities. EL2 in such a Branch.
23(3)(b)	Power to allow further period for State or Territory to pass payment on to non-government authority or body.	Branch Manager of a Branch responsible for administration of payments to non-government authorities or bodies.
25(1)(a)	Power to determine amount of financial assistance for recurrent funding for a participating school.	Branch Manager of a Branch responsible for administration of payments of recurrent funding to approved authorities. EL2 in such a Branch.
25(1)(b)	Power to determine amount of financial assistance for transitional recurrent funding for participating schools.	Branch Manager of a Branch responsible for administration of payments of recurrent funding to approved authorities. EL2 in such a Branch.



Schedule 1 Delegation of specific powers and functions under the *Australian Education Act 2013*

Delegation of powers and functions under the Act		
Column 1 Provision of Act	Column 2 Description of power or function	Column 3 Delegates
25(1)(c)	Power to determine amount of financial assistance for recurrent funding for non-participating schools.	Branch Manager of a Branch responsible for administration of payments of recurrent funding to approved authorities. EL2 in such a Branch.
25(1)(d)	Power to determine timing of payment referred to in paragraphs 25(1)(a) to (c).	Branch Manager of a Branch responsible for administration of payments of recurrent funding to approved authorities. EL2 in such a Branch.
26(4)	Power to determine total entitlement to recurrent funding.	Branch Manager of a Branch responsible for administration of payments of recurrent funding to approved authorities. EL2 in such a Branch.
28(1)(a)	Power to determine amount of financial assistance payable to a State or Territory for a capital grants authority.	Branch Manager of a Branch responsible for administration of payments of capital funding to capital grants authorities or block grant authorities. EL2 in such a Branch.
28(1)(b)	Power to determine amount of financial assistance payable to a State or Territory for a block grant authority.	Branch Manager of a Branch responsible for administration of payments of capital funding to capital grants authorities or block grant authorities. EL2 in such a Branch.
28(1)(c)	Power to determine timing of payment referred to in paragraph 28(1)(a) or (b).	Branch Manager of a Branch responsible for administration of payments of capital funding to capital grants authorities or block grant authorities. EL2 in such a Branch.
29(1)(a) and (b)	Power to determine amount of payment of special circumstances financial assistance and when the payment is to be made.	Branch Manager of a Branch responsible for administration of payments of financial assistance to schools in special circumstances.
29(1)(aa) and (b)	Power to determine amount of payment of prescribed circumstances financial assistance and when the payments is to be made.	Branch Manager of a Branch responsible for administration of payments of financial assistance to schools in prescribed circumstances. EL2 in such a Branch.
30(1)	Power to determine amount of financial assistance to non-government representative body and when these payments are to be made.	Branch Manager of a Branch responsible for administration of payments to non-government representative bodies.

Schedule 1 Delegation of specific powers and functions under the *Australian Education Act 2013*

Delegation of powers and functions under the Act		
Column 1 Provision of Act	Column 2 Description of power or function	Column 3 Delegates
52(3)	Power to determine a school's SES score by administrative decision.	Branch Manager of a Branch responsible for a matter referred to subsection 77(3) of the Act. EL2 in such a Branch.
58(1)	Power to determine for each approved authority, where applicable, an old per student amount for 2013 and 2014, and an old Commonwealth per student amount for 2013 and 2014.	Branch Manager of a Branch responsible for administration of payments of recurrent funding to approved authorities. EL2 in such a Branch.
59(3)	Power to determine amount of financial assistance payable for a year during the transition period to a "below SRS" approved authority.	Branch Manager of a Branch responsible for administration of payments of recurrent funding to approved authorities. EL2 in such a Branch.
59(7)	Power to determine last day of a "below SRS" approved authority's transition period.	Branch Manager of a Branch responsible for administration of payments of recurrent funding to approved authorities. EL2 in such a Branch.
63A(2)	Power to determine amount of financial assistance payable for a year during the transition period for the new approved authority for a transition school.	Branch Manager of a Branch responsible for administration of payments of recurrent funding to approved authorities. EL2 in such a Branch.
67(1)	Power to determine amount of financial assistance payable for a capital grants authority.	Branch Manager of a Branch responsible for administration of payments of capital funding to capital grants authorities or block grant authorities.
67(2)	Power to determine amount of financial assistance payable for a block grant authority.	Branch Manager of a Branch responsible for administration of payments of capital funding to capital grants authorities or block grant authorities. EL2 in such a Branch.
69(1)	Power to determine amount of financial assistance for special circumstances.	Branch Manager of a Branch responsible for administration of payments of financial assistance to schools in special circumstances.
69A(1)	Power to determine amount of financial assistance for prescribed circumstances.	Branch Manager of a Branch responsible for administration of payments of financial assistance to schools in prescribed circumstances. EL2 in such a Branch.

Schedule 1 Delegation of specific powers and functions under the *Australian Education Act 2013*

Delegation of powers and functions under the Act		
Column 1 Provision of Act	Column 2 Description of power or function	Column 3 Delegates
70(1)	Power to determine amount of financial assistance payable under Part 5, Division 4 for a non-government representative body.	Branch Manager of a Branch responsible for administration of payments to non-government representative bodies.
73	Power to approve a person as an approved authority.	Branch Manager of a Branch responsible for: (a) approval of approved authorities; or (b) administration of payments of recurrent funding to approved authorities. EL2 in such a Branch.
80	Power to vary or revoke approved authority's approval on application.	Branch Manager of a Branch responsible for: (a) approval of approved authorities; or (b) administration of payments of recurrent funding to approved authorities. EL2 in such a Branch.
81(1)(a), (b) and (d)	Power to vary or revoke an approved authority's approval for non-compliance with Act or conditions of approval.	Branch Manager of a Branch responsible for: (a) approval of approved authorities; or (b) administration of payments of recurrent funding to approved authorities.
81(3)	Power to vary or revoke an approved authority's approval because of a school closure.	Branch Manager of a Branch responsible for: (a) approval of approved authorities; or (b) administration of payments of recurrent funding to approved authorities. EL2 in such a Branch.
81(5)	Power to specify day on which a variation or revocation of approved authority's approval takes effect, including retrospectively.	Officer who has been delegated power to vary or revoke approval under section 81.

Schedule 1 Delegation of specific powers and functions under the *Australian Education Act 2013*

Delegation of powers and functions under the Act		
Column 1 Provision of Act	Column 2 Description of power or function	Column 3 Delegates
83	Power to approve a person as a block grant authority.	Branch Manager of a Branch responsible for administration of payments of capital funding to capital grants authorities or block grant authorities. EL2 in such a Branch.
87	Power to vary or revoke block grant authority's approval on application.	Branch Manager of a Branch responsible for administration of payments of capital funding to capital grants authorities or block grant authorities. EL2 in such a Branch.
88(1)	Power to vary or revoke block grant authority's approval for non-compliance with the Act or conditions.	Branch Manager of a Branch responsible for administration of payments of capital funding to capital grants authorities or block grant authorities.
88(3)	Power to vary or revoke block grant authority's approval because of a school closure.	Branch Manager of a Branch responsible for administration of payments of capital funding to capital grants authorities or block grant authorities. EL2 in such a Branch.
88(5)	Power to specify day on which a variation or revocation of block grant authority's approval takes effect, including retrospectively.	Officer who has been delegated power to vary or revoke approval under section 88.
91	Power to approve a person as a non-government representative body.	Branch Manager of a Branch responsible for administration of payments to non-government representative bodies.
95	Power to vary or revoke non-government representative body's approval on application.	Branch Manager of a Branch responsible for administration of payments to non-government representative bodies.
96(1)	Power to vary or revoke non-government representative body's approval for non-compliance with Act or conditions.	Branch Manager of a Branch responsible for administration of payments to non-government representative bodies.
96(4)	Power to specify day on which a variation or revocation of block grant authority's approval takes effect, including retrospectively.	Officer who has been delegated power to vary or revoke approval under section 96.
105(1)	Power to give an approved authority a written direction in relation to its implementation plan.	Branch Manager of a Branch responsible for administration of implementation plans.

Schedule 1 Delegation of specific powers and functions under the *Australian Education Act 2013*

Delegation of powers and functions under the Act		
Column 1	Column 2	Column 3
Provision of Act	Description of power or function	Delegates
110(1)	Power to determine State or Territory pay the Commonwealth a specified amount, or that financial assistance to a State or Territory be reduced or delayed.	Branch Manager of a Branch responsible for administration of payments to authorities or bodies under the Act. EL2 in such a Branch, but only in relation to a decision under paragraph 110(1)(c)(i).
115(1)	Power to approve a form of application made under a provision of the Act.	Branch Manager of a Branch responsible for administration of payments to authorities or bodies under the Act. EL2 in such a Branch.
116(1)	Power to request further information from a person applying under a provision of the Act.	Officer who has been delegated power to make a decision on the application.
125(1)(a)	Power to make a record of, use or disclose protected information (including information that is personal information) in accordance with the Regulation.	Officer of the Department. An authorised person appointed under section 33 of the Regulation.
125(1)(b)	Power to impose conditions on the recording, use or disclosure of protected information.	Branch Manager of a Branch responsible for a matter referred to subsection 77(3) of the Act. EL2 in such a Branch.
125(2)	Power to publish protected information.	Branch Manager of a Branch responsible for a matter referred to subsection 77(3) of the Act.



Schedule 2 Delegation of specific powers and functions under the *Australian Education Regulation 2013***Schedule 2 Delegation of specific functions and powers under the *Australian Education Regulation 2013***

Delegation of powers and functions under the Regulation		
Column 1 Provision of Regulation	Column 2 Description of power or function	Column 3 Delegates
5(2)	Power to enter an approved system arrangement with an approved authority for more than one participating school.	Branch Manager of a Branch responsible for approval of approved authorities.
5(3)	Power to determine an arrangement entered into before 1 January 2014 to be an approved system arrangement.	Branch Manager of a Branch responsible for approval of approved authorities.
15(4)	Power to determine an approved authority's old per student amount for a year after 2014.	Branch Manager of a Branch responsible for administration of payments of recurrent funding to approved authorities. EL2 in such a Branch.
15(5)	Power to determine a higher percentage to be the Commonwealth share than that provided for by s 15(2).	Branch Manager of a Branch responsible for administration of payments of recurrent funding to approved authorities.
15(6)	Power to determine a percentage to be the Commonwealth share for a school whose approved authority is not approved until after 1 January 2014.	Branch Manager of a Branch responsible for administration of payments of recurrent funding to approved authorities.
21(1)	Power to request approved authority to provide Secretary with a statement of residential addresses of each student.	Branch Manager of a Branch responsible for: (a) approval of approved authorities; or (b) administration of payments of recurrent funding to approved authorities. EL2 in such a Branch.
21(4)	Power to determine form of statement of addresses, and day on which it must be provided.	Branch Manager of a Branch responsible for: (a) approval of approved authorities; or (b) administration of payments of recurrent funding to approved authorities. EL2 in such a Branch.

Schedule 2 Delegation of specific powers and functions under the *Australian Education Regulation 2013*

Delegation of powers and functions under the Regulation		
Column 1	Column 2	Column 3
Provision of Regulation	Description of power or function	Delegates
25D(3)	Power to give directions to an approved authority relating to purposes for, and period during, which prescribed circumstances funding (Indigenous boarders at non-government schools) must be spent, or committed to be spent.	Branch Manager of a Branch responsible for administration of payments of financial assistance to schools in prescribed circumstances. EL2 in such a Branch.
25G(3)	Power to give directions to an approved authority relating to purposes for, and period during, which prescribed circumstances funding (National school for travelling show children) must be spent, or committed to be spent.	Branch Manager of a Branch responsible for administration of payments of financial assistance to schools in prescribed circumstances. EL2 in such a Branch.
29(5)	Power to give directions to an approved authority relating to purposes for which special circumstances funding can be spent, or committed to be spent.	Branch Manager of a Branch responsible for administration of payments of financial assistance to schools in special circumstances.
30(2)	Power to determine the day prior to which, or period within, financial assistance that is paid to a block grant authority must be spent or committed to be spent.	Branch Manager of a Branch responsible for administration of payments of capital funding to capital grants authorities or block grant authorities. EL2 in such a Branch.
30(3A)	Power to determine the day prior to which, or period within, financial assistance that is paid to a block grant authority and is recovered must be spent or committed to be spent.	Branch Manager of a Branch responsible for administration of payments of capital funding to capital grants authorities or block grant authorities. EL2 in such a Branch.
30(5)	Power to give directions to a block grant authority under subsections 30(1), (3A) and (4).	Branch Manager of a Branch responsible for administration of payments of capital funding to capital grants authorities or block grant authorities.
33	Power to appoint a person as an authorised person.	Branch Manager of a Branch responsible for administration of payments to authorities or bodies under the Act. EL2 in such a Branch.
34(3)(b)(ii)	Power to determine date other than 30 June for the provision of certificate required by s 34(1).	Branch Manager of a Branch responsible for administration of payments to authorities or bodies under the Act. EL2 in such a Branch.
34(5)	Power to approve a person as a qualified accountant for purposes of providing audit certificate.	Branch Manager of a Branch responsible for administration of payments to authorities or bodies under the Act. EL2 in such a Branch.

Schedule 2 Delegation of specific powers and functions under the *Australian Education Regulation 2013*

Delegation of powers and functions under the Regulation		
Column 1	Column 2	Column 3
Provision of Regulation	Description of power or function	Delegates
35(3)	Power to set due date for and the form of the financial report required for authority for government schools.	Branch Manager of a Branch responsible for administration of payments to authorities or bodies under the Act. EL2 in such a Branch.
36(1)(e)	Power to require further financial information to be included in statement about financial operations of an authority or body for non-government schools.	Branch Manager of a Branch responsible for administration of payments to authorities or bodies under the Act. EL2 in such a Branch
36(4)	Power to set due date for and the form of the financial report required for authority or body for non-government schools.	Branch Manager of a Branch responsible for administration of payments to authorities or bodies under the Act. EL2 in such a Branch.
43(2)(b)	Power to set date by which national assessments set out in the section must be undertaken.	Branch Manager of a Branch responsible for the national assessment program.
43(5)	Power to provide directions to approved authority as to how they participate in all activities associated with NAP.	Branch Manager of a Branch responsible for the national assessment program.
52(2)	Power to determine due date and the form information mentioned in s 53 must be given to Minister.	Branch Manager of a Branch responsible for a matter referred to subsection 77(3) of the Act.
52(4)	Power to determine the reporting period to which information in ss 53 to 57 must relate.	Branch Manager of a Branch responsible for a matter referred to subsection 77(3) of the Act.
52(3A)	Power to determine the person to whom the information mentioned in section 58A must be given, and the due date and the way that information must be given.	Branch Manager of a Branch responsible for a matter referred to subsection 77(3) of the Act.
59(5)	Power to determine information which is equivalent to information in s 59(4)(a) for student reports	Branch Manager of a Branch responsible for a matter referred to subsection 77(3) of the Act.
61(4)	Power to determine amount of financial assistance payable to each school for approved authority where approved authority receives transitional recurrent funding.	Branch Manager of a Branch responsible for administration of payments of recurrent funding to approved authorities.

SUMMARY OF NEW DELEGATIONS

There are no changes or new delegations for the *Australian Education Act 2013* (the Act).

The additional powers you would be delegating by signing the Instrument at Attachment A relate to the *Australian Education Regulation 2013* (the Regulation) and are:

Subject area	Section/s of the Regulation	Description of power	Delegates
Capital funding	30(2) and 30(3A)	The power to determine the day prior to which, or period within, capital funding (including recovered capital funding) must be spent or committed to be spent by a block grant authority for a non-government school.	This power would be delegated to the Branch Manager and each EL2 within the Branch responsible for the administration of payments of capital funding to block grant authorities.
Nationally Consistent Collection of Data on School Students with Disability (NCCD Data)	52(3A)	The power to determine the person to whom NCCD Data must be provided, the due date and the way NCCD Data must be provided.	This power would be delegated to the Branch Manager of a Branch responsible for a matter referred to subsection 77(3) of the Act.



Australian Government
Department of Education and Training

Australian Education Act 2013
Australian Education Regulation 2013

Delegation under section 129 of the *Australian Education Act 2013*

I, SIMON BIRMINGHAM, Minister for Education and Training, make this instrument under subsection 129(1) of the *Australian Education Act 2013*.

Dated 28 September 2016

A handwritten signature in blue ink, appearing to read 'Simon Birmingham', is written over a horizontal line.

SIMON BIRMINGHAM
Minister for Education and Training

Delegation of powers and functions to officers of the Department of Education and Training

1 Commencement

This instrument commences when the *Australian Education Amendment (2016 Measures No. 2) Regulation 2016* commences.

2 Revocation

This instrument revokes instrument number DoEd 15-025.

3 Interpretation

(1) In this instrument:

Branch means a Branch in the Schools and Youth Cluster of the Department.

EL2 means a position classified as an Executive Level 2.

the Act means the *Australian Education Act 2013*.

the Regulation means the *Australian Education Regulation 2013*.

(2) Terms used both in this instrument and in the Act have the same meaning in this instrument as they do in the Act.

(3) Reference in this instrument to administration of a payment includes calculating, making, reviewing, auditing, and recovering that payment.

- (4) For the avoidance of doubt, where this instrument refers to a Branch being responsible for a specified matter, nothing in this instrument implies that other Branches cannot also be responsible for that matter or aspects of that matter, nor that the Branch cannot be responsible for other specified matters.

4 General delegation

I delegate all my powers and functions under the Act and the Regulation (except the powers mentioned in subsection 129(2) of the Act, and any power to make a legislative instrument) to:

- (a) the Secretary of the Department; and
- (b) each person from time to time holding, occupying, or performing the duties of, the following positions in the Department:
 - (i) Associate Secretary;
 - (ii) Deputy Secretary;
 - (iii) Group Manager in the Schools and Youth Cluster;
 - (iv) Chief Lawyer.

5 Delegation of specific powers and functions under the *Australian Education Act 2013*

I delegate my powers and functions under the provision of the Act mentioned in column 1 of a row of the table in Schedule 1 to each person from time to time holding, occupying or performing the duties of a position mentioned in column 3 of that row.

6 Delegation of specific powers and functions under the *Australian Education Regulation 2013*

I delegate my powers and functions under the provision of the Regulation mentioned in column 1 of a row of the table in Schedule 2 to each person from time to time holding, occupying or performing the duties of a position mentioned in column 3 of that row.

Schedule 1 Delegation of specific powers and functions under the *Australian Education Act 2013***Schedule 1 Delegation of specific functions and powers under the
*Australian Education Act 2013***

Delegation of powers and functions under the Act		
Column 1 Provision of Act	Column 2 Description of power or function	Column 3 Delegates
7	Power to determine a particular day as a school's census day.	Branch Manager of a Branch responsible for a matter referred to subsection 77(3) of the Act. EL2 in such a Branch.
10	Power to determine that a person receives primary or secondary education at a specified school in special circumstances.	Branch Manager of a Branch responsible for a matter referred to subsection 77(3) of the Act. EL2 in such a Branch.
15(3)	Power to determine that a different level of education than that prescribed by the regulations constitutes primary or secondary education in special circumstances.	Branch Manager of a Branch responsible for: (a) a matter referred to subsection 77(3) of the Act; or (b) approval of approved authorities. EL2 in such a Branch.
18(2)	Power to determine the location of a multi-campus school for purpose of working out school's ARIA index value.	Branch Manager of a Branch responsible for a matter referred to subsection 77(3) of the Act. EL2 in such a Branch.
18(3)	Power to determine which State or Territory a multi-campus school is located in.	Branch Manager of a Branch responsible for approval of approved authorities. EL2 in such a Branch.
23(3)(b)	Power to allow further period for State or Territory to pass payment on to non-government authority or body.	Branch Manager of a Branch responsible for administration of payments to non-government authorities or bodies.
25(1)(a)	Power to determine amount of financial assistance for recurrent funding for a participating school.	Branch Manager of a Branch responsible for administration of payments of recurrent funding to approved authorities. EL2 in such a Branch.
25(1)(b)	Power to determine amount of financial assistance for transitional recurrent funding for participating schools.	Branch Manager of a Branch responsible for administration of payments of recurrent funding to approved authorities. EL2 in such a Branch.

Schedule 1 Delegation of specific powers and functions under the *Australian Education Act 2013*

Delegation of powers and functions under the Act		
Column 1 Provision of Act	Column 2 Description of power or function	Column 3 Delegates
25(1)(c)	Power to determine amount of financial assistance for recurrent funding for non-participating schools.	Branch Manager of a Branch responsible for administration of payments of recurrent funding to approved authorities. EL2 in such a Branch.
25(1)(d)	Power to determine timing of payment referred to in paragraphs 25(1)(a) to (c).	Branch Manager of a Branch responsible for administration of payments of recurrent funding to approved authorities. EL2 in such a Branch.
26(4)	Power to determine total entitlement to recurrent funding.	Branch Manager of a Branch responsible for administration of payments of recurrent funding to approved authorities. EL2 in such a Branch.
28(1)(a)	Power to determine amount of financial assistance payable to a State or Territory for a capital grants authority.	Branch Manager of a Branch responsible for administration of payments of capital funding to capital grants authorities or block grant authorities. EL2 in such a Branch.
28(1)(b)	Power to determine amount of financial assistance payable to a State or Territory for a block grant authority.	Branch Manager of a Branch responsible for administration of payments of capital funding to capital grants authorities or block grant authorities. EL2 in such a Branch.
28(1)(c)	Power to determine timing of payment referred to in paragraph 28(1)(a) or (b).	Branch Manager of a Branch responsible for administration of payments of capital funding to capital grants authorities or block grant authorities. EL2 in such a Branch.
29(1)(a) and (b)	Power to determine amount of payment of special circumstances financial assistance and when the payment is to be made.	Branch Manager of a Branch responsible for administration of payments of financial assistance to schools in special circumstances.
29(1)(aa) and (b)	Power to determine amount of payment of prescribed circumstances financial assistance and when the payments is to be made.	Branch Manager of a Branch responsible for administration of payments of financial assistance to schools in prescribed circumstances. EL2 in such a Branch.
30(1)	Power to determine amount of financial assistance to non-government representative body and when these payments are to be made.	Branch Manager of a Branch responsible for administration of payments to non-government representative bodies.

Schedule 1 Delegation of specific powers and functions under the *Australian Education Act 2013*

Delegation of powers and functions under the Act		
Column 1 Provision of Act	Column 2 Description of power or function	Column 3 Delegates
52(3)	Power to determine a school's SES score by administrative decision.	Branch Manager of a Branch responsible for a matter referred to subsection 77(3) of the Act. EL2 in such a Branch.
58(1)	Power to determine for each approved authority, where applicable, an old per student amount for 2013 and 2014, and an old Commonwealth per student amount for 2013 and 2014.	Branch Manager of a Branch responsible for administration of payments of recurrent funding to approved authorities. EL2 in such a Branch.
59(3)	Power to determine amount of financial assistance payable for a year during the transition period to a "below SRS" approved authority.	Branch Manager of a Branch responsible for administration of payments of recurrent funding to approved authorities. EL2 in such a Branch.
59(7)	Power to determine last day of a "below SRS" approved authority's transition period.	Branch Manager of a Branch responsible for administration of payments of recurrent funding to approved authorities. EL2 in such a Branch.
63A(2)	Power to determine amount of financial assistance payable for a year during the transition period for the new approved authority for a transition school.	Branch Manager of a Branch responsible for administration of payments of recurrent funding to approved authorities. EL2 in such a Branch.
67(1)	Power to determine amount of financial assistance payable for a capital grants authority.	Branch Manager of a Branch responsible for administration of payments of capital funding to capital grants authorities or block grant authorities.
67(2)	Power to determine amount of financial assistance payable for a block grant authority.	Branch Manager of a Branch responsible for administration of payments of capital funding to capital grants authorities or block grant authorities. EL2 in such a Branch.
69(1)	Power to determine amount of financial assistance for special circumstances.	Branch Manager of a Branch responsible for administration of payments of financial assistance to schools in special circumstances.
69A(1)	Power to determine amount of financial assistance for prescribed circumstances.	Branch Manager of a Branch responsible for administration of payments of financial assistance to schools in prescribed circumstances. EL2 in such a Branch.

Schedule 1 Delegation of specific powers and functions under the *Australian Education Act 2013*

Delegation of powers and functions under the Act		
Column 1 Provision of Act	Column 2 Description of power or function	Column 3 Delegates
70(1)	Power to determine amount of financial assistance payable under Part 5, Division 4 for a non-government representative body.	Branch Manager of a Branch responsible for administration of payments to non-government representative bodies.
73	Power to approve a person as an approved authority.	Branch Manager of a Branch responsible for: (a) approval of approved authorities; or (b) administration of payments of recurrent funding to approved authorities. EL2 in such a Branch.
80	Power to vary or revoke approved authority's approval on application.	Branch Manager of a Branch responsible for: (a) approval of approved authorities; or (b) administration of payments of recurrent funding to approved authorities. EL2 in such a Branch.
81(1)(a), (b) and (d)	Power to vary or revoke an approved authority's approval for non-compliance with Act or conditions of approval.	Branch Manager of a Branch responsible for: (a) approval of approved authorities; or (b) administration of payments of recurrent funding to approved authorities.
81(3)	Power to vary or revoke an approved authority's approval because of a school closure.	Branch Manager of a Branch responsible for: (a) approval of approved authorities; or (b) administration of payments of recurrent funding to approved authorities. EL2 in such a Branch.
81(5)	Power to specify day on which a variation or revocation of approved authority's approval takes effect, including retrospectively.	Officer who has been delegated power to vary or revoke approval under section 81.

Schedule 1 Delegation of specific powers and functions under the *Australian Education Act 2013*

Delegation of powers and functions under the Act		
Column 1 Provision of Act	Column 2 Description of power or function	Column 3 Delegates
83	Power to approve a person as a block grant authority.	Branch Manager of a Branch responsible for administration of payments of capital funding to capital grants authorities or block grant authorities. EL2 in such a Branch.
87	Power to vary or revoke block grant authority's approval on application.	Branch Manager of a Branch responsible for administration of payments of capital funding to capital grants authorities or block grant authorities. EL2 in such a Branch.
88(1)	Power to vary or revoke block grant authority's approval for non-compliance with the Act or conditions.	Branch Manager of a Branch responsible for administration of payments of capital funding to capital grants authorities or block grant authorities.
88(3)	Power to vary or revoke block grant authority's approval because of a school closure.	Branch Manager of a Branch responsible for administration of payments of capital funding to capital grants authorities or block grant authorities. EL2 in such a Branch.
88(5)	Power to specify day on which a variation or revocation of block grant authority's approval takes effect, including retrospectively.	Officer who has been delegated power to vary or revoke approval under section 88.
91	Power to approve a person as a non-government representative body.	Branch Manager of a Branch responsible for administration of payments to non-government representative bodies.
95	Power to vary or revoke non-government representative body's approval on application.	Branch Manager of a Branch responsible for administration of payments to non-government representative bodies.
96(1)	Power to vary or revoke non-government representative body's approval for non-compliance with Act or conditions.	Branch Manager of a Branch responsible for administration of payments to non-government representative bodies.
96(4)	Power to specify day on which a variation or revocation of block grant authority's approval takes effect, including retrospectively.	Officer who has been delegated power to vary or revoke approval under section 96.
105(1)	Power to give an approved authority a written direction in relation to its implementation plan.	Branch Manager of a Branch responsible for administration of implementation plans.

Schedule 1 Delegation of specific powers and functions under the *Australian Education Act 2013*

Delegation of powers and functions under the Act		
Column 1 Provision of Act	Column 2 Description of power or function	Column 3 Delegates
110(1)	Power to determine State or Territory pay the Commonwealth a specified amount, or that financial assistance to a State or Territory be reduced or delayed.	Branch Manager of a Branch responsible for administration of payments to authorities or bodies under the Act. EL2 in such a Branch, but only in relation to a decision under paragraph 110(1)(c)(i).
115(1)	Power to approve a form of application made under a provision of the Act.	Branch Manager of a Branch responsible for administration of payments to authorities or bodies under the Act. EL2 in such a Branch.
116(1)	Power to request further information from a person applying under a provision of the Act.	Officer who has been delegated power to make a decision on the application.
125(1)(a)	Power to make a record of, use or disclose protected information (including information that is personal information) in accordance with the Regulation.	Officer of the Department. An authorised person appointed under section 33 of the Regulation.
125(1)(b)	Power to impose conditions on the recording, use or disclosure of protected information.	Branch Manager of a Branch responsible for a matter referred to subsection 77(3) of the Act. EL2 in such a Branch.
125(2)	Power to publish protected information.	Branch Manager of a Branch responsible for a matter referred to subsection 77(3) of the Act.

Schedule 2 Delegation of specific powers and functions under the *Australian Education Regulation 2013***Schedule 2 Delegation of specific functions and powers under the *Australian Education Regulation 2013***

Delegation of powers and functions under the Regulation		
Column 1 Provision of Regulation	Column 2 Description of power or function	Column 3 Delegates
5(2)	Power to enter an approved system arrangement with an approved authority for more than one participating school.	Branch Manager of a Branch responsible for approval of approved authorities.
5(3)	Power to determine an arrangement entered into before 1 January 2014 to be an approved system arrangement.	Branch Manager of a Branch responsible for approval of approved authorities.
15(4)	Power to determine an approved authority's old per student amount for a year after 2014.	Branch Manager of a Branch responsible for administration of payments of recurrent funding to approved authorities. EL2 in such a Branch.
15(5)	Power to determine a higher percentage to be the Commonwealth share than that provided for by s 15(2).	Branch Manager of a Branch responsible for administration of payments of recurrent funding to approved authorities.
15(6)	Power to determine a percentage to be the Commonwealth share for a school whose approved authority is not approved until after 1 January 2014.	Branch Manager of a Branch responsible for administration of payments of recurrent funding to approved authorities.
21(1)	Power to request approved authority to provide Secretary with a statement of residential addresses of each student.	Branch Manager of a Branch responsible for: (a) approval of approved authorities; or (b) administration of payments of recurrent funding to approved authorities. EL2 in such a Branch.
21(4)	Power to determine form of statement of addresses, and day on which it must be provided.	Branch Manager of a Branch responsible for: (a) approval of approved authorities; or (b) administration of payments of recurrent funding to approved authorities. EL2 in such a Branch.

Schedule 2 Delegation of specific powers and functions under the *Australian Education Regulation 2013*

Delegation of powers and functions under the Regulation		
Column 1 Provision of Regulation	Column 2 Description of power or function	Column 3 Delegates
25D(3)	Power to give directions to an approved authority relating to purposes for, and period during, which prescribed circumstances funding (Indigenous boarders at non-government schools) must be spent, or committed to be spent.	Branch Manager of a Branch responsible for administration of payments of financial assistance to schools in prescribed circumstances. EL2 in such a Branch.
25G(3)	Power to give directions to an approved authority relating to purposes for, and period during, which prescribed circumstances funding (National school for travelling show children) must be spent, or committed to be spent.	Branch Manager of a Branch responsible for administration of payments of financial assistance to schools in prescribed circumstances. EL2 in such a Branch.
25L(3)	Power to give directions to an approved authority relating to purposes for, and period during, which prescribed circumstances funding (Students who are persons with a disability) must be spent, or committed to be spent.	Branch Manager of a Branch responsible for administration of payments of financial assistance to schools in prescribed circumstances. EL2 in such a Branch.
29(5)	Power to give directions to an approved authority relating to purposes for which special circumstances funding can be spent, or committed to be spent.	Branch Manager of a Branch responsible for administration of payments of financial assistance to schools in special circumstances.
30(2)	Power to determine the day prior to which, or period within, financial assistance that is paid to a block grant authority must be spent or committed to be spent.	Branch Manager of a Branch responsible for administration of payments of capital funding to capital grants authorities or block grant authorities. EL2 in such a Branch.
30(3A)	Power to determine the day prior to which, or period within, financial assistance that is paid to a block grant authority and is recovered must be spent or committed to be spent.	Branch Manager of a Branch responsible for administration of payments of capital funding to capital grants authorities or block grant authorities. EL2 in such a Branch.
30(5)	Power to give directions to a block grant authority under subsections 30(1), (3A) and (4).	Branch Manager of a Branch responsible for administration of payments of capital funding to capital grants authorities or block grant authorities.
33	Power to appoint a person as an authorised person.	Branch Manager of a Branch responsible for administration of payments to authorities or bodies under the Act. EL2 in such a Branch.
34(3)(b)(ii)	Power to determine date other than 30 June for the provision of certificate required by s 34(1).	Branch Manager of a Branch responsible for administration of payments to authorities or bodies under the Act. EL2 in such a Branch.

Schedule 2 Delegation of specific powers and functions under the *Australian Education Regulation 2013*

Delegation of powers and functions under the Regulation		
Column 1 Provision of Regulation	Column 2 Description of power or function	Column 3 Delegates
34(5)	Power to approve a person as a qualified accountant for purposes of providing audit certificate.	Branch Manager of a Branch responsible for administration of payments to authorities or bodies under the Act. EL2 in such a Branch.
35(3)	Power to set due date for and the form of the financial report required for authority for government schools.	Branch Manager of a Branch responsible for administration of payments to authorities or bodies under the Act. EL2 in such a Branch.
36(1)(e)	Power to require further financial information to be included in statement about financial operations of an authority or body for non-government schools.	Branch Manager of a Branch responsible for administration of payments to authorities or bodies under the Act. EL2 in such a Branch
36(4)	Power to set due date for and the form of the financial report required for authority or body for non-government schools.	Branch Manager of a Branch responsible for administration of payments to authorities or bodies under the Act. EL2 in such a Branch.
43(2)(b)	Power to set date by which national assessments set out in the section must be undertaken.	Branch Manager of a Branch responsible for the national assessment program.
43(5)	Power to provide directions to approved authority as to how they participate in all activities associated with NAP.	Branch Manager of a Branch responsible for the national assessment program.
52(2)	Power to determine due date and the form information mentioned in s 53 must be given to Minister.	Branch Manager of a Branch responsible for a matter referred to subsection 77(3) of the Act.
52(4)	Power to determine the reporting period to which information in ss 53 to 57 must relate.	Branch Manager of a Branch responsible for a matter referred to subsection 77(3) of the Act.
52(3A)	Power to determine the person to whom the information mentioned in section 58A must be given, and the due date and the way that information must be given.	Branch Manager of a Branch responsible for a matter referred to subsection 77(3) of the Act.
59(5)	Power to determine information which is equivalent to information in s 59(4)(a) for student reports	Branch Manager of a Branch responsible for a matter referred to subsection 77(3) of the Act.
61(4)	Power to determine amount of financial assistance payable to each school for approved authority where approved authority receives transitional recurrent funding.	Branch Manager of a Branch responsible for administration of payments of recurrent funding to approved authorities.



Australian Government
Department of Education and Training

Australian Education Act 2013
Australian Education Regulation 2013

Delegation under section 129 of the *Australian Education Act 2013*

I, SIMON BIRMINGHAM, Minister for Education and Training, make this instrument under subsection 129(1) of the *Australian Education Act 2013*.

Dated *29 November* 2016

A handwritten signature in blue ink, appearing to read 'Simon Birmingham', is written over a horizontal line.

SIMON BIRMINGHAM
Minister for Education and Training

Delegation of powers and functions to officers of the Department of Education and Training

1 Commencement

This instrument commences on the date it is signed by the Minister.

2 Revocation

This instrument revokes instrument number DoEd 16-022.

3 Interpretation

(1) In this instrument:

Branch means a Branch in the Schools and Youth Cluster of the Department.

EL2 means a position classified as an Executive Level 2.

the Act means the *Australian Education Act 2013*.

the Regulation means the *Australian Education Regulation 2013*.

(2) Terms used both in this instrument and in the Act have the same meaning in this instrument as they do in the Act.

(3) Reference in this instrument to administration of a payment includes calculating, making, reviewing, auditing, and recovering that payment.

- (4) For the avoidance of doubt, where this instrument refers to a Branch being responsible for a specified matter, nothing in this instrument implies that other Branches cannot also be responsible for that matter or aspects of that matter, nor that the Branch cannot be responsible for other specified matters.

4 General delegation

I delegate all my powers and functions under the Act and the Regulation (except the powers mentioned in subsection 129(2) of the Act, and any power to make a legislative instrument) to:

- (a) the Secretary of the Department; and
- (b) each person from time to time holding, occupying, or performing the duties of, the following positions in the Department:
 - (i) Associate Secretary;
 - (ii) Deputy Secretary;
 - (iii) Group Manager in the Schools and Youth Cluster;
 - (iv) Chief Lawyer.

5 Delegation of specific powers and functions under the *Australian Education Act 2013*

I delegate my powers and functions under the provision of the Act mentioned in column 1 of a row of the table in Schedule 1 to each person from time to time holding, occupying or performing the duties of a position mentioned in column 3 of that row.

6 Delegation of specific powers and functions under the *Australian Education Regulation 2013*

I delegate my powers and functions under the provision of the Regulation mentioned in column 1 of a row of the table in Schedule 2 to each person from time to time holding, occupying or performing the duties of a position mentioned in column 3 of that row.

Schedule 1 Delegation of specific powers and functions under the *Australian Education Act 2013***Schedule 1 Delegation of specific functions and powers under the
*Australian Education Act 2013***

Delegation of powers and functions under the Act		
Column 1 Provision of Act	Column 2 Description of power or function	Column 3 Delegates
7	Power to determine a particular day as a school's census day.	Branch Manager of a Branch responsible for a matter referred to subsection 77(3) of the Act. EL2 in such a Branch.
10	Power to determine that a person receives primary or secondary education at a specified school in special circumstances.	Branch Manager of a Branch responsible for a matter referred to subsection 77(3) of the Act. EL2 in such a Branch.
15(3)	Power to determine that a different level of education than that prescribed by the regulations constitutes primary or secondary education in special circumstances.	Branch Manager of a Branch responsible for: (a) a matter referred to subsection 77(3) of the Act; or (b) approval of approved authorities. EL2 in such a Branch.
18(2)	Power to determine the location of a multi-campus school for purpose of working out school's ARIA index value.	Branch Manager of a Branch responsible for a matter referred to subsection 77(3) of the Act. EL2 in such a Branch.
18(3)	Power to determine which State or Territory a multi-campus school is located in.	Branch Manager of a Branch responsible for approval of approved authorities. EL2 in such a Branch.
23(3)(b)	Power to allow further period for State or Territory to pass payment on to non-government authority or body.	Branch Manager of a Branch responsible for administration of payments to non-government authorities or bodies.
25(1)(a)	Power to determine amount of financial assistance for recurrent funding for a participating school.	Branch Manager of a Branch responsible for administration of payments of recurrent funding to approved authorities. EL2 in such a Branch.
25(1)(b)	Power to determine amount of financial assistance for transitional recurrent funding for participating schools.	Branch Manager of a Branch responsible for administration of payments of recurrent funding to approved authorities. EL2 in such a Branch.



Schedule 1 Delegation of specific powers and functions under the *Australian Education Act 2013*

Delegation of powers and functions under the Act		
Column 1 Provision of Act	Column 2 Description of power or function	Column 3 Delegates
25(1)(c)	Power to determine amount of financial assistance for recurrent funding for non-participating schools.	Branch Manager of a Branch responsible for administration of payments of recurrent funding to approved authorities. EL2 in such a Branch.
25(1)(d)	Power to determine timing of payment referred to in paragraphs 25(1)(a) to (c).	Branch Manager of a Branch responsible for administration of payments of recurrent funding to approved authorities. EL2 in such a Branch.
26(4)	Power to determine total entitlement to recurrent funding.	Branch Manager of a Branch responsible for administration of payments of recurrent funding to approved authorities. EL2 in such a Branch.
28(1)(a)	Power to determine amount of financial assistance payable to a State or Territory for a capital grants authority.	Branch Manager of a Branch responsible for administration of payments of capital funding to capital grants authorities or block grant authorities. EL2 in such a Branch.
28(1)(b)	Power to determine amount of financial assistance payable to a State or Territory for a block grant authority.	Branch Manager of a Branch responsible for administration of payments of capital funding to capital grants authorities or block grant authorities. EL2 in such a Branch.
28(1)(c)	Power to determine timing of payment referred to in paragraph 28(1)(a) or (b).	Branch Manager of a Branch responsible for administration of payments of capital funding to capital grants authorities or block grant authorities. EL2 in such a Branch.
29(1)(a) and (b)	Power to determine amount of payment of special circumstances financial assistance and when the payment is to be made.	Branch Manager of a Branch responsible for administration of payments of financial assistance to schools in special circumstances.
29(1)(aa) and (b)	Power to determine amount of payment of prescribed circumstances financial assistance and when the payments is to be made.	Branch Manager of a Branch responsible for administration of payments of financial assistance to schools in prescribed circumstances. EL2 in such a Branch.
30(1)	Power to determine amount of financial assistance to non-government representative body and when these payments are to be made.	Branch Manager of a Branch responsible for administration of payments to non-government representative bodies.

Schedule 1 Delegation of specific powers and functions under the *Australian Education Act 2013*

Delegation of powers and functions under the Act		
Column 1 Provision of Act	Column 2 Description of power or function	Column 3 Delegates
52(3)	Power to determine a school's SES score by administrative decision.	Branch Manager of a Branch responsible for a matter referred to subsection 77(3) of the Act. EL2 in such a Branch.
58(1)	Power to determine for each approved authority, where applicable, an old per student amount for 2013 and 2014, and an old Commonwealth per student amount for 2013 and 2014.	Branch Manager of a Branch responsible for administration of payments of recurrent funding to approved authorities. EL2 in such a Branch.
59(3)	Power to determine amount of financial assistance payable for a year during the transition period to a "below SRS" approved authority.	Branch Manager of a Branch responsible for administration of payments of recurrent funding to approved authorities. EL2 in such a Branch.
59(7)	Power to determine last day of a "below SRS" approved authority's transition period.	Branch Manager of a Branch responsible for administration of payments of recurrent funding to approved authorities. EL2 in such a Branch.
63A(2)	Power to determine amount of financial assistance payable for a year during the transition period for the new approved authority for a transition school.	Branch Manager of a Branch responsible for administration of payments of recurrent funding to approved authorities. EL2 in such a Branch.
67(1)	Power to determine amount of financial assistance payable for a capital grants authority.	Branch Manager of a Branch responsible for administration of payments of capital funding to capital grants authorities or block grant authorities.
67(2)	Power to determine amount of financial assistance payable for a block grant authority.	Branch Manager of a Branch responsible for administration of payments of capital funding to capital grants authorities or block grant authorities. EL2 in such a Branch.
69(1)	Power to determine amount of financial assistance for special circumstances.	Branch Manager of a Branch responsible for administration of payments of financial assistance to schools in special circumstances.
69A(1)	Power to determine amount of financial assistance for prescribed circumstances.	Branch Manager of a Branch responsible for administration of payments of financial assistance to schools in prescribed circumstances. EL2 in such a Branch.

Schedule 1 Delegation of specific powers and functions under the *Australian Education Act 2013*

Delegation of powers and functions under the Act		
Column 1 Provision of Act	Column 2 Description of power or function	Column 3 Delegates
70(1)	Power to determine amount of financial assistance payable under Part 5, Division 4 for a non-government representative body.	Branch Manager of a Branch responsible for administration of payments to non-government representative bodies.
73	Power to approve a person as an approved authority.	Branch Manager of a Branch responsible for: (a) approval of approved authorities; or (b) administration of payments of recurrent funding to approved authorities. EL2 in such a Branch.
80	Power to vary or revoke approved authority's approval on application.	Branch Manager of a Branch responsible for: (a) approval of approved authorities; or (b) administration of payments of recurrent funding to approved authorities. EL2 in such a Branch.
81(1)(a), (b) and (d)	Power to vary or revoke an approved authority's approval for non-compliance with Act or conditions of approval.	Branch Manager of a Branch responsible for: (a) approval of approved authorities; or (b) administration of payments of recurrent funding to approved authorities.
81(3)	Power to vary or revoke an approved authority's approval because of a school closure.	Branch Manager of a Branch responsible for: (a) approval of approved authorities; or (b) administration of payments of recurrent funding to approved authorities. EL2 in such a Branch.
81(5)	Power to specify day on which a variation or revocation of approved authority's approval takes effect, including retrospectively.	Officer who has been delegated power to vary or revoke approval under section 81.

Schedule 1 Delegation of specific powers and functions under the *Australian Education Act 2013*

Delegation of powers and functions under the Act		
Column 1 Provision of Act	Column 2 Description of power or function	Column 3 Delegates
83	Power to approve a person as a block grant authority.	Branch Manager of a Branch responsible for administration of payments of capital funding to capital grants authorities or block grant authorities. EL2 in such a Branch.
87	Power to vary or revoke block grant authority's approval on application.	Branch Manager of a Branch responsible for administration of payments of capital funding to capital grants authorities or block grant authorities. EL2 in such a Branch.
88(1)	Power to vary or revoke block grant authority's approval for non-compliance with the Act or conditions.	Branch Manager of a Branch responsible for administration of payments of capital funding to capital grants authorities or block grant authorities.
88(3)	Power to vary or revoke block grant authority's approval because of a school closure.	Branch Manager of a Branch responsible for administration of payments of capital funding to capital grants authorities or block grant authorities. EL2 in such a Branch.
88(5)	Power to specify day on which a variation or revocation of block grant authority's approval takes effect, including retrospectively.	Officer who has been delegated power to vary or revoke approval under section 88.
91	Power to approve a person as a non-government representative body.	Branch Manager of a Branch responsible for administration of payments to non-government representative bodies.
95	Power to vary or revoke non-government representative body's approval on application.	Branch Manager of a Branch responsible for administration of payments to non-government representative bodies.
96(1)	Power to vary or revoke non-government representative body's approval for non-compliance with Act or conditions.	Branch Manager of a Branch responsible for administration of payments to non-government representative bodies.
96(4)	Power to specify day on which a variation or revocation of block grant authority's approval takes effect, including retrospectively.	Officer who has been delegated power to vary or revoke approval under section 96.
105(1)	Power to give an approved authority a written direction in relation to its implementation plan.	Branch Manager of a Branch responsible for administration of implementation plans.



Schedule 1 Delegation of specific powers and functions under the *Australian Education Act 2013*

Delegation of powers and functions under the Act		
Column 1 Provision of Act	Column 2 Description of power or function	Column 3 Delegates
110(1)	Power to determine State or Territory pay the Commonwealth a specified amount, or that financial assistance to a State or Territory be reduced or delayed.	Branch Manager of a Branch responsible for administration of payments to authorities or bodies under the Act. EL2 in such a Branch, but only in relation to a decision under paragraph 110(1)(c)(i).
115(1)	Power to approve a form of application made under a provision of the Act.	Branch Manager of a Branch responsible for administration of payments to authorities or bodies under the Act. EL2 in such a Branch.
116(1)	Power to request further information from a person applying under a provision of the Act.	Officer who has been delegated power to make a decision on the application.
125(1)(a)	Power to make a record of, use or disclose protected information (including information that is personal information) in accordance with the Regulation.	Officer of the Department. An authorised person appointed under section 33 of the Regulation.
125(1)(b)	Power to impose conditions on the recording, use or disclosure of protected information.	Branch Manager of a Branch responsible for a matter referred to subsection 77(3) of the Act. EL2 in such a Branch.
125(2)	Power to publish protected information.	Branch Manager of a Branch responsible for a matter referred to subsection 77(3) of the Act.



Schedule 2 Delegation of specific powers and functions under the *Australian Education Regulation 2013***Schedule 2 Delegation of specific functions and powers under the *Australian Education Regulation 2013***

Delegation of powers and functions under the Regulation		
Column 1 Provision of Regulation	Column 2 Description of power or function	Column 3 Delegates
5(2)	Power to enter an approved system arrangement with an approved authority for more than one participating school.	Branch Manager of a Branch responsible for approval of approved authorities.
5(3)	Power to determine an arrangement entered into before 1 January 2014 to be an approved system arrangement.	Branch Manager of a Branch responsible for approval of approved authorities.
15(4)	Power to determine an approved authority's old per student amount for a year after 2014.	Branch Manager of a Branch responsible for administration of payments of recurrent funding to approved authorities. EL2 in such a Branch.
15(5)	Power to determine a higher percentage to be the Commonwealth share than that provided for by s 15(2).	Branch Manager of a Branch responsible for administration of payments of recurrent funding to approved authorities.
15(6)	Power to determine a percentage to be the Commonwealth share for a school whose approved authority is not approved until after 1 January 2014.	Branch Manager of a Branch responsible for administration of payments of recurrent funding to approved authorities.
21(1)	Power to request approved authority to provide Secretary with a statement of residential addresses of each student.	Branch Manager of a Branch responsible for: (a) approval of approved authorities; or (b) administration of payments of recurrent funding to approved authorities. EL2 in such a Branch.
21(4)	Power to determine form of statement of addresses, and day on which it must be provided.	Branch Manager of a Branch responsible for: (a) approval of approved authorities; or (b) administration of payments of recurrent funding to approved authorities. EL2 in such a Branch.

Schedule 2 Delegation of specific powers and functions under the *Australian Education Regulation 2013*

Delegation of powers and functions under the Regulation		
Column 1 Provision of Regulation	Column 2 Description of power or function	Column 3 Delegates
25D(3)	Power to give directions to an approved authority relating to purposes for, and period during, which prescribed circumstances funding (Indigenous boarders at non-government schools) must be spent, or committed to be spent.	Branch Manager of a Branch responsible for administration of payments of financial assistance to schools in prescribed circumstances. EL2 in such a Branch.
25G(3)	Power to give directions to an approved authority relating to purposes for, and period during, which prescribed circumstances funding (National school for travelling show children) must be spent, or committed to be spent.	Branch Manager of a Branch responsible for administration of payments of financial assistance to schools in prescribed circumstances. EL2 in such a Branch.
25L(3)	Power to give directions to an approved authority relating to purposes for, and period during, which prescribed circumstances funding (Students who are persons with a disability) must be spent, or committed to be spent.	Branch Manager of a Branch responsible for administration of payments of financial assistance to schools in prescribed circumstances. EL2 in such a Branch.
29(5)	Power to give directions to an approved authority relating to purposes for which special circumstances funding can be spent, or committed to be spent.	Branch Manager of a Branch responsible for administration of payments of financial assistance to schools in special circumstances.
29(7A)	Power to determine a day before, or period within which, an approved authority must spend, or commit to spend financial assistance mentioned in subsection 29(1) or (4) of the Regulation.	Branch Manager of a Branch responsible for administration of payments of recurrent funding to approved authorities or financial assistance to schools in special circumstances. EL2 in such a Branch.
30(2)	Power to determine the day prior to which, or period within, financial assistance that is paid to a block grant authority must be spent or committed to be spent.	Branch Manager of a Branch responsible for administration of payments of capital funding to capital grants authorities or block grant authorities. EL2 in such a Branch.
30(3A)	Power to determine the day prior to which, or period within, financial assistance that is paid to a block grant authority and is recovered must be spent or committed to be spent.	Branch Manager of a Branch responsible for administration of payments of capital funding to capital grants authorities or block grant authorities. EL2 in such a Branch.
30(5)	Power to give directions to a block grant authority under subsections 30(1), (3A) and (4).	Branch Manager of a Branch responsible for administration of payments of capital funding to capital grants authorities or block grant authorities.



Schedule 2 Delegation of specific powers and functions under the *Australian Education Regulation 2013*

Delegation of powers and functions under the Regulation		
Column 1 Provision of Regulation	Column 2 Description of power or function	Column 3 Delegates
33	Power to appoint a person as an authorised person.	Branch Manager of a Branch responsible for administration of payments to authorities or bodies under the Act. EL2 in such a Branch.
34(3)(b)(ii)	Power to determine date other than 30 June for the provision of certificate required by s 34(1).	Branch Manager of a Branch responsible for administration of payments to authorities or bodies under the Act. EL2 in such a Branch.
34(5)	Power to approve a person as a qualified accountant for purposes of providing audit certificate.	Branch Manager of a Branch responsible for administration of payments to authorities or bodies under the Act. EL2 in such a Branch.
35(3)	Power to set due date for and the form of the financial report required for authority for government schools.	Branch Manager of a Branch responsible for administration of payments to authorities or bodies under the Act. EL2 in such a Branch.
36(1)(e)	Power to require further financial information to be included in statement about financial operations of an authority or body for non-government schools.	Branch Manager of a Branch responsible for administration of payments to authorities or bodies under the Act. EL2 in such a Branch
36(4)	Power to set due date for and the form of the financial report required for authority or body for non-government schools.	Branch Manager of a Branch responsible for administration of payments to authorities or bodies under the Act. EL2 in such a Branch.
43(2)(b)	Power to set date by which national assessments set out in the section must be undertaken.	Branch Manager of a Branch responsible for the national assessment program.
43(5)	Power to provide directions to approved authority as to how they participate in all activities associated with NAP.	Branch Manager of a Branch responsible for the national assessment program.
52(2)	Power to determine due date and the form information mentioned in s 53 must be given to Minister.	Branch Manager of a Branch responsible for a matter referred to subsection 77(3) of the Act.
52(4)	Power to determine the reporting period to which information in ss 53 to 57 must relate.	Branch Manager of a Branch responsible for a matter referred to subsection 77(3) of the Act.
52(3A)	Power to determine the person to whom the information mentioned in section 58A must be given, and the due date and the way that information must be given.	Branch Manager of a Branch responsible for a matter referred to subsection 77(3) of the Act.
59(5)	Power to determine information which is equivalent to information in s 59(4)(a) for student reports	Branch Manager of a Branch responsible for a matter referred to subsection 77(3) of the Act.

Schedule 2 Delegation of specific powers and functions under the *Australian Education Regulation 2013*

Delegation of powers and functions under the Regulation		
Column 1 Provision of Regulation	Column 2 Description of power or function	Column 3 Delegates
61(3A)	Power to determine the amount of financial assistance that relates to a school for which the approved authority is approved.	Branch Manager of a Branch responsible for administration of payments of recurrent funding to approved authorities.
61(4)	Power to determine amount of financial assistance payable to each school for approved authority where approved authority receives transitional recurrent funding.	Branch Manager of a Branch responsible for administration of payments of recurrent funding to approved authorities.





Australian Government
Department of Education and Training

Australian Education Act 2013
Australian Education Regulation 2013

Delegation under section 129 of the *Australian Education Act 2013*

I, SIMON BIRMINGHAM, Minister for Education and Training, make this instrument under subsection 129(1) of the *Australian Education Act 2013*.

Dated 17 April 2017

SIMON BIRMINGHAM
 Minister for Education and Training

Delegation of powers and functions to officers of the Department of Education and Training

1 Commencement

This instrument commences on the date it is signed.

2 Revocation

This instrument revokes instrument number DoEd 16-026.

3 Interpretation

(1) In this instrument:

Branch means a Branch in the Schools and Youth Cluster of the Department.

EL2 means a position classified as an Executive Level 2.

Schools and Youth Cluster means the highest level organisational unit of the Department that has, from time to time, the principal responsibility for matters relating to schools policy and related payments.

SES employee has the same meaning as in the *Public Service Act 1999*.

the Act means the *Australian Education Act 2013*.

the Regulation means the *Australian Education Regulation 2013*.

(2) Terms used both in this instrument and in the Act have the same meaning in this instrument as they do in the Act.

- (3) Reference in this instrument to administration of a payment includes calculating, making, reviewing, auditing, recovering, and policy development relating to that payment.
- (4) For the avoidance of doubt, where this instrument refers to a Branch being responsible for a specified matter, nothing in this instrument implies that other Branches cannot also be responsible for that matter or aspects of that matter, nor that the Branch cannot be responsible for other specified matters.

4 General delegation

I delegate all my powers and functions under the Act and the Regulation (except the powers mentioned in subsection 129(2) of the Act, and any power to make a legislative instrument) to:

- (a) the Secretary of the Department; and
- (b) each person from time to time holding, occupying, or performing the duties of, the following positions in the Department:
 - (i) Associate Secretary;
 - (ii) Deputy Secretary;
 - (iii) SES employee in the Schools and Youth Cluster;
 - (iv) Chief Lawyer.

5 Delegation of specific powers and functions under the *Australian Education Act 2013*

I delegate my powers and functions under the provision of the Act mentioned in column 1 of a row of the table in Schedule 1 to each person from time to time holding, occupying or performing the duties of a position mentioned in column 3 of that row.

6 Delegation of specific powers and functions under the *Australian Education Regulation 2013*

I delegate my powers and functions under the provision of the Regulation mentioned in column 1 of a row of the table in Schedule 2 to each person from time to time holding, occupying or performing the duties of a position mentioned in column 3 of that row.



Schedule 1 Delegation of specific powers and functions under the *Australian Education Act 2013***Schedule 1 Delegation of specific functions and powers under the
*Australian Education Act 2013***

Delegation of powers and functions under the Act		
Column 1 Provision of Act	Column 2 Description of power or function	Column 3 Delegates
7	Power to determine a particular day as a school's census day.	EL2 of a Branch responsible for a matter referred to in subsection 77(3) of the Act.
10	Power to determine that a person receives primary or secondary education at a specified school in special circumstances.	EL2 of a Branch responsible for a matter referred to in subsection 77(3) of the Act.
15(3)	Power to determine that a different level of education than that prescribed by the regulations constitutes primary or secondary education in special circumstances.	EL2 of a Branch responsible for: (a) a matter referred to in subsection 77(3) of the Act; or (b) approval of approved authorities.
18(2)	Power to determine the location of a multi-campus school for purpose of working out school's ARIA index value.	EL2 of a Branch responsible for a matter referred to in subsection 77(3) of the Act.
18(3)	Power to determine which State or Territory a multi-campus school is located in.	EL2 of a Branch responsible for approval of approved authorities.
25(1)(a)	Power to determine amount of financial assistance for recurrent funding for a participating school.	EL2 of a Branch responsible for administration of payments of financial assistance to approved authorities under the Act.
25(1)(b)	Power to determine amount of financial assistance for transitional recurrent funding for participating schools.	EL2 of a Branch responsible for administration of payments of financial assistance to approved authorities under the Act.
25(1)(c)	Power to determine amount of financial assistance for recurrent funding for non-participating schools.	EL2 of a Branch responsible for administration of payments of financial assistance to approved authorities under the Act.
25(1)(d)	Power to determine timing of payment referred to in paragraphs 25(1)(a) to (c).	EL2 of a Branch responsible for administration of payments of financial assistance to approved authorities under the Act.
26(4)	Power to determine total entitlement to recurrent funding.	EL2 of a Branch responsible for administration of payments of financial assistance to approved authorities under the Act.

Initial: _____



Australian Government
Department of Education and Training

Australian Education Act 2013
Australian Education Regulation 2013

Delegation under section 129 of the *Australian Education Act 2013*

I, SIMON BIRMINGHAM, Minister for Education and Training, make this instrument under subsection 129(1) of the *Australian Education Act 2013*.

Dated 12 January 2018.

A large, stylized handwritten signature in blue ink, which appears to read 'Simon Birmingham'.

Simon Birmingham
Minister for Education and Training

Delegation of powers and functions to officers of the Department of Education and Training

1 Commencement

This instrument commences on the later of

- a) 1 January 2018, and
- b) the date it is signed.

2 Revocation

This instrument revokes instrument number DoEd 17-005.¹

3 Interpretation

(1) In this instrument:

Branch means a Branch in the Schools and Youth Cluster of the Department.

EL2 means a position classified as an Executive Level 2.

Schools and Youth Cluster means the highest level organisational unit of the Department that has, from time to time, the principal responsibility for matters relating to schools policy and related payments.

¹ Note that instrument DoEd 17-005 continues to apply in relation to financial assistance for years prior to 2018, pursuant to the transitional and application provisions contained in the *Australian Education Amendment Act 2017*, the *Australian Education Amendment (2017 Measures No. 2) Regulations 2017*, and the *Australian Education Amendment (2017 Measures No. 3) Regulations 2017*.

A small, handwritten signature in blue ink, possibly initials or a name.

SES employee has the same meaning as in the *Public Service Act 1999*.

the Act means the *Australian Education Act 2013*.

the Regulation means the *Australian Education Regulation 2013*.

- (2) Terms used both in this instrument and in the Act have the same meaning in this instrument as they do in the Act.
- (3) Reference in this instrument to *administration of a payment* includes calculating, making, reviewing, auditing, recovering, and policy development relating to that payment.
- (4) For the avoidance of doubt, where this instrument refers to a Branch being responsible for a specified matter, nothing in this instrument implies that other Branches cannot also be responsible for that matter or aspects of that matter, nor that the Branch cannot be responsible for other specified matters.

4 General delegation

I delegate all my powers and functions under the Act and the Regulation (except the powers mentioned in section 128 of the Act, subsection 129(2) of the Act, and any power to make a legislative instrument) to:

- (a) the Secretary of the Department; and
- (b) each person from time to time holding, occupying, or performing the duties of, the following positions in the Department:
 - (i) Associate Secretary;
 - (ii) Deputy Secretary;
 - (iii) SES employee in the Schools and Youth Cluster;
 - (iv) Chief Lawyer.

5 Delegation of specific powers and functions under the *Australian Education Act 2013*

I delegate my powers and functions under the provision of the Act mentioned in column 1 of a row of the table in Schedule 1 to each person from time to time holding, occupying or performing the duties of a position mentioned in column 3 of that row.

6 Delegation of specific powers and functions under the *Australian Education Regulation 2013*

I delegate my powers and functions under the provision of the Regulation mentioned in column 1 of a row of the table in Schedule 2 to each person from time to time holding, occupying or performing the duties of a position mentioned in column 3 of that row.



2

Schedule 1 Delegation of specific powers and functions under the *Australian Education Act 2013***Schedule 1 Delegation of specific functions and powers under the
*Australian Education Act 2013***

Delegation of powers and functions under the Act		
Column 1 Provision of Act	Column 2 Description of power or function	Column 3 Delegates
15(3)	Power to determine that a different level of education than that prescribed by the regulations constitutes primary or secondary education in special circumstances.	EL2 of a Branch responsible for: (a) a matter referred to in section 77 of the Act; or (b) administration of payments of financial assistance under the Act..
18(2)	Power to determine the location of a multi-campus school for purpose of working out school's ARIA index value.	EL2 of a Branch responsible for: (a) a matter referred to in section 77 of the Act; or (b) administration of payments of financial assistance under the Act.
18(3)	Power to determine which State or Territory a multi-campus school is located in.	EL2 of a Branch responsible for: (a) a matter referred to in section 77 of the Act; or (b) administration of payments of financial assistance under the Act.
25(1)(a)	Power to determine amount of payment of financial assistance for a school (recurrent funding).	EL2 of a Branch responsible for administration of payments of financial assistance under the Act.
25(1)(d)	Power to determine timing of payment referred to in paragraph 25(1)(a).	EL2 of a Branch responsible for administration of payments of financial assistance under the Act.
26(4)	Power to determine total entitlement to recurrent funding.	EL2 of a Branch responsible for administration of payments of financial assistance under the Act.
28(1)(a)	Power to determine amount of payment of financial assistance for a capital grants authority.	EL2 of a Branch responsible for administration of payments of financial assistance under the Act.
28(1)(b)	Power to determine amount of payment of financial assistance for a block grant authority.	EL2 of a Branch responsible for administration of payments of financial assistance under the Act.

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 3

Schedule 1 Delegation of specific powers and functions under the *Australian Education Act 2013*

Delegation of powers and functions under the Act		
Column 1 Provision of Act	Column 2 Description of power or function	Column 3 Delegates
28(1)(c)	Power to determine timing of payment referred to in paragraph 28(1)(a) or (b).	EL2 of a Branch responsible for administration of payments of financial assistance under the Act.
29(1)(a)	Power to determine amount of payment of financial assistance for a school (special circumstances funding).	EL2 of a Branch responsible for administration of payments of financial assistance under the Act.
29(1)(aa)	Power to determine amount of payment of financial assistance for a school (prescribed circumstances funding)	EL2 of a Branch responsible for administration of payments of financial assistance under the Act.
29(1)(ab)	Power to determine amount of payment of financial assistance for a transitioning school (prescribed circumstances funding for transitioning schools)	EL2 of a Branch responsible for administration of payments of financial assistance under the Act.
29(1)(b)	Power to determine timing of payment referred to in paragraph 29(1)(a), (aa) or (ab).	EL2 of a Branch responsible for administration of payments of financial assistance under the Act.
52(1)	Power to determine a school's SES score.	EL2 of a Branch responsible for administration of payments of financial assistance under the Act.
67(2)	Power to determine amount of financial assistance payable for a block grant authority (capital funding).	EL2 of a Branch responsible for administration of payments of financial assistance under the Act.
69(1)	Power to determine amount of financial assistance for a school (special circumstances funding).	EL2 of a Branch responsible for administration of payments of financial assistance under the Act.
69A(1)	Power to determine amount of financial assistance for a school (prescribed circumstances funding).	EL2 of a Branch responsible for administration of payments of financial assistance under the Act.
69B(1)	Power to determine amount of financial assistance for a transitioning school (prescribed circumstances funding for transitioning schools)	EL2 of a Branch responsible for administration of payments of financial assistance under the Act.

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 4

Schedule 1 Delegation of specific powers and functions under the *Australian Education Act 2013*

Delegation of powers and functions under the Act		
Column 1 Provision of Act	Column 2 Description of power or function	Column 3 Delegates
73	Power to approve a person as an approved authority.	EL2 of a Branch responsible for: (a) approval of approved authorities; or (b) administration of payments of financial assistance under the Act.
80	Power to vary or revoke approved authority's approval on application.	EL2 of a Branch responsible for: (a) approval of approved authorities; or (b) administration of payments of financial assistance under the Act.
81(3)	Power to vary or revoke an approved authority's approval because of a school closure.	EL2 of a Branch responsible for: (a) approval of approved authorities; or (b) administration of payments of financial assistance under the Act.
83	Power to approve a person as a block grant authority.	EL2 of a Branch responsible for: (a) approval of block grant authorities; or (b) administration of payments of financial assistance under the Act.
87	Power to vary or revoke block grant authority's approval on application.	EL2 of a Branch responsible for: (a) approval of block grant authorities; or (b) administration of payments of financial assistance under the Act.
88(3)	Power to vary or revoke block grant authority's approval because of a school closure.	EL2 of a Branch responsible for: (a) approval of block grant authorities; or (b) administration of payments of financial assistance under the Act.

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 5

Schedule 1 Delegation of specific powers and functions under the *Australian Education Act 2013*

Delegation of powers and functions under the Act		
Column 1 Provision of Act	Column 2 Description of power or function	Column 3 Delegates
110(1)(a), (b) and (c)	Power to determine that, because of sections 108 or 109: a State or Territory pay the Commonwealth a specified amount; financial assistance is reduced by a specified amount; or financial assistance be delayed.	EL2 of a Branch responsible for: (a) a matter referred to in section 77 of the Act; or (b) administration of payments of financial assistance under the Act.
115(1)	Power to approve a form of application made under a provision of the Act.	EL2 of a Branch responsible for: (a) approval of approved authorities, block grant authorities, or non-government representative bodies; or (b) administration of payments of financial assistance under the Act.
116	Power to request further information from a person applying under a provision of the Act.	Officer who has been delegated power to make a decision on the application.
125(1)(a)	Power to use or disclose school education information (including information that is personal information) in accordance with the Regulation.	Officer of the Department.
125(1)(b)	Power to impose conditions on the use or disclosure of school education information.	EL2 of a Branch responsible for: (a) a matter referred to in section 77 of the Act; or (b) administration of payments of financial assistance under the Act.
125(2)	Power to publish school education information (except information that is personal information)	EL2 of a Branch responsible for: (a) a matter referred to in section 77 of the Act; or (b) administration of payments of financial assistance under the Act.



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Schedule 2 Delegation of specific functions and powers under the *Australian Education Regulation 2013*

Delegation of powers and functions under the Regulation		
Column 1 Provision of Regulation	Column 2 Description of power or function	Column 3 Delegates
5	Power to determine a particular day as a school's census day.	EL2 of a Branch responsible for: (a) a matter referred to in section 77 of the Act; or (b) administration of payments of financial assistance under the Act.
9B(3)	Power to determine that a person be included in a non-government school's census day enrolment as a primary student or secondary student, in special circumstances.	EL2 of a Branch responsible for: (a) a matter referred to in section 77 of the Act; or (b) administration of payments of financial assistance under the Act.
9B(6)(b)	Power to allow a longer period for an approved authority to apply for a person to be included in a non-government school's census day enrolment.	EL2 of a Branch responsible for: (a) a matter referred to in section 77 of the Act; or (b) administration of payments of financial assistance under the Act.
21(1)	Power to request approved authority to provide Secretary with a statement of residential addresses of each student.	EL2 of a Branch responsible for: (a) approval of approved authorities; or (b) administration of payments of financial assistance under the Act.
21(4)	Power to determine form of statement of addresses, and day on which it must be provided.	EL2 of a Branch responsible for: (a) approval of approved authorities; or (b) administration of payments of financial assistance under the Act.
29(5)	Power to give directions to an approved authority relating to purposes for which special circumstances funding can be spent, or committed to be spent.	EL2 of a Branch responsible for administration of payments of financial assistance under the Act.
29(7A)	Power to determine the day prior to, or period within, which an approved authority must spend, or commit to spend financial assistance mentioned in subsection 29(1) or (4) of the Regulation.	EL2 of a Branch responsible for administration of payments of financial assistance under the Act.



Schedule 2 Delegation of specific powers and functions under the *Australian Education Regulation 2013*

Delegation of powers and functions under the Regulation		
Column 1 Provision of Regulation	Column 2 Description of power or function	Column 3 Delegates
30(2)	Power to determine the day prior to, or period within, which financial assistance that is paid to a block grant authority must be spent or committed to be spent.	EL2 of a Branch responsible for administration of payments of financial assistance under the Act.
30(3A)(a)(ii)	Power to determine the day prior to, or period within, which financial assistance that is paid to a block grant authority and is recovered must be spent or committed to be spent.	EL2 of a Branch responsible for administration of payments of financial assistance under the Act.
30(5)	Power to give directions to a block grant authority under subsections 30(1), (3A) and (4).	EL2 of a Branch responsible for administration of payments of financial assistance under the Act.
33	Power to appoint a person as an authorised person.	EL2 of a Branch responsible for administration of payments of financial assistance under the Act.
34(3)(b)(ii)	Power to determine date other than 30 June for the provision of certificate required by s 34(1).	EL2 of a Branch responsible for administration of payments of financial assistance under the Act.
34(5)	Power to approve a person as a qualified accountant for purposes of providing certificate.	EL2 of a Branch responsible for administration of payments of financial assistance under the Act.
35(3)	Power to set due date for and the form of the financial report required for an approved authority for a government school.	EL2 of a Branch responsible for administration of payments of financial assistance under the Act.
36(1)(e)(vi)	Power to require further financial information to be included in statement about financial operations of an approved authority for a non-government school.	EL2 of a Branch responsible for administration of payments of financial assistance under the Act.
36(4)	Power to set due date for and the form of the financial report required for an approved authority for a non-government school.	EL2 of a Branch responsible for administration of payments of financial assistance under the Act.
43(2)(b)	Set date by which assessments set out in s 43(1) must be undertaken.	EL2 of a Branch responsible for: (a) a matter referred to in section 77 of the Act; or (b) administration of payments of financial assistance under the Act.
43(3A)	Determine the day and way in which an approved authority must provide information to ACARA.	EL2 of a Branch responsible for: (a) a matter referred to in section 77 of the Act; or (b) administration of payments of financial assistance under the Act.



Schedule 2 Delegation of specific powers and functions under the *Australian Education Regulation 2013*

Delegation of powers and functions under the Regulation		
Column 1 Provision of Regulation	Column 2 Description of power or function	Column 3 Delegates
43(5)	Provide directions to approved authority as to how they must participate in all activities associated with the national assessment program.	EL2 of a Branch responsible for: (a) a matter referred to in section 77 of the Act; or (b) administration of payments of financial assistance under the Act.
46(6)	Power to determine the date an approved authority for a government school must provide a census return for a year.	EL2 of a Branch responsible for: (a) a matter referred to in section 77 of the Act; or (b) administration of payments of financial assistance under the Act.
52(2)	Determine due date and the form information mentioned in section 53 must be given to the Minister.	EL2 of a Branch responsible for: (a) a matter referred to in section 77 of the Act; or (b) administration of payments of financial assistance under the Act.
52(3A)	Determine the person to whom the information mentioned in section 58A must be given, and the due date and the way that information must be given.	EL2 of a Branch responsible for: (a) a matter referred to in section 77 of the Act; or (b) administration of payments of financial assistance under the Act.
52(4)	Determine the reporting period to which relevant information in sections 53 to 57 must relate.	EL2 of a Branch responsible for: (a) a matter referred to in section 77 of the Act; or (b) administration of payments of financial assistance under the Act.
59(5)	Power to determine, in writing, information that is considered to be equivalent to the information in paragraph 59(4)(a).	EL2 of a Branch responsible for: (a) a matter referred to in section 77 of the Act; or (b) administration of payments of financial assistance under the Act.
Schedule 1, subclause 3(3)	Power to give directions to an approved authority relating to the day prior to, or period within, which prescribed circumstances funding (Additional support for Northern Territory government schools) must be spent or committed to be spent.	EL2 of a Branch responsible for administration of payments of financial assistance under the Act.

Schedule 2 Delegation of specific powers and functions under the *Australian Education Regulation 2013*

Delegation of powers and functions under the Regulation		
Column 1	Column 2	Column 3
Provision of Regulation	Description of power or function	Delegates
Schedule 1, subclause 6(4)	Power to give directions to an approved authority relating to purposes for and the day prior to, or period within, which prescribed circumstances funding (Additional financial assistance for low growth non-government schools for 2018) must be spent or committed to be spent.	EL2 of a Branch responsible for administration of payments of financial assistance under the Act.
Schedule 1, subclause 10(4)	Power to give directions to an approved authority relating to purposes for and the day prior to, or period within, which prescribed circumstances funding (National Adjustment Assistance Fund) must be spent or committed to be spent.	EL2 of a Branch responsible for administration of payments of financial assistance under the Act.
Schedule 1, subclause 13(4)	Power to give directions to an approved authority relating to purposes for and the day prior to, or period within, which prescribed circumstances funding (Adjustment assistance for ACT non-government schools) must be spent or committed to be spent.	EL2 of a Branch responsible for administration of payments of financial assistance under the Act.
Schedule 1, subclause 16(4)	Power to give directions to an approved authority relating to purposes for and the day prior to, or period within, which prescribed circumstances funding (Additional financial assistance for system weighted average SES schools for 2018) must be spent or committed to be spent.	EL2 of a Branch responsible for administration of payments of financial assistance under the Act.



Australian Government
Department of Education, Skills and Employment

Australian Education Act 2013
Australian Education Regulation 2013

Delegation under section 129 of the *Australian Education Act 2013*

I, DAN TEHAN, Minister for Education, make this instrument under subsection 129(1) of the *Australian Education Act 2013*.

Dated

7/6/20


Dan Tehan
Minister for Education

Delegation of powers and functions to officers of the Department of Education, Skills and Employment (the Department)

1 Commencement

This instrument commences on the date it is signed.

2 Revocation

This instrument revokes instrument number DoEd 17-028.

3 Interpretation

(1) In this instrument:

Branch means a Branch in the Schools Group of the Department.

EL2 means a position classified as an Executive Level 2.

Schools Group means the highest level organisational unit of the Department that has, from time to time, the principal responsibility for matters relating to schools policy and related payments.

SES employee has the same meaning as in the *Public Service Act 1999*.

the Act means the *Australian Education Act 2013*.

the Regulation means the *Australian Education Regulation 2013*.

(2) Terms used both in this instrument and in the Act have the same meaning in this instrument as they do in the Act.

- (3) Reference in this instrument to *administration of a payment* includes calculating, making, reviewing, auditing, recovering, and policy development relating to that payment.
- (4) For the avoidance of doubt, where this instrument refers to a Branch being responsible for a specified matter, nothing in this instrument implies that other Branches cannot also be responsible for that matter or aspects of that matter, nor that the Branch cannot be responsible for other specified matters.

4 General delegation

I delegate all my powers and functions under the Act and the Regulation (except the powers mentioned in section 128 of the Act, subsection 129(2) of the Act, and any power to make a legislative instrument) to:

- (a) the Secretary of the Department; and
- (b) each person from time to time holding, occupying, or performing the duties of, the following positions in the Department:
 - (i) Deputy Secretary;
 - (ii) SES employee in the Schools Group;
 - (iii) Chief Lawyer.

5 Delegation of specific powers and functions under the *Australian Education Act 2013*

I delegate my powers and functions under the provision of the Act mentioned in column 1 of a row of the table in Schedule 1 to each person from time to time holding, occupying or performing the duties of a position mentioned in column 3 of that row.

6 Delegation of specific powers and functions under the *Australian Education Regulation 2013*

I delegate my powers and functions under the provision of the Regulation mentioned in column 1 of a row of the table in Schedule 2 to each person from time to time holding, occupying or performing the duties of a position mentioned in column 3 of that row.

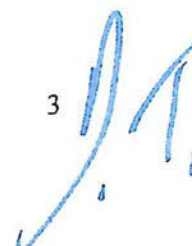


2

Schedule 1 Delegation of specific powers and functions under the *Australian Education Act 2013***Schedule 1 Delegation of specific functions and powers under the
*Australian Education Act 2013***

Delegation of powers and functions under the Act		
Column 1 Provision of Act	Column 2 Description of power or function	Column 3 Delegates
15(3)	Power to determine that a different level of education than that prescribed by the regulations constitutes primary or secondary education in special circumstances.	EL2 of a Branch responsible for: (a) a matter referred to in section 77 of the Act; or (b) administration of payments of financial assistance under the Act.
18(2)	Power to determine the location of a school with more than one location for purpose of working out school's ARIA index value.	EL2 of a Branch responsible for: (a) a matter referred to in section 77 of the Act; or (b) administration of payments of financial assistance under the Act.
18(3)	Power to determine which State or Territory a school is located in when not all locations of a school are in the same State or Territory.	EL2 of a Branch responsible for: (a) a matter referred to in section 77 of the Act; or (b) administration of payments of financial assistance under the Act.
25(1)(a)	Power to determine amount of payment of financial assistance for a school (recurrent funding).	EL2 of a Branch responsible for administration of payments of financial assistance under the Act.
25(1)(d)	Power to determine timing of payment referred to in paragraph 25(1)(a).	EL2 of a Branch responsible for administration of payments of financial assistance under the Act.
26(4)	Power to determine total entitlement to recurrent funding.	EL2 of a Branch responsible for administration of payments of financial assistance under the Act.
28(1)(a)	Power to determine amount of payment of financial assistance for a capital grants authority.	EL2 of a Branch responsible for administration of payments of financial assistance under the Act.
28(1)(b)	Power to determine amount of payment of financial assistance for a block grant authority.	EL2 of a Branch responsible for administration of payments of financial assistance under the Act.
28(1)(c)	Power to determine timing of payment referred to in paragraph 28(1)(a) and (b).	EL2 of a Branch responsible for administration of payments of financial assistance under the Act.

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Schedule 1 Delegation of specific powers and functions under the *Australian Education Act 2013*

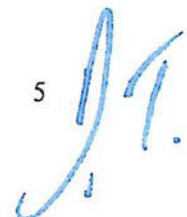
Delegation of powers and functions under the Act		
Column 1 Provision of Act	Column 2 Description of power or function	Column 3 Delegates
29(1)(a)	Power to determine amount of payment of financial assistance for a school (special circumstances funding).	EL2 of a Branch responsible for administration of payments of financial assistance under the Act.
29(1)(aa)	Power to determine amount of payment of financial assistance for a school (prescribed circumstances funding).	EL2 of a Branch responsible for administration of payments of financial assistance under the Act.
29(1)(ab)	Power to determine amount of payment of financial assistance for a transitioning school (prescribed circumstances funding for transitioning schools).	EL2 of a Branch responsible for administration of payments of financial assistance under the Act.
29(1)(b)	Power to determine timing of payment referred to in paragraphs 29(1)(a), (aa) and (ab).	EL2 of a Branch responsible for administration of payments of financial assistance under the Act.
52(1)	Power to determine a school's CTC score.	EL2 of a Branch responsible for administration of payments of financial assistance under the Act.
67(2)	Power to determine amount of financial assistance payable for a block grant authority (capital funding).	EL2 of a Branch responsible for administration of payments of financial assistance under the Act.
69(1)	Power to determine amount of financial assistance for a school (special circumstances funding).	EL2 of a Branch responsible for administration of payments of financial assistance under the Act.
69A(1)	Power to determine amount of financial assistance for a school (prescribed circumstances funding).	EL2 of a Branch responsible for administration of payments of financial assistance under the Act.
69B(1)	Power to determine amount of financial assistance for a transitioning school (prescribed circumstances funding for transitioning schools).	EL2 of a Branch responsible for administration of payments of financial assistance under the Act.
73	Power to approve a person as an approved authority.	EL2 of a Branch responsible for: <ul style="list-style-type: none"> (a) approval of approved authorities; or (b) administration of payments of financial assistance under the Act.



Schedule 1 Delegation of specific powers and functions under the *Australian Education Act 2013*

Delegation of powers and functions under the Act		
Column 1 Provision of Act	Column 2 Description of power or function	Column 3 Delegates
80	Power to vary or revoke approved authority's approval on application.	EL2 of a Branch responsible for: (a) approval of approved authorities; or (b) administration of payments of financial assistance under the Act.
81(3)	Power to vary or revoke an approved authority's approval because of a school closure if the school has ceased to provide primary or secondary education.	EL2 of a Branch responsible for: (a) approval of approved authorities; or (b) administration of payments of financial assistance under the Act.
83	Power to approve a person as a block grant authority.	EL2 of a Branch responsible for: (a) approval of block grant authorities; or (b) administration of payments of financial assistance under the Act.
87(2) and (3)	Power to vary or revoke block grant authority's approval on application.	EL2 of a Branch responsible for: (a) approval of block grant authorities; or (b) administration of payments of financial assistance under the Act.
88(3)	Power to vary or revoke block grant authority's approval if a school has ceased to provide primary or secondary education.	EL2 of a Branch responsible for: (a) approval of block grant authorities; or (b) administration of payments of financial assistance under the Act.
110(1)(a), (b) and (c)	Power to determine that, because of sections 108 or 109: a State or Territory pay the Commonwealth a specified amount; financial assistance is reduced by a specified amount; or financial assistance be delayed.	EL2 of a Branch responsible for: (a) a matter referred to in section 77 of the Act; or (b) administration of payments of financial assistance under the Act.

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Schedule 1 Delegation of specific powers and functions under the *Australian Education Act 2013*

Delegation of powers and functions under the Act		
Column 1 Provision of Act	Column 2 Description of power or function	Column 3 Delegates
115(1)	Power to approve a form of application made under a provision of the Act.	EL2 of a Branch responsible for: (a) approval of approved authorities, block grant authorities, or non-government representative bodies; or (b) administration of payments of financial assistance under the Act.
116	Power to request further information from a person applying under a provision of the Act.	Officer who has been delegated power to make a decision on the application.
125(1)(a)	Power to use or disclose school education information (including information that is personal information) in accordance with the Regulation.	Officer of the Department.
125(1)(b)	Power to impose conditions on the use or disclosure of school education information.	EL2 of a Branch responsible for: (a) a matter referred to in section 77 of the Act; or (b) administration of payments of financial assistance under the Act.
125(2)	Power to publish school education information (except information that is personal information).	EL2 of a Branch responsible for: (a) a matter referred to in section 77 of the Act; or (b) administration of payments of financial assistance under the Act.

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6


Schedule 2 Delegation of specific powers and functions under the *Australian Education Regulation 2013***Schedule 2 Delegation of specific functions and powers under the *Australian Education Regulation 2013***


Delegation of powers and functions under the Regulation		
Column 1 Provision of Regulation	Column 2 Description of power or function	Column 3 Delegates
5	Power to determine a particular day as a school's census day.	EL2 of a Branch responsible for: (a) a matter referred to in section 77 of the Act; or (b) administration of payments of financial assistance under the Act.
9B(3)	Power to determine that a person be included in a non-government school's census day enrolment as a primary student or secondary student, in special circumstances.	EL2 of a Branch responsible for: (a) a matter referred to in section 77 of the Act; or (b) administration of payments of financial assistance under the Act.
9B(6)(b)	Power to allow a longer period for an approved authority to apply for a person to be included in a non-government school's census day enrolment.	EL2 of a Branch responsible for: (a) a matter referred to in section 77 of the Act; or (b) administration of payments of financial assistance under the Act.
21(1)	Power to request approved authority to provide Secretary with a statement of residential addresses of each student.	EL2 of a Branch responsible for: (a) approval of approved authorities; or (b) administration of payments of financial assistance under the Act.
21(4)	Power to determine form of statement of addresses, and day or days on which it must be provided.	EL2 of a Branch responsible for: (a) approval of approved authorities; or (b) administration of payments of financial assistance under the Act.
29(5)	Power to give directions to an approved authority in relation to the way special circumstances funding can be spent, or committed to be spent.	EL2 of a Branch responsible for administration of payments of financial assistance under the Act.
29(7A)	Power to determine the day prior to, or period within, which an approved authority must spend, or commit to spend financial assistance mentioned in subsection 29(1) or (4) of the Regulation.	EL2 of a Branch responsible for administration of payments of financial assistance under the Act.

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 7

Schedule 2 Delegation of specific powers and functions under the *Australian Education Regulation 2013*

Delegation of powers and functions under the Regulation		
Column 1 Provision of Regulation	Column 2 Description of power or function	Column 3 Delegates
30(2)(b)	Power to determine the day prior to, or period within, which financial assistance that is paid to a block grant authority must be spent or committed to be spent.	EL2 of a Branch responsible for administration of payments of financial assistance under the Act.
30(3A)(a)(ii)	Power to determine the day prior to, or period within, which financial assistance that is paid to a block grant authority and is recovered must be spent or committed to be spent.	EL2 of a Branch responsible for administration of payments of financial assistance under the Act.
30(5)	Power to give directions to a block grant authority under subsections 30(1), (3A) and (4).	EL2 of a Branch responsible for administration of payments of financial assistance under the Act.
33	Power to appoint a person as an authorised person if person has suitable qualifications or experience.	EL2 of a Branch responsible for administration of payments of financial assistance under the Act.
34(2)(a)(ii)	To agree to an independent third party to prepare and certify the certificate required by subsection 34(1), in relation to an approved authority for a government school.	EL2 of a Branch responsible for administration of payments of financial assistance under the Act.
34(3)(c)	Power to determine the due date for and form of the certificate required by subsection 34(1).	EL2 of a Branch responsible for administration of payments of financial assistance under the Act.
34(5)	Power to approve a person as a qualified accountant for purposes of providing the certificate required by subsection 34(1).	EL2 of a Branch responsible for administration of payments of financial assistance under the Act.
35(1A)	To request in writing for an approved authority for a government school to include information mentioned in paragraph 35(1)(ba) in its financial report for a year, regarding funding in prescribed circumstances.	EL2 of a Branch responsible for administration of payments of financial assistance under the Act.
35(2)(b)	To agree to an independent third party to prepare the financial report required by subsection 35(1), in relation to an approved authority for a government school.	EL2 of a Branch responsible for administration of payments of financial assistance under the Act.
35(3)	Power to determine the due date for and the form of the financial report required by subsection 35(1).	EL2 of a Branch responsible for administration of payments of financial assistance under the Act.
36(1)(e)(vi)	Power to require further financial information to be included in statement about financial operations of an approved authority for a non-government school.	EL2 of a Branch responsible for administration of payments of financial assistance under the Act.
36(1A)	To request in writing for an approved authority for a non-government school to include information mentioned in paragraph 36(1)(fa) in its financial report for a year, regarding funding in prescribed circumstances.	EL2 of a Branch responsible for administration of payments of financial assistance under the Act.



Schedule 2 Delegation of specific powers and functions under the *Australian Education Regulation 2013*

Delegation of powers and functions under the Regulation		
Column 1 Provision of Regulation	Column 2 Description of power or function	Column 3 Delegates
36(4)	Power to determine the due date for and the form of the financial report required by subsection 36(1), in relation to an approved authority for a non-government school.	EL2 of a Branch responsible for administration of payments of financial assistance under the Act.
39A	Power to request information or records from a block grant authority, non-government representative body or an approved authority for a non-government school, and specify the due date for and the manner in which the information or records must be provided.	EL2 of a Branch responsible for administration of payments of financial assistance under the Act.
43(2)(b)	Power to determine day or days by which assessments set out in subsection 43(1) must be undertaken.	EL2 of a Branch responsible for: (a) a matter referred to in section 77 of the Act; or (b) administration of payments of financial assistance under the Act.
43(3A)	Power to determine the due date or dates, and way or ways in which an approved authority must provide information mentioned in subsection 43(3) to ACARA.	EL2 of a Branch responsible for: (a) a matter referred to in section 77 of the Act; or (b) administration of payments of financial assistance under the Act.
43(5)	Power to provide directions to an approved authority as to how it must participate in all activities associated with the national assessment program.	EL2 of a Branch responsible for: (a) a matter referred to in section 77 of the Act; or (b) administration of payments of financial assistance under the Act.
46(6)	Power to determine the date by which an approved authority for a government school must provide a census return for a year to the Secretary.	EL2 of a Branch responsible for: (a) a matter referred to in section 77 of the Act; or (b) administration of payments of financial assistance under the Act.
52(2)	Power to determine due date or dates, and the way or ways in which information mentioned in section 53 must be given to the Minister.	EL2 of a Branch responsible for: (a) a matter referred to in section 77 of the Act; or (b) administration of payments of financial assistance under the Act.

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Schedule 2 Delegation of specific powers and functions under the *Australian Education Regulation 2013*

Delegation of powers and functions under the Regulation		
Column 1 Provision of Regulation	Column 2 Description of power or function	Column 3 Delegates
52(3A)	Power to determine the person to whom the information mentioned in section 58A must be given, and the due date and the way that the information must be given.	EL2 of a Branch responsible for: (a) a matter referred to in section 77 of the Act; or (b) administration of payments of financial assistance under the Act.
52(3C)(b) and (c)	Power to determine the due date and the way in which information mentioned in section 58B must be given to the Department.	EL2 of a Branch responsible for: (a) a matter referred to in section 77 of the Act; or (b) administration of payments of financial assistance under the Act.
52(4)	Power to determine the reporting period to which relevant information in sections 53 to 58B must relate.	EL2 of a Branch responsible for: (a) a matter referred to in section 77 of the Act; or (b) administration of payments of financial assistance under the Act.
59(5)	Power to determine, in writing, information that is considered to be equivalent to the information in paragraph 59(4)(a).	EL2 of a Branch responsible for: (a) a matter referred to in section 77 of the Act; or (b) administration of payments of financial assistance under the Act.
Schedule 1, subclause 3(3)	Power to give directions to an approved authority relating to when prescribed circumstances funding (Additional support for Northern Territory government schools) must be spent or committed to be spent.	EL2 of a Branch responsible for administration of payments of financial assistance under the Act.
Schedule 1, subclause 6(4)	Power to give directions to an approved authority relating to how and when prescribed circumstances funding (Additional financial assistance for low-growth non-government schools for 2018) must be spent or committed to be spent.	EL2 of a Branch responsible for administration of payments of financial assistance under the Act.
Schedule 1, subclause 10(4)	Power to give directions to an approved authority relating to how and when prescribed circumstances funding (Adjustment funding for low-growth non-government schools for 2019) must be spent or committed to be spent.	EL2 of a Branch responsible for administration of payments of financial assistance under the Act.

Initial: _____



Schedule 2 Delegation of specific powers and functions under the *Australian Education Regulation 2013*

Delegation of powers and functions under the Regulation		
Column 1 Provision of Regulation	Column 2 Description of power or function	Column 3 Delegates
Schedule 1, subclause 13(4)	Power to give directions to an approved authority relating to how and when prescribed circumstances funding (Adjustment assistance for ACT non-government schools) must be spent or committed to be spent.	EL2 of a Branch responsible for administration of payments of financial assistance under the Act.
Schedule 1, subclause 16(4)	Power to give directions to an approved authority relating to how and when prescribed circumstances funding (Additional financial assistance for system weighted average SES schools for 2018) must be spent or committed to be spent.	EL2 of a Branch responsible for administration of payments of financial assistance under the Act.
Schedule 1, subclause 19(4)	Power to give directions to an approved authority relating to how and when prescribed circumstances funding (Additional financial assistance for non-government schools of approved system authorities (system weighted benefit) for 2019) must be spent or committed to be spent.	EL2 of a Branch responsible for administration of payments of financial assistance under the Act.
Schedule 1, subclause 22(4)	Power to give directions to an approved authority relating to purposes for how and when prescribed circumstances funding (Additional financial assistance for non-government schools (2016 census data arrangements) for 2019) must be spent or committed to be spent.	EL2 of a Branch responsible for administration of payments of financial assistance under the Act.

Initial: _____





Australian Government
Department of Education, Skills and Employment

Australian Education Act 2013
Australian Education Regulation 2013

Delegation under section 129 of the *Australian Education Act 2013*

I, DAN TEHAN, Minister for Education, make this instrument under subsection 129(1) of the *Australian Education Act 2013*.

Dated 11 NOV 2020



The Hon Dan Tehan MP
Minister for Education

Delegation of powers and functions to officers of the Department of Education, Skills and Employment (the Department)

1 Commencement

This instrument commences on the date it is signed.

2 Revocation

This instrument revokes instrument number 20-035.

3 Interpretation

(1) In this instrument:

Branch means a Branch in the Schools Group of the Department.

EL2 means a position classified as an Executive Level 2.

Schools Group means the highest level organisational unit of the Department that has, from time to time, the principal responsibility for matters relating to schools policy and related payments.

SES employee has the same meaning as in the *Public Service Act 1999*.

the Act means the *Australian Education Act 2013*.

the Regulation means the *Australian Education Regulation 2013*.

(2) Terms used both in this instrument and in the Act have the same meaning in this instrument as they do in the Act.

- (3) Reference in this instrument to *administration of a payment* includes calculating, making, reviewing, auditing, recovering, and policy development relating to that payment.
- (4) For the avoidance of doubt, where this instrument refers to a Branch being responsible for a specified matter, nothing in this instrument implies that other Branches cannot also be responsible for that matter or aspects of that matter, nor that the Branch cannot be responsible for other specified matters.

4 General delegation

I delegate all my powers and functions under the Act and the Regulation (except the powers mentioned in section 128 of the Act, subsection 129(2) of the Act, and any power to make a legislative instrument) to:

- (a) the Secretary of the Department; and
- (b) each person from time to time holding, occupying, or performing the duties of, the following positions in the Department:
 - (i) Deputy Secretary;
 - (ii) SES employee in the Schools Group;
 - (iii) Chief Lawyer.

5 Delegation of specific powers and functions under the *Australian Education Act 2013*

I delegate my powers and functions under the provision of the Act mentioned in column 1 of a row of the table in Schedule 1 to each person from time to time holding, occupying or performing the duties of a position mentioned in column 3 of that row.

6 Delegation of specific powers and functions under the *Australian Education Regulation 2013*

I delegate my powers and functions under the provision of the Regulation mentioned in column 1 of a row of the table in Schedule 2 to each person from time to time holding, occupying or performing the duties of a position mentioned in column 3 of that row.



Schedule 1 Delegation of specific powers and functions under the *Australian Education Act 2013***Schedule 1 Delegation of specific functions and powers under the
*Australian Education Act 2013***

Delegation of powers and functions under the Act		
Column 1 Provision of Act	Column 2 Description of power or function	Column 3 Delegates
8(3)	Power to determine that a school is a majority Aboriginal and Torres Strait Islander school for a year	EL2 of a Branch responsible for: (a) a matter referred to in section 77 of the Act; or (b) administration of payments of financial assistance under the Act.
15(3)	Power to determine that a different level of education than that prescribed by the regulations constitutes primary or secondary education in special circumstances.	EL2 of a Branch responsible for: (a) a matter referred to in section 77 of the Act; or (b) administration of payments of financial assistance under the Act.
18(2)	Power to determine the location of a school with more than one location for purpose of working out school's ARIA index value.	EL2 of a Branch responsible for: (a) a matter referred to in section 77 of the Act; or (b) administration of payments of financial assistance under the Act.
18(3)	Power to determine which State or Territory a school is located in when not all locations of a school are in the same State or Territory.	EL2 of a Branch responsible for: (a) a matter referred to in section 77 of the Act; or (b) administration of payments of financial assistance under the Act.
25(1)(a)	Power to determine amount of payment of financial assistance for a school (recurrent funding).	EL2 of a Branch responsible for administration of payments of financial assistance under the Act.
25(1)(d)	Power to determine timing of payment referred to in paragraph 25(1)(a).	EL2 of a Branch responsible for administration of payments of financial assistance under the Act.
26(4)	Power to determine total entitlement to recurrent funding.	EL2 of a Branch responsible for administration of payments of financial assistance under the Act.
28(1)(a)	Power to determine amount of payment of financial assistance for a capital grants authority.	EL2 of a Branch responsible for administration of payments of financial assistance under the Act.

Schedule 1 Delegation of specific powers and functions under the *Australian Education Act 2013*

Delegation of powers and functions under the Act		
Column 1 Provision of Act	Column 2 Description of power or function	Column 3 Delegates
28(1)(b)	Power to determine amount of payment of financial assistance for a block grant authority.	EL2 of a Branch responsible for administration of payments of financial assistance under the Act.
28(1)(c)	Power to determine timing of payment referred to in paragraph 28(1)(a) and (b).	EL2 of a Branch responsible for administration of payments of financial assistance under the Act.
29(1)(a)	Power to determine amount of payment of financial assistance for a school (special circumstances funding).	EL2 of a Branch responsible for administration of payments of financial assistance under the Act.
29(1)(aa)	Power to determine amount of payment of financial assistance for a school (prescribed circumstances funding).	EL2 of a Branch responsible for administration of payments of financial assistance under the Act.
29(1)(ab)	Power to determine amount of payment of financial assistance for a transitioning school (prescribed circumstances funding for transitioning schools).	EL2 of a Branch responsible for administration of payments of financial assistance under the Act.
29(1)(b)	Power to determine timing of payment referred to in paragraphs 29(1)(a), (aa) and (ab).	EL2 of a Branch responsible for administration of payments of financial assistance under the Act.
52(1)	Power to determine a school's CTC score.	EL2 of a Branch responsible for administration of payments of financial assistance under the Act.
67(2)	Power to determine amount of financial assistance payable for a block grant authority (capital funding).	EL2 of a Branch responsible for administration of payments of financial assistance under the Act.
69(1)	Power to determine amount of financial assistance for a school (special circumstances funding).	EL2 of a Branch responsible for administration of payments of financial assistance under the Act.
69A(1)	Power to determine amount of financial assistance for a school (prescribed circumstances funding).	EL2 of a Branch responsible for administration of payments of financial assistance under the Act.
69B(1)	Power to determine amount of financial assistance for a transitioning school (prescribed circumstances funding for transitioning schools).	EL2 of a Branch responsible for administration of payments of financial assistance under the Act.

Schedule 1 Delegation of specific powers and functions under the *Australian Education Act 2013*

Delegation of powers and functions under the Act		
Column 1 Provision of Act	Column 2 Description of power or function	Column 3 Delegates
73	Power to approve a person as an approved authority.	EL2 of a Branch responsible for: (a) approval of approved authorities; or (b) administration of payments of financial assistance under the Act.
80	Power to vary or revoke approved authority's approval on application.	EL2 of a Branch responsible for: (a) approval of approved authorities; or (b) administration of payments of financial assistance under the Act.
81(3)	Power to vary or revoke an approved authority's approval because of a school closure if the school has ceased to provide primary or secondary education.	EL2 of a Branch responsible for: (a) approval of approved authorities; or (b) administration of payments of financial assistance under the Act.
83	Power to approve a person as a block grant authority.	EL2 of a Branch responsible for: (a) approval of block grant authorities; or (b) administration of payments of financial assistance under the Act.
87(2) and (3)	Power to vary or revoke block grant authority's approval on application.	EL2 of a Branch responsible for: (a) approval of block grant authorities; or (b) administration of payments of financial assistance under the Act.
88(3)	Power to vary or revoke block grant authority's approval if a school has ceased to provide primary or secondary education.	EL2 of a Branch responsible for: (a) approval of block grant authorities; or (b) administration of payments of financial assistance under the Act.
110(1)(a), (b) and (c)	Power to determine that, because of sections 108 or 109: a State or Territory pay the Commonwealth a specified amount; financial assistance is reduced by a specified amount; or financial assistance be delayed.	EL2 of a Branch responsible for: (a) a matter referred to in section 77 of the Act; or (b) administration of payments of financial assistance under the Act.

Initial: 

Schedule 1 Delegation of specific powers and functions under the *Australian Education Act 2013*

Delegation of powers and functions under the Act		
Column 1 Provision of Act	Column 2 Description of power or function	Column 3 Delegates
115(1)	Power to approve a form of application made under a provision of the Act.	EL2 of a Branch responsible for: <ul style="list-style-type: none"> (a) approval of approved authorities, block grant authorities, or non-government representative bodies; or (b) administration of payments of financial assistance under the Act.
116	Power to request further information from a person applying under a provision of the Act.	Officer who has been delegated power to make a decision on the application.
125(1)(a)	Power to use or disclose school education information (including information that is personal information) in accordance with the Regulation.	Officer of the Department.
125(1)(b)	Power to impose conditions on the use or disclosure of school education information.	EL2 of a Branch responsible for: <ul style="list-style-type: none"> (a) a matter referred to in section 77 of the Act; or (b) administration of payments of financial assistance under the Act.
125(2)	Power to publish school education information (except information that is personal information).	EL2 of a Branch responsible for: <ul style="list-style-type: none"> (a) a matter referred to in section 77 of the Act; or (b) administration of payments of financial assistance under the Act.

Initial: 

Schedule 2 Delegation of specific powers and functions under the *Australian Education Regulation 2013***Schedule 2 Delegation of specific functions and powers under the *Australian Education Regulation 2013***

Delegation of powers and functions under the Regulation		
Column 1 Provision of Regulation	Column 2 Description of power or function	Column 3 Delegates
5	Power to determine a particular day as a school's census day.	EL2 of a Branch responsible for: (a) a matter referred to in section 77 of the Act; or (b) administration of payments of financial assistance under the Act.
9B(3)	Power to determine that a person be included in a non-government school's census day enrolment as a primary student or secondary student, in special circumstances.	EL2 of a Branch responsible for: (a) a matter referred to in section 77 of the Act; or (b) administration of payments of financial assistance under the Act.
9B(6)(b)	Power to allow a longer period for an approved authority to apply for a person to be included in a non-government school's census day enrolment.	EL2 of a Branch responsible for: (a) a matter referred to in section 77 of the Act; or (b) administration of payments of financial assistance under the Act.
21(1)	Power to request approved authority to provide Secretary with a statement of residential addresses of each student.	EL2 of a Branch responsible for: (a) approval of approved authorities; or (b) administration of payments of financial assistance under the Act.
21(4)	Power to determine form of statement of addresses, and day or days on which it must be provided.	EL2 of a Branch responsible for: (a) approval of approved authorities; or (b) administration of payments of financial assistance under the Act.
29(5)	Power to give directions to an approved authority in relation to the way special circumstances funding can be spent, or committed to be spent.	EL2 of a Branch responsible for administration of payments of financial assistance under the Act.
29(7A)	Power to determine the day prior to, or period within, which an approved authority must spend, or commit to spend financial assistance mentioned in subsection 29(1) or (4) of the Regulation.	EL2 of a Branch responsible for administration of payments of financial assistance under the Act.

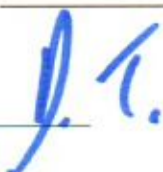
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Schedule 2 Delegation of specific powers and functions under the *Australian Education Regulation 2013*

Delegation of powers and functions under the Regulation		
Column 1 Provision of Regulation	Column 2 Description of power or function	Column 3 Delegates
30(2)(b)	Power to determine the day prior to, or period within, which financial assistance that is paid to a block grant authority must be spent or committed to be spent.	EL2 of a Branch responsible for administration of payments of financial assistance under the Act.
30(3A)(a)(ii)	Power to determine the day prior to, or period within, which financial assistance that is paid to a block grant authority and is recovered must be spent or committed to be spent.	EL2 of a Branch responsible for administration of payments of financial assistance under the Act.
30(5)	Power to give directions to a block grant authority under subsections 30(1), (3A) and (4).	EL2 of a Branch responsible for administration of payments of financial assistance under the Act.
33	Power to appoint a person as an authorised person if person has suitable qualifications or experience.	EL2 of a Branch responsible for administration of payments of financial assistance under the Act.
34(2)(a)(ii)	To agree to an independent third party to prepare and certify the certificate required by subsection 34(1), in relation to an approved authority for a government school.	EL2 of a Branch responsible for administration of payments of financial assistance under the Act.
34(3)(c)	Power to determine the due date for and form of the certificate required by subsection 34(1).	EL2 of a Branch responsible for administration of payments of financial assistance under the Act.
34(5)	Power to approve a person as a qualified accountant for purposes of providing the certificate required by subsection 34(1).	EL2 of a Branch responsible for administration of payments of financial assistance under the Act.
35(1A)	To request in writing for an approved authority for a government school to include information mentioned in paragraph 35(1)(ba) in its financial report for a year, regarding funding in prescribed circumstances.	EL2 of a Branch responsible for administration of payments of financial assistance under the Act.
35(2)(b)	To agree to an independent third party to prepare the financial report required by subsection 35(1), in relation to an approved authority for a government school.	EL2 of a Branch responsible for administration of payments of financial assistance under the Act.
35(3)	Power to determine the due date for and the form of the financial report required by subsection 35(1).	EL2 of a Branch responsible for administration of payments of financial assistance under the Act.
36(1)(e)(vi)	Power to require further financial information to be included in statement about financial operations of an approved authority for a non-government school.	EL2 of a Branch responsible for administration of payments of financial assistance under the Act.
36(1A)	To request in writing for an approved authority for a non-government school to include information mentioned in paragraph 36(1)(fa) in its financial report for a year, regarding funding in prescribed circumstances.	EL2 of a Branch responsible for administration of payments of financial assistance under the Act.

Initial: _____



Schedule 2 Delegation of specific powers and functions under the *Australian Education Regulation 2013*

Delegation of powers and functions under the Regulation		
Column 1 Provision of Regulation	Column 2 Description of power or function	Column 3 Delegates
36(4)	Power to determine the due date for and the form of the financial report required by subsection 36(1), in relation to an approved authority for a non-government school.	EL2 of a Branch responsible for administration of payments of financial assistance under the Act.
39A	Power to request information or records from a block grant authority, non-government representative body or an approved authority for a non-government school, and specify the due date for and the manner in which the information or records must be provided.	EL2 of a Branch responsible for administration of payments of financial assistance under the Act.
43(2)(b)	Power to determine day or days by which assessments set out in subsection 43(1) must be undertaken.	EL2 of a Branch responsible for: (a) a matter referred to in section 77 of the Act; or (b) administration of payments of financial assistance under the Act.
43(3A)	Power to determine the due date or dates, and way or ways in which an approved authority must provide information mentioned in subsection 43(3) to ACARA.	EL2 of a Branch responsible for: (a) a matter referred to in section 77 of the Act; or (b) administration of payments of financial assistance under the Act.
43(5)	Power to provide directions to an approved authority as to how it must participate in all activities associated with the national assessment program.	EL2 of a Branch responsible for: (a) a matter referred to in section 77 of the Act; or (b) administration of payments of financial assistance under the Act.
46(6)	Power to determine the date by which an approved authority for a government school must provide a census return for a year to the Secretary.	EL2 of a Branch responsible for: (a) a matter referred to in section 77 of the Act; or (b) administration of payments of financial assistance under the Act.
52(2)	Power to determine due date or dates, and the way or ways in which information mentioned in section 53 must be given to the Minister.	EL2 of a Branch responsible for: (a) a matter referred to in section 77 of the Act; or (b) administration of payments of financial assistance under the Act.

Initial: _____



Schedule 2 Delegation of specific powers and functions under the *Australian Education Regulation 2013*

Delegation of powers and functions under the Regulation		
Column 1 Provision of Regulation	Column 2 Description of power or function	Column 3 Delegates
52(3A)	Power to determine the person to whom the information mentioned in section 58A must be given, and the due date and the way that the information must be given.	EL2 of a Branch responsible for: (a) a matter referred to in section 77 of the Act; or (b) administration of payments of financial assistance under the Act.
52(3C)(b) and (c)	Power to determine the due date and the way in which information mentioned in section 58B must be given to the Department.	EL2 of a Branch responsible for: (a) a matter referred to in section 77 of the Act; or (b) administration of payments of financial assistance under the Act.
52(4)	Power to determine the reporting period to which relevant information in sections 53 to 58B must relate.	EL2 of a Branch responsible for: (a) a matter referred to in section 77 of the Act; or (b) administration of payments of financial assistance under the Act.
59(5)	Power to determine, in writing, information that is considered to be equivalent to the information in paragraph 59(4)(a).	EL2 of a Branch responsible for: (a) a matter referred to in section 77 of the Act; or (b) administration of payments of financial assistance under the Act.
Schedule 1, subclause 3(3)	Power to give directions to an approved authority relating to when prescribed circumstances funding (Additional support for Northern Territory government schools) must be spent or committed to be spent.	EL2 of a Branch responsible for administration of payments of financial assistance under the Act.
Schedule 1, subclause 6(4)	Power to give directions to an approved authority relating to how and when prescribed circumstances funding (Additional financial assistance for low-growth non-government schools for 2018) must be spent or committed to be spent.	EL2 of a Branch responsible for administration of payments of financial assistance under the Act.
Schedule 1, subclause 10(4)	Power to give directions to an approved authority relating to how and when prescribed circumstances funding (Adjustment funding for low-growth non-government schools for 2019) must be spent or committed to be spent.	EL2 of a Branch responsible for administration of payments of financial assistance under the Act.

Initial: _____

Schedule 2 Delegation of specific powers and functions under the *Australian Education Regulation 2013*

Delegation of powers and functions under the Regulation		
Column 1 Provision of Regulation	Column 2 Description of power or function	Column 3 Delegates
Schedule 1, subclause 13(4)	Power to give directions to an approved authority relating to how and when prescribed circumstances funding (Adjustment assistance for ACT non-government schools) must be spent or committed to be spent.	EL2 of a Branch responsible for administration of payments of financial assistance under the Act.
Schedule 1, subclause 16(4)	Power to give directions to an approved authority relating to how and when prescribed circumstances funding (Additional financial assistance for system weighted average SES schools for 2018) must be spent or committed to be spent.	EL2 of a Branch responsible for administration of payments of financial assistance under the Act.
Schedule 1, subclause 19(4)	Power to give directions to an approved authority relating to how and when prescribed circumstances funding (Additional financial assistance for non-government schools of approved system authorities (system weighted benefit) for 2019) must be spent or committed to be spent.	EL2 of a Branch responsible for administration of payments of financial assistance under the Act.
Schedule 1, subclause 22(4)	Power to give directions to an approved authority relating to purposes for how and when prescribed circumstances funding (Additional financial assistance for non-government schools (2016 census data arrangements) for 2019) must be spent or committed to be spent.	EL2 of a Branch responsible for administration of payments of financial assistance under the Act.

Initial: _____



Australian Government
Department of Education

Australian Education Act 2013
Australian Education Regulations 2023

Delegation under section 129 of the *Australian Education Act 2013*

I, JASON CLARE, Minister for Education, make this instrument under subsection 129(1) of the *Australian Education Act 2013*.

Dated

21/7/23

The Hon Jason Clare MP
Minister for Education

Delegation of powers and functions to officers of the Department of Education (the Department)

1 Commencement

This instrument commences on the commencement of the *Australian Education Regulations 2023*, or if signed after that date, on the date this instrument is signed.

2 Revocation

This instrument revokes instrument number 20-048. The delegation of powers and functions under the *Australian Education Regulation 2013* (the 2013 Regulations) made by that instrument continue in effect despite this revocation.¹

3 Interpretation

(1) In this instrument:

Branch means a Branch in the Schools Group of the Department.

EL2 means a position classified as an Executive Level 2.

Schools Group means the highest level organisational unit of the Department that has, from time to time, the principal responsibility for matters relating to schools policy and related payments.

¹ Subsection 67(2) of the *Australian Education Regulations 2023* provides that despite the repeal of the 2013 Regulations, they continue to apply in relation to 2022 and earlier years as if they had not been repealed. The delegations of powers and functions under the 2013 Regulations are therefore continued by this instrument.

SES employee has the same meaning as in the *Public Service Act 1999*.

the Act means the *Australian Education Act 2013*.

the Regulations means the *Australian Education Regulations 2023*.

- (2) Terms used both in this instrument and in the Act have the same meaning in this instrument as they do in the Act.
- (3) Reference in this instrument to *administration of a payment* includes calculating, making, reviewing, auditing, recovering, and policy development relating to that payment.
- (4) For the avoidance of doubt, where this instrument refers to a Branch being responsible for a specified matter, nothing in this instrument implies that other Branches cannot also be responsible for that matter or aspects of that matter, nor that the Branch cannot be responsible for other specified matters.

4 General delegation

I delegate all my powers and functions under the Act and the Regulations (except the powers mentioned in sections 19(2), 128 and 129(2) of the Act, and sections 58, 58A, 58B and 65(4) of the Regulations) to:

- (a) the Secretary of the Department; and
- (b) each person from time to time holding, occupying, or performing the duties of, the following positions in the Department:
 - (i) Deputy Secretary;
 - (ii) SES employee in the Schools Group;
 - (iii) General Counsel.

5 Delegation of specific powers and functions under the *Australian Education Act 2013*

I delegate my powers and functions under the provision of the Act mentioned in column 1 of a row of the table in Schedule 1 to each person from time to time holding, occupying or performing the duties of a position mentioned in column 3 of that row.

6 Delegation of specific powers and functions under the *Australian Education Regulations 2023*

I delegate my powers and functions under the provision of the Regulations mentioned in column 1 of a row of the table in Schedule 2 to each person from time to time holding, occupying or performing the duties of a position mentioned in column 3 of that row.



Schedule 1 Delegation of specific powers and functions under the *Australian Education Act 2013***Schedule 1 Delegation of specific functions and powers under the
*Australian Education Act 2013***

Delegation of powers and functions under the Act		
Column 1 Provision of Act	Column 2 Description of power or function	Column 3 Delegates
8(3)	Power to determine that a school is a majority Aboriginal and Torres Strait Islander school for a year	EL2 of a Branch responsible for: (a) a matter referred to in section 77 of the Act; or (b) administration of payments of financial assistance under the Act.
15(3)	Power to determine that a different level of education than that prescribed by the regulations constitutes primary or secondary education in special circumstances.	EL2 of a Branch responsible for: (a) a matter referred to in section 77 of the Act; or (b) administration of payments of financial assistance under the Act.
18(2)	Power to determine the location of a school with more than one location for purpose of working out school's ARIA index value.	EL2 of a Branch responsible for: (a) a matter referred to in section 77 of the Act; or (b) administration of payments of financial assistance under the Act.
18(3)	Power to determine which State or Territory a school is located in when not all locations of a school are in the same State or Territory.	EL2 of a Branch responsible for: (a) a matter referred to in section 77 of the Act; or (b) administration of payments of financial assistance under the Act.
25(1)(a)	Power to determine amount of payment of financial assistance for a school (recurrent funding).	EL2 of a Branch responsible for administration of payments of financial assistance under the Act.
25(1)(d)	Power to determine timing of payment referred to in paragraph 25(1)(a).	EL2 of a Branch responsible for administration of payments of financial assistance under the Act.
26(4)	Power to determine total entitlement to recurrent funding.	EL2 of a Branch responsible for administration of payments of financial assistance under the Act.
28(1)(a)	Power to determine amount of payment of financial assistance for a capital grants authority.	EL2 of a Branch responsible for administration of payments of financial assistance under the Act.

Initial: _____



Schedule 1 Delegation of specific powers and functions under the *Australian Education Act 2013*

Delegation of powers and functions under the Act		
Column 1 Provision of Act	Column 2 Description of power or function	Column 3 Delegates
28(1)(b)	Power to determine amount of payment of financial assistance for a block grant authority.	EL2 of a Branch responsible for administration of payments of financial assistance under the Act.
28(1)(c)	Power to determine timing of payment referred to in paragraph 28(1)(a) and (b).	EL2 of a Branch responsible for administration of payments of financial assistance under the Act.
29(1)(a)	Power to determine amount of payment of financial assistance for a school (special circumstances funding).	EL2 of a Branch responsible for administration of payments of financial assistance under the Act.
29(1)(aa)	Power to determine amount of payment of financial assistance for a school (prescribed circumstances funding).	EL2 of a Branch responsible for administration of payments of financial assistance under the Act.
29(1)(ab)	Power to determine amount of payment of financial assistance for a transitioning school (prescribed circumstances funding for transitioning schools).	EL2 of a Branch responsible for administration of payments of financial assistance under the Act.
29(1)(b)	Power to determine timing of payment referred to in paragraphs 29(1)(a), (aa) and (ab).	EL2 of a Branch responsible for administration of payments of financial assistance under the Act.
52(1)	Power to determine a school's CTC score.	EL2 of a Branch responsible for administration of payments of financial assistance under the Act.
67(2)	Power to determine amount of financial assistance payable for a block grant authority (capital funding).	EL2 of a Branch responsible for administration of payments of financial assistance under the Act.
69(1)	Power to determine amount of financial assistance for a school (special circumstances funding).	EL2 of a Branch responsible for administration of payments of financial assistance under the Act.
69A(1)	Power to determine amount of financial assistance for a school (prescribed circumstances funding).	EL2 of a Branch responsible for administration of payments of financial assistance under the Act.
69B(1)	Power to determine amount of financial assistance for a transitioning school (prescribed circumstances funding for transitioning schools).	EL2 of a Branch responsible for administration of payments of financial assistance under the Act.

Initial: _____



Schedule 1 Delegation of specific powers and functions under the *Australian Education Act 2013*

Delegation of powers and functions under the Act		
Column 1 Provision of Act	Column 2 Description of power or function	Column 3 Delegates
73	Power to approve a person as an approved authority.	EL2 of a Branch responsible for: (a) approval of approved authorities; or (b) administration of payments of financial assistance under the Act.
80	Power to vary or revoke approved authority's approval on application.	EL2 of a Branch responsible for: (a) approval of approved authorities; or (b) administration of payments of financial assistance under the Act.
81(3)	Power to vary or revoke an approved authority's approval because of a school closure if the school has ceased to provide primary or secondary education.	EL2 of a Branch responsible for: (a) approval of approved authorities; or (b) administration of payments of financial assistance under the Act.
83	Power to approve a person as a block grant authority.	EL2 of a Branch responsible for: (a) approval of block grant authorities; or (b) administration of payments of financial assistance under the Act.
87(2) and (3)	Power to vary or revoke block grant authority's approval on application.	EL2 of a Branch responsible for: (a) approval of block grant authorities; or (b) administration of payments of financial assistance under the Act.
88(3)	Power to vary or revoke block grant authority's approval if a school has ceased to provide primary or secondary education.	EL2 of a Branch responsible for: (a) approval of block grant authorities; or (b) administration of payments of financial assistance under the Act.
110(1)(a), (b) and (c)	Power to determine that, because of sections 108 or 109: a State or Territory pay the Commonwealth a specified amount; financial assistance is reduced by a specified amount; or financial assistance be delayed.	EL2 of a Branch responsible for: (a) a matter referred to in section 77 of the Act; or (b) administration of payments of financial assistance under the Act.

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Schedule 1 Delegation of specific powers and functions under the *Australian Education Act 2013*

Delegation of powers and functions under the Act		
Column 1 Provision of Act	Column 2 Description of power or function	Column 3 Delegates
115(1)	Power to approve a form of application made under a provision of the Act.	EL2 of a Branch responsible for: (a) approval of approved authorities, block grant authorities, or non-government representative bodies; or (b) administration of payments of financial assistance under the Act.
116	Power to request further information from a person applying under a provision of the Act.	Officer who has been delegated power to make a decision on the application.
125(1)(a)	Power to use or disclose school education information (including information that is personal information) in accordance with the Regulation.	Officer of the Department.
125(1)(b)	Power to impose conditions on the use or disclosure of school education information.	EL2 of a Branch responsible for: (a) a matter referred to in section 77 of the Act; or (b) administration of payments of financial assistance under the Act.
125(2)	Power to publish school education information (except information that is personal information).	EL2 of a Branch responsible for: (a) a matter referred to in section 77 of the Act; or (b) administration of payments of financial assistance under the Act.

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Schedule 2 Delegation of specific powers and functions under the *Australian Education Regulations 2023***Schedule 2 Delegation of specific functions and powers under the *Australian Education Regulations 2023***

Delegation of powers and functions under the Regulation		
Column 1 Provision of Regulation	Column 2 Description of power or function	Column 3 Delegates
5	Power to determine a particular day as a school's census day.	EL2 of a Branch responsible for: (a) a matter referred to in section 77 of the Act; or (b) administration of payments of financial assistance under the Act.
9B(3)	Power to determine that a person be included in a non-government school's census day enrolment as a primary student or secondary student, in special circumstances.	EL2 of a Branch responsible for: (a) a matter referred to in section 77 of the Act; or (b) administration of payments of financial assistance under the Act.
9B(6)(b)	Power to allow a longer period for an approved authority to apply for a person to be included in a non-government school's census day enrolment.	EL2 of a Branch responsible for: (a) a matter referred to in section 77 of the Act; or (b) administration of payments of financial assistance under the Act.
29(6)	Power to give directions to an approved authority in relation to the way special circumstances funding can be spent, or committed to be spent.	EL2 of a Branch responsible for administration of payments of financial assistance under the Act.
29(8)	Power to determine the day prior to, or period within, which an approved authority must spend, or commit to spend financial assistance mentioned in subsection 29(1) or (5) of the Regulation.	EL2 of a Branch responsible for administration of payments of financial assistance under the Act.
30(2)(b)	Power to determine the day prior to, or period within, which financial assistance that is paid to a block grant authority must be spent or committed to be spent.	EL2 of a Branch responsible for administration of payments of financial assistance under the Act.
30(4)(a)(ii)	Power to determine the day prior to, or period within, which financial assistance that is paid to a block grant authority and is recovered must be spent or committed to be spent.	EL2 of a Branch responsible for administration of payments of financial assistance under the Act.
30(6)	Power to give directions to a block grant authority under subsections 30(1), (4) and (5).	EL2 of a Branch responsible for administration of payments of financial assistance under the Act.

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Schedule 2 Delegation of specific powers and functions under the *Australian Education Regulations 2023*

Delegation of powers and functions under the Regulation		
Column 1 Provision of Regulation	Column 2 Description of power or function	Column 3 Delegates
33	Power to appoint a person as an authorised person if person has suitable qualifications or experience.	EL2 of a Branch responsible for administration of payments of financial assistance under the Act.
34(2)(a)(ii)	To agree to an independent third party to prepare and certify the certificate required by subsection 34(1), in relation to an approved authority for a government school.	EL2 of a Branch responsible for administration of payments of financial assistance under the Act.
34(3)(c)	Power to determine the due date for and form of the certificate required by subsection 34(1).	EL2 of a Branch responsible for administration of payments of financial assistance under the Act.
34(5)	Power to approve a person as a qualified accountant for purposes of providing the certificate required by subsection 34(1).	EL2 of a Branch responsible for administration of payments of financial assistance under the Act.
35(1A)	To request in writing for an approved authority for a government school to include information mentioned in paragraph 35(1)(ba) in its financial report for a year, regarding funding in prescribed circumstances.	EL2 of a Branch responsible for administration of payments of financial assistance under the Act.
35(3)(b)	To agree to an independent third party to prepare the financial report required by subsection 35(1), in relation to an approved authority for a government school.	EL2 of a Branch responsible for administration of payments of financial assistance under the Act.
35(4)	Power to determine the due date for and the form of the financial report required by subsection 35(1).	EL2 of a Branch responsible for administration of payments of financial assistance under the Act.
36(1)(d)(vi)	Power to require further financial information to be included in statement about financial operations of an approved authority for a non-government school.	EL2 of a Branch responsible for administration of payments of financial assistance under the Act.
36(2)	To request in writing for an approved authority for a non-government school to include information mentioned in paragraph 36(1)(f) in its financial report for a year, regarding funding in prescribed circumstances.	EL2 of a Branch responsible for administration of payments of financial assistance under the Act.
36(5)	Power to determine the due date for and the form of the financial report required by subsection 36(1), in relation to an approved authority for a non-government school.	EL2 of a Branch responsible for administration of payments of financial assistance under the Act.
39A	Power to request information or records from a block grant authority, non-government representative body or an approved authority for a non-government school, and specify the due date for and the manner in which the information or records must be provided.	EL2 of a Branch responsible for administration of payments of financial assistance under the Act.

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Schedule 2 Delegation of specific powers and functions under the *Australian Education Regulations 2023*

Delegation of powers and functions under the Regulation		
Column 1 Provision of Regulation	Column 2 Description of power or function	Column 3 Delegates
43(2)(b)	Power to determine day or days by which assessments set out in subsection 43(1) must be undertaken.	EL2 of a Branch responsible for: (a) a matter referred to in section 77 of the Act; or (b) administration of payments of financial assistance under the Act.
43(4)	Power to determine the due date or dates, and way or ways in which an approved authority must provide information mentioned in subsection 43(3) to ACARA.	EL2 of a Branch responsible for: (a) a matter referred to in section 77 of the Act; or (b) administration of payments of financial assistance under the Act.
43(6)	Power to provide directions to an approved authority as to how it must participate in all activities associated with the national assessment program.	EL2 of a Branch responsible for: (a) a matter referred to in section 77 of the Act; or (b) administration of payments of financial assistance under the Act.
46(6)	Power to determine the date by which an approved authority for a government school must provide a census return for a year to the Secretary.	EL2 of a Branch responsible for: (a) a matter referred to in section 77 of the Act; or (b) administration of payments of financial assistance under the Act.
52(2)	Power to determine due date or dates, and the way or ways in which information mentioned in section 53 must be given to the Minister.	EL2 of a Branch responsible for: (a) a matter referred to in section 77 of the Act; or (b) administration of payments of financial assistance under the Act.
52(4)	Power to determine the person to whom the information mentioned in section 58A must be given, and the due date and the way that the information must be given.	EL2 of a Branch responsible for: (a) a matter referred to in section 77 of the Act; or (b) administration of payments of financial assistance under the Act.
52(6)	Power to determine the due date and the way in which information mentioned in section 58B must be given to the Department.	EL2 of a Branch responsible for: (a) a matter referred to in section 77 of the Act; or (b) administration of payments of financial assistance under the Act.

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Schedule 2 Delegation of specific powers and functions under the *Australian Education Regulations 2023*

Delegation of powers and functions under the Regulation		
Column 1 Provision of Regulation	Column 2 Description of power or function	Column 3 Delegates
52(7)	Power to determine the reporting period to which relevant information in sections 53 to 58B must relate.	EL2 of a Branch responsible for: (a) a matter referred to in section 77 of the Act; or (b) administration of payments of financial assistance under the Act.
59(5)	Power to determine, in writing, information that is considered to be equivalent to the information in paragraph 59(4)(a).	EL2 of a Branch responsible for: (a) a matter referred to in section 77 of the Act; or (b) administration of payments of financial assistance under the Act.
Schedule 1, subclause 3(3)	Power to give directions to an approved authority relating to when prescribed circumstances funding (Additional support for Northern Territory government schools) must be spent or committed to be spent.	EL2 of a Branch responsible for administration of payments of financial assistance under the Act.
Schedule 1, subclause 6(4)	Power to give directions to an approved authority relating to how and when prescribed circumstances funding (Additional financial assistance for low-growth non-government schools for 2018) must be spent or committed to be spent.	EL2 of a Branch responsible for administration of payments of financial assistance under the Act.
Schedule 1, subclause 10(4)	Power to give directions to an approved authority relating to how and when prescribed circumstances funding (Adjustment funding for low-growth non-government schools for 2019) must be spent or committed to be spent.	EL2 of a Branch responsible for administration of payments of financial assistance under the Act.
Schedule 1, subclause 13(4)	Power to give directions to an approved authority relating to how and when prescribed circumstances funding (Adjustment assistance for ACT non-government schools) must be spent or committed to be spent.	EL2 of a Branch responsible for administration of payments of financial assistance under the Act.
Schedule 1, subclause 16(4)	Power to give directions to an approved authority relating to how and when prescribed circumstances funding (Additional financial assistance for system weighted average SES schools for 2018) must be spent or committed to be spent.	EL2 of a Branch responsible for administration of payments of financial assistance under the Act.

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Schedule 2 Delegation of specific powers and functions under the *Australian Education Regulations 2023*

Delegation of powers and functions under the Regulation		
Column 1 Provision of Regulation	Column 2 Description of power or function	Column 3 Delegates
Schedule 1, subclause 19(4)	Power to give directions to an approved authority relating to how and when prescribed circumstances funding (Additional financial assistance for non-government schools of approved system authorities (system weighted benefit) for 2019) must be spent or committed to be spent.	EL2 of a Branch responsible for administration of payments of financial assistance under the Act.
Schedule 1, subclause 22(4)	Power to give directions to an approved authority relating to purposes for how and when prescribed circumstances funding (Additional financial assistance for non-government schools (2016 census data arrangements) for 2019) must be spent or committed to be spent.	EL2 of a Branch responsible for administration of payments of financial assistance under the Act.

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