

## Variation Agreement extending the Bilateral Agreement Between the Australian Capital Territory and the Commonwealth

### Preliminaries

1. In accordance with clause 22 of the National School Reform Agreement, the Parties agree to amend the Bilateral Agreement Between the Australian Capital Territory and the Commonwealth (the Agreement) as set out in this Variation Agreement.
2. In December 2022, Education Ministers agreed to undertake a review to inform the next National School Reform Agreement. To enable time for this review, Education Ministers agreed to extend the current National School Reform Agreement for 12 months, subject to agreement from First Ministers. This Agreement will be extended for the same period.

### Variations to the Agreement

3. The Parties agree to amend the Agreement as follows:

Item	Clause reference	Variation
1.	<b>Clause 3</b>	In clause 3, '31 December 2023' is replaced with '31 December 2024'.
2.	<b>Clause 19</b>	In clause 19, 'Education Council's' and 'Education Council' is replaced with 'Education Ministers Meeting'.
3.	<b>Clause 23</b>	In clause 23, 'from 2018 to 2023' is replaced with 'from 2018 to 2024'.
4.	<b>The table in clause 23</b>	After the final column in Table 2 after clause 23, add an additional column titled '2024' with '80.00%' in the row dealing with the Government sector, and '20.00%' in the row dealing with the Non-Government sector.
5.	<b>The table in clause 24</b>	After the final column in Table 3 after clause 24, add an additional column titled '2024' with '80.00%' in the row dealing with the Government sector, and '20.00%' in the row dealing with the Non-Government sector.
6.	<b>Clause 24</b>	In clause 24, '2018 to 2023' is replaced with '2018 to 2024'.
7.	<b>Clause 25</b>	After the table at clause 24, insert clause 25:  If the reported contribution for a state or territory for a year falls short of meeting the required contribution for a sector by an immaterial amount, this will not be considered non-compliant with section 22A of the Act. An immaterial amount is less than or equal to 0.6 per cent of the total SRS for the sector, or another immaterial

		amount agreed by the Commonwealth Minister for Education for a year, which accounts for the timing constraint of state budget processes being finalised in advance of the year and the required contribution for the year being finalised at the end of the year following the annual School Census.
8.	<b>The table in clause 26</b>	After the final column in Table 4 after clause 26, add an additional column titled '2024' with '20.00%' in the row dealing with the Catholic sector, and '20.00%' in the row dealing with the Independent sector.
9.	<b>Subclause 36 (a) and (b)</b>	At subclause 36 (a) and (b), 'clause 28' is replaced with 'clause 29'.
10.	<b>Clause 41</b>	At clause 41, 'items listed in clause 41 below' is replaced with 'items listed in clause 42 below' and 'clause 28' is replaced with 'clause 29'.
11.	<b>Clause 42</b>	At clause 42, 'accordance with clause 40' is replaced with 'accordance with clause 41'.

The Parties have confirmed their commitment to this agreement as follows:

Signed for and on behalf of the Commonwealth of Australia by

  
The Honourable Jason Clare MP

Minister for Education

Date: 16/11/23.

Signed for and on behalf of the Australian Capital Territory by

  
Yvette Berry MLA

Minister for Early Childhood Development

Minister for Education and Youth Affairs

Date: 30/11/23