

**Senate Standing Committee on Education Employment and Workplace
Relations**

**QUESTIONS ON NOTICE
Additional Estimates 2010-2011**

Outcome 2 - Schools

DEEWR Question No.EW0894_11

Senator Back provided in writing.

Question

**ORDER FOR PRODUCTION OF LEGAL ADVICE – P21 - RECOVERY
MECHANISMS**

"Provide details on the recovery mechanisms? Where these are enshrined? How are they triggered? Which body is responsible for determining whether recovery mechanisms should be put in place? If not the Ministerial Council of Federal-Financial Relations, who? "

Answer

The mechanisms for recovering BER funds are set out in the State and Territory Government Bilateral Agreements, the Block Grant Authority (BGA) Funding Agreements and the Building the Education Revolution Guidelines. A repayment of funding may be triggered when funding has not been spent in accordance with the Bilateral Agreements and Funding Agreements or the Building Education Revolution Guidelines, when an overpayment has occurred, or if any funds remain unspent at the end of the program. The Commonwealth is responsible for ensuring the recovery mechanisms outlined in the Bilateral Agreements and Funding Agreements are complied with by the State and Territory Governments and BGAs.