

Australian Education Amendment (School Funding Guarantee) Bill 2014

Sponsor: Mr Shorten

Introduced: House of Representatives, 26 May 2014

1.6 The Australian Education Amendment (School Funding Guarantee) Bill 2014 (the bill) seeks to amend the *Australian Education Act 2013* to require the Minister for Education to be satisfied that a state or territory will not reduce or has not reduced its education budget before school funding is provided to the states and territories.

1.7 The bill is accompanied by a statement of compatibility which states that the bill engages the right to education and is 'compatible with human rights because it advances the protection of human rights'.¹

1.8 The committee considers that the bill does not appear to give rise to human rights concerns.

1.9 However, the committee notes that, while the purpose of the bill is to prevent any reduction in education funding for states and territories, it is apparent that the bill would operate to reduce such funding if a state or territory were to reduce expenditure on education (as the minister would be prevented from authorising an amount of Commonwealth funding). While such an outcome could be taken as a limitation on the right to education, the committee's assessment of the bill assumes that the chosen mechanism would be effective to prevent state and territory reductions in funding, and reductions in education funding overall.

1 Explanatory memorandum, p. 2.