

**SENATE STANDING COMMITTEE ON
EDUCATION, EMPLOYMENT AND WORKPLACE RELATIONS**

**QUESTIONS ON NOTICE
SUPPLEMENTARY ESTIMATES 2009-10**

Outcome/Agency **2**

DEEWR Question No. **EW717_10**

Senator Mason asked on 22 October 2009, EEWHR Hansard page 58.

Question

Building the Education Revolution

Senator MASON—..... What is the penalty or the punishment perhaps for failure to abide by the time lines for the guidelines, or aren't there any? Is it just a chat? With cooperative federalism there should be some sort of carrot and stick, wouldn't you think, Ms Paul?

Ms Paul—That is right. It is absolutely pertinent that you mention cooperative federalism there, because the correct place for us to consider this is in the bilateral agreements. So we have a national partnership. The BER is based on a national partnership with all governments and with agreements between the Commonwealth and the 22 systems which control capital—that is, the 14 block grant authorities and the eight states. So we would draw on the agreement, but I do not have it in front of me. If you would like us to look at what the arrangements are for sanctions and so on, I am happy to do so.

Senator MASON—Yes, and see what the sanctions are for failure, Ms Paul.

Ms Paul—Yes, we will. I will take that on notice.

Senator MASON—And how are you going to punish the states and others for their failure to abide by the guidelines?

Answer

The Building the Education Revolution (BER) program is being implemented through the *National Partnership Agreement on the Nation Building and Jobs Plan: Building Prosperity for the Future and Supporting Jobs Now*.

The Bilateral Agreements entered into between the Commonwealth and the states/territories require BER funding to be expended for the purposes of the program and in accordance with the Bilateral Agreement and BER Guidelines (Clause 3.1 of the Bilateral Agreement).

The Bilateral Agreements allow the Commonwealth to withhold or suspend payments to a state/territory if it has not fulfilled its obligations under that Bilateral Agreement (Clause 5.1.3 of the Bilateral Agreement). Further, at the completion of the Bilateral Agreement, any funds not spent in accordance with the Bilateral Agreement or not acquitted to the Commonwealth's satisfaction must be repaid to the Commonwealth within 20 days or as directed by the Commonwealth in writing (Clause 5.4.1).