

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

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

Outcome 2 - Schools

DEEWR Question No. EW0392_11

Senator Mason asked on 3/06/2010, Hansard page 96.

Question

BLOCK GRANT AUTHORITIES

Senator MASON—Your answer to my question on notice implies that the Commonwealth can seek to recover money and have it repaid by the block grant authorities for failure to meet requirements, but not the states and territories because there is no specific clause about recovering money. Can you confirm that your only power over the states and territories is to suspend or withhold money; that there is no equivalent clause to the block grant authorities that the Commonwealth can seek to have money repaid by states and by territories?

Ms Paul—No, we cannot confirm that, because I think there is such a power. You are a lawyer and I am not. I will need to go away and compare them. I think our answer to this QON has not been as fulsome as it should have been. We should have put in that part of the bilateral

Answer

The Commonwealth has the authority to require repayment of Building the Education Revolution (BER) funds in both the *Bilateral Agreement on the Nation Building and Jobs Plan* (Clause 5.4.1 (b)) and the Funding Agreement with the Block Grant Authorities (BGA).