

## **EXPLANATORY STATEMENT**

### **Select Legislative Instrument 2006 No. 311**

Issued by the Authority of the Minister for Education, Science and Training

*Schools Assistance (Learning Together – Achievement Through Choice and Opportunity) Act 2004*

*Schools Assistance (Learning Together – Achievement Through Choice and Opportunity) Amendment Regulations 2006 (No. 3)*

#### **Background**

The *Schools Assistance (Learning Together – Achievement Through Choice and Opportunity) Act 2004* (the Act) provides for financial assistance to the States and Territories for government and non-government schools for the 2005-2008 funding quadrennium.

#### **Authority**

Section 140 of the Act provides that the Governor-General may make regulations prescribing all matters required or permitted by the Act to be prescribed, or necessary or convenient to be prescribed for carrying out or giving effect to the Act.

#### **Purpose and operation**

The purpose of the Regulations is to amend the *Schools Assistance (Learning Together – Achievement Through Choice and Opportunity) Regulations 2005* (the Principal Regulations) to change funding amounts specified for a number of programs, to carry over funds from the 2006 program year to the 2007 program year, in accordance with section 123A of the Act.

Section 123A of the Act provides that the regulations may specify changes to certain grant amounts for particular program years. The effect of the Regulations is to carry over uncommitted or unspent amounts for the 2006 program year to the 2007 program year in respect of:

- Capital Infrastructure Grants for government schools;
- Grants of Short Term Emergency Assistance for Non-government Schools;
- Grants for Targeted Assistance - Languages program;
- Grants for Literacy, Numeracy and Special Learning Needs – National Projects.

The effect of the Regulations is to increase funding for the 2007 program year by \$55,525,000.00. The funding amounts in the Regulations were approved by the Department of Finance and Administration.

The Regulations are a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.

#### **Commencement**

The Regulations commence the day after they are registered on the Federal Register of Legislative Instruments.

## Consultation

Consultation was not undertaken prior to making the regulations as it was not considered necessary. The regulations have the effect of carrying over uncommitted or unspent funding amounts from the 2006 program year to 2007 program year under section 123A of the Act.

## Details of the Regulations

### Regulation 1 – Name of Regulations

This regulation provides that the title of the Regulations is the *Schools Assistance (Learning Together – Achievement Through Choice and Opportunity) Amendment Regulations 2006 (No. 3)*.

### Regulation 2 – Commencement

This regulation provides that the Regulations will commence on the day after they are registered on the Federal Register of Legislative Instruments.

### Regulation 3 – Amendment of *Schools Assistance (Learning Together – Achievement Through Choice and Opportunity) Regulations 2005*

This regulation provides that the *Schools Assistance (Learning Together – Achievement Through Choice and Opportunity) Regulations 2005* (the Principal Regulations) are amended as set out in Schedule 1.

## Schedule 1– Amendments

### **Item [1] –Regulation 4.2**

Item 1 substitutes *Regulation 4.2 Changes to grants for literacy, numeracy and special learning needs*, of the Principal Regulations.

Subregulation 4.2(1) deals with changes to grant amounts for a particular program year and provides that for subsection 123A(1) of the Act, the amounts mentioned in the table are specified for columns 3 and 5 of the table in Part 1 of Schedule 9 to the Act.

The amounts in column 3 and column 5 of the table at Part 1 of Schedule 9 to the Act are the ‘guarantee amounts’ for funding recipients which are intended to ensure that funding recipients are not disadvantaged by changes in the mechanisms by which funding is allocated for the 2005-2008 quadrennium.

Sub-regulation 4.2(2) deals with changes to grant amounts for a particular program year and provides that for subsection 123A(1) of the Act, the amounts mentioned in the table are specified for column 6 of the table in Part 1 of Schedule 9 to the Act.

The amounts in column 6 of the table in Part 1 of Schedule 9 to the Act are the grant amounts for national projects.

Regulation 4.2 was made on 21 September 2006 under the new regulation making power in section 123A, which was inserted into the Act as a result of the *Schools Assistance (Learning Together – Achievement Through Choice and Opportunity) Amendment Act 2006* which received Royal Assent on 6 April 2006. The regulation was further amended on 16 November 2006 to take into account the adjustments to grants in line with the changes to the Average Government Schools Recurrent Costs. Regulation 4.2 is being amended again to carry over uncommitted or unspent funds from the 2006 program year to the 2007 program year.

#### **Item [2] – after regulation 4.5**

New regulations 4.6, 4.7 and 4.8 are inserted after regulation 4.5.

Regulation 4.6 deals with changes to capital grants for government schools and provides that for subsection 123A(1) of the Act, the amounts mentioned in the table is specified for column 3 of the table in Schedule 3 to the Act. These amounts are for capital infrastructure grants.

Regulation 4.7 deals with changes to grants for short term emergency assistance for non-government schools and provides that for subsection 123A(1) of the Act, the amounts mentioned in the table is specified for column 2 of the table in Schedule 7 to the Act.

Regulation 4.8 deals with changes to grants for targeted assistance and provides that for subsection 123A(1) of the Act, an amount mentioned in the table is specified for column 3 of the table in Schedule 8 to the Act.

Section 123A, while directed to all non per-capita programs under the Act, is to assist the financial management of the project-type programs such as literacy and languages projects which often involve projects being undertaken over a number of years. The Act has effect as if the amount specified in the relevant column for the program year were the amount specified in the regulations for that relevant column for that program year.

The new regulations have the effect of moving funding amounts from the 2006 program year to 2007 program year under section 123A of the Act. The overall funding that was appropriated for particular programmes for the 2005-2008 schools funding quadrennium have remained unchanged.