EXPLANATORY STATEMENT

Select Legislative Instrument 2007 No. 349

Subject - Indigenous Education (Targeted Assistance) Act 2000

Indigenous Education (Targeted Assistance) Amendment Regulations 2007 (No. 1)

Authority
Section 18 of the Indigenous Education (Targeted Assistance) Act 2000 (the Act) provides that the Governor-General may make regulations prescribing 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.

Section 14A of the Act sets out the appropriations for non-ABSTUDY payments for the period from 1 January 2005 to 30 June 2009. Non-ABSTUDY payments are payments (other than ABSTUDY payments) made for the purposes of the Act to organisations, institutions and individuals. Payments are made under the Indigenous Education Programme, which includes elements such as Supplementary Recurrent Assistance, English as a Second Language – Indigenous Languages Speaking Students, Indigenous Education Projects, the Indigenous Tutorial Assistance Scheme and Whole of School Intervention Strategy.

Subsection 14A(2) of the Act allows the making of regulations to increase the appropriations provided in section 14A by reference to changes in a specified index. The index applied for this purpose in the Regulations is the Wage Cost Index Number 1 (WCI1).

Purpose and operation
The Regulations make provision for an increase in the amounts that may be payable to organisations, institutions and individuals under Section 14A of the Act in order to supplement the cost of delivering educational services to Indigenous students for the period 1 January 2007 to 30 June 2009 in line with changes in the WCI1.

The Regulations amend the Indigenous Education (Targeted Assistance) Regulations 2001 (the Principal Regulations) to provide for increases in the appropriations for non-ABSTUDY amounts set out in subsection 14A(1) of the Act. The Principal Regulations currently specify a factor of 1.021 for item 1 and 1.040 for item 2 of the table in subsection 14A(1). These Regulations have the effect of increasing the amounts stated in items 3 and 4 of the table in subsection 14A(1) by a factor of 1.061, which is the increase in the WCI1 for calendar year 2007.

The effect of the Regulations is to provide an additional $5.4 million for the period 1 January 2007 to 30 June 2008.

The Regulations are a legislative instrument for the purposes of the Legislative Instruments Act 2003.
Commencement
The Regulations commenced on the day after they were registered on the Federal Register of Legislative Instruments.

Consultation
Consultation was not undertaken as it was not considered necessary. The Regulations have the effect of increasing the amounts payable under section 14A of the Act.

Details of the Regulations

Regulation 1 – Name of Regulations
This regulation provides that the title of the Regulations is the Indigenous Education (Targeted Assistance) Amendment Regulations 2007 (No. 1).

Regulation 2 – Commencement
This regulation provides for the Regulations to commence on the day after they are registered on the Federal Register of Legislative Instruments.

Regulation 3 – Amendment of Indigenous Education (Targeted Assistance) Regulations 2001
This regulation provides that the Principal Regulations are amended as set out in Schedule 1.

Schedule 1 – Amendments

Item [1] – Regulation 5
Regulation 5 of the Principal Regulations sets out the factor by which appropriations for non-ABSTUDY payments set out in section 14 of the Act are increased.

This item inserts a new regulation 5 which deals with the appropriations for non-ABSTUDY payments for the 2005-2008 quadrennium in accordance with section 14A of the Act. Regulation 5 provides that, for subsection 14A(2) of the Act, the amounts mentioned in item 1 of the table in subsection 14A(1) are increased by a factor of 1.021, the amounts mentioned in item 2 of the table in subsection 14A(1) are increased by a factor of 1.040, and the amounts mentioned in items 3 and 4 of the table in subsection 14A(1) of the Act are increased by a factor of 1.061, which is the factor by which the Wage Cost Index No. 1 has changed for the 2007 calendar year.