

EXPLANATORY STATEMENT

Select Legislative Instrument 2006 No. 246

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. 1)

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.

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.

The purpose of the Regulations was to re-make regulation 4.3 of the *Schools Assistance (Learning Together – Achievement Through Choice and Opportunity) Regulations 2005* (which was made under section 125 of the Act) under section 123A of the Act. Regulation 4.3 relates to changes to recurrent grants, in particular to ‘guarantee amounts’.

Section 125 of the Act currently allows regulations to be made to vary the guarantee amounts for the recurrent costs of grants for literacy, numeracy and special learning needs. The guarantee amounts for a particular program year are set out in the table in Part 1 of Schedule 9 to the Act. This approach ensures that Literacy, Numeracy and Special Learning Needs programme funding recipients are not disadvantaged by changes in the mechanisms by which funding is allocated for the 2005-2008 quadrennium.

Items 21 and 22 of Schedule 1 to the *Schools Assistance (Learning Together – Achievement Through Choice and Opportunity) Amendment Act 2006* provide for regulation-making power to be moved to new section 123A and for the repeal of section 125. These two items commenced six months after Royal Assent on 7 October 2006.

The Regulations maintain the dollar amounts prescribed for the purposes of new subsection 123A(1) with those amounts in the previous regulations under section 125.

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

The Regulations commenced on 7 October 2006.

Consultation was not undertaken prior to making the regulations as it was not considered necessary. The Regulations are to replace existing regulations before they are repealed.