

## **EXPLANATORY STATEMENT**

### **Select Legislative Instrument 2008 No. 37**

Issued by the Authority of the Minister for Education

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

*Schools Assistance (Learning Together – Achievement Through Choice and Opportunity) Amendment Regulations 2008 (No. 1)*

#### **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 for the program years 2007 and 2008. The effect of the Regulations is to carry over funding from the 2007 to the 2008 program year for each specified program, under section 123A of the Act. Updated funding amounts are also specified for the 2006 program year.

Section 123A of the Act provides that the regulations may specify changes to certain grant amounts for particular program years. The Regulations replace amounts for the program years 2006, 2007 and 2008 in the relevant column of the Schedules to the Act in respect of:

- Capital Infrastructure Grants - Column 3 of Schedule 3;
- Grants of Short Term Emergency Assistance for Non-government Schools - Column 2 of Schedule 7;
- Grants for Targeted Assistance - Languages program - Column 3 of Schedule 8, Part 1;
- Grants for Literacy, Numeracy and Special Learning Needs – National Projects - Column 6 of Schedule 9, Part 1.

The effect of the Regulations is to carry over uncommitted funding amounts from the 2007 program year to the 2008 program year - a total of \$39,543,000. The overall level of funding for each particular program for the 2005-2008 schools funding quadrennium is maintained. Without this regulation the total funding available for each program over the 2005-2008 funding quadrennium would decrease.

The Regulations also include 2006 program year funding amounts for each program, to correct an error made in previous amendments to the Principal Regulations and to provide clarity as to funding amounts for each program year. The 2006 funding amounts were specified in the *Schools Assistance (Learning Together – Achievement Through Choice and Opportunity) Amendment Regulations 2006 (No. 3)*, which carried over funding amounts for the relevant programs from 2006 to 2007. Subregulation 4.2(2) and regulations 4.6, 4.7 and 4.8 were repealed in error by the *Schools Assistance (Learning Together – Achievement Through Choice and Opportunity) Amendment Regulations 2007 (No. 2)* which meant that the total funding available for each program over the 2005-2008 schools funding quadrennium would decrease if those amounts were not reinstated..

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 unspent or uncommitted funding amounts from 2007 to 2008 under section 123A of the Act.

#### Details of the Regulations

##### Regulation 1 – Name of Regulations

This provides that the title of the Regulations is the *Schools Assistance (Learning Together – Achievement Through Choice and Opportunity) Amendment Regulations 2008 (No. 1)*.

##### Regulation 2 – Commencement

This 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 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

The Regulations will have the effect of carrying over uncommitted funding amounts from the 2007 program year to the 2008 program year under section 123A of the Act. The overall funding appropriated by the Act for the specified programs for the 2005-2008 schools funding quadrennium will be unchanged and total funding will be maintained.

### **Item [1] – after regulation 4.1**

Regulations 4.1A, 4.1B, 4.1C and 4.1D are inserted after regulation 4.1. The effect of regulations 4.1A, 4.1C and 4.1D is to ensure that the total funding available for each program over the 2005-2008 schools funding quadrennium does not decrease. The amounts for the 2006 program year remain unchanged. The uncommitted or unspent funds from the 2007 program year have been moved into the 2008 program year.

Regulation 4.1A deals with changes to capital infrastructure grants for government schools and provides that for subsection 123A(1) of the Act, the amounts shown in the table are specified for the program years 2006, 2007 and 2008. This updates column 3 of the table in Schedule 3 to the Act.

Regulation 4.1B deals with changes to capital grants for non-government schools. The regulation is reserved for future use to enable amendments to be made to the table in Schedule 5 to the Act (paragraph 123A(5)(b) refers) if those are necessary in the future.

Regulation 4.1C 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 shown in the table are specified for the program years 2006, 2007 and 2008. This updates column 2 of the table in Schedule 7 to the Act.

Regulation 4.1D deals with changes to grants for targeted assistance and provides that for subsection 123A(1) of the Act, the amounts shown in the table are specified for the program years 2006, 2007 and 2008. This updates column 3 of the table in Schedule 8 to the Act. These amounts are the grant amounts for the languages program.

### **Item [2] - regulation 4.2**

Item 2 renumbers the existing regulation 4.2 as subregulation 4.2(1) and is a technical amendment consequential to item 3 below.

### **Item [3] – subregulation 4.2(2)**

Item 3 inserts subregulation 4.2(2) in *Part 4 – Changes to amounts and costs*.

Subregulation 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 the program years 2006, 2007 and 2008. This updates column 6 of the table in Part 1 of Schedule 9. The amounts for the 2006 program year remain unchanged. The uncommitted or unspent funds from the 2007 program year have been moved into the 2008 program year.

These amounts are the grant amounts for national projects, an element of the Literacy, Numeracy and Special Learning Needs program.

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.