

Education (Capital Assistance) Regulation 2015

Explanatory notes for SL 2015 No. 98

made under the

Education (Capital Assistance) Act 1993

General Outline

Short title

Education (Capital Assistance) Regulation 2015

Authorising law

Section 25 of the *Education (Capital Assistance) Act 1993*

Policy objectives and the reasons for them

School education in Queensland is provided through the state and non-state schooling sectors. Non-state schools are an important part of Queensland's education system representing diverse educational philosophies and religious and other organisational affiliations. In recognition of this role, the State Government provides assistance to non-state schools for the funding of capital works in the schools.

The *Education (Capital Assistance) Act 1993* (the Act) authorises the provision of capital assistance to eligible non-state schools on a needs basis, for capital projects that consist of the planning, construction, alteration, extension, renovation, relocation or upgrading of certain educational facilities.

A non-state school is eligible to receive funding if the non-state school's governing body is eligible for Government funding under the *Education (Accreditation of Non-State Schools) Act 2001* and listed with a Capital Assistance Authority (CAA).

There are two CAAs for the Act, one nominated by the Queensland Catholic Education Commission and the other nominated by the Association of Independent Schools of

Queensland Inc. The CAAs are responsible for administering the scheme established under the Act.

The Act describes the administration and granting of State Government capital assistance funding for non-state schools and requires that a regulation prescribe certain matters. The *Education (Capital Assistance) Regulation 2005* (the existing Regulation) currently prescribes matters including: dates for applications for capital assistance; information to be provided in an application; schemes under which capital assistance may be obtained; and the criteria used for assessing applications.

In accordance with section 54 of the *Statutory Instruments Act 1992*, the existing Regulation will expire on 1 September 2015. The Department of Education and Training has reviewed the existing Regulation to ensure the matters prescribed remain relevant to the administration of the scheme.

The existing Regulation prescribes five schemes under which capital assistance may be obtained. Three of these schemes (the Cooler Schools Subsidy, Information and Communication Technologies Infrastructure Capital Assistance Scheme and the Flying Start Capital Assistance Scheme) have ended and no longer need to be prescribed.

Achievement of policy objectives

The Regulation achieves its policy objectives by repealing the existing Regulation and prescribing the following matters relevant to the Act:

- a) the date the CAA must provide written notice of the date before which applications for capital assistance must be made;
- b) in the event the CAA does not provide written notice, the date before which applications for capital assistance must be made to the CAA;
- c) criteria used to assess applications for capital assistance;
- d) the date by which the CAA must provide recommendations to the Minister about whether the capital assistance should be granted; and
- e) the date the CAA must provide a written return to the Minister.

Consistency with policy objectives of authorising law

The Regulation is consistent with the objectives of the Act.

Inconsistency with policy objectives of other legislation

The Regulation is consistent with the policy objectives of other legislation.

Benefits and costs of implementation

As the Regulation continues existing practice it is not expected that there will be any costs associated with implementation.

Consistency with fundamental legislative principles

The Regulation is consistent with fundamental legislative principles.

Consultation

Consultation has occurred with the two CAAs. The CAAs have expressed ongoing support for the Regulation.

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