



Queensland

Education (Capital Assistance) Act 1993

Education (Capital Assistance) Regulation 2005

Current as at 24 February 2012

Reprint note

This is the last reprint before repeal. Repealed on 1 September 2015 by 2015 SL No. 98 s 10.

Information about this reprint

This regulation is reprinted as at 24 February 2012. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes. Also see list of legislation for any uncommenced amendments.

This page is specific to this reprint. See previous reprint for information about earlier changes made under the Reprints Act 1992. A table of reprints is included in the endnotes.

Also see endnotes for information about—

- **when provisions commenced**
- **editorial changes made in earlier reprint.**

Spelling

The spelling of certain words or phrases may be inconsistent in this reprint or with other reprints because of changes made in various editions of the Macquarie Dictionary (for example, in the dictionary, ‘lodgement’ has replaced ‘lodgment’). Variations of spelling will be updated in the next authorised reprint.

Dates shown on reprints

Reprints dated at last amendment All reprints produced on or after 1 July 2002, authorised (that is, hard copy) and unauthorised (that is, electronic), are dated as at the last date of amendment. Previously reprints were dated as at the date of publication. If an authorised reprint is dated earlier than an unauthorised version published before 1 July 2002, it means the legislation was not further amended and the reprint date is the commencement of the last amendment.

If the date of an authorised reprint is the same as the date shown for an unauthorised version previously published, it merely means that the unauthorised version was published before the authorised version. Also, any revised edition of the previously published unauthorised version will have the same date as that version.

Replacement reprint date If the date of an authorised reprint is the same as the date shown on another authorised reprint it means that one is the replacement of the other.



Queensland

Education (Capital Assistance) Regulation 2005

Contents

| | Page |
|-----------------|--|
| 1 | Short title 3 |
| 2 | Commencement 3 |
| 3 | Definitions 3 |
| 4 | Prescribed day to notify schools of relevant dates—Act, s 12A . . 3 |
| 5 | Application for capital assistance—Act, s 15 3 |
| 6 | Relevant day if CAA does not notify day under the Act, s 12A—Act, s 15 4 |
| 7 | Assessment of application by CAA—Act, ss 16 and 19 4 |
| 8 | Prescribed day for submission of recommendation for capital assistance—Act, s 16 4 |
| 9 | Prescribed day for provision of return by CAA—Act, s 24 4 |
| 10 | Repeal 5 |
| Schedule | Criteria for assessment of applications for capital assistance and review 6 |
| Part 1 | Capital assistance scheme |
| 1 | Application—capital assistance scheme 6 |
| Part 2 | External infrastructure subsidy scheme |
| 2 | Application—external infrastructure subsidy scheme 7 |
| Part 3 | Cooler schools subsidy program |
| 3 | Application—cooler schools subsidy program 7 |
| Part 4 | Information and communication technologies infrastructure capital assistance scheme |
| 4 | Application—information and communication technologies infrastructure capital assistance scheme 9 |
| 5 | Certain criteria may have limited bearing 10 |
| Part 5 | Flying start capital assistance scheme |
| 6 | Application—flying start capital assistance scheme 10 |

Contents

Endnotes

| | | |
|---|---|----|
| 1 | Index to endnotes | 12 |
| 2 | Date to which amendments incorporated | 12 |
| 3 | Key | 12 |
| 4 | Table of reprints | 13 |
| 5 | List of legislation | 13 |
| 6 | List of annotations | 14 |

Education (Capital Assistance) Regulation 2005

[as amended by all amendments that commenced on or before 24 February 2012]

1 Short title

This regulation may be cited as the *Education (Capital Assistance) Regulation 2005*.

2 Commencement

This regulation commences on 11 February 2005.

3 Definitions

In this regulation—

applicant school means the school or schools for which an application mentioned in section 4 of the schedule is made.

ICT infrastructure means information and communication technologies infrastructure.

Ministerial guideline means a guideline in force under section 24B of the Act.

4 Prescribed day to notify schools of relevant dates—Act, s 12A

- (1) For section 12A(2)(a) of the Act, the prescribed day for a year is 1 October in the previous year.
- (2) However, for 2005, the prescribed day is 31 March 2005.

5 Application for capital assistance—Act, s 15

For section 15(5) of the Act, an application by an approved authority of an eligible non-State school for capital assistance must contain, or be accompanied by, the following information—

[s 6]

- (a) the school's name and address;
- (b) a description of the proposed project identifying the major facilities to be provided;
- (c) the purpose for which the facilities will be used;
- (d) the estimated total project cost;
- (e) the amount of capital assistance sought;
- (f) other proposed sources of funding for the project, including any Commonwealth grants that have been approved or applied for;
- (g) the year the facilities are needed.

6 Relevant day if CAA does not notify day under the Act, s 12A—Act, s 15

For section 15(6) of the Act, definition *relevant day*, paragraph (b), the prescribed day is 31 March in the relevant year.

7 Assessment of application by CAA—Act, ss 16 and 19

For sections 16(1)(a) and 19(1)(a) of the Act, the criteria stated in the schedule are the criteria to which a CAA must have regard in assessing an application from an approved authority of an eligible non-State school for—

- (a) capital assistance; or
- (b) a review of a decision to grant capital assistance.

8 Prescribed day for submission of recommendation for capital assistance—Act, s 16

For section 16(2) of the Act, the prescribed day is 30 September in the relevant year.

9 Prescribed day for provision of return by CAA—Act, s 24

For section 24(1) of the Act, the prescribed day for each year is 30 June.

10 Repeal

The Education (Capital Assistance) Regulation 1994 SL No. 48 is repealed.

Schedule **Criteria for assessment of applications for capital assistance and review**

section 7

Part 1 **Capital assistance scheme**

1 **Application—capital assistance scheme**

For an application about assistance under a scheme referred to in a Ministerial guideline and known as the capital assistance scheme, the criteria are—

- (a) the condition and extent of the school's existing facilities; and
- (b) the facilities that are, or are likely to be, needed to provide the school's curriculum, or proposed curriculum; and
- (c) how many students attend the school in the year of application; and
- (d) how many students are expected to attend the school in the 2 years after the year of application; and
- (e) the characteristics of the students who attend, or are expected to attend, the school, including, for example, the ages of the students, and whether they have particular needs because of disabilities or a requirement for special learning support; and
- (f) the school's financial position; and
- (g) the school community's capacity to generate financial resources for capital projects, including, for example, through donations, fundraising and payment of fees; and
- (h) whether the school is in a remote area of the State; and

- (i) the extent to which the school provides boarding places for students from remote areas of the State.

Part 2 External infrastructure subsidy scheme

2 Application—external infrastructure subsidy scheme

For an application about assistance under a scheme referred to in a Ministerial guideline and known as the external infrastructure subsidy scheme, the criteria are whether—

- (a) the assistance is for work or a payment required by the local government for a school as part of the local government's approval of a capital project at the school; and
- (b) the work or payment meets the requirements in the guideline.

Part 3 Cooler schools subsidy program

3 Application—cooler schools subsidy program

- (1) For a cooler schools application, the criteria are—
 - (a) the condition and extent of the school's existing cooling systems; and
 - (b) the cooling systems that are, or are likely to be, needed to assist effective provision of the school's curriculum, or proposed curriculum; and
 - (c) how many students attend the school in the year of application; and

Schedule

- (d) how many students are expected to attend the school in the 2 years after the year of application; and
 - (e) the characteristics of the students who attend, or are expected to attend, the school, including, for example, the ages of the students, and whether they have particular needs because of disabilities or a requirement for special learning support.
- (2) In this section—
- cooler schools application*** means an application about assistance—
- (a) under a scheme—
 - (i) referred to in a Ministerial guideline; and
 - (ii) known as the cooler schools subsidy program; and
 - (b) for a school—
 - (i) located at a place—
 - (A) in an area formerly known, for the department, as the Capricornia, Northern or Peninsula region; or
 - (B) north of latitude 20° south; and
 - (ii) operating on 29 June 1998; and
 - (c) relating to only any part of the school that was operating as a part of the school on 29 June 1998.

Part 4

Information and communication technologies infrastructure capital assistance scheme

4 Application—information and communication technologies infrastructure capital assistance scheme

For an application about assistance under a scheme referred to in a Ministerial guideline and known as the information and communication technologies infrastructure capital assistance scheme, the criteria are—

- (a) the condition and extent of the applicant school's existing ICT infrastructure; and
- (b) the ICT infrastructure that is, or is likely to be, needed to provide the applicant school's curriculum, or proposed curriculum; and
- (c) how many students attend the applicant school in the year of application; and
- (d) how many students are expected to attend the school in the 2 years after the year of application; and
- (e) the characteristics of the students who attend, or are expected to attend, the applicant school, including, for example, the ages of the students, and whether they have particular needs because of disabilities or a requirement for special learning support; and
- (f) the applicant school's financial position; and
- (g) the applicant school community's capacity to generate financial resources for capital projects, including, for example, through donations, fundraising and payment of fees; and
- (h) whether the applicant school is in a remote area of the State.

5 Certain criteria may have limited bearing

A CAA may, in considering the criteria in section 4(f) to (h) of this schedule, and the cost and nature of the ICT infrastructure for which the applicant school is applying for assistance, decide that those criteria should have only a limited bearing on the assessment of the applicant school's application.

Example—

An application for ICT infrastructure is for a low level of assistance. The criteria in section 4(f) to (h) may have limited bearing on the overall assessment of the application.

Part 5 Flying start capital assistance scheme

6 Application—flying start capital assistance scheme

- (1) For an application about assistance under a scheme referred to in a Ministerial guideline and known as the flying start capital assistance scheme, the criteria are—
 - (a) the condition and extent of the school's existing facilities; and
 - (b) the facilities that are, or are likely to be, needed to provide the school's curriculum, or proposed curriculum; and
 - (c) how many year 7 students are expected to attend the school in 2015, excluding overseas students paying full fees; and
 - (d) the characteristics of the students who attend, or are expected to attend, the school, including, for example, whether they have particular needs; and
 - (e) whether the school is in a remote area of the State.
- (2) In this section—

overseas student means a person who—

- (a) is not an Australian resident; or
- (b) holds a student visa issued under the *Migration Act 1958* (Cwlth).

Endnotes

1 Index to endnotes

| | Page |
|---|------|
| 2 Date to which amendments incorporated | 12 |
| 3 Key | 12 |
| 4 Table of reprints | 13 |
| 5 List of legislation | 13 |
| 6 List of annotations | 14 |

2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 24 February 2012. Future amendments of the Education (Capital Assistance) Regulation 2005 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

| Key | Explanation | Key | Explanation |
|--------|--------------------------------|---------|---|
| AIA | = Acts Interpretation Act 1954 | (prev) | = previously |
| amd | = amended | proc | = proclamation |
| amdt | = amendment | prov | = provision |
| ch | = chapter | pt | = part |
| def | = definition | pubd | = published |
| div | = division | R[X] | = Reprint No. [X] |
| exp | = expires/expired | RA | = Reprints Act 1992 |
| gaz | = gazette | reloc | = relocated |
| hdg | = heading | renum | = renumbered |
| ins | = inserted | rep | = repealed |
| lap | = lapsed | (retro) | = retrospectively |
| notfd | = notified | rv | = revised edition |
| num | = numbered | s | = section |
| o in c | = order in council | sch | = schedule |
| om | = omitted | sdiv | = subdivision |
| orig | = original | SIA | = Statutory Instruments Act 1992 |
| p | = page | SIR | = Statutory Instruments Regulation 2002 |
| para | = paragraph | SL | = subordinate legislation |
| prec | = preceding | sub | = substituted |
| pres | = present | unnum | = unnumbered |
| prev | = previous | | |

4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

| Reprint No. | Amendments included | Effective | Notes |
|-------------|---------------------|------------------|-------|
| 1 | none | 11 February 2005 | |
| 1A | 2012 SL No. 31 | 24 February 2012 | |

5 List of legislation

Regulatory impact statements

For subordinate legislation that has a regulatory impact statement, specific reference to the statement is included in this list.

Explanatory notes

All subordinate legislation made on or after 1 January 2011 has an explanatory note. For subordinate legislation made before 1 January 2011 that has an explanatory note, specific reference to the note is included in this list.

Education (Capital Assistance) Regulation 2005 SL No. 4

made by the Governor in Council on 10 February 2005
 notfd gaz 11 February 2005 pp 515–6
 ss 1–2 commenced on date of notification
 remaining provisions commenced 11 February 2005 (see s 2)
exp 1 September 2015 (see SIA s 54)

Note—The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.

amending legislation—

Education (Capital Assistance) Amendment Regulation (No. 1) 2012 SL No. 31

notfd gaz 17 February 2012 pp 340–3
 ss 1–2 commenced on date of notification
 remaining provisions commenced 24 February 2012 (see s 2)

6 List of annotations

**SCHEDULE—CRITERIA FOR ASSESSMENT OF APPLICATIONS FOR
CAPITAL ASSISTANCE AND REVIEW
PART 5—FLYING START CAPITAL ASSISTANCE SCHEME
pt 5 (s 6) ins 2012 SL No. 31 s 4**

© State of Queensland 2013
Authorised by the Parliamentary Counsel