

Impact Analysis Statement

Summary IAS

Details

Lead department	Department of Education
Name of the proposal	<i>Education (Capital Assistance) Regulation 2025</i>
Submission type <i>Summary IAS</i>	Impact Analysis Statement
Title of related legislative or regulatory instrument	<i>Education (Capital Assistance) Regulation 2015</i>
Date of issue	28 July 2025

Proposal type	Details
Sunset review	This proposal does not result in a substantive change to regulatory policy or create new impacts on business, government or the community.

What is the nature, size and scope of the problem? What are the objectives of government action?

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 Queensland Government provides capital assistance through Capital Assistance Authorities (CAA) to eligible non-state schools to assist with capital projects under specific schemes.

The basis for the Queensland Government's capital assistance schemes is contained in the *Education (Capital Assistance) Act 1993* (ECA Act) and the *Education (Capital Assistance) Regulation 2015* (expiring Regulation 2015), authorising the provision of capital assistance to eligible non-state schools, based on need, for capital projects that consist of work for educational facilities and accommodation. The regulatory framework is technical in nature.

The ECA Act describes the administration and granting of State Government capital assistance to eligible non-state schools and requires that a regulation prescribe the following matters:

- dates for notice to be given to approved authorities;
- information to be provided in or with an application for capital assistance;
- prescribed criteria for assessment of applications; and
- dates for recommendation and return to be given to the Minister.

In accordance with section 54 of the *Statutory Instruments Act 1992*, the expiring Regulation 2015 will automatically expire on 1 September 2025, unless remade.

The department, which administers the ECA Act and expiring Regulation 2015, has undertaken a sunset review of the expiring Regulation 2015 to evaluate its continuing relevance, effectiveness and efficiency.

On completion of the sunset review and targeted consultation with key stakeholders, it was determined that the expiring Regulation 2015 be remade as the matters prescribed remain relevant to the administration of the schemes.

Failure to maintain the legislative framework would adversely impact the non-state school sector. The objective of reviewing and proposing to remake the expiring Regulation 2015 is to ensure maintenance of the administration of Queensland's capital assistance grant schemes.

What options were considered?

Under the sunset review, two options were considered:

1. No Regulation

As with all sunset reviews, consideration was given to having a no regulation position.

However, this was clearly determined through consultation with stakeholders to not be a preferred option. This would leave stakeholders without a legislative framework supporting the operation of Queensland's capital assistance schemes.

This would adversely affect the provision of capital assistance to eligible non-state schools, based on need, for capital projects that consist of work for educational facilities and accommodation.

2. Remake the expiring Regulation 2015 considering contemporary drafting practices and stakeholder feedback

Stakeholder consultation undertaken through the sunset review process demonstrated the ongoing need for regulation to support operation of the CAAs. Minor adjustments were identified to improve the effectiveness of the expiring Regulation 2015, including clarifying intent and modernising language in accordance with contemporary drafting processes, however, no policy concerns or changes were identified.

The proposed *Education (Capital Assistance) Regulation 2025* (new ECA Regulation) maintains existing practice and matters prescribed in the expiring Regulation 2015 and supports the operations of the CAAs.

It is not expected that there will be any costs associated with implementation of the new ECA Regulation. The two CAAs are already administering the framework, and no new requirements are imposed under the new ECA Regulation.

Because the existing framework and new ECA Regulation are limited in their application and relationship to the CAAs, the new ECA Regulation will have no regulatory impacts on the community or any other stakeholders.

What are the impacts?

Failure to maintain the legislative framework would adversely impact the operations of the CAAs and the management of Queensland's capital assistance schemes. In turn, this would adversely impact the delivery of education in the non-state sector.

As such, **not** making the new ECA Regulation would create adverse outcomes and impacts for the CAAs, the non-state school sector and community.

Maintaining the regulatory framework will ensure that delivery of the capital assistance schemes is maintained without disruption and ensures the capital assistance schemes continue to provide benefits to the non-state school sector.

Who was consulted?

The department conducted a review of the expiring Regulation 2015 and undertook targeted consultation with the CAAs in December 2024 to determine whether the expiring Regulation 2015 remains necessary and relevant for the effective administration of the matters prescribed in the ECA Act.

The CAAs confirmed that the expiring Regulation 2015 continues to be relevant, effective and efficient, and supported the continuation of the expiring Regulation 2015.

What is the recommended option and why?

It is recommended to remake the expiring Regulation 2015 to ensure the ongoing effective operation of Queensland's capital assistance schemes without disruption to the CAAs, non-state school sector and community.

Impact assessment

	First full year	First 10 years**
Direct costs – <i>Compliance costs*</i>	\$1.4235 million based on 1% SDS Budget 2025–26	\$14.235 million
Direct costs – <i>Government costs</i>	\$280,762 based on 2 x A07 salaries	\$2.81 million

CAAs receive and assess applications, make recommendations to the Minister, make payments to approved authorities of schools, monitor the progress of projects and carry out other functions as set out under the *Education (Capital Assistance) Act 1993*. Section 5 of the Capital Assistance Scheme Guideline and section 7 of the External Infrastructure Subsidy Scheme Guidelines stipulate that each CAA may utilise up to 1% of the total annual budget of the schemes to meet costs associated with compliance (administering) the schemes.

The Department of Education provides two officers at A07 salary to support the CAAs.

SIGNED



Director-General

Date: 06 / 08 / 2025

SIGNED



Minister for Education and the Arts

Date: 20 / 08 / 2025