

Republic of Nauru – 20th Parliament
Education Regulations 2012
EXPLANATORY MEMORANDUM

BACKGROUND AND OBJECTIVES

Cabinet has made the *Education Regulations 2012* in exercise of its power under section 114 of the *Education Act 2011*.

The Regulations relate to the setting of fees for the registration of non-government schools. Section 79 of the *Education Act 2011* requires non-government schools to be registered. An application for registration of a non-government school is made to the Minister, and must be:

- (a) made in the approved form
- (b) accompanied by the prescribed fee; and
- (c) lodged at least 6 months before the start of the school year in which the person proposes to begin operating the school.

These regulations are for the purpose of setting the prescribed fee. The fees apply from the second half of this school year.

The fees prescribed in the Regulations have been calculated on the basis of cost recovery so that the fees do not constitute a tax.

The Department of Education is responsible for the management, implementation and monitoring of the registration requirements to ensure that non-government schools comply with the requirements of the *Education Act 2011*. In ensuring that non-government schools meet the registration requirements the department is required to undertake the following:

- regular checks of schools and teachers to ensure adherence to the approved curriculum and assessment requirements;
- development, administration and reporting on national benchmarking tools in literacy and numeracy;
- school reviews to ensure that non-government schools are complying with Minimum Service Standards; and
- teacher and principal performance assessments.

These activities require the input and time of senior departmental officers. It is necessary that the Department undertake a cost recovery for provision of these services to non-government schools.

The Department has developed an estimate for these administrative costs based on the full scope of activities required to meet registration (curriculum and assessment compliance checks, staff performance appraisals, administering and marking of compulsory benchmarking tests), anticipated number of staff hours required for each of the specific tasks and the level of the officer required to undertake the tasks.

NOTES ON PROVISIONS

Regulation 1 provides the citation for the Regulations.

Regulation 2 provides that the Regulations commence on the day they are notified, which means the day they are notified in the Gazette in accordance with section 16 of the *Interpretation Act 2011*. These Regulations were notified and commenced on 25 June 2012.

Regulation 3 defines the terms used for the different types of fee, by reference to the relevant parts of the Schedule in which the fees are set out.

Regulation 4 prescribes the fee for an application for registration of a non-government school.

Regulation 5 prescribes the fee for an application for renewal of registration of a non-government school.

Regulation 6 provides for a partial refund of the fees paid if an application is refused, and provides details as to when a person becomes entitled to receive the partial refund. The application fee and renewal application fee are non-refundable, but a person whose application is refused is entitled to a refund of the registration fee, once their rights of review and appeal have been exhausted.

Regulation 7 is a transitional regulation, which provides that a person making an application for registration of a non-government school during the current school year must pay only half the prescribed fee.

The Schedule sets out the prescribed fees: \$250 new application fee, \$200 renewal application fee, and \$400 per school year for each year level for which the school is applying to be registered to teach.