

# — PART 1 —

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## EDUCATION

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ED301\*

School Education Act 1999

### **School Education Amendment Regulations 2005**

Made by the Governor in Executive Council.

**1. Citation**

These regulations are the *School Education Amendment Regulations 2005*.

**2. The regulations amended**

The amendments in these regulations are to the *School Education Regulations 2000*\*.

[\* *Published in Gazette 29 December 2000, p. 7795-900.*  
For amendments to 26 May 2005 see *Western Australian Legislation Information Tables for 2004, Table 4, p. 367.*]

**3. Regulation 130 replaced**

Regulation 130 is repealed and the following regulation is inserted instead —

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**130. Registration of a school — other matters to be taken into account: s. 159(1)(m)**

- (1) For the purposes of section 159(1)(m) the matters set out in Schedule 3 are matters to be taken into account by the Minister in determining an application for registration of a school.
- (2) This regulation and Schedule 3 do not apply to an application for renewal of registration of a school.

”.

**4. Regulation 145 amended**

Regulation 145 is amended by deleting “13(a) and (c),” and inserting instead —

“ 13(a) and (b), ”.

**5. Schedule 3 inserted**

After Schedule 2 the following Schedule is inserted —

“

**Schedule 3 — Registration of non-government schools: matters to be taken into account**

[r. 130]

1. The likelihood that the establishment of the applicant school will affect any existing school the catchment area for which overlaps with the applicant school’s catchment area, to such an extent that in the 5 years after the establishment of the applicant school —
    - (a) the existing school will close;
    - (b) the existing school will cease providing, or will not proceed with a planned commencement of —
      - (i) an educational programme for children —
        - (I) in their pre-compulsory education period;
        - (II) in their compulsory education period; or
        - (III) in their post-compulsory education period,
- or in any part of any of those periods; or

- (ii) a specialist programme;
  - (c) the level or nature of the existing school's educational programmes will be reduced;
  - (d) the existing school's staffing, funding or resources will be reduced; or
  - (e) enrolments at the existing school will be less than projected.
2. The likely extent of any likely reduction or shortfall of a kind referred to in item 1(c), (d) or (e).
  3. The projected growth, in the applicant school's catchment area, of the population of children in the pre-compulsory, compulsory or post-compulsory education periods, as is relevant to the educational programmes to be provided by the applicant school.
  4. The level of demand in the applicant school's catchment area for educational programmes of the kind to be provided by the applicant school and the extent to which that demand is not met by existing schools.
  5. The level of public support in the applicant school's catchment area for the establishment of the applicant school, including expressions of interest in enrolment.
  6. In this Schedule —
    - “**applicant school**” means the school the subject of the application;
    - “**catchment area**” means the geographic region from which a school draws, or is expected to draw, its students;
    - “**existing school**” includes a proposed school for which a determination under section 157(2) is in force.
- ”.

By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.

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