



Australian Education Amendment (Capital Funding Indexation and Other Measures) Regulations 2024

I, the Honourable Sam Mostyn AC, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 12 September 2024

Sam Mostyn AC
Governor-General

By Her Excellency's Command

Jason Clare
Minister for Education

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1 Name

This instrument is the *Australian Education Amendment (Capital Funding Indexation and Other Measures) Regulations 2024*.

2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	The day after this instrument is registered.	14 September 2024

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under the *Australian Education Act 2013*.

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Capital funding indexation

Australian Education Regulations 2023

1 At the end of section 24A

Add:

; and (f) for 2024—108.85%.

Schedule 2—Guidelines and other documents

Australian Education Regulations 2023

1 Subsection 4(1)

Insert:

Capacity to Contribute Data Validation and Quality Assurance Process means the document titled *Capacity to Contribute Data Validation and Quality Assurance Process* published by the Department and prescribed by the Minister for the purposes of this instrument from time to time.

2 Subsection 4(1) (definition of *Capital Grants Program Guidelines*)

Repeal the definition, substitute:

Capital Grants Program Guidelines means the *Capital Grants Program Guidelines* issued by the Department and prescribed by the Minister for the purposes of this instrument from time to time.

3 Subsection 4(1) (definition of *Choice and Affordability Fund Guidelines*)

Repeal the definition, substitute:

Choice and Affordability Fund Guidelines means the *Choice and Affordability Fund Guidelines* issued by the Department and prescribed by the Minister for the purposes of this instrument from time to time.

4 Subsection 4(1) (definition of *DMI methodology document*)

Repeal the definition, substitute:

DMI methodology document means the *Direct Measure of Income Methodology Document* issued by the Department and prescribed by the Minister for the purposes of this instrument from time to time.

5 Subsection 4(1) (definition of *Ministerial Council disability guidelines*)

Repeal the definition, substitute:

Ministerial Council disability guidelines means guidelines for the Nationally Consistent Collection of Data on School Students with Disability approved by the Ministerial Council and prescribed by the Minister for the purposes of this instrument from time to time.

6 Subsection 4(1) (definition of *NAPLAN Online Data Extract Dictionary*)

Repeal the definition, substitute:

NAPLAN Online Data Extract Dictionary means the *NAPLAN Online Data Extract Dictionary* issued by ACARA and prescribed by the Minister for the purposes of this instrument from time to time.

7 Subsection 4(1) (definition of *Non-Government Reform Support Fund Guidelines*)

Repeal the definition, substitute:

Non-Government Reform Support Fund Guidelines means the *Non-Government Reform Support Fund Guidelines* issued by the Department and prescribed by the Minister for the purposes of this instrument from time to time.

8 Subsection 4(1) (definition of *student with disability*)

Repeal the definition, substitute:

student with disability means a student about whom specified information must be provided under the Ministerial Council disability guidelines.

9 After section 5

Insert:

5A Ministerial prescription of guidelines and other documents

- (1) For the purposes of a definition in subsection 4(1), the Minister may, by legislative instrument, determine that guidelines are prescribed for the purposes of this instrument.

Note: See the definitions of *Capital Grants Program Guidelines*, *Choice and Affordability Fund Guidelines*, *Ministerial Council disability guidelines* and *Non-Government Reform Support Fund Guidelines* in subsection 4(1).

- (2) For the purposes of a definition in subsection 4(1), the Minister may, by legislative instrument, determine that a document is prescribed for the purposes of this instrument.

Note: See the definitions of *DMI methodology document*, *NAPLAN Online Data Extract Dictionary* and *Capacity to Contribute Data Validation and Quality Assurance Process* in subsection 4(1).

10 Section 17A

After “for a year if”, insert “in relation to that year”.

11 Section 17A

Omit “for the year”.

12 Paragraph 23(1)(c)

Omit “document titled *Capacity to Contribute Data Validation and Quality Assurance Process* published by the Department and as existing from time to time”, substitute “Capacity to Contribute Data Validation and Quality Assurance Process”.

13 Subsection 23(1) (note)

Repeal the note.

14 Paragraph 25B(1)(c)

Repeal the paragraph, substitute:

-
- (c) any written arrangement between the Secretary and the non-government representative body relating to financial assistance payable to the body under Division 4 of Part 5 of the Act (funding for non-government representative bodies) that the Minister determines is relevant to the determination under section 70 of the Act; and

15 Paragraph 31(1)(d)

Repeal the paragraph, substitute:

- (d) if:
 - (i) there is a written arrangement between the Secretary and the non-government representative body relating to financial assistance payable to the body under that Division; and
 - (ii) the Minister has, by legislative instrument, determined that financial assistance must be spent in accordance with that arrangement;
in accordance with that arrangement; and

16 Paragraph 36(7)(c)

Repeal the paragraph, substitute:

- (c) if:
 - (i) there is a written arrangement between the Secretary and the non-government representative body relating to financial assistance payable to the body under Division 4 of Part 5 of the Act (funding for non-government representative bodies); and
 - (ii) the Minister has, by legislative instrument, determined that reports must be given in accordance with that arrangement;
in accordance with that arrangement.

17 Subsection 52(5)

Omit “for the year”.

18 Paragraph 58A(2)(e)

Omit “for the year”.

19 Subsection 58A(6)

Omit “for a year” (wherever occurring).