



Australian Education Amendment (Schools Upgrade Fund) Regulations 2022

I, General the Honourable David Hurley AC DSC (Retd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 24 November 2022

David Hurley
Governor-General

By His Excellency's Command

Jason Clare
Minister for Education

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1 Name

This instrument is the *Australian Education Amendment (Schools Upgrade Fund) Regulations 2022*.

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.	25 November 2022

Note: This table relates only to the provisions of this instrument as originally made.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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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—Amendments

Australian Education Regulation 2013

1 In the appropriate position in Schedule 1

Insert:

Part 8—Schools Upgrade Fund

Division 1—Targeted Round School Upgrades

30 Circumstances

For the purposes of subsection 69A(1) of the Act, the circumstances for a school are that:

- (a) the school is located in a State or Territory that has been affected by the COVID-19 pandemic; and
- (b) there is a need for capital expenditure in relation to the school.

31 Total amount payable

For the purposes of paragraph 69A(4)(a) of the Act, \$18 million is the amount prescribed for 2022 and 2023, taken together, in relation to the circumstances mentioned in clause 30 of this Schedule.

32 Ongoing funding requirements

- (1) For the purposes of paragraph 78(2)(a) of the Act, an approved authority for a school must spend, or commit to spend, financial assistance that is payable for the school under subsection 69A(1) of the Act in the circumstances mentioned in clause 30 of this Schedule:
 - (a) on a project to upgrade the school that was a funding commitment made before the general election in 2022 by the party that formed government after that election; or
 - (b) in accordance with any written directions given by the Minister.
- (2) Financial assistance mentioned in subclause (1) must be spent, or committed to be spent:
 - (a) before 1 January 2024; or
 - (b) as otherwise directed in writing by the Minister.
- (3) For the purposes of paragraphs (1)(b) and (2)(b) of this clause, the Minister may give written directions to an approved authority.
- (4) Any interest earned on financial assistance mentioned in subclause (1) must be spent, or committed to be spent, in the same way as the financial assistance.

33 Providing information about financial assistance under this Division

- (1) For the purposes of paragraph 77(2)(f) of the Act, an approved authority for a school must provide to the Secretary information determined, in writing, by the Minister.
- (2) The information must be provided to the Secretary in the manner, and by the day, determined by the Minister.
- (3) For the purposes of subclauses (1) and (2) of this clause, the Minister may determine:
 - (a) information for a specified school or for a class of schools, which must relate to financial assistance that is payable under subsection 69A(1) of the Act in the circumstances mentioned in clause 30 of this Schedule; and
 - (b) the manner in which, and the day by which, such information is to be provided.

Division 2—Open Round School Upgrades**34 Circumstances**

For the purposes of subsection 69A(1) of the Act, the circumstances for a school are that:

- (a) the school is located in a State or Territory that has been affected by the COVID-19 pandemic; and
- (b) there is a need for capital expenditure in relation to the school.

35 Total amount payable

For the purposes of paragraph 69A(4)(a) of the Act, \$32 million is the amount prescribed for 2022 and 2023, taken together, in relation to the circumstances mentioned in clause 34 of this Schedule.

36 Ongoing funding requirements

- (1) For the purposes of paragraph 78(2)(a) of the Act, an approved authority for a school must spend, or commit to spend, financial assistance that is payable for the school under subsection 69A(1) of the Act, in the circumstances mentioned in clause 34 of this Schedule, in accordance with any written directions given by the Minister.
- (2) Financial assistance mentioned in subclause (1) must be spent, or committed to be spent:
 - (a) before 1 January 2024; or
 - (b) as otherwise directed, in writing, by the Minister.
- (3) For the purposes of subclause (1) and paragraph (2)(b) of this clause, the Minister may give written directions to an approved authority.
- (4) Any interest earned on financial assistance mentioned in subclause (1) must be spent, or committed to be spent, in the same way as the financial assistance.

37 Providing information about financial assistance under this Division

- (1) For the purposes of paragraph 77(2)(f) of the Act, an approved authority for a school must provide to the Secretary information determined, in writing, by the Minister.
- (2) The information must be provided to the Secretary in the manner, and by the day, determined by the Minister.
- (3) For the purposes of subclauses (1) and (2) of this clause, the Minister may determine:
 - (a) information for a specified school or for a class of schools, which must relate to financial assistance that is payable under subsection 69A(1) of the Act in the circumstances mentioned in clause 34 of this Schedule; and
 - (b) the manner in which, and the day by which, such information is to be provided.