

The Non-Government Schools Not-For-Profit Advisory Committee (Advisory Committee)

The Advisory Committee advises the NSW Minister for Education on emerging issues regarding non-government schools' compliance with not-for-profit provisions under the [NSW Education Act 1990](#) (the Act). The Advisory Committee also assists the Minister in creating and publishing the [2019 Not-For-Profit Guidelines for Non-Government Schools](#) and newsletters.

NSW Government Support for the National Redress Scheme

The NSW Government supports the National Redress Scheme and was one of the first organisations to participate. The NSW Government supports the policy of providing redress to survivors of childhood sexual abuse provided that NSW Government financial assistance to non-government schools is not used to make redress payments. More information is provided on the Royal Commission later in this newsletter.

National Redress Scheme and Section 83C of the Act

Under the Act, a non-government school and its proprietor must not operate for-profit and must only use its assets and income for the operation of the school. If found to be operating for-profit, the Minister is obliged to cease financial assistance to the school. Payments made under the National Redress Scheme cannot be characterised as being for the operation of the school. This was the reason for the introduction of the new *Education Amendment (Non-Government Schools) Regulation 2019*.

Education Amendment (Non-Government Schools) Regulation 2019

To support non-government schools' participation in the National Redress Scheme the NSW Minister for Education and Early Childhood has passed a new regulation. Regulation 10A, which came into force on 11 October 2019 and allows non-government schools to make redress payments without contravening the not-for-profit provisions of section 83C of the Act **provided they can demonstrate that government financial assistance was not used to make redress payments.**

A copy of the new regulation can be found at <https://www.legislation.nsw.gov.au/#/view/regulation/2017/438/part3/sec10a>

Note that schools should also refer to their obligations under the financial certification requirements for Commonwealth and NSW recurrent school funding.

Participation in the National Redress Scheme

Non-government schools wishing to participate in the National Redress Scheme must do so before 30 June 2020. More information on the Redress Scheme can be obtained at <https://www.nationalredress.gov.au/>

Background: Royal Commission into Institutional Responses to Child Sexual Abuse (Royal Commission)

The Royal Commission was established in 2013 by the Commonwealth Government to inquire into and report upon responses by institutions to instances and allegations of child sexual abuse in Australia. The final report of the Royal Commission was made public on 15 December 2017. Included in the Royal Commission's report were recommendations aimed

at providing justice for survivors of historic sexual abuse. These recommendations can be found in the *'Redress and civil litigation report recommendations (2015)'*.

National Redress Scheme for people who have experienced institutional child sexual abuse (National Redress Scheme)

The National Redress Scheme was created in response to the Royal Commission's recommendations. The National Redress Scheme:

- acknowledges that many children were sexually abused in Australian institutions;
- recognises the suffering they endured;
- holds institutions accountable for this abuse, and,
- helps people who have experienced institutional child sexual abuse gain access to counselling, a direct personal response, and a Redress payment.

Specifically, under the National Redress Scheme, people who have experienced institutional child sexual abuse can apply for redress from participating institutions. Redress can include the following support:

- access to confidential social counselling;
- access to financial or legal counselling;
- a direct personal response (e.g. an apology); and,
- a redress payment.

Joining the National Redress Scheme is voluntary. As a condition of joining, participating institutions agree to provide redress to people who experienced institutional child sexual abuse. Independent decision-makers consider applications, make recommendations and conduct reviews.

Further Information and References

If you would like to receive notification of newsletters and advice as they are published please email relevant contact details (name/position and email address) to NGS-Compliance@det.nsw.edu.au and we will add you to our distribution list. We encourage you to share this information with senior staff, financial

administrators, diocese representatives, board members and auditors.

For further information about this communication or the requirements of Part 7, Division 3 of the Act, schools should contact the External Relations Policy Directorate in the NSW Department of Education by email at NGS-Compliance@det.nsw.edu.au.

The [2019 Not-For-Profit Guidelines for Non-Government Schools](#) apply to all registered non-government schools in NSW that receive funding from the NSW Government. They contain information to assist schools understand the not-for-profit funding requirements established by Part 7, Division 3 of the Act.

Further information on governance standards or any other school registration requirements for non-government schools can be obtained from [NSW Educational Standards Authority](#).

A copy of the Education Act 1990 (NSW) can be accessed at www.legislation.nsw.gov.au.

A copy of the Australian Education Act 2013 (Cth) can be accessed at www.legislation.gov.au.

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