

5 February 2024

The Hon. Prue Car MP
Deputy Premier, Minister for Education and Early Learning, and Minister for Western Sydney
GPO Box 5341
SYDNEY NSW 2001
section83review@nesa.nsw.edu.au

Subject: Submission on the Review of Section 83C of the Education Act 1990 (NSW)

Dear Minister Car,

I am writing to provide a submission in response to the terms of reference for the review of Section 83C of the Education Act 1990 (NSW). As the Principal of Bishop Druit College in Coffs Harbour, I appreciate the opportunity to contribute to this important review. I have outlined a number of key points that may support any decision-making process.

Accountability and Financial Oversight

Schools are already accountable to parents and are subject to a complex regulatory framework from many state and commonwealth agencies as highlighted in Figure 1.

Recommendation:

Recognising the existing layers of accountability, it is advisable to streamline reporting requirements and ensure that non-government schools are not unduly burdened by duplicative processes. The review should explore ways to enhance collaboration between relevant agencies to reduce redundancy in reporting while maintaining effective oversight.

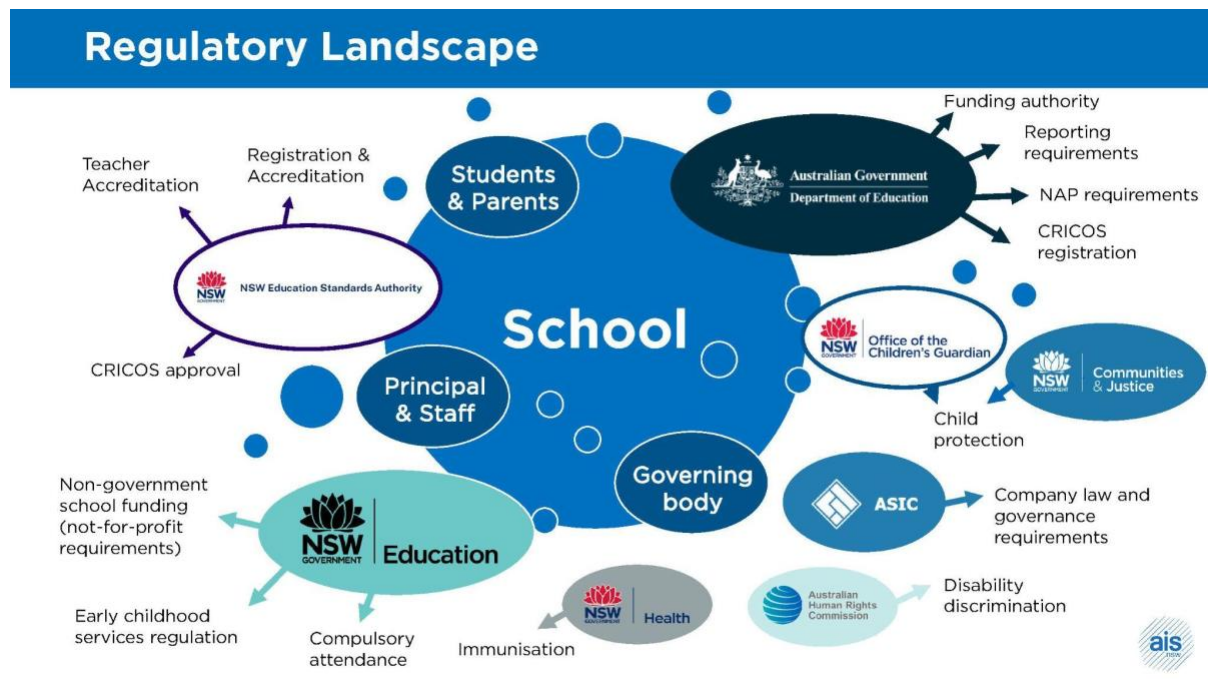


Figure 1: Regulatory Landscape for Independent Schools in NSW (Source AISNSW)

Scope of Section 83C Audits

Section 83C audits have grown beyond their originally intended scope - the legislation needs amendment to clearly reflect the original intent and purpose and reduce the added bureaucratic burden on schools.

Recommendation:

The legislation should be amended to align with the original intent of Section 83C, ensuring that audits focus on preventing financial assistance to schools operating for profit. The review should recommend specific amendments to streamline the audit process, eliminating unnecessary bureaucratic burdens on non-government schools.

Independent Regulator

An independent regulator is needed that understands and accepts the purpose and autonomy of non-government schools.

Recommendation:

The establishment of an independent regulator, as suggested, should prioritise individuals with a deep understanding of non-government school operations. This regulator should work collaboratively with schools to ensure compliance without compromising their autonomy. The review should recommend a clear framework for the selection and functioning of this independent regulator.

In conclusion, I welcome the review of Section 83C as it presents an opportunity to enhance the effectiveness and efficiency of financial assistance regulation for non-government schools. The recommendations above aim to strike a balance between accountability and autonomy, ensuring that the regulatory framework aligns with the original intent while minimising unnecessary bureaucratic burdens.

Thank you for considering these recommendations. I look forward to the positive outcomes that this review will bring to the non-government school sector.

Sincerely,

Nick Johnstone
Principal

Attachment: Legislation That Affects the Work of NSW Independent Schools