



SCEGGS Darlinghurst

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Feedback on the Not-for-Profit Guidelines for Non-Government Schools and Regulatory Framework

By email: NonGovSchools.RegulatoryFramework@det.nsw.edu.au

Dear Sir/Madam

Thank you for the opportunity to comment on the Draft Regulatory Framework for the Oversight of Financial Assistance provided to New South Wales Non-Government Schools.

I think it is unfortunate that the public consultation for this exposure draft is taking place at the same time as the review of the legislation itself, conducted by Tom Alegounarias. This does provide a degree of confusion for non-government schools, and seemingly twice the workload for schools and for the two separate review teams.

I also think it is important to state clearly at the beginning that it is unfortunate that the oversight of compliance with 83C regulations for Non-Government Schools rests with the Department of Education. It should be an independent body which has this function. I would suggest that NESAs are an appropriate authority.

There are a number of things which schools should be able to do which appear to contradict the requirements of 83C legislation. They are:

1. A school should be able to run a Childcare or Early Learning Centre on the school campus as an integrated part of the school. It should be able to provide support to the Early Learning Centre from staff of the school, and the ELC should be able to be fully integrated into the administration and logistics of the school.
2. A school should be able to support the P&F of the school. A Parents' and Friends' Organisation provides great service to the parents of the school, helping parents to make connections with each other, helping them with the difficult tasks of parenting, arranging speakers on important topics. A school will thrive if there is an active and supportive P&F. In Independent Schools, many P&Fs are separately incorporated Associations. Yet it appears that if an employee of the school has, as part of their job description, to support the work of the P&F - for example by taking minutes of meetings, organising refreshments for meetings, setting up of meeting rooms, organising speakers and the like - this appears to be in contradiction to the requirements of 83C. The same could be said for Alumni Associations too. Staff of the school should be able to support the work of the Alumni - helping them with their functions and staying in touch with classmates, and also involving Alumni in the life of the school to provide services for current students (careers advice and Work Experience, for example). It appears that it will be in contradiction to 83C for a School to support the work of separately incorporated bodies such as P&Fs and Alumni Associations.
3. The wording of the exposure draft appears to suggest that payments to members of the governing body can only be acceptable if they are reimbursement for legitimate expenses. It should also be made clear that it is acceptable for a school to pay directly for services on behalf of Directors - such as paying for Directors' Liability Insurance (rather than reimbursing Directors). Clarification about

this matter, and when expenses can be paid on behalf of the members of the governing body, would be appreciated.

4. Independent schools want to use their facilities to support their local communities. On occasion, this arrangement will be freely provided to members of the community; and at other times facilities might be hired to community groups for them to use after school hours. It should be acceptable for facilities to be hired by community groups as a revenue stream, and it should be acceptable for Schools to use staff in paid positions which are needed to ensure that Community Groups can use school facilities.
5. There are occasions when independent schools have ICT or other assets (such as furniture) which are no longer needed. It should be accepted, (indeed encouraged) for schools to be able to donate those unwanted assets to other schools or charities who could utilise them without any potential 83C consequences.

Thank you for the opportunity to comment.

Yours sincerely,

Jenny Allum
Head of School