

Module	<b>NSW NON-GOVERNMENT SCHOOLS</b>
Jurisdictions	<b>NSW</b>

## Module Application

Is your non-government school aware of its obligations under the Education Act 1990 (NSW) and other relevant legislation to operate and offer courses of study in New South Wales?

Has your school implemented adequate policies, procedures and training to ensure compliance with registration requirements set by the NSW Education Standards Authority (NESA)?

Has your school obtained the necessary accreditation from NESA to offer the Record of School Achievement (RoSA) and/or Higher School Certificate (HSC) courses?

Has your school established appropriate governance, financial management and reporting processes to qualify for government funding and maintain charitable status?

Has your school taken steps to meet curriculum standards, staff accreditation requirements, student welfare obligations and premises/facilities compliance under NSW laws?

Has your school implemented policies and procedures to ensure compliance with legislation related to child protection, anti-discrimination, and work health and safety laws?

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## Module Scope

This module assists non-government schools in New South Wales to understand and comply with their legal obligations when operating and offering courses of study to compulsory school-age children from Kindergarten through to Year 12. It covers schools in both the independent and religious sectors, delivering traditional classroom-based education, distance education, and enrolling overseas students.

The module comprehensively covers the regulatory framework governing non-government schools in NSW by drawing from key legislation including:

- Education Act 1990 (NSW)
- Education Regulation 2017 (NSW)
- Australian Education Act 2013 (Cth)
- Australian Education Regulations 2023 (Cth)
- Teacher Accreditation Act 2004 (NSW)
- Teacher Accreditation Regulation 2023 (NSW)
- Child Protection (Working with Children) Act 2012 (NSW)
- Child Protection (Working with Children) Regulation 2013 (NSW)
- Children and Young Persons (Care and Protection) Act 1998 (NSW)
- Children's Guardian Act 2019 (NSW)
- NSW Teacher Accreditation Manual

- NSW Registered and Accredited Individual Non-government Schools Manual
- Education Services for Overseas Students Act 2000 (Cth)
- National Code of Practice for Providers of Education and Training to Overseas Students 2018 (Cth)
- ELICOS Standards 2018 (Cth)
- Guidelines for approved NSW school providers delivering courses to overseas students (Nov 2020)
- Work Health and Safety Act 2011 (NSW)
- Disability Discrimination Act 1992 (Cth)
- Disability Standards for Education 2005 (Cth)
- Criminal Code Act 1995 (Cth)
- Australian Charities and Not-for-profits Commission Act 2012 (Cth)
- Australian Charities and Not-for-profits Commission Regulation 2013 (Cth)

The specific questions and answers covered by the module include:

- What are the legal obligations associated with registering and operating a non-government school in NSW?
- What processes or procedures should the school adopt to ensure it aligns with these regulatory requirements?
- What are the consequences of breaching the legal obligations associated with operating a non-government school in NSW?

The key areas covered include:

- Registration requirements for non-government schools to legally operate, including meeting eligibility criteria managed by NESA on governance, financial stability, staff qualifications, student welfare, and curriculum compliance
- Formation and governance of systems of non-government schools with at least 20 member schools
- Accreditation processes for offering RoSA (Years 7-10) and HSC (Years 11-12) credentials, demonstrating compliance with curriculum, teaching standards, and NESA rules
- Funding sources and eligibility criteria for Commonwealth recurrent/capital funding and NSW building grant assistance scheme funding
- School management, governance and operational requirements, covering responsible persons, proper governance, conflicts of interest, financial viability, and NESA communication
- Staff accreditation at provisional, conditional and proficient levels, and working with children checks
- Mandatory staff training on student health, safety and welfare areas like child protection, bullying, emergencies, and first aid
- Curriculum standards set by NESA for primary/secondary education, flexibility to engage external providers for specific courses, and distance education
- Premises and facilities compliance with council, legislative and environmental requirements for safety, structure and accessibility
- Provisions and standards for offering courses to overseas students under Education Services for Overseas Students laws, including registration on the Commonwealth Register of Institutions and Courses for Overseas Students
- Student welfare policies, fair disciplinary procedures, ban and health and safety measures

- Requirements for equal access, reasonable adjustments and harassment-free environment for students with disabilities
- Annual reporting to NESA and public disclosure of educational/financial performance, policies, student outcomes etc.
- Record-keeping for compliance, finances, enrolments, attendance and achievement records
- Obligations for charitable non-government schools registered with the Australian Charities and Not-for-Profits Commission

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