



# OPTIMAL SCHOOL GOVERNANCE

## **NESA Requirements for Proper Governance**

for reference by participants of the following NESA-accredited courses:

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| OSG-N1 "School Governance Basics"               | OSG-S4 "Governance and Management"                      |
| OSG-N2 "Best Practice in School Governance"     | OSG-S5 "Mission, Vision and Strategic Thinking"         |
| OSG-N3 "Effective School Governance"            | OSG-S6 "Overcoming Governance Challenges"               |
| OSG-S1 "Board Operations"                       | OSG-S7 "The Board's Fiduciary and Non-Fiduciary Duties" |
| OSG-S2 "Creating and Sustaining Healthy Boards" | OSG-S8 "The Board's Role in Directing Change"           |
| OSG-S3 "Future-focussed Board Leadership"       |   |

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## **3.9 Management and operation of the school**

### **3.9.1 Each person defined under the Education Act as a ‘responsible person’, and any other person or body exercising similar functions in relation to the school as those of a ‘responsible person’, is a fit and proper person or body**

Section 47(1) (b) of the Education Act requires each ‘responsible person’ for a non-government school to be a fit and proper person or body.

The Education Act defines a ‘responsible person’ as:

- the proprietor of the school and, if the proprietor is a corporation, each director or person concerned in the management of the school, or
- a member of the governing body of the school, or
- the principal of the school.

This means that all of the above categories are considered to be ‘responsible persons’ under

the Education Act.

The proprietor of a non-government school must ensure that each 'responsible person' or body for the school is fit and proper. This includes the proprietor ensuring that the school's 'responsible persons' and governing bodies have experience and expertise in administering a school and providing education at a school. The proprietor should consider whether the school's governing body has governance arrangements in place to receive independent and professional advice about the way in which it complies with its obligations under the Education Act.

The proprietor must have policies and procedures for being assured that 'responsible persons' and the governing body of the school are fit and proper and continue to be fit and proper whilst holding the role of a 'responsible person' or governing body for the school. At a minimum, the proprietor must require each 'responsible person' for the school to sign a fit and proper statutory declaration prior to commencing as a 'responsible person' for the school and on at least an annual basis while the person continues to be a responsible person for the school.

In assessing whether the 'responsible persons' and governing body of a non-government school are fit and proper, NESAs will consider whether or not each 'responsible person' for the school has:

- debts to any Australian state or territory Government or the Commonwealth Government
- a record of satisfactory financial management, taking into account whether the 'responsible person' or body has been bankrupt, insolvent, subject to court orders or associated with an organisation placed under external administration
- been convicted of, or charged with, an offence, including an offence in relation to children, dishonesty or violence
- engaged in a deliberate pattern of immoral or unethical behaviour.

NESA will have regard to the nature and seriousness, frequency and recency of the above conduct.

The fact that a person may at some time have been convicted of an offence does not necessarily mean that they should not be regarded as being fit and proper. For example, the conviction may have been trivial or very distant in time, and may have been followed by years of exemplary conduct. Consequently, where a person has been convicted of an offence, it will be necessary to consider the nature of the offence, how long ago it was that the conviction was recorded, and the person's conduct since the time of the conviction.

Where a person or governing body has been bankrupted, insolvent, subject to court orders or associated with an organisation placed under external administration, the circumstances and distance in time of the bankruptcy or actions must be considered.

Whether a person or governing body has engaged in a deliberate pattern of immoral or unethical behaviour involves more complex considerations. Breaches of federal or state laws that fall short of constituting criminal offences may be trivial and unintentional. On that basis, they may not provide evidence of a person or governing body not being fit and proper.

However, there will be occasions when non-criminal breaches of law may indicate the presence of moral turpitude such as where there is evidence of:

- a pattern of non-criminal offences without sufficient remorse or a reasonable attempt at

rectifying subsequent conduct;

- the frequent and deliberate setting up of multiple corporate ventures which then fail may justify drawing the inference that those responsible are engaged in sharp practice.

These matters are not definitive but are used as an insight into the fitness and propriety of the 'responsible person' or governing body. In the event that any of the above matters are established, NESA will also have regard to any explanations for that state of affairs including a determination regarding the nature and seriousness of the matter and the frequency of the conduct.

### **Evidence of compliance**

The proprietor of a non-government school must have and implement documented policies and procedures in relation to the requirement for the school's 'responsible persons' and governing body to be fit and proper with specific reference to:

- maintaining information to demonstrate that the school's 'responsible persons' and governing body have the experience and expertise to administer a school that provides an education for school students
- each 'responsible person' for the school signing a fit and proper statutory declaration prior to commencing as a 'responsible person' for the school and at least on an annual basis while the person continues to be a 'responsible person' for the school
- the statutory declaration is to include a response as to whether or not the 'responsible person' has:
  - ever been convicted of an offence against a law of an Australian state or territory or the Commonwealth of Australia
  - ever become bankrupt, insolvent or placed under external administration
  - been convicted of, or charged with, an offence, including an offence in relation to children, dishonesty or violence
  - ever been determined not to be a fit and proper person as prescribed under any law of an Australian state or territory or Australian Commonwealth
  - ever engaged in a deliberate pattern of immoral or unethical behaviour
  - been a 'responsible person' for a non-government school or proposed non-government school where registration was refused or cancelled
- maintaining a copy of each 'responsible persons' declarations for a period of seven (7) years after ceasing to be a 'responsible person' for the school
- responding to information suggesting that a 'responsible person' for the school may not be fit and proper in order to ensure that the school's 'responsible persons' and governing body are fit and proper at all times
- notifying NESA as soon as practicable if the school's proprietor or a 'responsible person' or governing body of the school determines that a 'responsible person' or governing body of the school is not fit and proper. Such notification should be forwarded to the Director, School Registration and Accreditation, GPO Box 5300, Sydney, NSW 2001 or by [email](mailto:schoolrego@nesa.nsw.edu.au) (schoolrego@nesa.nsw.edu.au).

### **3.9.2 'Responsible persons' and previous refusal or cancellation of registration**

Section 47(1)(c) of the Education Act provides that any refusal to register, or cancellation of

registration, of the school or any other school under section 56 or 59, occurring during the period of five (5) years immediately before the application for registration is made has not been largely attributable to the actions of a 'responsible person' or proposed 'responsible person' for the school, or any other person or body having similar functions in relation to the management or operation of the school to those of a 'responsible person'.

### **Evidence of compliance**

A registered non-government school must have in place processes of notification and disclosure by which it can assure NESAs that any refusal or cancellation of registration in relation to a non-government school or proposed non-government school in the past five (5) years has not been largely attributable to the actions of a 'responsible person' for a school.

### **3.9.3 A registered non-government school must have policies and procedures for the proper governance of the school in place**

This requirement provides for policies and procedures for the proper governance of the school to be in place. The 'responsible persons' for a non-government school, as defined by the Education Act, are accountable for proper governance of the school and for meeting this requirement.

A school's proprietor and, if the proprietor is a corporation, each director or person concerned in the management of the school, members of the school's governing body, the school's principal and any other person or body exercising a function in relation to the management of the school are considered under the Education Act to be 'responsible persons' for the school.

Proper governance requires the 'responsible persons' for a school to have in place structures, policies and procedures for governance, leadership, authority, decision-making, accountability and transparency.

In general terms, the requisite policies and procedures for proper governance must be consistent with properly accepted community norms for school governance. A number of widely accepted standards and authorities exist in this regard, such as the Australian Securities and Investments Commission (ASIC) and the Australian Securities Exchange.

The operate for profit provisions of the Education Act may also be relevant as will, for the vast majority of schools not operating for profit, the requirements of the Australian Charities and Not-for-profits Commission ('ACNC').

While there are commonly accepted features of proper governance, the specific governance structures, policies and procedures a particular non-government school has in place for proper governance will vary according to the context and philosophy of the school. The policies and procedures will also vary according to the governance structure of the school and the authority, delegated by the school's proprietor to governing bodies or positions within the school, for example the authority delegated to a school council, school principal and/or school executive.

In assessing a school's compliance with this requirement, NESAs will have regard to whether, within the totality of the school's policies and procedures, there are provisions for the matters specified as minimum requirements in sections 3.9.3.1 to 3.9.4 of the Manual.

### 3.9.3.1 Policies and procedures

The 'responsible persons' for a non-government school, are responsible for developing and implementing policies and procedures to govern and operate the school in order to satisfy its legal obligations, manage risk, provide strategic guidance and monitor performance.

#### Evidence of compliance

The 'responsible persons' for a registered non-government school must have in place and implement policies and procedures in relation to, but not limited to, the following:

- a school charter or document identifying the governance structure of the school and the respective authority, role and responsibilities of each of the school's 'responsible persons' and any other person or body concerned in the management of the school
- a delegations schedule to:
  - identify the respective authority within the governance structure
  - describe the process for withdrawing a delegated authority
- a document to set out supervisory arrangements and reporting requirements for the school's 'responsible persons' including any governing body and school executive
- a code of conduct for the school's 'responsible persons'
- maintenance of records of governance decisions and actions made by the school's 'responsible persons', including minutes of formal meetings of the school's 'responsible persons', on and from 1 September 2014 and retaining such records for a minimum period of seven (7) years before archiving
- a document describing the school's legal compliance process to facilitate the school's compliance with all relevant legislation and reduce any risk of non-compliance
- a document describing the school's risk management framework or plan for developing, implementing and reviewing risk management strategies in relation to strategic direction, governance, operation and finance and the associated risk register.

### 3.9.3.2 Conflict of interest

Each 'responsible person' for a non-government school must avoid situations in which his or her personal interests or the interests of a relative or close associate may conflict either directly or indirectly with decisions made by the governing body, whether the conflict is actual, perceived or potential. Such conflicts of interests include but are not limited to related party transactions described at section 3.9.3.3 below.

#### Evidence of compliance

The 'responsible persons' for a registered non-government school must have in place and implement policies and procedures in relation to dealing with conflict of interest with specific reference to:

- an overarching statement defining conflict of interest within the context of the school's governance structure
- documented processes for:
  - an annual declaration by each 'responsible person' for the school in relation to any actual, perceived or potential conflict
  - maintaining records of the annual declaration of each 'responsible person' for the school on and from 1 September 2014 and retaining such records for a period of seven (7) years before archiving or disposing

- requiring each 'responsible person' at formal meetings of the school's 'responsible persons' to raise any actual, perceived or potential conflict with regard to items on the agenda for the meeting and for recording in the minutes of the meeting any conflict that is raised
- each 'responsible person' with a conflict of interest (including but not limited to a pecuniary interest or a related party transaction) mitigating the ensuing risk in a way that is acceptable to the other 'responsible persons' involved (for example, by absenting themselves from participating in any associated decision-making or advisory role).

### **3.9.3.3 Related party transactions register**

In the context of a non-government school, a 'related party transaction' includes any transaction through which a 'responsible person' for the school acting on behalf of the school provides a financial or other tangible benefit to a related party (such as themselves or another 'responsible person' for the school or their spouse, other relatives or close associates and other related organisations). As related party transactions involve conflicts of interest or material personal interests, a non-government school must have policies and procedures for financial management including a register of all related party transactions which is validated by an external independent auditor.

### **Evidence of compliance**

The 'responsible persons' for a registered non-government school must have in place and implement policies and procedures related to related party transactions:

- requiring each 'responsible person' for the school to disclose any related party transactions made on behalf of the school's proprietor or governing body
- maintaining a register of all related party transactions on and from 1 September 2014 and retaining such records for a period of seven (7) years before archiving or disposing. The degree of materiality of the transaction will determine the degree of detail required to be included in the register
- arranging for an external audit of the school's register of all related party transactions on an annual basis
- retaining a record of each external audit report of the register of all related party transactions on and from 1 September 2014 and retaining such records for a period of seven (7) years before archiving
- notifying NESA if the contract or arrangement with the school's external auditor is terminated by the school or external auditor prior to the expiry of the term of the contract or arrangement and the reason(s) for that termination.

### **3.9.3.4 Professional learning for 'responsible persons'**

Proper governance of a non-government school requires policies and procedures for the ongoing professional development of 'responsible persons' for the school to ensure that the school's 'responsible persons' have relevant qualifications, skills and experience for governing the school properly.

The specific professional learning to be completed by any one 'responsible person' for a school will depend on the person's pre-existing qualifications and professional experiences, the school's policies and procedures for professional learning and the particular role and responsibilities of the person. Governance professional learning should include a school context regardless of a 'responsible person's' professional experience and qualifications.

## Evidence of compliance

The 'responsible persons' for a registered non-government school must have in place and implement policies and procedures for the ongoing professional learning of the school's 'responsible persons' with specific reference to:

- the mandatory completion of a minimum twelve (12) hours of professional learning with regard to governance for each 'responsible person' for the school over each three (3) year period from the time of commencing as a 'responsible person'; to be delivered by a NESA approved training provider<sup>1</sup>
- relevant professional learning for 'responsible persons' with responsibilities for areas of governance requiring particular qualifications, skills or expertise, for example in relation to finance, compliance, risk management and/or education, delivered by a NESA approved training provider<sup>2</sup>
- maintaining a register of professional learning and training undertaken by each 'responsible person' for the school including the following details for each year:
  - name of 'responsible person'
  - role or position of responsibility
  - professional learning (date, nature, provider and hours)
- retaining the register of professional learning on and from 1 September 2014, including relevant records such as evidence of completion of professional learning, and retaining such records and each entry into the register from the date of entry for a minimum period of seven (7) years before archiving or disposing.

### 3.9.3.5 Induction process for new 'responsible persons'

Proper governance of a non-government school requires policies and procedures for the induction of new 'responsible persons' for the school.

## Evidence of compliance

The 'responsible persons' for a registered non-government school must have in place and implement policies and procedures for the induction of new 'responsible persons' with specific reference to:

- an induction process for new 'responsible persons' including, at a minimum, the mandatory successful completion of a NESA approved training program by a NESA approved training provider<sup>3</sup> in relation to proper governance prior to taking up the role of 'responsible person' or within three months of becoming a 'responsible person' for the school
- a school-based induction program to provide each new 'responsible person' with a copy of the following documents:
  - a copy of all the school's documents, policies and procedures specified at 3.9.3.1 of the Manual and any other key policy document for the school
  - the school's most recent audited financial statements
  - recent minutes of meetings of the school's 'responsible persons'
- maintaining evidence that each new 'responsible person' has received a copy of all of the

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<sup>1</sup> Approved providers of governance training programs are published on NESA's website from time to time

<sup>2</sup> Refer to Footnote 1

<sup>3</sup> Refer to Footnote 1 (see page 47)

documents specified above

- maintaining a register of the induction process identifying the following details for each new 'responsible person':
  - name
  - date of becoming a 'responsible person' for the school
  - position of responsibility
  - details of any qualifications and/or experience relevant to the particular position of responsibility
  - details of the successful completion of a NESAs approved training program in relation to proper governance (date(s), provider, nature of training)
- retaining the register of induction on and from 1 September 2014 and retaining each entry into the register from the date of entry for a minimum period of seven (7) years before archiving or disposing.

### **3.9.3.6 External independent attestation audit of annual financial statements**

The school's annual financial statements are to be audited and certified by an external independent auditor.

#### **Evidence of compliance**

The school's proprietor is to certify or is to provide other evidence that the audit and accompanying certificate:

- have been completed by an auditor recognised by CPA Australia, Chartered Accountants Australia and New Zealand, the Institute of Public Accountants or another recognised accounting body approved by NESAs
- comply with any other requirements imposed by Commonwealth or NSW Government agencies providing funding to the school
- have not been completed by a person or body with whom the school has another business relationship in addition to audit services or with whom any of the 'responsible persons' of the school has a conflict of interest.

The school must have policy and procedures for notifying NESAs if the contract or arrangement with the school's external auditor is terminated by the school or external auditor prior to the expiry of the term of the contract or arrangement and the reason(s) for that termination.

The school's audited and certified annual financial statements in relation to any period on and from 1 September 2014 are to be available for inspection and are to be retained for a minimum period of seven (7) years after the end of the period to which the annual financial statements refer before archiving or disposing.

### **3.9.4 Financial viability**

#### **A registered non-government school must be financially viable**

Under section 47(1) (a1) of the Education Act, a registered non-government school must be financially viable.

Financial viability provides for the school to be administered and achieve the purpose of providing an education for school students whilst remaining financially solvent.

In considering the financial viability of a registered non-government school, NESAs will have

regard to:

- whether the school's proprietor is a body corporate that is being wound up
- whether the affairs of the proprietor are under any form of external control, such as the control of a manager, under any law
- whether, in the view of NESA, the liabilities of the proprietor are greater than its assets
- whether, in the view of NESA, the proprietor is, and is likely to continue for a substantial period to be, unable to pay its debts when they fall due for payment
- whether an audit conducted in accordance with any law is expressed to be qualified materially or expresses concern about the financial viability of the proprietor.

NESA will also have regard to whether a non-government school provides evidence from a body or person approved by NESA certifying the school's current compliance with NESA requirements for demonstrating financial viability.

Other information which may be considered by NESA in order to assess the school's compliance with the requirement to be financially viable includes, but is not limited to:

- audited annual financial statements, an independent audit report and independent auditor's management letter
- compliance with any requirements imposed by state or Commonwealth agencies providing funding to the school
- recent Commonwealth Financial Questionnaire completed by the school
- current school year operating financials (management accounts)
- schedule of loan agreements, if applicable
- property lease or rental agreements, if applicable, including the length of the lease or rental agreement and the annual cost of accommodation services
- information about any remuneration and/or reimbursements of expenses paid to members of the governing body and other related parties and the award or agreement under which staff salaries are being paid
- current school business plan
- current year's budget and forecast budgets for three to five years
- insurance policies covering risk areas for the school.

### **Evidence of compliance**

The proprietor of a non-government school is required to maintain evidence to demonstrate the current financial viability of the school at the time of making an application for initial or renewed registration.

The required evidence of financial viability is prescribed by NESA based on a risk assessment, and is to be in the form of a certification or warrant by a body or person approved by NESA<sup>4</sup> for that purpose.

The prescribed form of certification or warrant will be one of the following:

- certification from the principal of the school as required in the online application form for

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<sup>4</sup> Approved bodies and persons for the purpose of financial viability certification or warrants, and other materials relating to financial viability are published on the [RANGS website](https://rego.nesa.nsw.edu.au/) (<https://rego.nesa.nsw.edu.au/>).

renewal of registration, or

- *Certification of Financial Viability* from a NESAs approved body or person assessed against the NESAs Financial Viability Framework, or
- a *Financial Viability Warrant* from a NESAs approved body or person providing assurance of financial viability.

The NESAs *Certification of Financial Viability*, *Financial Viability Framework*, *Financial Viability Warrant* and an overview of the risk assessment approach of NESAs are published on the NESAs registration [RANGS website](#).

During the assessment of an application for registration, an Inspector may request additional information if concerns about compliance are identified.

The proprietor of a registered non-government school must have policies and procedures for:

- assessing the school's financial viability at regular intervals with specific reference to the records and documents to be used in making the assessment
- retaining the school's audited and certified financial statements on and from 1 September 2014 for a minimum period of seven (7) years before archiving or disposing
- retaining a copy of the financial viability certification or warrant in the form prescribed by NESAs by the NESAs approved body or person for that purpose on and from 1 January 2017 for a minimum period of seven (7) years before archiving or disposing
- notifying NESAs if the contract or arrangement with the school's external auditor is terminated by the school or external auditor prior to the expiry of the term of the contract or arrangement and providing the reason(s) for the termination
- notifying NESAs if the affairs of the proprietor are under any form of external control, such as the control of a manager, under any law. Such notification should be forwarded to the Director, School Registration and Accreditation, GPO Box 5300, Sydney, NSW 2001 or by [email](mailto:schoolrego@nesa.nsw.edu.au) (schoolrego@nesa.nsw.edu.au).

In determining a school's financial viability, an Inspector may require a school to provide relevant documentation such as:

- audited annual financial statements, an independent audit report and independent auditor's management letter
- compliance with any requirements imposed by state or Commonwealth agencies providing funding to the school
- recent Commonwealth Financial Questionnaire completed by the school
- current school year operating financials (management accounts)
- schedule of loan agreements, if applicable
- property lease or rental agreements, if applicable, including the length of the lease or rental agreement and the annual cost of accommodation services
- information about any remuneration paid to members of the governing body and the award or agreement under which staff salaries are being paid
- current school business plan
- current year's budget and forecast budgets for three to five years
- insurance policies covering risk areas for the school
- any other relevant materials.

### 3.9.5 NESAs must be notified of certain matters

1 The Education Act requires that any person defined as a 'responsible person' under the Education Act (and any other person or body exercising similar functions in relation to the management and operation of the school) be a fit and proper person and be able to carry out their responsibilities in relation to the operation of the school. Specifically, the Education Act requires that NESAs be notified if a person defined as a 'responsible person' under the Education Act (and any other person or body having similar functions in relation to the school to those of such a 'responsible person'):

- is convicted of an offence that is punishable by imprisonment for twelve (12) months or more; or
- becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit; or
- if the person is a corporation – is the subject of a winding up order or has had a controller or administrator appointed.

NESA is also to be notified if the school's proprietor or a 'responsible person' or governing body of the school determines that a 'responsible person' (or other person or body having similar functions as a 'responsible person' in relation to the school) or governing body of the school is not fit and proper.

In the above circumstances the Education Act requires that a 'responsible person' for the school notify NESAs and at least one other 'responsible person' of the circumstances surrounding the conviction, bankruptcy, insolvency, winding up order or appointment of the controller or administrator as soon as practicable after it occurs. Notifications in relation to (1) are subject to the NESAs Privacy Management Plan.

2 The Education Act also requires NESAs and at least one other 'responsible person' to be notified if a 'responsible person' (or other person or body having similar functions as a 'responsible person' in relation to the school) becomes a mentally incapacitated person and becomes:

- a patient at an institution because of that incapacity; or
- a protected person under the *NSW Trustee and Guardian Act 2009*.

Notifications in relation to (2) are subject to the NESAs Privacy Management Plan.

3 The Education Act requires that the Minister be notified if the school moves or is sold. To comply with this requirement the proprietor and/or principal must notify NESAs. Specifically:

- if a registered non-government school or part of a school proposes to move to new premises, written notice is to be given by the proprietor and/or the principal of the school to NESAs at least three (3) months before relocation. This particularly relates to moving premises and buildings connected with the teaching of courses of study, the amenities for teachers and students participating in those courses of study and boarding facilities provided for students by the school
- if the legal entity that owns a registered non-government school is sold, written notice of the sale is to be given by the purchaser to NESAs within seven (7) days of the completion of the sale.

For the purposes of this section of the Education Act, relocation or new premises means any site where the street address of that site is different to, or in addition to, the street address at which the school is currently registered on the Certificate of Registration.

- 4 The Education Act also makes provision for schools to provide returns to NESA. Specifically, the proprietor or the principal of a registered non-government school must provide returns to NESA concerning the requirements for registration in relation to the school in a form, and at the times, approved by NESA for that purpose. The approved form may require that the matters specified in any such return are certified.

To comply with the requirements detailed in (1), (2), (3) and (4) above, such notification should be forwarded to NESA. Notifications related to (1) and (2) above should be forwarded to the Director, School Registration and Accreditation, GPO Box 5300, Sydney, NSW 2001 or by [email](mailto:schoolrego@nesa.nsw.edu.au) (schoolrego@nesa.nsw.edu.au). Notifications related to (3) and (4) above should be made using NESA's online facility, [RANGS Online](https://bosho.boardofstudies.nsw.edu.au/links/rangsonline) (bosho.boardofstudies.nsw.edu.au/links/rangsonline).

### Evidence of compliance

A registered non-government school must demonstrate that processes are in place by which:

- the proprietor of the school, and, if the proprietor is a corporation, each director, trustee or person concerned in the management of the school
- each member of the governing body of the school, and
- the principal

are informed of their responsibilities under the Education Act, any Regulation under the Education Act and NESA requirements, including any duties of disclosure or notification.

A registered non-government school must provide, and document its process for providing, a return to NESA if, following an investigation by a relevant agency or authority, the school is formally notified in writing by that agency or authority of an alleged breach by the school of any of the following legislation:

- *Ombudsman Act 1974*
- *Child Protection (Working with Children) Act 2012*
- *Children and Young Persons (Care and Protection) Act 1998*
- *Teacher Accreditation Act 2004*
- *Disability Discrimination Act 1992*
- *Work Health and Safety Act 2011*
- *Environmental Planning and Assessment Act 1979*
- *Food Act 2003*
- *Explosives Act 2003*
- *Building Code of Australia.*

Such notification must be provided to NESA within fourteen (14) working days of the formal notification of an alleged breach. The notification should be forwarded to the Director, School Registration and Accreditation, GPO Box 5300, Sydney, NSW 2001 or by [email](mailto:schoolrego@nesa.nsw.edu.au) (schoolrego@nesa.nsw.edu.au).

A registered non-government school must provide, and document its process for providing, a return to NESAs online facility, [RANGS Online](#) when changes occur to the:

- *management and operation of the school*
  - where a notification in relation to a 'responsible person' is required (see sections 3.9.5 (1) and (2) of this Manual), the notification should be forwarded to the Director, School Registration and Accreditation, GPO Box 5300, Sydney, NSW 2001 or by [email](mailto:schoolrego@nesa.nsw.edu.au) (schoolrego@nesa.nsw.edu.au)
  - commencing from 1 July 2016, where a 'responsible person' for the school commences or ceases in the role of a 'responsible person', NESAs must be notified within twenty-eight (28) days of the change by updating the school's details on [RANGS Online](#)
  - where a notification in relation to financial viability is required (see section 3.9.4 of this Manual), NESAs must be notified within one (1) month of such change(s)
  - where there has been an appointment of a new principal (or equivalent), or a change in contact details for the school's existing principal (or equivalent), NESAs must be notified within one (1) month of such change(s)
  - commencing from 1 July 2016, the maintenance of details of persons who are 'responsible persons' for the school (apart from the school's principal) including each person's name, role, date of commencing and, when relevant, date of ceasing to be a 'responsible person' for the school within twenty-eight (28) days of a change being made and maintaining these records for a period of seven (7) years from the date of each entry before archiving or disposing
  - where there has been a change in the contact name or other contact details for a registered campus, NESAs must be notified within one (1) month of such change(s) occurring
  - where the school has been sold, written notice is to be given by the purchaser to NESAs within seven (7) days of completion of the sale
  - where the school's proprietor changes for any other reason, written notice is to be given by the new proprietor to NESAs within seven (7) days of the change
  - where a school's existing proprietor changes its name or contact details, NESAs must be notified within one (1) month of such change(s) occurring
  - where the school intends to change its name, or the name of a registered campus, NESAs must be notified at least one (1) month prior to such change taking effect
  - where there has been a change in the school's postal address or other contact details, NESAs must be notified within one (1) month of such change(s) occurring
  - where the school closes or ceases to operate as a school, or for specific Years of schooling (see section 2.4.10 of this Manual), NESAs must be notified within one (1) month of the change
- *staffing of the school* - where there is a turnover of half or more of the teaching staff during any twelve (12) month period, NESAs must be notified at the commencement of the next new term
- *curriculum* – where the school:
  - increases the scope of its curriculum by teaching one or more courses in a KLA from which it has not previously taught any courses, NESAs must be notified within one (1) month of such a change being implemented
  - intends to deliver additional Years of schooling at a registered campus, NESAs must be notified at least three (3) months prior to the implementation of such a change
  - intends to decrease the Years of schooling it delivers at its main site or at a registered campus, NESAs must be notified within one (1) month of such a change being

implemented

- intends to deliver all or a significant part of students' courses of study by means of distance education, the school must notify NESA seeking approval at least nine (9) months prior to the implementation of such a change. This excludes situations where a school that does not normally deliver courses by means of distance education provides units of work/activities for a student who has been granted leave by the principal and/or courses of study that its students access through outside tutors or external providers
- *premises and buildings* – where the school intends to:
  - add another campus, NESA must be notified at least three (3) months prior to the implementation of such a change
  - move to a new site, NESA must be notified by the principal (or equivalent) and/or proprietor of the school three (3) months prior to the relocation
  - close or cease operating a campus, or specific Years of schooling at a campus (see section 2.4.10 of this Manual), NESA must be notified within one (1) month of such a change
- *schools with boarding facilities* – where:
  - the school intends to relocate the boarding facilities on the school site or move the facilities to a new site, NESA must be notified by the principal (or equivalent) and/or proprietor of the school three (3) months prior to the relocation
  - there is a turnover of half or more of the full-time staff with supervisory responsibilities for boarders during any twelve (12) month period, NESA must be notified at the commencement of the new term
- *schools intending to provide boarding facilities* - where the school intends to provide regular overnight accommodation for students at the school, either itself or by contractual arrangement, the school must notify NESA to seek approval at least nine (9) months prior to the intended date of initial provision of such facilities.