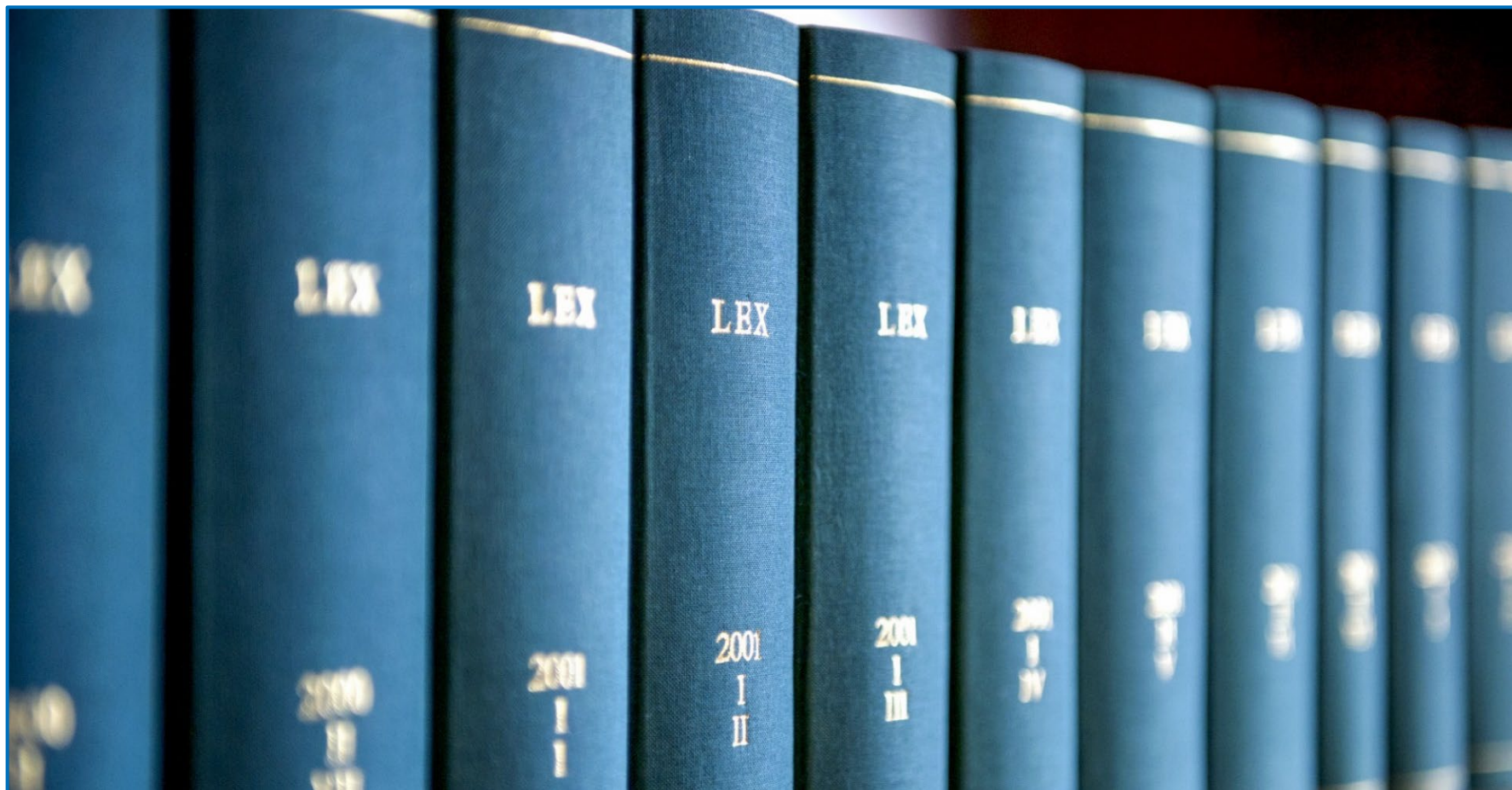


Legislation that Affects the Work of NSW Independent Schools



Version: November 2023

This document compiles Commonwealth and State legislation impacting the operations of NSW Independent schools, offering AISNSW and associated supporting resources for reference and guidance.

The following information is accurate as of 27 November 2023. AISNSW will revise this document should there be legislative changes or updates to complimentary AISNSW resources.

Legislation	Purpose and Audience	Related Policy or Resource
<u><i>A New Tax System (Family Assistance) Act 1999 (Cth)</i></u>	The Act provides the basis for family assistance payments administered by Services Australia, including Family Tax Benefit and other matters relating to family assistance, as well as <u><i>Child Care Subsidy</i></u> (CCS) - Important for schools operating Long Day Care, Preschool and/or Outside School Hours Care Services in scope of the National Quality Framework.	<u><i>Child Care Provider Handbook; Guide for early childhood & child care service providers regarding Australian Government child care payments & funding.</i></u> <u>Australian Government Early Childhood and Child Care weekly newsletter</u>
<u><i>Advocate for Children and Young People Act 2014 (NSW)</i></u>	The Act determines the functions, powers and reporting obligations of the office of the <u><i>Advocate for Children and Young People</i></u> .	<ul style="list-style-type: none"> • <u>AISNSW Wellbeing Podcast, Episode 11: Zoë Robinson - NSW Advocate for Children and Young People (ACYP)</u> • <u>Youth Advisory Council (YAC)</u>
<u><i>Animal Research Act 1985 (NSW)</i></u>	The Act protects the welfare of animals used in connection with research by requiring persons or organisations carrying out animal research or supplying animals for research to be authorised and regulated.	<ul style="list-style-type: none"> • AISNSW Members Support: <u>WHS and Animal Welfare</u> • AISNSW Article 10/08/2021: <u>Caring for Animals in Schools</u>
<u><i>Animal Research Regulation 2021 (NSW)</i></u>	The Regulation supports the operation of the <u><i>Animal Research Act 1985 (NSW)</i></u>	<ul style="list-style-type: none"> • <u>AISNSW Animal Research Authority Form</u> • <u>Australian Code for the Care and Use of Animals for Scientific Purposes</u>

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<u>Anti-Discrimination Act 1977 (NSW)</u>	<p>The Act generally prohibits discrimination on the basis of race, including colour, nationality, descent and ethnic, ethno-religious or national origin, sex, including pregnancy and breastfeeding, marital or domestic status, disability, homosexuality, age, transgender status, and carer’s responsibilities. Sexual harassment and vilification on the basis of race, homosexuality, transgender status or HIV/AIDS status are also prohibited under this Act.</p> <p>The Act provides private education authorities with exceptions to some provisions, concerning sex (including pregnancy), transgender grounds, marital status, disability, homosexuality and age. Note: some of these exemptions may not be available due to the operation of inconsistent Commonwealth laws.</p> <p>Private educational institutions are not exempt from the provisions that prohibit discrimination on the grounds of race.</p>	
<u>Age Discrimination Act 2004 (Cth)</u>	<p>This Act makes it unlawful to discriminate on the ground of age in relation to work, education, access to premises, provision of goods, services, facilities and accommodation, disposal of land, the administration of Commonwealth laws and programs and requests for information.</p> <p>The Act makes it unlawful for a school to discriminate against a person on the basis of age by refusing/failing to accept an application for admission or denying/limiting access to benefits provided by the school, or to expel a student or subject a student to any other detriment on the basis of their age. However, an exception applies where the school is established for persons of particular ages (<i>i.e.</i>, primary or secondary schools).</p>	<p>AISNSW Members Support:</p> <ul style="list-style-type: none"> • <u>Legislative Requirements for Attendance and Enrolment</u> • <u>Employment Relations Discrimination, Harassment and Bullying</u>
<u>Associations Incorporation Act 2009 (NSW)</u>	<p>The Act establishes a scheme for the registration of associations that are constituted for the purpose of engaging in small-scale, non-profit and non-commercial activities.</p>	

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<p><u>Australian Charities & Not-for-Profits Commission Act 2012 (Cth)</u></p>	<p>This Act establishes a regulatory system for not-for-profit entities and a national regulator for not-for-profit entities.</p>	<p><u>AISNSW Article 26/10/2023:</u> New Not-For-Profit reporting requirements from 1 July 2023 regarding access to an income tax exemption. Most schools and their related entities such as Building or Scholarship Funds are likely already endorsed by the Australian Tax Office for tax exemption and won't need to do anything.</p> <p><u>Australian Charities and Not-for-profits Commission (ACNC)</u></p>
<p><u>Australian Education Act 2013 (Cth)</u></p>	<p>The Act establishes the Commonwealth needs based funding model for school education that includes a base amount of funding for each student and loadings for students and schools who need extra support.</p> <p>The Act imposes requirements on States and Territories as conditions of this financial assistance provided for schools, including requirements to comply with intergovernmental agreements on school education, and to implement nationally-agreed policy initiatives on school education.</p> <p>The Act gives the Minister powers to determine other kinds of funding for schools, such as capital funding for non-government schools (provided to capital grants authorities and block grant authorities). The Minister can determine funding for schools in special circumstances and determine additional adjustment funding for transitioning schools for 6-10 years, in accordance with the regulations.</p> <p>The Act also gives the Minister powers to determine funding for non-government representative bodies for non-government schools.</p>	<p><u>AISNSW School Funding</u> Amendments to the Australian Education Act in 2020 introduced a new measure of income methodology for calculating a school community's capacity to contribute financially to a non-government school (<u>Direct Measure of Income or DMI</u>); enable adjustments to be made to the transition pathways of non-government schools to a nationally consistent Commonwealth share of the Schooling Resource Standard; and provide the authority and appropriation for the Commonwealth to make GST-inclusive payments where necessary.</p>

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<u><i>Australian Education Regulation 2023 (Cth)</i></u>	The Regulation supports the operation of the <u><i>Australian Education Act 2013 (Cth)</i></u> .	
<u><i>Australian Human Rights Commission Act 1986 (Cth)</i></u>	<p>The Act establishes the Human Rights Commission (an independent statutory organisation charged with protecting and promoting the human rights of all people in Australia) and gives it powers to inquire into, and attempt to conciliate, complaints of unlawful discrimination in relation to the</p> <ul style="list-style-type: none"> • <i>Age Discrimination Act 2004 (Cth)</i> • <i>Disability Discrimination Act 1992 (Cth)</i> • <i>Sex Discrimination Act 1984 (Cth)</i> • <i>Racial Discrimination Act 1975 (Cth)</i> • <i>Native Title Act 1993 (Cth)</i> • <i>Fair Work Act 2009 (Cth)</i>. <p>The Act gives effect to Australia’s obligations under several international agreements, including the <u><i>Convention on the Rights of Persons with Disabilities</i></u>, <u><i>Convention on the Rights of the Child</i></u> and <u><i>Declaration on the Rights of Disabled Persons</i></u></p>	<p>AISNSW Member Services and Support-</p> <p><u>Students with Disability and Diverse Needs</u></p>
<u><i>Child Protection (Working with Children) Act 2012 (NSW)</i></u>	The Act provides for the protection of children by not permitting certain persons to engage in child-related work, and by requiring persons engaged in child-related work to have working with children check clearances.	<u>Office of the Children’s Guardian – Working with Children Check WWCC</u>
<u><i>Child Protection (Working with Children) Regulation 2013 (NSW)</i></u>	The Regulation supports the operation of the <u><i>Child Protection (Working with Children) Act 2012 (NSW)</i></u> .	
<u><i>Children (Education and Care Services) National Law 2010 (NSW)</i></u>	The Act establishes a national education and care services quality framework for the delivery of education and care services to children and adopts the <u><i>Education and Care Services National Law Act 2010</i></u> in NSW.	<u>AISNSW NQF Early Childhood Services</u>

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<u>Children Education and Care Services Regulations 2011 (NSW)</u>	The Regulations support the operation of the <u>Children (Education and Care Services) National Law 2010 (NSW)</u> and <u>Education and Care Services National Law Act 2010</u> (as passed in Victoria and adopted in NSW) by providing detail about operational requirements of education and care services, including, minimum operational requirements, staffing and qualification requirements and assessment and rating processes.	<u>Australian Children's Education and Care Quality Authority</u> NSW Department of Education <u>Early Childhood Education Directorate</u>
<u>Children and Young Persons (Care and Protection) Act 1998 (NSW)</u>	The Act provides that children and young people receive care and protection necessary for their safety, welfare and well-being, having regard to the capacity of their parents or other persons responsible for them, and that all institutions, services and facilities responsible for their care and protection provide an environment for them that is free of violence and exploitation and provide services that foster their health, developmental needs, spirituality, self-respect and dignity.	<ul style="list-style-type: none"> • <u>AISNSW Article 17/11/2021</u> - legislation and the 10 Child Safe Standards • <u>AISNSW Member Support</u>: Child Protection including National Child Safe Standards • <u>Child Protection Awareness Videos for Parents and Community</u> - two videos, one for junior schools and one for secondary schools, to build parent and community awareness of child safety in schools
<u>Children and Young Persons (Care and Protection) Regulation 2012 (NSW)</u>	The Regulation supports the operation of the <u>Children and Young Persons (Care and Protection) Act 1998 (NSW)</u> .	
<u>Children's Guardian Act 2019 (NSW)</u>	The Act to makes provision with respect to the office of the Children's Guardian; to provide for the functions of that office; to provide for the safety, welfare and wellbeing of children; and for other purposes, including the reportable conduct scheme previously administered by the NSW Ombudsman (before 1 March 2020).	
<u>Civil Liability Act 2002 (NSW)</u>	The Act makes provision in relation to the recovery of damages for death or personal injury caused by the fault of a person and provides some defences for authorities, including schools.	<u>AISNSW Article 5/6/2019</u> : Information about amendments to the Act - and the <i>Workers Compensation</i>

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<u>Civil Liability Regulation 2019 (NSW)</u>	The Regulation supports the application of the <u>Civil Liability Act 2002 (NSW)</u> and provides that schools are 'authorities' for some purposes of the Act.	Act 1987 (NSW) - making organisations liable in certain circumstances for child abuse perpetrated by persons associated with the organisation.
<u>Competition and Consumer Act 2010 (Cth)</u>	The Act enhances the welfare of Australians through the promotion of competition and fair trading and provision for consumer protection.	<u>Australian Competition and Consumer Commission (ACCC)</u>
<u>Copyright Act 1968 (Cth)</u>	The Act establishes the legal rights for owners of creative works in Australia and provides educational authorities with statutory licences. AISNSW provides a channel for independent schools to pay annual per student copyright fees for statutory licences as well as licences which cover the main uses of music in schools.	AISNSW Member Support: <ul style="list-style-type: none"> • <u>Copyright for schools</u> • <u>Free Copyright Courses for Schools</u> (November 2023) <u>Australian Copyright Council Resources</u> for practical, user-friendly advice on copyright.
<u>Corporations Act 2001 (Cth)</u>	The Act is the principal legislation regulating companies in Australia. This Act includes Whistleblowing provisions which apply to schools. Schools governed by a board are also bound by governance obligations outlined in the Act.	AISNSW Members Support: <ul style="list-style-type: none"> • <u>Complaints and Whistleblowing</u> • <u>Whistleblower Overview</u> • <u>Governance</u> • <u>Governance Resource Manual</u> <u>Non-Government Schools Not-For-Profit Good Governance Principal 2</u> - Compliance with the law and governing documents

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<u>Crimes Act 1900 (NSW)</u>	<p>The Act includes offences designed to prevent child abuse and to bring abuse that has already occurred to the attention of the police, as well as offences related to failure to report (section 316A) and failing to protect a child from abuse (section 43B).</p> <p>The act addresses offences for crimes such as assault when it occurs in schools (including cyber bullying)</p>	<p>AISNSW Members Support:</p> <ul style="list-style-type: none"> • <u>Reporting of Crimes</u> • <u>Community Cohesion</u>: Developing whole-school approaches to belonging, resilience and respect
<u>Disability Discrimination Act 1992 (Cth)</u>	<p>The Act aims to eliminate, as far as possible, discrimination against persons on the ground of disability and ensure, as far as practicable, that persons with disabilities have the same rights to equality before the law as the rest of the community; and to promote recognition and acceptance in the community that persons with disabilities have the same fundamental rights as the rest of the community.</p>	<p>AISNSW Member Support:</p> <ul style="list-style-type: none"> • <u>Disability Legislation</u> • <u>Guidelines for Enrolling and Supporting Students with Disability for AISNSW Member Schools</u> • <u>Supporting students with Disability and Diverse Needs</u>
<u>Disability Standards for Education 2005 (Cth)</u>	<p>The Standards support the operation of the Act, by elaborating and clarifying the legal obligations in relation to education.</p>	<p>AISNSW Member Support:</p> <ul style="list-style-type: none"> • <u>Nationally Consistent Collection of Data (NCCD)</u> • <u>Australian Government Department of Education Skills and Employment information – Disability Standards for Education</u>
<u>Education Act 1990 (NSW)</u>	<p>The Act sets out aspects of the school curriculum, including the minimum curriculum for school registration and the curriculum for candidates for the Record of School Achievement and the Higher School Certificate and provides for the grant of Record</p>	<p><u>AISNSW Article 26/10/2023</u>: In September 2023, NESA published a revised <i>School Registration Manual</i></p>

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	<p>of School Achievement and Higher School Certificates. The Act also determines the accreditation of non-government schools that are competent to present candidates for them, and non-government school funding.</p>	<p>which reduced and streamlined the school registration requirements for annual reporting. The AISNSW Annual School Report for 2023 – Advice for NSW Independent Schools is now available through the AISNSW Resource Centre.</p> <p>AISNSW Member Support:</p> <ul style="list-style-type: none"> • Opening a New Independent School in NSW • School Funding
<p>Education Regulation 2017 (NSW)</p>	<p>The Regulation supports the operation of the Education Act 1990 (NSW). Part 3 pertains to non-government schools’ cessation of operation and not-for-profit conditions of operation.</p>	
<p>Education Services for Overseas Students Act 2000 (Cth)</p>	<p>The Act regulates the education and training services provided to overseas students by providing tuition and financial assurance, as well as a provider registration through the Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS).</p>	<p>AISNSW Member Support: Overseas Students</p>
<p>Education Services for Overseas Students (Registration Charges) Act 1997 (Cth)</p>	<p>The Act determines the charges required to be paid by providers for the registration of overseas students.</p>	

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<u><i>Education Services for Overseas Students (TPS) Levies Act 2012 (Cth)</i></u>	The Act requires providers to pay fees and levies for the Tuition Protection Service (TPS), which is an initiative of the Australian Government to assist international students whose education providers are unable to fully deliver their course of study.	
<u><i>Education Services for Overseas Students Regulations 2019 (Cth)</i></u>	The Regulation supports the operation of the <u><i>Education Services for Overseas Students Act 2000 (Cth)</i></u> .	
<u><i>Education Standards Authority Act 2013 (NSW)</i></u>	<p>The Act establishes the NSW Education Standards Authority (NESA) and its functions under the <i>Education Act 1990 (NSW)</i> and <i>Teacher Accreditation Act 2004 (NSW)</i> relating to school curriculum, teacher education courses, accreditation of teachers, basic skills testing, granting of the RoSA and HSC, professional development providers and professional teaching standards. It permits NESA to conduct inspections of schools for compliance or contravention of the Education Act and Teacher Accreditation Act.</p> <p>The Act also prescribes that a person from the independent school sector is to be appointed to the NESA board.</p>	<p>AISNSW Member Support:</p> <ul style="list-style-type: none"> • <u>AI NSW Curriculum Reform Portal</u> • <u>Regulation of Teacher Accreditation</u> • <u>Teacher Accreditation</u>
<u><i>Education Standards Authority Regulations 2019 (NSW)</i></u>	The Regulations support the operation of the <u><i>Education Standards Authority Act 2013 (NSW)</i></u> . This regulation replaced the <u><i>Education Standards Authority Regulations 2013 (NSW)</i></u>	
<u><i>Environmental Planning and Assessment Act 1979 (NSW)</i></u>	The Act provides a system of environmental planning and assessment for NSW and the legislation regarding development of schools and environmental impact.	<p>AISNSW Member Support:</p> <p><u>Opening a New Independent School Site</u></p> <p>NSW Planning and Environment <u>Code of Practice for Part 5: Activities for</u></p>

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		Registered Non-Government Schools (2017)
Environmental Planning and Assessment Regulation 2000 (NSW)	The Regulation supports the operation of the Environmental Planning and Assessment Act 1979 (NSW) .	AISNSW Article 5/6/2019: Amendments to the Act commencing 22 October 2018, introducing requirements to register buildings with external combustible cladding.
Explosives Act 2003 (NSW)	The Act is the primary legislation regulating explosives, fireworks and explosive precursors in NSW.	AISNSW Member Support: <ul style="list-style-type: none"> • RTO Workplace Guidelines Prohibited Activities • RTO Student Guide to Workplace Learning • Vocational Education & Training Courses - An Employer Guide to Workplace Learning
Explosives Regulation 2013 (NSW)	The Regulation supports the operation of the Explosives Act 2003 (NSW) .	
Fair Trading Act 1987 (NSW)	The Act determines the functions and powers of the NSW Department of Fair Trading that regulates businesses and other activities affecting consumers, tenants and not-for-profit organisations.	AISNSW Article 5/6/2019: Amendments to the Act commencing 21 August 2018, granting new powers to the Commissioner to resolve small claims.



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<u>Fair Work Act 2009 (Cth)</u>	The object of this Act is to provide a balanced framework for cooperative and productive workplace relations that promotes national economic prosperity and social inclusion for all Australians. As private employers, independent schools are covered by this Act.	AISNSW Members Support: <ul style="list-style-type: none"> • <u>Workplace Management</u> • <u>Casual Employment</u> • <u>Employment Templates</u> • <u>MEAs</u>
<u>Fair Work Regulations 2009 (Cth)</u>	The Regulations support the operation of the Act.	Key Updates <u>AISNSW Article 30/6/2023:</u> Amendments to the Act took effect on 1 July 2023, including provide more flexible access to unpaid parental leave. <u>AISNSW Article 17/1/2023:</u> Amendments to the Act took effect from December 2022, including changes to remove pay secrecy, changes to flexible work, changes to parental leave and changes to the bargaining rules under the Act. Further, from 6 December 2023, new limits on the use of fixed term contracts will be in place. For employees other than casuals, fixed term contracts are capped to a maximum of 2-years
<u>Family Law Act 1975 (Cth)</u>	The Act is the primary legislation on matters involving divorce, property settlement/spouse maintenance after relationship breakdown and issues relating to parenting arrangements after separation.	AISNSW Members Support: <u>Privacy Compliance Manual</u>

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<u>Food Act 2003 (NSW)</u>	The Act ensures that food for sale is safe and suitable for human consumption, prevent misleading conduct with the sale of food and apply the Food Standards Code.	
<u>Fringe Benefits Tax Act 1986 (Cth)</u>	The Act establishes the rules for assessing and collecting the Fringe Benefits Tax that employers pay on certain benefits they provide to their employees.	AISNSW Member Support: <ul style="list-style-type: none"> • <u>2023 NSW School Compliance Calendar</u> • <u>Governance</u> • <u>Model Financial Controls and Procedures for Independent Schools</u>
<u>Government Information (Public Access) Act 2009 (NSW)</u>	The GIPA Act establishes a system for public access to government information and applies to NSW Government departments, agencies, statutory authorities and local councils. This may be relevant to schools in their interactions with government, such as funding, tender and other government decision making processes related to the operation of a school.	
<u>Government Sector Audit Act 1983 (NSW)</u>	The Act makes provisions with respect to the administration and audit of public finances.	
<u>Health Records and Information Privacy Act 2002 (NSW)</u>	The purpose of this Act is to promote fair and responsible handling of health information.	AISNSW Members Support: <ul style="list-style-type: none"> • <u>AISNSW Guide to Retention of Documents containing Student Personal Information (2021)</u>

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		<ul style="list-style-type: none"> • Guidance for School Counselling in Independent Schools • Privacy Compliance Manual
<u><i>Inclosed Lands Protection Act 1901 (NSW)</i></u>	The Act provides protections for the owners of land that has recognisable boundaries, such as fences, walls or other structures, and additional protections to owners prescribed premises such as schools. The Act is designed to prevent trespassing, with offences attached for those found to be on land or in premises unlawfully.	
<u><i>Income Tax Assessment Act 1997 (Cth)</i></u>	The Act is the primary legislation under which income tax is calculated.	AISNSW Member Support: <ul style="list-style-type: none"> • Governance • Model Financial Controls and Procedures for Independent Schools
<u><i>Land Tax Act 1956 (NSW)</i></u>	The Act levies land tax on the owners of land in NSW.	
<u><i>Liquor Act 2007 (NSW)</i></u>	The Act regulates and controls the sale, supply and consumption of liquor and regulates the liquor industry and related industries.	AISNSW Article 5/6/2019 ; Amendments to the Act commencing 21 March 2018, to strengthen provisions prohibiting the inducements and advertisements to gamble.
<u><i>Long Service Leave Act 1955 (NSW)</i></u>	The Act provides for the entitlement to and the calculation of long service leave.	

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<u><i>Mental Health Commission Act 2012 (NSW)</i></u>	The Act ensures people with a mental illness have access to the best possible mental health care and support and their families and carers are treated with dignity and respect.	
<u><i>Modern Slavery Act 2018 (Cth)</i></u>	The Act requires some entities to report on the risks of modern slavery in their operations and supply chains and actions to address those risks.	<u><i>AISNSW Article 15/8/2023:</i></u> The recent review of the Modern Slavery Act 2018 (Cth) has proposed 30 recommendations for the Australian Government to consider, which school directors need to be aware of for good governance.
<u><i>Multicultural NSW Act 2000 (NSW)</i></u>	The Act establishes the multicultural principles, Multicultural NSW and Advisory Board and its functions.	
<u><i>National Code of Practice for Providers of Education and Training to Overseas Students 2018 (Cth)</i></u>	This code is made under s33(1) of the <i>Education Services for Overseas Students Act 2000</i> (Cth).	
<u><i>National Parks and Wildlife Act 1974 (NSW)</i></u>	The Act provides for the conservation of nature and objects, places or features of cultural value.	
<u><i>National Redress Scheme for Institutional Child Sexual Abuse Act 2018 (Cth)</i></u>	The Act establishes the Scheme to provide redress to survivors of past institutional child sexual abuse.	<u><i>AISNSW Article 5/6/2019:</i></u> Update to the legislation (July 2018) to ensure any person who suffered abuse as a child (a survivor) before the scheme commenced can seek redress.

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<u><i>Paid Parental Leave Act 2010 (Cth)</i></u>	The Act establishes the paid parental leave scheme for eligible employees who are the primary carer of a newborn or adopted child to receive up to 20 weeks' leave paid.	<u>AISNSW Article 10/04/2023</u> Paid Parental Leave Act was amended (July 2023) to make the payment more accessible, more flexible and gender neutral.
<u><i>Payroll Tax Act 2007 (NSW)</i></u>	The Act provides for a tax on employers in respect of certain wages.	
<u><i>Poisons and Therapeutic Goods Act 1966 (NSW)</i></u>	The Act regulates, controls and prohibits the supply and use of poisons, restricted substances, drugs of additions, certain dangerous drugs and certain therapeutic goods.	
<u><i>Prevention of Cruelty to Animals Act 1979 (NSW)</i></u>	The Act aims to prevents cruelty to animals and promote the welfare of animals by requiring a person in charge of an animal to provide care and humane treatment.	<u>AISNSW Article 5/6/2019</u> : Amendments to the Act commencing 15 June 2018, adding to the duties of owners, including requirements relating to advertising animals for sale.
<u><i>Privacy Act 1988 (Cth)</i></u>	The Act aims to promote the protection of the privacy of individuals by regulating how personal information is handled and sets the Australian Privacy Principles.	<u>AISNSW Article 5/6/2019</u> : Amendments to the Act (February 2018) require organisations to provide notice to the AIC of an eligible data breach. <u>AISNSW Article 10/05/2023</u> : <ul style="list-style-type: none"> • Updated (May 2023) <i>Privacy Compliance Manual</i> providing

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		<p>guidance on compliance with the <i>Privacy Act 1988</i> (Cth).</p> <ul style="list-style-type: none"> Amendments will be made to the Privacy Act later this year and it is anticipated that a new Act will be passed in 2024 to take effect 12 months after it is passed. <p>AISNSW Members Support:</p> <ul style="list-style-type: none"> Guide to retention of documents containing student personal information. Guidance for School Counselling in Independent Schools including the collection, storage and disclosure of students' personal information obtained in providing counselling services
<p>Protection of the Environment Operations Act 1997 (NSW)</p>	<p>The Act aims to protect, restore and enhance the quality of the environment in NSW, having regard to the need to maintain ecologically sustainable development. The Act seeks to provide increased opportunities for public involvement in environment protection, ensure community access to relevant and meaningful information about pollution, reduce risks to human health and prevent the degradation of the environment.</p>	
<p>Public Health Act 2010</p>	<p>The Act promotes, protect and improve public health. The Act prescribes responsibilities of schools in relation to student immunisation, outbreaks of vaccine preventable diseases, and operation of swimming pools.</p>	<p>AISNSW Member Support:</p> <ul style="list-style-type: none"> Immunisation Immunisation: Fact Sheet

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	The Act also outlines operational requirements of swimming pools for schools providing access to the public.	
<u>Public Health Regulation 2022</u>	The Regulation supports the operation of the Public Health Act 2022.	
<u>Racial Discrimination Act 1975 (Cth)</u>	The Act precludes discrimination on the basis of race, colour, descent or national or ethnic origin, and in some circumstances, immigrant status.	ASNSW Member Support: <ul style="list-style-type: none"> • <u>Aboriginal and Torres Strait Islander Education</u> • <u>Community Cohesion: Developing whole-school approaches to belonging, resilience and respect</u>
<u>Sex Discrimination Act 1984 (Cth)</u>	The Act precludes discrimination on the basis of sex, marital or relationship status, pregnancy or potential pregnancy, breastfeeding, family responsibilities, sexual orientation, gender identity, and intersex status.	<u>AISNSW Article 7/09/2023</u> From 12 December 2023, the Australian Human Rights Commission (AHRC) will have new regulatory powers to ensure schools are meeting the positive duty requirements to ‘eliminate, so far as is possible, discrimination involving subjecting persons to workplace environments that are hostile on the ground of sex’. <u>AHRC Guidelines for Complying with the Positive Duty under the Sex Discrimination Act 1984 (Cth)</u>

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<u><i>State Emergency and Rescue Management Act 1989 (NSW)</i></u>	The Act manages State emergencies and rescues.	AISNSW Support: <ul style="list-style-type: none"> • <u>Natural Disaster Support</u> • <u>Workplace Health and Safety - Emergency Management</u>
<u><i>State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 (NSW)</i></u>	The Policy aims to facilitate the effective delivery of educational establishments i.e., the construction of new facilities and upgrading existing facilities.	<u>NSW Planning - Education and Child Care Facilities SEPP supporting information and documents</u>
<u><i>Status of Children Act 1996 (NSW)</i></u>	To Act removes legal discrimination against children born to parents who are not married to each other and covers issues with establishing parentage.	
<u><i>Superannuation Act 2016 (NSW)</i></u>	The Act provides a superannuation scheme for certain persons employed prior to 1 July 1985.	<u>AISNSW Article 7/06/2022</u> As of 1 July 2022, all school-based employees (including those earning less than \$450 per month) are now entitled to be paid superannuation in accordance with the SG Act, irrespective of any contrary provisions in an Enterprise or Multi-Enterprise Agreement.
<u><i>Superannuation Guarantee (Administration) Act 1992 (Cth)</i></u>	The Act provides a superannuation scheme for persons to ensure that most employees receive superannuation support from their employer.	
<u><i>Superannuation Guarantee Charge Act 1992 (Cth)</i></u>	The Act imposes a charge on an employer for a superannuation guarantee shortfall.	<u>AISNSW Article 9/06/2023</u> Advice that schools -

Legislation	Purpose and Audience	Related Policy or Resource
		<ul style="list-style-type: none"> from 1 July 2026, will be required to make superannuation contributions to employees at the same time as salary and wages are paid (i.e., fortnightly or monthly depending on the pay cycle). from 1 July 2023, the minimum superannuation contributions that your school must pay employees will increase from 10.5% to 11%.
<u>Surveillance Devices Act 2007 (NSW)</u>	<p>An Act to regulate the installation, use, maintenance and retrieval of surveillance devices.</p>	<p>AISNSW Members Support: <u>Privacy Compliance Manual (April 2023)</u></p>
<u>Taxation Administration Act 1996 (NSW)</u>	<p>The Act makes provision with respect to the administration and enforcement of the other taxation laws, such as betting tax, duties, emergency services levy, gaming machine tax, health insurance levies, insurance protection tax, land tax, parking space levy and payroll tax.</p>	<p>AISNSW Members Support: <u>Governance Resource Manual (2020)</u></p>
<u>Teacher Accreditation Act 2004 (NSW)</u>	<p>The Act provides for the NSW Education Standards Authority to set the professional teaching standards, regulate and monitor teacher accreditation, monitor initial and continuing teacher education courses and programs, approve teacher education courses and programs and approve professional development providers.</p>	<p><u>AISNSW Members Support</u> Sample Procedures for Teacher Accreditation in NSW Independent Schools (Nov 2023) Accreditation Fact Sheets and flowcharts <u>AISNSW Article 10/11/23</u></p>

Legislation	Purpose and Audience	Related Policy or Resource
		Updated AISNSW resources to support teacher accreditation and information about changes to NESA's process for maintenance of Proficient Teacher accreditation, implemented from 10 November 2023
Teacher Accreditation Regulation 2015 (NSW)	The Regulation supports the operation of the Teacher Accreditation Act 2004 (NSW) .	AISNSW Member Support: <ul style="list-style-type: none"> • Development and Accreditation • Regulation of Teacher Accreditation
Treasury Laws Amendment (2021 Measures No. 2) Act 2021 (Cth)	Amends the: <i>Income Tax Assessment Act 1997</i> (Cth) to require a fund, authority or institution to be a registered charity or be operated by a registered charity to be entitled to a deductible gift recipient endorsement	AISNSW Article 1/2/2022 ; Amendments to the Act commencing 13 December 2021, requiring all entities holding Deductible Gift Recipient (DGR) endorsement must now be registered as charities with the ACNC.
Work Health and Safety Act 2011 (NSW)	The Act provides for a balanced and nationally consistent framework to secure the health and safety of workers and workplaces.	AISNSW Support: <ul style="list-style-type: none"> • Workplace Health and Safety • RTO Workplacement Guidelines Prohibited Activities
Work Health and Safety Regulation 2017 (NSW)	The Regulation supports the operation of the Work Health and Safety Act 2011 (NSW) .	AISNSW Article 21/10/22 ; Changes to WHS Regulations to prevent Psychosocial Risks commenced on 1 October 2022.

Legislation	Purpose and Audience	Related Policy or Resource
<u>Workers Compensation Act 1987 (NSW)</u>	The Act provides for the compensation and rehabilitation of workers in respect of work-related injuries.	
<u>Workplace Gender Equality Act 2012 (Cth)</u>	The Act requires certain employers to promote gender equality in the workplace, to establish the Workplace Gender Equality Agency and the office of the Director of Workplace Gender Equality.	
<u>Workplace Injury Management and Workers Compensation Act 1998 (NSW)</u>	The Act establishes a workplace injury management and workers compensation system to provide injured workers and their dependants with income support during incapacity, payment for permanent impairment or death, and ensure contributions by employers are commensurate with the risks faced, taking into account strategies and performance in injury prevention, injury management, and return to work.	AISNSW Member Support: <u>Workplace Management</u>
<u>Workplace Surveillance Act 2005 (NSW)</u>	The Act regulates the surveillance of employees at work.	<u>Privacy Act 1988 (Cth)</u> AISNSW Members Support: <ul style="list-style-type: none"> • <u>Privacy Compliance Manual (April 2023)</u> • <u>Summary: Workplace Surveillance Act 2005 (NSW)</u>