



# S83C OF EDUCATION ACT (NSW)

# PACIFIC GROUP OF CHRISTIAN SCHOOLS LIMITED

## SUMMARY

Red tape and scope creep has caused our community significant loss and wasted time. This is a brief account of our four-year journey to comply with the good, the bad and the ugly of section 83C of the Education Act, and put forward our submission for change.



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## Introduction

We are pleased that a review is being undertaken into section 83C of the *Education Act (NSW)*. We welcome the opportunity to provide our input.

Below we set out our experience of the current regime and the key changes we believe are still necessary to Division 3 and the way it is implemented in order to achieve the policy objective of the legislation.

We have attempted to acknowledge and make comment about the current exposure drafts of the Guidelines and Legislative Framework on what we are saying, however our experience has been under the 2019 Guidelines and our comments pertain generally to the current regime, unless specified.

## Brief background of Pacific Group of Christian Schools Limited

Pacific Hills Christian School, a Prep to Year 12 school at Dural, currently has over 1,500 students enrolled, and over its 45 years, has seen thousands of students graduate.

In 2008 we were asked to take on a school at Tweed Heads which had approximately 120 students at the time. This school, now Pacific Coast Christian School has an enrolment of near 700 students.

Six months later we were approached to take on another school in distress, this one in Maclean, with 24 students. Today this school, Pacific Valley Christian School has near 300 students enrolled.

In 2017 we were approached to take on a small school at Muswellbrook, which was about to close to the detriment of its 24 students, yet today, Pacific Brook Christian School has almost 100 students and like schools in Northern NSW, this serves families in some of the State's most vulnerable communities.

Over the last decade, our schools at Dural, Tweed Heads and Maclean have each added Hope Schools which are special education schools for students with intellectual disabilities and autism diagnoses, and in total, the students at New Hope School, Pacific Hope, and Valley Hope have 115 students enrolled.

New Hope School in Dural has completed a \$4.5M building program in 2022, and this facility is offering the special needs students the world-class learning facilities they require.

Our first Aboriginal School, Pacific Gulgangali Jarjums Christian School, began Term 1 2022, and already we have seen the attendance rates of the students meet and beat the attendance averages of our main stream schools. In this sense we are doing our practical best to 'close the gap' for the Commonwealth of Australia.

The number of the schools in the company has grown to ten schools across regional and suburban



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NSW. The name of the company “Pacific Christian Education Limited”, has been changed by the Board to reflect the growth. The company is now called “Pacific Group of Christian Schools Limited” and the schools enjoy high regard, not only amongst our parent community but amongst Christian education researchers and leaders both in Australia and internationally.

Our schools are supported with research and professional development by our professional development service, The Excellence Centre, which is run from our Dural campus and is staffed by education academics who regularly publish papers on best practice teaching and learning. Indeed, our Middle Schools Program, established in 1994, was one of the first in Australia and has been recognised as a Project of National Significance.

### Summary of our experience

An investigation of our schools began in March 2020 and continues today almost 4 years later. It is regrettable to us that this process has so far cost us a considerable amount in legal, accounting and staff time. Our general experience throughout the investigation process, was that the legislation was applied contrary to its intent (as evidenced by the [Second Reading speech](#) delivered by the Education Minister at the time, Adrian Piccoli), without regard to the real-world context of independent education, at great cost and time burden to investigated schools, with an apparent disdain for Christian education and with significant negative consequences for our communities. Each of the 7 schools in the Pacific Christian Education Limited is under investigation, including our small, special needs schools such as Valley Hope School in Maclean, which has just 23 students, and would not be able to respond to this punitive process without the resources of our main school. Yet beyond our schools, our concern is for the many small independent schools, which, from discussions with several Principals and Business Managers, have experienced similar treatment in an investigative audit.

We understand the circumstances that led to the introduction of Division 3 of the Education Act 1990 and in particular section 83C. However, our experience (and that of many other non-government schools we have spoken to) is that the Division is not operating to meet the original policy objective. This manifests in a number of ways including:

1. the definitions and structures are difficult to apply to incorporated entities that operate more than one school and share centralised administrative and support services;
2. at times the Non-Government Schools Unit and its agents do not properly interpret or apply the legislation nor its policy intent leading to a distorted outcome; and
3. the process for investigating compliance lacks transparency, is burdensome and lacks due process and the legal process that follows an unreasonable adverse finding only adds to this.

The outcome of this is that contrary to the stated intention of the Division there is a significant constraint on the conduct of non-government schooling in ways not related to the original circumstances prompting the introduction of the Division.



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Examples from our experience include:

1. The audit period and subsequent NGSU/committee has taken 4 years of our time to date;
2. Having an auditor allocated to conduct the onsite investigation of the schools who confessed to having no experience of the non-government schools sector and did not understand the 2019 Guidelines in particular the definition of “related entity”;
3. Receiving a draft report that included significant and numerous errors of fact including misdescribing the group structure leading to adverse findings;
4. Incurring the cost of preparing a substantial volume of evidence in response to the draft report;
5. Having that evidence largely ignored without explanation however despite this, the final report was substantially different to the draft as a compare of the two documents shows. More frustratingly, the final report continued to maintain that information was not available preventing, for example, an amount of money spent on an activity to be determined, even though this information had been provided;
6. Pausing projects aimed at improving our administrative structures during this process lest they be interpreted as an attempt to bury past wrongdoing;
7. The final audit report was heavily focussed on the faith-related activities of our schools including amongst other things irrelevant references to the personal activities of our staff. Whilst the committee subsequently avoided these findings (which it was right to do) we are left with little confidence that choice in education is genuinely supported by the department;
8. Some of the findings of the final audit report that transactions were compliant were ignored by the NGSU and committee without explanation;
9. Not being able to obtain a copy of what was prepared by the NGSU that was considered by the committee until after we had requested an internal review of the decision;
10. Having new issues introduced at each stage of the process with the result that even though we made progress on the existing issues, we were never able to satisfy the committee. The process was not an inquiry where we might get to respond, but instead at times felt like arbitrary justice where our only avenue after a decision was made was to “appeal”, which adds unnecessary uncertainty, time and cost;
11. Where facts were in contention, in the subsequent steps in the process having doubt cast onto our calculations and information on no other basis than “how do we know that is right” even though the process started with an audit initiated by the Department of Education and we had consistently provided the information;
12. Seeing in the “statement of reasons” (a document that is part of the NCAT administrative review process) some of the reasoning for the first time, but which again relied upon a version of events that ignored the evidence we had submitted; and
13. Having supplied evidence of our attempts to sell land no longer required for the operation of the school, receiving a finding that expenditure on the up-keep of the property during the sale process found to be “for profit”.

We fully support oversight of private sector use of public funds and accordingly endorse reviews and recognise the necessity of ensuring compliance. However, it is our experience that the structure of Division 3 (including s83C) and the framework for its implementation has seen the process fail in its objectives and become burdensome and unworkable.

## Independent Weir Consulting Report

Two years into our four year journey, in early 2022, our schools requested that an independent report be commissioned. Weir Consulting was appointed and following interviews with our key leadership staff a final independent report on the process with recommendations was received in September 2022.

There were eight recommendations made to the Department of Education by the independent reviewer. They were as follows:

- 1) A review of the 'draft' Non-Government Schools Not-For-Profit Compliance Handbook and the inclusion of a set of KPIs for each stage of the investigation process and proposed timeframes for each stage of the investigation.
- 2) The approval and publication of the Non-Government Schools Not-For-Profit Compliance Handbook.
- 3) The development of an agreed set of procedures regarding the section 83H investigation process that is provided to non-government schools from the outset of an investigation and/or that is published on the department's website. These procedures should include proposed timeframes for each stage of the investigation and a list of responsibilities for each stakeholder during the process.
- 4) Expediting the review and development of a risk-based regulatory framework that will include a review of the *Not-For-Profit Guidelines for Non-Government Schools*. This may include the insertion of advice into the Guidelines regarding the section 83H investigation procedure as referred to in Recommendation 3.
- 5) Review of staffing of the Compliance Team, within the Non-Government Schools Unit, to determine if added resources and/or personnel could be provided such as an additional 1-2 policy officers to assist with investigations.
- 6) Setting a detailed scope for independent audits of financial affairs that are conducted under section 83I(1)(a) of the *Education Act 1990*. The external independent auditor should engage with the schools directly when gathering information or records with little involvement of the Non-Government Schools Unit unless reasonably necessary.
- 7) Independent external auditors are provided with an induction and/or training around independent school operations prior to the commencement of an audit at a nongovernment school.
- 8) Training and/or professional development is provided to staff within the Non-Government Schools Unit (Compliance Team) around investigations and compliance (note: this may be done after the larger review noted in Recommendation 4).

These recommendations were adopted yet they have only in part addressed our long term concerns, we believe further change is required.

## Section 83C and its intent

Section 83C of the Education Act is very brief and clear: that funded schools must not operate for profit, and that payments must comply with the three tests: meet market value, are required for the running of the school, and are reasonable, and additionally, that board members serve in their role unpaid. The Second Reading Speech makes clear the problem the legislation was addressing:

*“The community expects that public funding going to non-government schools be used only for the purpose of enhancing student outcomes. ... This Government will not countenance individuals enriching themselves at the expense of students.”*

Our schools and community fully support this intention.

However, from our experience there are four key issues which emerge from the way the legislation is being implemented that need to be addressed in order to maintain confidence in the system as well as support the choice in education options for families in NSW:

1. The legislative framework around s83C is difficult to apply to incorporated entities that operate more than one school and share centralised administrative and support services;
2. Aside from the problems stemming from the above, the Non-Government Schools Unit and its agents do not properly interpret or apply the legislation nor its policy intent leading to a distorted outcome;
3. The framework through which the Non-Government Schools Unit conducts its investigation and resulting process is burdensome and fundamentally lacks due process; and
4. The effect of the foregoing constrains independent Christian education – contrary to the stated policy intention of the legislature.

## The interpretation of Section 83C

### ***Issues 1 and 2: Application of the legislation***

The investigation effectively fixated on our shared services and criticises the cross-school support delivered within our group, which has been the basis of the growth of the group and the ability to rescue schools as described in the brief background. The application of the definition of “Related Entity” within a group of schools results in a burdensome and impractical framework which, taken to its logical end would mean that the smaller and special needs schools would have no prospect of surviving. If we were a system of schools, such as the Catholic sector, these criticisms would be non-existent.

Clearly, the structures of a group of ten schools, across five locations, delivering education to children from pre-school age to Year 13, with investment in centralised services looks different to that of a single-site government school or indeed a large single-site non-government school. A clumsy and formulaic application of the legislative framework to a corporate structure such as this can lead to suggestions of adverse indications as opposed to an actual misappropriation or misapplication of funds.

The shared services function underpins operational synergy across the Pacific Group of Christian Schools. We experience significant benefits to each of the schools who use our shared services. This approach enables the hiring of high quality staff in a location where scarce labour is more readily available; assists us to render services in a more consistent way; minimises duplication of roles; and overall reduces the total wages cost across the Pacific Group. The existence of such a shared service function is a strategic decision by our Board and Leadership. Our governors are convinced that this model is the most beneficial and efficient for our operations. Why would a compliance officer of the Department of Education know how to more efficiently run schools and have a clearer mindset than our Board?

A Shared service function certainly is not a foreign concept. In commerce we see how multi-enterprises make similar strategic decisions. We cannot be of the view that a branch in such a group, could opt out of our system as result of a personal preference, for example choosing a different payroll system. There must be a more pragmatic approach by the Department of Education to the compliance evaluation of shared services used by Schools.

There are practical difficulties with measuring market value in this area. Comparable shared services may not always be available in a certain geographical area where schools are located. Procuring staff with the specialised skillsets are challenging. Staff training and staff turnover also plays a role in determining what services are centralised vs school based. The onus of proof is placed upon schools and this is extremely difficult and in some cases, unlikely to be practically possible to gather.

The considerations noted on page 21 of the Draft NFP Guidelines continue to highlight the Department's requirement of control of the shared service agreement by the individual schools, vs the strategic decisions by the governors of a group of schools. This requirement remains highly problematic from an operational and compliance perspective.

We encourage other appropriate measures to be explored that would be more reasonable and achieve the same objective. How can the Exposure Draft be revised to take account of this situation?

### ***Issue 3: The Framework contravenes the stated policy intention***

In the second reading speech introducing the s83C legislative framework Minister Piccoli stated:

*“The amendments in the bill are not about putting obstacles in the way of non-government schools, nor are they meant to constrain in any way a school's right to meet the particular needs of its community. The amendments enable the Government to meet the legitimate public expectation that funding provided to educate school students is used for that purpose rather than improving an investor's bottom line. The measures are not intended to disproportionately increase the regulatory burden for non-government schools. “*



Our experience unfortunately has been contrary to this.

The Report, with annexure, was produced over 18 months after the investigation commenced. Whilst we were placed on tight timeframes for responses and submissions (with requests for extensions either rejected or only partially agreed) no such timeframe applies, it seems, to the Non-government Schools Unit.

The unnecessarily long and burdened investigation to which we have been subjected is at odds with the second reading speech which states that:

*“Section 83H (4) provides that an investigation is completed as soon as is reasonably practicable. This will give reassurance to schools, particularly where funding has been suspended, that an investigation will not be open-ended or take an unreasonable amount of time to resolve. A specific time cannot be set for an investigation as it depends on the number and severity of the issues, but every effort will be made to progress investigations as quickly as possible.”*

It is our view that a timeframe of 18 months, just to the point in the process of receiving the investigator’s Report, falls outside of this expressed intent.

The first draft of the Report was so riddled with errors considerable resources were expended to provide submissions and evidence to correct the record, costing the group much disruption, time, significant costs and most importantly, the distraction from our core focus of educating children, some of them the most vulnerable, in what has been a very complex couple of years for many schools in NSW.

No doubt the fees paid to the auditor O’Connor Marsden & Associates plus the costs of the Department staff time are similar to the costs we have incurred which would bring the total costs incurred in this investigation to near one million dollars. To incur these costs on the investigation of a school in its fifth decade of operation, with an exemplary track record of financial management, would seem by any measure to be lacking proportionality and prudence.

Put simply, had the initial investigation and Report been of a reasonable standard, then much of the cost and inconvenience incurred by the group would have been avoided.

Further, and perhaps more frustratingly, much of the further evidence appears to have been given scant regard by the investigator in the Report leading to a total failure to afford due process. The investigator is in a powerful position. Their determinations are relied upon by the Non-government Schools Advisory Committee as fact for the purposes of making recommendations to the Minister. The potential sanctions that may be imposed for wrongdoing have serious implications for any school that may be subject to them. Accordingly, it behoves those involved in any investigation to apply high forensic standards and only make determinations of fact supported by the evidence.

We welcome reviews, and indeed we commission our own such as board reviews, our Critical Friends process with sister schools, salary benchmarking reviews, strategy processes and fit-for-purpose structure reviews. In addition, we have annual board training requirements, we conduct AGMs, and report to our members, our annual reports are published publicly each year, we are subject to school registration reviews, teacher accreditation requirements, we have publicly accessible whistle-blower policies, and are under and meet ASIC, ACNC, AISNSW and NESA obligations. Yet none of that is reflected in the Report.

Unfortunately, the process to which we have been subjected, has not been constructive. The approach of the investigation led by the Non-Government Schools Unit has been adversarial, the tone disrespectful, the understanding of independent and Christian education lacking, and the timeline management appalling.

### **New Draft Not-for-Profit Regulatory Framework**

The School recently in January 2024 made a submission to the Department of Education regarding draft changes to the framework. We would like to applaud the change to risk based, themed audits.

In reference to the KPI's, we welcome the idea that investigations should take no more than 6 months to complete. It is not clear to us how the KPI's would support the principles to guide regulatory activities and decision-making in a timely, fair, and evidence-based manner. It seems to be the case that the KPI's are very quantitatively driven and could be interpreted as encouraging overzealous compliance. We have specifically questioned how a KPI such as the "number of audits that lead to an investigation" would speak of a pragmatic and fair approach by the Department.

### **Draft Not-for-Profit Guidelines for Non-Government Schools**

#### **Ethos, purpose, and mission**

We note that the new draft Guidelines recognise the link between payments and a school's ethos, purpose, and mission. We acknowledge that the value that a school places on furthering their mission, purpose and ethos will be a large contributing factor to how much money will be prioritised in certain areas. Our query with the current process is whether it would be possible for a person, whose beliefs are contrary to the ethos, mission, and purpose of a school, to objectively evaluate payments made that are underpinned by this. Parents of independent schools contribute substantial funds towards the education of their children in line with this ethos, purpose, and mission.

We will continue to express our concern regarding the ability of auditors and individuals within the Department of Education to interpret and apply this in a reasonable way, despite the recognition provided in the guidelines.

#### **"In any other way unreasonable in the circumstances."**

The School is concerned about unconscious bias. What may be viewed as unreasonable to the School may be different to the Department of Education based on our respective assumptions and presuppositions. The difference in worldview between the Department of Education, auditors and

independent schools as to what is unreasonable may create a significant disagreement in interpretation. Unconscious bias could lead to schools being labelled non-compliant or operating For-Profit, simply when a matter does not sit within the worldview or personal opinions within the Department of Education. How can the Exposure Draft be revised to take account of this situation?

### **Acquisition of land**

The new draft Not-For-Profit Guidelines acknowledge that ‘generally speaking a school will not operate for profit merely because land is not used for its intended purpose immediately’. However, a typical scenario is that a school will purchase land bordering an existing school or in a location which is attractive to future parents. For reasons known to the Board, a school may wish to pay above market price to secure the land. The land may require rezoning and a lengthy delay ensues. The land may in fact never be used for its intended purposes, such is the risk of business and development.

In this case, the school is operating honestly and with good strategic intent but will be in breach of this Draft Not-for-Profit guideline. The new draft Exposure Draft is not satisfactory.

### **Outstanding Debts**

The new draft Not-For-Profit Guidelines state the need for schools to demonstrate ‘adequate efforts have been made to recover debts’. The suggestion that staff or senior leadership are mismanaging funds fraudulently and/or acting in a manner which is not in the best interest of the school is irregular and ignores our character, internal controls, and regular external audit functions. Our concern is that the burden of proof is on the school for this and all matters to prove that management and the Board have acted in an appropriate manner, where in all other situations of external audit the burden of proof is on the auditor.

### ***Issue 4: Erosion of the right to independent Christian education***

Our vision as schools is to be: *An authentic Christian community of teaching, learning and serving excellence*. Critical to the operation of our schools, and key to our educational outcomes is not just teaching and learning, but *serving excellence*. To this end, our students are encouraged to participate in missions trips to serve those in need, within Australia and overseas. Our teachers accompany students and participate in their own serving and learning by travelling to the emerging world, often with their own time and financial contribution. For our schools to teach service excellence, pedagogically, we consider this best occurs when all participants in the school community and its operations all engage in and embody service. However, the investigative report described these activities as “*purely spiritual with no connection to education*” and “*non-school related*”. Such conclusions expose the complete absence of understanding of faith-based education of those trusted with the most serious task of investigating such institutions.

Yet the overreach of such audits into the operations of a school was foreseen and countenanced in the second reading speech:

*“This should not be seen in any way as a punitive exercise, nor is it a licence for unnecessary interference in a school’s operations. The Government respects the autonomy of the non-*



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*Government school sector and has no intention of undermining that autonomy. As long as the requirements of the Act are met, a decision to employ staff or purchase equipment belongs solely to the school. We will not restrict the capacity of non-government schools to meet the needs and expectations of their communities and to follow their particular mission or ethos. For example, religious organisations perform many vital services in our community, including operating schools.”*

Notwithstanding the clear intent to not disrupt the outworking of ethos in any school operations we observe, relevantly, that express reference to ethos has been removed from the Not-For-Profit Guidelines for Non-Government Schools. Without a proper understanding of and respect for the legitimate place of independent Christian schools in NSW, investigations are at risk of misapplying s83C with the outcome that quality Christian schools will retreat from or become restrained in their important contributions to education in NSW for fear of falling foul of this legislation.

## Recommendations

The key recommendations we propose to be implemented are as follows:

1. *To Reflect the Special Characteristics of Non-Government Schools* There is an absence of recognition of the breadth of activities that can legitimately take place within a non-government school to meet the needs and expectations of its community. Whether that be, for example, educational philosophy or faith. It is acknowledged that non-government schools “enrich the education landscape in New South Wales [by] providing a diverse range of choices for parents considering the educational needs of their children.”<sup>1</sup> The scope should be enshrined either in a definition in Division 3 or in the Regulation. The Regulation is already used to specify activity or payments which are not to be taken as “for profit” activity. It seems a logical place to expand this list to include things like service-related activities (which it appears is a particular focus of the Non-government Schools Unit at the Department of Education (NGS Unit), who seem to adopt the approach that if an activity is not strictly associated with delivery of classroom learning then it is potentially “for profit” activity), a change is necessary to protect choice in education.
2. *Further legislative Improvements* Important threshold definitions and benchmarks are set out in the Not-For-Profit Guidelines for Non-Government Schools (Guidelines), which are unclear and subject to change by the NGS Unit. Further, schools are subject to additional policies, many of which are unpublished or are effectively notified through periodic newsletters which are irregularly published by the NGS Unit. Many matters in the Guidelines should be enshrined in legislation to make clear what the requirements are. The draft Legislative Framework published in October 2023 does little to clarify this and instead seems to buttress a “business as usual” approached by the NGSU. Examples of the continued difficulties in the draft Guidelines include:
  - a. Incorporated entities are permitted to operate non-government schools including as a group. Yet the application of the Division in its current form to such proprietors is causing routine transactions for centralised administrative services for the day to day operation of schools being identified as “for profit” activity or subjected to impractical tests to demonstrate otherwise. Yet without such centralised services many small schools serving their communities would be unable to survive. The changes we recommend in this regard include:
    - i. Division 3 be amended to recognise that a number of non-government schools may utilise centralised administrative functions which are to be treated no differently to a system of schools; and
    - ii. Clarifying the definition of “related entity” in the legislation and regulation rather than removing it from the Guidelines altogether. Our experience has been that whilst the existing definition in the 2019 Guidelines made sense, it was being perverted in its application. For example the remotest

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<sup>1</sup> Second Reading Speech Mr Adrian Piccoli 15 October 2004

historical connection is cited as a “joint venture” leading to subsequent dealings between the school and the other entity as “for profit” activity. Deleting the concept will not help.

- iii. Clear guidance on what is meant by “in other way unreasonable in the circumstances”. This catch all in section 83C(2)(b)(iii) can be misused. Given the significant consequences of a finding of wrongdoing, Schools should be readily able to understand the requirements. At present, a failure to keep satisfactory contemporaneous records is said to be caught by this subsection even if the transaction meets the other tests in section 83C of being needed of the operation of the school and at market value.

3. *A Changed Focus* Division 3 is presently focussed on wrongdoing and consequences for wrongdoing. The structure makes the Minister and non-government schools adversaries. It does not lend itself to supporting compliance and improvement in what are complex operations many of whom had been running for decades before Division 3 was introduced. The regime is black and white. Minor non-compliances have the same consequences as serious non-compliances without any rationale given the sweeping power under section 83J. This approach sits in stark contrast to our experience of the New South Wales Education Standards Authority (NESA) which works with any non-compliant schools to achieve compliance. We recommend periodic reviews of all independent non-government schools. Should a review identify non-compliance, then a process for reaching understanding both ways leading towards compliance should be mandated. Serious non-compliances (with prescribed thresholds eg the amount of money or number of instances) can then be referred to the Non-Government Schools Advisory Committee (Committee) for recommendation to the Minister for further action.

4. *A New Independent Oversight Body* The nature of the process to find wrongdoing is such that procedural fairness is not afforded to non-government schools, the onus of proof is placed on the school (often to respond to spurious and nonsensical allegations of wrong-doing) and yet the consequences of a finding of for-profit activity or the lesser finding of non-compliance are serious. The fact that the decision arising is an administrative decision at law makes it difficult for schools to have a decision over-turned on its merits without incurring great cost. Further, much is left to the policy making of the NGSU, upon which there is no restraint nor apparently any effort made to maintain the original policy intention of Division 3 as set out in the second reading speech or afford schools due process. We propose that the body performing the investigations is independent of government and that a clear process and policy is prescribed and published affording non-government schools procedural fairness, the ability to fully understand the process and a clear and cost effective pathway to a merits review of any adverse findings. An independent body is also reflective of the relatively low level of funding by the NSW Government when compared to the contributions made by the Commonwealth and also the school community. The culture and approach to compliance of NESA and the fact it is an existing statutory body with a high level of knowledge of schools makes it a obvious option for the role.

## Final Comments

Our School will continue to improve our compliance practices and nurture a deeper understanding of the Department of Education requirements. We note that parents exercise their choice of schooling for their children, and we are fulfilling an imperative role providing quality education to students across NSW. Our students excel and thrive at our schools. We appreciate the review which is currently underway into the s83C legislation by Thomas Alegounarias. The review should be supported with input from other Not-For-Profit Independent Schools and faith-based schools who the AISNSW has surveyed to show that they share our concerns.

Our view on current interpretation and application of the existing legislation by the Department is that there is overreach on compliance principles. We are supportive of the full review of the legislation currently underway by Thomas Alegounarias and of this current review of the NFP Regulatory Framework and the NFP Guidelines for Non-Government schools.

Our strong preference is for the s83C legislation to be amended, and for the administration of Independent Schools to be managed by the NSW Education Standards Authority. Other independent bodies such as AIS NSW or the Auditor General may be appropriate to consider.

The School would be delighted to meet with persons who are interested to discuss our experience and submission further.

Yours Sincerely,

Mark McCrindle, Chair

Dr Edwin Boyce, Executive Principal