



New South Wales

Education Amendment (Non-Government Schools) Regulation 2019

under the

Education Act 1990

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Education Act 1990*.

SARAH MITCHELL, MLC
Minister for Education and Early Childhood Learning

Explanatory note

The object of this Regulation is to provide that a non-government school is not taken to operate for profit merely because the school is participating in the National Redress Scheme for Institutional Child Sexual Abuse (the *Scheme*). The Scheme requires the school to make payments to the Scheme for the purposes of redress payments to children who experienced child sexual abuse at the school. The payments to the Scheme must not include any funding received by the school from the Minister for Education and Early Childhood Learning.

This Regulation is made under the *Education Act 1990*, including sections 83C(3) and 130 (the general regulation-making power).

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1 Name of Regulation

This Regulation is the *Education Amendment (Non-Government Schools) Regulation 2019*.

2 Commencement

This Regulation commences on the day on which it is published on the NSW legislation website.

3 Amendment of Education Regulation 2017

Clause 10A

Insert after clause 10—

10A School does not operate for profit because of funding contributions to National Redress Scheme for Institutional Child Sexual Abuse

- (1) For the purposes of section 83C(3) of the Act, a non-government school is not taken to operate for profit because of a funding contribution made by or on behalf of the school to the National Redress Scheme for Institutional Child Sexual Abuse, if the school demonstrates, to the Minister's satisfaction, that the funding contribution does not comprise any money provided by the Minister as financial assistance in respect of the school.
- (2) For the purposes of this clause, a *funding contribution* means a funding contribution for a participating non-government institution under the *National Redress Scheme for Institutional Child Sexual Abuse Act 2018* of the Commonwealth.