

Passed by both Houses



New South Wales

Education Amendment (Financial Assistance to Non-Government Schools) Bill 2006

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I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

*Clerk of the Legislative Assembly.
Legislative Assembly,
Sydney, , 2006*



New South Wales

Education Amendment (Financial Assistance to Non-Government Schools) Bill 2006

Act No , 2006

An Act to amend the *Education Act 1990* with respect to the provision of financial assistance to non-government schools.

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

Chairman of Committees of the Legislative Assembly.

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Education Amendment (Financial Assistance to Non-Government Schools) Act 2006*.

2 Commencement

This Act commences on the date of assent to this Act.

3 Amendment of Education Act 1990 No 8

The *Education Act 1990* is amended as set out in Schedule 1.

4 Repeal of Act

- (1) This Act is repealed on the day following the date of assent to this Act.
- (2) The repeal of this Act does not, because of the operation of section 30 of the *Interpretation Act 1987*, affect any amendment made by this Act.

Schedule 1 Amendments

(Section 3)

[1] Section 21A

Insert after section 21:

21A Financial assistance not to be paid to non-government schools operating for profit

- (1) Financial assistance under section 21 may not be paid (whether by way of per capita grant or otherwise) to or for the benefit of a non-government school that operates for profit.
- (2) A non-government school is taken to operate for profit if any part of its proprietor's assets (in so far as they relate to the school) or income (in so far as it arises from the running of the school) is paid to any other person.
- (3) Despite subsection (2), a non-government school is not taken to operate for profit just because of:
 - (a) any payment that its proprietor makes to a person in connection with the person's activities as a member of the governing body of the school, being a payment made by way of an honorarium or as reimbursement for out-of-pocket expenses, or
 - (b) any payment that its proprietor makes to a student of the school in connection with any prize, scholarship or other activity as a student of the school, or
 - (c) any payment that its proprietor makes to a person in connection with the provision, at no more than reasonable market value, of property, goods or services required in relation to the running of the school, or
 - (d) any payment that its proprietor makes to a related organisation that does not operate for profit, within the meaning of this section, in connection with the provision of property, goods or services required in relation to the running of the school.
- (4) If the Minister is of the opinion that a non-government school receiving financial assistance under section 21 may be operating for profit, the Minister may, by order in writing, require its proprietor to furnish the Minister with information concerning any contracts or other arrangements entered into by the proprietor for the provision of property, goods or services in relation to the running of the school.

[2] Schedule 3 Savings, transitional and other provisions

Insert at the end of clause 2 (1):

*Education Amendment (Financial Assistance to
Non-Government Schools) Act 2006*

[3] Schedule 3

Insert after Part 6 of Schedule 3:

**Part 7 Provision consequent on enactment of
Education Amendment (Financial
Assistance to Non-Government Schools)
Act 2006**

14 Application of section 21A

Section 21A, as inserted by the *Education Amendment (Financial Assistance to Non-Government Schools) Act 2006*, applies:

- (a) in relation to any school that, immediately before the commencement of that section, was a registered non-government school—as from 1 January 2007, and
- (b) in relation to any school that is registered as a non-government school after the commencement of that section—as from the date on which it is registered.