

Non-State Schools Accreditation Board

Change in non-State school's governing body application

Education (Accreditation of Non-State Schools) Act 2017

Section 39(2)

Form CTGB-F

Legislative background

The *Education (Accreditation of Non-State Schools) Act 2017* (the 'Accreditation Act') and the *Education (Accreditation of Non-State Schools) Regulation 2017* (the 'Accreditation Regulation') establish a legislative framework for accreditation and eligibility for government funding of Queensland non-State schools.

The Accreditation Act provides for the establishment of the Non-State Schools Accreditation Board (the 'Board'). The Board is an independent statutory authority that regulates non-State schooling. Its responsibilities include making decisions on the accreditation and eligibility for government funding of non-State schools and changes in accreditation attributes of non-State schools, as well as monitoring governance arrangements and compliance with accreditation criteria.

Privacy information

Information about the collection of personal information on this form can be found in Section 7 of this application.

Important information

This application is relevant when a school's governing body is changing from one incorporation to another incorporation. If the current governing body is only changing in name and not to a different entity please complete a *Name change notification* form located on the Board's website at <http://www.nssab.qld.edu.au>.

Applicants need to ensure that the form is completed fully and correctly, and that it addresses and complies with requirements of:

- the Accreditation Act
- the Accreditation Regulation and
- any other relevant documents published by the Non-State Schools Accreditation Board.

The Accreditation Act and Accreditation Regulation can be accessed at the Queensland Parliamentary Counsel website at <https://www.legislation.qld.gov.au/OQPChome.htm>.

Please complete all fields of this form, indicating 'N/A' where not applicable.

This application form does not necessarily replicate all of the relevant provisions of the legislation or published Board documents.

Please ensure the information is presented clearly. Applicants are requested to supply additional information as attachments for certain items. Attachments **must** be labelled with the corresponding attachment number and the title of the related item from the application form. This ensures that, in the event that the Board has to contact you regarding the application, we are able to refer to the appropriate page/section. To attach a document, click on the icon   located to the left of the attachment number.

The Accreditation Act requires the Board to make a decision on an application within six months of lodgement. The Board and applicant can also agree to extend the time needed to make a decision, if the Board require further time to do this. Applicants must take this into account to allow sufficient time for consideration of this application.

The Board may require an applicant to provide further information or documents to support an application.

Lodgement

The governing body can submit the completed form and supporting documentation via [NSSAB Online Services](#).

1. Contact details for application

1.1 Contact details	<i>Provide contact details for the application.</i>		
Title		Salutation	
Given name(s)		Family name	
Postal Address			
Phone		Mobile	
Email			

2. Application details

2.1 Name of school	<i>Enter the name of the school.</i>
2.2 Name of current governing body	<i>Enter the name of the school's current governing body applying for the change.</i>
a) Current eligibility for government funding	Is the governing body of the accredited school eligible for government funding for the school? If the governing body of the accredited school is not eligible for government funding for the school, the proposed governing body will have to become the governing body of the accredited school, before a separate application for eligibility for government funding can be lodged.
2.3 Proposed date of the change to the new governing body	<i>Enter the date on which the proposed new governing body is likely to change?</i> Please note this provides the Board with an approximate date to determine a 'change day' by which the change of governing body must have taken effect. The 'change day' is usually a date several months after the proposed date and may be extended on request.

3. Proposed governing body details

3.1 Governing body	<i>List below details about the corporation applying for accreditation as the proposed governing body of the school.</i>		
a) Name of the corporation			
b) Type of incorporation The applicant must be a corporation and be able to operate in Queensland.	Select the type of incorporation that applies to the corporation: ☐ a company incorporated under the Corporations Act 2001 (C'th) ☐ an incorporated association under the Associations Incorporation Act 1981 ☐ a church entity incorporated under the Roman Catholic Church (Incorporation of Church Entities) Act 1994 ☐ a synod of a diocese under the Anglican Church of Australia Act 1895 ☐ a corporation established and continued in existence under the now repealed <i>Religious, Educational and Charitable Institutions Act 1861</i> ☐ a property trust constituted under the Uniting Church in Australia Act 1977 ☐ a board of trustees constituted under the Grammar Schools Act 2016 ☐ an Aboriginal corporation under the Corporations (Aboriginal and Torres Strait Islander) Act 2006 (C'th) ☐ Other:		
 Attachment 3.1 A	[Required] Documentation showing that the governing body is a corporation and indicating the type of incorporation. Examples of the types of documentary evidence: a) Certificate issued by the Australian Securities & Investments Commission ('ASIC') stating that the body is a registered company in the state or territory in which the company is taken to be registered b) Certificate of Incorporation issued by the Queensland Commissioner for Fair Trading c) Letters Patent issued under the now repealed <i>Religious, Educational and Charitable Institutions Act 1861</i>, or d) Incorporated through legislation.		

4. Contact details for proposed governing body

4.1 Chairperson	<i>Provide contact details for the chairperson of the governing body.</i>		
Title		Salutation	
Given name(s)		Family name	
Postal Address			
Phone		Mobile	
Email			
4.2 Office contact	<i>Provide details for the contact person of the governing body.</i>		
	☐ Same as chairperson details (leave rows below blank)		
Title		Salutation	
Given name(s)		Family name	
Position			
Postal Address			
Phone		Mobile	
Email			

5. Governing body suitability

5.1 School's proposed governing body	<i>The Board must make a decision about the suitability of a school's proposed governing body.</i>						
a) <i>Documentary evidence</i>	Provide attachments and details, as indicated below, as they relate to the proposed governing body identified under Section 3. <i>In making a decision about the suitability of a governing body, the Board may have regard to:</i> <i>the governing body's relationship with other entities;</i> <i>whether the governing body has appropriate guiding principles and procedures for identifying, declaring and dealing with any conflict of interest a director of the governing body may have in relation to an aspect of the operation of the school;</i> <i>the conduct of the governing body, or its directors, in relation to the operation of the school.</i>						
 Attachment 5.1 A	[Required] A copy of the constitution, or like document, of the governing body and the rules under which it operates.						
 Attachment 5.1 B	[Required] Documentation showing the corporate structure of the governing body, including details of related entities and the relationships between these entities.						
 Attachment 5.1 C	[Required] A copy of the policy used by the governing body for identifying, declaring and dealing with any conflicts of interest or potential conflicts of interest a director or member of the executive or management entity of the governing body may have in regard to the operation of the school. [Optional] Comment on conflict of interest:						
 Attachment 5.1 D	[Optional] If there is insufficient space, attach documentation supporting your statement.						
b) <i>Offences - governing body</i>	Has the proposed governing body, as a corporate entity, been convicted of an offence? <i>If the governing body, as a corporate entity, has a conviction for an offence, it is also required to provide details of the nature and circumstances of the commission of the offence.</i> If yes, provide details of the conviction. <table border="1" data-bbox="518 1373 1460 1581"> <tr> <td>Date</td><td></td></tr> <tr> <td>Offence</td><td></td></tr> <tr> <td>Outcome</td><td></td></tr> </table>	Date		Offence		Outcome	
Date							
Offence							
Outcome							
 Attachment 5.1 E	[Optional] If there is insufficient space, attach documentation supporting your statement.						

c) Director(s)

The term 'director' means:

- if the governing body is a company under the [Corporations Act 2001](#) (C'th) – a person appointed as a director of the governing body, or
- if the governing body is incorporated under the repealed Religious Educational and Charitable Institutions Act 1861 - a declared director of the governing body; and if all declared directors of the governing body for the time being, nominate a person as a director of the governing body – the person, or
- otherwise – a person who is, or is a member of, the executive or management entity, by whatever name called, of the governing body.

All directors of a school's governing body are required to hold a [current positive notice \(blue card\)](#) or a [current positive exemption notice \(exemption card\)](#), prior to lodgement of the application form.



Attachment 5.1 F

Full name as it appears on the blue card or exemption card

Card type

Blue card or exemption card number

Blue card expiry date

First name

Middle name

Family name

If an application has been submitted for a renewal of a card, please provide evidence of the application.

Chairperson:

All other directors:

[Optional] If there are insufficient rows, attach documentation showing additional directors other than the ones indicated above.

 Attachment 5.1 G	[Required] A copy of the positive notice blue card or exemption card, issued by the Public Safety Business Agency, for each director or member of the executive or management entity of the proposed governing body listed above. The governing body of a school is not suitable to be, or to continue to be, a school's governing body unless each director of the governing body has a current positive notice (blue card) or a current positive exemption notice (exemption card). Refer to www.nssab.qld.edu.au for further information on directors of a governing body.						
 Attachment 5.1 H	[Required] Documentation showing the current directors of the proposed governing body. Examples of the types of documentary evidence: a) for a company under the Corporations Act 2001 (C'th): ASIC Company Extract listing directors; b) Australian Charities and Not-for-profits Commission (ACNC) Register; c) meeting minutes showing election of members for an incorporated association; d) other documentation relevant to the corporate entity that verifies the appointment of the executive management committee i.e. governance charter.						
<i>d) Offences – director</i>	Has any director or member of the executive or management entity of the governing body been convicted of an indictable offence, other than a spent conviction? An indictable offence means an offence that, if it were committed in Queensland, is prosecuted or convicted on a written charge brought against an accused person; and triable before a judge and jury, unless a law expressly states to the contrary. Indictable offence includes an indictable offence dealt with summarily by a magistrate. If yes, provide a statement below with details of the indictable offence (the nature and circumstances of the offence). If any of the governing body's directors has a conviction, other than a spent conviction, for an indictable offence, it is also required to provide details of the nature and circumstances of the commission of the offence. <table border="1" data-bbox="528 1137 1441 1344"> <tr> <td>Date</td> <td></td> </tr> <tr> <td>Offence</td> <td></td> </tr> <tr> <td>Outcome</td> <td></td> </tr> </table>	Date		Offence		Outcome	
Date							
Offence							
Outcome							
 Attachment 5.1 I	[Optional] If there is insufficient space, attach documentation supporting your statement.						

6. Eligibility for government funding

If an applicant seeks eligibility for government funding under Chapter 3 of the Accreditation Act, the Board must be satisfied:

- the governing body is not an ineligible company; and
- the school operated by the proposed governing body will not, on or after its accreditation, be operated for profit; and
- the proposed governing body is not a party to, and does not intend to enter into, a prohibited arrangement in relation to the operation of the school; and
- there is no direct or indirect connection between the proposed governing body and another entity, and there will not on or after the school's accreditation be a direct or indirect connection between the proposed governing body and another entity, that could reasonably be expected to compromise the independence of the governing body when making financial decisions.

6.1 Eligibility for government funding	<i>Does the proposed new governing body intend to be eligible for government funding for the school?</i>
a) Type of company Governing bodies that are not incorporated as a company under the Corporations Act can be eligible for government funding i.e. incorporated under another Act such as Association Incorporation Act	If the proposed governing body is a company under the Corporations Act 2001 (C'th), it must be a company limited by guarantee to be eligible for government funding. Is the corporation a company under the Corporations Act? If yes, is the company 'limited by guarantee'? Documentation to certify the type of incorporation has already been provided in attachment 3.1A.
b) Not-for-profit basis  Attachment 6.1 A	Will the school be operated for profit? Only schools not operating for profit are eligible to apply for government funding. A school is operated for profit if any profits made from the school's operation are used for any purpose other than a purpose for advancing the school's philosophy and aims. [Optional] If relevant, provide evidence that the proposed governing body is registered with the Australian Charities and Not-for-profits Commission (ACNC).
c) Prohibited arrangements  Attachment 6.1 B	In relation to the operation of the school, has the proposed governing body entered into any prohibited arrangement? Only governing bodies that have NOT entered into any prohibited arrangements can apply for government funding. A prohibited arrangement is a contract or arrangement entered into by a school's governing body, or proposed governing body, and another entity not dealing with each other at arm's length and that is not, or will not be, for the benefit of the school. In relation to the operation of the school, does the proposed governing body intend to enter into any prohibited arrangement? Only governing bodies that do NOT intend to enter into any prohibited arrangements can apply for government funding. A prohibited arrangement is a contract or arrangement entered into by a school's governing body, or proposed governing body, and another entity not dealing with each other at arm's length and that is not, or will not be, for the benefit of the school. [Required] Provide a statement that demonstrates how the proposed governing body will ensure it has not and will not enter into any prohibited arrangement in relation to the operations of the school. The statement should provide an outline of procedures or processes that it has and will have in place to ensure that it enters into contracts and arrangements for the school at arm's length e.g. lease of property at market rate; commercial contracts for goods and services; transparent and accountable loan arrangements, tender and procurement processes.

d) <i>Direct or indirect connection</i>	Currently, is there a direct or indirect connection between the proposed governing body and another entity that could reasonably be expected to compromise its independence when making financial decisions?
	Will there be a direct or indirect connection between the proposed governing body and another entity that could reasonably be expected to compromise its independence when making financial decisions when the change of governing body takes effect?
	Provide a statement that explains how the proposed governing body will ensure that there is and will be no connections between it and another entity that will compromise its independence when making financial decisions. The information should include how the governing body will ensure that financial decisions are made in the best interest of the school and that conflicts of interest are declared and managed effectively.
 Attachment 6.1 C	[Optional] If there is insufficient space, attach documentation supporting your statement.

7. Privacy information

This form collects information to enable the Non-State Schools Accreditation Board to decide whether to approve a change in the school's governing body and grant eligibility for government funding (if applicable) under the *Education (Accreditation of Non-State Schools) Act 2017*.

Certain data collected in this form is 'personal information' within the meaning of the Queensland Government *Information Privacy Act 2009*, which deals with the collection and handling of such information by government agencies.

This form collects personal information about:

- a contact person for the purpose of processing the application;
- a person authorised by the incorporated governing body to act for and on its behalf for the purpose of processing the application; and
- the directors or members of the executive or management entity of the incorporated governing body making the application for the purpose of ascertaining whether the governing body complies with the requirements of the Accreditation Act.

The information collected in this form may be disclosed to the following entities:

- the Queensland Minister for Education;
- the Director-General of Education;
- the Office of Non-State Education and other relevant areas of the Queensland Department of Education;
- authorised persons appointed under the Accreditation Act;
- Queensland Government Blue Card Services; and
- Queensland Catholic Education Commission and Independent Schools Queensland.

In the event that the person submitting the form is providing personal information on behalf of someone else, it is the governing body's or school's responsibility to ensure that the person has the correct information and authority to submit the information.

Any personal information provided as part of a governing body or school will be shared amongst other registered users of that governing body or school.

Certain information collected in this form may also be published on the Board's website and under Open data (data.qld.gov.au) if suitable for release. In other instances, the information collected in this form can be disclosed without further consent where authorised or required by law.

8. Declaration

8.1 Authorised person and declaration	<i>The person authorised by the governing body (the applicant) to act for and on its behalf, for example the chairperson or secretary, is to complete the declaration and provide the contact details requested below.</i> <i>The authorised person as identified in the 'Declaration' will be contacted on the details provided if any information submitted in this application requires attention / clarification.</i>
Declaration	☐ I declare that the information provided in this form is, to the best of my knowledge, true and correct.
Full name	
Position in relation to governing body	
Telephone number(s)	
Email address	
Date	

Print form

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