



School Registration

Not-for-Profit Policy and Procedures

Introduction

The School needs to demonstrate it complies with the minimum standard for school registration relating to the Governance and Not-for-profit status sections of these Guidelines.

Purpose

The purpose of this Policy and its Procedures is to set out our Not-for-Profit requirements under the Victorian Registration Standards (sch 4 cl 17).

Scope

This Policy and its Procedures apply to the members of the school's governing body.

The Principal and Executive Team are responsible for the monitoring and review of the policy.

There are no specific roles or responsibilities associated with this Policy.

Policy Statement

Not-for-Profit Requirements

To be a not-for-profit school, Lakeside College must satisfy the following criteria:

- the Lakeside College must not be established or operated for the purpose of profit or gain
- the proprietor of the Lakeside College does not conduct the Lakeside College for the purposes of the proprietor's or any other person's profit or gain

- no part of the profit or gain made in the conduct of the Lakeside College is or may be distributed to any person or entity
- all money and property received by the Lakeside College or the proprietor of the Lakeside College for the conduct of the Lakeside College are applied solely towards the conduct of the Lakeside College in accordance with the Lakeside College's not-for-profit purpose
- the Lakeside College is not a party to a prohibited agreement or arrangement
- the proprietor of the Lakeside College is not a party to a prohibited agreement or arrangement
- on closure of the Lakeside College, any surplus assets of the Lakeside College remaining after payment of the Lakeside College's liabilities are required by the constitution or rules governing the Lakeside College to be:
 - used by the proprietor of the Lakeside College for providing education services to children of compulsory school age or for other not-for-profit purposes; or
 - given to a not-for-profit entity operating within Australia that provides education services to school children or that has similar not-for-profit purposes to the proprietor. A school will not be regarded as being conducted for the purposes of profit or gain only because it or the proprietor makes a financial surplus in the course of the proper administration of the Lakeside College.

A school is not conducted for the purposes of profit or gain only because its proprietor uses, or provides to a person or entity, money (other than Commonwealth or State government funding) or school property to:

- conduct an early learning centre that is a feeder for enrolments to the school; or
- provide school boarding services at a school boarding premises at which Students who are enrolled at or attending the school are boarding and where those services are not provided for the purpose of profit or gain.

Declaration of Not-for-Profit Status

Lakeside College is not established for the purpose of profit or gain.

It is our policy that:

- the Lakeside College is not established for the purpose of profit or gain
- the Lakeside College's proprietor does not conduct the Lakeside College for the purposes of its or any other person's profit or gain
- no part of the profit or gain made in the conduct of the Lakeside College is or may be distributed to any person or entity

- all money and property received by the Lakeside College or the proprietor of the Lakeside College for the conduct of the Lakeside College are applied solely towards the conduct of the Lakeside College in accordance with our not-for-profit purpose
- neither the Lakeside College nor the proprietor is a party to a prohibited agreement or arrangement.

This is evidenced in our Constitution/Rules of Association.

Our Constitution/Rules of Association contain/s the clause prescribed in reg 7(1)(g) of the ETR Regs.

We maintain a copy of a Insert Name of and a Link to Completed Stat Dec executed by the chair of the Lakeside College's governing body.

Documented Relationships with Third Parties

The Guidelines require the Lakeside College to maintain evidence of all relationships with third parties. Third parties include related entities (within the meaning of section 9 of the Corporations Act 2001 (Cth)) or any other person or for-profit or not-for-profit organisations and affiliated religious groups.

Copies of the following must be maintained:

- copies of contracts or arrangements with third parties
- copies of loan agreements, guarantees and the like from third parties including any loan or security arrangements entered into for the purpose of constructing or maintaining Early Learning Centre infrastructure or funding the Early Learning Centre
- details of the related entity and/or affiliated organisation and relationship between the Lakeside College and that entity
- legally binding written agreement for any loans or arrangements for the delivery of services to the Lakeside College or its Studentss.

The Lakeside College has detailed policies and procedures in place for purchasing property, goods and services and entering into any loan or similar arrangements. Those policies and procedures ensure that all loans or arrangements for the delivery of services to the Lakeside College or its Studentss (including for administrative, management and financial services, education services, leases or licenses for premises occupied or used by the Lakeside College, loans or security) are documented in a legally binding written agreement that is made on commercial terms. The policies and procedures also ensure that any loan or security arrangements for constructing, maintaining or

funding the Don't have one do not pose a risk to the financial viability of the Lakeside College, either in providing security for, or in servicing the loan. .

Details of the related entity and/or affiliated organisations and relationship between the school and that entity (if any agreement or loan is with a related entity or affiliated organisation) are maintained by the Lakeside College.

The Lakeside College currently maintains the following third-party relationships:

- LEA
- LEVNT
- Relationship with Entity or Affiliate Document

Evidence of relationships with third parties, such as copies of contracts, agreements and guarantees, are maintained in accordance with our Records Management Policy.

Don't have one

We include in our enrolment policy, enrolment agreement, fee schedule, promotional materials and a statement that the Lakeside College may use a proportion of the fees we collect or funds we raise (but not Commonwealth or Victorian Government funding) to support the operation of our Don't have one.

Our Don't have one is an approved education and care service within the meaning of the Education and Care Services National Law (Victoria) and a not-for-profit service that is a feeder for enrolments to the Lakeside College.

We provide a kindergarten program for Don't have one. We maintain separate financial records for the Lakeside College and the Don't have one that clearly identify cross-subsidisation.

Prohibited Agreements or Arrangements

We have developed a Prohibited Agreement and Arrangement Policy and Procedures and a Purchasing Goods and Services Policy and Procedures that outline the Lakeside College's processes for ensuring that Lakeside College is not party to a prohibited agreement or arrangement and all purchases to be paid for by the Lakeside College and/or its proprietor are made in compliance with our not-for-profit obligations under reg 7.

Procedures

There are no applicable procedures for this Policy.

Implementation

The Lakeside College Board and authorised delegates share responsibility for the effective implementation of this Policy.

Breach

This section is not applicable to this Policy.

Definitions

There are no applicable definitions for this Policy.

Source of Obligation

The Victorian Registration Standards (sch 4 cl 17) require that the Lakeside College must be a not-for-profit school as defined in regulation 7, ETR Regs. The proprietor must have sufficient controls in place to ensure that Lakeside College property and assets are not distributed or used for the improper profit or gain of another person or entity.

The Guidelines require cross-subsidisation between the Lakeside College and the Don't have one to be clearly identified but do not require separate bank accounts; nor do they require the Lakeside College to disclose a dollar amount or percentage of privately generated funds that are directed to the Don't have one. They note, however, that such disclosure may be required under Commonwealth and Victorian consumer and not-for-profits laws, such as the Australian Charities and Not-for-profits Commission Governance Standards, the Australian Education Regulations 2023 (Cth), the Australian Consumer Law and the Fundraising Act 1988 (Vic).

- **Suicide Toolkit**
- Records Management Policy
- Prohibited Agreement and Arrangement Policy and Procedures
- Purchasing Goods and Services Policy and Procedures

Related Documents

- Insert Name of and a Link to Completed Stat Dec

References

There are no applicable references for this Policy.

Policy Administration

Insert Policy Control/Administration Information