

Education and Training Reform Regulations 2007

S.R. No. 61/2007

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STATUTORY RULES 2007

S.R. No. 61/2007

Education and Training Reform Act 2006

Education and Training Reform Regulations 2007

The Governor in Council makes the following Regulations:

Dated: 26 June 2007

Responsible Minister:

JOHN LENDERS
Minister for Education

RUTH LEACH
Clerk of the Executive Council

PART 1—PRELIMINARY

1 Objectives

The objectives of these Regulations are—

- (a) to provide for admission and attendance and policies for student behaviour at Government schools; and
- (b) to provide for the conduct of school councils in Government schools; and
- (c) to provide for parents' clubs and fundraising in Government schools; and
- (d) to prescribe the minimum standards for the registration of schools and procedures for and conditions of registration; and

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- (e) to prescribe procedures for and requirements of registration of children for home schooling; and
 - (f) to prescribe the minimum standards and procedures for the registration of persons, bodies or schools to—
 - (i) provide an accredited course; or
 - (ii) award, confer or issue a registered qualification; and
 - (g) set out the role of the Victorian Registration and Qualifications Authority in investigating certain complaints; and
 - (h) to provide for the approval of transport services and the grant of travelling allowances for students; and
 - (i) to provide for the grant of education maintenance allowances and scholarships; and
 - (j) to provide for the conduct of elections for members of the Council of the Victorian Institute of Teaching; and
 - (k) to provide for other matters to give effect to the **Education and Training Reform Act 2006**.

2 Authorising provisions

These Regulations are made under sections 5.10.1 and 5.10.2 of, and Schedules 5 and 8 to, the **Education and Training Reform Act 2006**.

3 Commencement

These Regulations come into operation on 1 July 2007.

4 Revocations

The Regulations listed in Schedule 1 are **revoked**.

5 Definitions

In these Regulations—

absolute majority of the votes means a number of votes greater than one-half of the total number of valid ballot papers received in an election for membership of the Council (excluding ballot papers that are exhausted);

Note

A ballot paper that is not valid is required to be rejected under regulation 123(3).

accredited senior secondary course means an accredited course leading to a senior secondary qualification;

accredited vocational education and training course means an accredited course leading to a registered vocational education and training qualification;

approved transport service means a transport service approved by the Minister under regulation 86;

Authority means the Victorian Registration and Qualifications Authority established under Chapter 4 of the Act;

awarding body means a person or body that is registered on the State Register to award, confer or issue a registered qualification;

bank means ADI;

Note

The **Interpretation of Legislation Act 1984** defines **ADI** as an authorised deposit-taking institution within the meaning of the Banking Act 1959 of the Commonwealth. It includes banks and credit unions.

campus means a location at which part of a school is conducted or proposed to be conducted under the name of the campus as part of the school and—

- (a) the campus and the school have a common governing body or the governing body of the campus is responsible to the governing body of the school; and
- (b) in the case of a non-Government school, the campus and the school have the same proprietor;

close of roll day means the day fixed by the Victorian Electoral Commission under regulation 106 as the last day for enrolment or changes to the enrolment of teachers on the roll of electors;

commencement day means 1 July 2007;

continuing candidate means a candidate not already elected or excluded from the count of votes in an election for membership of the Council;

Council has the same meaning as in section 2.6.1 of the Act;

designated neighbourhood Government school means a Government school that has been determined to be a designated neighbourhood Government school in accordance with the criteria specified by the Minister under section 2.2.16 of the Act;

designated transport area, in relation to a Government specialist school, means the area or distance designated by the Minister in relation to that school under regulation 87;

Disciplinary Appeals Board means a Board established under Division 11 of Part 2.4 of the Act;

election day means the day fixed by the Victorian Electoral Commission under regulation 106 or a later day fixed under regulation 118 as the last day on which postal votes must be received by the Victorian Electoral Commission in an election for membership of the Council;

election official means a person appointed by the Victorian Electoral Commission to assist in the conduct of an election for membership of the Council;

employee of the Department means a person employed for 8 hours or more per week either in an on-going capacity or for a fixed term of at least 90 days in one or more of the following capacities—

- (a) in accordance with section 2.3.8 or 2.4.3 of the **Education and Training Reform Act 2006**; or
- (b) in the Department, as an employee under Part 3 of the **Public Administration Act 2004**—

but does not include a person employed under a contract for service or an employee or the contracted personnel of such a person;

exhausted ballot paper means a ballot paper where the voter has failed to indicate a preference for any or all of the candidates after the first preference in an election for membership of the Council;

governing body means—

- (a) in relation to a Government school, the school council constituted in relation to that school; and
- (b) in relation to a non-Government school, the person or body responsible for the conduct or management of the school; and
- (c) in relation to a TAFE institute, the board that oversees and governs the TAFE institute established under section 3.1.12 of the Act; and
- (d) in relation to any other awarding body, the person or body responsible for the conduct or the management of the awarding body.

Merit Protection Board has the same meaning as in section 2.4.1 of the Act;

nomination day means the day fixed by the Victorian Electoral Commission under regulation 106 as the day by which nominations of candidates for an election for membership of the Council must be received by the Victorian Electoral Commission;

not-for-profit school has the meaning set out in regulation 7;

non-Government institution means a person or body, other than—

- (a) the Crown; or
- (b) a public service body within the meaning of the **Public Administration Act 2004**; or
- (c) the holder of a Government office; or

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- (d) a person or body wholly funded from the Consolidated Fund;

owner of the course means a person in whom the intellectual property relating to the course is vested;

owner of the qualification means the person in whom the intellectual property relating to the qualification is vested;

parent, in relation to a child, includes a guardian and every person who has parental responsibility for the child including parental responsibility under the Family Law Act of the Commonwealth and any person with whom a child normally or regularly resides;

parents' club means an association (by whatever name called) of parents of a Government school whether or not the association also includes teachers and friends of the school;

philosophy in relation to a school, includes the vision, mission or objective of the school;

registered senior secondary qualification means a senior secondary qualification that is a registered qualification;

registered vocational education and training qualification means a registered qualification that is listed in the Vocational Education and Training Sector Accreditation of the AQF;

senior secondary qualification has the same meaning as it has in Chapter 4 of the Act;

specialist school means a school—

- (a) established for the main purpose of providing instruction for students with disabilities; or

- (b) established for the main purpose of providing instruction for students with social, emotional or behavioural difficulties;

staff means the principal, teachers and other staff of a Government school;

teacher has the same meaning as it has in section 2.6.1 of the Act;

the Act means the **Education and Training Reform Act 2006**;

Victorian Electoral Commission has the same meaning as it has under section 2.6.1 of the Act;

working day means a day other than Saturday, Sunday or a public holiday within the meaning of the **Public Holidays Act 1993**.

6 Definition of school

- (1) The following bodies are exempted from the definition of *school* for the purposes of the Act and these Regulations—
- (a) an adult education institution;
 - (b) a post secondary institution established under Division 2 of Part 3.2 of the Act;
 - (c) a body that is an employer if it would be a school solely by reason of—
 - (i) providing work place learning to a student under a work experience arrangement or structured workplace learning arrangement entered under Division 1 of Part 5.4 of the Act; or
 - (ii) providing work place experience or training to a student under a practical placement agreement entered under Division 2 of Part 5.4 of the Act; or

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- (iii) providing training under a training contract approved under Part 5.5 of the Act;
- (d) subject to subregulation (2), any of the following education providers that has at least 85% of its students or those receiving its education or training programs above the compulsory school age—
- (i) an RTO within the meaning of section 4.1.1 of the Act that is established for the main purpose of providing education or training to students above compulsory school age;
 - (ii) a body that is approved in writing by the Adult Community and Further Education Board or a Regional Council within the meaning of Part 3.3 of the Act to provide adult education in the community;
 - (iii) any body that the Authority is satisfied has been established for the main purpose of providing education or training to students above the compulsory school age.
- (2) Subregulations (1)(d)(i) and (1)(d)(ii) do not apply to exempt—
- (a) an RTO or a body referred to in subregulation (1)(d)(ii) that immediately before the commencement day was also a State school or was registered under the **Education Act 1958** as a school; or
 - (b) a body that is established for the main purpose of providing education to students in years 11 and 12.
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7 What is a not-for-profit school?

- (1) For the purposes of these Regulations a *not-for-profit school* is a school that satisfies all the following criteria—
- (a) the school is not established for the purpose of profit or gain;
 - (b) the proprietor of the school does not conduct the school for the purposes of profit or gain;
 - (c) no part of the profit or gain made in the conduct of the school is or may be distributed to any entity;
 - (d) all money and property received by the school or the proprietor of the school for the conduct of the school are applied solely toward the conduct of the school;
 - (e) the proprietor of the school is not a party to a prohibited agreement or arrangement;
 - (f) in the case of a non-Government school, on the closure of the school, any surplus assets of the school remaining after payment of the school's liabilities are required by the constitution or rules governing the school to be—
 - (i) used by the proprietor of the school for providing education services to school-age children or for other not-for-profit purposes; or
 - (ii) given to a not-for-profit entity operating within Australia that provides education services to school children or that has similar purposes to the proprietor.

(2) For the purposes of subregulation (1), a proprietor of a school is not to be taken to conduct the school for the purposes of profit or gain if the proprietor makes a financial surplus in the course of the proper administration of the school.

(3) In this regulation—

conduct of a school includes—

- (a) fund-raising activities conducted solely for the school; and
- (b) the provision of goods and services and other matters or things to students attending the school; and
- (c) the provision of other educational or similar services;

entity includes trust;

prohibited agreement or arrangement means an agreement or arrangement that is made with an entity that carries on business for profit or gain where—

- (a) the purpose of the agreement or arrangement is to pay or divert any profit or gain made in the conduct of the school to that entity or any other entity (other than a payment made in good faith for goods provided or services rendered to the school); or
- (b) the agreement or arrangement—
 - (i) involves a payment by the school or the proprietor of the school for a purpose where the payment is excessive compared to the charges, fees, rates or costs for the time being prevailing in the community for payment for that purpose (other than a payment

made in good faith for that purpose); or

- (ii) involves a gift, loan or similar payment by the school or the proprietor of the school (other than deposits made to a bank in connection with the conduct of the school); or
- (iii) involves a payment by the school or the proprietor of the school that is not a payment made in good faith for goods provided or services rendered to the school;

proprietor in relation to a school, includes the governing body of the school.

8 Measurement of distances

If these Regulations prescribe or refer to a distance, the distance is to be measured according to the shortest practicable route.

PART 2—GOVERNMENT SCHOOL EDUCATION

Division 1—Admission and attendance

9 Admission

Before or when a child is admitted to a Government school, the parent of the child must complete and sign an admission form and provide evidence of the child's date of birth.

10 School terms

The Minister must determine the days on which a Government school is to be open for attendance by students.

11 Temporary closure of schools

The school council of a Government school may temporarily close the school on days on which it would otherwise be required under regulation 10 to be open—

- (a) in accordance with the number of student-free days per calendar year specified by the Secretary; and
- (b) with the approval of the Secretary, for any period due to an emergency which involves a risk to the health or safety of students or staff.

12 Reasonable excuse—prescribed distance

For the purposes of section 2.1.3(b) of the Act, the prescribed distance is—

- (a) 3 kilometres, if the child is under 9 years of age; or
 - (b) 5 kilometres, if the child is of, or above, 9 years of age.
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Division 2—Student behaviour

13 Student behaviour policy

- (1) A school council of a Government school must develop a student behaviour policy for the students at the school.
- (2) The school council must have regard to the rights and responsibilities of students, parents and staff in developing the policy.
- (3) The school council must ensure that the policy is consistent with—
 - (a) section 2.2.19 of the Act; and
 - (b) these Regulations; and
 - (c) any guidelines issued by the Minister relating to student behaviour.

14 Corporal punishment not permitted

A member of the staff of a Government school must not administer corporal punishment to any Government school student.

15 Restraint from danger

A member of the staff of a Government school may take any reasonable action that is immediately required to restrain a student of the school from acts or behaviour dangerous to the member of staff, the student or any other person.

16 Implementation of student behaviour policy

- (1) The principal of a Government school—
 - (a) is responsible for implementing the student behaviour policy of the school; and
 - (b) is responsible for determining the nature and extent of the consequences imposed on students in the school for failure to comply with that policy; and
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- (c) may determine the consequences to be imposed on a student for not wearing the school uniform in accordance with any determination of the school council on school uniforms.
- (2) Before making a determination under subregulation (1)(c), the principal of a Government school must be satisfied that the student's failure to wear the school uniform was because of the student's disobedience.
- (3) Without limiting subregulation (1), the principal of a Government school may require a student to undertake additional school work at a reasonable time and place if that is authorised by the student behaviour policy.
- (4) The principal of a Government school must ensure that—
- (a) any periods of detention, additional school work or other consequences that may be imposed on students as part of the student behaviour policy are reasonable; and
 - (b) the student behaviour policy is brought to the attention of the students, parents, staff, and members of the school council of the Government school.
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PART 3—GOVERNMENT SCHOOL COUNCILS

Division 1—Meetings and membership

17 Meetings of the school council

A school council must meet at least 8 times in each year, and at least once per school term, unless it is authorised by the Minister to meet less frequently.

18 Who is to preside at a meeting?

- (1) Subject to this Division, the President of the school council must preside at meetings of the school council.
- (2) If the President of a school council is unable to preside at a council meeting, a member of the council (other than an employee of the Department) elected by the school council must preside.

19 Quorum of school council

- (1) If a majority of the school council's total membership must consist of persons who are not employees of the Department, the quorum for a school council meeting is constituted if—
 - (a) not less than one half of the members of the school council currently holding office are present; and
 - (b) a majority of the members present are not employees of the Department.

-
- (2) If a majority of the school council's total membership is not required to consist of persons who are not employees of the Department, the quorum for a school council meeting is constituted if not less than one half of the members of the school council currently holding office are present.
 - (3) If at the end of 30 minutes after the appointed time for a meeting of the school council there is no quorum present, the meeting must stand adjourned to a time and place determined by the school council members present.

20 Decisions and voting

- (1) A decision of the majority of the members of the school council who are eligible to vote and are present at the school council meeting is the decision of the school council.
- (2) The principal is a voting member of the school council.
- (3) If votes are tied, the presiding member has a second or casting vote.
- (4) A member of the school council may be present at a meeting in person or by videoconferencing or teleconferencing.

21 Conflicts of interest

If a member of the school council or a member of his or her immediate family has any direct conflict of interest (including a pecuniary interest) in a subject or matter under discussion at a school council meeting, that member—

- (a) must not be present during the discussion unless invited to do so by the person presiding at the meeting; and
 - (b) must not be present when a vote is taken on the matter; and
-

- (c) may be included in the quorum for that meeting.

22 Appointment of community members

- (1) This regulation applies if a school council is required to have community members appointed to the school council.
- (2) The principal must—
 - (a) as soon as practicable after the declaration of the poll for an election of members of the school council and before office bearers are elected, call, and preside at, a special meeting for the purpose of appointing the community members; and
 - (b) call, and preside at, the first meeting of the school council to elect office bearers.
- (3) At the special meeting held for the purposes of subregulation (2)(a), a quorum may consist of not less than one half of the members of the school council currently holding office.
- (4) The special meeting called under subregulation (2)(a) may be adjourned to a date decided by the meeting if the purpose of appointing the community members cannot be achieved.
- (5) If the appointment of community members either cannot be resolved at the special meeting called under subregulation (2)(a) or on the resumption of the adjourned special meeting, the school council may proceed to the first meeting of the school council to elect office bearers.

23 First council meeting—no community members

If a school council is not required to have community members appointed to the council, the principal must call, and preside at, the first council meeting to elect office bearers.

24 Election of office bearers

- (1) In the election of an office bearer for a school council, if the votes are tied, the school council may—
 - (a) decide to hold a new election; or
 - (b) decide the election by the drawing of lots.
- (2) If a new election is held under subregulation (1)(a) and is also tied, the school council may—
 - (a) decide the election by the drawing of lots; or
 - (b) decide to conduct further elections until the election of the office bearers is decided.

25 Extended leave of council member

- (1) A member of a school council may apply in writing to the President for extended leave of up to 3 consecutive meetings.
- (2) If a member of a school council is granted extended leave, the membership of that member is excluded in determining the requirement for a quorum of not less than half the members of the school council currently holding office.

26 Removal of office bearer from office

- (1) A school council may, by resolution, remove an office bearer from office (but not from the school council) if—
 - (a) all members of the council are notified of the resolution not less than 7 days before the meeting of the council at which the resolution is to be put; and
 - (b) at least one of the following circumstances applies—
 - (i) the office bearer is taking extended leave;

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- (ii) there are grounds for removal of the office bearer from office in accordance with the Order constituting the school council.
 - (2) If a resolution is made under subregulation (1), a meeting of the school council must be called to elect another member to the vacant office.
 - (3) A meeting under subregulation (2) must be presided over by—
 - (a) the principal, if the office to be filled is the office of President; and
 - (b) the President, in any other case.

27 Extraordinary meetings

- (1) An extraordinary meeting of a school council may be held at any time decided by the council, if all members are given reasonable notice of the time, date, place and object of the meeting.
 - (2) The President of the school council or, in the absence of the President, the principal must call an extraordinary meeting of the school council if either of them receives a written request to do so from 3 members of the school council.
 - (3) The President or the principal must call a meeting under subregulation (2) by sending a notice to all school council members giving the members reasonable notice of the time, date, place and object of the meeting.
 - (4) The business of any extraordinary meeting must be confined to the object for which it is called.
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28 Public reporting meeting

A school council must call a public meeting at least once in every year and at that meeting must—

- (a) report the proceedings of the council for the period since the date of the previous public meeting; and
- (b) present the annual report published by the council in accordance with section 2.3.27 of the Act; and
- (c) if the accounts of the school council have been audited, present a copy of the audited accounts.

Division 2—Sub-committees

29 Sub-committees

- (1) A sub-committee appointed under section 2.3.14 of the Act must—
 - (a) consist of at least 3 members; and
 - (b) meet as directed by the school council; and
 - (c) report, in writing, to the school council at subsequent meetings of the school council.
- (2) The school council must decide the purpose and terms of reference of a sub-committee.

Division 3—Delegations

30 Delegation

- (1) A school council must obtain the written approval of the Minister to delegate a power or duty to a person or body other than the principal.

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- (2) Subregulation (1) does not apply to a power or duty relating to—
- (a) the use of school grounds or buildings by a voluntary organisation, Government department, municipal council, person or body, if the school grounds or buildings are not required for ordinary school purposes or otherwise required by the school council; or
 - (b) a school forest plantation under the sole management, control, care or development of the school council.
- (3) A school council must not delegate any of its functions or powers in relation to the approval of the school budget and annual report.

31 Record and terms of delegation

- (1) The delegation must be recorded in—
- (a) the minutes of the meeting of the school council; and
 - (b) a register of delegations to be kept by the school council.
- (2) The terms and conditions of a delegation made by the school council must be—
- (a) signed by the President of the school council or a council member (other than an employee of the Department) appointed for this purpose; and
 - (b) delivered to the delegate.

32 Revocation or amendment of delegation

- (1) The school council may at any time, in writing, revoke or amend a delegation.
- (2) Regulation 31 applies to the revocation or amendment of a delegation.
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33 Receipt of money by delegate

- (1) If a person or body is authorised under a delegation to do so, the person or body may receive money and issue receipts on behalf of the school council while acting in the exercise of a delegation.
- (2) A person or body that receives money in accordance with a delegation must remit the money to the school council as soon as practicable after it is received.

34 Delegate to report to school council

A person or body to whom a delegation has been made must provide a written report about its activities as delegate for each regular meeting of the school council.

35 Ratification of actions of sub-committee

A school council may ratify any decision made by a sub-committee acting beyond its delegated power if the decision relates to a matter that could have been delegated to the sub-committee under section 2.3.15 of the Act.

Division 4—Accounts and records

36 Accounts

- (1) A school council must ensure that there are kept, in the form determined by the Secretary—
 - (a) proper accounts and records of the transactions and affairs of the school council; and
 - (b) any other records necessary to sufficiently explain the financial operations and financial position of the school council.

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- (2) The school council must maintain records in a form that will—
- (a) ensure that all money payable to the school council is properly collected; and
 - (b) ensure that all money expended in the school council's name is properly expended and properly authorised; and
 - (c) ensure that adequate control is maintained over assets owned by the school council or in the school council's custody; and
 - (d) ensure that all liabilities incurred in the school council's name are properly authorised; and
 - (e) ensure efficiency of operations and avoidance of waste and extravagance.
- (3) The school council must—
- (a) develop and maintain an adequate budgeting system; and
 - (b) maintain an adequate accounting system; and
 - (c) develop and maintain adequate internal financial controls.

37 Revenue and expenditure

- (1) All cheques and negotiable instruments drawn on any account kept under the control of a school council must be authorised by the principal and a member of the school council nominated by the school council for the purpose.
 - (2) All withdrawals or transfers out of any account kept under the control of the school council that are made by any means other than a cheque or negotiable instrument (whether electronic or otherwise) must be authorised in writing by the principal and a member of the school council nominated by the school council for the purpose.
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- (3) The school business manager cannot be nominated under this regulation even if he or she is a member of the school council.

38 Financial statements to be made available

The principal must make available for inspection by any person interested in the work of the school a copy of the financial statements of the school council certified by the principal and the school council president for the most recent year ending on 31 December.

39 Keeping and availability of records

- (1) A school council must keep all records of the school council in the school premises, unless otherwise approved by the school council for the purpose of preparing or auditing books of account or records.
- (2) The school council must—
- (a) make the records available at any time to the Minister or to any person authorised by the Minister for that purpose; and
 - (b) allow the records to be removed from the school premises by the Minister or the authorised person.

Division 5—Employment

40 Employment

- (1) A school council must not employ a person in an ongoing position unless public notice of the vacancy in the position or proposed position has been published at least once in a manner determined by the Secretary.

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- (2) A requirement under subregulation (1) to give public notice is a requirement to advertise or publish the notice generally throughout Government schools and offices of the Department in Victoria.
 - (3) In employing a person for a fixed period or on a casual basis, a school council must comply with the public notice requirements (if any) determined by the Secretary.
 - (4) Any public notice requirements determined under subregulation (3) must be consistent with the requirements applying from time to time to employment in the Government Teaching Service.
 - (5) Subregulations (1) and (3) do not apply—
 - (a) to employment as an on-going employee without a position; or
 - (b) if public notice of a vacancy is not required by any applicable award or agreement under, or continued in force by, a law of the Commonwealth; or
 - (c) to assignments for specific periods; or
 - (d) to administrative transfers; or
 - (e) to transfers pending disciplinary action under the Act; or
 - (f) if, in the opinion of the Secretary, it is not in the public interest or efficient to publish a notice.

Division 6—Common seal

41 Common seal

- (1) The school council must provide for the safe custody of the seal of the school council.
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- (2) The seal may be affixed to a document by authority of the school council and the affixing of the seal must be witnessed by the President and one other office bearer appointed by the council.
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**PART 4—PARENTS' CLUBS AND FUNDRAISING FOR
GOVERNMENT SCHOOLS**

Division 1—Parents' clubs

42 Parents' clubs

A parents' club for a Government school must be formed in accordance with this Division.

43 Request for formation

- (1) On receiving a written request signed by at least 6 parents of students at a Government school, the principal of the school must convene a meeting for the purpose of forming a parents' club.
- (2) The principal must take reasonable steps to circulate a notice informing the school community of the meeting at least 14 days before the meeting.
- (3) Any members of the school community may attend the meeting.

44 Interim Committee

- (1) If the decision of the meeting is to form a parents' club, the persons present must appoint an interim committee to—
 - (a) develop a constitution for the club; and
 - (b) seek the approval of the Minister for the formation of the club under the terms of that constitution; and
 - (c) conduct any meetings that are necessary for the purposes of paragraph (a) or (b).
 - (2) The constitution for a parents' club must be consistent with the relevant model constitution (if any) published by the Secretary.
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45 Funds

- (1) A parents' club of a Government school must ensure that the raising of funds and the expenditure of funds raised—
 - (a) is made with the approval of the school council; and
 - (b) complies with Division 2.
 - (2) A separate account must be maintained for the purpose of—
 - (a) the administrative functions of the parents' club; and
 - (b) the raising of funds by the parents' club for the benefit of the school.
 - (3) Subject to regulation 49(b), the account must be either—
 - (a) a separate bank account maintained by the parents' club; or
 - (b) a separate subprogram maintained for the parents' club within the school's official account.
 - (4) If the parents' club maintains a bank account—
 - (a) the bank account must be in the name of the parents' club; and
 - (b) the parents' club must supply a monthly bank statement (showing debits, credits and outstanding balance) to the school council; and
 - (c) the parents' club must ensure that all financial details are recorded within the school's official account.
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- (5) If a separate subprogram is maintained for the parents' club within the school's official account, the parents' club must ensure that all financial details are recorded within that account.

46 Dissolution

A parents' club of a Government school may not be dissolved unless—

- (a) all reasonable steps have been taken to circulate a notice of dissolution generally throughout the school community; and
- (b) a meeting to discuss the notice of dissolution is held not less than 14 days after the circulation of that notice; and
- (c) at least two-thirds of those present at that meeting agree to the dissolution.

47 Dissolution procedures

- (1) If a decision is made to dissolve a parents' club under regulation 46—
- (a) all remaining funds, after the proper payment of outstanding liabilities, are to be transferred to the school council; and
 - (b) all property and other assets are to be transferred to the control of the school council; and
 - (c) a person present at the meeting must report the dissolution in writing to the school council as soon as practicable.
- (2) The school council must report as soon as practicable the dissolution to the Minister and advise him or her of the completion of actions required by subregulation (1).

Division 2—Fundraising for Government schools

48 Fundraising

- (1) Members of the school community of a Government school may undertake fundraising activities, having as their object the establishment or augmentation of school funds or funds for a particular school purpose, if the agreement of the school council is first obtained.
- (2) The school council must not reject a fundraising activity until it has considered a recommendation by a committee consisting of—
 - (a) the President of the school council or the President's nominee, who must be the chairperson; and
 - (b) one other representative of the school council elected for the purpose by the school council; and
 - (c) 2 representatives of the group or body proposing the fundraising activity; and
 - (d) the principal.

Note

The **Fundraising Appeals Act 1998** may apply to fundraising by members of the school community.

49 Funds to be held in trust

Unless the **Fundraising Appeals Act 1998** otherwise provides, all funds raised for a school by fundraising activities must be held—

- (a) by the school council in trust for the general or particular school purpose for which the funds were raised; or
 - (b) by the parents' club in the name of the sole intended beneficiary of the fundraising.
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50 Application of funds held by parents' club

Funds held by a parents' club must—

- (a) if the funds were raised for a particular school purpose, be used for that particular purpose; or
 - (b) if the funds were raised to establish or augment school funds, be expended in the manner determined by the school council, after discussion with the parents' club, as being the most desirable in the interests of the school.
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PART 5—REGISTRATION OF SCHOOLS

Division 1—Minimum standards for registration

51 Minimum standards for registration

Subject to this Division, for the purposes of Division 1 of Part 4.3 of the Act, the prescribed minimum standards for registration of a school are set out in Schedule 2.

52 Exemption from curriculum framework standard

The Authority may exempt a school from the requirement under clause 6(b) of Schedule 2 to substantially address one or more of the learning areas set out in Schedule 1 to the Act—

- (a) if the school is registered or to be registered for a specific purpose;

Example

A school registered for a specific purpose may include a school that provides an alternative educational program.

- (b) if the school is a specialist school; or
- (c) for any other reason determined by the Authority.

53 Exemption from student enrolment numbers standard

The Authority may approve an enrolment number for a school that is lower than the enrolment number specified under clause 7(1), 7(2) or 7(3) of Schedule 2 for that school if the Authority is satisfied—

- (a) that sufficient students are enrolled at the school to enable the school to provide opportunities for students to receive

instruction commensurate with their year level of enrolment—

- (i) that taken as a whole, substantially addresses the learning areas set out in Schedule 1 to the Act unless one or more of the learning areas is exempt under regulation 52; or
 - (ii) in the case of a school registered or to be registered for a specific purpose, that reflects the type of educational program relating to that registration; or
- (b) that special circumstances apply, in which case the Authority must publish the reason for approving the lower enrolment number on the Authority's Internet site.

54 Exemption from school governance standard

- (1) The Authority may exempt a person from the requirement in clause 15(2)(c) of Schedule 2 if the Authority is of the opinion that it would not be appropriate to exclude that person from being involved in the conduct of the school.
 - (2) For the purposes of subregulation (1), in forming its opinion the Authority must have regard to the following matters—
 - (a) the nature and gravity of the offence and its relevance to conducting a school; and
 - (b) the period of time since the person committed the offence; and
 - (c) the sentence imposed for the offence; and
 - (d) whether or not the conduct that constituted the offence has been decriminalised since the person engaged in it; and
 - (e) the person's behaviour since he or she committed the offence; and
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- (f) any information given by the person in, or in relation to, the application for registration of the school; and
- (g) any other matter that the Authority considers relevant.

Division 2—Application for registration of a school

55 Timing of application

- (1) Subject to subregulation (3), for the purposes of section 4.3.1(4) of the Act, an application for registration of a school must be made to the Authority no later than—
 - (a) 31 March in the year preceding the year in which the school intends to commence operation; or
 - (b) any later date determined by the Authority in respect of that year.
- (2) The Authority must publish a notice in the Government Gazette of any later date that it determines under subregulation (1)(b) at least 4 weeks before 31 March in the year in which the date applies.
- (3) The Authority may accept an application submitted after the date in subregulation (1) if it is satisfied that it is necessary to do so because of the special circumstances of the case.

56 Particulars and information in application

- (1) For the purposes of section 4.3.1(4) of the Act an application for registration of a school must—
 - (a) be in writing; and
 - (b) subject to subregulations (2) and (3), provide all the particulars and information listed in Schedule 3; and

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- (c) subject to subregulation (2), be accompanied by—
- (i) any documentation referred to in Schedule 3; and
 - (ii) evidence that the school is a not-for-profit school; and
- (d) be signed—
- (i) in the case of a Government school, by the Secretary; and
 - (ii) in the case of a non-Government school, by the person, or on behalf of the body, proposing to establish or conduct the school.
- (2) If the particulars, information or documentation set out in item 6, 7, 14, 15 or 17(a) of Schedule 3 are not known or available at the time the application is made, they must be provided by the applicant as soon as they are known or become available, or before the school commences operation, whichever is the earlier.
- (3) In the case of a Government school, if the particulars and information set out in item 16 in Schedule 3 are not known or available at the time the application is made, they must be provided by the applicant as soon as they are known.

57 Authority to be notified of changes to application information

Before a school is registered, an applicant must inform the Authority of any change to the particulars or information (including accompanying documentation) provided in the application for registration within 14 days of the relevant change.

Division 3—Application to amend registration of a school

58 Application to amend registration

The following persons may apply to the Authority for an amendment to the registration of a registered school—

- (a) in the case of a Government school, the Secretary;
- (b) in the case of a non-Government school, the principal or the proprietor of the school.

59 Application of regulation 55

Regulation 55 applies to an application under this Division as if—

- (a) a reference in regulation 55 to an application for the registration of a school were a reference to an application under this Division; and
- (b) a reference in regulation 55 to the commencement of operation of the school were a reference to the commencement of the change to the school that is the subject of an application under this Division.

60 Particulars and information of application

An application under this Division must—

- (a) be in writing; and
- (b) in the case of an application to include an additional campus at the school—
 - (i) contain all the particulars and information listed in Schedule 4; and

- (ii) be accompanied by any documentation referred to in Schedule 4; and
 - (iii) be accompanied by evidence that the school will continue to be conducted as a not-for-profit school; and
- (c) in the case of an application to include an additional year level at the school—
 - (i) contain all the particulars and information listed in Schedule 5; and
 - (ii) be accompanied by evidence that the school will continue to be conducted as a not-for-profit school; and
- (d) in any other case, include any particulars or information, and be accompanied by any documentation, which the Authority reasonably requires for the purpose of assessing the application; and
- (e) be signed—
 - (i) in the case of a Government school, by the Secretary; and
 - (ii) in the case of a non-Government school, by, or on behalf of, the proprietor of the school.

61 Authority to notify its decision

The Authority must notify an applicant of the Authority's decision in respect of an application under this Division as soon as practicable after making the decision.

Division 4—Conditions of registration

62 School must be conducted in accordance with registration

It is a condition of registration of a school that—

- (a) only those year levels of schooling in respect of which the school is registered be offered or conducted at the school; and
- (b) the school only be conducted as the type of school in respect of which it is registered; and
- (c) the school or any part of the school only be conducted at a campus or place (excluding school camps or excursions or places outside of Victoria) in respect of which it is registered.

63 Authority must be notified of change of particulars

It is a condition of registration of a school that the principal of the school must, in writing, notify the Authority within 30 days of any changes to the following particulars and information provided to the Authority in an application under Division 2 or Division 3—

- (a) the name or contact details of the principal or the president or chair (as the case requires) of the governing body of the school;
 - (b) the address of the school or the address of any campus of the school (as the case requires);
 - (c) the religious or other affiliation of the school;
 - (d) the name or contact details of the proprietor (if any) of the school;
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- (e) any other particular or information provided in the application on the request of the Authority.

Division 5—Reports to the Authority

64 Information required in reports to Authority

- (1) For the purpose of section 4.3.5(1) of the Act, the information to be contained in a report to the Authority must—
- (a) show that, and enable the Authority to assess whether, the registered school—
 - (i) continues to comply with each of the prescribed minimum standards for registration set out in Schedule 2; and
 - (ii) complies with any other requirements of the Act or these Regulations; and
 - (b) advise the Authority of any changes in the details contained in the State Register relating to the school; and
 - (c) at the request of the Authority, advise the Authority of—
 - (i) any complaint lodged by any member of the public alleging any breach by the school of an obligation under these Regulations to implement any of the principles in section 1.2.1(a), (c), (e) and (f) of the Act; and
 - (ii) how the principal of the school responded to that complaint; and
 - (d) at the request of the Authority, include a copy of the information made available under clause 18 of Schedule 2.
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- (2) The proprietor or principal of a registered school must provide a report required under section 4.3.5(1) of the Act—
- (a) in writing, unless the Authority and the proprietor or principal otherwise agree; and
 - (b) within the time specified in the request for the report by the Authority, which must be a reasonable time.
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PART 6—HOME SCHOOLING

Division 1—Application for registration for home schooling

65 Application for registration

- (1) A parent of a child may apply to the Authority to register the child for home schooling if the child is or will be of compulsory school age during any part of the year in which he or she is registered.
- (2) An application for registration for home schooling must—
 - (a) be in the form of Schedule 6; and
 - (b) be signed by the parent who will be responsible for the home schooling of the child; and
 - (c) be accompanied by evidence of the child's date of birth.

66 Notice of decision regarding registration for home schooling

- (1) The Authority must notify an applicant for registration of a child for home schooling of the Authority's decision in relation to the application.
- (2) The notice must—
 - (a) be in writing; and
 - (b) if applicable, set out the date of registration of the child for home schooling; and
 - (c) be given within 14 days after the Authority receives the application in accordance with regulation 65.

Note

No fee is payable for the registration of a child for home schooling.

67 State Register

The Authority must ensure that the following details regarding a child registered for home schooling are contained in the State Register—

- (a) the name, address and date of birth of the child; and
- (b) the name and address of the parent responsible for the home schooling of the child; and
- (c) the date of registration of the child.

Note

Section 4.9.1(2) of the Act prohibits the details of students registered for home schooling from being made public.

Division 2—Requirements of registration for home schooling

68 Requirements of instruction in home schooling

It is a requirement of registration of a child for home schooling that the child must receive regular and efficient instruction that—

- (a) taken as a whole, substantially addresses the following learning areas—
 - (i) The Arts;
 - (ii) English;
 - (iii) Health and Physical Education (including Sport);
 - (iv) Languages other than English;
 - (v) Mathematics;
 - (vi) Science;
 - (vii) Studies of Society and Environment;

(viii) Technology; and

Note

These are the learning areas set out in Schedule 1 to the Act.

- (b) is consistent with the principles underlying the Act, being the principles and practice of Australian democracy, including a commitment to—
- (i) elected Government;
 - (ii) the rule of law;
 - (iii) equal rights for all before the law;
 - (iv) freedom of religion;
 - (v) freedom of speech and association;
 - (vi) the values of openness and tolerance.

69 Requirement to notify Authority of changes to details in application

It is a requirement of registration of a child for home schooling that the parent responsible for the home schooling of the child must notify the Authority in writing without delay of any changes to the information provided to the Authority in the application for registration for home schooling under regulation 65.

70 Requirement to notify Authority annually of continuation of home schooling

It is a requirement of registration of a child for home schooling that the parent responsible for the home schooling of the child must notify the Authority in writing before 30 November each year as to whether the child is to be home schooled in the following year.

71 Requirement to notify Authority if child ceases to be home schooled

It is a requirement of registration of a child for home schooling that, if the child ceases to be home schooled, the parent responsible for the home schooling of the child must notify the Authority in writing of this within 14 days after the child ceases to be home schooled.

Division 3—Cancellation of registration for home schooling

72 Cancellation of registration

If the Authority is notified in writing by the parent responsible for the home schooling of a child that the child is no longer being, or to be, home schooled, the Authority must cancel the registration of the child for home schooling—

- (a) if the child has ceased to be home schooled, on the date of receipt of the notice; and
- (b) in any other case, on the date that the notice states that the home schooling of the child is to cease.

73 Notification of cancellation of registration

The Authority must notify the parent responsible for the home schooling of a child in writing of the cancellation of the registration of the child for home schooling.

PART 7—REGISTRATION OF EDUCATION AND TRAINING ORGANISATIONS

Division 1—Minimum standards for senior secondary courses and qualifications

74 Minimum standards for registration to provide an accredited senior secondary course

- (1) For the purposes of section 4.3.11 of the Act, the prescribed minimum standards for registration of a person, body or school that provides, or proposes to provide, an accredited senior secondary course are set out in Schedule 7.
- (2) For the purposes of section 4.3.11 of the Act, the prescribed minimum standards for registration of a registered education and training organisation that provides, or proposes to provide, an accredited senior secondary course in addition to any other course that the organisation is registered on the State Register to provide are set out in Schedule 7.
- (3) Despite subregulations (1) and (2), the Authority may exempt a registered person, body or school that provides, or proposes to provide, an accredited senior secondary course to a student who normally resides outside of Australia from the requirement to implement the principles in clause 2 of Schedule 7.

75 Minimum standards for registration to award, confer or issue a senior secondary qualification

- (1) For the purposes of section 4.3.11 of the Act, the prescribed minimum standards for registration of a person or body that proposes to award, confer or issue a registered senior secondary qualification are set out in Schedule 8.
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- (2) For the purposes of section 4.3.11 of the Act, the prescribed minimum standards for registration of a registered education and training organisation that proposes to award or issue a registered senior secondary qualification in addition to any other registered qualification that the organisation is registered on the State Register to award or issue are set out in Schedule 8.

Note

The minimum standards set out in Schedule 8 do not apply to a registered vocational and education training qualification.

Division 2—Minimum standards for vocational education and training

76 Minimum standards for registration to provide a vocational education and training course

- (1) For the purposes of section 4.3.11 of the Act, the prescribed minimum standards for registration of a person, body or school that provides or proposes to provide an accredited vocational education and training course are set out in Part 1 of Schedule 9.
- (2) For the purposes of section 4.3.11 of the Act, the prescribed minimum standards for registration of a registered education and training organisation that provides or proposes to provide an accredited vocational education and training course in addition to any accredited vocational education and training course that the organisation is registered on the State Register to provide are set out in Part 1 of Schedule 9.

- (3) Despite subregulations (1) and (2), the Authority may exempt a registered person, body or school that provides, or proposes to provide, an accredited vocational education and training course to a student who normally resides outside of Australia from the requirement to implement the principles in clause 2 of Schedule 9.

77 Minimum standards for registration to award, confer or issue a registered vocational education and training qualification

- (1) For the purposes of section 4.3.11 of the Act, the prescribed minimum standards for registration of a person or body to award, confer or issue a registered vocational education and training qualification are set out in Part 2 of Schedule 9.
- (2) For the purposes of section 4.3.11 of the Act, the prescribed minimum standards for registration of a registered education and training organisation that proposes to award or issue a registered vocational education and training qualification in addition to any other registered qualification that the organisation is registered on the State Register to award or issue are set out in Part 2 of Schedule 9.

Division 3—Registration of education and training organisations

78 Notice of decision on application for registration

If the Authority receives an application for registration under section 4.3.10 of the Act, the Authority must notify the applicant of its decision on the application as soon as practicable after the decision is made.

79 Application to amend details of registration

- (1) A person, body or school may apply to the Authority to amend the details of its registration under Division 3 of Part 4.3 of the Act.
- (2) The Authority must notify the person, body or school as soon as practicable of its decision on the application.

80 Notice of decision on application by registered education and training organisation for amendment of registration

If the Authority receives an application by a registered education and training organisation that was registered by it to amend the organisation's registered details under section 4.3.19 of the Act, the Authority must notify the organisation of its decision on the application as soon as practicable after the decision is made.

81 Notice of decision to suspend or cancel registration

The Authority must notify a person, body or school as soon as practicable after making a decision under section 4.3.12 of the Act to suspend or cancel the registration of the person, body or school.

PART 8—ROLE OF AUTHORITY IN INVESTIGATING COMPLAINTS

82 Authority to investigate complaints of breach of principles

Subject to this Part, the Authority must investigate complaints from a member of the public alleging any breach of an obligation under these Regulations to implement any of the principles in section 1.2.1(a), (c), (e) and (f) of the Act by—

- (a) a registered school; or
- (b) a person, body or school registered under Division 3 of Part 4.3 of the Act.

83 Complaints that may be investigated

The Authority is not required to consider a complaint that—

- (a) is not made in writing; or
- (b) is made more than 12 months after the date of the facts giving rise to the complaint.

84 Procedure for investigation

Before proceeding to investigate a complaint the Authority must be satisfied—

- (a) that the complainant has first raised the complaint with—
 - (i) in the case of a complaint against a registered school, the principal of the school; or
 - (ii) in the case of a person, body or school registered under Division 3 of Part 4.3 of the Act, the person or body or the principal or governing body of the registered education and training provider; and
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- (b) that the person or body referred to in paragraph (a) has been given a reasonable time to respond to the complaint; and
 - (c) in the case of a complaint against a registered school, that the complainant has also raised the complaint with the relevant person or body under any formal system for complaints established for the school; and
 - (d) that the person or body referred to in paragraph (c) has been given a reasonable time to respond to the complaint.

Note

The Authority also has powers under Part 4.3 of the Act to review and evaluate the operations of a school to determine whether the school has attained and continues to attain the prescribed minimum standards of registration. The Authority also has powers under Part 4.3 of the Act to conduct compliance audits of RTOs.

85 Authority may refuse to investigate complaint

The Authority may refuse to investigate a complaint under this Division on the grounds that it is trivial, frivolous or without substance.

PART 9—TRANSPORT AND TRAVELLING ALLOWANCES

Division 1—Approved transport services

86 Approval of transport services

The Minister may approve transport services for the conveyance of students to Government schools.

Note

The Minister may develop criteria for the approval of transport services.

87 Designated transport areas

The Minister may designate an area or distance in relation to a Government specialist school for the provision of travel assistance to students attending the school.

88 Transport of Government school students

- (1) The Minister may enter into arrangements under which a student is permitted to travel on an approved transport service free of charge—
 - (a) to the designated neighbourhood Government school, if the student resides 4.8 kilometres or more from that school;
 - (b) to a Government specialist school if the student resides in the designated transport area for that school.
- (2) If circumstances warrant special consideration, the Minister may enter into arrangements under which a student attending a Government school, other than a school referred to in subregulation (1)(a), is permitted to travel to the school by an approved transport service, other than a transport service established for students with disabilities, if—

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- (a) the student resides 4·8 kilometres or more from that Government school; and
 - (b) accommodation is available on the service after—
 - (i) all students attending the designated neighbourhood Government school are accommodated; and
 - (ii) students who have a longer distance to travel to a Government school are accommodated; and
 - (c) no suitable public transport is available.
- (3) If circumstances warrant special consideration, the Minister may enter into arrangements under which a student attending a Government specialist school, other than a school in whose designated transport area the student resides, is permitted to travel to the school by an approved transport service if accommodation is available on the service.

89 Transport of non-Government school students

- (1) The Minister may, on receipt of a written application made on behalf of the student, enter into arrangements under which a student attending a non-Government school is permitted to travel to that school by an approved transport service, other than a transport service established for students with disabilities, free of charge if—
 - (a) the student resides 4·8 kilometres or more from the school attended; and

- (b) the school attended is—
 - (i) the non-Government school nearest to the student's residence that, in accordance with the school's registration, is appropriate for that student; and
 - (ii) registered to the level of schooling required for the student; and
 - (c) accommodation is available on that service after eligible students attending Government schools are accommodated.
- (2) If circumstances warrant special consideration, the Minister may enter into arrangements under which a student attending a non-Government school, other than a school referred to in subregulation (1)(b), is permitted to travel to the school by an approved transport service, other than a transport service established for students with disabilities, if—
- (a) the student resides 4.8 kilometres or more from that non-Government school; and
 - (b) accommodation is available on the service after—
 - (i) eligible students attending Government schools are accommodated; and
 - (ii) all students attending the nearest appropriate non-Government school (in accordance with the school's registration) are accommodated; and
 - (iii) other students who have a longer distance to travel to a non-Government school are accommodated; and
 - (c) no suitable public transport or privately arranged bus service is available to the student.
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90 Short distance transport

The Minister may enter into arrangements under which a student attending a Government or non-Government school and residing less than 4·8 kilometres from the school attended is permitted to travel on an approved transport service, other than a transport service established for students with disabilities, if—

- (a) accommodation is available on the service after all students qualified to travel under regulations 88 and 89 have been accommodated; and
- (b) other students who have a longer distance to travel to a Government school or a non-Government school have been accommodated; and
- (c) no suitable public transport is available to the student; and
- (d) there is no additional cost to the Department.

91 Failure of contractor

If the contractor of an approved transport service that transports students to a Government school fails to operate the approved transport service in accordance with the terms of the contract, the principal of the Government school must, on learning of the failure, immediately report the contractor's failure to the Secretary.

Division 2—Travelling allowances

92 Determination of travelling allowances

- (1) The Minister may determine the amount of any travelling allowance granted to a student under this Division.

- (2) The Minister may develop criteria for determining the amount of allowances under this regulation.

93 Grant of travelling allowance

The Minister may grant a travelling allowance in respect of the student if—

- (a) the student is eligible to travel on an approved transport service and does not have access to such a service; or
- (b) in the Minister's opinion, the student could not reasonably be expected to travel by an approved transport service.

94 Purpose of travelling allowance

A travelling allowance may be granted under regulation 93 for travel by a student—

- (a) to and from the designated neighbourhood Government school, if the student resides 4·8 kilometres or more from that Government school and is attending that school; or
 - (b) to and from the next nearest Government school if the student is eligible for a travelling allowance or an approved transport service for travel to their designated neighbourhood Government school; or
 - (c) to and from the non-Government school nearest to the student's residence that, in accordance with the school's registration, is appropriate for the student if the student resides 4·8 kilometres or more from that non-Government school and is attending that school.
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95 Grant of travelling allowance in special circumstances

The Minister may, if the circumstances warrant special consideration, grant a travelling allowance for travel by a student attending a Government school or a non-Government school if—

- (a) the student is precluded from attending a registered school that, in accordance with the school's registration is appropriate to the student, within 4·8 kilometres of the student's place of residence because of the lack of school accommodation; or
- (b) in the case of a student undertaking subjects in year 11 or 12, the student is precluded from attending a registered secondary school that in accordance with the school's registration is appropriate to the student, within 4·8 kilometres of the student's place of residence because those studies are not offered at the school; or
- (c) the student has a disability; or
- (d) the student transfers from a part of a registered secondary school to a more senior part of that school and—
 - (i) the part of the school from which the student has transferred is the designated neighbourhood Government school or the nearest non-Government school that, in accordance with the school's registration, is appropriate to the student; and
 - (ii) the student resides 4·8 kilometres or more from the school attended.

96 Increased allowance for students with disabilities

The Minister may grant an increased travelling allowance in respect of the travelling of a student with a disability.

**PART 10—EDUCATION MAINTENANCE ALLOWANCES
AND SCHOLARSHIPS**

Division 1—Education maintenance allowance

97 Application by parent for education maintenance allowance

- (1) The parent of a student may apply to the Minister for an education maintenance allowance for the student if—
 - (a) the student is under 16 years of age; and
 - (b) the student attends a Government school or a non-Government school; and
 - (c) the parent, on the first day of the term in which the allowance is granted, is an eligible beneficiary within the meaning of the **State Concessions Act 2004**.
- (2) The Minister may permit a parent of a student to apply for an education maintenance allowance for the student, even though the parent does not comply with subregulation (1)(c), if—
 - (a) subregulations (1)(a) and (1)(b) are complied with; and
 - (b) the Minister is satisfied that there are special circumstances which justify the application.

98 Application by institution for education maintenance allowance

- (1) A non-Government institution may apply to the Minister for an education maintenance allowance for a student if—
 - (a) the student is under 16 years of age; and
 - (b) the student attends a Government school or a non-Government school; and

(c) the non-Government institution maintains, or has custody of, the student.

(2) In this regulation *custody* has the same meaning as it has in section 5 of the **Children, Youth and Families Act 2005**.

99 Procedure for application

- (1) An application for an education maintenance allowance—
 - (a) must be in writing; and
 - (b) must be made in accordance with the procedural requirements determined by the Secretary.
- (2) The Secretary may determine—
 - (a) the form of the application; and
 - (b) the information to be provided; and
 - (c) the number of applications that may be made in a year in respect of a student; and
 - (d) the times in a year that an application may be made in respect of a student.
- (3) The Minister may accept a late application in special circumstances.

100 Grant of education maintenance allowance

- (1) On an application in accordance with this Division, and on the recommendation of the Secretary, the Minister may grant an education maintenance allowance.
 - (2) For the purposes of subregulation (1), the Secretary may recommend that an education maintenance allowance in respect of a student be paid—
 - (a) wholly to the applicant; or
 - (b) wholly to the school the student attends; or
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- (c) in the proportions that are determined by the Secretary, partly to the applicant and partly to the school the student attends.
- (3) If the Secretary recommends that the whole or part of an education maintenance allowance is payable to the school, the whole or the part of the allowance must be used for the direct benefit of the student.

Division 2—Scholarships

101 Scholarships

- (1) A scholarship granted under section 5.7.2 of the Act is subject to the following conditions—
 - (a) the applicant must enter an agreement with the Minister which must include provisions dealing with—
 - (i) the length or term of the scholarship; and
 - (ii) any payments to be made to the applicant; and
 - (iii) the obligations that the applicant is required to undertake either before, during or after the term of the scholarship; and
 - (iv) whether any sureties are required;
 - (b) the scholarship does not take effect unless and until the applicant has been accepted for admission to the course for which the award was made;
 - (c) the holder must attend the course at the institution for which the award was made;
 - (d) the attendance, conduct and progress of the holder must be satisfactory to the Secretary.

- (2) Paragraphs (b) to (d) of subregulation (1) do not apply if the scholarship does not require the holder to attend a course.

102 Value of scholarship

The holder of a scholarship is entitled to be paid an amount that the Minister determines not exceeding \$30 000 per annum.

**PART 11—ELECTIONS FOR COUNCIL OF THE VICTORIAN
INSTITUTE OF TEACHING**

103 Victorian Electoral Commission's functions and powers

- (1) The Victorian Electoral Commission has the following functions and powers—
 - (a) to appoint staff to assist in the conduct of the elections required for membership of the Council for the purposes of Part 2.6 of the Act;
 - (b) to receive nominations from persons eligible to stand as candidates at the elections;
 - (c) to arrange the conduct of voting at the elections;
 - (d) to count all votes at the elections;
 - (e) to declare and publicise the results of the elections;
 - (f) all other functions and powers conferred by these Regulations.
- (2) The Victorian Electoral Commission must conduct the elections in accordance with the optional preferential system of voting set out in this Part.

104 Roll of electors

- (1) As soon as practicable after the close of the roll of electors, the Institute must certify that the roll is complete and correct.
 - (2) The Institute must supply a certified copy of the roll of electors to the Victorian Electoral Commission within 14 days after the close of the roll.
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- (3) The roll of electors must indicate the category of membership of the Council for which each elector is entitled to vote under section 2.6.6(4) of the Act.
- (4) The roll of electors must include the following information—
 - (a) the number of electors on the roll;
 - (b) the surname and other name or names of each elector on the roll;
 - (c) the address of each elector on the roll to which the ballot material is to be sent.
- (5) The roll of electors must be in an electronic format as specified by the Victorian Electoral Commission.

105 Entitlement to vote

Only an elector who is enrolled to vote by the close of roll day for the election is entitled to vote at that election.

106 Election dates

- (1) For the purpose of an election, the Victorian Electoral Commission must fix the following dates in accordance with this regulation—
 - (a) the day by which registered teachers entitled to be enrolled to vote at an election for the purpose of section 2.6.6(4) of the Act must have applied to the Institute for enrolment or changes to the enrolment;
 - (b) the day for the opening of nominations of candidates for the election;
 - (c) the day by which nominations of candidates for the election must be received by the Victorian Electoral Commission;
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- (d) the day on which ballot papers are to be sent or delivered to electors under regulation 116(1);
 - (e) the day by which postal votes in that election must be received by the Victorian Electoral Commission.
- (2) The day by which postal votes are to be received must be—
- (a) a working day; and
 - (b) at least 4 weeks after the close of nominations.
- (3) The nomination day must be a working day that is at least 7 days after the day for the opening of nominations.

107 Notice of election

- (1) The Victorian Electoral Commission must cause a notice of each election to be published in a daily newspaper circulating throughout Victoria.
- (2) The notice must specify the following—
- (a) the vacant position or positions for which the election is to be held;
 - (b) the election dates referred to in regulation 106;
 - (c) the address at which the Victorian Electoral Commission will receive nominations.

108 Nominations

- (1) A teacher who is entitled to vote at an election for a member of the Council under section 2.6.6(4)(a) of the Act may nominate to be a candidate for the election of that member.

- (2) A principal who is entitled to be elected as a member of the Council under section 2.6.6(4)(b) of the Act may nominate to be a candidate for the election of that member.
 - (3) A person who wishes to nominate to be a candidate at the election must, before noon on the nomination day, deliver or cause to be delivered to the Victorian Electoral Commission a nomination paper naming that person as a candidate at the election.
 - (4) A person is not entitled to nominate as a candidate for more than one position as a member of the Council under section 2.6.6(4) of the Act.
 - (5) The nomination paper must in be in the form approved by the Victorian Electoral Commission and—
 - (a) specify the vacancy in the Council membership under section 2.6.6(4) of the Act for which the person seeks election; and
 - (b) contain a declaration by the person nominated as a candidate that he or she is entitled to be a candidate for that Council membership; and
 - (c) be signed by that candidate; and
 - (d) be seconded by one other teacher entitled to vote in the election for that vacancy for Council membership.
 - (6) The nomination paper may be lodged either—
 - (a) in person by the candidate or by another person; or
 - (b) by sending the nomination paper by post; or
 - (c) by sending a copy of the nomination paper by facsimile transmission.
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- (7) The Victorian Electoral Commission must issue a receipt for a nomination paper on the request of the candidate nominated.

109 Candidate's personal statement and photograph

- (1) A candidate may lodge a personal statement with the Victorian Electoral Commission before noon on the nomination day.
- (2) A candidate cannot in his or her personal statement refer to another candidate standing in the election without the written consent of that other candidate.
- (3) Written consent required by subregulation (2) must be lodged with the Victorian Electoral Commission together with the candidate's personal statement.
- (4) A candidate may lodge a recent passport size photograph with the Victorian Electoral Commission before noon on the nomination day for inclusion in the candidate's personal statement.
- (5) A personal statement and a photograph may be lodged—
- (a) in person by the candidate or by another person; or
 - (b) by sending the personal statement and photograph by post; or
 - (c) in the case of a personal statement, by sending a copy of the personal statement by electronic or facsimile transmission; or
 - (d) in the case of a photograph, by sending a copy of the photograph by electronic transmission.

- (6) The Victorian Electoral Commission may specify formatting limitations that will apply to the publication of the candidate statements and may alter the format of submitted statements to comply with those limitations.
 - (7) The Victorian Electoral Commission must not print any words of a candidate's personal statement that exceed the number of words fixed by the Victorian Electoral Commission under section 2.6.63(8) of the Act.
 - (8) The Victorian Electoral Commission may—
 - (a) liaise with any candidate about the content or form of the candidate's personal statement; and
 - (b) amend a candidate's personal statement in accordance with the written authorisation of the candidate or a person duly authorised by the candidate before the day that the candidate's personal statement is printed.
 - (9) The Victorian Electoral Commission must keep a record of all amendments made to a candidate's personal statement.
 - (10) The Victorian Electoral Commission must reject a candidate's personal statement if it contains any reference to any other candidate standing for the election without the written consent of that other candidate.
 - (11) The Victorian Electoral Commission may reject a candidate's personal statement if in the opinion of the Victorian Electoral Commission it contains offensive or obscene material or is likely to mislead or deceive a voter in the casting of the vote of the voter.
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- (12) A candidate who lodges a personal statement must ensure that all statements contained in it are true and include on the statement a declaration to this effect signed by the candidate.

110 No nomination

If the Victorian Electoral Commission does not receive a valid nomination for an election, the Victorian Electoral Commission must, within 7 days after the nomination day, place a notice to this effect in a newspaper circulating generally throughout Victoria.

111 Uncontested elections

If the number of candidates for an election to a vacancy or vacancies in a membership of the Council is equal to or less than the number of vacancies to be filled at that election, the Victorian Electoral Commission must, by notice published in a newspaper circulating generally throughout Victoria, declare that section 2.6.63(3) of the Act applies to the candidate or candidates and forward a copy of the notice to the Institute.

112 Contested elections

- (1) An election for a vacancy in a membership of the Council must be held if the number of persons who have become candidates for the election to that vacancy exceeds the number of members to be elected to that vacancy.
- (2) Immediately after 12 noon on the nomination day, the Victorian Electoral Commission must determine the order of names of candidates on ballot papers to be used in an election by drawing the names of candidates by lot in a manner determined by the Commission either manually or by computer.
- (3) Candidates may be present at the ballot draw.

- (4) If a similarity in the names of 2 or more candidates is likely to cause confusion, the names of those candidates may be arranged with any descriptions that are determined by the Victorian Electoral Commission to distinguish them from one another.
- (5) The Victorian Electoral Commission must cause ballot papers to be printed—
 - (a) with the surnames and other names of all the candidates at the election; and
 - (b) in the order determined by the Victorian Electoral Commission.
- (6) A ballot paper must not contain a candidate's title, qualifications or reference to political parties, allegiances or causes.

113 Withdrawal of a candidate

- (1) A candidate for any election may withdraw his or her consent to his or her nomination by lodging with the Victorian Electoral Commission a notice of withdrawal at any time before noon on the nomination day.
- (2) A person who withdraws their nomination in accordance with subregulation (1) cannot be elected at the election.

114 Death of a candidate

If any candidate dies before the declaration of the result, the Victorian Electoral Commission must distribute the second preferences of the candidate to the next candidate in accordance with this Part.

115 Inclusion of candidate's personal statement and photograph

- (1) The Victorian Electoral Commission must ensure that any personal statement and any photograph lodged by a candidate—
 - (a) is included in the ballot material sent to each voter; and
 - (b) in the case of a statement, is printed substantially in the same type, format and spacing as that used by the candidate if practicable having regard to the format of ballot material developed by the Victorian Electoral Commission for all candidates.
- (2) If a candidate does not lodge either a personal statement or photograph or both a personal statement and photograph, the Victorian Electoral Commission must include in the ballot material sent to each voter advice to that effect.

116 Issue of ballot material

- (1) The Victorian Electoral Commission must, not later than 14 days after the nomination day and not later than 14 days before the election day, send by post, or cause to be delivered, to each voter—
 - (a) the ballot paper or ballot papers for the election;
 - (b) voting instructions;
 - (c) copies of any statements and photographs provided by the candidates;
 - (d) an envelope for the ballot paper or ballot papers;
 - (e) a reply paid return envelope.

- (2) An election is not invalidated by reason merely that a ballot paper, by error or omission, has been forwarded to a person who is not entitled to vote or not forwarded to a person who is entitled to vote.

117 Return of ballot papers

- (1) The voter must—
- (a) insert the ballot paper marked in accordance with regulation 123 in the ballot paper envelope provided and seal the envelope; and
 - (b) sign his or her name on the ballot paper envelope in the place provided and fill in the date in the place provided; and
 - (c) place the ballot paper envelope in the return envelope provided.
- (2) The voter must—
- (a) post or deliver the return envelope containing the ballot paper envelope and ballot paper to the Victorian Electoral Commission at the address on the envelope so as to reach the Victorian Electoral Commission not later than 5.00 p.m. on the election day; or
 - (b) deliver the return envelope to the place notified in writing by the Victorian Electoral Commission to the voter not later than 5.00 p.m. on the election day.
- (3) Postal votes in an election must be received by the Victorian Electoral Commission on or before 5.00 p.m. on the election day in order to be counted in the election.
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118 Change to election day

- (1) The Victorian Electoral Commission may alter the last day on which postal votes must be received and fix a later election day if satisfied that—
 - (a) there has been an unforeseen delay in the printing of election materials or in the processing of candidates' personal statements; or
 - (b) there has been any disruption to the postal service that would in the opinion of the Victorian Electoral Commission necessitate altering the election day; or
 - (c) there are other special circumstances that justify the alteration to the election day.
- (2) If the Victorian Electoral Commission alters the election day, it must—
 - (a) immediately give public notice in a newspaper of the new election day; and
 - (b) if postal ballot envelopes have not yet been issued, indicate in the notice the week in which they are likely to be issued.

119 Issue of new ballot papers

If a voter gives to the Victorian Electoral Commission a declaration to the effect that the voter has not received a ballot paper or that the ballot paper received has been lost, spoilt or destroyed and that the voter has not already voted, the Victorian Electoral Commission may issue a new ballot paper to that voter if it is able to do so before 5.00 p.m. on the election day.

120 Victorian Electoral Commission to deal with ballot paper envelopes on receipt

- (1) The Victorian Electoral Commission may on the receipt of a ballot paper return envelope at any time before 5.00 p.m. on election day—
 - (a) remove the ballot paper envelope from the return envelope; and
 - (b) separate the signed ballot paper envelopes from the unsigned ballot paper envelopes and record receipt of each ballot paper envelope on the roll of electors; and
 - (c) accept any ballot paper envelope that is undated; and
 - (d) reject the unsigned ballot paper envelopes; and
 - (e) place each signed ballot paper envelope in a sealed postal ballot receptacle.
- (2) The Victorian Electoral Commission must, after 5.00 p.m. on election day, deal in accordance with subregulation (1) with all ballot papers received on or before that time that have not already been dealt with under subregulation (1).
- (3) The Victorian Electoral Commission must reject any ballot paper envelope not received in accordance with regulation 117(2).

121 Place where the votes are to be counted

The Victorian Electoral Commission must designate the place or places where the votes are to be counted and must advise each of the candidates of the place, date and time where the count is to be made.

122 Scrutineers

- (1) A candidate may appoint scrutineers to scrutinise the electoral activities outlined in subregulation (5).
 - (2) A notice of appointment of a scrutineer must be—
 - (a) in a form approved by the Victorian Electoral Commission; and
 - (b) produced for inspection on request by the Victorian Electoral Commission or an election official.
 - (3) Only one scrutineer for each candidate may be present at any time.
 - (4) A scrutineer must not—
 - (a) interfere with or attempt to influence any election official during the scrutiny or the count; or
 - (b) communicate with any person in the place where the scrutiny or count is being conducted except so far as is necessary in the discharge of the functions of the scrutineer.
 - (5) A scrutineer may scrutinise the following electoral activities only—
 - (a) the receipt and processing of the ballot paper envelopes; and
 - (b) the opening and emptying of a postal ballot receptacle; and
 - (c) the counting and recounting of ballot papers.
 - (6) The Victorian Electoral Commission may have a scrutineer removed if—
 - (a) more than one scrutineer for a candidate is present at a counting table at any one time; or
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- (b) the scrutineer fails to obey a lawful direction from the Victorian Electoral Commission or an election official.
- (7) A person cannot be appointed as a scrutineer if he or she is—
- (a) an employee or officer of the Institute; or
 - (b) a candidate at the election; or
 - (c) a candidate in any election for the Council conducted simultaneously with that election.

123 Validity of ballot paper

- (1) A voter must mark his or her ballot paper by placing the figure 1 in the square opposite the name of the candidate for whom he or she wishes to vote, and may indicate further preferences by placing the figures 2, 3, 4 (and so on as the case requires) in the squares opposite the names of the candidates so as to indicate his or her preference for them.
- (2) In order to be valid, a ballot paper must have the figure 1 in the square opposite the name of one of the candidates.
- (3) The Victorian Electoral Commission must reject any ballot paper that does not comply with subregulation (2).

124 Production, opening and deposit of ballot papers

As soon as practicable after 5.00 p.m. on election day, the Victorian Electoral Commission must—

- (a) produce unopened all signed ballot paper envelopes containing ballot papers received up to that time; and
 - (b) open each signed envelope, withdraw the ballot paper or ballot papers and deposit the ballot papers in the postal ballot receptacle; and
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- (c) when all ballot papers have been deposited in the postal ballot receptacle, withdraw the ballot papers and count the votes in accordance with regulations 126 and 127.

125 Use of electronic counting equipment

- (1) Electronic counting equipment approved by the Victorian Electoral Commission may be used to assist in the counting of votes at an election.
- (2) The Victorian Electoral Commission may issue directions modifying the procedure specified for the counting of votes in this Part to facilitate the use of electronic counting equipment.

126 Counting votes if only one member is to be elected

- (1) If one member is to be elected under section 2.6.6(4)(a)(ii), (iv), (v) or (vi) or 2.6.6(4)(b)(i) or (ii) of the Act, the Victorian Electoral Commission must, with the assistance of any election officials and in the presence and subject to the inspection of any one scrutineer appointed by each candidate but of no other person, deal with the ballot papers and count the votes in accordance with this regulation.
- (2) The Victorian Electoral Commission must—
 - (a) remove the ballot papers from the ballot paper receptacle; and
 - (b) reject any ballot papers required to be rejected under regulation 123(3); and
 - (c) establish the number of first preference votes for each of the candidates.
- (3) The candidate who has received the greatest number of first preference votes, if that number constitutes an absolute majority of the votes, is to be declared elected by the Victorian Electoral Commission.

- (4) If no candidate has an absolute majority of the votes, the Victorian Electoral Commission must—
- (a) arrange the ballot papers by placing in a separate parcel all those on which a first preference is indicated for the same candidate; and
 - (b) declare the candidate who has obtained the fewest first preference votes to be the excluded candidate; and
 - (c) omit the ballot papers that are exhausted because the next preference is not sequential; and
 - (d) distribute the ballot papers counted to the excluded candidate amongst the continuing candidates next in order of the voter's preference; and
 - (e) omit the ballot papers that are exhausted after the first preference under paragraph (c) and recalculate the absolute majority of the votes.
- (5) After the distribution, the number of votes given to each excluded candidate must again be ascertained.
- (6) If no candidate then has an absolute majority of votes, the process of declaring the candidate who has the fewest votes to be excluded, excluding the exhausted ballot papers from the count, recalculating the new absolute majority of the votes and distributing the ballot papers amongst the continuing candidates next in order of the voter's preference, is repeated and the votes recounted after every redistribution, until one candidate has obtained an absolute majority of the votes.
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- (7) The candidate who obtains an absolute majority of the votes must be declared elected by the Victorian Electoral Commission.
- (8) If on any count, 2 or more candidates have an equal number of votes and one of them has to be declared excluded, the Victorian Electoral Commission must decide by lot which is to be declared excluded.
- (9) If on the final count 2 candidates have received an equal number of votes the candidate that is to be declared elected is to be determined by lot by the Victorian Electoral Commission.

127 Counting votes if 2 members are to be elected

- (1) If 2 members are to be elected under section 2.6.6(4)(a)(i) or (iii) of the Act, the Victorian Electoral Commission must deal with the ballot papers and count the votes in accordance with this regulation.
- (2) The first vacancy is to be filled in the manner specified in regulation 126 for determining the result where one member is to be elected.
- (3) The second vacancy is to be filled in the manner specified in subregulations (4), (5), (6), (7) and (8).
- (4) The Victorian Electoral Commission with the assistance of any election officials and in the presence and subject to the inspection of any one scrutineer appointed by each candidate but of no other person must—
 - (a) re-arrange all the ballot papers (other than the ballot papers that are required to be rejected under regulation 123(3)) under the names of the respective continuing candidates for whom a first preference is indicated; and

- (b) calculate the absolute majority of the votes;
and
 - (c) place the ballot papers on which a first preference is indicated for the elected candidate in the parcel of the continuing candidate next in order of the voter's preference; and
 - (d) determine the total number of votes given to each continuing candidate; and
 - (e) re-calculate the absolute majority of the votes excluding ballot papers exhausted during this distribution.
- (5) If no candidate has an absolute majority of the votes the Victorian Electoral Commission must—
- (a) declare the candidate who has received the fewest votes an excluded candidate; and
 - (b) distribute the ballot papers counted to the excluded candidate amongst the continuing candidates next in order of the voter's preference; and
 - (c) determine the total number of votes given to each continuing candidate; and
 - (d) re-calculate the absolute majority of the votes; and
 - (e) declare the candidate who then has received the greatest number of votes, if that number constitutes an absolute majority of the votes, to be duly elected.
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- (6) If no candidate then has an absolute majority of the votes the process of declaring the candidate who has the fewest votes an excluded candidate, distributing the ballot papers amongst the continuing candidates next in order of the voter's preference, omitting the exhausted ballot papers from the count and re-calculating the absolute majority of the votes is to be repeated until one candidate has received an absolute majority of the votes and is declared elected by the Victorian Electoral Commission in respect of the second vacancy.
- (7) If on any count 2 or more candidates have an equal number of votes and one of them has to be declared an excluded candidate the Victorian Electoral Commission must determine by lot which is to be declared the excluded candidate.
- (8) If on the final count 2 candidates have received an equal number of votes the candidate to be declared elected to fill the second vacancy is to be determined by lot by the Victorian Electoral Commission.

128 Adjournment of scrutiny and the count of votes

- (1) The count of votes may from time to time be adjourned as the Victorian Electoral Commission considers necessary until it has been duly completed.
- (2) The Victorian Electoral Commission must announce each adjournment to the scrutineers and the election officials assisting the Victorian Electoral Commission.

129 Notification of results

As soon as practicable after the conclusion of the count, the Victorian Electoral Commission must notify all candidates of the result of the election.

130 Recounts

- (1) At any time before 7 days after all candidates have been notified of the result of the election, the Victorian Electoral Commission may, on the written request of any candidate stating the reasons for the request or on the Victorian Electoral Commission's own motion, arrange the conduct of a recount of the votes for the election.
- (2) If the votes at an election are to be recounted, the Victorian Electoral Commission must notify all candidates at the election of—
 - (a) the recount; and
 - (b) the results of the recount at that election.

131 Publication of results

The Victorian Electoral Commission must—

- (a) by notice published in a newspaper circulating throughout Victoria, declare the result of the election; and
- (b) forward a copy of the notice to the Institute.

132 Custody and disposal of ballot papers

- (1) The Victorian Electoral Commission must ensure the safe custody of all ballot papers and envelopes used at an election for 60 days after the publication of the result of the election.
 - (2) The Victorian Electoral Commission may, if authorised to do so under the **Public Records Act 1973**, destroy all ballot papers and envelopes used at an election 60 days after the publication of the result of the election.
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PART 12—GOVERNMENT TEACHING SERVICE APPEALS

133 Prescribed form for notices of appeal

For the purposes of sections 2.4.57(3)(b) and 2.4.68(3)(b) of the Act, the prescribed form of a notice of appeal is set out in Schedule 10.

PART 13—TRANSITIONAL PROVISIONS

134 Existing schools may continue to have lower enrolment numbers

- (1) The prescribed minimum standard of registration in clause 7(1) of Schedule 2 does not apply to a school referred to in clause 1.5.1 of Schedule 8 to the Act that immediately before the commencement day had a lower enrolment number than the enrolment number specified in clause 7(1) of Schedule 2 for as long as the enrolment number at the school is not less than the lower enrolment number.
- (2) The prescribed minimum standard of registration in clause 7(1) of Schedule 2 does not apply to a school referred to in clause 1.5.3 of Schedule 8 to the Act if the Minister had approved the opening of the school with a lower enrolment number under section 42 of the **Education Act 1958** (as in force before its repeal) and the enrolment number at the school is not less than the approved lower enrolment number.
- (3) The prescribed minimum standard of registration in clause 7(2) of Schedule 2 does not apply to a school referred to in clause 1.5.1 of Schedule 8 to the Act that in the calendar year immediately before the commencement day had a lower average enrolment number for any year level than the average enrolment number specified in clause 7(2) of Schedule 2 for as long as the average enrolment number for each year level at the school is not less than that lower average enrolment number.

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- (4) The prescribed minimum standard of registration in clause 7(2) of Schedule 2 does not apply to a school referred to in clause 1.5.3 of Schedule 8 to the Act if at the opening of the school it had a lower average enrolment number for any year level and the average enrolment number for each year level at the school is not less than the lower average enrolment number at the opening of the school.

135 Existing schools may continue to be conducted on a for profit basis

The prescribed minimum standard of registration in clause 17 of Schedule 2 does not apply to any school referred to in clause 1.5 of Schedule 8 to the Act that immediately before the commencement day was conducted on a for profit basis unless on or after the commencement day the registration of the school is amended by the Authority to include an additional campus or year level.

136 Registration of children currently being home schooled

- (1) Regulation 65 does not apply to a parent whose child was registered for home schooling with the Department immediately before the commencement day.
- (2) The Authority must notify a parent referred to in subregulation (1) of the Authority's decision in relation to the registration of their child for home schooling.
- (3) The notice must—
- (a) be in writing; and
 - (b) if applicable, set out the date of registration of the child for home schooling.
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137 Minimum standards not to apply to certain courses

- (1) This regulation applies to a school that is deemed under clause 1.5 of Schedule 8 to the Act to be registered as a school under the Act.
 - (2) The prescribed minimum standards set out in Schedule 7 do not apply to a school to which this regulation applies—
 - (a) in relation to VCE or VCAL, if immediately before the commencement day, the school had been accepted by the Victorian Curriculum and Assessment Authority to offer the VCE or VCAL; or
 - (b) in relation to the International Baccalaureate Diploma, if immediately before the commencement day, the school had been approved by the International Baccalaureate Organisation to offer the International Baccalaureate Diploma.
 - (3) Subregulation (2) applies until the first of the following events occurs—
 - (a) the expiration of 5 years after the commencement day;
 - (b) the Victorian Curriculum and Assessment Authority withdraws its acceptance;
 - (c) the International Baccalaureate Organisation withdraws its approval;
 - (d) the course or qualification is removed from the State Register;
 - (e) the Authority suspends or cancels the school's registration.
-

SCHEDULES

Regulation 4

SCHEDULE 1

REVOCATIONS

<i>S.R. No.</i>	<i>Title</i>
111/2000	Education Regulations 2000
74/2002	Victorian Institute of Teaching (Elections) Regulations 2002
97/2005	Teaching Service (Appeals) Regulations 2005
110/2005	Victorian Institute of Teaching (Elections) (Amendment) Regulations 2005

SCHEDULE 2

Regulations 51–54, 64, 134, 135

MINIMUM STANDARDS FOR REGISTRATION OF SCHOOLS

1 Programs and teaching to promote principles underlying the Act

- (1) The programs of, and teaching in, a school must support and promote the principles and practice of Australian democracy, including a commitment to—
 - (a) elected Government;
 - (b) the rule of law;
 - (c) equal rights for all before the law;
 - (d) freedom of religion;
 - (e) freedom of speech and association;
 - (f) the values of openness and tolerance.
- (2) Nothing in this clause is intended to affect the rights accorded to, or the compliance with any obligation imposed on, a school under an enactment of the State or of the Commonwealth.

2 Student learning outcomes

The school must have processes in place that enable it to plan for, and achieve improvement in, student learning outcomes.

3 Monitoring and reporting on students' performance

- (1) A school must ensure that—
 - (a) there is ongoing assessment, monitoring and recording of each student's performance at the school; and

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- (b) each parent of a student enrolled at the school and the student has access to accurate information about the student's performance at the school.
 - (2) The access to information must include at least two written reports, relating to the student's performance, from the school to the parent in each year of enrolment of the student.

4 Teachers' requirements

- (1) All teachers employed to teach at a school must—
 - (a) be registered under Part 2.6 of the Act or be granted permission to teach under that Part; and
 - (b) comply with any condition, limitation or restriction of that registration or permission to teach.
- (2) In this clause *registration* includes provisional registration and interim registration within the meaning of Part 2.6 of the Act but does not include registration as a non-practising teacher under Part 2.6 of the Act.

5 Compliance with Working with Children Act 2005

The requirements of the **Working with Children Act 2005** must be complied with in respect of the employment of all staff at a school.

6 Curriculum framework for school

A curriculum framework for a school must be in place—

- (a) for the organisation and implementation of the school's curriculum and teaching practices; and
 - (b) to ensure that, taken as a whole, the learning areas set out in Schedule 1 to the Act are substantially addressed; and
-

- (c) to provide for the review of the curriculum and teaching practices.

Note

The Authority may exempt a school under regulation 52 from substantially addressing one or more of the learning areas.

7 Student enrolment numbers

- (1) A school must have a minimum of 20 students enrolled in the school.

Note

Regulation 134 provides a transitional provision in relation to existing schools.

- (2) A secondary school must have an average enrolment of 10 or more students for each year level for which the school is registered.

Note

Regulation 134 provides a transitional provision in relation to existing schools.

- (3) Subclause (1) does not apply to a school with an enrolment of 11 or more students if the school is—
- (a) a primary school that is not located within—
 - (i) the Melbourne Statistical Division; or
 - (ii) an Urban Centre in Victoria with a population of 20 000 or more; or
 - (b) a specialist school.
- (4) In this clause—

Melbourne Statistical Division means the area comprising the Statistical Division of Melbourne described in Statistical Geography: Volume 1—Australian Standard Geographical Classification (ASGC), 2006 published by the Australian Bureau of Statistics;

Urban Centre means an area of Victoria referred to as an Urban Centre in Statistical Geography: Volume 3—Australian Standard Geographical Classification (ASGC), Urban Centres/Localities, 2006 published by the Australian Bureau of Statistics.

Notes

- 1 The Authority may approve under regulation 53 an enrolment number for a school that is lower than the enrolment numbers specified in this clause.
- 2 The areas that make up the Melbourne Statistical Division and the relevant Urban Centres are set out on the Authority's Internet site.

8 Enrolment policy

- (1) A school must have a clearly defined enrolment policy that complies with all applicable State or Commonwealth laws.
- (2) Despite clause 1(1), a school established by a particular religious denomination or by a group of religious denominations may have an enrolment policy that gives preference to adherents of that religious denomination or denominations or their children.

9 Register of enrolments

A register of enrolments must be maintained for a school and that register must contain the following information in relation to each student enrolled at the school—

- (a) the student's name, age and address;
- (b) the name and contact details of any parent or guardian of the student;
- (c) the date of enrolment of the student;
- (d) the date that the student ceases to be enrolled at the school (if applicable).

10 Monitoring of attendance

Provision must be made at a school to—

- (a) monitor the daily attendance of each student enrolled at the school; and
- (b) identify any absences of a student from school including classes; and
- (c) follow up any unexplained absences of a student from the school or classes; and
- (d) notify any parent or guardian regarding a student's unsatisfactory school or class attendance; and
- (e) record information regarding a student's unsatisfactory attendance at school or classes on his or her student file.

11 Attendance register

A school must maintain a student attendance register in which—

- (a) the attendance at the school of any child of compulsory school age is noted at least twice per day; and
- (b) any reason given or apparent for the absence of the child from the school is noted.

12 Care, safety and welfare of students

A school must ensure that—

- (a) the care, safety and welfare of all students attending the school is in accordance with any applicable State or Commonwealth laws; and
 - (b) all staff employed at the school are advised of their obligations under those laws.
-

13 Buildings, facilities and grounds

- (1) A school's buildings, facilities and grounds must comply with any laws that apply to the school including local laws and building, planning and occupational health and safety laws.
- (2) In this regulation, *local laws* has the same meaning as it has under Part 5 of the **Local Government Act 1989**.

14 Educational facilities

The educational facilities of a school must be suitable for the educational programs offered by the school and the age levels of the students attending the school.

15 School governance

- (1) The governance of a school must be structured to enable—
 - (a) the effective development of the strategic direction of the school; and
 - (b) the effective management of the finances of the school; and
 - (c) the school to fulfil its legal obligations.
- (2) The proprietor, any member of the governing body, and any principal, of a non-Government school—
 - (a) must be of good character; and
 - (b) must be able to carry out their responsibilities in relation to the operation of the school; and
 - (c) must not have been found guilty of an offence which is, or which would if committed in Victoria be, an indictable offence; or

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- (d) must not be bankrupt or have taken the benefit of any law for the relief of bankrupt debtors, or compounded with his or her creditors or made an assignment of his or her property for their benefit; or
- (e) in the case of a body corporate, must not be an *externally-administered body corporate* as defined in the Corporations Act; and
- (f) must not be a represented person within the meaning of the **Guardianship and Administration Act 1986**; and
- (g) if required under the **Working with Children Act 2005** to obtain an assessment notice under that Act to carry out any responsibilities in relation to the school, must not be in breach of any requirements of that Act.

Notes

- 1 In the case of Government schools, the Minister may make provision for the membership of school councils in an Order made under section 2.3.2 of the Act and the eligibility of principals is dealt with under Part 2.4 of the Act including by way of a Ministerial Order.
- 2 The Authority may exempt a person under regulation 54 from the requirement in subclause (2)(c).

16 School's philosophy

A school must have a clear statement of its philosophy.

17 School must be not-for-profit

A school must be a not-for-profit school.

Note

Regulation 135 provides a transitional provision in relation to existing schools.

18 Information on school's performance to be available

- (1) Information concerning the school's performance must be made available to the community of the school at least once a year.
- (2) The information must include—
 - (a) a description and analysis of student learning outcomes achieved by the school's students in Statewide tests and examinations in which the school participates for—
 - (i) the current year; and
 - (ii) if the school has been established for more than 2 years, the previous 2 years; and
 - (b) a description and analysis of the rates of student attendance for the year; and
 - (c) a report of the school's financial activities; and
 - (d) copies of any other reports that the school is required to prepare for the school community under any funding agreements with the State or the Commonwealth.

19 Schools must comply with Act and regulations

A school must comply with the requirements of the Act and these Regulations.

20 Schools must comply with conditions of registration

A school must comply with any condition imposed on its registration by or under the Act or these Regulations.

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21 Schools must have policies and procedures in place

A school must have policies and procedures in place to enable it to comply with the prescribed minimum standards for registration that are applicable to the school.

SCHEDULE 3

Regulation 56

**INFORMATION REQUIRED FOR APPLICATION FOR THE
REGISTRATION OF A SCHOOL**

The following particulars, information and documents are to be provided—

- 1 The name of the school.
- 2 The address of the school including any campuses.
- 3 The date of the proposed commencement of operation of the school.
- 4 The year levels of education that the school will provide.
- 5 The curriculum to be offered by the school (*see note 1*).
- 6 The age range and number of students to be enrolled in the school at the year levels for which the school is seeking registration (*see note 2*).
- 7 The names and total number of the teaching staff and the academic qualifications, registration number and registration status of each member of the teaching staff (*see note 2*).
- 8 The physical (buildings, facilities and grounds) and educational facilities to be provided by the school.
- 9 Any religious or other affiliation of the school.
- 10 Which one or more of the following types of school the school is seeking to be registered as—
 - (a) a primary school;
 - (b) a secondary school;

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- (c) a co-educational school;
 - (d) a single sex school;
 - (e) a specific purpose school;
 - (f) a specialist school.
- 11 In the case of 2 or more registered schools proposing to amalgamate, the names and addresses of those schools.
- 12 In the case of a non-Government school—
- (a) the full name, postal address, telephone number, facsimile number and email address of the proprietor (whether a natural person or a body); and
 - (b) if the proprietor is an incorporated body, the ACN number (*see note 3*).
- 13 Details of the following matters—
- (a) the school policies relating to compliance with the prescribed minimum standards for registration and the school's philosophy;
 - (b) the business plan that relates to the school;
 - (c) the school's governance structure;
 - (d) the contact person for the application and his or her contact details.
- 14 The full name, postal address, telephone number, facsimile number and email address of the principal of the school (*see note 4*).
- 15 In the case of a non-Government school, the full name, postal address, telephone number, facsimile number and email address of the chair of the governing body of the school (*see note 4*).
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- 16 In the case of a Government school, the full name, postal address, telephone number, facsimile number and email address of the president of the school council (*see note 5*).
- 17 Documents accompanying the application that—
- (a) show that the school buildings, facilities and grounds comply with relevant statutory requirements (*see note 6*); and
 - (b) enable the Authority to assess whether the school meets or intends to meet the prescribed minimum standards for registration under Schedule 2 that apply to the school; and
 - (c) show the school's policies relating to student behaviour including policies in relation to student engagement and the suspension or expulsion of students (*see note 7*); and
 - (d) show that it is a not-for-profit school.

Notes

- 1 If the school intends to offer any accredited senior secondary course such as the VCE or VCAL, or any other course accredited by the Authority under Chapter 4 of the Act, or award any registered qualification, it will need to seek separate registration under section 4.3.10 of the Act for that course or qualification.
- 2 Under regulation 56(2), if the details required at items 6 and 7 are not available at the time of the application, the details must be provided by the applicant when they are known or before the school commences operation at the latest.
- 3 In the case of a Government school, the State of Victoria will be registered as the proprietor unless otherwise stated.

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- 4 Under regulation 56(2), if the details required at items 14 and 15 are not available at the time of the application, the details must be provided by the applicant once they are known and, in the case of the proprietor and principal, prior to the commencement of operation of the school.
 - 5 Under regulation 56(3), if the details required at item 16 are not available at the time of the application they must be provided as soon as they are known.
 - 6 Under regulation 56(2), if the documentation required under item 17(a) is not available at the time of the application it must be provided when available or at the latest before the school commences operation.
 - 7 In accordance with section 4.3.1(6)(a) of the Act, these policies must be based upon principles of procedural fairness and do not permit the use of corporal punishment.
 - 8 Under section 4.9.3 of the Act, it is an offence to wilfully make, or cause to be made, or provide, any false or misleading information in any matter relating to registration on the State Register under Chapter 4 of the Act. The maximum penalty is 10 penalty units.
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SCHEDULE 4

Regulation 60(b)

INFORMATION REQUIRED FOR APPLICATION TO AMEND REGISTRATION TO INCLUDE ADDITIONAL CAMPUS

The following particulars, information and documents are to be provided—

- 1 The name and address of the campus in respect of which the application is being made.
- 2 The name and address of the registered school of which the new campus will be part of.
- 3 The date of the proposed opening of the campus.
- 4 The year levels of education to be provided by the campus and the curriculum to be offered by the campus (*see note 1*).
- 5 The age range and number of students to be enrolled in the campus at each year level.
- 6 The names and total number of the teaching staff to be employed at the campus and the academic qualifications, registration number and registration status of each member of the teaching staff.
- 7 The physical (buildings, facilities and grounds) and educational facilities to be provided by the campus.
- 8 If the addition of the campus will involve any change to the school's current type of registration, which one or more of the following types of school the school is to be registered as—
 - (a) a primary school;
 - (b) a secondary school;
 - (c) a co-educational school;

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- (d) a single sex school;
 - (e) a specific purpose school;
 - (f) a specialist school.
- 9 The full name, postal address, telephone number, facsimile number and email address of the campus principal (if any).
- 10 The full name, postal address, telephone number, facsimile number and email address of—
- (a) the chair of any governing body of the campus that reports to the governing body of the school; or
 - (b) the chair of any sub-committee of the governing body that governs the campus.
- 11 Documents accompanying the application that—
- (a) evidence that the buildings, educational facilities and grounds of the campus comply with all relevant statutory requirements; and
 - (b) show the policies of the campus relating to student behaviour including policies in relation to student engagement and the suspension or expulsion of students (*see note 2*); and
 - (c) show that it is to continue as a not-for-profit school.
- 12 Details of the following matters if these vary from the registration details of the school—
- (a) the policies relating to compliance with the prescribed minimum standards for registration and the philosophy of the campus;
 - (b) the business plan for the campus;
 - (c) the governance structure for the campus;
-

(d) the contact person for the application and his or her contact details.

Notes

- 1 If the school intends to offer any accredited senior secondary course such as the VCE or VCAL, or any other course accredited by the Authority under Chapter 4 of the Act, or award any registered qualification, it will need to seek separate registration under section 4.3.10 of the Act for that course or qualification.
 - 2 In accordance with section 4.3.1(6)(a) of the Act these must be based upon principles of procedural fairness and do not permit the use of corporal punishment.
 - 3 Under section 4.9.3 of the Act, it is an offence to wilfully make, or cause to be made, or provide, any false or misleading information in any matter relating to registration on the State Register under Chapter 4 of the Act. The penalty is 10 penalty units.
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SCHEDULE 5

Regulation 60(c)

**INFORMATION REQUIRED FOR APPLICATION TO
AMEND REGISTRATION TO INCLUDE ADDITIONAL YEAR
LEVEL**

The following particulars and information are to be provided—

- 1 The name and address of the registered school.
- 2 The contact person for the application.
- 3 The year level of education to be added and the organisation of the year level.
- 4 The date of commencement of the year level.
- 5 The number of students to be enrolled at the year level.
- 6 The names and total number of the teaching staff to be employed for the year level and the academic qualifications, registration number and registration status of each member of the teaching staff.
- 7 The physical (buildings, facilities and grounds) and educational facilities available for the year level.
- 8 The curriculum to be offered for the new year level (*see note 1*).

Notes

- 1 If the school intends to offer any accredited senior secondary course such as the VCE or VCAL, or any other course accredited by the Authority under Chapter 4 of the Act, or award any registered qualification, it will need to seek separate registration under section 4.3.10 of the Act for that course or qualification.

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- 2 Under section 4.9.3 of the Act, it is an offence to wilfully make, or cause to be made, or provide, any false or misleading information in any matter relating to registration on the State Register under Chapter 4 of the Act. The maximum penalty is 10 penalty units.
-

SCHEDULE 6

Regulation 65

Education and Training Reform Act 2006

Education and Training Reform Regulations 2007

**APPLICATION FOR REGISTRATION OF CHILD FOR HOME
SCHOOLING**

*I/We [*insert full names of each parent responsible for home schooling of child*]

of [*insert address*]

apply to register [*insert name and date of birth of any child to be home schooled*]

for home schooling.

No order of a court or tribunal or enforceable agreement [*see note 1*] prevents or restricts *me/either of us from access to [*insert name of any child to be home schooled*] that would prevent *me/either of us from providing the home schooling.

**An order of a court or tribunal or an enforceable agreement exists that affects the home schooling of the child to be home schooled. [*Attach details of that order or enforceable agreement*]

*I/We undertake that [*insert name of any child to be home schooled*]

will receive regular and efficient instruction that—

- (a) taken as a whole, will substantially address the following learning areas—
 - (i) The Arts;
 - (ii) English;
 - (iii) Health and Physical Education (including Sport);
 - (iv) Languages other than English;
 - (v) Mathematics;
 - (vi) Science;

-
- (vii) Studies of Society and Environment;
- (viii) Technology; and
- (b) will be consistent with the principles underlying the Act, being the principles and practice of Australian democracy, including a commitment to—
- (i) elected Government;
 - (ii) the rule of law;
 - (iii) equal rights for all before the law;
 - (iv) freedom of religion;
 - (v) freedom of speech and association;
 - (vi) the values of openness and tolerance.

Signed:

Date:

* *Delete whichever is inapplicable*

** *Delete if inapplicable*

Notes

- 1 An enforceable agreement may include a child agreement or parenting plan under the Family Law Act 1975 of the Commonwealth.
 - 2 Under regulation 65(2)(c), an application for registration of a child for home schooling must be accompanied by evidence of the date of birth of the child.
 - 3 Under section 4.9.3 of the **Education and Training Reform Act 2006**, it is an offence to wilfully make, or cause to be made, or provide, any false or misleading information in any matter relating to registration on the State Register under Chapter 4 of that Act. The maximum penalty is 10 penalty units.
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SCHEDULE 7

Regulations 74, 137

**MINIMUM STANDARDS FOR REGISTRATION TO
PROVIDE AN ACCREDITED SENIOR SECONDARY
COURSE**

1 Definition

In this Schedule—

senior secondary education provider means a person, body or school providing, or proposing to provide, an accredited senior secondary education course.

2 Principles to apply

- (1) The programs and teaching of a senior secondary education provider must support and promote the principles and practice of Australian democracy, including a commitment to—
 - (a) elected government;
 - (b) the rule of law;
 - (c) equal rights for all before the law;
 - (d) freedom of religion;
 - (e) freedom of speech and association;
 - (f) the values of openness and tolerance.
- (2) Nothing in this clause is intended to affect any right accorded to, or compliance with any obligation imposed on, a provider under an enactment of the State or of the Commonwealth.

3 Student learning outcomes

A senior secondary education provider that provides, or proposes to provide, an accredited senior secondary course must—

- (a) deliver the course to the standards established by the awarding body for the qualification; and
- (b) ensure that a student who satisfactorily completes all of the course requirements will be entitled to be awarded the registered qualification.

4 Student welfare

- (1) A senior secondary education provider must have policies and procedures in place that are consistent with any relevant legislation to ensure the care, safety and welfare of students and the provision of opportunities for students with special needs to access the course.
- (2) If 2 or more senior secondary education providers share the responsibility for providing an accredited senior secondary course or its components to a student, each of those providers must have procedures in place to identify and satisfy the legal duties owed to the student while the student attends, travels between or undertakes an excursion with the providers.

5 Student records and results

- (1) A senior secondary education provider must have policies and procedures in place—
 - (a) to maintain accurate student records and ensure the integrity of student assessments; and

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- (b) if the provider is not the awarding body, to enable compliance with the requirements of the awarding body for the course with regard to the assessment program and the timely provision of student enrolments and results; and
 - (c) if the provider is also the awarding body, to deal with the assessment program and the timely provision of student enrolments and results; and
 - (d) to monitor patterns of student participation and completion rates, and the quality of outcomes of students in the registered senior secondary education qualification; and
 - (e) to undertake an annual analysis (that is made publicly available) of student participation and completion rates and outcomes.
- (2) A senior secondary education provider must prepare and maintain records of student assessments and comply with appropriate requests to provide copies of a student's records to the student or a person authorised by the student to receive the records.
- (3) A senior secondary education provider must have processes in place that comply with the requirements of the awarding body for the course for the accurate and timely issuing of qualifications and for the retention, archiving and retrieval of sufficient information about student enrolments and results to enable the re-issue of statements and certificates if required.

6 Teaching and learning

A senior secondary education provider must have—

- (a) qualified and competent staff to teach and assess the course; and
- (b) suitable teaching resources and physical facilities to provide the course; and
- (c) processes to ensure the consistent application of assessment criteria and practices; and
- (d) processes to oversee the conduct of assessments of the course including processes to conduct investigations and hearings and, if necessary, amend or cancel assessments.

7 Governance and probity

- (1) The governance and management of a senior secondary education provider must be structured to enable the provider to effectively—
 - (a) manage the finances of the provider; and
 - (b) manage the physical environment of each place where the course is offered by the provider; and
 - (c) manage the staff of the provider; and
 - (d) manage the students enrolled in the course offered by the provider.
- (2) A senior secondary education provider must ensure that suitable arrangements are in place—
 - (a) to enable the provider to respond to and supply any information requested by the Authority in regard to matters listed in section 4.3.11(2) of the Act; and

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- (b) to enable the provider to comply with any relevant guidelines issued by the Authority under section 4.3.11(3) of the Act; and
 - (c) to enable the Authority to conduct an audit on the operation of the person, body or school in relation to the minimum standards.
- (3) If a senior secondary education provider is not the owner of an accredited senior secondary course, the provider must be authorised by the owner of the accredited senior secondary course to provide that course and must comply with the conditions relating to that authorisation.
- (4) A senior secondary education provider must not provide instruction in an accredited senior secondary course at a school unless it is a registered school.
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SCHEDULE 8

Regulation 75

MINIMUM STANDARDS FOR REGISTRATION TO AWARD, CONFER OR ISSUE A REGISTERED SENIOR SECONDARY QUALIFICATION

1 Definitions

In this Schedule—

registered provider in relation to an accredited senior secondary education course means a person, body or school registered by the Authority under Division 3 of Part 4.3 of the Act to provide the course;

senior secondary awarding body means a person or body that proposes to award, confer or issue a registered senior secondary qualification.

2 Quality Assurance

A senior secondary awarding body must—

- (a) ensure that it has processes in place to develop courses designed to be normally undertaken in the school years 11 and 12 that are accredited by the Authority under Part 4.4 of the Act; and
- (b) have arrangements in place to ensure access and equality of opportunity to, while safeguarding the integrity of, the qualification; and
- (c) ensure that the registered qualification is awarded, conferred or issued in an accurate and timely manner; and

- (d) have policies, criteria and standards for the curriculum and assessments of the registered qualification; and
- (e) oversee the delivery of the conduct of assessments for the registered qualification; and
- (f) have quality assurance, review and evaluation processes in place that enable—
 - (i) annual evaluation of delivery of the course; and
 - (ii) proper evaluation of the curriculum and assessments; and
- (g) have assessment frameworks, policies, criteria and standards in relation to teaching, learning and assessment that are valid, reliable and fair.

3 Student records

A senior secondary awarding body must—

- (a) ensure that records of student enrolment, certification and assessment are maintained by it or by the registered provider of the accredited senior secondary course and that a copy of the record of student assessment is provided to the student on request or to a person authorised by the student to receive it; and
 - (b) have procedures to maintain and provide student records and results to the Authority upon its request; and
 - (c) monitor patterns of student participation and completion rates, and the quality of outcomes of students in the registered senior secondary qualification; and
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- (d) undertake an annual analysis (that is made publicly available) of student participation and completion rates and outcomes; and
 - (e) advise registered providers of the accredited senior secondary course and the Authority annually about patterns of participation and quality of outcomes.

4 Governance and probity

The governance and management of a senior secondary awarding body must be structured to enable the body to effectively—

- (a) develop and review courses and curriculum; and
- (b) manage assessment processes; and
- (c) develop accurate systems for the management of student records.

5 Policies and procedures

A senior secondary awarding body must have suitable procedures in place to—

- (a) enable the body to respond to and supply any information requested by the Authority in regard to matters listed in section 4.3.11(2) of the Act; and
- (b) enable the body to comply with any guidelines issued by the Authority under section 4.3.11(3) of the Act.

6 Investigations

A senior secondary awarding body must—

- (a) conduct investigations and hearings and, if necessary, amend or cancel assessments; and
 - (b) have arrangements in place to enable the Authority to conduct an audit in relation to the minimum standards.
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7 Registered provider to award qualification

If the senior secondary awarding body is not the owner of the registered qualification, the awarding body must satisfy the Authority that it will comply with all of the requirements of the owner of the qualification.

SCHEDULE 9

Regulations 76 and 77

**MINIMUM STANDARDS FOR REGISTRATION FOR
VOCATIONAL EDUCATION AND TRAINING**

PART 1—VET PROVIDERS

1 Definition

In this Part—

VET provider means a person, body or school that provides, or proposes to provide, an accredited vocational education and training course.

2 Principles to apply

- (1) The programs and teaching that the VET provider delivers must support and promote the principles and practice of Australian democracy, including a commitment to—
 - (a) elected government;
 - (b) the rule of law;
 - (c) equal rights for all before the law;
 - (d) freedom of religion;
 - (e) freedom of speech and association;
 - (f) the values of openness and tolerance.
- (2) Nothing in this clause is intended to affect any right accorded to, or compliance with any obligation imposed on, a provider under an enactment of the State or of the Commonwealth.

3 Procedures

A VET provider must have in place procedures—

- (a) to maintain and provide student records and results to the Authority upon its request; and
- (b) to ensure the public availability of accurate information about the VET provider and its compliance with the requirements of Chapter 4 of the Act and these standards; and
- (c) to comply with any guidelines issued by the Authority under section 4.3.11(3) of the Act.

4 Information requested by the Authority

A VET provider must have suitable arrangements in place to respond to and supply any information requested by the Authority in regard to the matters listed in section 4.3.11(2) of the Act.

PART 2—VET QUALIFICATION AWARDING BODIES

5 Application of prescribed minimum standards— VET

A person or body that proposes to award, confer or issue a registered vocational education and training qualification must satisfy the requirements of clauses 3 and 4, in relation to that particular qualification.

Note

A person applying for registration on the National Register as an education or training organisation must also satisfy the requirements of Division 4 of Part 4.3 of the Act, and in particular must show compliance with the RTO standards (within the meaning of Chapter 4 of the Act).

SCHEDULE 10

Regulation 133

Education and Training Reform Act 2006

Education and Training Reform Regulations 2007

NOTICE OF APPEAL

TO:

The senior chairperson

Merit Protection Board/Disciplinary Appeals Board*

[Insert address of relevant Board here]

FROM:

[Insert name of appellant here]

1 Under section 2.4.57 of the **Education and Training Reform Act 2006**, the Appellant appeals against a determination of the Secretary made under section 2.4.56(1) of that Act dated *[insert date of determination]*.*

1 Under section 2.4.68 of the **Education and Training Reform Act 2006**, the Appellant appeals against a determination of the Secretary made under section 2.4.61 of that Act dated *[insert date of determination]*.*

[Attach a copy of the notice of the determination received from the Secretary]

2 The Appellant's reasons for appealing against the determination are as follows—

[Insert details of reasons for appealing against the determination]

3 The Appellant wishes/does not wish* to be represented by another person at the hearing of the appeal.

Date:

Signature of Appellant/Appellant's representative*:

Name and address of Appellant/Appellant's representative*:

**Delete if inapplicable.*

ENDNOTES

**Table of Applied, Adopted or Incorporated Matter Required by the
Subordinate Legislation Regulations 2004**

Note that the following table of applied, adopted or incorporated matter is included in accordance with the requirements of regulation 5 of the Subordinate Legislation Regulations 2004.

Statutory Rule Provision	Title of applied, adopted or incorporated document	Matter in applied, adopted or incorporated document
Clause 7(4) of Schedule 2 Definition of <i>Melbourne Statistical Division</i>	Statistical Geography: Volume 1—Australian Standard Geographical Classification (ASGC), 2006 published by the Australian Bureau of Statistics	The provisions and maps describing the Melbourne Statistical Division
Clause 7(4) of Schedule 2 Definition of <i>Urban Centre</i>	Statistical Geography: Volume 3—Australian Standard Geographical Classification (ASGC), Urban Centres/Localities, 2006 published by the Australian Bureau of Statistics	The provisions and maps describing Urban Centres in Victoria