

MINISTERIAL ORDER NO. 1018

*EDUCATION AND TRAINING REFORM ACT 2006*

**ORDER AMENDING THE CONSTITUTING ORDERS OF THE SCHOOL  
COUNCILS OF ALL GOVERNMENT SCHOOLS**

The Minister for Education makes the following Order

**Objectives**

1. The objectives of this Order are to amend the Constituting Orders of school councils to:
  - (a) impose additional functions and duties on the principal, in their capacity as the executive officer of a school council in a Victorian Government School, for the purpose of meeting the requirements of the reportable conduct scheme under the **Child Wellbeing and Safety Act 2005**; and
  - (b) make other technical amendments.

**Authorising provision**

2. This Order is made under section 2.3.2(2)(c) of the **Education and Training Reform Act 2006**.

**Commencement**

3. This Order takes effect on the day it is signed.

**Amendments to the constituting Orders of all school councils**

4. In clause 1D.2 of the constituting Order, after paragraph (c) **insert**—
    - (d) the school council is aware of the Department's system for preventing the commission of reportable conduct by an employee of the school council;
    - (e) the school council enacts a system that enables any person, including a member of the school council or an employee of the school council, to notify the principal of a reportable allegation;
    - (f) a notification of a reportable allegation required to be made under section 16M of the **Child Wellbeing and Safety Act 2005** is to be made by the principal, as the executive officer of the school council, in accordance with clause 1D.3; and
    - (g) as the case requires, the school council (including a delegate, nominee, or authorised person) or the principal uses the Department's system for investigating and responding to a reportable allegation against an employee of the school council.
- 1D.3 To enable the Secretary of the Department to notify the Commission for Children and Young People of, and to investigate and respond to, a reportable allegation in a Victorian Government school as required by the **Child Wellbeing and Safety Act 2005**, the principal must:
- (a) as soon as possible after becoming aware of a reportable allegation against an employee of the school council notify the nominee of the Secretary, and provide information about:
    - (i) the identity of the employee against whom the allegation has been made;

- (ii) whether Victoria Police has been contacted about the reportable allegation; and
- (b) as soon as practicable after the school council (or a delegate) decides to take disciplinary or other action (including no action) in relation to the employee against whom the reportable allegation has been made, provide information to the nominee of the Secretary about the action taken and the decision maker's reasons for taking that action;
- (c) notify as soon as practicable the nominee of the Secretary of any request received from the Commission for Children and Young People (whether addressed to the school council president or the principal) concerning documents, information, visits, or interviews that relate to a reportable allegation or reportable conduct.

1D.4 Clause 1D.3 does not apply if a Victorian Government school belongs to a class of entities that is exempted from the application of all or part of Part 5A of the **Child Wellbeing and Safety Act 2005**.

1D.5 In clauses 1D.2 and 1D.3, the following definitions are used:

“employee”, in relation to a school council, has the same meaning as in section 3(1) of the **Child Wellbeing and Safety Act 2005**;

“nominee of the Secretary” refers to the position (including any successor position) of:

- (a) Executive Director, People Division; or
- (b) Manager, Employee Conduct Branch, People Division;

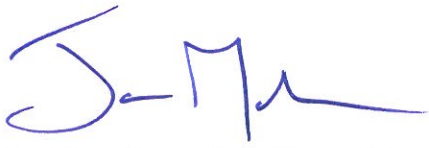
“reportable allegation” has the same meaning as in section 3(1) of the **Child Wellbeing and Safety Act 2005**;

“reportable conduct” has the same meaning as in section 3(1) of the **Child Wellbeing and Safety Act 2005**.

5. For “Part 3 of the *Education and Training Reform Regulations 2007*” wherever occurring **substitute** “regulations made under the **Education and Training Reform Act 2006**, as amended from time to time”.
6. For the definition of “Public Reporting Meeting” **substitute**—

“Public Reporting Meeting” means a public reporting meeting as described in regulations made under the **Education and Training Reform Act 2006**, as amended from time to time.”
7. For “the *Education and Training Reform Regulations 2007*” wherever occurring **substitute** “regulations made under the **Education and Training Reform Act 2006**, as amended from time to time”.

This Order is made the 12<sup>th</sup> day of February 2018.

A handwritten signature in blue ink, appearing to read 'J. Merlino', with a stylized flourish at the end.

**The Hon. James Merlino, MP**  
**Minister for Education**