

# EDUCATION AND TRAINING REFORM ACT 2006

## MINISTERIAL ORDER NO. 1174

### BANKING SERVICES FOR SCHOOL COUNCILS

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The Minister for Education, under sections 5.10.4(1), 2.3.2(6)(c), (2)(c) and (2)(d), 2.3.5(k)(ii) and 2.3.6(2) of the **Education and Training Reform Act 2006**, makes the following Ministerial Order.

#### 1. Title

This Order may be cited as Ministerial Order No. 1174 — *Banking Services for School Councils*.

#### 2. Commencement

This Order comes into effect on the day it is made.

#### 3. Purposes

The purposes of this Order are to:

- (a) require school councils to comply with the Finance Manual for Victorian Government Schools;
- (b) regulate the exercise by all school councils of the function and power to procure, or arrange for the supply of, banking services under sections 2.3.5(b) and (c) and 2.3.6(1)(d) of the Act by imposing additional duties to ensure these functions and powers are exercised in accordance with the whole of Victorian government central banking system;
- (c) confer additional functions and powers on Buninyong Primary School Council to enter into arrangements for and on behalf of any other or all school councils, and in relation to the Government schools for which those school councils have been constituted, for the purposes of transitioning to the whole of Victorian government central banking system.

#### 4. Application

This Order applies to all school councils constituted before, on or after the date on which this Order comes into effect.

#### 5. Definitions

In this Order:

- (a) unless the contrary intention appears, words and expressions have the same meaning as in the Act;
- (b) **Act** means the **Education and Training Reform Act 2006**;

- (c) ***Buninyong Primary School Council*** means the School Council of Buninyong Primary School constituted by the Buninyong Primary School Council Constituting Order;
- (d) ***Buninyong Primary School Council Constituting Order*** means the Order of the Governor in Council (as amended from time to time), made under section 13 of the **Education Act 1958** (since repealed) on 3 August 1976, notice of which was published in the Government Gazette on 29 September 1976;
- (e) ***Department*** means the Department of Education and Training;
- (f) ***Finance Manual for Victorian Government Schools*** means the document setting out the financial arrangements established by the Secretary under Directions 2.3.5 and 3.4 of the Standing Directions;
- (g) ***relevant SPC*** means the State Purchase Contract between the State (acting through the Department of Treasury and Finance) and the Westpac Banking Corporation (ABN 33 007 457 141), which commenced on 1 October 2011, as amended from time to time (including as at 29 October 2018);
- (h) ***Secretary*** means the Secretary to the Department;
- (i) ***Standing Directions*** mean the Standing Directions of the Minister for Finance 2016 issued under section 8 of the **Financial Management Act 1994** from time to time; and
- (j) ***whole of Victorian government central banking system*** means the banking arrangements and services provided for under the relevant SPC.

#### **6. All school councils – compliance with Finance Manual for Victorian Government Schools**

A school council to which this Order applies must comply with the Finance Manual for Victorian Government Schools when exercising its functions, duties and powers.

#### **7. All school councils – conferral of additional duties for procuring banking services**

- (1) Subject to subclause (2), a school council to which this Order applies:
  - (a) must procure, or arrange for the supply of, banking services in accordance with the whole of Victorian government central banking system;
  - (b) must transition to the whole of Victorian government central banking system:
    - (i) in accordance with Finance Manual for Victorian Government Schools; and
    - (ii) as soon as possible after the date on which the accession notice is given under the relevant SPC by the school council, or for and on behalf of the school council.

**Note:** Clause 8(3) authorises the Buninyong Primary School Council to give the accession notice for and on behalf of all school councils.

(2) A school council may be exempt from procuring or arranging for the supply of banking services in accordance with the whole of Victorian government central banking system in circumstances set out in the Finance Manual for Victorian Government Schools.

**8. Buninyong Primary School Council – conferral of additional functions and powers for transition to whole of Victorian government central banking system**

(1) This clause forms part of, and must be read as a single Order together with, the Buninyong Primary School Council Constituting Order.

(2) For the purposes of this clause, the Buninyong Primary School Council is constituted in relation to all Government schools.

(3) The functions and powers of Buninyong Primary School Council include giving an accession notice under the relevant SPC for and on behalf of any other, or all, school councils.

(4) An accession notice given by Buninyong Primary School Council under subclause (3) is taken to be given by the school council for and on behalf of which the Buninyong Primary School Council gives the notice.

Dated this 11<sup>th</sup> day of Jan 2019.

A handwritten signature in blue ink, appearing to read 'James Merlino', followed by a period.

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

