

Authorised Version No. 001
Education and Training Reform
Regulations 2017

S.R. No. 44/2017

Authorised Version as at
25 June 2017

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Part 1—Preliminary

1 Objectives

The objectives of these Regulations are—

- (a) to regulate the conduct of school education, including prescribing the minimum standards for the registration of a Government or non-Government school; and
- (b) to prescribe the procedures and requirements for school registration; and
- (c) to provide for admission and attendance and policies for student engagement at Government schools; and
- (d) to provide for the age requirements for enrolment and attendance at Government schools and participation in programs and courses of study at Government schools; and
- (e) to provide for the conduct of school councils in Government schools; and
- (f) to provide for parents' clubs and fundraising in Government schools; and

- (g) to prescribe procedures for and requirements of registration of students for home schooling; and
- (h) to prescribe the minimum standards and procedures for the registration of persons, bodies or schools to—
 - (i) provide an accredited senior secondary course; or
 - (ii) award, confer or issue a registered senior secondary qualification; and
- (i) to provide for matters relating to dispute resolution and student welfare schemes; and
- (j) to set out the role of the Victorian Registration and Qualifications Authority in investigating certain complaints; and
- (k) to provide for the approval of transport services and the grant of travelling allowances for students; and
- (l) to provide for the grant of scholarships; and
- (m) to provide for other matters necessary 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 Schedule 5 to, the **Education and Training Reform Act 2006**.

3 Commencement

These Regulations come into operation on 25 June 2017.

4 Revocations

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

5 Definitions

In these Regulations—

accredited senior secondary course means a course leading to a senior secondary qualification and any other accredited course pertaining to year 11 or 12 that is accredited by the Authority under Chapter 4 of the Act;

accredited vocational education and training course means a course leading to a registered vocational education and training qualification that is accredited under, and registered within the meaning of, Chapter 4 of the Act;

Note

Accredited, in relation to a course, is defined in section 1.1.3(1) of the Act, and ***registered***, in relation to vocational education and training, is defined in section 4.1.1(1) of the Act.

approved transport service means a transport service determined to be an approved transport service by the Minister under regulation 102;

attending the school in clause 12 of Schedule 4, includes the student's attendance at any place used by the school;

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

Note

Registered qualification is defined in section 1.1.3(1) of the Act.

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 a registered 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;

completing in regulation 17 and in relation to the completion of an accredited senior secondary course, means undertaking a sufficient number of units or courses of study which, if satisfactorily completed, will result in a person completing the course;

conduct of a school in regulation 7, 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 services that are within the scope of the school's registration;

designated transport area, in relation to a Government specialist school, means the area or distance determined to be a designated transport area by the Minister in relation to that school under regulation 103;

eligible to enrol in regulation 17, means that a person meets the eligibility requirements for enrolment in a course including any requirements relating to English proficiency, technological access and prerequisite study;

English language Government school or centre means a Government school that offers students a full-time and intensive English language program for a minimum of 6 months and a maximum of 12 months, and includes a part of a Government school that offers such a program;

entity in regulation 7, includes a trust;

externally-administered body corporate has the same meaning as it has in the Corporations Act 2001 of the Commonwealth;

governing body means—

- (a) in relation to a Government school, the school council constituted in relation to that school; or
- (b) in relation to a non-Government school, the person or body responsible for the governance, conduct or management of the school; or
- (c) in relation to a TAFE institute, the board that oversees and governs the TAFE institute established under section 3.1.11 of the Act; or

- (d) in relation to any other awarding body, the person or body responsible for the conduct or the management of the awarding body;

local laws has the same meaning as it has under Part 5 of the **Local Government Act 1989**;

Melbourne Statistical Area means the area comprising the Greater Melbourne Statistical Area described in Australian Statistical Geography Standard (ASGS): Volume 1 – Main Structure and Greater Capital City Statistical Areas, July 2016, published by the Australian Bureau of Statistics;

Note

The areas that make up the Greater Melbourne Statistical Area are set out on the Authority's website.

metropolitan area means—

- (a) the metropolitan municipal districts within the meaning of the **Public Holidays Act 1993**; and
(b) French Island;

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

notifiable disclosure event means an event that occurs if a responsible person is the subject of—

- (a) an adverse finding or other action by a court, tribunal, professional discipline or regulatory body (in Victoria or elsewhere) where the adverse finding or the action relates to the responsible person's—
(i) dishonest, misleading or deceptive conduct; or

- (ii) non-compliance with a legal obligation relating to the provision of education; or
- (iii) breach of duty; or
- (b) the commencement of legal or disciplinary proceedings in relation to the conduct of the responsible person that means the responsible person is not a fit and proper person within the meaning of clause 15(5) of Schedule 4;

Example

A notifiable disclosure event must be notified to the Authority if a responsible person is—

- charged with an indictable offence; or
- the subject of bankruptcy proceedings; or
- the subject of proceedings to enforce compliance with an applicable professional or registration standard; or
- the subject of proceedings for breach of a legal or fiduciary duty that applies to the responsible person.

owner of the course means the 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;

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

prohibited agreement or arrangement means an agreement or arrangement—

- (a) made between 2 or more of the following parties—
 - (i) the school;

- (ii) the proprietor of the school;
 - (iii) another person or entity; and
- (b) where the purpose of the agreement or arrangement—
- (i) is to pay or divert any profit or gain made in the conduct of the school to the proprietor or any other person or entity (other than a payment made in good faith for the provision of goods or services to the school); or
 - (ii) involves a payment by the school or the proprietor of the school (as the case requires) to another person or entity which—
 - (A) is excessive compared to the reasonable market value of the charges, fees, rates or costs currently prevailing in the community for payment for that purpose (other than a payment made in good faith for that purpose); or
 - (B) involves a gift, loan or similar payment for a purpose unconnected to the conduct of the school (other than payments made to a bank in connection with the conduct of the school); or

(C) is otherwise not a payment made in good faith for the benefit of the school, or reasonably required for the conduct of the school;

Notes

- 1 Payments under paragraph (b)(ii)(A) may include excessive fees or remuneration or other expenses paid to members of the school's governing body, or excessive rents, fees, or other charges paid to any other person or entity.
- 2 Payments under paragraph (b)(ii)(B) may include loans, guarantees, or indemnities payable for the recipient's own use or benefit; for example, a payment to benefit an enterprise conducted by the payment recipient where that enterprise is unconnected to the conduct of the school.
- 3 Payments under paragraph (b)(ii)(C) may include "sham" arrangements that have the effect of transferring payments from the school to the recipient for the recipient's own purpose or benefit, and which deliver no benefit or service to the school.

proprietor in relation to a school, means—

- (a) a person, body, or institution who owns or controls one or more registered schools; or
- (b) any person or body that is specified in the registration of the school as the proprietor of the school;

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;

registered senior secondary qualification means a senior secondary qualification that is registered by the Authority as a registered qualification;

Note

Registered qualification is defined in section 1.1.3(1) of the Act.

registered vocational education and training qualification means a registered qualification that is also registered within the meaning of section 4.1.1(1) of the Act;

Note

Registered qualification is defined in section 1.1.3(1) of the Act, and ***registered***, in relation to vocational education and training, is defined in section 4.1.1(1) of the Act.

registration, in clause 4 of Schedule 4, 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 or as an early childhood teacher under Part 2.6 of the Act;

represented person has the same meaning as it has in the **Guardianship and Administration Act 1986**;

responsible person means—

- (a) if the proprietor is an individual, that person; or
- (b) if the proprietor is a body, that body and any person who is concerned in, or takes part in, the management of the body; or
- (c) each person with responsibility in the school governance structure for managing the school or its finances,

including each member of the governing body of the school; or

- (d) the principal of the school; or
- (e) any other person who by the person's conduct assumes a position of authority over the governance or management of the school;

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

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

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

senior secondary qualifications 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;

specified information includes information about, or evidence of, the education program, learning plan or materials, or other records used for or in relation to the requirements of the registration for home schooling or any regulations relating to home schooling;

staff, in relation to a Government school, means the principal, teachers and other staff;

student, in Part 8, means a past, current or prospective student;

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**;

Urban Centre means an area of Victoria referred to as an Urban Centre in Australian Statistical Geography Standard (ASGS): Volume 4 – Significant Urban Areas, Urban Centres and Localities, Section of State, July 2011, published by the Australian Bureau of Statistics;

Note

The areas that make up the relevant Urban Centres are set out on the Authority's website.

VET provider means a person, body or school in respect of which an application has been made for registration as a training organisation on the National Register under Division 4 of Part 4.3 of the Act.

6 Definition of *school*—exempted bodies

- (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 education 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 experience to a student under a work experience arrangement or training under a structured workplace learning arrangement made under Division 1 of Part 5.4 of the Act; or
 - (ii) providing work experience or training to a student under a practical placement agreement entered into under Division 2 of Part 5.4 of the Act; or
 - (iii) providing training under a training contract approved under Division 4 of 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 that is established for the main purpose of providing education or training to students above the 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) Subregulation (1)(d)(i) and (ii) do not exempt a body that is established for the main purpose of providing education to students in years 11 and 12.

7 Definition of *not-for-profit school*

- (1) For the purposes of these Regulations, a *not-for-profit school* is a school that satisfies all of 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 the proprietor's or any other person's 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 person or 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 in accordance with the school's not-for-profit purpose;
 - (e) the school is not a party to a prohibited agreement or arrangement;
 - (f) the proprietor of the school is not a party to a prohibited agreement or arrangement;
 - (g) 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 children of compulsory school age 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 not-for-profit purposes to the proprietor.
- (2) For the purposes of subregulation (1), a school is not conducted for the purposes of profit or gain only because the school or the proprietor of the school makes a financial surplus in the course of the proper administration 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—Compulsory school education

9 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 the age of 9 years; or
- (b) 4.8 kilometres, if the child is, or above, the age of 9 years.

10 School enrolment notice

For the purposes of section 2.1.17 of the Act, the prescribed form for a school enrolment notice is set out in Schedule 2.

11 School attendance notice

For the purposes of section 2.1.18 of the Act, the prescribed form for a school attendance notice is set out in Schedule 3.

Part 3—Government school education

Division 1—Admission and attendance

12 Admission

Before or at the time 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.

13 School terms

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

14 Temporary closure of schools

- (1) The school council of a Government school may temporarily close the school during a school term in accordance with the number of student-free days each calendar year specified by the Secretary in writing.
- (2) Subject to the approval of the Secretary, the principal of a Government school may temporarily close the school during a school term for any period due to an emergency which involves a risk to the health or safety of students or staff.

Division 2—Minimum and maximum age for Government school education

15 Application of Division

This Division does not apply to a person's enrolment, attendance, or participation in a preschool program, or an education or training program or any other program conducted on Government school premises outside normal school hours.

Subdivision 1—Minimum age for Government school education

16 Minimum age requirements for Government schools

- (1) A child under the age of 6 years must not—
 - (a) be enrolled at a Government school; or
 - (b) attend a Government school; or
 - (c) be enrolled in, attend or participate in, any course of study offered, conducted or provided by a Government school.
- (2) Despite subregulation (1), a child who will turn the age of 5 years by 30 April in the year to which the proposed enrolment, attendance, or participation relates may—
 - (a) be enrolled at a Government school; or
 - (b) attend a Government school; or
 - (c) be enrolled in, attend, or participate in the following program or course offered by or conducted at a Government school—
 - (i) a course of primary education;
 - (ii) a program or course approved in writing by the Minister.

Subdivision 2—Maximum age for Government school education

17 Maximum age requirements for Government schools

- (1) A person (other than a person referred to in subregulation (2)) who is the age of 18 years or over must not—
 - (a) be enrolled at or allowed to attend a Government school; or

- (b) participate in any program or course conducted or provided by a Government school.
- (2) A person does not contravene subregulation (1) if—
- (a) the person will turn the age of 18 years during the year of enrolment and is enrolled at the Government school solely in an accredited senior secondary course; or
 - (b) the person will turn the age of 19 years during the year of enrolment and is enrolled at the Government school solely for the purpose of completing an accredited senior secondary course in that year; or
 - (c) the person—
 - (i) will turn the age of 20 years during the year of enrolment; and
 - (ii) is enrolled at a Government school situated outside the metropolitan area solely for the purpose of completing an accredited senior secondary course in that year and there is no TAFE institute or other registered education or training organisation (other than another Government school) that—
 - (A) is within a distance of 50 kilometres from that school offering an accredited senior secondary course; or
 - (B) offers an accredited senior secondary education course through a distance education program that the person is eligible to enrol in.

18 Maximum age requirements for English language Government schools or centres

- (1) A person who is the age of 18 years or over must not—
 - (a) enrol at or attend or be allowed to enrol at or attend an English language Government school or centre; or
 - (b) enrol in or attend or participate in, or be allowed to enrol in or attend or participate in, any intensive English language program offered, conducted or provided by an English language Government school or centre.
- (2) Despite subregulation (1), a person enrolled at or attending an English language Government school or centre is entitled to continue to be enrolled or to attend or participate—
 - (a) in the year in which the person turns the age of 18 years; and
 - (b) in the following year solely for the purpose of completing the program.

Subdivision 3—Exemptions from age requirements

19 Exemption from minimum age requirements—Government schools

The Minister may exempt a child who is under the age of 5 years on or after 1 May in a particular year from the minimum age requirements under regulation 16 if the Minister is satisfied that—

- (a) the child possesses suitable academic ability; and
- (b) it is in the child's best interests—
 - (i) to be enrolled at or to attend a Government school; or

- (ii) to be enrolled in, attend or participate in, any course of study offered, conducted or provided by a Government school.

**20 Exemption from maximum age requirements—
Government schools**

- (1) The Minister may exempt a person from the maximum age requirements under regulation 17 to enable that person to complete year 10 if that person—
 - (a) is or will be unable to complete year 10 in time to satisfy regulation 17 due to a special circumstance; and
 - (b) will, if the exemption is granted, be under the age of 20 years on 31 December in the year the person completes year 10.
- (2) The Minister may exempt a person under subregulation (1)(a) if the Minister is satisfied that one or more of the following special circumstances exists—
 - (a) pregnancy;
 - (b) parental or primary carer responsibilities;
 - (c) serious illness or injury;
 - (d) a period of imprisonment.
- (3) The Minister may exempt a person who is between the ages of 18 and 21 years from the maximum age requirements under regulation 17 if the Minister is satisfied of one or more of the following—
 - (a) the exemption will enable the person to participate in a specific course or program approved by the Minister;

- (b) the exemption will enable the person to transfer from an English language Government school or centre into year 10 at a Government school;
- (c) it would be unreasonable in the particular circumstances not to grant the exemption.

**21 Exemption from maximum age requirements—
English language Government school or centre**

The Minister may exempt a person from the maximum age requirements under regulation 18(1) if the Minister considers it is in the person's best interests to be enrolled at or to attend an English language Government school or centre.

22 Period of exemption

An exemption under Subdivision 3 of this Division operates for a period of 12 months unless the Minister determines a longer exemption period.

Division 3—Student engagement

23 Student engagement policy

- (1) A principal of a Government school must develop a policy for student engagement for the students at the school including in relation to student behaviour.
- (2) The principal must develop the policy in consultation with the school community, and have regard to the rights and responsibilities of students, parents and staff in developing the policy.

- (3) The principal must ensure that the policy is consistent with—
- (a) any Ministerial Order about the suspension or expulsion of a student from a Government school made for the purposes of section 2.2.19 of the Act; and
 - (b) these Regulations; and
 - (c) any guidelines issued by the Minister relating to student engagement.

24 Corporal punishment not permitted

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

25 Restraint from danger

A member of 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 that are dangerous to the member of staff, the student, or any other person.

26 Implementation of student engagement policy

- (1) The principal of a Government school—
- (a) is responsible for implementing the student engagement policy of the school; and
 - (b) is responsible for determining the nature and extent of the consequences imposed on students of the school for failure to comply with that policy; and
 - (c) may determine the consequences to be imposed on a student for not wearing the school uniform in accordance with a determination on school uniforms made by the school council and any Ministerial Order in relation to student discipline.

- (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 engagement 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 in accordance with the student engagement policy are reasonable; and
 - (b) the student engagement policy is brought to the attention of the students, parents, staff, and members of the school council of the Government school.

Part 4—Government school councils and parents' clubs

Division 1—Meetings and membership

27 Ordinary meetings of school council

A school council must meet at least 8 times each year, and at least once during each school term, unless the Minister gives the council written authorisation to meet less frequently.

28 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, the meeting must be conducted in the following manner—
 - (a) if a Vice-President has been appointed by the school council, and the Vice-President is able to preside at the meeting, the Vice-President must preside;
 - (b) if the school council has not appointed a Vice-President, or the Vice-President is unable to preside at the meeting, the school council must decide which member of the council (other than a member who is an employee of the Department) will preside at the meeting.

29 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 be adjourned to a time and place determined by the school council members present.

30 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.

31 Conflicts of interest

- (1) If a member of the school council or a person from that member's 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 must not be present—

- (a) during the discussion unless invited to do so by the person presiding at the meeting; and
 - (b) when a vote is taken on the matter.
- (2) A member referred to in subregulation (1) may be included in the quorum for that meeting.

32 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 as soon as practicable after the declaration of the poll for an election of members of the school council call, and preside at, a special meeting for the purpose of appointing the community members.
- (3) At the special meeting held for the purposes of subregulation (2), 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) may be adjourned to a time and place decided by the meeting if the purpose of appointing the community members cannot be achieved.
- (5) A community member appointed to a school council in accordance with this regulation has the same rights, duties and obligations as members of the school council who are not appointed as community members.

33 First council meeting—election of office bearers

- (1) The school council may proceed to an election of office bearers if—
 - (a) the school council is not required to have community members appointed to the council; or
 - (b) the school council has appointed community members at the special meeting called under regulation 32; or
 - (c) the appointment of community members cannot be achieved at the special meeting called under regulation 32.
- (2) The principal must call, and preside at, the first council meeting to elect the President and any other office bearer that the council decides in accordance with regulation 30 and, if required, subregulations (3) and (4).
- (3) 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.
- (4) If a new election is held under subregulation (3)(a) and is also tied, the school council may—
 - (a) decide to conduct further elections until the election of the office bearers is decided; or
 - (b) decide the election by the drawing of lots.

34 Extended leave of council member

- (1) A member of the school council may apply in writing to the President for extended leave of up to 3 consecutive meetings.

- (2) If a member of the school council is granted extended leave, the membership of that member is excluded in determining the requirement for a quorum in accordance with regulation 29.

35 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;
 - (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; or
 - (b) the President, in any other case.

36 Extraordinary meeting of school council

- (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 purpose 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 the President or the principal (as the case requires) receives a written request to do so from at least 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 that gives the members reasonable notice of the time, date, place and purpose of the meeting.
- (4) The business of any extraordinary meeting must be confined to the purpose for which the meeting is called.

37 Public reporting meeting

- (1) A school council must call a public meeting at least once each year.
- (2) At the public meeting, the school council 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 council have been audited, present a copy of the audited accounts.

Division 2—Sub-committees

38 Sub-committees

- (1) A sub-committee formed 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 each ordinary meeting of the school council convened in accordance with regulation 27.
- (2) The school council must decide the purpose and terms of reference of a sub-committee.

Division 3—Delegations

39 Delegation

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

40 Record and terms of delegation

- (1) The school council must record any delegation of a power or duty 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) who is appointed for this purpose; and
 - (b) delivered to the delegate.

41 Revocation or amendment of delegation

- (1) The school council may at any time, in writing, revoke or amend a delegation.
- (2) Regulation 40 applies to the revocation or amendment of a delegation.

42 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 exercising the 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.

43 Delegate to report to school council

A person or body to whom a delegation has been made must provide a written report about any activities performed as a delegate at each ordinary meeting of the school council convened in accordance with regulation 27.

44 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

45 Accounts

- (1) A school council must ensure that the following types of records are kept, in the form determined by the Secretary—
 - (a) proper accounts and records of the transactions and affairs of the school council;
 - (b) any other records necessary to sufficiently explain the financial operations and financial position of the school council.
- (2) The school council must—
 - (a) maintain the records of the school council in a form to show that—
 - (i) all money payable to the school council is properly collected; and
 - (ii) all money expended in the school council's name is properly expended and properly authorised; and
 - (iii) adequate control is maintained over assets owned by the school council or in the school council's custody; and
 - (iv) all liabilities incurred in the school council's name are properly authorised; and
 - (v) there is efficiency of operations and an avoidance of waste and extravagance; and
 - (b) develop and maintain an adequate budgeting system; and
 - (c) develop and maintain an adequate accounting system; and
 - (d) develop and maintain adequate internal financial controls.

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

47 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 for the most recent year that are certified by the principal and the President of the school council.

48 Keeping and availability of records

- (1) A school council must keep all records of the school council at 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; and

- (b) allow the records to be removed from the school premises by the Minister or the person authorised by the Minister.

Division 5—Employment

49 Employment

- (1) A school council must not employ a person in an ongoing position unless the vacancy in the position has been advertised generally throughout the Department and Government schools.
- (2) 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.
- (3) Any public notice requirements determined by the Secretary under subregulation (2) must be consistent with any requirements applying from time to time to employment in the Government teaching service.
- (4) Subregulations (1) and (2) do not apply—
 - (a) to employment as an ongoing 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

50 Common seal

- (1) The school council must provide for the safe custody of the seal of the school council.
- (2) The seal may be affixed to a document with the authority of the school council.
- (3) The affixing of the seal of the school council must be witnessed by the President and one other member of the school council.

Division 7—Parents' clubs

51 Parents' clubs

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

52 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 to inform the school community of the meeting under subregulation (1) at least 14 days before the meeting.
- (3) Any member of the school community may attend the meeting.

53 Interim committee

- (1) If the decision of the meeting convened under regulation 52 is to form a parents' club, the persons present must appoint an interim committee for the purposes of—
 - (a) developing a constitution for the club; and
 - (b) obtaining the Minister's approval of the terms of that constitution; and

- (c) obtaining the Minister's approval to form the club in accordance with that constitution.
- (2) An interim committee may conduct any meetings that are necessary for any of the purposes specified in subregulation (1).
- (3) Once the Minister has approved the formation of the parents' club and its constitution, the interim committee is immediately dissolved.
- (4) The constitution for a parents' club must be consistent with the model constitution published by the Secretary from time to time.

54 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 8.
- (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 59, the account in subregulation (2) must be a separate subprogram maintained for the parents' club within the school's official account.
- (4) The parents' club must ensure that all financial details of the account in subregulation (2) are recorded within the school's official account.

55 Voluntary 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.

56 Voluntary dissolution procedures

- (1) If a decision is made to dissolve a parents' club under regulation 55—
 - (a) the control of all property and other assets must be transferred to the school council; and
 - (b) a person present at the meeting must report the dissolution in writing to the school council as soon as practicable.
- (2) As soon as practicable after the completion of the actions required by subregulation (1), the school council must report the completion of the dissolution procedure under subregulation (1) to the Minister.

57 Automatic dissolution upon closure or merger of school

If the Government school in respect of which a parents' club is formed closes or merges with another school, the parents' club formed under this Division is dissolved in accordance with a Ministerial Order made under section 2.3.2(6) of the Act.

Division 8—Fundraising for Government schools

58 Fundraising

- (1) Members of the school community of a Government school may undertake fundraising activities for the following purposes with the agreement of the school council—
 - (a) the establishment or augmentation of school funds;
 - (b) the establishment or augmentation of funds for a particular school purpose in relation to the school.
- (2) The school council must not reject a proposed fundraising activity until it has considered a recommendation by a committee consisting of—
 - (a) the President of the school council or the chairperson of the committee; and
 - (b) one other representative of the school council who is elected for this 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 Act 1998** may apply to fundraising by members of the school community.

59 Funds to be held in trust

Unless the **Fundraising Act 1998** otherwise provides, all funds raised for a Government school by fundraising activities must be held by the school council in trust for the general or particular school purpose for which the funds were raised.

Part 5—Registration of schools

Division 1—Minimum standards for registration

60 Minimum standards for registration

Subject to this Division, for the purposes of section 4.3.1(6)(b) of the Act, the prescribed minimum standards for registration of a school are set out in Schedule 4.

61 Exemption from curriculum framework standard

The Authority may exempt a school from the requirement under clause 6(b) of Schedule 4 for the following reasons—

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

Example

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

62 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), (2) or (3) of Schedule 4 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 the year level of education in which students are enrolled—

- (i) that taken as a whole, substantially addresses the learning areas set out in Schedule 1 to the Act unless the school is exempt under regulation 61; 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 website.

63 Exemption from school governance standard

- (1) The Authority may exempt a person from a requirement in clause 15(5)(b) or (5)(f) of Schedule 4 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), the Authority must have regard to the following matters—
 - (a) the nature and gravity of the particular offence or misconduct, and its relevance to conducting a school;
 - (b) the period of time since the person committed the offence or engaged in the misconduct;
 - (c) the punishment imposed for the offence or misconduct;
 - (d) whether or not the offence has been decriminalised or the standards of conduct have materially changed since the person engaged in the conduct that constituted the offence or misconduct;

- (e) the person's behaviour since the person committed the offence or engaged in the misconduct;
- (f) any information given by the person to the Authority concerning the person's conduct in relation to the registration of the school;
- (g) any other matter that the Authority considers relevant.

Division 2—Application for registration of a school

64 Timing of application for registration

- (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 in writing and no later than—
 - (a) 30 June in the year before the year in which the school intends to commence operation;
or
 - (b) a later date in the year referred to in paragraph (a) determined by the Authority.
- (2) The Authority must publish a notice in the Government Gazette of any later date determined by the Authority under subregulation (1)(b) at least 4 weeks before 30 June in the year in which the date applies.
- (3) The Authority may accept an application submitted after the date specified in subregulation (1) if it is satisfied that it is necessary to do so because of the special circumstances of the case.

65 Particulars and information in application for registration

- (1) For the purposes of section 4.3.1(4) of the Act, an application to the Authority for registration of a school must contain the following prescribed particulars and information—
 - (a) subject to subregulations (2) and (3), the application must contain all of the particulars and information listed in Schedule 5;
 - (b) subject to subregulation (2), the application must be accompanied by—
 - (i) any documentation referred to in Schedule 4; and
 - (ii) evidence that the school is a not-for-profit school;
 - (c) the application must be signed—
 - (i) in the case of a Government school, by the Secretary; or
 - (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 any of the particulars, information or documentation set out in clause 6, 7, 14, 15 or 17(a) of Schedule 5 are not known or available at the time the application is made, the particulars, information or documentation must be provided by the applicant as soon as the particulars, information or documentation are known or become available or before the school is registered (whichever occurs first).
- (3) In the case of a Government school, if the particulars and information set out in clause 16 of Schedule 5 are not known or available at the time the application is made, the particulars and

information must be provided by the applicant as soon as the particulars and information are known or before the school is registered (whichever occurs first).

66 Authority to be notified of changes to application information

Before a school is registered, an applicant must notify the Authority of any change to the particulars or information or any accompanying documentation under regulation 65(1) provided in relation to the application for registration within 14 days of the relevant change.

Division 3—Application to amend registration of a school

67 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.

68 Timing of application to amend registration

- (1) Subject to subregulation (3), an application under this Division must be made to the Authority no later than—
 - (a) 30 June in the year before the year in which the school intends to implement the change to the school that is the subject of the application to amend the registration; or
 - (b) a later date in the year referred to in paragraph (a) determined by the Authority.

- (2) The Authority must publish a notice in the Government Gazette of any later date determined under subregulation (1)(b) at least 4 weeks before 30 June in the year in which the date applies.
- (3) The Authority may accept an application submitted after the date specified in subregulation (1) if it is satisfied that it is necessary to do so because of the special circumstances of the case.

69 Particulars and information in application to amend registration

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 of the particulars and information listed in Schedule 6; and
 - (ii) be accompanied by any documentation referred to in Schedule 6 and 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 of education at the school—
 - (i) contain all of the particulars and information listed in Schedule 7; 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 principal or the proprietor of the school.

70 Authority to notify applicant of 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—Reports to the Authority

71 Information required in reports to Authority

- (1) For the purposes of section 4.3.5(1) of the Act, the proprietor or principal of a registered school, or a person or body authorised by the Authority under section 4.3.5(2) of the Act, must provide to the Authority a report containing the following—
 - (a) information to 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 4 of these Regulations; and
 - (ii) complies with any other requirements of the Act or these Regulations;
 - (b) information to advise the Authority of any changes in the details contained in the State Register relating to the school;

- (c) at the request of the Authority—
 - (i) information to advise the Authority of—
 - (A) 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
 - (B) how the principal of the school responded to that complaint; and
 - (ii) a copy of the information made available under clause 18 of Schedule 4.
- (2) For the purposes of section 4.3.5(1) of the Act, the proprietor or principal of a registered school or a person or body authorised by the Authority under section 4.3.5(2) of the Act must provide a report to the Authority—
 - (a) in writing, unless the Authority and the reporter otherwise agree; and
 - (b) within a reasonable time specified in the request for the report by the Authority.

Part 6—Home schooling

Division 1—Application for registration for home schooling

72 Application for registration

- (1) A parent of a student may apply to the Authority to register the student for home schooling.
- (2) Where a student is proposed to start home schooling at the beginning of a school year, an application under subregulation (1) must be submitted by 30 November in the year before the year the student is proposed to start home schooling.
- (3) Where a student is proposed to start home schooling other than at the beginning of a school year, an application under subregulation (1) may be submitted at any time.
- (4) Unless otherwise authorised under Part 2.1 of the Act, a student of compulsory school age who is the subject of an application under subregulation (1) must be enrolled at and attend a registered school until the Authority notifies the applicant of the Authority's decision to approve the application in accordance with regulation 74.

Notes

- 1 *Compulsory school age* is defined in section 1.1.3(1) of the Act.
- 2 *Student* is defined in section 4.3.9(2) of the Act.
- 3 Section 2.1.1 of the Act establishes a duty of a parent of a child of compulsory school age to enrol the child at a registered school and ensure the child attends that school or to register the child as a student for home schooling in accordance with these Regulations.

- 4 Section 2.1.2 of the Act provides that a parent of a child of compulsory school age must not without a reasonable excuse fail to comply with the duty set out in section 2.1.1.
 - 5 Section 2.1.3 of the Act sets out a list of reasonable excuses for the purpose of the duty set out in section 2.1.1.
 - 6 See transitional provision in regulation 120 in relation to the operation of this Part.
- (5) An application to register a student for home schooling must—
- (a) be in the form approved by the Authority;
and
 - (b) be signed by the parent who will be responsible for the home schooling of the student; and
 - (c) include or be accompanied by—
 - (i) evidence of the student's full name and date of birth; and
 - (ii) a proposed educational program comprising a learning plan that specifies when and where instruction will take place, and the subject matter that will be covered by the instruction during the first year of registration; and
 - (iii) details of the educational materials and resources proposed to be used in the instruction, including how the student's learning outcomes will be recorded.

Note

Acceptable evidence of a student's full name and date of birth may include an Australian or overseas birth certificate or birth extract, passport, citizenship documents, or Australian visa documents.

73 Requirement to provide further information to Authority

- (1) The parent who will be responsible for the home schooling of a student must, if requested by or on behalf of the Authority, provide further information, within the period and in the manner and form specified in the request, to allow the Authority to assess whether it is appropriate to register the student for home schooling.
- (2) The Authority may refuse to register a student for home schooling if, in the Authority's opinion, insufficient information has been provided by the parent in response to a request made under subregulation (1).

74 Notice of decision regarding registration for home schooling

- (1) The Authority must notify an applicant for registration of a student 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—
 - (i) the date of registration of the student for home schooling; and
 - (ii) the terms and conditions of any exemption granted by the Authority under regulation 76(3); and
 - (c) be given within 28 days after the Authority receives an application in accordance with regulation 72.

Note

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

75 State Register

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

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

Note

Section 4.9.1(2) of the Act prohibits the details of students registered for home schooling from being made available to the public or published on the Authority's website.

Division 2—Requirements of registration for home schooling

76 Requirements of instruction in home schooling

- (1) It is a requirement of registration of a student for home schooling that the student must receive regular and efficient instruction that—
 - (a) taken as a whole, substantially addresses the learning areas set out in Schedule 1 to the Act, unless the Authority grants an exemption under subregulation (3); and
 - (b) is consistent with the principles underlying the Act, being the principles and practice of Australian democracy, including the principles under section 1.2.1(a) of the Act.
- (2) The parent responsible for the home schooling of a student may make an application to the Authority for an exemption under subregulation (3).

- (3) After receiving an application for exemption under subregulation (2), the Authority may, subject to subregulation (4), exempt a student from receiving instruction in one or more of the learning areas set out in Schedule 1 to the Act.
- (4) The Authority must not grant an exemption under subregulation (3) unless the Authority is satisfied that it would be unreasonable to require the student to receive instruction in a learning area or areas set out in Schedule 1 to the Act.

77 Requirement to notify Authority of changes to circumstances

It is a requirement of registration of a student for home schooling that the parent responsible for the home schooling of the student must notify the Authority in writing as soon as practicable of any changes to—

- (a) the full name of the student; or
- (b) the parent responsible for home schooling of the student; or
- (c) the full name and contact details of the parent responsible for home schooling of the student; or
- (d) the address at which the home schooling of the student is being provided.

78 Requirement to notify Authority annually of continuation of home schooling

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

79 Requirement to provide information to Authority

It is a requirement of registration of a student for home schooling that the parent responsible for the home schooling of the student must, if requested by the Authority, provide information to the Authority, within the period and in the manner and form specified in the request, to allow the Authority to assess whether it is appropriate for a student to continue to be registered for home schooling.

80 Requirement to notify Authority if student ceases to be home schooled

- (1) It is a requirement of registration of a student for home schooling that the parent responsible for the home schooling of the student must notify the Authority in writing of the cessation of home schooling in accordance with this regulation.
- (2) A notice under subregulation (1) must—
 - (a) specify the date on which the home schooling of the student ceased; and
 - (b) be given to the Authority within 14 days after the student ceases to be home schooled.
- (3) Despite subregulation (2)(b), a parent may notify the Authority in writing at any time before the student ceases to be home schooled to specify the date on which the home schooling of the student will cease.

**Division 3—Review of registration
for home schooling**

81 Authority may review registration for home schooling

The Authority may review the registration of a student for home schooling in accordance with this Division.

82 Requirement to give notice to responsible parent and specify information to be provided

- (1) If the Authority decides to review the registration of a student for home schooling the Authority must give notice of the review to the parent responsible for the home schooling of the student.
- (2) The notice must—
 - (a) be in writing; and
 - (b) outline the scope of the review, the timelines for the review and the process the Authority will use to conduct the review.
- (3) At any time during the conduct of the review, the Authority or an authorised officer of the Authority may by written notice require the parent responsible for the home schooling of the student to provide specified information to the Authority or an authorised officer of the Authority within the period and in the manner and form specified in the notice.

83 Notice of outcome of review of registration for home schooling

- (1) As soon as practicable after the completion of a review, the Authority must notify the parent responsible for the home schooling of the student of the outcome of the review.
- (2) The notice must—
 - (a) be in writing; and
 - (b) state whether the Authority is satisfied that the requirements of registration for home schooling have been met; and

- (c) state what action (if any) the Authority proposes to take as an outcome of the review.

Note

The Authority may cancel a registration for home schooling under section 4.3.9(1)(b)(ii) of the Act if a parent fails to comply with a requirement of these Regulations relating to home schooling.

**Division 4—Cancellation of registration
for home schooling**

84 Cancellation of registration initiated by the parent

If the parent responsible for the home schooling of a student notifies the Authority under regulation 80, the Authority must cancel the registration of the student for home schooling—

- (a) if the home schooling of the student has ceased, on the date the Authority receives the notice; or
- (b) in any other case, on the date specified in the notice given in accordance with regulation 80(3).

85 Notification of cancellation of registration by the Authority

The Authority must notify the parent responsible for the home schooling of a student in writing that the registration of the student for home schooling has been cancelled.

Part 7—Registration of education and training organisations

Division 1—Minimum standards for senior secondary courses and qualifications

86 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 8.
- (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 8.
- (3) Despite subregulations (1) and (2), the Authority may exempt a person, body or school or a registered education and training organisation 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 1 of Schedule 8.

87 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 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, confer 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 9.

Note

The minimum standards set out in Schedule 9 do not apply to a registered vocational education and training qualification.

Division 2—Prescribed criteria for registration on the National Register as a training organisation

88 Prescribed criteria for registration on the National Register as a training organisation

For the purposes of section 4.3.16(3)(bd) of the Act, the prescribed criteria of which the Authority must be satisfied are set out in Schedule 10.

Note

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

Division 3—Applications regarding registration of education and training organisations

89 Notice of decision on application for registration

If the Authority receives an application for registration under section 4.3.10 or 4.3.15 of the Act, the Authority must notify the applicant in writing of the Authority's decision on the application as soon as practicable after the decision is made.

90 Application to amend details of registration

- (1) A person, body or school may apply to the Authority to amend the details of the registration of the person, body or school under Division 3 or 4 of Part 4.3 of the Act.
- (2) The Authority must notify the person, body or school in writing of the Authority's decision on the application as soon as practicable after the decision is made.

91 Notice of decision on application by RTO for amendment of registration

If the Authority receives an application by an RTO under section 4.3.19 of the Act to amend the RTO's registered details, the Authority must notify the RTO in writing of the Authority's decision on the application as soon as practicable after the decision is made.

Division 4—Suspension or cancellation of registration

92 Notice of decision to suspend or cancel registration

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

Part 8—Consumer protection in the vocational education and training sector

93 Approval of dispute resolution and student welfare scheme

For the purposes of section 4.6A.5B(2)(b) of the Act, in determining whether to approve a dispute resolution and student welfare scheme, the Minister must have regard to the following criteria—

- (a) the efficiency of the scheme including whether—
 - (i) the dispute resolution process under the scheme provides for the timely resolution of complaints; and
 - (ii) the scheme has processes for regular review of the performance of the scheme;
- (b) whether the scheme treats information confidentially and complies with privacy laws.

94 RTO to disclose whether member of dispute resolution and student welfare scheme

For the purposes of section 4.6A.5C of the Act, the prescribed manner in which an RTO must disclose to students whether it is a member of a dispute resolution and student welfare scheme is by publishing that information on the RTO's website or in student materials.

Example

Student materials may include handbooks or enrolment information.

95 Requirements for operation of dispute resolution and student welfare scheme

For the purposes of clause 5 of Schedule 7 to the Act, the requirements for operation of a dispute resolution and student welfare scheme are the following—

- (a) in determining the cost to a student to access the scheme, the scheme must take into account the financial circumstances of the student who has referred a matter to the scheme;
- (b) the cost to a student to access the scheme must not exceed the cost to provide services under the scheme to the student;
- (c) annual reports of the activities of the scheme must be published by the person or body operating the scheme, including—
 - (i) the number of matters referred to the scheme; and
 - (ii) a summary of matters referred to the scheme; and
 - (iii) the timeframes for dealing with matters referred to the scheme; and
 - (iv) the identification of any trends in disputes relating to students or student welfare issues.

96 Revocation of approval of dispute resolution and student welfare scheme

- (1) The Minister may, by notice published in the Government Gazette, revoke the approval of a dispute resolution and student welfare scheme.

- (2) In making a decision to revoke the approval under subregulation (1), the Minister must have regard to—
- (a) Schedule 7 to the Act; and
 - (b) the criteria set out in regulation 93; and
 - (c) the requirements set out in regulation 95.

Part 9—Role of Authority in investigating complaints

97 Authority to investigate complaints of breach of principles

Subject to this Part, the Authority must investigate a complaint 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 or 4 of Part 4.3 of the Act.

98 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 that give rise to the complaint.

99 Procedure for investigating a complaint

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

- (a) the complainant has first raised the complaint with—
 - (i) in the case of a complaint against a registered school, the relevant person or body under any formal system for complaints established by the school or, if there is no formal system, the principal of the school; or

- (ii) in the case of a complaint against a person, body or school registered under Division 3 or 4 of Part 4.3 of the Act, the relevant person or body, the principal or the governing body of the registered education and training provider; and
- (b) the relevant person, body or school referred to in paragraph (a)—
 - (i) has been given a reasonable time to respond to the complaint; and
 - (ii) has failed to—
 - (A) respond to the complaint; or
 - (B) resolve the complaint to the complainant's satisfaction.

Note

The Authority also has power 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 for registration and to conduct compliance audits of RTOs.

100 Exception to complaint procedure

Regulation 99 does not apply if the Authority is satisfied that there are reasonable grounds for the complainant failing to make a complaint to the relevant person, body or school referred to in regulation 99(a).

101 Authority may refuse to investigate complaint

The Authority may refuse to investigate a complaint under this Part on the grounds that—

- (a) the complaint is trivial, frivolous or without substance; or

- (b) the complaint is, in the Authority's opinion, more appropriate to be dealt with by another person, body, court or tribunal; or
- (c) the complainant has already made a complaint to another person, body, court or tribunal and the person, body, court or tribunal—
 - (i) has investigated, dealt with or is dealing with the complaint; or
 - (ii) has not yet had a reasonable opportunity to investigate or deal with the complaint.

Part 10—Transport and travelling allowances

Division 1—Approved transport services

102 Approval of transport services

For the purposes of this Part, the Minister may determine the approved transport services for the conveyance of students to Government schools.

Note

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

103 Designated transport areas

The Minister may determine in writing an area or distance in relation to a Government specialist school to be a designated transport area for the provision of travel assistance under this Part to students attending the school.

104 Criteria for determining whether a school is appropriate for a student

- (1) For the purposes of this Part, the Minister must specify written criteria for determining whether a school is appropriate for a student.
- (2) Criteria specified by the Minister under subregulation (1) must be published on the Department's website.

105 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; or

- (b) to a Government specialist school, if the student resides in the designated transport area for that school.
- (2) 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—
- (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 to the student.
- (3) The Minister may enter into arrangements under which a student attending a Government specialist school (other than a school referred to in subregulation (1)(b)) is permitted to travel to the school by an approved transport service if accommodation is available on the service.

106 Transport of non-Government school students

- (1) The Minister may, on receipt of a written application made on behalf of a student attending a non-Government school, enter into arrangements under which the student 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 non-Government school; and
 - (b) the non-Government school is—
 - (i) the non-Government school nearest to the student's residence that is appropriate for that student; and
 - (ii) registered to the year level of education required for the student; and
 - (c) accommodation is available on that service after eligible students attending Government schools are accommodated.
- (2) The Minister may enter into arrangements under which a student attending a non-Government school (other than a school referred to in subregulation (1)) 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 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.

107 Short distance transport

The Minister may enter into arrangements under which a student attending a Government or a 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 permitted to travel under regulations 105 and 106 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.

108 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

109 Determination of travelling allowances

- (1) The Minister may determine in writing the amount of any travelling allowance granted to a student under this Division.
- (2) The Minister may develop written criteria for determining the amount of allowances under this regulation.

110 Grant of travelling allowance

The Minister may grant a travelling allowance in respect of a 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.

111 Purpose of travelling allowance

A travelling allowance may be granted under regulation 110 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 to travel to the student's designated neighbourhood Government school; or
- (c) to and from the non-Government school nearest to the student's residence that is appropriate for the student if the student resides 4·8 kilometres or more from that

non-Government school and is attending that school.

112 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 is appropriate for 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 school that is appropriate for 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 campus of a registered secondary school to a more senior campus of that school and the campus from which the student has transferred—
 - (i) is the designated neighbourhood Government school or the nearest non-Government school that is appropriate for the student; and
 - (ii) is 4.8 kilometres or more from the student's place of residence.

113 Greater allowance for students with disabilities

The Minister may grant a greater travelling allowance in respect of a student with a disability.

Part 11—General matters

Division 1—Scholarships

114 Scholarships

- (1) For the purposes of section 5.7.2(1) of the Act, a scholarship is subject to the following conditions—
- (a) the holder must enter into 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 holder; and
 - (iii) the obligations that the holder is required to fulfil either before, during or after the term of the scholarship; and
 - (iv) whether any sureties are required;
 - (b) the scholarship does not take effect until the holder has been accepted for admission to the course for which the scholarship was granted;
 - (c) the holder must attend the course at the institution for which the scholarship was granted;
 - (d) the attendance, conduct and progress of the holder must be satisfactory to the Secretary.
- (2) Subregulation (1)(b) to (d) do not apply if the scholarship does not require the holder to attend a course.

115 Value of scholarship

The holder of a scholarship is entitled to be paid an amount determined by the Minister that does not exceed \$30 000 per year.

Division 2—Government teaching service appeals

116 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 11.

Part 12—Savings and transitional provisions

117 A for profit school registered before 1 July 2007 may continue to be conducted on a for profit basis

The prescribed minimum standard for registration in clause 17 of Schedule 4 to these Regulations does not apply to a school referred to in clause 1.5 of Schedule 8 to the Act that was conducted on a for profit basis before 1 July 2007 unless on or after the revocation of the Education and Training Reform Regulations 2007 the Authority amends the registration of the school to include an additional campus or year level of education.

118 Transitional provision—Authority must be notified of change of particulars

Despite the revocation of the Education and Training Reform Regulations 2007 by regulation 4, regulation 63 of those Regulations, as in force immediately before its revocation, continues to apply as a condition of registration of a school that is registered before that revocation until 30 June 2018.

119 Transitional provision—Minimum standards for registration of schools

- (1) Despite the revocation of the Education and Training Reform Regulations 2007 by regulation 4—
 - (a) Schedule 2 to those Regulations, as in force immediately before its revocation, continues to apply to a school that is registered before that revocation until 30 June 2018; and
 - (b) Schedule 4 to these Regulations does not apply to a school that is registered before that revocation until 1 July 2018.

120 Transitional provision—Registration of student for home schooling

Despite the revocation of the Education and Training Reform Regulations 2007 by regulation 4, Part 6 of those Regulations, as in force immediately before its revocation, continues to apply until 31 December 2017 in respect of—

- (a) a student who is registered for home schooling immediately before 1 January 2018; and
- (b) an application for home schooling made before 1 January 2018.

Education and Training Reform Regulations 2017
S.R. No. 44/2017
Schedule 1—Revocations

Schedule 1—Revocations

Regulation 4

<i>S.R. No.</i>	<i>Title</i>
61/2007	Education and Training Reform Regulations 2007
6/2009	Education and Training Reform Amendment (Age Requirements) Regulations 2009
109/2011	Education and Training Reform Amendment Regulations 2011
157/2013	Education and Training Reform (School Attendance) Regulations 2013
172/2013	Education and Training Reform Amendment (Dispute Resolution and Student Welfare Scheme) Regulations 2013

Schedule 2—School enrolment notice

Regulation 10

[*Date of notice*]

Child's Details: [*full name, date of birth*]

Parent's Details: [*full name, home address*]

To: [*full name of parent*]

The Department's records show that your child, [*child's full name*], has not been enrolled at a registered school or registered for home schooling as at [*insert date of notice*].

You are required to complete and send us a reply form with one of the responses detailed in the options below by [*insert due date which must not be less than 21 days after the date of the notice*].

NOTE

You may comply with this notice by enrolling or conditionally enrolling your child at a registered school, or by registering your child for home schooling. If so, you must still send us a reply form, using option 3 below.

Signature of school attendance officer:

OPTION 1

My child is not enrolled or conditionally enrolled at a registered school or registered for home schooling because:

NOTE

If this reason is considered to be a reasonable excuse, no further action will be taken. If this reason is not considered to be a reasonable excuse, an infringement notice may be sent to you.

OPTION 2

I am unable to respond to this notice because I do not have parental responsibility for the child.

The parent who has parental responsibility for the child is [*full name and address of nominated parent*].

Education and Training Reform Regulations 2017
S.R. No. 44/2017
Schedule 2—School enrolment notice

OPTION 3

I have enrolled/conditionally enrolled [*name of child*] at a registered school/registered [*name of child*] for home schooling and the details of that enrolment/registration are:

Signature of Parent:

NOTES

The **Education and Training Reform Act 2006** provides that it is an offence to provide false information in reply to this notice.

You must post or deliver the completed reply to [*school attendance officer contact details*] by [*insert due date which must not be less than 21 days after the date of the notice*].

If you do not complete and return this form by the due date an infringement notice may be sent to you.

Schedule 3—School attendance notice

Regulation 11

[*Date of notice*]

Child's Details: [*full name, date of birth*]

Parent's Details: [*full name, home address*]

To: [*full name of parent*]

Your child, [*child's full name*] born [*date of birth*], has not attended school on [*insert dates*] and you have not provided a reasonable excuse for these absences.

You are required to complete and send us a reply form with one of the responses detailed in the options below by [*insert due date which must not be less than 21 days after the date of the notice*].

Signature of school attendance officer:

OPTION 1

I am unable to adequately respond to this notice because the child was not living with me on some or all of the dates set out above.

The parent with whom the child was living on [*insert relevant dates*] is [*full name and address of nominated parent*].

OPTION 2

My child did not attend school because:

Signature of Parent:

NOTES

If this reason is considered to be a reasonable excuse, no further action will be taken. If this reason is not considered to be a reasonable excuse, an infringement notice may be sent to you.

The **Education and Training Reform Act 2006** provides that it is an offence to provide false information in reply to this notice.

You must post or deliver this notice to [*school attendance officer contact details*] by [*insert due date which must not be less than 21 days after the date of the notice*].

If you do not complete and return this form by the due date an infringement notice may be sent to you.

Schedule 4—Minimum standards for registration of schools

Regulations 5, 60–63, 65, 71, 117 and 119

1 Programs and teaching to promote principles underlying the Act

- (1) The programs of, and teaching in, a registered school must support and promote the principles and practice of Australian democracy, including a commitment to—
 - (a) elected Government; and
 - (b) the rule of law; and
 - (c) equal rights for all before the law; and
 - (d) freedom of religion; and
 - (e) freedom of speech and association; and
 - (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 registered school under a law of the State or of the Commonwealth.

2 Student learning outcomes

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

- (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 2 written reports, relating to the student's performance, from the registered school to the parent in each year of enrolment of the student.

4 Teachers' requirements

All teachers employed to teach at a registered school must—

- (a) be registered under Division 3 of Part 2.6 of the Act or be granted permission to teach under Division 4 of that Part; and
- (b) comply with any condition, limitation or restriction of that registration or permission to teach.

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 registered school.

6 Curriculum framework for school

A registered school must have a curriculum framework 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 61 from substantially addressing one or more of the learning areas.

7 Student enrolment numbers

- (1) A registered school must have a minimum of 20 students enrolled in the school.
- (2) A secondary school must have an average enrolment of 10 or more students for each year level for which the school is registered.
- (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 Area; or
 - (ii) an Urban Centre in Victoria with a population of 20 000 or more; or
 - (b) a specialist school.

Note

The Authority may approve under regulation 62 an enrolment number for a school that is lower than an enrolment number specified in this clause.

8 Enrolment policy

- (1) A registered school must have a clearly defined enrolment policy that complies with all applicable State and Commonwealth laws.
- (2) Despite clause 1(1), a registered 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 registered school must maintain a register of enrolments that contains 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 Victorian student number allocated to the student under Part 5.3A of the Act;
- (e) the date that the student ceases to be enrolled at the school (if applicable).

10 Monitoring of attendance

A registered school must—

- (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 the student's file.

11 Attendance register

A registered school must maintain a student attendance register in which—

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

12 Care, safety and welfare of students

A registered school must ensure that—

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

13 Buildings, facilities and grounds

A registered 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.

14 Educational facilities

The educational facilities of a registered 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 proprietor must structure the governance of a registered school 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) In a non-Government school, every responsible person must be a fit and proper person.
- (3) The principal of a registered school must notify the Authority in writing within 30 days of any changes to the following particulars or information—
- (a) the name or contact details of the proprietor of the school;
 - (b) the name or contact details of the principal of the school;
 - (c) the name or contact details of the presiding member of the governing body of the school;
 - (d) the address of the school or the address of any campus of the school (as the case requires);
 - (e) any other material change to particulars or information required to be provided to the Authority under these Regulations (other than the particulars or information required by subclause (4)).
- (4) The proprietor of a registered non-Government school must notify the Authority in writing within 30 days of the following particulars or information—
- (a) if the proprietor is a body, any change to the name or contact details of each person who is concerned in, or takes part in, the management of the body;
 - (b) any change to the religious or other affiliation of the school;

- (c) the occurrence of a notifiable disclosure event.

Note

Proprietor and *notifiable disclosure event* are defined in regulation 5.

- (5) In this clause, a *fit and proper person* means a responsible person who—
 - (a) is able to carry out the person's responsibilities in relation to the operation of the school in compliance with the laws of Victoria, the Commonwealth, another State or a Territory relating to the provision of school education; and
 - (b) has not been found guilty of an offence which is, or which would if committed in Victoria be, an indictable offence; and
 - (c) has not been—
 - (i) in the case of an individual, insolvent under administration; or
 - (ii) in the case of a body corporate, an externally-administered body corporate; and
 - (d) is not a represented person; and
 - (e) if the person is given an assessment notice under the **Working with Children Act 2005** in relation to the school, complies with—
 - (i) all requirements under that Act on the person as a holder of an assessment notice; and
 - (ii) all requirements under that Act where the assessment notice is revoked or suspended; and

- (f) has not been the subject of or associated with an adverse finding or the subject of action taken by a court, tribunal, commission of inquiry, professional discipline body or regulatory authority (in Victoria or elsewhere) where the adverse finding or the action relates to—
- (i) dishonest, misleading or deceptive conduct; or
 - (ii) non-compliance with a legal obligation relating to the provision of education; or
 - (iii) a breach of duty (including a duty of disclosure).

Note

- 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 applicable Ministerial Orders).
- 2 The Authority may exempt a person under regulation 63 from the requirement in clause 15(5)(b) and (f).
- 3 For the purposes of clause 15(5)(f) an adverse finding or action may include a decision by a registering body to limit, suspend or cancel a registration or permit granted to a responsible person individually, or to a body or entity that the responsible person has been associated with governing.

16 School's philosophy

A registered school must publish a clear statement of its philosophy, and be able to demonstrate how the school's philosophy is enacted.

17 School must be not-for-profit

- (1) A registered school must be a not-for-profit school.

- (2) The proprietor of a registered school must have sufficient controls in place to ensure that school property and assets are not distributed or used for the profit or gain of another person or entity.

Note

See transitional provision in regulation 117.

18 Information on school's performance to be available

- (1) A registered school must make available to the school community information concerning the school's performance 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 registered 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.

21 Schools must have policies, procedures, and suitable arrangements in place

- (1) A registered 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.
- (2) A registered school must have suitable arrangements in place to enable it to comply with applicable guidelines issued by the Authority under section 4.3.8A(1) of the Act.

22 School must be conducted in accordance with scope of registration

A registered school must—

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

Schedule 5—Information required for application for registration of a school

Regulation 65

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 facilities (buildings, facilities and grounds) and educational facilities to be provided by the school.
- 9 Any religious or other affiliation of the school.
- 10 Whether the school is seeking to be registered as one or more of the following types of school—
 - (a) a primary school;
 - (b) a secondary school;
 - (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, and facsimile number or email address of the proprietor (whether a natural person or a body); and
 - (b) if the proprietor is an incorporated body, the ABN or ACN (*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, including its constitution or articles of association (however described);
 - (d) the contact person for the application and that person's contact details.
- 14 The full name, postal address, telephone number, and facsimile number or 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, and facsimile number or email address of the chair of the governing body of the school (*see note 4*).
- 16 In the case of a Government school, the full name, postal address, telephone number, and facsimile number or 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, its proprietor and governing body meets or is capable of meeting the prescribed minimum standards for registration under Schedule 4 that apply to the school; and
- (c) show the school's policies relating to student engagement including policies in relation to student behaviour and the suspension or expulsion of students (*see note 7*); and
- (d) show that the school 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 65(2), if the details required under clauses 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 is registered.
- 3 In the case of a Government school, the State of Victoria will be registered as the proprietor unless otherwise stated.
- 4 Under regulation 65(2), if the details required under clauses 14 and 15 are not available at the time of the application, the details must be provided by the applicant once the details are known and, in the case of the proprietor and principal, before the school is registered.
- 5 Under regulation 65(3), if the details required under clause 16 are not available at the time of the application the details must be provided as soon as the details are known or at the latest before the school is registered.

Education and Training Reform Regulations 2017

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Schedule 5—Information required for
application for registration of a school

- 6 Under regulation 65(2), if the documentation required under clause 17(a) is not available at the time of the application it must be provided when available or at the latest before the school is registered.
- 7 In accordance with section 4.3.1(6)(a) of the Act, these policies must be based upon principles of procedural fairness and 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.

Schedule 6—Information required for application to amend registration to include additional campus

Regulation 69

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 that 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 at the campus and the curriculum to be offered at the campus (*see note 1*).
- 5 The age range and number of students to be enrolled at the campus at each year level.
- 6 The names and total number of additional teaching staff to be employed at the campus and the academic qualifications, registration number and registration status of each additional member of the teaching staff.
- 7 The physical facilities (buildings, facilities and grounds) and educational facilities to be provided at the campus.
- 8 If the addition of the campus will involve any change to the school's scope of registration, information about any change to the scope of registration for the following types of school—
 - (a) a primary school;
 - (b) a secondary school;
 - (c) a co-educational school;

- (d) a single-sex school;
 - (e) a specific purpose school;
 - (f) a specialist school.
- 9 The full name, postal address, telephone number, and facsimile number or email address of the campus principal (if any).
- 10 The full name, postal address, telephone number, and facsimile number or email address of—
- (a) the chair of the governing body of the campus (if any) 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 (if any).
- 11 Documents accompanying the application that show—
- (a) that the buildings, educational facilities and grounds of the campus comply with all relevant statutory requirements; and
 - (b) any changes to the school's policies regarding the additional campus that relate to student engagement including policies in relation to student behaviour and the suspension or expulsion of students (*see note 2*); and
 - (c) that the school 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 that person's 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 policies must be based upon principles of procedural fairness and 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 maximum penalty is 10 penalty units.

Schedule 7—Information required for application to amend registration to include additional year level of education

Regulation 69

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 level.
- 4 The date of commencement of the additional year level of education.
- 5 The number of students to be enrolled at the additional year level of education.
- 6 The names and total number of additional teaching staff to be employed for the additional year level of education, and the academic qualifications, registration number and registration status of each additional member of the teaching staff.
- 7 The physical facilities (buildings, facilities and grounds) and educational facilities available for the additional year level of education.
- 8 The curriculum to be offered for the additional year level of education (*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.

Education and Training Reform Regulations 2017

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Schedule 7—Information required for application to amend registration to include additional year level of education

- 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 8—Minimum standards for registration to provide an accredited senior secondary course

Regulation 86

1 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; and
 - (b) the rule of law; and
 - (c) equal rights for all before the law; and
 - (d) freedom of religion; and
 - (e) freedom of speech and association; and
 - (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.

2 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.

3 Student welfare

- (1) A senior secondary education provider must have policies and procedures in place that are consistent with any relevant laws and 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.

4 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
 - (b) if the provider is—
 - (i) 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; or
 - (ii) also the awarding body, to deal with the assessment program and the timely provision of student enrolments and results; and

- (c) to monitor patterns of student participation and completion rates, and the quality of outcomes of students in the registered senior secondary education qualification; and
 - (d) 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—
- (a) prepare and maintain records of student assessments; and
 - (b) 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—
- (a) the accurate and timely issuing of qualifications; and
 - (b) 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.

5 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.

6 Governance and probity

- (1) The governance and management of a senior secondary education provider must be structured to enable the provider to effectively manage—
 - (a) the finances of the provider; and
 - (b) the physical environment of each place where the course is offered by the provider; and
 - (c) the staff of the provider; and
 - (d) the students enrolled in the course offered by the provider.
- (2) A senior secondary education provider must ensure that suitable arrangements are in place to enable—
 - (a) 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
 - (b) the provider to comply with any relevant guidelines issued by the Authority under section 4.3.11(3) of the Act; and
 - (c) the Authority to conduct an audit on the operation of the person, body or school in relation to the prescribed minimum standards.

Education and Training Reform Regulations 2017

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Schedule 8—Minimum standards for registration to provide an accredited senior secondary course

- (3) If a senior secondary education provider is not the owner of the accredited senior secondary course, the provider must—
- (a) be authorised by the owner of the course to provide that course; and
 - (b) 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.

Schedule 9—Minimum standards for registration to award, confer or issue a registered senior secondary qualification

Regulation 87

1 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.

2 Student records

A senior secondary awarding body must—

- (a) ensure that—
 - (i) records of student enrolment, certification and assessment are maintained by it or by the registered provider of the accredited senior secondary course; and
 - (ii) 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
- (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.

3 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.

4 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.

5 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.

6 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 10—Criteria for registration on the National Register as a training organisation

Regulation 88

1 Principles to apply

- (1) The programs and teaching a VET provider provides or intends to provide must support and promote the principles and practice of Australian democracy, including a commitment to—
 - (a) elected Government; and
 - (b) the rule of law; and
 - (c) equal rights for all before the law; and
 - (d) freedom of religion; and
 - (e) freedom of speech and association; and
 - (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 the Commonwealth.
- (3) The principles in subclause (1) do not apply in respect of a VET provider to the extent that the VET provider provides or intends to provide an accredited vocational education and training course to a student who at the commencement of the course normally resides outside of Australia and who is expected to reside outside of Australia for the duration of that course.

2 Procedures

A VET provider, in respect of accredited courses, must have in place procedures—

- (a) to maintain and provide student records and results to the Authority on 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 the criteria in this Schedule; and

(c) to comply with any guidelines issued by the Authority under section 4.3.18A of the Act.

3 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 4.3.16(2A) of the Act.

Schedule 11

Regulation 116

Education and Training Reform Act 2006

Education and Training Reform Regulations 2017

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 2.4.59F of that Act dated *[insert date of determination]*.*

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

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]

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 2.4.61A of that Act dated *[insert date of determination]*.*

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

Education and Training Reform Regulations 2017
S.R. No. 44/2017
Schedule 11

- 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

1 General information

See www.legislation.vic.gov.au for Victorian Bills, Acts and current authorised versions of legislation and up-to-date legislative information.

The Education and Training Reform Regulations 2017, S.R. No. 44/2017 were made on 14 June 2017 by the Governor in Council under sections 5.10.1 and 5.10.2 of, and Schedule 5 to, the **Education and Training Reform Act 2006**, No. 24/2006 and came into operation on 25 June 2017: regulation 3.

The Education and Training Reform Regulations 2017 will sunset 10 years after the day of making on 14 June 2027 (see section 5 of the **Subordinate Legislation Act 1994**).

INTERPRETATION OF LEGISLATION ACT 1984 (ILA)

Style changes

Section 54A of the ILA authorises the making of the style changes set out in Schedule 1 to that Act.

References to ILA s. 39B

Sidenotes which cite ILA s. 39B refer to section 39B of the ILA which provides that where an undivided regulation, rule or clause of a Schedule is amended by the insertion of one or more subregulations, subrules or subclauses the original regulation, rule or clause becomes subregulation, subrule or subclause (1) and is amended by the insertion of the expression "(1)" at the beginning of the original regulation, rule or clause.

Interpretation

As from 1 January 2001, amendments to section 36 of the ILA have the following effects:

- **Headings**

All headings included in a Statutory Rule which is made on or after 1 January 2001 form part of that Statutory Rule. Any heading inserted in a Statutory Rule which was made before 1 January 2001, by a Statutory Rule made on or after 1 January 2001, forms part of that Statutory Rule. This includes headings to Parts, Divisions or Subdivisions in a Schedule; Orders; Parts into which an Order is divided; clauses; regulations; rules; items; tables; columns; examples; diagrams; notes or forms. See section 36(1A)(2A)(2B).

- **Examples, diagrams or notes**

All examples, diagrams or notes included in a Statutory Rule which is made on or after 1 January 2001 form part of that Statutory Rule. Any examples, diagrams or notes inserted in a Statutory Rule which was made before 1 January 2001, by a Statutory Rule made on or after 1 January 2001, form part of that Statutory Rule. See section 36(3A).

- **Punctuation**

All punctuation included in a Statutory Rule which is made on or after 1 January 2001 forms part of that Statutory Rule. Any punctuation inserted in a Statutory Rule which was made before 1 January 2001, by a Statutory Rule made on or after 1 January 2001, forms part of that Statutory Rule. See section 36(3B).

- **Provision numbers**

All provision numbers included in a Statutory Rule form part of that Statutory Rule, whether inserted in the Statutory Rule before, on or after 1 January 2001. Provision numbers include regulation numbers, rule numbers, subregulation numbers, subrule numbers, paragraphs and subparagraphs. See section 36(3C).

- **Location of "legislative items"**

A "legislative item" is a penalty, an example or a note. As from 13 October 2004, a legislative item relating to a provision of a Statutory Rule is taken to be at the foot of that provision even if it is preceded or followed by another legislative item that relates to that provision. For example, if a penalty at the foot of a provision is followed by a note, both of these legislative items will be regarded as being at the foot of that provision. See section 36B.

- **Other material**

Any explanatory memorandum, table of provisions, endnotes, index and other material printed after the Endnotes does not form part of a Statutory Rule. See section 36(3)(3D)(3E).

2 Table of Amendments

There are no amendments made to the Education and Training Reform Regulations 2017 by statutory rules, subordinate instruments and Acts.

3 Amendments Not in Operation

There are no amendments which were Not in Operation at the date of this publication.

4 Explanatory details

Penalty Units

These Regulations provide for penalties by reference to penalty units within the meaning of section 110 of the **Sentencing Act 1991**. The amount of the penalty is to be calculated, in accordance with section 7 of the **Monetary Units Act 2004**, by multiplying the number of penalty units applicable by the value of a penalty unit.

The value of a penalty unit for the financial year commencing 1 July 2016 is \$155.46.

The amount of the calculated penalty may be rounded to the nearest dollar.

The value of a penalty unit for future financial years is to be fixed by the Treasurer under section 5 of the **Monetary Units Act 2004**. The value of a penalty unit for a financial year must be published in the Government Gazette and a Victorian newspaper before 1 June in the preceding financial year.

Table of Applied, Adopted or Incorporated Matter

The following table of applied, adopted or incorporated matter was included in S.R. No. 44/2017 in accordance with the requirements of regulation 5 of the Subordinate Legislation Regulations 2014.

Statutory rule provision	Title of applied, adopted or incorporated document	Matter in applied, adopted or incorporated document
Regulation 5 Definition of <i>Melbourne Statistical Area</i>	Australian Statistical Geography Standard (ASGS): Volume 1 – Main Structure and Greater Capital City Statistical Areas, July 2016, published by the Australian Bureau of Statistics	The provisions and maps describing the Melbourne Statistical Division
Regulation 5 Definition of <i>Urban Centre</i>	Australian Statistical Geography Standard (ASGS): Volume 4 – Significant Urban Areas, Urban Centres and Localities, Section of State, July 2011, published by the Australian Bureau of Statistics	The provisions and maps describing Urban Centres in Victoria