



# Victoria Government Gazette

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## Education And Training Reform Act 2006

### MINISTERIAL ORDER NO. 1328

Order Amending Ministerial Order No. 1038 – Teaching Service (Employment Conditions, Salaries, Allowances, Selection and Conduct) Order 2017 and Ministerial Order No. 1039 – School Council Employees (Employment Conditions, Salaries, Allowances and Selection) Order 2017

The Minister for Education makes the following Order –

#### 1. Title

This Order may be cited as Ministerial Order No. 1328 – *Order Amending Ministerial Order No. 1038 – Teaching Service (Employment Conditions, Salaries, Allowances, Selection and Conduct) Order 2017 and Ministerial Order No. 1039 – School Council Employees (Employment Conditions, Salaries, Allowances and Selection) Order 2017.*

#### 2. Purpose

This Order amends Ministerial Order No. 1038 – *Teaching Service (Employment Conditions, Salaries, Allowances, Selection and Conduct) Order 2017* (Ministerial Order 1038) and Ministerial Order No. 1039 – *School Council Employees (Employment Conditions, Salaries, Allowances and Selection) Order 2017* (Ministerial Order 1039) to:

- (a) amend clause 2.6.4(2)(e) in Ministerial Order 1038, concerning the calculation of higher duties allowances in the executive class or principal class, to take account of the minimum employer superannuation payment increasing from 9.5% to 10.0% on 1 July 2021;
- (b) insert clause 2.6.11 in Ministerial Order 1038, creating the superannuation adjustment allowance;
- (c) insert in Schedule 2 a superannuation adjustment allowance, that ensures principal class and executive class employees, other than principal class and executive class employees in a defined benefit superannuation scheme, are not adversely affected when the employee contribution rate for superannuation is increased from 9.5% to 10% effective from 1 July 2021;
- (d) update references in Division 2 of Part 3 of Ministerial Order 1038 and Division 2 of Part 3 of Ministerial Order 1039, following passage of the **Worker Screening Act 2020**.

#### 3. Authorising provisions

This Order is made under Part 2.4 of the Act, sections 2.3.8, 5.10.4 and 5.10.5 of the Act and item 8 of Schedule 6 to the Act.

#### 4. Commencement

- (1) Clause 5(3) and clause 6 of this Order commence on 20 June 2021.
- (2) All other clauses take effect on the day this Order is signed.

#### 5. Amendment to Part 2 of Ministerial Order 1038

- (1) In clause 2.6.4(2)(e)(i) of Ministerial Order 1038, for ‘91.3%’ substitute ‘90.9%’.
- (2) In clause 2.6.4(2)(e)(ii) of Ministerial Order 1038, for ‘91.3%’ substitute ‘90.9%’.
- (3) After clause 2.6.10 of Ministerial Order 1038, insert the following clause:

‘Superannuation adjustment allowance

2.6.11 A principal class or executive class employee, other than a principal class or executive class employee who is a member of a defined benefit superannuation scheme, will be paid the superannuation adjustment allowance appropriate to their classification and remuneration level specified in clause 2.7 of schedule 2.’.

**SPECIAL**

**6. Amendment to Schedule 2 of Ministerial Order 1038**

After clause 2.6 of Schedule 2 of Ministerial Order 1038, insert the following clause:

- ‘2.7 *Superannuation adjustment allowance (reference: clause 2.6.11)*
- (a) Principal class employees, other than employees who are members of a defined benefit superannuation scheme, will be paid the following Superannuation adjustment allowance:

<b>Range 6</b>	<b>Adjustment Allowance</b>
6-4	\$1,025
6-3	\$1,005
6-2	\$985
6-1	\$966
<b>Range 5</b>	
5-4	\$947
5-3	\$928
5-2	\$910
5-1	\$892
<b>Range 4</b>	
4-4	\$865
4-3	\$846
4-2	\$828
4-1	\$810
<b>Range 3</b>	
3-4	\$793
3-3	\$778
3-2	\$761
3-1	\$744
<b>Range 2</b>	
2-4	\$728
2-3	\$701
2-2	\$686
2-1	\$671
<b>Range 1</b>	
1-4	\$664
1-3	\$644
1-2	\$626
1-1	\$608

- (b) Executive class employees, other than employees who are members of a defined benefit superannuation scheme, will be paid a superannuation adjustment allowance calculated as follows:

The employee's total remuneration package x 0.456763%.

**7. Amendment to Part 3 of Ministerial Order 1038 and Ministerial Order 1039**

- (1) For clause 3.2.2(6) of Ministerial Order 1038 and clause 3.2.2(6) of Ministerial Order 1039, substitute:  
'(6) **'WWC check', 'WWC clearance' and 'WWC exclusion'** have the same meanings as under the **Worker Screening Act 2020**.'
- (2) In clause 3.2.3(2) of Ministerial Order 1038 and clause 3.2.3(2) of Ministerial Order 1039, for 'Working with Children Check' substitute 'WWC check'.
- (3) In clause 3.2.3(2) of Ministerial Order 1038 and clause 3.2.3(2) of Ministerial Order 1039, for 'Assessment Notice' substitute 'WWC clearance'.
- (4) In clause 3.2.5 of Ministerial Order 1038 and clause 3.2.5 of Ministerial Order 1039, for 'Working with Children Check' substitute 'WWC check'.
- (5) In clause 3.2.5 of Ministerial Order 1038 and clause 3.2.5 of Ministerial Order 1039, for 'Assessment Notice' substitute 'WWC clearance'.
- (6) In clause 3.2.6 of Ministerial Order 1038 and clause 3.2.6 of Ministerial Order 1039, for 'Working with Children Check' substitute 'WWC check'.
- (7) In clause 3.2.6 of Ministerial Order 1038 and clause 3.2.6 of Ministerial Order 1039, for 'Assessment Notice' substitute 'WWC clearance'.
- (8) In clause 3.2.7 of Ministerial Order 1038 and clause 3.2.7 of Ministerial Order 1039, for 'Working with Children Check in accordance with section 10 of the **Working With Children Act 2005**', substitute 'WWC check in accordance with section 53 of the **Worker Screening Act 2020**'.
- (9) In clause 3.2.7 of Ministerial Order 1038 and clause 3.2.7 of Ministerial Order 1039, for 'Assessment Notice in relation to the employee under the **Working With Children Act 2005**' substitute 'WWC clearance in relation to the employee under the **Working Screening Act 2020**'.
- (10) For clause 3.2.8 of Ministerial Order 1038 substitute:  
'3.2.8 The Secretary may determine to terminate the employment of an employee who does not provide to the Secretary, when required, a WWC clearance provided to the employee under the **Worker Screening Act 2020**. Provided that such termination must not occur fewer than 14 days from the employee's receipt or deemed receipt, of a notice from the Secretary requiring production to the Secretary of a WWC clearance in relation to the employee.'
- (11) For clause 3.2.8 of Ministerial Order 1039 substitute:  
'3.2.8 The council may determine to terminate the employment of an employee who does not provide to the council, when required, a WWC clearance provided to the employee under the **Worker Screening Act 2020**. Provided that such termination must not occur fewer than 14 days from the employee's receipt or deemed receipt, of a notice from the council requiring production to the council of a WWC clearance in relation to the employee.'
- (12) For clause 3.2.9 of Ministerial Order 1038 and clause 3.2.9 of Ministerial Order 1039 substitute:  
'3.2.9 By operation of this Division, the employment of an employee who surrenders a WWC clearance or who receives a WWC exclusion under the **Worker Screening Act 2020** ceases upon the employee's surrender of the WWC clearance or the employee's receipt of the WWC exclusion, providing that such cessation will be deemed to have no effect in the event that the employee receives a WWC clearance by order of the Victorian Civil and Administrative Tribunal under Part 4.3 of the **Worker Screening Act 2020**'.

Dated 27 July 2021

THE HON. JAMES MERLINO MP  
Minister for Education

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