



Victoria Government Gazette

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GENERAL

TABLE OF PROVISIONS

Private Advertisements		Government and Outer Budget Sector	
Estates of Deceased Persons		Agencies Notices	412
Antippa Lawyers	407	Orders in Council	522
Argent Law	407	Crown Land (Reserves);	
Aughtersons	407	Forests;	
Australian Unity Trustees		Land	
Legal Services	407	Obtainables	526
Basile & Co. Pty Ltd	407		
Brendan Holland & Michael Cahir	407		
Daniel Lawyers & Associates	408		
De Marco Lawyers	408		
Goldsmiths Lawyers	408		
Harwood Andrews	409		
KLR Legal Services Pty Ltd	409		
Macpherson Kelley Pty Ltd	409		
Mahons with Yuncken & Yuncken	409		
Maurice Blackburn Lawyers	409		
Morris Margolis Lawyers	409		
Nathan Yii Lawyers	409		
Partners Legal Pty Ltd	410		
Pearce Webster Dugdales	410		
Perpetual Trustee Company Limited	410		
Rennick & Gaynor	410		
Russo Pellicano Carlei	410		
Sally E. Angell Lawyers	411		
Sladen Legal	411		
Wainwright Ryan Eid Lawyers	411		
Warren, Graham & Murphy Pty Ltd	411		

Advertisers Please Note

As from 3 February 2022

The last Special Gazette was No. 49 dated 2 February 2022.

The last Periodical Gazette was No. 1 dated 9 June 2021.

How To Submit Copy

- See our webpage www.gazette.vic.gov.au
 - or contact our office on 8523 4601
between 8.30 am and 5.30 pm Monday to Friday
-

PRIVATE ADVERTISEMENTS

Re: EVANGELOS MPADOGIANNIS, deceased, late of 218 Brunswick Road, Brunswick, Victoria, railway labourer.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 9 November 2021, at Parkville, Victoria, are required by the trustees, Nektaria Douros and George Mpadogiannis, to send particulars to the trustees, care of Antippa Lawyers of Room 3, Level 5, 2 Collins Street, Melbourne, Victoria 3000, by 4 April 2022, after which date the trustees may convey or distribute the assets, having regard only to the claims of which the trustees then have notice.

RICHARD ALLAN HUDSON, late of 67 Main Street, Thomastown, Victoria, sheetmetal worker, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the abovenamed deceased, who died on 7 October 2021, are required by the trustee, Julie Margaret Turner, to send particulars of their claims to the undermentioned firm by 10 April 2022, after which date the said trustee may convey or distribute the estate, having regard only to the claims of which she then has notice. Probate was granted in Victoria on 27 January 2022.

ARGENT LAW,
2 Stawell Street, Richmond, Victoria 3121.
Ph: 03 9571 7444.
Contact: Helen Adoranti.

WILLIAM RICHARD JAMES FINIGHAN, late of 27–29 The Greenway, Heathmont, Victoria 3135.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 6 September 2021, are required by the personal representative, Judith Susan Henman, to send particulars to her, care of the undermentioned solicitors, by 7 April 2022, after which date the personal representative may convey or distribute the assets, having regard only to the claims of which she then has notice.

AUGHTERSONS,
267 Maroondah Highway, Ringwood 3134.

NAOMI MARGARET LYONS, late of 121–127 Westgarth Street, Northcote, Victoria, librarian, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 31 October 2020, are required by Australian Unity Trustees Limited, ACN 162 061 556, of 15/271 Spring Street, Melbourne, Victoria, having been duly authorised by Linda Lovell, the sister of the deceased, to send particulars to it by 3 May 2022, after which date it may convey or distribute the assets, having regard only to the claims of which it then has notice.

AUSTRALIAN UNITY TRUSTEES
LEGAL SERVICES,
15/271 Spring Street, Melbourne, Victoria 3000.

Estate NEVILLENE JOYCE HARROWER, late of 56 Malanie Close, Narre Warren North, Victoria, home duties, deceased.

Creditors, next-of-kin and others having claims in respect of the abovenamed deceased, who died on 13 October 2021, are required by the executor, Julie Anne Kovacich, to send particulars of such claims to them, in care of the undermentioned solicitors, within two months from the date of publication of this notice, after which date they will distribute the assets, having regard only to the claims of which they then have notice.

Dated 21 January 2022

BASILE & CO. PTY LTD, legal practitioners,
consultants and conveyancers (Vic. and NSW),
46 Wellington Street, Kerang, Victoria 3579.
RB:BD:21423.

Re: Estate of JEANETTE MARIE WEBB, late of 617 Lower Dandenong Road, Dingley Village, Victoria, deceased.

Creditors, next-of-kin or others having claims in respect of the estate of the deceased, who died on 23 October 2021, are required by the trustee, Loretta Marie Webb, to send particulars of their claims to the trustee, care of the undermentioned legal practitioners, by a date not later than two months from the date of publication of this advertisement, after which

date the trustee may convey or distribute the assets, having regard only to the claims of which she then has notice.

BRENDAN HOLLAND & MICHAEL CAHIR,
legal practitioners,
130 Balcombe Road, Mentone 3194.

Re: ANDONIOS KORDELOS, late of
16 Neylon Street, Yarraville, Victoria 3013.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 1 September 2021, are required by the executor, Dimitra Kordelos, to send particulars of their claim to her, care of the undermentioned solicitors, by 4 April 2022, after which date the executor may convey or distribute the assets, having regard only to the claims of which she may then have notice.

DANIEL LAWYERS & ASSOCIATES,
Level 5, 12 Clarke Street, Sunshine 3020.

Re: GIUSEPPE CARDILLO-ZALLO, late
of 135 West Street, Hadfield, Victoria, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 20 August 2021, are required by the trustees, Antonella Augello and Mina Cardillo-Zallo, to send particulars to the trustees, care of the undermentioned solicitors, within 60 days from the publication hereof, after which date the trustees may convey or distribute the assets, having regard only to the claims of which the trustees have notice.

DE MARCO LAWYERS,
794A Pascoe Vale Road, Glenroy 3046.

Re: MARIA CAVALIERI, late of 120 North
Road, Avondale Heights, Victoria, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 17 March 2021, are required by the trustee, Pasquale Rocca, to send particulars to the trustee, care of the undermentioned solicitors, within 60 days from the publication hereof, after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee has notice.

DE MARCO LAWYERS,
794A Pascoe Vale Road, Glenroy 3046.

Re: DAFFYDD LLEWELLYN OWEN,
late of 34 Jamison Street South, Altona
Meadows, Victoria, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 5 December 2020, are required by the trustee, Lynda Katinka Finlay, to send particulars to the trustee, care of the undermentioned solicitors, within 60 days from the publication hereof, after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee has notice.

DE MARCO LAWYERS,
794A Pascoe Vale Road, Glenroy 3046.

Re: STEPHEN PRESPAKIS, late of
7 Bowes Place, Craigieburn, Victoria, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 1 July 2021, are required by the trustee, Tom Prespakis, to send particulars to the trustee, care of the undermentioned solicitors, within 60 days from the publication hereof, after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee has notice.

DE MARCO LAWYERS,
794A Pascoe Vale Road, Glenroy 3046.

PATRICIA DOROTHY MUNRO, late of
55 Walpole Street, Kew, Victoria.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 15 July 2021, are required by the executors, Nigel Andrew Munro, Andrew James Bickerdike and Louise Jane Timms, for grant of probate, to send particulars to them, care of the undermentioned solicitors, 60 days from the date of publication of this notice, after which date the executors may convey or distribute the assets, having regard only to the claims of which they then have notice.

GOLDSMITHS LAWYERS,
52–54 Rosslyn Street, West Melbourne,
Victoria 3003.

SUZANNE LORRAINE ANGELL, late of 8 Loch Street, East Geelong, Victoria, retired, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 9 November 2021, are required by Nola Lesley McAlister, the executor of the deceased's Will, to send particulars to her, care of the undermentioned lawyers, by 4 April 2022, after which date the executor may convey or distribute the assets, having regard only to the claims of which she then has notice.

HARWOOD ANDREWS,
70 Gheringhap Street, Geelong 3220.

Trustee Act 1958

SECOND SCHEDULE

MICHAEL PATRICK CHARLES WHITTLE, late of 72 Ellett Road, Pakenham South, Victoria 3810, factory worker.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died 17 October 2021, are required by the trustee, Paul George Mitchell, care of KLR Legal Services Pty Ltd, of 398 Belgrave–Gembrook Road, Emerald, Victoria 3782, to send particulars to them by 3 May 2022, after which date the trustee may convey or distribute the assets, having regard only to the claims of which they then have notice.

Re: ANTHONY RICHARD MITROVICH, late of 13 Raymond Road, Seaford, Victoria, painter, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 21 May 2021, are required by the trustee, Paul Kirton, care of 40–42 Scott Street, Dandenong, Victoria, to send particulars to the trustee, care of the undersigned, by 4 April 2022, after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee has notice.

MACPHERSON KELLEY PTY LTD,
40–42 Scott Street, Dandenong 3175.

Re: JAMES LINDON PARR, late of Unit 5, 150–168 Bulban Road, Werribee, Victoria, retired, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased,

who died on 15 June 2021, are required by the trustee, Douglas Frederick Parr, to send particulars to the trustee, care of the undermentioned lawyers, by 5 April 2022, after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee then has notice.

MAHONS with Yuncken & Yuncken, lawyers,
101/177 Surrey Road, Blackburn 3130.
CD:2211083.

Re: ANTHONY BOLAND, late of 14 Hodgson Grove, Bentleigh East, Victoria.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 20 August 2021, are required by the executor, Maureen Maria Boland, to send particulars of such claims to her, at the undermentioned address, by 6 April 2022, after which date the executor may convey or distribute the assets, having regard only to the claims of which she then has notice.

Maureen Maria Boland, care of
MAURICE BLACKBURN LAWYERS,
Level 21, 380 La Trobe Street, Melbourne 3000.
Tel: (03) 9605 2700. Ref: ztapp/5659559.

HARVEY ETEL BROWN, late of Unit 7, 33 Selborne Road, Toorak, Victoria, company director, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 3 April 2021, are required by the trustee, Suzanne Virginia Brown, to send particulars to the undermentioned legal practice by 8 April 2022, after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee then has notice.

MORRIS MARGOLIS LAWYERS,
Suite 1, Level 1, 2–6 Glenferrie Road,
Malvern, Victoria 3144.

HONGQIONG YUAN, late of Kilsyth, Victoria.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 9 March 2021, are required to send particulars of their claims to the executors, care of Nathan Yii Lawyers Pty Ltd, Level 1,

34 Queen Street, Melbourne, Victoria 3000, by 14 April 2022, after which date the executors may convey or distribute the assets, having regard only to the claims of which they may then have notice.

REYNOLD WILLIAM LAND, late of 58 Cochrane Street, Brighton, Victoria 3186, deceased.

Creditors, next-of-kin and others having claims in respect of the Will of the abovenamed deceased, who died on 27 September 2021, are required by the executors, Charles William Land, in the Will called Charles Land, and Brian Hamilton, care of Level 13, 636 St Kilda Road, Melbourne, Victoria 3004, to send particulars of their claims to them by 8 April 2022, after which date the executors may convey or distribute the assets, having regard only to the claims of which they then have notice. Probate was granted in Victoria on 9 December 2021.

Patrick Robertson, solicitor,
PARTNERS LEGAL PTY LTD,
Level 13, 636 St Kilda Road, Melbourne,
Victoria 3004.

Re: RUDOLPH POLLIO, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 12 September 2020, are required by the trustees, Lachlan Robert Shaw and Margaret Shaw, to send particulars to them, care of the undermentioned solicitors, by 11 April 2022, after which date they may convey or distribute the assets, having regard only to the claims of which they then have notice.

PEARCE WEBSTER DUGDALES, lawyers,
4th floor, 379 Collins Street, Melbourne 3000.

SONIA ANASTASIA MARSH, also known as Sonja Anastasia Marsh, late of 1 Ananda Court, Watsonia, Victoria, retired, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 23 September 2021, are required by Perpetual Trustee Company Limited ACN 000 001 007 of Level 29, 525 Collins Street, Melbourne, Victoria, the executor, to send particulars to it by 4 April 2022, after which date it may convey or distribute the assets, having

regard only to the claims of which it then has notice.

PERPETUAL TRUSTEE COMPANY
LIMITED,
Level 29, 525 Collins Street, Melbourne,
Victoria 3000.

Re: NORMA SUSAN NEWSOME, also known as Norma Newsome and Norma Sue Newsome, late of 69 Harold Street, Hawthorn East, Victoria 3123, customer service, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the abovenamed deceased, who died on 3 October 2021, are required by the executor, Andrew John Newsome, to send particulars of their claims to him, care of the undermentioned solicitors, by 5 April 2022, after which date he may convey or distribute the assets, having regard only to the claims of which he then has notice.

RENNICK & GAYNOR, solicitors,
431 Riversdale Road, Hawthorn East,
Victoria 3123.
Ref: AE: 212668.

Re: VALDA JOYCE WAINWRIGHT, late of 9 Brenchley Grove, Kingswood, South Australia 5062, retired, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the abovenamed deceased, who died on 15 September 2021, are required by the executor, Sarah Elizabeth Radford, to send particulars of their claims to her, care of the undermentioned solicitors, by 5 April 2022, after which date she may convey or distribute the assets, having regard only to the claims of which she then has notice.

RENNICK & GAYNOR, solicitors,
431 Riversdale Road,
Hawthorn East, Victoria 3123.
Ref: AE: 212690.

Re: JOSEPH TILLI, also known as Giuseppe Tilli, late of 5 Galloway Drive, Narre Warren South, in the State of Victoria, retired, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 30 August 2020, are required by Mark Edward Tilli, the trustee of the estate of

the deceased, to send particulars of their claims to him, care of the undermentioned lawyers, by 14 April 2022, after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee has notice.

RUSSO PELLICANO CARLEI, lawyers,
43 Atherton Road, Oakleigh, Victoria 3166.

EMMANOUIL ZANTALIS, also known as Emmanuel Zantalis and Manuel Zantalis, late of 4 Loyola Grove, Burnley, Victoria, retired, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the abovenamed deceased, who died on 5 January 2021, are required by the trustee, Rubina Zantalis, to send particulars of their claims to the trustee, care of the undermentioned firm, by a date not later than two months from the date of publication hereof, after which date the trustee may convey or distribute the estate, having regard only to the claims of which she then has notice. Probate was granted in Victoria on 13 October 2021.

SALLY E. ANGELL LAWYERS,
PO Box 1070G, Balwyn North, Victoria 3104.
Ph: (03) 9857 6458.

NEVILLE JOHN SILLITOE, late of 2–12 Anzac Avenue, Coburg North, Victoria, deceased.

Creditors, next-of-kin and others having claims against the estate of the deceased, who died on 20 June 2021, are required by the executor, Denise Margaret Boyd, to send detailed particulars of their claim to the said executor, care of Sladen Legal of Tower Two, Collins Square, Level 22, 727 Collins Street, Melbourne, Victoria, by 4 April 2022, after which the executor may convey or distribute the assets, having regard only to the claims of which the executor has notice.

SLADEN LEGAL,
Tower Two, Collins Square, Level 22,
727 Collins Street, Melbourne, Victoria 3008.

MARJORIE ETHEL OPIE, late of 37 Laughlin Avenue, Nunawading, Victoria, seamstress, deceased.

Creditors, next-of-kin and all others having claims in respect of the estate of the deceased,

who died on 3 November 2021, are required by the executor, Katherine Freeman, to send particulars of such claims to the executor, care of the undermentioned solicitors, within 60 days from the publication hereof, after which date the executor may convey and distribute the assets, having regard only to the claims of which the executor then has notice.

WAINWRIGHT RYAN EID LAWYERS,
Level 4, 530 Lonsdale Street, Melbourne 3000.

JANET STIRLING WILSON, late of 48 Dorking Road, Box Hill, Victoria, secretary, deceased.

Creditors, next-of-kin and all others having claims in respect of the estate of the deceased, who died on 20 October 2021, are required by the executors, Alasdair Thomas Wilson and Fiona Jane Paterson Matthews, to send particulars of such claims to the executors, care of the undermentioned solicitors, within 60 days from the publication hereof, after which date the executors may convey and distribute the assets, having regard only to the claims of which the executors then have notice.

WAINWRIGHT RYAN EID LAWYERS,
Level 4, 530 Lonsdale Street, Melbourne 3000.

Estate of GERARDINE MARY-IMELDA KEYTE, late of 125 McKean Street, Bairnsdale, Victoria, nurse, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 11 December 2020, are required by the executors, Maria Josephine Keyte and Moira Glenda Ljubic, to send particulars to them, care of Warren, Graham & Murphy Pty Ltd, 119 Main Street, Bairnsdale, Victoria, by Friday 1 April 2022, after which date the executors may convey or distribute the assets, having regard only to the claims of which they then have notice.

WARREN, GRAHAM & MURPHY PTY LTD,
119 Main Street, Bairnsdale, Victoria 3875.

**GOVERNMENT AND OUTER BUDGET
SECTOR AGENCIES NOTICES**



PART ROAD DEVIATION – PIGDON STREET, PORTARLINGTON

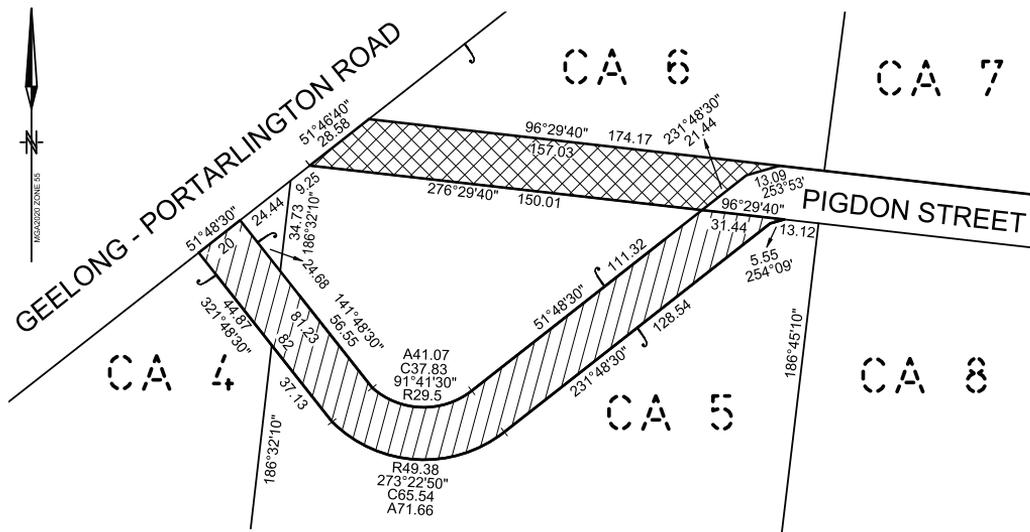
Greater Geelong City Council (Council), at its meeting of 28 September 2021, resolved to proceed with a road deviation of a portion of Pigdon Street, Portarlington, pursuant to section 207B(2A), Clause 2 of Schedule 10 of the **Local Government Act 1989** (the Act), in accordance with the accompanying plan.

In accordance with Clause 2(2) of Schedule 10 of the Act, consent was obtained on 15 December 2021 from the Minister for Energy, Environment and Climate Change, under delegate authority, to the proposed road deviation as shown on the accompanying plan.

Council at its meeting on 28 September 2021 authorised Council officers to proceed with the gazettal of the deviation after no submissions were received during the submission period which was conducted in accordance with section 223 of the Act and the Council’s community engagement policy.

Schedule 10, Clause 2(3) gives effect to the road deviation in accordance with the plan.

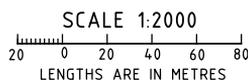
Following vesting, the discontinued section of road which is cross-hatched will be transferred to the adjoining land owner. The land which is hatched will become a municipal road.



LAND SHOWN CROSS-HATCHED DENOTES
ROAD NO LONGER REQUIRED

LAND SHOWN HATCHED DENOTES
ROAD TO BE CREATED

**PARISH OF BELLARINE
CROWN ALLOTMENT 4 (PT) & 5 (PT)**



MARTIN CUTTER
Chief Executive Officer



South Gippsland
Shire Council

ROAD DISCONTINUANCE –
PARTS MYRTLE STREET AND MINE ROAD AND WATTLE ROAD, JUMBUNNA

Pursuant to sections 206, 207A and 223, Schedule 10, Clause 3 of the **Local Government Act 1989** (the Act), the South Gippsland Shire Council at its ordinary meeting held 15 December 2021, having received no submissions in accordance with section 223 of the Act, resolved to discontinue and sell to the abutting land owner of 41 Rees Road, Jumbunna, the following, as the unused parts of the roads are not reasonably required for public traffic:

- a. part Myrtle Street and part Mine Road, Jumbunna, Parish of Jumbunna East, with an area of 2041 m² as shown in the plan in Figure 1;
- b. part Wattle Street, Jumbunna, Parish of Jumbunna East, with an area of 67.7 m² as shown on the plan in Figure 2.

Figure 1

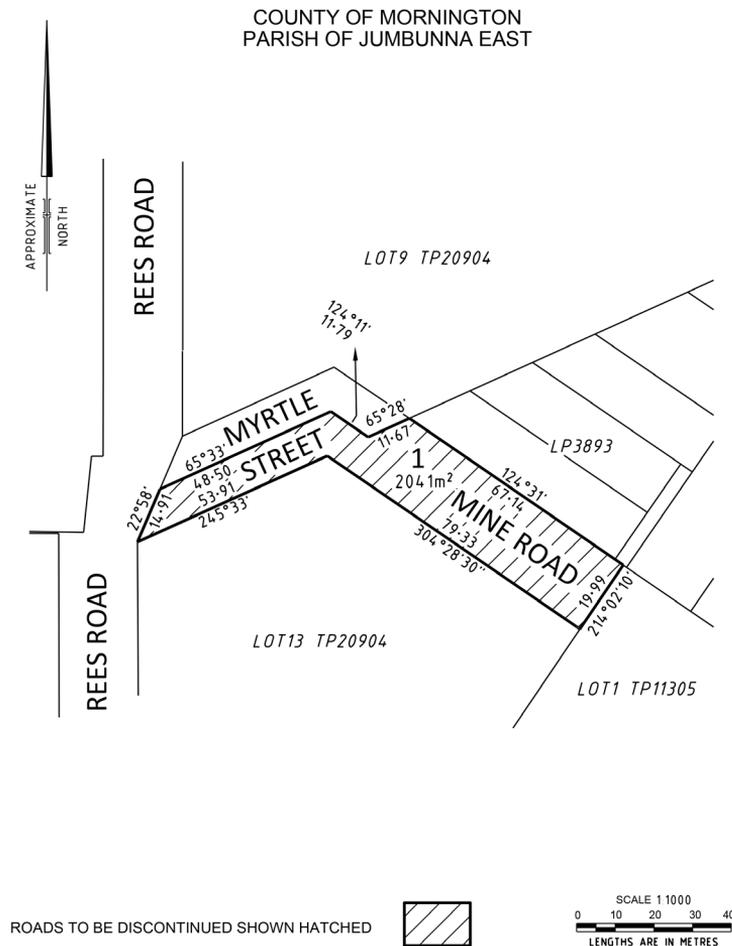
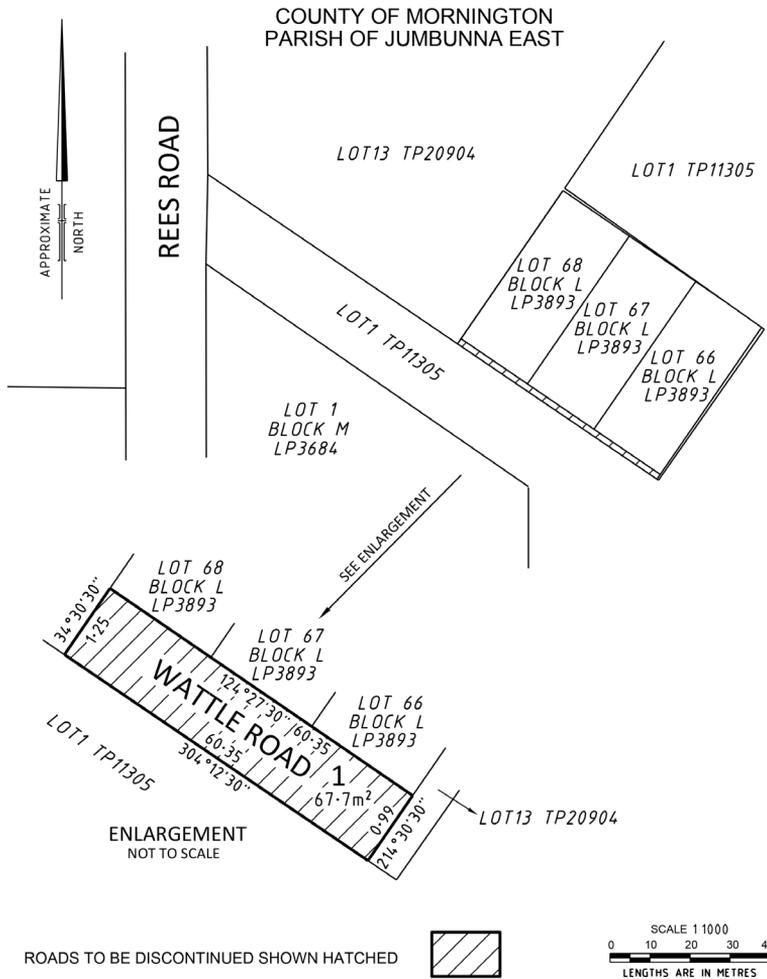


Figure 2



KERRYN ELLIS
Chief Executive Officer

Planning and Environment Act 1987**CAMPASPE PLANNING SCHEME**

Notice of Preparation of Amendment

Amendment C118camp

The Campaspe Shire Council has prepared Amendment C118camp to the Campaspe Planning Scheme.

The Amendment applies to all land within the Shire of Campaspe.

The Amendment proposes to implement changes required pursuant to VC148, proposes several mapping and zoning changes and seeks to implement the outcomes of the following adopted and endorsed documents:

- Campaspe Planning Scheme Review Report (2018);
- Campaspe Council Plan (2017–2021);
- Echuca CBD and Historic Port Precinct Parking Strategy (2018);
- Echuca Commercial Strategy (2017);
- Echuca Station Precinct Master Plan (2016);
- Active Transport Strategy (2019);
- Goulburn Valley Waste and Resource Recovery Group Report (2019);
- Port Precinct Plan (2018);
- Port Precinct Plan Background Report (2018).

In particular the Amendment replaces the Municipal Strategic Statement (MSS) at Clause 21 and Local Planning Policies at Clause 22 of the Campaspe Planning Scheme with a Municipal Planning Strategy (MPS), local policies integrated within the Planning Policy Framework (PPF), local schedules to zones, overlays, particular provisions, general provisions and operational provisions and a number of mapping changes.

You may inspect the Amendment, any documents that support the Amendment and the explanatory report about the Amendment, free of charge, during office hours, at the following locations: Campaspe Shire Council, corner Hare and Heygarth Streets, Echuca; Rochester Service Centre, MacKay Street, Rochester; Tongala Service Centre, Mangan Street, Tongala; Kyabram Service Centre, Lake Road, Kyabram; Rushworth Service Centre, High Street, Rushworth; Council's website, www.campaspe.vic.gov.au; and Department of Environment, Land, Water and Planning website, at <http://www.delwp.vic.gov.au/planning/publicinspection>

Information sessions will be held across the period of exhibition. Details of these sessions can be found at www.campaspe.vic.gov.au

All contact will be conducted in accordance with the Victorian Government's current health advice.

Any person who may be affected by the Amendment may make a submission to the planning authority. Submissions must be made in writing giving the submitter's name and contact address, clearly stating the grounds on which the Amendment is supported or opposed and indicating what changes (if any) the submitter wishes to make.

Name and contact details of submitters are required for Council to consider submissions and to notify such persons of the opportunity to attend Council meetings and any public hearing held to consider submissions. In accordance with the **Planning and Environment Act 1987**, Council must make available for inspection a copy of any submissions made.

The closing date for submissions is 17 March 2022. A submission must be sent to Council's Planning Department, Campaspe Shire Council, PO Box 35, Echuca 3564, or emailed to shire@campaspe.vic.gov.au

The following panel hearing dates have been set for this Amendment:

- directions hearing: week of 20 June 2022;
- panel hearing: week of 18 July 2022.

DECLAN MOORE
Chief Executive Officer

Planning and Environment Act 1987**GREATER DANDENONG
PLANNING SCHEME**

Notice of the Preparation of an Amendment

Amendment C234gdan

Greater Dandenong City Council has prepared Amendment C234gdan to the Greater Dandenong Planning Scheme.

The Amendment rezones land in Dandenong North in accordance with the recommendations supported at the Council meeting of 27 September 2021.

The Amendment will:

- rezone the following land from Schedule 1 to Clause 32.08 (General Residential Zone) to Schedule 1 to Clause 32.09 (Neighbourhood Residential Zone 1):

- 48–78 Prospect Hill Crescent, Dandenong North
- 5–13 Balkan Court, Dandenong North
- 2–6 Ural Court, Dandenong North
- 155–159 Carlton Road, Dandenong North
- 1–19 Fair Crescent, Dandenong North;
- rezone the following land from Schedule 1 to Clause 32.08 (General Residential Zone) to Schedule 2 to Clause 32.09 (Neighbourhood Residential Zone 2):
 - 147–157 Brady Road, Dandenong North
 - 2–26 Cardinia Close, Dandenong North
 - 1–13 Sylvan Court, Dandenong North;
- amend Planning Scheme Maps 3 and 6.

You may inspect the Amendment, any documents that support the Amendment and the explanatory report about the Amendment, free of charge, during office hours, at the following City of Greater Dandenong Customer Service centres; 225 Lonsdale Street, Dandenong; 5 Hillcrest Grove, Springvale; Shop A7, Parkmore Shopping Centre, Cheltenham Road, Keysborough; and at the City of Greater Dandenong website, www.greaterdandenong.com, and the Department of Environment, Land, Water and Planning website, www.planning.vic.gov.au/public-inspection

Any person who may be affected by the Amendment may make a submission to the planning authority about the Amendment. Submissions must be made in writing, giving the submitter's name and contact address, clearly stating the grounds on which the Amendment is supported or opposed and indicating what changes (if any) the submitter wishes to make.

Name and contact details of submitters are required for council to consider submissions and to notify such persons of the opportunity to attend council meetings and any public hearing held to consider submissions.

The closing date for submissions is Friday 4 March 2022. A submission can be sent to Council by email to council@cgd.vic.gov.au or by post to Strategic Planning – Amendment C234, City of Greater Dandenong, PO Box 200, Dandenong, Victoria 3175.

The planning authority must make a copy of every submission available at its office for any person to inspect, free of charge, for two months

after the Amendment comes into operation or lapses.

MR JODY BOSMAN
Director City Planning, Design and Amenity
Greater Dandenong City Council

Planning and Environment Act 1987

MORNINGTON PENINSULA PLANNING SCHEME

Notice of the Preparation of an Amendment Amendment C239morn

The Mornington Peninsula Shire Council has prepared Amendment C239morn to the Mornington Peninsula Planning Scheme.

The land affected by the Amendment includes:

- part of 181 Bittern–Dromana Road, Merricks North;
- 39–45 Marine Parade, Shoreham, and part of 47–57 Marine Parade, Shoreham.

The Amendment proposes to:

- apply a new permanent Heritage Overlay (HO543) to part of 181 Bittern–Dromana Road, Merricks North, containing the historic place Fenton Hall;
- revise the extent of the existing Heritage Overlay (HO127) over land at 39–45 Marine Parade and part of 47–57 Marine Parade, Shoreham, to capture all elements of the historic place Camp Buxton (former) and revise the citation;
- amend the Schedule to Clause 72.04 to introduce Statements of Significance Incorporated Documents for Fenton Hall and Camp Buxton (former); and
- amend the Schedule to Clause 72.08 to include the new and updated citations for Fenton Hall and Camp Buxton (former) as Background Documents.

You may inspect the Amendment, any documents that support the Amendment and the explanatory report about the Amendment, free of charge, at: the Mornington Peninsula Shire's website, at www.mornpen.vic.gov.au/Building-Planning/Strategic-Planning/Planning-Scheme-Amendments; during office hours, at the office of the planning authority: 90 Besgrove Street, Rosebud, Victoria 3939 (Rosebud Office); 2 Queen Street, Mornington, Victoria 3931 (Mornington Office); 21 Marine Parade, Hastings, Victoria 3915 (Hastings Office); at

the Department of Environment, Land, Water and Planning website, www.delwp.vic.gov.au/public-inspection

Any person who may be affected by the Amendment may make a submission to the planning authority about the Amendment. Submissions must be made in writing giving the submitter's name and contact address, clearly stating the grounds on which the Amendment is supported or opposed and indicating what changes (if any) the submitter wishes to make.

Name and contact details of submitters are required for Council to consider submissions and to notify such persons of the opportunity to attend Council meetings and any public hearing held to consider submissions.

The closing date for submissions is 5 pm Friday 18 March 2022.

A submission must be sent to the Mornington Peninsula Shire by: Online form (preferred) – visit www.mornpen.vic.gov.au/Building-Planning/Strategic-Planning/Planning-Scheme-Amendments; email at strategic.admin@mornpen.vic.gov.au Please use 'Amendment C239morn – submission' in the email subject line; mail – Team Leader Strategic Planning, Mornington Peninsula Shire, Private Bag 1000, Rosebud, Victoria 3939.

The planning authority must make a copy of every submission available at its office and/or on its website for any person to inspect, free of charge, for two months after the Amendment comes into operation or lapses.

CLAIRE DOUGALL
Team Leader, Strategic Planning

Planning and Environment Act 1987

MOUNT ALEXANDER PLANNING SCHEME

Notice of the Preparation of an Amendment Amendment C97malx

The Mount Alexander Shire Council has prepared Amendment C97malx to the Mount Alexander Planning Scheme.

The land affected by the Amendment includes a number of properties across the Mount Alexander Shire. The specific parcels and properties affected by this Amendment can be viewed within the Amendment documentation.

The Amendment seeks to correct errors and anomalies within the Mount Alexander Planning Scheme, which are associated with both the

zoning and overlay mapping and ordinance of the Planning Scheme. The majority of these errors and anomalies are associated with the Heritage Overlay.

The Amendment also proposes administrative changes to tidy up the zoning and overlay controls along the Calder Freeway (which has been declared a freeway under the **Road Management Act 2004**), to ensure that these are accurate and reflective of the current land use, road manager and conditions.

You may inspect the Amendment, any documents that support the Amendment and the explanatory report about the Amendment, free of charge, at the Mount Alexander Shire Council's website, <https://www.mountalexander.vic.gov.au/Page/Page.aspx?PageId=4208>; during office hours, at the office of the planning authority, Mount Alexander Shire Council, corner Lyttleton Street and Lloyd Street, Castlemaine, Victoria 3450; at the Department of Environment, Land, Water and Planning website, www.delwp.vic.gov.au/public-inspection

Any person who may be affected by the Amendment may make a submission to the planning authority about the Amendment. Submissions must be made in writing giving the submitter's name and contact address, clearly stating the grounds on which the Amendment is supported or opposed and indicating what changes (if any) the submitter wishes to make.

The name and contact details of submitters are required for Council to consider submissions and to notify such persons of the opportunity to attend Council meetings and any public hearing held to consider submissions.

The planning authority must make a copy of every submission available at its office and/or on its website for any person to inspect, free of charge, for two months after the Amendment comes into operation or lapses.

The closing date for submissions is 4 March 2022.

Submissions must be made in writing and sent to the Mount Alexander Shire Council via email: strategicplanning@mountalexander.vic.gov.au; or mail: Strategic Planning Mount Alexander Shire Council (attention: Strategic Planning), PO Box 185, Castlemaine, Victoria 3450.

If you make a submission, Council will keep you informed during the Amendment process.

DARREN FUZZARD
Chief Executive Officer

Planning and Environment Act 1987**LATROBE PLANNING SCHEME**

Notice of the Preparation of an Amendment

Amendment C131latr

The Latrobe City Council has prepared Amendment C131latr to the Latrobe Planning Scheme.

The Amendment applies to 65,614 ha (Vic. Map data) of land within the Latrobe municipality which is within proximity of the Latrobe River and the Traralgon Creek, and considered to be at risk of flooding.

The Amendment implements the recommendations of the Latrobe River Flood Study (2015) and the Traralgon Flood Study (2016) into the Latrobe Planning Scheme. The Amendment proposes to amend Clause 02.04 (Strategic Framework Plans) to include a new Strategic Framework Plan, amend Clause 11.01-1L (Glengarry) to include a new Glengarry Town Structure Plan (GTSP), and amends the Schedule to Clause 72.03 (Schedule to Clause 72.03 What Does This Planning Scheme Consist Of?) to reflect the amended FO/LSIO mapping.

The Amendment amends Planning Scheme Map Nos 11LSIO-FO, 14LSIO-FO, 15LSIO-FO, 16LSIO-FO, 17LSIO-FO, 18LSIO-FO, 19LSIO-FO, 20LSIO-FO, 21LSIO-FO, 22LSIO-FO, 23LSIO-FO, 24LSIO-FO, 25LSIO-FO, 26LSIO-FO, 28LSIO-FO, 29LSIO-FO, 34LSIO-FO, 35LSIO-FO, 37LSIO-FO, 38LSIO-FO, 41LSIO-FO, 42LSIO-FO, 43LSIO-FO, 44LSIO-FO, 47LSIO-FO, 48LSIO-FO, 49LSIO-FO, 50LSIO-FO, 56LSIO-FO, 60LSIO-FO, 61LSIO-FO, 63LSIO-FO, 64LSIO-FO, 65LSIO-FO, 66LSIO-FO, 68LSIO-FO, 69LSIO-FO, 70LSIO-FO, 72LSIO-FO, 73LSIO-FO, 74LSIO-FO, 77LSIO-FO, 78LSIO-FO, 79LSIO-FO, 82LSIO-FO, 83LSIO-FO, 84LSIO-FO, 85LSIO-FO, 86LSIO-FO, 87LSIO-FO, 88LSIO-FO, 91LSIO-FO, 92LSIO-FO, 93LSIO-FO, 94LSIO-FO, 96LSIO-FO, 97LSIO-FO, 99LSIO-FO, 100LSIO-FO, 101LSIO-FO, 102LSIO-FO, 104LSIO-FO, 106LSIO-FO, 107LSIO-FO, 108LSIO-FO, 109LSIO-FO, 110LSIO-FO, 111LSIO-FO, 114LSIO-FO, 115LSIO-FO, 116LSIO-FO, 117LSIO-FO, 118LSIO-FO, 119LSIO-FO, 120LSIO-FO and 121LSIO-FO in the manner shown on the 158 attached maps marked 'Latrobe Planning Scheme, Amendment C131'.

The Amendment inserts new Planning Scheme Map Nos 4LSIO-FO, 32LSIO-FO, 33LSIO-FO, 40LSIO-FO, 51LSIO-FO, 55LSIO-FO, 57LSIO-FO, 62LSIO-FO, 67LSIO-FO, 71LSIO-FO, 76LSIO-FO and 112LSIO-FO in the manner shown on the 12 attached maps marked 'Latrobe Planning Scheme, Amendment C131'.

The Amendment deletes Planning Scheme Map Nos 2LSIO-FO, 5LSIO-FO, 6LSIO-FO, 7LSIO-FO, 8LSIO-FO, 9LSIO-FO, 10LSIO-FO and 52LSIO-FO in the manner shown on the 8 attached maps marked 'Latrobe Planning Scheme, Amendment C131'.

You may inspect the Amendment, any documents that support the Amendment and the explanatory report about the Amendment, free of charge, at the Latrobe City Council website, www.latrobe.vic.gov.au/C131, the Department of Environment, Land, Water and Planning website, www.delwp.vic.gov.au/public-inspection and during office hours, at Latrobe City Service Centres: Corporate Headquarters, 141 Commercial Road, Morwell; Churchill Service Hub, 9–11 Philip Parade, Churchill; Moe Service Centre, 1–29 George Street, Moe; Morwell Library, 63–65 Elgin Street, Morwell; and Traralgon Service Centre, 34–38 Kay Street, Traralgon. (Please note that inspection of documents may be subject to COVID-19 restrictions and requirements.)

Any person who may be affected by the Amendment may make a submission to the planning authority about the Amendment. Submissions must be made in writing giving the submitter's name and contact address, clearly stating the grounds on which the Amendment is supported or opposed and indicating what changes (if any) the submitter wishes to make.

Name and contact details of submitters are required for Council to consider submissions and to notify such persons of the opportunity to attend council meetings and any public hearing held to consider submissions. The closing date for submissions is 7 March 2022. A submission must be sent to the Latrobe City Council, Strategic Planning, PO Box 264, Morwell, Victoria 3840; or Latrobe@latrobe.vic.gov.au – Attention: Strategic Planning.

The planning authority must make a copy of every submission available at its office for any person to inspect, free of charge, for two months after the Amendment comes into operation or lapses.

STEVEN PIASENTE
Chief Executive Officer

Creditors, next-of-kin and others having claims against the estate of any of the undermentioned deceased persons are required to send particulars of their claims to State Trustees Limited, ABN 68 064 593 148, of 1 McNab Avenue, Footscray, Victoria 3011, the personal representative, on or before 4 April 2022, after which date State Trustees Limited may convey or distribute the assets, having regard only to the claims of which State Trustees Limited then has notice.

GARVEY, Coralie Lillian, late of Unit 2, 20 Holland Court, Maidstone, Victoria 3012, deceased, who died on 13 October 2021.

IVORY, Irene Letitia Edith, late of Warrawee Nursing Home, 854A Centre Road, Bentleigh East, Victoria 3165, deceased, who died on 5 August 2021.

MARTIN, Marcus David, late of 2 Forest Street, Greensborough, Victoria 3088, deceased, who died on 16 April 2021.

THORPE, Matthew Sydenham, also known as John Sydenham Thorpe, late of Unit 11, 29 Bradbury Street, Brown Hill, Victoria 3350, deceased, who died on 5 November 2021.

WILKS, Victor John, late of 22 Walter Street, Williamstown North, Victoria 3016, deceased, who died on 14 September 2021.

Dated 24 January 2022

Creditors, next-of-kin and others having claims against the estate of any of the undermentioned deceased persons are required to send particulars of their claims to State Trustees Limited, ABN 68 064 593 148, of 1 McNab Avenue, Footscray, Victoria 3011, the personal representative, on or before 12 April 2022, after which date State Trustees Limited may convey or distribute the assets, having regard only to the claims of which State Trustees Limited then has notice.

BALIC, Jozo, late of Mary Costa House, 100 Weddell Road, North Geelong, Victoria 3215, deceased, who died on 30 September 2021.

CRAVEN, Elsie Marie, late of 30/357 Stud Road, Wantirna South, Victoria 3152, deceased, who died on 1 September 2021.

FINDLAY, Raeleen Ann, late of Block 1, 46 Surrey Road, South Yarra, Victoria 3141, deceased, who died on 29 July 2021.

HOLLAND, Robin Dean, late of 3/104 St Albans Road, Thomson, Victoria 3219, deceased, who died on 22 October 2021.

JORDAN, Emily, late of 20 Wellington Street, Richmond, Victoria 3121, deceased, who died on 10 August 1971.

LANE, Avril Coralie, late of Unit 14, 31 Raleigh Street, Essendon, Victoria 3040, deceased, who died on 1 March 2021.

THOMAS, Jennifer Mary, late of Life Without Barriers – Ref: 33723, 20 Dickson Street, Mount Waverley, Victoria 3149, deceased, who died on 28 June 2021.

TURLAND, John Richard, late of James Barker House, 64 Buckley Street, Footscray, Victoria 3011, deceased, who died on 7 November 2021.

Dated 1 February 2022

EXEMPTION

Application No. H472/2021

The Victorian Civil and Administrative Tribunal has considered an application pursuant to section 89 of the **Equal Opportunity Act 2010** (the Act) by Gippsland Women's Health Incorporated (the applicant). The application for exemption is to enable the applicant to advertise for and employ only women within the organisation and to provide services, including membership-related services, to women only (the exempt conduct).

Upon reading the material filed in support of this application, including the affidavit of Kathy-Anne Graham, and the oral evidence of Kathy-Anne Graham provided at the directions hearing on 19 January 2022, the Tribunal is satisfied that it is appropriate to grant an exemption from sections 16, 44, 107 and 182 of the Act to enable the applicant to engage in the exempt conduct.

In granting this exemption, the Tribunal noted:

- The applicant was established in 1991 to address the need to provide services by women for women. The applicant is one of twelve women's health services funded through the Victorian Government's Victorian Women's Health Program.
- The applicant is funded to improve the health and wellbeing and safety of all women, and prioritises groups whose access to health services can be problematic including women with disabilities, culturally and linguistically diverse women, and rural women. The applicant aims to ensure all women, and

in particular vulnerable women, can feel safe and secure requesting assistance or making disclosures about sensitive areas of their lives such as family violence, sexual assault or sexual and reproductive health.

- The applicant is a community-based organisation run by women for women that provides an accessible non-threatening environment where confidentiality and respect for women's perspective is given the highest priority. Its objectives are to improve women's health, wellbeing and safety by advancing gender equality and working to prevent violence against women.
- The applicant currently employs two full time staff and 13 part time staff in health promotion and prevention, prevention of violence against women, mental health and sexual and reproductive health roles. Each day, staff respond to a variety of highly sensitive issues such as sexual assault, physical and mental abuse, family violence and sexual and reproductive health challenges including coercive control.
- Through providing services by women to women, the applicant ensures the needs of women are identified and are paramount in the development and delivery of their services. The applicant submits that it is imperative to the success of the organisation's objectives that its staff and membership is women only. Organisational decision-making and the delivery of services and training often requires consideration of sensitive topics or experiences which women may feel vulnerable and inhibited discussing with men.
- The applicant was granted an exemption in respect of the similar conduct in 2007, 2010, 2013 and 2018. While some of the applicant's services may be characterised as special services for special needs as set out in section 88 of the Act, and the employment positions may come under the exception in section 28 of the Act, I am not satisfied that all the membership-related services would come under section 88 of the Act, and therefore, in the absence of an exemption, the exempt conduct would amount to prohibited discrimination.
- Given the size and aims of the organisation and its approach to decision-making and service delivery, as well as the vulnerability and special needs of its prioritised target groups, I am satisfied the services offered by the applicant can most effectively be provided by an organisation that employs and provides services, including membership-related services, to women only.
- When making decisions about exemptions, the Tribunal is required to give proper consideration to relevant human rights as set out in the **Charter of Human Rights and Responsibilities Act 2006** (the Charter). Arguably, this exemption limits the right to equality and in particular the right to equal and effective protection against discrimination of men who would wish to be employed by or become a member of the applicant. I am satisfied that, in the circumstances discussed above, the limit imposed by this exemption is reasonable and justified under the Charter.

The Tribunal hereby grants an exemption from the operation of sections 16, 44, 107 and 182 of the Act to enable the applicant to engage in the exempt conduct.

This exemption is to remain in force from the day on which notice of the exemption is published in the Government Gazette until 20 January 2027.

Dated 21 January 2022

C. THWAITES
Member

Australian Grands Prix Act 1994

This Notice will take effect from the date of its publication in the Government Gazette.

In accordance with the definition of logo in section 3(1) of the **Australian Grands Prix Act 1994** and as the Minister administering that Act, I approve the following general design and title sponsor design:

GENERAL DESIGN FOR 'LOGO'



TITLE SPONSOR DESIGN FOR 'LOGO'



Dated 30 November 2021

THE HON. MARTIN PAKULA MP
Minister for Tourism, Sport and Major Events

Australian Grands Prix Act 1994

NOTICE UNDER SECTION 26

This Notice will take effect from the date of its publication in the Government Gazette.

Pursuant to section 26 of the **Australian Grands Prix Act 1994**, on the recommendation of the Australian Grand Prix Corporation, I hereby declare the 'Formula 1® Heineken Australian Grand Prix 2022' to be the name of the Formula One event to be held at Albert Park, Victoria, in 2022.

Dated 30 November 2021

THE HON. MARTIN PAKULA MP
Minister for Tourism, Sport and Major Events

Education and Training Reform Act 2006

**NOTICE OF REVISED GUIDELINES FOR APPLICANTS SEEKING TO REGISTER
A SCHOOL AND FOR REGISTERED SCHOOLS**

Section 4.3.8A of the **Education and Training Reform Act 2006** (the Act) authorises the Victorian Registration and Qualifications Authority (the Authority) to issue guidelines.

Section 4.3.8A(4) of the Act requires that any guidelines issued under subsection 4.3.8A(1) be published as soon as practicable in the Government Gazette.

The revised guidelines apply to all applicants seeking registration from the Authority to operate a school and to all VRQA registered schools from 1 January 2022.

JONATHAN KAPLAN
Chief Executive Officer (Director)
Victorian Registration and Qualifications Authority

GUIDELINES TO THE MINIMUM STANDARDS AND REQUIREMENTS FOR SCHOOL REGISTRATION

For new and existing schools from 1 January 2022

In Victoria, all schools must meet the minimum standards for school registration.

The minimum standards provide a foundation for quality schools through:

- good governance
- strong financial management
- effective curriculum
- sound teaching practices, and
- safe environments for children.

INTRODUCTION

About the Guidelines

The **Education and Training Reform Act 2006** (the Act) and the Education and Training Reform Regulations 2017 (ETR Regulations) prescribe the minimum standards and other requirements that schools must comply with to be registered and maintain registration.

The Guidelines to the Minimum Standards and Requirements for School Registration (Guidelines) form part of the legal framework for the registration and regulation of schools. The Guidelines detail the requirements of the minimum standards for registration of schools (minimum standards) and other requirements under the Act.

A key purpose of the school regulatory framework is to increase the protection of children by ensuring schools meet Ministerial Order No. 870 – Child Safe Standards – managing the risk of child abuse in schools and school boarding premises (Ministerial Order No. 870) and prescribed minimum standards.

These Guidelines assist schools to understand the requirements of the prescribed minimum standards and provide guidance on the evidence required to demonstrate compliance.

These Guidelines should be read in conjunction with other associated VRQA documents, namely:

- *Guidelines to the Minimum Standards and Requirements for School Boarding Premises Registration (School Boarding Guidelines)*
- *School and School Boarding Premises Financial Capability Assessment Guideline*
- *Guidelines for the Enrolment of Overseas Students Aged Under 18 Years*
- *Guidelines on Bushfire Preparedness – Registered Schools and School Boarding Premises*
- *Guidelines for Non-school Senior Secondary Education Providers – Minimum Standards for Registration to Provide an Accredited Senior Secondary Course*

Who uses the Guidelines?

The Guidelines apply to schools offering:

- a. Foundation–Year 10
- b. a senior secondary course such as the Victorian Certificate of Education (VCE), Victorian Certificate of Applied Learning (VCAL) or International Baccalaureate (IB) Diploma Programme, which are normally provided in Years 11–12.

The Guidelines describe the information, documentation and other evidence the VRQA requires for it to be satisfied that a school meets the minimum standards. The Guidelines should be used by:

- an individual or organisation applying for registration as a school or a review body or system owner applying to register a school
- two or more registered schools that intend to amalgamate (the proposed amalgamated school must apply to the VRQA as if it were a new school)
- a registered school seeking to amend its registration. Catholic and government schools should contact the Catholic Education Commission of Victoria Ltd (CECV) or the Department of Education and Training (DET), for advice, application forms and procedures. The VRQA does not accept direct applications from Catholic or government schools

- a registered school changing its legal entity, for example moving from an incorporated association to a company limited by guarantee
- a registered school delivering or applying to deliver a senior secondary qualification
- a registered school undergoing review.

The VRQA uses the Guidelines when conducting reviews to determine whether a school continues to satisfy the minimum standards.

The Guidelines do not detail all the evidence a school may need to provide to demonstrate compliance with the minimum standards. The VRQA may request evidence of compliance from individuals, organisations and review bodies applying for registration or from registered schools, that is in addition or different to, that set out in the Guidelines (section 4.3.1(5) of the Act).

References to regulations, Ministerial Orders or provisions of an act are as at the date of the Guidelines. From time to time there may be amendments to the Act, ETR Regulations or the issuing of new Ministerial Orders. It is the responsibility of registered schools and those applying for school registration to ensure they are across any of these changes.

School registration

A school must be registered as one or more of the following types:

- a primary school
- a secondary school
- a co-educational school
- a single-sex school
- a specific purpose school, such as a school that provides an alternative educational program
- a specialist school, such as a school that caters mainly for students with disabilities or with social, emotional or behavioural difficulties (Schedule 5, clause 10, ETR Regulations).

Registering a new school

An individual or organisation seeking to register a new school applies to the VRQA using the *Application to Register an Independent School* form available at:

- www.vrqa.vic.gov.au/schools

DET's Schools and Regional Services manages government school applications and the CECV manages Catholic school applications.

The Guidelines detail the evidence required and should be referred to when completing the application form. Schedule 5 of the ETR Regulations also details the information that must be provided to the VRQA in an application for school registration.

Registration requirements: Foundation–Year 10

Schools offering or applying to offer Foundation–Year 10 are required to meet the minimum standards set out in Schedule 4 of the Regulations.

Section 4.3.1(6) of the Act provides that the VRQA must not register a school unless the VRQA **is satisfied that** the school meets the minimum standards and other requirements contained in that section.

Registration requirements: schools offering accredited senior secondary courses

Schools offering or applying to offer the VCE, VCAL or the IB Diploma Programme or any part of such a course are required to meet the minimum standards for registration to provide an accredited senior secondary course set out in Schedule 8 of the ETR Regulations and the other registration requirements contained in section 4.3.11 of the Act.

These are standards that schools must satisfy to offer a senior secondary course and **are in addition to** the requirements for school registration.

The VRQA will not register a person, body or school as a senior secondary provider unless it **is satisfied that** the person, body or school meets the minimum standards for registration to provide an accredited senior secondary course.

Additionally, schools must obtain the awarding body's authorisation to deliver their courses. The Victorian Curriculum and Assessment Authority (VCAA) authorises schools to deliver the VCE and VCAL, and the International Baccalaureate (IB) authorises delivery of the IB Diploma Programme.

Registration requirements: use of third-party providers (schools or non-school senior secondary providers) to deliver senior secondary education

If a school intends to engage a third-party provider, such as another registered school or a non-school senior secondary provider (NSSSP), a TAFE or Registered Training Organisation (RTO), to extend units offered in its senior secondary curriculum or deliver VET then that third-party provider must be registered with the VRQA as a school or non-school senior secondary provider. Third-party providers offering or applying to offer senior secondary education (such as VCE or VCAL courses) are required to be registered under section 4.3.10 of the Act. Section 4.3.11 and Schedule 8 to the ETR Regulations impose minimum standards that providers must satisfy to offer an accredited senior secondary course. RTOs must be registered with the VRQA or the Australian Skills Quality Authority.

Non-school providers are required to first seek the VRQA's approval to register as an NSSSP. In addition to the requirements of the Act and the ETR Regulations, non-school providers are required to meet the VRQA's:

- *Guidelines for Non-school Senior Secondary Education Providers: Minimum Standards for Registration to Provide an Accredited Senior Secondary Course*

More information and the guidelines for providers seeking to deliver senior secondary education in a non-school setting are available at:

- www.vrqa.vic.gov.au/schools

Registration requirements: schools offering courses to overseas students

Schools offering or applying to offer courses to overseas students are regulated by Part 4.5 of the Act and the **Education Services for Overseas Students Act 2000** (Cwth) (ESOS Act). Part 4.5 and the ESOS Act impose **additional** requirements that schools must satisfy to offer courses to overseas students.

Schools are required to first seek the VRQA's approval. If approved, the VRQA will then recommend to the Commonwealth Government (the decision-maker) that the provider is registered under the ESOS Act.

Schools offering courses to overseas students are required to meet the VRQA's:

- *Guidelines for the Enrolment of Overseas Students Aged Under 18*
- *Guidelines on the Provision of VCAL Courses to Overseas Students.*

More information and the guidelines for schools seeking to offer courses to overseas students is available at:

- www.vrqa.vic.gov.au/schools

Registration requirements: schools offering school boarding services

Schools offering or applying to offer school boarding services at a school boarding premises are regulated by Division 1A of Part 4.3 of the Act and Part 5A and Schedule 4A to the ETR Regulations. These introduce **additional requirements** that schools must satisfy to offer school boarding services.

Schools seeking to register a boarding premises, be it new or existing, must first apply to the VRQA for registration. In addition to the requirements of the Act and the ETR Regulations schools offering school boarding services at a registered school boarding premises are required to meet the VRQA's:

- *Guidelines to the Minimum Standards and Requirements for School Boarding Premises Registration*

More information and the guidelines for schools seeking to offer school boarding services is available at:

- www.vrqa.vic.gov.au/schools/Pages/About-school-boarding-premises-regulation.aspx

If a registered school and a registered school boarding premises are owned and operated by the same legal entity and/or proprietor, a school does not need to create or maintain two separate sets of documents to meet the governance requirements in these Guidelines and the *Guidelines to the*

Minimum Standards and Requirements for School Boarding Premises Registration. Schools should refer to the School Boarding Guidelines for further guidance about where there is overlap between the requirements for schools and school boarding premises. In many cases there is no need to create or maintain two separate sets of documents. Instead, schools are encouraged to review and update their existing policies and procedures to incorporate their school boarding premises. When doing so, schools should consider the different risks and environment of a school boarding premises.

Review bodies

One of the ways the VRQA may satisfy itself that a registered school continues to comply with the minimum standards is through a review conducted by a VRQA approved review body.

The VRQA has approved CECV and DET as review bodies responsible for ensuring the ongoing quality assurance of their respective schools and school boarding premises with the minimum standards and other requirements for registration.

School reviews

A school is reviewed every five years by the VRQA or the school's review body. The Act requires a school to participate in the review and evaluation process, and to provide the VRQA with the necessary evidence required to demonstrate that it is complying with the minimum standards.

The VRQA may also open a review at any time if it considers it appropriate to do so.

Outcomes of applications and reviews

The VRQA will advise all applicants and schools of the outcome of their application for registration or review.

Certain decisions made by the VRQA about a school's registration may be reviewed by the Victorian Civil and Administrative Tribunal.

For more information, see:

- www.vrqa.vic.gov.au/schools

Complaints about compliance

The VRQA is required to investigate a complaint alleging a breach of obligations by a school in relation to the democratic principles in section 1.2.1(a), (c), (e) and (f) of the Act, the availability of information about the school's performance or the right of a parent or student to access information about the student's achievement (regulations 97–99 of the ETR Regulations).

Details of the relevant obligations are that:

- all providers of school education, both government and non-government, must ensure that their programs and teaching are delivered in a manner that supports and promotes the principles and practice of Australian democracy. These principles include a commitment to elected government, the rule of law, equal rights for all before the law, freedom of religion, freedom of speech and association, and the values of openness and tolerance
- information about the performance of education and training providers should be publicly available
- a school community has the right to information about the performance of its school
- a parent or guardian of a student and the student have the right to access information about the student's achievement.

The VRQA's general powers also allow it to investigate complaints alleging a breach of the minimum standards (section 4.2.3 of the Act).

A complaint must first be raised with the school. If unresolved, complaints about:

- government schools will be referred to DET
- Catholic schools will be referred to CECV
- Independent schools will be investigated by the VRQA.

Some complaints may result in the VRQA undertaking a general or specific review of the school's compliance with the minimum standards.

For more information on the VRQA's policy and procedures on complaints, see:

- www.vrqa.vic.gov.au

THE MINIMUM STANDARDS

School governance

Democratic principles

A registered school's programs and teaching must be consistent with the principles of Australian democracy.

Evidence requirements

There must be evidence of a statement affirming that the school adheres to the principles. This might be included in the school's constitution, prospectus, handbook or statement of values or philosophy.

Explanatory notes

The ETR Regulations state that this standard is not intended to affect the rights accorded to, or the compliance with any obligation imposed on a school under a State or Commonwealth law.

For example, the **Equal Opportunity Act 2010** allows a school to operate wholly or mainly for students of a particular sex, race, religious belief, age or age group. This means a school established by a particular religious denomination or group of religious denominations can give preference in its enrolment policy to adherents of that denomination(s) or their children.

Regulatory context

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.

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.

Schedule 4 clause 1 of the Education and Training Reform Regulations 2017

Governance

The proprietor must structure the governance of a school to allow it to effectively manage the school's finances and development of strategic direction and fulfil its legal obligations.

Evidence requirements

For a non-government school, there must be evidence of:

- an outline of the governing body's structure and membership including details of the experience and expertise of the members of the board or governing body, the name of the school's proprietor and the legal entity type
- details of the member(s) of the company, if the school is a company limited by guarantee or incorporated association (for example, the register of members)
- include a diagram of the school governance structure identifying the proprietor, the school governing body, committees of the Board, any related entities – as appropriate
- copies of all delegations from the governing body. For example, financial or non-financial delegations made from the school governing body to the school principal
- the company or association's approved constitution or rules of association. For non-government schools operating or intending to operate an early learning centre (ELC) that is a feeder for enrolments to the school, there must be provision in the constitution or rules of association for the delivery of ELC services

- a conflict of interest register for all responsible persons as defined in the ETR Regulations and a plan detailing how any conflict of interest or duty will be managed
- the most recent financial statement for the company or association which must be audited by a registered auditor
- the school's governance charter, outlining the key functions and responsibilities of the school board and any subcommittees
- the school's strategic plan
- the school's business plan which is validated by an independent qualified accountant*, and which must include:
 - enrolment estimates and assumptions
 - the Direct Measure of Income (DMI) score for the school, or the equivalent thereof, if the Commonwealth Department of Education, Skills and Employment cannot calculate a DMI score for the school
 - estimated State and Commonwealth grant funding
 - five-year financial forecasts.

*The business plan must be validated by an independent qualified accountant who is not employed by or associated with the school or a related entity. The accountant should provide a signed statement that confirms the reasonableness of the business plan and validates any underlying assumptions.

For a non-government school, if a school and a school boarding premises are owned and/or operated by the same legal entity, then that entity must review their existing documents to ensure that they cover the governance and operation of the boarding premises and services. This means examining documents including:

- constitution
- rules of association
- risk management framework
- delegations
- risk register
- governance charter.

Where a school boarding premises is owned and/or operated by a related party of the school (as that term is defined under section 9 of the **Corporations Act 2001** (*Cwth*) or an affiliated organisation of a school, evidence must include details of the relationship between the school and that party.

For a government school, the Act and relevant Ministerial Orders define the role and responsibilities of a government school including the role of the school council. DET monitors adherence to this standard by government schools.

Regulatory context

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.

Not-for-profit status

A registered school must be not-for-profit as defined in regulation 7. The proprietor must have sufficient controls in place to prevent breaches of the not-for-profit requirements in regulation 7.

Evidence requirements

For a non-government school there must be evidence (also refer to the *Explanatory notes* below) of:

- a statutory declaration of the school's not-for-profit status executed by the chair of the school governing body
- copies of agreements, contracts or arrangements with third parties that are related entities (within the meaning of section 9 of the **Corporations Act 2001**) or any person or for-profit or not-for-profit organisation affiliated with the school (for example, affiliated religious groups)
- copies of any loan agreements, guarantees and the like to or from third parties that are related entities and/or affiliated organisations or persons
- details of the related entity and/or affiliated organisation or person and the relationship between the school and that entity or person.

Schools must have a legally binding written agreement for any loans or arrangements for the delivery of services to the school or to its students. With the exception of schools registered to provide an accredited senior secondary course, schools are only required to provide copies of written agreements with related entities. For further details regarding the requirements for senior secondary schools, please see *Additional requirements for senior secondary providers* in these Guidelines. Such agreements may include but are not limited to arrangements for the provision of:

- administrative, management and financial services
- education services including where the school contracts with another school, an RTO or any other provider (where the school is registered to provide senior secondary courses, please see *Additional requirements for senior secondary providers* in these Guidelines)
- leases or licences for premises occupied or used by the school
- loans or security.

For a non-government school operating or intending to operate an ELC or school boarding premises, evidentiary requirements are stated below under the heading *Not-for-profit in the context of early learning centres and school boarding premises*.

Explanatory notes

Schools must ensure that any loan agreement and/or arrangement for the delivery of services to the school and its students:

- are on commercial terms
- do not constitute a prohibited agreement or arrangement within the meaning of regulation 5
- do not otherwise breach the not-for-profit requirements in regulation 7.

A school must identify if any agreement is with a related or affiliated entity or person of the school, its proprietor or any responsible person and provide information about the school's relationship with that related or affiliated entity or person to the VRQA.

Not-for-profit has a particular meaning under the ETR Regulations. The key elements which make a school 'not-for-profit' are that:

- the school is not established for the purpose of generating profit or gain
- the money and property received by the school or the proprietor of the school is only applied toward the conduct of the school and is not used for any other purpose
- the school and its proprietor are not a party to a prohibited agreement or arrangement.

Generating a profit or gain will not, of itself, mean that a school is 'for-profit'. If the school applies those profits or gains toward the conduct of the school or an ELC (that meets the relevant requirements in the regulations) and does not distribute them to any other person or entity, then it is still satisfying the 'not-for-profit' requirement. On this basis, the ETR Regulations provide that a proprietor is not to be taken to conduct the school for the purpose of profit or gain if the proprietor makes a financial surplus in the course of the proper administration of the school.

For a full explanation of not-for-profit and prohibited agreement arrangements, see:

- **not-for-profit** as per regulation 7 of the ETR Regulations
- **prohibited agreement or arrangement** as per regulation 5 of the ETR Regulations (a definition is contained in Appendix 1 of these Guidelines).

What are the requirements of a not-for-profit school under the ETR Regulations?

Regulation 7(1) provides that for the purposes of the ETR Regulations, a not-for-profit school is a school that satisfies **all** the following criteria:

- a. the school is not established for the purpose of profit or gain;
- b. the proprietor of the school does not conduct the school for the purposes of 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 towards 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 school-age children or for other not-for-profit purposes; or
 - (ii) given to a not-for-profit entity operating within Australia that provides education services to school children or that has similar purposes to the proprietor.

Not-for-profit in the context of early learning centres and school boarding premises

For the purposes of regulation 7(3), a school is not conducted for the purpose of profit or gain only because the proprietor of the school:

- a. uses money (other than government funding) or property of the school –
 - (i) to conduct an ELC that is a feeder for enrolments to the school; or
 - (ii) to provide school boarding services at a school boarding premises at which students who are enrolled or attending the school are boarding and where those services are not provided for the purposes of profit or gain; or
- b. provides money (other than government funding) or property of the school to –
 - (i) a person or entity to conduct an ELC that is a feeder for enrolments to the school; or
 - (ii) a person to provide school boarding services at a school boarding premises to students who are enrolled or attending the school and where those services are not provided for the purpose of profit or gain.

Schools that operate or intend to operate an ELC or school boarding premises may use school money or property, **other than State or Commonwealth government funding**, to conduct their ELC or school boarding premises.

If a registered school and a registered school boarding premises are owned and operated by the same legal entity, they should review the *Not-for-profit status* section of the School Boarding Guidelines.

An ELC must meet certain requirements to be eligible to receive school money.

A school may only use money (other than government funding) to conduct or support an ELC if the ELC meets **all** the following requirements:

- it is an approved education and care service (within the meaning of the Education and Care Services National Law (Victoria))
- it provides education and care to children, which must include a 3 or 4-year-old kindergarten program
- the service is not-for-profit
- the ELC is a feeder for enrolments to the school.

A co-educational ELC will be considered to be a feeder for enrolments for a single-sex school, provided children at the ELC enrol at the school.

For a non-government school operating or intending to operate an ELC, there must be evidence of:

- a published statement to the effect that a proportion of funds raised or fees collected by the school may be used to support the operation of the ELC. The statement must be published in general policies, such as the enrolment policy, enrolment agreement, fee schedule or policy, and promotional materials
- separate financial records for the school and ELC, with cross-subsidisation clearly identifiable
- copies of any loan or security arrangements for the purpose of constructing or maintaining ELC infrastructure or supporting the ELC.

Schools must keep separate financial records for the ELC and the school that clearly identify any cross-subsidisation, however, there is no requirement for separate bank accounts.

Schools may enter into a loan arrangement for the purpose of constructing or maintaining ELC infrastructure, providing there is no risk to the financial viability of the school either in providing security for the loan or in servicing the loan. Schools do not have to provide a specific proportion or dollar amount in their published statements. However, schools have separate disclosure requirements under Commonwealth and Victorian consumer and not-for-profit laws (such as the Australian Charities and Not-for-profit Commission Governance Standards, the Australian Education Regulations 2013 (Cwth), the **Australian Consumer Law and the Fundraising Act 1988**), which may require them to disclose a dollar amount or percentage of privately generated funds that are directed to the ELC.

Regulatory context

- (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.
- (3) Subclause (2) does not apply in relation to any money (other than government funding) or property of a registered school, which the proprietor of the school –
 - (a) uses to conduct an early learning centre that is a feeder for enrolments to the school; or
 - (b) provides to a person or entity to conduct an early learning centre that is a feeder for enrolments to the school; or
 - (c) uses to conduct a school boarding premises including providing school boarding services at the premises to students enrolled at or attending the registered school, and where those services are not provided for the purposes of profit or gain; or
 - (d) provides to the provider of school boarding services at a school boarding premises to provide those services to students enrolled at or attending the registered school, and where those services are not provided for the purposes of profit or gain.

Probity

All responsible persons in a school must be fit and proper and able to carry out their legal responsibilities in relation to the operation of the school.

Evidence requirements

There must be evidence of a:

- completed Fit and Proper Person declaration from each responsible person
- list of each responsible person, their role and a summary of the qualifications and experience of each person.

Explanatory notes

In a non-government school, a responsible person must be a fit and proper person who:

- is able to carry out their 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
- has not been found guilty of an offence which is (or which would if committed in Victoria) be an indictable offence
- has not been:
 - in the case of an individual, insolvent under administration (for example, declared bankrupt)
 - in the case of a body corporate, is not or has not been an externally administered body corporate
- is not a represented person under the **Guardianship and Administration Act 1986**
- is not in breach of any requirements of the **Worker Screening Act 2020** or has not had their approval revoked or suspended
- has not been the subject of, or associated with an adverse finding or other action taken by a court, tribunal, commission of inquiry, professional discipline body or regulatory authority (in Victoria or elsewhere) where the adverse finding relates to:
 - dishonest, misleading or deceptive conduct; or
 - non-compliance with a legal obligation relating to the provision of education; or
 - a breach of duty (including a duty of disclosure).

The VRQA may exempt a person from the requirement to comply with the above matters if in its opinion it would not be appropriate to exclude that person from being involved in the conduct of the school (refer to *Regulatory context* section below).

When considering whether to grant an exemption the VRQA must have regard to:

- the nature and gravity of the offence or misconduct and its relevance to conducting a school
- the period of time since the person committed the offence or engaged in the misconduct
- the punishment imposed for the offence or misconduct
- whether or not the conduct that constituted the offence has been decriminalised or the standards of conduct materially changed since the person engaged in the conduct that constituted the offence or misconduct
- the person's behaviour since committing the offence or engaging in the misconduct
- any information given by the person concerning the person's conduct in relation to the registration of the school
- any other matter the VRQA considers relevant.

Regulatory context

(2) In a non-government school, every responsible person must be a fit and proper person.

Schedule 4 clause 15 of the Education and Training Reform Regulations 2017

(5) *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 **Worker Screening Act 2020** in relation to the school, complies with –
 - (i) all requirements under the Act on the person as a holder of an assessment notice; and
 - (ii) all requirements under the 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).
-

Notes

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.

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).

Schedule 4 clause 15 of the Education and Training Reform Regulations 2017

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.
-

Part 1 of the Education and Training Reform Regulations 2017

Philosophy

A school must have a clear philosophy and be able to demonstrate how it is enacted.

Evidence requirements

There must be evidence of:

- a statement of the school's philosophy which includes the vision, mission, values and objectives of the school
- a description of how the school enacts its philosophy
- an outline of where the school has published a statement of its philosophy.

Explanatory notes

The school's philosophy statement communicates the nature of the school to current and prospective staff, students, parents and guardians. It provides a foundation for the school's strategic planning decisions and performance reviews. The philosophy statement could be contained in the school's constitution, prospectus, handbook, strategic plan or business plan, or on the school website.

Regulatory context

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

Schedule 4 clause 16 of the Education and Training Reform Regulations 2017

Other governance requirements

Schedule 4 to the ETR Regulations sets out additional minimum standards relating to governance in a registered school. They are:

- a registered school must make available to the school community information concerning the school's performance at least once a year
- a registered school must comply with the requirements of the Act and ETR Regulations
- a school must comply with any condition imposed on its registration by or under the Act
- a school must have policies, procedures, and suitable arrangements in place to enable it to comply with the minimum standards and any applicable VRQA guidelines
- a school must be conducted in accordance with its scope of registration.

Regulatory context

Schedule 4 clauses 18–22 of the Education and Training Reform Regulations 2017

ENROLMENT**Student enrolment numbers**

A school must have sufficient students to be able to provide a range of curriculum programs and learning experiences to support students' academic and social development.

Evidence requirements

For a school applying to register

There must be evidence in the form of the forecast number of enrolments, as declared in the application to register a school form. The actual numbers must be provided to the VRQA as soon as they become known or available.

For a registered school

There must be evidence in the form of the enrolment register that records that the school has as many or more students than the minimum number required by the standard, or than the minimum number as otherwise approved by the VRQA.

Explanatory notes

The minimum enrolment number is 20 students.

The minimum enrolment number is 11 students for:

- a specialist school
- a primary school located outside:
 - the Melbourne Statistical Area; or
 - an Urban Centre with 20,000 people or more.

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

A school may seek an exemption from the minimum enrolment number if it can satisfy the VRQA that the school meets the requirements of regulation 62 (detailed in the Regulatory context).

Regulatory context

- (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.

Schedule 4 clause 7 of the Education and Training Reform Regulations 2017

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.

Regulation 62 of the Education and Training Reform Regulations 2017

Enrolment policy

A school must have a clear enrolment policy that complies with all applicable State and Commonwealth laws including those relating to discrimination and the duty to make reasonable adjustments, equal opportunity, privacy, immunisation and the Australian Consumer Law.

Evidence requirements

There must be evidence of the school's:

- enrolment policy and procedures which make clear who is eligible for enrolment as a domestic student. For a non-government school operating or intending to operate an ELC, the policy must state that a proportion of funds raised or fees collected may be applied to the conduct of the school's ELC

- enrolment agreement with parents or guardians which complies with all State and Commonwealth laws, including the Australian Consumer Law. The agreement must be publicly available and cover, at a minimum:
 - codes of conduct for students, and parents and guardians
 - fees
 - educational services provided
 - the grounds on which the agreement may be terminated
- for government schools, parents and guardians must be able to access enrolment forms, the parent payment policy and a schedule of charges for the school.

Regulatory context

- (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.

Schedule 4 clause 8 of the Education and Training Reform Regulations 2017

Register of enrolments

A school must maintain an enrolment register that contains the required information and allows for accurate data collection for census purposes.

Evidence requirements

There must be evidence in the form of:

- the school's enrolment register
- processes and procedures to ensure the enrolment register is kept up-to-date.

Explanatory notes

Enrolment and attendance registers serve different purposes. The enrolment register records the total number of students enrolled in the school, whereas the main purpose of the attendance register is to record the daily attendance of each student and reasons for any absences (see *Attendance register* for details).

Regulatory context

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).

Schedule 4 clause 9 of the Education and Training Reform Regulations 2017

Attendance register

A registered school must maintain a student attendance register recording the attendance of students of compulsory school age (6–17 years). An attendance register records any unexplained absences to ensure:

- the care, safety and welfare of students
- continuity of learning.

An attendance register must record student attendance at least twice a day and record any given or apparent reason for student absences.

Evidence requirements

For a school applying to register

There must be evidence of the form that the attendance register will take.

For a registered school

There must be evidence in the form of an attendance register that records attendance of all students enrolled at the school, for each calendar year. The register must show twice-daily attendance checks and any given or apparent reasons for absence.

Explanatory notes

Under section 2.1.4 of the Act a school principal or teacher may ask a parent for an explanation if their child has been absent from school. The section also requires the principal to keep a record in writing of the reasons (if any) given by the parent.

Regulatory context

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.

Schedule 4 clause 11 of the Education and Training Reform Regulations 2017

Legislative context

- (1) The principal of, or a teacher at, a registered school at which a child of compulsory school age is enrolled may ask a parent of the child for an explanation of the reason for the child's failure to attend the school at a time when the school was open for the child's instruction.
- (2) The principal must ensure that record in writing is made of the reason (if any) given by the parent.

Part 2.1.4 of the **Education and Training Reform Act 2006**

CURRICULUM AND STUDENT LEARNING**Curriculum framework**

A school provides all students with a planned and structured curriculum to equip them with the knowledge, skills and attributes needed to complete their schooling and to make a successful transition from school to work, training or further education.

Evidence requirements

There must be evidence of:

- a curriculum plan showing how the learning areas will be substantially addressed and how the curriculum will be organised and implemented, including number of teaching hours delivered in the eight key learning areas
- timetables that demonstrate how the eight key learning areas are delivered
- an explanation of how and when the curriculum and teaching practice will be reviewed
- an outline of how the school will deliver its curriculum.

Explanatory notes

The learning areas are:

- English
- mathematics
- sciences (including physics, chemistry and biology)
- humanities and social sciences (including history, geography, economics, business, civics and citizenship)

- the arts
- languages
- health and physical education
- information and communication technology, and design and technology.

The VRQA may exempt a school from addressing one or more of the learning areas if the school is a specialist school, registered for a specific purpose or for other reasons determined by the VRQA (regulation 61, ETR Regulations).

Schools offering a senior secondary course must meet the requirements of the relevant awarding body, please see *The minimum standards for schools offering a senior secondary course* section of these Guidelines.

Schools seeking Commonwealth funding are required to deliver the Australian Curriculum or an Australian Curriculum, Assessment and Reporting Authority approved curriculum.

Regulatory context

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.
-

Schedule 4 clause 6 of the Education and Training Reform Regulations 2017.

Student learning outcomes

A school must have appropriate processes in place to support all its students to progress towards and achieve the learning outcomes normally expected for its student cohort, and for the school to plan for and achieve improvements in those learning outcomes.

Evidence requirements

There must be evidence in the form of a documented strategy to improve student learning outcomes.

The strategy must include:

- policies and procedures for reviewing the curriculum and teaching practices
- the processes the school will use to set goals and targets for outcomes for all students including students at risk
- what data will be collected, and how it will be analysed and used to improve student learning outcomes.

Regulatory context

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

Schedule 4 clause 2 of the Education and Training Reform Regulations 2017

Monitoring and reporting on students' performance

A school must undertake ongoing assessment, monitoring and recording of all students' performance and report on performance, in writing, to parents and guardians at least twice a year.

Evidence requirements

There must be evidence in the form of the school's policies and procedures for assessing and monitoring student progress and achievement, and how this is reported to parents and guardians. This evidence must include statements about how it meets Commonwealth Government student reporting requirements.

Regulatory context

- (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.

Schedule 4 clause 3 of the Education and Training Reform Regulations 2017

Information about school performance

A school must monitor and report to the school community on its performance as outlined in the ETR Regulations (see *Regulatory context* for further detail).

Evidence requirements

There must be evidence of:

- a copy of the school’s annual report that contains the mandatory information
- information required under regulation 60 of the Australian Education Regulations 2013, which lists the information a school must make publicly available as a condition of Commonwealth funding and details of how the school community can access the information.

Regulatory context

- (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 state wide 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 rates of student attendance for the year; and
 - (c) a report of the school’s financial activities; and
 - (d) copies of any other reports the school is required to prepare for the school community under any funding agreements with the State or the Commonwealth.

Schedule 4 clause 18 of the Education and Training Reform Regulations 2017

CARE, SAFETY AND WELFARE OF STUDENTS

A school must have policies and procedures to provide students with a safe environment where the risk of harm is minimised and students feel safe. The school is responsible for ensuring all staff are aware of their legal obligations.

Evidence requirements

There must be evidence of the school’s policies and procedures for:

- the duty of care owed to students including:
 - that it owes all students a duty of care to take reasonable measures to protect them from reasonably foreseeable risks of injury
 - that it owes a duty to take reasonable care that any student (and other persons) on the premises will not be injured or damaged because of the state of the premises, including things done or omitted to be done to the premises

- that it owes a duty to take reasonable precautions to prevent the abuse of a child by an individual associated with the organisation while the child is under the care, supervision or authority of the organisation
- that different and sometimes greater measures may need to be taken for younger students or students with disabilities to discharge this duty of care
- when it may be necessary to use restrictive interventions to protect the safety of a student and members of the school community. Note: government schools are required to follow DET's policy on Restraint of Students and are not required to have a local policy on restrictive interventions
- managing student wellbeing, including:
 - anti-bullying and harassment, including cyber bullying
 - appropriate arrangements for on-site supervision of students
 - appropriate arrangements for supervision of students when engaged in off-site activities and which include consideration of the risk of bushfire in the activity location (refer to *Emergency Bushfire Management* in these Guidelines)
 - ensuring the safety and welfare of students learning with another provider (when the school contracts with another school, a registered training organisation or an organisation not registered as an education or training provider)
 - arrangements for ill students
 - accident and incident register
 - first aid
 - distributing medicine
 - internet use
- managing complaints and grievances including how the school's policies and procedures:
 - ensure procedural fairness
 - are accessible to the school community and are consistent with the school's enrolment agreement.

There must be evidence of the school's:

- current register of staff trained in first aid
- records of student medical conditions and management, or a pro forma for a school applying to register
- emergency management plan which must be updated as required, reviewed at least annually and immediately after any significant incident (this plan must be site specific and include local threats, hazards and corresponding response procedures).

There must also be evidence of how the school communicates policies and procedures on the care, safety and welfare of students to staff, students, parents, guardians and the school community.

Explanatory notes

An emergency management plan addresses emergency and critical incidents which include:

- circumstances that pose a critical risk to the health, safety or wellbeing of one or more students or staff
- incidents requiring school closure, lockdown, or reduction of number of students or staff attending
- death or serious injury of a student or staff member at school or at another location authorised by the school, for example, with another provider such as a registered training organisation.

A school should update the emergency management plan as required throughout the course of the year as activities such as school camps and excursions are approved by the school governing body.

Regulatory context

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.
-

Schedule 4 clause 12 of the Education and Training Reform Regulations 2017

Child safety

There must be evidence of the school's policies and procedures for ensuring all staff understand:

- mandatory reporting
- the failure to disclose offence
- the failure to protect offence
- the grooming offence under the **Crimes Act 1958** which is included in the definition of child abuse in Ministerial Order No. 870.

These offences are explained in *Appendix 1*. For more information about mandatory reporting, the failure to disclose and the failure to protect offence, see:

- www.justice.vic.gov.au

Child Safe Standards

A registered school must have developed policies, procedures, measures and practices in accordance with Ministerial Order No. 870 Child Safe Standards – Managing the risk of child abuse in schools. The Ministerial Order has been amended to include school boarding premises.

Meeting the requirements of the Ministerial Order is the direct responsibility of the school governing body and the school principal.

The school must have clear policies and procedures in place which are appropriate for its student cohort and consistent with the school's philosophy.

The VRQA has a number of resources to help schools meet their compliance requirements.

For more information, see:

- www.vrqa.vic.gov.au/schools

For a copy of the consolidated Ministerial Order, see:

- www.vrqa.vic.gov.au/aboutus/Pages/legal-framework.aspx

Reportable Conduct Scheme

Under the Reportable Conduct Scheme, a head of an organisation is required to notify the Commission for Children and Young People of all allegations of reportable conduct by employees and volunteers.

More information is available at:

- www.ccyp.vic.gov.au

Legislative context

The school (must have) developed policies, procedures, measures and practices in accordance with a Ministerial Order for managing the risk of child abuse including –

- (i) the implementation of minimum standards for a child safe environment; and
 - (ii) responding to allegations of child abuse committed against a child enrolled at the school or committed by an employee or a student, contractor or volunteer of the school or other person connected with the school.
-

Section 4.3.1(6)(d) of the **Education and Training Reform Act 2006**

Anaphylaxis management policy

A registered school must have developed a policy and have procedures in place for any student at risk of anaphylaxis.

The policy and procedures must be in accordance with Ministerial Order No. 706. The Ministerial Order has been amended to include school boarding premises.

The VRQA has resources to help schools. For more information, see:

- www.vrqa.vic.gov.au/schools

For a copy of the consolidated Ministerial Order, see:

- www.vrqa.vic.gov.au/aboutus/Pages/legal-framework.aspx

Legislative context

If the school has enrolled a student in circumstances where the school knows, or ought reasonably to know, that the student has been diagnosed as being at risk of anaphylaxis, the school has developed an anaphylaxis management policy containing matters required by a Ministerial Order to be included in the policy

Section 4.3.1(6)(c) of the **Education and Training Reform Act 2006**

Emergency bushfire management

All registered schools are required to meet the VRQA *Guidelines on Bushfire Preparedness – Registered Schools and School Boarding Premises*.

These requirements are in addition to a school's obligations under the minimum standard for the care, safety and welfare of students and the minimum standard relating to buildings, facilities and grounds.

There are additional requirements for schools listed on the DET's Bushfire At-Risk Register.

To find out if your school is to be placed on the Bushfire At-Risk Register, contact:

- emergency.management@education.vic.gov.au

For more information on bushfire preparedness, see:

- www.vrqa.vic.gov.au/schools

Student behaviour management (discipline)

A school must have policies and procedures to promote a consistent and fair approach toward managing student behaviour.

Evidence requirements

There must be evidence of:

- a policy that explicitly prohibits corporal punishment
- a behaviour management policy and procedures which include an explanation of the school's approach to behaviour management and how it affords procedural fairness to students.

For non-government schools:

- a policy that outlines the steps for managing suspensions and expulsions of students and how this is communicated to parents and guardians, including:
 - procedures for maintaining a register of suspensions and expulsions
 - an outline of how the school communicates these policies and procedures to the school community.

For government schools:

- there must be evidence to demonstrate compliance with Ministerial Order No. 1125 – Procedures for Suspension and Expulsion of Students in Government Schools.

Explanatory notes

Schools use a variety of approaches to promote positive student behaviour and to reduce and resolve conflict. Whatever approach is adopted, it must be clearly communicated to the whole school community.

Legislative context

A school's policies relating to the discipline of students are based on principles of procedural fairness and must not permit corporal punishment.

Section 4.3.1(6)(a) of the **Education and Training Reform Act 2006**

Coronavirus (COVID-19) Safety

A school must have policies and procedures in place to enable it to comply with pandemic orders made by the Minister for Health under the **Public Health and Wellbeing Act 2008** relating to coronavirus (COVID-19).

Evidence requirements

Schools must have:

- a COVIDSafe Plan
- policies and procedures to enable it to comply with mandatory vaccination requirements, including policies and procedures:
 - to ensure all education workers are fully vaccinated against coronavirus (COVID-19) by the specified date(s) or hold a valid exemption
 - for maintaining records in accordance with the information gathering and record keeping requirements.

Explanatory notes

Consistent with the requirement for education workers to be vaccinated against coronavirus (COVID-19), the Guidelines require schools to have policies and procedures:

- to ensure their education workers are fully vaccinated by the dates specified in the Direction or are an exempted person
- to collect, record and hold vaccination information about the education worker
- for maintaining the currency of records of the vaccination status of education workers.

The definition of 'education worker' typically used in the pandemic orders is broad and includes:

- (i) any person who is employed to work in a school (including teachers, early childhood educators (if the school conducts an ELC) and educational support staff)
- (ii) a person contracted to work at a school and who will or may be in close proximity to children, students or staff, whether or not engaged by the proprietor of the school including casual relief teachers, Breakfast Club suppliers, IT personnel, National Disability Insurance Scheme (NDIS) providers and auditors (but does not include delivery personnel)
- (iii) staff of the Department of Education and Training who attend (such as allied health professionals or Authorised Officers)
- (iv) staff of any other entity who attends a school
- (v) volunteers that work in close proximity to children, students or staff (including parent helpers)
- (vi) students on placements at the school.

Note: the definition is found in the Pandemic COVID-19 Mandatory Vaccination (Specified Facilities) Order 2022, as made from time to time.

All schools will already have in place a COVIDSafe Plan. The Guidelines require schools to provide a copy of this to the VRQA at review or as requested by the VRQA.

Schools should otherwise ensure they comply with all of the requirements of the pandemic orders made by the Minister for Health from time to time. The pandemic orders register is found here:

- www.health.vic.gov.au/covid-19/pandemic-order-register

Regulatory context

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.
-

Schedule 4 clause 12 of the Education and Training Reform Regulations 2017

Attendance monitoring

A school must ensure the safety of students while engaged in school activities. A school must have policies and procedures to monitor student attendance and to follow up unexplained absences.

Evidence requirements

There must be evidence of the school's policy and procedures to:

- check and record the daily attendance of all students
- monitor attendance twice daily and identify absences from school or class
- identify the person(s) with responsibility for monitoring daily attendance
- follow up unexplained absences on the day of a student's absence
- notify parents and guardians of unsatisfactory attendance
- maintain current contact details for parents and guardians
- accurately record attendance on student files.

Regulatory context

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.
-

Schedule 4 clause 10 of the Education and Training Reform Regulations 2017

STAFF EMPLOYMENT**Teachers' requirements**

A school can only employ teachers registered with the Victorian Institute of Teaching (VIT), or those who have permission to teach under Part 2.6 of the Act.

Evidence requirements

There must be evidence in the form of:

- a register of teachers containing each teacher's:
 - name
 - VIT teacher registration number
 - expiry and renewal date
 - VIT category of registration (full registration, permission to teach)
- procedures for maintaining the register
- procedures for managing teachers with conditions, limitations or restrictions on their registration or permission to teach.

Explanatory notes

VIT is responsible for the registration of teachers employed in Victorian schools.

Regulatory context

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.

Schedule 4 clause 4 of the Education and Training Reform Regulations 2017

Compliance with the Worker Screening Act 2020

All people employed at a school must meet the requirements of the **Worker Screening Act 2020**.

Evidence requirements

There must be evidence of:

- procedures to ensure that all employees and volunteers required to do so by the **Worker Screening Act 2020** have a current Working with Children clearance
- a register of all employees and volunteers with a Working with Children clearance which includes:
 - name
 - card number
 - expiry date
- procedures for maintaining the register.

Explanatory notes

The **Worker Screening Act 2020** requires all employees, contractors and volunteers to obtain a Working with Children clearance if they are engaged in child related work.

Child related work:

- involves contact that is direct and a part of the person's duties; and
- includes but is not limited to work at, or the following activities: a school or other educational institution, accommodation services provided for students on an overseas student exchange program (including homestay), coaching or tuition services for children, publicly funded or commercial transport services for children, counselling, overnight camps, school crossing services, commercial photography services specifically for children, any work engaged in by a minister of religion unless any direct contact with children is only occasional and incidental to that person's work.

For a full list of what constitutes child related work schools should refer to section 9 of the **Worker Screening Act 2020**.

A teacher registered with VIT does not need a Working with Children clearance.

A teacher whose registration is suspended is not registered and must not teach. If they are employed in a non-teaching capacity they need a Working with Children clearance.

For more information about who needs to apply for a Working with Children clearance, see:

- www.workingwithchildren.vic.gov.au

Regulatory context

The requirements of the **Worker Screening Act 2020** must be complied with in respect of all staff at a registered school.

Schedule 4 clause 5 of the Education and Training Reform Regulations 2017

SCHOOL INFRASTRUCTURE

Buildings, facilities and grounds

A school's buildings, facilities and grounds must meet all legal and health and safety requirements.

Evidence requirements

There must be evidence of:

- a permit to operate an education centre on the site
- building and facility compliance with local planning regulations and with the Building Code of Australia, Class 9b or equivalent
- an essential safety measures register
- a maintenance schedule for buildings, facilities and grounds
- policy and procedures to ensure the school complies with the **Occupational Health and Safety Act 2004**
- documentation that reasonable adjustments have been made for students with a disability.

Explanatory notes

A school may choose to seek advice from an external agency such as:

- the Victorian WorkCover Authority to establish its compliance with occupational health and safety requirements
- the Victorian Building Authority or local municipal building surveyor to establish its compliance with relevant building legislation including matters relating to combustible cladding including expanded polystyrene or aluminium composite panels with a polyethylene core.

A school on the Bushfire At-Risk Register with an on-site 'shelter-in-place' must comply with the VRQA *Guidelines on Bushfire Preparedness – Registered Schools and School Boarding Premises*.

In some cases, a certificate of continual use can be provided in lieu of a Building Code of Australia, Class 9b.

Regulatory context

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.

Schedule 4 clause 13 of the Education and Training Reform Regulations 2017

Educational facilities

A school's facilities must be adequate for delivery of the school's curriculum and co-curricular programs and suit its student cohorts' age and needs.

The school must be prepared to make reasonable adjustments to accommodate students with additional needs.

Evidence requirements

There must be evidence in the form of a plan of the school showing the location of facilities available for each program offered across the school day.

Regulatory context

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.

Schedule 4 clause 14 of the Education and Training Reform Regulations 2017

THE MINIMUM STANDARDS FOR SCHOOLS OFFERING A SENIOR SECONDARY COURSE

Victorian accredited senior secondary courses and qualifications

A **senior secondary awarding body** awards, confers or issues an accredited senior secondary qualification. The Victorian Curriculum and Assessment Authority (VCAA) and the International Baccalaureate (IB) are registered by the VRQA as awarding bodies.

In Victoria, the accredited senior secondary qualifications are the VCE, VCAL and the IB Diploma Programme.

Schools applying to offer a senior secondary qualification must meet the minimum standards for schools as set out in the Act and the ETR Regulations, as well as the minimum standards for registration to provide an accredited senior secondary course (Schedule 9, regulation 86, ETR Regulations).

Schools must also obtain VCAA or/and IB authorisation to deliver their respective courses.

A senior secondary course comprises units or subjects of study, which upon successful completion of the course requirements, leads to a qualification.

Schools will generally apply to offer an accredited senior secondary course after successfully delivering a Years 7–10 program for a number of years. This will require a school to apply to amend its registration to add the additional year levels and apply for registration to provide an accredited senior secondary course. A school must also seek authorisation from the relevant Awarding Body (VCAA or IB) to provide the course/s.

Requirements for delivering a senior secondary course

The requirements for registration to deliver the VCE, VCAL or IB Diploma Programme ensure the school is able to demonstrate it can provide a quality program to its students in the final years of their school education.

If the school shares responsibility for delivering a senior secondary course with another provider, there must be evidence in the form of a copy of a written agreement between the school and the provider stating how the requirements of the minimum standards for delivery of a senior secondary course will be met.

Principles to apply

The evidence required for this standard is addressed in the standard for a registered school under the *Democratic principles* section of these Guidelines.

Regulatory context

-
- (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.
-

Schedule 8 clause 1 of the Education and Training Reform Regulations 2017

Governance and probity

A registered school delivering an accredited senior secondary course must have its governance structured to effectively manage its:

- finances
- physical environment of each place where the course is offered
- staff
- students.

Evidence requirements

A school will need to demonstrate it complies with the minimum standard for school registration relating to *Governance* and *Not-for-profit* sections of these Guidelines.

In addition there must be evidence that:

- the physical environment is sufficient to support the delivery of the course
- teachers are suitably qualified and experienced
- there are procedures to support students to undertake a course best suited to their abilities
- there are sufficient financial resources to deliver the course to the standards of the awarding body.

Regulatory context

- (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 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.
 - (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 8 clause 6 of the Education and Training Reform Regulations 2017

Student learning outcomes

A registered school must deliver the course to the awarding body's standards and ensure students who complete the course requirements are awarded the qualification.

Evidence requirements

There must be evidence of:

- course curriculum and assessment documentation, and student attainment and administration documentation in accordance with the requirements of the awarding body
- documentation to demonstrate that the school provides staff and students with current and accurate information about the awarding body's requirements including course standards, timelines and qualification requirements.

Regulatory context

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.

Schedule 8 clause 2 of the Education and Training Reform Regulations 2017

Student records and results

A school must have policies and procedures to ensure the integrity of assessment, the accuracy of records and the monitoring of student participation, completion rates and student outcomes. The policies and procedures must also cover results analysis and student participation in accordance with the requirements of the awarding body.

Evidence requirements

There must be evidence of policies and procedures to ensure the:

- integrity of assessment
- accuracy of records
- monitoring of student participation, completion rates and student outcomes.

The policies and procedures must also cover results analysis and student participation in accordance with the requirements of the awarding body.

Regulatory context

-
- (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.

Schedule 8 clause 4 of the Education and Training Reform Regulations 2017

Student welfare

A school must have policies and procedures to ensure the care, safety and welfare of its students. There must also be opportunities for students with special needs to access the course.

A school must have appropriate procedures in place to manage the care, safety and welfare of students where two or more senior secondary education providers share the responsibility for providing an accredited senior secondary course.

Evidence requirements

The policies and procedures required to meet this standard are covered in the *Care, safety and welfare* section of these Guidelines.

The policies and procedures must cover any additional arrangements the school has in place for senior secondary students, for example:

- how attendance is monitored for students participating in courses provided by another senior secondary course provider
- supervision of students outside scheduled classes.

The policies and procedures should also address how the school identifies students' special needs and how opportunities are provided so those students can access the senior secondary course.

Regulatory context

- (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 two 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.
-

Schedule 8 clause 3 of the Education and Training Reform Regulations 2017

Teaching and learning

A school must have suitable teaching resources, physical facilities, and competent and qualified staff to teach and assess the course.

Evidence requirements

There must be evidence of:

- an overview of teaching resources and facilities and that they meet the current requirements of the awarding body
- policies and procedures:
 - to ensure the assessment of senior secondary courses is fair, valid and reliable
 - to oversee the conduct of assessments including:
 - addressing cheating, including plagiarism
 - conducting investigations and hearings and if necessary, amending or cancelling assessments
- a student handbook and resources which address the senior secondary course rules and procedures for assessment.

Regulatory context

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.
-

Schedule 8 clause 5 of the Education and Training Reform Regulations 2017

OTHER REQUIREMENTS FOR SCHOOL REGISTRATION

Reporting to the VRQA

A school, upon request, must provide the VRQA with the information it needs to carry out its responsibilities under the Act and ETR Regulations.

Explanatory notes

Once a school is registered, the VRQA may require the proprietor, principal or review body to provide a report that:

- enables the VRQA to assess whether the school is continuing to comply with the minimum standards or other requirements
- informs the VRQA of any changes to a school's details contained in the State Register
- provides information about any complaint made about the school and how the principal responded to the complaint.

The VRQA will give the proprietor or principal a reasonable time to comply with its request for information. The proprietor or principal must comply with the request within the time specified. The VRQA's request and the information provided must be in writing, unless the parties agree otherwise.

Legislative context

The proprietor or principal of a registered school must provide to the Authority in accordance with the regulations a report containing the information required by the regulations.

Section 4.3.5(1) of the **Education and Training Reform Act 2006**

Regulation 71(1) of the Education and Training Reform Regulations 2017 lists the relevant information for the purpose of the above section and is reproduced below.

71(1) For the purpose 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 containing the following information –

- (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; and
 - (ii) complies with any other requirements of the Act or these Regulations; and
- (b) information to advise the Authority of any changes in the details contained in the State Register relating to the school; and
- (c) at the request of the Authority, information to advise the Authority of –
 - (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
 - (ii) a copy of the information made available under clause 18 of Schedule 4.

Regulation 71(1) of the Education and Training Reform Regulations 2017

Amending school registration

The VRQA accepts applications from independent schools wishing to amend their registration. Catholic schools should make their application through CECV and government schools through DET's Schools and Regional Services group.

An independent school wishing to amend its registration must make an application to the VRQA if they wish to:

- add an additional year level

- add an additional campus
- change a school's type of registration
- change the proprietor of the school
- change any other particular of its registration.

Changing a school's legal entity

School registration is not transferrable. If a school wishes to change its legal entity, for example, move from an unincorporated association to a company limited by guarantee, it must make an application for registration.

Catholic schools wishing to change legal entity should contact CECV. Independent schools should contact the VRQA at:

- vrqa.schools@education.vic.gov.au

Regulatory context

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.

Regulation 67 of the Education and Training Reform Regulations 2017

Timing of application

- (1) Subject to subregulation (3), an application 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 determined by the Authority
- (2) The Authority may 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.

Regulation 68 of the Education and Training Reform Regulations 2017

Adding a year level

A registered school must seek VRQA approval to provide an additional year level.

Evidence requirements

Applications must be in writing on the relevant application form. For more information, see:

- www.vrqa.vic.gov.au/schools

Regulatory context

A registered school must –

- (a) offer only the levels of education in respect of which the school is registered

Schedule 4 clause 22 of the Education and Training Reform Regulations 2017

- (c) In the case of an application to include an additional year level of education at the school –
 - (i) contain all 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

Regulation 69(c) of the Education and Training Reform Regulations 2017

Establishing an additional campus

A registered school intending to establish an additional campus must make an application to the VRQA to amend its registration.

Evidence requirements

Applications must be in writing on the relevant application form. To access the form, see:

- www.vrqa.vic.gov.au/schools

Explanatory notes

The ETR Regulations provide a definition of **campus** which is available at *Appendix 1*.

Regulatory context

A registered school must only 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 4 clause 22 of the Education and Training Reform Regulations 2017

- (b) in the case an application to include an additional campus at the school –
 - (i) contain all 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

Regulation 69(b) of the Education and Training Reform Regulations 2017

Changing a school's type of registration

A school must be registered as one or more of the following types:

- a primary school
- a secondary school
- a co-educational school
- a single-sex school
- a specific purpose school, such as a school that provides an alternative educational program
- a specialist school, such as a school that caters mainly for students with disabilities or with social, emotional or behavioural difficulties (Schedule 5, clause 10, ETR Regulations).

A registered school intending to vary its registration type, must make an application to the VRQA to amend its registration.

Evidence requirements

A school that intends to vary its type of registration must ensure that it meets all the minimum standards as they apply to its intended type of registration.

Evidence is required if a variation of registration is likely to affect compliance with other standards, such as:

- philosophy
- enrolment
- attendance
- curriculum framework
- educational facilities
- arrangements for the care, safety and welfare of students.

Applications must be in writing. For more information, see:

- www.vrqa.vic.gov.au/schools

Regulatory context

A school must only be conducted as the type of school in respect of which it is registered.

Schedule 4 clause 22 of the Education and Training Reform Regulations 2017

All other applications

A registered school wishing to make changes to its registration must make an application to the VRQA to amend its registration.

The application must include any information or documents the VRQA reasonably requires to assess the application. The information and documents requested will depend upon the nature of the change a school wishes to make to its registration.

Evidence requirements

Applications must be in writing. For more information, contact the VRQA at:

- vrqa.schools@education.vic.gov.au

Regulatory context

In any other case, an application must include any particulars or information, and be accompanied by any documentation, which the Authority reasonably requires for the purpose of assessing the application.

Regulation 69(d) of the Education and Training Reform Regulations 2017

Registering a school boarding premises

A registered school intending to provide school boarding services at a school boarding premises must make an application to the VRQA. Further details are provided in the School Boarding Guidelines. A definition of school boarding premises is available at *Appendix 1* of these Guidelines.

APPENDIX 1

Definitions

Unless otherwise stated, words or phrases in this appendix have the following meaning:

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.

Awarding body – means a person or body that is registered on the State Register to award, confer or issue a registered qualification.

Campus – the regulations state that ‘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.

Conduct – of a school, includes:

- a) fund-raising activities conducted solely for the school; and
- b) the provision of goods and services and other matters or things to students attending the school; and
- c) the provision of other educational services that are within the scope of the school’s registration.

Early learning centre (ELC) – means a premises at which an approved education and care service (within the meaning of the Education and Care Services National Law (Victoria)) provides education and care to children, including 3 or 4-year-old kindergarten. The service is not provided for the purpose of profit or gain and the service is a feeder for enrolments to the school.

Note: playgroups do not fall within the definition of an ELC.

Entity includes a trust.

Government funding – in relation to a school, means money that is provided to a school under an agreement or an arrangement with the State or the Commonwealth.

Mandatory reporting, failure to disclose, failure to protect and grooming

- the **mandatory reporting obligation** is set out in Part 4.4 of the **Children, Youth and Families Act 2005**. Section 184 imposes an obligation on teachers, principals and other persons listed in section 182, to make a mandatory report if they form a belief on reasonable grounds that a child is in need of protection on the grounds that the child has suffered, or is likely to suffer, significant harm because of physical injury or sexual abuse, and the child’s parents have not protected, or are unlikely to protect, the child from harm of that type.
- the **failure to disclose offence** requires any adult (subject to specific exemptions) who forms a reasonable belief that a sexual offence has been committed by an adult against a child under 16, to report that information to police. Failure to disclose the information to police is a criminal offence. Further information can be obtained at:
 - www.justice.vic.gov.au/safer-communities/protecting-children-and-families/failure-to-disclose-offence
- the **failure to protect offence** applies where there is a substantial risk that a child under the age of 16 under the care, supervision or authority of a school will become a victim of a sexual offence committed by an adult associated with that school. A person in a position of authority in the school will commit the offence if they know of the risk of abuse and have the power or responsibility to reduce or remove the risk, but negligently fail to do so. Organisations other than schools are also covered by the offence. Further information is available at:
 - www.justice.vic.gov.au/safer-communities/protecting-children-and-families/failure-to-protect-a-new-criminal-offence-to

- The **offence of grooming for sexual conduct with a child under the age of 16** is found in section 49M of the **Crimes Act 1958**. That section provides:
 - (1) A person (A) commits an offence if –
 - (a) A is 18 years of age or more; and
 - (b) A communicates, by words or conduct (whether or not a response is made to the communication), with –
 - (i) another person (B) who is a child under the age of 16 years; or
 - (ii) another person (C) under whose care, supervision or authority B is; and
 - (c) A intends that the communication facilitate B engaging or being involved in the commission of a sexual offence by A or by another person who is 18 years of age or more.
 - (2) A person who commits an offence against subsection (1) is liable to level 5 imprisonment (10 years maximum).
 - (3) A does not intend to facilitate B engaging or being involved in the commission of a sexual offence by A or by another person who is 18 years of age or more if, were the conduct constituting the sexual offence to occur, A or the other person would satisfy an exception, or have a defence, to that sexual offence.
 - (4) It is immaterial that some or all of the conduct constituting an offence against subsection (1) occurred outside Victoria, so long as B or C was, or B and C were, in Victoria at the time at which that conduct occurred.
 - (5) It is immaterial that B or C was, or B and C were, outside Victoria at the time at which some or all of the conduct constituting an offence against subsection (1) occurred, so long as A was in Victoria at the time that conduct occurred.
 - (6) It is immaterial that A, B and C were all outside Victoria at the time at which some or all of the conduct constituting an offence against subsection (1) occurred, so long as A intended that the sexual offence would occur in Victoria.
 - (7) In this section –

communication includes an electronic communication within the meaning of the **Electronic Transactions (Victoria) Act 2000**;

sexual offence means –

 - (a) an offence against a provision of Subdivision (8A), this Subdivision (other than section 49K (1) or this section), (8C), (8D), (8E), (8F) or (8FA); or
 - (b) an attempt to commit an offence covered by paragraph (a); or
 - (c) an assault with intent to commit an offence referred to in paragraph (a).

Melbourne Statistical Area – 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.

Overseas student a person holding a visa under the **Migration Act 1958** of the Commonwealth which allows the person, where expressly or otherwise, to study in Victoria.

Prohibited agreement or arrangement means an agreement or arrangement –

- (a) made between two 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 – but does not include an agreement or arrangement under which the proprietor of the school provides money (other than government funding) or property of the school to a person or entity to conduct an early learning centre that is a feeder for enrolments to the school.

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.

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.

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 establishes, 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.

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.

School boarding premises – a premises at which school boarding services are provided or intended to be provided by a person for a fee or reward but does not include any of the following premises –

- (a) a premises at which accommodation services are provided under homestay arrangements by a person who resides at the premises to no more than three students who are enrolled at or attend or intend to enrol at or attend a registered school;
- (b) a premises or place at which camping facilities, including accommodation services, are provided on a short-term basis to students of a registered school who are required by the school to attend the premises or place as part of instruction in a key learning area or an extracurricular activity of the school;
- (c) a premises that is prescribed not to be a school boarding premises;
- (d) a premises at which accommodation services are provided by a prescribed person or body.

Note: Premises will not fall within the definition of school boarding premises if the accommodation services provided at the premises are not provided for the primary purpose of enabling or facilitating a person to enrol at or attend a registered school.

Examples of accommodation services that are not provided primarily for that purpose include the following:

- (a) accommodation services provided by a parent (see the wide definition of parent in section 1.1.3(1) of the Act;
- (b) accommodation services provided at a youth justice centre or a youth residential centre within the meaning of the **Children, Youth and Families Act 2005**;
- (c) accommodation services that are provided as part of respite care within the meaning of the **Aged Care Act 1997** of the Commonwealth;
- (d) accommodation services that are facilitated, provided or regulated by the Department of Families, Fairness and Housing and the Department of Health including the following:
 - (i) out of home care services or secure welfare services within the meaning of the **Children, Youth and Families Act 2005**;
 - (ii) accommodation provided at an NDIS dwelling within the meaning of the **Disability Act 2006**;
 - (iii) accommodation that is a residential service within the meaning of the **Disability Act 2006**;
 - (iv) accommodation services provided at a residential care service within the meaning of the **Health Services Act 1988**.

School boarding services – accommodation services provided for the primary purpose of enabling or facilitating a person to enrol at or attend a registered school.

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

Senior secondary course – a course leading to a senior secondary qualification or any other course pertaining to Year 11 and 12.

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

APPENDIX 2

Abbreviations and Acronyms

CECV – Catholic Education Commission of Victoria Ltd

CRICOS – Commonwealth Register of Institutions and Courses for Overseas Students

Cwth – Commonwealth

DET – Victorian Department of Education and Training

ELC – Early Learning Centre

ESOS Act – **Education Services for Overseas Students Act 2000**

ETR Act – **Education and Training Reform Act 2006**

ETR Regulations – Education and Training Reform Regulations 2017

IB – International Baccalaureate

VCAL – Victorian Certificate of Applied Learning

VCAA – Victorian Curriculum and Assessment Authority

VCE – Victorian Certificate of Education

VIT – Victorian Institute of Teaching

VRQA – Victorian Registration and Qualifications Authority

Education and Training Reform Act 2006

NOTICE OF REVISED FINANCIAL CAPABILITY ASSESSMENT GUIDELINE FOR APPLICANTS SEEKING TO REGISTER A SCHOOL OR SCHOOL BOARDING PREMISES AND FOR REGISTERED SCHOOLS OR SCHOOL BOARDING PREMISES

Section 4.3.8A and 4.3.8Z of the **Education and Training Reform Act 2006** (the Act) authorises the Victorian Registration and Qualifications Authority (the Authority) to issue guidelines.

Section 4.3.8A(4) and 4.3.8Z(4) of the Act requires that any guidelines issued under subsection 4.3.8A(1) and 4.3.8Z(1) be published as soon as practicable in the Government Gazette.

The revised guideline applies to all applicants seeking registration from the Authority to operate a school or school boarding premises and to all VRQA registered schools and school boarding premises from 1 January 2022.

JONATHAN KAPLAN
Chief Executive Officer (Director)
Victorian Registration and Qualifications Authority

SCHOOL AND SCHOOL BOARDING PREMISES FINANCIAL CAPABILITY ASSESSMENT

GUIDELINE

About the Guideline

This Guideline should be read in conjunction with other associated VRQA documents, particularly:

- *Guidelines to the Minimum Standards and Requirements for School Registration*
- *Guidelines to the Minimum Standards and Requirements for School Boarding Premises Registration.*

Commencement

This Guideline is effective from 1 January 2022.

Who does it apply to?

This Guideline applies to all non-government schools and non-government school boarding premises, except Catholic schools that are part of the Catholic Education Commission of Victoria Limited (CECV) system of schools and associated school boarding premises.

It does not apply to government schools.

Authority

This Guideline is issued pursuant to section 4.3.8A(1) and section 4.3.8Z(1) of the **Education and Training Reform Act 2006** (the Act)

Summary of relevant legislation for non-government schools and school boarding premises

Under the Act the VRQA may monitor and assess the financial capabilities of non-government schools and school boarding premises and take action to protect the interests of students as consumers if issues arise. The VRQA may also assess the financial capability of a registered school or school boarding premises as part of a cyclical or non-cyclical review if it considers there are risks relating to governance, compliance with the not-for-profit requirements for schools, and/or financial management. These provisions do not apply to government schools as they have to comply with different reporting and governance requirements imposed by the Department of Education and Training. As a review body appointed by the VRQA under section 4.3.2(c) of the Act, CECV reviews and monitors compliance of Catholic schools and school boarding premises within its system with the prescribed minimum standards and other requirements for school and school boarding premises registration. Therefore, the provisions of this guideline do not apply to Catholic schools and school boarding premises under CECV's authority as the VRQA does not routinely conduct reviews or financial capability assessments directly where a review body arrangement is in place. Pursuant to the Act and the Memorandum of Understanding between CECV and VRQA, the VRQA may directly review and conduct a financial capability assessment of a Catholic school or school boarding premises at the request of the CECV or where the VRQA considers it necessary.

Section 4.3.1A and 4.3.8E of the Act empowers the VRQA to:

- conduct periodic financial capability assessments of non-government schools and school boarding premises and take action to protect the interests of students attending at-risk schools and school boarding premises
- suspend or cancel the registration of schools and school boarding premises which close or cease to operate, or in circumstances where the proprietor becomes bankrupt or insolvent
- conduct a targeted review of the financial capability of a non-government school or school boarding premises where the VRQA has concerns about the financial viability, governance, financial management or compliance with the not-for-profit requirements.

Powers include being able to:

- report to parents or require the school or school boarding premises to report to parents, of students attending the school or school boarding premises

- impose a condition that the school or school boarding premises establish a protection scheme for student fees either in accordance with any Ministerial Order or by agreement through an enforceable undertaking
- impose conditions on registration
- suspend or cancel registration
- prohibit the school from enrolling new students or school boarding premises from accepting any new boarders.

The Act outlines the requirements for the VRQA to provide notice to an affected registered school or school boarding premises about any proposed action and provide the school or school boarding premises with an opportunity to make written submissions as to why proposed action should not be taken.

Relationship to legislation and Guidelines to the Minimum Standards and Requirements for School Registration

The applicable legislation for school registration is the Act and the Education and Training Reform Regulations 2017 (the ETR Regulations). The legislation provides standards and principles on which school education in Victoria is to be based, including requirements regarding the governance of a school. In particular, the governance of a school must be structured to enable the effective development of the strategic direction of the school, effective management of the school's finances and fulfilment of its legal obligations (*Minimum standards for registration of schools*, ETR Regulations, Schedule 4).

The provisions in relation to school financial capability assessment strengthen these requirements and provide greater protection of the interests of students as consumers. In practice, the VRQA has in place a number of regulatory tools to monitor the financial capability of schools.

Further details about the minimum standards and other requirements can be found in the VRQA *Guidelines to the Minimum Standards and Requirements for School Registration*, published on the VRQA website (www.vrqa.vic.gov.au).

Relationship to legislation and Guidelines to the Minimum Standards and Requirements for School Boarding Premises Registration

Similar governance and financial management requirements to the above apply to providers of school boarding premises (*Minimum standards for registration of school boarding premises*, ETR Regulations, Schedule 4A).

Further details about the minimum standards and other requirements for school boarding premises can be found in the VRQA *Guidelines to the Minimum Standards and Requirements for School Boarding Premises Registration*, published on the VRQA website (www.vrqa.vic.gov.au).

The VRQA's approach to regulation

The VRQA adopts a risk-based approach to regulation. Consistent with this approach, the VRQA will:

- assess the risks of non-compliance with minimum standards
- improve its capability to anticipate and detect early warning signs that a provider's performance is declining or failing to improve
- intervene consistently, using graduated responses to address non-performance, preferably through early interventions
- minimise the compliance burden for particular standards and providers where they demonstrate ongoing and consistent high-quality performance.

The VRQA has also adopted the following principles of good regulatory practice to ensure that its processes and decisions are:

- **transparent** – relevant information, other than private and commercial-in-confidence information, is available to providers
- **proportional** – processes, incentives and penalties are proportional to the consequences of a particular risk

- **consistent and predictable** – processes and decisions about any particular matter should be sufficiently consistent as to be predictable to providers
- **sector neutral** – all providers should be held to the same standards, within and across sectors, while respecting the diversity of providers and not taking a one-size-fits-all approach
- **efficient and agile** – processes deliver maximum public benefit for minimum resources, allow for flexible, case-specific responses, and result in prompt decisions.

Information sharing arrangements

Under section 4.9.4 of the Act, the VRQA may disclose information with a range of organisations, including the Victorian Department of Education and Training, Commonwealth Department of Education, Skills and Employment, Australian Securities and Investment Commission and Australian Charities and Not-for-profits Commission. The VRQA can also ask for information from these organisations to assist the VRQA in determining whether or not a school complies with the *Guidelines to the Minimum Standards and Requirements for School Registration*. Where the proprietor of a school is also registered to operate school boarding premises, the VRQA can ask for information from these organisations to assist the VRQA in determining whether or not a school boarding premises or the services provided at the premises complies with *Guidelines to the Minimum Standards and Requirements for School Boarding Premises Registration*. If a provider is registered only in respect of a school boarding premises (i.e. as a third party not a school) the VRQA may also request information under section 4.9.4 of the Act from a wide range of government bodies.

The VRQA has engaged a panel of providers to undertake financial assessments on its behalf. Information shared under these arrangements is governed by confidentiality agreements.

The VRQA and the recipient entities are subject to the **Privacy and Data Protection Act 2014** (Vic).

Policy intent

The intent of the relevant legislation is to strengthen the governance and financial management of registered schools and registered school boarding premises and reduce adverse outcomes for communities by enhancing the powers of the VRQA to protect the interests of students and parents as consumers.

Evidence guide

Consumer protection is strengthened when a school or school boarding premises provider has in place strong governance and financial management, underpinned by arrangements where the governing body prepares and updates its business plan and annual budget, and monitors its financial position. Such monitoring should cover income and expenditure, balance sheet, cash flow and debtors and creditors, to be considered at each meeting of the governing body or relevant school or school boarding premises provider subcommittee.

Not all schools or school boarding premises providers will need to provide information about their financial capabilities

The VRQA will contact a school or school boarding premises provider individually and will request information in writing. The following is an indicative list of information which might be requested. Wherever possible, the VRQA will ask for information that is, or should be, readily available in a school or school boarding premises provider.

Requirements for existing registered schools and school boarding premises

Schools and school boarding premises scheduled for a review in any year will be asked to complete a Self-assessment Tool. This tool is available on the VRQA website (www.vrqa.vic.gov.au). The tool includes an opportunity for schools to provide responses regarding their financial management.

The VRQA will ensure reviews of schools that own school boarding premises are conducted at the same time.

If the VRQA requires further information about a school's financial capabilities, including regarding any registered school boarding premises conducted by or on behalf of the registered school, and a review is not already open, the VRQA will open a specific or general review of the school, consistent with the VRQA's Provider Risk Framework available on the VRQA website (www.vrqa.vic.gov.au). More details about these processes are set out below.

Graduated approach

Depending on the level of assessed risk, the VRQA will adopt a graduated approach as described below. The VRQA uses a graduated approach to financial capability assessment based on the principles of risk-based and proportionate regulation. The graduated approach takes account of a school's governance and financial history, circumstances, context and associated risks. Under this model, where the VRQA has identified higher risks of financial failure, or potential non-compliance with the governance minimum standard and/or not-for-profit requirements, or a school or school boarding premises provider has a complex legal or governance structure, or the proprietor conducts a registered school and one or more registered school boarding premises, the VRQA may require additional evidence for assessment or use a different assessment method. The graduated approach can be non-sequential, and a school or school boarding premises provider may be subject to any or all of the assessment approaches.

Approach 1 – Examples of information requested at this stage could include:

- the most recent audited financial statements (income and expenditure, balance sheet, changes in equity and cash flows)
- details of any related party transactions
- the most recent unaudited financial statements (if these are available for a more recent financial year period)
- the most recent month end financial position and governance documents such as constitution or rules, delegations, governance charter and the like.

The actual evidence sought will depend on the issues identified by the VRQA as requiring further clarification.

Note: the VRQA may ask the Commonwealth Department of Education, Skills and Employment for a copy of the most recent Financial Questionnaire analysis report of the school or school boarding premises provider.

Approach 2 – Examples of the more detailed information requested at this stage could include:

- monthly cash flows and income and expenditure statements for the preceding 12 months and projections for each of the next 12 months
- minutes of governing body/finance subcommittee meetings for the preceding 12 months
- annual enrolment and cash flow projections for each of the next five years might also be requested.

The actual evidence sought will depend on the issues identified by the VRQA as requiring further clarification.

Approach 3 – Involves requiring a school or school boarding premises which the VRQA has assessed as at higher risk of financial failure or non-compliance with the governance minimum standard or not-for-profit requirements, **or** is one with complex governance arrangements such as the school's legal entity also having responsibility for a combination of early learning centre, registered training organisation and/or school boarding premises, to complete a more detailed financial questionnaire (Schedule). The Schedule is available on the VRQA website. Completing this Schedule involves compiling existing documents, completing associated paperwork, and obtaining internal review and approval (sign-off by the Chair of the governing body). The VRQA would then either undertake a financial assessment or commission one of its panel contractors to prepare a financial capability assessment report. This would involve a desktop assessment. The VRQA will notify the school or school boarding premises provider and proprietor in writing if a desktop review will take place and the scope of the review. The school or school boarding premises provider then has an opportunity to provide 'management' comments before the report is finalised and provided by the panel contractor to the VRQA for review.

Approach 4 – A school or school boarding premises at the highest risk of financial failure or non-compliance with the governance minimum standards and/or not-for-profit requirements, will be required to complete a more detailed financial questionnaire (Schedule) and may be subject to further investigative review with a site visit. The site visit consists of an onsite assessment of a school or school boarding premises financial capability conducted by the VRQA or one of its panel contractors. They may be accompanied by VRQA authorised officers. The onsite assessment may consist of interviews with key staff and review and provision of additional documents. Schools or school boarding premises may also be required to provide additional financial information by way of a production notice issued by the VRQA.

Administrative arrangements

The VRQA may become aware of concerns about the financial capability of a school or school boarding premises provider as a result of information provided by either the Victorian Department of Education and Training, the Commonwealth Department of Education, Skills and Employment, other agencies such as Australian Securities and Investment Commission or Australian Charities and Not-for-profits Commission, a parent or staff member, or through an open review.

Before seeking information from a school or school boarding premises provider about its financial capability, the VRQA is required to open either a specific or a general review, if one is not already open. A review typically involves the following steps:

1. The VRQA notifies the school or school boarding premises provider that it is opening a review and provides details of the reason and scope of the review, whether there will be a site visit, timelines for submitting information and other procedural information.
2. The VRQA reviews the submitted information and/or the report of the site visit concerning findings of non-compliance with registration requirements and provides the school or school boarding premises provider with advice as to the proposed actions to address non-compliance, the grounds for the proposed action, an opportunity to make a submission (where applicable) and the proposed next steps in the process, including timelines. The school or school boarding premises provider is also invited to meet with the VRQA to discuss the finding of the review. In some situations, the school or school boarding premises provider may also make a submission to the Minister for Education following it being notified by VRQA of proposed action which may include one or more of those listed in the below paragraph.
3. The VRQA reviews the school or school boarding premises provider's submission and provides the school or school boarding premises provider with a notice of decision, the reasons for the decision and the next steps in the process, including timelines. Again, the school or school boarding premises provider is invited to meet with the VRQA to discuss the decision. Where a decision is made to cancel or suspend registration, the school or school boarding premises provider is also advised of its right to apply to the Victorian Civil and Administrative Tribunal for a review of the decision.

The VRQA may take any of the following actions following a review:

- Impose conditions on the registration of a school or school boarding premises provider for the whole or any part of the period of registration.
- Impose interim conditions on a school or school boarding premises provider prior to a review being completed.
- Prohibit the school from enrolling any new students or prohibit the school boarding premises provider from accepting any new boarders.
- Require the school or the school boarding premises provider to report any non-compliance to parents.
- If a school or school boarding premises provider is assessed by the VRQA as being financially unviable or at risk of becoming financially unviable, the VRQA may:
 - report to parents of students at the school or school boarding premises on the result of the financial assessment, including the areas in which the school or school boarding premises provider is no longer financially viable; and/or

- in accordance with any Ministerial Order, impose a condition of registration on the school or school boarding premises provider to put in place a protection scheme for fees that have been paid or are to be paid to the school or school boarding premises provider.
- Accept an enforceable undertaking from a school or school boarding premises provider that is the subject of a review, which might include setting up a trust fund for the protection of prepaid student fees. For more information see the VRQA website (www.vrqa.vic.gov.au).
- Suspend or cancel the registration of the school or school boarding premises.

The VRQA may substitute an action (other than the cancellation of registration) with another action that is less onerous if it considers that the school or school boarding premises provider has partially complied with the requirements of the original action and the substituted action is sufficient to ensure that the school will comply with the prescribed VRQA *Guidelines to the Minimum Standards and Requirements for School Registration* or to ensure that the school boarding premises provider will comply with the prescribed VRQA *Guidelines to the Minimum Standards and Requirements for School Boarding Premises Registration*. Such actions could include a school or school boarding premises provider providing periodic financial reports or other information to the VRQA.

Information and capacity building

The VRQA provides information about financial management on its website. For schools, a copy of the *Financial Management for Independent Schools* booklet for independent schools operating in Victoria can also be downloaded from the website (www.vrqa.vic.gov.au).

Each year, the VRQA also conducts information sessions for independent schools scheduled for a school review, and, if appropriate, school boarding premises review and a separate briefing session specifically on financial management. Information about these sessions is available through VRQA *e-news* and on the VRQA website.

Independent school principals and governing bodies are also encouraged to participate in relevant professional development programs conducted by Independent Schools Victoria.

Program evaluation

It is anticipated that a formal evaluation of the arrangements for financial capability assessments will be undertaken again in 2024.

Further information

Further information about the operation of this Guideline is available on the VRQA website. If you have any questions, you can email or telephone the VRQA.

The School and School Boarding Premises Financial Capability Assessment Guideline was approved by the VRQA Board on 5 August 2021

Education and Training Reform Act 2006

**NOTICE OF REVISED GUIDELINES FOR APPLICANTS SEEKING TO REGISTER
A STUDENT EXCHANGE ORGANISATION AND FOR REGISTERED STUDENT
EXCHANGE ORGANISATIONS**

Section 4.5A.1(3) of the **Education and Training Reform Act 2006** (the Act) authorises the Victorian Registration and Qualifications Authority (the Authority) to issue guidelines.

Section 4.5A.1(4) of the Act requires that any guidelines issued under subsection 4.5A.1(3) be published as soon as practicable in the Government Gazette.

The revised guidelines apply to all applicants seeking registration from the Authority to operate a student exchange organisation and to all VRQA registered student exchange organisations from 1 January 2022.

JONATHAN KAPLAN
Chief Executive Officer (Director)
Victorian Registration and Qualifications Authority

GUIDELINES FOR STUDENT EXCHANGE PROGRAMS

1. INTRODUCTION

The **Education and Training Reform Act 2006** (the ETR Act) sets out the legislative framework for the regulation of secondary student exchange organisations (SEOs) in Victoria.

Section 4.5A.1(3) of the ETR Act authorises the Victorian Registration and Qualifications Authority (VRQA) to issue guidelines for the purpose of determining whether a person, organisation or registered school is suitable to operate a student exchange program.

To maintain the national approach to the regulation of SEOs, the *Guidelines for Student Exchange Programs* (the Guidelines) are broadly consistent with the *National Guidelines for the Operation of International Secondary Student Exchange Programs in Australia*. Variations have been made to align the Guidelines with Victorian legislative requirements, including the:

- ETR Act
- *Guidelines to the Minimum Standards and Requirements for School Registration*
- **Worker Screening Act 2020**
- **Child Wellbeing and Safety Act 2005.**

1.1 Rationale for student exchange programs

The Australian and state/territory governments recognise that student exchange programs provide cultural and educational benefits to students and school communities. Student exchange programs provide a broad educational experience for students and increase international and cultural understanding among young people.

1.2 Objectives of student exchange programs

The objectives of student exchange programs are to:

- provide educational enrichment for exchange students by developing their linguistic skills and introducing them to a different educational philosophy, environment and curriculum
- develop cultural awareness and understanding among students in the school environment
- promote international understanding and cooperation.

1.3 Student exchange programs in Victoria

In Victoria, student exchange programs can only be provided by VRQA-approved SEOs.

A person, registered school or organisation may apply to the VRQA for approval to provide a secondary student exchange program into and from Victoria.

Student exchange programs must:

- include a period of secondary school enrolment of at least four weeks and no more than 12 months duration
- require an overseas secondary school student to attend a registered secondary school on a full-time basis, or a Victorian student to attend an overseas secondary school on a full-time basis.

1.4 Principle of reciprocity

An SEO must operate student exchange programs on a reciprocal basis, balancing the number of inbound and outbound exchange students and the duration of its programs. The Australian and Victorian governments accept reciprocity of exchange programs instead of payment of school tuition fees.

An SEO calculates reciprocity across its entire student exchange program in Victoria, based on the total number of inbound and outbound students over two years.

The VRQA compares the total points for inbound and outbound programs without particular concern for the mix of short and long term programs.

Outbound programs are not eligible for reciprocity points if they are provided for students who have completed or withdrawn from secondary school.

Standard 5.3 of the Guidelines details how to calculate and monitor reciprocity.

2. LEGISLATIVE FRAMEWORK

2.1 Victorian legislation

Under the ETR Act, the VRQA approves SEOs and monitors their compliance with the ETR Act, the Guidelines and any conditions imposed on their approval.

In deciding whether to grant approval the VRQA may have regard to:

- (a) the suitability of the person, organisation or registered school to operate a student exchange program
- (b) the Guidelines
- (c) any other matter relating to the management or operations of the person, organisation or registered school proposing to operate the student exchange program.

2.2 Approval to provide student exchange programs

The VRQA may approve or re-approve an SEO to provide student exchange programs for a period of no more than six years.

A VRQA-approved SEO must:

- comply with the SEO requirements in the ETR Act and the Guidelines
- meet the requirements of the Victorian Child Safe Standards, **Worker Screening Act 2020**, **Child Wellbeing and Safety Act 2005**, **Privacy and Data Protection Act 2014** and other child safety requirements including mandatory reporting
- cooperate fully with the VRQA in its complaint or investigation processes
- advise the VRQA within 14 days of any change to the ownership, management or particulars provided in its most recent application for VRQA approval or re-approval
- advise the VRQA within 24 hours if it is placed under external administration or goes into liquidation
- arrange at least one student exchange within any three-year period. An approved SEO that has not arranged any student exchanges within any three years may have its approval cancelled.

The VRQA includes details of SEOs it has approved on the VRQA State Register, which can be accessed on the VRQA website:

- www.vrqa.vic.gov.au

The VRQA will conduct a mid-cycle review of an SEO's compliance with the ETR Act, the Guidelines and any conditions of approval.

The VRQA may also conduct reviews when there is:

- concern about compliance with the ETR Act, the Guidelines and any conditions of approval
- a change in the nature of the programs being offered
- a change in the SEO's ownership, management, control or operation.

2.3 Visa requirements

Students participating in a student exchange program in Victoria travel to Australia on a student visa (subclass 500) issued by the Australian Government. An SEO requires an Acceptance Advice for Secondary Exchange Student (AASES) form to obtain a student visa for each inbound student. The VRQA issues SEOs with an AASES form upon request.

AASES forms specify:

- the student exchange program dates, which must be the student's first day of school enrolment and the student's last day of school enrolment
- the student welfare dates nominated by the SEO, which is a period of at least seven days before and after the student exchange program dates where the SEO is responsible for the student's accommodation, support and general welfare.

Students must attend school for the period approved by the VRQA on the AASES form or outbound notification form.

An SEO must make sure that students do not arrive in Australia before the student welfare start date stated in the AASES form, and that students depart Australia before the student welfare end date.

Inbound students must obtain overseas student health cover (OSHC) for the full period of the student welfare dates in their AASES form. This does not apply to students who are citizens of a country exempted from the requirement by the Department of Home Affairs.

An SEO must ensure that the student exchange programs it provides to outbound Victorian students comply with all relevant visa and health insurance requirements of the host country.

3. AREAS OF RESPONSIBILITY

3.1 Victorian Registration and Qualifications Authority

The VRQA is responsible for:

- approving SEOs to provide student exchange programs in Victoria
- issuing guidelines under the ETR Act
- monitoring compliance with the ETR Act and the Guidelines
- providing advice to organisations on student enrolment procedures and a timeline of key dates
- accounting for issued AASES forms and providing forms to SEOs when requested
- monitoring reciprocity for all approved SEOs in Victoria
- managing instances of non-compliance as appropriate, including the suspension and cancellation of an approval if required
- providing information, including a published list of all SEOs in Victoria
- investigating complaints about an SEO.

3.2 Student exchange organisation

An SEO is responsible for:

- maintaining necessary systems to carry out its duty of care requirements in a responsible and effective manner
- providing orientation and support services for students and overseeing students' welfare
- conducting its operations in accordance with the ETR Act and the Guidelines
- implementing procedures for arranging exchange student school and host family placements, and for changing these placements if necessary
- ensuring that all students have appropriate health insurance, including OSHC for inbound students
- ensuring host families are appropriately screened, selected and monitored
- notifying the VRQA promptly when there is a significant change in the nature of the program it offers, such as if exchange students do not take up placements, leave the program sooner than expected, or do not leave the country when the program is completed
- ensuring it complies with the requirements of the Victorian Child Safe Standards, **Worker Screening Act 2020**, **Child Wellbeing and Safety Act 2005**, **Privacy and Data Protection Act 2014** and other child safety requirements including mandatory reporting
- ensuring it complies with child protection legislation in Victoria and in countries in which it operates, including meeting all required reporting obligations
- ensuring it returns fully completed AASES forms to the VRQA following the enrolment of exchange students
- ensuring that it maintains a zero or positive reciprocity balance in Victoria
- ensuring that its paid and volunteer staff are aware of the requirements under the Guidelines and Victorian Child Safe Standards, relevant to the person's role within the SEO.

3.3 Exchange student

An exchange student is responsible for:

- attending the appointed school full-time
- behaving in an appropriate manner as agreed under the terms of the relevant student exchange program, complying with school codes of conduct and abiding by the laws and visa requirements of the host country
- leaving the host country on completion of the student exchange program or the expiration of any relevant student visa
- leaving the host country earlier if circumstances develop such that the SEO believes that the student's participation in the program is no longer appropriate.

3.4 Australian Government

The Australian Government is responsible for:

- advising on immigration, health regulations and overseas travel safety issues
- issuing designated student visas for inbound exchange students
- registering travel arrangements for outbound students through the Department of Foreign Affairs and Trade (DFAT).

4. APPLICATIONS FOR APPROVAL

4.1 Application process

A person, registered school or organisation may apply to the VRQA for approval or re-approval to operate a student exchange program using the form on the VRQA website.

An applicant must provide supporting information to address all matters in sufficient detail to allow the VRQA to make a decision.

To demonstrate its suitability to operate a student exchange program, a non-school applicant for initial approval must provide an outline of its background, history, management and organisational structure. This includes relationships with other agencies in relation to student exchanges and other related programs.

A registered school applicant must provide details of its international student programs (if any) and its relationship with any overseas sister school.

4.2 Confidentiality

Information provided by an applicant for approval or re-approval, or information otherwise provided by an SEO, will be treated confidentially. All personal information will be handled in accordance with the **Privacy and Data Protection Act 2014**.

Section 4.9.4 of the ETR Act provides for the disclosure of information about an applicant for SEO approval or re-approval, to a prescribed person or body if the information relates to the performance of a function of that person or body, including:

- a department of the Commonwealth Government or of another state or territory government
- an agency of the Commonwealth.

The VRQA may also disclose information where required, permitted or authorised at law.

4.3 VRQA fees

VRQA fees, including SEO approval, mid-cycle review, and annual fees, are set by Ministerial Order. They are available on the VRQA website:

- www.vrqa.vic.gov.au

The VRQA can only approve an application for approval or re-approval to operate a student exchange program if the relevant VRQA fees are paid.

5. STANDARDS FOR STUDENT EXCHANGE PROGRAMS

The standards listed below from 5.1 to 5.33 are the VRQA standards for the operation of a student exchange program in Victoria.

Applicants for VRQA approval or re-approval to operate a student exchange program must provide evidence of compliance with all of the standards.

Under section 4.5A.2 of the ETR Act it is a condition of approval for all SEOs that they comply with the standards. Non-compliance with the standards may result in the suspension or cancellation of an SEO's approval.

Unless stated otherwise, the standards apply to both inbound and outbound student exchange programs.

General

5.1 Purpose of the student exchange program

An SEO must demonstrate that the principal purpose of its student exchange program is to provide a broad educational experience for students and to further international and intercultural understanding.

5.2 Use of the term 'student exchange'

All inbound secondary students entering Australia on programs advertised as a student exchange program must enter on an Australian student visa (subclass 500) issued on the basis of an AASES form.

An SEO providing other visit or cultural programs for young people entering Australia on visitor visas must:

- not promote or refer to such programs as student exchange programs
- make clear to participants, parents and guardians that these programs are not student exchange programs regulated under the ETR Act or the Guidelines.

Only programs operating under these Guidelines may be identified as 'student exchange' programs in promotional and marketing materials.

5.3 Reciprocity

An SEO must operate student exchange programs on a reciprocal basis, balancing the number of inbound and outbound exchange students and the duration of its programs.

Non-school SEOs

An SEO must submit details of its inbound and outbound student exchange programs to the VRQA, including the exchange program start and end dates for each student. This information must be confirmed annually on the annual reciprocity form.

An SEO is required to maintain a neutral or positive reciprocity balance. This is monitored over a two-year period.

If an SEO's annual reciprocity form shows a negative reciprocity balance over two consecutive years, the SEO is required to submit a rectification plan detailing the steps and the timeline the SEO is implementing to return to a positive reciprocity balance.

If an SEO's negative reciprocity balance is significant, the VRQA may restrict or suspend issuing AASES forms.

How to calculate reciprocity

To calculate reciprocity, allocate one point for each calendar month of exchange or part thereof (regardless of when in the month the exchange starts and ends).

For example:

- a student arriving on 29 June and departing on 1 September earns four reciprocity points
- three students on exchange for four months will accrue the same number of points as one student on exchange for 12 months.

An exchange that starts and ends one year apart in the same calendar month counts as 12 points.

Monitoring of reciprocity

The VRQA monitors reciprocity for each SEO on an annual basis. An SEO must complete and submit an annual reciprocity form to the VRQA by 1 October each year.

School SEOs

The VRQA monitors reciprocity for school SEOs through the AASES form and outbound register records and will review school SEO reciprocity at mid-cycle review and re-approval. Registered school SEOs are not required to submit annual reciprocity forms.

SEO governance

5.4 Eligibility to apply for a student exchange approval

The ETR Act provides that a person, registered school or an organisation may apply to the VRQA for approval to provide a student exchange program.

5.5 Not-for-profit status and financial viability

An SEO must operate on a not-for profit basis and be financially viable with sufficient financial resources to fulfil its obligations and responsibilities for the duration of the approval. Registered schools are required to be not-for-profit.

A non-school applicant for SEO approval is required to provide evidence of its not-for-profit status by submitting appropriate documentation with the application.

Documentation may include:

- a certificate of incorporation
- memorandum and articles of association or constitution
- certificates of insurance/public liability cover
- audited financial statements
- compliance with Australian Tax Office requirements for not-for-profit status
- registration as a not-for-profit organisation with the Australian Charities and Not-for-profits Commission
- standard invoices that demonstrate that program costs are reasonable and that revenue is expended entirely on the objectives of the student exchange program. SEOs must indicate what is included in participation fees and what are optional extras.

The VRQA may review whether an approved SEO continues to be not-for-profit and financially viable at any time by conducting a financial capability assessment. The VRQA may also conduct a financial capability assessment at any time, including when an SEO changes ownership, management, control or operation.

An SEO must provide evidence that they have insurance(s) in place that will provide at least \$10 million public liability insurance.

5.6 Fit and proper person requirement

An SEO must satisfy the fit and proper person requirement at the time of application and for the duration of its approval.

To determine whether an SEO is fit and proper, the VRQA can consider whether any person involved in the management (including at a national level) of the SEO has:

- a history of non-compliance with the Guidelines and any equivalent interstate registration requirements or the *National Guidelines for the Operation of International Secondary Student Exchange Programs in Australia*
- ever been involved in the management of an SEO for which registration has been suspended or cancelled in Australia
- ever been involved in the management of an SEO that has had conditions imposed on its registration as an SEO in Australia
- ever been charged with or convicted of an indictable offence

- ever become bankrupt
- ever been disqualified from managing corporations under the **Corporations Act 2001**
- ever been refused a Working With Children clearance or equivalent in any state or territory in which the SEO operates
- ever been found not to be a fit and proper person under the Guidelines or any equivalent interstate registration requirements
- ever provided a state or territory registration authority with false or misleading information, or made a false or misleading statement to a state or territory registration body in relation to any matter under the Guidelines or equivalent interstate registration requirements.

The VRQA may consider other relevant factors to determine whether the SEO is fit and proper.

SEOs must provide a Fit and Proper Person declaration from the principal executive officer (PEO) and all senior officers involved in the management of the SEO, and must notify the VRQA within 28 days if it becomes aware that the PEO or a senior officer has become subject to any of the above.

The VRQA may review whether an SEO satisfies the fit and proper person requirement at any time, including if the SEO changes its ownership, management, control or operation.

5.7 Organisational structure

An SEO must have an organisational structure within Victoria that:

- is effective and appropriate for the size of its operation
- allows ready access and communication with parents, schools, students and officers of appropriate agencies, including being contactable by telephone 24 hours per day, seven days per week
- provides appropriate support for participating students and families
- enables them to make appropriate arrangements in Victoria for inbound exchange students' accommodation, support and general welfare.

An SEO must demonstrate through its organisational structure or third-party arrangements that they can facilitate the provision of effective and appropriate support to inbound and outbound students.

For inbound students, where an SEO organisational structure includes local SEO coordinators, the SEO must:

- provide the name, residential address, email address and contact telephone numbers for all local SEO coordinators in Victoria
- provide each exchange student with a local SEO coordinator residing within 200 km or two hours travel by car, whichever is the shorter, from the student's host family residence.

If an SEO operates in more than one state or territory, the state or territory where its head office is located will be considered its base state. An SEO seeking to be approved in Victoria must also be approved as an SEO in its base state. If an SEO ceases to operate student exchange programs in its base state, the VRQA may review its Victorian approval.

5.8 Working With Children clearances

An SEO must ensure all of its officers, employees and volunteers working with children or with access to exchange students' personal records or information in Victoria have a Working With Children clearance. SEO employees and volunteers do not need a Working With Children clearance if they hold current Victorian Institute of Teaching registration.

5.9 Training

A non-school SEO must provide training for local SEO coordinators and student support staff that includes instruction in:

- conflict resolution

- procedures for handling and reporting emergency situations and critical incidents
- Child Safe Standards and reporting requirements
- procedures for handling and reporting allegations of sexual abuse or any other allegations of abuse or neglect
- sexual conduct codes
- the criteria to be used to screen potential host families and exercise good judgement in assessing if the host family will be able to provide the appropriate environment and support for an exchange student
- the Guidelines, the ETR Act and the WWCC requirements as they relate to the role of the coordinator and student support staff.

A school SEO should conduct a risk assessment of its student exchange program, and adapt existing policies and procedures to confirm they apply to the student exchange program in relation to:

- conflict resolution
- procedures for handling and reporting emergency situations and critical incidents
- Ministerial Order 870, handling and reporting requirements
- Minimum standards for a registered school on care, safety and welfare of students.

A school SEO must provide training for its staff involved in the coordination of the exchange program including:

- the criteria to be used to screen potential host families and exercise good judgement in assessing if the host family will be able to provide the appropriate environment and support for an exchange student
- the Guidelines, ETR Act and Working With Children clearance requirements as they relate to the role of the coordinator and student support staff.

5.10 Third-party arrangements

An SEO must maintain up-to-date records of all third-party organisations used to support and deliver elements of the student exchange program, including:

- the name of the third-party organisation
- the type of arrangement made between the parties
- a copy of the contracts between the SEO and the third party
- information about the SEO's monitoring process in relation to the operations of the third party
- details of whether the third-party organisation is registered as an SEO in any jurisdiction
- information about the SEO's periodic evaluations of service delivery for both inbound and outbound students.

An SEO must ensure that third-party organisations undertaking the selection of host families for outbound students have a process to adequately screen and select exchange student host families. The third-party organisation must:

- conduct an in-person interview with each person aged 18 years and over residing in the home
- conduct a home inspection prior to the placement of an exchange student to ensure that the host family is capable of providing a safe, comfortable and nurturing home environment
- ensure the family declares all adults and children who live in the home, including those who may reside temporarily
- ensure that the host family understands and agrees to meet the financial obligations of hosting
- verify that each person aged 18 years and over residing in the home has undergone a Criminal Record Check (CRC).

An SEO must ensure that third-party organisations supporting outbound students have policies and procedures to respond to critical incidents including natural disasters, terrorism, student illness or injury, and breakdown in the hosting relationship.

Information about third-party arrangements and copies of the agreements must be provided at the time of application.

An SEO must notify the VRQA if there is a change to the organisations that the SEO has third-party arrangements with. Where an SEO becomes aware that a third-party organisation has not complied with the requirements of the Guidelines, the SEO must take immediate corrective action.

An SEO should ensure that the arrangements with third-party organisations include consideration of the Child Safe Standards. An SEO must conduct a risk assessment of all outbound students' accommodation and welfare arrangements.

Administration of student exchange programs

5.11 Structure of student exchange programs

A non-school SEO must follow VRQA and individual school procedures regarding the placement of exchange students in schools in Victoria.

An SEO should minimise changes to a student's exchange program, including changes to the start date, duration, departure date, host school or host family.

If the student exchange program involves the student being placed with more than one host family, SEOs must demonstrate that the student and the student's parents are advised of this prior to the student's first placement.

A student exchange program must not include a change of host school unless the original host school placement is not satisfactory. If the host school is the SEO, an unsuccessful placement would normally be resolved by the student returning home early.

A non-school SEO may only transfer students interstate:

- in exceptional circumstances
- with parental approval for the transfer
- with the approval of the VRQA and the interstate registration authority prior to the transfer.

An SEO requires a new AASES form to transfer a student interstate. This will be provided by the interstate registration authority. In these circumstances, the registration authorities will calculate reciprocity by allocating the time the student spent in each state or territory and include it in the relevant state or territory's annual reciprocity report.

5.12 Selection of students

An SEO must have a screening process for selecting inbound and outbound students. Only students with appropriate language proficiency or demonstrated capacity to acquire a language, and maturity to benefit from the experience should be selected to take part in a student exchange program.

An SEO must provide comprehensive, current information in plain English to potential exchange students about:

- school terms and holiday breaks
- the grounds on which the student's exchange may be suspended or cancelled
- the SEO's policy and process for approving the host family, support and general welfare arrangements.

5.13 Health and travel insurance

An SEO must ensure that exchange students have appropriate health cover and travel insurance.

An inbound student must hold OSHC in accordance with Australian student visa requirements.

An outbound student's health cover may be adjusted to take into account any reciprocal health care agreements Australia has with the relevant host country.

An SEO must advise that parents of exchange students obtain travel insurance to cover lost luggage, theft of goods and money and cancellation of flights.

Host families

5.14 Screening of host families

Selection of a host family must not involve payment of board or a subsidy to the host family, or to any other party, as a condition of the student's placement.

For students with special needs, the VRQA may approve the provision of a subsidy to the host family. Prior to applying for AASES forms, sufficient numbers of host families must be in place to accommodate inbound students.

For an inbound student

An SEO must screen and select host families and as a minimum must:

- conduct an in-person interview with each person aged 18 years and over residing in the home
- conduct a home inspection prior to the placement of an exchange student to ensure that the host family is capable of providing a safe, comfortable and nurturing home environment
- ensure the family declares all adults and children who live in the home, including those who may reside temporarily
- ensure that the host family understands and agrees to meet the financial obligations of hosting
- verify and sight that every person aged 18 years and over residing in the home holds a Working With Children clearance prior to the placement commencing.

For an outbound student

An SEO must ensure that third-party organisations undertaking the selection of host families for outbound students have a process to screen and select exchange student host families. The third-party organisation must:

- conduct an in-person interview with each person aged 18 years and over residing in the home
- conduct a home inspection prior to the placement of an exchange student to ensure that the host family is capable of providing a safe, comfortable and nurturing home environment
- ensure the host family declares all adults and children who live in the home, including those who may reside temporarily
- ensure that the host family understands and agrees to meet the financial obligations of hosting
- verify that each person aged 18 years and over residing in the home has undergone a CRC.

The VRQA may approve an alternative procedure to a CRC to determine a person's suitability to work with children for specific countries where either:

- the relevant government authorities do not issue CRCs
- the processes for prospective host families to obtain CRCs are unreasonably burdensome and significantly more onerous than for Working With Children clearances.

To seek approval to implement an alternative vetting procedure, the SEO must:

- apply to VRQA for approval
- advise parents, guardians and students that CRCs are not available, and explain the process the SEO is adopting to verify the suitability of the host family.

Placement of more than one student with a host family

Where an SEO intends to place more than one student simultaneously with the same host family, the SEO must ensure all parties agree to the dual placement prior to the second student being accommodated with that host family.

If requested by the VRQA, the SEO must provide documentation demonstrating that all parties agree to the dual placements.

Placement with single adult host parents without children

An SEO must ensure that a potential single adult host parent without a child in the home undergoes a secondary level review by an SEO representative other than the individual who recruited or screened the applicant. Such a secondary review should include demonstrated evidence of the individual's friends or family who can provide an additional support network for the exchange student and evidence of the individual's ties to his/her community.

Both the exchange student and his or her parents/legal guardians must agree in writing in advance to the student's placement with a single adult host parent without a child in the home.

5.15 Prevention of conflicts of interest

A person who is an employee, volunteer or involved in the management of an SEO must not be a host family for an exchange student, except in emergencies and only with prior VRQA approval.

Support and supervision

5.16 Orientation for students and host families

An SEO must provide both pre-departure preparation and host country orientation programs for both inbound and outbound students, as well as an orientation program for host families.

The orientation program for students and host families must include:

- information on the organisation's program rules and expectations
- information on the roles and responsibilities of students and host families
- for host families, information on handling critical incidents and issues relating to student welfare
- information on seeking assistance and reporting any incidence or allegation involving actual or alleged sexual, physical or other abuse
- information on the relevant age restrictions and laws governing minors in the student's host country
- who to contact in emergency situations, including:
 - for inbound students, contact numbers of nominated staff members within Victoria
 - for outbound students, contact details of coordinators in the host country
- information about the SEO's complaints processes
- VRQA contact details.

5.17 Support for students and host families

An SEO must ensure that inbound and outbound exchange students and host families have adequate local assistance and support. Support includes appropriate reception, orientation, accommodation, transport and emergency arrangements, as well as providing ongoing support networks for exchange students.

An SEO must ensure that appropriate arrangements are in place for inbound exchange students' accommodation, support and general welfare.

5.18 Minimum scheduled SEO contact with students and host families

An SEO must maintain a monthly schedule of personal contact with all exchange students and host families, face-to-face or by telephone. For outbound students, an SEO may satisfy this requirement by ensuring a monthly schedule of personal contact from a third-party organisation in the host country.

5.19 Program fee discounts for families hosting exchange students

Placement of an exchange student with a host family must not involve payment of board or a subsidy to the host family. An SEO may only provide a discount on student exchange program fees to the family of an outbound exchange student, in exchange for the family undertaking to host an inbound student, if:

- the family meet all of the requirements for host families in the Guidelines and any other requirements imposed by the SEO
- the discount is a maximum of 10 per cent of the cost of the outbound student's program participation fee
- the discount is paid as a rebate at the end of the inbound student's exchange program.

5.20 School liaison

A non-school SEO must follow VRQA and host school procedures regarding the enrolment of inbound exchange students in Victorian schools.

A non-school SEO must maintain effective liaison with Victorian schools hosting exchange students through the appointment of an identified liaison officer.

For inbound exchange students, a non-school SEO must provide the host school with:

- host family and exchange organisation contact details
- information about the student, including copies of school and other reports as requested.

An SEO must maintain procedures for ensuring that students are meeting the student visa conditions and fulfilling all relevant school requirements. For example, requirements could include abiding by the school's code of conduct, the school rules, and policies about uniform and attendance.

Requirement to notify the VRQA

5.21 Changes to SEO governance

An SEO must notify the VRQA of any change in ownership, control, executive management or operation of the SEO as soon as practical, but within 14 days of the change.

For an SEO that is a registered school, this includes changes to the PEO or principal-class officer overseeing the student exchange program.

On notification of the changes, the VRQA may review whether the organisation remains appropriate for approval as an SEO.

5.22 Changes to student exchange programs

An SEO must notify the VRQA prior to implementing any changes to a student exchange program, unless there are exceptional circumstances that require an immediate change.

If a change is made to a student's program due to exceptional circumstances, the SEO must notify the VRQA as soon as practical, and within five working days of the change.

Changes to a student exchange program may include a change to the:

- host school
- host family
- start or departure date.

An SEO must manage and organise student exchange programs in a manner that minimises changes to a student's agreed exchange program. Changes to the host school must only be made in exceptional circumstances.

If a proposed student exchange program involves multiple host schools the SEO must seek VRQA approval for each host school prior to the commencement of the student's exchange program.

If a change is made to a student exchange program, the SEO must ensure that students and parents or guardians consent to the change.

5.23 Changes to third-party arrangements

An SEO must notify the VRQA of any changes to the people or organisations that the SEO has a third-party arrangement with within 14 days of the change.

If an SEO enters into a new third-party agreement, the VRQA must be advised of this new arrangement, and the SEO must provide details of the new arrangements and any supporting documents to the VRQA, including the contract.

Confidentiality and information sharing

5.24 Release of information by VRQA

Section 4.9.4 of the ETR Act authorises the VRQA to disclose any information it has obtained in the course of performing its functions to a prescribed person or body if the information relates to the performance of a function of that person or body, including a department of the Commonwealth Government or another state or territory government.

An applicant or SEO acknowledges and consents to the VRQA releasing to a prescribed body or person information about or arising from:

- an application for approval or re-approval
- the approval or re-approval of an SEO
- a review of an SEO undertaken by the VRQA
- action taken by the VRQA in relation to an SEO.

5.25 Marketing and recruitment documentation

If requested by the VRQA, an SEO must provide all material used in promoting its programs and in recruiting exchange students.

Protection measures for exchange students

5.26 Response to critical incidents

An SEO must have policies and procedures, including an emergency management plan, to address critical incidents and serious issues impacting on student welfare. The policies and procedures must include procedural information on how the organisation will manage incidents arising from:

- natural disasters
- terrorism
- the student becoming a victim of a crime, or facing arrest or criminal charges
- serious illness, injury or mental health concerns
- the death or serious illness of family members
- a breakdown in the host family arrangements.

A school SEO should confirm that its existing emergency management and critical incident policies and procedures cover the above scenarios, and if not, amend accordingly.

The policies and procedures must provide that appropriate contact is maintained with the student, the student's parents or guardians are kept informed and the VRQA is notified as soon as practicable.

A written record of any critical incident and remedial action taken by the SEO must be maintained for at least two years after the student ceases to be an exchange student.

5.27 Outbound students

SEOs will protect outbound exchange students through ensuring that they:

- submit an SEO Outbound Student form to the VRQA for each outbound student at least 14 days prior to their departure from Australia, confirming that the SEO has accepted responsibility for the accommodation, support and general welfare of the student for the duration of the exchange program
- confirm to VRQA that the parent/s or legal guardian/s of the student have signed a written agreement or student exchange contract with the SEO giving consent to:

- the SEO having responsibility for the student's accommodation, support and general welfare for the duration of the exchange program, and
- the SEO having the authority to cancel the student's exchange program and arrange the prompt safe return of the student to Australia, due to:
 - global, national or regional emergency circumstances
 - Australian national, state or territory government directives
 - the student's physical or mental health circumstances, and/or
 - the student's serious breaches of the SEO code of conduct
 that require the SEO to exercise its responsibilities for the student's welfare.

An SEO must:

- provide the VRQA with the details of the student's exchange program prior to their departure from Australia, including the:
 - student's full name, nationality and passport number
 - student's home and email address
 - student's date of birth
 - student's home school
 - host country
 - host school
 - host family address
 - host school commencement and cessation dates
 - departure and return dates and flight details
 - name and contact details of any third-party organisation contracted to support the exchange program in the destination country
- provide parents or guardians of students with information about child protection laws in the destination country and services, including advice about whether or not CRCs were undertaken for the host family
- register students with the DFAT where available
- require outbound exchange students only travel to the host country with international airlines that provide full transfer facilities and have age-appropriate procedures in the event of flight delays or interruptions
- have up-to-date emergency contact information for airlines, Australian embassies or high commissions and other relevant agencies for host and transit countries
- require students to be met on arrival in the destination country and assisted in their journey to the host family
- arrange for parents or guardians of all outbound exchange students to receive confirmation of the student's safe arrival at the host family as soon as practicable.

5.28 Exchange student safety card

For an inbound student

Prior to an inbound student's departure, an SEO must provide the student and their parents or guardians with:

- the host family's address and relevant telephone numbers
- emergency contact details for the relevant SEO coordinator or SEO office
- a statement:

‘(Name of SEO) is a student exchange organisation approved in Victoria by the Victorian Registration and Qualifications Authority (VRQA). Students or their parents/legal guardians can contact the VRQA at vrqa.student.exchange@education.vic.gov.au’

An SEO must provide safety card information to an inbound exchange student before the student leaves their home country or immediately upon entry into Australia.

For an outbound student

Prior to an outbound student's departure, an SEO must provide the student with:

- the host family's address and relevant telephone numbers
- the name of any third-party organisation that will be providing elements of the exchange program for the student overseas
- emergency contact details for the relevant SEO coordinator or SEO office in the student's host country
- emergency contact details for the relevant SEO in Australia
- a statement:
'(Name of SEO) is a student exchange organisation approved in Victoria by the Victorian Registration and Qualifications Authority (VRQA). Students or their parents/legal guardians can contact the VRQA at vrqa.student.exchange@education.vic.gov.au'

An SEO must provide safety card information to an outbound exchange student before the student departs Australia.

5.29 Reporting incidents or allegations of abuse

Non-school SEOs

An SEO must immediately report any incident or allegation involving actual or alleged sexual or physical abuse of an exchange student to:

- the relevant law enforcement agency in Victoria if they are an inbound student
- the relevant authority in the host country if they are an outbound student.

If an SEO has reasonable grounds to believe that one of its students in Victoria (aged under 16 years) is in need of protection, they must make a report under section 183 of the **Children, Youth and Families Act 2005**, which states:

'Any person who believes on reasonable grounds that a child is in need of protection may report to a protective intervener that belief and the reasonable grounds for it.'

An SEO must also advise the VRQA about the incident or allegation and what steps the SEO has taken in response.

School SEOs

A school SEO should follow its existing policies and procedures for the reporting of abuse in accordance with Ministerial Order 870 and the minimum standard for a registered school relating to the care, safety and welfare of students (including mandatory reporting under the **Children, Youth and Families Act 2005**, and duty of care obligations).

5.30 Complaints and appeals

An SEO must have and implement a documented complaints handling and appeals process and policy. An SEO must also provide an exchange student and their parents or guardians with comprehensive, free and easily accessible information about that process and policy.

An SEO's internal complaints handling and appeals process must include:

- a process for the exchange student to lodge a formal complaint or appeal if a matter cannot be resolved informally
- that the SEO will respond to any complaint or appeal an exchange student makes about his or her dealings with the SEO, or any related party the SEO has arranged with to deliver the exchange program or related services
- that the SEO will commence assessment of the complaint or appeal within 10 working days and finalise the outcome as soon as practicable

- that the exchange student is given an opportunity to formally present his or her case in writing at minimal or no cost, and be accompanied and assisted by a support person at any relevant meetings
- that the SEO conducts the assessment of the complaint or appeal in accordance with the requirements of procedural fairness
- that the exchange student is given a written statement of the outcome of the internal appeal, including detailed reasons for the outcome
- that the SEO keeps a written record of the complaint or appeal, including a statement of the outcome and reasons for the outcome
- that the SEO explains the internal review process to the student and their parent or guardian.

An SEO's internal complaints handling and appeals policy must clearly and visibly state:

- that an exchange student can contact the VRQA if they or their parent or guardian is concerned about the conduct of the SEO
- that the complaints handling and appeals process described in the policy does not prevent an exchange student from exercising the student's rights to other legal remedies.

An SEO must give a complainant the VRQA's contact details.

A school SEO should confirm that its existing complaints and appeals policies and procedures cover the above scenarios, and if not, amend accordingly.

5.31 Privacy of student information

An SEO should collect, use and disclose personal information in accordance with the **Privacy and Data Protection Act 2014**.

For example, an SEO must protect the personal information, including photographs, of exchange students and ensure that:

- it obtains appropriate written consent for the publication or use of student images or information in any advertising or promotional material, and clearly outlines the intended use of the material
- in the recruitment of host families and in any other circumstances, the SEO does not provide personal information or photographs or images including likenesses of individual exchange students in any public or 'open' recruitment through advertising, websites, publications or displays accessible to the general public that would allow the student to be identified via social media
- it only provides a photograph, first name and basic information about student interests (that is, no surname, address or contact details) to prospective host families who have registered with the SEO and who have completed the relevant screening process, including verifying identity with photo identification
- it appropriately safeguards the access, use, storage and archiving of electronic and hard copies of all exchange student applications, files and documents containing student personal information
- it retains and securely stores details of host families and student placements
- it implements a social media policy, including a record management and monitoring process.

A school SEO should confirm that its existing privacy policies and procedures cover the above, and if not, amend accordingly.

5.32 Information for students and host families about privacy

An SEO must have a policy and procedure in place that is provided to all exchange students and host families with information about the need for students to protect their personal privacy, and the privacy of members of their host family. This includes advice about the appropriate use and risks of the internet and social media platforms such as Facebook, Twitter, Instagram, YouTube, Snapchat, TikTok, Weibo, WeChat, or WhatsApp.

A school SEO should confirm that its existing internet use and social media policies and procedures cover the above, and if not, amend accordingly.

5.33 Program evaluation

An SEO must have a process for annual or ongoing program evaluation. The process must include seeking post-program feedback from students, parents or guardians, host families and schools, and implementing improvements in response to the evaluation outcomes.

The program evaluation should include a review of any third-party arrangements.

APPENDIX

Definitions

AASES form – an Acceptance Advice for Secondary Exchange Student form issued by the VRQA to an SEO to enable an overseas exchange student to apply for an Australian student visa (in accordance with the **Commonwealth Migration Regulations 1994**).

Base state – for SEOs that operate across more than one jurisdiction, the jurisdiction that the SEO's head office is located within will be considered the SEO's base state.

Child Safe Standards – the Victorian Child Safe Standards, as made under the **Child Wellbeing and Safety Act 2005**.

Criminal Record Check (CRC) – official police or security agency check of a person's criminal history undertaken in order to verify their suitability to work with children. In Victoria this includes a Working With Children clearance under the **Worker Screening Act 2020**.

ETR Act – **Education and Training Reform Act 2006**.

Exceptional circumstances – when a student's health, wellbeing or safety, or the wellbeing of others, is likely to be at risk.

Exchange student – a student enrolled in a secondary school participating in a secondary student exchange program provided by a VRQA-approved SEO.

Financial Capability Assessment (FCA) – an assessment of an organisation's financial viability and not-for-profit status.

Local SEO coordinator – a paid or volunteer representative of an SEO to coordinate and provide support to exchange students and host families.

OSHC – overseas student health cover, which is mandatory health insurance required by visa regulations for all Australian student visas.

PEO – principal executive officer

Registration authority – the legal entity in an Australian state or territory responsible for registering or approving, and quality assurance of SEOs.

Student exchange organisation (SEO) – a school or not-for-profit organisation approved by the VRQA under the ETR Act to operate a student exchange program in Victoria.

Student exchange program – an arrangement where an Australian secondary school hosts a student from another country, and that student's school in that other country hosts a student enrolled at that Australian school.

Third-party organisation – a person or organisation engaged directly by an SEO to provide an element of a student exchange program. These include, for example, an overseas affiliate or partner organisation that is responsible for the accommodation and welfare of an outbound student. These do not include companies providing a general service such as an airline, insurance companies or bus services.

Electoral Act 2002

APPLICATION FOR REGISTRATION OF A POLITICAL PARTY

In accordance with section 49 of the **Electoral Act 2002**, I hereby give notice of the following application for registration of a political party.

Name of party: Victorians Party

Name of proposed registered officer: Oscar Yildiz

Address of proposed registered officer: 43 Eastgate Street, Pascoe Vale South, Victoria 3044

The application is signed by the Registered Officer of the party.

Any person who believes that the party should not be registered because:

- it is not an eligible political party under the provisions of Part 4 of the Act;
- the application is not properly completed as required under section 45 of the Act;
- or the party's name is not allowable under section 47 of the Act

may object by writing to the Victorian Electoral Commission, Level 11, 530 Collins Street, Melbourne, Victoria 3000, by Monday 7 March 2022.

Details of any objections will be made available to the applicant.

Enquiries to: the Political Parties Registrar on telephone 8620 1100.

Dated 3 February 2022

WARWICK GATELY, AM
Victorian Electoral Commission

Food Act 1984

REGISTRATION OF A FOOD SAFETY PROGRAM TEMPLATE

I, Kelly Joy, as delegate of the Secretary to the Department of Health, under section 19DB of the **Food Act 1984** (the Act) –

1. state that the template entitled **Coles Food Safety Plan Version 11** (the template) is registered for use; and
2. specify that this template is suitable for use by food businesses trading as **Coles** carried out at, on or from class 2 food premises.

In this instrument –

'class 2 food premises' means food premises declared to be class 2 food premises under section 19C of the Act.

This instrument takes effect on the date it is published in the Government Gazette.

KELLY JOY
Senior Manager
Food Safety Unit

Food Act 1984

REVOCATION OF REGISTRATION OF A FOOD SAFETY PROGRAM TEMPLATE

I, Kelly Joy, as delegate of the Secretary to the Department of Health

- (a) noting that the **Coles Food Safety Program template Version 10** was registered under section 19DB of the **Food Act 1984** (the Act) in a notice published in the Government Gazette on 6 July 2017;
- (b) revoke the registration of that food safety program template under section 19DB of the Act.

This revocation takes effect on the date this notice is published in the Government Gazette.

KELLY JOY
Senior Manager
Food Safety Unit

Geographic Place Names Act 1998**NOTICE OF REGISTRATION OF GEOGRAPHIC NAMES**

The Registrar of Geographic Names hereby gives notice of the registration of the undermentioned place names.

Feature Naming:

Change Request Number	Place Name	Authority and Location
–	Yarram Secondary College – Devon North Campus	Department of Education and Training Located at 3 Devon North Connection Road, Devon North 3971
–	The Alpine School – Don Valley Campus	Department of Education and Training Located at 17 Estate Road, Don Valley 3139
143409	Billy Button Childrens Centre	Maribyrnong City Council Located at 10A Hyde Street, Footscray For further details see map at www.land.vic.gov.au/place-naming

Road Naming:

Change Request Number	Road Name	Locality	Naming Authority and Location
144042	Foundry Place	Beechworth	Indigo Shire Council (Previously known as Victoria Street) The road traverses south-east off Bridge Road.

Geographic Names Victoria

Land Use Victoria
2 Lonsdale Street
Melbourne 3000

CRAIG L. SANDY
Registrar of Geographic Names

PREVENTION OF CRUELTY TO ANIMALS REGULATIONS 2019

Notice under Regulation 74(3)

Approved Rodeo Organisation

Pursuant to regulation 74(3) of the Prevention of Cruelty to Animals Regulations 2019, I, Stacy Giannini, Acting Director, Pets and Animal Welfare, Animal Welfare Victoria, and delegate of the Minister under the Instrument of Delegation dated 28 September 2020, give notice that I approve Professional Bull Riders Australia Pty Ltd (ABN 99 120 218 304) as an approved rodeo organisation for the purposes of Part 4 of the Prevention of Cruelty to Animals Regulations 2019. This approval is effective for three years from the date this notice is published in the Government Gazette, or until earlier revoked.

Dated 21 January 2022

STACY GIANNINI
Acting Director, Pets and Animal Welfare

Health Complaints Act 2016

Section 90

INTERIM PROHIBITION ORDER

This Interim Prohibition Order is made pursuant to section 90 of the **Health Complaints Act 2016**.

The Health Complaints Commissioner (Commissioner) has made this Interim Prohibition Order because the Commissioner reasonably believes that the general health service provider named below has contravened a code of conduct applying to the general health service being provided and is satisfied that it is necessary to make this order to avoid a serious risk to the health, safety or welfare of the public.

Name of the general health service provider on whom the Interim Prohibition Order is imposed:	Greg Leonard Jackman (ABN 29 753 240 070) in the State of Victoria
Date this Interim Prohibition Order is made:	11 January 2022
Date on which this Interim Prohibition Order expires:	An Interim Prohibition Order can remain in force for up to 12 weeks. This Interim Prohibition Order will remain in force until 4 April 2022 while an investigation is conducted unless it is revoked before that date.
Effect of this Interim Prohibition Order:	<ol style="list-style-type: none"> 1. The general health service provider named above must not directly or indirectly: <ol style="list-style-type: none"> a) advertise or cause to be advertised, or b) offer or cause to be offered, or c) provide or cause to be provided, d) establish, direct or otherwise operate any business that either advertises, offers or provides (or causes to be advertised, offered or provided); any general health service, including counselling or psychotherapy services, paid or otherwise, in a clinical or non-clinical capacity to female members of the public. 2. The general health service provider named above must prominently display a copy of this Interim Prohibition Order at any business premises at which they provide services and ensure that it is easily visible to the public until such time as the Interim Prohibition Order expires or is revoked. 3. The general health service provider named above must publish a copy of this Interim Prohibition Order, in a manner that is easily visible to the public, on the homepage of any website or social media platform used by the provider or any business operated by the provider to offer or promote any general health services including counselling or psychotherapy services. 4. The published IPO must remain in a prominent position on the home page of all websites at all times until the IPO expires or is revoked.

In this Interim Prohibition Order ‘general health service’ and ‘general health service provider’ have the same meaning as in section 3 of the **Health Complaints Act 2016**.

This Interim Prohibition Order takes effect on the service of the order on the general health service provider to whom it applies.

This Order will be published in the Victoria Government Gazette and on the internet site of the Health Complaints Commissioner, www.hcc.vic.gov.au

ELIZABETH LANGDON
Acting Health Complaints Commissioner

Health Complaints Act 2016

Section 90

INTERIM PROHIBITION ORDER

This Interim Prohibition Order is made pursuant to section 90 of the **Health Complaints Act 2016**.

The Health Complaints Commissioner (Commissioner) has made this Interim Prohibition Order because the Commissioner reasonably believes that the general health service provider named below has contravened a code of conduct applying to the general health service being provided and is satisfied that it is necessary to make this order to avoid a serious risk to the health, safety or welfare of the public.

Name of the general health service provider on whom the Interim Prohibition Order is imposed:	Jisun Lee (ABN 51 612 239 088) of Melbourne in the State of Victoria who also trades as Jam by jambyjisunlee (30 April 2019); and J.A.M@beauty clinic (21 September 2018).
Date this Interim Prohibition Order takes effect:	27 January 2022
Date on which this Interim Prohibition Order expires:	An Interim Prohibition Order can remain in force for up to 12 weeks. This Interim Prohibition Order will remain in force until 21 April 2022 while an investigation is conducted unless it is revoked before that date.
Effect of this Interim Prohibition Order:	<ol style="list-style-type: none"> 1. The general health service provider named above must not, directly or indirectly: <ol style="list-style-type: none"> a. advertise or cause to be advertised, b. offer or cause to be offered, c. provide or cause to be provided, or d. establish, direct or otherwise operate any business that either advertises, offers or provides (or causes to be advertised, offered or provided) any general health service, paid or otherwise, in a clinical or non-clinical capacity. 2. The general health service provider named above must prominently display a copy of this Interim Prohibition Order at any premises where they provide any general health service and must ensure that it is easily visible to the public. 3. The general health service provider named above must prominently publish a copy of this Interim Prohibition Order on the homepage of any website or social media platform they use to promote themselves or the supply of any goods or services.

In this Interim Prohibition Order ‘general health service’ and ‘general health service provider’ have the same meaning as in section 3 of the **Health Complaints Act 2016**.

This Interim Prohibition Order takes effect on the service of the order on the general health service provider to whom it applies.

This Order will be published in the Victoria Government Gazette and on the internet site of the Health Complaints Commissioner, www.hcc.vic.gov.au

ELIZABETH LANGDON
Acting Health Complaints Commissioner

Major Transport Projects Facilitation Act 2009

(Section 10)

DECLARATION OF A MAJOR TRANSPORT PROJECT

I, Daniel Andrews, Premier of the State of Victoria, in accordance with section 10(1)(b) of the **Major Transport Projects Facilitation Act 2009** (‘the Act’) declare the transport project known as the South Dynon Train Maintenance Facility Project to be a declared project to which the Act (other than Parts 3 and 8) applies.

This declaration comes into effect on the date it is published in the Government Gazette.

Dated 19 January 2022

HON. DANIEL ANDREWS MP
Premier of Victoria

Major Transport Projects Facilitation Act 2009

(Section 14)

APPOINTMENT OF MINISTER TO BE THE PROJECT MINISTER FOR A DECLARED PROJECT

I, Daniel Andrews, Premier of the State of Victoria, in accordance with section 14 of the **Major Transport Projects Facilitation Act 2009** appoint Jacinta Allan, Minister for Transport Infrastructure, to be the Project Minister for the South Dynon Train Maintenance Facility Project.

This declaration comes into effect on the date it is published in the Government Gazette.

Dated 19 January 2022

HON. DANIEL ANDREWS MP
Premier of Victoria

Marine Safety Act 2010

Section 208(2)

NOTICE OF BOATING ACTIVITY EXCLUSION ZONE

Parks Victoria as the declared waterway manager for Western Port Bay and the Local Port of Port Phillip hereby gives notice under section 208(2) of the **Marine Safety Act 2010** that all persons and vessels not registered to take part in the LSV Junior Lifesaving Carnival are prohibited from entering and remaining in the following waters.

Waters of Western Port Bay – adjacent to Point Leo Surf Life Saving Club (and if required, back up location waters of Port Phillip adjacent to Mount Martha Life Saving Club), which will be clearly marked by signs and flags on the shore approximately 450 metres apart, and in the water by buoys extending up to 350 metres from shore.

The exclusion zone will be in effect from 6.00 am to 5.00 pm on Sunday 6 February 2022.

Dated 31 January 2022

BY ORDER OF PARKS VICTORIA

Public Health and Wellbeing Act 2008

Section 165AI

**GUIDANCE FOR THE PANDEMIC COVID-19 MANDATORY VACCINATION
(SPECIFIED FACILITIES) ORDER 2022 (No. 3)**

This Order requires operators of specified facilities to manage the vaccination status of workers, in order to limit the spread of COVID-19 within the population in the following settings:

- (1) residential aged care facilities;
- (2) construction sites;
- (3) healthcare facilities; and
- (4) education facilities.

Amongst other things, this Order requires operators of specified facilities to:

- (1) collect, record and hold certain vaccination information of workers;
- (2) take reasonable steps to prevent entry of unvaccinated or partially vaccinated workers to the specified facility for the purposes of working;
- (3) if a booster deadline is specified in relation to a worker, take reasonable steps to prevent entry of workers, unless the worker is fully vaccinated (boosted) or an excepted person; and
- (4) notify current and new workers that the operator is obliged to collect, record and hold certain vaccination information about the worker and to take reasonable steps to prevent a worker who is unvaccinated or partially vaccinated or not fully vaccinated (boosted) from entering or remaining on the premises of a specified facility for the purposes of work, as applicable.

Exceptional circumstances are set out in this Order where an operator is not required to comply with this Order. Otherwise, failure to comply with this Order may result in penalties.

This guidance does not form part of the Pandemic COVID-19 Mandatory Vaccination (Specified Facilities) Order 2022 (No. 3) and is for explanatory purposes only.

Public Health and Wellbeing Act 2008

Section 165AI

PANDEMIC COVID-19 MANDATORY VACCINATION (SPECIFIED FACILITIES)**ORDER 2022 (No. 3)****TABLE OF PROVISIONS**

PART 1 – PRELIMINARY	494
1. Objective.....	494
2. Citation	494
3. Authorising Provision.....	494
4. Commencement and revocation	494
5. Definitions	494
6. Application of this Order.....	494
PART 2 – OPERATOR OBLIGATIONS	494
Division 1 – Operator must collect, record and hold vaccination information	494
7. Vaccination information	494
8. Timing.....	495
9. Exceptions	495
Division 2 – Operator must take reasonable steps to prevent entry of unvaccinated workers ..	495
10. Prevention of entry to premises.....	495
11. Exception – self-quarantine or self-isolation	495
Division 3 – Operator to notify workers.....	496
12. Authorisation to use vaccination information	496
13. Disclosure to employer or contractor	496
14. Notification to current workers	496
15. Notification to new workers.....	496
Division 4 – Exceptions and other operator obligations	497
16. Exception – exceptional circumstances.....	497
17. Additional obligation.....	497
18. Disclosure to authorised officers.....	497
PART 3 – SERVICE VICTORIA AUTHORISATION	497
19. Notification of eligibility for booster	497
PART 4 – GENERAL PROVISIONS.....	498
20. Severability.....	498
21. Transitional provisions	498
PART 5 – PENALTIES	498
22. Penalties.....	498
SCHEDULE 1 – SPECIFIED FACILITIES.....	499
SCHEDULE 2 – DEFINITIONS	501
Division 1 – Key definitions	501
1. Vaccination status	501
2. Vaccination information	501
3. Schedule 1 definitions	502

Division 2 – Facility-specific definitions	502
4. Residential aged care facilities.....	502
5. Construction sites	502
6. Healthcare facilities.....	503
7. Education facilities	504
Division 3 – Other definitions	505
8. Other definitions.....	505

Public Health and Wellbeing Act 2008

Section 165AI

PANDEMIC COVID-19 MANDATORY VACCINATION (SPECIFIED FACILITIES)

ORDER 2022 (No. 3)

I, Martin Foley, Minister for Health, make the following Order under the **Public Health and Wellbeing Act 2008** in the belief that this Order is reasonably necessary to protect public health throughout Victoria from the serious risk arising from the coronavirus (COVID-19) pandemic disease.

PART 1 – PRELIMINARY**1. Objective**

- (1) The objective of this Order is to impose obligations upon operators of specified facilities in relation to the vaccination of workers, in order to limit the spread of COVID-19 within the population in these settings.
- (2) This Order imposes obligations on operators of:
 - (a) residential aged care facilities;
 - (b) construction sites;
 - (c) healthcare facilities; and
 - (d) education facilities.
- (3) This Order must be read together with the pandemic orders in force.

2. Citation

This Order may be referred to as the **Pandemic COVID-19 Mandatory Vaccination (Specified Facilities) Order 2022 (No. 3)**.

3. Authorising Provision

This Order is made under section 165AI of the **Public Health and Wellbeing Act 2008**.

4. Commencement and revocation

- (1) This Order commences at 11:59:00 pm on 25 January 2022 and ends at 11:59:00 pm on 12 April 2022.
- (2) The **Pandemic COVID-19 Mandatory Vaccination (Specified Facilities) Order 2022 (No. 2)** is revoked at 11:59:00 pm on 25 January 2022.

5. Definitions

In this Order:

- (1) key definitions are contained in Division 1 of Schedule 2;
- (2) facility-specific definitions are contained in Division 2 of Schedule 2; and
- (3) other definitions are contained in Division 3 of Schedule 2.

6. Application of this Order

This Order applies to the whole State of Victoria.

PART 2 – OPERATOR OBLIGATIONS**Division 1 – Operator must collect, record and hold vaccination information****7. Vaccination information**

- (1) If a worker is, or may be, scheduled to work at a specified facility after the commencement of this Order, the operator must collect, record and hold the following vaccination information about the worker:
 - (a) the worker's vaccination status; and
 - (b) if the worker is fully vaccinated – the date on which the person became fully vaccinated.

- (2) If:
 - (a) a worker has a booster deadline; and
 - (b) the worker is, or may be, scheduled to work outside the worker's ordinary place of residence after that date,
the operator must collect, record and hold the following vaccination information about the worker:
 - (c) whether the worker is fully vaccinated (boosted); and
 - (d) if the worker is fully vaccinated (boosted) – the date on which the person became fully vaccinated (boosted).

8. Timing

- (1) An operator must comply with the obligations in clause 7(1) as soon as reasonably practicable after the commencement of this Order.
- (2) An operator must comply with the obligations in clause 7(2) in relation to a worker before that worker's booster deadline.

9. Exceptions

- (1) Clause 7(1)(a) does not apply in relation to a worker if the operator already holds information that the worker:
 - (a) if the worker:
 - (i) does not have a booster deadline, is fully vaccinated; or
 - (ii) does have a booster deadline, is fully vaccinated (boosted); or
 - (b) will be an excepted person for the period beginning when this Order commences and ending when this Order ends.
- (2) Clause 7(1)(b) and 7(2) do not apply in relation to a worker if:
 - (a) the operator already holds the information specified in those subclauses; or
 - (b) the worker will be an excepted person for the period beginning when this Order commences and ending when this Order ends.

Division 2 – Operator must take reasonable steps to prevent entry of unvaccinated workers

10. Prevention of entry to premises

Unvaccinated and partially vaccinated workers

- (1) An operator of a specified facility must take all reasonable steps to ensure that a worker does not enter, or remain on, the premises of the specified facility for the purposes of working at the specified facility unless the worker is fully vaccinated or an excepted person.

Booster deadlines

- (2) If a booster deadline is specified in relation to a worker, an operator of a specified facility must take all reasonable steps to ensure that the worker must not, after that date, enter, or remain on, the premises of the specified facility for the purposes of working at the specified facility unless the worker is fully vaccinated (boosted) or an excepted person.

Where operator does not hold information about vaccination status

- (3) For the purposes of this clause, if an operator does not hold information about the vaccination status of a worker, the operator must treat the worker as if the worker is unvaccinated.

11. Exception – self-quarantine or self-isolation

Despite clause 10, an operator of a specified facility may permit a worker who is not fully vaccinated (boosted) or an excepted person to enter, or remain on, the premises of the specified facility if the worker:

- (1) was unable to become fully vaccinated (boosted) before the relevant booster deadline because they were in self-quarantine or self-isolation under the **Quarantine, Isolation and Testing Order**; and

- (2) has a booking to receive, within 1 week of the end of the period of self-quarantine or self-isolation as determined under the **Quarantine, Isolation and Testing Order**, a dose of a COVID-19 vaccine that will cause the worker to become fully vaccinated (boosted).

Division 3 – Operator to notify workers

12. Authorisation to use vaccination information

For the purposes of complying with Division 2 of Part 2, an operator is authorised to use any information about a worker that it holds under clause 7, except a worker's Individual Healthcare Identifier.

Note: a COVID-19 digital certificate issued by Services Australia may include a person's Individual Healthcare Identifier. Individual Healthcare Identifiers are regulated by the Healthcare Identifiers Act 2010 of the Commonwealth.

13. Disclosure to employer or contractor

If the operator is obliged to comply with Division 2 of Part 2 in relation to a worker and the operator is not:

- (1) the employer of the worker; or
- (2) the person who engaged the worker to work at the facility,

the operator is authorised to disclose to the employer or person who engaged the worker that the operator is obliged to comply with Division 2 of Part 2 in relation to the worker.

14. Notification to current workers

- (1) Unless an exception applies under this Order, subject to subclause (2), an operator of a specified facility must, as soon as reasonably practicable after the commencement of this Order, inform each worker who is, or may be, scheduled to work at the facility that:
 - (a) clause 7 obliges the operator to collect, record and hold the information specified in that clause in relation to the worker; and
 - (b) clause 10(1) obliges the operator to take all reasonable steps to ensure that a worker does not enter, or remain on, the premises of a specified facility for the purposes of working at the facility unless the worker is fully vaccinated or an excepted person; and
 - (c) if a booster deadline is specified in relation to a worker, clause 10(2) obliges the operator to take all reasonable steps to ensure that a worker does not enter, or remain on, the premises of the specified facility for the purposes of working at the specified facility unless the worker is fully vaccinated (boosted) or an excepted person.
- (2) Subclause (1) does not apply to an operator in respect of a worker to the extent that the operator informed the worker of the matters specified in that subclause under a Revoked COVID-19 Mandatory Vaccination (Specified Facilities) Order.

15. Notification to new workers

Unless an exception applies under this Order, if an operator of a specified facility engages a worker who is, or may be, scheduled to work at the facility, the operator must inform the worker, as soon as reasonably practicable after engaging the worker, that:

- (1) clause 7 obliges the operator to collect, record and hold the information specified in that clause in relation to the worker; and
- (2) clause 10(1) obliges the operator to take all reasonable steps to ensure that a worker does not enter, or remain on, the premises of a specified facility for the purposes of working at the facility unless the worker is fully vaccinated or an excepted person; and
- (3) if a booster deadline is specified in relation to a worker, clause 10(2) obliges the operator to take all reasonable steps to ensure that a worker does not enter, or remain on, the premises of the specified facility for the purposes of working at the specified facility unless the worker is fully vaccinated (boosted) or an excepted person.

Division 4 – Exceptions and other operator obligations**16. Exception – exceptional circumstances**

- (1) An operator of a specified facility is not required to comply with clause 10(1) if one or more of the exceptional circumstances specified in subclause (2) applies.
- (2) The exceptional circumstances are:
 - (a) a worker is required to perform work or duties at the facility that is or are necessary to provide for urgent specialist clinical or medical care due to an emergency situation or a critical unforeseen circumstance; or
 - (b) a worker is required to fill a vacancy to provide urgent care, to maintain quality of care and/or continue essential operations at the facility due to an emergency situation or a critical unforeseen circumstance; or
Example 1: a work premises has a large number of workers furloughed due to exposure at a Tier 1 site.
Example 2: a medical practitioner is required to attend the premises on short notice due to an emergency situation.
 - (c) a worker is required to attend the facility to respond to an emergency at the facility; or
 - (d) a worker is required to perform urgent and essential work at the facility to protect the health and safety of workers or members of the public, or to protect assets and infrastructure.
Example 1: securing a crane due to impending high winds.
Example 2: works required at a construction site in order to make the construction site safe for continued operation.
- (3) If a circumstance specified in subclause (2)(b), (2)(c) or (2)(d) applies, the operator must take all reasonable steps to ensure that the worker remains upon the premises of the facility only for the period of time necessary to respond to the exceptional circumstance.

17. Additional obligation

If the circumstances specified in clause 16(2) apply in relation to a residential aged care facility or a healthcare facility, the relevant operator must take all reasonable steps to ensure that the worker wears, at all times while on the premises of the facility, PPE that includes, at a minimum, a surgical mask and face shield.

18. Disclosure to authorised officers

- (1) An authorised officer may request an operator to produce to the authorised officer any vaccination information held by the operator under clause 7, except any Individual Healthcare Identifiers that the operator might hold.
- (2) If an authorised officer makes a request to a person under subclause (1), the person must comply with the request.
Note: authorised officers may also be authorised to exercise the public health risk power in section 190(1)(d) of the Public Health and Wellbeing Act 2008 to require the provision of any information needed to investigate, eliminate or reduce the risk to public health.

PART 3 – SERVICE VICTORIA AUTHORISATION**19. Notification of eligibility for booster**

The Chief Executive Officer of Service Victoria is authorised to notify a person through the Service Victoria App that the person:

- (1) is eligible to receive a booster dose; or
- (2) will shortly become eligible to receive a booster dose,

by using the information contained in the person's COVID-19 digital certificate issued by Services Australia and displayed through the Service Victoria App.

PART 4 – GENERAL PROVISIONS**20. Severability**

To the extent that any part of this Order is held to be in excess of power or otherwise invalid it is intended that it is to be taken to be valid to the extent to which it is not in excess of that power.

21. Transitional provisions

- (1) A reference in any pandemic order in force to a Revoked COVID-19 Mandatory Vaccination (Specified Facilities) Order is taken on and after the commencement of this Order to be a reference to this Order.
- (2) Any act, matter or thing that had effect under a Revoked COVID-19 Mandatory Vaccination (Specified Facilities) Order immediately before it was revoked continues to have effect under this Order.
- (3) Without limiting subclause (2), this Order is subject to any exemption, benefit, requirement or entitlement (however described) to which a Revoked COVID-19 Mandatory Vaccination (Specified Facilities) Order was subject immediately before it was revoked.
- (4) This clause is subject to any express provision to the contrary in this Order.

PART 5 – PENALTIES**22. Penalties**

Section 165BN of the **Public Health and Wellbeing Act 2008** provides:

Failure to comply with pandemic order, direction or other requirement

- (1) A person commits an offence if the person refuses or fails to comply with a pandemic order, or with a direction given to the person, or a requirement made of the person, in the exercise of a pandemic management power.
Penalty: In the case of a natural person, 60 penalty units;
Penalty: In the case of a body corporate, 300 penalty units.
- (2) A person is not guilty of an offence against subsection (1) if the person had a reasonable excuse for refusing or failing to comply.

*Note: the **Public Health and Wellbeing Regulations 2019** provide for infringement notices to be served on any person who has refused or failed to comply (without a reasonable excuse) with a pandemic order, or a direction given or a requirement made in the exercise of a pandemic management power. The amount payable pursuant to the infringement notice varies depending on the nature of the failure or refusal and the age of the person.*

SCHEDULE 1 – SPECIFIED FACILITIES

Specified facility (Column 1)	Operator (Column 2)	Worker (Column 3)	Booster deadline (Column 4)	Facility-specific definitions
residential aged care facility	approved provider with responsibility for that residential aged care facility	residential aged care facility worker	For workers that became fully vaccinated on or before 12 September 2021, the deadline is 12 February 2022. For workers that became fully vaccinated after 12 September 2021, the deadline is 1 March 2022.	Clause 4 of Schedule 2
construction site	principal contractor for that construction site	any person (paid or unpaid) performing work at a construction site, including: an employee of the operator; and any contractor engaged by the operator or by a third party.	Not applicable	Clause 5 of Schedule 2
healthcare facility	healthcare operator	healthcare worker	For workers that became fully vaccinated on or before 12 September 2021, the deadline is 12 February 2022. For workers that became fully vaccinated after 12 September 2021, the deadline is 29 March 2022.	Clause 6 of Schedule 2

Specified facility (Column 1)	Operator (Column 2)	Worker (Column 3)	Booster deadline (Column 4)	Facility-specific definitions
education facility	education operator	education worker	For workers that became fully vaccinated on or before 25 October 2021, the deadline is 25 February 2022. For workers that became fully vaccinated after 25 October 2021, the deadline is 15 March 2022.	Clause 7 of Schedule 2

SCHEDULE 2 – DEFINITIONS**Division 1 – Key definitions****1. Vaccination status**

- (1) A person's **vaccination status** is one of the following:
 - (a) fully vaccinated (boosted); or
 - (b) fully vaccinated; or
 - (c) partially vaccinated; or
 - (d) unvaccinated; or
 - (e) excepted person.
- (2) A person is **fully vaccinated** if the person has received:
 - (a) one dose of a one dose COVID-19 vaccine; or
 - (b) two doses of a two dose COVID-19 vaccine including two different types of two dose COVID-19 vaccines.
- (3) A person is **fully vaccinated (boosted)** if the person has received a booster dose.
- (4) A person is **partially vaccinated** if the person has received one dose of a two dose COVID-19 vaccine and is not an excepted person.
- (5) A person is **unvaccinated** if the person has not received a dose of a COVID-19 vaccine and is not an excepted person.
- (6) A person is an **excepted person** if the person holds acceptable certification that the person is unable to receive a dose, or a further dose, of any COVID-19 vaccine that is available in Australia due to:
 - (a) a medical contraindication; or
 - (b) an acute medical illness (including where the person has been diagnosed with COVID-19).
- (7) An **acceptable certification** for the purpose of subclause (6) is:
 - (a) a current COVID-19 digital certificate issued by Services Australia and displayed through the Medicare App, Service Victoria App or equivalent smartphone wallet, that states that the person is unable to receive a dose, or a further dose, of any COVID-19 vaccine that is available in Australia; or
 - (b) a printed version of the COVID-19 digital certificate referred to in subparagraph (a).
- (8) A **booster deadline** in relation to a worker is the date specified in Column 4 of Schedule 1 for that worker.
- (9) A person has received a **booster dose** if they have received:
 - (a) a second dose of a COVID-19 vaccine after receiving one dose of a one dose COVID-19 vaccine; or
 - (b) a third dose of a COVID-19 vaccine after receiving two doses of a two dose COVID-19 vaccine including different types of two dose COVID-19 vaccines.

2. Vaccination information

For the purposes of this Order, **vaccination information** is information relating to a person's vaccination status and includes:

- (1) any information that is derived from a record of information that was made under, or in accordance with, the Australian Immunisation Register Act 2015 of the Commonwealth; and
- (2) the name or type of any dose of COVID-19 vaccine received by the person; and
- (3) the date on which the person received any dose of a COVID-19 vaccine.

Note: vaccination information may be recorded in a variety of documents, such as a letter from a medical practitioner; a certificate of immunisation or an immunisation history statement obtained from the Australian Immunisation Register. For overseas travellers, it may be recorded in an Australian International COVID-19 Vaccination Certificate or vaccination certificates issued by an overseas government authority, accompanied by the Australian Traveller Declaration or COVID-19 Vaccination and Testing Declaration for travel to Australia.

3. Schedule 1 definitions

For the purposes of this Order:

- (1) **operator** in relation to a specified facility means a person identified in Column 2 of Schedule 1 for that facility;
- (2) **specified facility** means a facility identified in Column 1 of Schedule 1;
- (3) **worker** in relation to a specified facility means a person identified in Column 3 of Schedule 1 for that facility except for a person under 12 years and two months of age.

Division 2 – Facility-specific definitions

4. Residential aged care facilities

For the purposes of this Order:

- (1) **approved provider** has the same meaning as in the **Aged Care Quality and Safety Commission Act 2018** of the Commonwealth;
- (2) **residential aged care facility** means the premises at which accommodation and personal care or nursing care or both are provided to a person in respect of whom a residential care subsidy or a flexible care subsidy is payable under the **Aged Care Act 1997** of the Commonwealth;
- (3) **residential aged care facility worker** means a person (including a volunteer) that is:
 - (a) employed, or engaged as a contractor, by an operator that operates a residential aged care facility to perform work at the residential aged care facility including:
 - (i) direct care workforce including nurses, personal care workers, allied health professionals, and allied health assistants;
 - (ii) administration staff including reception and management staff;
 - (iii) ancillary staff including food preparation, cleaning, laundry, gardening and general maintenance staff;
 - (iv) dental practitioners;
 - (v) phlebotomists (pathology nurses);
 - (vi) lifestyle and social staff, such as those delivering music or art therapy;
 - (vii) transport drivers who are responsible for collecting and transporting residents to and from the residential aged care facility for outings;
 - (viii) volunteers engaged by the residential aged care facility to undertake duties at the facility;
 - (ix) students on placement;
 - (x) medical practitioners and allied health professionals who attend the residential aged care facility to provide care to residents of the facility; and
 - (b) a medical practitioner, dental practitioner or allied health professional who is employed or engaged by a resident of a residential aged care facility to provide care to the resident;
- (4) **residential care subsidy** has the same meaning as in the **Aged Care Act 1997** of the Commonwealth.

5. Construction sites

For the purposes of this Order:

- (1) **construction site** means a premises at which civil works, building or construction activities are taking place (the primary premises) and includes:
 - (a) premises that are nearby to the primary premises at which work relating to the operation of the primary premises is undertaken (secondary premises);
 - (b) any vehicle used to carry out work at the primary premises or secondary premises;

Example: a site office for a construction site that is located in an office building close to the construction site.

- (2) **principal contractor** means the owner of a construction site unless the owner:
 - (a) appoints a principal contractor for the construction work performed for or on behalf of the owner; and
 - (b) authorises the principal contractor to manage or control the construction site to the extent necessary to discharge the duties imposed on a principal contractor under the **Occupational Health and Safety Regulations 2017**;
- (3) **vehicle** has the same meaning as in the **Public Health and Wellbeing Act 2008**.

6. Healthcare facilities

For the purposes of this Order:

- (1) **healthcare facility** means each of the following premises:
 - (a) hospitals, including outpatient settings and in reach services;
 - (b) ambulance and patient transport services vehicles;
 - (c) community health centres including mental health, child and maternity, and drug and alcohol counselling services centres;
 - (d) general practices;
 - (e) COVID-19 related healthcare sites, including testing sites, vaccination centres and hotel quarantine premises;
 - (f) dental surgeries and practices;
 - (g) day procedure centres;
 - (h) health clinics, including medical specialist and allied health professional operated clinics;
 - (i) pharmacies;
 - (j) diagnostic and medical imaging centres;
 - (k) premises at which mobile health services are provided;
 - (l) premises at which blood donation services are provided;
 - (m) premises at which healthcare students undertake placement, registration or internships;
 - (n) premises at which health services within government agencies are provided, including the Victorian Department of Justice and Community Services – Victorian Institute of Forensic Medicine;
 - (o) Coroner’s Court;
 - (p) any retail or other premises operating within a healthcare facility, including cafes, newsagents and florists;
- (2) **healthcare operator** means a person who operates a healthcare facility whether public, private or denominational;
- (3) **healthcare worker** means a person who is employed or engaged as a contractor by a healthcare operator to perform at a healthcare facility any of the following:
 - (a) healthcare services including:
 - (i) medical practitioners, dental professionals, nurses and midwives;
 - (ii) allied health professionals (including those that work within a discipline classified by the Victorian Department of Health as allied health, or are registered with the *Australian Health Practitioner Regulation Agency*);
 - (iii) palliative care workers;
 - (iv) personal care attendants;
 - (v) phlebotomists and pathology workers;
 - (vi) coroners;

- (vii) lifestyle and social therapists;
- (viii) formal language and interpretation services;
- (ix) students;
- (x) volunteers;
- (b) administrative or ancillary roles, including:
 - (i) an administrative, clerical and managerial worker, and each of their assistants' delegates;
 - (ii) food preparation, cleaning and laundry services;
 - (iii) patient service assistants and porters;
 - (iv) operating theatre technicians;
 - (v) security, maintenance and repair and information technology, gardening and landscaping;
- (c) ambulance and patient transport services;
- (d) work at a retail business operating within a healthcare facility, including cafes, restaurants, newsagents and florists.

7. Education facilities

For the purposes of this Order:

- (1) **childcare or early childhood service** means onsite early childhood education and care services or children's services provided under the:
 - (a) **Education and Care Services National Law** and the **Education and Care Services National Regulations**, including long day care services, kindergartens and/or preschool and family daycare services, but not including outside school hours care services; and
 - (b) **Children's Services Act 1996**, including limited hours services, budget based funded services, occasional care services, early childhood intervention services, mobile services and (if applicable) school holiday care programs;
- (2) **education facility** means:
 - (a) premises at which a childcare or early childhood service is provided;
 - (b) premises at which an outside school hours care service is provided;
 - (c) a school;
 - (d) school boarding premises;
- (3) **education operator** means a person who operates an education facility, whether public, private or denominational;
- (4) **education worker** means:
 - (a) any person who is employed by an education operator to work in an education facility (including teachers, early childhood educators and educational support staff);
 - (b) a person contracted to work at an education facility and who will or may be in close proximity to children, students or staff, whether or not engaged by the education operator including casual relief teachers, Breakfast Club suppliers, IT personnel, NDIS providers and auditors, (but does not include delivery personnel);
 - (c) staff of the Department of Education and Training who attend an education facility (such as allied health personnel or Authorised Officers);
 - (d) staff of any other entity who attends an education facility;
 - (e) volunteers that attend an education facility and that work in close proximity to children, students or staff (including parent helpers);
 - (f) students on placements at an education facility;

- (5) **school** means a registered school as defined in the **Education and Training Reform Act 2006**;
- (6) **school boarding premises** means a registered school boarding premises, as defined in the **Education and Training Reform Act 2006**.

Division 3 – Other definitions

8. Other definitions

For the purposes of this Order:

authorised officer has the same meaning as in the **Public Health and Wellbeing Act 2008**;
COVID-19 means the contagious disease caused by severe acute respiratory syndrome coronavirus 2;

COVID-19 vaccine means either a one dose COVID-19 vaccine or a two dose COVID-19 vaccine;

critical unforeseen circumstance means a circumstance that the operator of a work premises could not reasonably have foreseen nor planned for which results in a critical need for staff;

emergency situation means a situation where it is reasonably apparent to the operator of a specified facility that medical treatment is necessary, as a matter of urgency to:

- (a) save a person's life; or
- (b) prevent serious damage to a person's health; or
- (c) prevent a person from suffering or continuing to suffer significant pain or distress;

Individual Healthcare Identifier has the same meaning as the healthcare identifier of a healthcare recipient in section 9 of the **Healthcare Identifiers Act 2010** of the Commonwealth;

medical contraindication means one of the following contraindications to the administration of a COVID-19 vaccine:

- (a) anaphylaxis after a previous dose;
- (b) anaphylaxis to any component of the vaccine, including polysorbate or polyethylene glycol;
- (c) in relation to AstraZeneca:
 - (i) history of capillary leak syndrome; or
 - (ii) thrombosis with thrombocytopenia occurring after a previous dose;
- (d) in relation to Comirnaty or Spikevax:
 - (i) myocarditis or pericarditis attributed to a previous dose of either Comirnaty or Spikevax;
- (e) where a person is in the process of completing a Federal Department of Health approved COVID-19 vaccine clinical trial;
- (f) the occurrence of any other serious adverse event that has:
 - (i) been attributed to a previous dose of a COVID-19 vaccine by an experienced immunisation provider or medical specialist (and not attributed to any another identifiable cause); and
 - (ii) been reported to State adverse event programs and/or the Therapeutic Goods Administration;

medical practitioner means:

- (a) a general practice registrar on an approved 3GA training placement; or
- (b) a public health physician; or
- (c) an infectious disease physician; or
- (d) a clinical immunologist; or

- (e) a general practitioner who is vocationally registered; or
- (f) a general practitioner who is a fellow of the Royal Australian College of General Practitioners (RACGP); or
- (g) a general practitioner who is a fellow of the Australian College of Rural and Remote Medicine (ACRRM); or
- (h) a paediatrician; or
- (i) a medical practitioner who is a fellow of the Royal Australasian College of Physicians;

one dose COVID-19 vaccine means ‘COVID-19 Vaccine Janssen’ (Janssen-Cilag);

pandemic orders in force has the same meaning as in the **Pandemic (Movement and Gathering) Order 2022 (No. 3)** as amended or replaced from time to time;

PPE means personal protective equipment;

premises has the same meaning as in the **Public Health and Wellbeing Act 2008** but does not include a worker’s ordinary place of residence;

Quarantine, Isolation and Testing Order means the **Pandemic (Quarantine, Isolation and Testing) Order 2022 (No. 4)** as amended or replaced from time to time;

Revoked COVID-19 Mandatory Vaccination (Specified Facilities) Order means the **COVID-19 Mandatory Vaccination (Specified Facilities) Directions (No. 13)**, the **Pandemic COVID-19 Mandatory Vaccination (Specified Facilities) Order 2022 (No. 2)**, or their predecessors;

Service Victoria App means the digital system provided by the Chief Executive Officer of Service Victoria and other parts of the Victorian Government;

two dose COVID-19 vaccine means:

- (a) Vaxzevria (AstraZeneca);
- (b) Comirnaty (Pfizer);
- (c) Spikevax (Moderna);
- (d) Coronvac (Sinovac);
- (e) Covishield (Astrazeneca/Serum Institute of India);
- (f) Covaxin (Bharat Biotech);
- (g) BBIP-CorV (Sinopharm).

Dated 25 January 2022

MARTIN FOLEY MP
Minister for Health

Public Health and Wellbeing Act 2008

Section 165AI

**GUIDANCE FOR THE PANDEMIC (ADDITIONAL INDUSTRY OBLIGATIONS)
ORDER 2022 (No. 4)**

The presence of a person with a positive diagnosis for COVID-19 at a work premises is considered to pose an immediate risk of transmission to persons who attend, or may attend, the work premises. This Order imposes additional specific obligations on employers and workers in specific industries in relation to managing the risk associated with COVID-19.

The following industries must comply with this Order:

- (1) poultry processing facilities;
- (2) abattoirs and meat processing facilities;
- (3) seafood processing facilities;
- (4) supermarket work premises and perishable food work premises;
- (5) warehousing and distribution centres;
- (6) commercial cleaning services;
- (7) care facilities;
- (8) ports of entry servicing international arrivals;
- (9) hotel quarantine;
- (10) hospitals;
- (11) construction sites.

An authorised officer or inspector may conduct an inspection of the work premises and audit the records of the employer.

An employer must consult with health and safety representatives, together with workers who are likely to be directly affected in relation to the implementation of the Additional Industry Obligations.

Failure to comply with this Order may result in penalties.

This explanatory guidance does not form part of the Pandemic (Additional Industry Obligations) Order 2022 (No. 4) and is for explanatory purposes only.

Public Health and Wellbeing Act 2008

Section 165AI

PANDEMIC (ADDITIONAL INDUSTRY OBLIGATIONS) ORDER 2022 (No. 4)

TABLE OF PROVISIONS

PART 1 – PRELIMINARY	509
1. Objective.....	509
2. Citation	509
3. Authorising provision.....	509
4. Commencement and revocation	509
5. Definitions	509
6. Application of this Order.....	509
PART 2 – ADDITIONAL INDUSTRY OBLIGATIONS	509
7. Application of this Order to certain employers and roles.....	509
8. General obligations.....	510
9. Compliance.....	510
10. Consultation.....	510
11. Additional Industry Obligations.....	510
12. Abattoirs and meat processing facilities, poultry processing facilities and seafood processing facilities	511
13. Care facilities.....	511
14. Ports of entry	513
15. Hotel quarantine	513
16. Hospitals.....	513
PART 3 – GENERAL PROVISIONS.....	515
17. Relationship with other Orders	515
18. Severability.....	515
19. Transitional provisions	515
PART 4 – PENALTIES	515
20. Penalties.....	515
Schedule 1 – Restrictions on Elective Surgery.....	516
Schedule 2 – Definitions	518

Public Health and Wellbeing Act 2008

Section 165AI

PANDEMIC (ADDITIONAL INDUSTRY OBLIGATIONS) ORDER 2022 (No. 4)

I, Martin Foley, Minister for Health, make the following Order under the **Public Health and Wellbeing Act 2008** in the belief that this Order is reasonably necessary to protect public health throughout Victoria from the serious risk arising from the coronavirus (COVID-19) pandemic disease.

PART 1 – PRELIMINARY**1. Objective**

- (1) The purpose of this Order is to establish additional specific obligations on employers and workers in specific industries in relation to managing the risk associated with COVID-19 transmission in the work premises.
- (2) This Order must be read together with the pandemic orders in force.
- (3) This Order is intended to supplement any obligations an employer may have under the **Occupational Health and Safety Act 2004** and the Workplace Orders and are not intended to derogate from any such obligations.

2. Citation

This Order may be referred to as the **Pandemic (Additional Industry Obligations) Order 2022 (No. 4)**.

3. Authorising provision

This Order is made under section 165AI of the **Public Health and Wellbeing Act 2008**.

4. Commencement and revocation

- (1) This Order commences at 11:59:00 pm on 25 January 2022 and ends at 11:59:00 pm on 12 April 2022.
- (2) The **Pandemic (Additional Industry Obligations) Order 2022 (No. 3)** is revoked at 11:59:00 pm on 25 January 2022.

5. Definitions

Terms used in the Order have meanings set out in Schedule 2.

6. Application of this Order

This Order applies to the whole State of Victoria.

PART 2 – ADDITIONAL INDUSTRY OBLIGATIONS**7. Application of this Order to certain employers and roles**

- (1) This Order applies to Additional Obligation Industries, namely:
 - (a) poultry processing facilities;
 - (b) abattoirs and meat processing facilities;
 - (c) seafood processing facilities;
 - (d) supermarket work premises and perishable food work premises;
 - (e) warehousing and distribution centres;
 - (f) commercial cleaning services;
 - (g) care facilities;
 - (h) ports of entry servicing international arrivals;
 - (i) hotel quarantine;
 - (j) hospitals;
 - (k) construction sites.
- (2) This Order applies to Additional Obligation Industries work premises that are located:
 - (a) in relation to supermarket work premises and perishable food work premises, and warehousing and distribution centres, in Metropolitan Melbourne; and
 - (b) in relation to all other Additional Obligation Industries not referred to in paragraph (a), anywhere in Victoria, unless this Order indicates otherwise.

8. General obligations

Clauses 9 and 10 apply to high-risk hospital work premises.

Note: the exception of care facilities and hospitals (except for high-risk hospital work premises) as being exempt from the requirements in clause 8 does not exempt care facilities from satisfying equivalent requirements imposed under other regulatory arrangements.

9. Compliance

To assess an employer's compliance with this Order, an authorised officer or inspector (or their nominated representative) may conduct:

- (1) an inspection of a work premises; or
- (2) an inspection or audit of the records of an employer.

10. Consultation

An employer in relation to a high-risk hospital work premises must, to the extent reasonably practicable, consult with health and safety representatives, together with workers who are, or are likely to be, directly affected:

- (1) to identify or assess risks to health or safety at a workplace; and
- (2) to make decisions about the measures to be taken to control risks to health and safety; and
- (3) to determine if any risk identified under subclause (1) is either under the employer's management and control or arises from the employer's conduct; and
- (4) to make decisions about the adequacy of facilities for the welfare of workers; and
- (5) in making decisions about procedures to resolve health and safety issues, including (but not limited to):
 - (a) procedures around health and safety consultation itself;
 - (b) procedures to monitor the health of workers and the conditions of the workplace;
 - (c) procedures to provide information and training to workers; and
- (6) by a change to:
 - (a) a workplace; or
 - (b) the plant, substances, or other things used at a workplace; or
 - (c) the conduct of work performed at a workplace.

11. Additional Industry Obligations

- (1) An employer in relation to an Additional Obligation Industry work premises must:
 - (a) where the employer's work premises is an industry that is listed in the Surveillance Testing Industry List and Requirements (as amended from time to time on the advice of the Chief Health Officer):
 - (i) carry out surveillance testing for COVID-19 on its workers in relation to the work premises in accordance with the requirements of the Surveillance Testing Industry List and Requirements (as amended from time to time on the advice of the Chief Health Officer), including:
 - (A) those sections of its workforce required to be tested under the Surveillance Testing Industry List and Requirements;
 - (B) a weekly surveillance testing target of the percentage of workers that are to be tested; and
 - (ii) for industries that require workers to undergo a COVID-19 rapid antigen test, if a worker receives an invalid test result from the COVID-19 rapid antigen test, the employer must direct the worker to undertake a second COVID-19 rapid antigen test as soon as possible; and

- (iii) for industries that require workers to undergo a COVID-19 rapid antigen test, if a worker receives:
 - (A) a positive test result from the COVID-19 rapid antigen test; or
 - (B) two successive invalid COVID-19 rapid antigen test results, the employer must direct the worker to:
 - (C) undertake a COVID-19 PCR test as soon as possible; and
 - (D) self-isolate until a negative COVID-19 PCR test result is received; and
- (iv) keep records of surveillance testing of workers for COVID-19, which demonstrate that the employer has complied with its obligations under subparagraph (i) in relation to the work premises; and
- (v) provide the records required to be kept by the employer under subparagraph (iv) to the Department upon request by the Department for those records.

Note: the industries and requirements included in the Surveillance Testing Industry List and Requirements may be amended on the advice of the Chief Health Officer.

- (2) An employer is not required to carry out surveillance testing for COVID-19 pursuant to subparagraph (1)(a)(i) in relation to a worker who is a confirmed case for a period of 30 days commencing from the date the diagnosis of COVID-19 is confirmed through a COVID-19 PCR test.

12. **Abattoirs and meat processing facilities, poultry processing facilities and seafood processing facilities**

In relation to a work premises that is an abattoir, meat processing facility, poultry processing facility or seafood processing facility, an employer must ensure that all workers at the work premises wear the appropriate level of personal protective equipment:

- (1) to carry out the functions of the worker's role; and
- (2) to mitigate the introduction of COVID-19 at the work premises including (but not limited to) at a minimum, wearing a surgical face mask, unless it is not reasonably practicable to wear a surgical face mask in the work premises or the nature of a worker's work means that it creates a risk to their health and safety.

*Note: an employer at a work premises that is an abattoir, meat processing facility, poultry processing facility or seafood processing facility is required to comply with subclause (2) unless an exception under the **Movement and Gathering Order** applies in respect of a worker, in which case the employer is exempted from requiring that worker to wear a face covering.*

13. **Care facilities**

- (1) An employer in relation to a work premises that is a care facility in Victoria must require care facility workers in relation to a care facility to wear a face covering while working in any indoor space at the care facility if the worker is performing a resident-facing role at the care facility, unless an exception under the **Movement and Gathering Order** applies to that worker.

Example: where a care facility worker is communicating with a resident who is hard of hearing or deaf and visibility of the mouth is essential for communication, that care facility worker may remove their face covering whilst communicating with the resident.

Note: a care facility worker working in a resident-facing role at a care facility must wear a mask at all times while working in an indoor space including when they are not interacting with residents.

- (2) If a care facility worker is working at more than one work premises for two or more different employers:
 - (a) the care facility worker must provide a written declaration to each employer to advise them that the worker is working at more than one work premises and must provide details of the other work premises to each employer; and

- (b) each employer must maintain a record of all care facility workers who have disclosed to the employer under paragraph (a) that they are working across more than one work premises.
- (3) Despite the **Visitors to Hospitals and Care Facilities Order**, an employer in relation to a work premises that is a care facility in Victoria must not permit an employee or contractor (excluding a visiting health care professional) to enter the care facility where:
- (a) the employee or contractor has, on or after 4 October 2020, worked at another care facility; and
- (b) at the time the employee or contractor worked at that other care facility, a confirmed case was present at that other facility,
- unless:
- (c) if the employee or contractor is fully vaccinated:
- (i) at least 7 days have elapsed since the last time the employee or contractor worked at that other facility while a confirmed case was present; and
- (ii) the employee or contractor:
- (A) has undertaken a COVID-19 PCR test on or after 6 days from the day that the employee or contractor last worked at that other facility while a confirmed case was present; and
- (B) received confirmation that the results of the test undertaken pursuant to subparagraph (A) were negative; or
- (d) if the employee or contractor is not fully vaccinated:
- (i) at least 14 days have elapsed since the last time the employee or contractor worked at that other facility while a confirmed case was present; and
- (ii) the employee or contractor:
- (A) has undertaken a COVID-19 PCR test on or after 13 days from the day that the employee or contractor last worked at that other facility while a confirmed case was present; and
- (B) received confirmation that the results of the test undertaken pursuant to subparagraph (A) were negative; and
- (e) the employee or contractor has provided evidence of the negative COVID-19 PCR test result pursuant to paragraphs (c) or (d) to the employer prior to commencing work at that care facility.

Note 1: providing the employer with hardcopy or electronic notification confirming the negative test result from a testing provider is sufficient evidence.

Note 2: the effect of subclause (3) is that, in the event of an outbreak of COVID-19 at a care facility, an employee or contractor present during the outbreak must only work at that facility, and cannot be permitted to work at other care facilities. Such employees or contractors must wait a minimum period of either 7 days if they are fully vaccinated or 14 days if they are not fully vaccinated from when they last worked a shift while a confirmed case was present at the facility and test negative for COVID-19, before moving from that care facility to commence work at another care facility. No test is required if it has been 28 days or more since the employee or contractor last worked a shift while a confirmed case was present at the facility.

- (4) For the avoidance of any doubt, the obligations on an employer in subclause (3) do not apply to a visiting health care professional entering the care facility.
- (5) An employer in relation to a work premises that is a care facility in Victoria must comply with personal protective equipment requirements in accordance with the requirements of the Department.
- (6) The Chief Health Officer may grant an exemption in writing to the requirements of subclause (3).

Note: an exemption may only be granted where it is necessary to ensure that residents are provided with a reasonable standard of care.

14. Ports of entry

- (1) Subject to subclause (2), a port of entry worker means:
- (a) any airport or maritime port worker who has direct contact (including occasional contact or interactions) with international passengers or crew, at the international port of entry; or
 - (b) a worker or person who interacts with the environment within the international port of entry (including any worker or person who boards a vessel, ship or aircraft) where international passengers and crew are or have been.

Note: interacting with the 'environment' within the international port of entry refers to handling items and/or using or being in communal facilities (such as toilets, waiting areas and seating) that have been used by or are being used by international passengers and crew. It also refers to boarding or entering a vessel, ship or aircraft where international passengers and crew are or have been.

- (2) Despite subclause (1), a port of entry worker does not include any worker who works in an international departures area of an airport.
- (3) In relation to a work premises that is a port of entry work premises servicing international arrivals, an employer must:

Note: a work premises which is a port of entry servicing international arrivals is a port or airport at which port of entry workers provide services in relation to, or encounter, passengers, crew members, shipping vessels or aircraft arriving in Victoria from outside of Australia, subject to the definition of 'port of entry workers' above.

- (a) make available an adequate supply of personal protective equipment free of charge to port of entry workers; and
- (b) ensure that all port of entry workers wear appropriate personal protective equipment in accordance with the requirements of the Department; and
- (c) if they are an employer of an international aircrew service worker, keep, and provide to the Department upon request by the Department, records of:
 - (i) the date and time each COVID-19 rapid antigen test is administered to an international aircrew service worker; and
 - (ii) the result of each COVID-19 rapid antigen test administered to an international aircrew service worker; and
 - (iii) in the event that the result of the COVID-19 rapid antigen test is positive for an international aircrew service worker, the date, time and result of a COVID-19 PCR test undertaken on that worker.

15. Hotel quarantine

- (1) In relation to a work premises that is a hotel quarantine work premises, an employer must:
- (a) make available an adequate supply of personal protective equipment free of charge to workers; and
 - (b) ensure that all workers wear appropriate personal protective equipment in accordance with the requirements of the Department; and
 - (c) provide regular training to workers (including, but not limited to, an induction for all workers commencing at, or returning to, the work premises) that covers:
 - (i) good hygiene practices; and
 - (ii) advising workers not to attend the work premises when unwell.

16. Hospitals

- (1) In relation to those parts of a hospital that are a high-risk hospital work premises, an employer must arrange operations at the work premises so as to have high-risk hospital work premises workers working consistently with the same group of other high-risk hospital work premises workers where reasonably practicable, including (but not limited to):
- (a) developing separate shifts in a way that minimises physical interactions between groups of high-risk hospital work premises workers attending different shifts;

- (b) separating high-risk hospital work premises workers into work areas;
 - (c) dividing work areas up further into separate teams;
 - (d) providing separate break areas for the separate teams;
 - (e) requiring teams to use separate entrances and exits from other teams; and
 - (f) where high-risk hospital work premises workers are from the same household, ensuring they work in the same shift and work area.
- (2) Subject to subclause (3), an employer in relation to a high-risk hospital work premises must not require or permit a high-risk hospital work premises worker to perform work at more than one work premises of the employer.
- (3) Subclause (2) does not apply where it is not practicable to limit a high-risk hospital work premises worker to only one work premises.
- (4) Where subclause (3) applies, the employer must be able to demonstrate the systems of work which it has put in place to minimise the number of high-risk hospital work premises workers working across multiple work premises.

Example: rosters.

- (5) If a high-risk hospital work premises worker working in a high-risk hospital work premises is working at more than one work premises for two or more different employers:
- (a) the high-risk hospital work premises worker must provide a written declaration to each employer to advise them that the high-risk hospital work premises worker is working at more than one work premises and must provide details of the other work premises to each employer; and
 - (b) each employer must maintain a record of all high-risk hospital work premises workers who have disclosed to the employer under paragraph (a) that they are working across more than one work premises.
- (6) In relation to a work premises that is a hospital, an employer must require workers to declare in writing at the start of each shift:
- (a) whether the worker has completed a shift or shifts at another hospital in a high-risk hospital work premises in the 14 days prior to making the declaration; and
 - (b) if the worker declares that they have completed a shift or shifts at another hospital in a high-risk hospital work premises in the 14 days prior to making the declaration:
 - (i) the name of the relevant hospital; and
 - (ii) whether a shift, or any shifts, declared under paragraph (a) were on the roster of a COVID streaming area.

Note: a shift on the roster of a COVID streaming area includes a shift where the worker is primarily assigned to caring for COVID positive patients in a negative pressure room (for example, a nurse allocated to care for COVID positive patients in a negative pressure room). A shift on the roster of a COVID streaming area also includes staff who were rostered on to work and worked in the COVID streaming area and staff who were not originally rostered but worked in the area to cover a gap in the roster.

- (7) In relation to a work premises identified in Column 1 of Schedule 1, an employer must comply with the restrictions and requirements outlined in Column 2 of Schedule 1, except in relation to:
- (a) an in vitro fertilisation (IVF) procedure performed at a work premises that is a registered facility; or
 - (b) a procedure for the surgical termination of pregnancy.

PART 3 – GENERAL PROVISIONS**17. Relationship with other Orders**

- (1) If there is any inconsistency between this Order and a pandemic order in force or other requirement contained in a Detention Notice, this Order is inoperative to the extent of the inconsistency.
- (2) If there is any inconsistency between this Order and a requirement contained in the **Workplace Order**, the **Workplace Order** is inoperative to the extent of the inconsistency.

18. Severability

To the extent that any part of this Order is held to be in excess of power or otherwise invalid it is intended that it is to be taken to be valid to the extent to which it is not in excess of that power.

19. Transitional provisions

- (1) A reference in any pandemic order in force to a Revoked Additional Industry Obligations Order is taken on and after the commencement of this Order to be a reference to this Order.
- (2) Any act, matter or thing that had effect under a Revoked Additional Industry Obligations Order immediately before it was revoked continues to have effect under this Order.
- (3) Without limiting subclause (2), this Order is subject to any exemption, benefit, requirement or entitlement (however described) to which a Revoked Additional Industry Obligations Order was subject immediately before it was revoked.
- (4) This clause is subject to any express provision to the contrary in this Order.

PART 4 – PENALTIES**20. Penalties**

Section 165BN of the **Public Health and Wellbeing Act 2008** provides:

Failure to comply with pandemic order, direction or other requirement

- (1) A person commits an offence if the person refuses or fails to comply with a pandemic order, or with a direction given to the person, or a requirement made of the person, in the exercise of a pandemic management power.
Penalty: In the case of a natural person, 60 penalty units;
Penalty: In the case of a body corporate, 300 penalty units.
- (2) A person is not guilty of an offence against subsection (1) if the person had a reasonable excuse for refusing or failing to comply.

*Note: the **Public Health and Wellbeing Regulations 2019** provide for infringement notices to be served on any person who has refused or failed to comply (without a reasonable excuse) with a pandemic order, or a direction given or a requirement made in the exercise of a pandemic management power. The amount payable pursuant to the infringement notice varies depending on the nature of the failure or refusal and the age of the person.*

SCHEDULE 1 – RESTRICTIONS ON ELECTIVE SURGERY

Work premises (Column 1)	Current elective surgery restrictions (Column 2)
<p>Private hospitals in Metropolitan Melbourne and in the local government area of the City of Greater Geelong, the City of Ballarat, the City of Greater Shepparton, the City of Greater Bendigo, the City of Latrobe and the Rural City of Wangaratta</p> <p>Day procedure centres in Metropolitan Melbourne</p>	<p>(a) An employer may only permit elective surgery procedures to be performed that is an urgent elective surgery procedure.</p> <p>(b) An employer must ensure all elective surgery procedures that are not urgent elective surgery procedures, including Category 2 elective surgery procedures, Category 3 elective surgery procedures and non-urgent non-ESIS procedures, are postponed.</p> <p>(c) The restrictions in paragraphs (a) and (b) do not apply to emergency surgery completed by private hospitals and day procedure centres.</p> <p>(d) An employer may only permit elective surgery procedures to be performed if the employer provides a report to the Department and relevant impacted public health services on a weekly basis that specifies:</p> <ul style="list-style-type: none"> (i) the volume of urgent elective surgery procedures it is performing; and (ii) how requests for support from public health services to assist with the COVID-19 response have been fulfilled.
<p>All public health services located in Metropolitan Melbourne that do not operate a COVID-19 streaming area</p>	<p>(a) An employer may only permit elective surgery procedures to be performed that is an urgent elective surgery procedure.</p> <p>(b) An employer must ensure all elective surgery procedures that are not urgent elective surgery procedures, including Category 2 elective surgery procedures, Category 3 elective surgery procedures and non-urgent non-ESIS procedures, are postponed.</p>
<p>All public health services located in Metropolitan Melbourne that operate a COVID-19 streaming area</p> <p>All public health services that are:</p> <ul style="list-style-type: none"> • part of Barwon Health; • part of the Ballarat Health Service campus of Grampians Health; • part of Goulburn Valley Health; • part of Bendigo Health; and • the Latrobe Regional Hospital 	<p>(a) An employer may only permit an elective surgery procedure to be performed that is an urgent elective surgery procedure.</p> <p>(b) An employer must ensure all elective surgery procedures that are not urgent elective surgery procedures, including Category 2 elective surgery procedures, Category 3 elective surgery procedures and non-urgent non-ESIS procedures, are postponed.</p> <p>(c) An employer must provide a written request to private hospitals and day procedure centres each week, outlining what support is required by the employer from private hospitals and day procedure centres to assist with the COVID-19 pandemic response.</p>

Work premises (Column 1)	Current elective surgery restrictions (Column 2)
<p>All public health services and public hospitals in Regional Victoria, except those that are:</p> <ul style="list-style-type: none"> ● part of Barwon Health; ● part of the Ballarat Health Service campus of Grampians Health; ● part of Goulburn Valley Health; ● part of Bendigo Health; or ● the Latrobe Regional Hospital 	<p>(a) If an employer intends to reduce the volume of its allocated elective surgery procedure list, the employer must notify the Department prior to postponing any elective surgery procedures.</p> <p>(b) If (a) applies, an employer should ensure elective surgery procedures that are not urgent elective surgery procedures, including Category 2 elective surgery procedures, Category 3 elective surgery procedures and non-urgent non-ESIS procedures, are reduced in the first instance.</p>

SCHEDULE 2 – DEFINITIONS

For the purposes of this Order:

abattoir has the meaning under the PrimeSafe licence categories ‘abattoirs (domestic)’ and ‘abattoirs (exports)’;

Additional Obligation Industries has the meaning in clause 7(1);

aircraft means an aircraft that is mainly used for the purpose of, or is engaged, or is intended or likely to be engaged, in a flight wholly within Australia;

airport means a facility that receives scheduled international passenger air transport services and / or passenger charter air services from international markets;

authorised officer has the same meaning as in the **Public Health and Wellbeing Act 2008**;

care facility has the same meaning as in the **Visitors to Hospitals and Care Facilities Order**;

care facility worker has the same meaning as ‘care facility worker’ in the **Visitors to Hospitals and Care Facilities Order**;

Category 1 elective surgery procedure means a procedure that is clinically indicated within 30 days and where the patient’s condition has the potential to deteriorate quickly to the point where the patient’s condition may become an emergency;

Category 2 elective surgery procedure means procedure that is clinically indicated within 90 days and is unlikely to deteriorate quickly or become an emergency during that period;

Category 3 elective surgery procedure means a procedure that is clinically indicated within 365 days but is unlikely to deteriorate quickly;

confirmed case means a worker or person diagnosed with COVID-19 and includes the period of time prior to the diagnosis during which the worker is considered infectious;

Note: the period during which a person is considered infectious is generally considered to be 48 hours prior to the onset of COVID-19 symptoms, however, alternative infectious periods may be determined at the discretion of an officer or nominated representative of the Department (for instance, in high-risk settings or if the confirmed case is asymptomatic).

construction site means a work premises at which civil works, building or construction activities take place;

COVID-19 means the contagious disease caused by severe acute respiratory syndrome coronavirus 2;

COVID-19 PCR test means a COVID-19 polymerase chain reaction test;

COVID-19 rapid antigen test means a COVID-19 rapid antigen test;

COVID streaming area means any patient treatment area nominated by the relevant health service as an area dedicated to treating a confirmed case or confirmed cases, including negative pressure rooms for COVID-19 patients;

COVID-19 symptoms has the same meaning as in the **Workplace Order**;

day procedure centre has the same meaning as in the **Visitors to Hospitals and Care Facilities Order**;

density quotient has the same meaning as in the **Workplace Order**;

Department means the Department of Health;

Detention Notice means a notice given to a person requiring the person to be detained for a specified period under the **Public Health and Wellbeing Act 2008**;

elective surgery procedure means an urgent elective surgery procedure, urgent non-ESIS procedures, Category 1 elective surgery procedure, Category 2 elective surgery procedure, Category 3 elective surgery procedure or non-urgent non-ESIS procedure;

employee includes a person who is self-employed;

employer means a person who owns, operates or controls a work premises and includes a person who is self-employed or a sole-trader;

face covering has the same meaning as in the **Workplace Order**;

fully vaccinated has the same meaning as in the **Open Premises Order**;

high-risk hospital work premises means any hospital ward treating a confirmed case or cases of COVID-19;

high-risk hospital work premises worker means any worker involved in the direct care of patients, and those who interact with a high-risk hospital work premises;

hospital has the same meaning as in the **Visitors to Hospitals and Care Facilities Order**;

hotel quarantine means a place (being a hotel or other facility or class of facility), designated by the Attorney-General and published in the Government Gazette, where people are detained in or directed to remain in, or are staying in, quarantine, isolation or emergency accommodation at, for the purpose of eliminating or reducing the serious risk to public health posed by the COVID-19 pandemic;

inspector has the same meaning as in the **Occupational Health and Safety Act 2004**;

meat processing facility has the meaning under the PrimeSafe licence category ‘further meat processing facilities’;

Metropolitan Melbourne means the area within the municipal districts under the local government of the municipal councils set out in Schedule 2 of the **Planning and Environment Act 1987**;

Movement and Gathering Order means the **Pandemic (Movement and Gathering) Order 2022 (No. 3)** as amended or replaced from time to time;

non-urgent non-ESIS procedure means a non-time critical procedure that is not reported via the Elective Surgery Information System where the patient’s condition is unlikely to deteriorate quickly;

Open Premises Order means the **Pandemic (Open Premises) Order 2022 (No. 3)** as amended or replaced from time to time;

outbreak has the same meaning as in the **Quarantine, Isolation and Testing Order**;

pandemic orders in force has the same meaning as in the **Movement and Gathering Order**;

patient has the same meaning as in the **Visitors to Hospitals and Care Facilities Order**;

perishable food work premises means a work premises that is predominantly a perishable food facility that is a chilled distribution facility;

personal protective equipment has the same meaning as in the **Occupational Health and Safety Regulations 2017**;

port means the port of Melbourne, the port of Geelong, the port of Portland, the port of Hastings and any other port declared under section 6 of the **Port Management Act 1995** in relation to which port lands or port waters or both port lands and port waters have been declared under section 5 of the **Port Management Act 1995**;

port of entry means a port or airport;

port of entry worker has the meaning in clause 14(1);

poultry processing facility has the meaning under the PrimeSafe licence category ‘poultry meat processing facilities’;

premises has the same meaning as in the **Public Health and Wellbeing Act 2008**;

private hospital has the same meaning as in the **Visitors to Hospitals and Care Facilities Order**;

public health service has the same meaning as in the **Health Services Act 1988**;

public hospital has the same meaning as in the **Visitors to Hospitals and Care Facilities Order**;

Quarantine, Isolation and Testing Order means the **Pandemic (Quarantine, Isolation and Testing) Order 2022 (No. 4)** as amended or replaced from time to time;

reasonably practicable is to have its ordinary and common sense meaning;

Regional Victoria means the areas within the State of Victoria that are not part of Metropolitan Melbourne;

registered facility means a private hospital or a day procedure centre that is registered with the Department as a ‘private hospital’ or a ‘day procedure centre’;

representative in relation to the operator of a construction site means the site manager, the duty holder or a registered builder;

Revoked Additional Industry Obligations Order means the **Workplace (Additional Industry Obligations) Directions (No. 58)** or the **Pandemic (Additional Industry Obligations) Order 2022 (No. 3)**, or their predecessors;

seafood processing facility has the meaning under the PrimeSafe licence category ‘seafood processing facilities’;

supermarket has the same meaning as ‘supermarket business’ in the **Food Act 1984**, and includes supermarket distribution and warehousing (including in relation to liquor products) but excludes retail facilities;

supermarket work premises means the total of all supermarket distribution facilities;

Surveillance Testing Industry List and Requirements means the Department document that lists the industries (as amended from time to time on the advice of the Chief Health Officer) that are required to carry out surveillance testing on their workers, and also sets out the surveillance testing requirements for those listed industries;

Note: the Surveillance Testing Industry List and Requirements are available at www.health.vic.gov.au/covid-19/surveillance-testing-industry-list-covid-19 as amended from time to time by the Victorian Government.

theatre complex means the suite of rooms at a hospital where medical procedures are performed and ancillary services are conducted;

urgent elective surgery procedure means:

- (a) a procedure where admission within 30 days is clinically indicated for a condition that has the potential to deteriorate quickly to the point that it might become an emergency;
- (b) an urgent non-ESIS procedure including a procedure undertaken for the purposes of cancer diagnosis and early or overdue cancer surveillance;

urgent non-ESIS procedure means a procedure that is a time critical procedure that is not reported via the Elective Surgery Information System where the patient’s condition is likely to deteriorate quickly including procedures undertaken for the purposes of cancer diagnosis and early or overdue cancer surveillance;

vehicle has the same meaning as in the **Public Health and Wellbeing Act 2008**;

Note: under the Public Health and Wellbeing Act 2008, vehicle includes any means of transport, whether used on land, sea or in the air.

visiting health care professional means a health care worker whose usual place of work is not the facility but who attends to provide health care services to a resident or facility;

Visitors to Hospitals and Care Facilities Order means the **Pandemic (Visitors to Hospitals and Care Facilities) Order 2022 (No. 2)** as amended or replaced from time to time;

Workplace Order means the **Pandemic (Workplace) Order 2022 (No. 3)** as amended or replaced from time to time;

work premises means the premises of an employer in which work is undertaken, including any vehicle whilst being used for work purposes, and including a seasonal work premises;

Note: a work premises does not include an employee’s ordinary place of residence.

worker includes employees, labour hire, subcontractors (and their employees), volunteers and any other person engaged or permitted by an employer to perform work.

Dated 25 January 2022

MARTIN FOLEY MP
Minister for Health

Water Act 1989**PROPERTIES TO RECEIVE WATER AND SEWERAGE SERVICES IN THE FUTURE**

We propose building water and sewerage infrastructure in the following areas to provide water and sewerage services to the following properties. These properties will be declared to have water and/or sewerage services (served properties) when our works are complete.

Development Address/ Estate Name	Stage/s	Plan of Subdivision Number	Yarra Valley Waterworks Portal ID	Suburb	Drinking Water	Recycled Water	Sewerage Services
820 Bridge Inn Road Estate	Stage G and H	PS737211C	3631/3708	Doreen	Y	Y	Y
230a Craigieburn Road, Wollert 3750	Stage 11	PS821109Y	3398/4323	Wollert	Y	Y	Y
Eden Gardens Estate	Stage 1A	PS823243J	528/3209	Wollert	Y	Y	Y
Kallo Estate – Stage 18	Stage 18	PS825842Y	429/3685	Kalkallo	Y	Y	Y

ORDERS IN COUNCIL**Crown Land (Reserves) Act 1978**

NOTICE OF INTENTION TO REVOKE TEMPORARY RESERVATIONS

Order in Council

The Lieutenant-Governor, as the Governor's deputy, with the advice of the Executive Council, under section 10 of the **Crown Land (Reserves) Act 1978** gives notice of intention to revoke the following temporary reservations:

BALLARAT – The temporary reservation by Order in Council of 3 July, 2007 of an area of 4532 square metres of land being Crown Allotment 2031, Township of Ballarat, Parish of Ballarat as a site for Public purposes (Mental Health purposes).

File ref: 0505427

COLAC – The temporary reservation by Order in Council of 2 December, 2003 of an area of 1.695 hectares of land being Crown Allotment 2005, Township of Colac, Parish of Colac as a site for Cemetery purposes.

File ref: 0512167

MOORPANYAL – The temporary reservation by Order in Council of 23 November, 1868 of an area of 10.11 hectares, more or less, of land in the Parish of Moorpanyal (now described as Crown Allotment 73K, Parish of Moorpanyal) as a site for the Geelong Cattle Market, revoked as to part by various Orders in Council and the **Balmoral Geelong and Balwyn Lands Exchange Act 1964**, so far as the balance remaining containing 1.197 hectares.

File ref: 0704769

This Order comes into effect on the date it is published in the Government Gazette.

Dated: 1 February 2022

Responsible Minister:

HON LILY D'AMBROSIO MP

Minister for Energy, Environment and Climate Change

ALEXANDRA DEBELJAKOVIC

Clerk of the Executive Council

Crown Land (Reserves) Act 1978

REVOCATION OF TEMPORARY RESERVATIONS

Order in Council

The Lieutenant-Governor, as the Governor's deputy, with the advice of the Executive Council, under section 10 of the **Crown Land (Reserves) Act 1978** revokes the following temporary reservations:

BAIRNSDALE – The temporary reservation by Order in Council of 3 August, 1971 of an area of 5.18 hectares of land in the Township of Bairnsdale, Parish of Bairnsdale as a site for Public purposes [Department of Agriculture purposes] **so far only as** the portions being Crown Allotments 2035 [area 5220 square metres] and 2036 [area 454 square metres], Township of Bairnsdale, Parish of Bairnsdale as shown on Original Plan No. OP125644 lodged in the Central Plan Office.

File ref: 1602037 (Rs 9499)

BELVOIR WEST – The temporary reservation by Order in Council of 28 March, 2000 of an area of Crown land in the Parish of Belvoir West as a site for Public purposes [Regional Parklands], **so far only as** the portion containing 9643 square metres being Crown Allotment 2011, Parish of Belvoir West as shown on Original Plan No. OP124930 lodged in the Central Plan Office.

File ref: 2022907

BENDIGO – The temporary reservation by Order in Council of 7 February, 2012 of an area of 2039 square metres of land in being Crown Allotment 21B, Section 112C, At Bendigo, Parish of Sandhurst as a site for Public Purposes [Disability Services].

File ref: 2019708

KORUMBURRA – The temporary reservation by Order in Council of 10 April, 2001 of an area of 842 square metres of land being Crown Allotment 89A, Parish of Korumburra as a site for Public purposes [Police purposes].

File ref: P368953

This Order comes into effect on the date it is published in the Government Gazette.

Dated: 1 February 2022

Responsible Minister:

HON LILY D’AMBROSIO MP

Minister for Energy, Environment and Climate Change

ALEXANDRA DEBELJAKOVIC
Clerk of the Executive Council

Crown Land (Reserves) Act 1978

TEMPORARY RESERVATION OF CROWN LANDS

Order in Council

The Lieutenant-Governor, as the Governor’s deputy, with the advice of the Executive Council, under section 4(1) of the **Crown Land (Reserves) Act 1978** temporarily reserves the following Crown lands which are required for the purposes mentioned:–

MUNICIPAL DISTRICT OF THE EAST GIPPSLAND SHIRE COUNCIL

BAIRNSDALE – Public purposes [Emergency Services purposes]; Crown Allotments 2035 [area 5220 square metres] and 2036 [area 454 square metres], Township of Bairnsdale, Parish of Bairnsdale as shown on Original Plan No. OP125644 lodged in the Central Plan Office.

File ref: 1602037

MUNICIPAL DISTRICT OF THE COLAC–OTWAY SHIRE COUNCIL

KRAMBRUK – Public purposes; being Crown Allotments 2079 [area 899 square metres] and 2080 [area 1.040 hectares], Parish of Krambruk as shown on Original Plan No. OP125638 lodged in the Central Plan Office.

File ref: 0511871

This Order comes into effect on the date it is published in the Government Gazette.

Dated: 1 February 2022

Responsible Minister:

HON LILY D’AMBROSIO MP

Minister for Energy, Environment and Climate Change

ALEXANDRA DEBELJAKOVIC
Clerk of the Executive Council

Crown Land (Reserves) Act 1978

INCORPORATION OF COMMITTEE OF MANAGEMENT – AREEGRA

Order in Council

The Lieutenant-Governor, as the Governor's deputy, with the advice of the Executive Council, under section 14A(1) of the **Crown Land (Reserves) Act 1978**, being satisfied that it is in the public interest to declare to be a corporation the committee of management appointed under section 14(2) of the Act of the land described in Column 2 hereunder:–

- (a) declares that the committee of management shall be a corporation;
- (b) assigns the name shown in Column 1 to the corporation.

Column 1 Corporate name	Column 2 Crown Reserve currently managed by the Committee
Areegra Recreation Reserve Committee Incorporated	The land being Crown Allotment 27B, Parish of Areegra temporarily reserved for the Public Recreation by Order in Council of 29 March, 1988 and published in the Government Gazette on 30 March, 1988 page – 833 File Ref: 025336 [Rs13734]

This Order is effective from the date it is published in the Government Gazette.

Dated: 1 February 2022

Responsible Minister:

HON LILY D'AMBROSIO MP

Minister for Energy, Environment and Climate Change

ALEXANDRA DEBELJAKOVIC
Clerk of the Executive Council

Land Act 1958

CLOSURE OF UNUSED ROADS

Order in Council

The Lieutenant-Governor, as the Governor's deputy, with the advice of the Executive Council, under section 349 of the **Land Act 1958** and with the concurrence in writing of the municipalities in which the roads are situated and the owners of any land adjoining the roads closes the following unused roads:

MUNICIPAL DISTRICT OF THE GREATER BENDIGO CITY COUNCIL

ELLESMERE – The road in the Parish of Ellesmere being Crown Allotment 2039 [area 3.937 hectares] as shown on Original Plan No. OP125179 lodged in the Central Plan Office.

File ref: L6-11934

SANDHURST – The road in the Parish of Sandhurst being Crown Allotment 2102 [area 2428 square metres] as shown on Original Plan No. OP125677 lodged in the Central Plan Office.

File ref: 0605703

This Order comes into effect on the date it is published in the Government Gazette.

Dated: 1 February 2022

Responsible Minister:

HON LILY D'AMBROSIO MP

Minister for Energy, Environment and Climate Change

ALEXANDRA DEBELJAKOVIC
Clerk of the Executive Council

Forests Act 1958

DECLARATION OF CROWN LAND AS PROTECTED PUBLIC LAND

Order in Council

It is recommended to the Lieutenant-Governor, as the Governor's deputy, under section 62(1) of the **Forests Act 1958**, that Crown Allotments 2012, 2013, 2014, 2015, 2016, 2018 and 2019, Parish of Pywheitjorrk; Crown Allotments 2032 and 2033, Parish of Balliang; Crown Allotment 2030, Parish of Bulban; Crown Allotments 2033, Parish of Mambourin; Crown Allotment 2016, Parish of Cocoroc; Crown Allotments 2020 and 2021, Parish of Werribee; and Crown Allotments 2015 and 2016, Parish of Mickleham be declared protected public land.

This Order comes into effect on the date it is published in the Government Gazette.

Dated 1 February 2022

Responsible Minister:

HON LILY D'AMBROSIO MP

Minister for Energy, Environment and Climate Change

ALEXANDRA DEBELJAKOVIC
Clerk of the Executive Council

**SUBORDINATE LEGISLATION ACT 1994
NOTICE THAT STATUTORY RULES ARE
OBTAINABLE**

Notice is hereby given under section 17(3) of the **Subordinate Legislation Act 1994** that the following Statutory Rules were first obtainable from TIMG Bookshop, Level 10, 575 Bourke Street, Melbourne 3000, on the date specified:

3. *Statutory Rule:* Subordinate
Legislation
Amendment
(Prescribed
Bookshop)
Regulations 2022
- Authorising Act:* Subordinate
Legislation
Act 1994
- Date first obtainable:* 1 February 2022
Code A
4. *Statutory Rule:* Commercial
Tenancy
Relief Scheme
Regulations 2022
- Authorising Act:* Commercial
Tenancy Relief
Scheme Act 2021
- Date first obtainable:* 1 February 2022
Code D
5. *Statutory Rule:* Magistrates' Court
Criminal Procedure
Amendment Rules
2022
- Authorising Act:* Magistrates' Court
Act 1989
- Date first obtainable:* 1 February 2022
Code A
-

PRICING FOR SPECIAL GAZETTE, PERIODICAL GAZETTE AND VICTORIAN LEGISLATION

Retail price varies according to the number of pages in each Victoria Government Special Gazette, Victoria Government Periodical Gazette and Victorian legislation. The table below sets out the prices that apply.

<i>Price Code</i>	<i>No. of Pages (Including cover and blank pages)</i>	<i>Price*</i>
A	1–16	\$4.22
B	17–32	\$6.33
C	33–48	\$8.65
D	49–96	\$13.61
E	97–144	\$17.51
F	145–192	\$20.78
G	193–240	\$23.95
H	241–288	\$25.43
I	289–352	\$28.70
J	353–416	\$33.44
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