



# Victoria Government Gazette

No. S 108 Thursday 3 March 2022  
By Authority of Victorian Government Printer

## Education and Training Reform Act 2006

MINISTERIAL ORDER NO. 1357

Order Amending Ministerial Order (Constitution of Government School Councils) 2020

### Part 1 – Preliminary

#### 1. Purpose

This Order amends Ministerial Order (Constitution of Government School Councils) 2020 to:

- (a) clarify that the size and composition of nominee member school councils do not need to be consistent with the size and composition of a school council specified in Schedule 2 to the Principal Order;
- (b) clarify that school councils may grant licenses over land for religious purposes outside of school hours;
- (c) clarify the meaning of insolvent under administration for the purposes of eligibility to be a member of a school council;
- (d) create a three year time-limit for how long a person is ineligible for election or co-option to a school council after being insolvent under administration, to prevent people being ineligible for life;
- (e) change the status of the Doveton College School Council from a nominee member school council to an ordinary school council and change its size and composition;
- (f) change the names of the following school councils and update the names of the schools for which they are constituted in Table B of Schedule 1 to the Principal Order:
  - i. Oberon South Primary School Council, the name of which is to be changed to Wangala Primary School Council;
  - ii. Newcomb Park Primary School Council, the name of which is to be changed to Newcomb Primary School Council;
  - iii. Wonthaggi Secondary College School Council, the name of which is to be changed to Bass Coast College School Council;
- (g) remove the Nowa Nowa Primary School Council, which was previously dissolved on 10 March 2021, from Table B of Schedule 1 to the Principal Order; and
- (h) dissolve the Katunga South Primary School Council, the Meerlieu Primary School Council, and the Dixons Creek Primary School Council.

#### 2. Authorising provisions

This Order is made under Part 2.3 and Division 3 of Part 5.10 of the Act.

#### 3. Commencement

- (1) Subject to subclause (2), this Order comes into effect on the day it is made.
- (2) Clauses 13, 15, and 17 take effect 3 months after this Order takes effect.

#### 4. Definitions

In this Order:

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

**SPECIAL**

- (c) **Constituting Order**, in relation to the Meerlieu Primary School Council, means the Order made under section 13(1) of the **Education Act 1958** (since repealed), dated 3 August 1976, constituting the Meerlieu Primary School Council, notice of which was published in the Government Gazette on 29 September 1976, as amended from time to time.
- (d) **Ministerial Order (Constitution of Government School Councils) 2020** means Ministerial Order No. 1280 – (Constitution of Government School Councils) 2020, made by the Minister for Education on 28 May 2020 under Part 2.3 and Division 3 of Part 5.10 of the Act and amended from time to time.
- (e) **Principal Order** means the *Ministerial Order (Constitution of Government School Councils) 2020*.

## Part 2 – Amendments to Ministerial Order (Constitution of Government School Councils) 2020

### 5. Clause 8 amended

In clause 8(3)(b) of the Principal Order, before ‘the options for size and composition’ **insert** ‘in the case of school councils that are not nominee member school councils.’

### 6. Clause 17 amended

- (1) In clause 17(a) of the Principal Order, for ‘administration;’ **substitute** ‘administration within the last three years;’
- (2) After clause 17(e) of the Principal Order, **insert** –  
‘**Note: Insolvent under administration** is defined in section 38 of the **Interpretation of Legislation Act 1984**. The definition includes a person who is an undischarged bankrupt within the meaning of the **Bankruptcy Act 1966** of the Commonwealth (or the corresponding provisions of the law of another jurisdiction).’

### 7. Clause 18 amended

In clause 18(3)(a) of the Principal Order, before ‘must be consistent with’ **insert** ‘in the case of a school council that is not a nominee school council,’

### 8. Clause 37 amended

- (1) In clause 37(1)(b) of the Principal Order, after ‘persons.’ **substitute** ‘persons; or’.
- (2) After clause 37(1)(b) of the Principal Order, **insert**:  
‘(c) for religious purposes outside of school hours.

**Note:** For the avoidance of doubt, school councils are only permitted to enter licenses for religious purposes pursuant to clause 37(1)(c) for the purpose of exercising their function to regulate after hours use of premises under section 2.3.5(d) of the Act. The other uses in clause 37(1)(b) are not limited to after hours use.’

### 9. Schedule 1 amended

In Table B in Schedule 1 of the Principal Order, **omit** the row for the Nowa Nowa Primary School Council.

## Part 3 – Doveton College School Council

### 10. Doveton College School Council membership size and composition

- (1) In the row for the Doveton College School Council in Table B of Schedule 1 to the Principal Order, for column 4 **substitute** –

11	4	3	4	0
----	---	---	---	---

- (2) In Schedule 4 to the Principal Order, **omit** row 5.

**Part 4 – Changes to the names of certain school councils and schools****11. Change of names of school councils and schools**

In Table B of Schedule 1 to the Principal Order:

- (a) in columns 1 and 2 of the row for the Oberon South Primary School Council, for ‘Oberon South’ **substitute** ‘Wangala’ wherever occurring;
- (b) in columns 1 and 2 of the row for the Newcomb Park Primary School Council, **omit** ‘Park’ wherever occurring;
- (c) in columns 1 and 2 of the row for the Wonthaggi Secondary College School Council, for ‘Wonthaggi Secondary’ **substitute** ‘Bass Coast’ wherever occurring.

**Part 5 – Dissolution of Katunga South Primary School Council****12. Winding-up arrangements**

- (1) All persons elected, co-opted or appointed as members of the Katunga South Primary School Council under the Principal Order as it was in effect immediately prior to this clause taking effect (if any) cease to be members of the Council on the date this clause takes effect.
- (2) Subject to subclause (6), the Executive Director, Goulburn Area, and the Regional Finance Manager, both of North Eastern Victoria Region, Department of Education and Training, are appointed as members of the Council for a period of three months from the date this clause takes effect.
- (3) The Council as constituted in accordance with this clause must identify all trusts (if any) of which it is trustee and must provide the following information on each of the trusts to the Regional Director, North Eastern Victoria Region, Department of Education and Training, within 28 days from the date this clause takes effect:
  - (a) The name of the trust;
  - (b) The purpose of the trust;
  - (c) The amount of monies held in trust as at the date of this Order;
  - (d) The bank account or other investment in which the monies are held in trust;
  - (e) The identity of the person or persons who gave or donated to the trust where possible.
- (4) The Council as constituted in accordance with this clause must, before the expiry of two months from the date this clause takes effect, prepare a schedule setting out the assets, liabilities and obligations of the Council and the manner in which any assets that will remain after the liabilities and obligations of the Council have been satisfied are to be distributed.
- (5) After payment of the Council’s liabilities and obligations and subject to the approval of the Regional Director, North Eastern Victoria Region, all assets of the Council must be distributed in accordance with the schedule prepared in accordance with subclause (4).
- (6) The Minister may remove a member of the Council and appoint a person to the Council as constituted in accordance with this clause at any time.
- (7) The quorum for a meeting of the Council held after the date this Order takes effect is two.
- (8) The Council as constituted in accordance with this clause must exercise its powers, duties and functions as if Part 4 of the *Education and Training Reform Regulations 2017* (apart from regulations 31, 39, 45 and 50) does not apply to the Council.
- (9) This clause prevails to the extent of any inconsistency with any provision of the Principal Order.

**13. Dissolution of the Council**

- (1) On the date this clause takes effect, the Katunga South Primary School Council is dissolved.
- (2) In Table B in Schedule 1 to the Principal Order, remove the row for the Katunga South Primary School Council.

**Part 6 – Dissolution of Meerlieu School Council****14. Winding-up arrangements**

- (1) All persons elected, co-opted or appointed as members of the Meerlieu Primary School Council under its Constituting Order as it was in effect immediately prior to this clause taking effect (if any) cease to be members of the Council on the date this clause takes effect.
- (2) Subject to subclause (6), the Executive Director, Outer Gippsland Area, and the Regional Finance Manager, both of South Eastern Victoria Region, Department of Education and Training, are appointed as members of the Council for a period of three months from the date this clause takes effect.
- (3) The Council as constituted in accordance with this clause must identify all trusts (if any) of which it is trustee and must provide the following information on each of the trusts to the Regional Director, South Eastern Victoria Region, Department of Education and Training, within 28 days from the date this clause takes effect:
  - (a) The name of the trust;
  - (b) The purpose of the trust;
  - (c) The amount of monies held in trust as at the date of this Order;
  - (d) The bank account or other investment in which the monies are held in trust;
  - (e) The identity of the person or persons who gave or donated to the trust where possible.
- (4) The Council as constituted in accordance with this clause must, before the expiry of two months from the date this clause takes effect, prepare a schedule setting out the assets, liabilities and obligations of the Council and the manner in which any assets that will remain after the liabilities and obligations of the Council have been satisfied are to be distributed.
- (5) After payment of the Council's liabilities and obligations and subject to the approval of the Regional Director, South Eastern Victoria Region, all assets of the Council must be distributed in accordance with the schedule prepared in accordance with subclause (4).
- (6) The Minister may remove a member of the Council and appoint a person to the Council as constituted in accordance with this clause at any time.
- (7) The quorum for a meeting of the Council held after the date this Order takes effect is two.
- (8) The Council as constituted in accordance with this clause must exercise its powers, duties and functions as if Part 4 of the *Education and Training Reform Regulations 2017* (apart from regulations 31, 39, 45 and 50) does not apply to the Council.
- (9) This clause prevails to the extent of any inconsistency with any provision of the Council's Constituting Order.

**15. Dissolution of the Council**

On the date this clause takes effect, the Council of Meerlieu Primary School Council is dissolved.

**Part 7 – Dissolution of Dixons Creek Primary School Council****16. Winding-up arrangements**

- (1) All persons elected, co-opted or appointed as members of the Dixons Creek Primary School Council under the Principal Order as it was in effect immediately prior to this clause taking effect (if any) cease to be members of the Council on the date this clause takes effect.
- (2) Subject to subclause (6), the Area Executive Director, Outer Eastern Melbourne, and the Regional Finance Manager, North Eastern Victoria Region, Department of Education and Training, are appointed as members of the Council for a period of three months from the date this clause takes effect.
- (3) The Council as constituted in accordance with this clause must identify all trusts (if any) of which it is trustee and must provide the following information on each of the trusts to the Regional Director, North Eastern Victoria Region, Department of Education and Training, within 28 days from the date this clause takes effect:
  - (a) The name of the trust;
  - (b) The purpose of the trust;
  - (c) The amount of monies held in trust as at the date of this Order;
  - (d) The bank account or other investment in which the monies are held in trust;
  - (e) The identity of the person or persons who gave or donated to the trust where possible.
- (4) The Council as constituted in accordance with this clause must, before the expiry of two months from the date this clause takes effect, prepare a schedule setting out the assets, liabilities and obligations of the Council and the manner in which any assets that will remain after the liabilities and obligations of the Council have been satisfied are to be distributed.
- (5) After payment of the Council's liabilities and obligations and subject to the approval of the Regional Director, North Eastern Victoria Region, all assets of the Council must be distributed in accordance with the schedule prepared in accordance with subclause (4).
- (6) The Minister may remove a member of the Council and appoint a person to the Council as constituted in accordance with this clause at any time.
- (7) The quorum for a meeting of the Council held after the date this Order takes effect is two.
- (8) The Council as constituted in accordance with this clause must exercise its powers, duties and functions as if Part 4 of the *Education and Training Reform Regulations 2017* (apart from regulations 31, 39, 45 and 50) does not apply to the Council.
- (9) This clause prevails to the extent of any inconsistency with any provision of the Principal Order.

**17. Dissolution of the Council**

- (1) On the date this clause takes effect, the Dixons Creek Primary School Council is dissolved.
- (2) In Table B in Schedule 1 to the Principal Order, remove the row for the Dixons Creek Primary School Council.

This Order is made 24 February 2022.

THE HON. JAMES MERLINO, MP  
Deputy Premier  
Minister for Education

This page was left blank intentionally

This page was left blank intentionally

# ive

The *Victoria Government Gazette* is published by IVE Group Limited with the authority of the Government Printer for the State of Victoria

© State of Victoria 2022

This publication is copyright. No part may be reproduced by any process except in accordance with the provisions of the Copyright Act.

Address all enquiries to the Government Printer for the State of Victoria  
Level 2, 1 Macarthur Street  
Melbourne 3002  
Victoria Australia

## How To Order



**Retail &  
Mail Sales**

**Victoria Government Gazette**

Ground Floor, Building 8,  
658 Church Street,  
Richmond 3121

DX 106 Melbourne



**Telephone**

(03) 8523 4601

**email**

[gazette@ivegroup.com.au](mailto:gazette@ivegroup.com.au)

**Price Code A**