

# Education Regulations 2000

S.R. No. 111/2000

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STATUTORY RULES 2000

S.R. No. 111/2000

*Education Act 1958*

**Education Regulations 2000**

The Governor in Council makes the following Regulations:

Dated: 8 November 2000

Responsible Minister:

MARY DELAHUNTY  
Minister for Education

HELEN DOYE  
Clerk of the Executive Council

**PART 1—PRELIMINARY**

**1. Objectives**

The objectives of these Regulations are to—

- (a) make further provision for the conduct of schooling in Victoria; and
- (b) provide for other matters authorised by the **Education Act 1958**.

**2. Authorising provisions**

These Regulations are made under sections 15H, 30 and 82 of the **Education Act 1958**.

### 3. Definitions<sup>1</sup>

In these Regulations—

**"approved transport service"** means a transport service approved by the Minister under regulation 5;

**"corporal punishment"** includes any deliberate action undertaken with the intention of causing physical pain or physical discomfort to a student;

**"Department"** means Department of Education, Employment and Training;

**"employee of the Department"**—

(a) means a person employed for 8 hours or more per week in either an on-going capacity or a fixed term of at least 90 days in accordance with one or more of the following—

(i) the **Teaching Service Act 1981**;

(ii) employment by the Department under the **Public Sector Management and Employment Act 1998**;

(iii) employment by the school council of a State school;

(iv) section 5 or 5A of the **Education Act 1958**; and

(b) does not include a person employed under a contract for service or an employee or the contracted personnel of such a person;

**"governing body"** means the person or body (however designated) responsible for the operation of a registered school;

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**"non-government institution"** means a person or body, other than—

- (a) the Crown; or
- (b) an agency within the meaning of the **Public Sector Management and Employment Act 1998**; or
- (c) the holder of a government office; or
- (d) a person or body wholly funded from the Consolidated Fund;

**"principal"** includes a head teacher;

**"parents' club"** means any parents' club or association, however named, formed to promote the welfare of a State school;

**"staff"** means the principal, teachers and ancillary staff of a State school;

**"student"** means pupil;

**"the Act"** means the **Education Act 1958**;

**"welfare club"** means any club or association or any other body however named, other than a parents' club, formed to promote the welfare of a State school.

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**PART 2—ADMISSION OF STUDENTS TO STATE SCHOOLS**

**4. *Admission***

Before or when a child is admitted to a State school, the parent of the child must complete and sign an admission form and provide evidence of the child's date of birth.

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**PART 3—TRANSPORT OF STUDENTS AND TRAVELLING ALLOWANCES**

**5. *Approval of transport services***

The Minister may approve transport services for the conveyance of pupils to State schools and classes.

**6. *Provision of transport services***

The Minister may permit a student to travel on an approved transport service free of charge—

- (a) to the State school nearest to the student's residence, if the student resides 4·8 kilometres or more by the shortest practicable route from that school;
- (b) to a State school established for the purpose of providing instruction for students with disabilities;
- (c) to special classes providing instruction for students with disabilities;
- (d) to another State school if the State school currently attended has been destroyed by fire or is undergoing major building works or other special circumstances exist.

**7. *Transport of registered school students***

- (1) The Minister may, on receipt of a written application made on behalf of the student, permit a student attending a registered school to travel to that school by an approved transport service, other than one established for students with disabilities or students in special classes, if—

- (a) the student resides 4·8 kilometres or more from the school attended; and

- (b) the school attended is—
- (i) the registered school nearest to the student's residence that is appropriate for that student; and
  - (ii) in the case of a post-primary school, is registered to the level of education required for the student.

(2) If circumstances warrant special consideration, the Minister may permit a student attending a registered school, other than a school referred to in sub-regulation (1)(b), to travel to the school by an approved transport service, except one established for students with disabilities or for students in special classes, if—

- (a) the student resides 4·8 kilometres or more from that registered school; and
- (b) accommodation is available on the service and—
  - (i) all students attending the State school nearest to the student's residence are accommodated; and
  - (ii) students who have a longer distance to travel to a registered school are accommodated; and
- (c) no suitable public transport or privately arranged school bus service is available.

#### **8. *Transport of students with disabilities***

The Minister may permit a student with disabilities attending a State or registered school to travel on an approved transport service.

#### **9. *Short distance transport***

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The Minister may permit a student attending a State or registered school and residing less than 4.8 kilometres from the school attended to travel on an approved transport service, other than one established for students with disabilities or students in special classes, if—

- (a) accommodation is available on the service after all students qualified to travel under regulation 7 and 8 have been accommodated; and
- (b) other students who have a longer distance to travel have been accommodated; and
- (c) no suitable public transport is available to the student; and
- (d) there is no additional cost to the Department.

**10. *Transport to a pre-school***

The Minister may permit a student attending a class at a pre-school to travel on an approved transport service if—

- (a) no suitable public transport is available to the student; and
- (b) accommodation is available on the service.

**11. *Transport to an Adult Training Support Service Centre***

The Minister may permit a person to travel by an approved transport service to attend an Adult Training Support Service Centre conducted by the Department of Human Services if—

- (a) the person is approved for travel on the approved transport service by the Secretary; and
  - (b) no suitable public transport is available to the person; and
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(c) accommodation is available on the service.

**12. *Withdrawal of permission***

The Minister may, at any time, withdraw permission for a student or person to travel by an approved transport service if the behaviour of the student or person whilst on the transport service or at a bus stop is unsatisfactory, or if the student is expelled or suspended from school.

**13. *Failure of contractor***

If the contractor of an approved transport service that transports students to a State school fails to operate the approved transport service in accordance with the terms of the contract, the principal of the State school must, upon learning of the failure, immediately report the contractor's failure to the Secretary.

**14. *Granting of conveyance allowance***

If an approved transport service is not available within 4·8 kilometres of a student's home or if, in the Minister's opinion, a student could not reasonably be expected to travel by an approved transport service, the Minister may grant a conveyance allowance in respect of the student.

**15. *Payment to primary school students***

The Minister may grant a conveyance allowance, the amount of which is determined by the Minister, for each day's attendance at school for the conveyance of a student—

- (i) to and from a State primary school, if the student is between the ages of 4 years and 6 months and 15 years and resides 4·8 kilometres or more by the shortest practicable route from that State primary school and is attending that school; or

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- (ii) to and from a registered primary school, if the student is between the ages of 4 years and 6 months and 15 years and resides 4·8 kilometres or more by the shortest practicable route from that registered primary school and is attending that school.

**16. *Payment to post-primary school students***

The Minister may grant a conveyance allowance, the amount of which is determined by the Minister, for each day's attendance at school for the conveyance of a student—

- (i) to and from a State post-primary school, if the student resides 4·8 kilometres or more by the shortest practicable route from that State post-primary school and is attending that school; or
- (ii) to and from a registered post-primary school, if the student resides 4·8 kilometres or more by the shortest practicable route from that registered post-primary school and is attending that school.

**17. *Payment in special circumstances***

The Minister may, if the circumstances warrant special consideration, grant a conveyance allowance for a student attending a State or registered school who—

- (a) is precluded from attending any State primary school within 4·8 kilometres of the student's place of residence because—
    - (i) of the lack of school accommodation; or
    - (ii) the student does not reside within the area within which students must reside
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- in order to be eligible for enrolment at that school; or
- (b) is precluded from attending any registered primary school within 4.8 kilometres of the student's place of residence because—
    - (i) of the lack of school accommodation; or
    - (ii) the student does not reside within the area within which students must reside in order to be eligible for enrolment at that school; or
  - (c) is precluded from attending any appropriate post-primary school within 4.8 kilometres of the student's place of residence because—
    - (i) of the lack of school accommodation; or
    - (ii) the student does not reside within the area within which students must reside in order to be eligible for enrolment at that school; or
    - (iii) in the case of a student undertaking subjects in year 11 or 12 or VCE studies, those studies are not offered at the school; or
  - (d) resides 4.8 kilometres or more from the nearest appropriate post-primary school and attends another school because the transport to the nearest appropriate post-primary school is unsuitable or more costly; or
  - (e) has a disability; or
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- (f) transfers from the junior secondary part to the secondary part of the same registered secondary school, if—
- (i) the junior secondary part of the school is the nearest registered school; and
  - (ii) the student resides 4·8 kilometres or more from the school attended.

**18. *Increased allowance for students with disabilities***

The Minister may grant an increased allowance in respect of the travelling of a student who, because of his or her disability, needs to be accompanied while travelling.

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**PART 4—TIMES OF STATE SCHOOL OPERATIONS**

**19. *School terms***

The Minister must determine the days on which a State school is to be open for attendance by students.

**20. *Temporary closure of schools***

The school council of a State school may, with the approval of the Secretary, temporarily close the school on days on which it would otherwise be required under regulation 19 to be open for—

- (a) a period not exceeding 10 days per calendar year; and
  - (b) any period due to an emergency which involves a risk to the health or safety of students or staff.
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**PART 5—DISCIPLINE IN STATE SCHOOLS**

**21. *Application***

This Part only applies to State schools.

**22. *Restraint from danger***

A member of the staff of a State school may take any reasonable action that is immediately required to restrain a student of the school from acts or behaviour dangerous to the member of staff, the student or any other person.

**23. *Corporal punishment not permitted***

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

**24. *School discipline policy***

- (1) A school council must, having regard to the rights and responsibilities of students, parents and staff, develop a school discipline policy for the students of the school that is consistent with this Part and section 25 of the Act.
- (2) The principal of a State school must ensure that—
  - (a) any periods of detention, additional work or other sanctions that may be imposed on students as part of the school discipline policy, are reasonable; and
  - (b) the policy is brought to the attention of the students, parents, staff, and school council of the State school.

**25. *School discipline***

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- (1) The principal of a State school—
    - (a) is responsible for implementing the school discipline policy and the nature and extent of sanctions imposed in the school under his or her charge; and
    - (b) may require a student to undertake additional work at a reasonable time and place if that is authorised by the school's discipline policy.
  - (2) Without limiting sub-regulation (1), the principal may direct that a student be disciplined for not wearing a school uniform in accordance with the school council's determination on school uniforms.
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**PART 6—SCHOLARSHIPS**

**26. *Scholarships***

- (1) A teaching or other scholarship granted under section 30 of the Act is subject to the following conditions—
- (a) the applicant must enter an agreement with the Minister which must include provisions dealing with the length or term of the scholarship, any payments to be made to the applicant, the obligations which the applicant is required to undertake either during or after the term of the scholarship, whether a police criminal record check or medical check is required, and whether any sureties are required;
  - (b) the scholarship does not take effect unless and until the applicant has been accepted for admission to the course for which the award was made;
  - (c) the holder must attend the course at a post-secondary education institution for which the award was made;
  - (d) the attendance, conduct and progress of the holder must be satisfactory to the Secretary.
- (2) Paragraphs (b) to (d) of sub-regulation (1) do not apply if the scholarship does not require the holder to attend a course.

**27. *Value of scholarship***

The holder of a teaching or other scholarship is entitled to be paid an amount that the Minister determines not exceeding \$30 000 per annum.

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**PART 7—SCHOOL COUNCILS****Division 1—Proceedings****28. *Proceedings of the school council***

- (1) A school council must meet at least twice in each school term unless authorised by the Minister to meet at least once each school term.
  - (2) If the President of a school council is unable to preside at a council meeting, a member of the council, other than an employee of the Department, elected by the council must preside<sup>2</sup>.
  - (3) If a majority of the school council's total membership must comprise persons who are not employees of the Department, the quorum for a school council meeting is constituted if—
    - (a) not less than one half of the maximum number of members that could be appointed to the school council are present; and
    - (b) a majority of the members present are not employees of the Department.
  - (4) If a majority of the school council's total membership need not comprise persons who are not employees of the Department, the quorum for a council meeting is constituted if not less than one half of the maximum number of members that could be appointed to the school council are present.
  - (5) A decision of the majority of those members eligible to vote and present at any meeting of the school council is the decision of the council.
  - (6) The principal is a voting member of the school council.
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- (7) If votes are tied, the presiding member has a second or casting vote.
- (8) If a member of the school council or a member of his or her immediate family has any direct pecuniary interest in a subject or matter under discussion at a council meeting, that member—
- (a) must not be present during the discussion unless invited to do so by the council president; and
  - (b) must not be present when a vote is taken on the matter; and
  - (c) may be included in the quorum for that meeting.
- (9) If a school council is required to have community members appointed to the council, the Principal must—
- (a) as soon as practicable after the declaration of the poll for an election, call, and preside at, the first council meeting for the sole purpose of appointing the community members; and
  - (b) call, and preside at, a second meeting of the members to elect office bearers.
- (10) Despite sub-regulation (3), at the first meeting held for the purposes of sub-regulation (9)(a), a quorum may comprise not less than one half of the members who are, at the time of the meeting, appointed to the Council.
- (11) The first meeting called under sub-regulation (9)(a) may be adjourned to a date decided by the meeting if the purpose of appointing the community members cannot be achieved. If upon resumption of the meeting the appointment of community members cannot be resolved, the council may proceed to the election of office bearers.
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- (12) If a school council is not required to have community members appointed to the council, the Principal must call, and preside at, the first council meeting to elect office bearers.
- (13) In the election of an office bearer for a school council—
  - (a) if the votes are tied, a new election must take place; and
  - (b) if a further tie in the votes occurs, the election may be decided by the drawing of lots.
- (14) An office bearer of a school council may be removed from office (but not from membership of the school council) by resolution of the council if all members are notified of the resolution not less than 7 days before the meeting of the council at which the resolution is to be put.

**29. *Extraordinary meetings***

- (1) An extraordinary meeting of a school council may be held at any time decided by the council, if all members are given reasonable notice of the time, date, place and object of the meeting.
- (2) The President of the council or deputy must convene an extraordinary meeting of the school council if either of them receive a written request to do so from 3 members of the school council. The meeting is to be convened by the President or deputy sending a notice to all council members giving members reasonable notice of the time, date, place and object of the meeting.
- (3) The business of any extraordinary meeting must be confined to the object for which it is convened.

**30. *Public reporting meeting***

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- (1) A school council must call a public meeting at least once in every year and at that meeting must—
  - (a) report the proceedings of the council for the period since the date of the previous public meeting; and
  - (b) present a copy of the audited statement of receipts and expenditure of the council during the year ended on 31 December previous; and
  - (c) present an up-to-date statement of the receipts and expenditure of the council.
- (2) If a statement of receipts and expenditure of the school council is required to be audited in accordance with section 15F(2) of the Act and the statement has not at the time of the public meeting been so audited, the council must present an unaudited statement of receipts and expenditure of the council to the meeting.
- (3) Upon receipt of the audited statement by the council, the council must present a copy of the audited statement at the following public meeting.

**Division 2—Sub-committees and delegations**

**31. *Sub-committees***

A sub-committee formed for the purposes of a delegation under section 15B(1)(f) of the Act must consist of at least 3 members.

**32. *Delegation to sub-committees***

- (1) A school council must obtain the approval of the Minister before delegating under section 15B(1)(f) of the Act any power or duty, other than a power or duty relating to—
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- (a) the use of school grounds or buildings by a voluntary organisation, Government department, municipality, person or body, if the school grounds or buildings are not required for ordinary school purposes or otherwise required by the council; or
  - (b) any school forest plantation under the sole management, control, care or development by the council.
- (2) The terms and conditions of a delegation made by the council must be signed by the President of the council or deputy President and delivered to the sub-committee.
  - (3) A delegation may at any time be revoked or amended by the council in writing as provided in sub-regulation (2).
  - (4) If a sub-committee is authorised under a delegation to do so, it may receive money and issue receipts on behalf of the council while acting in the exercise of a delegation.
  - (5) A sub-committee that receives money in accordance with a delegation must remit the money to the council through the principal as soon as practicable after it is received.
  - (6) A sub-committee must provide a written report about its activities for each regular meeting of the council.
  - (7) A council may ratify any decision made by a sub-committee acting beyond its delegated power if the decision relates to a matter which could have been delegated to the sub-committee under section 15B(1)(f).
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**Division 3—Miscellaneous**

**33. *Executive officer of council***

The Principal must act as the executive officer of the council and ensure that—

- (a) adequate advice is given to the council on educational and other matters; and
- (b) the decisions of the council are implemented; and
- (c) adequate support and resources are provided for the conduct of council meetings.

**34. *Employment***

- (1) A school council must not appoint a person to an ongoing, casual, part-time or fixed term position for a term exceeding 4 consecutive months unless the position has been advertised in a newspaper circulating generally in the district where the school is situated.
- (2) If a person is employed for a term of less than 4 consecutive months, that person may not have the term of employment extended or be re-employed unless the position is advertised in a newspaper circulating generally in the district where the school is situated.

**35. *Accounts***

- (1) A school council must ensure that there are kept, in the form determined by the Secretary, proper accounts and records of the transactions and affairs of the council and any other records necessary to sufficiently explain the financial operations and financial position of the council.
  - (2) The school council must maintain records in a form which will—
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- (a) ensure that all money payable to the council is properly collected; and
  - (b) ensure that all money expended in the council's name is properly expended and properly authorised; and
  - (c) ensure that adequate control is maintained over assets owned by the council or in the council's custody; and
  - (d) ensure that all liabilities incurred in the council's name are properly authorised; and
  - (e) ensure efficiency and economy of operations and avoidance of waste and extravagance; and
  - (f) develop and maintain an adequate budgeting and accounting system; and
  - (g) develop and maintain an adequate internal audit system.
- (3) All cheques and negotiable instruments drawn on any account kept under the control of a school council must be signed by the principal and the President or an office bearer nominated by the council for the purpose.
- (4) All withdrawals or transfers out of any account kept under the control of the council, which are made by any means other than a cheque or negotiable instrument (whether electronic or otherwise) must be authorised in writing by the principal and the President or an office bearer nominated by the council for the purpose.
- (5) A school council may from time to time pay into accounts kept under the control of the principal for the purpose such funds as are necessary for the day to day running of the school.
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- (6) The principal must make available for inspection by any person interested in the work of the school a copy of the audited statement of the receipts and expenditure of the council for the most recent year ending on 31 December.

**36. Common Seal**

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

**37. Records**

- (1) A school council must keep all records of the school council in the school premises, unless otherwise approved by the council for the purpose of preparing or auditing books of account or records.
- (2) The school council must make the records available at any time to the Minister or to any person authorised by the Minister in that behalf and allow those records to be removed from the school premises by any such person.
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**PART 8—PARENT CLUBS AND WELFARE CLUBS AT STATE SCHOOLS****38. Formation**

- (1) On receiving a written request signed by at least 6 parents of students at a State school, the principal of that school must convene a meeting for the purpose of forming a parent club or welfare club.
- (2) The principal must take reasonable steps to circulate a notice informing the school community of the meeting at least 14 days prior to the meeting.
- (3) Any members of the school community may attend the meeting.

**39. Interim Committee**

If the meeting agrees to form a parent club or welfare club, the persons present must appoint an interim committee to—

- (a) develop a constitution for the club; and
- (b) seek the approval of the Minister for the formation of the club under the terms of that constitution; and
- (c) conduct any meetings that are necessary for the purposes of paragraph (a) or (b).

**40. Funds**

- (1) A parent club or welfare club must ensure that the raising of funds and the expenditure of funds raised—
    - (a) is made with the approval of the school council; and
    - (b) complies with Part 9.
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- (2) The parent club or welfare club must maintain a bank account, or arrange for the school council to maintain records in accordance with sub-regulation (3) for—
- (a) the administrative functions of the club; and
  - (b) the raising of funds for the benefit of the school.
- (3) The bank account or records may be—
- (a) separately identified records within the school council's bank account; or
  - (b) a bank account in the name of the parent club or welfare club, in which case the club must supply a monthly bank statement (showing debits, credits and outstanding balance) to the school council.

**41. *Dissolution***

A parent club or welfare club may not be dissolved unless—

- (a) all reasonable steps have been taken to circulate a notice of dissolution generally throughout the school community; and
- (b) a meeting to discuss the notice of dissolution is held not less than 14 days after the circulation of that notice; and
- (c) at least two-thirds of those present at that meeting agree to the dissolution.

**42. *Dissolution procedures***

A meeting held under regulation 41 at which the motion to dissolve a parent club or welfare club is agreed must—

- (a) report the dissolution in writing to the school council; and

- (b) transfer all remaining funds, after the proper payment of outstanding liabilities, to the school council; and
  - (c) transfer all property and other assets to the control of the school council; and
  - (d) report the dissolution to the Minister and advise him or her of the completion of actions required by paragraphs (a), (b) and (c).
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**PART 9—EFFORTS FOR SCHOOL FUNDS**

**43. *Fund raising***

- (1) Members of the school community may undertake money raising activities, having as their object the establishment or augmentation of school funds or funds for a particular school purpose, if the agreement of the school council is first obtained.
- (2) No money raising activities may be rejected by the school council until it has considered a recommendation by a committee consisting of the President of the school council or the president's nominee, who must be chairperson, one other representative of the school council elected for the purpose by the school council, 2 representatives of the group or body proposing the money raising activity, and the principal.

**44. *Monies held in trust***

- (1) All funds raised for a school by money raising activities must be held in trust by the school council or the parent club or welfare club.
  - (2) Funds held by the parent club or welfare club must be expended in the manner determined by the school council, after discussion with the club, as being the most desirable in the interests of the school.
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**PART 10—EDUCATION ALLOWANCE****45. *Education maintenance allowance***

(1) If—

- (a) a person is under 16 years of age and attends a State school or registered school; and
- (b) the person's parent, on the first day of the term in which the allowance is granted, is an eligible beneficiary within the meaning of the **State Concessions Act 1986**—

the parent may apply to the Minister for an education maintenance allowance for the person.

(2) If—

- (a) a person is under 16 years of age and attends a State school or registered school; and
- (b) a non-government institution maintains, or has custody of, the person—

the non-government institution may apply to the Minister for an education maintenance allowance for the person.

(3) The Minister may permit a parent to apply for an education maintenance allowance for a person, even though the parent does not comply with sub-regulation (1)(b), if—

- (a) sub-regulation (1)(a) is complied with; and
- (b) the Minister is satisfied that there are special circumstances which justify the application.

(4) An application for an education maintenance allowance—

- (a) must be in writing; and
  - (b) may be made twice only in respect of the same person in any one year; and
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- (c) must be made—
- (i) in the case of the first amount, within one month after the commencement of the first term; and
  - (ii) in the case of the second amount, within one month after the commencement of the third term.
- (5) The Minister may accept a late application in special circumstances.
- (6) On application in accordance with this regulation, and on the recommendation of the Secretary, the Minister may grant an education maintenance allowance.
- (7) The Secretary may for the purposes of sub-regulation (6), recommend that an education maintenance allowance in respect of a person be paid—
- (a) wholly to the applicant; or
  - (b) wholly to the school the person attends; or
  - (c) in the proportions that are determined by the Secretary, partly to the applicant and partly to the school the person attends.
- (8) If the Secretary recommends that the whole or part of an education maintenance allowance is payable to the school, the whole of the part of the allowance must be used for the direct benefit of the person.
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**ENDNOTES**

<sup>1</sup> Reg. 3: "**Secretary**" has the same meaning as in the **Education Act 1958**, that is, the Secretary to the Department of Education, Employment and Training.

<sup>2</sup> Reg. 28(2): Ministerial orders made under section 13 of the **Education Act 1958** constituting school councils provide that an employee of the Department is not eligible to serve as a president of a school council.