# Children's Services and Education Legislation Amendment (Anaphylaxis Management) Act 2008

No. 3 of 2008

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Children's Services and Education Legislation Amendment (Anaphylaxis Management) Act 2008

No. 3 of 2008

[Assented to 4 March 2008]

The Parliament of Victoria enacts:

PART 1—PRELIMINARY

1 Purposes

The main purposes of this Act are—

(a) to amend the Children's Services Act 1996—
(i) to require a proprietor of a children's service to have in place an anaphylaxis management policy; and

(ii) to enable regulations to be made to prescribe the matters to be included in an anaphylaxis management policy and requirements for anaphylaxis management; and

(b) to amend the Education and Training Reform Act 2006—

(i) to require certain schools to have an anaphylaxis management policy as a minimum standard for registration; and

(ii) to enable the Minister to make Orders setting out the matters required to be included in an anaphylaxis management policy.

2 Commencement

(1) Subject to subsection (2), this Act comes into operation on a day or days to be proclaimed.

(2) If a provision of this Act does not come into operation before 14 July 2008, it comes into operation on that day.
PART 2—AMENDMENTS TO CHILDREN'S SERVICES ACT 1996

3 New section 26A inserted

After section 26 of the Children's Services Act 1996 insert—

"26A Children's service to have anaphylaxis management policy

The proprietor of a children's service must ensure that the service has in place an anaphylaxis management policy containing the prescribed matters.

Penalty: 30 penalty units."

4 Regulations

After section 56(1)(f) of the Children's Services Act 1996 insert—

"(fa) requirements about anaphylaxis management including—

(i) matters (including plans and procedures) to be included in an anaphylaxis management policy; and

(ii) the development, implementation, maintenance and availability of an anaphylaxis management policy, including the plans and procedures required to be included in a policy; and

(iii) the training of staff; and

(iv) the storage and availability of anaphylaxis medication;".
PART 3—AMENDMENTS TO EDUCATION AND TRAINING REFORM ACT 2006

5 Requirements for registration

(1) In section 4.3.1(6)(b) of the Education and Training Reform Act 2006—

(a) for "prescribed minimum standards for registration" substitute "minimum standards for registration prescribed by the regulations"; and

(b) for "performance." substitute "performance; and".

(2) After section 4.3.1(6)(b) of the Education and Training Reform Act 2006 insert—

"(c) 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.".

(3) After section 4.3.1(7) of the Education and Training Reform Act 2006 insert—

"(8) In this Act the prescribed minimum standards for registration of schools are the matters required by subsections (6)(a) to (6)(c).".

6 Reference to prescribed standards

In section 5.8.3(3)(f) of the Education and Training Reform Act 2006, for "prescribed standards" substitute "prescribed minimum standards".
7 Amendment to Schedule 5

In item 9.2 of Schedule 5 to the Education and Training Reform Act 2006, for "prescribed minimum standards made under section 4.3.1(6)" substitute "minimum standards prescribed under section 4.3.1(6)(b)".

8 Amendment to Schedule 6

After item 10 of Schedule 6 to the Education and Training Reform Act 2006, insert—

"11 Anaphylaxis management policy

The matters to be included in an anaphylaxis management policy, including—

(a) plans and procedures for anaphylaxis management; and

(b) the training of relevant staff.".
PART 4—REPEAL OF AMENDING ACT

9 Repeal of amending Act

This Act is repealed on 14 July 2009.
ENDNOTES

† Minister's second reading speech—
Legislative Assembly: 1 November 2007
Legislative Council: 6 December 2007

The long title for the Bill for this Act was "A Bill for an Act to amend the Children's Services Act 1996 to require the proprietor of a children's service to have an anaphylaxis management policy and to amend the Education and Training Reform Act 2006 to require certain schools to have an anaphylaxis management policy and for other purposes."