

LEGISLATIVE COUNCIL

TEACHING SERVICE (CONDUCT AND PERFORMANCE) BILL

(Amendments and New Clauses to be proposed in Committee by the Honourable Theo THEOPHANOUS)

1. Clause 1, line 1, omit "**Purpose**" and insert "**Purposes**".
2. Clause 1, lines 2 and 3, omit all words and expressions on these lines and insert—  
"The purposes of this Act are—  
(a) to amend the **Teaching Service Act 1981**—".
3. Clause 1, line 4, omit "(a)" and insert "(i)".
4. Clause 1, page 2, line 1, omit "(b)" and insert "(ii)".
5. Clause 1, page 2, line 3, omit "(c)" and insert "(iii)".
6. Clause 1, page 2, line 3, omit "amendments." and insert "amendments; and".
7. Clause 1, page 2, after line 3 insert—  
"(b) to amend the **Victorian Institute of Teaching Act 2001** and the **Education Act 1958** to enable criminal record checks to be obtained without consent."
8. Clause 2, line 5, before "This" insert "(1)".
9. Clause 2, line 5, after "Act" insert ", except sections 11 and 12,".
10. Clause 2, after line 5 insert—  
"(2) Sections 11 and 12 come into operation on the day after the day on which this Act receives the Royal Assent."

NEW CLAUSES

11. Insert the following New Clauses to follow clause 10—  
**'AA. New sections 18A and 18B inserted in Victorian Institute of Teaching Act 2001**  
After section 18 of the **Victorian Institute of Teaching Act 2001**  
**insert—**  
**"18A. Criminal record checks**  
(1) The chief executive officer of the Institute may, at any time, request the Chief Commissioner of Police to give to the chief executive officer information concerning the criminal record, if any, of a

registered teacher and, for that purpose, may disclose to the Chief Commissioner the information concerning the registered teacher that is necessary to conduct the criminal record check.

- (2) The chief executive officer may make a request under sub-section (1) without the consent of the registered teacher named in the request but must give notice of the request to that teacher.
- (3) The Chief Commissioner of Police must, not more than 14 days after receiving a request under sub-section (1), enquire into and report to the chief executive officer on the criminal record, if any, of the registered teacher named in the request.

**18B. Employer to disclose whether criminal record check conducted**

On request by the chief executive officer of the Institute, the employer of a registered teacher must disclose to the chief executive officer whether to the knowledge of the employer the registered teacher has undergone a criminal record check at any time."

**BB. New Division 2 inserted in Part I of the Education Act 1958**

After Division 1 of Part I of the **Education Act 1958** insert—

**'Division 2—Criminal Record Checks**

**9. Secretary may request criminal record check**

(1) In this section—

"**relevant person**" means—

- (a) a person employed by the Secretary under section 5 or 5A or under the **Public Sector Management and Employment Act 1998** or the **Teaching Service Act 1981**; or
  - (b) a person employed by a school council under section 15B or 15ZK.
- (2) The Secretary may, at any time, request the Chief Commissioner of Police to give to the Secretary information concerning the criminal record, if any, of a relevant person who performs some or all of their duties in a State school and, for that purpose, may disclose to the Chief Commissioner the information concerning the relevant person that is necessary to conduct the criminal record check.
  - (3) If a request relates to a relevant person employed by a school council, the school council may disclose to the Secretary the information concerning the relevant person that is necessary to conduct the criminal record check.
  - (4) The Secretary may make a request under sub-section (2) without the consent of the relevant person named in the request but must give notice of the request to that person.

- (5) The Chief Commissioner of Police must, not more than 14 days after receiving a request under sub-section (2), enquire into and report to the Secretary on the criminal record, if any, of the relevant person named in the request.
- (6) If the report relates to a relevant person employed by a school council, the Secretary may give a copy of the report to the school council.'.

#### AMENDMENT OF LONG TITLE

- 12. Long title, after "1981" insert ", the **Victorian Institute of Teaching Act 2001** and the **Education Act 1958**".