

*Education and Training Reform Bill  
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**SCHEDULES**

**SCHEDULE 1**

Sections 1.1.3, 3.2.10(1)

**AUTONOMOUS COLLEGES**

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**SCHEDULE 2**

Sections 1.1.3, 3.1.11(1)

**TAFE INSTITUTES**

Box Hill Institute of Technical and Further Education  
Central Gippsland Institute of Technical and Further Education  
Chisholm Institute of Technical and Further Education  
East Gippsland Institute of Technical and Further Education  
Gordon Institute of Technical and Further Education  
Goulburn Ovens Institute of Technical and Further Education  
Holmesglen Institute of Technical and Further Education  
Kangan Batman Institute of Technical and Further Education  
Bendigo Regional Institute of Technical and Further Education  
Northern Melbourne Institute of Technical and Further Education  
Southwest Institute of Technical and Further Education  
Sunraysia Institute of Technical and Further Education  
William Angliss Institute of Technical and Further Education  
Wodonga Institute of Technical and Further Education

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**SCHEDULE 3**

Sections 1.1.5(2)(b), 1.2.2(2)(b),  
2.2.4(1), 2.2.7(3)

**LEARNING AREAS SUBJECT TO FREE INSTRUCTION**

The Arts  
English  
Health and Physical Education (including Sport)  
Languages other than English  
Mathematics  
Science  
Studies of Society and Environment  
Technology.

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**SCHEDULE 4**

Sections 2.4.49, 2.4.77

*I A. B. swear by almighty God that as a member of a \*Merit Protection Board/\*Disciplinary Appeals Board in the State of Victoria I will at all times and in all things discharge the duties of my office according to law and to the best of my knowledge and ability without fear favour or affection.*

\*Delete as appropriate

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**SCHEDULE 5**

Section 3.3.28

**ADULT EDUCATION INSTITUTIONS**

Adult Multicultural Education Services  
Centre for Adult Education.

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**SCHEDULE 6**

Section 3.1.25

**EMPLOYMENT OF STAFF**

**PART 1—GENERAL**

**1. Superannuation**

- (1) A person who, immediately before being employed by a TAFE college council or a TAFE institute board or being employed in the TAFE division of a university with a TAFE division was a contributor to or member of a superannuation fund or arrangement established by the **State Superannuation Act 1988** continues, subject to that Act, to be a contributor to or member of that fund or arrangement for so long as he or she is employed by the TAFE institute board or employed in the TAFE division of one of those universities.
- (2) The terms and conditions of a superannuation fund or arrangement to which a person continues to contribute or of which he or she continues to be a member by virtue of sub-clause (1) apply to that person, for so long as he or she is employed by a TAFE institute board or employed in a TAFE division of a university with a TAFE division as if there had been no change of employer.

**PART 2—EXECUTIVE OFFICERS**

**2. Contracts for executive officers**

The employment of an executive officer shall be governed by a contract of employment between the officer and his or her employer.

**3. Contracts to be in writing**

- (1) The contract must be in writing and be signed by or on behalf of the employer and the officer.
- (2) The parties to a contract must not include a right of return to the public sector in that contract.

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**4. Superannuation**

The **Superannuation (Public Sector) Act 1992** applies to an executive officer who is a member of a statutory superannuation scheme within the meaning of Part 2 of that Act as if—

- (a) any reference to Part 3, Division 5 of the **Public Administration Act 2004** were a reference to this Schedule;
  - (b) any reference to an employer were a reference to—
    - (i) in the case of staff of a TAFE institute, the board of the institute; and
    - (ii) in the case of staff of the TAFE division of a university, the council of that university.
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**SCHEDULE 7**

Sections 5.5.4, 5.5.5

**STATE TRAINING AND EMPLOYMENT PROVISIONS**

**1. Definitions**

In this Schedule—

**"approved training"** means training undertaken (both on or off the job) under an approved training scheme;

**"training contract"** means a training contract entered into under an approved training scheme.

**2. Application**

The Commission may, by notice published in the Government Gazette, declare any class of training contract to be a class of training contract to which this Schedule does not apply.

**3. Objective**

The objective of this Schedule is to assist in the establishment of a system of apprenticeships which provides approved training in conjunction with employment in order to enhance the skill levels and future employment prospects of apprentices, particularly young people and the long term unemployed. The system is neither designed nor intended for those who are already trained and job ready. It is not intended that existing employees shall be displaced from employment by apprentices.

**4. Training conditions**

- (1) The employer must during the duration of the training contract provide a level of supervision that is in accordance with that agreement and the approved training scheme.
- (2) Training must be directed at enabling the apprentice to attain the standards of skill and knowledge required by the approved training scheme to be attained by persons undertaking the scheme.

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**5. Employment conditions**

- (1) An employer must not terminate the employment of an apprentice without having provided written notice of termination in accordance with the training contract—
  - (a) to the apprentice, before the termination; and
  - (b) to the Commission, within 5 working days after the termination.
- (2) An employer who decides not to continue the employment of an apprentice on the completion of the approved training scheme must notify the Commission in writing of that decision.
- (3) If the employment of an apprentice is continued after the completion of the approved training scheme, that period of training must be regarded as service with the employer for the purposes of any provision made by or under any Act conferring entitlements on an employee having regard to his or her period of service.
- (4) A training contract may restrict the circumstances under which an apprentice may work overtime or shiftwork in order to ensure that the approved training scheme is satisfactorily completed.
- (5) An apprentice must not work shiftwork unless the apprentice and the employer have agreed that satisfactory provision is made for approved training under the relevant approved training scheme. Training for shiftwork employees may be applied over a cycle in excess of a week but must average over the relevant period no less than the amount of training required for non-shiftwork apprentices.
- (6) An apprentice who fails to complete the approved training scheme or who cannot for any reason be placed in full-time employment with the employer on satisfactory completion of the approved training scheme is not entitled to any severance payment payable under any termination, change and redundancy provisions or any similar provisions.

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**6. Wages**

- (1) The weekly wages payable to apprentices shall be as provided by the National Training Wage Interim Award 1994 made by the Australian Industrial Relations Commission as varied from time to time.
  - (2) For the purposes of applying sub-clause (1) the appropriate industry or skill level in relation to an apprentice is as specified in the relevant determination made by the Commission under section 5.5.2(1).
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**SCHEDULE 8**

Section 5.10.1(2)

**REGULATIONS**

**1. Government schools**

- 1.1 The admission to Government schools.
- 1.2 Safeguarding health and maintaining order and discipline in Government schools.
- 1.3 The conveyance of pupils to Government schools and classes and the arrangement or approval of transport services for that purpose and the conditions under which pupils attending non-Government schools may be conveyed by a transport service.
- 1.4 The granting of allowances in respect of students travelling to schools and classes.
- 1.5 The granting of educational allowances and allowances for maintenance in respect of pupils attending Government and non-Government schools and classes or holding scholarships under this Act.
- 1.6 Fees to be paid by students attending Government schools and the conditions under which exemptions from payment of fees may be granted.
- 1.7 The management, control, care and development of forest plantations established on Government school land.

**2. Age requirements for attending Government schools**

- 2.1 Age requirements for persons to enrol at or attend a Government school.
- 2.2 Age requirements for persons to enrol in, attend or participate in any program or course of study offered, conducted or provided by a Government school.
- 2.3 Age requirements for persons to continue to be so enrolled or so attend or participate.

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- 2.4 Prohibiting or regulating that enrolment or attendance at a Government school or participation in any program or course of study offered, conducted or provided by a Government school or the continuation of that enrolment, attendance or participation on the basis of those age requirements.

**3. School councils**

- 3.1 Prescribing the manner in which any election or appointment of a person to be a member of a council is to be made if the Order constituting the council requires the election or appointment to be made in accordance with the regulations.
- 3.2 Prescribing the manner in which meetings of councils are to be called and conducted, and minutes of the business conducted at those meetings are recorded.
- 3.3 Regulating the raising, control and disbursing of money for school purposes by school councils and the keeping of accounts by school councils.
- 3.4 Regulating the employment of staff and the entering into of contracts by school councils.
- 3.5 The constitution, duties or powers of any parents' club or association or other body organised to promote the wellbeing of a Government school.
- 3.6 Regulating the raising, control and disbursing of money for Government school purposes by any club, association or body organised to promote the wellbeing of a Government school and the keeping of accounts by the club, association or body.
- 3.7 Conferring or imposing upon school councils any powers, duties or functions in addition to those conferred or imposed by or under this Act or a Ministerial Order.
- 3.8 Regulating the exercise of the powers and the discharge of the duties or functions of school councils.
- 3.9 Regulating—
- (a) the formation and the activities of sub-committees of school councils;
  - (b) delegations and the exercise of delegated powers and performing of delegated duties by sub-committees; and

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(c) the ratification of acts of sub-committees by a school council if the acts are within the powers, duties or functions conferred or imposed on the school council by or under this Act, the regulations or a Ministerial Order.

3.10 The accountability of the school council to the Minister in respect of the performance by the council of its functions including but not limited to the means by which accountability is to be achieved or enforced generally or in relation to specified matters.

**4. Teaching service**

- 4.1 The organisation, management or discipline of the teaching service.
- 4.2 Records to be kept or published.
- 4.3 Appeals and reviews under Part 2.4.
- 4.4 The procedures to be followed by a Merit Protection Board or a Disciplinary Appeals Board in disposing of appeals or reviews.

**5. Registration of teachers in schools**

- 5.1 The registration and renewal of registration or permission to teach of teachers in schools in Victoria.
- 5.2 Certificates of registration for teachers who are registered to, or have permission to, teach in schools in Victoria.
- 5.3 The register of teachers who are registered to, or have permission to, teach in schools in Victoria.

**6. Scholarships**

- 6.1 The conditions under which scholarships may be granted.
- 6.2 The privileges and allowances that may be granted in respect of any scholarships or class of scholarships.
- 6.3 Authorising the Minister to enter into agreements with persons to whom scholarships are granted and with sureties for those persons.
- 6.4 Prescribing forms for use in respect of those agreements.
- 6.5 Generally any matter in connection with applications for and the granting of scholarships.

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**7. General**

- 7.1 Forms for the purposes of this Act.
- 7.2 Prescribing fees.
- 7.3 Penalties not exceeding in any case 10 penalty units for any contravention of the regulations.

**8. Principles**

- 8.1 The obligations of education providers to implement the principles in section 1.2.1(a), (c), (e) and (f).
  - 8.2 The inclusion of the principles in section 1.2.1(a), (c), (e) and (f) as part of the prescribed minimum standards made under section 4.3.1(6).
  - 8.3 The role of the Authority in investigating any complaints from the public alleging any breach of the obligations to implement the principles in section 1.2.1(a), (c), (e) and (f).
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**SCHEDULE 9**

Section 5.10.3(2)

**MINISTERIAL ORDERS**

**1. Work experience arrangements**

**2. Structured workplace learning**

**3. Fees payable under this Act**

**4. Discipline in Government schools**

- 4.1 The suspension or expulsion of students from Government schools.
- 4.2 The grounds on which a student may be suspended or expelled.
- 4.3 The procedures to be followed before a student may be suspended or expelled.
- 4.4 The period for which a student may be suspended.
- 4.5 The grounds on which a student may appeal to the Secretary against his or her expulsion and the procedures to be followed on such an appeal.
- 4.6 The means by which a student expelled from a Government school is to be given an opportunity to continue his or her education while of school age.
- 4.7 The circumstances in which the Secretary may prohibit a student expelled from a Government school from attending any other Government school.

**5. Councils of Government schools**

- 5.1 Constitution of school councils.

**6. School plans**

- 6.1 The period within which a school plan must be submitted to the Secretary for approval.
- 6.2 The matters which must be contained in a school plan.
- 6.3 The role of the Secretary in assisting with the preparation and implementation of a school plan.
- 6.4 The period for which a school plan is to remain in force.

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- 6.5 The manner in which a school plan may be amended or terminated.
- 6.6 The procedure for reviewing a school plan.
- 6.7 The consequences of non-compliance with a school plan.

**7. Annual reports of school councils**

- 7.1 Details of the implementation by the council of the school plan.
- 7.2 School performance data.
- 7.3 Details of any contracts, agreements or arrangements entered into by the council.
- 7.4 Details of programs offered for overseas students.

**8. Employment in the teaching service**

- 8.1 Specifying ranges of remuneration packages for members of the Principal Class or members of a class of members of the Principal Class.
- 8.2 Authorising payments to employees appointed as Government representatives on bodies established for the purposes of this Act.
- 8.3 Specifying the qualifications of experience necessary for employment, promotion or transfer to any position or class or grade of position.
- 8.4 Declaring any position or class of position in the teaching service to be a position in the Principal Class.
- 8.5 Specifying or providing for ranges of remuneration packages for members of the Principal Class or classes of members of the Principal Class.
- 8.6 Providing for long service leave and sick leave entitlements of persons employed in special developmental schools to be calculated having regard to employment at a day training centre that was registered under the **Mental Health Act 1959**.

**9. TAFE teaching staff**

Declaring a position or class of positions on the staff of a TAFE institute or the TAFE division of a university with a TAFE division to be part of the management staff of the TAFE institute or TAFE division.

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**10. Training agents**

Appointing any person or body to be an approved training agent for the purposes of this Act.

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**SCHEDULE 10**

Sections 2.5.8, 2.6.61, 3.1.8(1), 3.1.17,  
3.3.11, 3.3.39 and 4.2.5

**GENERAL PROVISIONS FOR AUTHORITIES**

**1. Definitions**

In this Schedule—

**"authority"** means any of the following bodies—

- (a) the Victorian Curriculum and Assessment Authority;
- (b) the Council of the Victorian Institute of Teaching;
- (c) the Victorian Registration and Qualifications Authority;
- (d) the Adult, Community and Further Education Board;
- (e) the governing board of an adult education institution;
- (f) the Victorian Skills Commission;
- (g) the board of a TAFE institute;

**"member"** means a member of an authority.

**2. Terms and conditions of appointment of members**

- (1) An appointed member holds office for the term, not exceeding 3 years, that is specified in the instrument of appointment, and is eligible for re-appointment.
- (2) An elected member holds office for 3 years and is eligible to stand for re-election except as provided in any Order establishing an authority.
- (3) The office of an appointed member becomes vacant if—
  - (a) the member becomes bankrupt; or
  - (b) the member is found guilty of an offence which is, or which would if committed in Victoria be, an indictable offence; or

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- (c) the member is absent from 3 consecutive meetings of the Authority without the leave of the chairperson, or in the case of the chairperson without the Minister's leave.
- (4) A member must in the exercise of his or her functions—
  - (a) act honestly; and
  - (b) exercise reasonable care and diligence; and
  - (c) not make improper use of any information acquired as a member of the authority; and
  - (d) disclose to the authority any conflict of interest or duties except those arising directly out of the person's qualification for membership of the authority.
- (5) A member is appointed subject to any other terms and conditions that are specified in the instrument of appointment and that are not inconsistent with this Act.

**3. Payment of members**

- (1) An appointed member or acting member of an authority, other than a member who holds a full-time Government office, or a full-time position in the public service, teaching service or with a statutory authority is entitled to receive the remuneration and fees that are fixed in the member's instrument of appointment or are fixed from time to time by the Governor in Council for that member.
- (2) Each member or acting member of an authority is entitled to receive the personal and travelling expenses that are fixed in the member's instrument of appointment or are fixed from time to time by the Governor in Council.
- (3) Despite sub-clauses (1) and (2), a director of a TAFE institute is to be paid the remuneration, fees and allowances that are fixed from time to time by the council of the TAFE institute.

**4. Acting appointments**

- (1) The Minister may appoint a person to act in the place of a member who is absent or who is, for any other reason, unable to perform the duties of the office.
  - (2) If there is a vacancy in the office of a member of the Adult, Community and Further Education Board, the Victorian Registration and Qualifications Authority or the Victorian Skills Commission, the Minister may appoint a person to act in the place of that member until the vacancy is filled.
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- (3) A person appointed under sub-clause (1) or (2)—
  - (a) has all the powers and may perform all the duties of the member for whom he or she is acting;
  - (b) is entitled to the remuneration and allowances (if any) to which the member for whom he or she is acting would have been entitled for performing those duties;
  - (c) subject to this clause, is subject to the same terms and conditions of appointment as the member for whom he or she is acting.
- (4) This clause does not apply to the Victorian Institute of Teaching.

**5. Meetings of authority**

- (1) Meetings of the authority are to be held at the times and places determined by the authority or directed by the chairperson of the authority.
- (2) The chairperson must preside at any meeting of the authority at which he or she is present.
- (3) If the chairperson and any person nominated by the chairperson to act in the chairperson's absence is absent, a member elected by the members present must preside.
- (4) A majority of the members in office at the time constitutes a quorum for a meeting of the authority.
- (5) A question arising at a meeting of the authority must be determined by a majority of votes of the members present and voting on that question and, if the votes are equal, the person presiding has a casting vote as well as a deliberative vote.
- (6) Meetings of the authority are to be held at the times and places determined by the authority or as directed by the Chairperson.
- (7) The authority must keep a record of the decisions and full and accurate minutes of its meetings.
- (8) Subject to this Act, the authority may regulate its own meeting procedure.

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**6. Member's interests**

- (1) A member who has a pecuniary or other interest in any matter in which the authority is concerned must—
  - (a) if the member is present at a meeting of the authority at which the matter is to be considered, disclose the nature of the interest immediately before the consideration of that matter; or
  - (b) if the member is aware that the matter is to be considered at a meeting of the authority at which the member does not intend to be present, disclose the nature of the interest to the chairperson or deputy chairperson of the authority before the meeting is held.
- (2) The member—
  - (a) may take part in the discussion in the meeting; and
  - (b) must leave the meeting while any vote is taken on a question relating to the matter.

**7. Resolutions without meetings**

- (1) If—
    - (a) the authority has taken reasonable steps to give notice to each member setting out the terms of a proposed resolution; and
    - (b) a majority of the members for the time being sign a document containing a statement that they are in favour of the resolution in the terms set out in the document—

a resolution in those terms is deemed to have been passed at a meeting of the authority held on the day on which the document is signed or, if the members referred to in paragraph (b) do not sign it on the same day, on the day on which the last of those members signs the document.
  - (2) If a resolution is, under sub-clause (1), deemed to have been passed at a meeting of the authority, each member must as soon as practicable be advised of the matter and given a copy of the resolution.
  - (3) For the purposes of sub-clause (1), 2 or more separate documents containing a statement in identical terms, each of which is signed by one or more members, are deemed to constitute one document.
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- (4) The majority of members referred to in sub-clause (1)(b) must not include a member who, because of clause 6, is not entitled to vote on the resolution.

**8. Approved methods of communication for authority**

- (1) If not less than two-thirds of the members of the authority for the time being holding office so agree, a meeting of the authority may be held by means of a method of communication, or by means of a combination of methods of communication, approved by the chairperson of the authority for the purposes of that meeting.
- (2) For the purposes of this Act, a member of the authority who participates in a meeting held as permitted by sub-clause (1) is present at the meeting even if he or she is not physically present at the same place as another member participating in the meeting.
- (3) This section—
- (a) applies to a meeting or a part of a meeting;
  - (b) does not apply to a meeting conducted for the purposes of any disciplinary proceedings.

**9. Chief Executive's responsibilities**

- (1) A chief executive officer of the authority (by whatever name called) employed for the purposes of this Act is responsible to the authority for policy and operational matters and to the Secretary for budgetary, personnel and other administrative matters.
- (2) This clause does not apply to the governing board of an adult education institution, the Victorian Skills Commission or the board of a TAFE institute.

**10. Establishment of committees**

- (1) An authority may, to facilitate its functioning, establish any committee and appoint members to it including any person who is not a member of the Authority.
- (2) A committee may exercise any power or perform any function delegated to it by the authority.

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**11. Delegation of Authority's power**

The authority may, by instrument under its common seal, delegate to the members of a committee established by the authority, a member of the Authority, the chief executive officer of the authority, or to any other person employed in the Department or by the Authority in the administration or execution of this Act any power of the authority, other than this power of delegation.

**12. Effect of vacancy or defect**

An act or decision of an authority is not invalid only because—

- (a) of a vacancy in its membership; or
- (b) of a defect or irregularity in the appointment or election of any of its members; or
- (c) in the case of a presiding or acting member, the occasion for that person so presiding or acting had not arisen or had ceased.

**13. Authority Funds**

- (1) An authority continued in operation under this Act must continue to maintain any fund established in the name of the authority.
- (2) There must be paid into the fund—
  - (a) any investment income received by the authority; and
  - (b) the proceeds of the sale of any investment made by the authority; and
  - (c) any fees or other money received by the authority.
- (3) There must be paid out of the fund any payment that is authorised by the authority to be made out of the fund for or towards the costs and expenses of the exercise of powers or performance of functions by the authority.

**14. Investment powers**

An authority has any of the investment powers that are conferred on it by the **Borrowing and Investment Powers Act 1987**.

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**SCHEDULE 11**

Section 6.1.2

**CONSEQUENTIAL AMENDMENTS TO OTHER ACTS**

**1. Accident Compensation Act 1985**

1.1 In section 5(1)—

- (a) in the definition of "apprentice", for "**Vocational Education and Training Act 1990**" substitute "**Education and Training Reform Act 2006**";
- (b) for paragraph (j) of the definition of "remuneration" substitute—
  - "(j) remuneration paid or payable to an apprentice under a training contract made in accordance with a training scheme that is approved by the Victorian Skills Commission under Part 5.5 of the **Education and Training Reform Act 2006** if the apprentice or training scheme is, or is in a class of apprentices or training schemes, declared by the Minister to be an apprentice or training scheme to which this paragraph applies;"
- (c) in the definition of "worker", for paragraphs (d) and (e) substitute—
  - "(d) if a student at a school within the meaning of Part 5.4 of the **Education and Training Reform Act 2006** is employed under an arrangement under that Part—that student whilst so employed; or
  - (e) if a student of a TAFE provider is employed under a practical placement agreement under Part 5.4 of the **Education and Training Reform Act 2006**—that student whilst so employed—".

1.2 In section 155A(4), for "pupil at a school within the meaning of Part IVA of the **Education Act 1958**" substitute "student at a school within the meaning of Part 5.4 of the **Education and Training Reform Act 2006**".

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**2. Building Act 1993**

- 2.1 In section 221B(1), in the definition of "plumbing apprentice", for "**Vocational Education and Training Act 1990**" substitute "**Education and Training Reform Act 2006**".
- 2.2 In section 221ZZXB(1)(f), for "**Vocational Education and Training Act 1990**" substitute "**Education and Training Reform Act 2006**".

**3. Casino Control Act 1991**

In section 92 for "Part 5 of the **Vocational Education and Training Act 1990**" substitute "Part 5.5 of the **Education and Training Reform Act 2006**".

**4. Child Employment Act 2003**

- 4.1 In section 3—
- (a) in the definition of "school day", for "**Education Act 1958**" substitute "**Education and Training Reform Act 2006**";
- (b) in the definition of "school term", for "State school within the meaning of the **Education Act 1958**" substitute "Government school within the meaning of the **Education and Training Reform Act 2006**".
- 4.2 For section 4(3)(c) substitute—
- "(c) a principal of a school is not to be taken to employ a child who is a student at the school, or to be an employer of the child, only because he or she makes a work experience arrangement under the **Education and Training Reform Act 2006** in respect of the child."
- 4.3 For the note to section 8 substitute—
- "Note: A child may also be employed in accordance with a work experience arrangement under Part 5.4 of the **Education and Training Reform Act 2006**—see section 5.4.19 of that Act."
- 4.4 For the note to section 9 substitute—
- "Note: This section also does not apply to the employment of a child in accordance with a work experience arrangement under Part 5.4 of the **Education and Training Reform Act 2006**—see section 5.4.19 of that Act."
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**5. Children and Young Persons Act 1989**

5.1 In section 64(1C)—

(a) in paragraph (d), for "the **Victorian Institute of Teaching Act 2001**" substitute "Part 2.6 of the **Education and Training Reform Act 2006**";

(b) for paragraph (e) substitute—

"(e) the principal of a Government school or a non-Government school within the meaning of the **Education and Training Reform Act 2006**;"

5.2 In section 64(1F), for "**Tertiary Education Act 1993**" substitute "**Education and Training Reform Act 2006**".

**6. Children's Services Act 1996**

For section 5(1)(b) substitute—

"(b) students enrolled at a preparatory level or above at a Government school or a non-Government school within the meaning of the **Education and Training Reform Act 2006**;"

**7. Children, Youth and Families Act 2005**

7.1 In section 3—

(a) in the definition of "information holder", for "**Victorian Institute of Teaching Act 2001**" substitute "**Education and Training Reform Act 2006**";

(b) in the definition of "post-secondary qualification", for "**Tertiary Education Act 1993**" substitute "**Education and Training Reform Act 2006**".

7.2 In section 182(1)—

(a) in paragraph (c), for "**Victorian Institute of Teaching Act 2001**" substitute "**Education and Training Reform Act 2006**";

(b) for paragraph (d) substitute—

"(d) the principal of a Government school or a non-Government school within the meaning of the **Education and Training Reform Act 2006**;"

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**8. Constitution Act 1975**

8.1 In section 61, for "**Teaching Service Act 1981**" substitute "**Education and Training Reform Act 2006**".

8.2 In section 95(3)(a), for "**Teaching Service Act 1981**" substitute "**Education and Training Reform Act 2006**".

**9. Control of Weapons Act 1990**

In section 3, for the definition of "non-government school" substitute—

' "**non-Government school**" has the same meaning as in the **Education and Training Reform Act 2006**.'

**10. Corrections Act 1986**

10.1 In section 14, for paragraph (d) of the definition of "officer" substitute—

"(d) an employee in the public service or the teaching service or a member of the staff of a TAFE institute who is working in a prison or with prisoners;"

10.2 In section 85, for paragraph (d) of the definition of "officer" substitute—

"(d) an employee in the public service or the teaching service or a member of the staff of a TAFE institute who is working at a location;"

**11. Crown Land (Reserves) Act 1978**

11.1 In section 4(1)(t) for "State school" substitute "Government school".

11.2 In sections 11(2) and 11(3), for "**Education Act 1958**" (wherever occurring) substitute "**Education and Training Reform Act 2006**".

**12. Debits Tax Act 1990**

In section 3, for paragraph (a)(xii) of the definition of "excluded debit" substitute—

"(xii) a Government school, TAFE institute or university; or".

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**13. Defence Reserves Re-Employment Act 1995**

In section 3, for the definition of "contract of employment" substitute—

' **"contract of employment"** includes a training contract within the meaning of the **Education and Training Reform Act 2006**;'.

**14. Educational Institutions (Guarantees) Act 1976**

For section 2(a) substitute—

'(a) educational institution means any school within the meaning of "non-Government school" in the **Education and Training Reform Act 2006**; and'.

**15. Electricity Safety Act 1998**

In sections 35(3)(b) and 39, for "**Vocational Education and Training Act 1990**" substitute "**Education and Training Reform Act 2006**".

**16. Equal Opportunity Act 1995**

16.1 For section 25(2) substitute—

"(2) Sub-section (1) does not apply to employment by a post-secondary education provider (within the meaning of the **Education and Training Reform Act 2006**) or a TAFE institute."

16.2 In section 84(b), for "the **Teaching Service Act 1981**" substitute "Part 2.4 of the **Education and Training Reform Act 2006**".

**17. Estate Agents Act 1980**

In section 4(1), for the definition of "registered education and training organisation" substitute—

' **"registered education and training organisation"** has the same meaning as in the **Education and Training Reform Act 2006**;'.

**18. Financial Institutions Duty Act 1982**

For section 25(12)(db) substitute—

"(db) a Government school;".

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**19. Forests Act 1958**

19.1 In section 91—

- (a) **insert** the following heading—  
**"Plantations for Government schools"**;
- (b) for "Department of Education" (wherever occurring) **substitute** "Department of Education and Training";
- (c) for "**Education Act 1958**" (wherever occurring) **substitute** "**Education and Training Reform Act 2006**";
- (d) for "State school" (wherever occurring) **substitute** "Government school".

19.2 In section 92—

- (a) **insert** the following heading—  
**"Management of Government school plantation"**;
- (b) in sub-sections (1) and (2), for "State school" **substitute** "Government school";
- (c) in sub-section (3)(b), for "the **Education Act 1958**" **substitute** "Part 2.3 of the **Education and Training Reform Act 2006**";
- (d) in sub-section (5), for "section 13 of the **Education Act 1958**" **substitute** "Part 2.3 of the **Education and Training Reform Act 2006**".

**20. Fundraising Appeals Act 1998**

20.1 In section 3, in the definition of "public place", for paragraphs (k) and (l) **substitute**—

- "(k) any Government school or non-Government school within the meaning of the **Education and Training Reform Act 2006** or any related land or premises;
- (l) any land or premises owned or occupied by a university, TAFE institute or other tertiary educational institution;"

20.2 For section 16(a) and (b) **substitute**—

- "(a) a Government school, a school council or a non-Government school within the meaning of the **Education and Training Reform Act 2006**;
- (b) a university, TAFE institute or other tertiary educational institution;"

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**21. Gambling Regulation Act 2003**

In section 3.5.44, in the definition of "apprentice", for "Part 5 of the **Vocational Education and Training Act 1990**" substitute "Part 5.5 of the **Education and Training Reform Act 2006**".

**22. Health Act 1958**

In section 3, for paragraph (c) of the definition of "public building" substitute—

"(c) any school (not being a Government school within the meaning of the **Education and Training Reform Act 2006**);".

**23. Infertility Treatment Act 1995**

In section 3(1), for the definition of "university" substitute—

' "university" has the meaning that it has in the **Education and Training Reform Act 2006**;'.

**24. Intellectually Disabled Persons' Services Act 1986**

In section 3, in the definition of "registered non-residential service", for "section 3(1) of the **Education Act 1958**" substitute "the **Education and Training Reform Act 2006**".

**25. Labour and Industry Act 1958**

In section 188, for "Any person holding the office of summoning officer under the **Education Act 1958**" substitute "A school attendance officer appointed under the **Education and Training Reform Act 2006**".

**26. Liquor Control Reform Act 1998**

For sections 18(2)(a)(ii) and (iii) and 103(3)(a)(ii) and (iii), substitute—

"(ii) a university or a TAFE institute within the meaning of the **Education and Training Reform Act 2006**; or".

**27. Melbourne and Metropolitan Board of Works Act 1958**

In sections 152 and 239, for "**Education Act 1958**" substitute "**Education and Training Reform Act 2006**".

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**28. Melbourne University (VCAH) Act 1992**

In section 3, in the definition of "award course", for "**Post-Secondary Education Act 1978**" substitute "**Education and Training Reform Act 2006**".

**29. Mildura College Lands Act 1916**

28.1 In section 2(fa)(iv), for "State schools within the meaning of the **Education Act 1958** or schools registered under Part III of that Act" substitute "registered schools within the meaning of the **Education and Training Reform Act 2006**".

28.2 For section 4(2)(a) substitute—

"(a) the school is a registered school within the meaning of the **Education and Training Reform Act 2006**; and".

**30. Pay-roll Tax Act 1971**

In section 10—

(a) in sub-section (1)(ca), for "**Education Act 1958**" substitute "**Education and Training Reform Act 2006**";

(b) for sub-section (1)(d)(i) substitute—

"(i) a non-Government school within the meaning of the **Education and Training Reform Act 2006** that is registered under that Act; and";

(c) for sub-section (1)(k)(i) substitute—

"(i) in accordance with the requirements of an approved training scheme under Part 5.5 of the **Education and Training Reform Act 2006**; and";

(d) in sub-section (4), for "Part 5 of the **Vocational Education and Training Act 1990**" substitute "Part 5.5 of the **Education and Training Reform Act 2006**";

(e) in sub-section (5)—

(i) in the definition of "Commission", for "**Vocational Education and Training Act 1990**" substitute "**Education and Training Reform Act 2006**";

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- (ii) in the definition of "new entrant" for "section 10 of the **Vocational Education and Training Act 1990**" substitute "section 3.1.4 of the **Education and Training Reform Act 2006**".

**31. Police Regulation Act 1958**

In section 46B(2), in paragraph (a) of the definition of "employed in the service of the Crown", for "the **Teaching Service Act 1981**" substitute "Part 2.4 of the **Education and Training Reform Act 2006**".

**32. Prostitution Control Act 1994**

In section 3(1), for the definition of "school" substitute—  
' "school" means a Government school or non-Government school within the meaning of the **Education and Training Reform Act 2006**;'.

**33. Public Administration Act 2004**

- 33.1 In section 4(1), in paragraph (e) of the definition of "exempt body" for "**Tertiary Education Act 1993**" substitute "**Education and Training Reform Act 2006**".
- 33.2 In section 5(1A)—
- (a) for paragraph (a), substitute—  
"(a) a university established by or under an Act";
  - (b) in paragraph (b), for "**Adult, Community and Further Education Act 1991**" substitute "**Education and Training Reform Act 2006**".
- 33.3 In Schedule 1, in clause 3(1), for "**Teaching Service Act 1981**" substitute "**Education and Training Reform Act 2006**".

**34. Royal Melbourne Institute of Technology Act 1992**

In section 25(4)—

- (a) for "Sections 34A to 34C and Schedule 2 to the **Vocational Education and Training Act 1990**" substitute "Sections 3.1.23 to 3.1.25 and Schedule 6 to the **Education and Training Reform Act 2006**";
- (b) in paragraph (c), for "section 34A" substitute "section 3.1.23";
- (c) in paragraph (d), for "section 34A(1)(b)" substitute "section 3.1.23(1)(b)".

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**35. Sentencing Act 1991**

In section 83D(1)—

- (a) in paragraph (b) of the definition of "excluded public body", for "an institution listed in Schedule 1 to the **Tertiary Education Act 1993**" substitute "a university within the meaning of the **Education and Training Reform Act 2006**";
- (b) for paragraph (d) of the definition of "public body" substitute—
  - "(d) a TAFE institute within the meaning of the **Education and Training Reform Act 2006**";
- (c) in the definition of "public sector employee"—
  - (i) in paragraph (g), for "**Teaching Service Act 1981**" substitute "**Education and Training Reform Act 2006**";
  - (ii) in paragraph (h), for "**Education Act 1958**" substitute "**Education and Training Reform Act 2006**".

**36. Sex Offenders Registration Act 2004**

36.1 In section 67(1)—

- (a) for the definition of "educational institution" substitute—
  - ' "educational institution" means—
    - (a) any Government school or non-Government school within the meaning of the **Education and Training Reform Act 2006**; or
    - (b) any of the following—
      - (i) a TAFE institute within the meaning of the **Education and Training Reform Act 2006**;
      - (ii) a university with a TAFE division within the meaning of the **Education and Training Reform Act 2006** to the extent that the university provides technical or further education;

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- (iii) a provider of adult, community and further education, within the meaning of the **Education and Training Reform Act 2006**, that is eligible for funding under that Act;
- (iv) an adult education institution within the meaning of the **Education and Training Reform Act 2006**;
- (v) an education and training organisation registered on the State Register under the **Education and Training Reform Act 2006**—

to the extent that the college, university, provider, institution or organisation provides a program of study or training primarily for, or directed at, children, and that leads to the award of a Senior Secondary Certificate of Education that is recognised by the AQF within the meaning of the **Education and Training Reform Act 2006**; or

- (c) any other institution that provides a program of study or training primarily for, or directed at, children—

but does not include—

- (d) except to the extent provided by paragraph (b), a university within the meaning of the **Education and Training Reform Act 2006**; or
- (e) except to the extent provided by paragraph (b), a TAFE institute or an adult education institution within the meaning of the **Education and Training Reform Act 2006**—

even if that university, college or institution has a student under 18 years of age;'

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(b) for paragraph (b) of the definition of "employment" **substitute—**

"(b) undertaking practical training as part of an educational or vocational course other than under an arrangement under Part 5.4 of the **Education and Training Reform Act 2006** if the student is of or under 18 years of age; or".

**38. State Employees Retirement Benefits Act 1979**

38.1 In section 2(3)(c), for "**Teaching Service Act 1981**" **substitute "Education and Training Reform Act 2006"**.

38.2 In section 40(2A), for "section 13 of the **Education Act 1958**" **substitute "section 2.3.2 of the Education and Training Reform Act 2006"**.

38.3 In section 51(2), in the definition of "employed in the service of the Crown", for "**Teaching Service Act 1981**" **substitute "Education and Training Reform Act 2006"**.

**39. State Superannuation Act 1988**

39.1 In section 3(1), in the definition of "officer"—

(a) in paragraph (a)(ii), for "**Teaching Service Act 1981**" **substitute "Education and Training Reform Act 2006"**;

(b) for paragraph (a)(iii), **substitute—**

"(iii) under the **Education and Training Reform Act 2006—**

(A) by the Secretary or a school council; or

(B) as a rural school aide; or

(C) as a teacher aide; or";

(c) in paragraph (b), for "**Tertiary Education Act 1993**" **substitute "Education and Training Reform Act 2006"**.

39.2 In section 3(2)(e), for "**Teaching Service Act 1981**" **substitute "Education and Training Reform Act 2006"**.

39.3 In section 67(1), in the definition of "employed in the service of the Crown", for "**Teaching Service Act 1981**" **substitute "Education and Training Reform Act 2006"**.

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**40. Summary Offences Act 1966**

- 40.1 In paragraph (h) of section 3, in the definition of "public place" for "State school" **substitute** "Government school".
- 40.2 In clause 1 of Schedule 1, for "State school within the meaning of the **Education Act 1958**" **substitute** "Government school within the meaning of the **Education and Training Reform Act 2006**".

**41. Swinburne University of Technology Act 1992**

- 41.1 In section 3, the definition of "State Training Board" is **repealed**.
- 41.2 In section 25(4)—
  - (a) for "Section 34A to 34C and Schedule 2 to the **Vocational Education and Training Act 1990**" **substitute** "Section 3.1.23 to 3.1.25 and Schedule 6 to the **Education and Training Reform Act 2006**";
  - (b) in paragraph (c), for "section 34A of that Act" **substitute** "section 3.1.23 of that Act";
  - (c) in paragraph (d), for "34A(1)(b) of that Act" **substitute** "section 3.1.23(1)(b) of that Act".
- 41.3 In section 37(ma), for "TAFE college" **substitute** "TAFE institute".

**42. Transport Accident Act 1986**

- 42.1 In section 3(1), in the definition of "apprentice" for "section 3 of the **Vocational Education and Training Act 1990**" **substitute** "the **Education and Training Reform Act 2006**".
- 42.2 In section 37(1)(b), for "Division 6 of Part II of the **Education Act 1958**" **substitute** "Part 5.6 of the **Education and Training Reform Act 2006**".
- 42.3 In section 137(1)(d), for "Division 6 of Part II of the **Education Act 1958**" **substitute** "Part 5.6 of the **Education and Training Reform Act 2006**".

**43. University of Ballarat Act 1993**

- In section 25(4)—
  - (a) for "Sections 34A to 34C of, and Schedule 2 to, the **Vocational Education and Training Act 1990**" **substitute** "Sections 3.1.23 to 3.1.25 of, and Schedule 6 to, the **Education and Training Reform Act 2006**";

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- (b) in paragraph (c), for "section 34A of that Act"  
**substitute** "section 3.1.23 of that Act";
- (c) in paragraph (d), for "section 34A(1)(b) of that Act"  
**substitute** "section 3.1.23(1)(b) of that Act".

**44. Victoria University of Technology Act 1990**

44.1 In section 25(4)—

- (a) for "Sections 34A to 34C and Schedule 2 to the  
**Vocational Education and Training Act 1990**"  
**substitute** "Sections 3.1.23 to 3.1.25 and Schedule 6  
to the **Education and Training Reform Act 2006**";
- (b) in paragraph (c), for "section 34A of that Act"  
**substitute** "section 3.1.23 of that Act";
- (c) in paragraph (d), for "34A(1)(b) of that Act"  
**substitute** "section 3.1.23(1)(b) of that Act".

44.2 In section 35(1)(ma), for "TAFE college" **substitute** "TAFE  
institute".

**45. Victorian Civil and Administrative Tribunal Act 1998**

In clause 100 of Schedule 1, for "**Victorian Institute of  
Teaching Act 2001**" **substitute** "**Education and Training  
Reform Act 2006**".

**46. Victorian College of the Arts Act 1981**

In section 20, for "**Tertiary Education Act 1993**"  
**substitute** "**Education and Training Reform Act 2006**".

**47. Water Industry Act 1994**

In clauses 1 and 2 of Schedule 1, for "**Education Act 1958**"  
**substitute** "**Education and Training Reform Act 2006**".

**48. Whistleblowers Protection Act 2001**

In section 3(1)—

- (a) for paragraph (i) of the definition of "public body",  
**substitute**—
  - "(i) a TAFE institute within the meaning of the  
**Education and Training Reform Act 2006**";
- (b) in paragraph (k) of the definition of "public officer",  
for "**Teaching Service Act 1981**" **substitute**  
"**Education and Training Reform Act 2006**";

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- (c) in the definition of "university", for "an institution listed in Schedule 1 to the **Tertiary Education Act 1993**" substitute "a university within the meaning of the **Education and Training Reform Act 2006**".

**49. Working with Children Act 2005**

49.1 In section 3(1), for the definition of "educational institution" substitute—

' "educational institution" means—

- (a) any Government school or non-Government school within the meaning of the **Education and Training Reform Act 2006**; or
- (b) any of the following—
  - (i) a TAFE institute within the meaning of the **Education and Training Reform Act 2006**;
  - (ii) a university with a TAFE division within the meaning of the **Education and Training Reform Act 2006** to the extent that the university provides technical or further education;
  - (iii) a provider of adult, community and further education, within the meaning of the **Education and Training Reform Act 2006**, that is eligible for funding under that Act;
  - (iv) an adult education institution within the meaning of the **Education and Training Reform Act 2006**;
  - (v) an education and training organisation registered on the State Register under the **Education and Training Reform Act 2006**—

to the extent that the college, university, provider, institution or organisation provides a program of study or training primarily for, or directed at, children and that leads to the award of a Senior Secondary Certificate of Education that is recognised by the AQF within the meaning of the **Education and Training Reform Act 2006**; or

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- (c) any other institution that provides a program of study or training primarily for, or directed at, children—

but does not include—

- (d) except to the extent provided by paragraph (b), a university within the meaning of the **Education and Training Reform Act 2006**; or
- (e) except to the extent provided by paragraph (b), a TAFE institute or an adult education institution within the meaning of the **Education and Training Reform Act 2006**—

even if that university, college or institution has a student under 18 years of age<sup>1</sup>.

49.2 In section 9(1)(b), for "Part IVA of the **Education Act 1958**" substitute "Part 5.4 of the **Education and Training Reform Act 2006**".

49.3 In section 30—

- (a) in sub-section (1), for "section 11 of the **Victorian Institute of Teaching Act 2001**" substitute "section 2.6.9 of the **Education and Training Reform Act 2006**";
- (b) in the note to sub-section (1), for "Section 19 of the **Victorian Institute of Teaching Act 2001**" substitute "Section 2.6.19 of the **Education and Training Reform Act 2006**";
- (c) in sub-section (2), for "**Victorian Institute of Teaching Act 2001**" substitute "**Education and Training Reform Act 2006**";
- (d) in the note to sub-section (2), for "Section 48 of the **Victorian Institute of Teaching Act 2001**" substitute "Section 2.6.51 of the **Education and Training Reform Act 2006**".

49.4 In section 51(2), for the proposed definition of "educational institution" substitute—

' "**educational institution**" means—

- (a) any Government school or non-Government school within the meaning of the **Education and Training Reform Act 2006**; or

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- (b) any of the following—
- (i) a TAFE institute within the meaning of the **Education and Training Reform Act 2006**;
  - (ii) a university with a TAFE division within the meaning of the **Education and Training Reform Act 2006** to the extent that the university provides technical or further education;
  - (iii) a provider of adult, community and further education, within the meaning of the **Education and Training Reform Act 2006**, that is eligible for funding under that Act;
  - (iv) an adult education institution within the meaning of the **Education and Training Reform Act 2006**;
  - (v) an education and training organisation registered on the State Register under the **Education and Training Reform Act 2006**—

to the extent that the college, university, provider, institution or organisation provides a program of study or training primarily for, or directed at, children, and that leads to the award of a Senior Secondary Certificate of Education that is recognised by the AQF within the meaning of the **Education and Training Reform Act 2006**; or

- (c) any other institution that provides a program of study or training primarily for, or directed at, children—

but does not include—

- (d) except to the extent provided by paragraph (b), a university within the meaning of the **Education and Training Reform Act 2006**; or
- (e) except to the extent provided by paragraph (b), a TAFE institute or an adult education institution within the meaning of the **Education and Training Reform Act 2006**—

even if that university, college or institution has a student under 18 years of age;'.  

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**50. Wrongs Act 1958**

In sections 24AG(2)(k), 28C(2)(l), 45(1)(d)(vi) and 69(1)(d)(vi), for "Division 6 of Part II of the **Education Act 1958**" substitute "Part 5.6 of the **Education and Training Reform Act 2006**".

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**SCHEDULE 12**

Section 6.1.3

**TRANSITIONAL AND SAVING PROVISIONS**

**PART 1—INTRODUCTION**

**1.1 Definition**

In this Schedule—

**"repealed Act"** means an Act repealed by section 6.1.1.

**1.2 General transitional provisions**

- (1) Except where the contrary intention appears, this Schedule does not affect or take away from the **Interpretation of Legislation Act 1984**.
- (2) Except as in this Act expressly or by necessary implication provided—
  - (a) all persons, things and circumstances appointed or created by or under a repealed Act or existing or continuing under those Acts immediately before the commencement of this section continue under and subject to this Act to have the same status, operation and effect as they respectively would have had if those Acts had not been so repealed;
  - (b) in particular and without affecting the generality of the foregoing paragraph, such repeal does not disturb the continuity of, status, operation or effect of any regulation, order, application, determination, declaration, certificate, registration, approval, consent, recommendation, appointment, commission, contract, enquiry, warrant, condition, notice, admission, request, authority, information, examination, complaint, proceedings, transfer, leave of absence, special leave, fee, liability or rights made, effected, issued, granted, given, presented, passed, fixed, accrued, incurred or acquired or existing or continuing by or under those Acts before the commencement of section 6.1.1.

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- (3) On and after the commencement of section 6.1.1, any reference in any Act (other than this Act), regulation, subordinate instrument or other document whatsoever to a repealed Act is to be construed as a reference to this Act, unless the contrary intention appears.
- (4) If a provision of a repealed Act continues to apply by force of this Schedule, the following provisions also continue to apply in relation to the provision—
  - (a) any other provisions of the repealed Act necessary to give effect to that continued provision; and
  - (b) any regulation made under the repealed Act for the purposes of that continued provision.

**1.3 Savings and transitional regulations**

The regulations may contain provisions of a savings and transitional nature consequent on the repeal of a repealed Act.

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