

PARLIAMENT OF VICTORIA

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**Education Acts (Amendment) Act 1999**

Act No.

**TABLE OF PROVISIONS**

<i>Clause</i>	<i>Page</i>
<b>PART 1—PRELIMINARY</b>	<b>1</b>
1. Purposes	1
2. Commencement	2
<b>PART 2—EDUCATION ACT 1958</b>	<b>3</b>
3. New definitions inserted	3
4. Registration of schools with less than 20 pupils	3
5. Cancellation of registration of schools with less than 10 pupils	4
6. Ministerial orders	4
<b>PART 3—TEACHING SERVICE ACT 1981</b>	<b>5</b>
7. Definition of "efficiency"	5
8. New heading to Division 2A substituted	5
9. New section 4B inserted	5
4B. Vacant offices	5
10. Repeal of sections 6 and 7	6
11. Temporary employment	6
12. New Division 5 inserted	6
<b>Division 5—Advertisements</b>	<b>6</b>
10. Public notices	6
13. Efficiency	7
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<b>NOTES</b>	<b>8</b>

PARLIAMENT OF VICTORIA

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A BILL

to amend the **Education Act 1958** and the **Teaching Service Act 1981** and for other purposes.

**Education Acts (Amendment) Act 1999**

**The Parliament of Victoria enacts as follows:**

**PART 1—PRELIMINARY**

**1. *Purposes***

The main purposes of this Act are—

- (a) to make further provision for the registration of schools;
- (b) to widen the application of section 84 of the **Education Act 1958** to Ministerial Orders made under section 15T of that Act;

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*Education Acts (Amendment) Act 1999*

*Act No.*

---

(c) to make further provision for appointments to vacant offices in the teaching service.

**2. Commencement**

This Act comes into operation on the day on which it receives the Royal Assent.

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**PART 2—EDUCATION ACT 1958**

**3. *New definitions inserted***

In section 35 of the **Education Act 1958**, after sub-section (2) **insert**—

No.  
6240/1958.  
Reprint No. 7  
as at 1 July  
1998 and  
subsequently  
amended by  
Nos 82/1998  
and 85/1998.

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'(3) In this Part—

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**"Melbourne Statistical Division"** means the area comprising the Statistical Division of Melbourne described in the Australian Standard Geographical Classification published by the Australian Bureau of Statistics from time to time;

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**"Urban Centre"** means an area referred to as an Urban Centre in the most recent census results published by Australian Bureau of Statistics.'

**4. *Registration of schools with less than 20 pupils***

(1) In section 42(3) of the **Education Act 1958**, for paragraph (c) **substitute**—

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"(c) shall not register a school if the school has an enrolment of less than 20 pupils;"

(2) In section 42 of the **Education Act 1958**, after sub-section (4) **insert**—

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"(5) Sub-section (3)(c) does not apply to a school with an enrolment of more than 10 persons if the school is—

(a) a primary school that is not located within—

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(i) the Melbourne Statistical Division; or

(ii) an Urban Centre with a population of 20 000 or less (as recorded by

the last published census results of the Australian Bureau of Statistics); or

(b) a special school."

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**5. Cancellation of registration of schools with less than 10 pupils**

In section 43(1A) of the **Education Act 1958**, for paragraph (a) **substitute**—

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"(a) the enrolment of the school is less than 10, if the school is a primary school that is not located within—

(i) the Melbourne Statistical Division; or

(ii) an Urban Centre with a population of 20 000 or less (as recorded by the last published census results of the Australian Bureau of Statistics); or

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(ab) the enrolment of the school is less than 10, if the school is a special school; or".

**6. Ministerial orders**

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In section 84(1) of the **Education Act 1958** after "15Q," **insert** "15T,".

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**PART 3—TEACHING SERVICE ACT 1981**

**7. Definition of "efficiency"**

In section 2(1) of the **Teaching Service Act 1981** insert the following definition—

' "**efficiency**" means—

- (a) special qualifications and aptitude for the discharge of the duties of the office to be filled together with merit diligence and good conduct; and
- (b) in relation to an office that the Minister has determined to be an office to which this paragraph applies "efficiency" is, in relation to the filling of the office, deemed to include special qualifications and aptitude for the discharge of the duties of higher offices in the teaching service;'

No.  
9714/1981.  
Reprint No. 4  
as at 1 July  
1997 and  
subsequently  
amended by  
Nos 28/1998  
and 46/1998.

**8. New heading to Division 2A substituted**

For the heading to Division 2A of Part II of the **Teaching Service Act 1981**, substitute "Division 2A—Appointments Generally".

**9. New section 4B inserted**

After section 4A of the **Teaching Service Act 1981** insert—

**"4B. Vacant offices**

- (1) If an office is vacant or is about to become vacant, the Secretary may take steps to fill the vacancy under this Act.
- (2) In the selection of a person to fill a vacant office, the Secretary must have regard to the relative efficiency of any two or more applicants for the office."

**10. Repeal of sections 6 and 7**

Sections 6 and 7 of the **Teaching Service Act 1981** are **repealed**.

**11. Temporary employment**

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In section 9 of the **Teaching Service Act 1981**, for sub-section (2) **substitute—**

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"(1) If, in the opinion of the Secretary the prompt dispatch of the work of any section renders temporary assistance necessary, and suitable temporary assistance cannot be made available by the transfer of officers or employees from within the teaching service, the Secretary may appoint a person for the work.

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(2) In the selection of a person under sub-section (1), the Secretary must have regard to the relative efficiency of any two or more applicants for the employment."

**12. New Division 5 inserted**

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After section 9 of the **Teaching Service Act 1981** **insert—**

**"Division 5—Advertisements**

**10. Public notices**

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A person shall not be appointed to an office in the teaching service under this Part, except section 4(4), unless—

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- (a) public notice of the vacancy in the office or proposed office has been given; and
- (b) the person has applied for appointment to the office or to the proposed office in response to a public notice."

**13. Efficiency**

In section 65 of the **Teaching Service Act 1981**—

(a) in sub-section (1)—

(i) **omit** "(1)"; and

(ii) for "in the selection of an officer to fill a vacancy and in determining any appeal" **substitute** "in determining any appeal."

(b) sub-section (2) is **repealed**.

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Notes

*Education Acts (Amendment) Act 1999*  
*Act No.*

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**NOTES**

By Authority. Government Printer for the State of Victoria.

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*Education Acts (Amendment) Act 1999*  
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