



The Hon James Merlino MP

Deputy Premier
Minister for Education

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BRI2047138

Ms Lynn Glover
Chief Executive Officer
Victorian Registration and Qualifications Authority
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Dear Ms Glover

As you are aware, in response to the current coronavirus pandemic, the Victorian Government declared a state of emergency under the *Public Health and Wellbeing Act 2005* on 16 March 2020.

Subsequently, on advice of the Victorian Chief Health Officer, all Victorian government schools have been directed to transition to remote and flexible learning arrangements for Term 2.

In making this decision, the Victorian Government remains fully committed to ensuring all students continue to receive a high quality education and receive the support they and their families need from Victoria's schools. This includes students continuing to attend school every day whether on site or remotely.

However, the shift to remote learning arrangements requires some flexibility in the day to day administration of schools, including the frequency of recording attendance. I recognise that given the mode of teaching the current requirement in the Education and Training Reform Regulations 2017 to note attendance at least twice each school day may not be feasible.

I am therefore issuing a Ministerial Direction to the Victorian Registration and Qualifications Authority in relation to attendance noting and recording.

Thank you for your continued efforts to ensure all Victorian students continue to receive a high quality education through this unprecedented time in Victorian history.

Yours sincerely

The Hon James Merlino MP
Deputy Premier
Minister for Education

EDUCATION AND TRAINING REFORM ACT 2006

MINISTERIAL DIRECTION

COMPLIANCE WITH PRESCRIBED MINIMUM STANDARDS - COVID-19 EMERGENCY

1. Purpose

The purpose of this instrument is to direct the **Victorian Registration and Qualifications Authority** to exercise its regulatory discretion in a manner that is consistent with and supports the Government and Department responses to the state of emergency caused by the outbreak of novel coronavirus (COVID-19).

2. Authorising Provisions

This instrument is made under section 5.2.1(3)(a) of the Act.

3. Application

This instrument applies to the VRQA.

4. Definitions

In this instrument, unless otherwise stated:

- (a) **Act** means the *Education and Training Reform Act 2006*;
- (b) **Department** means the Department of Education and Training;
- (c) **emergency period** means the period commencing on the day on which this instrument is made and ending on the earlier of the following days:
 - (i) the day on which the state of emergency, declared under the *Public Health and Wellbeing Act 2008* on 16 March 2020, or extended under any subsequent declaration under that Act, ends;
 - (ii) a day fixed by the Secretary;
- (d) **registered school** means a school registered by the VRQA under Chapter 4 of the Act;
- (e) **Regulations** means the Education and Training Reform Regulations 2017;
- (f) **VRQA** means the Victorian Registration and Qualifications Authority established under the Act.

5. Direction

- (1) The VRQA is directed to refrain from reviewing or evaluating, under section 4.3.3 of the Act, a registered school's compliance with the following prescribed minimum standards during the emergency period:
 - (a) Clause 11(a) of Schedule 4 to the Regulations;

- (b) Clause 19 of Schedule 4 to the Regulations, but only insofar as compliance relates to section 4.3.7 of the Act and clause 11(a) of Schedule 4 to the Regulations;
 - (c) Clause 21(b) of Schedule 4 to the Regulations, but only insofar as the guidelines relate to the prescribed minimum standard in clause 11(a) of Schedule 4 to the Regulations.
- (2) The VRQA is directed to refrain from pursuing a principal or person in charge of a registered school for non-compliance with section 4.3.7 of the Act during the emergency period.

Note: For the avoidance of doubt, this direction continues to apply to the VRQA after the end of the emergency period in relation to a registered school's compliance with the relevant prescribed minimum standards and section 4.3.7 of the Act during the emergency period.

6. Date of effect

This instrument takes effect on the day that it is made.

Dated 14th day of April 2020

A handwritten signature in blue ink, appearing to read "James Merlino".

**The Hon James Merlino MP
Minister for Education**