



Victoria Government Gazette

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SPECIAL

Subordinate Legislation Act 1994

REGULATORY IMPACT STATEMENT

Education (Prescribed Age) Regulations 1998

Notice is hereby given in accordance with section 11 of the **Subordinate Legislation Act 1994**, that a regulatory impact statement (RIS) has been prepared in relation to the proposed Education (Prescribed Age) Regulations 1998.

The objectives of the proposed regulations are to prescribe age requirements that are fair and non discriminatory for enrolment or attendance at a State Government school (including participation in any program or course of study offered, conducted or provided by a State Government school).

The reason for the proposed regulations is that the **Education Act 1958** in section 3 defines "school age" as between the age of six and fifteen, and section 53 requires the parents of "school age" children to cause those children to attend school. However there is no section which authorises the exclusion of students from school or any grade based on age. This applies whether the proposed student is an infant, a teenager or an adult. The proposed regulations are designed to provide a legislative basis on which students can be excluded on the grounds of age.

The RIS concluded that the two policy issues involved in the proposed statutory rule, are -

- (i) between what ages should persons be entitled to attend a State school, and
- (ii) between what ages should free primary or secondary education be provided.

The first issue involved selecting an appropriate age for children to commence school and maintaining an appropriate school environment at which children and young persons receive instruction, and the second issue involves the responsible and efficient use of public funds. The RIS concluded that it was appropriate that an age be prescribed at which students be allowed to commence school, and an age at which students be required to leave the school environment, subject to students between the ages of 18 and 21 being able to remain for

the purposes of completing the VCE, provided reasonable alternatives are available for impaired students between 18 and 21 unable to undertake the VCE, and provided satisfactory alternatives are available for persons over 21 desiring to study the VCE.

Public comments are invited on the RIS and the proposed regulations. Copies may be obtained by contacting Loretta on (03) 9637 3146. Written submissions will be received up to 5.00pm on 14 December 1998 at the following address: The Manager Legal Services Unit, Department of Education, Level 1, 2 Treasury Place, East Melbourne, 3002.

All submissions will be treated as public documents.

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