

EDUCATION AMENDMENT BILL 2009

Explanatory Statement

This explanatory statement relates to the Bill as introduced into the ACT Legislative Assembly.

Overview of Bill

In 2006 the ACT Government made a commitment to ‘better support teachers and schools by developing an option for tougher suspension for longer periods for misbehaving students.’

The purpose of the Bill is to enable the Chief Executive of the Department of Education and Training and the Director, Catholic Education Office, Archdiocese of Canberra and Goulbourn, to delegate their existing authority to suspend a student, for a maximum of ten days, to a school principal.

A number of minor amendments to resolve operational issues that have arisen in the practical administration of the Act are also addressed in the Bill.

Outline of Provisions

Clause 1 Name of Act

States the title of the Act, which is the *Education Amendment Act 2009*.

Clause 2 Commencement

States that the Act commences on 1 January 2010.

Clause 3 Legislation amended

States that the Act amends the *Education Act 2004*.

Clause 4 Establishing government schools etc

Substitutes the example of a school-related institution in subsection (3) ‘Hindmarsh Education Centre’ with ‘Murrumbidgee Education and Training Centre’, because the Hindmarsh Education Centre no longer exists.

Clause 5 Suspension, exclusion or transfer of a student by chief executive

Remakes section 36 (6) to (10) to shorten the section and make it easier to follow.

Clause 6 Section 36 (7) to (10) and note

Remakes section 36 (7) to (10) as new sections 36A and 36B to shorten the section and make it easier to follow.

Section 36B(1) provides the chief executive may delegate the chief executive's power to suspend a student from a government school for not longer than ten days to a school principal.

This provision allows principals wider discretion in dealing with incidents in public schools. It will enhance their capacity to appropriately manage anti-social behaviour in their schools and to apply proportionate sanctions, reiterating the Territory's zero-tolerance approach to bullying and its focus on schools as safe places for all.

Section 36B(2) provides the chief executive may delegate the chief executive's power to transfer a student from a government school to another government school to a public servant.

This provision enables the chief executive to delegate his or her power to the senior executive responsible for schools.

Clause 7 Appointment of authorised persons (government)

For clarity, this provision states a person may be an authorised person (government) and an authorised person (non-government).

Clause 8 Applications for in-principle approval for proposed registration

For clarity, this provision states that the application may be made available at an office of the Department of Education and Training, not at the chief executive's office specifically.

Clause 9 Deciding in-principle applications

For clarity, this provision states that the reasons may be made available at an office of the Department of Education and Training, not at the chief executive's office specifically.

Clause 10 Application for provisional registration

For clarity, this provision states that the application may be made available at an office of the Department of Education and Training, not at the chief executive's office specifically.

Clause 11 Application for registration

For clarity, this provision states that the application may be made available at an office of the Department of Education and Training, not at the chief executive's office specifically.

Clause 12 Application for registration at additional campus

For clarity, this provision states that the application may be made available at an office of the Department of Education and Training, not at the chief executive's office specifically.

Clause 13 Application for registration at additional educational levels

For clarity, this provision states that the application may be made available at an office of the Department of Education and Training, not at the chief executive's office specifically.

Clause 14 Suspension, transfer or exclusion of students-Catholic systemic schools

Remakes section 104 (9) and (11) to shorten the section and make it easier to follow.

Clause 15 Section 104 (8) to (12)

Remakes section 104 (7) to (12) as new sections 104A and 104B to shorten the section and make it easier to follow.

Section 104B provides the director may delegate the director's power to suspend a student from a Catholic school for not longer than ten days to a school principal.

This provision allows principals wider discretion in dealing with incidents in Catholic schools. It will enhance their capacity to appropriately manage anti-social behaviour in their schools and to apply proportionate sanctions, reiterating the Territory's zero-tolerance approach to bullying and its focus on schools as safe places for all.

Clause 16 Appointment of authorised persons (non-government)

For clarity, this provision states a person may be an authorised person (government) and an authorised person (non-government).

Clause 17 Schedule 1, new item 3A

Ensures that the remaking of section 36 as sections 36, 36A and 36B does not alter a parent's ability to request a review of a decision to immediately suspend a student.

Clause 18 Dictionary, note 2, new dot points

Updates the list of definitions included in the *Legislation Act 2001*.

Clause 19 Dictionary, new definition of director

Inserts a definition of director into the dictionary, by directing that the definition be taken from the regulations.

Clause 20 Education Regulation 2005, section 6 heading

Provides that the definition of director is from the dictionary to the *Education Act 2004*.