



AUSTRALIAN CAPITAL TERRITORY

Education (Amendment) Act 1997

No. 19 of 1997

An Act to amend the *Education Act 1937*

[Notified in ACT Gazette S136: 29 May 1997]

The Legislative Assembly for the Australian Capital Territory enacts as follows:

Short title

1. This Act may be cited as the *Education (Amendment) Act 1997*.

Commencement

2. This Act commences on the day on which it is notified in the *Gazette*.

Principal Act

3. In this Act, "Principal Act" means the *Education Act 1937*.¹

Interpretation

4. Section 5 of the Principal Act is amended by inserting the following definition:

“ ‘corporal punishment’ means physical force applied to punish or correct, and includes any action designed or likely to cause physical pain or discomfort taken for such a purpose;”.

Provisional registration

5. Section 22 of the Principal Act is amended by adding at the end of paragraph (5) (b) the following subparagraph:

“(vi) any disciplinary policy implemented at the school shall preclude corporal punishment.”.

Registration

6. Section 23 of the Principal Act is amended by adding at the end of paragraph (3) (b) the following subparagraph:

“(vi) any disciplinary policy implemented at the school shall preclude corporal punishment.”.

Insertion

7. After section 35C of the Principal Act the following section is inserted:

Prohibition of corporal punishment

“36. (1) In civil or criminal proceedings against a member of the staff of a school arising out of physical force applied to a child enrolled as a scholar at the school, it is not a defence that the force was applied to administer corporal punishment to the child and that the degree of force was reasonable in the circumstances.

“(2) In civil or criminal proceedings against a member of the staff of a school arising out of corporal punishment administered to a child enrolled as a scholar at the school, it is not a defence that the corporal punishment was administered by the defendant pursuant to a right exercisable in his or her capacity as such a member.

“(3) Subsections (1) and (2) have effect even if a parent or guardian of the relevant child had delegated or purported to delegate to the defendant a right to administer corporal punishment to the child.

“(4) A member of the staff of a school is not to be taken to have administered corporal punishment to a child enrolled as a scholar at the school by reason only of action taken solely to prevent personal injury or damage to or the destruction of property.

“(5) Nothing in this section affects any right of a parent or guardian of a child to administer corporal punishment to the child.

“(6) In this section—

‘member of the staff’, in relation to a school, includes the head master or principal of the school and any person who performs teaching or other functions at or in connection with the school, whether for remuneration or not;

‘school’ means a school—

- (a) conducted and maintained on behalf of the Territory; or
- (b) registered or provisionally registered under this Act.”.

Application

8. The amendment effected by section 7 applies only in relation to corporal punishment administered after the commencement of this Act.

NOTE

Principal Act

1. Reprinted as at 31 January 1995.

[Presentation speech made in Assembly on 4 December 1996]

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