

2010

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Mr Steve Doszpot)

Education (Suspensions) Amendment Bill 2010

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(As presented)

(Mr Steve Doszpot)

Education (Suspensions) Amendment Bill 2010

A Bill for

An Act to amend the *Education Act 2004*, and for other purposes

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

1 Name of Act

This Act is the *Education (Suspensions) Amendment Act 2010*.

2 Commencement

This Act commences on 27 April 2010.

Note The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

3 Legislation amended

This Act amends the *Education Act 2004*.

Note This Act also amends the *Education Regulation 2005* (see s 21).

4 New part 2.7

insert

Part 2.7 Guidelines following suspension

17B Guidelines—students returning to school after suspension

- (1) The chief executive must issue guidelines about students returning to school after suspension.

Note For suspension of students, see s 36, s 36A and s 36B (government schools), s 104, s 104A and s 104B (Catholic systemic schools) and s 105 (other non-government schools).

- (2) A guideline is a notifiable instrument.

Note A notifiable instrument must be notified under the Legislation Act.

- (3) The principal of a school must take reasonable steps to comply with the guidelines.

1 **17C Review of operation of guidelines**

- 2 (1) The Minister must review the first year of operation of the
3 guidelines issued under section 17B.
- 4 (2) The Minister must present a report on the review to the Legislative
5 Assembly within 3 months after the end of the first year of operation
6 of the guidelines.
- 7 (3) This section expires 2 years after the day it commences.

8 **5 Establishing government schools etc**
9 **Section 20 (3), example**

10 *omit*

11 Hindmarsh Education Centre

12 *substitute*

13 Murrumbidgee Education and Training Centre

14 **6 Suspension, exclusion or transfer of student by chief**
15 **executive**
16 **Section 36 (6)**

17 *substitute*

- 18 (6) If the student is suspended for 7 or more school days in a school
19 term (whether or not consecutive school days), the chief executive
20 must ensure that the student is given a reasonable opportunity to
21 attend appropriate counselling.

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

substitute

36A Immediate suspension by chief executive

- (1) The chief executive may immediately suspend a student mentioned in section 36 (1) (a) for not longer than 5 days if, in the chief executive's opinion, the circumstances are of such urgency or seriousness as to require the student's immediate suspension.
- (2) The chief executive need only comply with section 36 (5) to the extent that it is practicable and appropriate to do so.
- (3) To remove any doubt, the chief executive may suspend a student under this section while deciding what other action (if any) should be taken in relation to the student under section 36.

36B Delegation by chief executive

- (1) The chief executive may delegate the chief executive's power to suspend a student from a government school for not longer than 20 days to the school's principal.
- (2) 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.

Note For the making of delegations and the exercise of delegated functions, see the Legislation Act, pt 19.4.

**8 Appointment of authorised persons (government)
New section 67 (4)**

insert

- (4) To remove any doubt, a person may be both an authorised person (government) and an authorised person (non-government).

**9 Applications for in-principle approval for proposed registration
Section 83 (7)**

substitute

- (7) The chief executive must make a copy of the application for in-principle approval available for inspection free of charge to the public during normal business hours at the office of an administrative unit administered by the chief executive.

**10 Deciding in-principle applications
Section 84 (7)**

substitute

- (7) The chief executive must make a copy of the Minister's reasons available for inspection free of charge to the public during normal business hours at the office of an administrative unit administered by the chief executive.

**11 Application for provisional registration
Section 85 (5)**

substitute

- (5) The chief executive must make a copy of the application for provisional registration available for inspection free of charge to the public during normal business hours at the office of an administrative unit administered by the chief executive.

**12 Application for registration
Section 87 (4)**

substitute

- (4) The chief executive must make a copy of the application for registration available for inspection free of charge to the public during normal business hours at the office of an administrative unit administered by the chief executive.

**13 Application for registration at additional campus
Section 88A (5)**

substitute

- (5) The chief executive must make a copy of the application for registration available for inspection free of charge to the public during normal business hours at the office of an administrative unit administered by the chief executive.

**14 Application for registration at additional educational
levels
Section 89 (5)**

substitute

- (5) The chief executive must make a copy of the application for registration available for inspection free of charge to the public during normal business hours at the office of an administrative unit administered by the chief executive.

**15 Suspension, transfer or exclusion of students—Catholic
systemic schools
Section 104 (6) and (7)**

substitute

- (6) If the student is suspended for 7 or more school days in a school term (whether or not consecutive school days), the director must ensure that the student is given a reasonable opportunity to attend appropriate counselling.
- (7) If the director excludes a student from all Catholic systemic schools, the director must give the registrar written notice of the exclusion.

Note Director—see the dictionary.

16 Section 104 (8) to (12)*substitute***104A Immediate suspension by director**

- (1) The director may immediately suspend a student mentioned in section 104 (1) (a) for not longer than 5 days if, in the director's opinion, the circumstances are of such urgency or seriousness as to require the student's immediate suspension.
- (2) The director need only comply with section 104 (5) to the extent that it is practicable and appropriate to do so.
- (3) To remove any doubt, the director may suspend a student under this section while deciding what other action (if any) should be taken in relation to the student under section 104.

104B Delegation by director

The director may delegate the director's power to suspend a student from a school for not longer than 20 days to the school's principal.

Note For the making of delegations and the exercise of delegated functions, see the Legislation Act, pt 19.4.

**17 Appointment of authorised persons (non-government)
New section 119 (4)***insert*

- (4) To remove any doubt, a person may be both an authorised person (government) and an authorised person (non-government).

**18 Reviewable decisions
Schedule 1, new item 11A***insert*

11A	36A	immediately suspend student	parents of student	chief executive
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- 1 **19 Dictionary, note 2**
- 2 *insert*
- 3 • administrative unit
- 4 • public servant
- 5 **20 Dictionary, new definition of *director***
- 6 *insert*
- 7 *director* means the person occupying the position prescribed by
- 8 regulation.
- 9 **21 Education Regulation 2005, section 6 heading**
- 10 *substitute*
- 11 **6 Catholic systemic schools—Act, dict, def *director***

Endnotes

- 1 **Presentation speech**
Presentation speech made in the Legislative Assembly on 2010.
- 2 **Notification**
Notified under the Legislation Act on 2010.
- 3 **Republications of amended laws**
For the latest republication of amended laws, see www.legislation.act.gov.au.