

## **EDUCATION AMENDMENT BILL 2009 No. 2**

### **Explanatory Statement**

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

### **Overview of Bill**

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 twenty 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 (No. 2)*.

#### **Clause 2 Commencement**

States that the Act commences on 1 February 2010.

#### **Clause 3 Legislation amended**

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

#### **Clause 4 New sections 17B and 17C – Guidelines for students returning to school after suspension**

17B - States that The Chief Executive must issue guidelines with the aim to ensure a supportive and streamlined re entry to school after suspension, for the student and the school community.

17C – States that the Minister must review the first year of operation of the guidelines issued under section 17B.

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

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 6     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 7     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 twenty days to a school principal.

This provision allows principals autonomy and wider discretion in dealing with incidents in government schools. It will give these principals the authority to appropriately manage behaviour issues within their own school environment.

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 8     Appointment of authorised persons (government)**

To remove any doubt, this provision states a person may be an authorised person (government) and an authorised person (non-government).

**Clause 9     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 10 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 11 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 12 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 13 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 14 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 15 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 16 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 twenty days to a school principal.

This provision allows principals autonomy and wider discretion in dealing with incidents in Catholic schools. It will give these principals the authority to appropriately manage behaviour issues within their own school environment.

**Clause 17 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 18 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 19 Dictionary, note 2, new dot points**

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

**Clause 20 Dictionary, new definition of director**

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

**Clause 21 Education Regulation 2005, section 6 heading**

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