

2008

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Mr Richard Mulcahy)

Education (Parental Control) Amendment Bill 2008

A Bill for

An Act to amend the *Education Act 2004*

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

1 Name of Act

This Act is the *Education (Parental Control) Amendment Act 2008*.

2 Commencement

This Act commences on 1 January 2009.

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*.

**4 Reporting to parents—government schools
New section 25 (3)**

insert

- (3) A report must include detailed information on any education or activity for which informed parental consent is required under section 29A (Parental consent for education or activity—political or sexual matters).

5 New section 29A

insert

29A Parental consent for education or activity—political or sexual matters

- (1) A government school must ensure that a student does not, at the school, receive education about, or engage in an activity involving, a matter of a political or sexual nature without informed parental consent.

- 1 (2) However, a government school may give a student education or
2 information about a matter of a political or sexual nature without
3 informed parental consent if—
- 4 (a) the matter arises in relation to or in the course of education or
5 an activity for which informed parental consent is not required,
6 or in response to a question from a student that has not been
7 solicited by the school; and
- 8 (b) the school could not reasonably have anticipated that the
9 matter would arise; and
- 10 (c) it is not practicable for the school to obtain informed parental
11 consent for the education or information under the
12 circumstances; and
- 13 (d) the education or information is capable of being understood
14 and critically assessed by the student, given the student's age,
15 intelligence and maturity.
- 16 (3) For this section, a government school has ***informed parental***
17 ***consent*** in relation to a student receiving education or engaging in
18 an activity only if—
- 19 (a) the school tells each parent of the student of whom the
20 principal is aware about—
- 21 (i) the nature of the education or activity, including the facts,
22 ideas, doctrines, opinions and material that will be
23 presented to the student during the education or activity;
24 and
- 25 (ii) the name of the presenter of the education or activity and
26 any entity or organisation that the presenter represents or
27 with whom the presenter has a substantial connection;
28 and
- 29 (b) at least 1 parent gives consent to the education or activity; and

- 1 (c) no parent tells the school that he or she does not wish the
2 student to participate in the education or activity.
- 3 (4) A parent or student may bring an action as for a tort in any court of
4 competent jurisdiction to recover damages or to seek an injunction
5 in relation to conduct in breach of this section.
- 6 (5) Any remedy that may be granted by a court with respect to a tort,
7 including exemplary damages, may be granted by a court in a
8 proceeding under this section.
- 9 (6) A civil right or remedy otherwise available to a person is not
10 affected by anything in this section.
- 11 (7) In this section:
- 12 ***conduct*** includes omission.
- 13 ***matter of a political nature*** means a legal, governmental, social,
14 economic or environmental matter that is the subject of current
15 political importance or controversy.
- 16 ***matter of a sexual nature*** means any matter relating to the
17 reproduction, or the sexual desires or practices, of humans or
18 animals.
- 19 ***student*** means a student under the age of 18.

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 2008.

2 Notification

Notified under the Legislation Act on 2008.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

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