

I hereby certify that this PUBLIC BILL has finally passed the
Legislative Assembly of Queensland.



Legislative Assembly Chamber,
Brisbane,

M. A. Rice
The Clerk of the Parliament.
7 November 20 *13*

In the name and on behalf of the Queen, I assent to this Bill.

Penelope Wensley
Government House,
Brisbane, *7th November,* 20 *13*



Queensland

No. *59* of 2013
A BILL for

An Act to amend the Education (General Provisions) Act 2006 for particular purposes



Queensland

Education (Strengthening Discipline in State Schools) Amendment Bill 2013

Contents

		Page
1	Short title	6
2	Commencement	6
3	Act amended	6
4	Amendment of s 36 (Use of criminal history information)	6
5	Amendment of s 37 (Confidentiality of information about criminal history)	6
6	Amendment of s 53 (When fee for distance education is not payable)	7
7	Amendment of s 200 (Child's exclusion or suspension)	7
8	Amendment of s 237 (Suspension or exclusion)	7
9	Replacement of ch 12, pt 1	8
	Part 1 Student discipline	
	275 Control of student discipline	8
	276 Policies or procedures for student discipline	8
10	Omission of ch 12, pt 2	9
11	Replacement of ch 12, pt 3 hdg	9
12	Replacement of ch 12, pt 3, divs 1 to 3	9
	Division 1 Preliminary	
	280 Definitions for pt 3	10
	Division 2 Suspension of students by principal	
	Subdivision 1 General provisions	
	281 Principal's power to suspend	11
	282 Grounds for suspension	11
	283 Duration and notice of suspension	12
	284 Continuing education during suspension	13
	285 Submission against suspension	13

Contents

286	Dealing with submission against suspension	13
	Subdivision 2 Charge-related suspensions	
287	Application of sdiv 2	14
288	Principal must decide whether to exclude student after charge dealt with	14
289	Principal may decide to end suspension before charge dealt with	15
	Subdivision 3 Chief executive's powers	
290	Chief executive may exercise suspension power	15
	Division 3 Exclusion of students by principal	
291	Principal's power to exclude	16
292	Grounds for exclusion.	16
293	Suspension pending final decision about exclusion . .	17
294	Continuing education during suspension	17
295	Final decision about exclusion	18
296	Effect of exclusion on enrolment	19
297	Chief executive may exercise exclusion power.	19
	Division 4 Exclusion of students from certain State schools or all State schools by chief executive	
298	Chief executive's power to exclude.	19
299	Grounds for exclusion.	20
300	Suspension pending final decision about exclusion . .	21
301	Continuing education during suspension	21
302	Final decision about exclusion	21
303	Effect of exclusion on enrolment	23
304	Continuing education during exclusion of certain students	23
13	Renumbering of ch 12, pt 3, divs 4 to 6	23
14	Amendment of s 305 (Application of div 4).	23
15	Amendment of s 309 (Exclusion)	23
16	Amendment of s 311 (Application of div 5).	24
17	Amendment of s 312 (Submission against exclusion decision) . .	24
18	Amendment of s 313 (Dealing with submissions against exclusions)	24
19	Amendment of s 315 (Periodic review of decision to exclude permanently on ground mentioned in s 288B, 289 or 298—person under 24 years)	25
20	Replacement of ch 12, pt 3, divs 7 and 8	26

	Division 8	Cancellation of enrolment of students who are older than compulsory school age	
	316	Principal's power to cancel enrolment	26
	317	Ground for cancellation	26
	318	Notice of cancellation	26
	319	Submission against cancellation	27
	320	Dealing with submission against cancellation	27
21		Amendment of s 328 (Definitions for div 9)	28
22		Amendment of s 329 (No entitlement to enrolment at another State school during suspension)	28
23		Amendment of s 331 (Submissions, representations or applications about suspensions etc.)	28
24		Amendment of s 332 (When decisions take effect)	29
25		Replacement of s 362 (Noncompliance with dress code)	29
	362	Noncompliance with dress code.	29
26		Amendment of ch 15, pt 4 hdg	30
27		Amendment of s 401 (Definition for pt 4)	30
28		Insertion of new ch 20, pt 7	30
	Part 7	Transitional provisions for Education (Strengthening Discipline in State Schools) Amendment Act 2013	
	516	Definitions for pt 7.	31
	517	Existing policy and procedures.	31
	518	Suspension of student	32
	519	Suspension and proposed exclusion of student by principal	32
	520	Exclusion of student by principal	32
	521	Recommendation to principal's supervisor for exclusion and suspension	32
	522	Exclusion of student by principal's supervisor	33
	523	Suspension and proposed exclusion of student by chief executive	33
	524	Exclusion of student by chief executive	33
	525	Show cause notice about cancellation of enrolment	34
	526	Cancellation of enrolment.	34
29		Amendment of sch 4 (Dictionary)	34

2013

A Bill

for

**An Act to amend the *Education (General Provisions) Act 2006*
for particular purposes**

The Parliament of Queensland enacts—

1 Short title

This Act may be cited as the *Education (Strengthening Discipline in State Schools) Amendment Act 2013*.

2 Commencement

This Act commences on a day to be fixed by proclamation.

3 Act amended

This Act amends the *Education (General Provisions) Act 2006*.

4 Amendment of s 36 (Use of criminal history information)

(1) Section 36, ‘, division 3’—

omit.

(2) Section 36—

insert—

(2) A principal of a State school must not use information obtained under this part about a person’s criminal history other than for chapter 12, part 3, division 2 or 3.

5 Amendment of s 37 (Confidentiality of information about criminal history)

(1) Section 37(3)(a)(iii), ‘, division 3’—

omit.

(2) Section 37(3)—

insert—

(aa) to the principal of a State school for the purpose of the principal deciding whether to—

- (i) suspend the person from a State school under chapter 12, part 3, division 2; or
- (ii) exclude the person from a State school under chapter 12, part 3, division 3; or

(3) Section 37(3)(a) to (c)—

renumber as section 37(3)(a) to (d).

6 Amendment of s 53 (When fee for distance education is not payable)

(1) Section 53(1)(d)(i)—

omit, insert—

- (i) is excluded from a State school under section 291, or from certain State schools under section 298; and

(2) Section 53(1)(e)—

omit, insert—

- (e) the person is excluded from all State schools under section 298; or

7 Amendment of s 200 (Child's exclusion or suspension)

Section 200(2)(a), 'section 286(2), 288D or 291'—

omit, insert—

section 284, 294 or 301

8 Amendment of s 237 (Suspension or exclusion)

(1) Section 237(2), 'division 1, 1A or 2'—

omit, insert—

[s 9]

division 2, 3 or 4

(2) Section 237(2), 'section 286(2), 288D or 291'—

omit, insert—

section 284, 294 or 301

9 Replacement of ch 12, pt 1

Chapter 12, part 1—

omit, insert—

Part 1 Student discipline

275 Control of student discipline

- (1) The principal of a State school must control and regulate student discipline in the school.
- (2) The way in which the principal controls and regulates student discipline in the school may include providing for students to carry on activities—
 - (a) after school hours; and
 - (b) on a day other than a school day.

276 Policies or procedures for student discipline

- (1) The chief executive may make a policy or procedure about the way in which principals of State schools are to control and regulate student discipline.
- (2) The policy or procedure may provide for the following matters—
 - (a) the detention of students by principals or teachers;
 - (b) the performance of community service by students;

-
- (c) the making, by principals, of discipline improvement plans for students;
 - (d) any other matter the chief executive considers appropriate.
- (3) The chief executive must ensure the policy or procedure is available for public inspection, without charge—
- (a) during normal business hours at the department's head office; and
 - (b) on the department's website.
- Editor's note—*
- The department's website address is <www.education.qld.gov.au>.
- (4) The principal of a State school must ensure that the way in which the principal controls and regulates student discipline in the school complies with the policy or procedure.

10 Omission of ch 12, pt 2

Chapter 12, part 2—

omit.

11 Replacement of ch 12, pt 3 hdg

Chapter 12, part 3 heading—

omit, insert—

**Part 3 Suspension, exclusion,
and cancellation of
enrolment, of State
school students**

12 Replacement of ch 12, pt 3, divs 1 to 3

Chapter 12, part 3, divisions 1 to 3—

omit, insert—

Division 1 Preliminary

280 Definitions for pt 3

In this part—

charge, for an offence, in relation to a charge made outside Queensland, means any allegation of an offence made in a way that is the same as, or substantially the same as, a charge under the law of the State.

charge-related ground see section 282(4).

conduct, of a student, includes an omission to perform an act by the student.

dealt with, in relation to a charge against a student for an offence, means any of the following—

- (a) the student is acquitted or convicted of the charge;
- (b) the student is convicted of another offence arising out of substantially the same acts or omissions as those constituting the charge;
- (c) the charge is withdrawn or dismissed;
- (d) a nolle prosequi or no true bill is presented in relation to the charge.

offence includes an act or omission committed outside Queensland that would be an offence if it were committed in Queensland.

Division 2 Suspension of students by principal

Subdivision 1 General provisions

281 Principal's power to suspend

- (1) The principal of a State school at which a student is enrolled may, under this division, suspend the student from the school if the principal is reasonably satisfied a ground exists for the suspension.
- (2) The principal may act under this division whether or not the student has already been suspended or excluded under this part.
- (3) In this division, a reference to suspension is a reference to suspension of a student in exercise of the power under subsection (1).

282 Grounds for suspension

- (1) Each of the following is a ground for suspension—
 - (a) disobedience;
 - (b) misbehaviour;
 - (c) conduct that adversely affects, or is likely to adversely affect, other students;
 - (d) conduct that adversely affects, or is likely to adversely affect, the good order and management of the school;
 - (e) the student's attendance at the school poses an unacceptable risk to the safety or wellbeing of other students or of staff;
 - (f) the student is charged with a serious offence.

- (2) It is also a ground for suspension if—
 - (a) the student is charged with an offence other than a serious offence; and
 - (b) the principal is reasonably satisfied it would not be in the best interests of other students or of staff for the student to attend the school while the charge is pending.
- (3) To remove any doubt, it is declared that, for subsection (1)(c) or (d), conduct may be a ground for suspension even if the conduct does not happen on school premises or during school hours.
- (4) Each of the grounds under subsection (1)(f) or (2) is a *charge-related ground*.

283 Duration and notice of suspension

- (1) Suspension may be—
 - (a) generally—for not more than 10 school days; or
 - (b) on a ground other than a charge-related ground and if the principal is reasonably satisfied the ground is so serious that the suspension should be for more than 10 school days—for not more than 20 school days; or
 - (c) on a charge-related ground—until the day the principal makes a decision under section 288.
- (2) The suspension starts when the principal tells the student about it.
- (3) As soon as practicable after telling the student, the principal must give the student a notice in the approved form about the suspension.
- (4) If the student is suspended under subsection (1)(b) or (c), the notice must state that the student

may make a written submission against the suspension to the chief executive.

284 Continuing education during suspension

A principal who suspends a student must take reasonable steps to arrange for the student's access to an educational program that allows the student to continue the student's education during the suspension.

285 Submission against suspension

- (1) This section applies for suspension under section 283(1)(b) or (c).
- (2) The student may make a written submission against the suspension.

Note—

See also section 331 (Parent may also make submission, representation or application).

- (3) The submission must be made to the chief executive and state fully the grounds for the submission and the facts relied on.

286 Dealing with submission against suspension

- (1) If a submission is made to the chief executive under section 285(2), the chief executive must, as soon as practicable after receiving it, review the principal's decision to suspend the student and—
 - (a) confirm the decision; or
 - (b) vary the decision; or
 - (c) set aside the decision and substitute another decision.
- (2) As soon as practicable after making the decision under subsection (1), the chief executive must tell the student and the principal—

[s 12]

- (a) about the decision; and
 - (b) if the decision allows the student to resume attendance at the school earlier, or later, than if the principal's decision had been confirmed—when the student may resume attendance at the school.
- (3) As soon as practicable after telling the student and the principal, the chief executive must give each of them a notice in the approved form about the decision.

Subdivision 2 Charge-related suspensions

287 Application of sdiv 2

This subdivision applies for suspension on a charge-related ground.

288 Principal must decide whether to exclude student after charge dealt with

- (1) As soon as practicable after the charge is dealt with, the principal must decide, under division 3, whether to propose to exclude the student from the school.

Note—

The principal may propose to exclude on the ground mentioned in section 292(2) or on another ground mentioned in section 292(1).

- (2) If the principal decides not to propose to exclude, the principal must tell the student about the decision and that the suspension has ended.
- (3) As soon as practicable after telling the student, the principal must give the student a notice in the approved form about the decision.

289 Principal may decide to end suspension before charge dealt with

- (1) This section applies if, on a day before the charge is dealt with, the principal is satisfied it would no longer not be in the best interests of other students or of staff for the student to attend the school while the charge is pending.
- (2) Despite section 283(1)(c), the principal may decide to end the suspension.
- (3) The principal must tell the student about the decision and that the suspension has ended.
- (4) As soon as practicable after telling the student, the principal must give the student a notice in the approved form about the decision.

Subdivision 3 Chief executive's powers

290 Chief executive may exercise suspension power

- (1) This section applies if the principal of a State school, or the chief executive, reasonably believes it would be appropriate for the chief executive to exercise the suspension power.

Example—

It would be appropriate for the chief executive to exercise the power if the principal was prevented from doing so by the principles of natural justice relating to bias.

- (2) The chief executive may exercise the power.
- (3) Each provision of this division applies as if a reference in the provision to the principal were a reference to the chief executive.

Division 3 Exclusion of students by principal

291 Principal's power to exclude

- (1) The principal of a State school at which a student is enrolled may, under this division, exclude the student from the school if the principal is reasonably satisfied a ground exists for the exclusion.
- (2) The principal may act under this division whether or not the student has already been suspended or excluded under this part.
- (3) In this division, a reference to exclusion is a reference to exclusion of a student in exercise of the power under subsection (1).

292 Grounds for exclusion

- (1) Each of the following is a ground for exclusion—
 - (a) persistent disobedience;
 - (b) misbehaviour;
 - (c) conduct that adversely affects, or is likely to adversely affect, other students;
 - (d) conduct that adversely affects, or is likely to adversely affect, the good order and management of the school;
 - (e) the student's attendance at the school poses an unacceptable risk to the safety or wellbeing of other students or of staff;if suspension of the student under division 2 is inadequate to deal with the disobedience, misbehaviour, conduct or risk.
- (2) It is also a ground for exclusion if—

- (a) the student has been convicted of an offence; and
 - (b) the principal is reasonably satisfied it would not be in the best interests of other students or of staff for the student to be enrolled at the school.
- (3) To remove any doubt, it is declared that, for subsection (1)(c) or (d), conduct may be a ground for exclusion even if the conduct does not happen on school premises or during school hours.

293 Suspension pending final decision about exclusion

- (1) This section applies if the principal of a State school proposes to exclude a student.
- (2) The principal must give the student a notice in the approved form about the proposed exclusion and—
 - (a) if the student is already suspended—tell the student that the suspension continues until the principal makes a final decision about the proposed exclusion; or
 - (b) if the student is not already suspended—suspend the student until the principal makes a final decision about the proposed exclusion.
- (3) The suspension starts when the principal tells the student about it.

294 Continuing education during suspension

A principal who suspends a student pending a final decision about exclusion must take reasonable steps to arrange for the student's access to an educational program that allows the student to continue the student's education during the suspension.

295 Final decision about exclusion

- (1) The principal of a State school must make a final decision about exclusion within 20 school days after giving the student a notice under section 293(2) (the *proposed exclusion notice*).
- (2) If the principal decides not to exclude, the principal must—
 - (a) tell the student, as soon as practicable—
 - (i) about the decision; and
 - (ii) that the suspension has ended and the student may resume attendance at the school; and
 - (b) as soon as practicable after telling the student about the decision—give the student a notice in the approved form about the decision.
- (3) If the principal decides to exclude, the principal must exclude the student either permanently or for a period of not more than 1 year.
- (4) However, the exclusion can not be longer than the period stated in the proposed exclusion notice.
- (5) The principal must, as soon as practicable after deciding to exclude, give the student a notice in the approved form about the exclusion.
- (6) The notice mentioned in subsection (5) must state that—
 - (a) the student may make a written submission to the chief executive asking the chief executive to review the decision under division 6; and
 - (b) if the student is excluded permanently—the student may make a periodic written submission to the chief executive under division 7.

296 Effect of exclusion on enrolment

If a student is excluded from a State school at which the student is enrolled, the enrolment is taken to be cancelled.

297 Chief executive may exercise exclusion power

- (1) This section applies if the principal of a State school, or the chief executive, reasonably believes it would be appropriate for the chief executive to exercise the exclusion power.

Example—

It would be appropriate for the chief executive to exercise the power if the principal was prevented from doing so by the principles of natural justice relating to bias.

- (2) The chief executive may exercise the power.
- (3) Each provision of this division applies as if a reference in the provision to the principal were a reference to the chief executive.

Division 4 Exclusion of students from certain State schools or all State schools by chief executive

298 Chief executive's power to exclude

- (1) The chief executive may, under this division, exclude a student from certain State schools, or all State schools, if the chief executive is reasonably satisfied a ground exists for the exclusion.
- (2) The chief executive may act under this division whether or not the student has already been suspended or excluded under this part.

[s 12]

- (3) In this division, a reference to exclusion is a reference to exclusion of a student in exercise of the power under subsection (1).

299 Grounds for exclusion

- (1) Each of the following is a ground for exclusion—
- (a) persistent disobedience;
 - (b) misbehaviour;
 - (c) conduct that adversely affects, or is likely to adversely affect, other students;
 - (d) conduct that adversely affects, or is likely to adversely affect, the good order and management of the schools;
 - (e) the student's attendance at the schools poses an unacceptable risk to the safety or wellbeing of other students or of staff;
- if exclusion of the student under division 3 is inadequate to deal with the disobedience, misbehaviour, conduct or risk.
- (2) It is also a ground for exclusion if—
- (a) the student has been convicted of an offence; and
 - (b) the chief executive is reasonably satisfied it would not be in the best interests of other students or of staff for the student to be enrolled at the schools.
- (3) To remove any doubt, it is declared that, for subsection (1)(c) or (d), conduct of the student may be a ground for exclusion even if the conduct does not happen on school premises or during school hours.

300 Suspension pending final decision about exclusion

- (1) This section applies if the chief executive proposes to exclude a student.
- (2) The chief executive must give the student a notice in the approved form about the proposed exclusion and—
 - (a) if the student is already suspended or excluded from the schools—tell the student that the suspension or exclusion continues until the chief executive makes a final decision about the proposed exclusion; or
 - (b) if the student is not already suspended or excluded from the schools—suspend the student until the chief executive makes a final decision about the proposed exclusion.
- (3) The suspension starts when the chief executive tells the student about it.

301 Continuing education during suspension

If the chief executive suspends a student pending a final decision about exclusion, the chief executive must take reasonable steps to arrange for the student's access to an educational program that allows the student to continue the student's education during the suspension.

302 Final decision about exclusion

- (1) The chief executive must make a final decision about exclusion within 30 school days after giving the student a notice under section 300(2) (the *proposed exclusion notice*).
- (2) If the chief executive decides not to exclude, the chief executive must—
 - (a) as soon as practicable, tell the student—

[s 12]

- (i) about the decision; and
 - (ii) that the suspension has ended; and
 - (iii) unless the student has been excluded under section 295(3)—that the student may resume attendance at the school at which the student was enrolled on the day of the suspension; and
 - (b) as soon as practicable after telling the student about the decision—give the student a notice in the approved form about the decision.
- (3) If the chief executive decides to exclude, the chief executive must exclude the student either permanently or for a period of not more than 1 year.
- (4) However, the exclusion can not be longer than the period stated in the proposed exclusion notice.
- (5) The chief executive must, as soon as practicable after deciding to exclude, give the student a notice in the approved form about the exclusion.
- (6) The notice mentioned in subsection (5) must state that—
- (a) the student may make a written submission to the chief executive asking the chief executive to review the decision under division 6; and
 - (b) if the student is excluded permanently— the student may make a periodic written submission to the chief executive under division 7.
- (7) Also, if the chief executive decides to exclude the student from all State schools, the notice must comply with the QCAT Act, section 157(2).

303 Effect of exclusion on enrolment

If a student is excluded from a State school at which the student is enrolled, the enrolment is taken to be cancelled.

304 Continuing education during exclusion of certain students

- (1) This section applies to a student of a State school who is—
 - (a) of compulsory school age; or
 - (b) a young person in the compulsory participation phase.
- (2) If the student is excluded from all State schools, the chief executive must take reasonable steps to arrange for the student's access to an educational program that allows the student to continue the student's education during the exclusion.

13 Renumbering of ch 12, pt 3, divs 4 to 6

Chapter 12, part 3, divisions 4 to 6, as in force immediately before the commencement of this section—

renumber as chapter 12, part 3, divisions 5 to 7.

14 Amendment of s 305 (Application of div 4)

Section 305, heading, 'div 4'—

omit, insert—

div 5

15 Amendment of s 309 (Exclusion)

Section 309(5)(c), 'division 5'—

omit, insert—

division 6

[s 16]

16 Amendment of s 311 (Application of div 5)

(1) Section 311, heading, ‘div 5’—

omit, insert—

div 6

(2) Section 311, ‘section 288F, 293, 302(3)’—

omit, insert—

section 291, 298

17 Amendment of s 312 (Submission against exclusion decision)

Section 312(2)(a), ‘section 288F, 293, 302(3)’—

omit, insert—

section 295(5), 302(5)

18 Amendment of s 313 (Dealing with submissions against exclusions)

(1) Section 313(2), ‘section 288F, 293 or 302(3)’—

omit, insert—

section 291 or 298

(2) Section 313(2)(b)(i), ‘person’—

omit, insert—

excluded person

(3) Section 313(2)(b)(iii)—

omit.

(4) Section 313(4), ‘section 302(3)’—

omit, insert—

section 291, 298

19 Amendment of s 315 (Periodic review of decision to exclude permanently on ground mentioned in s 288B, 289 or 298—person under 24 years)

(1) Section 315, heading, ‘s 288B, 289 or 298’—

omit, insert—

s 292 or 299

(2) Section 315(1)—

omit, insert—

(1) This section applies to a person under 24 years who is excluded permanently—

- (a) from a State school at which the person was enrolled immediately before the exclusion on a ground mentioned in section 292; or
- (b) from certain State schools on a ground mentioned in section 299; or
- (c) from all State schools on a ground mentioned in section 299.

(3) Section 315(4)(b)(iii)—

omit.

(4) Section 315(5)(a) to (d)—

omit, insert—

- (a) if the person was excluded on a ground mentioned in section 292(1)(a), (b), (c) or (d), or section 299(1)(a), (b), (c) or (d)—the disobedience, misbehaviour or other conduct is unlikely to recur if the student were allowed to attend the school or schools; or
- (b) if the person was excluded on a ground mentioned in section 292(1)(e) or 299(1)(e)—the student’s attendance at the school or schools no longer poses an unacceptable risk to the safety or wellbeing of other students or of staff; or

[s 20]

- (c) if the person was excluded on a ground mentioned in section 292(2) or 299(2)—it would no longer not be in the best interests of other students or of staff for the student to be enrolled at the school or schools.

20 Replacement of ch 12, pt 3, divs 7 and 8

Chapter 12, part 3, divisions 7 and 8, as in force immediately before the commencement of this section—

omit, insert—

Division 8 Cancellation of enrolment of students who are older than compulsory school age

316 Principal's power to cancel enrolment

- (1) The principal of a State school at which a student who is older than compulsory school age is enrolled may, under this division, cancel the enrolment if the principal is reasonably satisfied the ground mentioned in section 317 exists.
- (2) The enrolment of a student of compulsory school age can not be cancelled under this division.

317 Ground for cancellation

For section 316(1), the ground for cancellation is that the student's behaviour amounts to a refusal to participate in the educational program provided at the school.

318 Notice of cancellation

- (1) This section applies if the principal of a State school cancels the enrolment of a student under section 316(1).

- (2) The principal must give the student a notice in the approved form about the cancellation stating—
 - (a) an application for the enrolment of the student at the school can not be made for a stated period of not more than 12 months after the giving of the notice; and
 - (b) the student may make a written submission against the cancellation to the chief executive.
- (3) If the student receives a notice under subsection (2), an application for the enrolment of the student at the school can not be made during the period stated in the notice under subsection (2)(a).

319 Submission against cancellation

- (1) This section applies if the principal of a State school cancels the enrolment of a student under section 316(1).
- (2) The student may make a written submission against the cancellation.

Note—

See also section 331 (Parent may also make submission, representation or application).

- (3) The submission must be made to the chief executive and state fully the grounds for the submission and the facts relied on.

320 Dealing with submission against cancellation

- (1) If a submission is made to the chief executive under section 319(2), the chief executive must, as soon as practicable after receiving it, review the principal's decision to cancel the enrolment and—

[s 21]

- (a) confirm the decision; or
 - (b) vary the decision; or
 - (c) set aside the decision and substitute another decision.
- (2) As soon as practicable after making the decision under subsection (1), the chief executive must tell the student and the principal—
 - (a) about the decision; and
 - (b) if the decision allows the student to make an application for enrolment at the school earlier than if the principal’s decision had been confirmed—when the student may make the application.
- (3) As soon as practicable after telling the student and the principal, the chief executive must give each of them a notice in the approved form about the decision.

21 Amendment of s 328 (Definitions for div 9)

Section 328, definition *student*, paragraph (b), ‘division 7’—
omit, insert—

division 8

22 Amendment of s 329 (No entitlement to enrolment at another State school during suspension)

Section 329, after ‘the suspension’—
insert—

unless the enrolment is approved by the chief executive

23 Amendment of s 331 (Submissions, representations or applications about suspensions etc.)

(1) Section 331, heading—

omit, insert—

331 Parent may also make submission, representation or application

(2) Section 331(1)(a)(i) to (v)—

omit, insert—

- (i) a suspension under section 283(1)(b) or (c);
- (ii) an exclusion under section 295(3) or 302(3);
- (iii) a proposed exclusion under section 306;
- (iv) an exclusion under section 309;
- (v) a cancellation of enrolment under section 316; and

24 Amendment of s 332 (When decisions take effect)

Section 332(2)(a)—

omit, insert—

- (a) if the student must be told about the decision—on the day the student is told about the decision; or

25 Replacement of s 362 (Noncompliance with dress code)

Section 362—

omit, insert—

362 Noncompliance with dress code

- (1) This section applies if a student of a State school does not comply with a dress code for the school's students.
- (2) The noncompliance can not be a ground for any of the following—
 - (a) suspending the student under part 3, division 2;

[s 26]

- (b) excluding the student under part 3, division 3 or 4;
- (c) cancelling the student's enrolment under part 3, division 8.

26 Amendment of ch 15, pt 4 hdg

Chapter 15, part 4 heading, '302(4) or 309(6)'—

omit, insert—

302(3) or 309(3)

27 Amendment of s 401 (Definition for pt 4)

(1) Section 401, definition *aggrieved person*, paragraph (c)—
renumber as paragraph (d).

(2) Section 401, definition *aggrieved person*, paragraph (b)—
omit, insert—

- (b) a student aggrieved by the chief executive's decision under section 72; or
- (c) a student aggrieved by the chief executive's decision under section 302(3) or 309(3) to exclude the student from all State schools;
or

28 Insertion of new ch 20, pt 7

Chapter 20—

insert—

Part 7 **Transitional provisions
for Education
(Strengthening
Discipline in State
Schools) Amendment
Act 2013**

516 Definitions for pt 7

In this part—

amending Act means the *Education (Strengthening Discipline in State Schools) Amendment Act 2013*.

commencement means the commencement of this section.

pre-amended Act means this Act as in force immediately before the commencement.

517 Existing policy and procedures

- (1) This section applies if—
 - (a) the chief executive has made a policy or procedure about the way in which principals of State schools are to control and regulate student discipline; and
 - (b) the policy or procedure is in force immediately before the commencement.
- (2) The policy or procedure is taken to be a policy or procedure made by the chief executive under section 276.

518 Suspension of student

- (1) This section applies if a student was suspended from a State school under the pre-amended Act, section 285 before the commencement.
- (2) The pre-amended Act continues to apply for the suspension as if the amending Act had not been enacted.

519 Suspension and proposed exclusion of student by principal

- (1) This section applies if a student was given a notice proposing exclusion, and suspended, under the pre-amended Act, section 288C before the commencement.
- (2) The pre-amended Act continues to apply for the proposed exclusion and suspension as if the amending Act had not been enacted.

520 Exclusion of student by principal

- (1) This section applies if a student is excluded from a school, under the pre-amended Act, section 288F either before or after the commencement.
- (2) The student is taken to be excluded from the school under section 295(3) as in force after the commencement.
- (3) The notice given to the student under the pre-amended Act, section 288F(3) is taken to state the matters mentioned in section 295(6) as in force immediately after the commencement.

521 Recommendation to principal's supervisor for exclusion and suspension

- (1) This section applies if a principal recommended to the principal's supervisor that a student be excluded from a school or schools, and

suspended the student, under the pre-amended Act, section 290 before the commencement.

- (2) The pre-amended Act continues to apply for the recommendation and suspension as if the amending Act had not been enacted.

522 Exclusion of student by principal's supervisor

- (1) This section applies if a student is excluded from a school or schools, under the pre-amended Act, section 293 either before or after the commencement.
- (2) The student is taken to be excluded from the school under section 295(3) as in force after the commencement.
- (3) The notice given to the student under the pre-amended Act, section 293(3) is taken to state the matters mentioned in section 295(6) as in force immediately after the commencement.

523 Suspension and proposed exclusion of student by chief executive

- (1) This section applies if the chief executive gave a student a notice under the pre-amended Act, section 300 in relation to the student's suspension and proposed exclusion before the commencement.
- (2) The pre-amended Act continues to apply for the notice as if the amending Act had not been enacted.

524 Exclusion of student by chief executive

- (1) This section applies if a student is excluded from a school or schools, under the pre-amended Act, section 302 either before or after the commencement.

- (2) The student is taken to be excluded from the school or schools under section 302(3) as in force after the commencement.
- (3) The notice given to the student under the pre-amended Act, section 302(3) is taken to state the matters mentioned in section 302(6) and (7) as in force immediately after the commencement.

525 Show cause notice about cancellation of enrolment

- (1) This section applies if a principal gave a student a show cause notice under the pre-amended Act, section 317 before the commencement.
- (2) The pre-amended Act continues to apply for the show cause notice as if the amending Act had not been enacted.

526 Cancellation of enrolment

- (1) This section applies if a principal cancels the enrolment of a student at a school, under the pre-amended Act, section 320 either before or after the commencement.
- (2) The enrolment of the student is taken to be cancelled under section 316(1) as in force after the commencement.
- (3) The notice given to the student under the pre-amended Act, section 320(4) is taken to state the matters mentioned in section 318(2) as in force immediately after the commencement.

29 Amendment of sch 4 (Dictionary)

- (1) Schedule 4, definitions *appropriately qualified, approved behaviour plan, behaviour improvement condition, behaviour management program, challenging behaviour, misconduct,*

notice proposing exclusion, notice recommending exclusion and person under the cancellation—

omit.

- (2) Schedule 4—

insert—

charge, for chapter 12, part 3, see section 280.

charge-related ground, for chapter 12, part 3, see section 280.

conduct, for chapter 12, part 3, see section 280.

dealt with, for chapter 12, part 3, see section 280.

offence, for chapter 12, part 3, see section 280.

- (3) Schedule 4, definitions *accepted representations, show cause notice* and *show cause period*, paragraph (d), ‘division 4’—

omit, insert—

division 5

- (4) Schedule 4, definitions *accepted representations, show cause notice* and *show cause period*, paragraph (e)—

omit.

- (5) Schedule 4, definitions *accepted representations, show cause notice* and *show cause period*, paragraph (f)—

renumber as paragraph (e).

- (6) Schedule 4, definition *external program*, paragraph (a), ‘section 286(2), 288D or 291’—

omit, insert—

section 284, 294 or 301