

ELECTRONIC VERSION

**SCHOOL DISCIPLINE AND THE EDUCATION  
(GENERAL PROVISIONS) AMENDMENT BILL 1996**

**LEGISLATION BULLETIN NO 13/96**

**KAREN SAMPFORD**

QUEENSLAND PARLIAMENTARY LIBRARY  
Publications and Resources Section

BRISBANE  
November 1996  
ISSN 1324-860X  
ISBN 0 7242 7351 4

This Legislation Bulletin was prepared to assist Members in their consideration of the Bill in the Queensland Legislative Assembly. It should not be considered as a complete guide to the legislation and does not constitute legal advice.

The Bulletin reflects the legislation as introduced. The *Queensland Legislation Annotations*, prepared by the Office of the Queensland Parliamentary Counsel, or the *Bills Update*, produced by the Table Office of the Queensland Parliament, should be consulted to determine whether the Bill has been enacted and if so, whether the legislation as enacted reflects amendments in Committee. Readers are also directed to the relevant *Alert Digest* of the Scrutiny of Legislation Committee of the Queensland Parliament.

© Queensland Parliamentary Library, 1996

Copyright protects this publication. Except for purposes permitted by the Copyright Act 1968, reproduction by whatever means is prohibited, other than by Members of the Queensland Parliament in the course of their official duties, without the prior written permission of the Parliamentary Librarian, Queensland Parliamentary Library.

Inquiries should be addressed to: Director, Publications & Resources, Queensland Parliamentary Library, Parliament House, George Street, Brisbane.  
Director: Ms Mary Seefried.

## CONTENTS

<b>1. INTRODUCTION</b> .....	1
<b>2. SCHOOL DISCIPLINE</b> .....	2
2.1 BACKGROUND.....	2
2.2 THE QUEENSLAND GOVERNMENT’S 1995 ELECTION POLICY .....	3
2.3 SUSPENSION AND EXCLUSION POWERS - THE CURRENT POSITION IN QUEENSLAND.....	4
<b>2.4. THE PROPOSED AMENDMENTS</b> .....	10
<b>2.5 POWERS OF SUSPENSION, EXCLUSION AND EXPULSION -     A COMPARATIVE SURVEY</b> .....	16
2.6. OTHER RESPONSES TO DISRUPTIVE BEHAVIOUR IN SCHOOLS - A COMPARATIVE SURVEY.....	24
<b>3. STATUTORY OFFENCES ON SCHOOL PREMISES</b> .....	28
3.1 WILFUL DISTURBANCE.....	28
3.2 TRESPASSING .....	30
3.3 A COMPARATIVE SURVEY .....	31
<b>4. NEW DISTANCE CRITERIA</b> .....	32
4.1 THE CURRENT LEGISLATION.....	32
4.2 THE PROPOSED LEGISLATION .....	33
<b>BIBLIOGRAPHY</b> .....	35
<b>APPENDIX A</b> .....	39
<b>APPENDIX B</b> .....	41
<b>APPENDIX C</b> .....	43
<b>APPENDIX D</b> .....	45



<b>DATE OF INTRODUCTION:</b>	13 November 1996
<b>PORTFOLIO:</b>	Education
<b>COMMENCEMENT:</b>	Upon proclamation
<b>HANSARD REFERENCE</b>	<i>Daily Hansard</i> , 13 November 1996, pp 3995-3998.

## **1. INTRODUCTION**

On 13 November 1996, the Minister for Education, Hon R J Quinn MLA, introduced the Education (General Provisions) Amendment Bill 1996 into the Queensland Legislative Assembly. The main purposes of the Bill, which amends the *Education (General Provisions) Act 1989* (Qld), are to:

- introduce new behaviour management provisions, whereby school principals are given more authority to manage the behaviour of disruptive students;
- increase the penalties for disturbing the good order and management of schools or trespassing on school premises, and
- amend the distance criteria for students enrolled or enrolling in schools of distance education.

Section 2 of this *Legislation Bulletin* outlines the existing powers given to Queensland school principals to suspend or exclude students, and compares them with key changes made under the behaviour management provisions contained in the Education (General Provisions) Amendment Bill 1996. A comparative survey of the school discipline provisions enacted in other Australian states and territories is also provided.

In Section 3 of this *Legislation Bulletin*, the proposed changes to the penalties for statutory offences involving disruptive behaviour or trespassing on school premises

are outlined. The existing, and proposed new, provisions are compared with the legislation in force elsewhere in Australia.

Section 4 of the *Bulletin* discusses the proposed amendments to s 58(2)(d) of the Education (General Provisions) Act 1989 which sets out the circumstances in which a dispensation from attending a State school may be granted on the grounds of distance.

Appendix A contains a cross-section of print media views on the problem of discipline in schools, or the proposed legislative changes, as reported during the preceding months of 1996. Appendix B contains relevant Ministerial Media Statements.

## 2. SCHOOL DISCIPLINE

### 2.1 BACKGROUND

Disruptive or inappropriate behaviour in schools affects the quality of life for both teachers and students. For students, the disruptive or inappropriate behaviour of some students in the classroom may inhibit the ability of others to learn, as the *New South Wales Public School Discipline Policy* explicitly recognises.<sup>1</sup> For teachers, deterioration in student behaviour has become a major cause of stress-related claims for compensation.<sup>2</sup>

As previous inquiries have noted, the problem of disruptive or inappropriate behaviour in schools “*is not new*”.<sup>3</sup> Indeed, the 1985 report of a Western Australian Ministerial Working Party argues that the potential for conflict and disruption is partly inbuilt in the process of formal schooling, “... *as authority figures face the task of encouraging large numbers of children to pursue a common purpose*”.<sup>4</sup> Whether or not this is so, school discipline problems are thought to have taken on

---

<sup>1</sup> *Good Discipline and Effective Learning: The NSW Public School Discipline Policy*, A Ministerial Statement by the Hon. John Aquilina, MP, Minister for Education and Training, December 1995, p 3.

<sup>2</sup> Clare Endicott, ‘Recovering compensation for stress in the workplace’, *Queensland Teachers’ Journal*, 28 July 1994, p 7.

<sup>3</sup> *Disruptive Behaviour in Schools: Report of the Ministerial Working Party appointed by the Minister for Education and Planning in Western Australia, and chaired by Dr. L.W. Loudon*, Education Department of Western Australia, Perth, March 1995, p 4.

<sup>4</sup> *Disruptive Behaviour in Schools*, p 9.

new dimensions in recent decades, as the pace of change has accelerated, and social and economic trends impact. Factors identified as relevant to the issue of disruptive behaviour include:

- increased participation in post-compulsory schooling;
- reduced opportunities for school-leavers;
- changing family structures and attitudes towards parenting, and
- a decline in respect for the authority base upon which schooling rests.<sup>5</sup>

Recent reports of particular relevance to the debate on discipline problems in Australian schools include the 1994 *Report on Violence in Australian Schools* by the House of Representatives Standing Committee on Employment, Education and Training,<sup>6</sup> the 1996 *Report of the Inquiry into Truancy and Exclusion of Children and Young People from School*, by the same body,<sup>7</sup> and the Tasmanian Education Council's report on *Inappropriate Student Behaviour*, released in the first half of 1996.

## 2.2 THE QUEENSLAND GOVERNMENT'S 1995 ELECTION POLICY

In a Media Release of 23 June 1995, the then Shadow Minister for Education, Mr Quinn MLA, described better school discipline as a “*centrepiece*” of the Liberal/National Coalition's agenda for reform in the area of education.<sup>8</sup> Among the initiatives proposed in the Coalition's formal Policy Statement on School Discipline, as announced during the 1995 election campaign, were proposals to:

- give principals the power to suspend/exclude students for up to 30 days without having to seek higher approval;
- require suspended students to attend another facility such as a School Support Centre where supervision will be available, and

---

<sup>5</sup> *Disruptive Behaviour in Schools*, p 6; Tasmania. Education Council, *Inappropriate Student Behaviour*, cited in Ian Pattie, ‘Badly behaved school students may be best kept at home’, *Examiner*, 22 February, 1995, p 11.

<sup>6</sup> Australia. House of Representatives Standing Committee on Employment, Education and Training, *Sticks and Stones: Report on Violence in Australian Schools*, AGPS, Canberra, 1994.

<sup>7</sup> Australia. House of Representatives Standing Committee on Employment, Education and Training, *Truancy and Exclusion from School: Report of the Inquiry into Truancy and Exclusion of Children and Young People from School*, AGPS, 1996.

<sup>8</sup> Mr Quinn MLA, Media Release: ‘Coalition wants a fair go for every student’, 23 June 1995.

- give secondary principals the authority to cancel the enrolment of any post compulsory student whose behaviour is deliberately and persistently designed to disrupt the safe, secure and ordered school environment.<sup>9</sup>

Currently, in Queensland, principals have the power to suspend students for only five days, and must notify a higher authority (the executive director of the region of education in which a school is located), who may overturn the suspension. A principal may recommend that a student be excluded, but the decision to exclude is made by the Director-General of Education, not the principal, and the approval of the Minister for Education must be obtained before the Director-General may order that a student be excluded: *Education (General Provisions) Act 1989* (Qld) ss 24 & 25.

According to Mr Quinn MLA, under the Coalition Policy:

*... school principals will have more autonomy and have improved authority to discipline students. It will not be a system where parents are fearful or disillusioned as they are with some aspects of today's school life.*

*What we seek is a different classroom to the one some teachers have come to regard in today's society as a nightmare or battleground, and which some misdirected students have come to regard as a bore or a joke.<sup>10</sup>*

## **2.3 SUSPENSION AND EXCLUSION POWERS - THE CURRENT POSITION IN QUEENSLAND**

The existing legislative provisions governing the suspension and exclusion of students at Queensland state educational institutions are to be found in ss 24 and 25 of the *Education (General Provisions) Act 1989* (Qld). The Queensland Department of Education has also prepared guidelines for suspension and exclusion of students from attendance at state educational institutions. These guidelines include an explanation of how the legislation operates, and, where appropriate, relevant commentary is incorporated in the following discussion of the existing statutory provisions.

### **2.3.1 Suspension**

Section 24 of the *Education (General Provisions) Act* governs the **suspension** of students from attendance at state educational institutions. Suspension refers to the

---

<sup>9</sup> Queensland National/Liberal Coalition Policy Statement on *School Discipline*.

<sup>10</sup> Mr Quinn MLA, Media Release: 'Coalition wants a fair go for every student', 23 June 1995.



temporary withdrawal of a student from the educational institution in which the student is enrolled: s 24(1) &(2).

According to a submission from the Queensland Department of Education to the Inquiry into Truancy and Exclusion of Children and Young People, conducted by the House of Representatives Standing Committee on Employment, Education and Training, there were between 200 and 1000 suspensions a month in Queensland state schools in 1994.<sup>11</sup>

### ***Duration of suspension***

A principal of an educational institution may suspend a student from that institution for up to and including **five** days: s 24(2). The five days refer to days when a student would normally be required to attend school.<sup>12</sup> The days on which the student is suspended are nominated by the principal.

### ***Notification***

Immediately upon suspending a student, the principal is required to notify:

- the executive director for the educational region in which the school is located;
- the student, and
- if the student is a minor (ie under 18 years of age), a parent of the student,

of the suspension, and the reasons for it.

### ***Grounds for suspension***

Although a standard form letter prepared by the Queensland Department of Education requires the principal to specify details of the circumstances leading to a student's suspension<sup>13</sup>, neither the existing Education (General Provisions) Act nor

---

<sup>11</sup> Queensland Department of Education, Submission to the Inquiry into Truancy and Exclusion of Children and Young People from School, p S1105, cited in *Truancy and Exclusion from School*, p 12.

<sup>12</sup> Queensland Department of Education, *Guidelines for Suspension and Exclusion from Attendance at State Educational Institutions*, August 1989, p 8.

<sup>13</sup> Queensland Department of Education, *Guidelines for Suspension and Exclusion from Attendance at State Educational Institutions*, Form Letters 1a (to the Regional Director), 1b (to the suspended student's parent(s), and 1c (to the student).

its regulations appears to list grounds for suspension. By contrast, in South Australia, Regulation 124A of the Education Regulations 1976 provides that a head teacher of a government school may suspend a student if the head teacher believes on reasonable grounds that the student:

- has threatened or perpetrated violence: r 124A(1)(a);
- has acted in a way that threatens the safety or wellbeing of another student at the school, or a staff member: r 124A(1)(b);
- has acted illegally: r 124A(1)(c);
- has interfered with a teacher's ability to instruct students, or a student's ability to benefit from a teacher's instruction: r 124A(1)(d);
- has acted in a manner that threatens the good order of the school by persistently breaking school rules about behaviour: r 124A(1)(e); or
- has shown persistent and wilful inattention or indifference to school work: r 124A(1)(f).

In the Northern Territory, a head teacher of a government school may suspend a student from a government school where he or she is of the opinion that the child's attendance at school would be injurious to the health or moral welfare of other children, because of the child's insolence, repeated disobedience, immoral conduct or serious breach of discipline: *Education Act 1979* (NT), s 27(1).

In its *Report of the Inquiry into Truancy and Exclusion of Children and Young People from School*, the House of Representatives Standing Committee on Employment, Education and Training recommended that school disciplinary legislation should state the ground for each school disciplinary category<sup>14</sup> (ie suspension, exclusion, expulsion, and, in Tasmania, prohibition).

### ***Determination by the Executive Director***

When the principal of a Queensland state school notifies the executive director of the educational region in which the school is situated that a student has been suspended, the executive director must consider the circumstances of the case. This must be done expeditiously: s 24(3). If the executive director is of the opinion that the student's suspension should stand, he is required to notify the principal or other person in charge, the student, and if the student is a minor, the student's parent. If the executive director reaches the opinion that the student's suspension should be lifted, he must notify the principal or other person in charge, the student, and the student's parent, if the student is under 18. Upon receiving the notification, the student is then no longer suspended and may return to school.

---

<sup>14</sup> *Truancy and Exclusion from School*, p x.

### **2.3.2 Exclusion**

The rules relating to exclusion are to be found in ss 24 and 25 of the Education (General Provisions) Act. Under the definition of “exclusion” in s 25(1), a student may be prohibited from attending **any number** of or **all** state educational institutions.

Section 24(4) provides that, if the principal is of the opinion that a student should be excluded, he is required to implement the suspension procedure (see Section 2.3) and include with his advice to the executive director under s 24(2) a recommendation that the student be excluded, with reasons for the recommendation: s 24(4).

In 1994, 872 students in Queensland schools were suspended with a recommendation by the principal that the student be excluded. Forty percent of these students were under 15,<sup>15</sup> the age after which it is no longer compulsory for children to attend school in Queensland.<sup>16</sup>

If the executive director is of the opinion that a student should be excluded, he is required to:

- notify the chief executive (ie the Director-General of Education) of his opinion and set out the circumstances of the case: s 24(5)(a);
- extend the suspension until a decision is reached: s 24(5)(b), and
- notify the principal, the student and a parent of the student if the student is a minor, of the executive director’s action and the reasons for it: s 24(5)(b).

The period of suspension is extended so that there is time for the Director-General to make a determination as to whether the student should be excluded. The notification that the suspension period has been extended is required to be made during the period of the original suspension.<sup>17</sup>

When notification that a student’s suspension has been extended occurs, the student or the student’s parent may make a submission to the Director-General setting out the reasons why the student should not be excluded: s 24(6).

Section 25(2) requires the Director-General of Education to give prompt consideration to the circumstances of a case of exclusion.

---

<sup>15</sup> *Truancy and Exclusion from School*, p 12.

<sup>16</sup> *Education (General Provisions) Act 1989 (Qld)*, s 3(1).

<sup>17</sup> Queensland. *Guidelines for Suspension and Exclusion at State Educational Institutions*, p 9.

Almost half of the 872 students suspended from Queensland schools in 1994 with a recommendation for exclusion were subsequently excluded. Primary school students comprised 13% of all students excluded from Queensland state schools in 1994.<sup>18</sup>

### ***Grounds for Exclusion***

The Director-General may order that a student be excluded if he is satisfied that the student is guilty of:

- disobedience;
- misconduct, or
- other conduct prejudicial to the good order and discipline of a state educational institution: s 25(2).

Appendix C to this Bulletin provides figures, compiled by the Queensland Department of Education, on the number of students excluded from Queensland schools in 1994 and 1995, grouped according to the behaviour which led to their exclusion. Appendix D provides figures on exclusions, by Queensland regional area.

### ***Duration of Exclusion***

The order for exclusion may be:

- for a period determined by the Director-General; or
- permanently: s 25(2).

However, no order for exclusion can be made by the Director-General without the Minister for Education's approval first having been obtained: s 25(2).

### ***Notification***

Where the Director-General orders that a student be excluded, he is required to immediately notify:

- the executive director of the educational region in which the student's school is located;
- the principal;
- the student; and
- if the student is a minor, a parent of the student.

---

<sup>18</sup> Queensland Department of Education, Submission to the Inquiry into Truancy and Exclusion of Children and Young People from School, p S1105, cited in *Truancy and Exclusion from School*, p 12.

of his action and the reasons for it.

### ***Appeal against Exclusion***

Once notification occurs, the student or the student's parent is entitled to make a submission to the Director-General setting out the reasons why the student should not be excluded.

The Director-General must consider the submission: s 25(5). After considering it, he may decide to:

- confirm the exclusion and the period for which the student is excluded;
- remove the order for exclusion, or
- confirm the exclusion but vary the period for which the student shall be excluded.

### **2.3.3 Other Appeal Mechanisms**

In its Report on *Truancy and Exclusion from School*, the House of Representatives Standing Committee on Employment, Education and Training pointed out that school disciplinary action is an administrative decision subject to appeal to a statutory body, external to a state education department. The Committee stated:

*Students and parents can appeal to the Ombudsman in their State or Territory against a decision of suspension or exclusion. The decision by a school principal to formally suspend or exclude is an administrative decision and must be made according to Ministerially approved policy and guidelines. State and Territory Ombudsmen have the power to investigate administrative decisions, including school disciplinary action, which have failed to comply with legal requirements or have breached natural justice principles.*<sup>19</sup>

However, according to evidence presented to the Committee during its inquiry, "... students and parents are unaware of this avenue of appeal, or may be unwilling to take this action".<sup>20</sup> The problem is compounded by the paucity of references in education departments' policy documents and guidelines to the availability of this review mechanism.<sup>21</sup>

---

<sup>19</sup> *Truancy and Exclusion from School*, p 19.

<sup>20</sup> *Truancy and Exclusion from School*, p 19.

<sup>21</sup> *Truancy and Exclusion from School*, p 19.

## 2.4. THE PROPOSED AMENDMENTS

**Clause 5** of the Education (General Provisions) Amendment Bill 1996 repeals ss 24 to 27 of the Education (General Provisions) Act 1989. **Clause 6** inserts a proposed new Part 3A, called “Good Order and Management of State Educational Institutions”. Proposed new Part 3A will be inserted after the current s 30 of the Act, and consists of ss 30A to 30V. According to the Explanatory Notes to the Education (General Provisions) Amendment Bill 1996:

*The amendments to the behaviour management provisions of the Act streamline the current processes for behaviour management as a result of concerns expressed by State school principals that there is a need to devolve decision making to principals in accordance with the concept of school-based management in order to more effectively manage the behaviour of disruptive students.<sup>22</sup>*

### 2.4.1 Behaviour Management Plans

**Proposed new s 30A** makes it mandatory for each principal of a State educational institutional to ensure that a process is established for developing a behaviour management plan for his or her institution. **Proposed new s 30A(2)** requires that behaviour management plans must:

- promote a supportive environment such that every member of the educational institution may work together in developing acceptable standards of behaviour to create a caring, productive and safe environment for learning;
- promote an effective teaching and learning environment at the institution which allows positive aspirations, relationships and values to develop;
- foster mutual respect among all those at the institution, and
- encourage all students at the institution to take increasing responsibility for their own behaviour and the consequences of their actions.

### 2.4.2 Suspension

**Proposed new Part 3A, Division 2 (ss 30B to 30F)** deals with the suspension of students.

---

<sup>22</sup> Education (General Provisions) Amendment Bill 1996, Explanatory Notes, p 2.

### ***Authority to suspend***

Under the current legislation, a principal may suspend a student for up to five days, but must immediately notify the regional executive director who may uphold or overturn the principal's decision to suspend.

Under **proposed new s 30C**, a principal may suspend a student if the principal is reasonably satisfied that grounds for suspension exist. As the Minister's Second Reading Speech explains:

*A main objective of the behaviour management amendments is to give principals more authority to make behaviour management decisions without having to seek higher authority.*<sup>23</sup>

### ***Grounds for Suspension***

Grounds for suspension are not stated in the current s 24 of the Education (General Provisions) Act 1989.

Grounds for suspending a student are, however, spelt out in **proposed new s 30B**. They are:

- disobedience by the student: **proposed new s 30B(a)**;
- misconduct by the student : **proposed new s 30B (b)**,
- other conduct of the student which is prejudicial to the good order and management of the State educational institution or institutions: **proposed new s 30B(c)**.

The grounds for suspension stated in **proposed new s 30B** are the grounds upon which a student may, under s 25 (2) of the current legislation, be excluded from attending any number of or all State educational institutions.

### ***Duration***

Currently, students may not be suspended for more than five days: s 24(2) Education (General Provisions) Act. In its Policy Statement on School Discipline, the Coalition proposed that principals be given the authority to suspend students for up to 30 days.

Under **proposed new s 30C(2)**, a principal may suspend a student from a state educational institution for no longer than five school days unless the principal is satisfied that the student's behaviour is so serious that a longer period of suspension

---

<sup>23</sup> Education (General Provisions) Amendment Bill 1996, Second Reading Speech, Hon R J Quinn MLA, *Queensland Parliamentary Debates*, 13 November 1996, p 3996.

is warranted. Where the principal considers that a student should be suspended for more than five days, he may suspend the student for up to 20 school days.

### ***Placement in Alternative Education Programs***

The existing legislation makes no provision for the placement of suspended students in programs that allow them to continue their education.

By contrast, **proposed new s 30D** of the Education (General Provisions) Act 1989 provides that, where a student is suspended for more than five school days, the principal must coordinate arrangements for placing the suspended student in an alternative education program which allows the student to continue his or her education. Based on the wording of the proposed section, participation in an alternative educational program would appear to be an adjunct to suspension, not an alternative option in lieu of suspension. However, in his Second Reading Speech, the Minister states that:

*The Government will allocate almost \$3m in 1996-97 to alternative programs and teachers to staff these programs for students on suspension of more than five days and students at risk of suspension.*

The reference to students “at risk of suspension” might suggest that placement in an alternative education program may be used in lieu of suspension, something which has occurred in the American context.<sup>24</sup>

---

<sup>24</sup> Junious Williams, ‘In-school alternatives to suspension’, in Antoine M. Garibaldi (ed.), *In-School Alternatives to Suspension: Conference Report: April 16-18, 1978*, National Institute of Education, U.S. Department of Health, Education and Welfare, April 1979, pp 11-12.



### Conduct of Programs

In his Second Reading Speech, Hon RJ Quinn MLA provided some details about the content of the proposed alternative educational programs, stating:

*These programs will work with students on both behaviour and learning, including literacy and numeracy, so that the student is equipped to fit back into the regular school setting.*<sup>25</sup>

However, neither the Explanatory Notes nor the Second Reading Speech appear to provide any details as to where these alternative programs will be conducted. Options used in the United States context have included isolating students in in-school centres, or establishing separate centres servicing students from a particular district.<sup>26</sup>

On this point, Mr Quinn is reported, in an article published in the *Courier Mail* of 15 March 1996, as saying:

*We need to look at alternative placement for suspended students [and] school support centres would be somewhere away from the schools or perhaps an unused wing of a school. There will not be hundreds of these scattered all over the place but one in every major town.*<sup>27</sup>

According to advice received from the Department of Education, comprehensive guidelines on the conduct of the alternative educational programs are currently being prepared.

### ***Appeal rights***

Commenting on the proposals to give principals greater authority to suspend or exclude students and to place suspended students in support centres, as outlined in the press over the preceding months, Queensland Parents and Citizen Association President Rosemary Hume is reported as saying that she:

*... supported the alternative education centres as a means to ensure suspended or excluded students did not drop out of school.*<sup>28</sup>

---

<sup>25</sup> Education (General Provisions) Amendment Bill 1996, Second Reading Speech, Hon R J Quinn MLA, *Queensland Parliamentary Debates*, 13 November 1996, p 3997.

<sup>26</sup> Williams in *In-School Alternatives to Suspension*, pp 11-12.

<sup>27</sup> quoted in Fran Metcalf, 'School heads get power to suspend', *Courier Mail*, 15 March 1996, p 7.

<sup>28</sup> quoted in Fran Metcalf, 'School heads get power to suspend', *Courier Mail*, 15 March 1996, p 7.

However, Mrs Hume is reported as saying that:

*... the QPCA was cautious about empowering principals to 'suspend or exclude willy nilly'.*

*'We would need assurances that they would not be used just to get a child out of a school or as a way to solve a problem', she said.*

*'There would need to be appeal mechanisms and a process that involves parents'.<sup>29</sup>*

Under the current Queensland legislation, there is no provision made for a student who has been suspended to make a submission against the suspension.

The proposed changes to the Education (General Provisions) Act will allow a student who has been suspended for more than five school days to make a submission against the suspension to the principal's supervisor (the regional executive director). However, there is no right to make a submission against a suspension which does not exceed five school days. On this point, the Explanatory Notes to the Education (General Provisions) Amendment Bill 1996 state that:

*The inclusion of a right to make a submission against a suspension of up to 5 school days is considered to be administratively unworkable. The time needed for a student to make a submission and for that submission to be considered as expeditiously as reasonably possible is likely to exceed the period that the student is on suspension. Postponing a suspension until a decision is made on the submission reduces the effectiveness of a decision to uphold the suspension in conveying to the student that their behaviour is unacceptable and warrants disciplinary action. In addition, postponement may allow a student's behaviour to further interfere with the management and good order of the school pending a decision on the submission.<sup>30</sup>*

### 2.4.3 Exclusion

Under **proposed new s 30H(2)(a)** of the Education (General Provisions) Act, the principal of a State educational institution will be able to recommend to the principal's supervisor (the regional executive director) that a student be excluded, from either the particular institution which the student is attending, or from stated State educational institutions. Students whom it has been recommended be excluded are to be suspended pending the supervisor's decision about the recommendation for the exclusion (**proposed new s 30H(2)(b)**). As explained in

---

<sup>29</sup> quoted in Fran Metcalf, 'School heads get power to suspend', *Courier Mail*, 15 March 1996, p 7.

<sup>30</sup> Education (General Provisions) Amendment Bill 1996, *Explanatory Notes*, p 3.

the Minister's Second Reading Speech:

*This removes the cumbersome requirement that the Director-General of Education may, with the Minister's approval, make a decision about a recommendation from a regional executive director that a student be excluded from any or all State educational institutions.*<sup>31</sup>

**Proposed new 30J(2)** will also allow a principal's supervisor (ie the regional executive director) to exclude a student, even if the principal has not recommended exclusion, if the principal's supervisor is reasonably satisfied that there are grounds for excluding the student.

### ***Grounds for Exclusion***

**Proposed new 30G** sets out the grounds upon which a student may be excluded from a State educational institutions or from more than one institution. The grounds are the same as those for which a student may be suspended under **proposed new s 30B**, but with the added requirement that "... *the student's disobedience, misconduct or other conduct is so serious that suspension of the student is inadequate to deal with the behaviour*".

#### **2.4.4 Cancellation of enrolment**

**Proposed new Part 2, Division 4** inserts provisions dealing with the cancellation of the enrolment of students over the age of compulsory attendance. **Clause 4** of the Education (General Provisions) Amendment Bill 1996 inserts a definition of what it means to cancel a student's enrolment into s 3 of the Education (General Provisions) Act 1989. Under the proposed definition, to cancel a student's enrolment means to prohibit the student from attending the State educational institution at which the student is enrolled, either for a stated period or permanently.

The provisions for cancellation of a student's enrolment apply only to students over the age of compulsory attendance, as can be seen from the wording of **proposed new s 30N(1)** and from the proposed definition of cancellation. By s 3(1) of the Education (General Provisions) Act 1989, students more than 15 years of age are not obliged to continue to attend school in Queensland.

---

<sup>31</sup> Education (General Provisions) Amendment Bill 1996, Second Reading Speech, Hon R J Quinn MLA, *Queensland Parliamentary Debates*, 13 November 1996, p 3997.

Under the current legislation, there is provision for suspending and excluding students; however there is no procedure whereby the enrolment of a student above the age of compulsory attendance may be 'cancelled'.

## **2.5 POWERS OF SUSPENSION, EXCLUSION AND EXPULSION - A COMPARATIVE SURVEY**

### **2.5.1 Summary**

Currently, in Queensland, principals may suspend students, but only for five days. However, immediately upon suspending a student, the principal must notify the regional executive director.

Elsewhere in Australia, the authority to suspend students is also usually held by school principals. However, only in certain jurisdictions (eg South Australia, Northern Territory, Tasmania (suspensions of under two weeks)) do principals have the authority to suspend students without either notifying, or obtaining the approval of, a higher authority.

Currently, in Queensland, it is the Director-General of Education who may, with the approval of the Minister for Education, prohibit a student from attending any number of or all state schools, either for a specified period or permanently (ie to exclude a student). A principal may only recommend that a student be excluded.

Elsewhere in Australia, the power to expel a student is usually held by the Minister for Education or a senior departmental official such as the Secretary or the Director-General of the Education Department. Only in Victoria, and South Australia (in relation to post-compulsory students), do school principals themselves have authority to expel students.

In the remainder of this section of the Bulletin, the legislative provisions in Australian states and territories other than Queensland are outlined in more detail. As the *Report of the Inquiry into Truancy and Exclusion of Children and Young People from School* points out:

*There is significant variation in the school disciplinary policy and procedures of each State and Territory, particularly with regard to definitions of categories of discipline, and appeal and review mechanisms.*<sup>32</sup>

---

<sup>32</sup> *Truancy and Exclusion from School*, p 15.

## 2.5.2 New South Wales

### Suspension

Section 35(3) of the *Education Reform Act 1990* (NSW) provides that the Director-General of School Education may suspend any student from a government school. The time period for which a student may be suspended is not stated in the Act.

Nor are the grounds for suspension spelt out in the legislation. However, according to the *NSW Public School Discipline Policy*, issued in December 1995, students are liable to suspension if they:

- are in possession of suspected illegal drugs;
- intentionally cause injury to, or threaten violence against another student or a teacher;
- are in possession of a prohibited weapon;
- are persistently disobedient, or
- engage in criminal behaviour.<sup>33</sup>

### Expulsion

The Director-General of Education does not, however, have the power to expel a student. However, he may recommend that a student be expelled. The Minister for Education may, upon the recommendation of the Director-General, expel a child of any age from a government school: s 35(3) *Education Reform Act*.

## 2.5.3 Victoria

### Suspension

In Victoria, a principal of a state school has the authority to suspend a student where the procedures laid down in Ministerial Order No 1 1995 are complied with: s 25(2) *Education Act 1958* (Vic).

Under Clause 5(1) of the Ministerial Order No 1 - Discipline of Pupils, which came into force on 1 February 1995, a principal or head teacher of a state school may

---

<sup>33</sup> *Good Discipline and Effective Learning: The NSW Public School Discipline Policy*, A Ministerial Statement by the Hon. John Aquilina, MP, Minister for Education and Training, December, 1995, p 8.

suspend a student if the pupil:

- behaves in a manner which threatens or constitutes a danger to the health of a staff member, pupil or any person assisting with school activities;
- commits an act of significant violence or causes significant damage or destruction to property or is knowingly involved in the theft of property;
- possesses or uses illegal drugs;
- fails to comply with reasonable, clearly communicated instructions issued by a principal or head teacher or teacher;
- consistently behaves in a way that interferes with the educational opportunities of another pupil;
- behaves in a way so as to threaten the good order of the school's program or facility, or
- engages in unacceptable discriminatory behaviour or harassment.

Students of 15 or older may also be suspended if they deliberately and consistently fail to take advantage of the educational opportunities the school provides: Clause 5(2).

Prior to suspending a student, the principal or head teacher must ensure that the student is informed that suspension is being considered and is given an opportunity to address the matters which are of concern. This requirement can, however, be dispensed with if the principal or head teacher is satisfied that an urgent response to the situation is needed: Clause 7(1).

A student cannot be suspended for more than 10 school days at any one time: Clause 10(1).

## **Expulsion**

In Victoria, a principal of a state school may also, in accordance with Ministerial Order No 1, expel a student: s 25(2) Education Act.

Under Clause 6(1) of Ministerial Order No 1, the principal or head teacher of a state school may expel a pupil from that school if:

- the pupil does anything referred to in Clause 5(1) above, and
- the student's behaviour is of such magnitude that having regard to the student's need to receive an education, compared to the welfare and safety of other students at the school and the need to maintain order and discipline at the school, a suspension is not adequate to deal with the student's behaviour.

Before expelling a student, the principal or head teacher is required to give the student and a parent of the student an opportunity to be heard: Clause 11(1).

A pupil who is expelled is entitled to appeal against the expulsion.

#### **2.5.4 South Australia**

##### **Suspension**

In South Australia, Regulation 124A of the Education Regulations 1976 (SA) allows the head teacher of a government school to suspend a student if the head teacher holds a reasonable belief that the student has threatened or perpetrated violence, acted so as to threaten the safety or wellbeing of other students or staff, interfered with a teacher's ability to instruct students or a student's ability to benefit from instruction, been persistently and wilfully inattentive to school work, acted illegally, or acted in a manner that threatens the good order of the school by persistently breaking school rules about behaviour.

Under the Regulations, a student may not be suspended for a consecutive period of more than five school days. The regulations further specify that a student may not be suspended for more than 15 school days, or four times, in a calendar year, unless approval is obtained from the responsible officer (an employee of the Education Department to whom this duty has been delegated by the Director-General of Education).

##### **Exclusion**

Regulation 124B of the Education Regulations 1976 allows a head teacher of a government school in South Australia to exclude a student from attendance at the school of enrolment. In the South Australia context, exclusion refers to a long-term suspension. A student of compulsory school age may be excluded from school for a period of not less than four weeks and not more than ten weeks or the remainder of the term, whichever is the longer: r 124B(2)(a). A post-compulsory student may be excluded for a period of not less than four weeks and not more than ten weeks, or for the remainder of the semester, whichever is the longer period: r 124B(2)(a).

The power of a head teacher to exclude a student exists where the head teacher believes on reasonable grounds that the student:

- has threatened or perpetrated violence;
- acted in a manner that threatens the safety or well being of a student or member of staff of the school;
- acted in a manner that threatens the good order of the school by persistently breaking school rules about behaviour;
- interfered with the ability of a teacher to instruct students or of a student to benefit from that instruction, or

- acted illegally.

That is, the grounds for excluding a student are the same as those for suspending a student, with one exception. While persistent and wilful inattention to school work constitutes grounds for suspension, it is not sufficient to justify the exclusion of a student.

### **Expulsion**

Under recent changes in September 1996 to the South Australian regulations, the head teacher of a government school in South Australia may now expel a student who is above compulsory school age: r 124C(1). In the context of the regulation, expulsion refers to the withdrawal of a student, for between six and 18 months, from a particular school: r 124C(1). A principal may expel a student where the principal believes on reasonable grounds that the student:

- has threatened or perpetrated violence;
- acted in a way that threatens the safety or well being of another student at the school or of a staff member, or
- acted illegally, or
- persistently interfered with the ability of a teacher to instruct students or of a student to benefit from that instruction.

Prior to the amendments to the regulations, while a student could be excluded for interfering with the ability of a teacher to instruct students or of another student to benefit from a teacher's instruction, this conduct was not sufficient to justify an expulsion.

Under Regulation 124D, the Director-General of Education, may, on the recommendation of the head teacher of a government school at which a student above compulsory school age is enrolled, expel the student from all government schools and other educational facilities for between one and five school years.

### **2.5.5 Western Australia**

#### **Suspension**

In Western Australia, if the principal of a government school is of the opinion that the child's conduct is not conducive to the good order and proper management of the school, the principal may suspend a child from attendance at that school for up to ten school days: *Education Act 1928* (WA) s 20G and Education Regulations, rr 35(1),35(1) & 35A(4). The principal must comply with the procedural requirements in r 35, which provides that the student must be notified in writing of



his or her suspension: r 35(3)(a). The notice must state how long the suspension is to last and the reasons for the suspension: r 35(4). Copies of this notice must also be sent independently to the student's parent(s), guardians or caregivers: r 35(3)(b). The principal must also report the suspension to the District Superintendent: r 35(3)(c).

### **Exclusion**

Under s 20G(2) of the Education Act, where the principal is of the opinion that the child's conduct is not conducive to the good order and proper management of the school, he may, in addition to suspending the student, make a recommendation to the Minister for Education that the child be excluded from the school.

Where a suspension will lead to a child being suspended for 30 school days or more in a school year, whether in one or more schools, the principal shall recommend that the child be excluded from the school of which he is principal: r 35A(1).

A principal of a school who recommends that a child be excluded from that school is required to:

- notify the child, in writing, of that recommendation, and
- send, independently of the child, copies of the notice to the child's parents/guardians/custodians: r 35A(2).

A principal's recommendation that a student be excluded is subject to review and confirmation by a Student Exclusion Review Panel; s 20G(3) and r 35A(3). The panel advises the Minister for Education whether the exclusion has been confirmed, whereupon the Minister, on the recommendation of the Chief Executive Officer of the Education Department, may exclude the child from the school in which he is enrolled or any government school: s 20G(4).

The policy on student suspension and expulsion in Western Australia is currently under review.

## **2.5.6 Tasmania**

### **Suspension**

Under s 37(a) of the *Education Act 1994* (Tas), the principal of a state school has the authority to suspend a student from the school for a period not longer than two weeks. The suspension may be imposed on a full-time or part-time basis. Before suspending the student, the principal must be satisfied that the student has behaved in an unacceptable manner. Unacceptable behaviour is defined by s 36 of the Education Act to include:

- refusing to participate in the school's education programme;
- disobeying instructions which regulate the conduct of students;
- significantly impeding the learning of other students at the school;
- acting in a way that is likely to be detrimental to the health, safety or welfare of other students or staff at the school;
- behaving in a manner that causes or is likely to cause damage, or
- acting in a way that is likely to bring the school into disrepute.

### **Exclusion, Expulsion and Prohibition**

Where the principal believes that a student's behaviour justifies a suspension of more than two weeks, he may refer the matter to the Secretary of the Education Department. If the Secretary is satisfied that a student's behaviour justifies it, he may:

- suspend the student full-time or part-time from attending the school for a period of two weeks or less;
- exclude the student full-time or part-time from attending the school for a period exceeding two weeks (ie long-term suspension) (there is no upper limit placed on the duration of the period for which a student may be excluded);
- expel a student from the school (the student's right to attend the school in which he or she is enrolled is withdrawn); or
- prohibit a student from enrolling at any state school (ie the student's right to attend any state school is withdrawn): s 38(2).

Where a student has been excluded, expelled, or prohibited from attending any state school, the student, or the student's parent, may apply to the Secretary of the Department of Education for a periodic review of that decision: s 38(4).

If the Secretary is satisfied that the student is willing to behave in an acceptable manner, he or she may revoke the decision to exclude, expel or prohibit the student from attending school: s 38(5).

### **2.5.7 Northern Territory**

#### **Suspension**

In the Northern Territory, under s 27 of the *Education Act 1979*, a head teacher of a government school may suspend a student where the head teacher is of the opinion

that the child's presence would be injurious to the health or moral welfare of other children at the school because of the child's:

- repeated insolence;
- repeated disobedience;
- immoral conduct, or
- serious breach of discipline.

Where a head teacher suspends a child, he must notify a parent who has actual custody of the child and the Minister for Education of the suspension and give them a full account of the circumstances: s 27(3).

The maximum period for which a student can be suspended is one month: s 27(4).

There are no procedures set down in the legislation whereby a student can appeal against his or her suspension.

## **Expulsion**

The Minister for Education has the power to expel a child from a government school in which the child is enrolled where the Minister considers this necessary in the interests of other children attending the school: s 28(1). Where the Minister expels a child, he must give written notification of the expulsion to a parent who has custody of the child: s 28(3). A student who has been expelled may have the expulsion terminated if the Minister, upon reviewing the case, is of the opinion that the child should no longer be expelled from the school: s 28(2).

### **2.5.8 Australian Capital Territory**

In the Australian Capital Territory, the procedures governing suspension and exclusion of students are set down in policy guidelines rather than legislation.

## **Suspension**

A principal has the power to suspend a student for not more than five days. Specific grounds for suspension are:

- behaviour which disrupts the students' learning or other students' learning;
- aggressive behaviour, or
- drug-related behaviour.

A student may also be suspended for "*other behaviours believed to warrant action*".

Where a principal is likely to make a decision about suspending a student, the principal is required to give the student a fair hearing before making the decision.

A student who has been suspended may not enrol at another school while suspended.

### **Exclusion**

In conjunction with a suspension, a school principal, after consulting with the Executive Director of the Schools Program, may recommend to the Director that a student be expelled from the school system.

## **2.6. OTHER RESPONSES TO DISRUPTIVE BEHAVIOUR IN SCHOOLS - A COMPARATIVE SURVEY**

As Sections 2.3 and 2.5 of this Bulletin indicate, except for the Australian Capital Territory, where departmental guidelines apply, all Australian jurisdictions make legislative provision for the temporary or permanent withdrawal of students from school as a disciplinary response to disruptive or inappropriate behaviour. However, where suspension, exclusion or expulsion are used in isolation to deal with inappropriate or disruptive behaviour, they are open to a number of criticisms. Slee argues, for instance, that:

*The casting of the discipline problem for schools as simply involving the promulgation of sanctions to be applied after student infractions of the rules is a classic example of policy myopia.*<sup>34</sup>

Consequences of suspension and/or expulsion, as identified in the literature, include the following.<sup>35</sup>

- Suspending a student interrupts the program of educational instruction mapped out for him or her. For students already experiencing academic difficulties, lost school time may be pivotal in determining whether the student succeeds or fails. In an article published in the *Courier Mail* on 3 June 1996, when the new Queensland proposals were expected to be placed before Cabinet, the Queensland Council of Parents and Citizens Association was reported as being opposed to a 30 day suspension (the period then being

---

<sup>34</sup> Roger Slee, 'Institutional approaches to discipline', in Malcolm N Lovegrove and Ramon Lewis (eds), *Classroom Discipline*, Longman Cheshire, 1991, p 153.

<sup>35</sup> Williams in *In-School Alternatives to Suspension*, pp 8-9.

proposed). The Council's President, Ms Rosemary Hume, was reported to have said that:

*... the extended bans would have a detrimental effect on a student's education and many would not be able to re-adapt to mainstream school life.*<sup>36</sup>

- Suspension isolates students from a structured environment.
- Being suspended from school conveys a "... strong message of personal and institutional rejection and frustration"<sup>37</sup> to a student. It may also convey a confusing message about the importance of education insofar as it suggests that "... a few days lost here and there to suspension for minor misbehaviour are not really that important".<sup>38</sup>
- In the long term, a student who is repeatedly suspended may decide to leave school "... to avoid the hassles".<sup>39</sup> A school record of suspension, or worse still, expulsion may jeopardise a student's educational or employment opportunities, increasing the likelihood that the student may become involved in delinquent or criminal activity.
- Suspension and expulsion have been linked to youth homelessness. The 1989 Burdekin report, *Our Homeless Children*, said:

*Both the evidence presented to the Inquiry and recent studies have revealed a number of ways in which schools can contribute to child and youth homelessness. They include irrelevant curricula, poor teacher-student relationships, inflexible and alienating institutional structures, rejection or neglect of under-achievers and, more directly, suspension and expulsion of students. It was recently reported, for example, that the 'structure and organisation of schools may contribute to early school leaving and subsequent departure from home'.<sup>40</sup>*

The Burdekin report also stated that:

---

<sup>36</sup> Fran Metcalf, 'Cabinet targets unruly pupils', *Courier Mail*, 3 June 1996, p 1.

<sup>37</sup> Williams in *In-School Alternatives to Suspension*, p 9.

<sup>38</sup> Williams in *In-School Alternatives to Suspension*, p 9.

<sup>39</sup> Williams in *In-School Alternatives to Suspension*, p 9.

<sup>40</sup> Australia. Human Rights and Equal Opportunity Commission, *Our Homeless Children: Report of the National Inquiry into Homeless Children*, AGPS, 1989, p 271.

*The inquiry was told that, far from catering for students at risk of becoming homeless, schools often 'cope' with difficult students by suspending and expelling them, propelling them into homelessness.<sup>41</sup>*

Similar concerns have been raised again in the 1995 report by the House of Representatives Standing Committee on Community Affairs into youth homelessness, prompting the Committee to recommend that in the auditing of the UN Convention on the Rights of the Child, current practices of state and territory education departments should be examined to determine whether their effect is to exclude young people from school.<sup>42</sup>

By contrast, under the proposed changes to Queensland's Education (General Provisions) Act, there will be an obligation upon principals to see that arrangements are made for students suspended for more than five school days to be placed in alternative education programs.

A number of other jurisdictions (eg New South Wales, Victoria, South Australia, Tasmania), already make legislative provision for students who have been suspended, excluded or expelled to continue their education, or for programmes to be established to facilitate their re-entry to mainstream schooling. The remainder of this *Bulletin* outlines the arrangements made in different Australian jurisdictions, whether under legislation, or in accordance with departmental policy documents or guidelines. For the reader interested in the availability generally of professional support services and alternative programs for disruptive or dysfunctional students, Appendix 7 of the *Report of the Inquiry into Truancy and Exclusion of Children and Young People from School* provides a comprehensive overview of services in each state and territory.

### **2.6.1 New South Wales**

Under s 35(4) of the New South Wales Education Reform Act, the Education Minister may establish programs to help a child who has been expelled from a government school to better adjust to school or to improve his or her behaviour so as to be able to go back to school. The Director-General of School Education may arrange for the child to attend another government school: s 35(5) (provided that the Minister for Education has not refused the child admission: s 34(4)), or to attend a program of the kind described above. In either case, the consent of the child's parent must be obtained.

---

<sup>41</sup> *Our Homeless Children*, p 272.

<sup>42</sup> *Report on Aspects of Youth Homelessness*, p 257.

### 2.6.2 Victoria

Section 25(4) of Victoria's Education Act provides that, where a pupil of school age has been expelled from a state school, he or she must be given an opportunity to continue his or her education while the pupil is of school age.

### 2.6.3 South Australia

In South Australia, where a student of compulsory school age (ie under 15 years of age) is excluded (ie barred from attending school on a temporary, but long-term basis), he or she is required to obey reasonable written instructions from the responsible officer (ie a departmental officer directed by the Director-General of Education to carry out this duty) about undertaking education, work or some other relevant activity while excluded. A student who does not obey these instructions commits an offence, the maximum penalty for which is \$200: rr 124B(4) & (5).

### 2.6.4 Tasmania

In Tasmania, the Secretary of the Education Department may suspend, exclude or expel a student from the state school in which he or she is enrolled, or may prohibit a student from attending any state school: Education Act 1994, s 38(2). Section 38(3) of the Education Act says that the Secretary may determine the educational instruction of such students. According to the Minister's Second Reading Speech, that part of the 1994 Act which deals with discipline:

*... empowers the secretary to provide alternative programs for those students who may have difficulties within traditional schooling. Individual education programs, devised by schools in conjunction with district support services, may be appropriate to meet the needs of specific students. Typical components of such programs may involve part-time attendance at a mainstream school, one-to-one tutoring or work experience.*<sup>43</sup>

### 2.6.5 Western Australia

According to the Draft Discussion Document on Student Suspension and Exclusion, prepared by the Western Australian Education Department in 1995, the educational

---

<sup>43</sup> Education Bill 1994 (Tas), Second Reading Speech, Hon Mr Beswick (Minister for Education and the Arts), *Tasmanian Parliamentary Debates*, House of Assembly, 21 September 1994, p 2277.

arrangements for a student who is excluded are the responsibility of the District Superintendent, in consultation with the district's school principals.<sup>44</sup>

### **3. STATUTORY OFFENCES ON SCHOOL PREMISES**

**Proposed new sections 30U and 30V**, inserted by **Clause 6** of the Education (General Provisions) Amendment Bill 1996, replace current ss 26 and 27 of the Education (General Provisions) Act. Current ss 26 and 27 have been included in the Education (General Provisions) Act since the legislation was passed in 1989. Neither the substance of the sections nor the penalties for non-compliance have changed since the legislation was first enacted.

#### **3.1 WILFUL DISTURBANCE**

##### **3.1.1 The Current Legislation**

Section 26 of the current Act provides that:

*26.(1) Any person who wilfully disturbs the management or operation of any State educational institution or who upbraids, insults or abuses any teacher, teacher on probation, teacher in training, staff member or person employed in any capacity at any such educational institution in the presence or hearing of any student who is at the time in question<sup>3/4</sup>*

*a) in or about the educational institution; or*

*b) assembled with others for educational purposes at or in any place;*

*commits an offence against this Act.*

*Maximum penalty<sup>3/4</sup> 4 penalty units.*

*(2) A person shall not be convicted of an offence against this section if it is shown that the person was, at the time in question, a student at the State educational institution concerned.*

##### **3.1.2 The Nature of the Problem**

In 1994, the House of Representatives Standing Committee on Employment, Education and Training published *Sticks and Stones*, its *Report on Violence in*

---

<sup>44</sup> Western Australia. Education Department, *Student Suspension and Exclusion: Policy and Procedures*, Education Department of Western Australia, 1995, p 6.



*Australian Schools.* The Committee's terms of reference required it to report upon matters including the nature, level and incidence of violence in schools.<sup>45</sup>

According to a survey conducted by the State School Teachers Union of Western Australia in 1993, and cited in the Committee's report, verbal assaults were the most common form of assaults experienced by teachers. 4,700 incidents were identified.<sup>46</sup> According to the Committee's report:

*More than a quarter of the schools who responded to the survey reported cases of severe verbal assault (ie repeated direct abuse was reported).<sup>47</sup>*

### 3.1.3 The Proposed Legislation

As the Explanatory Notes to the Education (General Provisions) Amendment Bill 1996 indicate:

*New section 30U replaces certain terms used in current section 26 and amends the setting out of the current provision ...*

For example, the current section makes it an offence if a person "**upbraids, insults or abuses**" teachers or other staff of an educational institution in certain circumstances. Under the proposed changes, the term "**upbraids**" is entirely removed. The proposed new section now simply states that it is an offence to **insult** an officer of a state educational institution in the presence or hearing of a student at the institution who is in or about the institution or assembled with others for educational purposes wherever the place. However, the term "**insult**" is defined to include "**abuse**".

Under **proposed new s 30U**, the maximum penalty for :

- wilfully disturbing the good order and management of a state educational institutional institution, or
- insulting an officer of a State educational institution in certain circumstances,

is increased from 4 penalty units (\$300) under the current s 26 to 10 penalty units (ie \$750).<sup>48</sup>

---

<sup>45</sup> *Sticks and Stones*, p iv.

<sup>46</sup> *Sticks and Stones*, p 16.

<sup>47</sup> *Sticks and Stones*, p 16.

<sup>48</sup> *Penalties and Sentences Act 1992 (Qld)*, s 5(1)(b).

However, the offence created by **proposed new s 30U** does not apply to students at the school where the incident occurs: **proposed new s 30U (3)**. The same situation exists under s 26(2) of the current Act.

## 3.2 TRESPASSING

### 3.2.1 The Current Legislation

Section 27 of the current Act makes it an offence to be on the premises of a State educational institution without lawful authority or excuse .

### 3.2.2 The Nature of the Problem

In response to the inquiry into violence in Australian schools, conducted by the House of Representatives Standing Committee on Employment, Education and Training, the Victorian Association of State Secondary Principals surveyed a cross-section of Victorian state secondary schools . Forty-three government schools responded to the survey. Of these, 16 reported violent actions by students towards staff. According to the Committee's report:

*Anecdotal evidence to respective Association committee members identified a significant and growing problem with trespassers on school grounds. Invasions by alienated or disaffected former students occurred in school hours and could include violence. The survey confirmed the problem, with six respondents identifying 'trespasser-to-staff' violence.*<sup>49</sup>

### 3.2.3 The Proposed Legislation

**Proposed new s 30V** replaces the current s 27. There are no significant substantive changes to the offence created by the section. However, where the current s 27 makes it an offence to be on school premises without "**lawful authority or excuse**", under **proposed new s 30V**, an offence will be committed unless a person has "**lawful authority or a reasonable excuse**" for being on school premises.

As with **proposed new s 30U**, the penalty for the offence is increased from four to ten penalty units.

---

<sup>49</sup> *Sticks and Stones*, pp 16-17.

### **3.3 A COMPARATIVE SURVEY**

In South Australia and Western Australia, various forms of disruptive, insulting or trespassory behaviour also constitute offences.

#### **3.3.1 South Australia**

Section 104 of the *Education Act 1972* (SA) provides that any person who behaves in an offensive or insulting way to a teacher performing his or her duties commits an offence.

The South Australian provision is narrower than the existing, and proposed, Queensland provisions insofar as it only applies to teachers. By contrast, the existing and proposed Queensland provisions extend to also cover trainee teachers, teachers on probation, staff members and persons employed in any capacity at State educational institutions. On the other hand, s 104 of the SA Education Act is wider than the existing and proposed Queensland provisions insofar as it provides that any person who behaves in an offensive or insulting manner to a teacher acting in the course of his duties is guilty of an offence and liable to a penalty. By contrast, the existing and proposed Queensland provisions say that a person is not to be convicted of an offence against the sections if that person was at the time in question a student at the State educational institution.

A person who commits the offence created by s 104 of South Australia's Education Act is liable to a maximum fine of \$500.

Regulation 14 of the SA Education Regulations deals with trespassing on school premises. However, an offence is only committed if the person in question is on school premises between midnight and 7am. No offence is committed if the person has with them permission in writing from the school's principal or if certain other conditions are met (eg that the person carries a security pass issued by the Director-General of Education).

#### **3.3.2 Western Australia**

Regulation 6 of the School Premises Regulations 1981 (WA) makes it an offence for a person to use threatening, abusive or insulting language to a teacher acting in his or her capacity as a departmental officer, where this occurs on school premises and in the presence or hearing of any group of the school's students. A penalty not exceeding \$200 may be imposed. As is the case under s 104 of the South Australia's Education Act 1972, an offence would not appear to be committed under the Western Australian provision where the threatening or insulting language

is used towards a member of staff or employee of the educational institution other than a teacher.

Regulation 3 of the School Premises Regulations makes it an offence to enter or remain on school premises without authority. A person who does so is liable to a maximum fine of \$40.

Regulation 14 of the School Premises Regulations 1981 allows a school principal to require a person whom the principal reasonably suspects to have materially disrupted or to be likely to materially disrupt, the discipline or good order of a class taking place on school premises, or to have used threatening, abusive or insulting language to a teacher acting in his official capacity, to leave the school premises.

## **4. NEW DISTANCE CRITERIA**

### **4.1 THE CURRENT LEGISLATION**

Under s 57 of the Education (General Provisions) Act 1989, parents of children of the age of compulsory attendance at school must ensure that their children are enrolled and attend a State or non-State school unless a dispensation from this requirement has been granted. For Queensland, the age of compulsory attendance is defined in the Education (General Provisions) Act as not less than six nor more than 15 years: s 3(1).

Section 58(1) allows the Minister for Education to grant a dispensation from compulsory enrolment and attendance. Section 58(2)(d) provides that it is a valid reason for granting a dispensation that:

- (i) *in the case of a child of the age of compulsory attendance who has not attained the age of 10 years<sup>3/4</sup>*
  - (A) *there is no State school which such child can attend within 3.2 km, measured by the most practicable route, from the place of residence of such child; and*
  - (B) *there does not exist within 1.6 km, measured by the most practicable route, from the place of residence of such child a means of conveyance to a State school which means, in the opinion of the Minister, is satisfactory; or*
- (ii) *in the case of child of the age of compulsory attendance who has attained the age of 10 years<sup>3/4</sup>*
  - (A) *there is no State school which such child can attend within 4.8 km, measured by the most practicable route, from the place of residence of such child; and*

(B) *there does not exist within 3.2 km, measured by the most practicable route, from the place of residence of such child a means of conveyance to a State school which means, in the opinion of the Minister, is satisfactory*

## 4.2 THE PROPOSED LEGISLATION

**Clause 7(1)** of the Education (General Provisions) Amendment Bill 1996 omits the existing s 58(2)(d) above and inserts a new provision in its place. Under the proposed change, the difference in criteria between children of the age of compulsory attendance who are less than 10 years of age, and those who are 10 years of age or more, is removed. **Proposed new s 58(2)(d)** aligns the distance education distance criteria with the “remote area” definition and distances in section 58(2) of the Education (General Provisions) Regulation 1989.

**Clause 7(2)** inserts a **proposed new s 58(5)**, which explains how the distance from a child’s home to the nearest State educational institution with the required year level for the child is to be measured. **Proposed new s 58(5)** follows the procedure for measuring distance laid down in s 58(1) of the Education (General Provisions) Regulation.

As the Minister explained in his Second Reading Speech:

*These increased distances are more in keeping with the original intention of providing access to distance education for students living in the more remote areas of Queensland, unable to attend a local school.<sup>50</sup>*

According to information provided by the Minister in his Second Reading Speech, the changes to distance criteria proposed by the Education (General Provisions) Amendment Bill will affect an estimated 1.4 % of the 1208 rural families currently taking part in the distance education program.<sup>51</sup>

### 4.2.1 Transitional Provision

In his Second Reading Speech, the Minister draws Members’ attention to:

---

<sup>50</sup> Education (General Provisions) Amendment Bill 1996, Second Reading Speech, Hon R J Quinn MLA, *Queensland Parliamentary Debates*, 13 November 1996, p 3998.

<sup>51</sup> Education (General Provisions) Amendment Bill 1996, Second Reading Speech, Hon R J Quinn MLA, *Queensland Parliamentary Debates*, 13 November 1996, p 3998.

*... the transitional provision in the Bill for children who already have approval to participate in distance education under the existing distance criteria to continue in the program for a period of three years.<sup>52</sup>*

However, although the Bill makes provision by virtue of **Clause 9** for a transitional provision concerning delegations of the chief executive's powers under the existing s 77A of the Education (General Provisions) Act, there is currently no transitional provision in the Bill to allow children, whose participation in distance education under the current distance criteria has been approved, to continue in the distance education program for another three years. According to advice received from the Department of Education, an amendment will be moved at the Committee stage to make provision for the transitional provision referred to in the extract from the Minister's Second Reading Speech above.

---

<sup>52</sup> Education (General Provisions) Amendment Bill 1996, Second Reading Speech, Hon RJ Quinn MLA, *Queensland Parliamentary Debates*, 13 November 1996, p 3998.

## BIBLIOGRAPHY

### MONOGRAPHS

- Australia. House of Representatives Standing Committee on Community Affairs, *A Report on Aspects of Youth Homelessness*, AGPS, Canberra, May 1995.
- Australia. House of Representatives Standing Committee on Community Affairs, *Inquiry into Aspects of Youth Homelessness: Discussion Paper*, September 1994.
- Australia. House of Representatives Standing Committee on Employment, Education and Training, *Sticks and Stones: Report on Violence in Australian Schools*, AGPS, Canberra, 1994.
- Australia. House of Representatives Standing Committee on Employment, Education and Training, *Truancy and Exclusion from School: Report of the Inquiry into Truancy and Exclusion of Children and Young People from School*, AGPS, 1996.
- Education Department of Western Australia, *Disruptive Behaviour in Schools: Report of the Ministerial Working Party appointed by the Minister for Education and Planning in Western Australia, and chaired by Dr L W Loudon*, Perth, March 1995.
- McGuire, His Honour Judge, President of the Children's Court of Queensland, *Moral Leadership: A Still, Small Voice: An Address to the Queensland Institute for Educational Administration*, John Paul College, 27 April 1996.
- Queensland. Department of Education, *Schools and Discipline: Managing Behaviour in a Supportive School Environment: Policy*, Department of Education, Qld, 1993.
- Queensland. Department of Education, *Schools and Discipline: Managing Behaviour in a Supportive School Environment: Readings*, Department of Education Qld, 1994.
- Queensland. Department of Education, *Schools and Discipline: Managing Behaviour in a Supportive School Environment: Resources*, Department of Education Qld, 1994.
- Queensland. National/Liberal Coalition, *Policy Statement on School Discipline*.
- National Children's and Youth Law Centre, *Know Your Rights at School*, 1994.
- Rogers W A, *Supporting Teachers in the Workplace*, Jacaranda Press, Milton, 1992.
- Slee R (ed), *Discipline in Australian Public Education: Changing Policy and Practice*, Australian Council for Educational Research, Hawthorn, 1992.
- Tainsch, M and Izard J, *Widening Horizons: New Challenges, Directions and Achievements: Selected Papers from the 1994 National Conference on Behaviour Management and Behaviour Change of Children and Youth*

*with Emotional and/or Behaviour Problems*, Australian Council for Educational Research, Melbourne, 1994.

Western Australia. Committee of Inquiry into Education in Western Australia, *Education in Western Australia*, chaired by K E Beazley, Education Department of Western Australia, Perth, March 1984.

## ARTICLES

Cade B, 'Discipline: insolence, offensiveness and violence', *Education Australia*, no 29, 1995, pp 6-9.

Endicott C, 'Recovering compensation for stress in the workplace', *Queensland Teachers' Journal*, 28 July 1994, p 7.

Gardiner J, Evans D and Howell K, 'Suspension and exclusion rates for aboriginal students in Western Australia', *The Aboriginal Child at School*, 23(1), 1995, pp 32-35.

MacKenzie D and Chamberlain C, 'The national census of homeless school students', *Youth Studies Australia*, Autumn 1995, pp 22-28.

McCarry, G J 'Some legal aspects of punishment in schools', *Australian Law Journal*, 58(12), December 1984, pp 707-722.

Oates, Stan, 'School principals and discipline', in M N Lovegrove and R Lewis, *Classroom Discipline*, Longman Cheshire, Melbourne, 1991, pp.196-211.

Pattie I, 'Badly behaved school students may be best kept at home', *Examiner*, 22 February, 1995, p 11.

Simpson B, 'Children's rights and school control: the Victorian experience', in C Simpson and R Hil (eds), *Ways of Resistance: Social Control and Young People in Australia*, Hale & Iremonger, Sydney, 1995, pp.138-158.

Slee R, 'Institutional approaches to discipline' in M N Lovegrove and R Lewis, *Classroom Discipline*, Longman Cheshire, Melbourne, 1991, pp 145-172.

Symons Y and Smith R, 'Noticed but not understood: Homeless youth at school', *Youth Studies Australia*, Autumn 1995, pp 29-35.

Wheldall K, 'Managing troublesome classroom behaviour in regular schools: a positive teaching perspective', *International Journal of Disability, Development and Education*, 38(2), 1991, pp 99-116.

White N R, 'Natural justice, children and the school', *Education and Society*, 12(2), 1994, pp 39-50.

Williams J, 'In-school alternatives to suspension: why bother?', in Antoine M Garibaldi (ed.), *In-School Alternatives to Suspension: Conference Report: April 16-18, 1978*, National Institute of Education, U S Department of Health, Education and Welfare, April 1979, pp 1-22.

## NEWSPAPER ARTICLES



- Butler G, 'Cane at school may return in review by Govt', *Courier Mail*, 29 April 1996, p 4.
- Butler G, 'Government to take disruptive students out of school', *Courier Mail*, 9 March 1996, p 10.
- Butler G, 'Premier vows to return respect to school', *Courier Mail* 24 September 1996, p 3.
- 'Class action', *Courier Mail*, 4 June 1996, p 15.
- Dickie P, 'Judge queries loss of cane', *Sunday Mail*, 28 April 1996, p 2.
- Donnelly K, 'Managing our schools', *Courier Mail*, 28 May 1996, p 17.
- 'Help for students', *Courier Mail*, 4 September 1995, p 2.
- Maher S, 'Rowdy kids in a class of their own', *Sunday Mail*, 5 May 1996, p 9.
- Metcalf F, 'School heads get power to suspend', *Courier Mail*, 15 March 1996, p 7.
- Metcalf F, 'Cabinet targets unruly pupils', *Courier Mail*, 3 June 1996, p 1.
- Metcalf F, 'Child discipline package to cost \$23m - Quinn', *Courier Mail*, 4 June 1996, p 3.
- Metcalf F, 'Principals cautious on new policy', *Courier Mail*, 19 August 1996, p 5.
- Petersen D, 'Class action', *Courier Mail*, 4 June 1996, p 15.
- 'Sin bins and other disciplines', Editorial, *Courier Mail*, 3 June 1996, p 10.
- Turner M, 'Class wars', *Courier Mail*, 26 December, 1995.
- Wright J, 'Playing safe' *Courier Mail*, 7 October 1996, p 11.
- Woods J, 'Errant students urged to "drop out" of school', *Courier Mail*, 5 September 1996, p 3.

## **MINISTERIAL MEDIA RELEASES**

- Quinn R J., MLA, Shadow Minister for Education, Media Release: 'Coalition wants a fair go for every student', 23 June 1995.
- Quinn R J., Hon, Minister for Education, 'Quinn backs better behaviour', 27 March 1996, *Media Information Summary*, p 22.
- Quinn R J, Hon, Minister for Education, 'Quinn moves to restore school discipline', *Media Information Summary*, 3 June 1996, pp 24-25.
- Quinn R J, Hon, Minister for Education, 'Quinn moves on discipline in Central Queensland', *Media Information Summary*, 21 June 1996, pp 27-28.

**LEGISLATION****Queensland**

*Education (General Provisions) Act 1989 (Qld)*

**New South Wales**

*Education Reform Act 1990 (NSW)*

**Victoria**

*Education Act 1958 (Vic)*

Ministerial Order No1, Discipline of Pupils

**South Australia**

Education Regulations 1976 (SA)

**Western Australia**

*Education Act 1928 (WA)*

Education Regulations 1960 (WA)

**Tasmania**

*Education Act 1994 (Tas)*

**POLICY GUIDELINES****Queensland**

*Guidelines for Suspension and Exclusion from Attendance at State Educational Institutions*, Department of Education, Queensland, August, 1989.

**New South Wales**

*Good Discipline and Effective Learning: The NSW Public School Discipline Policy*, A Ministerial Statement by the Hon John Aquilina, MP, Minister for Education and Training, December 1995, p 8.

**Victoria**

*Guidelines for Developing the Student Code of Conduct*, Directorate of School Education, Victoria, 1994.

*Student Discipline Procedures, 1994.*

**South Australia**

*School Discipline: A Policy Statement*, Department for Education and Children's Services, South Australia, 12 April 1996.

**Western Australia**

*Student Suspension and Exclusion: Policy and Procedures*, Draft Discussion Document, Education Department of Western Australia, 1995.

**Australian Capital Territory**

*Suspension and Exclusion of Students: Policy and Mandatory Procedures*, School Services Section, Australian Capital Territory.

## APPENDIX A

This Appendix contains the following news items:

- —‘Help for students’, *Courier Mail*, 4 September 1995, p 2.
- Woods J, ‘Errant students urged to “drop out” of school’, *Courier Mail*, 5 September 1996, p 3.
- Turner M, ‘Class wars’, *Courier Mail*, 26 December, 1995.
- Butler G, ‘Government to take disruptive students out of school’, *Courier Mail*, 9 March 1996, p 10.
- Maher S, ‘Rowdy kids in a class of their own’, *Sunday Mail*, 5 May 1996, p 9.
- Metcalf F, ‘School heads get power to suspend’, *Courier Mail*, 15 March 1996, p 7.
- Donnelly K, ‘Managing our schools’, *Courier Mail*, 28 May 1996, p 17.
- Metcalf F, ‘Cabinet targets unruly pupils’, *Courier Mail*, 3 June 1996, p 1.
- Metcalf F, ‘Child discipline package to cost \$23 m - Quinn’, *Courier Mail*, 4 June 1996, p 3.
- Petersen D, ‘Class action’, *Courier Mail*, 4 June 1996, p 15.
- Metcalf F, ‘Principals cautious on new policy’, *Courier Mail*, 19 August 1996, p 5.
- Butler G, ‘Premier vows to return respect to school’, *Courier Mail* 24 September 1996, p 3.
- Wright J, ‘Playing safe’ *Courier Mail*, 7 October 1996, p 11.



**Title** Help for students.

**Source** Courier Mail ( 59 )

**Date Issue** 04/09/95

**Pages** 2

STUDENTS suspended or expelled from schools needed more follow-up so they were not lost from the education system, a Federal Parliamentary Committee public hearing will be told in Brisbane today.

Queensland Council of Parents and Citizens' Association president

Rosemary Hume said yesterday that more data was needed on what happened to these students.



**Title** Errant students urged to 'drop out' of school.

**Author** WOODS, JAMES

**Source** Courier Mail ( 59 )

**Date Issue** 05/09/95

**Pages** 3

SOME teachers were encouraging pregnant teenagers and children with behavioural problems to "drop out" because they tarnished schools' images, a Federal Government inquiry was told yesterday.

The Youth Affairs Network of Queensland and the Queensland Council of Parents and Citizens Associations said there was anecdotal evidence of an "informal exclusion" network operating in the state's public schools.

Queensland Catholic Education Commission executive secretary Garry Everett said he was "horrified" by the "phenomenally high" rate of formal exclusion from some state schools.

The Education Department said Aborigines and Torres Strait Islanders accounted for up to 15 per cent of the 200 to 1100 students suspended each month in Queensland.

A department submission to a House of Representatives standing committee investigation into truancy and school suspensions and expulsions said there were up to 13,250 (3 percent) "chronic truants" in Queensland daily.

In the 12 months to January this year, 47 percent (407) of the 872 students suspended with recommendations for exclusion were expelled.

The main offenders (56 per cent) were Year 9 and 10 students, followed by Year 8s (16 per cent), seniors (15 percent) and older primary school students (13 percent).

Almost nine out of 10 (88 per cent) were expelled and directed to another school but 8

per cent were excluded from all state schools except a state school of distance education.

The rest (4 percent) were excluded from all state schools.

Youth Affairs Network policy officer Penny Carr said many children were being either misled into believing they had been excluded or were encouraged not to return to the school.

"We've heard of cases where this has happened to young people with behavioural problems, young women who are pregnant and in academically focused schools where some students don't measure up," Ms Carr said.

The figures revealed 41 percent (168 cases) were expelled last year for non-compliant behaviour while other reasons for exclusion included assault/harassment (31 percent), possession of substances (19 percent), with theft/vandalism/weapons accounting for 8 percent (34 cases).

Education Department representative Buffy Lavery admitted truancy was a problem in Queensland.

She said the department was tackling the problem.

Parents and Citizens Association vice-president Nancy Coll said she was concerned schools were informally suspending students over minor issues such as not wearing the correct uniform.





**Title** Class wars.

**Author** TURNER, MEGAN

**Source** Courier Mail ( 59 )

**Date Issue** 26/12/95

**Pages** 17

SOMETHING had lit the young tearaway's fuse and he had, yet again, exploded into a whirlwind of rage and aggression.

Bob White, his principal and a veteran educator of 40 years, would have liked to have sent him home but that was one sanction not available to him.

He knew the child's single mother was away at work and, anyway, he was wary of sending his charges home to face the wrath of parents: "Sometimes their immediate reaction is to find the nearest lump of wood and belt them."

White also had to consider the fact that the student had a history of sexual abuse.

And that he was only 10 years old...The old "chalk and talk model of educating, in which a teacher holds forth in front of a class of quiet and subservient students, is a rapidly fading dream.

Teachers are having to pick up roles that society has abandoned, to assume the mantles of surrogate parent, welfare officer, social worker and, increasingly, punching bag.

During the course of a school day, today's educators are having to duck and weave through a volley of disruptions which run the gamut from rudeness, bullying and general disrespect to verbal abuse and physical assaults.

Swearing at teachers is commonplace.

Throwing rubbish bins is not uncommon.

Biting is popular, and Queensland teachers have had to disarm a number of knife-wielding students this year.

One teacher was beaten unconscious with a fence picket.

These are rare, extreme examples of a trend towards ill-disciplined classrooms that has so concerned the Queensland Government that it has allocated \$12.7 million to try to reverse, or at least curtail, it.

The reasons behind this rapid downhill slide in standards of behaviour have much to do with the increasingly parlous state of the greater society.

But to say that the incidence of violence in schools is merely a microcosm of the outside world is to simplify a complex problem.

Some blame negative, USA-spawned role models such as Bart Simpson and Ren and Stimpy; television programmes in which belligerent disrespect is rewarded or humoured; or comic strips such as Calvin and Hobbes in which the title character is constantly locking horns with his teacher Miss Wormwood, a character named for the apprentice devil in C.S. Lewis' *The Screwtape Letters*.

But the problem goes deeper still.

Modern students are part of a new computer-savvy MTV generation with its characteristic short attention span, wider experience, increased global awareness and reluctance to passively accept the infallibility of its elders.

Authority figures in all areas of society no longer automatically command respect and teachers are no exception.

No one is denying children their right to question - individualism, dissent and challenging the status quo are, after all, qualities of leadership - but while students are acutely aware of their individual rights, the responsibility that accompanies these rights is often neglected.

Bob Cope, a lecturer in education at the Queensland University of Technology and an authority on classroom behaviour management, says that students are well aware of what powers teachers have to curb their behaviour.

"But every time a kid says, 'I've got my rights' the answer is that they also have the responsibility to respect others' rights - the teachers' right to teach and the other kids' right to learn," he said.

Only a small percentage of students misbehave but the impact of their disruption reverberates throughout the classroom and the learning environment is compromised.

Queensland Teachers Union president Ian Mackie sees a clash of cultures

between a rapidly disintegrating society and the necessary regimentation of educational institutions.

"Schools are now the only place where you are required to wear a uniform, be punctual, sit down, and be quiet," he said.

"They have been described as a raft of hope in a sea of swill.

Society is becoming increasingly violent but schools should draw a line in the sand that says it stops at the school gates - if schools accepted the culture of the community around them, it would be a retrograde step". In a class of 30 students, there was no place for a handful to buck the system and interrupt the smooth running of the educational "machine".

But teachers' attitudes to controlling their classes have had to fit in with the changing times.

In the age of political correctness, concerns about stepping over boundaries into potentially litigious areas are very real for teachers.

Corporal punishment is morally and legally unacceptable.

And teachers have realised that violence begets violence, so the coercive standover tactics of old are no longer applicable.

The "big stick" approach is being replaced by a more sympathetic, interactive attitude and modern teachers have highly developed skills in behaviour management and conflict resolution.

But still there must be sanctions.

Cope says schools must set in place formal rules so everyone's rights are respected - a strategy he calls "judicious behaviour management".

"Students and teachers must be aware of what the consequences of certain behaviour will automatically be," he said.

The Government's five-year School Discipline Programme provides teachers with greater powers of sanction and goes some way to addressing the problem of discipline in schools, through strategies such as revision of the suspension and detention policy, establishment of "sin bins" or withdrawal areas for disruptive students, training of parents to deal with their unruly offspring, show-cause notices and out-of-school education programmes.

While educators and those who study classroom behaviour management have welcomed the initiatives, some are stepping back to look at the bigger picture and questioning whether old-style teaching methodology is applicable to today's classroom.

Jenny Haddrell, who was principal at Oxley Secondary College for six years, is one who believes the discrepancy between the evolving nature of the modern student and the fairly static, regimented nature of most

schools is partly to blame for declining standards of student behaviour.

Haddrell is now working in the Education Department's Centre for Leadership Excellence and says that while society has encouraged young people to question and challenge and debate, schools are still running to the same routines, rules and regulations.

"By and large our young people are fantastic, our future is in good hands, and yet there's a tendency to say behaviour is in decline and we don't know what to do," she said.

"We have to be more flexible, more interactive; we haven't kept pace with the changing nature of students.

What sort of world is it if people don't challenge the norms.

The missing link has been that we haven't taught children to question authority appropriately".

Kate Ruttiman, 25, has been a teacher for four years and is one of the new breed who found that she could not take the respect of her charges for granted.

Once she removed her rose-coloured glasses, she realised she would have to earn it.

"Some say you should automatically have the respect of the kids because you're older and more educated but I see it as more co-operative, more of a partnership.

If they can relate to you they are more likely to respect you," she said.

Children were exposed to a lot at a young age and had different notions of what constituted acceptable behaviour.

"I've noticed a difference from when I was at school eight years ago - the things I thought were bad behaviour are nothing to what these kids get up to," she said.

Bob White, who has seen it all during his 40 years' teaching in "at- risk" communities,

believes that the key to managing problem children is to befriend them and earn their respect.

"Teachers should function across a range of school activities (such as coaching for sport or rehearsing for performances) and get to know the kids.

It's hard to have a kid who you've worked with at a casual level come back into the class and tell you to "get f...'," he said.

He also believes that working in small groups, where the culture is collaborative rather than competitive, helps students and teachers to feel they are "in it together" and fosters mutual respect.

The success of Oxley Secondary Colleges pathways project provides some hope for the future.

The on-site resource intensive programme which has been running for three years has proved what can be achieved through understanding and effort.

Year 8 and 9 students with significant behaviour difficulties are removed from mainstream classes and required to attend from lunchtime to late afternoon missing the opportunity to interact with their regular classmates.



**Title** Government to take disruptive students out of school.

**Author** Butler, Genevieve

**Source** Courier Mail ( 59 )

**Date Issue** 09/03/96

**Pages** 10

STUDENTS who behave unacceptably, especially boys, will be taken out of ordinary schools under the State Government's discipline policy.

Education Minister Bob Quinn said the department would establish a "central facility" for students who could not be handled by the ordinary school system.

"Some kids unfortunately might be into drugs and other sorts of abhorrent behaviour and you really don't want them mixing with the general body of school students," he said.

"Under normal circumstances, they'd be expelled and pushed out on to the streets.

"The idea is not to let them roam the street but to keep them within the system, otherwise they'll only become a police problem."

The "central facility" is expected to be a centre where excluded students attempt to continue their education in a more controlled environment.

Mr Quinn's policies are backed by the Queensland Teachers' Union.

But Queensland Council of Deans of Education president Leo Bartlett said he was concerned by the gender discrimination of the new policies.

"There appears to be a focus on bad boys not bad girls and the assumption is girls are fine, their place is in the home, they'll cook the scones," he said.

"The kind of coercive behaviour like central facilities is simply a mirror to the past and a reproduction of a form of violence that's the very form of violence we're trying to resist."

Mr Quinn said the Education Department would be working with police to trial the "school-based constable" programme in five state schools.

The discipline policy will also allow principals to have the power to suspend students for up to 30 days without having to seek higher approval.

Mr Quinn said there was urgent need to address the problem of boys' poor behaviour.

"Many boys are coming from single-parent backgrounds and in their entire school life they'll probably never get a male teacher, and they have no substantial male role model - all this has implications for their behaviour further down the track," he said.

"I wouldn't like to see the good programmes that have been put in place for girls abandoned.

I think it's just a matter of getting a bit of balance into it."

Mr Quinn said one of the reasons high-school boys got into trouble was the shortage of guidance officers in schools.

He aimed to double the number of guidance officers and student counsellors over the next three years.

QTU president Ian Mackie said feedback from teachers showed boys did not have good male role models and this was causing behaviour problems.

"We were initially negative towards police in schools but have had strong feedback from high schools in Townsville where the programme has been highly successful," he said.

"The key to its success is getting the right police officer, someone with an understanding of youth and a good personality - a modern police officer."

Mr Mackie said there was currently one guidance officer for every 1500 students and an extra 400 guidance officers would be welcomed.

He had held preliminary talks with Mr Quinn.

"He seems to be on top of things, so due credit to him," Mr Mackie said.

Queensland Council of Parents and Citizens Association president Rosemary Hume said an "adopt-a-cop" friendly approach would be pro-active in building positive relations between students and police but she would be disturbed if the programme was used to enforce discipline.

"Another concern is how do you choose a school and what does it say about that school?" she said.

"We need to ask is it going to have a negative effect on the image and morale of a school and community?"

"I am concerned with the marked increase in exclusions because of relaxed conditions under which principals can exclude students.

"We don't want children to be outcasts from that age, and I wouldn't want the facility to be seen as opening the floodgates to a whole heap of exclusions."

**Title** Rowdy kids in a class of their own.

**Author** MAHER, SID

**Source** SUNDAY MAIL ( 151 )

**Date Issue** 05/05/96

**Pages** 9

SUSPENDED students will be forced to attend special schools as part of a State Government plan to lift discipline standards.

Education Minister Bob Quinn told The Sunday Mail yesterday legislation permitting school principals to suspend students for up to 30 days without seeking permission from the Education Department would be introduced into Parliament as soon as possible.

The move - an election commitment - has won the support of the Queensland Teachers Union.

But the Queensland Council of Parents and Citizens Associations expressed concern about the move and asked to be included in further consultations before the proposal became law.

The current law allows for suspensions of up to five days before the principal must seek Education Department permission for a tougher ban.

But Mr Quinn said principals were receiving permission for tougher suspensions on only about half the occasions they applied.

The increased suspension power will be combined with a requirement that the suspended student attend another special education facility to avoid undue study disruption.

Mr Quinn said the new laws would not apply to a large number of students.

"But a very small number of students are making life very tough for school teachers

and principals and having an adverse impact on the rest of the school students," he said.

Under current laws, students were sent home and not compelled to take part in education programs.

Many drifted back to the vicinity of the school and it was not uncommon for them to cause disruption with their friends at the school gate.

"What we are proposing to do is that once students are suspended, no longer do they go home and have a holiday."

Mr Quinn is examining whether the role of school support centres - which currently exist in major population centres - could be expanded to accommodate suspended students.

Principals will have the power to cancel the enrolments of students over the optional school leaving age of 15 who are considered disruptive.

But they will also have optional access to the special facilities for disruptive students.

The Government will establish school facilities to cater for children with a long history of behavioural problems.

Queensland Teachers Union president Ian Mackie said he was pleased the Government had responded to the union's call for action on the issue.





**Title** School heads get power to suspend.

**Author** Metcalf, Fran

**Source** Courier Mail ( 59 )

**Date Issue** 15/03/96

**Pages** 7

SCHOOL principals are set to get more power to discipline students under the new State Government's behaviour management policy.

Education Minister Bob Quinn said departmental staff were investigating legal and legislative steps necessary to empower principals to suspend students for up to 30 days without seeking approval from head office.

Currently, principals can only suspend students for up to five days.

Mr Quinn also said he was looking at the possibility of allowing principals to expel students over the compulsory schooling age of 15 at their own discretion.

Suspended students would be sent to a school support centre where they would continue their education separated from the mainstream system, receive counselling for behavioural problems and parents would be forced to become involved.

Mr Quinn said the Education Department would provide extra guidance counsellors for schools, accommodation for support centres, and students' transport for to the centre.

"This would give school principals more power and resources to deal with discipline and make parents more aware that discipline is their responsibility," Mr Quinn said.

"Schools are not there to carry out the burden of discipline.

"We need to look at alternative placement for suspended students (and) school support

centres would be somewhere away from the schools or perhaps an unused wing of a school.

"There will not be hundreds of these scattered all over the place but one in every major town.

"These kids will not be permitted to roam the streets and will not go there to do nothing.

"We will also have to bring in parents so they know their children have

been misbehaving at school and they have a responsibility to ensure they behave so the vast majority of children are not disrupted."

Queensland Parents and Citizens Association president Rosemary Hume

said she supported the alternative education centres as a means to ensure suspended or excluded students did not drop out of school.

But Mrs Hume said the QPCA was cautious about empowering principals to "suspend or exclude willy-nilly".

"We would need assurances that they would not be used just to get a child out of a school or as a way to solve a problem," she said.

"There would need to be appeal mechanisms and a process that involves parents."



**Title** Managing our schools.

**Author** DONNELLY, KEVIN

**Source** Courier Mail ( 59 )

**Date Issue** 28/05/96

**Pages** 17

EDUCATION systems across Australia have either undergone or are undergoing a process of large scale review and reorganisation.

Whether it be Victoria's devolution to school-based management ("Schools of the Future"), or last year's curriculum review in New South

Wales (the Eltis Report), no system has remained untouched.

The reasons for these changes are many.

Firstly, after years of measuring the success of our education system by how much money was spent, the emphasis has now switched to "outcomes".

Whether it be comparing the performance of schools against statewide standards or more carefully detailing what students are actually expected to learn, the movement is towards greater accountability.

A second reason education systems have undergone so much change is because of the commitment to what is termed school-based management.

Similar to the business world, the call is for "downsizing" and for

service organisation to be client-based and to focus on their "core business".

For the education system this means that it is no longer possible to justify overly bureaucratic structures where vast amounts of time, energy and money are wasted on projects and initiatives that bear no

relationship to improving what happens in the classroom.

Finally, the wider society in which schools operate, both nationally and globally, has fundamentally changed.

More students are staying on to the senior years, it is no longer possible to guarantee full employment and information-related technology radically has altered both the nature of work and how communities define themselves.

This is the context in which the recent review of the Queensland Education Department was carried out.

Its purpose, rather than looking in any great detail at schools, was to examine the organisation, management and curriculum focus of the department.

It was acknowledged that the Education Department had undertaken a number of recent initiatives that should be applauded.

The "Year 2 Net" and the "Year 6 Test" not only help identify those students in greatest need, but also they have the potential to measure whether standards are getting better or worse.

The Partners For Excellence programme stresses the importance of taking a strategic focus and for ensuring that all those within the organisation have a commonly agreed sense of what the key priorities should be.

In addition, there is agreement about the need to improve the organisation's ability to collect and analyse information and a

willingness to commit resources to introduce the new School Information Management System as a high priority.

Notwithstanding these positives, the review did identify a number of key areas for further improvement.

From the perspective of teachers and schools the department is overly bureaucratic.

Decision making is often cumbersome and time-consuming and there is too much "red tape".

Rather than schools having the freedom to get on with the job or teachers concentrating on teaching, too much time is spent on committees and responding to the demands of "head office" and regional offices.

One of the key recommendations of the review is to implement a more effective school-based management structure.

Whether it be curriculum or teachers' work conditions, the situation in Queensland is characterised by obsolete and time-consuming processes that dramatically restrict the freedom of schools to control their own destiny.

To give school communities greater control, the influence of vested interest groups must be reduced.

For example, much of what occurs in Queensland schools is dominated by organisations such as the Queensland Teachers Union.

Such organisations are more concerned about their own political agenda rather than the interests of those they supposedly represent.

The alternative is to allow decisions to be made at the school level where parents and teachers have the best chance of knowing what needs to be done.

A school-based management structure not only gives greater autonomy to schools but also it recognises that schools receive millions of dollars of public money and that the community has the right to know whether standards are getting better or worse.

To this end schools must operate within a system-wide policy and accountability framework.

The current method of finding out whether schools are doing their job in Queensland, the collaborative school review process, is too time-consuming and "soft" to do this effectively.

The review recommends that the department implement a more effective accountability system.

Central to this is the need to measure how schools perform.

Experience in the United Kingdom and within other states in Australia provides a number of models that can show the way forward.

One approach is to use the results from state-wide testing to allow schools to benchmark their performance in key areas like literacy and numeracy.

Individual schools can measure whether teaching and learning is more effective over time.

By comparing the schools with similar groups of students and a similar community profile it is also possible to identify those schools that are doing a better job.

Such schools can then be used as models to identify best practice and to help other schools improve their performance.

Improved accountability at the school level can also be gained by being more systematic and public about collecting data.

School annual reports should include information about parental satisfaction via parent surveys, the school should monitor the post-school destinations of its students and staff morale should be measured, for example, by recording absences and sickness claims.

Finally, it should never be forgotten that the reason the education system exists is to educate young people.

School-based management and improved accountability are only means to deliver a quality, rigorous curriculum.



**Title** Cabinet targets unruly pupils.

**Author** Metcalf, Fran

**Source** Courier Mail ( 59 )

**Date Issue** 03/06/96

**Pages** 1

SCHOOLS will have the power to send suspended students to special centres for supervision under tough disciplinary proposals to go before state Cabinet today.

The behaviour management package for unruly students is understood to include giving state school principals the power to suspend students for up to 30 days without Education Department approval.

Education Minister Bob Quinn is expected to seek approval for the proposals which will also allow principals to expel students in Years 11 and 12 who are past the age of compulsory schooling.

Queensland Teachers Union president Ian Mackie said yesterday the package would help solve discipline problems caused when the cane was outlawed more than two years ago.

But the Queensland Council of Parents and Citizens Association said it was opposed to the 30-day suspension, saying it would be detrimental to a student's education.

Under the proposals, "withdrawal" centres would ensure suspended students were not roaming the streets.

The centres would either be part of existing school facilities or specially built and would be staffed by counsellors and teachers to ensure students continued their education but could not disrupt their classmates.

The proposals would require changes to the Education Act of 1989.

Mr Quinn refused to comment on the package but he has previously called for greater powers for principals of suspension and exclusion.

Education Department sources said Mr Quinn had visited schools throughout Brisbane and Toowoomba recently to assess alternative programmes for disruptive students.

The package would deliver on part of a Coalition election promise which also included \$10 million to double the number of guidance officers in schools.

"While we have always been opposed to the use of corporal punishment, the removal of it did create a void because it removed the only disciplinary measure teachers had and it was not replaced," Mr Mackie said.

"It took away the only power we had and gave nothing in return." Queensland Council of Parents and Citizens Association president Rosemary Hume said a state executive meeting in Brisbane yesterday resolved to oppose 30-day suspensions.

She said the extended bans would have a detrimental effect on a student's education and many would not be able to re-adapt to mainstream school life.

Mrs Hume said the QCPCA was investigating whether there was a relationship between class sizes and behavioural problems and called for extra resources for teachers to be better able to manage students.

She said the Government was trying to use old-fashioned techniques in a modern world.

Opposition education spokesman Steve Bredhauer said the proposals

lacked the involvement of parents which was crucial because the cause of many behavioural problems came from the home.

He said "sin bins" needed to be provided at schools for disruptive students because teachers often needed an immediate rather than long-term relief.

The behaviour management package comes in the wake of Police Minister Russell Cooper's call to trial police in schools to target the growing problem of drug dealing.



**Title** Child discipline package to cost \$23m - Quinn.

**Author** Metcalf, Fran

**Source** Courier Mail ( 59 )

**Date Issue** 04/06/96

**Pages** 3

THE State Budget will commit the Government to \$23 million for a school behaviour management programme to start in 1997 to crack down on unruly students.

State Cabinet yesterday approved a three-year package which includes hiring an extra 200 staff to work in schools and a trial programme of placing police in five high schools.

Education Minister Bob Quinn said legislation would be introduced to State Parliament before the end of the year to amend the Education Act 1989 to allow principals to suspend students for up to 30 days and to expel pupils in Years 11 and 12 without head office approval.

Mr Quinn said the suspended students would be placed in separate facilities and given alternative learning programmes so they were not "chiacking around the school gates" or holidaying for a month.

"The alternative education programmes will be the subject of another Cabinet submission but we think they will run to roughly \$3-\$4 million and we have indicated we will be employing additional specialists in these areas," he said.

Mr Quinn said a mixture of guidance officers, schools counsellors, youth workers and psychologists would be hired by schools to implement the alternative programmes.

He said parents would be involved.

"The problems emanate from the home (and) parents have to accept their proportion of the

responsibility and they can upgrade their parenting skills and I think we will see a lot of changes to student behaviour," he said.

Mr Quinn said teachers, principals and parents had been waiting for tougher disciplinary measures since the cane was banned in 1992 but he ruled out any return of corporal punishment.

Queensland Teachers Union president Ian Mackie said he was pleased with the package in light of several serious assaults against teachers in recent months.

"There was one particular case in the Ipswich area of stalking where a teacher was repeatedly harassed, a rock dropped on her car from an overpass, bashed in a shopping centre and all the windows of her house smashed," Mr Mackie said.

"In the Mackay area, there was a 16-year-old who beat a physical education teacher with a fence post and put him in hospital, and in another case a female teacher on a cross-country run was thrown off a bridge into a creek by a violent 17-year-old.

"They are not typical of what happens on a regular basis but where do you draw the line?."

"I always say if it was an adult and they would be arrested, then the student ought to be suspended or expelled.".

Mr Quinn said criticism from the Queensland Council of Parents and Citizens Association, that removing a child from mainstream schooling for one month would

have detrimental effects on their education, was unfounded.

"The parents ought to realise...at the present time principals can suspend students with departmental approval for any period of time and there is no requirement on the school to provide an alternative placement so what this programme does is reverse that...so it is a step forward for those students," he said.

Mr Quinn said he expected the department to be "inundated" with requests from high schools wanting to be part of the trial police programme.

"I would think if the trial is expanded, not every high school would want a police officer so it would be on a demand basis only," he said.

**Title** Class action.

**Author** PETERSEN, DON

**Source** Courier Mail ( 59 )

**Date Issue** 04/06/96

**Pages** 15

THE Queensland school system is not yet a blackboard jungle and state Cabinet decided yesterday to stop it becoming one.

The cane is not about to reappear in the classroom, Education Minister Bob Quinn said.

But he managed to steer through a very conservative ministry measures which met with almost universal approval, school lairs and bullies excepted.

The measures allow principals to suspend disruptive students for up to 30 days, even throw out persistent rowdies who are, at 15, no longer required to attend school.

Offending students or those likely to offend will be steered into alternative programmes, on site or in special centres where, statewide, about 200 guidance officers, counsellors or psychologists will tackle their bad behaviour.

Police officers will regularly visit or be stationed at schools experiencing disruption by, in most cases, a collapse in old-fashioned community values.

At \$23 million over three years it is not a cheap exercise in curbing the excesses of - all agree - a tiny minority of troublesome, sometimes violent youngsters.

But perhaps it was inevitable, anyway.

In a submission to the Labor government before the last election the Queensland Teachers' Union painted a bleak picture of declining discipline in schools.

In a survey of stress factors in teaching, it said, its 35,000 members cited student behaviour and discipline in the classroom as major causes.

Social and economic factors - such as the poverty cycle stretching over several generations, both parents working or social welfare-dependent - had grown beyond the control of teachers and many parents.

At grave risk, it said, was a positive learning environment for the great majority of young people - primary and secondary students - who wanted and needed it.

The report was not a harbinger of bad news.

It said what teachers around the nation had been trying to get across to politicians for at least a decade.

In part it said: "Excessive amounts of teacher time and energy are being expended in relation to the management of the behaviour of a small percentage of students whose behaviour is unacceptable".

The learning needs of the vast majority of students were being damaged.

"Teachers are being expected to fulfil personal counselling and social support roles in relation to some students far in excess of what they are trained for as teachers.

"Schools are often cast in the impossible role of solving all of society's problems".

The report went on the outline familiar gripes like large class sizes, cramped conditions, spending teachers' own time on

finding the skills to manage student behaviour.

But at a time when the cries from the hustings rang loudly about law and order and schools were being vandalised it was both timely and compelling.

Both major parties went to the polls with platforms incorporating union recommendations, a rare consensus of concern.

Hollywood and television imagery have long painted school life in America, particularly in the racially divided cities of Los Angeles and New York, as one of horror.

Quinn and Teachers' Union president Ian Mackie agree that a similar canvas does not exist in Australia.

Mackie confesses to "some horror stories" - teachers threatened or actually beaten up - but says "we don't have a blackboard jungle out there:

"Even if there are now six-year-olds going over the top, screaming and carrying on".

Rather, says Karen Hart, president of the Queensland Association of

Secondary Principals, "it is a minority of students which can cause a majority of disruption.

"And these (the new measures) are processes needed to handle that," she said.

"None of us wants a situation where, as in Los Angeles, you have to be screened at the gate to go to school".

For Quinn, the decline in school discipline started when the Labor government outlawed the cane as corporal punishment in the early

1990s because, he says, it sent a signal to some youngsters that they could get away with anything at school.

Yet most behavioural problems stemmed from family life, perhaps a lack of parenting skills, he said.

They started in primary school and developed in high schools (because of) "peer group pressure, what they see on videos and television and in the movies".

"Teachers can't be expected to counter all societal trends which is why we will be calling parents in to help with the counselling of troublesome children," the Minister said.

But if parents, particularly those too young to have developed parenting skills, were to be involved in rehabilitating their children there also was a limit to that.

The programme of isolating troublemakers could see them out of the normal classroom for a matter of days to several months, Quinn said.

The whole character of the programme would have an educational focus, he said.

"We want those youngsters back in the system, not wandering the streets".

Rosemary Hume, president of the Queensland Council of Parents and Citizens' Associations, said parents had to be involved in student exclusions or suspensions.

"We are happy about the increased numbers of counsellors but they can't do it all by themselves," she said.

"We have been living in a different world since the Vietnam War when we were brought up to have automatic respect for authority.

"Things have changed.

Our children are going to school now and they don't see the police, doctors or teachers as all-knowing.

"No matter how much support the Government gives, the teachers themselves will need support.

Many of them are getting on a bit, they were trained years ago for a different set of children".

For Ian Mackie, too, the new approach "has to be done at a community level if it is not to be just scratching the surface of the problem".

"Schools reflect their communities and when kids get into trouble it is

important that there be community ownership of that trouble," he said.

"There are no stereotypes, though.

"Some suburbs are just much tougher, vulnerable to economic disruption

and dislocation, to poverty and to violence.

Most of these are in south-east Queensland".

Like Ms Hart, he sees both boys and girls equally involved in disruption although to Hart "boys are more outwardly visible, girls not so vocal".

If parents generally were supportive of a police presence in schools,

the Teachers' Union had initial misgivings.

"That's before they began experimenting with police in four Townsville high schools," he said.

"One senior constable was assigned to two schools.

They had an enormous impact, breaking up gangs and busting a trade in drugs; student behaviour improved out of sight.

"A POLICE superintendent told me recently that his American colleagues said that New York and Los Angeles made a huge mistake in keeping schools police-free.

"Drugs got out of control along with teenage violence, even killings.

"The police lost the battle at the start and had to go over the top to make any change.

"I don't think any of us wants that to happen here.

"Teachers, like the parents, will be happy to have well-trained police at any school which needs them".

Indeed, initially the government will assign police to five metropolitan schools and then only where it is felt they are needed.

In a government now making decisions which are not destined to make it all that popular at the next poll perhaps Bob Quinn is on a hearts and minds winner.

In a rueful sort of way he remembers getting "six of the best" at Southport primary school many years ago just for standing in a prohibited area outside his school principal's office.

Like most of his generation there was no alternative programme.



**Title** Principals cautious on new policy.

**Author** Metcalf, Fran

**Source** Courier Mail ( 59 )

**Date Issue** 19/08/96

**Pages** 5

PRINCIPALS are wary of state government proposals to set up school councils with powers to make decisions over budget, policy and administrative issues.

Queensland Association of School Principals president Bernie McMahon said the Government's school based management proposals had been met with mixed reactions.

He said the powers of school councils would need to be restricted through legislation with principals having the right of veto over any decision and the introduction of councils being optional.

Education Minister Bob Quinn intends to move towards school-based management.

He has said decisions about the running of individual schools should not be made by central-office bureaucrats.

The system was also recommended by education consultant Kevin Donnelly in a review he conducted for Mr Quinn earlier this year.

Mr Quinn also recently received a report from the school advisory council reference committee - comprising union, government, parent and principal representatives - into a three year trial of the system in 40 schools across Queensland.

The committee made 15 recommendations for a permanent system of school advisory councils including a legislative framework for their roles and responsibilities.

The committee recommended further consultation before the creation or implementation of school councils.

Mr McMahon said the introduction of any type of council into schools needed to be accompanied by strict guidelines, resources and extensive training and professional development for principals.





**Title Premier vows to return respect to school.**

**Author Butler, Genevieve**

**Source Courier Mail ( 59 )**

**Date Issue 24/09/96**

**Pages 3**

QUEENSLAND Premier Rob Borbidge yesterday pledged to help restore respect for teachers and to protect the majority of students from the "unruly few".

Mr Borbidge said it had become fashionable among some young people to exhibit a lack of respect for authority, people and property.

"Those of us who are a little older will remember that in our school days, respect was the fourth 'R'," he told the Queensland Association of State School Principals in Brisbane.

"There was reading, writing and 'rithmetic, but with it all there was respect.

"We are a Government that believes in getting back to basics and, as far as I'm concerned, the fourth R - respect for teachers - is one of the basics of education".

At the conference, QASSP president Bernie McMahon urged the Government to fund a strategy to combat the increasingly disruptive behaviour of young students and loss of respect for teachers.

Mr McMahon said continuing support and resources - including special

behaviour-management teachers, programmes for early intervention and an inter-agency approach - were needed to tackle school discipline problems.

Opening the conference of 300 state school principals, Mr Borbidge said a lack of respect in the community meant students, and often parents, questioned everything.

"This lack of respect means that teachers are verbally and sometimes even physically abused by students," he said.

"One of the challenges we all face, as legislators and teachers, is to rejuvenate self-respect in our community, among our young people".

Mr Borbidge said his Government was committed to giving principals the authority and resources they needed to enforce discipline.

Legislation was being drawn up to give schools greater power to suspend and expel students, and extra funds had been allocated for behaviour management.

The Coalition was determined the "majority shall not be affected by an unruly few", Mr Borbidge said.

Mr McMahon said bringing back respect was a big challenge for schools and would require continuing resources and training.

"We appreciate the funding in the Budget for behaviour management but we question if it is enough at this time," he said.

Mr McMahon said many schools in Queensland needed special behaviour - management teachers.

These would teach disruptive students while the classroom teacher could focus on the rest of the class. The current situation meant children who were least deserving of attention were taking up most of the teacher's time.

It was difficult to foster respect in the school when children had a lack of respect in the home and in the community.

"To have an effective change in behaviour in society, we need an agency approach.

Schools can't do it alone," he said.

Mr McMahon also called for early intervention programmes for literacy and numeracy to be extended to include intervention for behaviour management, personal development and self-esteem.

Conference co-ordinator Marion Jones said 3-5 per cent of children had behavioural problems requiring extensive hands-on management.

"These are the children who throw stones at people's windows, bully children in the playground and bite on the bus - it doesn't stop, they just keep going".

Ms Jones said a further 15-35 per cent of children were disruptive, and teachers needed to spend a lot of time with them to get positive outcomes.

Schools were increasingly being used as a neutral ground for police to interview children suspected of being the victims of physical or sexual abuse in the home, she said.

Most Brisbane schools had five or six police interviews with children at the school each week.

"We are concerned that schools are carrying on another negative role.

We are the baddies, because we are the link (with police)," she said.

"Almost without fail we get an irate call from the parents the next day".

**Title** Playing safe.

**Author** WRIGHT, JOHN

**Source** Courier Mail ( 59 )

**Date Issue** 07/10/96

**Pages** 11

IF RECENT research on school violence is correct, about 30,000

Queensland secondary school students will be bullied, some of them seriously, before this week is over.

Next week, it will happen again and it will every week until school breaks up for the year.

Thirty thousand children - one in seven of the state's high school population - terrorised by the petty thugs, delinquents and other social misfits who peddle fear in the state's classrooms.

If concerns raised by teachers are right, virtually every state high school principal in Queensland this semester will confiscate a weapon brought on to school premises by a child.

Some of them will be forced to confront other children - trespassers who enter their schools with malign intent - and, perhaps at considerable personal risk, eject them in the interests of student safety.

The dangers are real.

Last year, a teacher was beaten unconscious by teenage trespassers who entered a Brisbane state high school looking for a student they wanted to harm.

In a similar incident this year, a young trespasser who entered another

Brisbane school brandished a pistol when a teacher challenged him.

Police later discovered the gun was a replica, but the playground panic was real.

Violence of one form or another, mental or physical, is a fact of life in Australian schools, although its prevalence is a matter for conjecture because much of it goes unreported.

But a 1994 House of Representatives standing committee report which identified the alarming one-in-seven bullying statistics suggested trespassing was a growing problem in a pattern of increasing violence against students and teachers.

The Queensland Teachers Union, which represents 14,500 high school

teachers, agrees and says in-school violence is "a significant problem" for its members.

"Bullying and violence is an issue which schools have to cope with under duress," says QTU president, Ian Mackie.

"And because there are so many dysfunctional families out there, schools are forced to deal with it on a day-to-day basis.

"Trespassing during school hours is a recent problem.

In past years, these people would respect the school perimeter, but not now.

Now, they come inside, which is one reason schools insist on school uniforms".

The image of once sacrosanct school boundaries being invaded and pupils being put at risk by armed misfits is a potent and,

since the school massacre at Dunblane in Scotland in March, an intensely worrying one for parents and teachers alike.

That most trespassing incidents in Queensland so far have involved youths armed with nothing more than jagged cerebral images and a pair of fists is not necessarily a comfort.

A school principals group which met in Alice Springs recently expressed serious concern about the potential for school violence from strangers and from students carrying weapons to school for self-defence, and called for government support for a code of conduct to make schools "safe havens" for students.

"Students often carry weapons to school because they feel the need to protect themselves on the way to and from school," said association vice-president Jan Little.

"From time to time the weapons are produced at school in moments of trouble.

There is a lot of concern students are carrying these weapons, and we are seeking guidelines for principals to deal with such incidents".

Queensland principals and teachers already have the power to search students' property, but only where there are reasonable grounds or well-founded suspicions that a search will uncover items such as drugs or weapons.

The Education Department's policy and procedures guidelines on police investigations state: "Students may be asked to open their lockers, bags or desks for inspection, or to turn out their pockets.

"Searches must be conducted discreetly taking into account the student's age and sex, and with care for the contents of lockers, bags, desks etc.

A staff member of the same sex as the student must conduct the search of the student's belongings.

A principal or teacher must not touch a student in the course of a search".

According to the department, principals have the power to call in police where a student refuses a search, as well as discretion in deciding whether any incident warrants police intervention or the interviewing of students by police.

Principals and teachers also have the right, according to police, to remove trespassers from school grounds providing they do not use unreasonable or excessive force.

Police rarely become involved in incidents of school violence, however, and perhaps not surprisingly they suggest serious violence, especially violence by children against teachers, is uncommon.

"I can't recall (dealing with) a case of violence by a kid against a teacher," says Det Sgt David Preston, of the Logan District Juvenile Aid Bureau.

"Most of the violence is children against children, but it is not common, and you're looking at the bottom half of the assault range...common assault, like a punch or something, or bodily harm, where there is some discomfort caused.

"Cases more serious than that are extremely rare. I can't recall one in this district where there was a weapon involved.

And I've not had a matter where a knife has been pulled on another student or on a teacher in a school, although it has occurred outside on the street.

"If a student commits an offence against a teacher, it's usually dealt with by the school and the parents, so it won't come to us.

We can't act until we get a complaint.

A lot of private schools prefer to handle these things internally".

One reason they do that, according to Ian Mackie, is that state laws

and procedures relating to violence in schools are inadequate.

"Most of the problems are dealt with at school level because of the frustrations most of the principals feel over the restrictions of the juvenile justice code.

"They say what's the point of calling in the police - the kids will just get a rap over the knuckles and that'll be the end of it.

"The problem is that no one wants to deal with or accept responsibility for these kids...not the parents, not the police and not Family Services".

Mackie said school principals lacked adequate powers against violent or unruly students and ought to be given the power to suspend children from school indefinitely to "shake up some of these thugs".

Present legislation gives principals the right to suspend a child for up to five days without reference to the Education Department - a penalty teachers say is treated as a holiday by offenders.

UNDER new legislation expected to be in force by next school year, principals will be able to suspend persistently disruptive students for up to 30 days and to expel disruptive post-compulsory (Year 11 and 12) students.

Other measures to counter school violence include: The introduction of police constables in a limited number of schools, following unofficial trials in Townsville, Toowoomba and on the Sunshine Coast which, the union says, have had a positive response from teachers.

A range of alternative education programmes and facilities including "ice

rooms" and "behaviour intervention centres" outside of the normal classroom environment for problem students at risk of being suspended or expelled.

The employment over the next three years of an extra 200 guidance officers and other school-based specialist support staff including counsellors, psychologists, social workers and youth workers.

Education Minister Bob Quinn describes these measures as a behaviour management "package deal" which will attack the disruptive student problem from all angles.

"The previous government decided in 1992 to ban the cane in Queensland state schools but...failed to provide principals with a viable alternative," he said.

"Principals were left stranded without the necessary tools to effectively manage disruptive students.

"This package will give principals more authority and resources to enable them to get on with the demanding job of managing their schools".

The threat of violence, especially from unwanted intruders, casts a sinister shadow over the education process as Queensland teachers and students return to school today.

John Wright reports.



## **APPENDIX B**

This Appendix contains the following Ministerial Media Statements by the Minister for Education:

3 June 1996, 'Quinn moves to restore school discipline.'

12 August 1996, 'School communities to have more say.'

17 October 1996, 'Quinn announces new distance education guidelines'





## **Minister for Education**

**3 June 1996**

### **QUINN MOVES TO RESTORE SCHOOL DISCIPLINE**

Minister for Education Bob Quinn today won Cabinet approval to introduce tough new behaviour management measures into Queensland state schools.

Mr Quinn's five-point plan includes:

- giving principals the authority to suspend persistently disruptive students for up to 30 days;
- giving principals the authority to cancel the enrolment of post-compulsory students;
- providing a range of alternative programs for students at risk of suspension or exclusion or those who have been suspended or excluded;
- introducing a school-based constable scheme; and
- increasing the number of school-based support staff, including guidance officers, to help children with behavioural problems, through early intervention.

Mr Quinn said his approach to behaviour management represented a "package deal" which attacked the problem of disruptive behaviour from all angles.

"The previous Labor government decided in 1992 to ban the cane in Queensland state schools but in the ensuing four years failed to provide principals with a viable alternative," Mr Quinn said. "Principals were left stranded without the necessary tools to effectively manage disruptive students.

"This package will give principals more authority and resources to enable them to get on with the demanding job of managing their schools.

"I am not prepared to see teachers and the vast majority of students held to ransom by the very small number who want to persistently disrupt classes."

Mr Quinn stressed that the tough new suspension powers would be accompanied by comprehensive guidelines for principals and would go hand-in-hand with a range of alternative educational settings and programs.

"Principals will not be allowed to suspend or exclude students without good reason," Mr Quinn said.

"Students who persistently disrupt classes and make life difficult for teachers and other students will be dealt with more effectively than ever before.

"And it will no longer be a holiday for students on suspension for up to 30 days.

"They will be required to attend alternative educational settings where specific, individual programs will be developed and implemented.

"While the rest of the class is getting on with learning, these students will be given the opportunity to get themselves back on the rails."

Mr Quinn said a wide range of alternative programs would be developed to suit a variety of situations and the communities involved.

He said the Department of Education would develop a comprehensive range of alternative programs and strategies, including ones for rural and remote areas where placement at an alternative facility was not a viable option.

The new regulations regarding suspensions and exclusions will require legislative changes to the Education (General Provisions) Act 1989.

Mr Quinn hopes to take the new legislation to Parliament later this year, in readiness for implementation in the new school year.

Mr Quinn said formal discussions had already begun with Police Minister Russell Cooper regarding school-based constables.

“This initiative has already proved very successful in the Northern Territory and in several schools in Townsville,” he said. “Once Mr Cooper has the scheme in place it will be trialed in a number of schools in Queensland before it is expanded.

“But the feedback we are getting from Townsville is extremely positive. It is helping improve behaviour and reduce misdemeanours in the schools, and at the same time is breaking down the barriers between students and the police.”

Mr Quinn said the Department of Education would recruit an additional 200 specialist staff to work in schools on problems affecting student behaviour.

The Minister said the bulk of these would be guidance officers, but other specialist support staff such as student counsellors, psychologists, social workers and youth workers would be brought on board.

“This will give schools a degree of flexibility to call on the type of specialist services they most need for their individual situation,” he said.

“The vast majority of students in our state schools are great kids and will not be directly affected by most of these initiatives. Those directly involved will be getting the help they desperately need.

“This package is fair to all and is designed to improve the learning outcomes for every student.”

Further information: Greg Jackson on (07) 3235 4489 or Paul F Turner on (07) 3237 1068.

## **Minister for Education**

**12 August 1996**

### **SCHOOL COMMUNITIES TO HAVE MORE SAY**

School communities will have a greater say in the running of their schools under recommendations contained in a report released today by Education Minister Bob Quinn.

Mr Quinn said a report on the establishment of School Advisory Councils had made 15 recommendations in relation to their future role and direction.

He said the report was the result of a three-year trial of School Advisory Councils in 40 schools across Queensland, which ended early last month.

The trial was overseen by representatives from the Queensland Teachers' Union, principals' associations, parent bodies and higher education and business sector groups.

Mr Quinn said he was receptive to the notion of School Advisory Councils, where appropriate, and the report would be used as a policy springboard for the Department of Education.

Mr Quinn stressed that School Advisory Councils would be optional.

However, once in place, School Advisory Councils would be able to advise and make recommendations to principals on a range of issues affecting schools, such as budgets, school policies and local curriculum matters.

He said principals would then be able to make decisions which were truly representative of the entire school community.

"School Advisory Councils would provide a mechanism for greater parent participation in real decision-making and greater autonomy for schools to make their own decisions," Mr Quinn said. "After all, school communities are the ones who have to live with the day-to-day reality of decisions relating to areas such as budget and school discipline policies."

Mr Quinn said one of the report's key recommendations was that School Advisory Councils be promoted as one mechanism for consulting with school communities.

It recommended that individual school communities be given a loose rein in tailoring the roles, responsibilities and accountabilities for advisory councils and their members.

However, he said this would have to be within an agreed statewide framework.

"Although the composition of these councils should be up to individual school communities, a balance should be struck between involving people with diverse skills as well as representing a range of groups," Mr Quinn said.

"And it is crucial that a proper process be put in place to ensure that school communities can provide the appropriate levels of support before they make any decision to form a School Advisory Council," Mr Quinn said.

He said the report also recommended the establishment of an information base to guide the ongoing development of school-based management options.

He said more than 150 parents, teachers, principals, students and community members discussed the comprehensive trial at a conference held on the Gold Coast earlier this year.

“The conference was an important cog in the evolution of School Advisory Council,” he said.

“It provided a forum in which all stakeholders had equal input into future directions in this area.”

Mr Quinn said the report also made recommendations in relation to the role of principals, training programs, mediation processes, and funding.

Further information: Greg Jackson (07) 3235 4489 b/h, (07) 3264 4116 or 0412 214 062 a/h or Paul F Turner (07) 3237 1068 b/h, (07) 3865 1796 or 0412 214 055 a/h. Also: Rosemary Hume, President, Queensland Parents and Citizens Association, (07) 3391 0988 or (076) 622 852.

## **Minister for Education**

**17 October 1996**

### **QUINN ANNOUNCES NEW DISTANCE EDUCATION GUIDELINES**

Students relying exclusively on “distance education” will be the big winners under proposed changes to legislation announced by Education Minister Bob Quinn today.

Mr Quinn outlined the proposed revamp of distance education eligibility guidelines at the isolated Children’s Parents’ Association state conference in Charleville.

He said the amendments, which are due to go before Parliament next month, focused on eligibility guidelines for enrolment at schools of distance education, using the distance between the family home and the nearest school as a yardstick.

Mr Quinn said present arrangements meant some families had the option of attending local schools or enrolling in distance education.

“Effectively, this has resulted in less funds being made available for each distance education student, particularly those who depend exclusively on distance education because they have no other option,” Mr Quinn said.

“This move will tighten access to distance education and will mean a greater concentration of dollars on those who have not other option but distance education.

“Our current antiquated legislation relating to distance education is now more than 80 years old and badly needs a dust-off.”

Mr Quinn said the distances currently set out in the Education (general Provisions) Act 1989 were originally derived from the State Education Acts Amendment Act of 1912.

“Today modern transport means families can take their children to schools which would have been realistically out of the range of the old horse and cart, when the original legislation was cast in stone,” Mr Quinn said.

“The existing distance limits do not reflect the great degree of isolation or lack of access to a local school that was originally intended to be addressed. Nor are they consistent with departmental regulations for ‘living away from home’ allowances,” he said.

To qualify for enrolment in a school of distance education under the new legislation, students must:

- live 16km or more from their nearest state school and 4.5km or more from the nearest approved school transport service; or
- live 56 km or more from a state school which uses that transport service; or
- live three hours travelling time per day or more from the school using that service.

“These increased distances will mean those who really need distance education will be the ones carving up the distance education funding pie,” he said.

Mr Quinn said the changes were expected to have an impact on only 1.4% of the 1208 rural families currently taking part in the distance education program.

However, Mr Quinn said transitional arrangements would be made for those affected, allowing students currently enrolled to continue in the program for an additional three years.

Further information: Greg Jackson (07) 3235 4489 b/h, (07) 3264 4116 or 0412 214 062 a/h.

## APPENDIX C

**Comparative 1994/1995  
Exclusion Groups Year Levels 1-12**

Reason for Exclusion	1994		1995	
	Female	Male	Female	Male
<b>Assault</b>	19	56	11	88
<b>Harassment</b>	7	40	7	48
<b>Improper Behaviour</b>	0	1	0	3
<b>Non-Compliance</b>	15	126	38	206
<b>Substance Abuse</b>	15	61	18	79
<b>Unlawful Behaviour</b>	2	22	2	23
<b>Vandalism</b>	2	8	1	9
<b>Verbal Abuse</b>	2	10	8	14
<b>Subtotals</b>	<b>62</b>	<b>324</b>	<b>85</b>	<b>470</b>
<b>Totals</b>	<b>386</b>		<b>557</b>	

Source: data supplied by Regional and Community Relations Section, Department of Education, Queensland. Discrepancies between the figures for individual categories and the total numbers are attributable to difficulties with categorisation.





## APPENDIX D

### 1993/ 1994/ 1995 Regional Exclusions

Year	Capr	D Dwns	Met East	Met West	Nth west	Nrthn	Pen	Sth Cst	S Wes	Sun Cst	W Bay	Totals
1993	35	15	115	68	2	23	22	41	3	36	34	394
1994	22	8	106	71	3	25	27	58	0	46	41	407
1995	40	12	99	84	6	41	45	93	1	84	59	564

Source: data supplied by Regional and Community Relations Section, Department of Education, Queensland. Discrepancies in total numbers between Appendix C and Appendix D are attributable to problems with categorisation at regional level.