



Speech by

Hon. K. LINGARD

MEMBER FOR BEAUDESERT

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EDUCATION (GENERAL PROVISIONS) AMENDMENT BILL

Hon. K. R. LINGARD (Beaudesert—NPA) (5.33 p.m.): I rise to speak to the Education (General Provisions) Amendment Bill 2003. Once again, I do so on behalf of Mr Stuart Copeland, who is the shadow minister for education and who is obviously still in Toowoomba at the funeral for R.M. Williams.

The thrust of this legislation is aimed at enhancing a safe and secure learning environment and workplace for students and teachers in Queensland schools. This will predominantly be facilitated through providing principals with significantly greater powers to protect this environment. Schools are places of learning, and no student or teacher should feel threatened or uncomfortable in the school environment.

The opposition views this safe and secure environment as sacrosanct. As such, it supports providing principals with the necessary powers to be able to effectively protect this safe and secure environment. These powers are also needed to ensure the ongoing, day-to-day operation and good management of schools. Therefore, I have pleasure in advising that the opposition will be supporting this bill.

In Queensland we are very fortunate to be able to enjoy and participate in open and accessible school environments. I am a very big supporter of parents becoming involved in their child's education. This involvement and support can also be very beneficial for the staff at the school. Whether that involvement be academic, cultural, sporting or artistic, it is great to have the positive involvement of a child's family. I find the support network especially noticeable in rural and regional areas. With reduced access to facilities, professional support services and resources, it is necessary for the community to band together to support their local school and the education of their children. This support can come in many forms—from working in the tuckshop to assisting in PE or art classes. There is also wonderful active involvement in schools through enthusiast P&C associations. A massive amount of fundraising and student activities are organised through P&Cs, and for that work we are truly grateful.

All of this activity culminates in a positively buzzing school environment during most days of the week. The shadow minister says that it never ceases to amaze and impress him when he visits schools in his electorate just how many parents are actively involved in helping out at the school. Not only does he find that he is catching up with teachers and students on his visits; he is also catching up with many members of the community. This involvement is great and is a facet of our schools that the shadow minister never wants to see changed, even in the face of our rapidly changing society.

Unfortunately, in recent years the open and accessible nature of our schools has been abused in a number of disturbing incidents. Individuals have entered school premises and acted in a violent or abusive manner that has threatened the welfare of both the students and the staff. I know that the media has really focused on some of these incidents, and the nature of these hostile encounters has absolutely shocked most people. In some cases these disturbances have actually led to physical harm, while in others this harm has been narrowly averted. But in all cases these incidents have been deeply distressing and are a blatant attack on the school's safe and secure environment.

In reviewing these incidents, it was acknowledged that principals currently have very limited powers to formally regulate the behaviour of visitors to school premises. Further, they have absolutely no statutory power to prohibit people who are violent or intrusive from entering school premises. We have to accept that a school principal who feels that there might be someone on the school grounds has to make a conscious decision as to whether he walks onto the grounds and apprehends or says

anything to someone, especially if he is acting on his own. Generally a principal would not ring the police and say, 'I am going down to the school to check the school.' But any school principal or any person or any teacher who walks onto a school's grounds by himself and walks around the back of buildings is obviously inviting trouble. Quite honestly, I think most teachers accept the fact that they would be stupid, especially in the dark or during some particular incident, if they did that.

It is imperative that powers are made available so that these incidents can be properly handled and, in many cases, smothered at the early stages through, for instance, a principal being able to regulate a known disgruntled parent's movements on the school's premises or being able to send them home for a period to cool off following an argument. Principals must have the authority to properly protect the environment of schools so that they can remain the safe and secure places that we all appreciate and enjoy.

I know that when a legislative response to address incidents of violence on school premises was publicly discussed communities expressed concern that the schools might become fortresses with regulated and limited access. These concerns are understandable. I believe that no-one wants to see this type of arrangement at schools. I do not believe that it is the intention of this legislation to in any way hinder the access of parents to school; it is merely a safeguard to ensure that principals have the necessary powers available to them if the need arises. Hopefully that need will not arise, but it is imperative that a message is sent out to people that certain behaviour will not be tolerated in our schools. I note the shadow minister says that South Australia, New South Wales and Western Australia have already taken similar legislative measures to address school security issues.

I would now like to look at the specifics of the bill. I note that the bill has two main objectives: firstly, to assist principals, the Department of Education and the non-state schools sector to deal with individuals who disrupt the good order and management of a school or threaten the safety of staff or students at school premises; and, secondly, to increase penalties relating to wilful disturbance and trespass on premises of state educational institutions.

In order to meet these objectives and to seek to safeguard the safe and secure environment of our schools the bill makes amendment to the Education (General Provisions) Act 1989. These amendments provide for the introduction of six new powers, including requests of a visitor's name and address, directions on conduct or movement, directions to leave and not return for 24 hours, prohibition from entering premises, magistrate's prohibition from entering premises and magistrate's prohibition from entering all state and non-state schools.

Under the legislation a principal of an educational institution will be able to require a person on school premises to provide their name and address. In requiring this information, the principal must warn the person of their requirement to comply and, in turn, the person must provide these details unless they can provide a reasonable excuse. I am sure that would only apply during school time. Once again, do honourable members think that could be done after school or in the late hours of the day? That is a very difficult thing for a school principal to have to do. The principal may request evidence of the accuracy of the name and address if the principal suspects the details may be false. I note that failing to comply with this request may incur a maximum fine of \$750. Imagine what the young bloke would tell a principal at 5 o'clock in the afternoon.

A principal will be able to issue written directions to people on school premises, including how they should conduct themselves on the premises and in which areas of the school they are permitted. The central purpose of this direction is so the students and teachers may go about their day-to-day business without disruption. Obviously, these comments are related to during school hours. An example could be a situation where there has been a disagreement between a teacher and a parent and the parent who is unable to address that teacher in a respectful manner seeking to have further contact with the teacher to continue the argument. Under the provision in this bill, a principal could direct the parent to only come to the principal's office rather than the classroom when delivering the child to school. Consequently, a possible threatening or violent situation can be averted. These directions may be for up to a period of 30 days and may be appealed to the principal's supervisor. I note that failure to comply with the direction can incur a maximum penalty of \$1,500.

These directions come with guidelines that must be reasonably satisfied in order for the direction to be given. In brief, the principal must be satisfied that the direction is needed, firstly, to ensure safety and wellbeing of other persons lawfully at the premises; or, secondly, to prevent or minimise damage to property comprising or located at the premises; or, thirdly, to maintain good order at the premises or for the proper management of the institution. A principal may order a person to leave the school premises and not return for a maximum period of 24 hours. This provision is for more serious cases where a person has become abusive, threatening or violent, a person has no good and lawful reason to be on school premises or a person is committing an offence, such as damaging school property. The direction to leave for 24 hours provides a cooling-off period where the person can go away, calm down and return after the period in a less volatile and more rational state. Indeed, just allowing this break can remove a potentially dangerous situation through averting confrontation when emotions are running

high. Failure to comply with the direction can incur a maximum penalty of \$1,500. Due to the length of the direction being for a limited period of 24 hours, it will not be reviewable or appealable. The written direction to leave for 24 hours can be issued if the principal reasonably suspects that the prohibited person has committed or is about to commit an offence on the school premises; or has used or is about to use threatening, abusive or insulting language towards another person on premises; or has engaged or is about to engage in threatening or violent behaviour towards another person on the premises; or has disrupted or is about to disrupt the good order of the premises; or does not have a good and lawful reason to be on the premises.

The Chief Executive of the Department of Education and the governing body of a non-state school may order a person not to attend school premises for up to 60 days. This direction is for more serious conduct that continues to occur despite the school's best efforts, and the person must comply unless they have a reasonable excuse. The person may appeal this direction to the Magistrates Court and failure to comply will incur a maximum of \$2,250 fine. The chief executive must be satisfied that, unless the direction is made, the prohibited person is likely to cause physical harm or apprehension or fear of physical harm in another person when the other person is at the premises, or is likely to damage property comprising or located at the premises or to disrupt the good order or management of the institution.

The Chief Executive of the Department of Education may apply to the Magistrates Court for a prohibition order for a period of 60 days but not exceeding 12 months. This power is intended for when a person's conduct escalates to such an extent that it causes physical harm, fear of physical harm or damage to property. Breaches of these orders will be treated as contempt of court and are punishable by a maximum penalty of \$15,000 or a maximum three years imprisonment. However, the person may appeal the order to the District Court. In the most extreme and ongoing situations the Chief Executive of the Department of Education may apply to the Magistrates Court for an order preventing a person from attending all state educational institutions and non-state schools for up to 12 months. The order may also be sought in relation to other state schools. Such an order will not be easily obtained and will only be used in the most extreme cases where a person has displayed continued violence or threatening conduct and whose presence at any school is unacceptable. For example, an order of this gravity may be sought where a person has assaulted, abused or threatened members of the school community and a number of schools on a number of occasions to the degree that it should be shown that they pose an unacceptable risk to members of school communities in general. Breaches of these orders will be treated as contempt of court and are punishable by a maximum penalty of \$15,000 or a maximum of three years imprisonment, and may be appealed in the District Court.

It is important to note that these powers will not be applied to students or staff at the school, including ancillary staff such as groundspeople. These provisions provide principals, the Department of Education and school governing bodies with strong and broad-ranging powers. However, it is important to note that in most situations they will not be required to be exercised. At a local level, most schools have very effective mechanisms in place to deal with difficult situations on their premises. Principals will still be encouraged wherever possible to continue with these mechanisms they use for dealing with any disputes or disagreements on school premises, which often include mediation, counselling and interviews. The new powers will be vital in providing a backup for principals when a situation becomes more serious and where more extreme action is required. It is my hope that these new powers will be used genuinely and in line with their guideline.

I note that extensive training will be undertaken across the state to prepare for these new powers, and proper evaluation mechanisms will be established to analyse the effectiveness and genuineness of the powers. In fact, I am aware that the minister will not commence these new powers until she is satisfied that sufficient training has occurred and evaluation systems are in place. The shadow minister said, 'I would like the minister to detail in her response how she intends to roll out this training across the state and who will be involved in developing adequate evaluation systems.' The Department of Education annual report will also provide data on the exercise of these new powers by schools. As I stated earlier, the safe and secure environment of our schools is sacrosanct, and I support all necessary measures to ensure that this remains the case in the future. We do not want our schools to become fortresses and, under these provisions, I do not believe that will be the case. This legislation supports Queensland principals and supports Queensland schools.

The other day the Public Works Committee travelled to Upper Coomera to look at the P-12 school—

Ms Keech interjected.

Mr LINGARD: Just wait a minute. I am extremely impressed with the school at Upper Coomera.

Ms Bligh interjected.

Mr LINGARD: Flagstone College is another question; the member knows that.

Ms Bligh: They did a very impressive job.

Mr LINGARD: They started behind the eight ball because the minister did not get them going in the right place. That is a pity. However, Upper Coomera is an excellent example. It is magnificent. It probably fits into this concept, because having separate colleges and facilities and fantastic parking areas enables the community to use certain sections of the school without everyone having to go right through the school grounds to do so. That P-12 concept, as shown by Upper Coomera, is magnificent.