




Speech By  
**Hon. John-Paul Langbroek**

**MEMBER FOR SURFERS PARADISE**

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## **EDUCATION (STRENGTHENING DISCIPLINE IN STATE SCHOOLS) AMENDMENT BILL**

### **Introduction**

 **Hon. JH LANGBROEK** (Surfers Paradise—LNP) (Minister for Education, Training and Employment) (11.59 am): I present a bill for an act to amend the Education (General Provisions) Act 2006 for particular purposes. I table the bill and explanatory notes. I nominate the Education and Innovation Committee to consider the bill.

*Tabled paper:* Education (Strengthening Discipline in State Schools) Amendment Bill 2013 [\[3244\]](#).

*Tabled paper:* Education (Strengthening Discipline in State Schools) Amendment Bill 2013, explanatory notes [\[3245\]](#).

I am pleased to introduce the Education (Strengthening Discipline in State Schools) Amendment Bill 2013. The bill amends the Education (General Provisions) Act 2006 to support the implementation of initiatives to strengthen discipline in Queensland state schools. The bill is the direct result of the Newman government's groundbreaking education reform plan for Queensland schools, Great Teachers = Great Results. Strengthening school discipline is one of 15 strategies developed under this initiative. Its inclusion in the action plan illustrates the importance discipline plays in a high-quality education system. After all, good order and discipline ensure that students and teachers can get on and do their work—that is, learning and teaching—in a safe and supportive environment.

Strengthening principals' powers also underpins one of the central tenets of the Great Teachers = Great Results action plan to boost school autonomy, particularly by empowering school leaders to make decisions about how to run their school. Principals who know their students and know their school community are best placed to act in ways appropriate to the needs of their local community. The bill strengthens discipline in Queensland state schools in three ways: firstly, providing principals with stronger disciplinary powers and more flexibility and autonomy around the making of discipline decisions; secondly, bolstering the grounds for suspension and exclusion; and, thirdly, reducing administrative burdens to enable firm and timely responses to problem behaviour. Firstly, I will address how the bill seeks to provide stronger, more flexible disciplinary powers.

The bill inserts a general head of power that provides that the principal of a state school must control and regulate school discipline. This new section confirms a principal's authority in the school on matters of discipline. The head of power gives principals broad and flexible power to develop and implement a greater range of disciplinary interventions than are currently offered in the legislation. These can provide more meaningful consequences for student misbehaviour and act as real drivers for behavioural change. The head of power supports principals to make decisions that respond to local issues and implements solutions to address the individual student's behaviour that are appropriate to their local setting. Community service interventions and discipline improvement plans are two innovative discipline strategies principals can utilise under the new broad power. It is envisaged that these strategies may be used to respond to student behaviour prior to resorting to suspension and exclusion actions.

Current provisions in the Education (General Provisions) Act 2006 limit disciplinary options. For example, detention can only be given for part of lunch or short periods after school. The bill removes provisions that dictate how disciplinary measures are to be imposed, such as the time limits around detention. The removal of these provisions and the inclusion of the new broad head of power provide principals with maximum flexibility when determining their response to inappropriate behaviour. This is reinforced in the bill by the clear expression that student disciplinary measures can be carried out on non-school days—for example, Saturday detention. While the bill will not prescribe the processes principals are required to follow when they adopt a disciplinary strategy, guidance will be provided in departmental policy or procedures. The bill clearly expresses the power of the chief executive to make policy or procedure. The bill requires that principals comply with any policies or procedures for student discipline made by the chief executive. This provides a balance between enhancing principals' powers to operate in accordance with local circumstances while guiding consistent decision making that affords appropriate levels of natural justice and ensures the safety and wellbeing of students and staff is paramount.

With regard to short suspensions, the bill further boosts a principal's authority and autonomy in relation to their suspension powers. Currently, a principal can suspend a student for a short term of up to five school days or a long term of between six and 20 school days. Only the long-term suspension decision is subject to review. The bill increases the short suspension period to a period of up to 10 school days, making the long-term suspension period 11 to 20 school days. This will act as a stronger deterrent for student misbehaviour and signal to students and parents the authority of principals in state schools. Through the introduction of more flexible early intervention approaches to addressing student misbehaviour, the bill aims to reduce the reliance on suspension and exclusion processes. Nonetheless, it is vital that principals are able to remove students from schools using suspension or exclusion in appropriate circumstances when it is necessary to ensure a school's good order and management and safety and wellbeing of students and staff.

With regard to grounds for suspensions and exclusions, the bill also introduces amendments to the grounds for the making of suspension and exclusion decisions. The bill achieves this by bolstering the existing grounds for suspension and exclusion under the Education (General Provisions) Act. These amendments address concerns raised by principals that the current grounds were not wide enough to enable them to respond to student misbehaviour in the way expected by their school community. The bill expands the grounds to cover conduct occurring outside the school—provided the conduct adversely affects, or is likely to adversely affect, other students or the good order and management of the school or where the student's attendance at the school poses an unacceptable risk to the safety or wellbeing of other students or staff. The bill also strengthens a principal's ability to respond when a student is charged with or convicted of a criminal offence by including these as specific grounds for suspension and exclusion respectively. Previously only the director-general had the clear mandate to exclude mature age students—that is, adult students—on this basis. Under the bill, this distinction will be abolished. Also, for the first time a principal will have the clear authority to respond to a student's criminal activity—whether charges or conviction—to act in the best interests of their school community.

The bill includes new grounds for suspension of a student who has been charged with a serious offence or another offence in circumstances where it would not be in the best interests of other students and staff at the school for the student to attend the school while the charge is pending. A serious offence is an offence prescribed in the Commission for Children and Young People and Child Guardian Act 2000. This includes sexual offences such as rape, drug trafficking, armed robbery, torture, kidnapping and attempted murder. A suspension made on this basis lasts until the charge is dealt with and a notice has been given proposing exclusion or ceasing the suspension or until the principal or director-general decides to exclude the student or cease their suspension prior to the charge being dealt with. The bill also includes a new ground for exclusion on the basis that a student has been convicted of an offence and it would not be in the best interests of other students or staff for the student to be enrolled at the school. This provides the principal and director-general with the clear power to exclude students, not just mature age students, from schools who have been convicted of certain offences but only if the student's continued enrolment is not in the best interests of the school community. It is important to state at this juncture that the bill continues to place an obligation on decision makers to provide the student with an educational program during their suspension, including suspension pending an exclusion decision.

Finally, the bill makes a range of amendments that provide principals more flexibility in implementing discipline decisions. The bill reduces the amount of regulatory detail currently contained in the Education (General Provisions) Act in relation to the making of discipline decisions. The feedback from the principals was that the legislative framework is overly prescriptive, providing little flexibility in how decisions are made and how families are involved. The red tape connected with the

making of discipline decisions often delays interventions intended to address underlying problem behaviours and consumes the valuable time of principals. The bill simplifies and streamlines suspension, exclusion and cancellation of enrolment processes and, in so doing, provides flexibility for principals to adopt processes that meet the needs and reasonable expectations of school communities. For example, the bill does not dictate how principals communicate with students and their parents during these processes. It will enable a suspension to commence immediately upon a principal telling the student of this decision. This will be an immediate response to student behaviour, with written notice to be provided as soon as practicable to confirm the nature of the decision. The bill will remove the requirement on a principal to invite written submissions prior to excluding a student. However, the right to review a final exclusion decision will be retained.

The bill also introduces measures to ensure timeliness of exclusion provisions by introducing time frames within which exclusion decisions must be made from the date a notice of the proposal to exclude is given to a student. Guidance will be provided to principals in policy documents to ensure natural justice principles remain at the forefront of good decision making about disciplinary actions. The bill requires principals to comply with departmental policy and procedure.

The Newman government is committed to ensuring that all Queensland children and young people have the chance to receive a great education. Education is one of the cornerstones of securing this state's future prosperity. These reforms support the reforms under Great Teachers = Great Results by strengthening principals' powers and addressing limitations contained in the present legislative framework around school discipline. I commend the bill to the House.

### **First Reading**

**Hon. JH LANGBROEK** (Surfers Paradise—LNP) (Minister for Education, Training and Employment) (12.11 pm): I move—

That the bill be now read a first time.

Question put—That the bill be now read a first time.

Motion agreed to.

Bill read a first time.

### **Referral to the Education and Innovation Committee**

**Mr DEPUTY SPEAKER** (Dr Robinson): Order! In accordance with standing order 131, the bill is now referred to the Education and Innovation Committee.