

Introduced by the Hon A G Corbett, MLC

First print



New South Wales

Education Reform Amendment (Corporal Punishment) Bill 1995

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend the *Education Reform Act 1990* to abolish the administering of corporal punishment in schools.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides that the proposed Act will commence 12 months from the date on which the Governor assents to it.

Clause 3 gives effect to Schedule 1, which amends the *Education Reform Act 1990*.

Schedule 1 Amendment

Schedule 1 inserts into the *Education Reform Act 1990* proposed section 122A. At present an act is not an assault if it is done by a parent or guardian or, in certain circumstances, by a teacher in the course of lawfully correcting a child, provided the correction is reasonable and administered with a proper instrument and, in the case of a female, in a decent manner. The proposed section will have the effect of abolishing the administering of corporal punishment in New South Wales schools. The proposed section will also make it clear that a teacher or other member of the staff of a school will not have a defence to a charge of assault on a student of the school merely because a parent or guardian of the student has purported to delegate to the teacher or staff member authority to administer corporal punishment to the student. However, a teacher or member of staff will not be precluded from using reasonable force to prevent a student from injuring persons (including the student) or damaging property. The proposed section will not affect any right of a parent or guardian of a child to administer corporal punishment to the child.

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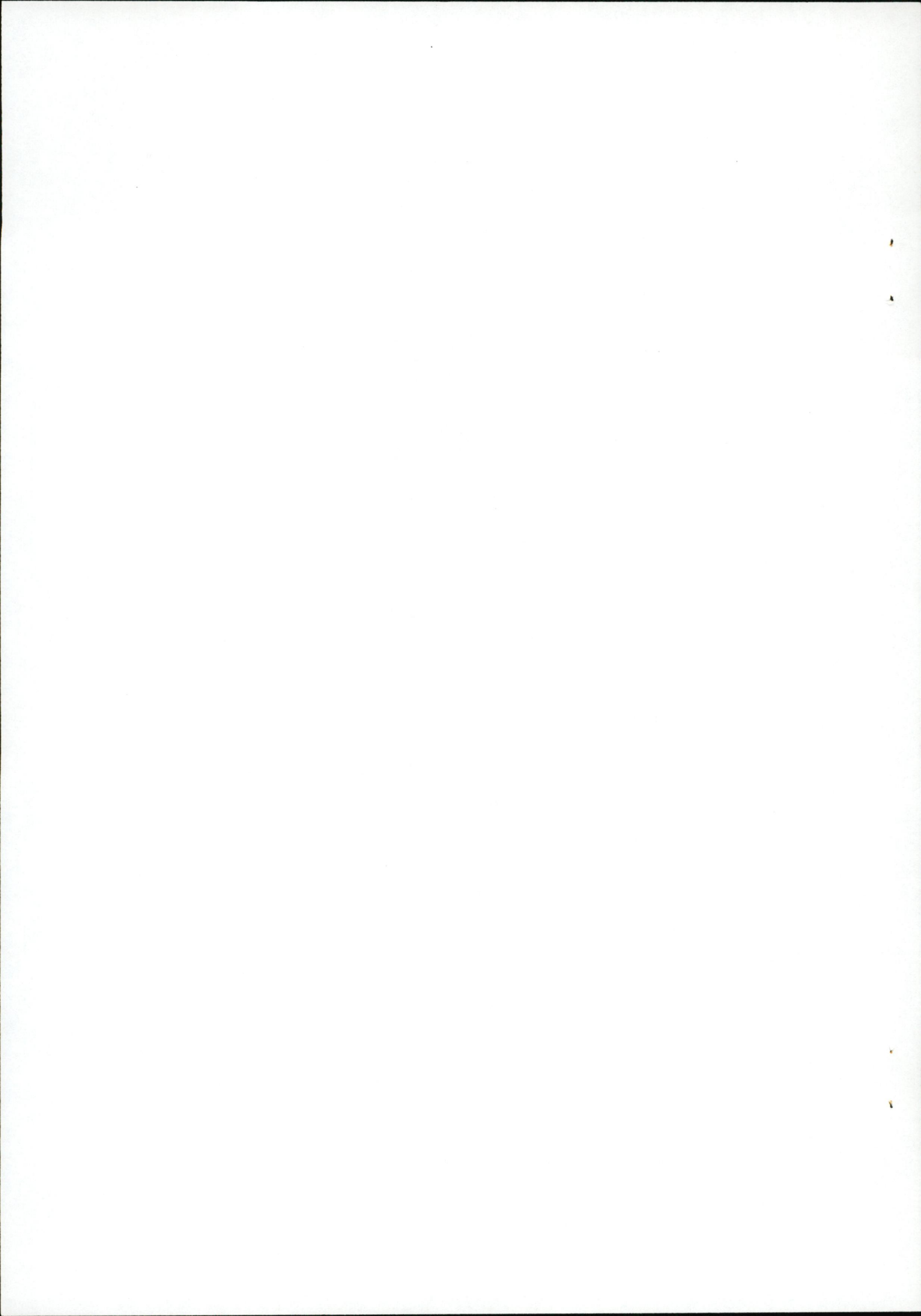


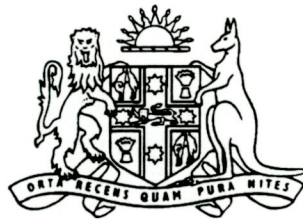
New South Wales

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New South Wales

Education Reform Amendment (Corporal Punishment) Bill 1995

No. , 1995

A Bill for

An Act to amend the *Education Reform Act 1990* to provide for the abolition of corporal punishment in New South Wales schools.

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Education Reform Amendment (Corporal Punishment) Act 1995*.

2 Commencement

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This Act commences on the day occurring 12 months after the date of assent.

3 Amendment of Education Reform Act 1990 No 8

The *Education Reform Act 1990* is amended as set out in Schedule 1.

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Schedule 1 Amendment

(Section 3)

Section 122A

Insert after section 122:

- 122A Abolition of corporal punishment in schools** 5
- (1) In civil or criminal proceedings brought against a member of the staff of a school arising out of the administration of corporal punishment to a student of the school, it is not a defence that the punishment was administered under a right exercisable by the member of staff because of his or her position as such. 10
 - (2) A member of the staff of a school is not taken to have administered corporal punishment to a student of the school only because of action taken for the purpose of averting an imminent danger of personal injury to, or an imminent danger to the property of, any person (including the student). 15
 - (3) Subsection (1) has effect even though a parent or guardian of the student may have delegated or purported to delegate to a member of the staff of the school concerned any right that the parent or guardian may have to administer corporal punishment to the student. 20
 - (4) Except as provided by subsection (3), nothing in this section affects any right that the parent or guardian of a child may have to administer corporal punishment to the child. 25
 - (5) In this section:
corporal punishment means any application of physical force taken for the purpose of punishing a student of a school (whether or not there are other reasons for the application of that force). 30

Education Reform Amendment (Corporal Punishment) Bill 1995

Schedule 1 Amendment

school means a government school or a non-government school required to be registered under this Act.

- (6) This section does not apply to proceedings arising out of an administration of corporal punishment to a student of a school before the commencement of this section.

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