

First print



New South Wales

Education Reform Amendment (School Discipline) 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* in relation to the discipline of students in government and non-government schools and, in particular, to ensure that official school policies relating to discipline do not permit corporal punishment of students in those 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 Amendments

Schedule 1 [1] provides a definition of *corporal punishment*. It makes it clear that corporal punishment does not include the use of force to prevent a student from injuring persons (including the student) or damaging or destroying property.

Schedule 1 [2] amends a provision of the *Education Reform Act 1990* relating to student discipline in government schools. The amendment provides that any guidelines prepared by the Minister, and any fair discipline codes adopted by schools, must not permit corporal punishment of students. The amendment also makes it clear that the guidelines and codes may permit other reasonable forms of punishment or correction of those students, including requiring students to perform any reasonable work or service for the school.

Schedule 1 [3] makes it a registration requirement for non-government schools that any official school policy relating to student discipline does not permit corporal punishment of students in the school.

Schedule 1 [4]–[6] contain amendments of a savings and transitional nature. They make it clear that the changes to the registration requirements for non-government schools extend to schools that are already registered.

First print



New South Wales

Education Reform Amendment (School Discipline) Bill 1995

Contents

	Page
1 Name of Act	2
2 Commencement	2
3 Amendment of Education Reform Act 1990 No 8	2
 Schedule 1 Amendments	 3



New South Wales

Education Reform Amendment (School Discipline) Bill 1995

No. , 1995

A Bill for

An Act to amend the *Education Reform Act 1990* relating to the discipline of students in New South Wales schools.

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Education Reform Amendment (School Discipline) Act 1995*.

2 Commencement

5

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.

10

Schedule 1 Amendments

(Section 3)

[1] Section 3 Definitions

Insert in section 3 (1) in alphabetical order:

corporal punishment of a student means the application of physical force in order to punish or correct the student, but does not include the application of force only to prevent personal injury to, or damage to or the destruction of property of, any person (including the student). 5
10

[2] Section 35 Discipline in government schools

Insert after section 35 (2):

- (2A) The guidelines and codes must not permit corporal punishment of students attending government schools.
- (2B) The guidelines and codes may permit other reasonable forms of punishment or correction of those students, including requiring students to perform any reasonable work or service for the school. 15

[3] Section 47 Registration requirements for schools

Insert after section 47 (e):

- (f) official school policies relating to student discipline that do not permit corporal punishment of students attending the school. 20

[4] Schedule 3 Savings, transitional and other provisions

Omit "the enactment of this Act." from clause 2 (1). 25

Insert instead:

the enactment of the following Acts:

Education Reform Act 1990

Education Reform Amendment (School Discipline) Act 1995 30

Education Reform Amendment (School Discipline) Bill 1995

Schedule 1 Amendments

[5] Schedule 3, clause 2 (2)

Omit "this Act". Insert instead "the Act concerned".

[6] Schedule 3, Part 3

Insert after Part 2:

**Part 3 Provisions consequent on enactment of
Education Reform Amendment (School
Discipline) Act 1995** 5

8 Application of amended registration requirements

The amendment made to section 47 of this Act by the
Education Reform Amendment (School Discipline) Act 1995 extends to any school registered before the
commencement of that amendment. 10

First print



New South Wales

Education Reform Amendment (School Discipline) 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* in relation to the discipline of students in government and non-government schools and, in particular, to ensure that official school policies relating to discipline do not permit corporal punishment of students in those 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 Amendments

Schedule 1 [1] provides a definition of *corporal punishment*. It makes it clear that corporal punishment does not include the use of force to prevent a student from injuring persons (including the student) or damaging or destroying property.

Schedule 1 [2] amends a provision of the *Education Reform Act 1990* relating to student discipline in government schools. The amendment provides that any guidelines prepared by the Minister, and any fair discipline codes adopted by schools, must not permit corporal punishment of students. The amendment also makes it clear that the guidelines and codes may permit other reasonable forms of punishment or correction of those students, including requiring students to perform any reasonable work or service for the school.

Schedule 1 [3] makes it a registration requirement for non-government schools that any official school policy relating to student discipline does not permit corporal punishment of students in the school.

Schedule 1 [4]–[6] contain amendments of a savings and transitional nature. They make it clear that the changes to the registration requirements for non-government schools extend to schools that are already registered.

First print

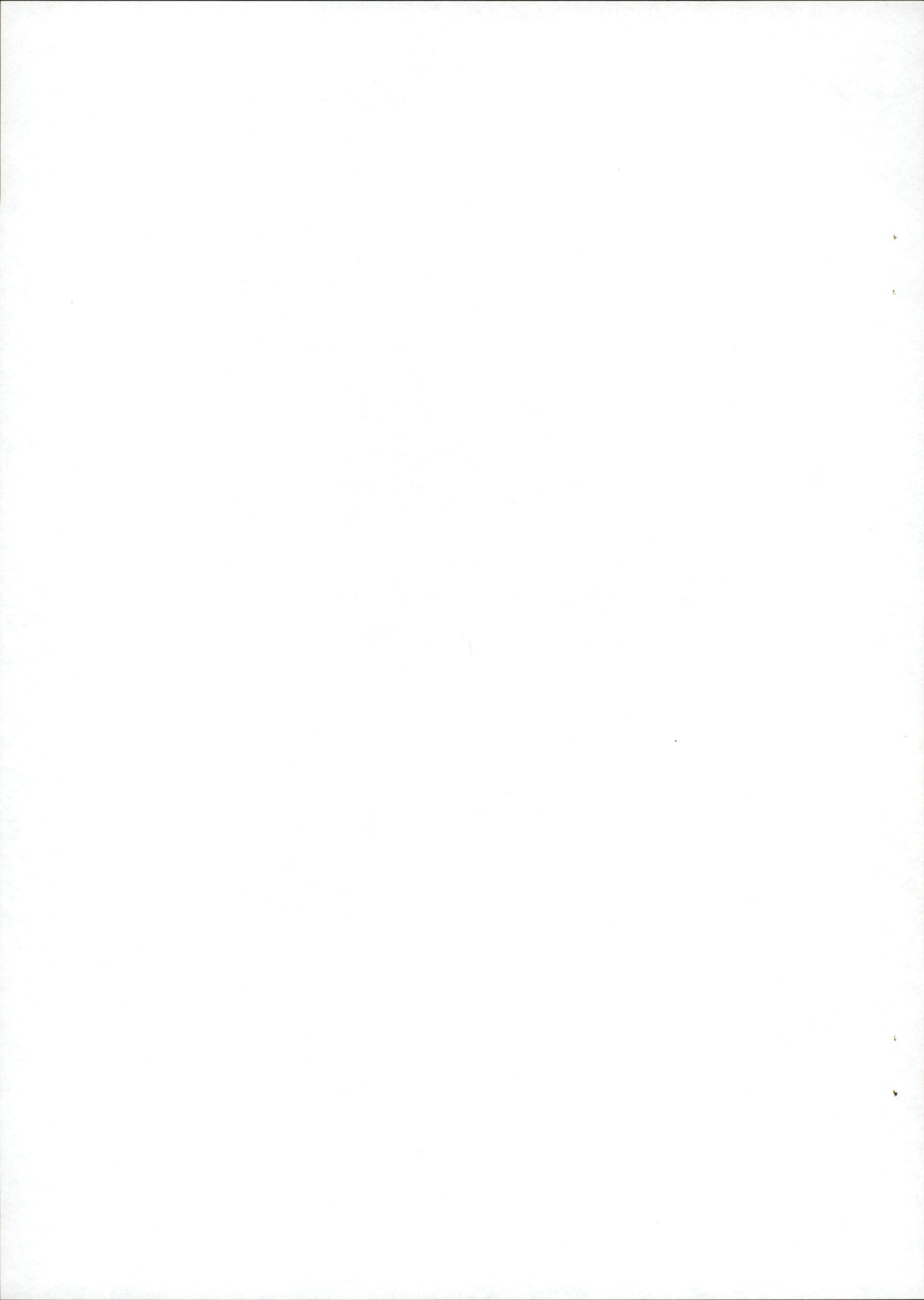


New South Wales

Education Reform Amendment (School Discipline) Bill 1995

Contents

	Page
1 Name of Act	2
2 Commencement	2
3 Amendment of Education Reform Act 1990 No 8	2
 Schedule 1 Amendments	 3





New South Wales

Education Reform Amendment (School Discipline) Bill 1995

No. , 1995

A Bill for

An Act to amend the *Education Reform Act 1990* relating to the discipline of students in New South Wales schools.

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Education Reform Amendment (School Discipline) Act 1995*.

2 Commencement

5

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.

10

Schedule 1 Amendments

(Section 3)

[1] Section 3 Definitions

Insert in section 3 (1) in alphabetical order:

corporal punishment of a student means the application of physical force in order to punish or correct the student, but does not include the application of force only to prevent personal injury to, or damage to or the destruction of property of, any person (including the student). 5
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[2] Section 35 Discipline in government schools

Insert after section 35 (2):

- (2A) The guidelines and codes must not permit corporal punishment of students attending government schools.
- (2B) The guidelines and codes may permit other reasonable forms of punishment or correction of those students, including requiring students to perform any reasonable work or service for the school. 15

[3] Section 47 Registration requirements for schools

Insert after section 47 (e): 20

- (f) official school policies relating to student discipline that do not permit corporal punishment of students attending the school.

[4] Schedule 3 Savings, transitional and other provisions

Omit "the enactment of this Act." from clause 2 (1). 25

Insert instead:

the enactment of the following Acts:

Education Reform Act 1990

Education Reform Amendment (School Discipline) Act 1995 30

Schedule 1 Amendments

[5] Schedule 3, clause 2 (2)

Omit "this Act". Insert instead "the Act concerned".

[6] Schedule 3, Part 3

Insert after Part 2:

**Part 3 Provisions consequent on enactment of
Education Reform Amendment (School
Discipline) Act 1995** 5

8 Application of amended registration requirements

The amendment made to section 47 of this Act by the
Education Reform Amendment (School Discipline) Act 1995 extends to any school registered before the
commencement of that amendment. 10

Chairman

C-075
CTA

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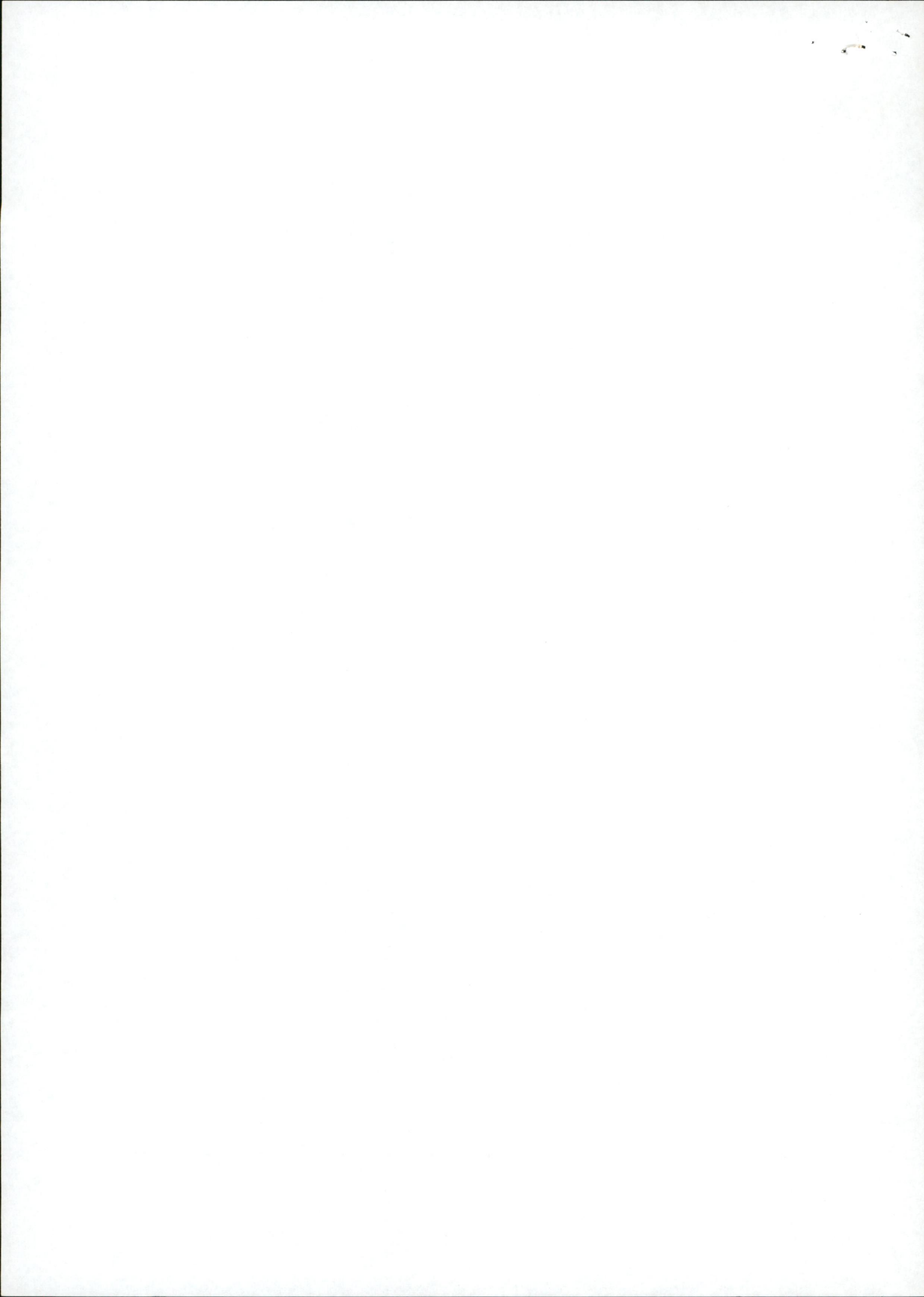
Education Reform Amendment (School Discipline) Bill 1995

First Print

Amendment to be moved in Committee

No 1

Pages 3 and 4, Schedule 1 [3] -[6], lines 19-30 on page 3 and lines 1-12 on page 4.
Omit all words on those lines.



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CTA

LEGISLATIVE COUNCIL

Education Reform Amendment (School Discipline) Bill 1995

First Print

Amendment to be moved in Committee

No 2

Page 3, Schedule 1, line 23. After "school", insert "except with the written permission of the parents or guardians of the child, obtained before each occasion on which corporal punishment is sought to be administered".

Note: Not to be moved if Amendment No 2 is passed.

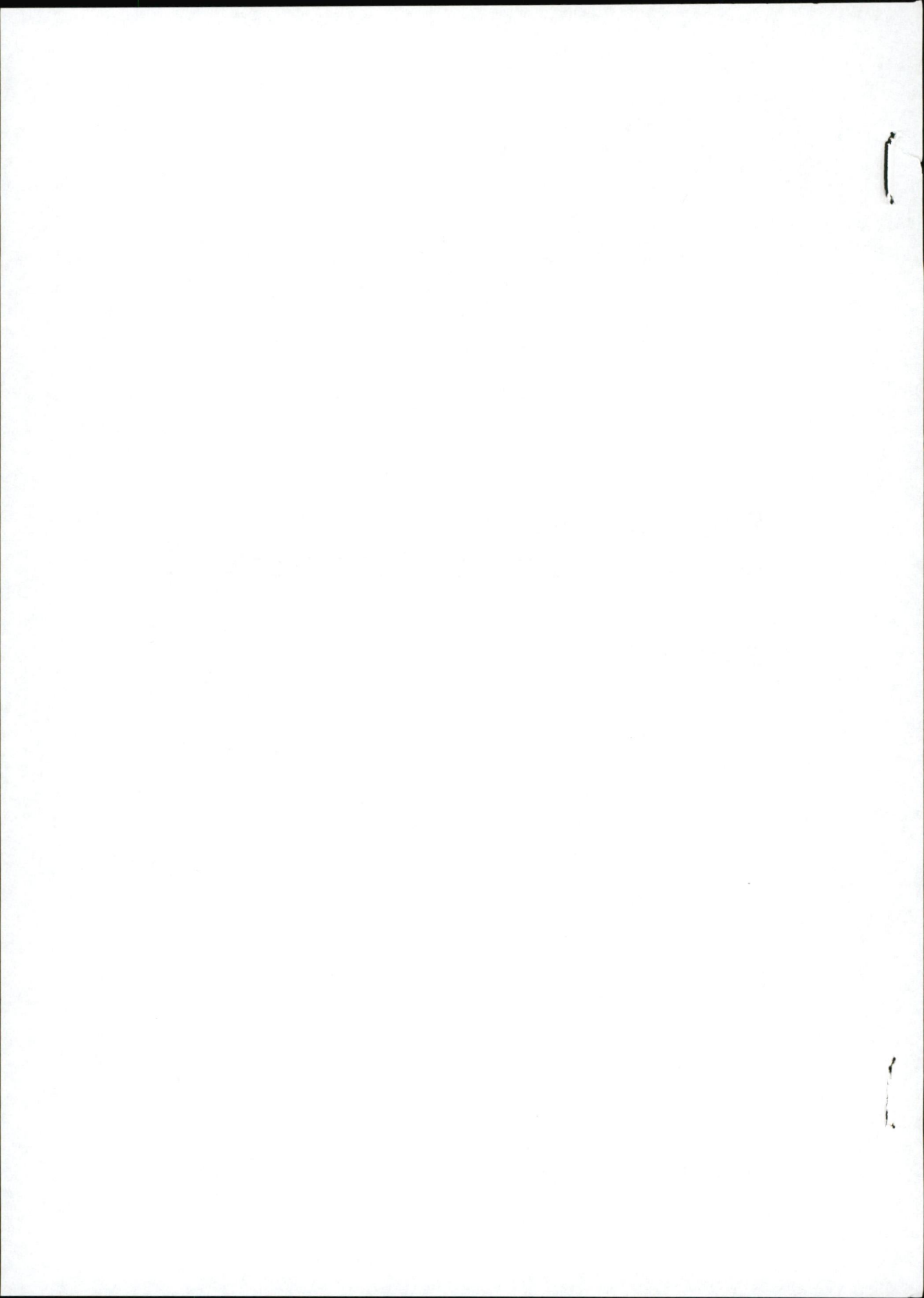


New South Wales

Education Reform Amendment (School Discipline) Act 1995 No 93

Contents

	Page
1 Name of Act	2
2 Commencement	2
3 Amendment of Education Reform Act 1990 No 8	2
 Schedule 1 Amendments	 3





New South Wales

Education Reform Amendment (School Discipline) Act 1995 No 93

Act No 93, 1995

An Act to amend the *Education Reform Act 1990* relating to the discipline of students in New South Wales schools. [Assented to 21 December 1995]

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Education Reform Amendment (School Discipline) Act 1995*.

2 Commencement

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.

Schedule 1 Amendments

(Section 3)

[1] Section 3 Definitions

Insert in section 3 (1) in alphabetical order:

corporal punishment of a student means the application of physical force in order to punish or correct the student, but does not include the application of force only to prevent personal injury to, or damage to or the destruction of property of, any person (including the student).

[2] Section 35 Discipline in government schools

Insert after section 35 (2):

(2A) The guidelines and codes must not permit corporal punishment of students attending government schools.

(2B) The guidelines and codes may permit other reasonable forms of punishment or correction of those students, including requiring students to perform any reasonable work or service for the school.

[3] Section 47 Registration requirements for schools

Insert after section 47 (e):

(f) official school policies relating to student discipline that do not permit corporal punishment of students attending the school.

[4] Schedule 3 Savings, transitional and other provisions

Omit "the enactment of this Act." from clause 2 (1).

Insert instead:

the enactment of the following Acts:

Education Reform Act 1990

Education Reform Amendment (School Discipline) Act 1995

[5] Schedule 3, clause 2 (2)

Omit "this Act". Insert instead "the Act concerned".

[6] Schedule 3, Part 3

Insert after Part 2:

**Part 3 Provisions consequent on enactment of
Education Reform Amendment (School
Discipline) Act 1995**

8 Application of amended registration requirements

The amendment made to section 47 of this Act by the *Education Reform Amendment (School Discipline) Act 1995* extends to any school registered before the commencement of that amendment.

[Minister's second reading speech made in—
Legislative Assembly on 5 December 1995
Legislative Council on 13 December 1995]

BY AUTHORITY