

EDUCATION (GENERAL PROVISIONS) ACT AMENDMENT ACT

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Queensland



ANNO TRICESIMO OCTAVO

ELIZABETHAE SECUNDAE REGINAE

No. 65 of 1989

An Act to amend the Education (General Provisions) Act
1989 in certain particulars

[ASSENTED TO 14TH JUNE, 1989]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

1. Short title. This Act may be cited as the *Education (General Provisions) Act Amendment Act 1989*.

2. Citation. (1) In this Act the *Education (General Provisions) Act 1989* is referred to as the Principal Act.

(2) The Principal Act as amended by this Act may be cited as the *Education (General Provisions) Act 1989*.

3. Repeal of and new s. 24. Suspension from attendance. The Principal Act is amended by repealing section 24 and substituting the following section:—

“24. Suspension from attendance. (1) In this section, “suspend” means prohibit from attending a State educational institution for a period of time as specified pursuant to this section.

(2) A principal or other person in charge of a State educational institution may suspend a student from that State educational institution for up to and including five days which shall be nominated by the principal or other person in charge, but immediately on so doing he shall notify the regional director for the region in question and the student himself and, if the student is under the age of 18 years, a parent of the student, of his action and his reasons therefor.

(3) On receiving a notification pursuant to subsection (2), the regional director shall consider expeditiously the circumstances of the case and—

(a) if he is of the opinion that the student should be suspended for the nominated day or days, he shall notify the principal or other person in charge and the student himself and, if the student is under the age of 18 years, a parent of the student accordingly, in which case the student shall remain suspended for that day or days;

(b) if he is of the opinion that the student should no longer be suspended from the State educational institution, he shall notify the principal or other person in charge and the student himself and, if the student is under the age of 18 years, a parent of the student accordingly, in which case the student shall no longer be so suspended.

(4) If the principal or other person in charge of a State educational institution is of the opinion that a student should be excluded pursuant to section 25, he shall include with his advice to the regional director of the region in question pursuant to subsection (2) a recommendation to that effect and reasons therefor.

(5) If the regional director is of the opinion, whether on a recommendation made pursuant to subsection (4) or otherwise, that the student should be excluded pursuant to section 25, he shall—

- (a) notify the Director-General promptly of his opinion and therein set out the circumstances in respect of the matter in question;
- (b) extend the suspension until a determination has been made pursuant to section 25 and immediately notify the principal or other person in charge and the student himself and, if the student is under the age of 18 years, a parent of the student, of his action and his reasons therefor in which case the student shall be suspended for that period.

(6) The student or his parent may, upon receipt of or being made aware of a notification of his or his child's extended suspension under subsection (5) (b), make a submission to the Director-General setting out the reasons why the student should not be excluded pursuant to section 25."

4. Repeal of and new s. 25. Exclusion from attendance. The Principal Act is amended by repealing section 25 and substituting the following section:—

"25. Exclusion from attendance. (1) In this section and in section 24, "exclude" means prohibit from attendance at any number of or all State educational institutions as specified by the Director-General pursuant to this section for a period determined by the Director-General, with the approval of the Minister first had and obtained.

(2) The Director-General shall consider expeditiously the circumstances of a case of exclusion and, with the approval of the Minister, may order the exclusion of a student—

- (a) for a period determined by the Director-General;
- or
- (b) permanently,

when the Director-General 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 or State educational institutions.

(3) Immediately on ordering such exclusion, the Director-General shall notify the regional director of the region in question, the principal or other person in charge of the State educational institution from which the student was suspended under section 24, the student himself and, if the student is under the age of 18 years, a parent of the student, of his action and his reasons therefor.

(4) The student or his parent may upon receipt of or being made aware of an order in respect of such exclusion make a

submission to the Director-General setting out the reasons why the student should not be so excluded.

(5) The Director-General shall consider any such submission and, with the approval of the Minister, may—

- (a) confirm the exclusion and the period thereof;
- (b) remove the order for exclusion;

or

(c) confirm the exclusion but vary the period thereof, and shall notify the persons required to be notified pursuant to subsection (3) accordingly.”.