



Queensland

Education (General Provisions) Amendment Regulation (No. 1) 2010

Subordinate Legislation 2010 No. 175

made under the

Education (General Provisions) Act 2006

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1 Short title

This regulation may be cited as the *Education (General Provisions) Amendment Regulation (No. 1) 2010*.

2 Commencement

This regulation commences on 26 July 2010.

3 Regulation amended

This regulation amends the *Education (General Provisions) Regulation 2006*.

4 Insertion of new pt 2, div 1, hdg

Part 2, before section 5—

insert—

‘Division 1 Management generally’.

5 Insertion of new pt 2, div 2

Part 2, after section 9—

insert—

‘Division 2 Temporary removal of student property

‘9A Definition for div 2

‘In this division—

staff member, of a State school, means anyone employed by the chief executive at the school.

‘9B Power to remove property from student

‘(1) The principal or a staff member of a State school may remove from a student at the school any property in the student’s

possession if the principal or staff member is reasonably satisfied the removal is necessary—

- (a) to preserve the caring, safe, supportive and productive learning environment of the school; or
 - (b) to maintain and foster mutual respect among staff and students at the school; or
 - (c) to encourage all students attending the school to take responsibility for their own behaviour and the consequences of their actions; or
 - (d) to provide for the effective administration of matters about the students of the school.
- ‘(2) Without limiting subsection (1), property may be removed from a student to ensure compliance with—
- (a) the approved behaviour plan for the school; or
 - (b) a direction or guideline given by the chief executive under the Act or this regulation; or
 - (c) a policy approved by the chief executive under the Act or this regulation.

‘9C Return of removed property

- ‘(1) The principal or staff member must, within a reasonable time after the property was removed, make the property available for collection by—
- (a) the student from whom the property was removed; or
 - (b) a parent of the student if—
 - (i) the student is a child; and
 - (ii) the principal considers it would be appropriate to make the property available for collection only by the parent—
 - (A) given the condition, nature or value of the property; or
 - (B) to ensure the safety of the student, other students or staff members; or

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(C) for the good management, administration and control of the school.

‘(2) Subsection (1)(b) does not apply if the principal is satisfied it would be inappropriate in the circumstances to make the property available for collection by the parent.

Example for subsection (2)—

It may be inappropriate for the property to be made available for collection by a parent of the student if the student is living independently of his or her parents.

‘(3) The principal or staff member is not required to make the property available for collection under subsection (1) if—

(a) a police officer—

(i) has been notified about the removal of the property; and

(ii) has stated that he or she will come to the school to investigate matters relating to the property but has not yet done so; or

(b) the property has been seized by a police officer under the *Police Powers and Responsibilities Act 2000*.

‘(4) If a police officer comes to the school to investigate matters relating to the property but decides not to seize the property, the principal or staff member must make the property available for collection by the student or the student’s parent as soon as practicable after the police officer makes the decision not to seize the property.

‘(5) Also, the principal or staff member is not required to make the property available for collection by the student or the student’s parent if—

(a) the principal or staff member has made reasonable efforts to notify the student or the student’s parent that the property is available but has not been able to contact the student or parent; or

(b) the principal or staff member suspects on reasonable grounds that the student is not the owner of the property.

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- ‘(6) If the principal or staff member holds the property under subsection (5)(b), the principal or staff member must make reasonable efforts to ascertain the ownership of the property.
- ‘(7) The matters the principal or staff member may have regard to in deciding a reasonable time for making property available for collection under subsection (1) include the following—
- (a) the condition, nature or value of the property;
 - (b) the circumstances in which the property was removed;
 - (c) the safety of the student from whom the property was removed, other students or staff members;
 - (d) the good management, administration and control of the school.
- ‘(8) The principal or staff member must take reasonable care to ensure that property made available for collection is in the same condition as when the property was removed.

‘9D Protection from liability

- ‘(1) The principal or a staff member of a State school does not incur civil liability for an act done, or omission made, honestly and without negligence under this division.
- ‘(2) If subsection (1) prevents a civil liability attaching to a principal or staff member, the liability attaches instead to the State.’.

ENDNOTES

- 1 Made by the Governor in Council on 8 July 2010.
- 2 Notified in the gazette on 9 July 2010.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of Education and Training.