

Education (General Provisions) Amendment Regulation (No. 1) 2013

Explanatory notes for SL 2013 No. 263

made under the

Education (General Provisions) Act 2006

General Outline

Short title

Education (General Provisions) Amendment Regulation (No. 1) 2013

Authorising law

Section 434 of the *Education (General Provisions) Act 2006*

Policy objectives and the reasons for them

The objective of the *Education (General Provisions) Amendment Regulation (No. 1) 2013* (the Amendment Regulation) is to make a minor consequential amendment to the *Education (General Provisions) Regulation 2006* (the EGP Regulation) to reflect the omission of approved behaviour plans from the *Education (General Provisions) Act 2006* (the EGPA).

On 7 November 2013, the Education (Strengthening Discipline in State Schools) Amendment Bill 2013 received royal assent.

The *Education (Strengthening Discipline in State Schools) Amendment Act 2013* (the Act) omits requirements in Chapter 12, Part 1 of the EGPA for principals to develop behaviour plans for a state school. ‘Approved behaviour plan’ was defined as a behaviour plan approved for the school under relevant sections of Chapter 12, Part 1.

While no longer included in the EGPA, a behaviour plan will remain an essential management tool for school communities to agree on appropriate standards of behaviour. The requirement to have a plan that describes the proactive approach to managing behaviour is retained in Departmental policy and procedure.

Section 276 of the Act enables the chief executive to make a policy or procedures about the way in which principals of state schools control and regulate student discipline. A principal of a state school must comply with any such policy and procedure.

Section 9B of the EGP Regulation deals with the power of a principal, or staff member, to remove property from students. Section 9B (2), while not limiting the operation of the section, provides that 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 the EGP Regulation; or
- (c) a policy approved by the chief executive under the Act or the EGP Regulation.

The Amendment Regulation will amend the EGP Regulation to reflect that the Act omits approved behaviour plans from the EGPA.

Achievement of policy objectives

The policy objective of the Amendment Regulation is achieved by amending the Regulation to omit the reference to an approved behaviour plan. The Amendment Regulation will amend section 9B(2)(a) to instead refer to the 'behaviour plan', which will be defined as a plan made by the principal under a policy or procedure mentioned in section 276 of the EGPA. This will take effect from 6 January 2014, the date fixed for commencement of the Act.

Consistency with policy objectives of authorising law

The Amendment Regulation is consistent with the main objectives of the EGPA.

Inconsistency with policy objectives of other legislation

The Amendment Regulation is consistent with the policy objectives of other legislation.

Benefits and costs of implementation

There is no cost resulting from the minor consequential amendment to the Regulation.

Consistency with fundamental legislative principles

The Amendment Regulation is consistent with fundamental legislative principles.

Consultation

Relevant stakeholders were consulted on amendments contained in the Act. There has been no specific consultation on the Amendment Regulation.