

# The new *Education Act*

## INFORMATION SHEET – Wellbeing and behaviour

A new *Education Act* has been passed by the Northern Territory Parliament and is now the law. This information sheet tells you about some of the changes relating to student wellbeing and behaviour in the *Education Act* and Education Regulations.

The *Education Act* fosters the principle that schools are positive and safe environments for students and staff through the provision of measures promoting wellbeing and positive behaviour in Northern Territory government schools.

### **Guiding principles (section 4)**

The Act sets out seven principles that all educators and education administrators must apply when they carry out their work. The guiding principles are important as they provide a vision for early childhood and school education in the Northern Territory. The principles confirm that students and staff of schools are entitled to a safe environment.

### **Criminal history check for mature age students (Part 4, Division 5)**

Students who are 18 years of age and over and have not been enrolled in a school for 12 months or more, must pass a criminal history check if they wish to enrol in a government or non-government school. This is to ensure that schools provide a safe learning and working environment.

Applications from prospective mature age students will be assessed by a vetting entity. For government schools this is the Chief Executive of the Department of Education; for non-government schools it is Association of Independent Schools NT and for Catholic schools it is Catholic Education Office NT.

Where the vetting entity finds that the applicant has been convicted or has a pending charge for a disqualifying offence they will not be allowed to enrol. Disqualifying offences are similar to those of significance for a Working with Children Clearance (Ochre Card), including sexual, violent and drug-related offences involving children.

Continuing students who turn 18 while they are studying, or prospective students who have been enrolled in a school during the previous 12 months, are not required to obtain a criminal history check.

### **Conditions on enrolment to assist behaviour management (section 81)**

Reasonable conditions may be attached to the enrolment of a student to assist in managing the student's behaviour. For example, a student might be enrolled on the stipulation that they attend a behaviour management program or a certain attendance rate may be required.

This new provision gives schools additional tools to help with behaviour management of individual students.

### **Guides for managing behaviour (section 90)**

The Act sets out factors that a principal must take into consideration when making a decision about managing a student's behaviour. This includes a list of circumstances which must be taken into account, for example, age, special learning needs and mental health and wellbeing. This aims to guide the decision-making of principals when managing the behaviour of students.

The Act also states that principals must comply with departmental guidelines which provide guidance on how to manage the behaviour of students.

### **Suspension (section 91)**

A principal may suspend a student if they believe that the student's presence at the school is likely to constitute a risk (physical or psychological) to other students or staff at the school.

The Act now allows a principal to suspend a student for part of a day or week. It also allows principals to apply appropriate conditions to a student's suspension. These changes give principals more flexibility, for example, suspending students from a particular subject or course rather

than school as a whole, or attaching conditions requiring the student to attend an alternative educational program during their suspension. It also allows principals to put into place a graduated return to school program

The maximum period of suspension has also been amended from one month to 20 school days. The 20 school days is a more exact measure for suspension and does not include school holidays.

### **Exclusion from school (section 92)**

A student may be excluded from school (or a particular class, program, building or site), if they have been charged with an offence punishable by a term of imprisonment of more than two years, until the charge has been determined by a court. This occurs only if the student's presence is likely to pose an unacceptable risk of physical or psychological harm to others at the school.

The Chief Executive of the Department of Education makes the decision about excluding the student. If they disagree, the parent or student may ask the Chief Executive to reconsider the decision to exclude.

Where a student is excluded, reasonable steps must be taken to allow the student to continue their education during the exclusion.

### **Parent must ensure student does not attend school (section 94)**

Where a student has been suspended or excluded from attending school, the parent must make sure that the student does not attend school during that period. For a student who is living independently, they must make sure they do not attend school.

### **Boarding school standards (section 101)**

Boarding school facilities for students enrolled in a government school must ensure that the facilities meet Australian Standards. The *National Boarding Standard for Australian Schools* requires boarding facilities to ensure adequate provisions are made in relation to matters such as safety of students and staff, supervisory ratios and medical attention.

This includes only institutional type boarding facilities not homestay.

### **Corporal punishment prohibited (section 162)**

The *Education Act* has been brought in line with existing government policy by specifically prohibiting corporal punishment in government and non-government schools in the Northern Territory.

#### **Further information**

For further details visit [www.education.nt.gov.au](http://www.education.nt.gov.au), email [legislation.services@nt.gov.au](mailto:legislation.services@nt.gov.au) or phone (08) 8901 4990.

You can also talk to your local school principal.