



**Fact Sheet 12**

**October, 2007**

**Legislative framework for student protection**

This fact sheet contains information regarding state legislation that impacts on student protection in non-state schools

**The Education (Accreditation of Non-State Schools) Act 2001**

This legislation requires that schools be accredited in many areas and outlines the penalties which apply for non-compliance. The section of this Act which applies to student protection is addressed in the Regulations of the Act (see below).

**The Education (Accreditation of Non-State Schools) Regulation 2001 (Provision 10) (s.2-2.8)**

This section of the regulations deals with requirements relating to the health, welfare and safety of students.

These regulations require that:

- Non-state schools must have reporting processes for staff and students in relation to harm or suspected harm to students
- These reporting processes must have a process for a staff member to report to the principal or nominated person if they reasonably suspect harm has been caused to a student or a student is at risk of harm
- These reporting processes must also have a process for the principal or nominated person to report the harm or risk of harm to a relevant state authority eg Department of Child Safety and/or police
- The reporting processes must be readily accessible to staff and students
- Staff and students are made aware of these reporting processes
- There must be a least two stated staff members to whom staff and students can report (principal and Student Protection Contact (SPC))
- Schools can demonstrate how staff and students know of these school Student Protection Contact people

- Schools can demonstrate how staff and students know of these school Student Protection reporting processes (mandatory in-service of staff)
- Schools can demonstrate how the reporting processes are being implemented (forms completed and filed)

**The Child Protection Act 1999:**

This legislation is the overarching Queensland legislation relating to the protection, welfare and best interests of children and young people who have been harmed or are at risk of harm. (Note: Department of Child Safety officers and police officers are operating under this legislation (s.17) when they conduct interviews of students at school in relation to harm or risk of harm to students.)

**The Education (General Provisions) Act 1989 (s.146B)**

Requires that if a current staff member of a non-state school becomes aware of, or reasonably suspects, that a student under the age of 18 years of age attending the school has been sexually abused by someone else who is an employee of the school they must report the abuse, or suspected abuse, to the school's principal or the Director.

This requirement is designed to capture sexual abuse against students under the age of 18 by any person undertaking paid work at a school, including supply teachers and contractors. The legislation does not cover the conduct of a volunteers at a school, however these Toowoomba Catholic Education procedures also include conduct of volunteers at a school.

**The Education (Teacher Registration) Act 1988**

Requires teachers to inform the Board of Teacher Registration if they are charged with, or convicted of, a criminal offence (s.42A). Also, this same legislation requires school employing authorities to notify the Board of

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Teacher Registration when a teacher is dismissed or resigns during the course of an investigation in relation to allegations that the teacher's conduct harmed or could have harmed a child/student (s.44A)

**The Commission for Children and Young People and Child Guardian Act 2000**

Requires that Catholic School Authorities ensure that all employees involved in child-related activities (with the exception of registered teachers to whom different regulations apply) hold a certification of suitability for such work ie 'blue card' and schools can demonstrate having in place a student protection risk management strategy.

**The Anti-Discrimination Act 1991 (Qld)**

sets out restrictions in discriminating against anyone on the basis of sex, relationship status, pregnancy, parental status, breastfeeding, age, race impairment, religious belief or activity, political belief or activity, trade union activity, lawful sexual activity, gender identity, sexuality and family responsibilities. There are certain exceptions in the Act. There is also Federal anti-discrimination legislation that might impact on educational environments.

**The Health Act 1937** has been amended to require mandatory reporting by professionals (doctors and registered nurses) of reasonable suspicions of child abuse and neglect directly to the Department of Child Safety as of 31 August 2005 (Note: This only applies to schools where there is a school nurse).

**Further information:**

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