

Question on Notice

No. 724

Asked on 24 May 2017

MR R STEVENS ASKED MINISTER FOR EDUCATION AND MINISTER FOR TOURISM, MAJOR EVENTS AND THE COMMONWEALTH GAMES (HON K JONES)—

QUESTION:

Will the Minister advise (a) how many restricted items were found on school grounds in 2015-16 and 2016-17 to date (reported by year and education region), (b) how many in (a) involved weapons (reported by year and education region) and (c) how many in (a) involved drugs (reported by year and education region)?

ANSWER:

All students have a right to learn, and teachers have a right to teach, in a safe, supportive and disciplined school environment.

That's why we support our principals to maintain high standards of behaviour in Queensland state schools.

All schools have a Responsible Behaviour Plan for Students, developed in consultation with the school community. This includes the school's expectations about behaviour, details strategies to promote appropriate behaviour and outlines the range of disciplinary consequences for inappropriate behaviour. School Responsible Behaviour Plans also document items that are not permitted on school grounds.

Weapons are not permitted at Queensland state schools.

Teachers and principals are best placed to take appropriate disciplinary action — which may include referral to the Queensland Police Service — against any student who behaves inappropriately.

The Department of Education and Training does not centrally collect data on restricted items found on school grounds.

School disciplinary absence data is published on the Department's website at www.det.qld.gov.au/publications/reports/statistics/schooling/students.

Question on Notice

No. 521

Asked on 9 May 2017

MS T DAVIS ASKED MINISTER FOR EDUCATION AND MINISTER FOR TOURISM, MAJOR EVENTS AND THE COMMONWEALTH GAMES (HON K JONES)—

QUESTION:

With reference to student suspensions in 2015-16 and 2016-17 to date—

Will the Minister advise (a) how many suspensions involved a student threatening violence with a weapon, (b) how many students were suspended for actual physical violence against a student and (c) how many students were suspended for actual physical violence against a teacher or staff member?

ANSWER:

All students have a right to learn, and teachers have a right to teach, in a safe, supportive and disciplined school environment.

That's why we support our principals to maintain high standards of behaviour in Queensland state schools.

All schools have a Responsible Behaviour Plan for Students, developed in consultation with the school community. This includes the school's expectations about behaviour, details strategies to promote appropriate behaviour and outlines the range of disciplinary consequences for inappropriate behaviour.

Records of incidents resulting in suspension of a student due to physical misconduct, verbal or non-verbal misconduct is publicly available at www.education.qld.gov.au/schools/statistics/absences.html.

The Department of Education and Training does not specifically categorise 'actual physical violence' or 'violence with a weapon' but uses a broader range of categories: Physical Misconduct against a student and Physical Misconduct against an adult. Physical incidents may include serious misconduct and lesser breaches such as pushing or tripping.

Physical incidents against adults at the school can include teachers, other staff or another adult not employed by a school. Physical incidents can also be reported as involving an object, which may include items brought to school or found in a school environment.

The table below provides numbers for suspensions for reason of physical misconduct:

| Suspensions for reason of Physical Misconduct (involving an object and not involving an object) | 2015–16 | 2016–17 |
|--|----------------|----------------|
| Involving Students | 21,708 | 19,116 |
| Involving Adults | 3808 | 3209 |

Note: data relates to the number of suspensions, not the number of students suspended.

Briefing Note

Senior Policy Advisor
Office of the Honourable Kate Jones MP
Minister for Education and
Minister for Tourism and Major Events

Action required: with Correspondence

Action required by: N/A

Routine – with correspondence

SUBJECT: SCHOOL COMMUNITY MEMBER WEARING A KIRPAN (RELIGIOUS KNIFE) WITHIN GROUNDS OF [REDACTED] SCHOOL

Summary of key objectives

- To inform a response to [REDACTED] School, who has raised concerns about the kirpan being worn on the school grounds.

Key issues

- An adult member of the Sikh religion has been wearing a kirpan onto the grounds of [REDACTED] School when [REDACTED] after school.
- [REDACTED]
- [REDACTED] raised concerns about safety with the Principal.
- [REDACTED] has progressed her concern to the [REDACTED] Region and the Minister in relation to the safety of children and other community members. She believes the wearing of the kirpan within school grounds to be in breach of s.51(5) of the *Weapons Act 1990*.
- [REDACTED] seeks the following outcome:
 - Legal advice be sought on the interpretation of *Weapons Act 1990*.
 - In the event that it is permissible, the follow be undertaken:
 - A policy be developed Queensland wide on bringing or use of weapons on school grounds by students or parents and the school community included where and how it is stored;
 - Educate the school community to ensure that all students, parents and staff are aware of the policy for carrying knives on school grounds; and
 - Develop and maintain a register on who is bringing knives onto school grounds including: a background search on the person, the purpose of carrying a knife on school grounds and a description of the knife.
 - In the event that is is not permissible, the following be undertaken:
 - A policy be developed Queensland wide on the bringing or use of weapons in the school by students and the school community;
 - Educate the school community to ensure that all students, parents and staff are aware that carrying and using weapons in schools is inappropriate and unlawful; and
 - Report critical incidences of weapons being brought into the school to the Queensland Police Service (QPS).

Media Implications

6. The region is not aware of current media attention, however the issue has potential to be of interest in the wider community and therefore may become the subject of media attention.

Financial Implications

7. The region is not aware of any financial implications.

Legal Implications

8. The *Weapons Act 1990* is administered by the QPS.

9. S.51 of the *Weapons Act 1990, Possession of a knife in a public place or a school* states:

(1) A person must not physically possess a knife in a public place or a school, unless the person has a reasonable excuse.

(4) Also, it is a reasonable excuse for subsection (1), to the extent the subsection relates to a public place, to physically possess a knife for genuine religious purposes.

Example—

A Sikh may possess, in a public place, a knife known as a kirpan to comply with the person's religious faith.

(5) However, it is not a reasonable excuse to physically possess a knife in a school for genuine religious purposes.

(6) In deciding what is a reasonable excuse for subsection (1), regard may be had, among other things, to whether the way the knife is held in possession, or when and where it is held in possession, would cause a reasonable person concern that he or she, or someone else in the vicinity, may be threatened or harmed.

(7) In this section—

knife includes a thing with a sharpened point or blade that is reasonably capable of—

(a) being held in 1 or both hands; and

(b) being used to wound or threaten to wound anyone when held in 1 or both hands.

school means any part of the premises of—

(a) a State educational institution under the *Education (General Provisions) Act 2006*;

10. Determination of whether the kirpan is defined as a knife under the *Weapons Act 1990* lies within the jurisdiction of the QPS.

Aboriginal and Torres Strait Islander Impacts

11. There are no cultural, social or historical aspects of this issue for Aboriginal or Torres Strait Islander people as the kirpan is worn by members of the Sikh religion. However, the matter has potential to raise some culturally sensitive issues at the school and possibly wider (Sikh) community.

Background

12. On 10 March 2016, s.47(3)(b) - c contacted a teacher of the school about a parent carrying a knife on the school grounds. The Principal contacted s.47(3)(b) - c on 11 March 2016, advising she would seek clarification, however it was the Principal's understanding that it was a kirpan which was of religious significance, has a dull blade, was not considered a weapon and all male Sikhs were required to wear it.

13. [s.47(3)(b) - Contrary to Public Interest] the Principal contacted [s.47(3)(b) - C] Police Station to inquire as to whether this was illegal. A Client Services Officer (ex Senior Sgt) and a Senior Sergeant confirmed that it was not against the law for a Sikh male to wear a kirpan in a public place as it is part of their traditional dress as long as it is contained in its skabin. The Principal specifically asked whether this included the wearing of it on school grounds. They confirmed that this was the case. The Principal confirmed this with them twice.
14. The Principal spoke to the [s.47(3)(b) - Contrary to Public Interest] She was very supportive and said that if it would help, [s.47(3)(b) - Co] would make the kirpan less conspicuous so as to not alarm [s.47(3)(b) - C] children. From this date this [s.47(3)(b) - Cont] wears a two piece outfit so the kirpan is not conspicuous. The Principal acknowledged the sensitivity of the issue. The discussion was very amicable and positive.
15. The Principal telephoned [s.47(3)(b) - C] who confirmed that the male in question was dressed traditionally and that the kirpan was in a skabin. The Principal informed her of her findings that the wearing of the kirpan on school grounds was not unlawful, however the person concerned would wear it so that it was less conspicuous. [s.47(3)(b) - C] was satisfied by this outcome, particularly as the Principal had consulted with the police.
16. After school [s.47(3)(b) - C] expressed that she was still very uncomfortable with the [s.47(3)(b) - Cont] wearing the kirpan and requested the Principal to ask him to remove it. The Principal declined as she had been informed by the police that it was not against the law.
17. On 16 March 2016, the Principal contacted regional support staff to inform them of her actions to date in relation to the parent's concern.
18. On 16 March 2016, [s.47(3)(b) - C] emailed the [s.47(3)(b) - Contra] Region regarding her concern in relation to a knife/knives being allowed to be brought onto school grounds. The correspondence was copied to the Minister and the Principal of [s.47(3)(b) - Contrary] School (Ref: 16/142034).

19. Sch. 3(7)

Sch. 3(7)

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23. The Acting Executive Director, State Schools Operations, supported the LALB advice.

24. As the original correspondence had been sent to the region and copied to the Principal, the Principal understood that a response to the parent or action would be undertaken by the region.

25. The region considers that:

- The Principal has already sought advice from s.47(3)(b) - 4 Police, who verbally confirmed that the s.47(3)(b) - Contr could continue to wear the kirpan within the school grounds.
- The s.47(3)(b) - Contr agreed to wear the kirpan in such a way as to not be visible or accessible by other persons, in view of the concern expressed by a parent.
- Reporting the matter to the local police for investigation of an alleged offence could result in considerable unrest within the Sikh family, the local Sikh community and the school community, as the person involved is the s.47(3)(b) - Contr of a current student.
- Sch. 3(7)
Sch. 3(7) The region will liaise with the QPS and a representative of the Sikh community, to work towards a resolution of this matter.
- Although the school's Responsible Behaviour Plan for Students includes a section on students bringing knives onto the school grounds, the wider implications in relation to bringing a kirpan onto the school grounds by a student or adult should be referred to the policy section of the department for further consideration of any amendment to departmental policy or procedure.

Right to information

26. I am of the view that the contents or attachments contained in this brief **are not suitable** for publication as the matter may have cultural sensitivity for members of the Sikh religion.

Recommendation

That the Senior Policy Advisor **note** the information provided to inform a response to

s.47(3)(b) - C

NOTED

VERENA MCCARTHY
Senior Policy Advisor
Office of the Hon Kate Jones MP
Minister for Education and
Minister for Tourism and Major Events

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Senior Policy Advisor's comments

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| Action Officer Christine Marsh | Endorsed by Michael Middis | Endorsed by Karen Sweedman | Reviewed by Robyn Martin | Endorsed by Bevan Brennan |
| Principal Policy Officer Metropolitan Region Ph:302 88024 | Principal Advisor Regulation Metropolitan Region Ph:302 88077 Mob: Date: 05/05/16 | A/Director Regional Services Metropolitan Region Ph:302 88096 Mob: Date: 5/05/16 | LALB Ph: 3513 5854 Mob: Date: 5/05/16 | ADG SS-O Ph:3513 5836 Mob: Date: 11/05/2016 |