



Speech by

**Andrew Cripps**

**MEMBER FOR HINCHINBROOK**

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## **CRIMINAL CODE (PROTECTING SCHOOL STUDENTS AND MEMBERS OF STAFF FROM ASSAULTS) AMENDMENT BILL**

**Mr CRIPPS** (Hinchinbrook—NPA) (7.50 pm): I rise to support the Criminal Code (Protecting School Students and Members of Staff from Assaults) Amendment Bill. The objective of the bill is to introduce a number of offences into the Criminal Code Act 1899 that will protect both teachers and students from assaults and physical intimidation whilst on school grounds.

According to Queensland police statistics, there were 732 assaults reported on educational facilities during 2005-06, which represented an increase of 84 assaults from the previous reporting year. These figures were almost double that reported on public transport and in health facilities. In fact, the explanatory notes associated with this bill advise that educational facilities had the highest recorded number of assaults in any institutional setting. Such a statistic surely recommends this bill to all members of this House as a soundly conceived proposal that is required to protect teachers and students who are at school to instruct and to learn respectively, not to be assaulted by individuals who would use schools to pursue an act of violence.

This bill seeks to address this violent trend by affording legislative protection to students and teachers from persons who assault and seek to intimidate others whilst on school grounds. People who enter school grounds and assault others must be held responsible for their actions, and victims of such violence perpetrated in these circumstances should enjoy the fullest protection the law can provide.

I understand, as the member for Caloundra also mentioned, that there is evidence from New South Wales that such a legislative response has been effective as part of a broader approach to addressing youth violence in that state. Schools in Queensland already have a policy of conducting an integrated risk management assessment of behavioural risks, which includes requiring visitors to report to the administration office of the school when entering school grounds. However, it is not likely that such individuals intent on acts of violence will necessarily acknowledge or have sufficient regard for these risk management policies to comply in all cases. So the intention of this bill is to provide for some recourse if acts of violence are perpetrated against staff or students on school grounds. So the provisions of this bill complement the risk management initiatives already in place and will contribute to ensuring maximum safety for staff and students in Queensland's education system.

The introduction of the bill has been prompted in response to the growing phenomenon of organised violent confrontations, known colloquially as 'fight clubs', amongst students in a bizarre recreation of scenes of organised violent confrontations in the Hollywood movie of the same name, in a sad case of life imitating art. There is a need to make it clear that violence in schools will not be tolerated. This is applicable to students as well as teachers. People who commit violent assaults must be held responsible for their actions and victims of such violence should have the full protection of the law. The law should treat acts of violence with the utmost seriousness, and I believe that the provisions of this bill do that.

The bill provides comprehensive protection to a range of people at schools including members of staff who perform voluntary work for the school. The bill covers pre-primary schools, primary schools and secondary schools. The bill is drafted to protect school staff and students in a range of circumstances. The

bill will define school premises as including parks or other community premises when they are being used for the purposes of the school.

In this bill, a school student or member of school staff is taken to be attending a school while the student or member of staff is on school premises for the purposes of school work or duty, while the student or member of staff is on school premises for the purposes of before school or after school child care and while entering or leaving school premises in connection with school work or duty or before school or after school care. The bill provides for a person who assaults, stalks, harasses or intimidates any school student or member of staff of a school while the student or member of staff is attending a school without actually physically harming them to be sentenced to imprisonment for five years. Physical violence is not the only way in which antisocial behaviour can have a negative impact on individuals in that work environment or in this case in that learning environment. Non-physical abuse should also be treated seriously.

The bill further provides that a person who physically assaults a school student or member of staff of a school while the student or member of staff is attending a school and by the assault occasions actual bodily harm is liable for imprisonment for seven years. This reflects the seriousness of physical violence being perpetrated against an individual in that environment. In the case that the assault is a particularly severe offence, such as a person who maliciously by any means wounds a school student or member of staff of a school or inflicts grievous bodily harm on a school student or member of staff of a school while the student or member of staff is attending a school, the bill provides for a sentence of imprisonment for 12 years.

Importantly, however, this bill is careful to distinguish between violent assaults and appropriate actions undertaken by staff to maintain discipline in the classroom. Nothing in this bill is designed or intended to apply to any reasonable disciplinary action taken by a member of staff of a school in the course of disciplining a student and so this bill will not interfere with the established behaviour management policies of our education system.

The bill provides for any person who films, encourages or contributes to group violence on school grounds to be liable to imprisonment for five years. This provision is in response to the increasing instance of these organised fight clubs being recorded and posted on the internet for public viewing through the modern tools of MySpace and YouTube. The *Courier-Mail*, in an article dated 17 June 2007, reported students at Brisbane Grammar School having joined the alarming trend of filming vicious brawls and posting them on the internet. It was reported that students slugged it out in front of classmates in an organised 60-second fight caught on camera, set to rap music and placed on the popular internet site YouTube. In the fight, one student knocks the other to the concrete floor and repeatedly kicks and punches him in the head.

The phenomenon is not confined to one area of Queensland. The *Townsville Bulletin*, in an article dated 19 May 2007, reported fight club clashes at Kirwan State High School in Thuringowa in north Queensland being broadcast on the internet through a YouTube site. The article reports that the clips, which last for 20 seconds to one minute, each shows pupils swearing, punching and kicking each other while students watch and cheer. Another clip is even more disturbing as it depicts what appears to be a fight club like set-up where about a dozen students stand in a circle, before two move into the centre, roll up their sleeves and attack each other without any appeared provocation. Forty-three seconds later the two students rejoin the group and the clip ends. This type of behaviour would no doubt be of very serious concern to parents in the general community. It is totally inappropriate behaviour on school grounds.

These changes could be proposed through an amendment to the Criminal Code or by an amendment to the education act. By pursuing the matter through an amendment to the Criminal Code it sends a stronger message to the community about the seriousness of the issue. The bill also allows police to conduct investigations into violence in schools, which means these matters will be dealt with by people who are charged in many cases with dealing with violence in the broader community and that we are making no differentiation about the unacceptability of violence regardless of where it is perpetrated against innocent people.

This bill is worthy of support to address an issue that is of increasing concern. I call on the government to support the efforts of the opposition to address this matter. It is modern legislation to address a modern problem. I congratulate the shadow minister for education, the member for Cunningham, for bringing forward this private member's bill, and I commend the bill to the House.