

South Australia

**Education (Random Drug Testing) Amendment
Bill 2006**

A BILL FOR

An Act to amend the *Education Act 1972*.

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Amendment provisions

Part 2—Amendment of *Education Act 1972*

- 4 Amendment of section 72G—Registration of non-Government schools
- 5 Amendment of section 72J—Review of registration
- 6 Insertion of Part 7A
 - Part 7A—Substance abuse
 - 82A Government schools to undertake random drug tests
- 7 Insertion of section 106D
 - 106D Protection from liability in respect of random drug tests
- 8 Amendment of section 107—Regulations

Schedule 1—Transitional provision

- 1 Review of registration following commencement
-

The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *Education (Random Drug Testing) Amendment Act 2006*.

5 2—Commencement

This Act will come into operation on a day to be fixed by proclamation.

3—Amendment provisions

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

10 Part 2—Amendment of *Education Act 1972*

4—Amendment of section 72G—Registration of non-Government schools

Section 72G—after subsection (4) insert:

- 15 (4aa) If the non-Government school has, or will have, students aged 14 or over enrolled at the school, the Board must impose conditions on the registration of the school—
 - (a) requiring the school to undertake a random drug test of each such student, in relation to substances of a kind prescribed by regulation, on at least 2 occasions in each calendar year; and

- (b) requiring the school to undertake such tests in accordance with the requirements (if any) prescribed by regulation; and
- (c) requiring the school to report, following the undertaking of such a test on a student, the results of the test to the parents of that student.

(4aab) The results of a random drug test of a student undertaken by a school in accordance with a condition imposed under subsection (4aa) are not admissible in any criminal proceedings against the student.

5—Amendment of section 72J—Review of registration

Section 72J(2)(c)—after "the school" insert:

(other than a condition imposed under section 72G(4aa))

6—Insertion of Part 7A

After Part 7 insert:

Part 7A—Substance abuse

82A—Government schools to undertake random drug tests

- (1) The head teacher of a Government school at which any students aged 14 or over are enrolled must ensure that the school—
 - (a) undertakes a random drug test of each such student, in relation to substances of a kind prescribed by regulation, on at least 2 occasions in each calendar year; and
 - (b) undertakes such tests in accordance with the requirements (if any) prescribed by regulation; and
 - (c) provides a report, following the undertaking of such a test on a student, of the results of the test to the parents of that student.
- (2) The results of a random drug test of a student undertaken by a school in accordance with subsection (1) are not admissible in any criminal proceedings against the student.
- (3) A student at a Government school who is aged 14 or over must comply with any reasonable directions of the head teacher in relation to the conduct of a random drug test on the student.
- (4) If a student refuses or fails to comply with a direction under subsection (3)—
 - (a) that refusal or failure must be reported to the parents of the student; and
 - (b) the student may be suspended from attendance at the school for a period specified by the head teacher (but not exceeding 5 consecutive school days).
- (5) The regulations may make further provision in relation to the suspension of a student under subsection (4).

7—Insertion of section 106D

After section 106C insert:

106D—Protection from liability in respect of random drug tests

(1) A—

- 5 (a) registered non-Government school; or
(b) Government school,

that undertakes random drug testing of students in accordance with a requirement of this Act is not subject to any criminal or civil liability in relation to that action.

10 (2) The immunity provided by subsection (1) to a school extends to a person who acts on behalf of the school (in so far as the person is undertaking random drug testing in accordance with a requirement of this Act).

8—Amendment of section 107—Regulations

15 Section 107(2)—after paragraph (m) insert:

- (ma) the conduct of random drug tests by schools and the provision of reports to parents in respect of such tests; and

Schedule 1—Transitional provision

1—Review of registration following commencement

20 (1) When the registration of a prescribed school is first reviewed by the Board after the commencement of this clause, the Board must impose conditions on the registration of the school of a kind required under section 72G(4aa) of the *Education Act 1972* (as in force after the commencement of section 4 of this Act).

25 (2) A condition imposed under this clause will, for the purposes of any provision of the *Education Act 1972*, be treated as if it had been imposed under section 72G(4aa) of the *Education Act 1972*.

(3) In this clause—

Board means the Non-Government Schools Registration Board established under the *Education Act 1972*;

30 **prescribed school** means a registered non-Government school (within the meaning of the *Education Act 1972*) that was registered before the commencement of section 4 of this Act.