1. Principals and teachers in both State and non-State schools have the power to temporarily confiscate property. For State schools, this is an inherent power based on obligations under the *Education (General Provisions) Act 2006* regarding school management and a common law duty owed to students. For non-State schools the inherent power at common law is also supported by contractual rights.
2. Currently principals and school staff exercise the power to confiscate items on a regular basis in a variety of situations of varying seriousness. At times confiscation can be a simple task of removing an inappropriate magazine, toy or electronic devise from a student if it is disrupting student learning during class and returning the property to the student after class. Conversely, principals and teachers may also confiscate weapons and other illegal items to ensure safety of students and staff.
3. Amendments to the *Education (General Provisions) Regulation 2006* clarify the existence of the current power for principals and school staff to confiscate student property by including a statutory power into the Regulation. This clarifies for school staff, parents, students and the community the ability for principals’ power to utilise confiscation as an appropriate tool to ensure good behaviour standards, an appropriate learning environment and safety standards in State schools.
4. The amendments create legal certainty about the existence of the power for school staff, parents, students and the community and place clear parameters around the scope of the power and how it should be exercised. The proposed amendments will be supported by procedural guidelines outlining how the power is to be exercised and supported by examples. Combined, the Regulation and guidelines assist school staff to know the limits of their powers and how they should be exercised.
5. Cabinet noted the proposal to amend the *Education (General Provisions) Regulation 2006* to clarify the existence of the current power for principals and school staff to confiscate student property.
6. *Attachment*
* [Education (General Provisions) Amendment Regulation (No.1) 2010](Attachments/10SL175%5B1%5D.pdf)