

THE NORTHERN TERRITORY OF AUSTRALIA

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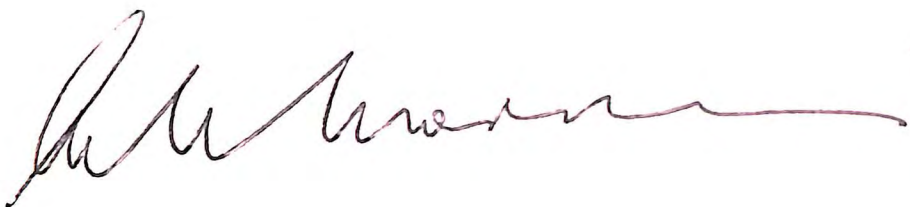
CONFIDENTIAL
CABINET DECISION

No.....5741.....

Submission No.: 4951

Title: EDUCATION ACT - TRUANCY

Cabinet approved the drafting of legislation to amend the Education Act to empower authorised persons who observe children apparently of compulsory school age in public places at times when there is reasonable ground for believing that such children should be at school to request of the children their ages and the names of the schools at which they are enrolled and to escort the children from those places to such schools and deliver them into the custody of the Principals of those schools.



A. G. MORRIS
Secretary to Cabinet.

26 September 1988

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THE NORTHERN TERRITORY OF AUSTRALIA

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FOR CABINET

SUBMISSION No: 4951

Title:	EDUCATION ACT - TRUANCY
Minister	HON TOM HARRIS MLA
Purpose:	TO SEEK CABINET APPROVAL FOR PARLIAMENTARY COUNSEL TO DRAW AN AMENDMENT TO EMPOWER AUTHORISED PERSONS TO ESCORT TRUANT CHILDREN FROM PUBLIC PLACES TO THE SCHOOLS AT WHICH THEY ARE ENROLLED.
Relation to existing policy:	ENLARGES POWERS PRESENTLY CONTAINED IN THE ACT.
Timing/ legislative priority:	TO BE CO-ORDINATED WITH OTHER AMENDMENTS TO THE ACT AND BE DEBATED IN THE OCTOBER SITTINGS OF THE LEGISLATIVE ASSEMBLY.
Announcement of decision, tabling, etc:	TO BE DETERMINED BY MINISTER.
Action required before announcement:	ENACTMENT BY THE LEGISLATIVE ASSEMBLY.
Staffing implications, numbers and costs, etc:	NIL
Total cost:	NIL

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Department/Authority.....CO-ORDINATION COMMITTEE.....

COMMENT ON CABINET SUBMISSION No.

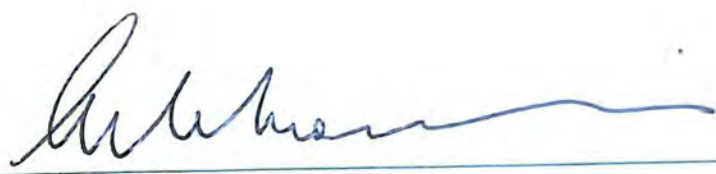
TITLE: EDUCATION ACT - TRUANCY.....

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COMMENTS:

The Committee supports the Submission.



SIGNED: A.G. MORRIS

DESIGNATION: Chairman

DATE: 9.9.88 **CONFIDENTIAL**

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Department/~~Authority~~ OF THE CHIEF MINISTER.....

COMMENT ON CABINET SUBMISSION No.

TITLE: EDUCATION ACT - TRUANCY.....

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COMMENTS:

The submission's recommendation is supported.

However, adoption of that recommendation does not automatically exclude Option 3 - that truancy be made a criminal offence.

Option 3 is not fully canvassed in the submission and it is suggested that this option requires more informed consideration before it is ruled out.

Since no statistics on truancy are provided in the submission, it is difficult to appreciate the extent of the problem.

Margaret P. Lyons

SIGNED: MARGARET P. LYONS

DESIGNATION: DEPUTY SECRETARY

DATE: 24/5/88

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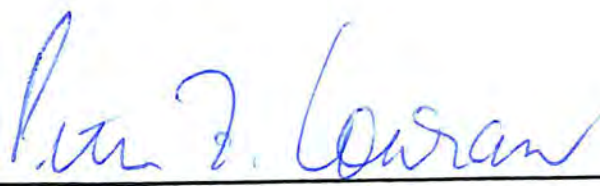
Department/Authority LAW

COMMENT ON CABINET SUBMISSION No.

TITLE: EDUCATION ACT - TRUANCY

COMMENTS:

There appear to be no legal or constitutional barriers to the proposal.



SIGNED: PETER CONRAN

DESIGNATION: SECRETARY, DEPARTMENT OF LAW

DATE: 19 August 1988

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Department/Authority HEALTH AND COMMUNITY SERVICES

COMMENT ON CABINET SUBMISSION No.

TITLE: EDUCATION ACT - TRUANCY

COMMENTS:

The Department supports the changes to the Education Act as recommended in the Cabinet Submission. It seems that there is a need to take some action in this area not only to meet educational objectives of ensuring children receive schooling as required by law, but also to reduce the problem of children and younger teenagers wandering the streets during the day with the opportunities this creates for them to get into trouble or to commit criminal offences.

However we are not necessarily convinced that the case for the use of police officers as outlined in Option 1 has been fully made out. Some questions which we would have liked answered in this regard include:

1. What is the level of truancy in the Northern Territory Education system and where is it occurring?
2. Do any other States or Territories use police and, if so, what is the effect on truancy?
3. Were the truancy officers previously employed by the Department of Education effective?

*10% absentee rate
different to being
Truant.*

*- Qla
- SA
WA empowered
to pick up truant
Return to school*

Limited success.

It appears that police are being asked to carry out a function far beyond their normal duties and statutory responsibilities and we are concerned that in some instances this may actually create offences by juveniles, for example, if the truanting child is abusive to the police attempting to return him or her to the school.

Option 2, of only authorising police based at schools to be truancy officers, is not supported as it is unlikely to give wide enough coverage and, to be effective, would probably require these policy to reduce the amount of time spent on school-based activities.

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SIGNED: *R. J. Norman*

DESIGNATION: SECRETARY

DATE: *2-9-88*

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Department/AuthorityHEALTH AND COMMUNITY SERVICES.....

COMMENT ON CABINET SUBMISSION No.

TITLE: EDUCATION ACT - TRUANCY

COMMENTS:

2.

Option 3, to make truancy a criminal offence, is strongly opposed by this Department. It would create a new class of juvenile offenders for whom the criminal justice system could provide no real assistance. Indeed, labelling truants as juvenile delinquents could well involve them in this system to their detriment.

In addition, the adoption of Option 3 would also severely strain the resources of the Department and it is unlikely that the requirements of such an increased role could be met without a number of additional staff.

SIGNED:

DESIGNATION: SECRETARY

DATE:

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Department/Authority NORTHERN TERRITORY POLICE FORCE

COMMENT ON CABINET SUBMISSION No.

TITLE: EDUCATION ACT - TRUANCY

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COMMENTS:

The recommendations of the Submission are supported.

With regard to Option 1(a) - paragraph 8, rather than have the Secretary authorise all Police Officers to be truancy officers and thus, perhaps, having to have an instrument prepared, signed and gazetted, it may be better to amend the Act to simply provide that "a Police Officer is ex officio a Truancy Officer".

SIGNED:  (M.J. PALMER)

DESIGNATION: COMMISSIONER OF POLICE

DATE:

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1.

RECOMMENDATION

1. It is recommended that Cabinet give approval for Parliamentary Counsel to draw a Bill to amend the Education Act to empower authorised persons who observe children apparently of compulsory school age in public places at times when there is reasonable ground for believing that such children should be at school to request of the children their ages and the names of the schools at which they are enrolled and to escort the children from those places to such schools and deliver them into the custody of the Principals of those schools.

BACKGROUND

2. Three persons, duly authorised and known as truancy officers, were employed in the Department of Education from 1984 until June 1987 when financial constraints caused the positions, which were then vacant, to be abolished.
3. On 23 February 1988 the Honourable R W S Vale, MLA, wrote to the then Chief Minister suggesting that, in light of the increasing incidence of truancy, police officers should be authorised as truancy officers and that they should be empowered to apprehend and return children to schools. The Commissioner of Police supported the suggestion.
4. The then Chief Minister referred the suggestion to the Attorney-General and the Minister for Education who also supported the suggestion.

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2.

5. On 18 June 1988 the then Chief Minister advised the Minister for Education that he strongly supported the suggestion and requested him to take steps towards the introduction of appropriate legislation.

CONSIDERATION OF THE ISSUES

6. In considering the suggestion, two issues were raised by the Commissioner and the Ministers, viz :
- (a) Should only police officers currently based at schools be authorised as truant officers?
 - (b) Should truancy become a criminal offence?
7. The issues are examined as Options 2 and 3 respectively.

OPTIONS

8. Option 1

Amend the Education Act as recommended.

(a) Advantages

- (i) The Secretary of the Department of Education would authorise all police officers to be truancy officers.
- (ii) Police officers are already trained in the legal and psychological aspects of questioning, apprehending and escorting people from one place to another.
- (iii) Territory-wide cover of truancy would thereby be achieved by utilizing existing trained personnel without the necessity of appointing and paying additional staff.

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3.

(iv) The proposal would be perceived by the public as a positive response by Government to reduce the incidence of truancy.

(b) Disadvantages

The proposal may be perceived by some members of the public as giving police officers powers to question, apprehend and escort children in circumstances where a criminal offence has not been committed.

(c) Option 1 is the preferred option.

9. Option 2

Only those police officers who are currently based at schools should be authorised as truant officers.

(a) Advantage

Police officers who are familiar with the school environment, staff and students could be expected to exercise their powers sensitively and, therefore, cause less resentment amongst students and their parents.

(b) Disadvantages

(i) School-based police officers have established a good rapport with students by personal contact and by the establishment of channels of communication in respect of such matters as personal development, civic responsibility, alcohol and drug usage, etc. The implementation of Option 2 could detrimentally affect the continuance of those communication channels.

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4.

(ii) Police are based only at secondary colleges and high schools and only remotely service the relevant primary feeder schools and therefore would not give as wide a cover of public places in the Territory as would authorising all police officers as truancy officers.

(c) Option 2 is not preferred.

10. Option 3

To make truancy a criminal offence.

(a) Advantages

Parents' awareness of their responsibilities and their obligations relating to the education of their children would be heightened and there would be greater compliance with the compulsory attendance provisions of the Education Act.

(b) Disadvantages

(i) May be perceived by the public as an overreaction by Government to conduct which is not inherently nor traditionally criminal in nature. Truancy is an offence only in South Australia and Western Australia.

(ii) There are a number of social and practical implications which would require examination and resolution before such a proposal could be implemented.

(c) Option 3 is not preferred. If, after an appropriate period of experience, the implementation of Option 1 is not successful in reducing the incidence of truancy then reconsideration could be given to Option 3.

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5.

PUBLIC IMPACT OF THE RECOMMENDATION

11. It is considered that the recommendation would be perceived by the public as a positive response by Government to reduce the incidence of truancy.

FINANCIAL CONSIDERATIONS

12. It is not considered that any additional police officers or staff would be required and accordingly there should be no financial considerations.

REGULATORY IMPACT

13. It is not considered that any regulations would be required consequent upon the enactment of the recommended amendment.

EMPLOYMENT AND INDUSTRIAL RELATIONS

14. As no additional police officers or staff will be required and as there will not be any variation in terms and conditions of service, it is not considered that there will be any effect on employment and industrial relations.

COMMONWEALTH, STATE AND LOCAL GOVERNMENT RELATIONS

15. Nil.

CO-ORDINATION AND CONSULTATION

16. This submission has been circulated to the Departments of the Chief Minister, Law and Health and Community Services, the Commissioner of Police and the Co-ordination Committee and their comments are attached.

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6.

LEGISLATION

17. Approval of the recommendation will involve the amendment of the Education Act in the manner referred to in paragraph 1.

PUBLICITY

18. If the recommendation is approved by Cabinet, the submission accompanied by the final draft Bill settled by Parliamentary Counsel will have attached a draft media release for the Minister for Education.

TIMING

19. It is proposed that the amending Bill be co-ordinated with other miscellaneous amendments to the Education Act and be introduced during the October 1988 Sittings of the Legislative Assembly.

Tom Harris

TOM HARRIS

19/9/88

DATE:

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