



Office of the  
Director-General

Department of  
Education

19 MAY 2025

Judge Anthony Rafter SC  
Deputy Chair  
Queensland Law Reform Commission  
Email: [qlrc-criminaldefence@justice.qld.gov.au](mailto:qlrc-criminaldefence@justice.qld.gov.au)

Dear Judge Rafter

Thank you for providing officers of the Department of Education (DoE) with the opportunity on 3 April 2025 to discuss the Queensland Law Reform Commission's (QLRC) Consultation Paper, *Review of particular criminal defences – Equality and integrity: Reforming criminal defences in Queensland*.

I trust the information provided at the meeting will support the QLRC's work reviewing the particular criminal defences, including section 280 of the *Criminal Code Act 1899* (the Criminal Code) relating to domestic discipline. I note the relevance of the section 280 defence to education settings that DoE administers and regulates, making it lawful for, '*... a schoolteacher or master, to use, by way of correction, discipline, management or control, towards a child or pupil, under the person's care, such force as is reasonable under the circumstances*'.

I understand DoE officers provided information about our current operational policies on correction, discipline, management and control of children in education and care settings in Queensland. DoE policies and procedures are accessible on our Policy and Procedures Register at [www.ppr.qed.qld.gov.au](http://www.ppr.qed.qld.gov.au).

Since meeting with you, DoE has also consulted with principals' associations and non-state school peak bodies. All Queensland schooling sectors are aligned, in that state schools, Catholic schools and independent schools operate with policies and procedures that do not endorse the use of corporal punishment.

In relation to state schools, DoE's Standard of Practice, which is available at <https://alt-qed.qed.qld.gov.au/working-with-us/induction/departments/induction-programs-and-resources/code-of-conduct>, prohibits the use of physical discipline (corporal punishment). Similarly, it is prohibited through policies in Queensland Catholic schools. While independent schools do not share a single policy mechanism, Independent Schools Queensland has advised the same approach is adopted across its sector. Physical punishment is also prohibited in early childhood education and care (ECEC) settings by national legislation.

Lawfulness of force against a student for correction or discipline is not a feature of operational procedures or practices in Queensland school and ECEC settings.

Legislatively, consideration of an amendment to the *Education (General Provisions) Act 2006* (EGPA) to reflect the contemporary policy and practice of the Queensland education schooling sectors is not possible while the Criminal Code section 280 allows for corporal punishment as a defence for schoolteachers and masters.

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DoE's Restrictive Practices Procedure (RPP) outlines the approved circumstances that necessitate management and control of a child or pupil in educational institutions, including defence against occupational violence with force that is reasonably necessary; taking reasonable action to prevent the risk of foreseeable harm to students, themselves or other persons; and protecting students against the risk of harm which, in State education institutions, aligns with a non-delegable duty of care.

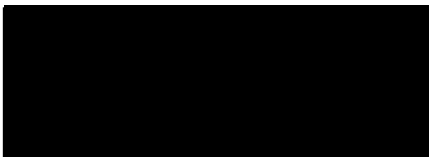
DoE notes the findings and recommendations of the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, and the Royal Commission into Institutional Responses to Child Sexual Abuse in relation to restrictive practices and corporal punishment.

Consultation with early childhood providers and advocates would also enable early childhood stakeholders to share their views on the impacts of the proposed options on their sector.

Should you or officers of the QLRC wish to discuss this matter further, I invite you to contact [REDACTED] Executive Director, Policy and Legislation, on [REDACTED] or by email at [REDACTED]. [REDACTED] can also provide additional contacts across DoE if required by the QLRC.

Thank you for contacting DoE about the review of particular defences of family and domestic violence in the Criminal Code. I trust the information about DoE's operations will be of use to the review and I would appreciate being provided with updates on its progress.

Yours sincerely



**SHARON SCHIMMING**  
**Director-General**

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