

EDUCATION AND TRAINING REFORM ACT 2006

MINISTERIAL ORDER NO. 1125

PROCEDURES FOR SUSPENSION AND EXPULSION OF STUDENTS IN GOVERNMENT SCHOOLS

(Version incorporating amendments as at 3 February 2022)

PART 1 – Preliminary

1. Title

This Order may be cited as Ministerial Order No. 1125 – *Procedures for Suspension and Expulsion of Students in Government Schools*.

2. Authorising provisions

This Order is made under sections 2.2.19 and 5.10.4 of, and clause 4 of Schedule 6 to, the **Education and Training Reform Act 2006**.

3. Commencement

- (1) Clauses 1 to 4 of this Order commence on the day this Order is made; and
- (2) Clauses 5 to 19 of this Order commence on 16 July 2018.

4. Revocation

- (1) Ministerial Order No. 969 – *Procedures for Suspension and Expulsion of Students in Government Schools*, made by the Minister for Education on 15 January 2018, is revoked on the day this clause commences; and
- (2) Ministerial Order No. 625 – *Procedures for Suspension and Expulsion of Students in Government Schools*, made by the Minister for Education on 23 December 2013 is revoked on 16 July 2018.

5. Definitions

- (1) In this Order—

affected parties means any party which may be impacted by the issue which is subject of the behaviour support and intervention meeting, and may include, but is not limited to, other students at the school, teachers at the school and/or the school community;

Area Executive Director means an employee of the Secretary for the time being appointed to, acting in or performing the role of Area Executive Director in a regional office;

Business day means any day except for a holiday (as defined in section 44(4) of the **Interpretation of Legislation Act 1984**);

Department means the Department of Education and Training;

disability means—

- (a) total or partial loss of a bodily function; or
- (b) the presence in the body of organisms that may cause disease; or
- (c) total or partial loss of a part of the body; or
- (d) malfunction of a part of the body, including—
 - (i) a mental or psychological disease or disorder;
 - (ii) a condition or disorder that results in a person learning more slowly than people who do not have that condition or disorder; or
- (e) malformation or disfigurement of a part of the body—

and includes a disability that may exist in the future (including because of a genetic predisposition to that disability) and, to avoid doubt, behaviour that is a symptom or manifestation of a disability;

independent member list means the list of persons employed or engaged by the Secretary to the Department of Health and Human Services, as updated from time-to-time, who have been approved by the Secretary to the Department of Health and Human Services to be eligible for appointment to an Expulsion Review Panel under clause 18(8) of this Order;

nominated means nominated in accordance with Part 2;

out of home care means a child who is living with someone other than a parent and includes—

- (a) an informal care arrangement that may or may not be documented by an Informal Relative Carer Statutory Declaration form; and
- (b) a formal care arrangement that is provided for under the **Family Law Act 1975** (Cth) and includes a Parenting Plan or a Court Order; and
- (c) a formal care arrangement that is provided for under the **Children, Youth and Families Act 2005** or other state welfare legislation;

overseas student has the same meaning as in the **Education and Training Reform Act 2006**;

parent has the same meaning as in the **Education and Training Reform Act 2006**;

principal means an employee within the meaning of Division 2, 3 and 3A of Part 2.4 of the **Education and Training Reform Act 2006** occupying, or for the time being performing the duties of, the position of principal of a Government school;

regional approved list means the list for each region approved by the Regional Director for the region in accordance with subclause (2);

Regional Director means an employee of the Secretary for the time being appointed to, acting in or performing the role of Regional Director in a regional office, and who has regional responsibility for the school at which the student is enrolled, or was enrolled immediately prior to their expulsion;

regional office means the area of the Department that is responsible for supporting the delivery of education services in a particular region across Victoria;

relevant person means—

(a) where a student is living with his or her parent/s, is under 18 years of age and is not considered a mature minor—

- (i) a parent;
- (ii) an adult nominated by the parent; or
- (iii) an adult from the suitable person list;

(b) where a student is in out of home care—

- (i) a parent;
- (ii) an adult who is residing with, and providing care to, the child in the out of home care arrangement; or
- (iii) an adult from the suitable person list;

(c) where a student is considered a mature minor—

- (i) an adult nominated by the student; or
- (ii) an adult from the suitable person list;

Secretary means the Secretary to the Department;

school day means a day on which the school is open for instruction;

suitable person means a person selected from the suitable person list to be a relevant person for the purposes of a suspension or an expulsion;

suitable person list means a list, created by each Area Executive Director or Regional Director, of persons who are:

- (a) employed by the Department; and
 - (b) have completed training to be a relevant person.
- (2) For the purpose of the definition of ***regional approved list***, a Regional Director must approve a list consisting of 1 or more of any of the following persons in the relevant regional office—
- (a) Area Executive Director; and
 - (b) any other senior staff member for that region or local area.
- (3) For the purpose of subclause (2)(b), a principal is not a senior staff member for a region or local area.
- (4) If the position title of Regional Director, Area Executive Director or any other position in the Department referred to in this Order or in an instrument made under this Order is changed, the reference to the position is, from the date when the name is changed, taken to be a reference to the position by the new name, provided the role and responsibilities of the position by the new name remain the same or substantially similar.

6. Application

- (1) This Order applies to students enrolled in Government schools in Victoria.
- (2) This Order does not apply to the expulsion of an overseas student under section 2.2.8 of the **Education and Training Reform Act 2006** in respect of whom any fee required to be paid under that section has not been paid by the due date.

PART 2 – Identifying the relevant person

7. Relevant persons

- (1) Where a student or parent nominates an adult as the relevant person, the principal must—
 - (a) notify that adult of the nomination;
 - (b) explain the duties and obligations of a relevant person to the nominated adult; and
 - (c) ensure the student or parent and the nominated adult complete the *Nomination and Acceptance Form*.
- (2) Where a person from the suitable person list is required, the principal must—
 - (a) submit a *Request to Appoint a Person from the Suitable Person list form* to the Area Executive Director; and
 - (b) appoint, in conjunction with the Area Executive Director, a person from the suitable person list.
- (3) In applying this Order, where a student has attained 18 years of age, the principal may disregard any reference in this Order to 'relevant person', however, the student should be encouraged to have a support person or independent person to provide support to the student;
- (4) In applying subclause (3), where it is apparent to a principal that a student has a disability, the principal must:
 - (a) make enquiries as to the student's ability to represent himself or herself for the purposes of this Order; and
 - (b) after making such enquiries, if the principal is not satisfied that a student has the ability to adequately represent himself or herself, subclause (3) shall not apply to that student and the student is not to be treated as if he or she were a mature minor.

PART 3 – Suspension

8. Authority for suspension

- (1) Only a principal has the authority to suspend a student from the school of which they are the principal.
- (2) A principal may not delegate their power to suspend a student.

9. Grounds for suspension

A principal may suspend a student if, whilst attending school, travelling to or from school or engaging in any school activity away from the school (including travelling to or from that activity), the student—

- (a) behaves in such a way as to pose a danger, whether actual, perceived or threatened, to the health, safety or wellbeing of any person;
- (b) causes significant damage to or destruction of property;
- (c) commits or attempts to commit or is knowingly involved in the theft of property;
- (d) possesses, uses or sells or deliberately assists another person to possess, use or sell illicit substances or weapons;
- (e) fails to comply with any clear and reasonable instruction of a staff member so as to pose a danger, whether actual, perceived or threatened, to the health, safety or wellbeing of any person;
- (f) consistently engages in behaviour that vilifies, defames, degrades or humiliates another person based on age; breastfeeding; gender identity; disability; impairment; industrial activity; lawful sexual activity; marital status; parental status or status as a carer; physical features; political belief or activity; pregnancy; race; religious belief or activity; sex; sexual orientation; personal association (whether as a relative or otherwise) with a person who is identified by reference to any of the above attributes; or
- (g) consistently behaves in an unproductive manner that interferes with the wellbeing, safety or educational opportunities of any other student.

10. Procedures for suspension

- (1) In determining whether to suspend a student the principal must ensure that suspending the student is appropriate to—
 - (a) the behaviour for which the student is being suspended;
 - (b) the educational needs of the student;
 - (c) any disability of the student;
 - (d) the age of the student; and
 - (e) the residential and social circumstances of the student.

- (2) Before implementing a suspension, the principal must ensure that—
 - (a) the student has had the opportunity to be heard;
 - (b) any information or documentation provided by the student or their relevant person has been taken into account in making the decision regarding suspension; and
 - (c) other forms of action to address the behaviour for which the student is being suspended have been considered.

- (3) Prior to suspension taking effect, or on the day of implementing a suspension with immediate effect in accordance with subclauses (4) and (5), the principal must—
 - (a) identify the relevant person in accordance with Part 2;
 - (b) give verbal notification to the student and notify the relevant person via telephone or in person of the reason/s for the suspension, the school days on which the suspension shall occur and where the suspension will occur;
 - (c) provide contact details for additional support services to the student and their relevant person, as appropriate;
 - (d) where the student is suspended for 3 school days or less, provide meaningful work;
 - (e) where the student is suspended for more than 3 school days, develop a Student Absence Learning Plan and Return to School Plan;
 - (f) provide the student and their relevant person with a Notice of Suspension which must include—
 - (i) the reasons for the suspension; and
 - (ii) the school days on which the suspension shall occur; and

- (iii) provide the student and their relevant person with copies of the Student Absence Learning Plan and the Return to School Plan (if required to be prepared in accordance with paragraph (e));
 - (g) provide the student and their relevant person with a copy of the information brochure *Procedures for Suspension*; and
 - (h) record the suspension in CASES21.
- (4) The principal may implement a suspension in accordance with this Part to have immediate effect if the student's behaviour is such that they are putting the health, safety and wellbeing of themselves, or any other person at significant risk.
- (5) Where a principal implements a suspension with immediate effect, the principal may determine to expel the student, in accordance with the procedures in Part 4, while the student is on suspension.
- (6) Where a principal implements a suspension with immediate effect, the principal has a duty of care to provide supervision of the student—
 - (a) until the student is collected by a parent or a person chosen as an emergency contact for the student by the parent; or
 - (b) if the student is in out of home care, if the student cannot be collected by a parent, until the student is collected by an adult who is residing with, and providing care to, the student; or
 - (c) until the end of the school day; or
 - (d) in the case of a school camp or school excursion, if paragraphs (a) or (b) do not apply, until the end of the camp or excursion.

11. Period of suspension

- (1) The maximum continuous period of time a student can be suspended at any given time is 5 school days, unless a longer period is approved by the Regional Director in accordance with subclause (2).
- (2) Where a principal implements a suspension with immediate effect and is considering whether to expel the student, the principal may request written approval from the Regional Director for a period of suspension greater than 5 school days for the purposes of undertaking the expulsion procedures in Part 4.

- (3) A student cannot be suspended for more than 15 school days in a school year without written approval from the Regional Director.
- (4) If a student is suspended for a period which is longer than the days left in a term the principal should consider the likely disruption to the student's learning before imposing a suspension that will continue into the following term.
- (5) If a student has been suspended for 15 school days in a school year, an expulsion is not the automatic consequence.

PART 4 – Expulsion

12. Authority for expulsion

- (1) Only a principal has the authority to expel a student from the school of which they are the principal.
- (2) A principal may not delegate their power to expel a student.
- (3) A principal must not expel a student who is aged 8 years or less, unless approval from the Secretary has been obtained in accordance with clause 16(1)(d) of this Order.

13. Grounds for expulsion

A principal may expel a student from the school if, whilst attending school, travelling to and from school or engaging in any school related activity away from school (including when travelling to or from that activity)—

- (a) the student does anything mentioned in clause 9(a) to (g) of this Order; and
- (b) the student's behaviour is of such magnitude that, having regard to the need of the student to receive an education compared to the need to maintain the health, safety and wellbeing of other students and staff at the school and the need to maintain the effectiveness of the school's educational programs, expulsion is the only available mechanism.

14. Procedures prior to expulsion

- (1) The principal must identify the relevant person in accordance with Part 2.
- (2) The principal must inform the Regional Director that expulsion of a student is being considered if the student belongs to 1 or more of the following classes of student:

- (a) a student in out of home care;
 - (b) a student with a disability who is identified as receiving substantial or extensive levels of adjustment in the Nationally Consistent Collection of Data on School Students with Disability;
 - (c) an Aboriginal or Torres Strait Islander student.
- (3) If the student is an overseas student, the principal must inform the relevant business unit of the Department that the expulsion of the student is being considered.
- (4) Prior to convening a behaviour support and intervention meeting under clause 15, the principal must consider alternative supports and interventions for the student and conduct a thorough investigation in accordance with the Department's policy on expulsion.

15. Behaviour support and intervention meeting

- (1) The principal must convene a behaviour support and intervention meeting.
- (2) The purpose of the behaviour support and intervention meeting is to—
- (a) advise the student and their relevant person that the principal is considering whether to expel the student;
 - (b) ensure all available supports and interventions to support the behaviours of concern are considered for the student;
 - (c) outline the grounds for expulsion that are being considered and the evidence to support a finding that the student has engaged in relevant conduct;
 - (d) ensure that the student and their relevant person have the opportunity to be heard;
 - (e) consider the impact of the behaviour of the student on other affected parties; and
 - (f) identify the future educational, training and/or employment options most suited to the student's needs and agree on a course of action in the event expulsion is decided.
- (3) The principal must seek the support of a member selected from the regional approved list to—
- (a) attend the behaviour support and intervention meeting, where appropriate;
 - (b) ensure all available supports and interventions to support the behaviours of concern are considered for the student;

- (c) ensure that alternative disciplinary measures are considered for the student;
 - (d) ensure that the appropriate education, training and/or employment options are considered for the student; and
 - (e) assist in implementing the course of action agreed to at the behaviour support and intervention meeting.
- (4) Prior to the behaviour support and intervention meeting the principal must contact the student and the relevant person and advise them of the following—
- (a) provide the student and their relevant person with a copy of the information brochure titled *Information for parents and carers about school expulsions*;
 - (b) the date, time and place for the behaviour support and intervention meeting;
 - (c) that both the student and their relevant person are encouraged to attend the behaviour support and intervention meeting;
 - (d) that if the student's relevant person is unable or unwilling to attend, the relevant person and/or the student may nominate another adult to attend the behaviour support and intervention meeting;
 - (e) the matters to be discussed at the behaviour support and intervention meeting including the impact of the key issues on the affected parties;
 - (f) the relevant person and/or the student may be accompanied at the behaviour support and intervention meeting by an independent support person of their choice who is not acting for fee or reward; and
 - (g) that if the student and their relevant person do not attend the behaviour support and intervention meeting, the behaviour support and intervention meeting may proceed in their absence and, if expulsion is decided, the course of action may be determined without the benefit of hearing from the student and their relevant person.
- (5) The principal should determine whether the assistance of an interpreter in any language (including Auslan) is required by any person who is to attend the behaviour support and intervention meeting and arrange for such assistance to be present at the behaviour support and intervention meeting.
- (6) When conducting a behaviour support and intervention meeting a principal must ensure that the behaviour support and intervention meeting is conducted as informally as possible.

- (7) If the student and their relevant person do not attend the behaviour support and intervention meeting, the principal must ensure that the key points discussed at the behaviour support and intervention meeting are recorded in writing and sent to the student and their relevant person.
- (8) A behaviour support and intervention meeting may be held remotely when a face-to-face meeting is not possible.

16. Decision regarding expulsion

- (1) Before deciding to expel a student the principal must:
 - (a) properly, fairly and without bias consider all of the relevant matters, including the impact of the behaviour of the student on other affected parties, in making their decision;
 - (b) determine whether the expulsion is appropriate when compared to—
 - (i) the behaviour for which the student is being expelled;
 - (ii) the educational needs of the student;
 - (iii) any disability of the student;
 - (iv) the age of the student;
 - (v) the magnitude and impact of the student's actions; and
 - (vi) the residential and social circumstances of the student.
 - (c) ensure that any information or documentation provided by the student or their relevant person has been taken into account in making the decision regarding expulsion; and
 - (d) where the student is 8 years of age or less, seek approval to expel the student from the Secretary.
- (2) The principal must notify the student and their relevant person of the principal's decision to expel or not expel the student:
 - (a) where the student is 9 years of age or more, within 2 business days of the conclusion of the behaviour support and intervention meeting;
 - (b) in any other case, within 10 business days of the conclusion of the behaviour support and intervention meeting.

- (3) If the principal decides to expel the student, the principal must provide the student and their relevant person with the following documentation—
 - (a) a Notice of Expulsion, which must state—
 - (i) the ground/s for the expulsion;
 - (ii) the reason/s for the expulsion;
 - (iii) the date of the commencement of the expulsion; and
 - (iv) that the student has a right to appeal the expulsion decision.
 - (b) a copy of the Expulsion Appeal form.
- (4) The principal must prepare an Expulsion Report which must be in writing and contain—
 - (a) a short statement of the history of the student's time at the school;
 - (b) the grounds for the expulsion;
 - (c) the reasons for expulsion;
 - (d) any considerations in support of the expulsion including a comprehensive range of strategies which might have been employed to date;
 - (e) any considerations of the impact of behaviour of the student on other affected parties;
 - (f) any representation made by the student or their relevant person;
 - (g) a summary of the options considered at the behaviour support and intervention meeting and why expulsion was considered necessary;
 - (h) details of the arrangements that have been made for the continuing education, training and/or employment of the student; and
 - (i) recommendations on whether any further action either at the school, local, regional or system level is required, including strategies at the school level to prevent the repeat of similar circumstances.
- (5) Within 1 business day of the expulsion taking effect, a copy of the Notice of Expulsion and the Expulsion Report must be provided to the Regional Director.
- (6) The principal must record the expulsion in CASES21.

17. Procedures following expulsion

- (1) The Department's relevant regional office, in collaboration with the principal of the expelling school, must ensure the student is provided with other educational and development opportunities as soon as practicable after the expulsion.
- (2) In the case of a student of compulsory school age, the relevant regional office, in collaboration with the principal, must ensure that the student is participating in 1 or more of the following options as soon as practicable—
 - (a) enrolled at another registered school;
 - (b) enrolled at a registered training organisation;
 - (c) engagement with an employment agency or other organisation that provides services that support the future employment of the student.
- (3) In the case of a student of compulsory school age, the principal must provide the student with meaningful work from the time of expulsion until the student is participating in 1 or more of the options specified in subclause (2), and monitor completion of that work.
- (4) The obligations in subclauses (2) and (3) do not apply if an exemption under section 2.1.5 of the **Education and Training Reform Act 2006** applies.¹
- (5) In the case of a student who is beyond compulsory school age, the relevant regional office, in collaboration with the principal, must provide the student and their relevant person with information about other schools or registered training organisations that may provide suitable opportunities for the student, or employment agencies or other organisations that support the future employment of the student.

18. Appeal procedures

- (1) A student may appeal a principal's decision to expel the student to the Secretary (or the Secretary's delegate) provided that the appeal is lodged in accordance with this Order.²
- (2) The grounds on which an appeal can be made are—
 - (a) there have not been sufficient prior interventions and strategies utilised prior to the

¹ Section 2.1.5 authorises the Minister to exempt a student from enrolment at school, attendance at school or both enrolment and attendance at school.

² Section 2.2.19(2) of the Act states that a student expelled from a Government school may, in accordance with any Ministerial Order, appeal to the Secretary against his or her expulsion.

- decision to expel where the student has a history of behavioural issues;
- (b) the grounds on which the student was expelled are unfair;
 - (c) that the expulsion process was not followed by the principal; and
 - (d) other extenuating circumstances.
- (3) An Expulsion Appeal must be received by the principal within 10 business days of the student and their relevant person receiving the Notice of Expulsion.
- (4) The principal must provide the Secretary (or the Secretary's delegate) with a copy of the following documents within 1 business day of receiving the Expulsion Appeal—
- (a) Notice of Expulsion;
 - (b) Expulsion Report; and
 - (c) Expulsion Appeal.
- (5) The Secretary (or the Secretary's delegate) must determine to either:
- (a) uphold the decision made by the principal to expel the student; or
 - (b) overturn the decision made by the principal to expel the student.
- (6) The Secretary (or the Secretary's delegate) may appoint an Expulsion Review Panel to review the principal's decision to expel the student.
- (7) The Expulsion Review Panel must—
- (a) provide an opportunity for the student and their relevant person to be heard;
 - (b) provide an opportunity for the principal to be heard (either in person or by some other means considered appropriate by the Expulsion Review Panel);
 - (c) consider the safety and wellbeing of affected parties, including where an expulsion decision may be overturned, where relevant to the grounds of the appeal; and
 - (d) provide an Expulsion Review Panel Report to the Secretary (or delegate) outlining the relevant facts and relevant considerations and recommending to the Secretary (or delegate) the decision that should be made in relation to the expulsion appeal.
- (8) Subject to subclause (9), if the Secretary (or the Secretary's delegate) determines to appoint an Expulsion Review Panel, the Secretary (or delegate) must appoint the following persons to be members of the panel—

- (a) a Department representative selected by the Secretary (or delegate);
 - (b) a member from the independent member list, selected by the Regional Director; and
 - (c) a member from the regional approved list selected by the principal.
- (9) In appointing a person under subclause (8), the Secretary (or the Secretary's delegate) must not appoint a person who participated in the behaviour support and intervention meeting prior to the expulsion.
- (10) The Secretary (or the Secretary's delegate) must appoint an Executive Officer to assist the Expulsion Review Panel.
- (11) The role of the Executive Officer is to—
- (a) liaise with the panel members to determine an appropriate date, time and place to convene an Expulsion Review Panel meeting;
 - (b) contact the student and their relevant person and advise them of the following—
 - (i) the date, time and place for the Expulsion Review Panel meeting;
 - (ii) that both the student and their relevant person are encouraged to attend the Expulsion Review Panel meeting;
 - (iii) that if the student's relevant person is unable or unwilling to attend, the relevant person and/or the student may nominate another adult to attend the Expulsion Review Panel meeting;
 - (iv) the student and/or relevant person may be accompanied at the meeting by an independent support person of their choice who is not acting for fee or reward; and
 - (v) if the student and their relevant person do not attend the Expulsion Review Panel meeting, the Expulsion Review Panel meeting may proceed in their absence, and an Expulsion Review Panel Report to the Secretary may be prepared without the benefit of hearing from the student and their relevant person.
 - (c) determine whether the assistance of an interpreter in any language (including Auslan) is required by any person who is to attend the Expulsion Review Panel meeting and arrange for such assistance to be present at the meeting;
 - (d) ensure that the panel members receive the following documents prior to the Expulsion Review Panel meeting—
 - (i) Notice of Expulsion;

- (ii) Expulsion Report; and
 - (iii) Expulsion Appeal;
 - (e) ensure that the panel members are fully informed of their role; and
 - (f) appoint a Chairperson for the Expulsion Review Panel meeting.
- (12) The expulsion review panel must provide a completed Expulsion Review Panel Report to the Secretary (or the Secretary's delegate) within 1 business day of the conclusion of the Expulsion Review Panel meeting.
- (13) Where the Secretary (or the Secretary's delegate) appoints an Expulsion Review Panel, the Secretary (or delegate) must consider the Expulsion Review Panel Report prior to making a determination but he or she is not bound to follow the recommendation made by the Expulsion Review Panel.
- (14) The Secretary (or the Secretary's delegate) should use his or her best endeavours to make a determination within 15 business days of receiving the Expulsion Appeal from the principal.
- (15) The Secretary (or the Secretary's delegate) must verbally notify the student, their relevant person, and the principal of the outcome of the appeal within 2 business days of the decision being made.
- (16) The Secretary (or the Secretary's delegate) must also provide written notification to the student, their relevant person and the principal of the determination made in relation to the expulsion appeal.
- (17) If an Expulsion Review Panel was appointed a copy of the Expulsion Review Panel Report must be sent to the student, their relevant person and the principal.
- (18) If the Secretary (or the Secretary's delegate) overturns the principal's decision to expel the student, the principal must ensure that the following actions are implemented as soon as possible—
- (a) the student must be re-enrolled in the school;
 - (b) the principal must work with the student, their relevant person and the student's teacher/s to develop a Return to School Plan for the student;
 - (c) the principal must ensure that the record of expulsion is removed from the student's permanent record and CASES21; and

- (d) once expulsion has been removed from the student's record, the principal must notify the student and their relevant person of this in writing.

(19) If a delegate of the Secretary is considering an appeal under this clause, the Secretary must not, in any capacity, seek to direct or control the delegate in relation to the consideration and determination of the appeal.

19. Transitional Provisions

(1) Ministerial Order 625 applies to all disciplinary action commenced but not yet completed before the date this Order comes into operation.

(2) For the purposes of subclause (1), disciplinary action, in relation to a student:

(a) commences when the following occurs:

- (i) in the case of a suspension, the principal first takes any action under clause 7 of the Ministerial Order 625;
- (ii) in the case of an expulsion, the principal first takes any action under clause 11 of the Ministerial Order 625;
- (iii) in the case of an appeal of an expulsion, the student lodges an appeal of a principal's decision to expel the student under clause 13 of the Ministerial Order 625;

(b) is completed when the following occurs:

- (i) in the case of a suspension, the principal decides to suspend or not suspend the student under clause 7 of the Ministerial Order 625;
- (ii) in the case of an expulsion, the principal decides to expel or not expel the student under clause 11 of the Ministerial Order 625;
- (ii) in the case of an appeal of an expulsion, the Secretary (or delegate) determines the appeal under clause 13 of the Ministerial Order 625.

(3) Where an appeal is lodged after the commencement of this Order, in relation to a decision to expel a student under Ministerial Order 625, the appeal must be determined:

- (a) subject to paragraphs (b) and (c), in accordance with clause 18 of this Order;
- (b) as though clauses 9 to 11 of Ministerial Order 625 continue to apply;
- (c) as though clauses 12 to 16 of this Order do not apply.

(4) In this clause:

- (a) **disciplinary action** means any action taken under the Ministerial Order 625 in relation to:
 - (i) the suspension or proposed suspension of a student;
 - (ii) the expulsion or proposed expulsion of a student;
 - (iii) an appeal of a principal's decision to expel a student;
- (b) **Ministerial Order 625** means Ministerial Order No. 625 – Procedures for Suspension and Expulsion, made by the Minister for Education on 23 December 2013.

Dated 9th day of May 2018

The Hon James Merlino MP
Minister for Education

ENDNOTES

Table of Amendments

This publication incorporates amendments made to the **Ministerial Order No. 1125 - Procedures for Suspension and Expulsion of Students in Government Schools** by subsequent amending ministerial orders.

Ministerial Order No. 1358 - Order Amending Ministerial Order No. 1125 – *Procedures For Suspension And Expulsion Of Students In Government Schools*

Date signed: 3.2.22

Commencement date: 3.2.22