

LAW5EDU - Education Law and Ethics (2025)

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Subject Co-ordinator: Francine Rochford

140 items

Module 1: The role of law in education (6 items)

Mum 'gobsmacked' at school's response to autistic son being tied to restraining chair - ABC News

[Webpage](#) | Prescribed

Education and Training Reform Act 2006 (Vic)

[Legislation](#) | Prescribed | Read s.1.2.3

Victorian Institute of Teaching Code of Conduct, by Victorian Institute of Teaching, 2016

[Document](#) | Prescribed

Disciplinary decisions - Victorian Institute of Teaching

[Webpage](#) | Prescribed

Education and Training Reform Regulations 2017

[Legal Document](#) | Prescribed | Refer to regulation 25

Restraint and seclusion

[Webpage](#) | Prescribed

Module 2: Sources of law – legislation and the courts (2 items)

Choose ONE of the following cases:

[Geyer v Downs \(1977\) 138 CLR 91](#)

[Weir v Geelong Grammar School \(Civil Claims\) \[2012\] VCAT 1736](#)

[AMA v State of Victoria \[2012\] VCC 1453](#)

[State of Victoria v Sinnappan and Others Sinnappan and Another v State of Victoria and Others \[1995\] 2 VR 242](#)

[Taylor v Haileybury \[2013\] VSC 58](#)

[State of Victoria v Turner \[2009\] VSC 66](#)

[Moran v Victorian Institute of Teaching \(Occupational and Business Regulation\) \[2007\]](#)

[VCAT 1311](#)

[Cope v Girton Grammar School Limited \[1995\] VADT 2](#)

[RW v State of Victoria\(Human Rights\) \[2015\] VCAT 266](#)

[Fitzpatrick v Moira Shire Council \[2015\] VCC 527](#)

[Rawson v Deputy Secretary \(Director of Schools\) \[1999\] VSC 494](#)

[Richards v State of Victoria \[1969\] VicRp 16; \[1969\] VR 136](#)

[Shenman v Erasmus School \(Ruling\) \[2011\] VCC 492](#)

[Krygsman-Yeates v State Of Victoria \(Workcover\)](#)

[Campbell, Alan Douglas v St John's Regional College Dandenong & VWA \[2009\] VCC 1779](#)

[State of Victoria v Subramanian \[2008\] VSC 9](#)

[Dunn v State of Victoria \[1997\] VCC 22](#)

[Sutherland v State of Victoria Department of Education and Training \(Anti Discrimination\) \[2007\] VCAT 63](#)

[Turner v State of Victoria \(Anti-Discrimination remedy\) \[2008\] VCAT 161](#)

[Hand v Morris & Anor \[2017\] VSC 437](#)

School children charged with sexting offences, by Henrietta Cook, 22 July 2016

[Article](#) | Recommended

Module 3: Institutional parameters - legal roles and responsibilities (16 items)

Education and Training Reform Regulations 2017

[Legislation](#) | Prescribed | Part 4

Orientate

'Haircut' student says he never wanted deputy to be sacked, by Henrietta Cook; Ebony Bowden, 9 March 2018

[Article](#) | Prescribed

Three Trinity school council members stand down, watchdog to probe deputy headmaster's sacking, by Henrietta Cook, 14 March 2018

[Article](#) | Prescribed

Dig Deeper

The Legal Context of Australian Education: An Historical Exploration - in Australia & New

Zealand Journal of Law & Education, by A. R. Shorten, 1996

[Article](#) | Prescribed

Education and Training Reform Act 2006

[Legislation](#) | Recommended

Policy and Advisory Library

[Webpage](#) | Prescribed

Wrongs Act 1958

[Legislation](#) | Prescribed | s 37

Schools as dangerous places - in Educational Studies, by Anthony Potts, 2006-09

[Article](#) | Prescribed

Commonwealth v Introvigne (1982) 150 CLR 258

[Legal Case Document](#) | Prescribed

Boy knocked out in schoolyard one-punch attack filmed by student, 25 Oct 2017

[Article](#) | Prescribed

Apply

The impact of education law on school principalship: Challenges and emergent findings - in Journal of Educational Leadership, Policy and Practice, by Neil Cranston; Allison J. Trimble; Jeanne M. Allen, 2013

[Article](#) | Prescribed | (2013) 28 Journal of Educational Leadership, Policy and Practice 79

Reflect

Dianne Mulcahy Policy matters: de/re/territorialising spaces of learning in Victorian government schools - in Journal of Education Policy, by Dianne Mulcahy, 2016-01-02

[Article](#) | Recommended

Module 4: Duties of physical safety - students, teachers and others (31 items)

Orientate

Michael Sousa, 12, died after falling off banister at Jane Austen College, Norwich | News | The Times

[Webpage](#) | Prescribed

Dig Deeper

Personal Liability of School Employees, by Department of Education

[Webpage](#) | Prescribed

Victorian Model Litigant Guidelines, by Department of Justice and Regulation Victoria

[Webpage](#) | Prescribed

Liability for personal injury (other than sexual abuse) (17 items)

Liability in negligence (4 items)

Harm without damages?: a school's liability for personal injury in New Zealand. - in Australia and New Zealand Journal of Law and Education, by F. Hay-Mackenzie; K. Wilshire, 2002

[Article](#) | Prescribed

Victorian Institute of Teaching Code of Conduct, by Victorian Institute of Teaching, 2016

[Document](#) | Prescribed | [Read Principle 3.2](#)

Ex-players want changes to schoolboy rugby after students injured, by ABC News, 6 Aug 2018

[Article](#) | Prescribed

Abraham v St Mark's Orthodox Coptic College [2006] NSWSC 1107

[Legal Case Document](#) | Prescribed

Liability in trespass (ie, assault, battery, false imprisonment) (2 items)

Call for 'common sense' after teacher censured for carrying child, by Nicole Lawton; Anna Loren, 9 Nov 2017

[Article](#) | Prescribed

'Haircut' student says he never wanted deputy to be sacked, by Henrietta Cook; Ebony Bowden, 9 March 2018

[Article](#) | Prescribed

Criminal liability (11 items)

Student Wellbeing, Engagement and Learning across the Middle Years, by The Centre for Adolescent Health, Murdoch Children's Research Institute, 2018

[Document](#) | Prescribed

'It becomes mob like': Mandurah grandmother calling for action against bullying, by Carla Hildebrandt, November 28 2018

[Article](#) | Recommended

Parents to be fined if children are bullies at school, The Times June 14, 2019

[Webpage](#) | Prescribed

Police - Department Protocol on Reporting Criminal Activity, by Department of Education

[Webpage](#) | Prescribed

Bullying Prevention and Response

[Webpage](#) | Prescribed

Barry Johnson v State of NSW (Department of Education and Training) [2006] NSWIRComm 109

[Legal Case Document](#) | Prescribed

Additional Cases - Student on student violence

Standing Committee on Employment, Education and Training Sticks and stones: Report on violence in Australian schools 63/1994

[Webpage](#) | Recommended | Scroll down page until you see the Report and click the 'online' option to download the PDF of the report

The Trustees of the Roman Catholic Church for the Diocese of Bathurst v Koffman and Anor [1996] NSWSC 346 (9 August 1996)

[Legal Case Document](#) | Recommended

El-Sheik v ACT Schools Authority [1999] ACTSC 90; (1999) 151 FLR 397

[Legal Case Document](#) | Recommended

Cox v New South Wales [2007] NSWSC 471; (2007) 71 NSWLR 225

[Legal Case Document](#) | Recommended

Liability for sexual abuse (9 items)

Liability of educational providers to victims of abuse : a comparison and critique. - in SYDNEY LAW REVIEW, by GRAY, Anthony, June 2017

[Article](#) | Prescribed

Conferred authority strict liability and institutional child sexual abuse. - in SYDNEY LAW REVIEW, by Christine Buermann, March 2015

[Article](#) | Prescribed

New South Wales v Lepore (2003) 212 CLR 511

[Legal Document](#) | Recommended

Tort Law Reform to Improve Access to Compensation for Survivors of Institutional Child Sexual Abuse - in University of New South Wales Law Journal, by Silink, A.; Stewart, P., 2016

[Article](#) | Prescribed

School found directly and vicariously liable for Principal's sex abuse of student, 22 September 2015

[Article](#) | Prescribed

Erlich v Leifer [2015] VSC 499; [2015] Aust Torts Reports 82-245

[Legal Case Document](#) | Recommended

Prince Alfred College Inc v ADC [2016] HCA 37; (2016) 258 CLR 134

[Legal Case Document](#) | Recommended

Teacher jailed over 'brazen' sex abuse of private school students, by Joanna Menagh, 27 Jul 2018

[Article](#) | Prescribed

Identifying and responding to all forms of abuse in Victorian Schools

[Document](#) | Prescribed

Module 5: Human rights (15 items)

Orientate

Rosemary Bennett, 'Half of expelled pupils are mentally ill' The Times October 10 2017.

[Article](#) | Prescribed

Dig Deeper

Education and Training Reform Act 2006 (Vic)

[Legislation](#) | Prescribed | Read s. 1.2.2.

Universal Declaration of Human Rights | United Nations

[Webpage](#) | Recommended | Article 26 Section 2

Victorian Institute of Teaching Code of Conduct, by Victorian Institute of Teaching, 2016

[Document](#) | Prescribed | Refer to Principles 1.1 and 1.2

Charter of Human Rights and Responsibilities Act 2006 (Vic)

[Legislation](#) | Prescribed

Equal Opportunity Act 2010 (Vic)

[Legislation](#) | Prescribed

Disability Discrimination Act 1992 (Cth), by Attorney-General's Department

[Legislation](#) | Prescribed

Disability Standards for Education 2005

[Document](#) | Prescribed

Improving Educational Outcomes for Children with Disability in Victoria, by Castan Centre for Human Rights Law, Monash University, 2018

[Document](#) | Prescribed

Kathy Cologon, Towards inclusive education: a necessary process of transformation:, by Kathy Cologon

[Article](#) | Recommended | Particularly p 20.

Aitken & Ors v The State of Victoria - Department of Education & Early Childhood Development (Anti-Discrimination) [2012] VCAT 1547 (18 October 2012)

[Webpage](#)

Aitken & Ors v State of Victoria [2013] VSCA 28 (22 February 2013)

[Legal Case Document](#) | Prescribed

Arora v Melton Christian College (Human Rights) [2017] VCAT 1507

[Legal Case Document](#) | Prescribed

Module 6: IT in education - law and ethics in the new domain (13 items)

Orientate

Tackling On line safety for children - Law Report - ABC Radio National

[Webpage](#) | Prescribed

Dig Deeper

MEGAN LEHMANN 'Just go Kys': bullying's terrifying new shorthand' THE WEEKEND AUSTRALIAN MAGAZINE JULY 14, 2018

[Article](#) | Prescribed

Cyber Bullying in Australian Schools - in Alternative Law Journal, by Amy Dwyer; Patricia Easteal, 2013-06

[Article](#) | Prescribed

Legal risks for students using social networking sites. - in Australian Educational Computing, by Henderson, Michael; de Zwart, Melissa; Lindsay, David; Phillips, Michael, July 2010

[Article](#) | Prescribed

School Policy and Advisory Guide: Acceptable use policy for ICT resources, by Department of Education and Training

[Webpage](#) | Prescribed

Dig Deeper

Adolescent sexting in schools: Criminalisation, policy imperatives, and duty of care - in Issues in Educational Research, by Schubert, Aaron; Wurf, Gerald, 2014

[Article](#) | Prescribed

Victorian Institute of Teaching Code of Conduct, by Victorian Institute of Teaching, 2016

[Document](#) | Prescribed

Perth primary school teacher could face disciplinary action over transgender comments, by The Age, 23 February 2018

[Webpage](#) | Prescribed

Catholic schoolgirls suspended after bathroom fight broadcast live on Facebook, by Ebony Bowden; Joe Hinchliffe, 23 August 2017

[Webpage](#) | Prescribed

Cyber bullying: Clarifying Legal Boundaries for School Supervision in Cyberspace - in International Journal of Cyber Criminology, by Shaheen Shariff; Dianne L. Hoff, 2007

[Article](#) | Prescribed | Full text download of this article is available from this site (3rd article down)

Module 7: Confidentiality, the duty to inform and the duty to warn (10

items)

Orientate

Opinion | When Teachers Talk Out of School - The New York Times

[Webpage](#)

Dig Deeper

School Policy and Advisory Guide: Acceptable use policy for ICT resources, by Department of Education and Training

[Webpage](#) | Prescribed | Page 8

Victorian Institute of Teaching Code of Conduct, by Victorian Institute of Teaching, 2016

[Document](#) | Prescribed

Privacy and Data Protection Act 2014 (Vic)

[Legislation](#) | Prescribed

Probe into Melb high school privacy breach, by SBS News, 22 August 2018

[Webpage](#) | Prescribed

Apply

Gunnell Colnerud, Moral stress in teaching practice (2015) 21:3 Teachers and Teaching - in Teachers and Teaching, 2015-04-03

[Article](#) | Prescribed | Pp 346-360

Maryanne Kapoulitsas & Tim Corcoran, School Psychologists and Ethical Challenges, - in The Educational and Developmental Psychologist, by Maryanne Kapoulitsas; Tim Corcoran, 2017-07

[Article](#) | Prescribed | Pg 50

Module 8: Family Law and the School (5 items)

Orientate

Great Ryrie Primary School

[Website](#) | Prescribed

Policy and Advisory Library

[Website](#) | Recommended

Dig Deeper

Kenworthy, Chris, 'Family Law Reform Act 1995: implications for schools' (2001) Vol.23(1) Practising Administrator pp.4-5, 40, by Queensland Institute for Educational Administration; Australian Council for Educational Administration, 1972-

[Journal](#)

Module 9: The educator as professional - duty to remain up to date and to maintain professional associations (13 items)

Orientate

Regulator gives OK to Grade 4 teacher who was sacked after telling incest tales, by Timna Jacks; Henrietta Cook, 11 July 2017

[Article](#) | Prescribed

'The ponytail princess': WA teacher banned over conduct with student, by Heather McNeill, 30 October 2017

[Article](#) | Prescribed

'Exemplary' teacher guilty of sex abuse of ex-student still working in classroom

[Webpage](#) | Prescribed

Dig Deeper

Salter v Victorian Institute of Teaching (Review and Regulation) [2015] VCAT 2045 (24 December 2015)

[Legal Case Document](#) | Prescribed

Victorian Institute of Teaching Code of Conduct, by Victorian Institute of Teaching, 2016

[Document](#) | Prescribed

Apply

Disciplinary decisions - Victorian Institute of Teaching

[Webpage](#) | Prescribed

Dismissing the Immoral Teacher for Conduct Outside the Workplace - Do Current Laws Protect the Interests of Both School Authorities and Teachers - in Journal of Law & Education, by Jason R. Fulmer, 2002

[Article](#) | Prescribed

Reflect

Henrietta Cook Overhaul of teaching watchdog to keep kids safe The Age 23 March 2018

[Webpage](#) | Prescribed

Teacher who tells murder and incest stories to kids loses unfair dismissal

[Webpage](#) | Prescribed

Module 10: Risk assessment and compliance in an organisational context (29 items)

Orientate

Marist College Ashgrove student fighting for life after rope course accident at school camp' ABC News 24 May 2018

[Webpage](#) | Prescribed

Dig Deeper

Risk Management - Schools: Policy, by Department of Education

[Webpage](#) | Prescribed

DET Risk Management Framework, by State of Victoria (Department of Education and Training), Jun 2016

[Document](#) | Prescribed

Assessing Risk Management: How Effective Is Your Program? - in Journal of Physical Education, Recreation & Dance, by Kelle L. Murphy, 2015-03-24

[Article](#) | Prescribed

Belonging, Being & Becoming: The Early Years Learning Framework for Australia V2.0, by Australian Department of Education, 2022

[Document](#) | Prescribed

Crisis management in schools: evidence based - in The Journal of Educational Enquiry, by Wilson MacNeil; Keith Topping, 2009

[Article](#) | Prescribed

Danger of death: are we programmed to miscalculate risk?, by David H. Bailey, December 8, 2011

[Article](#) | Prescribed

Why kids need risk, fear and excitement in play, by Mariana Brussoni, August 2, 2017

[Article](#) | Prescribed

Research update : outdoor education fatalities in Australia. - in Australian Journal of Outdoor Education, by A. Brookes, 2007

[Article](#) | Prescribed

Risk Management: - Schools: Policy, by Department of Education

[Webpage](#) | Recommended

Apply

Sport in Schools: Some Legal Liability Issues - in Legal Issues in Business, by Williams, Peter, 2001

[Article](#) | Prescribed

Policy and Advisory Library

[Website](#) | Prescribed

Reflect

The anti-cottonwool schools where kids stare down risk in favour of nature play - ABC News

[Webpage](#) | Prescribed

West Greenwood Primary School

[Article](#) | Recommended

Childhood obesity: The Singapore fat camps where children are shamed for being overweight - ABC News

[Webpage](#) | Recommended

Majority of young children not doing enough exercise and physical activity, UWA study finds - ABC News

[Webpage](#) | Recommended

As easy as child's play? Overcoming barriers to kids' exercise - ABC News

[Webpage](#) | Recommended

Our children need resilience, not cotton wool - ABC News

[Webpage](#) | Recommended

Students from Honeywood primary school in Wandi, south of Perth

[Article](#) | Recommended

Students at West Greenwood Primary School climbing a tree

[Article](#) | Recommended

West Greenwood Primary School principal Niel Smith

[Article](#) | Recommended

West Greenwood Primary School

[Article](#) | Recommended

UWA researcher Karen Martin

[Article](#) | Recommended

Girl on rollerblades

[Article](#) | Recommended

West Greenwood Primary School students play on a wooden sled

[Article](#) | Recommended