Tough law sought on bullying

PETER HALL

NEW laws are needed to make schools and teachers liable for failing to act on bullying and cyber-bullying, a former chief justice of the Family Court says.

Alastair Nicholson, chair of the National Centre Against Bullying, has called for “a clear legislative statement” that defines boundaries of acceptable conduct and holds educational authorities accountable.

Mr Nicholson said this was particularly important for offences in the legal grey area — outside school gates.

His comments came last night at the Australian and New Zealand Education Law Association in Brisbane.

“At present it is all too easy for education authorities, schools and teachers to avoid taking responsibility,” he said.

“In Australia there is need for legislative action by federal, state and territory governments (on bullying).”

Mr Nicholson said there was no simple answer and adults had difficulty controlling what happened outside schools and homes.

When bullying takes place outside school grounds, the legal situation is not clear.

Mr Nicholson said the Supreme Court of Canada held that in certain circumstances sexual harassment of a co-worker outside the workplace could place legal responsibility on the employer.

“In my view this approach is also applicable to schools in relation to bullying and cyber-bullying,” he said.

“The first and foremost weapon to control bullying is education. Unfortunately, we have been lacking in this area in Australia and elsewhere. Teachers receive little or no training in dealing with this difficult issue and too many schools have either no policies or have policies on paper, but do not implement them.”