



News Report Activity: Case 4

Case 4: 'Broome TAFE lecturer James Petticrew reinstated after threatening to 'break' student's legs' (the Courier Mail, 2015).



A TAFE lecturer has been reinstated and given back pay after being sacked for making threats to break a student's legs.

James Petticrew had been a maritime security lecturer at the Kimberley Training Institute in Broome since 2008.

In February 2014, while at the campus, Mr Petticrew was talking to a then 16-year-old student and asked if he had seen another boy.

He told the teen if he did see the other student to tell him if the boy was seen near the lecturer's house he would "break his f***ing legs".

Mr Petticrew had known the boy he had threatened since the teenager was a small child.

The lecturer emailed his employer apologising for his behaviour and said at the time of the threat his house had been robbed five times and he suspected the boy was responsible.



He also wrote “In retrospect, I admit I was probably wrong passing comment in front of students. It was a heat of the moment comment.”

He also wrote a letter to the boy’s mum apologising.

The disciplinary process stretched for more than a year, during which Mr Petticrew was dismissed three times and reinstated twice, suspended with pay for the whole time, and had his housing arrangements threatened.

The State School Teacher’s Union took action in the WA Industrial Relations Commission on Mr Petticrew’s behalf.

In a judgment published on Wednesday, Acting Senior Commissioner Pamela Scott found Mr Petticrew’s sacking to be excessive.

“I am not satisfied that the conduct struck at the heart of the contract of employment such as to warrant dismissal, even though it was inappropriate, threatening, unprofessional and disrespectful,” she wrote.

“At its highest, it may be seen as misconduct. However, not every act of misconduct warrants dismissal.

“I find that dismissal, being the strongest penalty available to the respondent, was disproportionate to the misconduct, and was harsh and unfair.

Ms Scott ordered for Mr Petticrew’s employment to be reinstated and paid back any income lost.

