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## Cranbourne West Primary School No. 5189

# **TRESPASS IN SCHOOLS – GROUNDS AND BUILDINGS**

### **RATIONALE**

As a means of protecting the school facility, as a means of protecting school community members from harm and as a response to the principal's and teachers' legal responsibility of 'taking reasonable steps to protect students in their charge from risks of injury that are reasonably foreseeable,' implementation of trespass warnings and procedures may be necessary.

The high incidence of undesirable persons in the school grounds, the high frequency of vandal damage, and the ever possibility of personal harm and injury occurring to school community members, supports the need for the option of implementing trespass guidelines.

### **GENERAL STATEMENT:**

In June 1997 the Summary Offences Act 1996 was amended to give owners [and/or their nominees] wider and more effective powers to deal with trespassers. In conjunction with these new powers the Minister has authorised Principals and other persons nominated by the Principal, to act as owners for the purpose of the legislation.

Under the *Summary Offences Act 1966* (the Act), Principals and head teachers have comprehensive powers to deal with trespassers, including the power to:

- issue formal warnings to persons not to enter the school premises
- erect signs prohibiting trespassers
- order persons and trespassers off school property
- authorise others to exercise the powers on behalf of the principal/head teacher.

Under the Act, a person who enters the school premises after being previously warned by the principal/head teacher not to enter, or in breach of a prominently displayed sign, will be guilty of trespassing (unless they had some other legitimate purpose for entering).

The *Summary Offences Act 1966* in section 17(1) also provides that any person who, in or near a State school, behaves in a riotous, indecent, offensive or insulting manner, shall be guilty of an offence. The police can remove and charge a person with an offence under this section.

### **School not a public place**

Except for certain limited purposes under the *Summary Offences Act 1966* and the *Control of Weapons Act 1990*, a school is not a 'public place'. There is no general right of the public at large to be there, either within or outside school hours. A school ground is not 'public land'. It is land held by the Minister for Education for educational purposes. The principal who, by virtue of their position or office, has control and management of

that land, may give any necessary directions accordingly, and is clearly entitled to call upon the police whenever necessary to assist in enforcing those directions.

**IMPLEMENTATION GUIDELINES:**

It is this school's intention to follow the procedures outlined in Memorandum 97/041 dated 29/8/1997.

- Prior to exercising the powers, it is important that staff have an adequate knowledge and understanding of the implications of the provisions.
  
- Executive Memorandum No. 97/041 (available on EduLibrary at Schools/Official Memoranda, Circulars & Notices/Executive Memoranda/1997) contains comprehensive guidelines and notices to assist principals and head teachers implement the Act, and covers the following matters:
  - The nature and extent of principal's/head teacher's powers to deal with trespassers.
  - Procedures which should be undertaken in schools.
  - The form to be used by principals and head teachers if they wish to authorise other people to exercise the powers on their behalf.

**EVALUATION:**

- All aspects of this policy are to be monitored by the Management Team.
- Evaluation within the triennial review process.