

# Trespass

## POLICY

### Rationale:

Our school welcomes visitors who have a reasonable and constructive reason to be on the school's grounds or premises. However there is no general right of the public at large to be at the school, either within or outside of school hours. Unwanted visitors are those who have no apparent legitimate or educational purpose for visiting the school, or those that visit with anti-social, illegal or destructive intent.

### Aims:

To provide a safe school environment that is devoid of unwanted and unwelcome visitors. To maintain the low level of damage that occurs around the school during out of school hours.

### Implementation:

- All legitimate visitors are required to report directly to the school general office upon arrival at the school, to sign a visitor's register, to collect and wear a visitor's badge, and to be assisted with directions or appointments.
- Signs directing visitors to the school office will be prominently displayed at school entry points.
- **Signs, which warn trespassers of the potential for prosecution, will be similarly displayed. Approved signage with the correct wording can be obtained through ASCIV.**
- Staff are required to direct any unidentified person without a visitors badge to the school office, or to report unidentified people or vehicles to the principal class.
- Staff on yard duty are required to be vigilant, and to approach or report visitors that do not display a visitor's badge or are obviously unwanted.
- Staff will be provided with professional development on how to communicate with visitors in a non-confrontational manner.
- The school will implement its right to have people charged with trespass if necessary.
- Any visitor who breaks the law will be charged with an offence as appropriate.
- The school will establish and maintain effective relationships with the local police.
- The school community will be regularly informed about our process for managing unwanted visitors, and will be invited to assist by reporting suspicious out of school hour's activities to the police.
- School gates will be locked out of school hours.
- Closed-circuit television surveillance cameras have been installed at key locations in accordance with DOE requirements. Recorded material can be accessed when there is reason to believe that it contains information about incidents of criminal behaviour, loitering with intent, security risks and threats to the good order of the school.
- Security lighting will be well maintained.

### Evaluation:

This policy will be reviewed as part of our school's regular four-year review cycle.

This policy was last ratified by School Council in....

**June 2002**

# Implementation of Trespass Policy

On June 19, 1997 the Law and Justice Legislation Amendment Act 1997 came into operation. It amended the summary Offences Act 1966 to give owners and occupiers of State Schools wider and more effective powers to deal with trespassers.

The main change to the law is that 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).

When implementing the Trespass Policy school leaders should bear in mind the following:

- the college has encouraged community use of the school facilities eg. the ECA Centre
- there are circumstances where the community provides a safeguard against undesirable intruders, vandals etc. eg. people walking dogs
- the law was aimed at “nuisance” trespassers to provide schools with the means of dealing with a problem and therefore should be reserved for more serious matters

## Powers of the Principal Class and Leading Teachers.

Under the changes, the principal (or a person authorised by the principal to act on their behalf) can:

- warn a person or trespasser to leave the school premises
- warn a person not to enter the school premises
- erect signs warning persons not to enter the school premises
- request the police to lay a charge under section 9 of the Summary Offences Act 1966, when a person fails to comply with the above warning

## Meaning of Trespasser

A trespasser includes any person who enters the school grounds (including into any buildings):

- a) without authority
- b) without a lawful excuse
- c) in a manner likely to cause a breach of the peace

A person enters onto school grounds “without authority” if:

- a) they enter after having been *previously* warned not to enter by the principal (or person authorised by the principal to give such a warning on their behalf)
- b) they remain *after* being warned by the principal (or person authorised by the principal to give such a warning on their behalf)
- c) they enter in breach of a prominently displayed sign in the school premises stating that the entry by particular persons (as named on the sign), or persons engaging in certain activities, is prohibited.

## Delegation of Principal’s Authority

The Principal of Bundoora Secondary College has the power to delegate his/her power with regard to trespassers to:

- the Assistant Principal
- all Leading Teachers
- any other person required at any time

The formal authority to exercise these powers will be made using the required form (attachment 1). This authority may be revoked by the Principal at any time.

## **Legitimate Visitors**

Any visitor to the school, who is not in the company of a college employee, should report to the general office and obtain a visitors pass.

### **Procedures to be followed by staff**

1. Any staff member who encounters an unwanted visitor in the college grounds should ask that person to leave, or ask that person to report to the office and seek permission to be in the grounds. This permission will only be given by the Principal Class Officers.
2. If the visitor does not leave the college grounds as requested the teacher should go and get an “authorised” staff member and return with that staff member who will then issue a formal oral warning or provide a written instruction to leave.
3. While the “authorised” staff member issues the warning the other staff member should make notes, preferably in the official register, of the :
  - date
  - time
  - name of offender (if known)
  - others present
  - any other relevant details
4. Both staff members should allow a reasonable time for the offender to leave.
5. If the above notes are not in the official register then they should be transposed into the official register as soon as possible.
6. If the person has left the college grounds then each staff member should read the notes in the register, confirm that they are correct and then sign and date them.
7. If the person does not leave the college grounds then the Principal or Assistant Principal will call the police on 000. The staff members should then read the notes and in the register, confirm that they are correct and then sign and date them.
8. If the offender comes back then the time and date should be recorded also.
9. Following the verbal warning a written warning will be issued by the Principal or Assistant Principal using the form provided.
10. The names of offenders should be communicated to staff via staff bulletin, staff meetings and/or staff briefings by the Principal, Assistant Principal or other “authorised” staff member.

### **Trespassers' Register**

A book for the purpose of recording warnings, oral or written, shall be kept in the Assistant Principal's office.

## Warnings

A warning may be given

- orally
- by handing a person a written notice
- by sending a written notice by certified mail

Where possible the warning should be given by written notice because it is the best type of evidence for police to use later if they charge the person who has received the warning.

The legislation does not limit warnings to a particular period, however a relevant time period should be inserted in the warning (1 year is recommended).

Oral warnings should be avoided; however they may need to be given in urgent circumstances. Where an oral warning is given it is desirable that:

- there be at least one witness present
- the oral warning be confirmed with a written warning
- a diary or other note of the warning be made as soon as possible

Whether a written or oral warning is given, a record of the warning should be kept on file and include:

- the type of warning (oral or written)
- the time and date on which the warning was delivered, and the name of any witnesses
- a copy of any written warning notice

The names of persons who have been given warnings would be made known to staff, school council members and, if considered appropriate, the local police.

## Underlying principles

- the aim of the legislation should be to provide a remedy for “nuisance” trespassers (not people walking their dogs etc.)
- reserve the trespass laws for serious matters
- the laws only relate to offenders in the school grounds (not in cars in the street etc.)

**AUTHORITY TO EXERCISE POWERS OF OCCUPIER FOR THE PURPOSES OF THE SUMMARY OFFENCES ACT 1966**

**1. AUTHORITY**

As Principal of the above school, I hereby authorise each of the persons named in paragraph 4 below or for the time of being occupying the position set out in paragraph 4, all of the Principal's powers as occupier of the school, for the purposes of Section 9 of the *Summary Offences Act 1966*. Those powers are to be exercised on behalf of the Principal.

**2. REVOCATION**

The Principal may revoke all or part of this Authority at any time.

**3. DATE OF EFFECT**

This Authority takes effect on March 1<sup>st</sup> 2007

**4. PERSONS/POSITIONS AUTHORISED**



Sue Muscat	Assistant Principal
Ron Antcliffe	Leading Teacher 2
Ron Turner	Leading Teacher 2
Sue Vains	Leading Teacher 2
Jenny Post	Leading Teacher 2
Anna Shield	Leading Teacher 1

Dated this day March, 2007

Principal's name: Stephen Smith

Signature: .....

**WARNING UNDER SECTION 9 OF THE  
SUMMARY OFFENCES ACT 1966**

To: .....

.....

.....

I am authorised to exercise the powers of the occupier of Bundoora Secondary College and I am authorised to permit and deny entry of the above premises.

You are hereby warned not to enter onto the premises of Bundoora Secondary College for a period of one year from the date of this notice, unless you have a legitimate purpose or lawful excuse.

**If you breach this notice, you may be charged with the offence of trespass under Section 9 of the Summary Offences Act 1966.**

Name: Susan Muscat

Position: Assistant Principal

Signature: .....

Date: .....

(This warning is given on behalf of and with the authority of the Principal)

**Bundoora**  
**Secondary College**

**RECORDING THE GIVING OF A WARNING UNDER SECTION 9  
OF THE SUMMARY OFFENCES ACT 1966**

Name of person to whom warning given: .....

Address of person to whom warning given: .....

.....

Date warning given: .....

Manner of warning:  orally (date of any follow up written notice

hand delivered written notice

written notice sent by certified mail to usual or last known home  
address (number or receipt attached)

If the warning was given by way of written notice, a copy should be attached. If the warning was given orally, set out the words used.

.....  
**Bundoora**  
.....

Witness to the giving of warning: .....  
(for oral or personal delivery)

**Secondary College**

General description of incident(s) which led to the issuing of the warning including names of  
any witnesses

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Name of person giving the warning: .....

Signature of person giving warning: .....

Position: .....

Date: .....

Police have/have not been advised. If yes, insert date: .....