

## Trespass Policy

### Rationale:

This policy has been made to ensure schools effectively manage who enters the premises.

## Principals

Principals have the authority to do one or more of the following:

- erect signs prohibiting certain persons from entering the school premises
- order persons to leave the school premises
- issue trespass notices that prohibit the persons named in the notice from entering the school premises
- request that the Victoria Police charge a person with criminal trespass, if they fail to comply with any of the above warnings and notices.

## Right to permit and deny entry on to school premises

Government schools are not public places. There is no general right for the public to enter school premises.

The Minister for Education is the registered owner of all land held by the Department for the purpose of operating Government schools. The Minister therefore has the power to determine who may enter, and remain on, school premises. These functions and powers have been delegated to school principals.

## Powers of Principals- Implementation

This table identifies what principals have the authority to do in managing who enters the school site and how to implement these decisions.

### Authority

Erect signs prohibiting certain persons from entering the school premises.

Order persons to leave the school premises.

### How to implement this decision

The principal should consult with the Security Services Unit on (03) 9589-6266 if he/she is considering erecting signs on the school premises.

These signs should be prominently displayed at each entry of the school premises and in and around school buildings (if appropriate).

This warning can be given orally or in writing.

If the person refuses to leave the school premises after

receiving the warning, the staff should contact the Victoria Police for further assistance.

Issue Trespass Notices that prohibit the persons named in the notice from entering the school premises.

This Notice should be in writing and given to the person by hand or by registered post.

Principals should maintain a record of all oral warnings and Trespass Notices issued. These records should include the following information:

- name of the person who received the warning or Notice
- the date and time that the warning or Notice was issued
- copy of the Trespass Notice or a written record of the oral warning given.

## Consequences of non-compliance

There are two possible consequences for a person who enters or remains on the school premises after receiving one or more of the above mentioned notices and warnings:

- The person may have committed criminal trespass, and may be charged by the police with the relevant criminal offences.
- The person may have committed civil trespass and may potentially be liable for compensation and/or be subject to a Court injunction that restrains them from entering on to the school premises.

If a person enters or remains on the school premises after receiving one or more of the above mentioned warnings or notices, the school staff who witness the behaviour should take the following action:

- The staff member should immediately report the incident to the Principal or a member of the leadership team.
- The Principal or a member of the leadership team should report the incident to the Victoria Police. It is the role of the Victoria Police to come and manage the incident, and then to investigate the incident and determine whether the person should be charged with a criminal offence.
- The Principal should report the incident to the Security Services Unit.

Ratified at **School Council 16th August 2023**

## Warning

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

TO: \_\_\_\_\_

I am authorised to exercise the powers of the occupier of Melton Primary School, Unitt Street Melton, and I am authorised to permit and deny entry to the above premises.

You are hereby warned not to enter onto the premises of Melton Primary School 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*.

Signed:

Principal  
Melton Primary School

**FORM 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 giving warning (tick one or more):	<input type="checkbox"/> Orally (date of any follow up written notice _____ )
	<input type="checkbox"/> hand delivered written notice
	<input type="checkbox"/> 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.

\*copy attached

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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Name of person giving warning: \_\_\_\_\_

Signature: \_\_\_\_\_

Position: \_\_\_\_\_

Police have been advised on:

