

South Australia

Education Variation Regulations 2003

under the *Education Act 1972*

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Education Variation Regulations 2003*.

2—Commencement

These regulations will come into operation four months after the day on which they are made (see *Subordinate Legislation Act 1978* section 10AA).

3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

Part 2—Variation of *Education Regulations 1997*

4—Variation of regulation 4—Interpretation

- (1) Regulation 4(1)—after the definition of *medical certificate* insert:
 - premises* means any land, building or structure
 - (2) Regulation 4(1)—delete definition of *school premises*
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5—Substitution of regulation 7

Regulation 7—delete the regulation and substitute:

Part 2A—Control of trespass and misbehaviour on school premises etc

7—Definitions

(1) In this Part—

authorised person, in relation to a school, means—

- (a) a member of the police force; or
- (b) an officer of the teaching service; or
- (c) a person appointed under section 9(4) of the Act to teach at the school; or
- (d) a person authorised by the Minister for the purposes of this Part;

prohibition notice—see regulation 7C.

(2) For the purposes of this Part, a person trespasses on school premises if—

- (a) the person is on school premises between the hours of 12.00 midnight and 7.00 a.m. unless the person—
 - (i) carries a security pass issued by the Director-General authorising the person to be on those premises at that time; or
 - (ii) carries a security pass issued by the Commissioner of Police authorising the person to be on those premises at that time; or
 - (iii) carries the written permission of the head teacher to be on the premises at that time; or
- (b) the person fails to provide sufficient reason for being on the premises after being requested to do so by an authorised person.

(3) For the purposes of this Part, a person misbehaves on school premises or premises used in connection with a school if the person, while on the premises—

- (a) uses offensive language; or
- (b) puts or threatens to put at risk the safety or welfare of another person; or
- (c) behaves in an offensive, disorderly, intimidating or violent manner or threatens to behave in such a manner.

7A—Offence to trespass or misbehave on school premises etc

A person who trespasses on school premises or misbehaves on school premises or premises used in connection with a school is guilty of an offence.

Maximum penalty: \$200

Expiation fee: for an offence not involving violence—\$50.

7B—Power to request person to leave school premises etc

- (1) If an authorised person reasonably suspects a person of—
- (a) trespassing on school premises; or
 - (b) misbehaving on school premises or premises used in connection with a school; or
 - (c) committing or threatening to commit any other offence on school premises or premises used in connection with a school,

the authorised person may request the person to leave the premises.

- (2) A person who has been requested to leave premises under subregulation (1) must not remain on the premises or return or attempt to return to the premises within 24 hours.

Maximum penalty: \$200.

Expiation fee: \$50.

7C—Power to bar person from school premises etc

- (1) If a head teacher is satisfied that a person has—
- (a) trespassed on school premises; or
 - (b) misbehaved on school premises or premises used in connection with a school; or
 - (c) committed or threatened to commit any other offence on school premises or premises used in connection with a school,

the head teacher may, with the approval of the Director-General, issue the person with a *prohibition notice*, being a notice in writing served on the person personally or at his or her last known address, barring the person, unconditionally or subject to conditions, from entering or remaining on the premises specified in the notice for a period not exceeding 3 months specified in the notice.

- (2) A person who contravenes or fails to comply with a prohibition notice is guilty of an offence.

Maximum penalty: \$200.

Expiation fee: \$50.

7D—Minister may review prohibition notice

- (1) A person who is barred from premises under a prohibition notice for a period exceeding 2 weeks may apply to the Minister for a review of the notice.
- (2) The Minister may, on the hearing of an application for a review of a prohibition notice, confirm, vary or revoke the notice.
- (3) A prohibition notice continues to apply pending a determination by the Minister of an application for review of the notice.

7E—Power to restrain, remove or refuse entry

An authorised person may, if necessary, use reasonable force—

- (a) to restrain on school premises or premises used in connection with a school any person who, in the opinion of the authorised person, is posing an immediate threat to the safety of another person, so as to prevent the person from causing harm to that other person; or
- (b) to remove from school premises or premises used in connection with a school any person who, in the opinion of the authorised person, is posing an immediate threat to the safety of another person on the premises; or
- (c) to remove from premises, or prevent the entry to premises of, any person who has been requested to leave the premises under this Part during the previous 24 hours or who is barred from the premises under a prohibition notice.

Made by the Governor's Deputy

with the advice and consent of the Executive Council
on 18 September 2003

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