

2025

**THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

ELEVENTH ASSEMBLY

**School safety order laws – proposed – Assembly Resolution of 10 April 2025 – Government
Response – Attachment A**

**Presented by
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Minister for Education and Early Childhood
25 September 2025**

	Education and Children's Services Act 2019 (changes through the Education and Children's Services (Barring Notices and Other Protections) Amendment Bill 2024) (SA)	Education and Training Reform Act 2006 (changes through the Education and Training Reform Amendment (Protection of School Communities) Act 2021) (VIC)	Education and Care Services National Law Act 2010	Education Act 2004 (ACT)
Definition of authorised/designated person who can exclude	93—Power to bar person from premises, etc designated person, in respect of premises to which this Part applies, means— (a) in the case of the premises of a school or an approved learning program— (i) the principal of the school or the head of the approved learning program; or (ii) a person authorised in writing by the principal of the school or the head of the approved learning program (as the case requires) for the purposes of this section; or (b) in the case of the premises of a stand-alone preschool or children's services centre— (i) the director of the preschool or children's services centre; or (ii) a person authorised in writing by the director for the purposes of this section; or (c) in the case of the premises of an approved education and care service—the nominated supervisor of the service under the Education and Care Services National Law (South Australia); or (d) in the case of prescribed departmental premises— (i) the Chief Executive; or (ii) a person authorised in writing by the Chief Executive in respect of the premises for the purposes of this section;	2.1A.2 Who are authorised persons? (1) Each of the following persons is an authorised person— (a) the principal of a registered school; (b) for a Government school, the Secretary; (c) for a non-Government school, the proprietor of the school, or, if the proprietor of the school is not an individual, a person authorised by the Secretary for that school; (d) any other person or member of a class of person authorised by the Secretary. (2) For the purposes of subsection (1)(c) and (d), the Secretary may authorise a person or any member of a class of person in accordance with the guidelines made under section 2.1A.37 if— (a) the Secretary considers that the person or members of the class of person has the necessary skills, qualifications and experience; and (b) the person or member of the class of person is associated with, or involved in, the administration or management of one or more schools.	170 Offence relating to unauthorised persons on education and care service premises, (5) In this section— authorised person means a person who is— (a) a person who holds a current working with children check or working with children card; or (b) a parent or family member of a child who is being educated and cared for by the education and care service or the family day care educator; or (c) an authorised nominee of a parent or family member of a child who is being educated and cared for by the education and care service or the family day care educator; or (d) in the case of an emergency, medical personnel or emergency service personnel; or (e) a person who is permitted under the working with children law of this jurisdiction to remain at the education and care service premises without holding a working with children check or a working with children card.	Part 6.2 Other Provisions, section 147 (3) A person commits an offence if the person - (a) is on school premises; and (b) is directed to leave the premises by a police officer, the principal of the school or a person authorised by the principal; and (c) fails to leave the premises in accordance with direction. Maximum penalty: 10 penalty units. ACT public schools In policy/guides. Page 3 of the Directing Unwelcome Visitors from Schools A guide to section 147 of the Education Act 2004. Who is authorised to direct a person to leave school premises? Principals are authorised by the Act to direct a person to leave school premises. Principals can appoint other persons as authorised persons for the purposes of section 147 of the Act. When this person is authorised, they have the power under section 147 to direct a person to leave a school. While there is no requirement in the legislation for this appointment to be made in writing, it is prudent to do so because it provides clear evidence of the authorisation having been made. When making the appointment, consideration may be given to the following: • the authorisation refers to a person's position number and position title. • the appointment should reflect the level of trust and responsibility attached to that position (for example, deputy principals or directors of preschools).

Definition(s) of person to be excluded/removed	Division 2—Offences, 91—Offensive or threatening behaviour, (1) A person who behaves in an offensive or threatening manner on premises to which this Part applies is guilty of an offence. Maximum penalty: \$2 500. (2) A person who—(a) uses abusive, threatening or insulting language to a prescribed person acting in the course of their duties; or (b) behaves in an offensive or threatening manner towards a prescribed person acting in the course of their duties, (whether or not the behaviour occurs on premises to which this Part applies) is guilty of an offence. Maximum penalty: \$2 500. 92—Trespassing on premises A person who, without reasonable excuse, trespasses on premises to which this Part applies is guilty of an offence. Maximum penalty: \$2 500.	Part 2.1A—Protection of school communities, Division 1—General provisions relating to school, community safety orders, 2.1A.5 Grounds and other requirements for making immediate order (1) An authorised person may make an immediate school community safety order in respect of a person if the authorised person reasonably believes that— (a) the person poses an unacceptable and imminent risk of harm— (i) to another person at any school-related place of the relevant school to which paragraph (a) of the definition of school-related place applies; or (ii) to a member of the school community at any school- related place of the relevant school to which paragraph (b), (c) or (d) of the definition of school-related place applies, if the member of the school community is at that place for a reason that is connected with the school; or (b) the person poses an unacceptable and imminent risk of causing significant disruption to the relevant school or activities carried on by the relevant school; or (c) the person poses an unacceptable and imminent risk of interfering with the wellbeing, safety or educational opportunities of students enrolled at the relevant school.	171 Offence relating to direction to exclude inappropriate persons from education and care service premises (3) In this section— inappropriate person means a person— (a) who may pose a risk to the safety, health or wellbeing of any child or children being educated and cared for by the education and care service; or (b) whose behaviour or state of mind or whose pattern of behaviour or common state of mind is such that it would be inappropriate for him or her to be on the education and care service premises while children are being educated and cared for by the education and care service. <i>Example A person who is under the influence of drugs or alcohol.</i>	Part 6.2 Other provisions, 147 Offences on school premises, (1) A person must not trespass on school premises. Maximum penalty: 5 penalty units. (2) A person commits an offence if the person behaves in an offensive or disorderly way on school premises. Maximum penalty: 10 penalty units.(3) A person commits an offence if the person—(a) is on school premises; and(b) is directed to leave the premises by a police officer, the principal of the school or a person authorised by the principal; and (c) fails to leave the premises in accordance with the direction. Maximum penalty: 10 penalty units. (4) An offence against this section is a strict liability offence. (5) In this section: school premises means land (including any building or structure on the land) occupied by a government or non-government school.
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When the authorised/designated person can exclude	93—Power to bar person from premises, etc (1) Subject to this section, a designated person in respect of premises to which this Part applies may issue a notice (a barring notice) to a person on 1 or more of the following grounds: (a) the designated person reasonably believes that the person, while on those premises, poses, or would pose, a risk to the safety or wellbeing of any other person on the premises; (b) the designated person reasonably believes that the person, while on any related premises of a relevant school, preschool, children's services centre, approved education and care service or prescribed departmental premises poses, or would pose, a risk to the safety or wellbeing of— (i) in the case of a school, preschool, children's services centre or approved education and care service—any person related to the school, preschool, children's services centre or approved education and care service on the related premises while they are being used by, or for an activity conducted by or in connection with, that school, preschool, children's services centre or approved education and care service (as the case requires); <i>(continues in greater detail)</i>	2.1A.5 Grounds and other requirements for making immediate order (1) An authorised person may make an immediate school community safety order in respect of a person if the authorised person reasonably believes that— (a) the person poses an unacceptable and imminent risk of harm— (i) to another person at any school[related place of the relevant school to which paragraph (a) of the definition of school-related place applies; or (ii) to a member of the school community at any school-related place of the relevant school to which paragraph (b), (c) or (d) of the definition of school-related place applies, if the member of the school community is at that place for a reason that is connected with the school; or (b) the person poses an unacceptable and imminent risk of causing significant disruption to the relevant school or activities carried on by the relevant school; or (c) the person poses an unacceptable and imminent risk of interfering with the wellbeing, safety or educational opportunities of students enrolled at the relevant school. 2.1A.17 Grounds and other requirements for making ongoing orders (1) An authorised person may make an ongoing school community safety order in respect of another person if the authorised person reasonably believes that the other person— (a) poses an unacceptable risk of harm— (i) to anybody at any school-related place of the relevant school to which paragraph (a) of the definition of school-related place applies; or (ii) to a member of the school community at any school-related place of the relevant school to which paragraph (b), (c) or (d) of the definition of school-related place applies, if the member of the school community is at that place for a reason that is connected with the school; <i>(continues in greater detail)</i> ,	171 Offence relating to direction to exclude inappropriate persons from education and care service premises , (1) The Regulatory Authority may direct an approved provider, a nominated supervisor or a family day care educator to exclude a person whom the Authority is satisfied is an inappropriate person from the education and care service premises while children are being educated and cared for at the premises for such time as the Authority considers appropriate.	ACT public schools In policy/guides. Page 5 Page 3 of the <i>Directing Unwelcome Visitors from Schools A guide to section 147 of the Education Act 2004</i> . Section B – Guide for principals and authorised persons in giving a direction to leave school premises.
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How the authorised/designated person can exclude	93—Power to bar person from premises, etc (2) To the extent that the designated person issuing the notice considers that it is reasonably necessary to address the ground or grounds on which the notice is proposed to be issued, a barring notice issued by the person may do 1 or more of the following: (a) bar a person from premises to which this Part applies, or a part of such premises, specified in the notice (being premises in respect of which the person issuing the notice is a designated person for the purposes of this section); (b) bar a person from any related premises, or a part of any related premises, specified in the notice (being related premises of the school, preschool, children's services centre, approved education and care service or prescribed departmental premises in relation to which the notice is issued) for any period specified in the notice during which the related premises are being used— (i) in the case of related premises of a school, preschool, children's services centre or approved education and care service—by, or for an activity conducted by, or in connection with, the school, preschool, children's services centre or approved education and care service (as the case requires); (c) prohibit a person from communicating with or otherwise contacting (whether electronically or by some other means) a member of staff or other person, or member of staff or other person of a class, specified in the notice, employed at 5 premises to which this Part applies (being premises in respect of which the person issuing the notice is a designated person for the purposes of this section); (d) prohibit a person from communicating on any online platforms specified in the notice, being—(i) in the case of a notice issued in relation to a school, approved learning program, preschool, children's services centre or approved education and care service—platforms controlled by, or set up in relation to, the school, approved learning program, preschool, children's services centre or approved education and care service (as the case requires); or (ii) in the case of a notice issued in relation to prescribed departmental premises—platforms controlled by the Department or set up in relation to the relevant prescribed departmental premises; (e) prohibit a person from causing another person to engage in behaviour referred to in paragraph (c) or (d). Division 4—Power to restrain etc persons acting unlawfully on premises to which Part applies, 95—Certain persons may restrain, remove from or refuse entry to premises, etc <i>(continues in greater detail)</i>	(2) The authorised person must consider the following before making an immediate school community safety order in respect of a person— (a) any vulnerability of the person of which the authorised person is aware; (b) whether the order is the least restrictive means available to address the grounds on which the order is proposed to be made. (3) An authorised person must not make an immediate school community safety order unless it is reasonably necessary to address the grounds on which the order is proposed to be made. 2.1A.15 Authorised person may make ongoing order (continues in greater detail) , 2.1A.18 Process for giving ongoing order, (1) An ongoing school community safety order may be made by giving written notice to the person to whom the order applies. (2) For the purposes of subsection (1), written notice is given to the person to whom the order applies if the notice— (a) is personally handed to the person; (b) is sent to the postal address or email address of the person. 2.1A.19 Coming into effect of ongoing order, 2.1A.20 Form of ongoing order, 2.1A.21 Procedure before making ongoing order, (all continue in greater detail)	171 Offence relating to direction to exclude inappropriate persons from education and care service premises , (1) The Regulatory Authority may direct an approved provider, a nominated supervisor or a family day care educator to exclude a person whom the Authority is satisfied is an inappropriate person from the education and care service premises while children are being educated and cared for at the premises for such time as the Authority considers appropriate. <i>(states they can exclude, but doesn't outline the 'how')</i>	ACT public schools In policy/guides. Page 5 Page 3 of the <i>Directing Unwelcome Visitors from Schools A guide to section 147 of the Education Act 2004</i> . Section B – Guide for principals and authorised persons in giving a direction to leave school premises.
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Associated offences	Division 2—Offences, 91—Offensive or threatening behaviour, (1) A person who behaves in an offensive or threatening manner on premises to which this Part applies is guilty of an offence. Maximum penalty: \$2 500. (2) A person who—(a) uses abusive, threatening or insulting language to a prescribed person acting in the course of their duties; or (b) behaves in an offensive or threatening manner towards a prescribed person acting in the course of their duties, (whether or not the behaviour occurs on premises to which this Part applies) is guilty of an offence. Maximum penalty: \$2 500. (3) Subsections (1) and (2) do not apply to— (a) a person employed at the relevant school, preschool, children's services centre, approved education and care service or prescribed departmental premises; or (b) a student of, or a child attending, the relevant school, preschool, children's services centre or approved education and care service. (4) In proceedings for an offence against subsection (2), it is a defence for the defendant to prove that they did not know, and could not reasonably have been expected to have known, that a specified person was a prescribed person. (5) In this section— prescribed person means— (a) a principal of a school or head of an approved learning program; or (b) a director of a stand-alone preschool or children's services centre; or (c) an officer of the teaching service; or (d) an employee of the administrative unit of the Public Service that is responsible for assisting a Minister in the administration of this Act; or (e) any other person employed at a school, preschool, children's services centre or approved education and care service. 92—Trespassing on premises A person who, without reasonable excuse, trespasses on premises to which this Part applies is guilty of an offence. Maximum penalty: \$2 500.	Division 6—Civil penalties and enforcement, 2.1A.39 Definition In this Part— civil penalty means a penalty imposed on a person by the Magistrates' Court under section 2.1A.41. 2.1A.40 Application to the Magistrates' Court (1) The Secretary may apply to the Magistrates' Court for an order under this Division. (2) A nominee of the proprietor of a registered school may apply to the Magistrates' Court for an order under this Division relating to a school community safety order made by an authorised person at the registered school. 2.1A.41 Magistrates' Court may order payment of civil penalty If the Court is satisfied that a person has contravened a civil penalty provision, the Court may order the person to pay a civil penalty of up to 60 penalty units. 2.1A.42 Payment of penalty (1) Any civil penalty ordered to be paid under section 2.1A.41 is taken to be a debt due to the State and may be recovered by the State in a court of competent jurisdiction. (2) Any money paid or recovered under an order under section 2.1A.41 must be paid into the Consolidated Fund. 2.1A.43 Magistrates' Court may make other orders If the Court is satisfied that a person has contravened a term of a school community safety order, the Court may make one or more of the following orders— (a) an order compelling the person to comply with the order; (b) an order compelling the person to take specified action to comply with the order; (c) any other order that the Court considers appropriate.	171 Offence relating to direction to exclude inappropriate persons from education and care service premises (1) The Regulatory Authority may direct an approved provider, a nominated supervisor or a family day care educator to exclude a person whom the Authority is satisfied is an inappropriate person from the education and care service premises while children are being educated and cared for at the premises for such time as the Authority considers appropriate. (2) A person to whom a direction is given under subsection (1) must comply with the direction. Penalty: \$11 400, in the case of an individual. \$57 400, in any other case.	Part 6.2 Other Provisions, section 147 (3) A person commits an offence if the person - (a) is on school premises; and (b) is directed to leave the premises by a police officer, the principal of the school or a person authorised by the principal; and (c) fails to leave the premises in accordance with direction. Maximum penalty: 10 penalty units. (4) An offence against this section is a strict liability offence. (5) In this section: school premises means land (including any building or structure on the land) occupied by a government or non-government school.
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