



# Connect and Respect Legislative guidance

### Principal's powers

- Section 63(2) of the *School Education Act 1999* gives government school principals the powers necessary to perform their functions.
- Principals' functions include responsibility for the day-to-day management and control of the school, including all persons on school premises – section 63(1)(b).
- To ensure the safety and welfare of students on school premises and away on school activities, so far as that can reasonably be done – section 63(1)(c).

### Disruptions at school

- Principals may issue written Directions generally – displayed publicly at school, or to specific people, about procedures they must comply with when on school premises – regulation 69 *School Education Regulations 2000*.
- If a non-student is causing or it is reasonably suspected they may cause disruption at a school, the principal (or other authorised person) has the power to immediately remove the risk of the disruption to the discipline of students or the good order of the school for the following 24 hours – section 120 *School Education Act 1999*. This includes where a person has used threatening, abusive or insulting language towards a teacher or they have no good reason to be at the school or that part of the school at the particular time – regulation 76, *School Education Regulations 2000*.
- The principal (or other authorised person) can order a non-student at the school to leave the school premises for 24 hours or move away to another part of the school premises for 24 hours, in certain circumstances. Regulation 75 *School Education Regulations 2000*.

- The principal (or other authorised person) can, when the school is not open for instruction, order non-students or a student at the school to leave the school premises or move away to another part of the school premises for 24 hours, in certain circumstances. Regulation 75 *School Education Regulations 2000*.
- Sample Orders and Directions are available at Appendices E to G of the *Visitors and Intruders on Public School Premises Policy*.
- If breached, depending on the circumstances, WA Police Force may be called to assist. The Department will also assist with civil prosecution for breach orders and directions. A fine may result.

### Prohibition Orders

- Where a principal believes a person may cause physical harm, apprehension or fear in another person, when that other person is on the school premises, or that a person may cause damage to property at the school, a Prohibition Order can be issued.
- A principal of a government school can issue a Prohibition Order under regulation 78 *School Education Regulations 2000* to order a person remain away from the school for up to 60 days.
- The initial order is not limited to physical behaviour and can be as the result of telephone calls or emails.
- The principal may impose conditions on the order that may include not to contact certain staff.
- These orders can also apply to persons that cause damage on the school premises.
- An order cannot be made against a student or staff at the school.
- Sample Prohibition Orders are available at Appendix H of the *Visitors and Intruders on Public School Premises Policy*.
- If the order is breached, depending on the circumstances, WA Police Force may be called to assist. The Department will also assist with civil prosecution for breach of the Prohibition Order. A fine may result.

## Misconduct Restraining Order

- You can make an application to the Court for a Misconduct Restraining Order where a person:
  - behaves in a way that would reasonably intimidate or offend you
  - damages property that you own or possess
  - behaves in a way that is, or is likely to lead to, a breach of the peace
  - commits trespass under section 70A Criminal Code and the court is likely to consider it is appropriate to make the order in the circumstances.
- This is applicable to a person who behaves in this manner physically or online.
- If granted, a Misconduct Restraining Order can include whatever restrictions the court thinks are appropriate to stop the person from continuing the problem behaviour, such as:
  - coming to or near where you live or work
  - being at or near a certain place
  - coming within a certain distance of you
  - contacting or trying to communicate with you in any way.
- If the respondent breaks any of those restrictions, they will be committing a criminal offence.
- Where a person has committed personal violence and is likely to do so again, you should apply for a Violence Restraining Order.
- The Department can provide advice about applying for restraining orders.

## Criminal offences

Some charges as defined in the Criminal Code Act that may be applicable as a result of a person's behaviour towards you include:

- Disorderly behaviour in public, section 74A Criminal Code.
- Trespass, section 70A Criminal Code.
- Common assault, section 313 Criminal Code.
- Serious assault, section 318 Criminal Code.
- Threats, section 338B Criminal Code.
- Stalking, section 338E Criminal Code.
- Damaging property, section 445 Criminal Code.
- Breach of a restraining order, section 61 *Restraining Orders Act 1997*.

**Contact the Connect and Respect support line on 1800 224 888 for guidance on how to take appropriate action.**