

SECTION 4(1), EDUCATION (GENERAL PROVISIONS) REGULATION 2006

CHIEF EXECUTIVE'S GUIDELINE: NO. 01/2012

Removal of Trespassers and Disorderly Persons from State Instructional Institution Premises

Section 5 of the Education (*General Provisions*) Regulation 2006 makes a principal responsible for the safety and overall management of state instructional institutions.

This sometimes requires dealing efficiently and effectively with trespassers and disorderly or disruptive entrants.

Because it is not possible to make fixed rules or provision for all aspects of every entry onto state instructional institution premises, the following guiding principles should always be kept firmly in mind when discharging s.5 Education (*General Provisions*) Regulation 2006 responsibilities:

- Adherence to laws;
- The need for proportionate and graduated responses to managing difficult or dangerous people and quickly changing circumstances;
- Always act reasonably and dispassionately;
- Use physical force only when and to the extent necessary to effectively deal with genuine threats to a safe environment for staff, students, parents and lawful visitors and prevent damage to property;
- A staff member should not ordinarily forcibly evict a person from state instructional institution premises without prior authorisation or unless acting with authority or under direction or at the request of the principal.

In addition to any other specific legal remedies in meeting his or her obligations under s.5 of the Education (*General Provisions*) Regulations 2006 a principal and any staff member acting lawfully under direction and in good faith is authorised to take all reasonable steps, including physical force if necessary, to remove any person who he or she reasonably believes:

- Does not have any lawful authority to enter or reasonable excuse for remaining on state instructional institution premises;
- Is wilfully disturbing the peace and good order and disrupting the proper management of the state instructional institution; or
- Is abusive, threatening or disorderly.

In emergent or urgent circumstances a staff member may act on the sudden of his or her own initiative, that is, without prior direction from the principal, and take any of the actions authorised by ss.260, 270, 273 and 277 of the Queensland Criminal Code as long as any condition and limit imposed by those provisions are not unlawfully contravened or exceeded.

This policy does not permit the use of force by a principal or assister intended or likely to cause permanent injury to health or bodily function.


Julie Grantham
DIRECTOR-GENERAL
DEPARTMENT OF EDUCATION AND TRAINING

This 20th day of February, 2012.