

## Education (Trespass) Bill

### EXPLANATORY MEMORANDUM

- Clause 1 states the purpose of the Act.
- Clause 2 states that sections 1 and 2 come into operation on the day the Act receives Royal Assent, and that the other sections come into operation on a day or days to be proclaimed.
- Clause 3 inserts a new Division 6 into the **Education Act 1958** containing the following provisions—

Section 20B defines "occupier", "State school land", and "trespasser".

Section 20C creates the offence of "trespass after warning to leave" if a trespasser neglects or refuses to leave State school land after being warned to do so by the occupier. Without limiting any other defence to a charge, it is a defence to remain on the premises for the protection of property or persons. The penalty for a first offence is 10 penalty units or imprisonment for 3 months, and the penalty for a subsequent offence is 25 penalty units or imprisonment for 6 months.

Section 20D authorises an occupier to warn a person to stay off State school land—

- (a) if a person is trespassing; or
- (b) within a reasonable time of the person trespassing; or
- (c) if the occupier has reasonable cause to suspect that a person is likely to trespass.

An offence is committed if the person wilfully re-enters the property within 2 years of the warning. Without limiting any other defence to a charge, it is a defence to enter or remain on the premises for the protection of property or persons. The penalty for a first offence is 10 penalty units or imprisonment for 3 months, and the penalty for a subsequent offence is 25 penalty units or imprisonment for 6 months.

Section 20E authorises a warning under section 20C or 20D to be delivered orally or in writing, or by certified mail.

Section 20F requires trespassers to state their name and address upon request by the police or occupier. The penalty for a breach of the section is 5 penalty units.

Section 20G is a machinery section and enables the Minister for Education to appoint persons to exercise the powers of an occupier of State school land.

Section 20H authorises members of the police or an occupier to institute proceedings for an offence against Division 6.

Section 20I enables evidence that a person is an "occupier" or that land is "State school land" to be given by a member of the police force or by certificate signed by the Departmental Head.

Section 20J states that section 9(1)(d) of the **Summary Offences Act 1966** no longer operates in respect of State school land, but that section 207(1) of the **Crimes Act 1958** continues to do so.