

GW cc`7 ca a i b]miGUZYhmCfXYf`
GW Ya Y`

T ã ã c^|ãøÁ` ã^|ã ^•

Dc`jW`]bj c`j Ya Ybh'....., ' Á
Òcæ]|^•Á-Á @}Á[|æ^Á@~|áÁ!Á@~|áÁ[óá^Á& }æ&c^á.....Á-Á
7 cbg]XYfUjcbg'UbX'UW]cbg'UZyf`]ggi]b['Ub'cfXYf (Á
T ä ä ä ä * Ä]æ&Á }Á&@á.....Á Á
Ú[() cæ/Ä]æ&Á }Á&@á.....Á Á
T ä ä ä ä * Ä]æ&Á }Á&@á^}.....Á Á
Ô[{ { ~ } ææä } Áæ áÁ&&^•Á!|ç &|.....Á Á
T ä ä ä ä * Ää\•Á-Áç á^}óá^} * æ^ { ^ }.....Á Á
Ü^à` ää ä * Á^|æä }•@•Á ä@ä æ^}•.....Á Á
Ü^à` ää ä * Á^|æä }•@•Á @^Ää Á!á^!Ä Ä Á|æ^.....Á Á
Ü^Ä } * æ ä * Á^|æä }óç ||| , ä * Á@Áç] äæä } Á-Ää Á!á^!.....Á Á
T ä ä ä ä * Ä]æ&Á }Áæ-.....Á Á

J Yfg]cb` \]ghcfm

J Yfg]cb`	=ggi YX`	8 Uhg`cZ9ZYW	
		: fca .`	Hc.`
FÁ	É Ā } ^ ĀEGGÁ	G Ā } ^ ĀEGGÁ	Ô` !! ^ } á

Overview

Purpose of the Guidelines

1. The School Community Safety Order Scheme (Scheme) is established under Part 2.1A of the *Education and Training Reform Act 2006* (Act). The Scheme is part of a broader strategy to manage the risks to the safety of school staff and students and the broader school community resulting from the behaviours of a small minority of parents (which includes carers and guardians as defined in the Act) and other adults who interact with schools.
2. The Scheme enables authorised persons to issue school community safety orders (orders) to parents, carers and other people who engage in harmful, threatening or abusive behaviour. These orders take the form of either ongoing school community safety orders (ongoing orders) or immediate school community safety orders (immediate orders) and prohibit or restrain certain behaviours from occurring on school premises and school-related places, or in relation to school staff.
3. The Scheme aims to prevent and mitigate the risk of harm to school staff and students and other members of the school community resulting from behaviours of parents, carers and other adults who interact with schools. From an occupational health and safety (OHS) perspective, the Scheme provides an important risk control to respond to work-related violence hazards and risks when other less restrictive measures have failed. Orders may be used as an alternative to, or in conjunction with, existing measures such as personal safety intervention orders under the *Personal Safety Intervention Orders Act 2010* and trespass warning notices under the *Summary Offences Act 1966*.
4. The *Ministerial Guidelines for the School Community Safety Order Scheme* (Guidelines) address a range of matters in relation to the Scheme, including:¹
 - a) matters to be considered in determining whether to make an order, including:
 - i. a person's vulnerabilities;
 - ii. the least restrictive means to address a risk; and
 - iii. the potential harm or impact an order may have on a child of the person to whom an order is given.
 - b) examples that illustrate how the requirements of this Scheme might apply;
 - c) the processes for making submissions and reviewing decisions to make orders;
 - d) alternative arrangements in relation to access to and communications with schools that may be made for persons subject to, or students affected by, an order;
 - e) circumstances in which orders should be subject to conditions and the nature of those conditions;
 - f) circumstances in which ongoing orders should be varied and the nature of those variations;

¹ See section 2.1A.37 of the *Education and Training Reform Act 2006* (Act) and Part 2A of the *Education and Training Reform Regulations 2017* (Regulations).

8. Authorised persons and reviewers must give effect to the Guidelines when making, varying or revoking a school community safety order.⁴ Although a decision made by an authorised person or a reviewer is not invalid merely because the authorised person or reviewer has not complied with the Guidelines, a failure to comply with the Guidelines may be considered if the decision is the subject of internal or external review.
9. While a guideline may describe the way in which a discretionary power of an authorised person or reviewer may be exercised, it cannot operate to improperly fetter the decision maker's duty to consider and deal with individual cases on their merits. That is, authorised persons and reviewers make decisions based on all the relevant facts and circumstances of the case, having regard to relevant policies and these Guidelines. When an authorised person or reviewer exercises their discretionary powers, they should take into consideration any applicable policy, guideline and legislative requirement

Overview of the Scheme

10. A school community safety order is an order that an "authorised person" (as defined in the Act and discussed further in these Guidelines) may make that prohibits the person subject to the order from engaging in certain conduct. An order may be either:
 - a) an ongoing order;⁵ or
 - b) an immediate order.⁶

Ongoing orders

11. Ongoing orders may be made for any period up to a maximum of 12 months.⁷ Ongoing orders must be made in writing⁸ and may prohibit a broader range of activity than immediate orders, such as:
 - a) entering or remaining on any school-related place of the relevant school;
 - b) approaching, or causing another person to approach, within 25 metres of any staff member for class of staff members within or outside of any school-related place of the relevant school;
 - c) contacting any staff member or class of staff members;
 - d) using or communicating on a communication platform owned, controlled by, or established in relation to the relevant school; or
 - e) any other prescribed conduct.⁹
12. Authorised persons must comply with the processes and procedures set out in the Act before an ongoing order is made, including by taking into account mandatory considerations, such as whether the order is the least restrictive means and any known vulnerabilities of the person,¹⁰

⁴ Section 2.1A.35(1) of the Act.

⁵ Section 2.1A.1 of the Act, definition of 'immediate school community safety order'.

⁶ Section 2.1A.1 of the Act, definition of 'ongoing school community safety order'.

⁷ Section 2.1A.27 of the Act.

⁸ Sections 2.1A.18(1) and 2.1A.20(1) of the Act.

⁹ Section 2.1A.15(1)(f) of the Act.

¹⁰ Sections 2.1A.17(2) and (3) of the Act.

Reviews of orders

18. The Scheme requires all immediate orders to be reviewed as soon as practicable after they are made. The scheme also provides for internal and external reviews of ongoing orders.
19. All immediate orders must be reviewed by the authorised person who made the order as soon as practicable after being made. During the review process, the person to whom the order applies has the right to make submissions.¹⁸ In conducting the review, the authorised person must decide whether to revoke the immediate order or make an ongoing order.¹⁹ Further, if on review the authorised person decides that the grounds for making the order do not exist, it must be revoked.²⁰
20. A person to whom an ongoing order applies may apply in writing to the relevant school for an internal review of the decision to make an order.²¹ An application must be referred to a reviewer as soon as is practicable, who may affirm, vary or revoke the relevant decision.²² After the internal review process is complete, a person to whom an order still applies may apply to the Victorian Civil and Administrative Tribunal (VCAT) for an external review of the decision made on internal review.²³

Enforcement

21. Where a person contravenes an order, the Secretary (for government schools) or a nominee of the proprietor of a registered school (for non-government schools) may apply to the Magistrate's Court for an order in relation to that person.²⁴ If the Magistrate's Court is satisfied that the person has contravened an order, it may make one or more of the following orders:²⁵
 - 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) an order that the person pay a civil penalty of up to 60 penalty units;²⁶ and
 - d) any other order that the Court considers appropriate.
22. This ensures that orders are not enforced through the criminal justice system, which is not considered appropriate for the Scheme. That is, the Scheme has been deliberately designed to establish a civil penalty (rather than a criminal penalty) for failing to comply with an order because criminalising the type of behaviour the Scheme is intended to deal with may result in unintended or damaging consequences for many families and students.

¹⁸ Sections 2.1A.11 and 2.1A.12 of the Act.

¹⁹ Section 2.1A.12(1) of the Act.

²⁰ Section 2.1A.12(3) of the Act.

²¹ Section 2.1A.29(1) of the Act.

²² Sections 2.1A.29(2) and 2.1A.32 of the Act.

²³ Section 2.1A.33 of the Act.

²⁴ Section 2.1A.40 of the Act.

²⁵ Sections 2.1A.41 and 2.1A.43 of the Act.

²⁶ Please see the Department of Justice and Community Safety website for the current value of a penalty unit: <https://www.justice.vic.gov.au/justice-system/fines-and-penalties/penalties-and-values>.

Persons that may be subject to an order

23. The Act specifies that orders may only be made in respect of certain persons. Those persons:²⁷
- a) must be adults (i.e. 18 years old or over); and
 - b) must not be a student or staff member of the relevant school.
24. If an authorised person purports to issue an order to someone under the age of 18 years old or someone who is a student or staff member of the relevant school, the order will be invalid and fail to have any force. If an authorised person becomes aware that they have issued an order to someone who is not capable of being subject to an order, the authorised person must, as soon as practicable after they become aware of the error, inform the person to whom the order was purportedly issued that the order is invalid and that they are not required to comply with it.

Age and students at the school

25. Under the Act, orders cannot be made in respect of persons under the age of 18 or who are students at the relevant school. Given the compulsory school age requirements under Part 2.1 of the Act, the rights of children to attend government schools under Part 2.2 of the Act, and the right to children to be protected by virtue of being children under the *Charter of Human Rights and Responsibilities Act 2006*, it would be inappropriate for the Scheme to apply to students and other children.
26. If there is doubt as to whether a person is under the age of 18, an authorised person must take reasonable steps to ascertain the age of the person, which may include making enquiries directly with the person or with other people who may know the person. If, however, the person is in fact under 18 years old, then any purported order will be of no force despite any reasonable belief of the authorised person that the person is an adult.
27. While an order cannot be made in respect of current students at a school (including students who are suspended or otherwise absent), orders are capable of being made against former students at the school, including expelled students, if they are 18 years old or older. Orders are also capable of being made against students 18 years of age and older where they are enrolled in a school other than the school in relation to which the order is made.

Staff members of the school

28. Staff members of the relevant school cannot be the subject of an order. Staff members are those persons employed to perform work for or at the school. This includes staff who are on leave or suspended from duties and staff members who are also parents at the school.
29. However, staff members from other schools, former staff members and third party contractors engaged by the school may be the subject of an order.
30. The Scheme has not been designed to apply to staff members of the relevant school as there are other mechanisms that compel appropriate standards of behaviour by employees and allow action to be taken for inappropriate behaviour or misconduct. Schools who are employers of

²⁷ Sections 2.1A.3(2) and 2.1A.15(2) of the Act.

• ce-Ás^Éá^Áç^Á-Á@áÁ{]||^{ ^} oÁ^|æá } • @ Éá|Á^Á Áe^Áä &á |á æ^Áæá } Áæ æá • oÁ@ • ^Á
• ce-ÉÁ@!^Ás^Á^ @æá `|æÁ • ^Á á@Á ce-Á ^{ à^!ÁeÁ &@ [|É@ Á @ `|áÁ^Á@æ á|^áÁ Á
æ&|áæ &^Á á@Á@Á • &@ [|q Á^cā cā * Áæ]! | æ@Á Áá^æá * Á, á@Á æ]! [| áæ^Á& } á^ &Áá^Á
^ {] || ^^^ • ÉÁ

- iii. have, or are expected to have, suitable qualifications and training in school administration and management, including in relation to conflict resolution and other relevant matters; and
- iv. have, or are expected to have, knowledge of applicable and relevant policies, for example, policies that relate to complaints management or dispute resolution.

a) in relation to individual persons:

- i. whether the person has completed any required or recommended training; and
- ii. any known issues relating to the individual which may adversely impact the person's suitability to be an authorised person under the Scheme, for example, findings or allegations of misconduct.

- 41. When considering the matters above in relation to a class of persons, the Secretary will consider the knowledge, qualifications and experience that someone in that class of persons would normally be expected to possess.
- 42. Schools may apply to the Secretary to authorise one or more authorised persons, so long as they are able to satisfy the Secretary of the criteria above.
- 43. Where a person is seeking authorisation either for themselves as an individual or for a class of persons, they must satisfy the Secretary that they meet the criteria and that measures are in place to support those persons to meet their obligations under the Scheme if they are authorised. This includes the person's ability to meet the requirements set out in the Act and Guidelines.
- 44. For example, if an independent school proposes that certain positions within their governance structure be authorised persons, before the Secretary authorises those positions, the Secretary must be satisfied that the school has demonstrated that any persons appointed to those positions will meet the above requirements, such as by presenting a position description reflecting the experience and qualifications required to be appointed to the role as evidence. Independent schools may seek this authorisation through the Department and will need to follow the process for authorisation detailed below.

Process for authorisation

- 45. Persons seeking authorisation should complete the relevant form made available by the Department along with any supporting information required to be submitted to the Secretary.
- 46. Where the Secretary has been requested to authorise an individual as an authorised person, the Department will inform the applicant and proposed authorised person of the Secretary's decision to authorise (or not authorise) the person, the date on which any authorisation takes effect, and any conditions or limitations placed on the authorisation.
- 47. Where the Secretary has been requested to approve a class of persons as authorised persons, the Department will inform schools of the Secretary's decision through appropriate communication channels, including through any peak and representative bodies and by

publishing the classes of persons who have been authorised on the Department of Education and Training website.

Referring matters to an alternative authorised person

48. There are a range of circumstances in which it may be more appropriate for an authorised person other than a school principal to make an order. Examples of where it may be appropriate for an authorised person other than the principal to make an order include circumstances where:
- a) the principal wishes to maintain an effective working relationship with the relevant person to promote the interests of the school or a student at the school and making an order could potentially damage that relationship;
 - b) it is anticipated that the making of an order by a principal will escalate the relevant behaviour or conduct that satisfies the grounds for making the order;
 - c) a principal has a potential, real or perceived conflict of interest in the matter, including instances where they were the subject of the conduct or behaviour that satisfies the grounds for making an order;
 - d) there are any other issues with impartiality or objectivity in decision-making, whether actual or perceived, for example, where the principal had previous disputes or conflicts with the relevant person;
 - e) there is an acting principal or an inexperienced principal;
 - f) there are concerns for the health and safety of the principal, for example, where the principal may become the victim of harmful behaviour because of issuing an order;
 - g) the facts of the matter are particularly complex, which may include where there is a legal representative or other advocate involved on behalf of the parent; or
 - h) the person is not responding to communications from the principal or school.
49. If an authorised person is of the view that they are not the appropriate person to consider whether to make an order, they should discuss this with their direct line manager, or another senior position involved in the administration of the school. It is strongly recommended that school administration have clear procedures in place to support principals in engaging an alternative authorised person to make an order.

Training for authorised persons

50. Authorised persons are required to complete any training as required by the Secretary from time to time before making an order or using the Scheme.³³ Authorised Persons who have completed the required training must retain evidence of completion and produce such evidence upon request by the Secretary or the Department.

³³ The Minister has prescribed training as a matter that can be included in these Guidelines under Part 2A of the Regulations, in accordance with section 2.1A.37(1)(l) of the Act.

Í FÈ T æ ð * Áæ Á[ðà!Á, æð ~ ó @æ ð * Á&{] |çáÁó@Á!^ ~ áàÁóæ ð * Á&æ!ð • Á!æ \ • Áó@Áó@
!^ ~ á{ ^ } • Á! Áó@Áóó!æ áÁó ~ æ!ð ã • Áæ^Á [ó! | Á } á! • ç [áÁæ áÁ&{] |æáÁ æð!@!á^
ð &ææ ð * Áó@Áá \ Á! æ ð! ð!á!Áá ð * Á çææææá! } Á ç! } æ!Á!çç! } æ!Áçá, È

Í GÈ ÇÁæ! !Á! Á&{] |çáÁó@Á!æ ð * Á!ç! !Á! æ ð * Áæ Á! ð!Á! æ Á! • |ç! Áó@Á!^ &^æ! Á!^ææ ð *
ç Á!ç[\ ^Áó@Á! æ ðæ! æ!æ! ç! |æ^á! ! • [] ç! æ! ç! |æ^æ! } Á!Áó@Á!æ ç! |æ^á! ! • [] Áó@Á!^
æ ç! |æ^á! Á!Áó@Á!^ &^æ! ÈÇÁ! ! • [] Á! ç! Á!æ ç! { æææ! Á!æ ç! |æ^á! ! • [] Á! } á!Á!ó@Áóó
ÇÁó@Á!^ &^æ! È! |ð &ð æ ð * Áæ áÁ! * æ ç!á!á! | [] |æ ç! • Á! - Á! &ç [] • Á! ç! Á!æ! Á! æ ðæ! æ! D&æ! } [ç
ó@Á!ó@Á!æ ç! |æ^æ! } Á!ç[\ ^á! Á!Áó@Á!^ &^æ! È

Í HÈ Ø |ç! { [] |çáÁó@Á!æ ð * Á! æ ð! Á!æ! } Á! ç! Á!æ! } ó! |ð * Á! Á! ç! } æ!Á!
^çç! } æ!Áçá, Á! Á!æ!á! &ð ð! } Á!æ á! æ Á! • |ç! Áó@Á! |á!Á!á! ð * Á!ç[\ ^á! Á! Á!æ! * ^á!Á!ó@
!çá, !Á! } • æ!Á!ó@Á!æ! !Á! Á&{] |çáÁó@Á!æ ð * Á! æ!æ! Á!æ! &ç!á!ó@Á!á! &ð ð! } Á!
æ! • ^Á!ó@Á! |á!Á! Á!ó@Á!æ! |æ!á! & { • ç! & • Á! - Á!ó@Á!æ! È

F Yj cWUjcb'cZUì Ì cfjgYX'dYfgcb'ç'dck Yf'

Í È ÇÁó@Á!^ &^æ! Áó@Á!æ ç! |æ^á! ! • [] Á! Á!æ! ç! Á! - Á! ! • [] • Á! Á!æ! ç! |æ^á! ! • [] • Á! } á!
Úæ!ç!ç!ç! - Á!ó@Á!ó@Á!^ &^æ! Á! æ Á!ç[\ ^Áó@Á!æ ç! |æ^æ! } Á! Á!ó@Á!Á!^ç! ó! ç! |æ^á!
] ! • [] • Á! [Á!] * ^!Á!ó@Á! , !Á! Á! æ! Á! |á! • Á! } á!Á!ó@Á! &@ { ^È! Ç! æ! ç! |æ^æ! } Á! æ!
á!Á!ç[\ ^á! Á! ^ ~ • ç! | Á! } Á!ó@Á!^ &^æ! ç! Á! , } Á! [ç!] È

K \ Yb'ì Y'GYWYUfma UmfYj c_Y'Ub'Uì Ì cfjgUjcb'

Í È V@Á!^ &^æ! Á! æ Á!ç[\ ^Á!æ! ç! |æ^æ! } Á! } Á! ^ ~ • ó! - Á! &ç [] ÈÚ! ^ ~ • ç! Á! ç! |á!Á!æ! æ!
ð Á! |æ! * Á! Á!ó@Á!] æ ç! ^ } È

Í È Ò &ç [] • Á! ^ ~ • ó! @Á!^ &^æ! Á!ç[\ ^Á! ! • [] ç! æ! ç! |æ^æ! } Á! Á! [] } Á! Á!æ!æ!æ! ^Á!ç!
à! & { ð * Á!æ æ!Á!ó@Á! ! • [] } Á! Á! [Á!] * ^!Á! ^ ~ á!á! Á! Á!æ! ç! |æ^á! ! Á! Á! [Á!] * ^!Á! ^ ~ æ!æ!
ç Á!Á!æ! æ! ç! |æ^á! ! • [] ÈV@Á! æ È! |Á!ç! | ^È! &^! Á!Á! ! • [] Á!æ! • Á! [• æ! } Á! Á!ó@
• &ç [] ÈÇÁ! ! • [] ç! Á! ç! Á! [Á!] * ^!Á! ç! [ç! Á!ç!á! &ð ð * Á!ó@Á! , !Á! Á!æ! } Á!æ! ç! |æ^á! ! • [] •
^ } á!Á!ó@Á! &@ { ^Á! Á!ó@Á! ! • [] Á!ó@Á! } * æ!á! Á! Á! } á! &ç! | Á! æ! & } á! &ç!ó@Á! ^ ~ |ç! Á!ó@
} [Á!] * ^!Á!á! * Á! æ!æ! Á! Á!æ! æ! ç! |æ^á! ! • [] È

Í È V@Á!^ &^æ! Á! æ Á!ç [Á!ç[\ ^Á!æ! ç! |æ^æ! } Á! } Á!ó@á! , } Á! [ç!] Á! @!á!ó@Á! } • æ!Á!ó@æ
æ! æ! ç! |æ^æ! } Á! Á! [Á!] * ^!Á! ^ ~ á!á! Á! Á! } [] |æ! ÈV@Á! æ! Á! &^! á! È! | Á! } • ç! & È! @!Á!K

æ! æ! ! • [] Á!ó@Á! ç! ç!á! &^!á!ó@Á! [, ! • Á! } á!Á!ó@Á! &@ { ^Á! } • æ! ç! ç! Á! æ!ó@Á! ^ ~ á! { ^ } •
^ } á!Á!ó@Á!óó! |Á!ó@Á!ó ~ æ!ð ã • Á!ó@Á!^ &^æ! Á!ç! |á! • Á!á!æ! [] æ!Á!á! |á! - Á!ó@Á!ó@
æ! ç! |æ^á! ! • [] Á! æ! Á! } ç! ^ Á! Á! • Á!ó@á! [, !Á! Á!ó@Á!] [] !Á! æ! L

àD ç! |á!Á!æ! Á!æ! * æ! } • Á! - Á! æ! & } á! &ç!ó@Á! æ! Á!á!Á!ç! Á!á!æ! [] æ!Á!æ! | ^@ } • ð } Á!ó@Á!ó@
æ! ç! |æ^á! ! • [] } Á! Á! [Á!] * ^!Á! ^ ~ æ!æ! Á! Á!æ! æ! ç! |æ^á! ! • [] } Á! Á! ç! Á!ó@! , á!Á! • Á!ó@á!
[, ! • Á! Á!æ! æ! Á! & } • æ! ç! ó! æ!ó@Á!óó! |Á!ó ~ æ!ð ã • Á! | Á!ó@! , á!Á! } [] !Á! | L!

&D ç! Á!^ &^æ! Á!á! & { ^Á!æ æ!Á! - Á! - | { æ! } Á!ó@Á!æ! • Á!ó@ { Á! Á! | { Á!ó@Á!ç! , Á!ó@Á!ó@
æ! ç! |æ^á! ! • [] } Á! ^ • Á! [ç! ^ Á! Á! [Á!] * ^!Á! ^ ~ ÈÇÁ! ^ ~ á! { ^ } • Á! | Á!æ! ç! |æ^æ! } È! |
^çæ! | ^È!á!æ! • Á!ó@Á! ! • [] Á!ó@Á! [ó! & {] |çáÁ!ó@Á! ^ ~ á!á!Á!æ! ð * Á!ç! @!á!ó@Á!ó@

H Á!^ &^æ! } • Á! Fç!á! æ! Á! Fç! - Á!ó@ Interpretation of Legislation Act 1984ÈÁ
Fì.



resulted in the Scheme being used improperly or in way that is inconsistent with the Act and the Guidelines) or the person does not have sufficient relevant experience.

58. The Secretary may suspend an authorisation where it may be necessary to allow the Department to undertake enquiries as to whether the authorisation continues to be appropriate.

Process for revoking authorisation

59. Before revoking an authorisation, the Secretary must provide the authorised person whose authorisation they propose to revoke with written notice of the proposed revocation. The notice must state the reasons for the proposed revocation and state that the authorised person may make submissions to the Secretary in relation to the proposed revocation.
60. The authorised person whose authorisation is to be revoked may make submissions in writing to the Secretary in relation to the proposed revocation, which the Secretary must take into account.
61. The Secretary should give written notice to the person whose authorisation is revoked of that decision and the reasons for the decision.

Grounds and other matters that must be considered before making an order

General guidance

62. When considering whether to make an order, an authorised person must be satisfied that:
- a) one or more grounds set out in the Act exist, as an order must not be made if a ground or grounds for issuing the order do not exist. The grounds differ for ongoing and immediate orders; and
 - b) the order is reasonably necessary to address the grounds on which it is proposed to be made.
63. In addition to considering whether the grounds for making an order have been met, an authorised person must also consider the following matters, as specified in the Act:
- a) any vulnerability (of which the authorised person is aware) of the person in relation to whom the order is proposed to be made; and
 - b) whether the order is the least restrictive means available to address the grounds on which the order is proposed to be made.
64. These considerations are referred to as “mandatory considerations” throughout the Guidelines because a failure to consider them is inconsistent with the Act and may result in an order being invalidated on internal or external review.
65. This chapter provides guidance on the grounds for making an order, the requirement that the order be reasonably necessary to address the grounds, and the mandatory considerations required to be considered when an authorised person is weighing up whether to exercise their discretion to make an order. The chapter has been structured to provide an overview of the grounds and mandatory considerations for both ongoing and immediate orders, and subsequently to provide more detailed guidance on the key terms and tests to be applied under the Act.

The grounds on which an order may be made align with the Scheme’s aim of addressing occupational violence and aggression towards school staff or inappropriate disruption to school operations. They also support schools to meet their obligations as employers under the *Occupational Health and Safety Act 2004* (OHS Act) to provide and maintain a working environment that is safe and without risks to health and to ensure, as far as is reasonably practicable, that persons other than employees are not exposed to risks to their health and safety. Importantly, schools, as employers, continue to have obligations and duties under the OHS Act that are separate to their obligations under the Act and these Guidelines and should therefore be aware of and turn their mind to those obligations when issuing an order.

Reasonably believe

66. Under the Act, in deciding whether to make an ongoing or immediate order, an authorised person must *reasonably believe* that one or more grounds for making the order exist.³⁵ A reasonable belief is an objective test which requires the existence of facts which are sufficient to induce the belief in a reasonable person standing in the shoes of the decision maker.
67. If an authorised person believes that the grounds for making an order have been met, and this belief is one a reasonable person would hold based on available or ascertainable facts (rather than on suspicion or assumption), they are likely to hold the necessary reasonable belief that the grounds for an order exist.

Harm

68. Some of the grounds for making an ongoing order or immediate order require the authorised person to consider whether there is a risk of harm occurring. The Act defines harm as “harm of any kind, including physical or mental harm”.³⁶
69. For the purposes of the Scheme, harm may be caused by:
- a) physical conduct towards a student, staff member, or parent, such as hitting, kicking, shoving, physical restraint of, and using weapons or objects to injure, a person;
 - b) verbal abuse towards a student, staff member, parent or carer, for instance, using obscene or derogatory language to communicate; and
 - c) threats of harm, where they have the potential to cause fear or distress; and
 - d) vexatious communications that causes unreasonable stress or anxiety in the workplace and the staff member’s personal life.
70. Harm can be experienced differently from person to person depending on their individual circumstances and vulnerabilities, which should be factored into the authorised person’s assessment of harm directed at staff or other members of the school community.
71. Mental harm may be experienced by an individual immediately following the incident or may manifest sometime in the future. For example, trauma can often unexpectedly affect individuals some time after the incident that caused the trauma occurred.

Unacceptable risk

72. Several grounds for making an ongoing order and immediate order require the person proposed to be the subject of the order to pose an unacceptable risk for the ground to be satisfied, for example, an unacceptable risk of harm, of significant disruption to the school or school activities or of interference with the wellbeing, safety or educational opportunities of students. The term ‘unacceptable risk’ requires consideration of both the likelihood of the relevant risk eventuating and the seriousness of the consequences if the risk eventuates. In considering whether a risk is unacceptable, authorised persons should apply the following two-limb test:

³⁵ Sections 2.1A.17(1) and 2.1A.5(1) of the Act.

³⁶ Section 1.1.3(1) of the Act, definition of ‘harm’.

- a) Consider the likelihood of the risk eventuating; and
- b) Consider the gravity or seriousness of the consequences if the risk eventuates.

73. This unacceptable risk test requires an authorised person to balance competing considerations, including those that weigh in favour of the person who is proposed to be the subject of an order. For example, if the likelihood of the relevant risk occurring is high but the seriousness of the consequence of the risk eventuating is low, there may be insufficient grounds to make an order. On the other hand, where a risk eventuating may result in more serious consequences, an authorised person may still consider the risk to be unacceptable and satisfy one of the grounds for issuing an order, even if the likelihood of it occurring is low.

Imminent and unacceptable risk

74. When considering whether to make an immediate order, in addition to a risk being unacceptable, an authorised person must reasonably believe that the risk is also imminent. 'Imminent' is not defined in the Act, but its ordinary meaning is something that is likely to occur, is impending or may eventuate at any moment.

75. To make an immediate order, an authorised person will need to assess whether a situation poses both an imminent and an unacceptable risk by considering the following 3 limb test:

- a) the likelihood of the risk of harm, significant disruption or interference eventuating; and
- b) the consequences and seriousness of the risk if it eventuates; and
- c) whether the risk is likely to occur at any moment.

76. Examples of circumstances which may pose an imminent and unacceptable risk of harm include:

- a) where a person on school grounds has verbally abused a teacher, is refusing to leave the school grounds and continues to verbally abuse other teachers and persons; and
- b) where a person on school grounds has made a threat to punch a teacher, and the behaviour and actions of the person indicate that the threat could be carried out at any moment.

Mandatory considerations

77. In addition to assessing whether the grounds exist to make an ongoing order or immediate order, the authorised person must, before making the order, also consider:³⁷

- a) any vulnerability of the person who may be subject to an order that the authorised person is aware of; and
- b) whether the order would be the least restrictive means available to address the grounds on which the order is proposed to be made.

³⁷ Sections 2.1A.17(2) and 2.1A.5(2) of the Act.

78. Refer to “Mandatory considerations when making ongoing and immediate orders” in these Guidelines for more information.

Reasonably necessary requirement

79. An authorised person can only make an ongoing order or immediate order if that order is reasonably necessary to address the grounds on which the order is proposed to be made.³⁸

80. That is, after an authorised person has formed a reasonable belief that grounds for an order exist, and considered the mandatory considerations required to be considered under the Act, they must then determine whether the proposed order (including the terms and conditions included in the order) is reasonably necessary to address the grounds.

81. Refer to “Requirement that orders are reasonably necessary” in these Guidelines for more information.

Grounds for ongoing orders

82. This section includes an overview of and additional guidance on the grounds, relevant considerations and other requirements related to making ongoing orders.

83. To make an ongoing order, an authorised person must reasonably believe that one or more of the following grounds exist with respect to the person who is proposed to be subject to the order:³⁹

- a) the person poses an unacceptable risk of harm to:
 - i. any person (regardless of whether they are a member of the school community) at any premises of the school or an area that is within 25 metres of the boundary of those premises; or
 - ii. a member of the school community at any other place or premises on which there is an activity conducted by or in connection with the school or an area that is within 25 metres of the boundary of that place or those premises, if the member of the school community is at that place for a reason that is connected with the school;⁴⁰ or
- b) the person poses an unacceptable risk of causing significant disruption to the relevant school or activities carried on by the relevant school; or
- c) the person poses an unacceptable risk of interfering with the wellbeing, safety or educational opportunities of students enrolled at the relevant school; or
- d) the person has behaved and is likely to behave in a disorderly, offensive, intimidating or threatening manner to a member of the school community of the relevant school, either:

³⁸ Sections 2.1A.17(3) and 2.1A.5(3) of the Act.

³⁹ Section 2.1A.17 of the Act

⁴⁰ The grounds for making orders require there to be a connection to the relevant school. If there is a dispute between two members of the school community but the dispute is unrelated to a school purpose or activity, this does not constitute grounds for issuing an order under the Scheme.

- i. at any premises of the school or an area that is within 25 metres of the boundary of those premises; or
 - ii. at any other place or premises on which there is an activity conducted by or in connection with the school or an area that is within 25 metres of the boundary of that place or those premises; or
- e) the person has engaged in and is likely to engage in vexatious communications with, or regarding, a staff member at the relevant school.

84. The following guidance is aimed at assisting authorised persons to consider whether grounds for making an order exist.

Vexatious communications

85. Another ground for making an ongoing order is that a person has engaged and is likely to engage in vexatious communication with, or regarding, a staff member of the relevant school. The Act states that, in relation to a staff member of a school, vexatious communication means communication that a reasonable person would consider unreasonable, having regard to the circumstances in one or more of the following forms of communication:⁴¹

- a) a person approaching, telephoning, sending messages to or otherwise contacting (whether by electronic means or otherwise) the staff member;
- b) a person publishing (whether on the internet, by email or by any other form of written communication) material about the staff member; and
- c) a person causing someone else to engage in a behaviour set out in paragraph (a) or (b) on the person's behalf.

86. Under the Scheme, vexatious communications may include:

- a) communications that are of an unreasonably high frequency;
- b) communications that repeatedly and deliberately ignore reasonable requests to use a specified complaints, dispute resolution or other related process;
- c) communications that unreasonably divert resources away from other reasonable complaints and school operations;
- d) communications that, for example, owing to their unreasonable frequency or content, are a source of stress for staff members and affect their physical or mental health and wellbeing and work performance; and
- e) communications that intend to cause or have the effect of causing distress or harassment to staff, for example, comments that are offensive or disparaging of a staff member posted on the school's social media page.

⁴¹ Section 2.1A.1, definition of 'vexatious communication'.

Communication that is not vexatious

92. Under the Scheme, vexatious communications do not include complaints or other communications, made in relation to a staff member or otherwise, that are reasonable in the circumstances.

93. The following are examples of reasonable communications:

- a) raising reportable allegations, as defined in the *Child Wellbeing and Safety Act 2005*, or any other child safety concerns with:
 - i. the relevant school;
 - ii. the Victorian Registration and Qualification Authority;
 - iii. the Victorian Institute of Teaching;
 - iv. the Commission for Children and Young People;
 - v. the Victorian Disability Worker Commission;
 - vi. any other regulator or oversight body;
 - vii. in the case of government schools, the Department of Education and Training;
- b) reporting potentially criminal conduct to Victoria Police or any other law enforcement body;
- c) reporting to Child Protection, in the Department of Fairness, Families and Housing, by any person who has formed a reasonable belief that a child has suffered or is likely to suffer significant harm because of abuse or neglect, whose parent has not protected or is unlikely to protect the child from harm of that type.

Disorderly, offensive, intimidating or threatening conduct

94. An authorised person may have grounds to make an ongoing order if a person has behaved and is likely to behave in a disorderly, offensive, intimidating or threatening manner to a member of the school community at a school related place.⁴² The following are examples of disorderly, offensive, intimidating or threatening conduct:

- a) **disorderly** conduct may include disrupting a class, staff meeting or other event;
- b) **offensive** conduct may include behaviour that may be perceived as insulting or derogatory;
- c) **intimidating** conduct may include making someone feel fearful, nervous or timid; and
- d) **threatening** conduct may include making a person fear for their safety.

⁴² Section 2.1A.17(1)(d) of the Act.

95. Importantly, the Scheme requires that the person has both previously behaved in such a manner and is also likely to do so again before an order can be issued.
96. Under the Act, the grounds for making an ongoing order may be met if a person has behaved and is likely to behave in a disorderly, offensive, intimidating or threatening manner to a member of the school community at a school-related place. A single or isolated instance of such conduct may not be enough to justify a reasonable belief that the person will continue to behave in such a manner, as the authorised person must reasonably believe the person is likely to behave in this way in future.
97. Authorised persons should be aware that their assessment of whether a person's conduct is 'disorderly, offensive, intimidating or threatening' may be influenced by unconscious bias due to the parent's gender, cultural background, disability, physical attributes or age, and should be mindful to avoid negative stereotyping and discrimination in making assessments of whether grounds for making the order exist. (See the discussion below on the requirement that a person's vulnerabilities must be considered before subjecting them to an order).
98. The case study below on disorderly, offensive, intimidating or threatening conduct further demonstrates how this ground could be assessed in practice.

CASE STUDY - Disorderly, offensive, intimidating of threatening conduct

During lunch time, a member of the public walks along the footpath that runs along the fence line at the front of the school. He swears at the students present, using foul and inappropriate language. The students report the behaviour to nearby staff, and the police are called. The police arrive and speak to the students. From the information given, police were able to identify the man as a nearby neighbour of the school and interviewed him. The man confirmed that he walked past the school and spoke to the students across the fence but denied using foul language. The police advised the school principal that they do not have enough information to take action against the person. This is the first instance the principal is aware of where the neighbour has used offensive language towards students.

Making an ongoing order in this instance may not constitute grounds for issuing an order. While the neighbour may have acted in a disorderly, offensive, intimidating or threatening manner, an authorised person should also be satisfied that the neighbour is likely to behave in this manner again before they can issue an order. If the neighbour continues to use offensive language and impact the wellbeing and safety of the student/s then the authorised person could consider issuing an ongoing order.

Causing significant disruption

99. Beyond preventing unacceptable risks of harm to school staff or other members of the school community, the Scheme also aims to mitigate the impact that disruptions to the school or its activities can have on a child's learning and wellbeing needs.
100. An example of a significant disruption to a school or the activities carried on by it includes where a person refuses to leave a classroom or place where a school activity is taking place or otherwise interferes with a teacher's ability to instruct a class.

Interfering with the wellbeing, safety or educational opportunities of students

101. Behaviour from parents or members of the school community can have detrimental impacts on the whole school community, including by infringing upon a child's right to a safe learning environment. For this reason, the grounds for issuing an ongoing order include where a person poses an unacceptable risk of interfering with the wellbeing, safety or educational opportunities of students.⁴³ When considering whether there are grounds for making an ongoing order under this ground, it is recommended that authorised persons consider the definition of wellbeing in the Framework for Improving Student Outcomes (FISO 2.0), which is 'the development of the capabilities necessary to thrive, contribute and respond positively to the challenges and opportunities of life.'⁴⁴
102. An example of behavior that could interfere with the wellbeing, safety or educational opportunities of students includes where physical violence or abuse occurs in the presence of students.
103. The case study below further demonstrates how this ground could be assessed in practice.

CASE STUDY – interfering with the wellbeing, safety and educational opportunities of students

Brad is a separated parent of a secondary school aged student who has approached the school principal requesting that the school assist him to communicate and spend more time with the student. While there are no court orders in place in relation to Brad's proximity to the student, the principal is aware that there has been an acrimonious separation between the student's parents.

The student has expressed to school wellbeing staff that they do not wish to have any contact with Brad. The student is anxious and uncomfortable about seeing their parent. The principal has formally advised Brad in writing that the school is unable to assist with his request, however, Brad continues to enter school grounds seeking contact with the student. The student is becoming distressed at seeing Brad come onto school grounds. Despite several attempts at asking Brad to not enter school grounds and repeating that the school is unable to assist him to communicate and spend time with the student, Brad continues to ignore the principal's requests. In this instance, the principal notifies Brad of her intention to make an ongoing order.

Based on this information, the principal determines that the grounds for making have been met and an ongoing order is reasonably necessary to address the unacceptable risk of interfering with the wellbeing of the student. The ongoing order is also the least restrictive means of addressing this as the principal previously made several attempts to clearly communicate the schools' position and to de-escalate Brad's behaviours. The principal will need to consider any submissions from Brad prior to issuing an order, including any vulnerabilities (for example, if Brad has an intellectual impairment that hindered his understanding of the earlier requests) that may give rise to other less restrictive options or that may inform the types of conditions and exceptions that the order needs to include.

⁴³ Sections 2. 2.1A.17(1)(c) of the Act.

⁴⁴ Framework for Improving Student Outcomes (FISO 2.0), available at <https://www2.education.vic.gov.au/pal/fiso/policy>.

Grounds for making immediate orders

104. This section includes an overview of and additional guidance on the grounds, relevant considerations and other requirements related to making immediate orders. To make an immediate order, an authorised person must reasonably believe that at least one of the following grounds exist with respect to the person who is proposed to be subject to the order:⁴⁵
- a) the person poses an unacceptable and imminent risk of harm either to:
 - i. another person (regardless of whether they are a member of the school community) at any premises of the school or an area that is within 25 metres of the boundary of those premises; or
 - ii. a member of the school community who is at any other place or premises on which there is an activity conducted by or in connection with the school, or an area that is within 25 metres of the boundary of that place or those premises, 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.
105. The case study below on grounds for making immediate orders further demonstrates how assessing the grounds for immediate order can be done in practice.

CASE STUDY – grounds for making an immediate order

Ethan is a parent who arrives at the school and angrily confronts the front office staff demanding to see his child's teacher. His voice is raised, and his body language is threatening. Staff call for the principal and attempt to de-escalate the situation until the principal arrives. As the principal arrives, he overhears Ethan shout that he is about to punch someone if he does not see his child's teacher. The principal asks Ethan to calm down, but the behaviour continues. The principal warns Ethan that if he is unable to calm down, he may need to call the police and make an immediate school community safety order. Ethan's behaviour does not improve, and the principal asks the front office staff to call the police.

The principal had warned the parent and gave them an opportunity to calm down. Ethan's continued threatening behaviour posed an unacceptable and imminent risk of harm to school staff and was causing significant disruption in a school-related place. There exist grounds for the principal to give an oral immediate order to require Ethan to immediately leave school grounds.

⁴⁵ Section 2.1A.5(1) of the Act.

Mandatory considerations when making ongoing and immediate orders

106. Under the Act, when considering whether to issue an ongoing or immediate order, an authorised person must consider:⁴⁶
- a) any vulnerability of the person who may be subject to the order that the authorised person is aware of; and
 - b) whether the order would be the least restrictive means available to address the grounds on which the order is proposed to be made.
107. This means that an authorised person must take these matters into account in considering whether to exercise their discretion to make an order and weigh up those matters against other relevant considerations before making their decision.
108. While an authorised person must consider these matters, the weight they place on them will be at the discretion of the authorised person after taking into account all relevant information and the particular circumstances of the matter. For example, an authorised officer may be aware of a vulnerability but determine that it is not relevant to their decision to make an order, or should be given little weight, because it did not contribute to or cause the behaviour that satisfied the relevant ground.
109. If an authorised person fails to take these matters into account, this could lead to an order being overturned on internal or external review of the decision.

Awareness and consideration of vulnerability

110. Before making an order, an authorised person is required to consider any vulnerability of the person who is proposed to be the subject of an order which they are aware of.
111. Awareness of a vulnerability may include, for example:
- a) knowledge based on a disclosure by the person to whom an order may apply or by another person, or official record;
 - b) knowledge based on any prior relationships and interactions with the person; and
 - c) a reasonable perception that the person has difficulty communicating in English.
112. An authorised person should take positive steps to provide a person to whom an order may apply with the opportunity to raise vulnerabilities that are relevant to the proposed decision to issue an order, while ensuring that the person is not treated unfavourably because of those vulnerabilities. This can be done when inviting a person to make submissions in relation to the immediate or ongoing order (noting that this may not always be possible when issuing an immediate order due to the seriousness of the situation and the need to act without delay).

⁴⁶ Sections 2.1A.5(2) and 2.1A.17(2) of the Act.

113. In considering how a vulnerability should be considered and factored into the decision to make an order, or how a vulnerability may impact the terms or conditions in an order, an authorised person should consider whether it may be appropriate to implement inclusion and access measures in relation to:
- a) identifying whether there are grounds to make an order;
 - b) assessing whether the order is the least restrictive means available to respond to the behaviour;
 - c) giving notice and allowing submissions, including alternative arrangements for submissions; and
 - d) the content and form of an order.

Relevant vulnerabilities

114. A vulnerability only needs to be taken into account by an authorised person where it is relevant to the decision to issue or not issue an order.
115. A range of vulnerabilities may be relevant for consideration by an authorised person. For example, a vulnerability may have been the cause or contributed to the behaviour that constitutes the grounds for a proposed order or may impact a person's ability to effectively understand or engage in the process surrounding the issuing of an order such as making submissions, complying with conditions to an order or applying for a review of an order. A person's vulnerabilities may also mean that an order has a disproportional effect on them, operating more harshly than it would on people without that particular vulnerability.
116. Examples of vulnerabilities that an authorised person may be required to consider include:
- a) whether a person is Aboriginal or Torres Strait Islander, and, because of that, has suffered racism, discrimination and systemic disadvantage. Persons who are Aboriginal or Torres Strait Islander may be more likely to have had traumatic interactions with authorities, particularly where government agencies are intervening in their relationship with their children. This may mean that Aboriginal or Torres Strait Islander parents strongly advocate on school related issues that non-Aboriginal parents would not ordinarily regard as being significant, for example, Aboriginal parents may feel more aggrieved by attempted interventions by a school;
 - b) whether a person is culturally and/or linguistically diverse, from a migrant or refugee background or seeking asylum, or who have experienced racism. Such persons may have different cultural protocols and understandings about education and the role of school staff. They may also have different understandings about appropriate communication or expression;
 - c) whether a person has limited English language ability. Such persons may have difficulty communicating effectively with the school or understanding rules and policies. People experiencing these multiple and complex challenges might be perceived as confrontational when they are simply trying to understand the system and the choices available to them.

- d) whether a person is living with disability. Such persons may present with a different or lowered ability to communicate in a respectful manner than their non-disabled peers. Parents with a disability, particularly cognitive impairments such as poor impulse control, may not always interact with school authorities in a way that would be regarded as reasonable and may have issues with emotional regulation and interpretation. Disabilities that may be relevant to an authorised person's decision to issue or not issue an order include:
- i. sensory impairment, for example, vision or hearing loss which prevents interaction with others and difficulties in accessing information;
 - ii. mental illness or emotional disorder, for example, episodes of mental ill health which seriously affect mood, grief and loss reactions, depression, thought disorder and difficulties with complex reasoning;
 - iii. intellectual, developmental and learning disabilities;
 - iv. communication or language disability or disorder;
 - v. physical disability, for example, problems with mobility and muscle movement;
 - vi. neurological disorders including those caused by trauma to the head or brain.
- e) whether a person identifies as an LGBTIQ+ person. LGBTIQ+, people may, in certain circumstances, be vulnerable due to discrimination and barriers to their participation, systemic disadvantage, risks to their safety or the status of their mental or physical health and wellbeing;
- f) whether a person has suffered a trauma in the past, including victims of physical or psychological abuse and trauma, torture, rape, slavery, slavery-like practices such as forced labour and forced marriage, human trafficking or other serious forms of psychological, physical or sexual violence. Trauma may be caused by external factors, for example, a family death, natural disasters (including bushfires and floods) or significant changes to family circumstances which may have caused historical and intergenerational trauma;
- g) whether a person is facing serious financial hardship, including people without a home or who are living in crisis or emergency accommodation or who are supported by a housing agency or family services;
- h) whether a person is experiencing family violence or dysfunction;
- i) whether a person suffers from a serious drug or alcohol dependence; and
- j) whether a person is elderly or frail, for example, where their age and condition causes or contributes to memory loss, inability to cope with complex decision-making and sensory and mobility problems which prevent the ability to access and learn new information.

Least restrictive means

117. As part of the decision-making process, an authorised person must consider whether making an order would be the least restrictive means available to address the grounds on which a proposed order is to be issued.

118. 'Least restrictive' means the option that leaves the affected person with the most autonomy while addressing the order's intended aim to protect an individual or individuals from the behaviour which satisfied the relevant ground or grounds for the proposed order. This must be determined on a case by case basis having regard to the nature of the risk that the order is seeking to mitigate and whether any reasonable and less restrictive alternatives to an order are available to address that risk. .
119. While an authorised person must consider this factor, even if an order is not the least restrictive means available, an order can still be made if it is reasonably necessary to address the grounds on which it is proposed to be made and meets the other grounds for making an order. For example, the only alternatives may already have been tried unsuccessfully, may be impracticable in the circumstances, or may be insufficient to address the extent of the particular risk.
120. Authorised persons are therefore required to consider whether there are alternative actions available that would address the behaviours and risk of harm that constitute the grounds on which the order is proposed to be made. This applies both in relation to the decision to make an order and the terms and conditions to include in the order.
121. In considering whether an order and any terms or conditions to be included in the order are the least restrictive means available, an authorised person is required to consider:
- a) whether there are any other reasonable actions that might be timely, appropriate and effective alternatives to deal with the person's behaviour and therefore a less restrictive means is available;
 - b) if the terms and conditions to be included are the least restrictive available (or whether additional conditions could be included to reduce the restrictions on the person, for example, by permitting them to enter the school for specified events or communicate with the school in specified ways);
 - c) if known vulnerabilities influenced the assessment of what is the least restrictive means available;
 - d) the potential impact of an order on a child's wellbeing and educational opportunities, if relevant; and
 - e) relevant policies, supports, or advice available to the authorised person and the person at risk of harm.
122. Examples of other less restrictive means and steps that may be taken before making an order include:
- a) sending a letter or email to the person referring to the incident and informing them of the seriousness of the behaviour and the impact on staff, students and the greater school community, while also putting the person on notice that an order may be made if they engage in similar conduct in the future;
 - b) directing the person to comply with the school's statement of values, school charter or policy that sets out behavioural expectations for adult members of the school community, while

also putting the person on notice that an order may be made if they engage in similar conduct in the future;

- c) communicating through alternative means, for example, requesting that communications occur only in writing to mitigate verbal aggression;
- d) meeting with the person to resolve the complaint or grievance;
- e) establishing a communication plan between the school and the parent which sets out the excepted method of communication;
- f) seeking advice and support from school administration (i.e. the Department for government schools or Catholic Education Commission Victoria or Independent Schools Victoria for non-government schools) to assist with and receive support in relation to the management of relevant issues;
- g) attempting to resolve a complaint or grievance through the school's complaints policy or process; and
- h) providing an opportunity to resolve the complaint or grievance through alternative dispute resolution or with a facilitator, mediator or arbitrator.

Impact on the safety, wellbeing and educational opportunities of children

123. Where relevant, an authorised person in deciding whether to make an order must have regard to the impact of the order on the safety, wellbeing and educational opportunities of an individual child or children, including the children of a person against whom an order is being considered.

124. Such risks may include impacts on the child's:

- a) continued attendance and engagement at school, including the risk that excluding family and community members from engaging with their children's education could lead to the disengagement of vulnerable children such as Aboriginal and Torres Strait Islander children, children in out of home care, children with disability and children experiencing family violence.

Further, students with disabilities have a legal entitlement under State and Federal disability discrimination law⁴⁷ to make reasonable adjustments to enable them to access, and participate in, their education on the same basis as their peers without disability; or

- b) mental health and wellbeing due either to the knowledge that their parent is subject to an order, or as a flow on effect of any detrimental impacts on parent health, wellbeing or behaviour; or
- c) physical safety and wellbeing, particularly if there is family violence involved. Making an order may have the potential to exacerbate existing safety risks that a person poses to their family in some circumstances. For example, children might suffer retaliatory or retributive action from the parent who is subject of the order. These risks must be appropriately considered and managed by the authorised person when making an order, for example,

⁴⁷ See *Disability Discrimination Act 1992* (Cth).

reporting concerns to relevant police and child protection and otherwise taking steps to fulfil duty of care obligations to the student.

125. The authorised persons should consider using available tools, such as the Child Information Sharing Scheme, Family Violence Information Sharing Scheme and Multi-Agency Risk Assessment and Management Framework, to obtain information which may be relevant to determining whether issuing an order may present a heightened risk to a child or another person.

Human Rights Charter obligations for public authorities

126. Under the *Charter of Human Rights and Responsibilities Act 2006*, authorised persons who are also public authorities, including government school staff and staff of the Department of Education and Training, must also consider human rights when making a decision under the Scheme.⁴⁸ Advice on considering human rights can be found in the School Community Safety Order Scheme Policy for government schools.

Requirement that orders are reasonably necessary

127. To make an order, it must be reasonably necessary to address the grounds on which it is proposed to be made. Whether making the order is reasonably necessary is an objective test which involves considering whether a properly informed, reasonable person would agree that the order is necessary.
128. If an order is made where it is not reasonably necessary to address the relevant grounds, making the order will be considered an invalid exercise of power and could form the basis upon which an internal or external review of an order may be conducted. For example, if a parent has been aggressive in person and over the phone with a particular staff member but not through face-to-face communication or via email, an authorised person cannot make an order to prohibit the parent from communicating on all communication platforms with all staff at the school as an order of this nature would not be reasonably necessary to address the grounds on which the order is made.
129. The requirement of reasonable necessity means that orders must be proportionate to the behaviour and the risk of harm seeking to be addressed. In the example above, an appropriate order may, for example, instead have prohibited communications over the phone and in person with the staff member who was subjected to the behaviour but otherwise permit other kinds of communications to continue to occur, such as by email or through communications with other staff.

Occupational health and safety considerations

130. The OHS Act applies to all Victorian workplaces, including government and non-government schools. Under the OHS Act, employers have a duty, so far as is reasonably practicable, to eliminate risks to health or, where this is not possible, reduce those risks as far as is reasonably practicable.⁴⁹
131. The OHS Act also requires employers to ensure, so far as is reasonably practicable, that persons other than employees of the employer are not exposed to risks to their health or safety

⁴⁸ Section 38 of the *Charter of Human Rights and Responsibilities Act 2006*.

⁴⁹ Section 20(1) of the *Occupational Health and Safety Act 2004*.

arising from the conduct of the undertaking of the employer.⁵⁰ As such, OHS obligations imposed on schools extend to students, parents and other non-employee members of the school community.

132. If there are grounds to make an immediate or ongoing order under the Scheme, making the order is one measure that an employer could take to meet their obligations under the OHS Act to reduce or eliminate risks to health. Importantly, however, making an order does not, in and of itself, necessarily acquit persons from their obligations and duties under the OHS Act.

⁵⁰ Section 23(1) of the *Occupational Health and Safety Act 2004*.

Procedures for making orders

133. Issuing an order, or reviewing a decision to make an order, is an administrative decision that involves the exercise of a discretion.⁵¹ Under the Scheme, the discretion will essentially involve the decision maker (i.e. the authorised person or the reviewer):
- a) considering whether grounds exist to make an order;
 - b) if grounds exist, determining whether the order should be made, considering the circumstances of the specific matter and all relevant considerations and deciding whether making the order is reasonably necessary to address the grounds identified; and
 - c) if an order is to be made, considering the terms and conditions of the order as permitted under the Scheme.
134. When considering whether to make an order or reviewing an order that has been made, authorised persons and reviewers must use their discretionary powers in good faith, not unreasonably or irrationally, and for a proper purpose (being one or more of the purposes of the Scheme). Authorised persons and reviewers must not act outside of their powers and, in exercising their powers, must act reasonably and impartially.
135. There are procedures that are required to be followed before and during the making of an order, which are mandated in the Act and explained in further detail in these Guidelines.
136. These Guidelines also set out standard administrative law requirements (in addition to the specific requirements set out in the Act) that must be followed by authorised persons and reviewers (particularly, the requirements to afford procedural fairness and natural justice), as well as recommended guidance to assist authorised persons and reviewers to follow good administrative decision-making practices when making or reviewing an order.

Procedural fairness

137. The term ‘procedural fairness’ (or ‘natural justice’) generally includes giving a person affected by a decision a right to be heard before the decision is made (the hearing rule) and that the decision maker must act without bias (the rule against bias).

The hearing rule

138. Under the hearing rule, a person affected by a proposed decision must be given an opportunity to present their case and must be provided with the information or material that is being considered by the decision maker that is adverse or prejudicial to the affected person.
139. The Scheme incorporates the hearing rule as a statutory precondition to issuing ongoing orders by establishing a procedure that is required to be followed before authorised persons may decide to make an ongoing order. In particular, the Act requires that notice be given of a proposal to make an ongoing order before it is made and allows submissions to be made on the proposal (this is also known as a ‘show cause’ process, because the person has an opportunity show why the order should not be made or should be made in a different form).⁵² Being a statutory

⁵¹ Discretion exists when a decision maker has the power to make a choice about whether to act or not act.

⁵² Section 2.1A.21 of the Act.

precondition, if the show cause process is not complied with, it is extremely likely that an ongoing order will be invalid.

140. More information on the show cause process required to be undertaken, and other obligations placed on authorised persons, prior to making an ongoing order is set out under the section entitled “Procedure for making ongoing orders”.
141. The Act does not expressly require a ‘show cause’ process to be undertaken prior to making an immediate order because, due to the imminent nature of the risk that the order is seeking to address, a show cause process would likely inhibit or limit the ability of an authorised person to deal with the behaviour swiftly and adequately.
142. However, where the circumstances permit and it is appropriate and safe to do so, there is still some scope for procedural fairness to be afforded to persons to whom an immediate order is proposed to apply. It is recommended, wherever possible before making an immediate order, an authorised person briefly state certain matters, including:
 - a) that they propose to decide to make an immediate order;
 - b) a brief explanation of the reasons and grounds on which their proposal to make the order is based; and
 - c) that the subject of the proposed order may make a comment as to why the order should not be made.
143. This may not be possible in many (or even most) circumstances where there is an imminent and unacceptable risk that an authorised person is seeking to address by making an immediate order. However, if the opportunity presents itself and if it would not increase the risk of harm to the authorised person, it is best practice to state these matters before formally making the order.
144. More information on the process required to be undertaken, and other obligations placed on authorised persons, prior to making an immediate order is set out under the section entitled “Procedure for making immediate orders”.

The rule against bias

145. The rule against bias requires decision makers to make decisions free from actual bias and to not appear (to a reasonable observer) to be biased.
146. This requires the authorised person or reviewer, when making or reviewing an order respectively, to act impartially and not to have an interest in the matter, which means that to the extent possible, they should not have previously been involved in the circumstances resulting in the need to consider whether to make an order (for authorised persons) or the original decision under review (for reviewers).
147. In relation to an ongoing order, the authorised person should not, to the extent possible, be the subject, or potential subject, of the harm or conduct that the order is seeking to address. In relation to an immediate order, there may be some circumstances where the authorised person may be the subject, or potential subject, of the harm or conduct the order is seeking to address, for example, where the authorised person is the only person present or at risk of harm with the power to make an immediate order.

that the person to whom the order is proposed to apply to is entitled to make written submissions on the proposal to make the order within 7 days of giving notice.⁵⁴

155. The copy of the proposed order must include all the information required to be included in the final order (if it is made), which is set out in section 2.1A.20(1) of the Act, namely:
- a) the name of the person to whom the proposed order is to apply;⁵⁵
 - b) the school in respect of which proposed order is to be made;⁵⁶
 - c) the terms of the proposed order, which reflect what the person is prohibited from doing in accordance with section 2.1A.15(1);
 - d) the relevant school-related places to which the proposed order is to apply;
 - e) the grounds on which the proposed order is to be made, which includes:
 - i. the applicable grounds as described in the legislation;⁵⁷ and
 - ii. a plain English description of the behaviour that satisfies the grounds, including dates, times, location the behaviour occurred, and the people involved de-identified, where possible;
 - f) the reasons for making the proposed order;
 - g) the period for which the proposed order is to be in force;
 - h) any conditions that are to be imposed on the proposed order;
 - i) any actions that the person to whom the order applies may take to have the proposed order revoked;
 - j) that a person must not contravene an ongoing order and that doing so may result in a civil penalty;
 - k) that an application may be made to the Magistrates' Court to enforce the ongoing order and that the Magistrates' Court may make orders requiring payment of a civil penalty of up to 60 penalty units, an order compelling the person to comply with the proposed order, an order compelling the person to take specified action to comply with the proposed order or any other order that the Court considers appropriate; and
 - l) the effect of the sections regarding the avenues of internal and external review of decisions to make an ongoing order.

Written submissions

156. The authorised person must then allow the person at least 7 days (from the date on which the notice of the proposal to make an order is given) to make submissions on the proposed order.⁵⁸ Submissions could, for example, be made on why the order should not be made by the authorised person or if it should be made in a different, less restrictive form.

⁵⁴ Section 2.1A.21(3)(a) of the Act.

⁵⁵ Where there is some doubt as to the person's full name, use any/all names the person is known by (for example, if they are known by one name but official records indicate another name).

⁵⁶ For the avoidance of doubt, the order should include both the school name in common use by the school community (where applicable), and the official registered name of the school. Where there are multiple campuses of the school, the order should make clear whether the order applies to some or all campuses of the school.

⁵⁷ Part 2A of the Regulations.

⁵⁸ Section 2.1A.21(1)(b) of the Act.

157. Importantly, the authorised person must consider any submissions received from the person before exercising their discretion to make the order.⁵⁹ Adhering to the show cause process set out in the Act is necessary for authorised persons to comply with the Act and with the hearing rule.
158. Submissions must be made in writing unless the person has written permission from the authorised person to make oral submissions.⁶⁰ The authorised person should accommodate these requests unless there is a good reason not to do so, such as if a parent has been issued with an order because they have been verbally abusive towards staff. Allowing such a person to provide an oral submission may present a risk that the authorised person will be subjected to such verbal abuse.
159. The person to whom the order is to apply may also, with the written permission of the authorised person, nominate another person to make a submission or submissions on their behalf.⁶¹ A written submission can take the form of a letter or email or any other written format.
160. At any time before an order is made, the person to whom the order is proposed to apply may request an extension of time to make submissions and the authorised person may extend the time in response.⁶² If an authorised person decides to extend the time, they must give the person written notice of the extension, which is to set out the new time within which submissions must be made.⁶³ If the proposed ongoing order is being considered as a result of an automatic review of an immediate order, and an extension of time to provide submissions is granted, the written notice of the extension must also set out the date on which the immediate order expires, as determined under sections 2.1A.9(1) and (2) of the Act.⁶⁴
161. It is recommended that, when giving a person written notice of the proposal to make an order and inviting submissions to be made under section 2.1A.21(1) of the Act, the authorised person also informs the person that their submissions may set out any or all the following:
- a) any information pertaining to whether the grounds for issuing an order exists;
 - b) their account of the relevant incident, conduct or behaviour, and the circumstances surrounding the incident, conduct or behaviour, including an explanation of why the incident, conduct or behaviour occurred;
 - c) any vulnerability they may have that influenced or led to the relevant incident, conduct or behaviour;
 - d) how an order would impact upon their ability to care for their child and continue to be engaged in their education, which may be relevant to the terms and conditions of the order;
 - e) any less restrictive measure that they wish to be considered instead of the order or a term or condition of the order;
 - f) reasons why they will no longer behave in the manner resulting in the order; and
 - g) any other relevant factors they wish to be considered.

⁵⁹ Section 2.1A.21(2) of the Act.

⁶⁰ Section 2.1A.21(4) of the Act.

⁶¹ Section 2.1A.21(5) of the Act.

⁶² Section 2.1A.22(2) of the Act.

⁶³ Section 2.1A.22(3)(a) of the Act.

⁶⁴ Section 2.1A.22(3)(b) of the Act.

ongoing orders’.

Conditions and other matters related to an ongoing order

School-related place

167. When making an ongoing order, an authorised person must ensure that the order makes clear which school-related place (or places) of the relevant school it applies to. School-related place is a defined term which means:⁶⁶
- a) any premises of the school, which may include an area that is within 25 metres of the boundary of those premises;
 - b) in addition to the school premises, any other place or premises on which there is an activity conducted by or in connection with the school, which may include an area that is within 25 metres of the boundary of that place or those premises.
168. The protections afforded to the school community under the scheme are extended to school-related places beyond school premises where students and school staff are at for the purposes of participating in an activity that has been arranged for or in relation to their school. However, orders cannot be made in relation to behaviour or conduct occurring at other places that are not connected to the school, or to members of the public who are not connected to the school.
169. An activity being conducted ‘in connection with the school’ recognises that not all activities are strictly conducted by the school. For example, a school may engage a third party, such as an outdoor education provider of a camp or a tour operator at a museum, to conduct the relevant activity.
170. Furthermore, while not strictly necessary, orders may limit or regulate the behaviour or conduct of the person subject to the order within up to 25 metres of the school or other places at which school activities are taking place. This is to avoid persons subject to the order circumventing its requirements on the basis that the person is not technically on or at the school or other place to which the order applies.
171. Where an order seeks to regulate behaviour at a school-related place, and the place relates to more than one school (such as an inter-school carnival or a school bus or bus stop that services multiple schools), it is possible that authorised persons from the various schools for which the place is a school related place may want to issue orders in relation to the same behaviour. In these circumstances it is recommended that, if the person proposed to be the subject of the order:
- a) is a parent of a child at one of the schools, an authorised person from that school makes the order; or
 - b) is not a parent of a child at one of the schools, the authorised persons from the relevant schools consult each other about the need to make an ongoing order, and which authorised person is best placed to make that decision.

⁶⁶ Section 2.1A.1 of the Act, definition of ‘school-related place’.

FJJÈ Gáè Áè c@|ã^áÁ^!·[]Áã·Á Á æ^Á Á íá^!Á!| @ãã * Á c@|Á^ @ãã^!É@^Á^·cÁ}·ã^!
, @c@|Á@|ÁÁÁÁÁ^Á^!|~}á·Á Á æ^Á Á } * [ã * Á íá^!É

7 cbX]HcbgUbX'cH Yf'a UHf'gZf'ja a YX]UH'cfXYfg'

200. Y @}Á æã * Á Á { ^áæÁ íá^!É Á è c@|ã^áÁ^!·[]K'

- a) { ~·cÁ^c!{ ã^Á@Á&@|É|æ^áÁ|æ·Á Á@Á^!çæ cÁ&@|Á Á @Á@Á íá^!Á} |ã·G^ÁÁ@|}áãã}·Á áÁ c@|Á æ·Á Á^æ^áÁ Á } * [ã * Á íá^!Á íá^!Á@Á^ãã} Á Á&@|É |Áæ^áÁ|æ^L
- b) { ~·cÁ^c!{ ã^Á@Á^!ã áÁ íá^!Á @Á@Á íá^!Á Á Á { æ Á Á & Á É @ÁÁ Á^ ab&Á Á } ^]|çãã}·Á Á Á@Á@Á Á Á@Á Á } É^ç[&æ} Á Á^} ã^ Á Á c@|ã^!Á íá^!·L æ á
- c) { æ Á^c!{ ã^Á}áãã}·Á Á Á Á @Á Á íá^!É &^ãã * Á^ cÁ [cÁ æ^áÁ Á ^·Á @| Á íá^!Á [^·Á [cÁ] | Á Á^æ Á @|Á@Á íá^!Á [^·Á [cÁ] | É | Á çæ | | É Á { ^áæ [íá^!Á æ Á | @ÁÁ^!·[] Á [{ Á } c@|ã^! Á &@|Á^ ã^ Á^ ab&Á Á } áãã} Á @Á@^ |·[] Á æ Á } c@|ã^! Á æ Á { ·cÁ &·Á^ &@Á Á } æ Á æ Á æ Á &@|Á^ ç^} É

201. V@Ááã Á Á [·Á } áãã}·Á } Á { ^áæÁ íá^!Á Á Á æ^ Á^ çæ cÁ / Á }·ã^!æ}·
[Á @c@|Á@Á íá^!Á &^ãã * Á Á } áãã}·DÁ Á@Á^æ cÁ^·cÁ Á^ æ Á Á @Á@Á Á@
á^ãã} É æ^Á Á Á @Á^!·[] } á·Á } Á @ÁÁ Á æ^ Á^ áÁ Á }·^Á@Á@Á íá^!Á
|Áæ[] æ | Á Á^·æ Á Á @Á^!·[] } á·É

202. Ô[]áãã}·Á æ Á [Á]^ã Á Á^ Á^æ[] æ | Á^ áÁ } | | | Á Á }·Á@Á@Á^!·[] Á Á @ {
æ Á íá^!Á} |ã·Á æ Á Á Á @Á^!Á^ç[\^áÉ

203. V@ÁÁÁ }·Á ~·cÁ [cÁ &^ áÁ [·ãã^Á àããã}·Á íá^~ á^ { ^ } ·Á } Á@Á^!·[] Á@Á^ ab&c
[Á@Á íá^!Á Á Á / Á^æ Á @ * Á &Á Á æã * Á Á [| * Á Á^ } áã * Á Á^ áããã} DÁ Á [~ |ã
|^·|cÁ Á^ Á &áÁ^ } æ Á Á [cÁ ^ Á íá^!Á }·ã^!áÁ Á Á [] É { | } &Á á@Á íá^!É
c@Á [~ |ã Á } | | | Á Á^ Á á^ c@|ã^áÁ^!·[] }·Á@Ááã Á Á [·Á áããã} æ Á^~ á^ { ^ } ·
æ áÁ |·Á^ [] á@Á &^ } Á Á @Á Á^! { æ^áÁ / c } á^áÁ Á@Á &@ { ^ Á @Á@ | É @|ÁÁ
[íá^!Á]^áá·Á Á Á } Á@Á æ Á Á^ } Á Á@Á^ ab&c Á@Á íá^!É Á ~·cÁ^c! |·Á^áÁ
| | çã Á Á &^ } Á Á Á@Á^!·[] Á Á } á^æ Á@Á Á } Á Á @ãã * Á@Á íá^!Á^çã, ^áÁ!
|Áç[\^áÉ

7 cbX]Hcbg'hc'Ybgi fY'ja a YX]UH'cfXYfg'Uf'YUddfcdf]UH'Zf'Ubm_i_bck b'j i 'bYfUW]H]Yg'

GE È Y @|Á Á è c@|ã^áÁ^!·[] Á@Á &^ { ^Á æ^Á Á^ } | Á áãã Á Á@Á^!·[] Á Á @ { Á@
[íá^!Á} |ã·Á Á Á &ãã * Á @Á } áãã}·Á Á &^ áÁ É@^Á^·cÁ}·ã^!K

- æD c@Á^ | Á áãã·Á Á@Á^!·[] Á Á @ { Á@Á íá^!Á} |ã·É @Á æ Á Á^ Á çæ | | É^~ á^
æ Á^ &ç } Á Á@Á | @Á áÁ á çæ &Á Á Á^ Á Á &@|Á^æ^áÁ|æ^Á Á^æ Á^ à^!É
[| Á æ Á Á^ Á^ à^!Á Á Á Á@Á çæ æ Á Á@Á^! | | ·Á Á Á É] Á áÁ | | É Á Á
|·[] } Á @ Á @ Á @ Á^c ç Á^c æ Á áãã·Á Á Á^ } ç Á @ Á } áãã} Á Á@Á &@
@ Á @ Á^c ç Á^c æ Á áãã·Á Á Á^ } ç Á @ Á } áãã} L
- àD c@Á^ | Á áãã·Á Á Á &@Á Á@Á^!·[] Á } | | ^áæ Á @Á &@|Á Á @Á@Á íá^!Á^æ·É
, @ Á æ Á Á } æ Á Á Á@Á } áãã}·L æ á
- èD æ^ Á^çæ } &Á | | çã^áÁ Á^ æ Á áÁ Á^ Á Á Á@Á @ Á | æ } Á Á Á^ Á [| Á
æ [~ Á@Á] æ Á Á íá^!Á } Á@Á æ^ } cÁ Á@Á çãÉ

1]Á^ç } Á@Á Á@Á
Í F.

students, parents or others present and impacted. This does not prevent a person being named if there are conditions that apply specifically in relation to that person.

Duration of immediate orders

207. Since authorised persons are not required to undertake a lengthy and detailed show cause process before making an immediate order, the Act limits their duration to a maximum of 14 days. An immediate order continues in force until the earlier of:⁹⁴
- a) the end of the period specified in the order;
 - b) 14 days after the day on which the order is made;
 - c) because of a review under section 2.1A.12 of the Act:
 - i. the coming into force of an ongoing order;
 - ii. the revocation of the immediate order.
208. If an application for an extension of time to make a submission under section 2.1A.22 of the Act is approved, any time taken by the applicant within the extension of time to make submissions is not counted towards the period specified in the order or the 14 days after the day on which the order is made.⁹⁵

Submissions from persons who are the subject of an order

209. The Act allows for persons to whom an ongoing order is proposed to apply to request to make submissions orally (rather than in writing).⁹⁶ Similarly, a person who is subject to an immediate order may request to make submissions orally (rather than in writing) to the authorised person who is reviewing the immediate order and considering whether to make an ongoing order.⁹⁷
210. A request to an authorised person to allow a person the subject of an order to provide submissions orally must not be unreasonably refused. An authorised person should accommodate a request where there is no good reason to not permit written submissions.
211. In determining what is a reasonable basis to accept or refuse a request to provide submissions orally, authorised persons must consider human rights and any known vulnerabilities. For example, where a person is linguistically diverse and wishes to use an interpreter to communicate, has low literacy or has a disability that poses challenges for communicating in a written format.
212. A request to provide submissions orally may be reasonably refused where it would compromise the safety of the person receiving the oral submission or it is reasonably believed that it will escalate the situation.
213. An authorised person must not unreasonably refuse a request from the subject of an order to nominate another person to make a submission on their behalf. In determining what is a reasonable basis to accept or refuse such a request, the same considerations that apply to a request to provide submissions orally should be considered.

⁹⁴ Section 2.1A.9(1) of the Act.

⁹⁵ Section 2.1A.9(2) of the Act.

⁹⁶ Section 2.1A.21(4) of the Act.

⁹⁷ Section 2.1A.11(2) of the Act.

GGÈ V@Áæ c@|ã^àÁ^!·[]Á ~·Áæçã^Á@Á æ^} óÁ -Á@Á&| { { ~ } æææ } Áæ áÁæ&^·Á| | ç & |Áæ
·[[] Áæ Á^æ [] ææ| Á|æ&ææ|Áææ!Á@Á |á^!Á Á æ^} ÁÁ Á@Á æ^} ç^{EH}

9I Ua d`Y%`A YUgi fYg`lc`Ybgi fY`dUfYbgh`Vc`bh`bi YX`Yb[U| Ya Ybh]b`W`J`Xfj`YXi WU]cbÁ

GGÈ Væ^ æ@Á Á^} Á·^àÁ æ@Á ÁQ { ^áæÁU!á^!ÁæÁæ·Á@Á Á| óÁ Á^Á } Á&@ [|Á| [~] á·
[|Á æ@Á ÁÁ Á ^ç^·Á -Á@Á &@ [|Á| |Á@Á ^ç^·Á } |··Á@!Á Áæ Á { ^!·^ } & Á ç [|çá *
@!Á&@áÈV@!Á Áæ æ^} óÁ æ@!Á ^^ç *Á&| { á *Á } Á æ@Á Á@Á |á áÁ @!ÁÁæ^ æá á@·
ç ÁàÁ^] óÁ ç| | ^áÁ -Á@!Á&@áç Á] | *!··ÈAVæ^ æÁ æ^·ÁæÁ~ à{ á·á } Áç Á@Á |á &á æ
|·^·^·ç *ÁæÁ @Á Áæ|ÁÁ ææ} áÁ@Á ^^ç *É

GGÈ V@Á |á &á æÁæ Áæ^ Á@ÁQ { ^áæÁU!á^!Áæ Á@Á æ^} óÁ Á@ÁÁ @Á Á^Á ç [|ç^áÁ Á@á
&@áç Áá &ææ } ÈO^] áá *Á } Á@ÁÁæ [] Á@ÁQ { ^áæÁU!á^!Á æ Á·^ àÈ@Á |á &á æÁæ
çæ Á@Á | { { ~ } æææ } Áæ áÁæ&^·Á| | ç & |Á Á Áæ@Á Á æá *Áæ Áç&^] ç } Áæ áÁæ| , Áæ^ æÁ
ææ} áÁ@Á æ^} óÁ æ@!Á ^^ç *Á } ·æÁ |Á@Á Áæ Á^ç] Á } |á ^Áæ] [á ç ^ } óÁ |Áæ^ ææá á
@!Á&@áç Áææ@!·É

**9I Ua d`Y`&`5 ffUb[Ya Ybgh`lc`Ybgi fY`H`Y`W`J`Xfj`Vc`bh`bi YX`UfYbXUbW`UfYbX`gUZ`UWVgg`lc`
H`Y`gW`cc`UbX`gW`cc`UW]j]H`Yg`**

GGÈ R· @Á Á@Á^ æáæá Á -ÁÁ |á æ Èæ^áÁç á^} óÁ @Á^~ á·Á@Á·Á -ÁÁ @^|&æÈR· @Áæ
à^} Á·^àÁ æ@Á ÁU} * [á *ÁU!á^!Á^ ÁÁ ÁÁ^ Áæ áÁæ^!···æ^Áæ áÁ@Áæ } á *Á^ @æá^!·
{ æ^Á Á&@ [|Áæ ÈV@ÁU} * [á *ÁU!á^!Á| @æÁ R· @Á [{ Á^á *Á } Á&@ [|Á| æ áÁ^ { á·É
, @Á@ [^·Á [óÁ] ^áÁ@Áç á^} óÁ Áæ Áæ&^·Á Á Á&@ [|Á| [~] á·Áæ Á@Áæ^ |Á Áæ áÁ| {
·&@ [|Á } Á@Á·Á^!çæÁ~ à·æá^áÁ Á@Á&@ [|ÈP| , ^ç^!È@Áç á^} óÁ Áæ á *Á æóÁ Á@
·&@ [|ç Á , á { á *Áæ } ææáæ áÁ áÁ^áÁ R· @Á Áæ } [|ó@ { É

GHÈ V@Á |á &á æÁæ Áæ^ Á@ÁU} * [á *ÁU!á^!Á Áæ| , Áæ Áç&^] ç } Á| |Á@Á , á { á *Áæ } ææÁ
óÁ R· @Á Á | | çæÁ@Áç á^} óÁ æ@Á æ^Áæ&^·Á Á Áæ áÁ| { Á@Áç^ } ç

FEHÁ^ &ç } ÁçÈÈÈçÈÈÁ -Á@ÁæçÁ
í í.

J Uf]U]cb'hc'UbX'fYj cWU]cb'cZcfXYfg'

J Uf]U]cb'hc'cb[c]b['cfXYfg'

231. Qf Åæ cQ|ã^ãÁ^·[] Á Q Á æã^Å} Á * [ã * Á |ã^Á æ Åæ^ Å@ Á |ã^Á Èã@|Á } Å@ãÁ, } Á [c] [|Á } Á^~^·cÁ Å@Á^·[] Á Á Q { Å@Á } * [ã * Á |ã^Á } |ã·È Å@Áæã } Á Å } * [ã * |ã^Á æ K^È

- a) çæ^ Á |Á c [\ ^ Á çã ç * Å } áã } · Á } Á |Á c & \ c] } · Á Å@ Á |ã^ L
- b) ã [|·^ Á ^, Å } áã } · Á } Å@ Á |ã^ L
- c)] | çã^ Á | Á ^, Á c & \ c] } · Á Å@ Á |ã^ È

232. Xæã } · Å } [cÁ Á æã^ Á Å { ^ãæ^ Á |ã^· Å Å@·^ Á |ã^· Å^ Áã æ á Å Å@ãÁ &] ^ Å á [] ^ Å } ÈQ { ^ãæ^ Á |ã^· Á æ ÈQ, ^ç^ ÈÅ^ Á c [\ ^ á Å^ Å@ Á ^ c] } Á c | ^ á Å | ^ c [&ã } Á ~ ã { ^ãæ^ Á |ã^· Á ^ Á, Á | Á [| ^ Á ^ c] } Á ^ c [\ ã * Å } Å { ^ãæ^ Á |ã^ ÈQ { ^ãæ^ Á |ã^· { æ Áæ [Á^ Á^] | æ á Á æã } Á } * [ã * Á |ã^ Á @ | ^ Á @ Å c Å ^ ~ á ^ \ } · Á | Á æ ã * Å [] * [ã * Á |ã^ Å^ Á ^ È

233. Q Áãã } Á Å@ Á æc^· Á ^c^· Å Á & c] Á È È È È È È Å@ Å c Å c Q |ã^ãÁ^·[] · Á æ Å c [çæ^ Å } * [ã * Á |ã^ Å Å@ Á ||, ã * Å & { · cæ & · K

- a) ç Á æ^ Å } * [ã * Á |ã^ Á [| Á | æãæ^ Á | Á [| \ æ^ È Á | Á cæ] | È @ | ^ Å } * [ã * |ã^ Á | | æãæ^ Å } c [{ Á } c | ã * Á & Q [| Á | ^ } á Å á Å Å^ Å æã æã Á ^ d^· Á ^ Á & Q [| * | ^ } á ÈQ, ^ç^ È@ Á | ^ Á æ Å æ á } | | | æ^ Á [&ã } Á | Á [] | ã * Á ^ Å á Å æ ã * Á] c @ á Å c | Á Á æã Á ^ d^· Á [{ Å@ Á & Q [| Á } dæ & È Å c Q |ã^ãÁ^·[] Á æ Åæ^ Å@ |ã^ Á } æ | Å@ Á æ } c Å^ Å^ Á æ^ Á Å [] Á ^ Å á Å } Å@ á Å c Á L
- b) ç Á | Á | Á ^ æ & Å } * [ã * Á |ã^ Á Å^ c | Á ^ c @ Á ^ á · Á ^ c ^ á } c] æ } c | Á & Q [| È, æQ^ c } á { ã ã * Á æ^ È Á cæ } | Á K
 - i. , @ | ^ Å æ } c ^ ~ ^ · c Å@ Å & ^ · ã } Á ^ Å Á c & \ c] } Á Å } * [ã * Á |ã^ Á [Å@ c @ ^ Á æ Åæ } á Å & Q [| Á | ^ | { æ & Á | Å æ á · Å ^ \ { } ^ È á Å @ Å Å^ Á } ^ · æ | L
 - ii. , @ | ^ Å áãã } ç Á ^] | æãã · Á Á | Å] æ Á } Å@ Á ^· [] Á ^ á b & c Å@ Á |ã^ Å { æ^ Á } [, } Á Å@ Å c Q |ã^ãÁ^·[] L æ á
 - iii. , @ | ^ Á @ Å ~ | æ } Á Å Á |ã^ Á ^ á · Á Å^ Á } * c @ } ^ á Á | Á @ | c } ^ á Å } | | | æ & & { · cæ & · È ~ cæ } [c & ^ á Á c Á [] c È
- c) ç Á c æ á Å@ Á | ^ æ } Á Å@ Á |ã^ Á Å^ c | Á [c & Å & Q [| Á cæ Á | Á c ^ á } · È Á | Á cæ] | È , @ | ^ Å @ Á ^ á b & c Å Á |ã^ Á } æ ^ · Å Åããã } ç Å { ~ | È ^ æ } ã * Á @ ç ^ · Á , æ á

F^È Á ^ c] Á È È È È È È Å@ Å c Å c Å
F^È Á ^ c] Á È È È È È È Å@ Å c Å c Å
| |

àD æ[, Á@Áæ] |ææ óÁ ÀáÁ^ | ^••} òáÉæ& { } æ ãáÁ | Áæ• ã òáÁ^ Áæ [@|Á |•] ÁÇ |
^çæ | |ÉÁ } æ } Á | [çæáÁ^ | ^•• } ææ^Dæ á

8D | ^•• áÁæ | æ } Á çæ { ^ } óÁ -@-Á~ æ { ^Á -@-Áçá, É@-Áæ } •Á | Á@-Á&æ } Éæ á
æ - | { ææ } Á } Á@-Á | • [] ç Á } æ { ^ } óÁ Á^ Á çæ } æÁçá, Á^ Á ÖÈÈ

G Ì È Y @ | ÁÁ^çá, Á | Á | { æ Áæ Áæ } | ææ óÁ Á æ Á | æ Á ~ à { ã • æ } • ÉÁ Á^ & { { ^ } á á Á çæ Á @
| çá, Á | Á^ Á @ Á } • ^ } óÁ -@-Áæ } | ææ Éæ á ÉÁæ } | ææ Á É@-Á | • [] Áæ • ã ç * Á @ Áæ } | ææ É
ç Á^ Áæ á æ Á & | á á Áæ Áæ • ã ó Á çá, Á | Á | [] | Á | Áæ á Á | | Á } • æ Á æ * Á @ Á | æ Á ~ à { ã • æ } •
, @ } Á æ æ * Á @ á Á &æ } ÉÁ Á & | á æ * Á @ ~ | á Á | ó Á Á æ Á Áæ [@ | Á | • [] Á } | • • Á @ ^ Á çæ ^
& } • ^ } ò á Éæ á Á @ ~ | á Á Á^ ~ á b & ó Á Á @ Á æ ^ Á & | á Á ^ } æ * Áæ á Á^ ç } Á ^ ~ á { ^ } ç
• | ^ &æ á Á } á | Á ç | æ Áæ á Á^ ç } ç } Á - Á & | á • È

G Ì È Ú | • Á ~ á b & Áæ Á | á | Á @ ~ | á Á Áæ - | { ^ á Á çæ Áæ Á & | á Á @ á Á | æ Á ~ à { ã • æ } È

G J È V @ Á^çá, Á | Á æ Á ^ ~ ^ • ó @ Á | • [] Á ç Á @ { Áæ Á } * [æ * Á | á | Áæ] | æ • Á ç Á | [çæ Á^ | @ |
| ^ çæ } æ - | { ææ } È^H

7 cbg|XYfU|cbg'UbX'jbZfa U|cb'W'bg|XYfYX'Xi f|b| 'Ub'jbHfBU'fYj |Yk'

G È È Ç È Á [ò á Áæ | ç Á É@-Áæ ^ Á | ~ } á • ÉÁ æ á æ | ^ Á } • æ Á ææ } • Éæ á Á ^ ~ á { ^ } óÁ - Á æ [] æ | ^
} & • • æ ÉÁ æ & • • á Á Á çæ Á @ • ^ Á ~ æ Á æ | Á Éæ } | Á Áæ Á &æ } Á Á Á^ çá, Á | Á Á @ Á æ ^
, æ Áæ Á @ ^ Áæ } | Á Á Áæ Á &æ } Á Á Áæ Áæ ç | á á Á | • [] ÉÁ Á^ çá, Á | Á ~ • ó ç [Á } • æ Á Áæ |
| ^ çæ } ó } • æ Á ææ } • Áæ á Á ~ • ó Á | ^ æ á Áæ ^ Á | | ^ çæ } ó } • æ Á ææ } • È

G È È Ç È & | á æ * | ÉÁ [~ | á Á Á^] ^ } Á ç Á @ Á^ çá, Á | Á Á^ Áæ á Á } • æ Á Á @ Á çá, • Áæ á Áæ çæ Á Áæ
] • [] Á æ Á ^ &æ ç ó Á | Á ç | • [] , | á ^ Á @ Á æ Á æ Á Á Á^ çæ } ó Á Á @ Á &æ } Áæ á Á [{ Á @ |
] • [] • Á @ Á ç Á } , | á ^ Á - Á @ Á æ ç æ Á &æ { • çæ & • Á | ^ çæ } ó Á Á @ Á &æ } È

Ü çá, Á | Á æ Á ^ Á ç | • [] ó Á | Á ^ &æ çá ó á çæ Á

G È È Y @ } Á &æ æ * Áæ Á ç } æ Á çá, Áæ } | ææ } ÉÁ Á^ çá, Á | Áæ Á | Á } Á @ | Á á | ^ } á } ó Á | •
ç Á } á ~ & Á @ Áæ - | { ææ } Á æ @ | æ * Á çæ Á - Á @ Á^ çá, Áæ á Á Á ~ ó Á | , æ á Á & { { ^ } á ææ } •
æ Á | ææ } Á Á @ Á | | á &æ á á | ^ - | æ Á Á &æ } Áæ æ á Á } Á @ Á | ^ çæ } æ - | { ææ } Áæ ææ | É
P [, ^ ç Á | ÉÁ Á^ çá, Á | Á ~ • ó Á | • [] æ | Á ç | á Á @ á Áæ & ^ ç } Áæ á Á &æ } È æ æ * Á [, Á | Á ^
ç] } æ * Á @ á Á | , } Á ç á Á Á @ Á | ^ çæ } ó á - | { ææ } Áæ á Á ~ • ó Á | ó æ ç { ææ æ Á Áæ & } ó @
| ^ & { { ^ } á á Á &æ } Á æ ç ~ Áæ á | ^ } á } ó } • æ Á ææ } Á - Á @ Á | ^ çæ } ó æ | • È

G È È Ü çá, Á | Á æ Á } • ~ | ó Á | • [] • Á æ Á ^ &æ çá ó Á | Á ç | • [] , | á ^ Á | ^ çæ } ó Á Á @ Á &æ } ÉÁ |
^ çæ] | ÉÁ | • [] Áæ Ááæ ææ ç Á @ | Á @ Á | • [] Á @ Á ~ á b & Á - Á @ Á | á | Á @ Áæ Ááæ ææ ç È
P [, ^ ç Á | ÉÁ æ æ Á Á @ | Á @ Á^ çá, Á | Á | • Á } Áæ [@ | Á | • [] Á ç Á } á ~ & Á @ Á^ çá, Áæ á
] | [çæ Á @ { Á æ Á Á & { { ^ } á á Á &æ } Éæ ^ Áæ çæ Á ^ & æ Á á | { Áæ Á ç | • [] ~ • ó Á ^
æ á | ^ } á } ó } • æ Á ^ á Áæ á Áæ • • • á Á Á @ Á^ çá, Á | Á Áæ & | á æ & Á æ Á @ Á | | { æ Á | • Á ~
ææ { æ á d ææ Á &æ } È æ æ * Éæ á Á @ Á ç | • [] Á ^ &æ çá ó á çæ Á @ ~ | á Á Á } • æ Á ^ á Áæ á
d ^ æ á Áæ Á } ^ Á Áæ { á | Á - Á | ^ çæ } ó } • æ Á ææ } • Á @ Á ~ • ó Á Á } • æ Á ^ á Áæ á Á ^ á @ á
æ æ } • ó æ ç | @ | È

^H Á &æ } Á ç È Ç È Ç È Ç È Á @ Á &æ
í í

Ù` à{ ã•ã }•Á| { Á^çã} ó&@ [Á çã-ã} áÁ ç@!Á^!•[]`
G Ī È Û&@ [Á çã-Á ^ { à^!•Á} áÁ ç@!Á^!•[]•É } @ Á ^!Á ç@ Á ~ àb&óÁ -Á ç@Á } á` &óÁ @Á ç@!Á ç@
[]* [ã * Á | á^!Á } @ { Á ç@!Á | á^!Á ^!•Á } Á | [ó&É } áÁ ç@!Á -!Á áÁ } Á] [í } áÁ ç@!Á ç@!Á ç@
@Á ç@! } áÁ ç@! , Á | [&••Á } K

æD] [çã^Á çã ç@!Á çã } • Á -Á ç@!Á^!•[] çÁ } á` &óÁ } áÁ ç@!Á ç@!Á •Á ç@!Á çã^Á^çã} óÁ Á ç@
á^&ã } L

àD ^ç [çã^Á çã] ç@!Á -Á ç@ Á ~ àb&óÁ çã ç@!Á } Á ç@ { çã } áÁ ç@Á } ç@!Á çã^Á çã } Á Á ç [\ ^
ç@!Á | á^!Á } [áÁ çã^Á } Á ç@ { LÁ |

&D] [çãã * Á } ^ Á ç@!Á } { çã } Á çã } áÁ çã^Á^çã} óÁ Á ç@Á çã , Á^&ã } È

G Ī È Û çã-Á ^ { à^!•Á} áÁ ç@!Á^!•[]•Á ~ •óÁ [óÁ çã^Á ~ à{ ã•ã }•Á } |••Á ç@!Á çã^Á^çã} óÁ Á ç@
{ çã^È

G Ī È ÇÁ çã-Á ^ { à^!Á | Á } [ç@!Á^!•[] } Á çã çã^Á ~ à{ ã•ã }•K

æD [| çã^ L

àD ã Á | çã * Á } áÁ ç@!

&D à^ Á çã * Á | ^!•^ } çã çã^Á } [] çã çã^Á | Á • çã çã^Á } [ç@!Á^!•[] È

G Ī È Ç | Á çã-Á } çã çã & Á -Á ~ à çã | ã çã çã Á } @ Á çã^Á çã^Á } Á | á^!Á } Á | [ó&ó@ { • | ç^•Á | { Á ç@
çã { ~ | Á ^ çã^ } | Á çã } @ Á çã Á [çã^Á } [ç@!Á çã ç@!Á á^!Á^!•[] } Á | Á çã^Á ç@!Á | á^!Á } @ | á
çã^Á ç@!Á çã^Á } [í } çã^Á } áÁ çã^Á ç@!Á ç@!Á ç@!Á } áÁ ç@!Á } áÁ ç@!Á } Á | [&••Á } | á^!Á } Á çã-Á | Á } @ {
ç@!Á | á^!Á } çã çã^Á } Á | [ó&È

G Ī È V @ Á çã ç@!Á á^!Á^!•[] } Á } @ Á çã^Á ç@!Á | á^!Á } @ | áÁ } [Á^Á | [çã^Á } Á] [í } áÁ ç@!Á çã^Á
•` à{ ã•ã } Á ç@!Á } @ Á ç@!Á | á^!Á } çã çã^Á } @ | Á ç@!Á^!•[] } çã^Á^çã} óÁ |
^çã } | Á çã^Á çã^Á } ^!Á^!•^ } óÁ } @ } Á ç@!Á çã^Á } óÁ [\ Á | çã^È

G Ī È Û çã-Á , ^!•Á } •óÁ } •çã^Á } ^Á ~ à{ ã•ã }•Á } @Á çã^Á^çã} óÁ Á ç@Á^&ã } Á } áÁ çã^!• çã
á^!Á^çã} óÁ ~ à{ ã•ã }•È

DfcWXi fU`ZJfYgg`UbX`Ugg`gHbW`Zcf`dYcd`YZca`ji`bYfUV`YVUW`[fci bXg`

G Ī È V [Á } • ^!Á çã^Á [] | Á | { Á } | ^!Á çã^Á } * | [] • áÁ çã^Á | [çã^Á } áÁ ç@!Á | &á^!Á çã^Á } ^••Á } @
çã çã^Á | á^!Á } ^!Á çã^Á } áb&óÁ } Á çã^Á } Á çã^Á , ^!Á çã^Á [] , ã * Á ~ á^!Á } • Á ~ •óÁ^Á } [] , ^!Á K

æD ÇÁ {] | çã^Á ~ ^•óÁ | { Á | Á } çã^Á } , Á ç@ | áÁ çã^Á | [çã^Á } Á } • áÁ [ó } çã^Á } | çã^Á } çã^Á }
çã^Á ~ ^•óÁ^Á } , Á * ^!Á } áÁ çã^Á } | çã^Á } Á | çã^Á -Á çã^Á } * [ã * Á | á^!È

àD V @ Á &@ [| çÁ } çã^Á } { à^!Á } ^!Á^!Á | [çã^Á } Á } çã^Á çã^Á } [] } Á | Á ~ ^!Á } [\ ^
çã^Á } { çã^Á } Á } [~ óÁ } çã^Á } çã^Á } , Á | [&••È

&D V @ Á çã , ^!Á } •óÁ } •çã^Á } ^Á ~ àb&óÁ } | ^!Á çã^Á } Á } áÁ } ^Á ~ à{ ã•ã }•Á &á^!Á } | çã^Á }
ç@!Á } çã^Á } , Á | [&••Á } | çã^Á } Á } Á çã^Á } | ^!Á çã^Á } •Á } Á ~ ^!Á } çã^Á } [ç@!Á } | çã^Á }
á^&ã } Á } &á^!Á } áÁ * Á } Á | çã^Á } Á } Á ç@!Á } [] | çã^Á } ^••Á } -Á ç@!Á | á^!Á } áÁ }
ç@!Á } •Á } áÁ } | áÁ } •Á } çã^Á } , Á^&ã } Á } &á^!Á } áÁ * Á } @ ç@!Á } | á^!Á } @ | áÁ } çã^Á }
çã^Á } &á^!Á } áÁ } çã^Á } •È

HFJÈ ÚÁË&ãä * Á @c@!Á Ác!&ã^Á@ãÁã&^c} Ê@^ÁÖ ã^|ã ^ÁÁ& { { ^} áÁc@Á@Á^&^cã
æ áÁ^* ä c!^áÁ| | |ãd |Á& } •ã^!K

æD c@Á^ { à^!Á Áà!^æ@Á Áæ Á |á^!Áæ áÁ @c@!Ác@Áà!^æ@Á DÁ æ Á^!ã ~ Á |ÁcãæÉ
ã &^ äã * Ác@Á^ç^!ã Á Ác@Á } æcÁ } Ác@Ác@Áæ áÁæc Á ÁcæÁ { ^ à^!Áæ áÁc@!
{ { ^ à^!Á Ác@Á&@ [|& { { ~ } æ Éæææ |æ| Ác á^ } cL

àD c@Áææææææææ æ áÁææ Á Áæ ^ Ác! } ææ^ Á ææ • Á Á } &^ |æã * Á& { |æ } & Áæ áÁ @c@!
• &Á ^æ • Ác@Á^Á^ } Áæ {] c^L

&D c@Áæ^É @ÁæÁc@Á^ } c^Ác@Á^ |Á ^æÁ^ } |Áæææ Á Ác@Á^! • | Á^ àb&Á Ác@
| |á^!Áæ áÁc@Á^ Áæ^Áæææ } c^ Ác^ á^ } c^ } | |ÁáÁc@Á&@ [Ê@Ác^ á^ } d

áD c@Áæææ^ Á Áæ ^ Áæ & Ác@Áæ^ Áá^!^æ@

^D , c@ÁÁæ | ^ã * Á Ác@Áæ æ ä cæ • qÓ [^ |cÁ [^ |áÁ^ |c@ÁÁ &ææ Ác@Á^ Ác@Á^ |á^!
• [^ * cÁ Áæá^! • L

-D c@Áæ \ Á Ác@Á { Á ÁcæÁæ áÁc^ á^ } • Éæ &^ äã * Á • &@ [| * ÁæÁc@Á L

*D , c@ÁÁc@Á^ Á Áæ^æ [} æá^ Á | | • ^ &Ác@Ác@Áæ æ ä cæ • qÓ [^ |cÁ [^ |áÁæ áÁæ Áæ [^ Á ~
c@Á&@ [| L

@ c@Á^ Áá^! Á |Á ^ææÁ |Á^ } |Áæ^ Ác! | | } &^ Áæ á

æD æ^ Á ææææ * Á |Áæ * |ææææ * Á&& { • cæ } &^ É

HFJÈ ÚÁË |Á Áæ ád |Á& } &^ | | } d^ Á æcÁ æã * Áæ Áæ |æææ } Á Ác@Áæ æ ä cæ • qÓ [^ |cÁ @Á^&^cã
| |Á^* ä c!^áÁ| | |ãd |Á @^ |áÁ [cæ Ác@Á^! • | } Á Á @ { Ác@Á^ |á^!Áæ } |áÁc@ÁK

æD c@Á^ Ác@Á^ } dæ^ } ^ Ác@Á^ |á^!Áæ á

àD c@Á^&^cã Á |Á^* ä c!^áÁ| | |ãd |Á |Á^Áæ æã * Áæ Áæ |æææ } Á Ác@Áæ æ ä cæ • qÓ [^ |cÁ

HGEÈ P [, ^ç^!Á^ &@ [cææææ } Á @^ |áÁ [c^Á^ æá^Á [cæã * Ác@Á^! • | } Á Áæ^ |Á Á^ |c@ÁÁ &ææ
c@Á^ Ác@Á^ |Ác@Á^ } | | &^ } c^ | | &^ áã * Á^Á • Á Áæá^! • É

HGFÈ Úæd |Ác@Ác@Á^&^cã Á |Á^* ä c!^áÁ| | |ãd |Á ~ c^ [c^ } •ã^!Á |Á^Áæ ^ } &^ áÁ^ Á @ }
& } •ã^!ã * Á @c@!Á Ác!&ã^Á@ãÁã&^c} Á Áæ | |Á Ác@Áæ æ ä cæ • qÓ [^ |cÁ Á } | | &^ Áæ
| |á^!Áæ &^ á^ K

æD á^!^çæ c^ |Á^ • ^ |Á^ |Á c!^! } &Á { Ác@Á^ { ^ à^!Á^ Á^d |Á Ác@Á&@ [|& { { ~ } æ L

àD c@Áæ&^Á |áã } Éæææææ É^cÉ^ } á^!Á^ } c^ É^c^ æÁ |á } cææ } Éæææ } æÁ |áã É [|æææ
æ • [&æææ } • Éæcæææ Á |Á^!á • Á Ác@Á^! • | } Ác@Á^ àb&Á Ác@Á^ |á^!Áæ á

&D c@Á^! • | } æÁ^Áã * Á | Ác@Á^&^cã Á |Á^* ä c!^áÁ| | |ãd |É^Á } ææ^Á+ { Ác@Á
æ • ^ • { ^ } c^ Ác@Áæc Áæ áÁ&& { • cæ } &^ Á Ác@Áæ^É

A U] jgfh UHYgD7 ci fhXYW]g]cb'UbX'cfXYfg'

HGE Q@A ae adae qO[~ loA aae a aA@A@A^i.[} A@A } dae^ } aAae A la^i A@A[~ loA ae
{ ae^A } ^A!A [!^A A@A]] , q * A la^i . K^F

aD ae A la^i A [] ^ | q * A@A^i . [} A A [] | ^ A a@A@A la^i L

aD ae A la^i A [] ^ | q * A@A^i . [} A A a^A ^ 8aa a A a } A A [] | ^ A a@A@A la^i L

&D ae A la^i A@A@A^i . [} A ae A a A ^ } ae A - A] A A e A ^ } ae A } a L a

aD ae ^ A @ ! A la^i A@A@A[~ loA] . a^i . A] ! [] | a e

HGE Q@A ae adae qO[~ loA la^i . A a A a A ^ } ae A e A ^ } ae A ae ae | A A @ A ae A - A a d | a e
} [A @ A & Q [] E^G

F^F A ^ a } . A e O e F a a A e O e H A - A @ A e d A
F^G A ^ a } A e O e G A - A @ A e d A
i i .

8D æÁ&Q[|ÁæÁ ^{ à\ÁÁÁÁ\á *ÁÁOXWÁ ÁÁ\æÁ }Á ÁÁ ^{ à\ÁÁÁÁ } Áæ á Á @
ã Áæ[Áæææ *Á@ÁæÁ ^{ à\ÁÁ } Á&Q[|Á |{ } á Áæ] ææ *Á [|] Á@ÁæÁ ÁÁ@
•&Q[|Á { { } } æ È

H I È QÁ [• ç • ç & Á@Áçá & Á ÁÁOXWÁ ÁÁUWÁ ÁÁ [çÁÁÁ\çæ ç ÁÁÁÁá] Á } Á @ç:
ç\ÁÁÁÁ |{ } á Á Á æ Á Á Á\ÁÁ ç æ ÁÁÁÁ\çæ ç Á@ÁÁ } áá } • ÁæÁÁÁÁ ~ á ÁÁÁ
çÁ\ÁÁÈ

**I gY'cZcfXYf'hc'UXXfYgg'ZJa]mj]c`YbW'YI dYf]YbW'Vmighi XYbhg'cf'gHJZ]b`h Y
UVgYbW'cZU: J=C'cf'DG=C'**

H I È ÇE çQ[|ãáÁÁ |{ } • Á ~ • ç [çÁÁÁ Á\áÁÁ } áÁÁ@Á&@{ ^Á Á æ æ Áæ á Áá | } & Á æç |
~ } |ÁæáÁ Á@Á &Q[|Á |Á@ÁÁ Á [ç & Á } Á &Q[|Á |ÁæáÁ |æÁ Á Á |æÁ Á Á@ÁOXW
•&@{ ^ÁE çQ[|ãáÁÁ |{ } • Á á Á&Q[| • Á @ |á Á • çæÁ } & |æ ÁÁæ á Á ÁÁ ÁæçÁÁ } á
•] [|çÁ ÁÁ |{ } á Á Áæ á Áá | } & Á@{ * @Á } [|] |æ Áæ á Á ~ } [|çÁ\çÁÁ Áæ & | áá *
^ } & |æ á * Á æ } ç Á Á } • æ Á Áæ | á * Á |ÁÁOXWÁ } ÁÁ @Á Á Á@{ • ÁçÁ Áæ á Á@á
&@ç } ÁÁ@Á æ Á & | á Á @\ÁÁ } [|] |æ ÁÁOXWÁ@Á [| çÁ Áæ } áá & ÁÁ@Á &Q[|
à Á@ÁÁ |{ } á } ç Á |{ } È

H I È ÇÁ &Q[|çÁ |{ çÁ [|æÁ Á @ |á Á Áæ } |á Á Á ÁÁ | áá * Á@Á } [|] |æ Áæç } Á ÁÁÁ
á ÁÁ\æ } Á Áæ á Áá | } & Á æç | Áæ & | áá * Á ÁÁ\æ } Á Á@Áæ } |ææáÁ Á Á@Á@ç
Q |{ æ } ÁUæá * ÁU&@{ ^Áæ á Áá | } & Á Q |{ æ } ÁUæá * ÁU&@{ ^Áæ á ÁÁ |çE } &
Üá \ÁE • Á • { ^ } çæ á Á æ æ ^ { ^ } çæ ^ , [|]

**FYYj UbW'cZH Y'YI]ghYbW'cZUb'cfXYf'hc'XYW]g]cbg'i bXYf': J=C'GW Ya Y'UbX'DG=C'
GW Ya Y'**

H I È V@Áçá & Á Á Á Á\áÁá á Áæ ^ Á } | & { ^ } ç | | & Ááá * Á ÁÁ | ^ ç Á ÁÁÁ\æçÁ Á Á\á
& |áÁÁÁ\çæ ç Á } • æ Áæ } • Á |Áæ Á } | & { ^ } ç áá |ç Á ÁÁáá * Áæ |{ } ç Á } |ææ }
|ÁÁOXWÁ ÁÁUWÈ

HfYgdUgg'K Ufb]b['Bch]W'GW Ya Y'

H I È ÇçQ ~ * @ç@ÁU&@{ ^Á á ÁÁÁ@Á |ÁÁ\áÁæ } | æçÁ Á æ ^ Áææ Á@çÁ |Á |Áá |ÁÁ
&á { • ç & Á Á @çÁÁY Á Á |ÁÁ { æ Á@Á |ÁÁ\áÁ } ç } Á ÁÁáá á ÁÁ\æ ÁÁ@çá | È
• & Á Á @\ÁÁÁ |{ } ÁÁÁ } æ Á Á } Á &Q[|Á |{ } á Áæ á ÁÁ ~ Á Á Á ÁÁæ ÁÁQ , ^çÁ Á@á
& | á & Á [ÁÁ | çÁæç@ÁÁ @ |á Á Áæ ~ Á@Á |{ } á Á |Á æ á * Á Á Á\áÁÈ

H I È Wá * Á@ÁY Á@{ ^Á@ÁÁÁ ^á Á Áá * ÁÁá] |ÁÁ } | æçÁ Á [çá * ÁÁ |{ } Á |{
• &Q[|Á |{ } á Á çQ ~ ç Ááá * Á Áæ ~ Á@ÁÁ ~ á ^ { ^ } ç Á Á@ÁçÁ |Á ~ á |á Á Á@çá |
ç Á æ Á Á Á\áÁ } áÁÁ@ÁU&@{ ^Á [^çÁÁ } * [á * Á |áÁ |Á |çáÁ &Q[|Á |{ } á Á ÁÁ\æ |
Áçááá Áæ á Á | ç } • Á Á Áæ | á * Á@ÁÁ } ç } ç Á Á@Á |áÁÁ ÁæáÁÁ Á@Áá } | | æ
á @çá |Á |Áçæ } | Á Á | | çáá * Á { { } } ææ } Á |Áæ } áá & ÁÁ &Q[|Á |ÁæáÁ |æÁ
ç ç@ÁÁ Á &Q[|Á |{ á Á Á @\ÁÁÁY Á æ Á } | Á Á Áæ Á ÁáÁ & ÁÁ |{ } Á Á Áæ
æ á Á [ç] ç Á &Q[|Á |{ á Á È

H I È VY Á Á æ Áæ [ÁÁÁ Áæááá] çÁ | ç } Á @\ÁÁ Á |áÁÁ Á Á |æÁ Á @\Á@Á |{ } Á Á [ç
& |] | á * Á á@çÁ |{ • Á Á@Á |áÁÁ á Á |çÁÁ } Á Á ÁÁÁ Á Á & Á &Q[|Á çÁÁ
|Á ~ á ÁÁ , áá È

i €



V@Á æ^} óÁ } @] ^ Áæ[~ óQ, Á@Á
•&Q [|Á@ Á æ æ^ áÁ@ áÁ } &! } • Áæ[~ ó
á &æ^ } • Á ç [|çá * Á@ áÁ@áÁV@Á æ^ } ó
ó | ^] Q } ^ • Á@Á | á &á æÁ æ^ • Á@^ æ Á Á
] @ • æá Á@ : ó@Á | á &á æÁ

Ô [] • æ^ | Áæ] | á * Á | ÁÁUQÁ | [ó &ç * Á@Á
] | á &á æÁ áÁ æ^ Áæ Á } * [á * Á | áÁ | Á

384. In some cases, the principal and/or the authorised person may determine that directly reengaging the person who has been subject to an order may result in escalated or aggravated behaviour and therefore increase the risk to the of staff. The most appropriate option in such circumstances may be to avoid direct engagement upon expiry of an order.

Minimising impacts on staff

385. Employers are required to monitor and review the effectiveness of current risk controls in place following an incident to improve measures to manage or eliminate the risk, in consultation with Health and Safety Representatives and relevant employees.¹⁵⁷

386. Employers, including the Department and the relevant employers of non-government school staff, should offer mental wellbeing and other support to a school when incidents occur and once an order is made to recognise the potentially serious mental health impacts of the incident that has led to an order being made.

387. Employers should consider providing proactive mental health and wellbeing support to staff affected by the behaviour that resulted in an order being issued (including witnesses), principals whose decision to issue an order is being challenged at internal and/or external review, and other affected staff.

388. Mental wellbeing and other supports that may be provided to staff include:

- a) referring the staff member(s) to counselling services such as the Employee Assistance Program, and allowing time during work hours and a private space to receive counselling;
- b) ascertaining whether the staff member(s) can return to work following an incident and, if not, making temporary arrangements to allow them to take leave;
- c) providing safe access to and from school such as by arranging another staff member to accompany them; and
- d) arranging for another staff member to report the incident on their behalf to avoid re-traumatising the affected staff member.

¹⁵⁷ Sections 21(1), 22(1) and 35 of the *Occupational Health and Safety Act 2004*.