



New South Wales

Education Amendment (School Community Safety) Bill 2026

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend the *Education Act 1990* to allow orders to be made in relation to schools or places related to schools to protect students and staff from unreasonable behaviour that causes harm, including by disrupting the learning environment and interfering with each child's right to a quality education.

Outline of provisions

Clause 1 sets out the name, also called the short title, of the proposed Act.

Clause 2 provides for the commencement of the proposed Act.

Schedule 1 Amendment of Education Act 1990 No 8

Schedule 1[1] inserts references to definitions of certain terms used in proposed Part 5B.

Schedule 1[2] inserts proposed Part 5B, comprising proposed sections 26N–26ZR, in relation to school safety orders.

Proposed sections 26N–26Q define certain terms used in proposed Part 5B, including *protected place*, *place related to a school*, *unreasonable behaviour* and *relevant action*.

Proposed section 26R sets out the circumstances in which an authorised person for a protected place may make an order (an *immediate order*). The order may be made against a person (a *relevant adult*) who is 18 years of age or more and is not a student, or member of staff, of the protected place. The immediate order may direct the relevant adult to take certain action if the

authorised person is satisfied the behaviour of the relevant adult is unreasonable, causes or poses an unacceptable and imminent risk of causing harm, disruption or adverse effects, and immediately making the order is necessary to address the risk. The proposed section also enables the regulations to prescribe additional circumstances in which an immediate order may be made.

Proposed section 26S provides for the way an immediate order must be made and sets out certain matters the authorised person must consider when making an immediate order.

Proposed section 26T provides for certain circumstances in which the authorised person for a school must make communication and access arrangements when an immediate order has been made and sets out what the arrangements must address.

Proposed section 26U sets out the circumstances in which an authorised person may make an ongoing order and enables the regulations to prescribe additional circumstances. The ongoing order may direct a relevant adult to take relevant action if the authorised person is satisfied the behaviour of the relevant adult is unreasonable, causes or poses an unacceptable risk of causing harm, disruption or adverse effects, and making the order is necessary to address the risk.

Proposed section 26V sets out certain matters that an authorised person must consider when deciding whether to make an ongoing order. The proposed section also provides for how the authorised person must consult with the relevant adult.

Proposed section 26W provides that an ongoing order must be made in writing in an approved form and sets out what the order must contain. The proposed section also sets out additional requirements of an ongoing order if the order relates to a student's parent or carer.

Proposed section 26X provides for certain circumstances in which the authorised person for a school must make communication and access arrangements when an ongoing order has been made and sets out what the arrangements must address.

Proposed section 26Y provides that an ongoing order may be extended on one occasion for a period of not more than 12 months.

Proposed section 26Z provides that a relevant adult may apply for a review (an *internal review*) of the decision to make an ongoing order.

Proposed section 26ZA sets out requirements for an application for an internal review, including notice requirements.

Proposed section 26ZB sets out requirements about the conduct of an internal review.

Proposed section 26ZC sets out the decisions that may be made as a result of an internal review and also provides for notice of the decision to be given to the relevant adult.

Proposed section 26ZD provides for the circumstances in which a relevant adult may apply to the Civil and Administrative Tribunal for an administrative review of the internal review and sets out requirements for an application.

Proposed section 26ZE provides that a relevant adult must not contravene an ongoing order. If the relevant adult contravenes the order, the Minister may apply to the Local Court for an order to impose prohibitions or restrictions to address the risk of harm by the relevant adult (a *protection order*).

Proposed section 26ZF sets out matters that the Minister must consider before making an application for a protection order.

Proposed section 26ZG provides for the making of an application for a protection order.

Proposed section 26ZH provides for the hearing of an application for a protection order and gives the relevant adult the right to appear at the hearing of the application.

Proposed section 26ZI provides that the Local Court may make a protection order if—

- (a) the Minister and the relevant adult consent to the making of the order, or

- (b) the Court is satisfied that the relevant adult contravened the ongoing order and there are grounds for making the order.

A protection order cannot be made for a period of more than 12 months.

Proposed section 26ZJ provides for the varying and revocation of protection orders.

Proposed section 26ZK requires the Local Court to explain certain matters to a relevant adult when a protection order against the relevant adult is made or varied if the relevant adult is present when the protection order is made or varied. The proposed section also provides for service of the protection order on the relevant adult.

Proposed section 26ZL includes protections for children and young persons who appear as witnesses in proceedings related to protection orders.

Proposed section 26ZM allows persons to appeal to the District Court about certain decisions of the Local Court relating to protection orders.

Proposed section 26ZN makes it an offence to contravene a protection order.

Proposed section 26ZO allows the Minister to make guidelines in relation to the proposed part.

Proposed section 26ZP allows an authorised person to delegate functions under the proposed part, excluding the power of delegation, and provides that a person to whom the function is delegated may only subdelegate as authorised.

Proposed section 26ZQ provides that a written order given to a person under the proposed part is satisfied if the order is given to the person personally, or left at, or sent by post to, the address of the place of residence or business of the person last known to the person giving the document.

Proposed section 26ZR provides that the regulations may prescribe record keeping requirements in relation to orders made under the proposed part.



New South Wales

Education Amendment (School Community Safety) Bill 2026

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This PUBLIC BILL, originated in the LEGISLATIVE ASSEMBLY and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

Legislative Assembly

Clerk of the Legislative Assembly



New South Wales

Education Amendment (School Community Safety) Bill 2026

No. _____, 2026

A Bill for

An Act to amend the *Education Act 1990* to allow orders to be made in relation to schools or places related to schools to protect students and staff from unreasonable behaviour that causes harm, including by disrupting the learning environment and interfering with each child's right to a quality education.

The LEGISLATIVE COUNCIL has this day agreed to this Bill with/without amendment.

Legislative Council

Clerk of the Parliaments

Tabling copy

The Legislature of New South Wales enacts—

1

1 Name of Act

2

This Act is the *Education Amendment (School Community Safety) Act 2026*.

3

2 Commencement

4

This Act commences on a day or days to be appointed by proclamation.

5

Schedule 1 Amendment of Education Act 1990 No 8

[1] Section 3 Definitions

Omit the definition of *authorised person* from section 3(1).

Insert in alphabetical order—

approved form, for Part 5B—see section 26N.

authorised person—

(a) for Part 5B—see section 26N, or

(b) for another provision of this Act—means a person authorised in writing for the purposes of that provision by—

(i) the Minister, or

(ii) the Minister's delegate under section 119.

education and care service, for Part 5B—see section 26N.

education support service site, for Part 5B—see section 26N.

harm, for Part 5B—see section 26N.

immediate order, for Part 5B—see section 26R(1).

internal review, for Part 5B—see section 26Z(1).

internal reviewer, for Part 5B—see section 26ZB(1).

Ministerial guidelines, for Part 5B—see section 26N.

National Law, for Part 5B—see section 26N.

ongoing order, for Part 5B—see section 26U(1).

place related to a school, for Part 5B—see section 26O.

protected place, for Part 5B—see section 26N.

protection order, for Part 5B—see section 26ZE(2).

relevant action, for Part 5B—see section 26Q.

relevant adult, for Part 5B—see section 26N.

reviewable decision, for Part 5B—see section 26Z(1).

safety, for Part 5B—see section 26N.

unreasonable behaviour, for Part 5B—see section 26P.

[2] Part 5B

Insert after Part 5A—

Part 5B School safety orders

Division 1 Preliminary

26N Definitions

In this part—

approved form means a form approved by the Minister.

authorised person means—

(a) for a non-government school registered as an individual school—

(i) the principal of the school, or

(ii) a person appointed by the governing body of the school as an authorised person for the school in accordance with the Ministerial guidelines, or

(b) for a non-government school registered as a member of a system of non-government schools—	1
(i) the principal of the school, or	2
(ii) a person appointed by the approved authority for the system of schools as an authorised person for the school in accordance with the Ministerial guidelines, or	3
(c) for a government school—the Secretary, or	4
(d) for a place related to a school—an authorised person for the school, or	5
(e) for an education support service site—the Executive Director or other person responsible for, or in charge of, the site, or	6
(f) for a place prescribed by the regulations—a person prescribed by the regulations.	7
education and care service has the same meaning as in the National Law.	8
education support service site —	9
(a) means a place where education support services are provided to government or non-government schools, including training services or administrative services, and	10
Example — a NSW Department of Education office	11
(b) includes a place prescribed by the regulations.	12
harm includes physical and mental harm.	13
immediate order —see section 26R(1).	14
internal review —see section 26Z(1).	15
internal reviewer —see section 26ZB(1).	16
Ministerial guidelines means the guidelines made under section 26ZO.	17
National Law means the <i>Children (Education and Care Services) National Law (NSW)</i> and the regulations made under the Law.	18
ongoing order —see section 26U(1).	19
place related to a school —see section 26O.	20
protected place means—	21
(a) a school, or	22
(b) a place related to a school, or	23
(c) an education support service site, or	24
(d) a place prescribed by the regulations.	25
protection order —see section 26ZE(2).	26
relevant action —see section 26Q.	27
relevant adult means an individual who—	28
(a) is at least 18 years of age, and	29
(b) is not a student, or member of staff, of the protected place.	30
reviewable decision —see section 26Z(1).	31
safety , of a person, includes the physical, emotional and psychological safety of the person.	32
unreasonable behaviour —see section 26P.	33
26O Meaning of “place related to a school”	34
In this part—	35
place related to a school means the following—	36

(a)	a place being used by the school for—	1
(i)	a school sport or other activity, or	2
(ii)	a school camp, or	3
(iii)	a school event,	4
	Example— a Year 6 farewell	5
(b)	a vehicle being used by or for the school,	6
(c)	a place at which a meeting of the school’s parents and citizens association or an equivalent parents’ association, however described, is being held,	7 8 9
(d)	a place on the grounds of a school where an education and care service is provided,	10 11
(e)	another place prescribed by the regulations.	12
26P	Meaning of “unreasonable behaviour”	13
(1)	In this part—	14
	<i>unreasonable behaviour</i> —	15
(a)	means behaviour that a reasonable person would consider unreasonable in the circumstances because of the nature or frequency of the behaviour, and	16 17 18
(b)	includes the following—	19
(i)	behaving in a way that is disorderly, offensive, intimidating or threatening,	20 21
(ii)	unreasonable communication,	22
(iii)	anything prescribed by the regulations as unreasonable behaviour,	23 24
(iv)	encouraging or causing another person to engage in unreasonable behaviour.	25 26
(2)	In this section—	27
	<i>unreasonable communication</i> —	28
(a)	means communication that a reasonable person would consider unreasonable in the circumstances because of the nature or frequency of the communication, and	29 30 31
(b)	includes the following—	32
(i)	unreasonably approaching, phoning, texting, emailing or otherwise contacting a person or school,	33 34
(ii)	unreasonably publishing or disseminating material about a person,	35 36
(iii)	unreasonably creating audio or visual representations of a person,	37
(iv)	anything prescribed by the regulations as unreasonable communication.	38 39
26Q	Meaning of “relevant action”	40
(1)	In this part—	41
	<i>relevant action</i> means—	42
(a)	prohibiting a person from doing one or more of the following—	43
(i)	entering or remaining at a protected place,	44
(ii)	coming within 25m of a protected place,	45

(iii)	directly or indirectly contacting a member of staff of a protected place,	1
(iv)	attending an online meeting,	2
(v)	using a school communication platform, or	3
(b)	other action prescribed by the regulations.	4
(2)	A person is not prevented from entering the person's home because of a requirement that the person take relevant action.	5
(3)	In this section—	6
	<i>school communication platform</i> means an electronic communication platform, or a page or part of a platform, operated—	7
(a)	for the purposes of a school by—	8
(i)	the school, or	9
(ii)	the governing body of the school, or	10
(iii)	the approved authority for the system of non-government schools of which the school is a member, or	11
(b)	by the Secretary for the purposes of all schools or categories of schools.	12
	Division 2 Immediate orders	13
26R	Grounds for making immediate orders	14
(1)	An authorised person for a protected place may make an order (an <i>immediate order</i>) directing a relevant adult to take relevant action if the authorised person is satisfied—	15
(a)	the behaviour of the relevant adult is unreasonable, and	16
(b)	the behaviour causes or poses an unacceptable and imminent risk of causing—	17
(i)	harm to a person at the protected place, or	18
(ii)	a significant disruption to the operation of the protected place, or	19
(iii)	a significant disruption to activities carried out at the protected place, or	20
(iv)	an adverse effect on the wellbeing or safety of students or staff at the protected place, or	21
	Example— adversely affecting the mental health of a student	22
(v)	an adverse effect on the educational opportunities of students at the protected place, or	23
(vi)	an unreasonable diversion of resources to manage the response to the behaviour, and	24
(c)	immediately making the order is necessary to address the risk.	25
(2)	The regulations may prescribe additional circumstances in which an authorised person for a protected place may make an immediate order.	26
26S	Making immediate orders	27
(1)	An immediate order may be given—	28
(a)	in writing, or	29
(b)	verbally and subsequently confirmed in writing.	30
(2)	The written order or written confirmation must be in an approved form.	31

(3)	The immediate order must direct the relevant adult to take the relevant action the authorised person considers—	1
	(a) necessary to address the imminent risk of harm, and	2
	(b) the least restrictive in the circumstances.	3
(4)	For a school or a place related to the school, if the immediate order relates to a student’s parent or carer, the order must—	4
	(a) provide a way for the parent or carer to continue to—	5
	(i) communicate with the school, and	6
	(ii) receive information the parent or carer would otherwise be entitled to receive about the student’s education, and	7
	(b) for the premises of an education and care service—allow, in accordance with the National Law, the parent or carer to—	8
	(i) sign the student in and out of the premises, and	9
	(ii) if safe to do so—access the premises while the student is on the premises.	10
(5)	In deciding whether to make an immediate order against a relevant adult and in making the order, the authorised person must consider—	11
	(a) the Ministerial guidelines, and	12
	(b) the age, physical health, mental health or other special circumstances or vulnerabilities of the relevant adult, and	13
	(c) for a relevant adult who is the parent or carer of a student—how the order may affect the student’s wellbeing and continued engagement.	14
(6)	An immediate order comes into effect when given and has effect for—	15
	(a) 14 days, or	16
	(b) if the authorised person specifies a lesser period in the order—the lesser period.	17
(7)	A failure to give a written confirmation of an immediate order given verbally does not affect the validity of the order.	18
(8)	An immediate order may be revoked by an authorised person at any time by giving written notice of the revocation to the relevant adult.	19
(9)	An immediate order against a relevant adult in relation to a protected place is automatically revoked if an ongoing order is made against the relevant adult in relation to the protected place.	20
(10)	An immediate order may be extended only once by no more than 14 days.	21
26T	Communication and access arrangements	22
(1)	An authorised person for a school must make communication and access arrangements for a relevant adult if—	23
	(a) the relevant adult is the parent or carer of a student at the school, and	24
	(b) an immediate order has been made against the relevant adult in relation to the school or a place related to the school.	25
(2)	The arrangements must address how the relevant adult—	26
	(a) may continue to communicate with the school, and	27
	(b) may be informed about the student’s education, and	28
	(c) may participate in decisions about the student’s education, and	29

(d)	for an immediate order that prevents the relevant adult from escorting the student to the school or school activities—will ensure the student may safely access the school and activities.	1 2 3
(3)	The authorised person must consider the Ministerial guidelines when making the arrangements.	4 5
(4)	The authorised person must, as soon as practicable after the immediate order is made—	6 7
(a)	make the arrangements, and	8
(b)	ensure the relevant adult is made aware of the arrangements.	9
Division 3	Ongoing orders	10
26U	Grounds for making ongoing orders	11
(1)	An authorised person for a protected place may make an order (an <i>ongoing order</i>) directing a relevant adult to take relevant action if the authorised person reasonably believes—	12 13 14
(a)	the behaviour of the relevant adult is unreasonable, and	15
(b)	the behaviour causes or poses an unacceptable risk of causing—	16
(i)	harm to a person at the protected place, or	17
(ii)	a significant disruption to the operation of the protected place, or	18
(iii)	a significant disruption to activities carried out at the protected place, or	19 20
(iv)	an adverse effect on the wellbeing or safety of students or staff at the protected place, or	21 22
	Example— adversely affecting the mental health of a student	23
(v)	an adverse effect on the educational opportunities of students at the protected place, or	24 25
(vi)	an unreasonable diversion of resources to manage the response to the behaviour, and	26 27
(c)	making the order is necessary to address the risk.	28
(2)	The regulations may prescribe additional circumstances in which an authorised person for a protected place may make an ongoing order.	29 30
(3)	An ongoing order may be made in relation to a relevant adult regardless of whether an immediate order has been made in relation to the relevant adult.	31 32
26V	Process before making ongoing orders	33
	In deciding whether to make an ongoing order against a relevant adult and in making the order, the authorised person must—	34 35
(a)	consider the following—	36
(i)	the Ministerial guidelines,	37
(ii)	the unreasonable behaviour by the relevant adult in relation to the protected place,	38 39
(iii)	if an immediate order has been made against the relevant adult—whether the relevant adult complied with the immediate order,	40 41
(iv)	the age, physical health, mental health or other special circumstances or vulnerabilities of the relevant adult,	42 43
(v)	anything known about the relevant adult that may have contributed to the relevant adult’s unreasonable behaviour,	44 45

(vi)	for a relevant adult who is the parent or carer of a student—how the order may affect the student’s wellbeing and continued engagement,	1 2 3
(vii)	anything prescribed by the regulations, and	4
(b)	consult with the relevant adult by—	5
(i)	giving the relevant adult written notice about the proposal to make the ongoing order and the terms of the order, and	6 7
(ii)	inviting the relevant adult to make submissions within the time specified in the notice, which must be no less than the minimum time required by the Ministerial guidelines, and	8 9 10
(iii)	considering submissions made by the relevant adult within the specified time.	11 12
26W	Making ongoing orders	13
(1)	An ongoing order must be—	14
(a)	made in writing in an approved form, and	15
(b)	given to the relevant adult.	16
(2)	The ongoing order must direct the relevant adult to take the relevant action the authorised person considers—	17 18
(a)	necessary to address the unacceptable risk of harm, and	19
(b)	the least restrictive in the circumstances.	20
(3)	For a school or a place related to the school, if the ongoing order relates to a student’s parent or carer, the order must—	21 22
(a)	provide a way for the parent or carer to continue to—	23
(i)	communicate with the school, and	24
(ii)	receive information the parent or carer would otherwise be entitled to receive about the student’s education, and	25 26
(b)	for the premises of an education and care service—allow, in accordance with the National Law, the parent or carer to—	27 28
(i)	sign the student in and out of the premises, and	29
(ii)	if safe to do so—access the premises while the student is on the premises.	30 31
(4)	An ongoing order must contain the following—	32
(a)	information about how the relevant adult may seek an internal review of the decision to make the order,	33 34
(b)	if there are actions the relevant adult may take to have the order revoked—details of the actions.	35 36
(5)	An ongoing order comes into effect when it is made and has effect for the period, not more than 12 months, specified in the order.	37 38
(6)	An ongoing order may be revoked by an authorised person at any time by giving written notice of the revocation to the relevant adult.	39 40
26X	Communication and access arrangements	41
(1)	An authorised person for a school must make communication and access arrangements for a relevant adult if—	42 43
(a)	the relevant adult is the parent or carer of a student at the school, and	44

(b)	an ongoing order has been made against the relevant adult in relation to the school or a place related to the school.	1 2
(2)	The arrangements must address how the relevant adult—	3
(a)	may continue to communicate with the school, and	4
(b)	may be informed about the student’s education, and	5
(c)	may participate in decisions about the student’s education, and	6
(d)	for an ongoing order that prevents the relevant adult from escorting the student to the school or school activities—will ensure the student may safely access the school and activities.	7 8 9
(3)	The authorised person must consider the Ministerial guidelines when making the arrangements.	10 11
(4)	The authorised person must, as soon as practicable after the ongoing order is made—	12 13
(a)	make the arrangements, and	14
(b)	ensure the relevant adult is made aware of the arrangements.	15
26Y	Extensions of ongoing orders	16
(1)	An ongoing order (the <i>existing order</i>) may be extended if grounds continue to exist for making an ongoing order on the same terms as the existing order.	17 18
(2)	There may be only one extension.	19
(3)	The period of the extension must be no more than 12 months.	20
Division 4	Reviews of decisions about ongoing orders	21
26Z	Who may apply for internal reviews	22
(1)	A relevant adult subject to an ongoing order may apply for a review (an <i>internal review</i>) of the decision to make the ongoing order (the <i>reviewable decision</i>).	23 24 25
(2)	The application may seek to have the ongoing order varied or revoked.	26
(3)	The application does not affect the ongoing order.	27
(4)	An application cannot be made for a further internal review of an internal review decision.	28 29
26ZA	Requirements for applications for internal reviews	30
(1)	An application for the internal review must be made to—	31
(a)	for a reviewable decision relating to a school or a place related to the school—	32 33
(i)	for a non-government school registered as an individual school—the governing body of the school, or	34 35
(ii)	for a non-government school registered as a member of a system of non-government schools—the approved authority for the system of schools, or	36 37 38
(iii)	for a government school—the Secretary, or	39
(b)	for a reviewable decision relating to an education support service site—the Secretary, or	40 41

- (c) for a reviewable decision relating to a place prescribed by the regulations—a person prescribed by the regulations. 1
2
- (2) The application must— 3
- (a) be in an approved form, and 4
- (b) include the information prescribed by the regulations, and 5
- (c) be made within 28 days after notice of the making of the ongoing order was given to the relevant adult, and 6
7
- (d) be accompanied by any additional information specified in the approved form. 8
9
- (3) The person to whom the application is made may give a notice to the relevant adult requiring the relevant adult to give the person additional information specified in the notice. 10
11
12
- (4) The notice may be given if the person reasonably requires the additional information to ensure the internal review is properly conducted. 13
14
- (5) The notice must specify a time, not less than 28 days, within which the additional information must be given. 15
16
- (6) The person may cancel the application if the relevant adult fails to comply with the notice. 17
18
- 26ZB Internal reviews** 19
- (1) The internal review must be conducted by a person (the *internal reviewer*) who— 20
21
- (a) did not make the reviewable decision, and 22
- (b) holds an office equal to or more senior than the person who made the reviewable decision. 23
24
- (2) Subsection (1)(b) does not apply if the reviewable decision was made by the Secretary. 25
26
- (3) For the internal review, the internal reviewer may share information with and seek advice from— 27
28
- (a) a person who the internal reviewer reasonably believes is suitably qualified to deal with the issues raised by the making of the reviewable decision, or 29
30
31
- (b) another person prescribed by the regulations. 32
- (4) The internal reviewer must consider the following information as part of the internal review— 33
34
- (a) the information considered in making the reviewable decision, 35
- (b) other relevant information given by the relevant adult in the relevant adult’s application or otherwise, 36
37
- (c) other relevant information prescribed by the regulations. 38
- (5) The regulations may provide additional requirements about the conduct of internal reviews. 39
40
- 26ZC Decisions about internal reviews** 41
- (1) The internal reviewer may decide to— 42
- (a) confirm the ongoing order, or 43

	(b) vary the terms of the ongoing order or the period for which the order has effect, or	1 2
	(c) revoke the ongoing order.	3
(2)	After making an internal review decision, the internal reviewer must give the relevant adult written notice of the internal reviewer's decision.	4 5
(3)	The notice must include the following information—	6
	(a) the reasons for the internal reviewer's conclusions and decision, and	7
	(b) if the internal review decision confirms the ongoing order or varies the order in a way that was not sought by the relevant adult—information about how the relevant adult may seek an administrative review of the decision.	8 9 10 11
(4)	The internal review must be completed and the notice given to the relevant adult within the time specified in the Ministerial guidelines.	12 13
26ZD	Applications to Tribunal for administrative reviews	14
(1)	The relevant adult may apply to the Tribunal for an administrative review under the <i>Administrative Decisions Review Act 1997</i> of an internal review decision if the decision—	15 16 17
	(a) confirms the ongoing order, or	18
	(b) varies the order in a way that was not sought by the relevant adult.	19
(2)	The application must be made within 28 days after notice of the internal review decision was given to the relevant adult under section 26ZC(2).	20 21
(3)	An applicant must fully disclose to the Tribunal all matters relevant to the application.	22 23
(4)	The <i>Administrative Decisions Review Act 1997</i> , section 53 does not apply to a decision that may be reviewed by the Tribunal under this section.	24 25
(5)	This section does not otherwise affect the operation of the <i>Administrative Decisions Review Act 1997</i> , Chapter 3, Part 3, Division 2.	26 27
Division 5	Protection orders	28
26ZE	Contraventions of ongoing orders	29
(1)	A relevant adult subject to an ongoing order must not contravene the order.	30
(2)	If the relevant adult contravenes the order, the Minister may apply to the Local Court for an order (a <i>protection order</i>) to impose prohibitions or restrictions to address the risk of harm by the relevant adult in relation to the protected place.	31 32 33 34
26ZF	Matters to be considered before making applications	35
	The Minister must consider the following before making an application to the Local Court—	36 37
	(a) whether applying for the protection order is proportionate to the contravention of the ongoing order by the relevant adult,	38 39
	(b) whether there are more appropriate steps or actions available to deal with the contravention,	40 41
	(c) whether there is a reasonable prospect of success of the protection order being granted,	42 43

(d)	whether the relevant adult has had an opportunity to explain the relevant adult's contravention of the ongoing order,	1 2
(e)	whether the contravention is minor and whether it would be more appropriate for a warning to be given to the relevant adult,	3 4
(f)	the number of contraventions of the ongoing order and the severity of the contraventions,	5 6
(g)	the age, physical health, mental health or other special circumstances or vulnerabilities of the relevant adult,	7 8
(h)	the need to deter the relevant adult or other person from engaging in unreasonable behaviour in relation to protected places,	9 10
(i)	any mitigating or aggravating factors.	11
26ZG	Applications for protection orders	12
(1)	The Minister may apply for a protection order by—	13
(a)	issuing an application notice, and	14
(b)	filing the notice in accordance with this division.	15
(2)	The application notice must not relate to more than one matter.	16
(3)	Proceedings for a protection order are civil proceedings.	17
26ZH	Hearing applications	18
(1)	The Local Court must set the date, time and place for hearing and deciding an application—	19 20
(a)	on the first return date for the application notice, or	21
(b)	on a later date decided by the Local Court.	22
(2)	The Local Court must notify the relevant adult of the date, time and place, if the relevant adult is not present.	23 24
(3)	The relevant adult may—	25
(a)	appear at the hearing of the application, and	26
(b)	make submissions in relation to the application.	27
(4)	The Local Court may hear and decide the application without a party to the application being present if the Local Court is satisfied that—	28 29
(a)	the party had reasonable notice of—	30
(i)	the first return date, or	31
(ii)	the date, time and place of the hearing, and	32
(b)	it is otherwise in the interests of justice to do so.	33
(5)	In this section—	34
	<i>party</i> , to an application for a protection order against a relevant adult, means—	35
(a)	the Minister, or	36
(b)	the relevant adult.	37
26ZI	Making protection orders	38
(1)	The Local Court may make a protection order against a relevant adult in relation to a protected place if—	39 40
(a)	the Minister and the relevant adult consent to the making of the order, or	41
(b)	the Local Court is satisfied on the balance of probabilities that—	42

(i)	the relevant adult contravened an ongoing order in relation to the protected place, and	1
(ii)	the grounds set out in section 26U for making an ongoing order against the relevant adult in relation to the protected place are satisfied.	2
(2)	The Local Court must, when deciding whether to make a protection order, also consider—	3
(a)	the matters set out in section 26ZF(f)–(i), and	4
(b)	anything else the Local Court considers to be relevant.	5
(3)	A protection order remains in force for the period specified by the Local Court.	6
(4)	The specified period must be no more than 12 months.	7
26ZJ	Variation or revocation of protection orders	8
(1)	An application to vary or revoke a protection order may be made to the Local Court at any time by—	9
(a)	the Minister, or	10
(b)	the relevant adult against whom the order is made.	11
(2)	The application must specify—	12
(a)	the grounds on which the application is made, and	13
(b)	for a variation—the variation sought.	14
(3)	The Local Court may decline to hear the application if satisfied—	15
(a)	there has been no change in the circumstances on which the making of the protection order was based, and	16
(b)	the application is in the nature of an appeal against the order.	17
(4)	The Local Court may decide to vary or revoke the protection order if satisfied it is proper to do so.	18
(5)	The protection order may be varied by—	19
(a)	changing the period for which the order remains in force, but not if the period of the order after the change would be more than 12 months, or	20
(b)	adding, varying or removing prohibitions or restrictions.	21
26ZK	Notifying relevant adult when order made or varied	22
(1)	If the relevant adult is present when a protection order is made or varied, the Local Court must explain—	23
(a)	the effect of the order, including prohibitions and restrictions imposed by the order, and	24
(b)	the consequences that may follow from a contravention of the order, and	25
(c)	the rights of the relevant adult in relation to the order.	26
(2)	The Minister must ensure a protection order is served on a relevant adult who is subject to the order as soon as practicable after the order is made or varied.	27
(3)	The Minister may enter arrangements for the purposes of subsection (2).	28
26ZL	Protection of children and young persons	29
(1)	A part of proceedings in which a child or young person appears as a witness must be heard in the absence of the public unless the court directs otherwise.	30

(2)	A child who appears as a witness in proceedings that relate to a relevant adult must not be questioned by the relevant adult.	1 2
(3)	The child may instead be questioned on the relevant adult's behalf by—	3
(a)	an Australian legal practitioner representing the relevant adult, or	4
(b)	a person appointed by the court.	5
(4)	Evidence given by a child in proceedings must be given in accordance with the <i>Criminal Procedure Act 1986</i> , Chapter 6, Part 6, Divisions 3 and 4 as if the proceedings were criminal proceedings.	6 7 8
(5)	A person must not publish the name of a child who appears, or is reasonably likely to appear, as a witness before a court in proceedings—	9
(a)	before the proceedings are commenced, or	10 11
(b)	after the proceedings have been commenced and before the proceedings are disposed of.	12 13
	Maximum penalty—	14
(a)	for an individual—50 penalty units, or	15
(b)	otherwise—250 penalty units.	16
(6)	Subsection (5) does not prohibit publishing—	17
(a)	an official report of the proceedings that includes the child's name, or	18
(b)	anything with the consent of the court.	19
(7)	The offence in subsection (5) is a strict liability offence.	20
(8)	In this section—	21
	child means an individual who is less than 16 years of age.	22
	name , of a child, includes information, including an image, that—	23
(a)	identifies the child, or	24
(b)	is likely to lead to the identification of the child.	25
	proceedings means proceedings under this division.	26
	publish includes broadcast.	27
	young person means an individual who is—	28
(a)	at least 16 years of age, and	29
(b)	less than 18 years of age.	30
26ZM	Appeals	31
(1)	The Minister or the relevant adult may appeal to the District Court about the following decisions of the Local Court—	32 33
(a)	a decision to make or not make a protection order, including in relation to the terms or period of the protection order,	34 35
(b)	a decision to vary or not vary a protection order,	36
(c)	a decision to revoke or not revoke a protection order.	37
(2)	The appeal may be made under the <i>Crimes (Appeal and Review) Act 2001</i> , Part 3 in the same way as an application may be made under that part by a defendant against a conviction arising from a court attendance notice dealt with under the <i>Criminal Procedure Act 1986</i> , Chapter 4, Part 2.	38 39 40 41
(3)	The <i>Crimes (Appeal and Review) Act 2001</i> applies to the appeal.	42

(4)	Despite that Act, lodging a notice of appeal does not stay the operation of the protection order.	1 2
(5)	The regulations under that Act may modify how that Act applies to the appeal.	3
26ZN	Contraventions of protection orders	4
(1)	A relevant adult subject to a protection order must not contravene the order. Maximum penalty—50 penalty units.	5 6
(2)	Proceedings for an offence against this section must not be commenced without the approval of the Minister.	7 8
Division 6	Miscellaneous	9
26ZO	Ministerial guidelines	10
(1)	The Minister may make guidelines for this part.	11
(2)	The main object of the guidelines is to advise an appropriate person of—	12
(a)	the circumstances in which behaviour, including communication, may be considered unreasonable, and	13 14
(b)	the circumstances in which it is appropriate to make an immediate order or ongoing order, and	15 16
(c)	the circumstances in which it is appropriate to extend an immediate order, and	17 18
(d)	the relevant action that should be included in an order in particular circumstances, and	19 20
(e)	the relevant communication and access arrangements in relation to an immediate order or ongoing order.	21 22
(3)	The guidelines—	23
(a)	must include the matters required to be included by this part, and	24
(b)	may provide guidance on matters related to the operation or administration of this part that the Minister considers appropriate.	25 26
26ZP	Delegation	27
(1)	An authorised person may delegate the authorised person’s functions under this part, other than this power of delegation.	28 29
(2)	A person to whom a function is delegated may subdelegate the function if authorised to do so in the delegation from the authorised person.	30 31
26ZQ	Giving orders to persons	32
	A requirement of this part that a written order be given to or served on a person is satisfied if the order is—	33 34
(a)	given to the person personally, or	35
(b)	left at, or sent by post to, the address of the place of residence or business of the person last known to the person giving, or required to serve, the order.	36 37 38

26ZR Record keeping

The regulations may prescribe requirements for the keeping of records about orders made under this part.

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