

MEMORANDUM TO PRINCIPALS

STUDENTS ENGAGING IN CRIMINAL ACTIVITY

The vast majority of students attending public schools maintain behaviour standards of the highest order and are a source of great pride for all of us.

Recently, however, there have been reported incidents of school students allegedly engaging in criminal behaviour.

This has allegedly included students

- making threats to harm other people over the internet
- sending harassing or menacing SMS or email messages
- threatening a teacher with fake gun
- filming assaults using mobile phones and sending the film to others or publishing it on the internet.

Despite their isolated nature, and the fact that schools continue to manage these incidents well, I am anxious to ensure that principals periodically remind students that they will face serious consequences if they are found to have committed a crime.

All principals should continue to ensure students are reminded of the consequences of inappropriate behaviour.

In addition, because of the potential for them to be held criminally responsible, students aged 10 or above should be told in the clearest terms not to engage in any activity that amounts to criminal behaviour.

The *message to students* that follows has been drafted for secondary age students.

All principals of secondary age students are to provide students with this information.

If principals of primary age students feel this message would be appropriate for some of their students, they may wish to provide it in a modified form.

Message to students

- All schools have discipline policies that ensure members of the school community behave responsibly and are treated with respect.
- **Schools are among the safest places anywhere in the community.**
- Students are commended for showing genuine concern for the welfare of their friends and others. Students who share information with staff allow help to be provided to peers who are involved in or considering criminal behaviour.
- Students have often played a key role in preventing crimes and their consequences.
- Unacceptable behaviour can have significant consequences. It is important you are aware of these consequences.

- If students use the internet, emails or mobile phones in a way that is offensive, harassing or menacing, this is a serious crime with heavy penalties, including imprisonment.
- If students use mobile phones to film criminal behaviour that they or their friends are engaged in and then share the film with other people or post it on the internet, it is itself a criminal offence.
- If a student witnesses a crime and records images of a crime on a mobile phone or cameras they should give it to the police as soon as possible.
- Having a gun, including a fake gun that looks real, is a serious crime with heavy penalties.
- Having knives or other items that can be used as weapons without a good reason, is also illegal.
- Encouraging other people to commit a crime is itself a crime.
- Being present as part of a group while a crime is being committed by others in the group can lead to all of those present being charged, even when some of those in the group did not engage in the specific act of the crime.
- Just because you are a school student does not mean you cannot be held responsible for a crime. Nor does the fact that you are playing a prank or a trick. You can still be punished as a criminal.
- Pranks, particularly if they involve the use of fake weapons, can be very serious in ways that you may not intend. If another person believes that the weapon is real, they could suffer serious harm, such as a heart attack and you could be punished as a criminal.
- If you are found guilty of a serious criminal offence it could have a big effect on your future life – it could affect your work prospects, or restrict your right to travel to some places.
- All students must report to the principal, teachers, the police or other responsible adults any criminal behaviour that they see or that they know is being planned by others. You should not see reporting a crime as “dobbing in a mate” – such action may in fact save someone’s life or prevent serious injury or damage from occurring.

It should be understood that, because the law can be complicated to explain, we have not necessarily included all possible exceptions. Where you think this is the case and wish to convey a modified message to a particular student audience, please contact the Legal Services Directorate to confirm this is appropriate.

Students need to have a clear understanding that any behaviour of a serious criminal nature occurring during school activities, or where there is a close link between the

behaviour and the school, will result in action under the Department's suspension and expulsion guidelines and police will be notified.

Generally, students engaging in such behaviour can expect to receive, as a minimum, a long suspension. Students should also be clear that when such behaviour is reported to the police they may be subject to subsequent criminal proceedings.

Principals should also ensure that any incidents of a serious criminal nature are reported to the Department's School Safety and Response Hotline on 1300 363 778 to assist in ensuring a timely response from police.

In secondary school the School Liaison Police Officer responsible for your school area is also available to give advice.

If you have particular inquiries about legal issues relating to the criminal conduct of students, please contact the Legal Services Directorate on (02) 9561 8538.

I thank all principals for their shared concern and cooperation in proactively reinforcing appropriate guidelines for student behaviour.

Trevor Fletcher
Deputy Director-General (Schools)
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