Banning, Searching and Seizing Harmful Items Guidelines

*Education and Training Reform Amendment (School Safety) Act 2011*

Updated by Security and Emergency Management Division
Regional Services Group
Department of Education and Training

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# **Introduction**

These Guidelines are intended to assist principals in interpreting and implementing the provisions of the *Education and Training Reform Amendment (School Safety) Act* *2011* and *Education and Training Reform (School Safety) Regulations 2011*. The Guidelines should be read in conjunction with the Act and Regulations.

The Act and Regulations provide principals with the power to declare and ban harmful items from school premises and teacher-supervised activities, and principals and authorised teachers with the power to search and seize such items.

Principals should make parents and owners of vehicles transporting students on teacher-supervised activities and the owners of premises where students are staying and visiting during a teacher-supervised activity aware of the search powers made under the Act and Regulations.

# **Declaration of Harmful Items**

**Note: References to the “principal” in Parts 2 and 3 of these Guidelines should be taken to include the principal of a school, any assistant principals, and any teacher authorised to carry out functions in relation to the searching for, and seizure of, harmful items. Information pertaining to Authorisation of Teachers can be found at Part 5 of these Guidelines.**

A principal may ban certain items from being brought onto school premises which the principal reasonably believes are likely to be used in a threatening, violent or harmful manner. In banning such items the principal makes a “declaration of harmful items”.

1. When making a declaration of harmful item, consideration must be given to:
	1. the nature of the item being declared, for example whether the item has cultural or religious significance or if the item is required to manage a physical disability of a student
	2. items commonly found on school property such as pencils, cooking equipment or compasses and the impact that declaring such an item may have on the regular, harmonious functioning of the school community
	3. whether the principal reasonably believes that the item is likely to be used in a threatening, violent or harmful manner. In deciding this, consideration should be given to:
		1. the outcome being sought for the safety and wellbeing of students and staff is in proportion to the making of the declaration
		2. past behaviour, threats, and trends among students and the broader community.
2. Items that a student or students may legitimately possess (for example for religious purposes or as a disability aid) should be stated to be exempt from any declaration.

***Declaring harmful items to be banned: example***

*A principal may declare that:*

* *Metal rulers are banned from the school premises, except for those students who are enrolled in art classes. Those students may use metal rulers, however the rulers shall be retained by the Art department and distributed to students in class only.*
* *Students may not bring knives of any type onto the school premises, but a Sikh student may be exempted from this declaration for the purposes of wearing a Kirpan.*
* *Students are banned from bringing bats or sticks onto the school for two weeks, with an exemption for those students who require an item such as a walking stick to assist with mobility issues.*
1. The declaration should preferably be published at least 24 hours prior to the declaration coming into effect.
2. The declaration should be printed in languages reflective of the school community and distributed by the method or methods which are typically used to communicate with the school community.
3. The declaration should contain the following information:
	1. that listed items are declared as harmful and as a consequence are banned from the school premises under the conditions set out in the declaration
	2. type of items being declared harmful
	3. time/s and day/s which each item is to be declared as harmful
	4. any other conditions that apply to the declaration, including any exceptions to the ban such as the use of the item in particular classes or under particular circumstances. An example of a declaration can be found at **Schedule 2.**
4. Failure to declare an item to be banned from school premises does not in any way prevent a principal from exercising the powers to search for, and/or seize, a harmful item under section 5.8A of the *Education and Training Reform Act 2006.*

# **Legislative Schemes - *Control of Weapons Act 1990* and *Firearms Act 1996***

1. Control of Weapons Act 1990 - the *Control of Weapons Act 1990* makes it an offence to possess, carry or use certain weapons and to possess or carry a dangerous article in a public place[[1]](#footnote-1) without a lawful excuse. There is a scheme under that Act for approvals and exemptions to use and carry weapons such as **imitation firearms**, for example, people engaged in school theatre productions and military cadets for use in ceremonial proceedings. Notwithstanding these exemptions or approvals, any person seeking to bring, carry, use or store an imitation firearm onto school grounds should first seek the prior written approval of the principal. The principal should seek the advice of Security and Emergency Management Division about any such proposal to ensure that any conditions relevant to the exemption/approval can be met on the school grounds.
2. Firearms Act 1996 - the *Firearms Act 1996* also renders the possession; carrying and use of a range of different firearms (**including** **inoperable firearms or parts of a firearm**) whether registered or unregistered, an offence. This Act also prohibits the use or carrying of a loaded firearm in a certain place including a 'populous place', such as a school, unless you have written approval from the Chief Commissioner of Victoria Police or an exemption under the Act. Exemptions relate to people who use firearms in the course of their duties. For example, police officers.
3. A person aged between 12 and 18 may be issued a Junior Licence to carry certain categories of weapons but only for the purpose of receiving instruction in the use of firearms or engaging in sport or target shooting competitions. If target shooting is part of the school's curriculum, principals will need to consider what arrangements are in place for the carriage, use and storage of the firearms before during and after the activity in their planning and risk assessment of the activity. Principals should consult with the Department's Security and Emergency Management Division about planning for such activities.

## **ITEMS THAT MAY BE DECLARED BANNED BY A PRINCIPAL**

1. Taking into account the legislative schemes outlined above, principals do not need to explicitly ban items such as daggers, swords, crossbows, flick-knives, ammunition or guns, as such items are controlled under legislation. Principals may however choose to remind the community that such items are not allowed on school premises.
2. Declarations made by principals must be limited to weapons and other items which the principal reasonably believes are likely to be used in a threatening, violent or harmful manner.
3. A principal can ban an item or items generally, or for a specified period of time or for specific circumstances. For example, principals may wish to ban the following types of items from schools, either generally, or in specific circumstances:

***Banning harmful items: example***

A principal may wish to declare that the following items are banned from the school:

* metal rulers (other than in specified classes)
* baseball bats (other than during supervised physical education classes)
* glass bottles (other than during designated events taking place after school hours)
* knives (either generally, or those with a serrated edge or knives with a blade longer than 8 cm).

# **Searching for and Seizing Harmful Items**

If a principal has reasonable suspicion that a harmful item exists, the principal has the power to search for and seize such an item under sections 5.8A.3 and 5.8A.4 of the Act.

1. When determining whether reasonable suspicion that a harmful item exists and as such whether a search for a harmful item should be carried out, the following factors should also be considered:
	1. the likelihood that a search will uncover a harmful item
	2. whether it is likely that the harmful item will be used by a student
	3. the source and veracity of information regarding the presence of a harmful item.
2. If a student seeks to obstruct a search, the principal may:

if the principal believes that there is an immediate threat to the safety, security or wellbeing of a student or staff member, contact Victoria Police

if the principal believes that there is not an immediate threat to the safety, security or wellbeing of a student or staff member, contact the parent/guardian of the student and alert them to the circumstances and require the item not to be brought to school in the future.

1. If a principal reasonably suspects that a search will uncover a firearm, ammunition or a prohibited weapon, the principal should contact Victoria Police and only conduct a search if:

the principal reasonably suspects that there is a threat to the safety, security or wellbeing of a student or staff, which in the reasonable opinion of the principal requires immediate action to be taken to reduce that threat, and

the search can be carried out in a manner that does not unduly threaten the safety of the principal, student(s) or other school staff, and

other reasonable actions have been considered, including the practicality of Victoria Police carrying out the search.

1. A principal is not permitted to **physically touch or pat down** a student **to search for a harmful item** but may ask a student to turn out his or her pockets, open any bag, locker or other item, and to disclose whether or not a student is in possession of a harmful item. A student who does not comply with a direction to open a bag or locker or to turn out his or her pockets should be subject to school disciplinary procedures. If the principal believes the student is concealing a harmful item under his or her clothing, the principal should use his or her discretion as to whether to call Victoria Police.

***Searching for an item: example***

*The principal is informed by Student A that Student X intends to assault Student B with a screwdriver during lunchtime. Student X is in class, away from his/her locker. The principal considers the practicality of contacting police to conduct the search, but as the item is not a firearm or prohibited weapon and the likelihood of an assault occurring is high, action is required on the part of the principal. The principal forms a reasonable suspicion that Student X has a harmful item in his/her possession, and instructs staff to assist in opening Student X’s locker. The search does not uncover a harmful item, and the principal decides to wait until the current class ends before requesting that Student X opens his/her bag. Student X complies, the search of the bag is carried out and a screwdriver is found.*

*The principal determines that it is safe for him/her to seize the screwdriver, having considered Student X’s demeanour and the nature of the harmful item. The principal seizes the screwdriver, secures it in his/her office, and cautions Student X on his/her behaviour.*

## **Searching a Private Vehicle**

1. A vehicle may only be searched by a principal if the vehicle is being used for the purposes of a teacher-supervised student activity.
2. If a principal has a reasonable suspicion that a harmful item is contained in a vehicle being used for the purposes of a teacher-supervised student activity, the principal may:
	1. ask the owner or driver of the vehicle if there is a harmful item in the vehicle, and
	2. make a request to search the vehicle.
3. If the driver or owner of the vehicle refuses permission:
	1. the principal may contact Victoria Police to request that it conducts a search of the vehicle, or
	2. if the principal reasonably suspects that there is a threat to the safety, security or wellbeing of a student or staff member, which in the reasonable opinion of the principal requires immediate action to be taken to reduce that threat, the principal should direct the removal of students and staff from harm or danger. A search should then be conducted only if the principal believes that the search can be undertaken safely, and without endangering students, staff or other persons.
4. The power granted by the Act for a principal to search a vehicle should be used sensitively, and a search should only be conducted if it is impractical for the principal to either remove students from the vehicle or for the principal to arrange for the vehicle to be searched by police.

***Searching a parent’s vehicle: example one***

*Students at School A are travelling to an official teacher-supervised school camp. The students are under the direct supervision of the school. Fifteen students are in a minibus, but the remaining three (including Student Q) are being transported in a car owned and driven by a parent. The parent has agreed to form part of the “camp staff” and the school has approved this arrangement.*

*The principal has received information from a student that Student Q intends to assault Student R with a harmful item during the excursion, and calls the teacher supervising the camp to notify him/her of this threat, and to authorise him/her to conduct a search and/or seizure under the Act. When stopping for a toilet break en route to the camp, the teacher asks the parent for consent to search their car for a harmful item.*

*The parent does not consent to the search. The teacher considers whether the search can be carried out in a manner that does not unduly threaten the safety of the teacher, students, staff or the public. The teacher should first remove the students from any danger. The teacher considers contacting Victoria Police, but the remoteness of the students’ location leads the teacher to determine that this option is impractical. Due to the nature of the harmful item and the immediate threat to other students, the teacher decides that the search needs to occur, informs the parent of this decision, and reassures the parent that the search will be confined to the student’s bag. The teacher can only perform this search if the information provided by the principal led to the reasonable suspicion that such a search would uncover a harmful item.*

***Searching a parent’s vehicle: example two***

*A parent drops his/her child, and another student, at the local swimming pool for a school sports day. The parent is neither taking part in the supervision of the sports day nor has he or she discussed any official or unofficial involvement in such supervision with the school.*

*Upon dropping the children at the event, a teacher notices that the parent appears to have a machete in the boot of his/her car.*

*As the parent is not taking part in a teacher-supervised school activity, the teacher* ***does not*** *have the power to search the vehicle under the Act. If the teacher is concerned by the presence of the item in the car, he or she may call police, in the same way that any other member of the public is free to contact the police in such circumstances.*

***Searching a non-parent vehicle: example three***

*The principal is told by a teacher that Student A, who is en route to a camp, has a knife in his possession or backpack. The principal informs the teacher in charge of the camp and the teachers on the bus, and authorises them to conduct a search of the bus taking the students to the camp.*

*When the students arrive at the camp, the teachers quickly isolate the students from the bus in a safe area. A teacher then searches Student A’s bag and the area inside the bus where Student A was sitting. The teacher discovers the knife in a seat pocket, the teacher seizes the knife and secures it in a locked room. The teachers contact Student A’s parents and request that the student be collected from the camp.*

## **Searching Premises**

1. If a principal has a reasonable suspicion that a harmful item is contained on premises being used for the purposes of a teacher-supervised student activity, the principal may:
	1. ask the person who owns or is supervising the premises for permission to search the premises
	2. if the owner or supervisor of the premises refuses permission for a search:
		1. the principal should contact Victoria Police
		2. if the principal reasonably suspects that there is a threat to the safety, security or wellbeing of a student or staff member, which in the reasonable opinion of the principal requires immediate action to be taken to reduce that threat, the principal is to direct the removal of students and staff from harm or danger.
	3. if after undertaking actions in subparagraphs (i) and (ii), the principal still believes that a harmful item is contained on the premises, the principal can search the premises.
2. Any search of public premises should be confined to those areas of the premises wholly or substantially occupied by students under the control of the principal. For example, this may include a locker room at a public swimming pool or a classroom at a zoo or museum.
3. All searches must be carried out in a manner that does not unduly threaten the safety of the principal, students, or other school staff. If the principal is in doubt as to his or her ability to carry out the search, the matter should be referred to Victoria Police.
4. In carrying out any search of premises the principal should consider the immediacy of the need to undertake the search and endeavour to mitigate any loss of privacy of others necessitated by carrying out the search.

# **Action to be taken after Search and Seizure**

## **Seizure of firearm, ammunition or prohibited weapon**

1. If a firearm, ammunition or prohibited weapon is seized by a principal under section 5.8A.4 of the Act, the item must be stored in the following manner until surrendered to Victoria Police:
	1. the item is to be stored in a locked strongbox, safe or other secure container in a locked room, and
	2. access to the room containing the seized item must only be granted by the principal or assistant principal.
2. If it is not practicable that the item is stored in accordance with paragraph 23, the item is to be stored in as safe and secure a manner as is practicable in the circumstances.
3. The principal must report the seizure of a firearm, ammunition or prohibited weapon to Security Services Unit of Security and Emergency Management Division.
4. The principal **must contact Victoria Police as soon as practicable** after seizing a firearm, ammunition or prohibited weapon, and surrender or deal with the item as directed by Victoria Police.

##  **Seizure of an item which is not a firearm or prohibited weapon**

1. If a harmful item that is not a firearm or prohibited weapon is seized by a principal under Section 5.8A.4 of the Act, the item must be stored in a safe and secure manner until the item is surrendered to Victoria Police or returned to the owner (or the owner’s guardian) in accordance with the Act.
2. For the purposes of this section, a harmful item includes an item that has been declared to be a harmful item by a principal or an item which, due to the circumstances, has become a harmful item, e.g. a screwdriver has been used by a student to threaten another student and / or teacher.
3. The principal must notify Security Services Unit of Security and Emergency Management Division immediately to report the seizure of certain items, and then contact Victoria Police. As a general guide, seizure of:
	1. any knife, dagger, sword or serrated blade, or
	2. any item that is used in an attack or threatened attack against another person, or
	3. any “controlled weapon”

should be reported to Security Services Unit and Victoria Police as soon as practicable.

1. The seized item is required to be stored in a locked cupboard if practicable, with access permitted only by the principal.
2. If the item has been seized while on a teacher-supervised activity, the item is to be stored securely and safely by the individual who seized the item.
3. Any seized item is to be retained by the principal until the principal is satisfied that there is no longer a threat to the safety, security or wellbeing of any person or property. This is a significant discretion, and the principal can retain the item until he or she reasonably believes that there is no longer a threat from returning it. Such discretion could last for an hour, a day, a week or longer, provided that the principal reasonably believes that the threat of danger continues to exist.
4. When determining the degree of threat to the safety, security or wellbeing of any person, the following considerations are to be taken into account:
	1. the nature of any threat to use the harmful item
	2. the nature of the harmful item
	3. the likelihood of any students using a harmful item to threaten the safety, security or wellbeing of any person, and
	4. any other circumstances relating to the item or incidents related to the item that may be relevant.
5. Once the principal is reasonably satisfied that there is no longer a threat to the safety, security or wellbeing of any person or property, a seized item is to be returned in accordance with the Act and Regulations in the following manner:
	1. the item is to be returned to a parent or guardian of the owner of the item
	2. where the child is an independent student it may not be appropriate to make the property available for collection by the student’s parents and the property should be returned to the student
	3. the property made available for collection should be in the same condition as when the property was seized
	4. if the owner of the item is unknown, reasonable steps should be made to ascertain the owner. After reasonable steps have been taken and the owner is still unknown or in dispute the item should be disposed of as directed by Victoria Police.
6. An item that it is illegal to possess, threatens the safety or wellbeing of students or staff, or that the principal reasonably suspects to have been used to commit a crime, need not be made available for collection by a student or the student’s guardian. In such circumstances the principal should notify Victoria Police of the seizure of the property, and:
	1. if Victoria Police state that they will come to the school to investigate matters relating to the property, the property need not be made available for collection until they do so, or
	2. if Victoria Police seize the property, the property need not be made available by the school for collection.
7. If Victoria Police decide not to seize the property, and the principal reasonably believes that the return of the item does not pose a threat to the safety or wellbeing of students or staff, the item must be made available for collection by the owner/parent of owner.

# **Authorisation of Teacher**

1. A teacher can be authorised in the following circumstances:
	1. when a teacher-supervised activity is taking place (either on or off school premises), and
	2. the principal or assistant principal is not or will not be present to undertake a search.
2. A teacher can refuse to become an authorised teacher for the purposes of these provisions.
3. Information about the authorisation of teachers may be made available to parents and/or guardians of students, although the absence of such a notification does not deem the authorisation of a teacher invalid.
4. Authorisation of a teacher or teachers by the principal can be made verbally or in writing, and can be made at any time.

***Examples: Authorisation of a teacher***

***Example one:***

* *A principal decides to authorise all year-level coordinators, and home-room teachers to conduct searches and seizures of harmful items throughout the school year. The principal discusses this at the first staff meeting of the year, and all nominated teachers agree to this authorisation with one exception.*

***Example two:***

* *A teacher at a school athletics day becomes suspicious that a student is carrying a harmful item after overhearing a conversation. The teacher phones the principal, who immediately authorises the teacher to search for, and seize, a harmful item.*

##

## **SECURITY AND EMERGENCY MANGEMENT DIVISION**

For further advice regarding these guidelines please contact:

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Phone: 03 9637 3422

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# **Schedule 1 – Firearms, Controlled and Prohibited Weapons**

## **Firearms** [[2]](#footnote-2)

The Firearms Act 1996 renders the possession, carrying and use of a range of different types of firearms (including **inoperable firearms),** registered and unregistered an offence. This Act also prohibits the use or carrying of a loaded firearm in certain places including a 'populous place' such as a school -unless the person has written approval from the Chief Commissioner of Victoria Police or an exemption under section 130 of that Act.

## **Ammunition** [[3]](#footnote-3)

## The carrying and possession of ammunition is controlled by the *Firearms Act 1996*. It is an offence to possess or carry ammunition without a licence under the Act.

## **Controlled Weapons** [[4]](#footnote-4)

|  |
| --- |
|  Spear gun. |
| ***Baton*** or ***Cudgel***, being a short stout stick made of any material designed as a weapon, including the weapon commonly known as a "police nightstick". |
|  ***Bayonet***, being a thrusting, striking or cutting weapon designed to be attached to a firearm. |
|  Cattle prod. |

## **Prohibited Weapons** [[5]](#footnote-5)

|  |
| --- |
| ***Flick knife***, being a knife designed or adapted so that the blade is concealed when folded or recessed into the handle and which opens by gravity or centrifugal force or by any pressure applied to a button, spring or device in or attached to the handle of the knife. |
| ***Imitation firearm***, being a device, (a) the appearance of which could reasonably be mistaken for that of an operable firearm; (b) which is not designed or adapted to discharge shot or a bullet or other missile by the expansion of gases produced in the device by the ignition of strongly combustible materials or by compressed air or other gases, whether stored in the device in pressurised containers or produced in the device by mechanical means and is not capable of being made to do so. ***Dagger***, being a sharp pointed stabbing instrument (other than an oyster knife), ordinarily capable of being concealed on the person and having,1. a flat blade with cutting edges (whether serrated or not serrated) along the length of both sides, or
2. a needle-like blade, the cross section of which is elliptical or has 3 or more sides, but not including instruments such as swords or bayonets.
 |
| ***Knuckle knife***, being an open or exposed blade or similar instrument attached to a handle that is designed or adapted to be held between the knuckles (including the device commonly known as the "Urban Pal Knife"). |
| An article that is designed to include a concealed knife or sword blade, including but not limited to,1. a belt or similar article designed or adapted to hold a knife, dagger or similar instrument so that the presence of the knife, dagger or similar instrument is concealed or disguised as part of the belt or similar article when it is worn (for example an article known as the "Bowen Knife Belt")
2. a ***swordstick***, being a cane, stick or similar article designed or adapted to hold the blade of a sword so that it is concealed from view until withdrawn from the cane, stick or article
3. a riding crop designed or adapted to hold a blade or spike so that it is concealed from view until withdrawn from the crop.
 |
| ***Butterfly knife***, being a knife with a 2 piece handle that folds together to cover both edges of the blade whether the blade is serrated or not serrated. |
| ***Double-end knife***, being a knife that has the appearance of 2 overlapping curved blades joined together so as to form an ellipse shape. |
| ***Blow gun***, being a blow pipe or similar device or instrument designed to propel an arrow, dart or similar projectile by air expelled from the mouth. |
| A dart designed to be projected from a blow gun or similar device. |
| A hunting sling or slingshot designed or adapted to be used with an arm brace which fits or rests on the forearm to support the wrist from the tension of the elastic material used to propel the projectile (including the device commonly known as the "Saunders Falcon Hunting Sling"). |
| A catapult, shanghai or hunting sling (without arm brace described in item 16) that is manufactured and intended for commercial distribution. |
| A dart projector (for example, an article commonly known as the "Darchery Dartslinger") or any similar device that is manufactured and intended for commercial distribution. |
| A slingshot that is manufactured and intended for commercial distribution. |
| An article designed or adapted to discharge oleoresin capsicum spray. |
| An article designed or adapted to emit or discharge an offensive, noxious or irritant liquid, powder, gas or chemical so as to cause disability, incapacity or harm to another person. |
| An article designed or adapted to emit an electric current into a human body for the purposes of incapacitation or injury. |
| An acoustic anti-personnel device that is designed to cause permanent or temporary incapacity or disability, or to otherwise physically disorientate a person. |
| ***Shark Dart*** or any other similar device that is designed to expel, on or after contact, any gas or other substance capable of causing bodily harm. |
| ***Extendable baton***, being a baton designed or adapted so that the length of the baton extends by gravity or centrifugal force or by any pressure applied to a button, spring or device in or attached to the handle of the baton. |
| ***Knuckleduster***, being a device or instrument designed or adapted to be worn across a knuckle or knuckles of the hand, finger, fingers or thumb so as to—(a) increase the force or impact of a punch or blow when striking another person with that hand, finger, fingers or thumb, or(b) protect the knuckle or knuckles from injury when striking another person with that hand, finger, fingers or thumb. |
| ***Weighted glove***, being a glove or any other similar article designed or constructed to be used as a weapon (including a fingerless glove) that has weighted material sewn into it to increase the effect of a punch or blow.  |
| ***Studded glove***, being a glove or any other similar article designed or constructed to be used as a weapon (including a fingerless glove), that has a number of raised studs or spikes made of a hard substance and positioned over the back of the glove to increase the effect of a punch or blow. |
| A mace or any other similar article capable of causing injury that consists of a club or staff fitted with a flanged or spiked head, other than a ceremonial mace made for and used solely as a symbol of authority on ceremonial occasions. |
| A flail or any other similar article that consists of a staff or handle that has fitted to one end, by any means, a freely swinging striking part that is armed with spikes or studded with any protruding matter. |
| A whip with metal lashes. |
| A cat-o'-nine-tails with knotted lashes. |
| A hand-held battery-operated article commonly known as a "laser pointer" designed or adapted to emit a laser beam with an accessible emission limit of greater than 1 mW. |
| An article that consists of a baton or stick constructed in such a way that it can be unscrewed or broken so as to form two or more parts joined by chain, rope or cord, including the martial arts weapons known as "Baton-chucks" or "Bo-chucks". |
| A scythe or sickle-shaped article designed as a weapon that has a fixed or folding blade, and which may or may not have a chain attached, including the martial arts weapon known as "Kama". |
| An article consisting of a chain, rope or cord with a wooden or metal baton, stick or rod attached at each end, including the martial arts weapons known as "Kasari-Fundo", "Kusari-Fundo" and "Manrikigusari". |
| A stick or rod of any material designed as a weapon to be applied to the pressure points of the human body, including the martial arts weapon known as "Kubotan". |
| An article designed to be attached to, or worn on, the hands or feet, that has claws attached, including the martial arts weapons known as "ninja climbing claws", "ninja hand claws" and "ninja foot claws". |
| An article that consists of two sticks, rods or batons joined by a cord, rope or chain including the martial arts weapon known as "Nunchaku". |
| ***Sai*** or ***Jitte***, being a short, tapered, metal rod, dull at the point, with flared metal prongs guarding the handle. |
| An article consisting of a curved blade pointed at both ends with a handle attached to the middle, including the martial arts weapon known as "Suan Ywe Gou". |
| An article consisting of a blade or blades with cord, rope or chain attached for the purpose of enabling the blade to be thrown and retrieved, including the martial arts weapon known as "Shoge", "ninja Kyokeysu-Shoge" or "Kyotetsu Shoge". |
| ***Throwing star***, being a sharpened star-shaped article designed for throwing, including the martial arts weapon known as "Surikan", "Suriken" or "Shaken" (including where the throwing star is attached to a belt-buckle). |
| An article consisting of a handle and an edged blade, joined by chain or a combination of chain and metal pieces or steel rods, designed to be used as a whip, including the martial arts weapon commonly known as "Chinese whip", "whip spear", "7 piece iron chain", "9 piece iron chain", "Bian Tzu Chiang" or "Lien Tzu Chiang". |
| The martial arts weapon known as a "Butterfly Sword". |
| The martial arts weapon known as a "Tonfa". |
| ***Sword***, being a thrusting, striking or cutting weapon with a long blade having 1 or 2 edges and a hilt or handle. |

# **Schedule 2: Example of a Declaration of Harmful Item**

**Declaration of Harmful Item**

|  |  |
| --- | --- |
| **Name of School:** |  |

The following listed item(s) are declared as harmful and as a consequence are banned from the school premises under the conditions set out in the declaration

**Type of item being declared:**

Conditions attached to the declaration

**Time item is to be declared as harmful:**

|  |  |  |  |
| --- | --- | --- | --- |
| □ School Hours | OR | Specify Time: |  |
| □ After School Hours |  |  |  |
|  |  |  |  |

**Day(s) item is to be declared as harmful:**

|  |  |  |  |
| --- | --- | --- | --- |
| □ Monday–Friday |  | □ Other |  |
| □ Saturday–Sunday |  |  |  |

**Date(s) item is to be declared as harmful:**

**Exceptions to the ban:**

For example, the use of the item in particular classes or under particular circumstances. Exceptions can be listed on a separate page.

Signed by the Principal or Assistant Principal

|  |  |
| --- | --- |
| Signature: |  |
| Name: |  |

1. For the purpose of *Control of Weapons Act 1990* schools are considered a public place, however there is no general right for the public to enter school premises. Principals can order people (including parents) to leave school grounds verbally or in writing and erect signage prohibiting access for certain people. [↑](#footnote-ref-1)
2. Section 130 *Firearms Act 1996* [↑](#footnote-ref-2)
3. Section 124 *Firearms Act 1996* [↑](#footnote-ref-3)
4. Schedule 2 Control of Weapons Regulations 2011 [↑](#footnote-ref-4)
5. Section 5 Control of Weapons Act 1990 and Schedule 3 Control of Weapons Regulations 2011 [↑](#footnote-ref-5)