**KNIFE LEGISLATION AND HANDLING AT AIRPORTS**

**IN**

**AUSTRALIA**

Australia has a Federal system with one Federal legislature and eight State/Territory legislatures. The eight States/Territories are New South Wales (**NSW**), Victoria (**VIC**), Queensland (**QLD**), Western Australia (**WA**), South Australia (**SA**), Tasmania (**TAS**), the Australian Capital Territory (**ACT**) and the Northern Territory (**NT**).

The Part *Carrying Knives in Public* is governed by State and Territory legislation, while the Part is governed by Federal legislation.

The Part *Carrying Knives on Airplanes and in Airports* questions are governed by State and Territory legislation, while the Part *Airports* questions are governed by Federal legislation. In each case, while complete answers have been provided, also hyperlinks to the relevant legislation from which more detailed information can be obtained have been included.

# **Carrying Knives in Public**

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| **NSW** | **VIC** | **QLD** | **WA** | **SA** | **TAS** | **ACT** | **NT** |
| *1.1 Which knives are considered weapons under your local law?* | | | | | | | |
| The following knives are '[prohibited weapons](http://www8.austlii.edu.au/cgi-bin/viewdoc/au/legis/nsw/consol_act/wpa1998231/sch1.html)':   * Flick knife; * Ballistic knife; * Sheath; * Urban Skinner push dagger; * Trench knife; * Butterfly knife; * Star knife; * Zombie knife; and * anything that due to its appearance is capable of being mistaken for something that is not a weapon and conceals a blade of any length. | The following knives are '[prohibited weapons](http://classic.austlii.edu.au/au/legis/vic/consol_reg/cowr2011325/sch3.html)':   * Flick knife; * Dagger; * Knuckle knife; * Concealed knives; * Butterfly knife; * Double-end knife; * Black Eagle Knife; * Push knife; * Trench knife; * Throwing blade; * Ballistic knife; and * Non-metal/ceramic knife.   All other knives are considered '[controlled weapon](http://classic.austlii.edu.au/au/legis/vic/consol_act/cowa1990216/s3.html#controlled_weapon)s'. | Certain knives are labelled '[Category M Weapons](http://www5.austlii.edu.au/au/legis/qld/consol_reg/wcr1997290/s7a.html)', including:   * Ballistic knife; * Butterfly knife; * Flick knife; * Push knife; * Sheath knife; * Star knife; and * Trench knife. | The following knives are '[prohibited weapons](http://classic.austlii.edu.au/au/legis/wa/consol_reg/wr1999216/sch1.html)':   * Ballistic knife; * Butterfly knife; * Disguised knife; * Flick knife or switchblade; and * Knuckle knife.   The following knives are '[controlled weapons](http://classic.austlii.edu.au/au/legis/wa/consol_reg/wr1999216/sch2.html)':   * Dagger; * Double end knife; * Hand or foot claws; and * Throwing knife. | The following knives are '[prohibited weapons](https://www.legislation.sa.gov.au/LZ/C/R/SUMMARY%20OFFENCES%20(DANGEROUS%20ARTICLES%20AND%20PROHIBITED%20WEAPONS)%20REGULATIONS%202000/2002.06.30/2000.269.PDF)':   * Ballistic knife; * Butterfly knife; * Bali knife; * Fighting knives; * Daggers; * Flick knife; * Push knife; * Trench knife; and * Star knife. | While there is no definition of "weapon", a knife is considered a '[dangerous article](http://www5.austlii.edu.au/au/legis/tas/consol_act/poa1935140/s3.html)'. | ['Prohibited bladed weapons](http://classic.austlii.edu.au/au/legis/act/consol_act/pwa1996203/sch1.html)' include:   * Flick knife; * Sheath knife; * Dagger; * Butterfly knife; * Star knife; * Trench knife; * Ballistic knife; * Claw; and * Credit card knife or other concealed knife. | '[Prohibited weapons](https://legislation.nt.gov.au/en/Legislation/WEAPONS-CONTROL-ACT-2001#page=5&zoom=auto,88,718)' include:   * Flick knife; * Knuckle knife; * Butterfly knife; * Double-end knife; * Black Eagle knife; * Push knife; * Trench knife; * Throwing blade; * Non-metal/ceramic knife; and * An article designed to include a concealed knife.   Any other knife is a '[controlled weapon](https://legislation.nt.gov.au/en/Legislation/WEAPONS-CONTROL-ACT-2001#page=5&zoom=auto,88,425)'. |
| *1.2 Is there a legal requirement to have a legitimate/justifiable reason for carrying and/or transporting a knife in the public? If so, for what kind of knives (lock knife, folding knife [depending on a special blade length or not?], fixed knife or any knife)?[[1]](#footnote-1)* | | | | | | | |
| **Yes.**  It is an [offence](http://classic.austlii.edu.au/au/legis/nsw/consol_act/soa1988189/s11c.html) to possess or use a prohibited weapon without a permit. A permit holder must have a [genuine reason](http://www8.austlii.edu.au/cgi-bin/viewdoc/au/legis/nsw/consol_act/wpa1998231/s11.html) to use the knife, e.g.:   * Sport or recreation; * Historical re-enactments; * Business or employment; * Film, TV or theatre; * Weapons collection as a member of an approved club or society; * Heirlooms; * Animal management; or * Scientific purposes   It is an [offence](http://classic.austlii.edu.au/au/legis/nsw/consol_act/soa1988189/s11c.html) for a person to have custody of a knife in a public place or school without a reasonable excuse.  A [reasonable excuse](http://classic.austlii.edu.au/au/legis/nsw/consol_act/soa1988189/s11c.html) includes:   * the lawful pursuit of an occupation, education or training; * preparing or consuming food or drink; * participating in lawful recreation, entertainment or sport; * exhibiting knives for retail or other trade; * an organised exhibition by knife collectors; * wearing an official uniform; * genuine religious purposes; and * if the custody is reasonably necessary in all the circumstances during travel to or from or incidental to an activity referred to in the above. | **Yes.**  It is an [offence](http://classic.austlii.edu.au/au/legis/vic/consol_act/cowa1990216/s5aa.html) to possess, use or carry a prohibited weapon.  It is an [offence](http://classic.austlii.edu.au/au/legis/vic/consol_act/cowa1990216/s5.html) to bring a prohibited weapon into Victoria or cause it to be brought into Victoria.  It is an [offence](http://classic.austlii.edu.au/au/legis/vic/consol_act/cowa1990216/s6.html) to possess, carry or use a controlled weapon without a lawful excuse.  A [lawful excuse](http://classic.austlii.edu.au/au/legis/vic/consol_act/cowa1990216/s6.html) includes:   * the pursuit of any lawful employment, duty or activity; * participation in any lawful sport, recreation or entertainment; and * the legitimate collection, display or exhibition of weapons.   Self-defence [is not](http://classic.austlii.edu.au/au/legis/vic/consol_act/cowa1990216/s6.html) a lawful excuse. | **Yes.**  It is an [offence](http://classic.austlii.edu.au/au/legis/qld/consol_act/wa1990107/s51.html) to possess a knife in a public place or a school without a reasonable excuse.  It is a [reasonable excuse](http://classic.austlii.edu.au/au/legis/qld/consol_act/wa1990107/s51.html) to carry a swiss army knife in a public place for use for its normal utility purposes.  A reasonable excuse includes:   * to perform a lawful activity, duty or employment; * to participate in a lawful entertainment, recreation or sport; * for lawfully exhibiting the knife; * for use for a lawful purpose; and * for genuine religious purposes.   A person must [obtain a licence](http://classic.austlii.edu.au/au/legis/qld/consol_reg/wr2016198/s46.html) to possess a Category M knife. This requires proof that there is a 'genuine reason'.  [Genuine reasons](http://classic.austlii.edu.au/au/legis/qld/consol_act/wa1990107/s11.html) include:   * sports, recreational or target shooting; * an occupational requirement; and * the collection, preservation or study of weapons.   The licence holder must also have a [special occupational need](http://classic.austlii.edu.au/au/legis/qld/consol_reg/wr2016198/s46.html) for the knife. | **Yes.**  It is an [offence](http://classic.austlii.edu.au/au/legis/wa/consol_act/wa1999107/s6.html) to:   * bring or send into WA; * carry or purchase; * purchase, sell or supply; and * manufacture,   a prohibited weapon.  It is an [offence](http://classic.austlii.edu.au/au/legis/wa/consol_act/wa1999107/s7.html) to carry or possess a controlled weapon without a lawful excuse.  The test of 'lawful excuse' is not defined by legislation in WA (unlike in other states). Courts are left to interpret it depending on all the circumstances of each case and purpose of the provision to which the defence of "lawful excuse" is an exception: *Taikato v The Queen* [[1996] HCA 28.](https://jade.io/article/67959) In our view, however, definitions of 'lawful excuse' in other states and territories of Australia will be influential in a WA court's decision on any specific case.  However, a lawful excuse does not include that the controlled weapon is carried or possessed for defence.  A person with a lawful excuse [still commits an offence](http://classic.austlii.edu.au/au/legis/wa/consol_act/wa1999107/s7.html) if they carry or possess a controlled weapon in a manner that could reasonably be expected to injure or disable someone. | **Yes.**  It is an [offence](http://www5.austlii.edu.au/au/legis/sa/consol_act/soa1953189/s21f.html) to use or have possession of a prohibited weapon.  It is an [offence](http://www5.austlii.edu.au/au/legis/sa/consol_act/soa1953189/s21e.html) to have possession of a knife in a school or public place without lawful excuse.  It is also an [offence](http://www5.austlii.edu.au/au/legis/sa/consol_act/soa1953189/s21c.html) to carry an 'offensive weapon' without a lawful excuse. A weapon is 'offensive' if the person carrying it cannot establish an innocent reason for having it: [[2007] SASC 349](http://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/sa/SASC/2007/349.html?context=1;query=%5b2007%5d%20SASC%20349;mask_path=).  The test of 'lawful excuse' is not defined by legislation in SA (unlike in other states). Courts are left to interpret it depending on all the circumstances of the each case and purpose of the provision to which the defence of "lawful excuse" is an exception: *Taikato v The Queen* [[1996] HCA 28.](https://jade.io/article/67959) In our view, however, definitions of 'lawful excuse' in other states and territories of Australia will be influential in a SA court's decision on any specific case. | **Yes.**  It is an [offence](http://www5.austlii.edu.au/au/legis/tas/consol_act/poa1935140/s15c.html) for a person to have possession of, or carry or use, a dangerous article in a public place without lawful excuse.  A lawful excuse includes:   * using the knife for the pursuit of a lawful occupation, duty or activity; * participating in a lawful sport, recreation or entertainment; * collection, display or exhibition; * the use of that dangerous article for the lawful purpose for which it was intended; and * religious observance.   A lawful excuse does not include self-defence. | **Yes.**  A person [must](http://classic.austlii.edu.au/au/legis/act/consol_act/pwa1996203/s5.html) have a permit to possess or use a prohibited weapon, including one of the 'prohibited bladed weapons' listed above.  It is an [offence](http://www8.austlii.edu.au/cgi-bin/viewdoc/au/legis/act/consol_act/ca190082/s382.html) to possess a knife in a public place or school without a reasonable excuse.  A reasonable excuse includes:   * the lawful pursuit of the person’s occupation; * preparing or consuming food; * participating in a lawful recreation, entertainment or sport; * exhibiting knives for retail or other trade; * an organised exhibition by knife collectors; * wearing an official uniform; and * religious purposes.   Self-defence is not a reasonable excuse. | **Yes.**  A person [must not](https://legislation.nt.gov.au/en/Legislation/WEAPONS-CONTROL-ACT-2001#page=5&zoom=auto,88,425) possess, carry or use a controlled weapon in a public place or school without lawful excuse.  A '[lawful excuse](https://legislation.nt.gov.au/en/Legislation/WEAPONS-CONTROL-ACT-2001#page=5&zoom=auto,88,425)' includes:   * the pursuit of a lawful employment or lawful duty; * lawfully participating in sport, recreation, entertainment or other activity; and * collection, display or legitimate exhibition of weapons.   Self-defence is not a lawful excuse.  A person must not:   * bring into the NT * manufacture, sell or purchase; * display or advertise for sale; or * possess use or carry,   a prohibited weapon unless permitted to do so by an exemption (see response to question 1.7). |
| *1.3 How must these concerned knives of point 1.2 be carried or transported in the public (e.g. in a closed or locked container)?* | | | | | | | |
| When [transporting](http://classic.austlii.edu.au/au/legis/nsw/consol_reg/wpr2017322/s13.html) a prohibited weapon by public transport, it must be contained in an unobtrusive locked container.  If transported in any other vehicle, it must be kept in a locked compartment, or in a locked container properly secured to the vehicle. It must not be able to be seen.  Permit holders must take all reasonable precautions to ensure that the knife is not lost or stolen.  There must be a '[genuine reason](http://www8.austlii.edu.au/cgi-bin/viewdoc/au/legis/nsw/consol_act/wpa1998231/s11.html)' (as defined above) for the transport of the weapon.  For a knife that is not a prohibited weapon, there are no special requirements, provided that there is a [reasonable excuse](http://classic.austlii.edu.au/au/legis/nsw/consol_act/soa1988189/s11c.html) (as defined above) for the transport. | A person [must only](http://classic.austlii.edu.au/au/legis/vic/consol_act/cowa1990216/s6.html) carry a controlled weapon in a safe and secure manner consistent with the lawful excuse for which it is possessed or is carried or is to be used.  In limited circumstances, the Chief Commissioner of Police [may grant approval](http://classic.austlii.edu.au/au/legis/vic/consol_act/cowa1990216/s8c.html) to a person to possess, carry or use a prohibited weapon. That approval is subject to conditions, including that the weapon is stored safely and securely. | For Category M knives, the transport must be [necessarily incidental](http://classic.austlii.edu.au/au/legis/qld/consol_reg/wr2016198/s5.html) to the activity for which the knife is licenced.  [Safety precautions](http://classic.austlii.edu.au/au/legis/qld/consol_reg/wr2016198/s96.html) apply to Category M knives being transported by vehicle. The knife must be either:   * locked in the boot; or * placed in a securely closed container out of sight; or * locked in a metal container fixed to the vehicle. | There are no special requirements for carrying controlled weapons, provided that the weapon is carried for a lawful excuse and in a manner that could not be reasonably expected to injure or disable someone, or cause someone to fear being injured or disabled. | If a person obtains a prohibited weapon exemption, conditions and requirements may apply to the transport and storage of that weapon. This will vary depending on the weapon. | No special requirements apply, provided that the transport of the knife is for a lawful purpose. For example, [conveying](https://www.police.tas.gov.au/services-online/knife-laws-education/) a kitchen knife from a shop to your home is a lawful reason for having the knife. | The regulations do not specify a method for the transport of knives. However, certain safety procedures may be prescribed as a condition of a permit. | For controlled weapons, no special requirements apply, provided that the transport of the knife is for a lawful purpose.  For prohibited weapons, an exemption must be obtained. The exemption will be subject to the condition that it is stored safely and securely. |
| *1.4 Are there any public places which may be restricted by an authority (on certain days or at certain times) for carrying any knives or other dangerous tools (e.g. public building, schools, railway station, airport, market places, football stadium, event halls etc.)?* | | | | | | | |
| Yes, see response to question 1.2.  A '[public place](http://classic.austlii.edu.au/au/legis/nsw/consol_act/soa1988189/s3.html#public_place)' means:   * a place (whether or not covered by water); or * part of a structure, building, vehicle, vessel or place, whether built on or not.   A '[school](http://classic.austlii.edu.au/au/legis/nsw/consol_act/soa1988189/s3.html#school)' includes:   * government and non-government schools, * pre-schools, primary and secondary schools * child-minding centres * the land and buildings in connection with the conduct of a school. | Yes, the restrictions on controlled and prohibited weapons applies to both public and private places.  However, greater penalties apply for possessing, carrying or using controlled or prohibited weapons in a public place.  A '[public place](http://classic.austlii.edu.au/au/legis/vic/consol_act/soa1966189/s3.html)' includes any open place to which the public has access with or without payment for admittance. | Yes, restrictions apply to a 'public place' or 'school'.  A '[public place](http://classic.austlii.edu.au/au/legis/qld/consol_act/wa1990107/sch2.html)' means any place that the public is entitled to use, is open to the public, or used by the public, whether on payment or otherwise.  A 'public place' [includes a vehicle](http://classic.austlii.edu.au/au/legis/qld/consol_act/wa1990107/s51.html) that is in or on a public place.  A ['school](http://classic.austlii.edu.au/au/legis/qld/consol_act/wa1990107/s51.html)' includes a state or non-state school. | Yes, the offence of carrying or possessing a prohibited or controlled weapon applies to both public and private places. | Yes, see response to question 1.2.  A '[public place](http://www5.austlii.edu.au/au/legis/sa/consol_act/soa1953189/s4.html)' includes:   * a place to which free access is permitted to the public, with the express or tacit consent of the owner or occupier of that place; * a place to which the public are admitted on payment of money, the test of admittance being the payment of money only; and * a road, street, footway, court, alley or thoroughfare which the public are allowed to use, notwithstanding that that road, street, footway, court, alley or thoroughfare is on private property.   A school means a primary or secondary school. | Yes, see response to question 1.2.  A '[public place](http://www5.austlii.edu.au/au/legis/tas/consol_act/poa1935140/s3.html)' includes:   * any place of public recreation or resort; * any public hall, theatre, or room * any place to which the public have access free or on payment of any gate-money; * any street, notwithstanding that the same may be formed on private property; * any school building or land * any public cemetery; * any banking house, warehouse, shop, office, or similar place, while open for the transaction of business. | Yes, restrictions apply to a 'public place' or 'school'. See response to question 1.2. | Yes, see response to question 1.2.  A '[public place](http://classic.austlii.edu.au/au/legis/nt/consol_act/soa1923189/s5.html)' includes:   * every place to which free access is permitted to the public, with the express or tacit consent of the owner or occupier; * every place to which the public are admitted on payment of money, the test of the admittance being the payment of the money only; and * every road, street, footway, court, alley or thoroughfare which the public are allowed to use. |
| *1.5 How is the blade length measured (only the cutting blade or including the blade shank)?* | | | | | | | |
| Under NSW law, the type and/or function of the knife, rather than the length of the blade, determines whether the knife is a prohibited weapon. | Under Victorian law, the type and/or function of the blade, rather than the length of the blade, determines whether the knife is a prohibited weapon.  All other knives, regardless of blade length, are controlled weapons. | Under Queensland law, a blade of any length [can be considered](http://classic.austlii.edu.au/au/legis/qld/consol_act/wa1990107/s51.html) a 'knife', provided that it is capable of being held by hand and used to wound or threaten to wound a person. | A '[dagger](http://classic.austlii.edu.au/au/legis/wa/consol_reg/wr1999216/sch2.html)' includes a flat blade exceeding 8 cm in length with non-serrated cutting edges on both sides. However, WA legislation does not specify how it is measured. | Under SA law, the type and/or function of the blade, rather than the length of the blade, determines whether the knife is a prohibited weapon.  All other blades are considered 'knives' regardless of length. | Under Tasmanian law, any knife is considered a 'dangerous article' regardless of blade length. | A blade of any length is considered a 'knife'. | Under NT law, the type and/or function of the blade, rather than the length of the blade, determines whether the knife is a prohibited weapon.  Any knife, regardless of blade length, is a 'controlled weapon'. |
| *1.6 Are there any further dangerous objects which also fall under the Weapons Act?* | | | | | | | |
| Yes, other prohibited weapons include:   * Concealed blades * Military style weapons such as bombs, grenades, and missiles * Tyre deflation devices * Handcuffs * Laser pointers * Caltrops | Yes, other [controlled weapons](http://classic.austlii.edu.au/au/legis/vic/consol_reg/cowr2011325/sch2.html) include:   * Spear guns * Baton or cudgel * Bayonets * Cattle prod   Other [prohibited weapons](http://classic.austlii.edu.au/au/legis/vic/consol_reg/cowr2011325/sch3.html) include:   * Crossbows * Kamas * Swords * Laser pointers * Pepper spray | Yes, other [Category M weapons](http://www5.austlii.edu.au/au/legis/qld/consol_reg/wcr1997290/s7a.html) include:   * Crossbows * Knuckleduster * Mace spray * Flail * Weighted gloves | Yes, it is an [offence](http://classic.austlii.edu.au/au/legis/wa/consol_act/wa1999107/s8.html) to carry or possess any article (other than a firearm), with the intention of using it to:   * injure or disable any person; or * to cause any person to fear that someone will be injured or disabled | Yes, the following are '[dangerous articles](https://www.legislation.sa.gov.au/LZ/C/R/SUMMARY%20OFFENCES%20(DANGEROUS%20ARTICLES%20AND%20PROHIBITED%20WEAPONS)%20REGULATIONS%202000/2002.06.30/2000.269.PDF)':   * anti-theft case * bayonet * blow gun * catapult * dart projector * self-protecting spray * shark dart * self-protection device | Yes, a '[dangerous article](http://www5.austlii.edu.au/au/legis/tas/consol_act/poa1935140/s3.html)' also extends to:   * any weapon other than a firearm * any article modified to be used as a weapon * any other article that is intended to be used as a weapon. | Yes, other prohibited weapons include:   * hand weapons; * missiles; * explosives. | Yes, other [controlled weapons](https://legislation.nt.gov.au/en/Legislation/WEAPONS-CONTROL-REGULATIONS-2001#page=5&zoom=auto,88,747) include:   * spear guns * crossbows * batons * daggers * swords * cattle prods * scythes |
| *1.7 Are there any exceptions?* | | | | | | | |
| [Exemptions](http://www8.austlii.edu.au/cgi-bin/viewdoc/au/legis/nsw/consol_act/wpa1998231/s6.html) apply to persons acting in the ordinary course of their duties as:   * a police officer; * a special constable; * a correctional officer; * a member of the police force; or * a member of the armed forces of the Commonwealth. | In certain circumstances, exemptions apply to persons fulfilling their duties as:   * a [health worker](http://classic.austlii.edu.au/au/legis/vic/consol_act/cowa1990216/s7a.html); or * a [teaching professional](http://classic.austlii.edu.au/au/legis/vic/consol_act/cowa1990216/s7b.html). | [Exemptions](http://classic.austlii.edu.au/au/legis/qld/consol_act/wa1990107/s2.html) apply to persons acting in the course of their duties as:   * a member of the armed forces; * a member in a cadet force; * a police officer; * a customs officer; or * Australian Protective Service officers. | [Exemptions](http://classic.austlii.edu.au/au/legis/wa/consol_act/wa1999107/s10.html) apply to persons acting in the course of their duties as:   * A police officer; * a certain security officer; or * a Western Australian Museum employee. | [Exemptions](http://www5.austlii.edu.au/au/legis/sa/consol_act/soa1953189/sch2.html) apply in certain circumstances and for certain persons, such as:   * police officers; * a person delivering the weapon to police; * a person dealing with an emergency; * a person who requires the weapon in the course of conducting a business; or * as required for religious purposes. | These provisions [do not apply](http://www5.austlii.edu.au/au/legis/tas/consol_act/poa1935140/s15c.html) to a police officer acting in the performance of his or her duties. | The Prohibited Weapons Act does not apply to a person exercising their duties as a member of:   * the Australian Federal Police; * a foreign police service taking part in a joint training activity; * the Defence Force; * a visiting force; * the Cadet Corps; * the council of the Australian War Memorial; or * the council of the National museum of Australia. | [Exemptions](https://legislation.nt.gov.au/en/Legislation/WEAPONS-CONTROL-ACT-2001#page=11&zoom=auto,88,297) apply to:   * Correctional officers; * Defence Force members; * Police officers; * Customs officers; or * Australia Protective Service members;   when acting in the course of his or her duties.  A person may [apply for an approval](https://legislation.nt.gov.au/en/Legislation/WEAPONS-CONTROL-ACT-2001#page=12&zoom=auto,88,189) to do anything in respect of a prohibited weapon that would otherwise be prohibited. |
| *1.8 What are the consequences of a legal offence?* | | | | | | | |
| Custody of a knife in a public place or school carries a [maximum penalty](http://classic.austlii.edu.au/au/legis/nsw/consol_act/soa1988189/s11c.html) of 20 penalty units (currently A$2,200) or 2 years imprisonment.  Carrying a prohibited weapon without a permit carries a [maximum penalty](http://www8.austlii.edu.au/cgi-bin/viewdoc/au/legis/nsw/consol_act/wpa1998231/s7.html) of 14 years imprisonment. | Bringing a [prohibited weapon](http://classic.austlii.edu.au/au/legis/vic/consol_act/cowa1990216/s5.html) into Victoria carries a penalty of 240 penalty units (currently A$39,652) or 2 years imprisonment.  Carrying a [controlled weapon](http://classic.austlii.edu.au/au/legis/vic/consol_act/cowa1990216/s6.html) carries a penalty of 120 penalty units (currently A$19,826) or 1 year imprisonment. | Unlawfully possessing a knife (category M weapon) carries a [maximum penalty](http://classic.austlii.edu.au/au/legis/qld/consol_act/wa1990107/s50.html) of 100 penalty units (currently A$13,345) or 2 years imprisonment.  Unlawfully possessing a knife in a public place or school carries a [maximum penalty](http://classic.austlii.edu.au/au/legis/qld/consol_act/wa1990107/s51.html) of 40 penalty units (currently A$5,320) or 1 year imprisonment. | An offence in respect of a prohibited weapon carries a [penalty](http://classic.austlii.edu.au/au/legis/wa/consol_act/wa1999107/s6.html) of 3 years and a fine of A$36,000.  An offence in respect of a controlled weapon carries a [penalty](http://classic.austlii.edu.au/au/legis/wa/consol_act/wa1999107/s7.html) of 2 years and a fine of A$24,000. | Unlawful possession of a prohibited weapon carries a [maximum penalty](http://www5.austlii.edu.au/au/legis/sa/consol_act/soa1953189/s21f.html) of A$20,000 or imprisonment for 2 years.  Unlawful possession of a knife in a public place or school carries a [maximum penalty](http://www5.austlii.edu.au/au/legis/sa/consol_act/soa1953189/s21e.html) of:   * for a first offence--A$2,500 or imprisonment for 6 months; and * for a subsequent offence--A$5,000 or imprisonment for 12 months. | Unlawful possession, carry or use of a dangerous article carries a [maximum penalty](http://www5.austlii.edu.au/au/legis/tas/consol_act/poa1935140/s15c.html) of 10 penalty units (currently A$1,720). | Unlawful possession of a prohibited weapon carries a maximum penalty of 500 penalty units (currently A$80,000) or 5 years imprisonment.  Unlawfully possessing a knife in a public place or school carries a maximum penalty of 10 penalty units (currently A$1,600) or imprisonment for 6 months. | The maximum penalty for an [offence](https://legislation.nt.gov.au/en/Legislation/WEAPONS-CONTROL-ACT-2001#page=5&zoom=auto,88,718) in respect of a prohibited weapon is 400 penalty units or 2 years imprisonment for an individual, and 2,000 penalty units for a corporation.  The maximum penalty for an [offence](https://legislation.nt.gov.au/en/Legislation/WEAPONS-CONTROL-ACT-2001#page=5&zoom=auto,88,425) in respect of a controlled weapon is 200 penalty units or 12 months imprisonment for an individual, or 1,000 penalty units for a corporation. |
| *1.9 Are there any legislative developments? If so what do they concern?* | | | | | | | |
| On 18 May 2021, the NSW Government [announced](https://www.armidaleexpress.com.au/story/7257114/knives-to-be-banned-in-nsw-schools/) that they would introduce a ban on all knives at schools, including for genuine religious purposes. | N/A | N/A | N/A | N/A | N/A | N/A | N/A |

# **Carrying Knives on Airplanes and in Airports**

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| --- | --- | --- |
| **Question** | **ANSWER** | **source** |
| *2.1 In the EU, any pointed or sharp objects which may cause serious injury, including a knife with a blade more than 6cm are not allowed to be taken into the security restricted areas or on board of an aircraft.*  *2.1.1 Are there any further national regulations to be considered in this respect? [N/A]*  *2.1.2 If your country is outside the EU, what are the corresponding local regulations?* | **Offences**  It is an [offence](http://classic.austlii.edu.au/au/legis/cth/consol_act/atsa2004348/s54.html) to possess a 'prohibited item' [inside certain zones of an airport](http://classic.austlii.edu.au/au/legis/cth/consol_act/atsa2004348/s54.html) or [on board an aircraft](http://classic.austlii.edu.au/au/legis/cth/consol_act/atsa2004348/s54.html). These zones include airside and landside security and event zones and are separately declared in respect of each Australian airport.  **Prohibited items**  A 'prohibited item' is an item that:  (a) could be used for unlawful interference with aviation;  (b) is specified in the regulations or any legislative instrument made by the relevant Minister.  Items that are [specified](http://classic.austlii.edu.au/au/legis/cth/num_reg/atsr2005n18o2005540/s1.07.html) in the regulations and the 2012 legislative instrument as prohibited items include:   * Sporting goods, kitchen utensils, tools, and other things with sharp edges or points capable of injuring a person; * Sharp things that are not weapons, but are capable (with or without modification) of causing harm by penetration; and * Blunt things able to be used to bludgeon or threaten to bludgeon a person. | [*Aviation Transport Security Act 2004*](http://classic.austlii.edu.au/au/legis/cth/consol_act/atsa2004348/s54.html)   * Offence provisions: ss 54-57 * Definition of prohibited items: pt 1 div 4-5 * Definitions of airport zones: pt 3 div 2 and [pt 3](https://www.legislation.gov.au/Details/F2020C00628) of the *Aviation Transport Security Regulations 2005* * Definition of 'aircraft': [s 9](http://classic.austlii.edu.au/au/legis/cth/consol_act/atsa2004348/s9.html) and [reg 1.06](http://classic.austlii.edu.au/au/legis/cth/num_reg/atsr2005n18o2005540/s1.06.html) of the *Aviation Transport Security Regulations 2005*   [*Aviation Transport Security Regulations 2005*](https://www.legislation.gov.au/Details/F2021C00111) *and the* [*'Select Legislative Instrument'*](https://www.legislation.gov.au/Details/F2010C00817) *compiling certain rules of the Regulations*  [*Aviation Transport Security (Prohibited Items) Instrument 2012*](https://www.legislation.gov.au/Details/F2015C00564) |
| *2.2 May the airports/airlines in your country issue any further (stricter) regulations for forbidden items?* | Yes. The *Aviation Transport Security Act* and *Regulations* sets out the minimum restrictions on items that can be carried in airports and airplanes.  Airlines may issue restrictions in addition to those prescribed by the *Act* and *Regulations*. | See [this webpage](https://www.homeaffairs.gov.au/travelsecure-subsite/Pages/Items-you-cannot-take-on-plane.aspx) from the Department of Home Affairs. |
| *2.3 May a pair of scissors or a saw be included in a pocket knife with a blade of max. 6cm? If so, is the size of the pair of scissors or the length of the saw of relevance?* | A blunt-ended or round-ended pair of scissors with blades less than 6 cm long [is not](https://www.legislation.gov.au/Details/F2015C00564/Html/Text#_Toc424641505) a prohibited item, and may be taken inside certain airport zones or on board an aircraft.  A saw is prohibited regardless of length or shape of its end.  . | [*Aviation Transport Security Act 2004*](https://www.legislation.gov.au/Details/C2021C00050)   * Sections 54-57   [*Aviation Transport Security Regulations 2005*](https://www.legislation.gov.au/Details/F2021C00111) *and the* [*'Select Legislative Instrument'*](https://www.legislation.gov.au/Details/F2010C00817) *compiling certain rules of the Regulations*   * *Reg 1.07*   [*Aviation Transport Security (Prohibited Items) Instrument 2012*](https://www.legislation.gov.au/Details/F2015C00564)   * Sections 4-6 |
| *2.4 What is considered as a sharp object besides knives?* | As noted above, all items with 'sharp edges or points capable of injuring a person' are 'prohibited items'.  [Examples](http://classic.austlii.edu.au/au/legis/cth/num_reg/atsr2005n18o2005540/s1.07.html) of sharp objects include:   * Knives and knife-like objects (whether or not made of metal) * Saws * Metal cutlery (excluding metal cutlery knives with a rounded-end and no sharp points where the purpose of its carry onboard is for use on the aircraft or in a landside or airside security zone excluded) * Open razors (also called straight razors) (excluding safety razors) * Scalpels * Darts * Box cutters * Utility knives * Umbrellas with metal points * Screwdrivers, crowbars, hammers, pliers and wrenches * Letter-openers * Bodkins * Pointed metal scissors (excluding blunt-ended or round-ended scissors with blade of less than 6cm) * Manicure scissors (excluding blunt-ended or round-ended scissors with blade of less than 6cm) * Any type of scissors with blades more than 6cm long * Pointed metal nail files * Corkscrews * Razor blades * Hypodermic needles (whether or not attached to syringes) * Ice axes and ice picks * Rock climbing equipment such as pitons, hooks, hammers and bolts | [*Aviation Transport Security Regulations 2005*](https://www.legislation.gov.au/Details/F2021C00111) *and the* [*'Select Legislative Instrument'*](https://www.legislation.gov.au/Details/F2010C00817) *compiling certain rules of the Regulations*   * Reg 1.07   [*Aviation Transport Security (Prohibited Items) Instrument 2012*](https://www.legislation.gov.au/Details/F2015C00564)   * Sections 4-6 |
| *2.5 Are there any further aviation security regulations with respect to the Victorinox (pocket) knives to be observed?* | Notwithstanding the above, it is [generally permissible](https://www.homeaffairs.gov.au/travelsecure-subsite/Pages/Items-you-cannot-take-on-plane.aspx) for pocket knives to be carried in checked baggage. |  |
| *2.6 Are there any changes intended in the near future? If so what do they concern?* | There are no anticipated aviation security updates in relation to knives and sharp objects. |  |

Ibach, Switzerland, 23 June 2021

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1. As indicated in the response to question 1.5 below, State legislation does not typically refer to the 'length' of blades, but rather the type of blade/weapon. [↑](#footnote-ref-1)