

Smoking, Vaping, Banned Items & Substances Policy

Purpose:	The purpose of this policy is to outline how the school manages students' use, possession or supply of Smoking and Vaping items as well as Banned Items and Substances at school and school-related activities, including processes for searching and removing property.	
Scope:	All students (including students aged 18 years and over)	
Status:	Approved	Supersedes: 24 January 2024
Authorised by:	Co-Principals	Date of Authorisation: 2/07/2025
References:	<ul style="list-style-type: none"> • <u>Therapeutic Goods Act 1989 (Cth)</u> • <u>Tobacco and Other Smoking Products Act 1998 (Qld)</u> • <u>Liquor Act 1992 (Qld)</u> • <u>Work Health and Safety Act 2011 (Qld)</u> <p>The updated version of the following Policy or Procedure can be read and acknowledged in your Employment Hero</p> <ul style="list-style-type: none"> • JCC Complaints Handling Policy • JCC Staff Handbook • JCC Student Working Agreement 	
Review Date:	Every two years	Next Review Date: 2/07/2027
Policy Owner:	Co-Principals	

Policy Statement

Jabiru Community College is committed to a safe, supportive and drug-free environment and the health of all school community members. Jabiru Community College is also committed to ensuring students are educated on the impacts of substance misuse.

Jabiru Community College prohibits all students from possessing, using or supplying any of the following items or substances at school or school-related activities:

1. Illicit drugs
2. Alcohol
3. Pornographic material
4. Weapons, including potentially dangerous items which may be used to cause injury or offence, e.g. laser pointers, sling shots etc.
5. Items deemed by staff to be potentially dangerous.

Definitions

- **Alcohol** means liquor as defined in the Liquor Act 1992 (Qld).¹ It is illegal to supply anyone under 18 with alcohol, except in certain circumstances in private places.
- **Banned Items and Substances** are those included by the school in the list of Banned Items and Substances in the above Policy Statement.
- **Dangerous Drugs** are things stated in Schedule 1 and Schedule 2 of the Drugs Misuse Regulation 1987 (Qld) and other things prescribed in Section 4: Definition of 'dangerous drugs' in the Drugs Misuse Act 1986 (Qld). For example, amphetamine, cocaine, heroin, LSD (acid), MDMA (ecstasy), cannabis, methadone, opium, and benzodiazepines (e.g. Valium and Serepax). Under the Drugs Misuse Act 1986 (Qld) possessing and supplying others with dangerous drugs is a criminal offence.
- **School Community** means the students, teachers, parents of students, visitors and other employees of the school.
- **Smoke** means to smoke, hold or otherwise have control over a smoking product when it is ignited. For a vaping device, it means to inhale through the device.
- **Smoking Products** are tobacco products, herbal cigarettes or loose smoking blends and electronic cigarettes also known as ecigarettes, e-cigars, vape pens, personal vaporiser, or personal vapourise products.
- **Smoke-free Zones** are areas defined under legislation as 'school facilities', being land on which non-State schools provide primary, secondary or special education or other educational instruction or activities (e.g. sporting activities on sporting grounds). The smoke-free zone also includes a buffer zone around the perimeter of the school facility that extends for five metres beyond the facility's land boundary. The zone also includes land on which a carpark is located, if the carpark is adjacent to a school facility and provided for the exclusive use of the school community. It is an offence for a person (including students) to smoke tobacco products or vapes in a smoke-free zone in Queensland. The offence does not apply to persons in any residential or business premises that are within the buffer zone or that share a boundary with school facility land, or persons travelling through the buffer zone in a motor vehicle. See Appendix A for designated smoking areas 5 metres beyond Jabiru Community College Buffer boundaries.
- **Unlawful Items and Substances** include dangerous drugs or any other items and substances that are unlawful for a student to possess, use or supply in Queensland.

- **Vaping Goods** are a vaping substance, vaping accessory, vaping device or goods presented to be of this type or otherwise prescribed in regulation.
- **Vaping Substance, Vaping Accessory and Vaping Device** are vaping-related terms that are further defined in the Tobacco and Other Smoking Products Act 1998

Responsibilities

School Responsibilities

Jabiru Community College acknowledges its responsibility to:

- Develop and implement this policy to help ensure the safety of students.
- Communicate this policy to students, parents/carers and staff.
- Keep appropriate records, monitor, and report on any issues related to the use, possession or supply of any banned items or substances at school or school-related activities.
- Encourage students, parents/carers and staff to support this policy and contribute to a healthy school culture.
- Implement appropriate curriculum-related drug education for students.
- Provide appropriate support services to students or contact with health service providers.

Staff Responsibilities

At Jabiru Community College, staff have a responsibility to:

- Ensure the safety of students.
- Contribute to a healthy school culture
- Adhere to this policy and other relevant Jabiru Community College policies, procedures and rules in responding to any known or alleged breaches of this policy.
- Offer information and referral advice and invite young people and their parents/carers to work with them to develop plans to reduce smoking/vaping to ensure it does not impact on the health and wellbeing of themselves or others.
- Jabiru Community College will support parents/carers of young people to be aware of the smoking/vaping
- habits of their children. Parents/carers will be notified by JCC Staff if:
 - A young person is smoking within the Smoke & Vape-Free Zone;
 - A young person's smoking/vaping habit is making it difficult for them to participate in college activities;
 - A young person is in possession of a banned item or substance
 - A search of the young person is required

Parent/Carer Responsibilities

Parents/carers of students at Jabiru Community College have a responsibility to:

- Contribute to a healthy school culture.
- Read and understand this policy, and ensure their child reads and understands this policy.
- Support their child in not breaching this policy and assist them to understand that any breach of this policy may result in disciplinary action.

Student Responsibilities

At Jabiru Community College, students have a responsibility to:

- Contribute to a healthy school culture.
- Read and understand this policy if they have the capacity to do so, otherwise a parent/carer should read and understand this policy on behalf of the student.
- Not breach this policy, which includes, among other things included in this policy:
 - Not possessing, using or supplying any banned items or substances at school or school-related activities.
 - No smoking tobacco products or vapes to be out in the school facility and the buffer zone, defined as a 'smoke-free zone', at any time including during and after school hours, on weekends and during school holidays. It is an offence for a person (including students) to smoke tobacco products or vapes in a smoke-free zone in Queensland.
 - Smoking and vaping are only permitted in the designated areas listed in Appendix A.
 - It is a condition of enrolment at Jabiru Community College that any student, or visiting parent/carer who smokes/vapes does so outside of the designated JCC Smoke & Vape Free Zone, which is depicted in Appendix A in the red shaded areas. Smoking is only permitted within the dark blue shaded areas below – two areas 5 metres outside the college's Western boundary.

Implementation

Action plan

If Jabiru Community College becomes aware, or reasonable suspects, that a student has breached this policy, the school will take the following action, as appropriate in the circumstances.

- Ensure the safety of students, staff and any other persons concerned.
- Speak with the student to remind them of this policy
- In the case of ongoing smoking or vaping in restricted areas of the school:
 - Young persons are required to meet and work through a smoking/vaping meeting guide with their Community Group coordinator, helping to understand and address why the young person is smoking/ vaping outside the designated areas.
 - Where a young person struggles with vaping/ smoking, develop a smoke/vape management plan with the young person and their family to help them manage the needs of both themselves and others.
 - If vaping/smoking persists after the above steps, refer young person to the Co-Principals to consider if time away from Jabiru Community College is warranted due to ongoing refusal to work cooperatively with the school.
- In the case of banned substances or items, search the school or the student's personal property, adopting the processes outlined below.
- In the case of banned substances or items, remove the student's personal property, adopting the processes outlined below.
- Offer appropriate support to any student involved in the matter.
- If required refer to Co-Principals to implement any other consequences or actions that might be appropriate in the circumstances, including potential disciplinary action under the school's Student Working Agreement.

- Consider the need to communicate the incident to staff, students and parents/carers, taking into account the privacy of the persons concerned and the duty of care the school owes to other students and staff.
- Keep accurate records in Sentral of the events and actions taken.

Property Searches

The Co-Principals have a legal obligation to ensure school premises remain safe and secure for students, school staff and other visitors. This duty arises from both the common law duty of care and the *Work Health and Safety Act 2011* (Qld). To give effect to this obligation, Jabiru Community College has developed the following procedures to manage this duty of care while balancing respect for a student's person and property.

Searching School Property

Student lockers are school property and school staff can search them and any other school property for items or substances without permission of the student or a parent/carer if there are reasonable grounds to suspect the possession of dangerous drugs (an offence under the *Drugs Misuse Act*) or other items or substances that are included in the list of *Banned Items and Substances* in this policy.

Searching Personal Property

Generally, school staff will seek consent from the student or a parent/carer before searching a student's personal property (e.g. a school bag). If a student is asked for consent and refuses, consent will be obtained from a parent/carer before the search is conducted.

If search consent has been obtained, the following search practices will be adopted:

- The search will be conducted by asking the student to open their personal property (e.g. school bag) and for the student to move any contents around so that they can be more easily viewed by the staff member conducting the search, rather than the staff member opening the bag and touching the items themselves.
- The search will be dealt with in a sensitive manner, including being undertaken in a private setting away from other students and while the student is present.
- Where practicable, an independent observer such as another staff member will also be present.
- There will be no physical contact with a student by a staff member when a search is being conducted. While a staff member can ask a student to empty their pockets, any physical search of a student will only be carried out by police.

If consent to open and search student personal property is not given, and school staff reasonably believe the student is in possession of property that is illegal to possess, threatens the safety or wellbeing of students, school staff or other persons, or is reasonably suspected to have been used to commit a crime, the school will call the police.

- Under the *Police Powers and Responsibilities Act 2000* (Qld), the police have the power to search students, their possessions and their vehicles if they reasonably suspect they will find evidence of a drug offence.
- If police are requested to attend the school to conduct a search of a student or a student's personal property, an attempt will be made to contact the student's parents/carers prior to any search being conducted to notify them of what will be taking place.

- If parents/carers cannot be contacted prior to the search being undertaken, school staff will contact them after the search has been completed to inform them of the search and any subsequent action taken.

Removing Personal Property

If the staff member holds a reasonable belief that the student is in possession of items or substances that:

- are illegal to possess; or
- threaten the safety or wellbeing of students, school staff or other persons; or
- are included in the list of *Banned Items and Substances* in this policy; or
- are reasonably suspected to have been used to commit a crime;

Then school staff will immediately remove the personal property, item or substance and obtain consent to search the bag (if required) or call the police.

If the police have informed the school that they will be attending the school to investigate matters relating to the temporarily removed item or substance, it will be retained by the school until the police instruct otherwise.

The item or substance will not be returned if a police officer has seized the property under the *Police Powers and Responsibilities Act 2000* (Qld). In these circumstances, the student and their parent/carer will be advised of this action and that the temporarily removed student property is no longer in the possession of the school.

If the school staff member knows or reasonably suspects the student is not the owner of the item or substance, they will make reasonable efforts to return the item or substance to the owner, provided that school staff consider possession will not present a safety or wellbeing risk to any student, school staff or other person.

School staff will make arrangements for the property to be collected by the student or parent/carer at the conclusion of the school day, or if this is not possible, as soon as practicable, with consideration of:

- the condition, nature and value of the property
- the circumstances in which the property was removed from the student
- the safety and wellbeing of all students, school staff and other persons
- the good management, administration and control of the school.

The item or substance will be returned to a parent/carer and not the student, if school staff consider that possession of the material or substance by the student will present a safety or wellbeing risk to any student, school staff or other person.

If school staff have made reasonable efforts to notify the student or their parent/carer that the property is available for collection (e.g. multiple phone calls) and have not been able to make contact so that the item or substance has not been collected, the school will retain the property until it is collected.

Risk Management Framework

Jabiru Community College's Risk Management Framework provides further guidance on the process and approach to managing risks involving student's use, possession or supply of all Banned Items and Substances at school and school-related activities.

Information, training, instruction, and supervision

Jabiru Community College will ensure that appropriate information, training, instruction, and supervision is provided to students and staff regarding this policy.

Jabiru Community College's Staff Handbook and Student Handbook provides further guidance on the information, training, instruction, and supervision provided to students and staff at the school.

Compliance and Monitoring**Incident Reporting**

Jabiru Community College has implemented an Incident Reporting Process in Sentral which requires staff and other persons to report any incidents involving this policy. The school will regularly monitor, collate, and report on these incidents.

Training

On induction and with annual refreshers, Jabiru Community College will train its staff on this policy, any related processes and the conduct of staff and students.

Complaints Procedure

Suggestions of non-compliance with this policy and any related processes may be submitted as complaints under Jabiru Community College's Complaints Handling Policy.

Appendix A



Red- No Smoking/vaping and no smoking/vaping items in sight

Blue- Smoking and Vaping permitted