



Australian Capital Territory

# **Prohibited Weapons Act 1996**

**A1996-75**

**Republication No 13**

**Effective: 25 November 2013 – 2 March 2015**

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Last amendment made by [A2013-44](#)

Authorised by the ACT Parliamentary Counsel

## About this republication

### The republished law

This is a republication of the *Prohibited Weapons Act 1996* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 25 November 2013. It also includes any commencement, amendment, repeal or expiry affecting this republished law to 25 November 2013.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

### Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

### Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication does not include amendments made under part 11.3 (see endnote 1).

### Uncommenced provisions and amendments

If a provision of the republished law has not commenced, the symbol **U** appears immediately before the provision heading. Any uncommenced amendments that affect this republished law are accessible on the ACT legislation register ([www.legislation.act.gov.au](http://www.legislation.act.gov.au)). For more information, see the home page for this law on the register.

### Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see the *Legislation Act 2001*, section 95.

### Penalties

At the republication date, the value of a penalty unit for an offence against this law is \$140 for an individual and \$700 for a corporation (see *Legislation Act 2001*, s 133).



Australian Capital Territory

# Prohibited Weapons Act 1996

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Australian Capital Territory

## Prohibited Weapons Act 1996

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An Act to prohibit the possession of certain dangerous weapons and other articles, and for related purposes

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## Part 1 Preliminary

### 1 Name of Act

This Act is the *Prohibited Weapons Act 1996*.

### 2 Dictionary

The dictionary at the end of this Act is part of this Act.

*Note 1* The dictionary at the end of this Act defines certain terms used in this Act, and includes references (*signpost definitions*) to other terms defined elsewhere.

For example, the signpost definition, '*firearm*—see the [Firearms Act 1996](#), section 6.' means that the term 'firearm' is defined in that section and the definition applies to this Act.

*Note 2* A definition in the dictionary (including a signpost definition) applies to the entire Act unless the definition, or another provision of the Act, provides otherwise or the contrary intention otherwise appears (see [Legislation Act](#), s 155 and s 156 (1)).

### 2A Notes

A note included in this Act is explanatory and is not part of this Act.

*Note* See the [Legislation Act](#), s 127 (1), (4) and (5) for the legal status of notes.

### 2B Offences against Act—application of Criminal Code etc

Other legislation applies in relation to offences against this Act.

*Note 1* *Criminal Code*

The [Criminal Code](#), ch 2 applies to the following offences against this Act (see Code, pt 2.1):

- s 5 (Offence—unauthorised possession or use of prohibited weapons)
- s 6 (Offence—unauthorised possession or use of prohibited articles)
- s 8 (Offence—disposal of prohibited weapons and articles by unauthorised holders).



The chapter sets out the general principles of criminal responsibility (including burdens of proof and general defences), and defines terms used for offences to which the Code applies (eg *conduct*, *intention*, *recklessness* and *strict liability*).

*Note 2* *Penalty units*

The [Legislation Act](#), s 133 deals with the meaning of offence penalties that are expressed in penalty units.

### 3 **Meaning of *possession*—Act**

- (1) For this Act, a person has *possession* of a prohibited weapon or prohibited article if the person—
  - (a) has the weapon or article on his or her person, including in something carried or worn by the person (*physical possession*); or
  - (b) has the weapon or article at premises owned, leased or occupied by the person; or
  - (c) otherwise has the care, control or management of the weapon or article.
- (2) Also, for this Act, a person has *possession* of a prohibited weapon or prohibited article if—
  - (a) part of the weapon or article is in the person's possession; and
  - (b) other parts of the weapon or article are in the possession of 1 or more other people; and
  - (c) at least 1 of the other people is in possession of the other part or parts for an agreed purpose with the person; and
  - (d) the parts would make up the weapon or article if fitted together.

**3A Evidence of possession—prohibited weapons or articles at premises**

- (1) For this Act, a person is not taken to have possession of a prohibited weapon or prohibited article only because the weapon or article is at premises owned, leased or occupied by the person if—
  - (a) the person does not know that the weapon or article is at the premises; or
  - (b) someone else who is authorised to possess the weapon or article—
    - (i) is also at the premises; or
    - (ii) has the care, control or management of the weapon or article; or
  - (c) someone else who is not authorised to possess the weapon or article has the care, control or management of the weapon or article; or
  - (d) the trier of fact is otherwise satisfied that the person was not in possession of the weapon or article.
- (2) To remove any doubt, a defendant to a prosecution for an offence against this Act who wishes to rely on a matter mentioned in subsection (1) has the evidential burden in relation to the matter.

**3B Evidence of possession—care, control or management of prohibited weapon or article**

- (1) To work out whether a person has the care, control or management of a prohibited weapon or prohibited article for this Act, each of the following must be considered:
  - (a) whether the person knows about the weapon or article;
  - (b) whether the person can use or dispose of the weapon or article;

- (c) whether the person can control or prevent someone else from using or having physical possession of the weapon or article.
- (2) In this section:
- physical possession*—see section 3 (1) (a).

#### **4 Application of Act**

- (1) A person does not commit an offence against this Act only because of something done by the person in the exercise of the person's functions as a member of—
- (a) the Australian Federal Police or a police force of a State or another Territory; or
  - (b) a police service or force of a foreign country required to possess or use a prohibited weapon or prohibited article for taking part in a training activity—
    - (i) conducted by the Australian Federal Police; and
    - (ii) carried out in the ACT; or
  - (c) the Defence Force; or
  - (d) a visiting force within the meaning of the *Defence (Visiting Forces) Act 1963* (Cwlth); or
  - (e) the Australian Cadet Corps established under the *Defence Act 1903* (Cwlth); or
  - (f) the council of the Australian War Memorial or of the staff of the memorial who, in the exercise of his or her functions and duties in accordance with the *Australian War Memorial Act 1980* (Cwlth), has in his or her possession a prohibited weapon, forming part of the memorial collection within the meaning of that Act; or
  - (g) the council of the National Museum of Australia or of the staff of the museum who, in the exercise of his or her functions and

duties in accordance with the *National Museum of Australia Act 1980* (Cwlth), has in his or her possession a prohibited weapon forming part of the memorial collection under that Act.

*Note* A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations and permits (see *Legislation Act 2001*, s 104).

- (2) A corrections officer does not commit an offence against this Act only because of something done by the officer in the exercise of the officer's functions.

*Note* *Corrections officer*, *exercise* and *function* are defined in the *Legislation Act*, dict, pt 1.

## Part 1A                      Important concepts

### 4A            Meaning of *prohibited weapon*—Act

(1) In this Act:

*prohibited weapon*—

(a) means—

- (i) a weapon or thing described in schedule 1; and
- (ii) a weapon or thing prescribed by regulation; and
- (iii) something declared to be a prohibited weapon under section 4L; and

(b) includes a modified prohibited weapon.

(2) However, *prohibited weapon* does not include something declared not to be a prohibited weapon under section 4L.

(3) A regulation may amend schedule 1—

- (a) by adding the name or description of a weapon or thing; or
- (b) by amending a name or description of a prohibited weapon to more accurately describe the weapon; or
- (c) by omitting the name and description of a prohibited weapon.

(4) In this section:

*modified prohibited weapon* means a weapon or thing that would be a prohibited weapon if—

- (a) it did not have something missing from it, or a defect or obstruction; or
- (b) something had not been added to it.

**4B            Meaning of *prohibited article*—Act**

(1) In this Act:

***prohibited article***—

(a) means—

- (i) an article described in schedule 2; and
- (ii) an article prescribed by regulation; and
- (iii) something declared to be a prohibited article under section 4L; and

(b) includes a modified prohibited article.

(2) However, ***prohibited article*** does not include something declared not to be a prohibited article under section 4L.

(3) A regulation may amend schedule 2—

- (a) by adding the name or description of an article; or
- (b) by amending a name or description of a prohibited article to more accurately describe the article; or
- (c) by omitting the name and description of a prohibited article.

(4) In this section:

***modified prohibited article*** means an article that would be a prohibited article if—

- (a) it did not have something missing from it, or a defect or obstruction; or
- (b) something had not been added to it.

## Part 1B Unregulated weapons

### 4C Meaning of *unregulated weapon*—Act

In this Act:

*unregulated weapon*—a thing is an *unregulated weapon* if—

- (a) the thing is designed, made or altered to be used as a weapon; and
- (b) the only practical use of the thing is as a weapon; and
- (c) the thing is not a prohibited weapon; and
- (d) the possession or use of the thing is not authorised under this Act.

### 4CA Meaning of *connected*—pt 1B

In this part:

*connected*—a thing is *connected* with an offence if—

- (a) the offence has been committed in relation to it; or
- (b) it will provide evidence of the commission of the offence; or
- (c) it was used, is being used, or is intended to be used, to commit the offence.

### 4D Unregulated weapons—seizure by police

A police officer may seize a thing if the police officer believes on reasonable grounds that the thing is an unregulated weapon and that the seizure is necessary—

- (a) because the thing would pose a risk to the safety of anyone if used; and
- (b) to prevent the thing from being used or concealed, lost or destroyed.

**4E Unregulated weapons—receipt for seizure**

- (1) A police officer who seizes a thing under section 4D must give a receipt for the thing to the person from whom it was seized.
- (2) If, for any reason, it is not practicable to comply with subsection (1), the police officer must leave the receipt, secured conspicuously, at the premises where it was seized (the *place of seizure*).
- (3) The receipt must include the following:
  - (a) a description of the thing seized;
  - (b) an explanation of why the thing was seized;
  - (c) the police officer's name, and how to contact the officer;
  - (d) if the thing is removed from the place of seizure under section 4F—the address of the place to which the thing is removed.

**4F Unregulated weapons—examination**

- (1) A police officer who seizes a thing under section 4D (Unregulated weapons—seizure by police) may remove the thing from the premises where it was seized to another place for examination or processing, for not longer than 7 days (the *7-day period*).
- (2) A police officer may apply to the Magistrates Court for an extension of the 7-day period if the officer believes on reasonable grounds that the thing cannot be examined or processed within that time.
- (3) The police officer must, if practicable, give notice of the application to the person from whom the thing was seized, and the person is entitled to be heard on the application.
- (4) The court may order the extension if satisfied on reasonable grounds that the thing cannot be examined or processed within the 7-day period.



- (5) If a thing is moved to another place under this section, the police officer must, if practicable, tell the person from whom the thing was seized (or the person's representative) the results of the examination or processing.

#### **4G Unregulated weapons—access to things seized**

A person who would, apart from the seizure, be entitled to inspect a thing seized under section 4D (Unregulated weapons—seizure by police) may inspect it.

#### **4H Unregulated weapons—review of decision to seize**

- (1) The registrar must review each seizure under section 4D (Unregulated weapons—seizure by police) and order the return of the thing to the person from whom it was seized if—
- (a) when seized, the thing was not—
    - (i) an unregulated weapon; or
    - (ii) a prohibited weapon; or
  - (b) within 30 days after the day of seizure, the thing is not a prohibited weapon; or
  - (c) the registrar has no reasonable grounds to believe that the thing is connected with an offence against any of the following:
    - (i) this Act;
    - (ii) the *Firearms Act 1996*;
    - (iii) the *Crimes Act 1900*;
    - (iv) the *Criminal Code*;
    - (v) another law prescribed by regulation.

- (2) If a thing is ordered to be returned under subsection (1) to the person from whom it was seized, but it cannot be returned, the Territory must pay reasonable compensation to the owner of the thing for its loss.
- (3) In this section:  
*offence* includes an offence that there are reasonable grounds for believing has been, is being or will be, committed.

#### **4I Unregulated weapons—forfeiture**

- (1) A thing seized under section 4D (Unregulated weapons—seizure by police) is forfeited to the Territory if there is no requirement under section 4H—
  - (a) to return the thing to the person from whom it was seized; or
  - (b) to pay compensation for the thing.
- (2) A thing forfeited to the Territory may be destroyed or otherwise disposed of as the director-general directs.

## Part 1C Minister's guidelines

### 4K Minister's guidelines

- (1) The Minister may make guidelines about the making of a decision by the registrar under section 4L.
- (2) The registrar must comply with any guidelines under this section.
- (3) A guideline is a disallowable instrument.

*Note* A disallowable instrument must be notified, and presented to the Legislative Assembly, under the [Legislation Act](#).

## Part 1D Declarations about prohibited articles and weapons

### 4L Prohibited articles and weapons declarations by registrar

- (1) The registrar may, in accordance with any guidelines under section 4K (Minister's guidelines), do any of the following:
  - (a) declare something to be a prohibited article;
  - (b) declare an unregulated weapon to be a prohibited weapon;
  - (c) declare that something is not a prohibited article or prohibited weapon.
- (2) A declaration remains in force for 3 months beginning on the day after the day the declaration is notified under the [Legislation Act](#).
- (3) A declaration is a disallowable instrument.

*Note* A disallowable instrument must be notified, and presented to the Legislative Assembly, under the [Legislation Act](#).

- (4) The registrar must also publish the declaration in a daily newspaper.

*Note* **Daily newspaper**—see the [Legislation Act](#), dictionary, pt 1.

### 4M Effect of certain declarations

A person does not commit an offence against this Act in relation to the possession or use of a thing that is the subject of a declaration under section 4L (1) (a) or (b) if the elements of the offence happen less than 2 days after the day the declaration is notified under the [Legislation Act](#).

## Part 2                      Offences

### 5                      **Offence—unauthorised possession or use of prohibited weapons**

A person commits an offence if the person—

- (a) possesses or uses a prohibited weapon; and
- (b) is not authorised by a permit, or otherwise under this Act, to possess or use the weapon.

Maximum penalty: 500 penalty units, imprisonment for 5 years or both.

*Note*                      A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including any regulation (see [Legislation Act](#), s 104).

### 6                      **Offence—unauthorised possession or use of prohibited articles**

A person commits an offence if the person—

- (a) possesses or uses a prohibited article; and
- (b) is not authorised by a permit, or otherwise under this Act, to possess or use the article.

Maximum penalty: 200 penalty units, imprisonment for 2 years or both.

*Note*                      A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including any regulation (see [Legislation Act](#), s 104).

**6A Declarations about authorised possession and use of laser pointers**

- (1) The registrar may, in accordance with any guidelines under section 6B, declare that the possession or use of a laser pointer is authorised.

*Note 1* A power to make a statutory instrument includes power to make different provision in relation to different matters or different classes of matters (see [Legislation Act](#), s 48.)

*Note 2* A reference to an Act includes a reference to a provision of an Act (see [Legislation Act](#), s 7 (3)).

- (2) A declaration may provide for the authorisation—
- (a) to apply generally or in a particular case; or
  - (b) to be conditional.

- (3) A declaration is a disallowable instrument.

*Note* A disallowable instrument must be notified, and presented to the Legislative Assembly, under the [Legislation Act](#).

- (4) In this section:

***laser pointer*** means a prohibited weapon that is a hand-held article, commonly known as a laser pointer, designed or adapted to emit a laser beam with an accessible emission level of greater than 1mW.

**6B Guidelines for declarations under section 6A**

- (1) The Minister may make guidelines about the making of a declaration under section 6A.
- (2) The registrar must comply with any guidelines under this section.
- (3) A guideline is a disallowable instrument.

*Note* A disallowable instrument must be notified, and presented to the Legislative Assembly, under the [Legislation Act](#).

**7 Inspection of prohibited weapons or articles by police**

- (1) A person who possesses a prohibited weapon or prohibited article must, on demand made by a police officer at any time, produce for inspection by that officer—
- (a) the weapon or article; and
  - (b) any permit that authorises the person to possess the weapon or article.

Maximum penalty: 50 penalty units.

- (2) A person commits an offence against subsection (1) only if the police officer, when making the demand, explains to the person that failure to comply with the demand is an offence against this Act.
- (3) In subsection (1), a reference to a *prohibited weapon* or a *prohibited article* includes a reference to a part of a prohibited weapon or a prohibited article.

**8 Offence—disposal of prohibited weapons and articles by unauthorised holders**

- (1) A person commits an offence if—
- (a) the person has possession of a prohibited weapon or prohibited article; and
  - (b) the person is not, or is no longer, authorised by a permit or otherwise under this Act to possess the weapon or article; and
  - (c) within 7 days after the day the person comes into possession of, or is no longer authorised to possess, the weapon or article, the person fails—
    - (i) to surrender the weapon or article to a police officer; or

- (ii) to dispose of the weapon or article to someone who is authorised by a permit to possess it.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

- (2) A person does not contravene any other provision of this Act because the person—
  - (a) disposed of or surrendered a prohibited weapon or prohibited article in accordance with this section; or
  - (b) accepted a prohibited weapon or prohibited article under this section.



## Part 3 Permits

### 9 Permits

- (1) The registrar may issue a permit authorising—
  - (a) the possession or the possession and use of a prohibited weapon; or
  - (b) the possession of a prohibited article.
- (2) The regulations may provide for mandatory or discretionary grounds for refusing the issue of a permit.
- (3) A permit may be issued subject to conditions.
- (4) The conditions may provide for the expiration of the permit, limit the authority it confers and impose requirements on the person to whom the permit is issued.
- (5) The registrar may, for any reason the registrar considers sufficient, cancel a permit by causing written notice of its cancellation to be served on the person to whom the permit was issued.
- (6) A person to whom a permit was issued may surrender the permit for cancellation.

### 11 Contravention of conditions

A person to whom a permit is issued must not contravene any requirement made by the conditions of a permit.

Maximum penalty: 50 penalty units.

### 12 Production of permit

- (1) A person to whom a permit is issued must, on demand of a police officer at any time—
  - (a) produce the permit for inspection by the police officer if the person has the permit in his or her possession; or

(b) state the person's full name and usual place of residence to the police officer.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

- (2) A person commits an offence against subsection (1) only if the police officer, when making the demand, explains to the person that failure to comply with the demand is an offence against this Act.

### **13 Surrender of cancelled permit**

If a permit is cancelled or expires, the person to whom it was issued must within 7 days of that cancellation or expiry, surrender it to the registrar.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

## Part 3A Notification and review of decisions

### 14 Meaning of *reviewable decision*—pt 3A

In this part:

*reviewable decision* means a decision mentioned in schedule 3, column 3 under a provision of this Act mentioned in column 2 in relation to the decision.

### 14A Reviewable decision notices

If a person makes a reviewable decision, the person must give a reviewable decision notice to each entity mentioned in schedule 3, column 4 in relation to the decision.

*Note 1* The person must also take reasonable steps to give a reviewable decision notice to any other person whose interests are affected by the decision (see *ACT Civil and Administrative Tribunal Act 2008*, s 67A).

*Note 2* The requirements for reviewable decision notices are prescribed under the *ACT Civil and Administrative Tribunal Act 2008*.

### 14B Applications for review

The following may apply to the ACAT for a review of a reviewable decision:

- (a) an entity mentioned in schedule 3, column 4 in relation to the decision;
- (b) any other person whose interests are affected by the decision.

*Note* If a form is approved under the *ACT Civil and Administrative Tribunal Act 2008* for the application, the form must be used.

## Part 4 Miscellaneous

### 15 Information to be supplied

A person who has possession of a prohibited weapon or prohibited article acquired from another person must, on demand made by a police officer at any time, inform the police officer of—

- (a) the name and address of the person from whom the weapon or article was acquired; and
- (b) the date on which it was acquired.

Maximum penalty: 50 penalty units.

### 16 Disposal of surrendered or seized prohibited weapons or prohibited articles

- (1) A magistrate may, on application by a police officer or by any person who claims to be the owner of a prohibited weapon or prohibited article surrendered to or seized by a police officer in accordance with this Act, order that the weapon or article—
  - (a) be forfeited to the Territory; or
  - (b) be returned to the person claiming to be the owner of the weapon or article; or
  - (c) be otherwise disposed of in such manner as the court thinks fit.
- (2) If a person is found guilty of an offence against this Act and a weapon or article has been seized by a police officer in connection with the offence, the court which makes the finding of guilt is taken to have ordered that the weapon or article be forfeited to the Territory.

*Note* **Found guilty**—see the [Legislation Act](#), dictionary, pt 1.

- (3) A weapon or article forfeited under subsection (2) may be destroyed.

**17 Evidentiary provisions**

A certificate signed by the registrar stating the following is evidence of the matter stated:

- (a) at a stated time or during a stated period, a stated person was, or was not, the holder of a stated permit (or of a permit for a stated prohibited weapon or prohibited article);
- (b) a permit was or was not, on a day or during a stated period, subject to a stated condition.

**17A Determination of fees**

- (1) The Minister may determine fees for this Act.

*Note* The [Legislation Act](#) contains provisions about the making of determinations and regulations relating to fees (see pt 6.3).

- (2) A determination is a disallowable instrument.

*Note* A disallowable instrument must be notified, and presented to the Legislative Assembly, under the [Legislation Act](#).

**18 Approved forms**

- (1) The registrar may approve forms for this Act.
- (2) If the registrar approves a form for a particular purpose, the approved form must be used for that purpose.
- (3) An approved form is a notifiable instrument.

*Note* A notifiable instrument must be notified under the [Legislation Act 2001](#).

**19 Regulation-making power**

- (1) The Executive may make regulations for this Act.

*Note* Regulations must be notified, and presented to the Legislative Assembly, under the [Legislation Act 2001](#).

- (2) The regulations may prescribe offences for contraventions of the regulations and prescribe maximum penalties of not more than 10 penalty units for offences against the regulations.

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## Schedule 1 Prohibited weapons

(see s 4A)

### Part 1.1 Prohibited bladed weapons

column 1 item	column 2 description
1	a flick knife or other similar device that has a blade folded or recessed into the handle which opens automatically by— (a) gravity or centrifugal force; or (b) pressure applied to a button, spring or device in or attached to the handle of the device
2	a sheath knife or other similar device that has a sheath that withdraws into the handle by— (a) gravity or centrifugal force; or (b) pressure applied to a button, spring or device in or attached to the handle of the device
3	a dagger or other similar device, that has a sharp-pointed stabbing instrument— (a) that can be concealed on the person; and (b) that— (i) has a flat blade with cutting edges (whether serrated or non-serrated) along the length of both sides; or (ii) has a needle-like blade, the cross section of which is elliptical or has three or more sides; and (iii) is not a sword or bayonet

#### Example

Urban Skinner push dagger

*Note* An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see [Legislation Act](#), s 126 and s 132).

**Schedule 1**  
**Part 1.1**

Prohibited weapons  
Prohibited bladed weapons

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<b>column 1 item</b>	<b>column 2 description</b>
4	a butterfly knife, balisong or other similar device that consists of a blade (whether single-edged or multi-edged) or spike that— (a) fits within 2 handles attached to the blade or spike by transverse pivot points; and (b) can be opened by gravity or centrifugal force
5	a star knife or other similar device that— (a) consists of 2 or more angular points, blades or spikes that spreads out about a central axis point; and (b) is designed to spin around the knife's central axis point in flight when thrown at a target
6	a trench knife or other similar device that— (a) consists of a blade (whether single-edged or multi-edged) or spike; and (b) is fitted with a handle made of a hard substance; and (c) is either made or modified to be fitted over the knuckles of the hand of the user— (i) to protect the knuckles; and (ii) to increase the effect of a punch or blow
7	a knife that can discharge a blade as a projectile by a spring mechanism or other means (known as a ballistic knife)
8	a blade, knife or axe that is either made or modified to be thrown
9	a claw (known as a hand or foot claw) made or modified to be attached to or worn on the hand or foot to cause injury to someone else



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## Part 1.2 Prohibited hand weapons

column 1 item	column 2 description
1	a knuckle-duster or other similar device, made or modified to be fitted over the knuckles of the hand of the user— (a) to protect the knuckles; and (b) to increase the effect of a punch or other blow
2	a sap glove or other weighted glove (including a fingerless glove) made or modified to be used as a weapon
3	a studded glove, or other similar hand covering, that incorporates protrusions designed to puncture or bruise the skin
4	a mace or other similar device (other than a ceremonial mace made for use solely as a symbol of authority on ceremonial occasions) that— (a) can cause injury; and (b) consists of a club or staff fitted with a flanged or spiked head
5	a flail or other similar device consisting of a staff or handle that has fitted to 1 end, by any means, a freely swinging part armed with spikes or studded with any protruding matter
6	a whip, the lash of which is comprised completely or partly of metal
7	a cat-o'-nine-tails or other similar device whether or not it has 9 lashes
8	nunchakus or kung-fu sticks or other similar device

**Schedule 1**  
**Part 1.2**

Prohibited weapons  
Prohibited hand weapons

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<b>column 1 item</b>	<b>column 2 description</b>
9	a side-handled baton or other similar device that— (a) consists of a baton, staff or rod; and (b) is made of a hard substance; and (c) has fitted to 1 side a handle (whether or not permanently fixed)
10	an extendable or telescopic baton, made or modified so that the length of the baton extends by— (a) gravity; or (b) centrifugal force; or (c) pressure applied to a button, spring or device in or attached to the handle of the baton

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## Part 1.3 Prohibited missile weapons

column 1 item	column 2 description
1	a spear gun with an overall length of less than 45cm when unloaded
2	<p>a hunting sling, catapult or sling shot made or modified for use with, or a component part of which is, a brace that—</p> <p>(a) fits or rests on the forearm or other part of the body; and</p> <p>(b) supports the wrist or forearm against the tension of the material used to propel a projectile</p> <p><b>Example</b> a Saunders ‘falcon’ hunting sling</p> <p><i>Note</i> An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see <a href="#">Legislation Act</a>, s 126 and s 132).</p>
3	a crossbow or other similar device manufactured on or after 1 January 1900
4	<p>a blow gun, blow-pipe or dart projector that consists of a pipe or tube through which a dart or other device can be projected by—</p> <p>(a) the exhaled breath of the user; or</p> <p>(b) the use of an elasticised band; or</p> <p>(c) means other than by an explosive</p>
5	<p>a shark dart or other similar device designed to expel, on or after contact, a gas or other substance that can cause bodily harm</p> <p><b>Example</b> a Farallon shark dart</p>

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## Part 1.4 Other prohibited weapons

column 1 item	column 2 description
1	<p>an explosive, incendiary, irritant or poison gas—</p> <ul style="list-style-type: none"><li>(a) bomb; or</li><li>(b) grenade; or</li><li>(c) rocket with a propellant charge of more than 100g; or</li><li>(d) missile with an explosive or incendiary charge of more than 7g; or</li><li>(e) mine</li></ul>
2	<p>a device or apparatus made or modified for use with a gas or liquid, if the device or apparatus is—</p> <ul style="list-style-type: none"><li>(a) capable of killing or incapacitating someone; or</li><li>(b) made or modified to kill or incapacitate someone</li></ul>
3	<p>A flame thrower or any other device of military design that can propel ignited incendiary fuel</p>
4	<p>A hand-held or other electric device designed to administer an electric shock on contact, other than a piece of medical equipment or electric prod designed exclusively for use with animals</p> <p><b>Example—hand-held electric device</b> a taser self-defence weapon</p> <p><b>Examples—other electric device</b></p> <ul style="list-style-type: none"><li>1 a taxi protection cushion system</li><li>2 a super safety suitcase</li></ul> <p><i>Note</i> An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see <a href="#">Legislation Act</a>, s 126 and s 132).</p>

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<b>column 1 item</b>	<b>column 2 description</b>
5	a thing made or intended as a defence or antipersonnel spray that can discharge by any means an irritant (other than an irritant matter mentioned in item 6) in liquid, powder, gas or chemical form
6	a thing made or intended as a defence or antipersonnel spray that can discharge by any means an irritant in liquid, powder, gas or chemical form, including but not limited to the following: (a) chloroacetophenone, known as CN; (b) orthochlorobenzalmalononitrile, known as CS; (c) dypenylaminechloroarsone, known as DM or Adamsite; (d) oleoresin capsicum, known as OC
7	an acoustic or light-emitting antipersonnel device made or modified— (a) to cause permanent or temporary incapacity or disability to a person; or (b) to otherwise physically disorientate a person
8	hand-held articles, commonly known as laser pointers, designed or adapted to emit a laser beam with an accessible emission level of greater than 1mW

## Schedule 2 Prohibited articles

(see s 4B)

column 1 item	column 2 description
1	an article commonly known as soft body armour
2	a modified article of clothing, accessory or adornment a purpose of which is to disguise or conceal a weapon
	<b>Examples—modified articles</b>
	1 a walking stick containing a sword
	2 a riding crop containing a stiletto
	3 a Bowen knife belt
	<i>Note</i> An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see <a href="#">Legislation Act</a> , s 126 and s 132).
3	an article or device intended for use to muffle, reduce or stop the noise created by firing a firearm
4	equipment made or modified to make a smoke screen
5	a trip flare
6	a rimfire magazine with a capacity of more than 15 rounds
7	a pistol magazine with a capacity of more than 10 rounds
8	a centre-fire self-loading rifle magazine, or shotgun magazine, with a capacity of more than 5 rounds
9	a shotgun tubular magazine extension to extend the capacity of a shotgun magazine to more than 5 rounds
10	a device that converts a firearm so it can fire in a fully automatic condition
11	a folding, detachable, telescopic or collapsible stock

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## Schedule 3      Reviewable decisions

(see pt 3A)

column 1 item	column 2 section	column 3 decision	column 4 entity
1	9 (1)	refuse to issue permit	applicant for permit
2	9 (5)	cancel permit	person who held permit

## Dictionary

(see s 2)

*Note 1* The [Legislation Act](#) contains definitions and other provisions relevant to this Act.

*Note 2* For example, the [Legislation Act](#), dict, pt 1, defines the following terms:

- ACAT
- ACT
- corrections officer
- Criminal Code
- director-general (see s 163)
- exercise
- found guilty
- function
- police officer
- registrar of firearms
- reviewable decision notice
- under.

***connected*** with an offence, for part 1B (Unregulated weapons)—see section 4CA.

***dispose***, of a prohibited weapon or article, means sell, give away or otherwise transfer possession of the weapon or article.

***firearm***—see the [Firearms Act 1996](#), section 6.

***permit*** means a permit under part 3.

***possession***—see section 3.

***premises*** means the whole or any part of any land, building or other structure, vehicle, vessel, aircraft or place.

***prohibited article***—see section 4B.

***prohibited weapon***—see section 4A.

***registrar*** means the registrar of firearms.



***reviewable decision***, for part 3A (Notification and review of decisions)—see section 14.

***unregulated weapon***—see section 4C.

## Endnotes

1 About the endnotes

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## Endnotes

### 1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws are not included in the republished law. The details of these laws are underlined in the legislation history. Uncommenced expiries are underlined in the legislation history and amendment history.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

### 2 Abbreviation key

A = Act	NI = Notifiable instrument
AF = Approved form	o = order
am = amended	om = omitted/repealed
amdt = amendment	ord = ordinance
AR = Assembly resolution	orig = original
ch = chapter	par = paragraph/subparagraph
CN = Commencement notice	pres = present
def = definition	prev = previous
DI = Disallowable instrument	(prev...) = previously
dict = dictionary	pt = part
disallowed = disallowed by the Legislative Assembly	r = rule/subrule
div = division	reloc = relocated
exp = expires/expired	renum = renumbered
Gaz = gazette	R[X] = Republication No
hdg = heading	RI = reissue
IA = Interpretation Act 1967	s = section/subsection
ins = inserted/added	sch = schedule
LA = Legislation Act 2001	sdiv = subdivision
LR = legislation register	SL = Subordinate law
LRA = Legislation (Republication) Act 1996	sub = substituted
mod = modified/modification	<u>underlining</u> = whole or part not commenced or to be expired

### 3 Legislation history

#### **Prohibited Weapons Act 1996 A1996-75**

notified 20 December 1996 ([Gaz 1998 No S328](#))  
s 1, s 2 commenced 20 December 1996 (s 2 (1))  
remainder commenced 22 May 1997 (s 2 (2) and [Gaz 1997 No S140](#))

as amended by

#### **Prohibited Weapons Regulations 1997 SL1997-12**

notified 19 May 1997 ([Gaz 1997 No S137](#))  
commenced 22 May 1997 (s 2)

#### **Legislation (Consequential Amendments) Act 2001 A2001-44 pt 301**

notified 26 July 2001 ([Gaz 2001 No 30](#))  
s 1, s 2 commenced 26 July 2001 (IA s 10B)  
pt 301 commenced 12 September 2001 (s 2 and see [Gaz 2001 No S65](#))

#### **Criminal Code (Theft, Fraud, Bribery and Related Offences) Amendment Act 2004 A2004-15 sch 2 pt 2.71**

notified LR 26 March 2004  
s 1, s 2 commenced 26 March 2004 (LA s 75 (1))  
sch 2 pt 2.71 commenced 9 April 2004 (s 2 (1))

#### **Sentencing Legislation Amendment Act 2006 A2006-23 sch 1 pt 1.29**

notified LR 18 May 2006  
s 1, s 2 commenced 18 May 2006 (LA s 75 (1))  
sch 1 pt 1.29 commenced 2 June 2006 (s 2 (1) and see [Crimes \(Sentence Administration\) Act 2005 A2005-59 s 2](#), [Crimes \(Sentencing\) Act 2005 A2005-58, s 2](#) and LA s 79)

#### **Firearms Amendment Act 2008 A2008-25 pt 3, sch 1 pt 1.2**

notified LR 15 July 2008  
s 1, s 2 commenced 15 July 2008 (LA s 75 (1))  
s 76, s 81 commenced 16 July 2008 (s 2 (2))  
s 71, s 72, s 82, sch 1 amdt 1.14, amdt 1.16 commenced 15 July 2009 (s 2 (3))  
pt 3 remainder, sch 1 pt 1.2 remainder commenced 15 January 2009 (s 2 (1) and LA s 79)

## Endnotes

3 Legislation history

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**ACT Civil and Administrative Tribunal Legislation Amendment Act 2008 A2008-36 sch 1 pt 1.41**

notified LR 4 September 2008  
s 1, s 2 commenced 4 September 2008 (LA s 75 (1))  
sch 1 pt 1.41 commenced 15 July 2009 (s 2 (4) and see [Firearms Amendment Act 2008 A2008-25, s 2 \(3\)](#))

**Justice and Community Safety Legislation Amendment Act 2009 (No 2) A2009-19 pt 12**

notified LR 1 September 2009  
s 1, s 2 commenced 1 September 2009 (LA s 75 (1))  
pt 12 commenced 29 September 2009 (s 2)

**Statute Law Amendment Act 2009 A2009-20 sch 3 pt 3.60**

notified LR 1 September 2009  
s 1, s 2 commenced 1 September 2009 (LA s 75 (1))  
sch 3 pt 3.60 commenced 22 September 2009 (s 2)

**Justice and Community Safety Legislation Amendment Act 2010 A2010-13 sch 1 pt 1.5**

notified LR 31 March 2010  
s 1, s 2 commenced 31 March 2010 (LA s 75 (1))  
s 3 commenced 1 April 2010 (LA s 75AA)  
sch 1 pt 5 commenced 28 April 2010 (s 2 (4))

**Administrative (One ACT Public Service Miscellaneous Amendments) Act 2011 A2011-22 sch 1 pt 1.123**

notified LR 30 June 2011  
s 1, s 2 commenced 30 June 2011 (LA s 75 (1))  
sch 1 pt 1.123 commenced 1 July 2011 (s 2 (1))

**Statute Law Amendment Act 2013 (No 2) A2013-44 sch 3 pt 3.15**

notified LR 11 November 2013  
s 1, s 2 commenced 11 November 2013 (LA s 75 (1))  
sch 3 pt 3.15 commenced 25 November 2013 (s 2)

## 4 Amendment history

### Name of Act

s 1 sub [A2008-25](#) amdt 1.13

### Dictionary

s 2 om [A2001-44](#) amdt 1.3294  
ins [A2008-25](#) amdt 1.14

### Notes

s 2A ins [A2008-25](#) amdt 1.15

### Offences against Act—application of Criminal Code etc

s 2B ins [A2008-25](#) amdt 1.15

### Meaning of possession—Act

s 3 sub [A2008-25](#) s 71  
am [A2013-44](#) amdt 3.116

### Evidence of possession—prohibited weapons or articles at premises

s 3A ins [A2008-25](#) s 71

### Evidence of possession—care, control or management of prohibited weapon or article

s 3B ins [A2008-25](#) s 71

### Application of Act

s 4 am [A2001-44](#) amdt 1.3295, amdt 1.3296; [A2006-23](#)  
amds 1.272-1.275; [A2009-19](#) s 60; pars renum R9 LA;  
[A2010-13](#) amdt 1.27

### Important concepts

pt 1A hdg ins [A2008-25](#) s 72

### Meaning of *prohibited weapon*—Act

s 4A ins [A2008-25](#) s 72

### Meaning of *prohibited article*—Act

s 4B ins [A2008-25](#) s 72

### Unregulated weapons

pt 1B hdg ins [A2008-25](#) s 73

### Meaning of *unregulated weapon*—Act

s 4C ins [A2008-25](#) s 73

### Meaning of *connected*—pt 1B

s 4CA ins [A2008-25](#) s 73

### Unregulated weapons—seizure by police

s 4D ins [A2008-25](#) s 73

### Unregulated weapons—receipt for seizure

s 4E ins [A2008-25](#) s 73

## Endnotes

4 Amendment history

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### **Unregulated weapons—examination**

s 4F ins [A2008-25](#) s 73

### **Unregulated weapons—access to things seized**

s 4G ins [A2008-25](#) s 73

### **Unregulated weapons—review of decision to seize**

s 4H ins [A2008-25](#) s 73

### **Unregulated weapons—forfeiture**

s 4I ins [A2008-25](#) s 73  
am [A2011-22](#) amdt 1.356

### **Minister's guidelines**

pt 1C hdg ins [A2008-25](#) s 73

### **Minister's guidelines**

s 4K ins [A2008-25](#) s 73

### **Declarations about prohibited articles and weapons**

pt 1D hdg ins [A2008-25](#) s 73

### **Prohibited articles and weapons declarations by registrar**

s 4L ins [A2008-25](#) s 73  
am [A2009-20](#) amdt 3.165, amdt 3.166

### **Effect of certain declarations**

s 4M ins [A2008-25](#) s 73

### **Offences**

pt 2 hdg sub [A2008-25](#) s 74

### **Offence—unauthorised possession or use of prohibited weapons**

s 5 am [A2001-44](#) amdt 1.3297  
sub [A2008-25](#) s 75

### **Offence—unauthorised possession or use of prohibited articles**

s 6 am [A2001-44](#) amdt 1.3298  
sub [A2008-25](#) s 75

### **Declarations about authorised possession and use of laser pointers**

s 6A ins [A2008-25](#) s 76

### **Guidelines for declarations under section 6A**

s 6B ins [A2008-25](#) s 76

### **Inspection of prohibited weapons or articles by police**

s 7 am [A2013-44](#) amdt 3.117

### **Offence—disposal of prohibited weapons and articles by unauthorised holders**

s 8 sub [A2008-25](#) s 77

**Applications—false or misleading particulars**

s 10 om [A2004-15](#) amdt 2.148

**Contravention of conditions**

s 11 am [A2013-44](#) amdt 3.118

**Production of permit**

s 12 am [A2013-44](#) amdt 3.118

**Surrender of cancelled permit**

s 13 am [A2013-44](#) amdt 3.118

**Notification and review of decisions**

pt 3A hdg ins [A2008-36](#) amdt 1.571

**Meaning of *reviewable decision*—pt 3A**

s 14 sub [A2008-36](#) amdt 1.571

**Reviewable decision notices**

s 14A ins [A2008-36](#) amdt 1.571

**Applications for review**

s 14B ins [A2008-36](#) amdt 1.571

**Information to be supplied**

s 15 am [A2013-44](#) amdt 3.118

**Disposal of surrendered or seized prohibited weapons or prohibited articles**

s 16 am [A2013-44](#) amdt 3.119

**Evidentiary provisions**

s 17 sub [A2008-25](#) s 78

**Determination of fees**

s 17A ins [A2008-25](#) s 78

**Approved forms**

s 18 sub [A2001-44](#) amdt 1.3299  
(4)-(7) exp 12 September 2002 (s 18 (7))  
am [A2008-25](#) s 79; [A2013-44](#) amdt 3.120

**Regulation-making power**

s 19 ins [A2001-44](#) amdt 1.3299

**Transitional**

pt 5 hdg ins [A2008-25](#) s 80  
exp 15 July 2010 (s 54)

## Endnotes

4 Amendment history

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### Definitions—pt 5

s 50 ins [A2008-25](#) s 80  
exp 15 July 2010 (s 54)  
def **commencement day** ins [A2008-25](#) s 80  
exp 15 July 2010 (s 54)  
def **dispose** ins [A2008-25](#) s 80  
exp 15 July 2010 (s 54)  
def **pre-commencement day** ins [A2008-25](#) s 80  
exp 15 July 2010 (s 54)

### Pre-commencement Act—permitted weapons and articles generally

s 51 ins [A2008-25](#) s 80  
exp 15 July 2010 (s 54)

### Pre-commencement Act—permitted weapons and articles—late application for permit

s 52 ins [A2008-25](#) s 80  
exp 15 July 2010 (s 54)

### Transitional regulations

s 53 ins [A2008-25](#) s 80  
exp 15 July 2010 (s 54)

### Expiry—pt 5

s 54 ins [A2008-25](#) s 80  
exp 15 July 2010 (s 54)

### Prohibited weapons

sch 1 hdg (prev sch hdg) am [SL1997-12](#) reg 15  
renum R1 LA  
sch 1 am [A2008-25](#) s 81  
sub [A2008-25](#) s 82

### Prohibited articles

sch 2 ins [A2008-25](#) s 82

*Note for sch 2* sch 2 also ins [A2008-36](#) amdt 1.572  
renum as sch 3 R7 LA

### Reviewable decisions

sch 3 (prev sch 2) ins [A2008-36](#) amdt 1.572  
renum as sch 3 R7 LA

### Dictionary

dict ins [A2008-25](#) amdt 1.16  
am [A2008-36](#) amdt 1.573, amdt 1.574; [A2011-22](#) amdt 1.357;  
[A2013-44](#) amdt 3.121  
def **connected** ins [A2008-25](#) amdt 1.16  
def **dispose** ins [A2008-25](#) amdt 1.16  
def **firearm** ins [A2008-25](#) amdt 1.16  
def **permit** ins [A2008-25](#) amdt 1.16



def **possession** ins [A2008-25](#) amdt 1.16  
def **premises** ins [A2008-25](#) amdt 1.16  
def **prohibited article** ins [A2008-25](#) amdt 1.16  
def **prohibited weapon** ins [A2008-25](#) amdt 1.16  
def **registrar** ins [A2008-25](#) amdt 1.16  
def **reviewable decision** ins [A2008-36](#) amdt 1.575  
def **unregulated weapon** ins [A2008-25](#) amdt 1.16

## Endnotes

### 5 Earlier republications

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#### 5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (\*) in column 1. Electronic and printed versions of an authorised republication are identical.

<b>Republication No and date</b>	<b>Effective</b>	<b>Last amendment made by</b>	<b>Republication for</b>
R0A 30 July 2003	22 May 1997– 11 Sept 2001	<a href="#">SL1997-12</a>	amendments by <a href="#">SL1997-12</a>
R1 18 Feb 2002	12 Sept 2001– 12 Sept 2002	<a href="#">A2001-44</a>	amendments by <a href="#">A2001-44</a>
R2 13 Sept 2002	13 Sept 2002– 8 Apr 2004	<a href="#">A2001-44</a>	commenced expiry
R3 9 Apr 2004	9 Apr 2004– 1 June 2006	<a href="#">A2004-15</a>	amendments by <a href="#">A2004-15</a>
R4 2 June 2006	2 June 2006– 15 July 2008	<a href="#">A2006-23</a>	amendments by <a href="#">A2006-23</a>
R5 16 July 2008	16 July 2008– 14 Jan 2009	<a href="#">A2008-25</a>	amendments by <a href="#">A2008-25</a>
R6 15 Jan 2009	15 Jan 2009– 14 July 2009	<a href="#">A2008-36</a>	amendments by <a href="#">A2008-25</a>
R7 15 July 2009	15 July 2009– 21 Sept 2009	<a href="#">A2008-36</a>	amendments by <a href="#">A2008-25</a> and <a href="#">A2008-36</a>
R8 22 Sept 2009	22 Sept 2009– 28 Sept 2009	<a href="#">A2009-20</a>	amendments by <a href="#">A2009-20</a>
R9 29 Sept 2009	29 Sept 2009– 27 Apr 2010	<a href="#">A2009-20</a>	amendments by <a href="#">A2009-19</a>
R10 28 Apr 2010	28 Apr 2010– 15 July 2010	<a href="#">A2010-13</a>	amendments by <a href="#">A2010-13</a>
R11 16 July 2010	16 July 2010– 30 June 2011	<a href="#">A2010-13</a>	commenced expiry

<b>Republication No and date</b>	<b>Effective</b>	<b>Last amendment made by</b>	<b>Republication for</b>
R12 1 July 2011	1 July 2011– 24 Nov 2013	<a href="#">A2011-22</a>	amendments by <a href="#">A2011-22</a>

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