

Prohibited Weapons Regulations No. 12 of 1997

EXPLANATORY MEMORANDUM

Outline

Section 18 of the *Prohibited Weapons Act 1996* provides that the Executive may make regulations for the purposes of the Act.

The Prohibited Weapons Regulations ("the Regulations") support the *Prohibited Weapons Act 1996* ("the Act"). They provide for matters required or permitted, under the Act, to be prescribed in regulations under the Act.

The Regulations provide limited exemptions from provisions of the Act in respect of certain prohibited weapons and prohibited articles, to specified persons or classes of persons. The provision of such exemptions will ensure that the specified individuals and organisations within the ACT, whose legitimate activities are affected by the operation of the Act are able to continue to pursue those legitimate recreations, sports and other activities, subject to the conditions imposed in the terms of the relevant exemption.

Examples of such specific purposes or organisations include, members and employees of the Australian Defence Industries Pty Ltd, research bodies or their employees using catapults for plant or animal research, security organisations possessing batons for use in the course of employment, approved martial arts clubs, in relation to possession and use of Nunchaku, Nunchaku baton or similar article and approved paintball operators.

Revenue/cost implications

The Regulations will have no effect on revenue.

Details of the Regulations are provided in the Attachment.

Attachment

Prohibited Weapons Regulations

Explanatory Memorandum

Citation and Commencement

Regulations 1 & 2 These regulations specify the title of the Regulations, when made, to be the Prohibited Weapons Regulations, and provide for the commencement of the Regulations on the same day as the *Prohibited Weapons Act 1996* ("the Act"), except for the formal sections of the Act which commenced when the Act was gazetted on 20 December 1996.

Interpretation

Regulation 3 This regulation provides for the interpretation of terms used in the Regulations.

Prohibited articles

Regulation 4 This regulation provides for certain articles to be declared prohibited articles. Both soft body armour and modified articles of clothing, the purpose of which is to disguise or conceal a weapon, are declared prohibited articles.

General grounds for refusal to issue permits

Regulation 5 This regulation requires the Registrar to refuse to issue a permit in certain prescribed circumstances. Those circumstances include where the applicant is, or has been, in the ten years prior to the application for a permit, convicted of an indictable offence involving actual or threatened violence or the use of a firearm, prohibited weapon or prohibited article; or the subject of a protection or restraining order.

The Registrar is also unable to issue a permit to a person who is currently the subject of an interim restraining or an interim protection order; subject to a recognizance to keep the peace; or had a previously issued permit under the Act or a permit, or licence, under the *Firearms Act 1996*, cancelled.

The regulation also provides the Registrar a discretionary capacity to refuse to issue a permit where he or she is of the opinion that to do so would be contrary to the public interest.

Conditions on permits-storage and security

Regulation 6. This regulation provides that it is a condition of a permit that the permit holder comply with any guidelines approved by the Registrar with respect to storage and security of the prohibited weapon or prohibited article to which the permit relates.

Possession and use of crossbows

Regulation 7 This regulation provides for the Minister to declare a supplier to be an approved supplier of crossbows. It also specifies the criteria required to be met by an applicant to receive a permit authorising the possession and use of a crossbow.

Possession and use of darts

Regulation 8 This regulation provides that the Minister may declare a manufacturer to be an approved manufacturer of darts and to be exempted from the provisions of the Act. It also provides that if a person's disability makes him/her incapable of participating in a sport or recreation that normally involves the use of hand thrown darts, that person may by permit be authorised to possess and use darts capable of being projected from a blow gun for sport or recreation.

Possession and use of catapults

Regulation 9 This regulation provides for the Registrar to issue or renew a permit for certain research bodies to possess a catapult, namely the Australian National University and the University of Canberra, which use such catapults for the purpose of animal or plant research.

Possession and use of batons

Regulation 10

This regulation provides that a security organisation may, by permit, be authorised to possess and use batons subject to certain restrictions. Those restrictions are that the baton is owned or leased by the security organisation and is marked with both a permanent identification number and the name of the security organisation.

It also provides for the possession and use of a baton by an employee of a security organisation if the baton is: owned or leased by the security organisation by which they are employed; is only in their possession in the course of employment; and the employee has completed a course of training in its use approved by the Registrar.

The regulation also provides further conditions for possession and use of a baton including that each use of the baton is to be recorded in a register.

Possession and use of a nunchaku, nunchaku baton or similar article.**Regulation 11**

This regulation provides that an approved martial arts club may, by permit, be authorised to possess and use nunchakus subject to certain restrictions. Those restrictions are that the club is approved by the Registrar and instruction is given by, or supervised by, a qualified instructor.

The regulation also provides for an exemption where a person is a member of an approved martial arts club and is receiving instruction by a qualified instructor in the use of these weapons, or who possesses such weapons while taking part in a competition or demonstration on premises owned or leased by the club, or who transports the nunchaku to or from such a competition or demonstration.

Possession and use of soft body armour**Regulation 12**

This regulation provides for a permit to be issued to an employee of a security organisation to authorise that person to possess and use soft body armour if it is owned or leased by the security organisation which employs him/her; is in his/her possession for

use in the employment; and is stored securely and out of sight when not in use.

It also provides for a permit to be issued to a security organisation to possess soft body armour subject to the following conditions: that each use must be recorded in a register; the armour must be permanently marked with an identification number; and the permit holder must not possess more soft body armour than is specified by the permit.

Militaria permit

Regulation 13

This regulation provides for the Registrar to issue a militaria fair permit where the Registrar is satisfied that the premises are suitable in terms of: the nature of activities proposed; the kinds of prohibited weapons and prohibited articles to which the licence relates; adequate provision has been made for their safe keeping; and adequate security has been arranged to prevent unauthorised entry.

Permits for theatrical and other productions

Regulation 14

This regulation provides for certain conditions to be met before the Registrar will issue a permit for the possession and use of a prohibited weapon or article for a theatrical or dramatic production or a historical re-enactment.

Amendment of Schedule to Act

Regulation 15

This regulation amends the Schedule of Prohibited Weapons which lists those weapons, or classes of weapons, which are prohibited under the Act.

The regulation substitutes "other than an antique crossbow manufactured before 1 January 1900" for "other than an antique crossbow" and adds "A ballistic knife (other than a ballistic knife that propels a projectile by means of an explosive) or any similar device".