



Australian Capital Territory

Prohibited Weapons Regulations

Subordinate Law No. 12 of 1997¹

The Australian Capital Territory Executive makes the following Regulations under the *Prohibited Weapons Act 1996*.

Dated 16 May 1997.

KATE CARNELL
Minister

GARY HUMPHRIES
Minister

Citation

1. These Regulations may be cited as the Prohibited Weapons Regulations.

Commencement

2. These Regulations commence on the day on which section 4 of the *Prohibited Weapons Act 1996* commences.

Interpretation

3. In these Regulations, unless the contrary intention appears—

“Act” means the *Prohibited Weapons Act 1996*;

“Registrar” has the same meaning as in the *Firearms Act 1996*;

“security organisation” means a corporation within the meaning of the Corporations Law, or a partnership, which carries on a business of providing—

(a) protection for persons; or

(b) transport or protection for the money or property of persons other than the corporation or partnership;

but does not include a bank.

Prohibited articles

4. The following are declared to be prohibited articles:

(a) an article commonly known as soft body armour;

(b) a modified article of clothing, accessory or adornment a purpose of which is to disguise or conceal a weapon.

General grounds for refusal to issue permits

5. (1) The Registrar shall not issue a permit unless satisfied that the applicant is a fit and proper person to have possession of a prohibited weapon or prohibited article without danger to public safety or to the peace.

(2) Without limiting the generality of subsection (1), the Registrar shall not issue a permit if he or she has reasonable cause to believe that the applicant may not personally exercise continuous and responsible control over a prohibited weapon or prohibited article because of the applicant’s way of living or domestic circumstances.

(3) The Registrar shall not issue a permit to a person who—

(a) has, within the period of 10 years before the application for the permit was made, been convicted in the Territory or elsewhere of a prescribed offence, whether or not the offence is an offence under a law of the Territory;

- (b) is subject to a protection order, restraining order or corresponding order or who has, at any time within 10 years before the application for the permit was made, been subject to such an order (other than an order which has been revoked);
- (c) is subject to an interim restraining order, an interim protection order or a corresponding order;
- (d) is subject to a recognizance, granted in the Territory or elsewhere, to keep the peace; or
- (e) had a permit issued to him or her under the Act, or a licence or permit issued to him or her under the *Firearms Act 1996*, cancelled.

(4) The Registrar may refuse to issue a permit if he or she considers that issuing the permit would be contrary to the public interest.

(5) For the purposes of paragraph (3) (a), a prescribed offence is an indictable offence involving actual or threatened violence or the use of a firearm, prohibited weapon or prohibited article.

(6) In this regulation—

“corresponding order”, in relation to an interim protection order, an interim restraining order, a protection order or a restraining order, means an order made under a law of a State or another Territory having the same effect or substantially the same effect as that order;

“interim protection order” means an interim protection order made under the *Domestic Violence Act 1986*;

“interim restraining order” means an interim restraining order made under the *Magistrates Court Act 1930*;

“protection order” means a protection order made under the *Domestic Violence Act 1986*;

“restraining order” means a restraining order made under the *Magistrates Court Act 1930*.

Condition on permits—storage and security

6. It is a condition of a permit issued under the Act that a permit holder shall comply with any guidelines approved by the Registrar for the storage and security of the prohibited weapon or prohibited article to which the permit relates.

Possession and use of crossbows

7. (1) The Minister may, by notice in writing published in the *Gazette*, declare a supplier to be an approved supplier of crossbows for the purposes of this regulation.

(2) The Registrar shall refuse to issue a permit authorising a person to possess and use a crossbow that is a prohibited weapon unless—

- (a) the person is an approved supplier;
- (b) the person—
 - (i) has attained the age of 12 years but is under 18 years;
 - (ii) is a member of an approved archery club; and
 - (iii) uses the crossbow for the purpose of participating in competitions in the use of crossbows conducted by or in association with an approved archery club and for no other purpose; or
- (c) the person—
 - (i) has attained the age of 18 years;
 - (ii) is a member of an approved archery club;
 - (iii) owns the crossbow; and
 - (iv) has the crossbow in his or her possession for the purpose of participating, or enabling the person to participate, in competitions in the use of crossbows conducted by or in association with an approved archery club and for no other purpose.

(3) Notwithstanding subregulation (2), the Registrar shall not issue a permit to possess and use a crossbow that is a prohibited weapon to a person referred to in paragraphs (2) (b) or (c) who has, within the period of 10 years preceding—

- (a) the commencement of these Regulations; or
- (b) the acquisition of the crossbow;

whichever is the later, been convicted in the Territory or elsewhere of an indictable offence, whether on indictment or summarily.

(4) A permit authorising an approved supplier or other person to possess and use a crossbow that is a prohibited weapon is subject to the

condition that the supplier or person shall not, without reasonable excuse, sell or dispose of such a crossbow to a person other than a person who—

- (a) is, or is reasonably believed to be, a member of an approved archery club; and
- (b) has a permit to acquire the crossbow.

(5) A notice under subregulation (1) is a disallowable instrument for the purposes of section 10 of the *Subordinate Laws Act 1989*.

(6) In this regulation—

“approved archery club” means the Canberra Archery Club Incorporated, Canberra Bowhunters Club Incorporated, Capital Field Archers or the Weston Valley Archery Club Incorporated;

“approved supplier” means a supplier approved under subregulation (1).

Possession and use of darts

8. (1) The Minister may, by notice in writing published in the *Gazette*, declare a manufacturer to be an approved manufacturer of darts for the purposes of this regulation.

(2) The Registrar shall refuse to issue a permit authorising a person to possess and use a dart unless—

- (a) the person is an approved manufacturer; or
- (b) the person is—
 - (i) by reason of his or her disability, incapable of participating in a sport or recreation normally involving the use of hand thrown darts; and
 - (ii) in possession of the dart for the purpose of enabling the person to participate in a sport or recreation of a type referred to in subparagraph (i).

(3) A permit authorising an approved manufacturer or other person to possess and use a dart is subject to the condition that the manufacturer or person shall not, without reasonable excuse, sell or dispose of a dart to a person other than a person referred to in subparagraph (2) (b) (i) who has a permit to acquire the dart.

(4) A notice under subregulation (1) is a disallowable instrument for the purposes of section 10 of the *Subordinate Laws Act 1989*.

(5) In this regulation—

“approved manufacturer” means a manufacturer approved under subregulation (1);

“dart” means a dart capable of being projected from a blow-gun.

Possession and use of catapults

9. (1) The Registrar shall refuse to issue a permit authorising a research body to possess a catapult unless the catapult—

(a) is manufactured or acquired by, or in the possession of, the research body for use in plant or animal research; and

(b) bears a serial number allocated by the Registrar.

(2) A person employed or engaged by a research body which holds a permit to possess a catapult is authorised to possess and use that catapult if he or she possesses or uses it for the purposes of that employment or engagement.

(3) A student undertaking research through a research body which holds a permit to possess a catapult is authorised to possess and use that catapult for the purpose of his or her research if the use is approved by the research body.

(4) In this regulation—

“catapult” means a device designed for use with, or a component part of which is, a brace that fits or rests on the forearm or another part of the body of the user and supports the wrist against the tension of elastic material used to project a projectile;

“research body” means the Australian National University or the University of Canberra.

Possession and use of batons

10. (1) The Registrar shall not permit a security organisation to possess a baton other than in the circumstances specified in subregulation (3).

(2) An employee of a security organisation which holds a permit to possess a baton is authorised to possess and use that baton in the circumstances specified in subregulation (4).

(3) For the purposes of subregulation (1), the circumstances are that the baton—

- (a) is owned or leased by the security organisation; and
- (b) bears in permanent form—
 - (i) an identification number; and
 - (ii) the name of the security organisation.

(4) For the purposes of subregulation (2), the circumstances are that—

- (a) the baton—
 - (i) is owned or leased by the security organisation employing the employee; and
 - (ii) is in the employee's possession for use in the course of that employment; and
- (b) the employee has completed a course of training in the use of batons approved by the Registrar.

(5) A permit authorising the possession of a baton is subject to the following conditions:

- (a) each use of the baton shall be recorded in a register in a form approved by the Registrar;
- (b) the organisation shall not possess more batons than the number specified for that purpose in the permit.

(6) In this regulation—

“baton” means an expandable straight baton or a side handled baton.

Possession and use of nunchaku, nunchaku baton or similar article

11. (1) The Registrar shall not issue a permit to possess a nunchaku to a martial arts club except in the circumstances specified in subregulation (3).

(2) A person is authorised to possess and use a nunchaku in the circumstances specified in subregulation (4).

(3) For the purposes of subregulation (1), the circumstances are—

- (a) the club is an approved martial arts club; and
- (b) the club employs a full-time or part-time qualified instructor.

(4) For the purposes of subregulation (2), the circumstances are that the person—

- (a) is a member of a relevant approved martial arts club who has possession of the nunchaku—
 - (i) to take part in instruction by, or instruction supervised by, a qualified instructor in the use of a nunchaku or in a competition or demonstration in the use of a nunchaku; or
 - (ii) to transport the nunchaku to or from such a competition or demonstration; or
- (b) is a qualified instructor who has a nunchaku in his or her possession for the purposes of—
 - (i) providing instruction in its use to, or supervising the instruction in its use of, members of the relevant approved martial arts club;
 - (ii) taking part in a competition or demonstration in the use of a nunchaku; or
 - (iii) transporting the nunchaku to or from a competition or demonstration in the use of a nunchaku.

(5) A permit authorising the possession of a nunchaku by an approved martial arts club is subject to the following conditions:

- (a) the club shall not possess more nunchakus than the number specified for that purpose in the permit;
- (b) the nunchaku shall not be removed from the club premises except to be transported to and from a competition or demonstration in the use of nunchakus.

(6) In this regulation—

“approved martial arts club” means a martial arts club approved by the Registrar;

“nunchaku” includes a nunchaku baton or similar article;

“qualified instructor” means a person who holds a black belt or equivalent in a martial art where the qualification is—

- (a) accredited by the Australian Coaching Council (a program of the Australian Sports Commission) through the National Coaching Accreditation Scheme; and
- (b) evidenced in writing issued by the Council;

“relevant approved martial arts club”, in relation to a nunchaku, means an approved martial arts club that—

- (a) has a permit to possess the nunchaku; and
- (b) owns or leases the nunchaku.

Possession and use of soft body armour

12. (1) An employee of a security organisation which holds a permit to possess soft body armour is authorised to possess and use that armour if the armour is—

- (a) owned or leased by the security organisation of which he or she is an employee;
- (b) in his or her possession for use in the course of that employment; and
- (c) when not in use—stored securely and in such a way that it is not visible.

(2) A permit authorising a security organisation to possess soft body armour is subject to the following conditions:

- (a) each use of the armour shall be recorded in a register in a form approved by the Registrar;
- (b) the armour shall be inscribed in a permanent form with an identification number;
- (c) the permit holder shall not possess more soft body armour than specified for the purpose by the permit.

(3) In this regulation—

“soft body armour” means an article commonly known as soft body armour.

Militaria permit

13. (1) The Registrar shall not issue a permit authorising a person to use specified premises for the purposes of a militaria fair unless satisfied that the premises proposed to be used are suitable for such a purpose.

(2) In considering whether premises are suitable for the purposes of subregulation (1), the Registrar shall have regard to the following considerations:

- (a) the nature of the activities proposed to be conducted on the premises;

- (b) the kind of prohibited weapons or prohibited articles to which the application relates;
 - (c) whether adequate provision has been made for the safe keeping of the relevant prohibited weapons or prohibited articles;
 - (d) the security of the premises generally, and against unauthorised entry in particular.
- (3) A permit issued under this regulation—
- (a) shall specify the period during which the permit holder is authorised to conduct the militaria fair;
 - (b) shall specify the persons authorised to possess and, if relevant, use a specified prohibited weapon or prohibited article for the purposes of the fair; and
 - (c) authorises the persons specified in accordance with paragraph (b) and the permit holder to possess and, if so specified in the permit, use a specified prohibited weapon or prohibited article for the purposes of the fair during the period specified in accordance with paragraph (a).
- (4) In this regulation—
- “militaria fair” means a fair approved by the Registrar for the purpose of exhibiting prohibited weapons or prohibited articles and related items.

Permits for theatrical and other productions

14. (1) The Registrar shall not authorise the possession or use of a prohibited weapon or prohibited article for the purpose of a theatrical or dramatic production or an historical re-enactment by permit unless—

- (a) the theatrical or dramatic production or historical re-enactment in which the prohibited weapon or prohibited article is used is being staged by a theatrical, dramatic or historical society;
- (b) the person to whom the permit is to be issued is a performer in, or a member of the society staging, the production or re-enactment;
- (c) the person possesses the weapon or article for the purposes of the production or re-enactment; and

- (d) the weapon or article is—
 - (i) lent or let on hire for the purpose of the production or re-enactment by a person who holds a permit in relation to it; or
 - (ii) lent or let on hire by a person who is ordinarily resident in a State or another Territory who is legally in possession of it under the law of that State or Territory.

(2) A permit issued in accordance with subregulation (1) does not authorise the use of other than blank ammunition in the relevant weapon.

Amendment of Schedule to Act

15. The Schedule to the Act is amended—

- (a) by omitting from item 4 “, other than an antique crossbow” and substituting “other than a crossbow manufactured before 1 January 1900”; and
- (b) by adding at the end the following name and description:

“30 A ballistic knife (other than a ballistic knife that propels a projectile by means of an explosive) or any similar device.”

NOTE

Notification

1. Notified in the ACT Gazette on 19 May 1997.