



Australian Capital Territory

# **Prohibited Weapons Regulation 1997**

**SL1997-12**

made under the

**Prohibited Weapons Act 1996**

**Republication No 4**

**Effective: 25 March 2005 – 29 March 2009**

Republication date: 25 March 2005

Last amendment made by A2005-13

Authorised by the ACT Parliamentary Counsel

## About this republication

### The republished law

This is a republication of the *Prohibited Weapons Regulation 1997*, made under the *Prohibited Weapons Act 1996* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 25 March 2005. It also includes any amendment, repeal or expiry affecting the republished law to 25 March 2005.

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 or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

### 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 *Legislation Act 2001*, section 95.

### Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.



Australian Capital Territory

# Prohibited Weapons Regulation 1997

made under the

**Prohibited Weapons Act 1996**

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R4  
25/03/05

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Australian Capital Territory

# Prohibited Weapons Regulation 1997

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made under the

**Prohibited Weapons Act 1996**

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**1 Name of regulation**

This regulation is the *Prohibited Weapons Regulation 1997*.

**3 Definitions for regulation**

In this regulation:

*Note* A definition applies except so far as the contrary intention appears (see Legislation Act, s 155).

**registrar** means the registrar of firearms.

**security organisation** means a corporation within the meaning of the Corporations Act, or a partnership, that carries on a business of providing—

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

but does not include a bank.

**4 Prohibited articles**

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.

**5 General grounds for refusal to issue permits**

- (1) The registrar must 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 subsection (1), the registrar must not issue a permit if the registrar has reasonable cause to believe that the applicant

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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 must not issue a permit to someone if—
- (a) the person has been convicted within the relevant period in the ACT, or elsewhere, of a prescribed offence, whether or not the offence is an offence against territory law; or
  - (b) the person is, or has been within the relevant period, subject to a protection order or corresponding order; or
  - (c) the person is subject to an interim protection order or a corresponding order; or
  - (d) the person is subject to an undertaking to keep the peace (whether or not the undertaking was given in the ACT); or
  - (e) a permit issued to the person under the Act, or a licence or permit issued to the person under the *Firearms Act 1996*, has been cancelled.

- (4) For subsection (3) (b):

**protection order** does not include a protection order that has been revoked.

- (5) The registrar may refuse to issue a permit if the registrar considers that issuing the permit would be contrary to the public interest.

- (6) In this section:

**corresponding order**, in relation to a protection order or interim protection order, means an order under a law of a State, another Territory or New Zealand that has the same effect or substantially the same effect as a protection order or interim protection order.

**interim protection order**—see the *Domestic Violence and Protection Orders Act 2001*, dictionary, definition of **interim order**.

*Note* See also s (7).

**prescribed offence** means an indictable offence involving actual or threatened violence or the use of a firearm, prohibited weapon or prohibited article.

**protection order**—see the *Domestic Violence and Protection Orders Act 2001*, dictionary, definition of **final order**.

*Note* See also s (7).

**relevant period**, in relation to an application for a permit, means the 10 years before the day the application was made.

(7) In subsection (6):

**interim protection order** includes—

- (a) an interim protection order made under the *Domestic Violence Act 1986*; and
- (b) an interim restraining order made under the *Magistrates Court Act 1930*.

**protection order** includes—

- (a) a protection order made under the *Domestic Violence Act 1986*; and
- (b) a restraining order made under the *Magistrates Court Act 1930*.

(8) The notes to subsection (6), definitions of **interim protection order** and **protection order**, subsection (7) and this subsection, expire on 27 March 2012.

## **6 Condition on permits—storage and security**

It is a condition of a permit issued under the Act that a permit-holder must 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.



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**7 Possession and use of crossbows**

- (1) The Minister may, in writing, declare a supplier to be an approved supplier of crossbows for this section.
- (2) The registrar must 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; or
  - (b) the person—
    - (i) is at least 12 years old but is under 18 years; and
    - (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) is 18 years old or older; and
    - (ii) is a member of an approved archery club; and
    - (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) Despite subsection (2), the registrar must not issue a permit to possess and use a crossbow that is a prohibited weapon to a person mentioned in subsection (2) (b) or (c) who has, within the period of 10 years before—
  - (a) the commencement of this regulation; or
  - (b) the acquisition of the crossbow;

whichever is the later, been convicted in the ACT 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 must 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 declaration under subsection (1) is a disallowable instrument.

*Note* A disallowable instrument must be notified, and presented to the Legislative Assembly, under the Legislation Act.

- (6) In this section:

***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 subsection (1).

## **8 Possession and use of darts**

- (1) The Minister may, in writing, declare a manufacturer to be an approved manufacturer of darts for this section.
- (2) The registrar must 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) because 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 mentioned 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 must not, without reasonable excuse, sell or dispose of a dart to a person other than a person mentioned in subsection (2) (b) (i) who has a permit to acquire the dart.
  - (4) A declaration under subsection (1) is a disallowable instrument.
- Note* A disallowable instrument must be notified, and presented to the Legislative Assembly, under the Legislation Act.
- (5) In this section:

***approved manufacturer*** means a manufacturer approved under subsection (1).

***dart*** means a dart capable of being projected from a blowgun.

## **9 Possession and use of catapults**

- (1) The registrar must 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 that holds a permit to possess a catapult is authorised to possess and use that catapult if the person possesses or uses it for the purposes of that employment or engagement.
- (3) A student undertaking research through a research body that 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 section:

*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.

## **10 Possession and use of batons**

- (1) The registrar must not permit a security organisation to possess a baton other than in the circumstances specified in subsection (3).
- (2) An employee of a security organisation that holds a permit to possess a baton is authorised to possess and use that baton in the circumstances specified in subsection (4).
- (3) For subsection (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 subsection (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.

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- (5) A permit authorising the possession of a baton is subject to the following conditions:
- (a) each use of the baton must be recorded in a register;
  - (b) the organisation must not possess more batons than the number specified for that purpose in the permit.

*Note* If a form is approved under the Act, s 18 for the register, the form must be used.

- (6) In this section:

*baton* means an expandable straight baton or a side-handled baton.

## **11 Possession and use of nunchaku, nunchaku baton or similar article**

- (1) The registrar must not issue a permit to possess a nunchaku to a martial arts club except in the circumstances specified in subsection (3).
- (2) A person is authorised to possess and use a nunchaku in the circumstances specified in subsection (4).
- (3) For subsection (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 subsection (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; or
  - (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 must not possess more nunchakus than the number specified for that purpose in the permit;
  - (b) the nunchaku must 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 section:

***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.

## 12 Possession and use of soft body armour

- (1) An employee of a security organisation that 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 the employee is an employee; and
  - (b) in his or her possession for use in the course of that employment; and
  - (c) when not in use, stored securely and in 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 must be recorded in a register;
  - (b) the armour must be inscribed in a permanent way with an identification number;
  - (c) the permit-holder must not possess more soft body armour than specified for the purpose by the permit.

*Note* If a form is approved under the Act, s 18 for the register, the form must be used.

- (3) In this section:

*soft body armour* means an article commonly known as soft body armour.

## 13 Militaria permit

- (1) The registrar must 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 subsection (1), the registrar must 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 safekeeping 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 section—
- (a) must specify the period during which the permit-holder is authorised to conduct the militaria fair; and
  - (b) must specify the people authorised to possess and, if relevant, use a specified prohibited weapon or prohibited article for the purposes of the fair; and
  - (c) authorises the people 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 section:
- militaria fair* means a fair approved by the registrar for the purpose of exhibiting prohibited weapons or prohibited articles and related items.

## **14 Permits for theatrical and other productions**

- (1) The registrar must 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; and
  - (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; and
  - (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 subsection (1) does not authorise the use of other than blank ammunition in the relevant weapon.

## 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 and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

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

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

### 3 Legislation history

This regulation was originally the *Prohibited Weapons Regulations*. It was renamed by the *Protection Orders (Consequential Amendments) Act 2001* A2001-90 amdt 1.84 and under the *Legislation Act 2001*.

#### **Prohibited Weapons Regulation 1997 No 12**

notified 19 May 1997 (Gaz 1997 No S140)

commenced 22 May 1997 (s 2 and see Gaz 1997 No S140)

as amended by

#### **Legislation (Consequential Amendments) Act 2001 No 44 pt 302**

notified 26 July 2001 (Gaz 2001 No 30)

s 1, s 2 commenced 26 July 2001 (IA s 10B)

pt 302 commenced 12 September 2001 (s 2 and see Gaz 2001 No S65)

#### **Protection Orders (Consequential Amendments) Act 2001 No 90 sch 1 pt 10**

notified LR 27 September 2001

s 1, s 2 commenced 27 September 2001 (LA s 75)

sch 1 pt 10 commenced 27 March 2002 (s 2, see the Protection Orders Act 2001, s 3)

#### **Domestic Violence and Protection Orders Amendment Act 2005 A2005-13 sch 1 pt 1.14**

notified LR 24 March 2005

s 1, s 2 commenced 24 March 2005 (LA s 75 (1))

sch 1 pt 1.14 commenced 25 March 2005 (s 2)

### 4 Amendment history

#### **Name of regulation**

s 1 am R1 LA  
sub Act 2001 No 90 amdt 1.84  
am R3 LA

#### **Commencement**

s 2 om Act 2001 No 44 amdt 1.3300

#### **Definitions for regulation**

s 3 def **Act** om Act 2001 No 44 amdt 1.3301  
def **registrar** sub Act 2001 No 90 amdt 1.85

## Endnotes

### 5 Earlier republications

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#### **General grounds for refusal to issue permits**

s 5 am Act 2001 No 90 amdt 1.86, amdt 1.87; regs renum R2 LA;  
A2005-13 amdts 1.45-1.47  
notes to (6), defs *interim protection order* and *protection order*, (7), (8) exp 27 March 2012 (s 5 (8))

#### **Possession and use of crossbows**

s 7 am Act 2001 No 44 amdt 1.3302, amdt 1.3303

#### **Possession and use of darts**

s 8 am Act 2001 No 44 amdt 1.3304, amdt 1.3305

#### **Possession and use of batons**

s 10 am Act 2001 No 44 amdt 1.3306, amdt 1.3307

#### **Possession and use of soft body armour**

s 12 am Act 2001 No 44 amdts 1.3308-1.3310

#### **Amendment of Schedule to Act**

s 15 om R1 LA

## 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. Except for the footer, electronic and printed versions of an authorised republication are identical.

<b>Republication No</b>	<b>Amendments to</b>	<b>Republication date</b>
1	Act 2001 No 90	28 February 2002
2	A2001-90	27 March 2002
3	A2001-90	1 November 2004

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