



Australian Capital Territory

Prohibited Weapons Regulation 1997

SL1997-12

made under the

Prohibited Weapons Act 1996

Republication No 11

Effective: 21 December 2018

Republication date: 21 December 2018

Last amendment made by [A2018-32](#)

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 21 December 2018. It also includes any commencement, amendment, repeal or expiry affecting this republished law to 21 December 2018.

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):

- 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). 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 \$160 for an individual and \$810 for a corporation (see [Legislation Act 2001](#), s 133).



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Australian Capital Territory

Prohibited Weapons Regulation 1997

made under the

[Prohibited Weapons Act 1996](#)

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.

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 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 means an interim order under—

- (a) the *Family Violence Act 2016*; or
- (b) the *Personal Violence Act 2016*.

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

protection order means a final order under—

- (a) the *Family Violence Act 2016*; or
- (b) the *Personal Violence Act 2016*.

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

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.

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, Tuggeranong Archery Club Incorporated 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.
- (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 body armour

- (1) An employee of a security organisation that holds a permit to possess 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 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 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.

12A Possession and use of suppressors

- (1) The registrar must not issue a permit authorising a person to possess or use a suppressor unless—
- (a) the person is an authorised person; and
 - (b) the suppressor is being used for an authorised purpose.
- (2) The following activities are authorised purposes for this section:
- (a) at the direction, or under the authority, of a conservation officer—killing fauna on public land reserved under the [territory plan](#) for a purpose mentioned in the [Planning and Development Act 2007](#), section 315 (Reserved areas—public land);
 - (b) for a conservation officer or veterinary practitioner—killing fauna to alleviate its suffering;
 - (c) for an employee of the CSIRO—undertaking an expedition to collect museum specimens;

- (d) for a firearms dealer—carrying out activities that are reasonable and necessary for a firearms dealer to manufacture, acquire, dispose of, repair, maintain or test firearms or firearm parts;
- (e) for a lessee of land held under a rural lease or a person authorised by the lessee—killing fauna on the rural lease.

(3) In this section:

authorised person means a person who—

(a) holds a licence or permit or is otherwise authorised under the [Firearms Act 1996](#) to possess or use a prohibited firearm; and

(b) is—

(i) a conservation officer; or

(ii) contracted or otherwise authorised by the Territory to kill particular fauna; or

Note The conservator or custodian of unleased land or public land must take reasonable steps to implement a controlled native species management plan and may authorise another person to take action to implement the plan (see [Nature Conservation Act 2014](#), s 167).

(iii) a veterinary practitioner; or

(iv) authorised by a licence under the [Firearms Act 1996](#) to carry on business as a firearms dealer, including manufacturing, acquiring, disposing of, repairing, maintaining or testing firearms or firearm parts; or

(v) employed by the CSIRO; or

(vi) a lessee of land held under a rural lease, or a person lawfully authorised by the lessee.

conservation officer means a person who is appointed as a conservation officer under the [Nature Conservation Act 2014](#), section 28 (Conservation officers—appointment).

CSIRO means the Commonwealth Scientific and Industrial Research Organisation established by the *Science and Industry Research Act 1949* (Cwlth).

fauna includes the following:

- (a) a native animal;
- (b) an animal declared to be a pest animal under the *Pest Plants and Animals Act 2005*, section 16;
- (c) stock.

rural lease—see the *Planning and Development Act 2007*, dictionary.

stock—see the *Stock Act 2005*, dictionary.

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

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

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 SL1997-12

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](#) A2001-44 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](#) A2001-90 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)

[Firearms Amendment Act 2008](#) A2008-25 pt 4

notified LR 15 July 2008

s 1, s 2 commenced 15 July 2008 (LA s 75 (1))

pt 4 commenced 15 July 2009 (s 2 (3))

[Domestic Violence and Protection Orders Act 2008](#) A2008-46 sch 3 pt 3.13

notified LR 10 September 2008

s 1, s 2 commenced 10 September 2008 (LA s 75 (1))

sch 3 pt 3.13 commenced 30 March 2009 (s 2)

Endnotes

3 Legislation history

Domestic Violence and Protection Orders Act 2008 A2008-46 sch 3 pt 3.13

notified LR 10 September 2008
s 1, s 2 commenced 10 September 2008 (LA s 75 (1))
sch 3 pt 3.13 commenced 30 March 2009 (s 2)

Prohibited Weapons Amendment Regulation 2009 (No 1) SL2009-60

notified LR 23 December 2009
s 1, s 2 commenced 23 December 2009 (LA s 75 (1))
remainder commenced 24 December 2009 (s 2)

Family Violence Act 2016 A2016-42 sch 3 pt 3.17 (as am by A2017-10 s 7)

notified LR 18 August 2016
s 1, s 2 commenced 18 August 2016 (LA s 75 (1))
sch 3 pt 3.17 commenced 1 May 2017 (s 2 (2) as am by [A2017-10 s 7](#))

Family and Personal Violence Legislation Amendment Act 2017 A2017-10 s 7

notified LR 6 April 2017
s 1, s 2 commenced 6 April 2017 (LA s 75 (1))
s 7 commenced 30 April 2017 (s 2 (1))

Note This Act only amends the Family Violence Act 2016 [A2016-42](#).

Firearms and Prohibited Weapons Legislation Amendment Act 2018 A2018-1 pt 5

notified LR 28 February 2018
s 1, s 2 commenced 28 February 2018 (LA s 75 (1))
pt 5 commenced 1 March 2018 (s 2 (1))

Veterinary Practice Act 2018 A2018-32 sch 3 pt 3.14

notified LR 30 August 2018
s 1, s 2 commenced 30 August 2018 (LA s 75 (1))
sch 3 pt 3.14 commenced 21 December 2018 (s 2 and [CN2018-12](#))

4 Amendment history

Name of regulation

s 1 am R1 LA
sub [A2001-90](#) amdt 1.84
am R3 LA

Commencement

s 2 om [A2001-44](#) amdt 1.3300

Definitions for regulation

s 3 def **Act** om [A2001-44](#) amdt 1.3301
def **registrar** sub [A2001-90](#) amdt 1.85

Prohibited articles

s 4 om [A2008-25](#) s 84

General grounds for refusal to issue permits

s 5 am [A2001-90](#) amdt 1.86, amdt 1.87; regs renum R2 LA;
[A2005-13](#) amdts 1.45-1.47; [A2008-46](#) amdt 3.41, amdt 3.42
(6) notes to defs **interim protection order** and **protection order**, (7), (8) exp 27 March 2012 (s 5 (8))
am [A2016-42](#) amdt 3.89

Possession and use of crossbows

s 7 am [A2001-44](#) amdt 1.3302, amdt 1.3303; [SL2009-60](#) s 4

Possession and use of darts

s 8 am [A2001-44](#) amdt 1.3304, amdt 1.3305

Possession and use of batons

s 10 am [A2001-44](#) amdt 1.3306, amdt 1.3307

Possession and use of body armour

s 12 hdg sub [A2018-1](#) s 35
s 12 am [A2001-44](#) amdts 1.3308-1.3310; [A2018-1](#) s 36, s 37

Possession and use of suppressors

s 12A ins [A2018-1](#) s 38
am [A2018-32](#) amdt 3.54, amdt 3.55

Amendment of Schedule to Act

s 15 om R1 LA

Endnotes

5 Earlier republications

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.

Republication No	Amendments to	Republication date
1	A2001-90	28 February 2002
2	A2001-90	27 March 2002
3	A2001-90	1 November 2004
4	A2005-13	25 March 2005
5	A2008-46	30 March 2009
6	A2008-46	15 July 2009
7	SL2009-60	24 December 2009
8	SL2009-60	28 March 2012
9	A2017-10	1 May 2017
10	A2018-1	1 March 2018

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