



INFORMATION ON
PROHIBITED WEAPONS
&
EXEMPTIONS

SUMMARY OFFENCES ACT
&
WEAPONS REGULATIONS

WORKING TOGETHER TO MAKE
SOUTH AUSTRALIA SAFER

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INFORMATION RELATING TO NEW PROHIBITED WEAPONS LAWS **-EXEMPTIONS-**

On 17 December 2000 new provisions regarding the possession, use and safe handling of weapons came into force. Under section 15 of the Summary Offences Act there are now three classifications of weapons. They are classified as Offensive Weapons, Dangerous Articles, and Prohibited Weapons. The purpose of this leaflet is to explain the new laws relating to prohibited weapons, what they are, and in particular the exemptions that may apply under certain circumstances.

LAWS RELATING TO PROHIBITED WEAPONS

Possession of a prohibited weapon is prohibited unless a person is exempted for specific reasons. A person or class of person may be entitled to possess a prohibited weapon because they are either in an exempt category of persons under the Act or Regulations or they may have been granted an special exemption.

A person who is exempted must not have possession of or use a prohibited weapon unless he or she does so in a safe and secure manner.

PROHIBITED WEAPONS

Prohibited weapons are listed as;

- Ballistic knife, instrument designed to fire a knife, dagger or similar article, but not including dart projector.
- Catapult, shanghai or slingshot, whether made for commercial purposes or not, and designed or adapted to be used with a brace, that either fits or rests on the forearm or any other part of the body for the purpose of supporting the wrist or forearm when using the device, for example a Saunders Falcon Hunting Sling.
- Chloroacetophenone, (known as CN or tear gas) in all its forms.
- Concealed weapon – an article that appears to be harmless but conceals a knife, spike or other weapon.
- Dypenylaminechloroarsone, (known as DM or Adamsite) in all its forms.
- Extendable baton.
- Fighting knife - an article that is a butterfly knife, a dagger, a flick knife, a push knife, a trench knife, or any other kind of knife that is designed or adapted for hand to hand fighting, but not including a bayonet or sword.
- Hand or foot claws designed or adapted as a weapon.
- Knife belt – a belt or similar article designed to hold and conceal a knife or dagger, for example a Bowen Knife Belt.
- Knuckle duster - including a weighted or studded glove.
- Morning Star - an article designed or adapted as a weapon consisting of a weight (with or without spikes or blades) attached to a chain, rope or a length of other flexible material.
- Nunchakus or similar device.
- Orthochlorobenzalmalononitrile, (known as CS or mace) in all its forms.
- Pistol cross bow.
- Star knife - a device capable of causing serious injury, consisting of a number of points, blades or spikes pointing outwards, that is designed to spin when thrown.
- Throwing knife, capable of causing serious injury.
- Undetectable knife - made of material that prevents it from being detected by metal detector or X-Ray and capable of causing serious injury or death.

ARE THERE EXEMPTIONS TO ALLOW POSSESSION OF PROHIBITED WEAPONS?

Yes. Under certain circumstances individuals and members of some groups are exempt from some provisions of the law relating to prohibited weapons.

Under section 15 of the Summary Offences Act, exempt persons include

- persons who reasonably require prohibited weapons;
 - in the course of business or employment, (but not as manufacturers or dealers),
 - for the purpose of a lawful form of entertainment of others,
 - for a lawful and recognised form of recreation or sport,
 - participants in an official ceremony conducted by the Government of South Australia or the Commonwealth.
- as a member of the SA Police in the course of duty,
- museums or art galleries,
- a dagger may be possessed and used for a religious purpose.

A person may also be exempt, subject to complying with conditions set out in the Regulations.

A person may possess a prohibited weapon

- for the purpose of delivering it to the S.A. Police,
- for the purpose of dealing with an emergency,
- as the executor of an estate, under certain circumstances.

The following exemptions do not apply to a person who has been found guilty by a Court of an offence involving violence where the **maximum** penalty is imprisonment for 5 years or more. Where a person exempted by these Regulations is found guilty by a Court of using the weapon to threaten or injure another, that person ceases to be exempt for that or any other weapon and can never again be exempt under that clause.

- A person may possess an 'undetectable' knife for the preparation of food for human consumption,
- Lodges of Freemasons may possess a poniard for use at their premises for traditional ceremonial purposes, provided it is kept safe and secure, and only removed for repair, restoration, valuation or disposal to an exempt person or police.
- A member of a Scottish association, society or body may possess a dirk or skean dhu for the purpose of wearing it with traditional dress.
- A person may possess at his residence a prohibited weapon that has sentimental value and is an heirloom.
- A person may have a prohibited weapon as part of a collection of weapons that has a theme, historical interest or investment value. Must include at least three weapons. Must keep records in a bound book identifying the weapon, date of purchase, and other details of purchase/disposal. Must be kept safe and secure and only removed for display, repair, restoration, valuation or secure storage. Police may inspect weapons and records.
- Some Returned Services branches clubs or bodies may possess prohibited weapons of a kind acquired or used by members while on active service, under the same provisions as collectors.
- A licensed security agent who holds an H6 firearms licence and carries on the business of guarding property is exempt from the offence of possession and use of an extendable baton if;
 - Baton is extended by gravity/centrifugal force,
 - It is kept safe and secure at the business premises when not in use,
 - It is marked with a serial number and name of exempt person or company,
 - Only issued to exempt employees,
 - Has completed an approved training course,
 - Not carried when engaged in crowd control,
 - Keep records required by the Regulations,
 - Police may inspect batons, security and records.
- Persons employed as licensed security guards who hold an H6 firearms licence may possess and use batons issued by their employer if;
 - Their duties reasonably require possession
 - They have completed approved training,
 - Have not been found guilty of offence involving a baton, firearm or other weapon,
 - Do not carry when doing crowd control,
 - Provide written report after use.
- Manufacturers or persons dealing in prohibited weapons must provide full details of the company, directors, premises, weapons and all other details required under Schedule 3 of the Regulations including changes to those details. Can supply only to persons 18 years or over and who are exempt.

SPECIAL EXEMPTIONS

People or groups who feel that they have a valid reason to possess prohibited weapons and are not covered by one of the exemptions, may apply for a special exemption. Applications must be made at a Police station and a fee paid. The 100-point identification system will apply. Whole or part of the fee may be refunded if the exemption is not required or is refused.

MORATORIUM

There is a moratorium until 18 February 2001 during which people may apply for a special exemption without fee. People who voluntarily surrender weapons to Police will not be prosecuted.

**If you have any questions please contact
your local Police Station
or**

**Firearms Branch, Box 1539 GPO
Adelaide, S.A. 5001.**

**or telephone the Weapons Hotline on
08 8204 2495**

**or see the website at
www.sapolice.sa.gov.au/firearms.htm**