



New South Wales

Prohibited Weapons Regulation 1997

under the
Prohibited Weapons Act 1989

His Excellency the Lieutenant-Governor, with the advice of the Executive Council, has made the following Regulation under the *Prohibited Weapons Act 1989*.

PAUL WHELAN, M.P.,
Minister for Police

Explanatory note

The object of this Regulation is to repeal and remake, with no significant changes of substance, the provisions of the *Prohibited Weapons Regulation 1990*.

This Regulation makes provision with respect to the following matters:

- (a) body vests are prescribed as an additional type of prohibited article for the purposes of the Act (the possession of a prohibited article is prohibited without the authority of a permit under the Act),
- (b) machinery provisions in relation to permits are included (such as the manner in which applications are made, a requirement for permits to be signed, a requirement to notify the Commissioner of Police about changes in particulars relating to permit holders, and a requirement to notify the Commissioner about lost or stolen weapons),
- (c) certain persons are authorised to possess and use prohibited weapons (or to possess prohibited articles) without the need for a permit (for example, law enforcement officers and security guards are authorised to possess and use batons and handcuffs for their employment).

This Regulation is made under the *Prohibited Weapons Act 1989*, including section 20 (the general regulation making power).

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Explanatory note

This Regulation is made in connection with the staged repeal of subordinate legislation under the *Subordinate Legislation Act 1989*.

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Clause 1 Prohibited Weapons Regulation 1997

Part 1 Preliminary

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Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Prohibited Weapons Regulation 1997*.

2 Commencement

This Regulation commences on 1 September 1997.

3 Definitions

In this Regulation:

approved means approved by the Commissioner from time to time.

Commissioner means the Commissioner of Police.

the Act means the *Prohibited Weapons Act 1989*.

4 Notes

The explanatory note and table of contents do not form part of this Regulation.

Part 2 Permits

5 Application for permit

- (1) A person may apply for a permit that will authorise the person:
 - (a) to possess a prohibited weapon or a prohibited article, or
 - (b) to possess and use a prohibited weapon.
- (2) An application must:
 - (a) be in the approved form, and
 - (b) be lodged with the Commissioner in the approved manner.

6 Permit to be signed

A person to whom a permit is issued must, immediately after receiving the permit, write in the space provided on the permit his or her usual signature in ink.

Maximum penalty: 2 penalty units.

7 Alteration of particulars on permit

If any of the particulars relating to the holder of a permit shown on the permit become inaccurate (for example, because of a change of address by the holder), the holder must, within 7 days of the change, notify the Commissioner in writing of the appropriate new particulars.

Maximum penalty: 20 penalty units.

8 Notification of lost, stolen, destroyed, defaced or mutilated permit

A person to whom a permit has been issued must, within 7 days after becoming aware that the permit has been lost, stolen, destroyed, defaced or mutilated, notify the Commissioner in writing of that occurrence.

Maximum penalty: 20 penalty units.

9 Application for duplicate permit

- (1) The Commissioner may issue a duplicate permit if satisfied that the permit has been lost, stolen, destroyed, defaced or mutilated.
- (2) An application for a duplicate permit may be made by lodging an application in the approved form and manner.

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Part 2 Permits

10 Photographs on permits

- (1) A permit must, if the Commissioner so determines in the case of any particular permit or class of permit, contain a recent photograph of the person to whom it is issued.
- (2) The photograph is to be obtained in accordance with arrangements determined by the Commissioner.

Part 3 General

11 Additional prohibited articles: section 3

The following articles are declared to be prohibited articles for the purposes of the Act, as referred to in the definition of *prohibited article* in section 3 (1) of the Act:

- body armour vests

12 Persons authorised to possess and use prohibited weapons: section 5

For the purposes of section 5 of the Act, a person specified in a provision of Schedule 1 is authorised to possess and use a prohibited weapon specified in that provision, but only in the circumstances so specified.

13 Persons authorised to possess prohibited articles: section 6

For the purposes of section 6 of the Act, a person specified in a provision of Schedule 2 is authorised to possess a prohibited article specified in that provision, but only in the circumstances so specified.

14 Notification of lost, stolen or destroyed prohibited weapons and prohibited articles

A person to whom a permit has been issued must, within 24 hours after becoming aware that the prohibited weapon or prohibited article to which the permit relates has been lost, stolen or destroyed, notify the police officer in charge of a police station in the approved form of that loss, theft or destruction.

Maximum penalty: 50 penalty units.

15 Certificate evidence: section 19

For the purposes of section 19 of the Act, the following offices are prescribed:

- (a) the office of Director, Firearms Registry, Police Service,
- (b) the office of Senior Police Liaison Officer, Firearms Registry, Police Service,
- (c) the office of any officer acting in either of the above positions, but only while the officer is so acting.

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Part 3 General

16 Repeal

- (1) The *Prohibited Weapons Regulation 1990* is repealed.
- (2) Any act, matter or thing that, immediately before the repeal of the *Prohibited Weapons Regulation 1990*, had effect under that Regulation continues to have effect under this Regulation.
- (3) Subclause (2) does not apply in respect of any such act, matter or thing that relates to a prohibited firearm within the meaning of the *Firearms Act 1996*.

Schedule 1 Authorised persons for prohibited weapons

(Clause 12)

1 Use of prohibited weapons generally by federal and interstate police

Police officers in the Australian Federal Police or the police force of another State or a Territory are authorised to possess and use prohibited weapons, but only while acting in the course of their employment as such.

2 Use of batons by non-police law enforcement and security personnel

The following persons are authorised to possess and use side-handled batons or similar devices, but only when acting in the course of their employment as such:

- (a) persons appointed under the *Local Government Act 1993* as:
 - (i) authorised persons for the purpose of enforcing any of the provisions of Part 2 of Chapter 16 of that Act, or
 - (ii) enforcement officers for the purposes of Part 4 of Chapter 16 of that Act,
- (b) special constables appointed under the *Police Offences Act 1901*.
- (c) persons holding a Class 1 or Class 2 licence under the *Security (Protection) Industry Act 1985* with respect to any of the following activities:
 - (i) acting as a bodyguard,
 - (ii) patrolling, protecting, watching or guarding any property,
- (d) Sheriff's officers,
- (e) fisheries officers appointed under the *Fisheries Management Act 1994*

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Schedule 1 Authorised persons for prohibited weapons

3 Use of explosives and incendiaries by Dangerous Goods inspectors

Inspectors under the *Dangerous Goods Act 1975* are authorised to possess and use prohibited weapons referred to in item (10) of Schedule 1 to the Act, but only when acting in the course of their employment as such inspectors.

4 Use of blow guns by National Parks and Wildlife officers

Officers of the National Parks and Wildlife Service are authorised to possess and use prohibited weapons referred to in items (31A) and (32) of Schedule 1 to the Act, but only when acting in the course of their employment as such officers.

5 Use of blow guns by Zoological Parks Board employees

Employees of the Zoological Parks Board are authorised to possess and use prohibited weapons referred to in items (31A) and (32) of Schedule 1 to the Act, but only when acting in the course of their employment as such employees.

Schedule 2 Authorised persons for prohibited articles

(Clause 13)

1 Use of prohibited articles generally by federal and interstate police

Police officers in the Australian Federal Police or the police force of another State or a Territory are authorised to possess prohibited articles, but only while acting in the course of their employment as such.

2 Use of handcuffs by non-police law enforcement and security personnel

The following persons are authorised to possess handcuffs, but only when acting in the course of their employment as such:

- (a) persons appointed under the *Local Government Act 1993* as:
 - (i) authorised persons for the purpose of enforcing any of the provisions of Part 2 of Chapter 16 of that Act, or
 - (ii) enforcement officers for the purposes of Part 4 of Chapter 16 of that Act,
- (b) special constables appointed under the *Police Offences Act 1901*,
- (c) persons holding a Class 1 or Class 2 licence under the *Security (Protection) Industry Act 1985* with respect to any of the following activities:
 - (i) acting as a bodyguard,
 - (ii) patrolling, protecting, watching or guarding any property,
- (d) Sheriff's officers,
- (e) officers and employees of the Department of Juvenile Justice engaged in custodial duties,
- (f) correctional service officers engaged in court security and escort duties,
- (g) fisheries officers appointed under the *Fisheries Management Act 1994*.