
POLICE

PO301*

Weapons Act 1999

Weapons Amendment Regulations 2011

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Weapons Amendment Regulations 2011*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on 1 July 2011.

3. Regulations amended

These regulations amend the *Weapons Regulations 1999*.

4. Regulation 9 amended

- (1) In regulation 9(4)(a) delete “29 February 2000” and insert:

the relevant date

- (2) In regulation 9(6) insert in alphabetical order:

relevant date —

- (a) in relation to an article described in the third column of Schedule 1 item 3, 7, 10, 11, 12 or 13 — means 29 February 2000;
- (b) in relation to the article described in the third column of Schedule 1 item 7A — means 1 July 2011;
- (3) In regulation 9(6) in the definition of *specified prohibited weapon* delete “item 3, 7, 10, 11, 12 or 13 of Schedule 1.” and insert:

Schedule 1 item 3, 7, 7A, 10, 11, 12 or 13.

5. Regulations 13 and 14 inserted

After regulation 12 insert:

13. Exception for dramatic productions

- (1) In this regulation —
- dramatic production* means a theatrical, television, film or other dramatic production;
- exemption notice* means a notice under subregulation (3);
- exempt production* means a dramatic production in relation to which an exemption notice has been given and that has not ceased to be an exempt production because of a notice under subregulation (7);
- specified weapon* means a prohibited weapon specified in an exemption notice.
- (2) The producer of a dramatic production may apply in writing to the Commissioner of Police for an exemption notice.
- (3) If the Commissioner of Police is satisfied that —
- (a) a particular prohibited weapon is required in or for the dramatic production and for no other purpose; and
- (b) the producer is fit and proper to be a producer of an exempt production; and
- (c) if the prohibited weapon is to be manufactured in or for the production — the weapon will be manufactured safely; and

- (d) the prohibited weapon will be used only —
 - (i) in or for the production; and
 - (ii) in a safe manner;and
- (e) adequate arrangements exist to keep the prohibited weapon secure when it is not being used,

the Commissioner of Police may give to the producer written notice permitting the use of the prohibited weapon in and for the production.

- (4) A person does not commit an offence under section 6 of the Act if that person —
 - (a) brings or sends a specified weapon into the State; or
 - (b) carries or possesses a specified weapon; or
 - (c) purchases, sells or supplies a specified weapon; or
 - (d) manufactures a specified weapon,or attempts to do any of those things, if that person does so in or for the exempt production and for no other purpose.
- (5) An exemption notice must specify —
 - (a) that the specified weapon is to be lawfully disposed of after it ceases to be required in or for the exempt production; and
 - (b) how the specified weapon may be lawfully disposed of.
- (6) A person does not commit an offence under section 6(1)(c) of the Act if that person disposes, or attempts to dispose, of a specified weapon in accordance with the exemption notice.
- (7) If, after giving an exemption notice, the Commissioner of Police is no longer satisfied as to any of the circumstances described in subregulation (3), the Commissioner of Police may give to the producer written notice that, on a day specified in the notice (being a day that is not less than 30 days after the notice is given), the production ceases to be an exempt production, and the notice has effect accordingly.

14. Exceptions relating to crossbows and members of Archery Australia

- (1) In this regulation —
Archery Australia (Inc.) member includes a member of one of Archery Australia (Inc.) member clubs;

crossbow does not include a crossbow made or modified to be used with one hand;

exempt arbalest means a person who has been given a notice under subregulation (6) and has not ceased to be an exempt arbalest because of a notice under subregulation (7).

- (2) An exempt arbalest or any other person who, for the purpose of selling or supplying a crossbow to an exempt arbalest —
 - (a) brings or sends into the State a crossbow; or
 - (b) purchases a crossbow from a person who is lawfully entitled to sell the weapon,does not commit an offence under section 6(1)(a) or (c) of the Act.
- (3) An exempt arbalest who, for the purpose of engaging in the sport of crossbow archery, carries or possesses a crossbow does not commit an offence under section 6(1)(b) of the Act.
- (4) An exempt arbalest or any other person who, for the purpose of selling or supplying a crossbow to an exempt arbalest, carries or possesses a crossbow does not commit an offence under section 6(1)(b) of the Act.
- (5) An exempt arbalest or any other person who, for the purpose of disposing of all or any of an exempt arbalest's crossbows, sells or supplies a crossbow to a person who is lawfully entitled to purchase or possess the crossbow does not commit an offence under section 6(1)(c) of the Act.
- (6) If the Minister is satisfied that —
 - (a) a person was on or before 1 July 2011 an Archery Australia (Inc.) member; and
 - (b) on or before 1 July 2011 the person possessed a crossbow for the purposes of taking part in crossbow events or competition; and
 - (c) the person is fit and proper to be an exempt arbalest; and
 - (d) adequate arrangements exist to keep each of the person's crossbows secure,

the Minister may give to the person written notice that the person is an exempt arbalest.

- (7) If, after giving a notice under subregulation (6), the Minister is no longer satisfied as to any of the circumstances described in that subregulation, the Minister may give to the exempt arbalest written notice that, on a day specified in the notice (being a day that is

not less than 30 days after the notice is given), the person ceases to be an exempt arbalest, and the notice has effect accordingly.

6. Schedule 1 amended

(1) After Schedule 1 item 6 insert:

7A. Crossbow An article made or modified to be used with one or 2 hands to discharge a missile by an elastic force across a stock grooved to direct the missile and includes the missile.

(2) Delete Schedule 1 item 14.

7. Schedule 2 amended

Delete Schedule 2 item 4.

By Command of the Governor,

PETER CONRAN, Clerk of the Executive Council.
