

Western Australia

Weapons Regulations 1999

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Weapons Regulations 1999

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Western Australia

Weapons Act 1999

Weapons Regulations 1999

1. Citation

These regulations may be cited as the *Weapons Regulations 1999*¹.

2. Commencement

These regulations come into operation on the day fixed by proclamation under section 2(1) of the Act¹.

3. Interpretation

In these regulations, unless the contrary intention appears —

“approved electric shock case” means a briefcase or suitcase referred to in regulation 6(1);

“baton” means a short stick or rod —

- (a) made of any material; and
- (b) made or modified to be used to injure or disable a person or as a martial arts weapon,

and includes a bludgeon, club, cudgel, truncheon or the article commonly known as the police nightstick;

“catapult” includes a ging, shanghai or slingshot;

“discharge” includes to propel;

“injure or disable” does not include administer, in good faith and with reasonable care and skill, surgical or medical treatment;

“martial arts weapon” means an article made or modified to be used for attack or defence in the practice of a martial sport, art or similar discipline;

“missile” includes an arrow, bolt, bullet, dart, knife, shot, spear or any other article made or modified to be discharged from another article so as to injure or disable a person or in the practice of a martial sport, art or similar discipline;

“spray weapon” means an article made or modified to be used to discharge a substance in the form of a spray so as to injure or disable a person and includes the substance.

4. Prohibited weapons

An article described in the third column of Schedule 1 is prescribed to be a prohibited weapon.

5. Controlled weapons

An article described in the third column of Schedule 2 is prescribed to be a controlled weapon.

6. Approved electric shock case prescribed under section 7(4)

- (1) A briefcase or suitcase —
- (a) made or modified to discharge an electric current so as to deter the theft of the case; and
 - (b) that is, or is of a standard or type that is, approved by the Minister, for the purposes of this regulation, by notice in the *Government Gazette*,

is prescribed for the purposes of section 7(4) of the Act.

- (2) Section 7(3) of the Act does not apply to a briefcase or suitcase referred to in subregulation (1) if it is carried or possessed by a person for the purpose of being used in lawful defence in circumstances that the person has reasonable grounds to apprehend may arise.

7. Oleoresin capsicum spray weapon prescribed under section 7(4)

- (1) A spray weapon made or modified to be used to discharge oleoresin capsicum is prescribed for the purposes of section 7(4) of the Act.
- (2) Section 7(3) of the Act does not apply to a spray weapon referred to in subregulation (1) if it is carried or possessed by a person for the purpose of being used in lawful defence in circumstances that the person has reasonable grounds to apprehend may arise.

8. Circumstances prescribed under section 10(3)

- (1) For the purposes of section 10(3), prescribed circumstances are the carrying or possession of an extendable baton by a person who is the holder of a security officer's licence issued for the purpose of section 16 of the *Security and Related Activities (Control) Act 1996* if —
 - (a) the person is engaged in activities authorised by his or her licence;
 - (b) the person's licence is endorsed under section 26(3) of the *Security and Related Activities (Control) Act 1996* to permit the person to be in possession of a baton while engaged in activities authorised by the licence; and
 - (c) the baton is of a type approved by the Commissioner of Police by order published in the *Gazette* under section 26(2)(b) of the *Security and Related Activities (Control) Act 1996*.
- (1a) For the purposes of section 10(3), prescribed circumstances are the carrying or possession of an extendable baton by a person who —
 - (a) is the provider of a training course, under the *Security and Related Activities (Control) Act 1996*, conducting an approved training course in baton use —

- (i) as required by the holder of a security officer's licence to obtain an endorsement under section 26 of that Act; or
- (ii) for a person undergoing a training course in baton use under that Act for the purposes of having or keeping a security officer's licence with an endorsement under section 26 of that Act,

or

- (b) supplies the provider of an approved training course in baton use, under the *Security and Related Activities (Control) Act 1996*, with weapons for that course, while so providing or storing the weapons,

if the baton is of a type approved by the Commissioner of Police by order published in the *Gazette* under section 26(2)(b) of the *Security and Related Activities (Control) Act 1996*.

- (1b) For the purposes of section 10(3), prescribed circumstances are the carrying or possession of an extendable baton by a person who is undergoing an approved training course in baton use under the *Security and Related Activities (Control) Act 1996*, where the person —
 - (a) is the holder of a security officer's licence but is seeking an endorsement under section 26 of that Act, or
 - (b) is undergoing that course for the purposes of having or keeping a security officer's licence with an endorsement under section 26 of that Act,

if the baton is of a type approved by the Commissioner of Police by order published in the *Gazette* under section 26(2)(b) of the *Security and Related Activities (Control) Act 1996*.

- (2) In this regulation —
“extendable baton” means a baton referred to in Schedule 1 item 10.

[Regulation 8 inserted in Gazette 29 Feb 2000 p. 997-8; amended in Gazette 9 Jun 2000 p. 2774; 12 Sep 2006 p. 3665-6.]

9. Exception for exempt collectors of specified prohibited weapons

- (1) An exempt collector or any other person who, for the purpose of adding to an exempt collector’s private collection —
- (a) brings or sends into the State a specified prohibited weapon; or
 - (b) purchases a specified prohibited weapon 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.
- (2) An exempt collector or any other person who, for the purpose of keeping, adding to, or disposing of all or any of an exempt collector’s private collection, carries or possesses a specified prohibited weapon does not commit an offence under section 6(1)(b) of the Act.
- (3) An exempt collector or any other person who, for the purpose of disposing of all or any of an exempt collector’s private collection, sells or supplies a specified prohibited weapon to a person who is lawfully entitled to purchase or possess the weapon does not commit an offence under section 6(1)(c) of the Act.
- (4) If the Minister is satisfied that —
- (a) a person was on or before 29 February 2000 a genuine collector of specified prohibited weapons;
 - (b) the person is fit and proper to be an exempt collector of specified prohibited weapons; and

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- (c) adequate arrangements exist to keep the collection secure,

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

- (5) If, after giving a notice under subregulation (4), the Minister is no longer satisfied as to any of the circumstances described in that subregulation, the Minister may give to the exempt collector 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 collector, and the notice has effect accordingly.

- (6) In this regulation —

“exempt collector” means a person who has been given a notice under subregulation (4) and has not ceased to be an exempt collector because of a notice under subregulation (5);

“specified prohibited weapon” means an article described in the third column of item 3, 7, 10, 11, 12 or 13 of Schedule 1.

[Regulation 9 inserted in Gazette 10 Mar 2000 p. 1122-3.]

10. Exception for prison officers and certain contract workers

A person does not commit an offence under section 6, 7 or 8 of the Act only because of something done by the person in the performance of the person’s functions as —

- (a) a prison officer as defined in the *Prisons Act 1981*; or
(b) a person authorised to exercise a power set out in Division 1, 2 or 3 of Schedule 2 to the *Court Security and Custodial Services Act 1999* or a power set out in Schedule 3 to that Act.

[Regulation 10 inserted in Gazette 28 Jul 2000 p. 4027.]

11. Exception for WADSA blow pipe use

(1) In this regulation —

“exempt event” means a recreational event, training session or sporting competition, organised and supervised by the WA Disabled Sports Association (Inc.) or one or more of the WA Disabled Sports Association (Inc.) member clubs;

“participant” includes a person assisting a participant;

“possess” in relation to a blow pipe includes having access to a blow pipe while it is being stored;

“WA Disabled Sports Association (Inc.) member” includes a member of one of the WA Disabled Sports Association (Inc.) member clubs.

(2) A person does not commit an offence under section 6 of the Act if that person —

- (a) carries or possesses a blow pipe; or
- (b) attempts to carry or possess a blow pipe,

if the person does so as a participant in an exempt event.

(3) A WA Disabled Sports Association (Inc.) member does not commit an offence under section 6 of the Act if that person —

- (a) brings or sends a blow pipe into the State; or
- (b) carries or possesses a blow pipe; or
- (c) purchases, sells or supplies a blow pipe; or
- (d) manufactures a blow pipe,

or attempts to do any of those things, if that member does one or more of those things as a part of the organisation, control or supervision of an exempt event.

[Regulation 11 inserted in Gazette 29 Feb 2008 p. 693.]

Schedule 1 — Prohibited weapons

[r. 4]

Item	Article	Description
1.	Acoustic shock weapon	An article made or modified to be used to emit sound so as to injure or disable a person.
2.	Ballistic knife	An article made or modified to be used to discharge a knife and includes the knife.
3.	Blow pipe	An article made or modified to be used to discharge a missile by air expelled from the mouth and includes the missile.
4.	Butterfly knife	A knife — (a) having a 2 piece handle which folds together to cover both edges of the blade; and (b) made or modified to be used to injure or disable a person or as a martial arts weapon, and includes the martial arts weapon known as the butterfly knife or balisong.
5.	Catapult (with an arm brace)	A catapult made or modified to be used with an arm brace that fits or rests on the forearm to support the wrist from the tension of the elastic material used to discharge the missile (e.g. the article commonly known as the “Saunders Falcon Hunting Sling”).
6.	Commercially produced catapult (without an arm brace)	A catapult — (a) made or modified to be used without the arm brace referred to in item 5; and (b) made for commercial distribution.
7.	Disguised knife or sword	A knife or sword disguised as part of another article and includes — (a) a knife disguised as part of a belt (e.g. the article commonly known as the “Bowen” knife belt); or (b) a sword disguised as a cane or stick.
8.	Electric shock weapon	An article made or modified to be used to discharge an electric current so as to injure or disable a person but does not include an approved electric shock case.
9.	Electromagnetic	An article made or modified to be used to emit

Item	Article	Description
	weapon	electromagnetic radiation so as to injure or disable a person.
10.	Extendable baton	A baton made or modified so that the length of the baton extends by gravity or centrifugal force or by any pressure applied to a button, spring or device in or attached to the handle of the baton.
11.	Flick knife or Switchblade	A knife — (a) having a blade that is concealed when folded or recessed into the handle and that opens by gravity or centrifugal force or by any pressure applied to a button, spring or device in or attached to the handle of the knife; and (b) made or modified to be used to injure or disable a person or as a martial arts weapon.
11A.	Gas dart	A device designed or adapted to kill or injure an animal by injecting a gas into the body of the animal (including a “Gas Dart”, “Farallon Shark Dart” or similar device).
12.	Knuckle dusters	An article made or modified to be worn across the knuckles of a hand so as — (a) to increase the force at the point of impact of a punch or blow when striking another with those knuckles; or (b) to protect the knuckles from injury when striking another with those knuckles.
13.	Knuckle knife	A knife made or modified to be held so that the blade protrudes between the knuckles or fingers of a hand (e.g. the article commonly known as the “Urban Pal” knife).
14.	Pistol crossbow	An article made or modified to be used with one hand to discharge a missile by an elastic force across a stock grooved to direct the missile and includes the missile.
15.	Spray weapon (not oleoresin capsicum)	A spray weapon made or modified to be used to discharge a substance other than oleoresin capsicum.

[Schedule 1 amended in Gazette 11 Sep 2007 p. 4613.]

Schedule 2 — Controlled weapons

[r. 5]

Item	Article	Description
1.	Approved electric shock case	Any approved electric shock case.
2.	Baton flail	An article consisting of 2 or more batons joined by a cord, rope or chain so as to form a flail and includes — (a) the martial arts weapon known as the nunchaku; and (b) a baton constructed in such a way that it can be unscrewed or broken to form a flail.
3.	Bow	An article made or modified to be used to discharge an arrow by an elastic force and includes the arrow.
4.	Crossbow	An article made or modified to be used to discharge a missile by an elastic force across a stock grooved to direct the missile and includes the missile.
5.	Dagger	A sharp pointed stabbing knife having — (a) a flat blade, exceeding 8 cm in length with non-serrated cutting edges along the length of both sides; or (b) a needle-like blade, the cross section of which is elliptical or has 3 or more sides, and includes a bayonet.
6.	Double end knife	A knife — (a) having fixed blades at both ends of the handle; and (b) made or modified to be used to injure or disable a person or as a martial arts weapon, (e.g. the martial arts weapon known as the suan ywe gou).
7.	Fixed baton	Any baton other than an extendable baton or a baton flail and includes the martial arts weapon known as the tonfa.

Item	Article	Description
8.	Halberd	An article (other than a spear) — (a) consisting of a stick or pole with a blade at the end; and (b) made or modified to be used to injure or disable a person or as a martial arts weapon, (e.g. the martial arts weapon known as the naginata).
9.	Hand or foot claws	An article consisting of claws that are made or modified to be attached to or worn on the hands or feet (e.g. the martial arts weapons known as the ninja climbing claws, ninja hand claws and ninja foot claws).
10.	Imitation firearm	An article, not being an article that is clearly a toy, that has the appearance of being a firearm but is not capable of discharging a missile.
10A.	Machete	A broad, heavy chopping knife (e.g. the single edged, cutlass-like knife traditionally used as both a weapon and an implement in Latin American countries, also known as a “matchet” or a “panga”).
11.	Metal whip	An article — (a) consisting of or incorporating a chain or a combination of a chain and metal pieces or rods; and (b) made or modified to be used as a whip, (e.g. the martial arts weapons known as the Chinese whip, whip spear, 7 or 9 piece iron chain, bian tzu chiang and lien tzu chiang).
12.	Pressure point weapon	An article made or modified to be used to injure or disable a person by application to the pressure points of the human body and includes the martial arts weapon known as the kubotan.

Item	Article	Description
13.	Pronged weapon	An article — (a) having 2 or more prongs; and (b) made or modified to be used to injure or disable a person or as a martial arts weapon, (e.g. the martial arts weapons known as the sai and jitte).
14.	Sickle or scythe weapon	A sickle or scythe made or modified to be used to injure or disable a person or as a martial arts weapon (e.g. the martial arts weapons known as the kama and kusarigama).
15.	Spear	Any spear (e.g. the martial arts weapon known as the yari).
16.	Spear-gun	An article made or modified to be used to discharge a spear.
17.	Spray weapon (oleoresin capsicum)	A spray weapon made or modified to be used to discharge oleoresin capsicum.
18.	Studded weapon	An article fitted with raised pointed studs that is made or modified to be — (a) used to injure or disable a person or as a martial arts weapon; and (b) worn as an article of clothing, (e.g. a studded glove).
19.	Sword	Any sword (e.g. the martial arts weapons known as the butterfly sword, katana and wakizashi) and includes the martial arts weapon known as the tanto.
20.	Throwing blade or knife	A blade or knife made or modified to be thrown and includes an article consisting of a blade attached to a cord, rope or chain so as to enable the blade to be thrown and retrieved (e.g. the martial arts weapon known as the shoge, ninja kyokeysu shoge or kyotetsu shoge).
21.	Throwing star	A sharpened, star-shaped article made or modified to be thrown (e.g. the martial arts weapon known as the shuriken or shaken) and includes a throwing star that is attached to a belt buckle.

Item	Article	Description
22.	Weighted chain or cord weapon	An article — (a) consisting of or incorporating a chain or cord made of any material and weighted at both ends; and (b) made or modified to be used to injure or disable a person or as a martial arts weapon, (e.g. the martial arts weapons known as the kusari fundo, manrikigusari and surujin).

[Schedule 2 amended in Gazette 1 Oct 2004 p. 4284.]

Notes

- ¹ This is a compilation of the *Weapons Regulations 1999* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any reprint.

Compilation table

Citation	Gazettal	Commencement
<i>Weapons Regulations 1999</i>	31 Aug 1999 p. 4225-32	1 Sep 1999 (see r. 2 and <i>Gazette</i> 31 Aug 1999 p. 4235)
<i>Weapons Amendment Regulations 2000</i>	29 Feb 2000 p. 997-8	1 Mar 2000 (see r. 2)
<i>Weapons Amendment Regulations (No. 2) 2000</i>	10 Mar 2000 p. 1122-3	10 Mar 2000
<i>Weapons Amendment Regulations (No. 3) 2000</i>	9 Jun 2000 p. 2773-4	9 Jun 2000
<i>Weapons Amendment Regulations (No. 4) 2000</i>	28 Jul 2000 p. 4027	28 Jul 2000
Reprint of the <i>Weapons Regulations 1999</i> as at 18 May 2001 (includes amendments listed above)		
<i>Weapons Amendment Regulations 2004</i>	1 Oct 2004 p. 4284	1 Oct 2004
<i>Weapons Amendment Regulations (No. 2) 2006</i>	12 Sep 2006 p. 3665-6	12 Sep 2006
<i>Weapons Amendment Regulations 2007</i>	11 Sep 2007 p. 4613	r. 1 and 2: 11 Sep 2007 (see r. 2(a)); Regulations other than r. 1 and 2: 12 Sep 2007 (see r. 2(b))
<i>Weapons Amendment Regulations 2008</i>	29 Feb 2008 p. 692-3	r. 1 and 2: 29 Feb 2008 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Mar 2008 (see r. 2(b))