

Control of Weapons Regulations

Exposure Draft

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Victoria

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1 Objectives

The objectives of these Regulations are to prescribe—

- (a) certain articles as prohibited weapons;
- (b) certain articles as controlled weapons;
- (c) certain garments or items as body armour;
- (d) categories of documents as to identity that purchasers of prohibited weapons must produce as evidence when purchasing a prohibited weapon;
- (e) the form of records and the particulars to be recorded of every sale of a prohibited weapon;
- (f) a fee for applications for approvals under the Act;

(g) the particulars to be included in records of searches conducted without warrant under the Act.

2 Authorising provision

These Regulations are made under section 12 of the **Control of Weapons Act 1990**.

3 Commencement

These Regulations come into operation on 10 December 2011.

4 Revocation

The Regulations set out in Schedule 1 are **revoked**.

5 Definition

In these Regulations—

the Act means the **Control of Weapons Act 1990**.

6 Body armour

For the purposes of paragraph (b) of the definition of *body armour* in section 3(1) of the Act, a garment or item that is designed, intended or adapted for the purpose of protecting the body from the effects of a firearm is prescribed to be body armour.

7 Controlled weapons

For the purposes of paragraph (b) of the definition of *controlled weapon* in section 3(1) of the Act, an article listed in Schedule 2 is a controlled weapon.

8 Prohibited weapons

For the purposes of the definition of *prohibited weapon* in section 3(1) of the Act, an article listed or described in Schedule 3 is a prohibited weapon.

9 Identification

For the purposes of section 5A(1) of the Act, the prescribed categories of documents are as follows—

- (a) a full birth certificate or extract of birth;
- (b) a certificate of Australian citizenship;
- (c) a marriage certificate;
- (d) a health care card, pensioner concession card or seniors health card issued by the Commonwealth Department of Families, Housing, Community Services and Indigenous Affairs;
- (e) any other card issued by the Commonwealth Department of Families, Housing, Community Services and Indigenous Affairs or the Commonwealth Department of Veterans' Affairs that certifies entitlement to Commonwealth health concessions;
- (f) an identification card issued by a tertiary education institution;
- (g) a licence issued under the **Firearms Act 1996**;
- (h) if the purchaser is an incorporated body—
 - (i) the certificate of registration or incorporation of the body;
 - (ii) a document from a category specified in paragraphs (a) to (g) in relation to the officer of the body who is purchasing on behalf of the body;

- (i) if the purchaser is a member of a partnership—
 - (i) the certificate of registration of the partnership;
 - (ii) a document from a category specified in paragraphs (a) to (g) in relation to the member who is purchasing on behalf of the partnership.

10 Recording of sales of prohibited weapons

- (1) For the purposes of section 5B(2)(a) of the Act, a person who sells a prohibited weapon must keep a record of sale in the form of—
 - (a) a bound record book; or
 - (b) a computerised record-keeping system.
 - (2) For the purposes of section 5B(2)(a) of the Act, the prescribed information that must be kept in the record of sale is—
 - (a) an accurate description of the prohibited weapon sold, including any identifying mark or serial number on the weapon;
 - (b) the full name, address, telephone number and date of birth of the purchaser of the prohibited weapon or of the officer of an incorporated body or member of a partnership who is purchasing on behalf of the body or partnership;
 - (c) evidence of the purchaser's approval under section 8C of the Act from the Chief Commissioner of Police or exemption under section 8B of the Act from the Governor in Council to purchase the prohibited weapon;
 - (d) details of the identification provided under section 5A of the Act by the purchaser;
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- (e) the date and time of the sale of the prohibited weapon;
- (f) the name and address of the seller.

11 Application fees for approval

- (1) For the purposes of section 8C(3)(c) of the Act, the prescribed fee is—
 - (a) in the case of an applicant who is not the holder of a current licence issued under the **Firearms Act 1996**, 13·5 fee units;
 - (b) in the case of an applicant who is the holder of a current licence issued under the **Firearms Act 1996**, 11·5 fee units;
 - (c) in the case of an application to vary an approval, 5 fee units.
- (2) Despite subregulation (1)(b), the prescribed fee is nil if the applicant—
 - (a) is the holder of a current licence issued under Part 3 of the **Firearms Act 1996**; and
 - (b) is applying for an approval under section 8C of the Act in relation to imitation firearms for the purpose of carrying on the business of being a firearms dealer.
- (3) In this regulation, *carrying on the business of being a firearms dealer* has the same meaning as it has in Part 3 of the **Firearms Act 1996**.

12 Search records

- (1) For the purposes of section 10A(1) of the Act, the prescribed particulars are—
 - (a) the date of the search; and
 - (b) the time of the search; and
 - (c) the place where the search took place; and
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- (d) the name, rank and registered number of the member of the police force who conducted the search; and
 - (e) the name of the person searched and, if applicable, a description of any vehicle, package or thing searched; and
 - (f) if applicable, the name of the nominated adult present during the search at a school of a student under the age of 18 years; and
 - (g) the grounds relied on for conducting the search; and
 - (h) a description of any prohibited weapon, controlled weapon, dangerous article or other article whose possession is contrary to law that is found during the search.
- (2) If a member of the police force who conducts a search is unable to obtain the name of the person searched, the member must include in the particulars a description of that person.
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SCHEDULES

SCHEDULE 1

Regulation 4

REVOKED REGULATIONS

<i>S.R. No.</i>	<i>Title</i>
130/2000	Control of Weapons (Regulations) 2000
117/2003	Control of Weapons (Amendment) Regulations 2003
62/2004	Control of Weapons (Amendment) Regulations 2004
188/2009	Control of Weapons Amendment Regulations 2009
50/2011	Control of Weapons Amendment Regulations 2011

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SCHEDULE 2

Regulation 7

CONTROLLED WEAPONS

1. Spear-gun.
 2. ***Baton*** or ***Cudgel***, being a short stout stick made of any material designed as a weapon, including the weapon commonly known as a "police nightstick".
 3. ***Bayonet***, being a thrusting, striking or cutting weapon designed to be attached to a firearm.
 4. Cattle prod.
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SCHEDULE 3

Regulation 8

PROHIBITED WEAPONS

1. ***Flick knife***, being a knife designed or adapted so that the blade is concealed when folded or recessed into the handle and which 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.
 2. ***Dagger***, being a sharp pointed stabbing instrument (other than an oyster knife), ordinarily capable of being concealed on the person and having—
 - (a) a flat blade with cutting edges (whether serrated or not serrated) 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, but not including instruments such as swords or bayonets.
 3. ***Knuckle knife***, being an open or exposed blade or similar instrument attached to a handle that is designed or adapted to be held between the knuckles (including the device commonly known as the "Urban Pal Knife").
 4. An article that is designed to include a concealed knife or sword blade, including but not limited to—
 - (a) a belt or similar article designed or adapted to hold a knife, dagger or similar instrument so that the presence of the knife, dagger or similar instrument is concealed or disguised as part of the belt or similar article when it is worn (for example an article known as the "Bowen Knife Belt");
 - (b) a ***swordstick***, being a cane, stick or similar article designed or adapted to hold the blade of a sword so that it is concealed from view until withdrawn from the cane, stick or article;
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- (c) a riding crop designed or adapted to hold a blade or spike so that it is concealed from view until withdrawn from the crop.
5. **Butterfly knife**, being a knife with a 2 piece handle that folds together to cover both edges of the blade whether the blade is serrated or not serrated.
 6. **Double-end knife**, being a knife that has the appearance of 2 overlapping curved blades joined together so as to form an ellipse shape.
 7. A knife that is designed or adapted so that the blade is concealed by a plastic, wooden or metal sheath which retracts into the handle of the knife 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 (including the knife commonly known as the "Black Eagle Knife").
 8. **Push knife** or similar device designed as a weapon that consists of a single-edged or multi-edged blade or spike of any material that has a handle fitted transversely to the blade or spike and allows the blade or spike to be supported by the palm of the hand so that stabbing blows or slashes can be inflicted by a punching or pushing action.
 9. **Trench knife** or similar device that consists of a single-edged or multi-edged blade or spike of any material that is fitted with a handle made of any hard substance that can be fitted over the knuckles of the hand of the user to protect the knuckles and increase the effect of a punch or blow, or that is adapted for such use.
 10. **Throwing blade**, being a knife or axe of any material that is designed or modified to be thrown.
 11. **Ballistic knife**, being a device or instrument designed or adapted to fire or discharge a knife, dagger or similar instrument by mechanical, percussive or explosive means.
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12. ***Non-metal/ceramic knife***, being a knife, blade or spike of which no part is metallic, excluding plastic cutlery.
 13. ***Crossbow***, being a type of bow fixed transversely on a stock grooved to direct a dart, bolt or arrow and being, in particular—
 - (a) a ***Pistol Crossbow***, being a crossbow that is reasonably capable of being carried or concealed about the person and of being raised and discharged by one hand; and
 - (b) a ***General Category Crossbow***, being a crossbow that is not a pistol crossbow.
 14. ***Blow gun***, being a blow pipe or similar device or instrument designed to propel an arrow, dart or similar projectile by air expelled from the mouth.
 15. A dart designed to be projected from a blow-gun or similar device.
 16. A hunting sling or slingshot designed or adapted to be used with an arm brace which fits or rests on the forearm to support the wrist from the tension of the elastic material used to propel the projectile (including the device commonly known as the "Saunders Falcon Hunting Sling").
 17. A catapult, shanghai or hunting sling (without arm brace described in item 15) that is manufactured and intended for commercial distribution.
 18. A dart projector (for example, an article commonly known as the "Darchery Dartslinger") or any similar device that is manufactured and intended for commercial distribution.
 19. A slingshot that is manufactured and intended for commercial distribution.
 20. An article designed or adapted to discharge oleoresin capsicum spray.
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21. An article designed or adapted to emit or discharge an offensive, noxious or irritant liquid, powder, gas or chemical so as to cause disability, incapacity or harm to another person.
 22. An article designed or adapted to emit an electric current into a human body for the purposes of incapacitation or injury.
 23. An acoustic anti-personnel device that is designed to cause permanent or temporary incapacity or disability, or to otherwise physically disorientate a person.
 24. ***Shark Dart*** or any other similar device that is designed to expel, on or after contact, any gas or other substance capable of causing bodily harm.
 25. ***Extendable baton***, being a baton designed or adapted 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.
 26. ***Knuckle-duster***, being a device or instrument designed or adapted to be worn across a knuckle or knuckles of the hand, finger, fingers or thumb so as to—

increase the force or impact of a punch or blow when striking another person with that hand, finger, fingers or thumb; or

protect the knuckle or knuckles from injury when striking another person with that hand, finger, fingers or thumb.
 27. ***Weighted glove***, being a glove or any other similar article designed or constructed to be used as a weapon (including a fingerless glove) that has weighted material sown into it to increase the effect of a punch or blow.
 28. ***Studded glove***, being a glove or any other similar article designed or constructed to be used as a weapon (including a fingerless glove), that has a number of raised studs or spikes made of a hard substance and positioned over the back of the glove to increase the effect of a punch or blow.
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29. A mace or any other similar article capable of causing injury that consists of a club or staff fitted with a flanged or spiked head, other than a ceremonial mace made for and used solely as a symbol of authority on ceremonial occasions.
 30. A flail or any other similar article that consists of a staff or handle that has fitted to one end, by any means, a freely swinging striking part that is armed with spikes or studded with any protruding matter.
 31. A whip with metal lashes.
 32. A cat o'nine tails with knotted lashes.
 33. A hand-held battery-operated article commonly known as a "laser pointer" designed or adapted to emit a laser beam with an accessible emission limit of greater than 1 mW.
 34. An article that consists of a baton or stick constructed in such a way that it can be unscrewed or broken so as to form two or more parts joined by chain, rope or cord, including the martial arts weapons known as "Baton-chucks" or "Bo-chucks".
 35. A scythe or sickle shaped article designed as a weapon that has a fixed or folding blade, and which may or may not have a chain attached, including the martial arts weapon known as "Kama".
 36. An article consisting of a chain, rope or cord with a wooden or metal baton, stick or rod attached at each end, including the martial arts weapons known as "Kasari-Fundo", "Kusari-Fundo" and "Manrikigusari".
 37. A stick or rod of any material designed as a weapon to be applied to the pressure points of the human body, including the martial arts weapon known as "Kubotan".
 38. An article designed to be attached to, or worn on the hands or feet, that has claws attached, including the martial arts weapons known as "ninja climbing claws", "ninja hand claws" and "ninja foot claws".
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39. An article that consists of two sticks, rods or batons joined by a cord, rope or chain including the martial arts weapon known as "Nunchaku".
40. **Sai** or **Jitte**, being a short, tapered, metal rod, dull at the point, with flared metal prongs guarding the handle.
41. An article consisting of a curved blade pointed at both ends with a handle attached to the middle, including the martial arts weapon known as "Suan Ywe Gou".
42. An article consisting of a blade or blades with cord, rope or chain attached for the purpose of enabling the blade to be thrown and retrieved, including the martial arts weapon known as "Shoge", "ninja Kyokeysu-Shoge" or "Kyotetsu Shoge".
43. **Throwing star**, being a sharpened star-shaped article designed for throwing, including the martial arts weapon known as "Surikan", "Suriken" or "Shaken" (including where the throwing star is attached to a belt-buckle).
44. An article consisting of a handle and an edged blade, joined by chain or a combination of chain and metal pieces or steel rods, designed to be used as a whip, including the martial arts weapon commonly known as "Chinese whip", "whip spear", "7 piece iron chain", "9 piece iron chain", "Bian Tzu Chiang" or "Lien Tzu Chiang".
45. The martial arts weapon known as a "Butterfly Sword".
46. The martial arts weapon known as a "Tonfa".
47. **Sword**, being a thrusting, striking or cutting weapon with a long blade having 1 or 2 edges and a hilt or handle.

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ENDNOTES