

1990 - No. 297

PROHIBITED WEAPONS ACT 1989 - REGULATION

(Prohibited Weapons Regulation 1990)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Prohibited Weapons Act 1989, has been pleased to make the Regulation set forth hereunder.

E. P. PICKERING

Minister for Police and Emergency Services.

PART 1 - PRELIMINARY

Citation

1. This Regulation may be cited as the Prohibited Weapons Regulation 1990.

Commencement

2. This Regulation commences on 1 June 1990.

Definitions

3. (1) In this Regulation:

"the Act" means the Prohibited Weapons Act 1989.

(2) A form approved under this Regulation by the Minister and containing any directions for its completion is required to be completed in accordance with those directions.

PART 2 - PRESCRIPTIONS FOR THE PURPOSES OF THE ACT

Additional prohibited articles

4. The following articles are declared to be prohibited articles for the purposes of the Act:

body armour vests

Additional prohibited weapons

5. Schedule 1 to the Act is amended by adding the following at the end of that Schedule:

(38) A shotgun fitted with or designed to be fitted with a drum magazine of the "Striker 12" assault shotgun type or any similar weapon.

(39) A side-handled baton or any similar device.

Certificate evidence

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

- (a) the office of Principal Manager, Firearms Registry, Police Department;
- (b) the office of Officer in Charge, Firearms Registry, Police Department;
- (c) the office of any officer acting in either of the above positions, but only while the officer is so acting.

PART 3 - PROVISIONS RELATING TO PERMITS

Applications for Ministerial permits

7. A person may, by lodging at the office of the Minister an application in a form approved by the Minister, 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.

Permit to be signed

8. 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.

Alteration of particulars on permit

9. 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 Minister in writing of the appropriate new particulars.

Maximum penalty 20 penalty units.

PART 4 - PERSONS AUTHORISED BY THIS REGULATION

Persons authorised by this Regulation

10. Persons specified in Schedule 1 are authorised to possess and to use the prohibited weapons or to possess the prohibited articles set out in respect of them, but only in the circumstances prescribed in that Schedule.

PART 5 - REPORTS

Lost, stolen or destroyed weapons or articles

11. 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 member of the Police Force in charge of a police station in a form approved by the Commissioner of that loss, theft or destruction.

Maximum penalty 50 penalty units.

Lost, stolen or destroyed permits

12. 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 Minister in writing of that occurrence.

Maximum penalty: 20 penalty units.

SCHEDULE 1 - AUTHORISED PERSONS

(Cl. 10)

Guards, watchmen etc. - side-handled batons

1. For the purposes of section 5 of the Act:
 - (a) guards, patrolmen, rangers and watchmen employed under the Local Government Act 1919; and
 - (b) special constables appointed under the Police Offences Act 1901; and
 - (c) guards and watchmen licensed under the provisions of the Security (Protection) Industry Act 1985; and
 - (d) officers of the Department of Family and Community Services, are authorised to possess and use side-handled batons or similar devices, but only when acting in the course of their employment as guards, patrolmen, rangers or watchmen, as special constables or as officers of that Department engaged in custodial duties at institutions conducted by that Department.

Government agencies

2. For the purposes of section 5 of the Act:
 - (a) inspectors under the Dangerous Goods Act 1975 are authorised to possess and use prohibited weapons (such as cannon, rockets and explosive devices), but only when acting in the course of their employment as such inspectors; and
 - (b) officers of the National Parks and Wildlife Service are authorised to possess and use darts capable of being propelled from blow-guns and cannon that propel bird nets, but only when acting in the course of their employment as such officers; and
 - (c) officers of the Zoological Parks Board are authorised to possess and use darts capable of being projected from guns and net guns, but only when acting in the course of their employment as such officers.

Guards, watchmen etc. - handcuffs

3. For the purposes of section 6 of the act:
 - (a) guards, patrolmen, rangers and watchmen employed under the Local Government Act 1919; and

- (b) special constables appointed under the Police Offences Act 1901; and
- (c) guards and watchmen licensed under the provisions of the Security (Protection) Industry Act 1985; and
- (d) officers of the Department of Family and Community Services, are authorised to possess handcuffs, but only when acting in the course of their employment as guards, patrolmen, rangers or watchmen, as special constables or as officers of that Department engaged in custodial duties.

NOTE

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SCHEDULE 1 - AUTHORISED PERSONS

EXPLANATORY NOTE

The object of this Regulation is to provide administrative detail so that the Prohibited Weapons Act 1989 may commence.

The Regulation also:

- (a) prescribes additional prohibited weapons and prohibited articles for the purposes of that Act; and
 - (b) authorises certain guards, watchmen and special constables and inspectors and other officers employed by government agencies to possess specified prohibited weapons and articles (such as side-handled batons and handcuffs) in specified circumstances; and
 - (c) requires reports to be made about the loss, theft or destruction of prohibited weapons or articles and permits issued under that Act.
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