



# AUSTRALIAN CAPITAL TERRITORY

Regulations 1991 No. 21<sup>1</sup>

## Weapons Regulations

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The Australian Capital Territory Executive, in accordance with section 5 of the *Subordinate Laws Act 1989*, hereby makes the following Regulations under the *Weapons Act 1991*.

Dated 24 September 1991.

TERRY CONNOLLY  
Attorney-General

ROSEMARY FOLLETT  
Minister

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**Citation**

1. These Regulations may be cited as the Weapons Regulations.

**Commencement**

2. These Regulations commence on the day on which section 4 of the *Weapons Act 1991* commences.

**Interpretation**

3. In these Regulations, unless the contrary intention appears—
  - “Act” means the *Weapons Act 1991*;
  - “approved archery club” means the Canberra Archery Club Incorporated or the Weston Valley Archery Club Incorporated;
  - “approved manufacturer” means a manufacturer of darts approved by the Minister under paragraph 7 (1) (a);
  - “approved supplier” means a supplier of crossbows approved by the Minister under paragraph 7 (1) (b);
  - “dart” means a dart capable of being projected from a blow-gun.

**Approved reasons**

4. For the purposes of paragraph 5 (1) (q) of the Act, a person is a prescribed person if he or she—
  - (a) is a member of the ACT Gun Dog Society Incorporated; and
  - (b) participates in field trials, or trials known as non slip retrieving trials, for gun dogs conducted by or in association with that society.

**Register of Weapons**

5. For the purposes of paragraph 12 (2) (d) of the Act, the following particulars are prescribed in relation to each licence:
  - (a) the date of birth of the licensee;
  - (b) the sex of the licensee.

**Exemption—crossbows**

6. (1) A person is exempt from section 16 of the Act—
  - (a) in the case of a person who has attained the age of 16 years but is under 18 years—if he or she—
    - (i) is a member of an approved archery club; and

- (ii) uses a crossbow for the purpose of participating in competitions in the use of crossbows conducted by or in association with an approved archery club and the crossbow is not used for any other purpose; or
- (b) in the case of a person who has attained the age of 18 years—if he or she—
  - (i) is a member of an approved archery club;
  - (ii) owns a prohibited weapon that is a crossbow; and
  - (iii) has that crossbow in his or her possession for the purpose of participating or enabling the person to participate in competitions in the use of crossbows conducted by or in association with an approved archery club and the crossbow is not used for any other purpose.
- (2) Subregulation (1) does not apply to a person if—
  - (a) there is in respect of that person—
    - (i) a restraining order in force under the *Magistrates Court Act 1930*;
    - (ii) a protection order in force under the *Domestic Violence Act 1986*; or
    - (iii) a corresponding order in force; or
  - (b) the person has, within the period of 8 years preceding—
    - (i) the commencement of these Regulations; or
    - (ii) the acquisition of the crossbow;whichever is the later, been convicted in the Territory of an indictable offence, whether on indictment or summarily.

#### **Approved manufacturer or supplier—crossbows and darts**

**7. (1)** The Minister may, by notice in writing published in the *Gazette*, declare—

- (a) a manufacturer to be an approved manufacturer of darts; or
- (b) a supplier to be an approved supplier of crossbows;

for the purposes of the Act.

**(2)** Subject to subregulations (3) and (4), a person is exempt from section 16 of the Act if the person is an approved manufacturer or an approved supplier.

(3) An approved supplier shall not, without reasonable excuse, sell or dispose of a crossbow to a person unless that person is, or is reasonably believed to be, a member of an approved archery club.

Penalty:

- (a) if the offender is a natural person—\$1,000;
- (b) if the offender is a body corporate—\$10,000.

(4) An approved manufacturer shall not, without reasonable excuse, sell or dispose of a dart to a person unless that person is, or is reasonably believed to be, a person to whom paragraph 9 (a) applies.

Penalty:

- (a) if the offender is a natural person—\$1,000;
- (b) if the offender is a body corporate—\$10,000.

(5) A notice under subregulation (1) is a disallowable instrument for the purposes of section 10 of the *Subordinate Laws Act 1989*.

#### **Exemption—antique crossbows**

8. (1) A person who acquires an antique crossbow from which the trigger mechanism cannot be removed is exempt from section 16 of the Act if that crossbow is kept with a licensed dealer.

(2) A licensed dealer is exempt from section 16 of the Act with respect to an antique crossbow kept by the licensed dealer on behalf of a person who is exempt under subregulation (1).

(3) A person who has in his or her possession an antique crossbow from which the trigger mechanism can be removed is exempt from section 16 of the Act if the crossbow is kept by that person under such conditions as to prevent another person from having access to the trigger mechanism without the express consent of the first-mentioned person.

(4) In this regulation—

“antique crossbow” means a crossbow manufactured before 1900.

#### **Exemption—darts**

9. A person is exempt from section 16 of the Act if—

- (a) the person is, by reason of his or her disability, incapable of participating in a sport or recreation normally involving the use of hand thrown darts; and

- (b) the person is in possession of a dart for the purpose of enabling the person to participate in a sport or recreation of a type referred to in paragraph (a).

**Exemption—theatrical productions**

**10. (1)** A person is exempt from section 17 or 18 of the Act if he or she—

- (a) is a performer in a production being staged by a theatrical, dramatic or historical society, or is a member of the society staging the production, in which a restricted weapon or a dangerous weapon, as the case may be, is used; and
- (b) has the weapon in his or her possession for the purposes of the production.

**(2)** Subregulation (1) does not apply in relation to a person who has in his or her possession a dangerous weapon—

- (a) if that weapon is loaded otherwise than with blank ammunition; and
- (b) unless that weapon is—
  - (i) lent or let on hire for the purposes of the production by a person on whose licence the weapon is registered;
  - (ii) registered or endorsed on the licence of a person to whom paragraph (1) (a) refers; or
  - (iii) lent or let on hire by a person who is ordinarily resident in a State or another Territory if possession of the weapon in the State or other Territory by the person is not proscribed by a law of that State or other Territory.

**(3)** Subregulation (1) does not apply in relation to a person who has in his or her possession a restricted weapon unless the person who lent the weapon or let it on hire is—

- (a) the holder of a restricted weapons licence; or
- (b) ordinarily resident in a State or another Territory and his or her possession of the weapon in the State or other Territory is not proscribed by a law of that State or other Territory.

**(4)** In this regulation—

“production” means—

- (a) a theatrical production;

- (b) an historical re-enactment; or
- (c) a dramatic production.

**Exemption—continuing participation**

**11.** A person is exempt from section 18 of the Act if the person has in his or her possession a dangerous weapon (being a weapon that is not endorsed on his or her licence) for the purpose of taking part in competitions in, or activities relating to, the use of such weapons if the competition or activity is conducted by or in association with an approved club on the premises of the club.

**Exemption—lending or letting restricted or dangerous weapons**

**12. (1)** A person is exempt from subsection 77 (1) of the Act if he or she lends a restricted weapon to a person to whom subregulation 10 (1) applies.

**(2)** A person is exempt from subsection 77 (2) of the Act if he or she lends or leases a dangerous weapon to a person to whom subregulation 10 (1) applies.

**Exemption—lending for competition**

**13.** A person is exempt from paragraph 77 (2) (b) of the Act if he or she lends a weapon to a person who holds a dangerous weapons licence (being a licence on which the weapon is not endorsed) for the purpose of enabling the person to whom the weapon is lent to take part or to continue to take part in competitions in, or activities relating to, the use of such weapons if the competition or activity is conducted by or in association with an approved club on the premises of the club.

**Dealer's Book**

**14.** For the purposes of subsection 40 (3) of the Act, the following particulars are prescribed:

- (a) in relation to each weapon manufactured, acquired, modified, repaired, sold or otherwise disposed of—
  - (i) the manufacturer;
  - (ii) the model;
  - (iii) the type;
  - (iv) the firing action;
  - (v) the calibre; and
  - (vi) the serial number;

- (b) if the dealer modifies, tests or repairs a weapon—the date on which the dealer receives the weapon for modification, testing or repair and the date on which he or she returns it after modification, testing or repair;
- (c) if the dealer acquires, sells or otherwise disposes of a weapon—
  - (i) the date on which the weapon was acquired, sold or otherwise disposed of;
  - (ii) the name, address and date of birth of the person from whom the weapon was acquired or to whom it was sold or possession otherwise passed;
  - (iii) if the person to whom possession passed or from whom the weapon was acquired was a licensed dealer—his or her dealer's licence number; and
  - (iv) in the case of an acquisition of a weapon that is the subject of a licence that has been issued in a State or another Territory to the person from whom the weapon is acquired—the number and type of the licence;
- (d) if a weapon is modified or repaired by the dealer—a description of the nature of the modification or repair;
- (e) if a weapon is manufactured by the dealer—the date of completion of that manufacture.

### **Change of possession**

**15.** For the purposes of paragraph 54 (1) (a) of the Act, the following particulars are prescribed:

- (a) the date on which the licensee ceased to possess the weapon;
- (b) if the person to whom possession of the weapon passed is not a licensed dealer—his or her name and address and the number of his or her licence;
- (c) if the person to whom possession of the weapon passed is a licensed dealer—his or her name and dealer's licence number;
- (d) in relation to the weapon—
  - (i) the manufacturer;
  - (ii) the model;
  - (iii) the type;
  - (iv) the firing action;

- (v) the calibre; and
- (vi) the serial number;
- (e) if possession of the weapon is passed to a person who is the holder of a licence under a law of a State or another Territory authorising possession of that weapon—the number and type of that licence.

**Serial numbers**

**16. (1)** A person shall not, without reasonable excuse, have in his or her possession a dangerous weapon unless the weapon is marked with an identification mark, being a serial number—

- (a) inscribed by the manufacturer;
- (b) allocated in accordance with subregulation (2); or
- (c) that was allocated by the Weapons Registry or the Gun Licensing Branch of the Australian Federal Police before the commencement of these Regulations.

Penalty:

- (a) if the offender is a natural person—\$1,000;
- (b) if the offender is a body corporate—\$10,000.

**(2)** On receipt of an application for a serial number, the Registrar shall, if satisfied that the applicant is the owner of the weapon, allocate a serial number in respect of that weapon.

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**NOTE**

1. Notified in the ACT Gazette on 2 October 1991.