

South Australia

Summary Offences (Weapons) Regulations 2012

under the *Summary Offences Act 1953*

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Legislative history

1—Short title

These regulations may be cited as the *Summary Offences (Weapons) Regulations 2012*.

2—Commencement

- (1) Subject to subregulation (2), these regulations will come into operation on the day on which Part 1 of the *Summary Offences (Weapons) Amendment Act 2012* comes into operation.
- (2) Regulation 7 will come into operation on the day on which section 21D of the *Summary Offences Act 1953* (inserted into that Act by section 5 of the *Summary Offences (Weapons) Amendment Act 2012*) comes into operation.

3—Interpretation

In these regulations, unless the contrary intention appears—

Act means the *Summary Offences Act 1953*;

catapult includes a shanghai and a slingshot;

designed includes adapted.

4—Dangerous articles

Each of the following is declared to be a dangerous article for the purposes of Part 3A of the Act:

- (a) ***anti-theft case***—a case, satchel or similar article designed to administer an electric shock to a person who handles or interferes with the case, satchel or article or its contents;
- (b) ***bayonet***—a stabbing weapon designed to be attached to or at the muzzle of a rifle;
- (c) ***blow-gun***—a blow-pipe or similar device or instrument designed to propel an arrow, dart or similar projectile by air expelled from the mouth;
- (d) ***cross-bow***—a cross-bow, other than a pistol cross-bow as described in regulation 5(s);
- (e) ***dart projector***—a device (for example, a Darchery Dart Slinger) designed to propel a dart by means of elastic material;
- (f) ***gas injector device***—a device (for example, a Farallon Shark Dart or a WASP Injector Knife) designed to kill or injure an animal by injecting a gas or other substance into the body of the animal;
- (g) ***plain catapult***—a catapult made for commercial distribution, other than a brace catapult as described in regulation 5(b);
- (h) ***self-protecting spray***—a device or instrument designed to temporarily or permanently immobilise, incapacitate or injure a person by the emission or discharge of an offensive, noxious or irritant liquid, powder, gas or chemical;
- (i) ***self-protection device***—a hand held device or instrument designed to temporarily or permanently immobilise, incapacitate or injure a person by the emission or discharge of an electric current, sound waves or electromagnetic energy.

5—Prohibited weapons

Each of the following is declared to be a prohibited weapon for the purposes of Part 3A of the Act:

- (a) ***ballistic knife***—a device or instrument (other than a dart projector) designed to fire or discharge a knife, dagger or similar instrument by mechanical, percussive or explosive means;
- (b) ***brace catapult***—a catapult (for example, a Saunders Falcon Hunting Sling) that includes or is designed to be used with a brace fitted or resting on the forearm or another part of the body in order to support the forearm or wrist when the catapult is activated;
- (c) ***butterfly knife***—a knife comprised of a blade or spike and a handle, in respect of which—
 - (i) the handle is in 2 sections that fold so as to wholly or partially cover the blade or spike when the knife is not in use; and
 - (ii) the blade or spike can be exposed by gravity or centrifugal force;

- (d) **chloroacetophenone**—chloroacetophenone (known as CN) in all its forms;
- (e) **concealed weapon**—an article that appears to be harmless but that conceals a knife, spike or other weapon;
- (f) **dagger**—a sharp, pointed stabbing weapon (other than a bayonet or sword), ordinarily capable of being concealed on the person and having—
 - (i) a flat blade with cutting edges on both sides; or
 - (ii) a needle-like blade that has a round or elliptical cross section or that has 3 or more sides;
- (g) **dirk** or **sgian dhu**—a ceremonial weapon associated with traditional Scottish culture;
- (h) **dypenylaminechloroarsone**—dypenylaminechloroarsone (known as DM or adamsite) in all its forms;
- (i) **extendable baton**—a baton designed for use as a weapon that can be extended in length by gravity or centrifugal force or by a release button or other device;
- (j) **fighting knife**—a knife (other than a bayonet or sword) designed for hand to hand fighting, for example, a butterfly knife, dagger, flick-knife, push knife or trench knife;
- (k) **flick-knife**—a knife in respect of which—
 - (i) the blade is concealed when folded or recessed into the handle and springs or is released into the extended position by the operation of a button or other device on the handle; or
 - (ii) the blade is wholly or partially concealed by a sheath that can be withdrawn into the handle of the knife by gravity, centrifugal force or by the operation of a button or other device;
- (l) **hand or foot claw**—an article designed as a weapon consisting of prongs or other projections worn on the hands or feet (for example, the martial arts weapons known as ninja hand claws, ninja foot claws or ninja claws);
- (m) **knife belt**—a belt or similar article (for example, a Bowen Knife Belt) designed to hold a knife, dagger or similar instrument so that the presence of the knife, dagger or instrument is concealed or disguised when the belt or article is worn;
- (n) **knuckle duster**—a device or instrument designed to be worn across the knuckles of a hand so as to—
 - (i) increase the force or impact of a punch or blow when striking another with the hand; and
 - (ii) protect the knuckles from injury,including a weighted or studded glove, but not including a boxing glove;
- (o) **laser pointer**—a hand held device, commonly known as a laser pointer, designed to emit a laser beam with an accessible emission level of greater than 1 milliwatt;

- (p) *morning star*—an article designed as a weapon consisting of a weight (whether or not with spikes or blades) attached to a chain, rope or a length of other flexible material;
- (q) *nunchakus*—a device comprised of 2 or more bars joined by a chain, rope or other flexible material so that the bars can swing independently of each other;
- (r) *orthochlorobenzalmalononitrile*—orthochlorobenzalmalononitrile (known as CS) in all its forms;
- (s) *pistol cross-bow*—a cross-bow designed for aiming and discharging an arrow, dart, bolt or similar projectile when held in one hand;
- (t) *poniard*—a ceremonial weapon associated with the traditions of a prescribed masonic organisation;
- (u) *push knife*—a knife (for example, an Urban Pal Knife) comprised of a blade or spike with a transverse handle that is designed—
 - (i) to be held between the fingers or the forefinger and thumb with the handle supported by the palm of the hand; and
 - (ii) to inflict injury by a punching or pushing movement;
- (v) *star knife*—a device comprised of a number of points, blades or spikes pointing outwardly from a central axis and designed to spin around that axis, and capable of causing serious injury, when thrown;
- (w) *throwing knife*—a knife that is designed to cause serious injury when thrown;
- (x) *trench knife*—a knife comprised of a blade or spike attached to one end of a handle that is designed to be held in the closed fist with the fingers through the handle which serves as a knuckle duster;
- (y) *undetectable knife*—a knife that—
 - (i) is made wholly or partly of a material that prevents the knife from being detected, or being detected as a knife, by either a metal detector or by a method using X-rays; and
 - (ii) is capable of causing serious injury or death.

6—Article presumed to be prohibited weapon

If an article could, but for this regulation, be declared by these regulations to be both a dangerous article and a prohibited weapon, it will be taken, unless the contrary intention appears, to be declared to be a prohibited weapon and not a dangerous article.

7—Unlawful selling or marketing of knives

- (1) Section 21D(1) of the Act does not apply to—
 - (a) a razor blade permanently enclosed in a cartridge; or
 - (b) a plastic or wooden knife used for, and intended to be disposed of after, eating.

- (2) For the purposes of section 21D(2)(a) of the Act, the following kinds of identification are prescribed:
- (a) a current photographic driver's licence issued under the *Motor Vehicles Act 1959* or under a corresponding law of another State or a Territory;
 - (b) a current photographic student identification card issued by an Australian education institution that shows the age of the person;
 - (c) a current photographic Proof of Age card issued by the Registrar of Motor Vehicles or by a corresponding public authority of the Commonwealth or another State or a Territory;
 - (d) a current passport issued by the Commonwealth or under the law of another country, bearing a photograph of the person and enabling the age of the person to be determined;
 - (e) a current photographic Keypass identification card issued by Alfa Omega Nominees Pty Ltd, trading as Commonwealth Key and Property Register.
- (3) Section 21D(4) of the Act does not apply to a knife marketed solely to the defence forces of Australia or the naval, military or air force of some other country.

8—Information relating to knife related injuries

S.A. Police (within the meaning of the *Police Act 1998*) is a prescribed body for the purposes of section 21G(1) of the Act.

9—Effect of weapons prohibition order

For the purposes of section 21I of the Act, a person must notify the Commissioner of the presence of a prohibited weapon on premises at which the person resides in the following manner:

- (a) by reporting the fact in person to a police officer on duty at a police station;
- (b) by describing to the police officer the circumstances of the presence of the prohibited weapon on the premises.

10—Evidentiary provisions

For the purposes of section 21O(d) of the Act, in any proceedings under the Act, a document produced by the prosecution purporting to be signed by the Commissioner and purporting to certify—

- (a) that at a specified time, a specified person was or was not the subject of an approval under section 21B(1) of the Act and the conditions or limitations to which that approval was subject; or
- (b) that at a specified time, a specified person was or was not declared to be exempt from section 21F(1) of the Act in specified circumstances; or
- (c) that at a specified time, a weapons prohibition order applied to or did not apply to, or was or was not in force against, a specified person; or
- (d) that at a specified time, a specified laser pointer was tested and shown by the test to be capable of emitting a laser beam with an accessible emission level greater than 1 milliwatt,

constitutes, in the absence of proof to the contrary, proof of the matters so certified.

11—Prescribed weapons under Schedule 2 of Act

The following weapons are prescribed for the purposes of provisions of Schedule 2 of the Act as follows:

- (a) an extendable baton that can only be extended by means of gravity or centrifugal force is prescribed for the purposes of clause 19 of Schedule 2 of the Act;
- (b) a dirk or sgian dhu (also known as a "skean dhu") is prescribed for the purposes of clause 20 of Schedule 2 of the Act;
- (c) a dirk is prescribed for the purposes of clause 20(c)(ii) of Schedule 2 of the Act;
- (d) a poniard is prescribed for the purposes of clause 21 of Schedule 2 of the Act;
- (e) a laser pointer is prescribed for the purposes of clause 22 of Schedule 2 of the Act;
- (f) an undetectable knife is prescribed for the purposes of clause 23 of Schedule 2 of the Act.

Schedule 1—Fees

1—Fees

The following fee is payable:

Prescribed fee under section 21F(5)(b) of Act for application to Minister for exempt person declaration	\$44.00
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2—Refunds

The Minister may refund the whole or part of the fee prescribed by clause 1 if—

- (a) in his or her opinion, the weapon concerned is not a prohibited weapon; or
- (b) in his or her opinion, the applicant falls within a category of exempt person in Schedule 2 of the Act; or
- (c) the application is refused.

Schedule 2—Revocation of *Summary Offences (Dangerous Articles and Prohibited Weapons) Regulations 2000*

The *Summary Offences (Dangerous Articles and Prohibited Weapons) Regulations 2000* are revoked.

Legislative history

Notes

- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or www.legislation.sa.gov.au.

Principal regulations

Year	No	Reference	Commencement
2012	228	<i>Gazette 15.11.2012 p5026</i>	15.12.2012 except r 7—3.2.2013: r 2