

South Australia

## Summary Offences (Weapons) Regulations 2012

under the *Summary Offences Act 1953*

---

### Contents

- 1 Short title
- 3 Interpretation
- 4 Dangerous articles
- 5 Prohibited weapons
- 6 Article presumed to be prohibited weapon
- 7 Unlawful selling or marketing of knives
- 8 Information relating to knife related injuries
- 9 Effect of weapons prohibition order
- 10 Evidentiary provisions
- 11 Prescribed weapons under Schedule 2 of Act

### Schedule 1—Fees

- 1 Fees
- 2 Refunds

### Legislative history

---

#### 1—Short title

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

#### 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;
- (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;

- (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;
- (ab) **bayonet**—a stabbing weapon designed to be attached to or at the muzzle of a rifle;
- (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;
- (ea) **cross-bow**—a cross-bow, other than a pistol cross-bow as described in paragraph (s);
- (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
---	---------

### 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.

## Legislative history

### Notes

- Variations of this version that are uncommenced are not incorporated into the text.
- 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](http://www.legislation.sa.gov.au).

### Legislation revoked by principal regulations

The *Summary Offences (Weapons) Regulations 2012* revoked the following:

*Summary Offences (Dangerous Articles and Prohibited Weapons) Regulations 2000*

### Principal regulations and variations

New entries appear in bold.

Year	No	Reference	Commencement
2012	228	<i>Gazette 15.11.2012 p5026</i>	15.12.2012 except r 7—3.2.2013: r 2
<b>2013</b>	<b>22</b>	<b><i>Gazette 28.2.2013 p591</i></b>	<b>28.2.2013: r 2</b>
2013	133	<i>Gazette 6.6.2013 p2344</i>	1.7.2013: r 2

### Provisions varied

New entries appear in bold.

Entries that relate to provisions that have been deleted appear in italics.

Provision	How varied	Commencement
<i>r 2</i>	<i>omitted under Legislation Revision and Publication Act 2002</i>	<i>28.2.2013</i>
r 4	(b) and (d) deleted by 22/2013 r 4	28.2.2013
r 5	varied by 22/2013 r 5(1), (2)	28.2.2013
<i>Sch 2</i>	<i>omitted under Legislation Revision and Publication Act 2002</i>	<i>28.2.2013</i>