

South Australia

Summary Offences (Dangerous Articles and Prohibited Weapons) Regulations 2000

under the *Summary Offences Act 1953*

Contents

Part 1—Preliminary

- 1 Short title
- 4 Interpretation

Part 2—Dangerous articles and prohibited weapons

- 5 Declaration of dangerous articles
- 6 Declaration of prohibited weapons

Part 3—Exemptions

- 7 Exempt persons

Part 4—Miscellaneous

- 8 Application fee

Schedule 1—Dangerous articles

- 1 Anti-theft case
- 2 Bayonet
- 3 Blow gun
- 4 Catapult etc
- 4A Cross-bow
- 5 Dart projector
- 6 Self-protecting spray
- 7 Self-protection device
- 8 Shark dart

Schedule 2—Prohibited weapons

Part 1—Prohibited weapons

- 1 Ballistic knife
- 2 Catapult etc
- 3 Chloroacetophenone
- 4 Concealed weapon
- 5 Dypenylaminechloroarsone
- 6 Extendable baton
- 7 Fighting knife
- 8 Hand or foot claws
- 9 Knife belt
- 10 Knuckle duster

- 11 Morning star
- 12 Nunchakus
- 13 Orthochlorobenzalmalononitrile
- 14 Pistol Cross-Bow
- 15 Star knife
- 16 Throwing knife
- 17 Undetectable knife

Part 2—Definitions

- 18 Definitions

Schedule 3—Exemptions

- 1 Delivery of weapon to South Australia Police
- 2 Possession of prohibited weapon in emergencies
- 3 Possession as an executor etc
- 4 Undetectable knives used in food preparation
- 5 Lodges of Freemasons etc
- 6 Members of Scottish associations
- 7 Heirlooms
- 8 Collectors
- 9 Possession by collector on behalf of another collector
- 10 Returned and Services League of Australia etc
- 11 Possession by collector on behalf of exempted body
- 12 Persons licensed to carry on the business of protecting or guarding property
- 13 Persons employed in the business of protecting or guarding property
- 14 Manufacturers etc
- 15 Possession by manufacturer etc on behalf of collector or exempted body
- 16 Kirpaans

Legislative history

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Summary Offences (Dangerous Articles and Prohibited Weapons) Regulations 2000*.

4—Interpretation

- (1) In these regulations—

the Act means the *Summary Offences Act 1953*;

number in relation to the identification of a weapon means an identifying mark comprised of either numbers or letters or a combination of both numbers and letters.

- (2) A term comprising the heading to a clause of Schedule 1 or 2 means the article or thing or articles or things described in that clause.

- (3) Where an article would, but for this subregulation, 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.
- (4) A reference in these regulations to the place of residence of a person will be taken, in the case of a body corporate, to be a reference to the registered office of the body corporate.

Part 2—Dangerous articles and prohibited weapons

5—Declaration of dangerous articles

The articles set out in Schedule 1 are declared to be dangerous articles for the purposes of section 15 of the Act.

6—Declaration of prohibited weapons

The articles set out in Schedule 2 are declared to be prohibited weapons for the purposes of section 15 of the Act.

Part 3—Exemptions

7—Exempt persons

- (1) The persons expressed in Schedule 3 to be exempt from one or more of the provisions of section 15(1c) of the Act are, to that extent, declared to be exempt persons for the purposes of section 15(1e) of the Act.
- (2) With the exception of clauses 1, 2 and 3 of Schedule 3, that Schedule does not apply to a person who has been found guilty by a court of an offence involving violence for which the maximum term of imprisonment is 5 years or more or an equivalent offence involving violence under the law of another State or Territory of the Commonwealth or of another country.
- (3) Where—
 - (a) a person is expressed to be exempt in Schedule 3 from one or more of the provisions of section 15(1c) of the Act in relation to a prohibited weapon of a particular class described in Schedule 2; and
 - (b) the weapon is included in one or more of the other classes described in that Schedule,

the person is an exempt person in relation to that weapon in relation to those provisions of section 15(1c) even though he or she is not an exempt person in relation to weapons of the other class or classes referred to in paragraph (b).

- (4) If—
 - (a) a person is an exempt person in relation to a weapon under a clause of Schedule 3 (other than clause 1, 2 or 3); and
 - (b) he or she is found guilty by a court of using the weapon to threaten or injure another person,

he or she—

- (c) ceases to be an exempt person in relation to that or any other weapon under that clause; and
- (d) can never again become an exempt person under that clause.

Part 4—Miscellaneous

8—Application fee

- (1) The fee of \$39 is prescribed for an application to the Minister, or the Minister's delegate, for an exempt person declaration under section 15(2b)(a) of the Act.
- (2) The Minister, or the Minister's delegate, may refund the whole or part of the fee if—
 - (a) in his or her opinion, the weapon concerned is not a prohibited weapon; or
 - (b) in his or her opinion, the applicant is an exempt person under section 15(2a) of the Act or is an exempt person under section 15(2b) of the Act by being declared by regulation to be an exempt person or by being a member of a class that has been declared by regulation to be an exempted class; or
 - (c) the application is refused.

Schedule 1—Dangerous articles

1—Anti-theft case

A case, satchel or similar article designed or adapted to administer an electric shock to a person who handles or interferes with the case, satchel or article or its contents.

2—Bayonet

A weapon designed or adapted to be used solely or predominantly as a bayonet.

3—Blow gun

A blow-pipe or similar device or instrument designed or adapted to propel an arrow, dart or similar projectile by air expelled from the mouth.

4—Catapult etc

A catapult, shanghai or slingshot made for commercial distribution (but not a catapult, shanghai or slingshot of a class declared to be a prohibited weapon).

4A—Cross-bow

A cross-bow (but not a cross-bow of a class declared to be a prohibited weapon).

5—Dart projector

A device designed or adapted to propel a dart by means of elastic material (including a Darchery Dart Slinger).

6—Self-protecting spray

A device or instrument designed or adapted as a weapon to emit or discharge an offensive, noxious or irritant liquid, powder, gas or chemical that is capable of immobilising, incapacitating or injuring another person either temporarily or permanently.

7—Self-protection device

A hand held device or instrument designed or adapted to emit or discharge—

- (a) an electric current; or
- (b) sound waves; or
- (c) any electromagnetic energy,

that is capable of immobilising, incapacitating or injuring another person either temporarily or permanently.

8—Shark dart

A device designed or adapted to kill or injure an animal by injecting a gas or other substance into the body of the animal (including a Farallon Shark Dart).

Schedule 2—Prohibited weapons

Part 1—Prohibited weapons

1—Ballistic knife

A device or instrument designed or adapted to fire or discharge a knife, dagger or similar instrument by mechanical, percussive or explosive means (but not a dart projector).

2—Catapult etc

A catapult, shanghai or slingshot (including a Saunders Falcon Hunting Sling), whether made for commercial distribution or not, that includes, or is designed or adapted to be used with, a brace—

- (a) that fits or rests on the forearm or any other part of the body; and
- (b) the purpose of which is to support the wrist or forearm when using the device.

3—Chloroacetophenone

Chloroacetophenone (known as CN) in all its forms.

4—Concealed weapon

An article that appears to be harmless but that conceals a knife, spike or other weapon.

5—Dypenylaminechloroarsone

Dypenylaminechloroarsone (known as DM or adamsite) in all its forms.

6—Extendable baton

A baton designed or adapted for use as a weapon that can be extended in length by gravity or centrifugal force or by a release button or other device.

7—Fighting knife

An article that is—

- (a) a butterfly knife; or

- (b) a dagger; or
- (c) a flick knife; or
- (d) a push knife; or
- (e) a trench knife; or
- (f) any other kind of knife,

that is designed or adapted for hand to hand fighting, but does not include a bayonet or a sword.

8—Hand or foot claws

An article designed or adapted as a weapon consisting of prongs or other projections worn on the hands or feet (including martial arts weapons known as ninja hand claws, ninja foot claws or ninja claws).

9—Knife belt

A belt or similar article designed or adapted to hold a knife, dagger or similar instrument so that its presence is concealed or disguised when the belt or similar article is worn (including a Bowen Knife Belt).

10—Knuckle duster

A device or instrument (including a weighted or studded glove) designed or adapted to be worn across the knuckles of a hand so as to—

- (a) increase the force or impact of a punch or blow when striking another with that hand; and
- (b) protect the knuckles from injury,

but does not include a boxing glove.

11—Morning star

An article designed or adapted as a weapon consisting of a weight (whether with or without spikes or blades) attached to a chain, rope or a length of other flexible material.

12—Nunchakus

A nunchaku or similar device consisting of two or more bars joined by a chain, rope or other flexible material so that the bars can swing independently of each other.

13—Orthochlorobenzalmalononitrile

Orthochlorobenzalmalononitrile (known as CS) in all its forms.

14—Pistol Cross-Bow

A cross-bow designed or adapted for aiming and discharging an arrow, dart, bolt or similar projectile when held in one hand.

15—Star knife

A device capable of causing serious injury that consists of a number of points, blades or spikes pointing outwardly from a central axis and is designed to spin around that axis when thrown.

16—Throwing knife

A knife that is designed or adapted to be thrown and is capable of causing serious injury when thrown.

17—Undetectable knife

A knife—

- (a) that 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
- (b) that is capable of causing serious injury or death.

Part 2—Definitions

18—Definitions

In this Schedule—

butterfly knife means an article comprising a blade or spike and a handle if—

- (a) the handle is in two sections which fold so as to wholly or partially cover the blade or spike when the article is not in use; and
- (b) the blade or spike can be exposed by gravity or centrifugal force;

dagger means a sharp, pointed stabbing weapon, ordinarily capable of being concealed on the person and having—

- (a) a flat blade with cutting edges on both sides; or
- (b) a needle-like blade that has a round or elliptical cross section or that has three or more sides,

but does not include a bayonet or a sword;

flick-knife means a knife designed or adapted so that—

- (a) the blade—
 - (i) is concealed when folded or recessed into the handle; and
 - (ii) springs or is released into the extended position by the operation of a button or other device on the handle; or
- (b) the blade is wholly or partially concealed by a sheath which can be withdrawn into the handle of the knife by gravity, centrifugal force or by the operation of a button or other device;

push knife means a blade or spike with a transverse handle that is designed or adapted—

- (a) to be held between the fingers or the forefinger and thumb with the handle supported by the palm of the hand; and
- (b) to inflict injury by a punching or pushing movement,

and includes an Urban Pal Knife;

trench knife means a blade or spike attached to one end of a handle that is designed or adapted to be held in the closed fist with the fingers through the handle which serves as a knuckle duster (see clause 10).

Schedule 3—Exemptions

Note—

Exemptions are also provided by section 15(2a) of the *Summary Offences Act 1953*.

1—Delivery of weapon to South Australia Police

A person who has possession of a prohibited weapon for the purpose of delivering it as soon as reasonably practicable to a member of South Australia Police is exempt from the offence of possession of the weapon under section 15(1c)(b) of the Act while he or she has possession of it for that purpose.

2—Possession of prohibited weapon in emergencies

A person who has possession of a prohibited weapon for the purpose, and in the course, of dealing with an emergency (whether as a volunteer or in the course of paid employment) is exempt from the offences of possession and use of the weapon under section 15(1c)(b) of the Act if the weapon is not used to threaten or injure another person.

3—Possession as an executor etc

A person who has possession of a prohibited weapon—

- (a) on behalf of the estate of a deceased person; or
- (b) on behalf of a person who is legally incompetent; or
- (c) on behalf of the estate of a bankrupt; or
- (d) as receiver or liquidator of a body corporate,

is exempt from—

- (e) the offence of possession of the weapon under section 15(1c)(b) of the Act; and
- (f) the offences of selling and supplying the weapon under section 15(1c)(a) of the Act in pursuance of his or her duties—
 - (i) as the legal representative of the deceased estate or the incompetent person; or
 - (ii) under the *Bankruptcy Act 1966* of the Commonwealth; or
 - (iii) as the receiver or liquidator of the body corporate,

if he or she sells or supplies the weapon to a person who is entitled under section 15 of the Act to have possession of it.

4—Undetectable knives used in food preparation

A person who has possession of an undetectable knife is exempt from the offences of possession and use of the knife under section 15(1c)(b) of the Act if he or she has possession of the knife and uses it only for the preparation of food for human consumption.

5—Lodges of Freemasons etc

The Antient Free And Accepted Masons Of South Australia and the Northern Territory Incorporated and all Lodges and Orders of Freemasons warranted and recognised by that association and the Lodge of Freemasons named "The Duke of Leinster Lodge" are exempt from the offences of possession and use of a poniard under section 15(1c)(b) of the Act if—

- (a) the poniard is kept at the premises of the association, Lodge or Order concerned in a safe and secure manner and is not removed from the premises except for the purpose of—
 - (i) repair or restoration by a person who carries on a business that includes the repair or restoration of articles of that kind; or
 - (ii) valuation by a person who carries on a business that includes valuing articles of that kind; or
 - (iii) permanently transferring possession of the poniard to another person (being a person who is entitled under section 15 of the Act to have possession of it) or to a member of South Australia Police; and
- (b) the poniard is only used at the premises of the association, Lodge or Order concerned for traditional ceremonial purposes.

6—Members of Scottish associations

A person who is a member of—

- (a) an incorporated association; or
- (b) a society, body or other group (whether corporate or unincorporate) that is affiliated with an incorporated association referred to in paragraph (a),

is, if the sole purpose, or one of the principal purposes, of the association (and, where paragraph (b) applies, of the society, body or other group that is affiliated with the association as well) is to—

- (c) foster and preserve Scottish culture; or
- (d) play or sing Scottish music,

exempt from the offence of possession of a dirk or sgian dhu (alternative spelling "skean dhu") under section 15(1c)(b) of the Act and, in the case of a dirk, the offence of use of the dirk under that section if—

- (e) he or she has possession of all of the clothes and other accoutrements traditionally worn with the dirk or sgian dhu (or, if the dirk or sgian dhu is traditionally worn with different clothes on different occasions, he or she has possession of the clothes and accoutrements for at least one of those occasions); and
- (f) he or she has possession of the dirk or sgian dhu solely for the purpose of wearing it with that clothing and, in the case of a dirk, for the purpose of using it in traditional Scottish ceremonies; and
- (g) in the case of a dirk, he or she only uses the dirk for the purposes of traditional Scottish ceremonies; and
- (h) he or she keeps the dirk or sgian dhu in a safe and secure manner at his or her place of residence and does not remove it except—
 - (i) for the purpose of wearing it with that clothing; or
 - (ii) for the purpose of lending it to a person who is entitled under section 15 of the Act to have possession of it; or
 - (iii) for the purpose of permanently transferring possession of the dirk or sgian dhu to another person (being a person who is entitled under section 15 of the Act to have possession of it) or to a member of South Australia Police.

7—Heirlooms

A person who has possession of a prohibited weapon that is of sentimental value to him or her as an heirloom and that was previously in the possession of one or more of his or her relatives is exempt from the offence of possession of the weapon under section 15(1c)(b) of the Act if—

- (a) he or she keeps the weapon in a safe and secure manner at his or her place of residence; and
- (b) the weapon is not removed from his or her place of residence except for the purpose of—
 - (i) display by a person who is entitled under section 15 of the Act to have possession of it for that purpose; or
 - (ii) repair or restoration by a person who carries on a business that includes the repair or restoration of articles of that kind; or
 - (iii) valuation by a person who carries on a business that includes the valuing of articles of that kind; or
 - (iv) secure storage by a person who carries on the business of storing valuable property on behalf of other persons; or
 - (v) permanently transferring possession of the weapon to another person (being a person who is entitled under section 15 of the Act to have possession of it) or to a member of South Australia Police.

8—Collectors

A person who has possession of a prohibited weapon as part of a collection of weapons or other artefacts or memorabilia that—

- (a) has a particular theme; or
- (b) the person maintains for its historical interest or as an investment,

is exempt from the offence of possession of the weapon under section 15(1c)(b) of the Act and from the offences of selling and supplying the weapon (in the normal course of maintaining such a collection) under section 15(1c)(a) of the Act to a person who is entitled under that section to have possession of it if—

- (c) the collection includes at least three weapons (whether prohibited weapons or not); and
- (d) he or she keeps the following records in a legible manner in a bound book at his or her place of residence for a period that expires at the end of five years after he or she ceases to be in possession of the collection:
 - (i) a record describing and identifying the weapon; and
 - (ii) a record of the date of each occasion on which he or she obtains or re-obtains possession of the weapon and the identity and address of the person from whom he or she obtains or re-obtains possession; and
 - (iii) the date of each occasion on which he or she parts with possession of the weapon to another person and the identity and address of that person; and
- (e) the exempt person keeps the weapon in a safe and secure manner at his or her place of residence and does not remove it except for the purpose of—
 - (i) display by a person who is entitled under section 15 of the Act to have possession of it for that purpose; or
 - (ii) repair or restoration by a person who carries on a business that includes the repair or restoration of articles of that kind; or
 - (iii) valuation by a person who carries on a business that includes the valuing of articles of that kind; or
 - (iv) repair, restoration or valuation—
 - (A) by another collector who is exempt from the offence of possession of prohibited weapons under this clause; or
 - (B) by a person who is exempt from the offence of possession of a prohibited weapon under clause 14; or
 - (v) secure storage by a person who carries on the business of storing valuable property on behalf of other persons; or
 - (vi) storage by another collector who is exempt from the offence of possession of prohibited weapons under this clause; or
 - (vii) returning it to another collector or an exempted body referred to in clause 10 on whose behalf he or she has repaired, restored, valued or stored the weapon; or

- (viii) taking it to a meeting but only if the majority of persons at the meeting are collectors who are exempt from the offence of possession of prohibited weapons under this clause; or
- (ix) selling or supplying the weapon in the normal course of maintaining the collection; and
- (f) he or she permits members of South Australia Police at any reasonable time to enter his or her residential premises to inspect the collection and the records kept under paragraph (d).

9—Possession by collector on behalf of another collector

A person who is exempt from the offence of possession of prohibited weapons under clause 8 (the *first collector*) is exempt from the offence under section 15(1c)(b) of the Act of the possession of a prohibited weapon that is owned by another collector (the *second collector*) if—

- (a) the second collector is exempt from the offence of possession of that weapon under clause 8; and
- (b) the first collector has possession of the weapon only for the purpose of repairing or restoring the weapon or valuing or storing it on behalf of the second collector,

(clause 8 applies to the first collector in relation to the weapon while it is in his or her possession as though it were part of his or her collection).

10—Returned and Services League of Australia etc

If—

- (a) the Returned and Services League of Australia (South Australian Branch) Inc or any of its sub-branches; or
- (b) an association or other body (whether corporate or unincorporate) that is a member of the Consultative Council of Ex-Service Organisations (S.A.),

(the *exempted body*) has possession of a prohibited weapon of a kind acquired or used by one of its members (or by a person that it represents) while on active war service as a member of Australia's armed forces, the exempted body is exempt from the offence of possession of the weapon under section 15(1c)(b) of the Act and from the offences of selling and supplying the weapon (in the normal course of maintaining a collection) under section 15(1c)(a) of the Act to a person who is entitled under that section to have possession of it if—

- (c) the exempted body keeps the following records in a legible manner in a bound book at its premises for a period that expires at the end of five years after it last ceased to be in possession of the weapon:
 - (i) a record describing and identifying the weapon; and
 - (ii) a record of the date of each occasion on which the exempted body obtains or re-obtains possession of the weapon and the identity and address of the person from whom the exempted body obtains or re-obtains possession; and

- (iii) the date of each occasion on which the exempted body parts with possession of the weapon to another person and the identity and address of that person; and
- (d) the weapon is kept by the exempted body in a safe and secure manner at its premises; and
- (e) the weapon is not removed from the premises except for the purpose of—
 - (i) display by a person who is entitled under section 15 of the Act to have possession of it for that purpose; or
 - (ii) repair or restoration by a person who carries on a business that includes the repair or restoration of articles of that kind; or
 - (iii) valuation by a person who carries on a business that includes the valuing of articles of that kind; or
 - (iv) repair, restoration or valuation—
 - (A) by a collector who is exempt from the offence of possession of prohibited weapons under clause 8; or
 - (B) by a person who is exempt from the offence of possession of a prohibited weapon under clause 14; or
 - (v) secure storage by a person who carries on the business of storing valuable property on behalf of other persons; or
 - (vi) selling or supplying the weapon in the normal course of maintaining a collection; and
- (f) the exempted body permits members of South Australia Police at any reasonable time to enter the premises of the exempted body to inspect the weapon and the records kept under paragraph (c).

11—Possession by collector on behalf of exempted body

A person who is exempt from the offence of possession of prohibited weapons under clause 8 (the *collector*) is exempt from the offence under section 15(1c)(b) of the Act of the possession of a prohibited weapon that is owned by an exempted body referred to in clause 10 if—

- (a) the exempted body is exempt from the offence of possession of that weapon under clause 10; and
- (b) the collector has possession of the weapon only for the purpose of repairing, restoring or valuing it on behalf of the exempted body,

(clause 8 applies to the collector in relation to the weapon while it is in his or her possession as though it were part of his or her collection).

12—Persons licensed to carry on the business of protecting or guarding property

A person who—

- (a) is authorised by a licence granted under the *Security and Investigation Agents Act 1995* to carry on the business of protecting or guarding property as a security agent; and

- (b) is the holder of a firearms licence under the *Firearms Act 1977* authorising the possession and use of a handgun in the course of carrying on the business of guarding property,

is exempt from the offences of possession and use of an extendable baton under section 15(1c)(b) of the Act in the normal course of that business if—

- (c) the baton can only be extended by gravity or centrifugal force; and
- (d) the baton is kept in a safe and secure manner at the exempt person's business premises when not being used; and
- (e) the baton is marked with a number for identification and with the name of the exempt person in a manner that ensures that the number and name cannot be removed easily and will not wear off in the normal course of use of the baton; and
- (f) the exempt person does not issue the baton to a person unless—
 - (i) the person is employed by the exempt person in his or her business of protecting or guarding property; and
 - (ii) the person to whom the baton is issued is an exempt person in relation to the baton under clause 13; and
- (g) where the exempt person is a natural person, he or she has completed a course of instruction approved by the Commissioner of Police in the proper use of extendable batons and has been awarded a certificate of competency by the person conducting the course; and
- (h) where the exempt person is a natural person, he or she does not carry the baton when he or she is engaged in crowd control; and
- (i) the exempt person keeps the following records in a legible manner (and in a form that is reasonably accessible to members of South Australia Police inspecting the records under paragraph (j)) at his or her business premises for a period of at least five years:
 - (i) the make and model of the baton and the identifying number marked on the baton under paragraph (e); and
 - (ii) the date and time of every issue of the baton to an employee, the identification number of the baton, the identity of the employee to whom the baton is issued and the date and time when the baton is returned by the employee; and
 - (iii) the date or dates (if any) on which a person to whom the baton has been issued uses the baton (as opposed to carrying the baton) in the course of his or her duties and the reason for that use of the baton; and
- (j) the exempt person permits members of South Australia Police at any reasonable time to enter his or her business premises to—
 - (i) inspect the baton; or
 - (ii) inspect the manner in which the baton is kept; or
 - (iii) inspect the records kept under paragraph (i).

13—Persons employed in the business of protecting or guarding property

A person—

- (a) who is employed to protect or guard property by a person who carries on the business of protecting or guarding property; and
- (b) who is authorised by a licence granted under the *Security and Investigation Agents Act 1995* to protect or guard property as a security agent; and
- (c) who is the holder of a firearms licence under the *Firearms Act 1977* authorising the possession and use of a handgun in the course of employment by a person who carries on the business of guarding property; and
- (d) whose duties of employment in protecting or guarding property reasonably require the possession of an extendable baton; and
- (e) who has completed a course of instruction approved by the Commissioner of Police in the proper use of extendable batons and has been awarded a certificate of competency by the person conducting the course,

is exempt from the offences of possession and use of an extendable baton under section 15(1c)(b) of the Act in the course of his or her employment in protecting or guarding property if—

- (f) the baton can only be extended by gravity or centrifugal force; and
- (g) the exempt person has not been found guilty by a court of an offence involving the illegal possession or use of an extendable baton, a firearm or any other weapon; and
- (h) the exempt person does not carry the baton when he or she is engaged in crowd control; and
- (i) as soon as reasonably practicable after the exempt person uses the baton (as opposed to carrying the baton) in the course of his or her duties, he or she provides his or her employer with a written report setting out the date on which, and the reasons why, he or she used the baton.

14—Manufacturers etc

A person who—

- (a) manufactures, sells, distributes, supplies or otherwise deals in prohibited weapons; and
- (b) has not been found guilty by a court of an offence involving the use, or the threat of using, a weapon,

is exempt from the offences of manufacturing, selling, distributing, supplying or otherwise dealing in, possession and use of prohibited weapons under section 15(1c) of the Act if—

- (c) the exempt person has notified the Commissioner of Police in writing that he or she is, or intends, manufacturing, selling, distributing, supplying or otherwise dealing in prohibited weapons and of—
 - (i) the full name of the exempt person; and

- (ii) the address of the place or places at which he or she is, or intends, conducting those activities; and
- (iii) where the exempt person is a natural person—his or her residential address; and
- (iv) where the exempt person is a body corporate—
 - (A) the address of its registered office; and
 - (B) the full name and residential address of each of its directors; and
- (d) the person only possesses and uses the weapons to the extent reasonably necessary for the purpose of manufacturing, selling, distributing, supplying or otherwise dealing in the weapons (as the case requires); and
- (e) the weapons are kept in a safe and secure manner; and
- (f) in the case of the sale, distribution or supply of, or other dealing in, a prohibited weapon, the weapon is not sold, distributed or supplied to, or dealt in with, a person who is under the age of 18 years; and
- (g) a prohibited weapon is not displayed, advertised or promoted by the exempt person in a manner that suggests it can be used to kill or injure a person; and
- (h) in the case of the manufacture of prohibited weapons, each weapon manufactured is marked with an identifying brand and number in a manner that ensures that the brand and number cannot be removed easily and will not wear off in the normal course of use of the weapon; and
- (i) the exempt person keeps the following records in a legible manner (and in a form that is reasonably accessible to members of South Australia Police inspecting the records under paragraph (i)) at his or her business premises for a period of at least five years:
 - (i) a description of each prohibited weapon that is, or has been, in his or her possession; and
 - (ii) the identifying brand and number (if any) that is marked on each of those weapons; and
 - (iii) the name and address of the person to whom he or she sells, distributes, supplies or otherwise deals in, each of those weapons; and
 - (iv) the date of each transaction; and
- (j) the exempt person permits members of South Australia Police at any reasonable time to enter his or her premises or a vehicle in which prohibited weapons are carried to inspect the premises or vehicle, the weapons on the premises or in the vehicle or records kept by the exempt person under paragraph (i); and
- (k) the exempt person notifies the Commissioner of Police in writing of a change in any of the information referred to in paragraph (c) within seven days after the change occurs.

15—Possession by manufacturer etc on behalf of collector or exempted body

A person who is exempt from the offence of possession of prohibited weapons under clause 14 is exempt from the offence under section 15(1c)(b) of the Act of the possession of a prohibited weapon that is owned by a collector or an exempted body referred to in clause 10 if—

- (a) the collector is exempt from the offence of possession of that weapon under clause 8 or the exempted body is exempt from the offence of possession of that weapon under clause 10; and
- (b) the person has possession of the weapon only for the purpose of repairing or restoring the weapon or valuing it on behalf of the collector or exempted body; and
- (c) the person keeps the weapon in a safe and secure manner.

16—Kirpaans

- (1) A member of the Sikh religion is exempt from the offences of possession and use of a knife under section 15(1c)(b) of the Act to the extent that the member possesses, wears or carries the knife for the purpose of complying with the requirements of the Sikh religion.
- (2) In this clause—
knife does not include a butterfly knife, flick knife, push knife or trench knife within the meaning of Schedule 2.

Legislative history

Notes

- Please note—References in the legislation to other legislation or instruments or to titles of bodies or offices are not automatically updated as part of the program for the revision and publication of legislation and therefore may be obsolete.
- Earlier versions of these regulations (historical versions) are listed at the end of the legislative history.
- 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.

Legislation revoked by principal regulations

The *Summary Offences (Dangerous Articles and Prohibited Weapons) Regulations 2000* revoked the following:

Summary Offences (Dangerous Articles) Regulations 1988

Principal regulations and variations

New entries appear in bold.

Year	No	Reference	Commencement
2000	269	<i>Gazette 23.11.2000 p3329</i>	17.12.2000: r 2
2001	93	<i>Gazette 31.5.2001 p2047</i>	1.7.2001: r 2
2002	118	<i>Gazette 20.6.2002 p2662</i>	1.7.2002: r 2
2003	60	<i>Gazette 29.5.2003 p2165</i>	1.7.2003: r 2
2004	41	<i>Gazette 27.5.2004 p1421</i>	1.7.2004: r 2
2005	101	<i>Gazette 26.5.2005 p1537</i>	1.7.2005: r 2
2006	19	<i>Gazette 2.2.2006 p428</i>	2.2.2006 except r 4—2.6.2006: r 2
2006	150	<i>Gazette 15.6.2006 p1911</i>	1.7.2006: r 2
2007	78	<i>Gazette 7.6.2007 p2339</i>	1.7.2007: r 2
2008	132	<i>Gazette 5.6.2008 p2129</i>	1.7.2008: 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
Pt 1		
<i>rr 2 and 3</i>	<i>omitted under the Legislation Revision and Publication Act 2002</i>	<i>1.7.2004</i>
Pt 4		
r 8		
r 8(1)	varied by 93/2001 r 3	1.7.2001

	varied by 118/2002 r 3	1.7.2002
	varied by 60/2003 r 4	1.7.2003
	varied by 41/2004 r 4	1.7.2004
	varied by 101/2005 r 4	1.7.2005
	varied by 150/2006 r 4	1.7.2006
	varied by 78/2007 r 4	1.7.2007
	varied by 132/2008 r 4	1.7.2008
Sch 1		
cl 4A	inserted by 19/2006 r 4	2.6.2006
Sch 3		
cl 16	inserted by 19/2006 r 5	2.2.2006

Historical versions

1.7.2004
1.7.2005
2.2.2006
2.6.2006
1.7.2006
1.7.2007