

# NSW Legislation relevant to Teaching Martial Arts Weapons

*NOTE: The following material is intended for information purposes only and does not constitute legal advice.*

## **WEAPONS PROHIBITION ACT 1998 (extracts only)**

### **8. Permit categories and authority conferred by permit**

(1) The categories of permits and the authority they confer are as follows:

#### **General permit**

Authorises the holder of the permit to possess or use a prohibited weapon of the kind specified in the permit, but only for the purpose established by the holder as being the genuine reason for possessing or using the prohibited weapon.

### **10. Issuing of a Permit**

(3) A permit must not be issued to a person who:

- (a) has, within the period of 10 years before the application for the permit was made, been convicted in New South Wales or elsewhere of an offence prescribed by the regulations, whether or not the offence is an offence under New South Wales law, or
  - (b) is subject to an apprehended violence order or who has, at any time within 10 years before the application for the permit was made, been subject to such an order (other than an order that has been revoked), or
  - (c) is subject to a recognisance, granted in New South Wales or elsewhere, to keep the peace, or
  - (d) is subject to a weapons prohibition order.
- (4) The Commissioner may refuse to issue a permit if the Commissioner considers that the issue of the permit would be contrary to the public interest.
- (5) The regulations may provide other mandatory or discretionary grounds for refusing the issue of a permit.
- (6) Subsection (3) extends to offences that have been committed, or to apprehended violence orders that have been made, or to recognisances that have been granted, before the commencement of this section.

### **11 Genuine reason**

- (1) The Commissioner must not issue a permit authorising the possession or use of a prohibited weapon unless the applicant has, in the opinion of the Commissioner, a genuine reason for possessing or using the weapon.
- (2) Without limiting the reasons that the Commissioner may be satisfied are genuine reasons, the Commissioner may determine that an applicant has a genuine reason for possessing or using a prohibited weapon if the applicant:
  - (a) states that he or she intends to possess or use the weapon:
    - (i) for any one or more of the reasons set out in the Table to this subsection, or
    - (ii) for any other reason prescribed by the regulations, and
  - (b) is able to produce evidence to the Commissioner that he or she satisfies the requirements (if any) specified in respect of any such reason.

**Table (extract)**

*Reason: recreational/sporting purposes*

The applicant must demonstrate that the recreational or sporting activity concerned requires the possession or use of the prohibited weapon for which the permit is sought.

**WEAPONS PROHIBITION REGULATION 1999 (extracts only)**

*NOTE: A Prohibited Weapons Instructor permit falls under the General Permit category referred to under section 8 of the WEAPONS PROHIBITION ACT 1998.*

**14 Prohibited weapons instructor permit**

- (1) The Commissioner may, on application by a person, issue a prohibited weapons instructor permit that authorises the person to possess and use a prohibited weapon to which the permit relates for the purposes of instructing, training or competing in a sport or recreation specified in the permit.
- (2) The authority conferred by a prohibited weapons instructor permit also authorises those persons receiving instruction from the permit holder to possess and use a prohibited weapon to which the permit relates for the purposes of receiving instruction or competing in the sport or recreation, but only while under the direct supervision of the permit holder.
- (3) The Commissioner must not issue a prohibited weapons instructor permit unless:
  - (a) the applicant produces evidence from an approved sporting organisation that verifies, to the Commissioner's satisfaction, that the applicant's ranking in the sport or recreation concerned qualifies the applicant to instruct in that sport or recreation, and
  - (b) the Commissioner is satisfied that:
    - (i) the applicant:
      - (A) is an accredited instructor in the sport or recreation under the Australian Coaching Council's National Coaching Accreditation Scheme or under the instructor's accreditation scheme of the Australian Martial Arts Industry Association, or
      - (B) is a registered training provider under the Vocational Education and Training Accreditation Act 1990 who conducts a prohibited weapons training course that is accredited under that Act, and
    - (ii) it is necessary in the conduct of the applicant's business or employment as such an instructor that he or she possess or use the prohibited weapon for which the permit is sought.
- (4) An application for a prohibited weapons instructor permit must nominate the premises at which the instruction is to occur.

## Schedule 1 Prohibited weapons

Section 4 (1)

### 1 Knives

- (1) A **flick knife** (or other similar device) that has a blade which opens automatically by gravity or centrifugal force or by any pressure applied to a button, spring or device in or attached to the handle of the knife.
- (2) A **ballistic knife** that propels a knife-like blade of any material by any means other than an explosive.
- (3) A **sheath knife** that has a sheath which withdraws into its handle by gravity or centrifugal force or if pressure is applied to a button, spring or device attached to or forming part of the sheath, handle or blade of the knife.
- (4) An **Urban Skinner push dagger** or any other device that consists of a single-edged or multi-edged blade or spike that has a handle fitted transversely to the blade or spike and allows the blade or spike to be supported by the palm of the hand so that stabbing blows or slashes can be inflicted by a punching or pushing action.
- (5) A **trench knife** or any other device that consists of a single-edged or multi-edged blade or spike that is fitted with a handle made of any hard substance that can be fitted over the knuckles of the hand of the user to protect the knuckles and increase the effect of a punch or blow, or that is adapted for such use.
- (6) A **butterfly knife** or "balisong" or any other device that consists of a single-edged or multi-edged blade or spike that fits within 2 handles attached to the blade or spike by transverse pivot pins and is capable of being opened by gravity or centrifugal force.
- (7) A **star knife** or any other device that consists of a number of angular points, blades or spikes disposed outwardly about a central axis point and that are designed to spin around the central axis point in flight when thrown at a target.

### 2 Miscellaneous weapons

- (1) Any **bomb, grenade, rocket, missile or mine** (or other similar device, such as a tear-gas canister) that is in the nature of (or that expels or contains) an explosive, incendiary, irritant or gas, and whether or not it is "live" or has been deactivated. A "live" rocket must have a propellant charge of more than 100 grams, and a "live" missile must have an explosive or incendiary charge of more than 7 grams, for it to be a prohibited weapon.
- (2) A **flame thrower** that is of military design, or any other device that is capable of projecting ignited incendiary fuel.
- (3) Any device that is designed to propel or launch a bomb, grenade, rocket or missile by any means other than by means of an explosive, including a device known as a PVC cannon.
- (4) A **spear gun** having an overall length (being the length of the spear gun when it is not loaded with a spear) of less than 45 centimetres.
- (5) A **crossbow** (or any similar device) consisting of a bow fitted transversely on a stock that has a groove or barrel designed to direct an arrow or bolt.
- (6) A **slingshot** (being a device consisting of an elasticised band secured to the forks of a "Y" shaped frame), other than a home-made slingshot for use by a child in the course of play.

- (7) A **Saunders "Falcon" Hunting Sling**, or any other device in the nature of a hunting sling, catapult or slingshot that is designed for use with, or a component part of which is, a brace that:
  - (a) fits or rests on the forearm or on another part of the body of the user, and
  - (b) supports the wrist against the tension of elastic material used to propel a projectile.
- (8) A **blow-gun** or **blow-pipe** that is capable of projecting a dart, or any other device that consists of a pipe or tube through which missiles in the form of a dart are capable of being projected by the exhaled breath of the user or by any other means other than an explosive.
- (9) Any **dart** capable of being projected from a blow-gun or blow-pipe.
- (10) A **Farallon Shark Dart**, or any other similar device that is designed to expel, on contact, any gas or other substance capable of causing bodily harm and which is reasonably capable of being carried concealed about the person.
- (11) A **dart projector** known as the Darchery dartslinger, or any other similar device that is designed to project a dart by means of an elasticised band.
- (12) A **mace** or any other similar article that consists of a club or staff fitted with a flanged or spiked head, other than a ceremonial mace made for and used solely as a symbol of authority on ceremonial occasions.
- (13) A **flail** or any other similar article that consists of a staff or handle that has fitted to one end, by any means, a freely swinging striking part that is armed with spikes or studded with any protruding matter.
- (14) A **whip** that has a lash which is comprised wholly or partly of any form of metal.
- (15) A whip known as a **cat-o'-nine-tails**, or any other whip that consists of a handle to which there is attached any number of knotted lashes.
- (16) **Kung fu sticks** or "nunchaku", or any other similar article consisting of 2 or more sticks or bars made of any material that are joined together by any means that allows the sticks or bars to swing independently of each other.
- (17) A **side-handled baton** or any other similar article consisting of a baton, staff or rod that is made of any hard substance and has fitted to one side a handle, whether or not that handle is permanently fixed.
- (17A) An **extendable or telescopic baton**.
- (18) Any hand-held defence or anti-personnel device that is designed to administer an electric shock on contact, such as the **Taser Self-Defence Weapon** or an electrified brief-case, but not including any such hand-held device that may lawfully be used on an animal in accordance with the *Prevention of Cruelty to Animals Act 1979*.
- (19) **Knuckle-dusters** or any other similar article that is made of any hard substance and that can be fitted over the knuckles of the hand of the user to protect the knuckles and increase the effect of a punch or other blow or that is adapted for use as such.
- (20) A **sap glove**, or any other similar article, that consists of a glove (including a fingerless glove) that has a layer of powdered lead sewn under the outer covering and positioned over the knuckle area on the back of the glove.
- (21) A **studded glove**, or any other similar article, that consists of a glove (including a fingerless glove) that has a number of raised studs or spikes made of a hard substance and positioned over the back of the glove to increase the effect of a punch or blow.

- (22) Any device designed or intended as a **defence or anti-personnel spray** and that is capable of discharging by any means any irritant matter comprising or containing any one or more of the following substances in liquid, powder, gas or chemical form:
  - (a) chloroacetophenone, known as CN,
  - (b) orthochlorobenzalmalonitrile, known as CS,
  - (c) dypenylaminechloroarsone, known as DM or Adamsite,
  - (d) oleoresin capsicum, known as OC.
- (23) Any device (not being a device referred to in subclause (22)) designed as a defence or anti-personnel spray and that is capable of discharging any irritant matter.
- (24) Any **acoustic or light-emitting anti-personnel device** that is designed to cause permanent or temporary incapacity or to otherwise disorientate persons.

### 3 Replicas, imitations, concealed blades etc

- (1) Any imitation or replica of a **bomb, grenade, rocket, missile or mine** (or similar device), unless it is of an approved type.
- (2) Any imitation or replica of a **firearm** in respect of which a licence or permit is required under the *Firearms Act 1996* (including any imitation or replica pistol, blank fire pistol, shortened firearm, machine gun or sub-machine gun), unless it is of an approved type.
- (3) A **walking stick or cane** that contains a sword or any other single-edged or multi-edged blade or spike of any length or of any material.
- (4) A **riding crop** that contains a knife, stiletto or any other single-edged or multi-edged blade or spike of any length or of any material.
- (5) A **Bowen Knife Belt** or any other similar article consisting of a belt or belt buckle that conceals or disguises within the article a knife or a single-edged or multi-edged blade or spike of any length or of any material.
- (6) Any article or device that:
  - (a) due to its appearance is capable of being mistaken for something else that is not a weapon, and
  - (b) disguises and conceals within it a single-edged or multi-edged blade or spike of any length or of any material.

### 4 Miscellaneous articles

- (1) **Body armour vests** (or any other similar article) designed for anti-ballistic purposes and to be worn on any part of the body (other than helmets or anti-ballistic articles used for eye or hearing protection).
- (2) **Handcuffs** (other than antique handcuffs, or children's toy handcuffs, that are of an approved type).
- (3) **Silencers** or any other device designed for attachment to a firearm for the purpose of muffling, reducing or stopping the noise created by firing the firearm.
- (4) A **firearm magazine**, being:
  - (a) a rimfire magazine with a capacity of more than 15 rounds, or
  - (b) a centre-fire self-loading rifle magazine with a capacity of more than 5 rounds, or
  - (c) a shotgun magazine with a capacity of more than 5 rounds, or
  - (d) a shotgun tubular magazine extension that is capable of extending the capacity of a shotgun magazine to more than 5 rounds.