

The Shopfront

YOUTH LEGAL CENTRE

Weapons and Implements

1 Firearms

It is an offence to use or possess a **firearm** without a licence or permit (*Firearms Act section 7*).

A firearm is in your "possession" if it is in your care, control or management, or if it is in or on any premises (which may include a car) owned, leased or occupied by you.

Max penalty: 14 years imprisonment for a prohibited firearm; 5 years in any other case.

There are also offences relating to selling firearms, storing them in an unsafe manner, carrying them in public places, etc. These all attract serious penalties.

2 Prohibited weapons

It is an offence to possess or use a **prohibited weapon** without a licence or permit. (*Weapons Prohibition Act section 7*).

Prohibited weapons include replica firearms (including some that most people would regard as toys), spear guns, certain kinds of knives (e.g. flick knives and butterfly knives), and other items such as lasers, chemical defence sprays, nunchakus, crossbows, slingshots, whips and knuckle-dusters.

Max penalty: 14 years imprisonment.

3 Knives

It is an offence to **carry a knife or blade in a school or public place**, without a reasonable excuse (*Summary Offences Act section 11C*).

This can include a blade such as scissors or a razor blade. A reasonable excuse may include carrying a knife for purposes such as work, lawful recreation (eg fishing), preparation of food, or genuine religious purposes. Self-defence is not a reasonable excuse for carrying a knife.

Max penalty: \$2,200 fine and/or 2 years imprisonment.

Wielding a knife in a public place or school, in a way that is likely to cause people to fear for their safety (*Summary Offences Act section 11E*)

Max penalty: \$5,500 fine and/or 2 years imprisonment

Parents who allow children to carry knives can be convicted of an offence even if the child is not prosecuted (*Summary Offences Act section 11D*).

Max penalty: \$550 fine

It is an offence to **sell knives to children under 16 years of age** unless the seller believes on reasonable grounds that the child is 16 or over (*Summary Offences Act section 11F*).

Max penalty: \$5,500 fine

4 Offensive implements

A person must not, without reasonable excuse, have in his or her custody an **offensive implement in a school or public place** (*Summary Offences Act section 11B*).

An offensive implement is anything made or adapted for causing injury to a person, or intended to be used to menace a person or damage property.

Max penalty: \$5,500 fine or 2 years imprisonment.

5 Car-breaking or house-breaking implements

It is an offence to be in possession of any implement capable of house-breaking or safe-breaking, or being used to enter and/or drive a conveyance (eg a car or boat), without lawful excuse (*Crimes Act section 114(1)(b)*).

Max penalty: 7 years imprisonment (or, if you have been previously convicted of any indictable offence, 10 years imprisonment).

Note: the penalties listed here are all maximum penalties, which are rarely imposed. The court may also impose other penalties such as a good behaviour bond or a community service order. Some offences (e.g. possession of knives) can be dealt with by penalty notice (on-the-spot fine).

The Shopfront Youth Legal Centre Updated September 2010

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The Shopfront Youth Legal Centre is a service provided by Herbert Smith Freehills in association with Mission Australia and The Salvation Army.

This document was last updated in September 2010 and to the best of our knowledge is an accurate summary of the law in New South Wales at that time.

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