



# Prohibited Weapons Exemptions

## Security Agents (Clause 19)

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[Schedule 2 of the Summary Offences Act 1953](#) determines the exemptions relating to possession and use of prohibited weapons.

### **Prescribed Weapons – Security Agents (Clause 19)**

This clause only relates to exemptions for extendable batons provided –

- the baton can only be extended by means of gravity or centrifugal force

This is prescribed in the [Summary Offences Regulations 2016](#).

A person is exempt the possession and use of an extendable baton provided –

- the person is
  - is a licensed under the Security and Investigation Industry Act 1995 to carry on the business of protecting or guarding property as a security agent

AND

- the holder of a firearms licence (Category 6) authorizing the possession and use of a handgun in the course of carrying on the business of guarding property
- the weapon is kept in a safe and secure manner at the person's business premises when not in use

AND

- the weapon is marked with an identification number and the name of the person in such a manner that it will not wear off with normal use
- the weapon is not issued to another person unless the other person is -
  - an employee in the business

AND

- an exempt person

AND

- the person keeps a legible record at their business premise for a period of at least 5 years and that the records are accessible to police detailing -
  - the make, model and identification number of the weapon
  - when the weapon is issued and returned by employees
    - the date and time of every issue
    - the identification number of the weapon
    - the identity of the employee
    - the date and time of the return
  - when an employee issued the weapons uses the weapon (as opposed to carriage)



- the date or dates of use
    - the reason for the use
  - the person permits a police officer at any reasonable time to enter their business premise to inspect the weapon, how it is kept and the records as detailed above
  - in the case of a person (not a business)
    - the person has completed a course of instruction approved by the Commissioner in the proper use of such weapons and has been awarded a certificate of competency by the person conducting the course
- AND
- The person does not carry the weapon while engaged in crowd control

A person is exempt the possession and use of an extendable baton provided –

- the person is -
    - employed to protect or guard property by a person who carries on the business of protecting or guarding property
- AND
- authorised by licence granted under the Security and Investigation Industry Act 1995 to protect or guard property as a security agent
- AND
- the holder of a firearms licence (Category 6) authorizing the possession and use of a handgun in the course of carrying on the business of guarding property
- AND
- reasonably requires the possession of the weapon for the purposes of carrying out the duties of their employment
- AND
- has completed a course approved by the Commissioner of Police in the proper use of such weapons and has been awarded a certificate of competency by the person conducting the course
- AND
- has not been found guilty of an offence involving the illegal possession or use of such a weapon, firearm or any other weapon
- AND
- does not carry the weapon while engaged in crowd control
- AND
- as soon as reasonably practicable after using the weapon in the course of their duties, provides their employer with a written report setting out the date on which, and the circumstances in which, they used the weapon.

If this or any other exemption does not apply to your possession and use of a prohibited weapon, consider surrendering the weapon to a police officer.

#### **Delivery to Police (Clause 4)**

A person may possess a prohibited weapon if the person is delivering the weapons, as soon as reasonably practical, to a police officer.



If you unlawfully have a prohibited weapon, utilise the clause 4 exemption to deliver the weapon to a police officer.

Compensation is not offered for weapons surrendered through clause 4.

Note – the clause 4 exemption is not available to a person who ceased to be exempt in accordance with previous legislation (reg 7(4) Summary Offences (Dangerous Articles and Prohibited Weapons) Regulations 2000.

