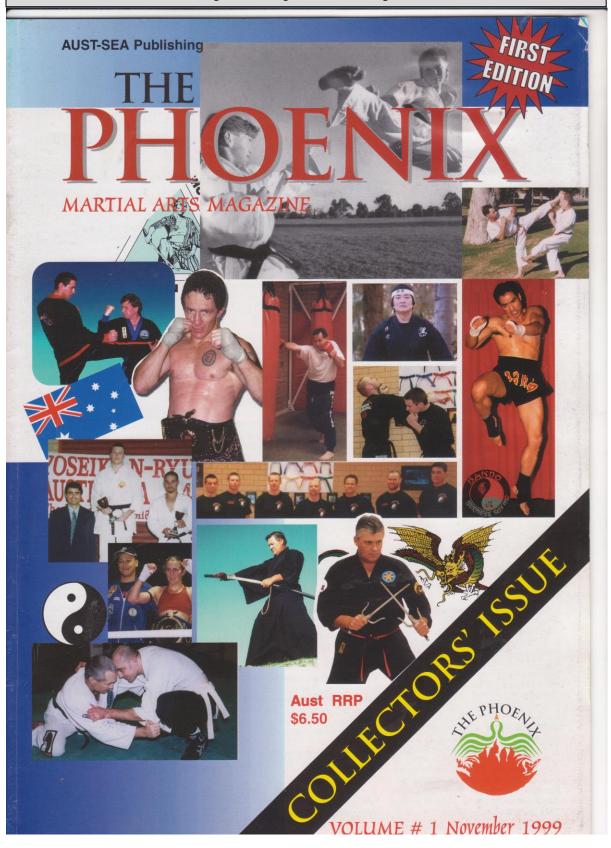
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presents a feature article from Phoenix martial arts magazine Issue No 1 (November 1999):

Gary Simpson, Kyoshi



Editorial

OUR SPECIAL GUEST EDITOR FOR PHOENIX MARTIAL ARTS MAGAZINE

is GARY SIMPSON

I am very pleased to have been asked to write the first editorial for this inaugural edition of **THE PHOENIX**.

This magazine is dedicated to all martial artists. It is hoped that future editions will feature the thoughts and ideas of some of our State's very finest martial arts exponents. From long observation, we certainly do have a wealth of talent in Western Australia. I am constantly surprised at the level of knowledge and expertise of WA's martial arts practitioners and the myriad of disciplines they represent - everything from traditional karate to the present popularity of kickboxing to esoteric forms of kung fu and dozens of others.

It is apparent that we have quite a number of very high ranking exponents including Mr Branco Bratich of Yoseikan Budo whose school is featured in this magazine. Another example is Mr Jan de Jong of Ju Jutsu Kan. Mr de Jong was one of my very first instructors from some thirty years ago. He is now ranked at ninth dan in ju-jutsu and holds many other ranks in different arts. Mr de Jong is revered throughout the world for his knowledge and dedication. I am hoping that in the not too distant future Mr de Jong will grant us an interview and share some of this thoughts.

But now let me examine some of the articles that we have in our very first edition.

I have written the lead article about Western Australia's new weapons legislation and its significance to martial arts practitioners who use traditional martial arts weapons in the pursuit of their art. If you are one of those people who train with these weapons then you should make it your business to understand the requirements of these new laws. It could be expensive for you if you don't, not to mention embarrassing. But enough of my article, who else is in this edition?

I have already mentioned Yoseikan Budo. Branco has provided us with a profile of one of his up and coming students, Mr Duncan Scott. It seems that Duncan will be one to watch out for in the future, particularly if karate is admitted to the 2004 or 2008 Olympic games.



Steve Stevenson from Progressive Martial Arts has written a very enlightening article on cross training specifically for the martial arts. Steve is quite a prolific writer on such matters and I am sure our readers will find his series of articles very interesting indeed.

In this issue Kevin Junior has listed the kickboxing tournament rankings, there is a feature article from Fillipino Sensei Surminda E. Panelo who specialises in Shotokan Karate and Grand Master Ramon Abilia Papellero who is one of the most qualified martial arts instructors in the Philippines. We also have a medical page, a report on the WA Martial Arts 1999 Hall of Fame from Ramon Lawrence, an article on Hapkido by Alan Henderson and lots of other interesting articles and information. All in all I think you will find this edition has something for everybody.

We sincerely hope that the magazine can be informative in an apolitical sort of way. We realise that not everybody agrees with the teaching methods of everybody else. It would be a very boring old world if that were the case. This magazine will not become a forum for any rivalry or mudslinging as other similar magazines have chosen to do in the past. We would like to hear from any organisations that have something positive or interesting to say. It is my sincere desire that any differences and rivalry between the different clubs and styles can be put aside for a common cause. The future of **THE PHOENIX** is in your hands.

Finally, my congratulations to Margaret Stewart, Aust Sea Publishing and Nazmie Mosaval, D6 Graphics for daring to get this project off the ground in co-ordinating, designing and printing a professional magazine for all martial artists.

I hope you enjoy our first issue and all our subsequent issues. *THE PHOENIX is rising!*

Gary Simpson - Guest Editor. November 1999

THE PHOENIX

Issue 1, November 1999

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ESTERN TRALIA'5 N WEAPON

by Gary Simpson

Chief Instructor

Zanshin Kai Karate Do and Kobudo

The often spoken about and much awaited "weapons control legislation" has finally arrived - in Western Australia, at least. But states of Australia can brace themselves because it won't be too long before all states and territories of Australia will embrace similar legislation.

In Western Australia it is simply called "Weapons Bill 1998".

I must admit when I first saw it I shuddered to think what the thirty or so pages contained. Was some quasi-legal Government boffin going to take away one of my most beloved recreational pursuits? As a martial artist of some thirty years standing was the Government going to prevent me from engaging in one of my passions ? You see I train not only in karate but also with ancient Okinawan and Japanese feudal weapons. Strange you might think? Well some people enjoy exploring caves, others parachute out of aeroplanes and others spend hours poring over stamp collections. To each his own,

quick flick through this document heightened my fear. I saw specific words such as naginata, manrikigusari, sai and jitte littered through out the pages. My immediate reaction, prior to proper examination, was: "Oh no. Here we go again" - yet another example of the "nanny state syndrome." Then I read the document properly. In fact, I read it from cover to cover three times.

There has obviously been a lot of thought put into the "Weapons Bill 1998." I could not imagine the team of legislators responsible it going through martial arts

nartial arts weapons actually mentioned and lescribed in the Bill.

Therefore, some person or persons with an extremely good knowledge of Fillipino, Okinawan, Japanese and Chinese weaponry nust have been co-opted to the team Perhaps it was this person or persons who empered the legislation to allow legitimate ractitioners and collectors like me to still have some lawful reason to possess and rain with these implements. I am grateful for that Too many items are totally banned because of the stupidity of a very small minority or the actions of the evil criminal element present in all societies from the dawn of time

So let's analyse this legislation to see what it really contains.

There are four parts to the Weapons Bill 1998 and it appears to have undergone numerous drafts - twelve at least that I could discern. So it's been through the mill.

Part One, titled "Preliminary" basically sets out the name of the Act, its commencement date (which incidentally is not stated other than to say that certain sections "come into operation on the day 6 months after the day fixed under subsection 1"), various terminologies and interpretations of what constitutes things such as "controlled weapons" and "prohibited weapons", the relationship of the Act to existing laws and the power of the Parliament.

Because there was no date on the Bill, I telephoned the Ministry of Police which is the ministry responsible for its introduction. I spoke to a gentleman who identified himself as a Policy Advisor. He stated that the Bill would be proclaimed on 1 September 1999 and would be enforced six months thereafter, namely 1 March 2000.

From the point of view of the martial arts and how this legislation will affect legitimate martial arts practitioners, which is what this article is primarily about, it is probably pertinent at this point to give the definitions within this Act of the terms "controlled weapons" and "prohibited weapons."

The Act states that a "controlled weapon" means (a) an article prescribed by regulations to be a controlled weapon; or

(b) any other article, not being a firearm or a prohibited weapon, made or modified to be used -

(i) to injure or disable a person (ii) to cause a person to fear that someone will be injured or disabled by (iii) for attack or defence in the practice of a martial sport, art or similar

The Act states that a "prohibited weapon" means "an article prescribed by regulations to be a prohibited weapon."

discipline.

Going back to the definition of "controlled weapon", there is a list of what has been deemed as examples of these. In the Act they have been categorised under twenty one different headings. For simplicity I have summarised these. They are:

- 1 Baton flail the martial arts weapon a nunchaku is specifically listed 2 - Bow - this includes all forms of bows and
- Crossbow any device able to elastically discharge a missile from a grooved handle.

 4 - Dagger - flat blades, needle blades and
- 5 Double end knife chinese based martial
- arts knives are specified. - Fixed baton - the martial arts weapon
- alled the tonfa is noted. - Halberd - sticks or poles with blades or nd. The japanese naginata is mentioned 8 - Hand or foot claws - ninja climbing claws
- l Imitation firearm any copy of any rearm not capable of discharging a



weapons?
Why hav specificall secutor of what the secutor of an an approximately the secutor of a secutor o

10 - Metal whip - various specialised chinese kung fu whips are detailed.

11 - Pressure point weapon - surprisingly even the relatively innocuous kubotan is listed.

12 - Pronged weapon - sai and jitte martial arts weapons are mentioned.

13 - Sickle or scythe weapon - kama and kusarigama martial arts weapons are noted. 14 - Spear - the little known and even less used Japanese yari spear is specifically noted.

15 - Spear gun - of the underwater variety and other.

16 - Spray weapon (oleoresin capsicum) - anything able to discharge oleoresin capsicum.

17 - Studded weapon - any studded article such as a studded glove or belt.

18 - Sword - all swords but specifically butterfly swords, katanas, wakazashis and tantos

19 - Throwing blade or knife - specific mention is made of a ninja kyoketsu shoge. 20 - Throwing star - martial arts shuriken or shaken

21 - Weighted chain or cord weapon - kusari fundo, manrikigusari, suruchin are noted.

From my point of view there seems to be a great bias towards specifically listing even the most esoteric, exotic and in many instances extremely rare asian martial arts weapons.

Pardon me, but didn't ancient Greek and Roman gladiators also use specific Why haven't examples of these beer specifically noted in the schedule? Surely a secutor or a retiarius should also be listed. What about the British broadsword or

the French epee? Asian katanas, wakazashis, butterfly swords and tantos have been listed.

What makes Asian weapons more deadly than European counterparts? didn't see any African Zulu (spears assegais specifically listed either but am sure that there are many o them gracing the living room walls of avid collectors. Nor did I note tha any Aboriginal weapons were specified. Are boomerangs exempt? Surely they, too, are weapons yet there is no classification in the all-encompassing list for encompassing list for boomerangs. I mentioned this to the Policy Advisor who said something about most boomerangs these days being plastic toys. Well I've sure seen some pretty heavy looking wooder ones

Therefore, if you are a bash artist, use a boomerang to belt someone with. You wont get fined or jailed for using a prohibited or controlled weapon.

A quick check through Webster's New Collegiate Dictionary reveals a definition for the word "assegai" but not even a listing for "yari." I couldn't find "naginata" either. Does this mean that an assegai is a more common spear than a vari?

My point is this. Great effort has been made to list almost every Asian based martial arts weapon. Why?

The list of "prohibited weapons" is somewhat more limited in number but more general in scope. The legislators must have deemed these as extremely dangerous. Not many martial arts weapons have been completely banned but there are a few that have. Fortunately, they happen to be the insidious ones which have been more recently developed for modern society criminals. The listed prohibited weapons are as follows:

1 - Acoustic shock weapon - a device emitting a sound to injure or disable.

2 - Ballistic knife - an article able to discharge a knife.

3 - Blow pipe - an article used to discharge a missile using air from the mouth.

4 - Butterfly knife - a knife within a folded two piece handle - specifically the balisong. 5 - Catapult (with arm brace) - specifically

5 - Catapult (with arm brace) - specifically known as the "Saunders Falcon Hunting Sling."

6 - Commercially produced catapult - same as above but without the arm brace.

7 - Disguised knife or sword - the "Bowen" knife belt or sword in a cane or stick.

8 - Electric shock weapon - any article able to deliver an electric current.

9 - Electromagnetic weapon - any article able to emit electromagnetic radiation.

10 - Extendable baton - any baton able to be elongated.

11 - Flick knife or switchblade - any concealed blade able to be sprung into position.

12 - Knuckle dusters - any article worn on the knuckles to increase punching power.

13 - Knuckle knife - any blade protruding through knuckles - specifically the "Urban Pal".

14 - Pistol crossbow - a compact single handed crossbow.

15 - Spray weapon - any spray weapon discharging anything but oleoresin capsicum.

There are a number of weapons listed above which should have been banned long ago. I believe that anything that can be concealed to the point where a predator can gain the confidence of an intended victim and then spring a deadly weapon on them definitely needs to be outlawed. Devices such as electric shock weapons can emit extreme voltages and nullify the defensive capabilities of even the strongest men.

Flick knives and knuckledusters are what I term "gutless wonder" weapons. Anybody using most of the above mentioned devices in a deliberate violent, predatory act does so because they admit to themselves that they need such devices to gain an unfair advantage.

However, I am unconvinced that in these dangerous times the spray weapons carried by young women or the elderly can truly be construed as a breach of the law. If confronted by a violent 100 kg plus aggressor what can a young woman or an elderly person do to defend themself? Perhaps our legislators need to re-think this one. Do they really believe that a can of hairspray, which is not an oleoresin capsicum, carried in a young lady's handbag, is now a prohibited weapon? I think not. Then again I am not a lawyer.

I will now examine the second part of the legislation. Part two is concerned with offences. With regard to the first category of weapons - prohibited weapons - the legislation says, basically, that any person who brings or sends such a weapon into Western Australia, carries or possesses one, purchases, sells or supplies one or manufactures one or even attempts to do any of the above, commits an offence. The penalty is an \$8000 fine or two years imprisonment

Can supermarket chains now be fined for supplying a hair spray which can be carried in a handbag and used by a desperate woman fending off a rapist? After all, hairspray can be carried with the express intention of using it in a self defence situation. It is not a controlled spray weapon which contains oleoresin capsicum.



situation. It is not a controlled spray weapon which contains oleoresin capsicum. Technically hairspray can now be classified as a prohibited weapon if it is carried for the purpose of self defence. Prohibited weapons cannot be legally sold under Part 2, Section 6 of the Weapons Bill 1998. Are supermarkets culpable?

In this section there are a number of exclusions all of which are common sense. Things such as transporting a prohibited weapon to a police officer or police station seem reasonable on face value. However, what about the criminal lawyer who will argue that his rotten criminal client, who has a string of assault charges against his name, was "only taking the electric shock device (which,incidentally, he happened to find lying on the side of the road not more than five minutes before he was wrongfully apprehended) straight to the nearest police station." Don't tell me that stunt won't be aroued!

Other exclusions include manufacturing such devices for law enforcement. It seems ludicrous even to mention this but it's in the legislation.

So my point on the above is this - criminals are criminals because they operate outside the law. They won't give two hoots about possessing, manufacturing or selling any of the listed prohibited weapons. They are still using automatic firearms to commit crimes even though the Federal Government has banned all such weapons. They will certainly not mind one little bit about using either prohibited or controlled weapons. In fact, they will probably think this legislation is a bit of a giggle.

With regard to controlled weapons, and the legislators seem completely obsessed by martial arts weapons, the Act states as follows: "...a person who, without lawful excuse, carries or possesses a controlled weapon commits an offence." The penalty is a \$4,000 fine or one year in prison. (I think the Government should start building ten new prisons right now because the vast majority of people will not even be aware of the existence of this new legislation).

The legislation then goes on to talk about committing felonies with controlled weapons. I don't have any difficulty with this because anybody who needs to use such a weapon to overcome an unarmed person is another one of those gutless wonders I referred to earlier.

I assume that a lawful excuse would be for any legitimate martial artist to transport such weapons to his or her place of training, use them in the pursuit of their chosen sport and then transport them back to their place of residence. The Policy Advisor I spoke to agreed that this would constitute a lawful excuse.

But what happens if an over zealous police officer stops such a person on the way to or from their training hall, sees the weapons and confiscates them. I can hear it now. "Good evening sir. This is a random breath

testing stop. Have you consumed any alcohol tonight? Hey! What's all that in the back seat? Please step out of the vehicle sir. You're under arrest!" Great. Don't tell me that can't happen either. The Policy Advisor agreed.

There is also another part of the legislation which could cause a problem. It concerns the words "to fear that someone will be injured or disabled." What if one of the numerous people who stand outside our training hall (in the dark so they can see us but we can't see them) don't like the fact that we are training with these weapons, feel a bit intimidated by it all and call the police.

I personally have had to ask people to remove themselves from our training hall because they have been rude enough to enter uninvited, walk across the floor while weapons are being used, start asking stupid questions then become aggressive and insulting when ordered to leave.

For anybody under the delusion that they are able to carry a weapon for self protection let me dispel that myth right now. Section 7(3) of Part 2 of the Weapons Bill 1998 states this: "In this section a lawful excuse to carry or possess a controlled weapon does not include the excuse that the weapon is carried or possessed for defence."

I actually strongly agree with this. When individuals go deliberately armed in public, other individuals also feel the need to go armed in public. There have been numerous reports of one gang fighting another gang with weapons. Strangely enough, however, most of the weapons reportedly confiscated by police consist of baseball bats, machetes and star pickets.

It is unusual for martial arts weapons to be used in gang fights. I believe that this is because such weapons require skill to be used effectively. Most thugs have no skill.

If a samurai sword (katana) or nunchaku is confiscated it becomes big news. Most people cannot even pronounce the word nunchaku correctly yet they believe that it is a deadly weapon. That is probably because most people have seen a Bruce Lee movie. From my experience I have only ever seen a handful of people who have even the most rudimentary skill with a nunchaku. Most of the idiots I have seen attempting to swing one in a martial arts store "just to test it out" have been patently hopeless and are a greater danger to themselves than any intended target.

Section 8 of part 2 of the Act is rather interesting. It concerns articles which are neither a firearm, a prohibited weapon or a controlled weapon. I guess this is where the good old baseball bat fits in. Why the Act has not specified baseball bats and that other good old weapon used by every mongrel house breaker and car thief, the screwdriver, amazes me. These days they are the urban weapons of choice - especially the screwdriver - so useful, so versatile, so legal and so bloody deadly. Good one legislators. You missed it. You got nearly all the martial

arts weapons. Sorry. But you actually missed some of those too. If you wish you can contact me and I can add to your list of those really nasty martial arts weapons that you dislike so much.

My point is this. If I am caught with a naginata in my car, I am in deep trouble. Naginatas are now classified as controlled weapons. If I am caught with a screwdriver or a pocket knife on my person - no problem! Any decent criminal (well coached by any good old criminal lawyer) will tell any police officer that the screwdriver is used in his carpentry hobby and the knife is used to peel the oranges he eats every day. Both Jawful excuses. Grossly unbelievable but lawful and the Act only requires "lawful" as an excuse.

Just for any reader who does not know what a naginata is, I will explain. It is a Japanese halberd. It is approximately two to three metres in length and has a curved blade attached to one end. Originally it was a feudal battlefield weapon. Today it is used mainly by women in Japan who study the budo art of naginata-jutsu.

So you can easily imagine the disparity between a cumbersome, difficult to transport, impossible to conceal naginata and a highly portable, concealable and very dangerous screwdriver.

I have a naginata. It is part of my collection. The difference in the above scenario is this. If I were stupid enough to wield a naginata in a public place it might cause terror. I would be rightfully charged and either fined or imprisoned. Nobody would be injured but some people would feel threatened.

On the other hand, if a hooligan conceals a screwdriver and deliberately stabs somebody putting them in hospital with a punctured spleen, his lawyer can argue that his client either took the screwdriver from the victim, found it at the scene of the crime or used it because he felt frightened - all lies but all legal. The end result is that somebody is in a critical life-threatening condition in hospital. Can you see the difference? Being legal does not mean that justice has been served. In fact, often, it is quite the opposite.

I have a little example that I like to use to explain the difference between being legal and being right versus justice. It goes like this: A person in a motor vehicle enters a controlled intersection and proceeds with a green light. A stolen car comes speeding through a red light hitting the other car. The person lawfully proceeding with the green light is killed. The car thief breaking all the laws walks away unscathed (as they usually do). Who was in the right and who was wrong? Who is dead? Being legal and being right doesn't necessarily mean that you are rewarded by justice.

There are other sections in the legislation concerning the rights of business owners and the residents of dwellings. It also comes under Section 8. In summary, it would seem that a dweller or a business proprietor may



use a weapon when under duress - but there are conditions attached.

Because I am not a lawyer and I do not want to be mis-construed I am going to reproduce those sections verbatim. Here they are: "A person does not commit an offence under

A person does not commit an orience under sub-section (1) if the person carries or possesses the article at the person's dwelling for the purpose of using it in lawful defence at the dwelling in circumstances that the person has reasonable grounds to apprehend may arise."

My understanding of this, within the meaning of the words used, is that if you wake up in bed and find somebody has broken into your home and is about to do grievious bodily harm to you with a raised jemmy bar, then you can use whatever comes to hand. Maybe even one of those evil martial arts weapons.

Let's say just for argument sake that you just happen to have a Chinese Nine Ring Broadsword under your bed. You roll over, pull it out and whack the crook with it. That's legal. He retreats out through the front door he jemmied open earlier. You whack him again. Still legal. He runs across your front lawn and stands on the kerb to take a breather. You whack the crook again. That's literal!

Now I know my above scenario is quite ridiculous and I hope it gave you a laugh but can you see how technical this can get. I guess we are all getting tired of seeing the proliferation of home invasions and aggravated assaults committed during burglary. Maybe this is a little concession from our legislators.

Granny bashers beware, That defenceless little granny is now legally allowed to swing a nunchaku at you if you are robbing her in her own home. Maybe while she is distracting you grandpa might hog-tie you with a ninja kyoketsu shoge so granny can call the police to take you away.

With respect to businesses, the legislation says this:'

"A person who has immediate control of a business does not commit an offence under section 8(1) if the person carries or possesses the article at a part of the business premises -

(a) that is not in the view of the public; and (b) to which the public does not usually have access for the purpose of using it in lawful defence at the business premises in circumstances that the person has reasonable grounds to apprehend may arise."

This is another little concession for the hard working business owners who are continually targetted by drug-crazed lunatics brandishing all manner of weapons while demanding money and/or drugs. The biggest targets are delicatessens, pizza shops, chemists, fuel outlets or any businesses open after dark. Some poor souls have been

invaded dozens of times. Alarmingly, blood filled syringes are often used, but they haven't cracked even a single mention in the legislation. On the other hand the term "martial arts" has been used no less than twenty eight times.

The above quoted wording taken directly from the legislation is probably in response to all the business proprietors who are so sick and tired of being continually attacked. Many of them cannot sell their businesses. Who in their right mind would want to buy them? They have simply shut their shops and joined the lines of the dole queues. Now instead of being continually told that you can't fight back, you can simply pull your trusty Japanese yari spear out from behind the counter and wield it menacingly in the face of the syringe armed blood squirting assailants.

Sarcasm aside, this Act is an all encompassing one. There are even exemptions for museum workers, who in the course of their employment have the need to handle weapons as part of a collection.

The next part of the Act is Part 3. Part 3 concerns enforcement. This involves the legality of members of the Police Force to search and seize. Yes, it says Force not Service. In Western Australia we have had it hammered down our throats that we no longer have a Police Force. It is a Police Service. So I wonder if this little gaffe voids the entire search and seizure provisions of the Act. You see we no longer have anybody in the Police Force.

Part 3 is a rather wieldy section covering other matters besides searches with and without warrants. I don't really want to go too far into it because it is pretty routine and boring but there are bits and pieces in it concerning retention, forfeiture, disposal of forfeited weapons and the like.

Part 4 of the Act is termed Miscellaneous . It's all legal stuff concerning amendments to existing Acts like the Police Act 1892. (Yeah! believe it or not - that date is correct).

So there you have it. Australian) Weapons Act 1998. Overall I think an attempt has been made to protect people from lunatics unlawfully brandishing dangerous weapons. But will it stop them? think not. Like I said before, criminals will always be criminals. They will always access whatever weapon they can to commit their rotten crimes. They don't care whether they use a plain old screwdriver, an ice-pick or whatever. None of them would have the discipline required to learn how to use a martial arts weapon in the correct manner and that is what concerns me. The overal thrust of this piece of legislation has ar overwhelming negative emphasis on martia arts weapons

The very fact that the term "martial arts" has been used twenty eight times in the legislation is testament to this. Does it go hand in hand that martial artists or even non-martial artists are more prone to use martial arts weapons to commit crimes? No. In fact,

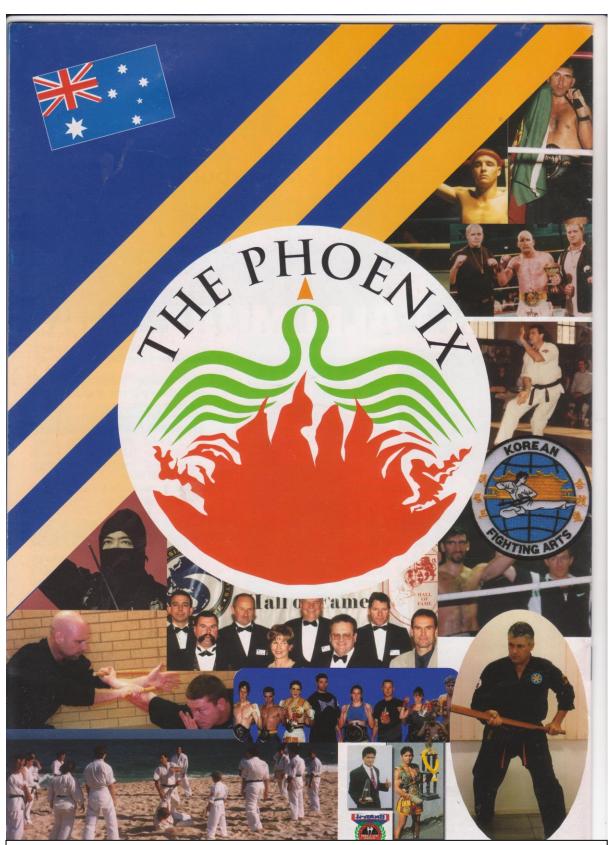
from my long experience I would say again just the opposite.

Most of the hundreds and hundreds of martial arts people that I know or have ever known would rather flee than fight. They are just people who have chosen a sport like any other sport. Are archers all maniacs who go around firing arrows at people? Are baseballers more prone to carrying baseball bats to seriously injure others in confrontations? Are all diabetics running around with blood filled syringes ready to squirt them at intended victims? No, no and not

Coming back to the Policy Advisor I spoke to, he did say: "...there is no desire to clamp down on the martial arts...it's just a term that's been used...maybe it's our fault that we relied on it so much..." But maybe this Act is just the tip of the iceberg. It certainly wouldn't take too much effort to transfer all the items listed under "controlled weapons" into the prohibited weapons" category - just a little amendment, in fact. All it would take is some nutter like the one at Port Arthur and we would have all the legislative boffins poring over these documents with a fine toothed comb.

It remains to be seen whether this legislation is used in the proper legal manner with which it was undoubtedly intended. Or will the very learned criminal defence lawyers twist it into another piece of tangled legislative licorice that does more to threaten innocent people than bring real evil-doers to proper justice? We will wait and see...





SOMA can provide training, tournaments, gradings (after a qualifying period and assessment) and a whole host of other benefits. For more information about how you or your martial arts organisation can join the **Society of Martial Arts** please contact admin@societyofmartialarts.com