

## ORDERS IN COUNCIL

### Control of Weapons Act 1990

#### GENERAL EXEMPTION UNDER SECTION 8B – IMITATION FIREARMS

##### Order in Council

The Governor in Council, under section 8B of the **Control of Weapons Act 1990**, exempts a person who is of a class of persons listed in Column 1 of the Table from section 5(1), 5(1AA), 5(1AB) and 5(1A) of the **Control of Weapons Act 1990** in relation to activities involving imitation firearms as listed in Column 2 of the Table, for the purposes listed in Column 3 of the Table.

TABLE

Item	Column 1 Class of Persons	Column 2 Activity	Column 3 Purposes
1	A museum or gallery registered through the Museum Accreditation Program of Museums Australia or a museum to which an exemption is issued under section 184 of the <b>Firearms Act 1996</b> .	Bring into Victoria, cause to be brought into or sent into Victoria, display or advertise for sale, sell, purchase, possess, use or carry an imitation firearm.	Keep and display an imitation firearm with an historical or cultural significance.
2	An adult member, volunteer for or employee of a theatre or opera company (including a school production) or film or television production company.	Bring into Victoria, cause to be brought into or sent into Victoria, display or advertise for sale, sell, purchase, possess, use or carry an imitation firearm.	(a) Rehearse for and stage a dramatic or musical performance open to the public; or (b) make a film or television production.
3	A member or volunteer aged under 18 years of a theatre or opera company (including a school production) or film or television production company.	Possess, use or carry an imitation firearm.	(a) Rehearse for and stage a dramatic or musical performance open to the public; or (b) make a film or television production.
4	The Returned and Services League of Australia (Victorian Branch) Inc. (RSL), a Sub-Branch of the RSL; an officer or member of such a Sub-Branch.	Bring into Victoria, cause to be brought into or sent into Victoria, display or advertise for sale, sell, purchase, possess, use or carry an imitation firearm.	(a) Display the imitation firearm; (b) participate in ceremonial activities; or (c) commemorate the actions of serving and former members of the armed forces of the Commonwealth of Australia and the Governments of other nations.
5	An adult member of a member group of the Australasian Living History Federation (ALHF), or an adult member of an Historical Re-enactment Organisation listed in Schedule 1.	Bring into Victoria, cause to be brought into or sent into Victoria, display or advertise for sale, sell, purchase, possess, use or carry an imitation firearm.	Study and participate in the re-enactment of historical events.

6	A member aged under 18 years of a member group of the Australasian Living History Federation (ALHF), or a member aged under 18 years of an Historical Re-enactment Organisation listed in Schedule 1.	Possess, use or carry an imitation firearm.	Study and participate in the re-enactment of historical events under the supervision of a person who is entitled to possess, use or carry imitation firearms.
7	An adult member of a Collectors' Organisation listed in Schedule 2.	Bring into Victoria, cause to be brought into or sent into Victoria, display or advertise for sale, sell, purchase, possess, use or carry an imitation firearm.	Study, collect and display imitation firearms with an historical or cultural significance.
8	A member aged under 18 years of a Collectors' Organisation listed in Schedule 2.	Possess, use or carry an imitation firearm.	Study, collect and display imitation firearms with an historical or cultural significance, under the supervision of a person who is entitled to possess, use or carry imitation firearms.
9	Any person who is the holder of a licence, permit, approval or other authority issued in another State or a Territory to possess, use or carry an imitation firearm.	Possess, use or carry an imitation firearm.	Participate in the re-enactment of historical events.
10	A member of Modern Pentathlon Australia, Modern Pentathlon – Victoria or the Victorian Institute of Sport who is involved in the sport of Modern Pentathlon.	Bring into Victoria, cause to be brought into or sent into Victoria, display or advertise for sale, sell, purchase, possess, use or carry an imitation firearm, being a shooting sport device commonly known as the 'Eko-Aims' device.	Train and compete in the sport of Modern Pentathlon.

**Conditions:**

A person seeking to rely on this Order is subject to the following conditions:

**General Conditions**

1. The imitation firearm may only be used for the purposes for which the exemption was granted.
2. When not being used in accordance with the purposes specified in this Order, imitation firearms must be stored safely and securely.

'Stored safely and securely' means:

- (a) stored in a manner calculated to ensure that the imitation firearm:
  - (i) is not readily accessible to a person other than the person seeking to rely on the exemption; and
  - (ii) is not available for possession, carriage or use by a person who is not themselves a holder of an approval issued by the Chief Commissioner of Police or who does not fall within another class of exempt persons; and

- (b) when being transported between the usual place of storage of the imitation firearm and places at which the imitation firearm is legitimately used for the purposes that are the subject of this exemption:
- (i) stored in a manner calculated to ensure that the imitation firearm is not readily accessible to a person other than the person seeking to rely on the exemption; and
  - (ii) concealed from plain sight during any such transportation.
3. A person seeking to rely on this exemption must, on request, permit a member of the police force to inspect his or her storage arrangements at any reasonable pre-arranged time.
  4. A person seeking to rely on this exemption must maintain a record of the number and types of imitation firearms in his or her possession and maintain a record of the sale of such items. These records must be kept for the duration of operation of the exemption. These records must be made available to a member of the police force for inspection at any reasonable pre-arranged time.
  5. A person under the age of 18 is not permitted to purchase any prohibited weapon, including an imitation firearm. However, he or she may lawfully possess, use or carry an imitation firearm if he or she is a member of a Historical Re-enactment Organisation listed in Schedule 1 or Collectors' Organisation listed in Schedule 2, or of a theatre company, opera company, film production company or film or television production company as specified in Column 1 of the Table.
  6. This Order does not apply to a person who is a prohibited person as defined in section 3 of the **Control of Weapons Act 1990**, regardless of whether that person is a member of a class or classes of persons specified in Column 1 of the Table.

**Additional conditions for Historical Re-enactment Organisations and Collectors' Organisations**

7. The following conditions only have effect in relation to members of exempt organisations who engage in activities involving imitation firearms as listed in Column 2 of the Table, for the purposes listed in Column 3 of the Table. They do not have effect in relation to members of exempt organisations who do not engage in such activities.
8. An exempt Historical Re-enactment Organisation listed in Schedule 1 to this Order or a Collectors' Organisation listed in Schedule 2 to this Order must inform the Department of Justice\* of a change in the contact details for the Office Bearers of the organisation, within 28 days of that change.
9. An adult person who joins an exempt Historical Re-enactment Organisation or Collectors' Organisation on or after the date this notice comes into effect, cannot purchase an imitation firearm for 28 days from the date upon which he or she joined the organisation, unless the person holds a Firearms Licence issued under Part 2 of the **Firearms Act 1996**, in which case the 28 day waiting period does not apply.  
The 28 day waiting period does not apply to a person who was a member of an exempt organisation prior to the date this Order comes into effect.
10. The Historical Re-enactment Organisation or Collectors' Organisation must be satisfied that each of its members is not a 'prohibited person' as defined in section 3 of the **Control of Weapons Act 1990**. This may require the organisation to arrange for each member to undergo a Criminal History Check or to provide a Statutory Declaration affirming that they are not a prohibited person. A member of an exempt organisation who holds a Firearms Licence issued under Part 2 of the **Firearms Act 1996**, an individual approval issued by the Chief Commissioner of Police under section 8C of the **Control of Weapons Act 1990** or a licence issued under Division 2 of Part 3 of the **Private Security Act 2004**, is not required to undergo a Criminal History Check or provide a Statutory Declaration.

11. The Historical Re-enactment Organisation or Collectors' Organisation must provide a membership number or other form of unique identifier to each member of the organisation. The organisation must maintain a current register of members containing the names of members and their membership numbers and/or unique identifiers. The organisation must, on request, permit a member of the police force to inspect the register at any reasonable pre-arranged time.
12. The Historical Re-enactment Organisation or Collectors' Organisation must require each of its members to provide it with the following details:
  - the member's contact details; and
  - the residential address at which the prohibited weapon is stored.Any changes to these details must be notified by the member to the organisation within 28 days.
13. The Historical Re-enactment Organisation or Collectors' Organisation must issue to each member a membership card showing the member's name and membership number/identifier and any other details required by the organisation. When carrying or transporting a prohibited weapon in accordance with the conditions of this Order, a member must at all times carry his or her membership card as well as evidence of identity that includes a photograph, such as a driver's licence or passport, subject to the following exceptions:
  - when the member is participating in a re-enactment of historical events, during the re-enactment the member is only required to carry his or her membership card;
  - when the member is aged under 18 years and is supervised by a person who is entitled to possess, use or carry imitation firearms, the member is only required to carry his or her membership card.
14. Upon joining an exempt Historical Re-enactment Organisation or Collectors' Organisation, a person must acknowledge and consent to follow the conditions outlined in this Order.
15. The Historical Re-enactment Organisation or Collector's Organisation must have an active branch operating in Australia.
16. The Historical Re-enactment Organisation or Collectors' Organisation must undertake to arrange a meeting of its members at least on an annual basis.
17. The Historical Re-enactment Organisation or Collectors' Organisation must not publish material, including on a website, which promulgates irresponsible, unlawful or unsafe use of a prohibited weapon.
18. The Historical Re-enactment Organisation or Collectors' Organisation must make available to its members information on the Governor in Council exemptions.
19. The Historical Re-enactment Organisation or Collectors' Organisation must notify DOJ when it has expelled a member from the organisation in accordance with the organisation's constitution or rules.

\*The Department of Justice contact details are as follows:

GPO Box 4356  
Melbourne Vic. 3001  
Tel: 03 8684 1036  
Fax: 03 8684 1044  
Email: JPenquiries@justice.vic.gov.au

**Period of application**

20. This Order comes into effect on 1 July 2011. The exemption will apply for a period of five years from that date.

Dated 28 June 2011

Responsible Minister

PETER RYAN

Minister for Police and Emergency Services

MATTHEW McBEATH  
Clerk of the Executive Council

**SCHEDULE 1****HISTORICAL RE-ENACTMENT ORGANISATIONS**

15th King's Light Dragoons (Hussars) 'C' Troop, Gippsland Inc.  
21eme Regiment de Ligne  
30eme Regiment de Ligne  
42nd Royal Highland Regiment 1815 (Australia) Inc.  
62nd New York State Volunteers (Anderson Zouaves)  
73rd Regiment of Foot  
95th (Rifle) Regiment of Foot  
95th Rifles (Australia) Inc.  
Australasian Living History Federation  
Ballarat Living History Society  
Captain Sandham's Company R.A.  
Colonial Re-Enactment Society Inc.  
Corangamite Light Horse Re-Enactment Troop  
Creswick Youth Alliance (Inc.) – Corangamite Light Horse Troop; Horsham RSL Light Horse Troop and Bairnsdale Light Horse Troop  
'D' Troop, 15th King's Light Dragoons (Hussars) – Melbourne Inc. (also known as 'D' Troop, 15th King's Light Dragoons (Hussars) – Victoria Inc.)  
Frontiers Living History Group Inc.  
Geelong Military Re-enactment Group  
Historical Re-enactment Society of Australia  
History Up Close  
Living History Australia  
Mansfield Colonial Re-Enactment Society  
Nelson's Navy  
Shenandoah Crew Australia  
The Australian Napoleonic Association  
The Blue and Grey Re-Enactors Inc.  
The Pike and Musket Society Inc.  
Victorian Colonial Infantry Association (Inc.) (Mt Alexander Rifles)  
Victorian Lighthorse Ceremonial Regiment  
Victoria Police Historical Society  
Victorian Re-enactment Society

**SCHEDULE 2****COLLECTORS' ORGANISATIONS**

Antique & Historical Arms Collectors Guild of Victoria  
Ararat Historical Arms Collectors Club  
Ballarat Arms and Militaria Collectors Society Inc.  
Golden City Collectors Association Inc. of Bendigo  
Northern Victorian Arms Collectors Guild  
Sporting Shooters Association of Australia Arms and Militaria Collectors Club  
Sporting Shooters Association of Australia Mildura Collector's Guild

**Control of Weapons Act 1990****EXEMPTION UNDER SECTION 8B — IMITATION FIREARMS**

## Order in Council

The Governor in Council, under section 8B of the **Control of Weapons Act 1990**, exempts the persons listed in Column 1 of the Table from section 5(1), 5(1AA), 5(1AB) and 5(1A) of the **Control of Weapons Act 1990** in relation to activities involving imitation firearms as listed in Column 2 of the Table, for the purpose listed in Column 3 of the Table.

**TABLE**

<b>Item</b>	<b>Column 1 Person</b>	<b>Column 2 Activity</b>	<b>Column 3 Purpose</b>
1.	A member of Victoria Police, a police recruit, a member of the police force of the Commonwealth or of any other State or Territory of the Commonwealth, or a member of a police force from another country.	Possess, use or carry an imitation firearm.	Undertake official duties, including training.
2.	A protective services officer appointed under the <b>Police Regulation Act 1958</b> .	Possess, use or carry an imitation firearm.	Undertake official duties, including training.
3.	A member of Victoria Police, an authorised employee of the Chief Commissioner of Victoria or any person acting under a contract with the Chief Commissioner.	Bring into Victoria, cause to be brought into or sent into Victoria, display or advertise for sale, sell, purchase or possess an imitation firearm.	Supply to police members or protective service officers for the purpose of undertaking official duties, including training.
4.	A person serving as a member of the naval, military or air forces of the Commonwealth of Australia.	Possess, use or carry an imitation firearm.	Participate in training or in ceremonial activities.
5.	Any member of a cadet corps established or recognised by or under any Commonwealth Act relating to defence.	Possess, use or carry an imitation firearm.	Participate in training or in ceremonial activities.
6.	A person serving as a member of, or employed by, the naval, military or air forces of the Commonwealth of Australia.	Bring into Victoria, cause to be brought into or sent into Victoria, display or advertise for sale, sell, purchase or possess an imitation firearm.	Supply to members of the navy, army, air force or a cadet corp for the purpose of participating in training or ceremonial activities.
7.	A member of staff of the Office of Police Integrity employed as an investigator.	Possess, use or carry an imitation firearm.	Participate in training.
8.	A member of staff of the Office of Police Integrity.	Bring into Victoria, cause to be brought into or sent into Victoria, purchase or possess an imitation firearm.	Supply to investigators of the Office of Police Integrity for the purpose of participating in training.

---

9.	A commercial carrier or worker in a warehouse	Bring into Victoria, cause to be brought into or sent into Victoria, display or advertise for sale, sell, possess or carry an imitation firearm	Transport, carry or store imitation firearms in the ordinary course of his or her professional duties as a carrier or worker in a warehouse.
----	---	---	--

**Conditions:**

It is a condition of this exemption that the person must not be a prohibited person under the **Control of Weapons Act 1990**.

**Period of application**

This Order comes into effect on 1 July 2011. The exemption will apply for a period of five years from that date.

Dated 28 June 2011

Responsible Minister

PETER RYAN

Minister for Police and Emergency Services

MATTHEW McBEATH  
Clerk of the Executive Council

---

**Control of Weapons Act 1990****EXEMPTION UNDER SECTION 8B – PRE-1900 IMITATION FIREARMS**

## Order in Council

The Governor in Council, under section 8B of the **Control of Weapons Act 1990**, exempts from the operation of section 5(1), 5(1AA), 5(1AB) and 5(1A) of the **Control of Weapons Act 1990**, the class of weapons set out in an item in Column 1 of the following Table, to the extent specified in Column 2 of that Table:

**TABLE**

<b>Column 1 Class of Weapon</b>	<b>Column 2 Extent of Exemption</b>
An imitation firearm that has the appearance of a firearm that was manufactured before 1900.	<p>The exemption applies if:</p> <p>a) the imitation firearm is an imitation of a pre-1900 longarm of the type which:</p> <ul style="list-style-type: none"> <li>• does not take cartridge ammunition; or</li> <li>• if it does take cartridge ammunition, the cartridge ammunition is not commercially available; or</li> </ul> <p>b) the imitation firearm is an imitation of a handgun of a type that does not use percussion, or methods developed during or after the development of percussion, as a means of ignition; or</p> <p>c) the imitation firearm is an imitation of a single shot antique handgun*.</p> <p>*'Antique handgun' has the same meaning as in section 3(1) of the <b>Firearms Act 1996</b>, being a handgun that was manufactured before 1 January 1900, uses percussion as a means of ignition and does not take commercially available cartridge ammunition.</p>

**Period of application:**

This Order comes into effect on 1 July 2011. The exemption will apply for a period of five years from that date.

Dated 28 June 2011

Responsible Minister

PETER RYAN

Minister for Police and Emergency Services

MATTHEW McBEATH  
Clerk of the Executive Council