

ORDERS IN COUNCIL

Control of Weapons Act 1990

GENERAL EXEMPTION — 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 sections 5(1), 5(1AA), 5(1AB), 5(1A) and 5AB(1) 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 person aged 18 years or over who is an employee, member or volunteer of a museum or gallery registered through the Museum Accreditation Program of Museums Australia (Victoria) or a museum to which an exemption is issued under section 184 of the Firearms Act 1996 .	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	A person aged 18 years or over who is an employee, member or volunteer 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 person aged under 18 years who is a member or volunteer 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; or (b) participate in ceremonial activities and commemorate the actions of serving and former members of the naval, military or air forces of the Commonwealth of Australia and the Governments of other nations.

Item	Column 1 Class of Persons	Column 2 Activity	Column 3 Purposes
5	A person aged 18 years or over who is a member of a member group of the Australasian Living History Federation (ALHF) or a 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 person aged under 18 years who is a member of a member group of the Australasian Living History Federation (ALHF) or a member 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	A person aged 18 years or over who is a 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 person aged under 18 years who is a member 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 parent or guardian of a person who is aged under 18 years and is a member of a member group of the Australasian Living History Federation (ALHF), an historical re-enactment organisation listed in Schedule 1 or a collectors' organisation listed in Schedule 2.	Purchase and possess an imitation firearm.	Purchase and safely store an imitation firearm on behalf of the person aged under 18 years to enable that person to participate in the re-enactment of historical events in accordance with Item 6 of this Table, or study, collect and display imitation firearms with an historical or cultural significance in accordance with Item 8 of this Table.

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, the imitation firearm 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 Victoria Police officer 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, including evidence of the purchaser's exemption or approval under the **Control of Weapons Act 1990** to purchase the imitation firearm. These records must be kept for the duration of the operation of the exemption. These records must be made available to a Victoria Police officer 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 an historical re-enactment organisation or collectors' organisation specified in this Order, or 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 historical re-enactment organisations or collectors' organisations specified in this Order who engage in activities involving imitation firearms as described in the Table in this Order. The conditions do not have any effect in relation to members of those organisations who do not engage in such activities.
8. An historical re-enactment organisation or collectors' organisation specified in this Order must inform the Department of Justice and Regulation* 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 a historical re-enactment organisation or collectors' organisation specified in this Order 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 the organisation prior to the date this Order comes into effect.

10. An historical re-enactment organisation or collectors' organisation specified in this Order 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 provide a Statutory Declaration affirming that they are not a prohibited person. A member of the organisation who holds a firearms licence issued under Part 2 of the **Firearms Act 1996**, an 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. An historical re-enactment organisation or collectors' organisation specified in this Order 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 Victoria Police officer to inspect the register at any reasonable pre-arranged time.
12. Each member of an historical re-enactment organisation or collectors' organisation specified in this Order must provide that organisation 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. An historical re-enactment organisation or collectors' organisation specified in this Order 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 historical re-enactment organisation or collectors' organisation specified in this Order, a person must acknowledge and consent to follow the conditions outlined in this Order.
15. An historical re-enactment organisation or collectors' organisation specified in this Order:
 - (a) must have an active branch operating in Australia;
 - (b) must undertake to arrange a meeting of its members at least on an annual basis;
 - (c) must not publish material, including on a website, which promulgates irresponsible, unlawful or unsafe use of a prohibited weapon;
 - (d) must make available to its members information on the Governor in Council exemptions; and
 - (e) must notify the Department of Justice and Regulation* when it has expelled a member from the organisation in accordance with the organisation's constitution or rules.

*The contact details for the Department of Justice and Regulation are as follows:

Weapons Regulation Officer
Police Policy and Governance Division
Department of Justice and Regulation
GPO Box 4356
Melbourne VIC 3001
Email: police.enquiries@justice.vic.gov.au

Revocation

The Governor in Council under section 8B of the **Control of Weapons Act 1990** revokes:

- (a) the Order in Council dated 28 June 2011 and published in Government Gazette G26 on 30 June 2011, which exempts certain classes of persons including members of specified re-enactment and collectors' groups from specified provisions of the **Control of Weapons Act 1990**, to enable them to carry out activities involving imitation firearms for the purposes specified in the Order; and
- (b) the Order in Council dated 29 November 2011 and published in Government Gazette G48 on 1 December 2011, which amended the Order in Council dated 28 June 2011 by adding to Schedules 1 and 2 to that Order four re-enactment and collectors' groups.

Commencement

This Order comes into effect on the date it is published in the Government Gazette.

Dated 28 June 2016

Responsible Minister:
LISA NEVILLE MP
Minister for Police

ANDREW ROBINSON
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
Commemorative History Society Australia
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
Living History Resource Group
Mansfield Colonial Re-Enactment Society
Military History Group Incorporated
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 Military Vehicle Corps
Victorian Re-enactment Society
Wartime Living History Association Inc.

SCHEDULE 2
COLLECTORS' ORGANISATIONS

Antique & Historical Arms Collectors Guild of Victoria
Ararat Historical Arms Collectors Club
Ballarat Arms and Militaria Collectors Society Inc.
Commemorative History Society Australia
Golden City Collectors Association Inc. of Bendigo
Living History Resource Group
Military History Group Incorporated
Northern Victorian Arms Collectors Guild
Sporting Shooters Association of Australia Arms and Militaria Collectors Club
Sporting Shooters Association of Australia Mildura Collector's Guild
Victorian Military Vehicle Corps
Wartime Living History Association Inc.

Control of Weapons Act 1990**WEAPONS EXEMPTION – 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 sections 5(1), 5(1AA), 5(1AB), 5(1A) and 5AB(1) of the **Control of Weapons Act 1990** the class of prohibited weapon set out in an item in Column 1 of the following Table, to the extent specified in Column 2 of that Table.

TABLE

Column 1 Class of Prohibited Weapon	Column 2 Extent of Exemption
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"> • does not take cartridge ammunition; or • if it does take cartridge ammunition, the cartridge ammunition is not commercially available; or <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>* ‘<i>Antique handgun</i>’ has the same meaning as in section 3(1) of the Firearms Act 1996, 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>

Revocation

The Governor in Council under section 8B of the **Control of Weapons Act 1990** revokes the Order in Council dated 28 June 2011 and published in Government Gazette G26 on 30 June 2011, which exempts from specified provisions of the **Control of Weapons Act 1990** a class of imitation firearms that have the appearance of firearms manufactured before 1900.

Commencement:

This Order comes into effect on the date it is published in the Government Gazette.

Dated 28 June 2016

Responsible Minister:
LISA NEVILLE MP
Minister for Police

ANDREW ROBINSON
Clerk of the Executive Council

