

## **Victorian Control of Weapons Act 2000 Policy (High Importance)**

The Victorian Control of Weapons Act 2000, and its related legislation, the Control of Weapons Regulations 2004 and the Firearms Act 1996, was enacted to control the presence of weapons in the hands of the public in Victoria that might represent a threat to community safety. The Department of Justice recognises, however, that certain historical and cultural groups have a legitimate reason to possess some of these prohibited weapons (swords, spears, axes, pole arms and other weapons deemed to form a part of legitimate re-enactment of medieval life and history), and is thus empowered, under the auspices of the Governor-in-Council, to grant exemptions to these groups for specific situations. The Society for Creative Anachronism is one such organisation. The exemption itself can be accessed from <http://www.scaa.org.au/stormhold/files/exemption.pdf>.

It is highly recommended that you print out a copy of the exemption, read it thoroughly and understand it, and carry a copy on you when you are in possession of your weapon.

The first thing that should be noted is that, if you are a prohibited person under the Act, then you are specifically excluded from any exemption. (note - clicking on the phrase "prohibited person" will take you to the definition as per the Firearms Act 1996).

You will note that there are conditions relating to the safe and secure storage of the weapons. These are covered by the Firearms Act 1996, Section 4 of Schedule 4. When transporting the weapons they must be kept in a secure container unable to be accessed readily by anyone other than the holder of the exemption. This means a sturdy wooden or a metal box with a lock. Travelling with the weapon in a bag is NOT sufficient under the exemption (in fact it could be considered a concealed weapon, which is another offence altogether). This applies to all members of the SCAA when travelling in Victoria, not just Victorian members.

The exemption ONLY applies for travel to and from an historical re-enactment event, the use of the weapon at such an event, and the storage of it at a residence or club establishment. If you are carrying the weapon for any other reason, you are not exempt.

Currently, the only acceptable form of identification that is satisfactory to prove your right to the exemption is a current financial membership card issued by the Registrar of the SCAA. You must carry your card with you whenever you have a weapon with you as it is the only way you will be able to prove exemption should you be stopped by the police. It is recommended that you also carry a copy of the Exemption and photo id. An event flyer if you are on the way to an event (or a print out of an email or webpage announcement of the event or meeting) could also be useful.

Finally, remember the moment you fail to meet any of the requirements, **YOU ARE NO LONGER EXEMPT**. Owning and carrying prohibited weapons is very much a privilege, and a privilege that is very easily removed. Your actions may also impact on the rest of the SCAA's ability to continue to enjoy exemption in Victoria.

If you are in any doubt at all about your ability to comply with all the requirements, do not own or carry a prohibited weapon. At best, if stopped, you will have the weapon confiscated and may face police investigation or prosecution. It's also possible that you will directly impact on the SCAA's exemption in Victoria.

If you have any doubts about what is presented here, consult the legislation yourself, or enquire with the relevant authorities. The advice presented here is not that of a professional lawyer, and is offered as a guideline for those wishing to ensure compliance with the relevant Acts. Each person is on their own cognizance with regard to this matter, and each individual must be happy that they can satisfy all the requirements as an individual. The SCAA has no responsibility for any member's adherence, or lack of adherence to, any of the conditions, requirements, statutes and guidelines with regard to this matter.

## Prohibited person -

“Prohibited Person” means—

- (a) a person who is serving a term of imprisonment for—
  - (i) an indictable offence; or
  - (ii) an assault; or
  - (iii) an offence under the Drugs, Poisons and Controlled Substances Act 1981 —  
or, in relation to a person—
  - (iv) not more than 15 years have expired since the person finished serving a term of imprisonment of 5 years or more for such an offence; or
  - (v) not more than 5 years have expired since the person finished serving a term of imprisonment of less than 5 years for such an offence; or
- (b) a person who is serving a term of imprisonment in another State or a Territory for an offence of a corresponding nature to an offence listed in paragraph (a) or in relation to a person—
  - (i) not more than 15 years have expired since the person finished serving a term of imprisonment in another State or a Territory of 5 years or more for such an offence; or
  - (ii) or not more than 5 years have expired since that person finished serving a term of imprisonment in another State or a Territory of less than 5 years for such an offence; or
  - (ba) a person—
    - (i) who is serving a term of imprisonment for an offence under section 321 or 321A of the Crimes Act 1958 ; or
    - (ii) in relation to whom, not more than 10 years have expired since the person finished serving a term of imprisonment for an offence specified in sub-paragraph (i); or
  - (bb) a person—
    - (i) who is serving a term of imprisonment in another State or a Territory of the Commonwealth for an offence of a corresponding nature to an offence specified in paragraph (ba)(i); or
    - (ii) in relation to whom, not more than 10 years have expired since the person finished serving a term of imprisonment in another State or a Territory of the Commonwealth for an offence specified in paragraph (ba)(i); or
- (c) a person who is subject to—
  - (i) an intervention order under section 4 of the Crimes (Family Violence) Act 1987 or an order of a corresponding nature made in another State or a Territory; or
  - (ii) a community based order which includes a condition referred to in section 38(1)(b) of the Sentencing Act 1991 ; or
  - (iii) a supervision order under section 26 of the Crimes (Mental Impairment and Unfitness to be Tried) Act 1997 —  
or, in relation to a person, not more than 5 years have expired since the person was subject to such an order; or
- (d) a person, in relation to whom, not more than 12 months have expired since that person was found guilty by a court, whether in Victoria or in another State or a Territory, of—
  - (i) an offence against this Act, in relation to which it was open to the court to impose a term of imprisonment; or
  - (ii) an offence against any other Act involving the possession or use of firearms and in relation to which it was open to the court to impose a term of imprisonment; or
  - (iii) an indictable offence—  
and who is not, by virtue of the operation of any other paragraph of this definition, a prohibited person; or
- (e) any person who is of a prescribed class of persons.

Adopted 12 February 2006.

## Links

Full act can be downloaded from here

<http://www.legislation.vic.gov.au/>

The excerpt from the gazette which registers us as a group under the Act

<http://www.sca.org.au/stormhold/files/GG2004G025.pdf>

A full database of prohibited weapons can be found here

<http://www.police.vic.gov.au/weaponsid/>

Below is a useful list of prohibited weapons put together by the Australian Kung-Fu Federation

[http://www.akwf.com/forms/Prohibited\\_weapons\\_law\\_and\\_list\\_VIC.pdf](http://www.akwf.com/forms/Prohibited_weapons_law_and_list_VIC.pdf)

Note Prohibited weapons include:

- A stick or rod of any material designed as a weapon to be applied to the pressure points of the human body,
- A mace or any other similar article capable of causing injury that consists of a club or staff fitted with a flanged or spiked head,

Media release in relation to swords

[http://www.dpc.vic.gov.au/domino/Web\\_Notes/newmedia.nsf/0/53facb21ce5501ecca256e51007dd9be](http://www.dpc.vic.gov.au/domino/Web_Notes/newmedia.nsf/0/53facb21ce5501ecca256e51007dd9be)