

CONTROL OF WEAPONS ACT 1990

EXEMPTION UNDER SECTION 8B TO POSSESS SWORDS FOR HISTORICAL RE-ENACTMENT

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) of the **Control of Weapons Act 1990**, in relation to swords, a person who is of a class of persons set out in an item in Column 1 of the following Table, to the extent specified opposite that item in Column 2 of the following Table:

TABLE

Column 1 Purpose	Column 2 Exemption
A member of an historical re-enactment organisation listed in Schedule 1.	Bringing a sword into Victoria, causing a sword to be brought or sent into Victoria, selling or purchasing a sword, displaying or advertising a sword for sale, possessing using or carrying a sword for the purposes of studying and participating in the re-enactment of historical events.

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

1. when not being used in accordance with the purpose specified in this Order, swords must be stored safely and securely; and
2. a person seeking to rely on this exemption must permit a member of the police force to inspect his or her storage arrangements at any reasonable time.

In this Order -

"Act" means the **Control of Weapons Act 1990**.

"stored safely and securely" means:

- (a) Stored in a manner calculated to ensure that the sword:
 - (i) is not readily accessible to a person other than the person seeking to rely on the exemption;
 - (ii) is not available for possession, carriage or use by a person who is not himself a holder of an approval issued by the Chief Commissioner of Police or who does not fall within another class of exempt persons;
- (b) when being transported between the usual place of storage of the sword and places at which the sword is legitimately used, the purpose of which is the subject of this exemption, stored in a manner calculated to ensure that the sword is not readily accessible

to a person other than the person seeking to rely on the exemption and that the sword is concealed from plain sight during any such transportation;

"participating" includes receiving instruction in, practising, training, teaching or competing.

For the purposes of this Order, a class or classes of persons specified in Column 1 of the Table set out above does not include any person who is a prohibited person as defined in the Act.

This Order comes into operation on 1 July 2004.

Dated:

Responsible Minister

ANDRÉ HAERMAYER
Minister for Police and Emergency Services

Clerk of the Executive Council

SCHEDULE 1

1066 The Mediaeval Society
21eme Regiment de Ligne
42nd Royal highland Regiment 1815 (Australia) Inc
59th Battalion Historical Group
62nd New York State Volunteers "Anderson Zouaves"
73rd Regiment of Foot
95th Rifles Inc. of Australia
Australian Historical Swordplay Federation
Australian Living History Foundation
Australian Napoleonic Association
Australian Primitive Rendezvous Association Inc.
"Bydland Forever" (Australian Detachment) - The Gordon Highlanders
Corangamite Light Horse Re-Enactment Troop
Europa Re-enactment Association
Fire and Steel Dark Age Re-Enactment Society
Fröjel Gotlandica Viking Re-enactment Society
Guardians of Time, Society of Cultural Lore
Historical Re-enactment Society of Australia
Knight Hostitaller
La Trobe University Historical Re-enactment Society
Living History Australia
Macquarie University Dark Ages Society
Mansfield Colonial Re-enactment Society Incorporated
Mount Alexander Rifles
Nelson's Navy
New South Wales Corps of Marines
New Varangian Guard Incorporated
Nordmannia
NVG Mountains Garrison, Re-enactment Society
Ordo Equester de Aureus Cervus Inc.
Queensland Living History Federation (Inc.)
Society for Creative Anachronism (Australia) Inc.
Sydney Ancients Association
The Blue & The Grey Re-enactors Inc.
The Colonial Re-Enactment Society Inc.
The Pike and Musket Society Inc.
The Rupertswood Battery of Horse Artillery
The Viking's Inc.
Victoria Police Historical Society
Victorian Colonial Infantry Association (Inc)
Victorian Re-enactment Society
Viking Heritage