

**Control of Weapons Act 1990****EXEMPTION TO POSSESS PROHIBITED WEAPONS – THE RETURNED AND SERVICES LEAGUE (RSL)**

## 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), (1AA), (1AB) and (1A), section 5AA and section 8A(1) of the **Control of Weapons Act 1990**, a person who is of a class of persons set out in an item in Column 1 of the following Table, in relation to the prohibited weapons listed in Column 2 of the Table, for the activities set out in Column 3 of the Table and for the purposes listed in Column 4 of the Table.

**TABLE**

<b>Item</b>	<b>Column 1 Class of Persons</b>	<b>Column 2 Prohibited Weapon</b>	<b>Column 3 Activities</b>	<b>Column 4 Purposes</b>
1	The Returned and Services League of Australia (Victorian Branch) (RSL), a sub-branch of the RSL; an officer or member of such a sub-branch.	<ul style="list-style-type: none"> <li>● Sword</li> </ul>	Bring into Victoria, cause to be brought or sent into Victoria, display or advertise for sale, sell, purchase, possess, use or carry a sword.	a) Keep and display a sword; 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.
2	The Returned and Services League of	<ul style="list-style-type: none"> <li>● Sword</li> <li>● Flick knife</li> </ul>	Bring into Victoria, cause to be brought	Keep and display on RSL premises
	RSL; an officer or committee member of such a sub-branch.	<ul style="list-style-type: none"> <li>● Retractable sheath knife</li> <li>● Trench knife</li> <li>● Throwing blade</li> <li>● Ballistic knife</li> <li>● Non metallic / ceramic knife</li> <li>● Blow gun</li> <li>● A mace or similar article capable of causing injury that consists of a club or staff fitted with a flanged or spiked head</li> <li>● Body armour</li> </ul>	purchase, possess, use or carry an article listed in Column 2 of this Item.	historical or cultural significance and has been acquired by the RSL for that purpose.

**Conditions**

A person, RSL branch or sub-branch seeking to rely on this Order is subject to the following conditions:

1. *Use:* The prohibited weapons and body armour specified in this Order may only be used for the purposes for which the exemption was granted.
2. *Storage:* When not being used in accordance with the purpose specified in this Order, prohibited weapons or body armour must be stored safely and securely.  
**'stored safely and securely'** means:
  - (a) stored in a manner calculated to ensure that the prohibited weapon or body armour:
    - (i) is not readily accessible to anyone 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 a class of exempt persons specified in the above Table; and
  - (b) when being transported between the usual place of storage and places at which the prohibited weapon or body armour is legitimately used for the purposes specified in this exemption:
    - (i) stored in a manner calculated to ensure that the prohibited weapon or body armour 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. *Inspection on request:* A person, branch or sub-branch 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. *Record of possession:* A person, branch or sub-branch seeking to rely on this exemption must maintain a record of the quantity and type of prohibited weapons or body armour in their possession. These records must be kept for the duration of operation of the exemption and be made available to a member of the police force for inspection at any reasonable pre-arranged time.
5. *Record of sale:* A person seeking to rely on this exemption who sells a prohibited weapon specified in the above Table or body armour must keep a record of the sale. The record must be in the form and manner prescribed under the **Control of Weapons Act 1990**. A member of the police force at any reasonable time may require the person to produce the record for inspection.
6. *Display:* a person who belongs to the exempt class of persons specified in Item 1 in the above Table and who is seeking to rely on the exemption to display a sword with an historical or cultural significance must ensure that the display occurs in the person's residential home, at an official RSL club or venue or at an official event associated with the RSL, and is only made for purposes genuinely associated with the study and collection of swords with historical or cultural significance.
7. *Prohibited persons:* 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 of persons specified in Column 1 of the Table.

**Period of Application**

8. This Order comes into operation on and from the date of its publication in the Government Gazette.

Dated 3 June 2014

Responsible Minister:

KIM WELLS MP

Minister for Police and Emergency Services

YVETTE CARISBROOKE  
Clerk of the Executive Council

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