

## 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** orders that –

#### Commencement

This Order comes into operation on the day it is published in the Government Gazette.

#### Definitions

In this Order –

- (a) **imitation firearm** means a device,
- i. the appearance of which could reasonably be mistaken for that of an operable firearm; but
  - ii. which is not designed or adapted to discharge shot or a bullet or other missile by the expansion of gases produced in the device by the ignition of strongly combustible materials or by compressed air or other gases, whether stored in the device in pressurised containers or produced in the device by mechanical means and is not capable of being made to do so.
- (b) **gel blaster or similar device** means a type of imitation firearm:
- i. that is designed to discharge a water gel ball or similar projectile; and
  - ii. that has an appearance which could reasonably be mistaken for that of an operable firearm.

#### Exemption

A class of person listed in Column 1 of the Table is exempt from sections 5(1), 5(1AA), 5(1AB), 5(1A) and 5AB(1) of the **Control of Weapons Act 1990** (as the case requires) as these sections apply to an activity listed in Column 2 of the Table in relation to a device listed in Column 3 of the Table, for the purpose listed in Column 4 of the Table.

TABLE

Item	Column 1 Class of Person	Column 2 Activity	Column 3 Device	Column 4 Purpose
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 Australian Museums and Galleries Association Victoria (AMaGA Victoria) or a museum to which an exemption is issued under section 184 of the <b>Firearms Act 1996</b> .	<ul style="list-style-type: none"> <li>● Possess, use or carry.</li> <li>● Possess, use or carry in licensed premises or in a public place that is in the immediate vicinity of licensed premises.</li> <li>● Bring into Victoria.</li> <li>● Cause to be brought into or sent into Victoria.</li> <li>● Purchase.</li> <li>● Display or advertise for sale.</li> <li>● Sell to a person (other than a child).</li> </ul>	Imitation firearm, except a gel blaster or similar device.	Keep and display an imitation firearm with a historical or cultural significance, except a gel blaster or similar device.

Item	Column 1 Class of Person	Column 2 Activity	Column 3 Device	Column 4 Purpose
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.	<ul style="list-style-type: none"> <li>● Possess, use or carry.</li> <li>● Possess, use or carry in licensed premises or in a public place that is in the immediate vicinity of licensed premises.</li> <li>● Bring into Victoria.</li> <li>● Cause to be brought into or sent into Victoria.</li> <li>● Purchase.</li> <li>● Display or advertise for sale.</li> <li>● Sell to a person (other than a child).</li> </ul>	Imitation firearm, except a gel blaster or similar device.	Rehearse for and stage a dramatic or musical performance open to the public. 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.	<ul style="list-style-type: none"> <li>● Possess, use or carry.</li> <li>● Possess, use or carry in licensed premises or in a public place that is in the immediate vicinity of licensed premises.</li> </ul>	Imitation firearm, except a gel blaster or similar device.	Rehearse for and stage a dramatic or musical performance open to the public. 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.	<ul style="list-style-type: none"> <li>● Possess, use or carry.</li> <li>● Possess, use or carry in licensed premises or in a public place that is in the immediate vicinity of licensed premises.</li> <li>● Bring into Victoria.</li> <li>● Cause to be brought into or sent into Victoria.</li> <li>● Purchase.</li> <li>● Display or advertise for sale.</li> <li>● Sell to a person (other than a child).</li> </ul>	Imitation firearm, except a gel blaster or similar device.	Display an imitation firearm, except a gel blaster or similar device. 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 Person	Column 2 Activity	Column 3 Device	Column 4 Purpose
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 a historical re-enactment organisation listed in Schedule 1.	<ul style="list-style-type: none"> <li>● Possess, use or carry.</li> <li>● Possess, use or carry in licensed premises or in a public place that is in the immediate vicinity of licensed premises.</li> <li>● Bring into Victoria.</li> <li>● Cause to be brought into or sent into Victoria.</li> <li>● Purchase.</li> <li>● Display or advertise for sale.</li> <li>● Sell to a person (other than a child).</li> </ul>	Imitation firearm, except a gel blaster or similar device.	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 a historical re-enactment organisation listed in Schedule 1.	<ul style="list-style-type: none"> <li>● Possess, use or carry.</li> <li>● Possess, use or carry in licensed premises or in a public place that is in the immediate vicinity of licensed premises.</li> </ul>	Imitation firearm, except a gel blaster or similar device.	Study and participate in the re-enactment of historical events.
7	A person aged 18 years or over who is a member of a collectors' organisation listed in Schedule 2.	<ul style="list-style-type: none"> <li>● Possess, use or carry.</li> <li>● Possess, use or carry in licensed premises or in a public place that is in the immediate vicinity of licensed premises.</li> <li>● Bring into Victoria.</li> <li>● Cause to be brought into or sent into Victoria.</li> <li>● Purchase.</li> <li>● Display or advertise for sale.</li> <li>● Sell to a person (other than a child).</li> </ul>	Imitation firearm, except a gel blaster or similar device.	Study, collect and display imitation firearms with a historical or cultural significance, except gel blasters or similar devices.

Item	Column 1 Class of Person	Column 2 Activity	Column 3 Device	Column 4 Purpose
8	A person aged under 18 years who is a member of a collectors' organisation in Schedule 2.	<ul style="list-style-type: none"> <li>● Possess, use or carry.</li> <li>● Possess, use or carry in licensed premises or in a public place that is in the immediate vicinity of licensed premises.</li> </ul>	Imitation firearm, except a gel blaster or similar device.	Study, collect and display imitation firearms with a historical or cultural significance, except gel blasters or similar devices.
9	A parent or guardian of a person who is aged under 18 years who is a member of the Australasian Living History Federation (ALHF), a historical re-enactment organisation listed in Schedule 1 or a collectors' organisation listed in Schedule 2.	Possess. Purchase.	Imitation firearm, except a gel blaster or similar device.	Purchase and store an imitation firearm, except a gel blaster or similar device, on behalf of the person aged under 18 years who is exempted to undertake the activities specified for the purposes specified in Item 6 or Item 8 of this Table.
10	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.	<ul style="list-style-type: none"> <li>● Possess, use or carry.</li> <li>● Possess, use or carry in licensed premises or in a public place that is in the immediate vicinity of licensed premises.</li> </ul>	Imitation firearm, except a gel blaster or similar device.	Participate in the re-enactment of historical events.
11	A person aged 18 years or over who is an employee, associate trainer or volunteer of RedR Australia.	<ul style="list-style-type: none"> <li>● Possess, use or carry.</li> <li>● Possess, use or carry in licensed premises or in a public place that is in the immediate vicinity of licensed premises.</li> <li>● Bring into Victoria.</li> <li>● Cause to be brought into or sent into Victoria.</li> <li>● Purchase.</li> <li>● Display or advertise for sale.</li> <li>● Sell to a person (other than a child).</li> </ul>	Imitation firearm, except a gel blaster or similar device.	Provide hostile environment awareness training for persons who will be deployed overseas for humanitarian response work.

## Conditions

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

### General Conditions

1. The exemptions outlined in the Table and the conditions set out below do not apply to gel blasters or similar devices as defined in this Order. Accordingly, a person seeking to rely on this exemption is not permitted to possess, use or carry or undertake any other activity involving a gel blaster or similar device as defined in the Order.
2. An imitation firearm may only be used for the purposes for which the exemption was granted.
3. When not being used in accordance with the purposes specified in this Order, an 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, use or carriage by a person who is not themselves a holder of an approval issued by the Chief Commissioner of Police or a member of an exempted class of person under the **Control of Weapons Act 1990** in relation to imitation firearms; 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.
4. 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.
5. 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 devices, 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.
6. A person under the age of 18 years 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 a 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.
7. 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 person specified in Column 1 of the Table.

### Additional conditions for Historical Re-enactment Organisations and Collectors’ Organisations

8. The following conditions only have effect in relation to members of a Historical Re-enactment Organisation or a Collectors’ Organisation (Organisation) specified in the Table in this Order who engage in activities involving imitation firearms. The conditions do not have effect in relation to other members of an Organisation who do not engage in such activities.

9. An adult person who joins an 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. However, the 28-day waiting period does not apply if –
  - (a) the person holds a Firearms Licence issued under Part 2 of the **Firearms Act 1996**; or
  - (b) the person was a member of an exempt organisation prior to the date this Order comes into effect.
10. An 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 apply to Victoria Police for a National Police Check or for each member to provide a Statutory Declaration affirming that they are not a prohibited person. However, a member is not required to apply for a National Police Check or provide a Statutory Declaration if he or she holds –
  - (a) a Firearms Licence issued under Part 2 of the **Firearms Act 1996**; or
  - (b) an approval issued by the Chief Commissioner of Police under the **Control of Weapons Act 1990**; or
  - (c) a licence issued under Division 2 of Part 3 of the **Private Security Act 2004**.
11. An Organisation must provide a membership number or other form of unique identifier to each member of the Organisation. An Organisation must maintain a current register of members containing the names of members and their membership numbers and/or unique identifiers. An Organisation must, on request, permit a Victoria Police officer to inspect the register at any reasonable pre-arranged time.
12. Each member of an Organisation must provide the Organisation with the following details:
  - (a) the member’s contact details; and
  - (b) 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 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. This requirement is subject to the following exceptions:
  - (a) 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; and
  - (b) when the member is aged under 18 years and is supervised by a person who is entitled to possess, use or carry an imitation firearm, the member is only required to carry his or her membership card.
14. Upon joining an Organisation, a person must acknowledge and consent to follow the conditions outlined in this Order.
15. An Organisation –
  - (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; and
  - (d) must make available to its members information on the Governor in Council exemption.

**Revocation**

The following Order of the Governor in Council and the following exemptions in an Order of the Governor in Council made under section 8B of **Control of Weapons Act 1990** are **revoked** –

- (a) the Order in Council dated 28 June 2016 and published in the Government Gazette No. G 26 on 30 June 2016 relating to the general exemption for imitation firearms; and
- (b) the exemptions relating to imitation firearms in the Order in Council dated 8 November 2017 and published in the Government Gazette No. G 45 on 9 November 2017, which amended the Order dated 28 June 2016.

Dated: 28 September 2021

Responsible Minister:

HON LISA NEVILLE MP

Minister for Police

ALEXANDRA DEBELJAKOVIC

Clerk of the Executive Council

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## 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  
Hellenic Military Historical Society  
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  
National Military Reenactment Group (NMRG)  
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.

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**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  
Hellenic Military Historical Society  
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.

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