

## ORDERS IN COUNCIL

### Control of Weapons Act 1990

#### GENERAL EXEMPTION TO POSSESS LASER TAG AND OTHER LASER SPORT DEVICES

##### Order in Council

The Lieutenant-Governor, as the Governor's Deputy, with the advice of the Executive Council under section 8B of the **Control of Weapons Act 1990**, exempts from the operation of section 5(1), (1AA), (1AB) and (1A) and section 5AA of the **Control of Weapons Act 1990**, a person who is of a class of persons specified in an item in Column 1 of the following Table and using a laser tag or other laser sport device as specified in Column 2 of the Table, in relation to activities involving laser tags and other laser sport devices as set out in Column 3 of the Table, for the purposes listed in Column 4 of the Table.

TABLE

| Item | Column 1<br>Class of Person   | Column 2<br>Weapon   | Column 3<br>Activities  | Column 4<br>Purposes  |
|------|---|--|---|---|
| 1.   | A person aged 18 years or over who is a participant in laser tag or laser skirmish games or events. | Laser tag or laser skirmish device that is an imitation firearm and is not owned by the participant. | Possess, use or carry device.   | Participate in a laser tag or skirmish game or event operated by a Chief Commissioner's Prohibited Weapons Approval holder        |
| 2.   | A person aged under 18 years who is a participant in a laser tag or laser skirmish game or event.   | Laser tag or laser skirmish device that is an imitation firearm and is not owned by the participant. | Possess, use or carry device when supervised by an adult aged 18 years or over who is authorised to possess, use or carry such a device under a Chief Commissioner's Prohibited Weapons Approval. | Participate in a laser tag or laser skirmish game or event operated by a Chief Commissioner's Prohibited Weapons Approval holder. |
| 3.   | A person aged 18 years or over who is a participant in a laser clay pigeon shoot.                   | Laser clay pigeon shooting device that is an imitation firearm and is not owned by the participant.  | Possess, use or carry device.   | Participate in a laser clay pigeon shoot operated by a Chief Commissioner's Prohibited Weapons Approval holder.                   |
| 4.   | A person aged under 18 years who is a participant in a clay pigeon shoot.                           | Laser clay pigeon shooting device that is an imitation firearm and is not owned by the participant.  | Possess, use or carry device when supervised by an adult aged 18 years or over who is authorised to possess, use or carry such a device under a Chief Commissioner's Prohibited Weapons Approval. | Participate in a laser clay pigeon shoot operated by a Chief Commissioner's Prohibited Weapons Approval holder.                   |

|    |   |  |   |   |
|----|---|--|---|---|
| 5. | A person aged 18 years or over who is a participant, athlete, coach or official involved in a Biathlon event, training session or competition.  | Biathlon laser target shooting device that is an imitation firearm.                      | 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.                     | Participate in a Biathlon event, training session or competition.   |
| 6. | A person aged under 18 years who is a participant, athlete or coach involved in a Biathlon event, training session or competition.              | Biathlon laser target shooting device that is an imitation firearm.                      | Possess, use or carry device when supervised by an adult aged 18 years or over who is authorised to possess, use or carry such a device under an exemption in item 5 of this Table. | Participate in a Biathlon or Modern Pentathlon event, training session or competition.  |
| 7. | A person aged 18 years or over who is a participant, athlete, coach, or official in a Modern Pentathlon event, training session or competition. | Modern Pentathlon laser target shooting device that is an imitation firearm.             | 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.                     | Participate in a Modern Pentathlon event, training session or competition.  |
| 8. | A person aged under 18 years who is a participant, athlete or coach involved in a Modern Pentathlon event, training session or competition.     | Modern Pentathlon laser target shooting device that is an imitation firearm.             | Possess, use or carry device when supervised by an adult aged 18 years or over who is authorised to possess, use or carry such a device under an exemption in item 7 of this Table. | Participate in Modern Pentathlon event, training session or competition.  |
| 9. | A parent, guardian or coach of a person aged under 18 years involved in a Biathlon or Modern Pentathlon event, training session or competition. | Biathlon or Modern Pentathlon laser target shooting device that is an imitation firearm. | Purchase device on behalf of that person aged under 18 years.   | Enable that person aged under 18 years to participate in Biathlon or Modern Pentathlon events, training sessions or competitions. |

**Definition**

In this Order, *Chief Commissioner's Prohibited Weapons Approval* means an approval granted by the Chief Commissioner of Police under section 8C of the **Control of Weapons Act 1990**.

**Conditions**

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

**General Conditions**

1. This Order only applies to devices that are imitation firearms as defined in section 3 of the **Control of Weapons Act 1990**.

2. The imitation firearm may only be used for the purposes for which the exemption was granted.
3. *Participation*: ‘**participating**’ in relation to a sport includes receiving instruction in, practising, training, coaching or competing in the sport.
4. *Persons aged under 18*: A person under the age of 18 years is not permitted to purchase any prohibited weapon including an imitation firearm. However, a person aged under 18 years may lawfully possess, use or carry an imitation firearm if he or she is participating in a laser tag or laser skirmish game or event, a laser clay pigeon shoot, or a Biathlon or Modern Pentathlon event, training session or competition as specified in Column 1 of the Table.
5. *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 or classes of persons specified in Column 1 of the Table.
6. *Record of possession*: A person seeking to rely on this exemption must maintain a record of the quantity and types of imitation firearms in their possession. These records must be kept for the duration of the exemption and must be made available to a member of the police force for inspection at any reasonable pre-arranged time.

Additional Conditions – Biathlon and Modern Pentathlon

7. The following conditions only have effect in relation to a class of persons specified in Column 1 of items 5 to 8 in the above Table.
8. When not being used in accordance with the purposes specified in this Order, imitation firearms 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 a 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 specified in 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.
9. *Inspection on request*: A person 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 pre-arranged time.
10. *Record of sale*: A person aged 18 years or over seeking to rely on this exemption who sells an imitation firearm must keep a record of the sale. The record must be in the form and manner prescribed under the **Control of Weapons Act 1990** and must be kept for 3 years after the sale. A member of the police force at any reasonable time may require the person to produce the record for inspection.

**Variation**

11. The Lieutenant-Governor, as the Governor's Deputy, with the advice of the Executive Council, and under section 8B(4)(b) of the **Control of Weapons Act 1990**, varies the Order in Council dated 28 June 2011 and published in the Government Gazette G26 on 30 June 2011, as amended by the Order in Council dated 29 November 2011 and published in Government Gazette G48 on 1 December 2011, by omitting item 10 in the Table in that Order, which exempts a member of Modern Pentathlon Australia, Modern Pentathlon – Victoria or the Victorian Institute of Sport, who is involved in the sport of Modern Pentathlon from certain provisions in the **Control of Weapons Act 1990** in relation to imitation firearms.

**Period of Application**

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

Dated 24 June 2014

Responsible Minister:

KIM WELLS MP

Minister for Police and Emergency Services

YVETTE CARISBROOKE  
Clerk of the Executive Council

**Control of Weapons Act 1990****WEAPONS EXEMPTION FOR AUTHORISED OFFICERS**

## Order in Council

The Lieutenant-Governor, as the Governor's Deputy, with the advice of the Executive Council under section 8B of the **Control of Weapons Act 1990** exempts the classes of persons listed in Column 1 of the Table below from sections 5(1), 5(1AB), 5(1A), 5AA and 8A(1) of the **Control of Weapons Act 1990** as it applies to activities listed in Column 2 of the Table in relation to the items listed in Column 3 of the Table for the purposes listed in Column 4 of the Table.

| Column 1<br>Person   | Column 2<br>Activity  | Column 3<br>Item  | Column 4<br>Purposes  |
|--|---|---|---|
| An employee of the Department of Environment and Primary Industries authorised by the Secretary of that Department, or an employee of the Game Management Authority authorised by the Chief Executive Officer of that Authority. | Bringing into Victoria, causing to be brought into Victoria, purchasing or possessing.                  | <ul style="list-style-type: none"> <li>• Body armour</li> <li>• Oleoresin capsicum spray</li> <li>• Extendable baton</li> </ul> | Storing, maintaining or supplying an item listed in Column 3 to an authorised officer within the meaning of the <b>Conservation, Forests and Lands Act 1987</b> . |
| An authorised officer within the meaning of the <b>Conservation, Forests and Lands Act 1987</b> .  | Bringing into Victoria, causing to be brought into Victoria, purchasing, possessing, using or carrying. | <ul style="list-style-type: none"> <li>• Body armour</li> <li>• Oleoresin capsicum spray</li> <li>• Extendable baton</li> </ul> | That person's official duties involving the enforcement of the provisions of a relevant law.  |

**Conditions**

It is a condition of this exemption that:

- (a) the person must not be a prohibited person under the **Control of Weapons Act 1990**;
- (b) authorised officers must be accredited in accordance with the policy and operating procedures issued from time to time by the Secretary of the Department of Environment and Primary Industries or by the Chief Executive Officer of the Game Management Authority (as the case requires) to possess, carry or use an item listed in Column 3 of the above Table in the course of their official duties;
- (c) authorised officers must have successfully completed the training requirements set out in the training manual issued from time to time by the Secretary of the Department of Environment and Primary Industries and approved by the Chief Commissioner of Police or his/her delegate, in relation to the use of oleoresin capsicum spray and/or extendable batons prior to bringing into Victoria, causing to be brought into Victoria, purchasing, possessing, carrying or using that item; and
- (d) authorised officers must comply at all times with the instructions set out in the policy and operating procedures issued from time to time by the Secretary of the Department of Environment and Primary Industries or by the Chief Executive Officer of the Game Management Authority (as the case requires) in relation to the issue, carriage, use and storage of an item listed in Column 3 of the above Table prior to bringing into Victoria, causing to be brought into Victoria, purchasing, possessing, carrying or using that item.

**Relevant laws:**

In this Order *relevant law* means:

A 'relevant law' within the meaning of the Conservation, Forests and Lands Act 1987

Agricultural and Veterinary Chemicals (Control of Use) Act 1992

Bail Act 1977

Country Fire Authority Act 1958

Crimes Act 1958

Domestic Animals Act 1994

Environment Protection Act 1970

Firearms Act 1996

Heritage Act 1995

Marine Safety Act 2010

Prevention of Cruelty to Animals Act 1986

Road Management Act 2004

Road Safety Act 1986

Seafood Safety Act 2003

Summary Offences Act 1966

Criminal Code Act 1995 (Cth)

Environment Protection and Biodiversity Conservation Act 1999 (Cth)

Fisheries Management Act 1991 (Cth)

Historic Shipwrecks Act 1976 (Cth)

Marine Safety (Domestic Commercial Vessel) National Law Act 2012 (Cth)

Any regulations or subordinate instrument under the Acts specified above.

**Secretary of the Department of Environment and Primary Industries** means the body corporate established by Part 2 of the **Conservation, Forests and Lands Act 1987**.

**Revocation:**

The Lieutenant-Governor, as the Governor's Deputy, with the advice of the Executive Council, under section 8B of the **Control of Weapons Act 1990** revokes the Order in Council dated 6 November 2013 and published in Government Gazette G45 on 7 November 2013, which exempted specified authorised officers and employees of the Department of Environment and Primary Industries from certain provisions of the **Control of Weapons Act 1990** in relation to body armour, oleoresin capsicum spray and extendable batons.

**Commencement:**

This Order comes into effect on and from 1 July 2014.

Dated 24 June 2014

Responsible Minister:

KIM WELLS MP

Minister for Police and Emergency Services

YVETTE CARISBROOKE  
Clerk of the Executive Council

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**County Court Act 1958****CONTINUATION OF RIGHT TO A JUDICIAL PENSION****Order in Council**

The Lieutenant-Governor, as the Governor's Deputy, with the advice of the Executive Council, under section 14(3A) of the **County Court Act 1958**, determines that the right of

**David Anthony Talbot Jones**

to a judicial pension shall not be suspended by reason of the operation of section 14(3A)(b)(i) of that Act, while he holds any office or place of profit while engaged by the Department of Justice to undertake a review of unlawful releases by Corrections Victoria.

Dated 24 June 2014

Responsible Minister

ROBERT CLARK MP

Attorney-General

YVETTE CARISBROOKE  
Clerk of the Executive Council

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