

**Control of Weapons Act 1990****PROHIBITED WEAPONS EXEMPTION – MACHETE – AGRICULTURE****Order in Council**

The Governor in Council, under section 8B of the **Control of Weapons Act 1990** makes the following Order:

**1 Objective**

The Objective of this Order is to exempt a person engaged in agriculture from offences against the **Control of Weapons Act 1990** in relation to a prohibited weapon that is a machete and to specify conditions and limitations to which the exemption is subject.

**2 Authorising provision**

This Order is made under section 8B of the **Control of Weapons Act 1990**.

**3 Commencement**

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

**4 Definitions**

In this Order –

*Act* means the **Control of Weapons Act 1990**;

*agriculture* includes, without limitation, horticulture or the production of food;

*approval* means an approval granted by the Chief Commissioner of Police under section 8C of the Act;

*education and training* means –

- (a) adult, community and further education (within the meaning of the **Education and Training Reform Act 2006**); and
- (b) education and training provided by a post-secondary education provider or a recognised University (within the meaning of sections 1.1.3(1) and 4.1.1(1) of the **Education and Training Reform Act 2006**);

*exemption* means an exemption –

- (a) under section 7A of the Act that applies to a health service worker;
- (b) under section 7B of the Act that applies to a person exercising power under the **Education and Training Reform Act 2006**; and
- (c) granted by the Governor in Council under section 8B of the Act;

*foreign jurisdiction* means a jurisdiction other than Victoria; and

*person conducting a business or undertaking* has the same meaning as in section 5(1) of the **Work Health and Safety Act 2011** of the Commonwealth.

**5 Use of a machete in agriculture**

- (1) This exemption applies in relation to a prohibited weapon that is a machete.
- (2) A person conducting a business or undertaking that engages in agriculture is exempt from –
  - (a) sections 5(1), 5(1A) and 5AA of the Act in the case of an individual under the age of 18 years; and
  - (b) sections 5(1), 5(1AA), 5(1AB), 5(1A) and 5AA of the Act in any other case.
- (3) A person acting in the course of their employment in a business or undertaking or for a person referred to in paragraph (2) is exempt from –
  - (a) sections 5(1), 5(1A) and 5AA of the Act in the case of an individual under the age of 18 years; and
  - (b) sections 5(1), 5(1AA), 5(1AB), 5(1A) and 5AA of the Act in any other case.

- (4) A person engaged in education or training relating to agriculture is exempt from –
  - (a) sections 5(1), 5(1A) and 5AA of the Act in the case of an individual under the age of 18 years; and
  - (b) sections 5(1), 5(1AA), 5(1AB), 5(1A) and 5AA of the Act in any other case.
- (5) It is a condition of the exemption from sections 5(1)(d), 5(1A) and 5AA of the Act that the person must ensure that the prohibited weapon is –
  - (a) stored safely and securely;
  - (b) displayed for sale, possessed, carried or used in a manner calculated to ensure that the prohibited weapon is not readily accessible to a person without an exemption or an approval; and
  - (c) concealed from plain sight –
    - (i) if the prohibited weapon is on display for sale, after the prohibited weapon ceases to be on display for sale; and
    - (ii) if the prohibited weapon is in use in a public place, after the prohibited weapon ceases to be in use in the public place.

**Notes:**

1. An exemption in this Order does not apply to a person who is a *prohibited person* within the meaning of section 3(1) of the **Firearms Act 1996**.
2. In the Act, *public place* has the same meaning as it has under the **Summary Offences Act 1966** and also includes a non-government school.
3. Sections 5A and 5B of the Act requires the seller of a prohibited weapon to identify a purchaser and to keep a record of the sale prescribed by the Regulations.

Dated: 1 July 2025

Responsible Minister:

HON ANTHONY CARBINES MP

Minister for Police

ANGELA SMITH  
Clerk of the Executive Council