

Control of Weapons Act 1990**PROHIBITED WEAPONS EXEMPTION – MACHETE – TRADITIONAL, HISTORICAL OR CULTURAL SIGNIFICANCE OR OTHER EXEMPTION****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 grant an exemption under the **Control of Weapons Act 1990** for a machete that has a traditional, historical or cultural significance, to a class of person who engages in a traditional, historical or cultural practice with a machete, and to a class of person referred to in a relevant Order as a person with an exemption for a sword, dagger, or other prohibited weapon.

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**;

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

exemption includes 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;

relevant Order has the meaning given in paragraph 6(5).

5 Machete with a traditional, historical or cultural significance

- (1) This exemption applies in relation to –
 - (a) a machete that has a traditional, historical or cultural significance; and
 - (b) a person who engages in a traditional, historical or cultural practice with a machete.
- (2) An individual under the age of 18 years is exempt from sections 5(1A) and 5AA of the Act.
- (3) A person other than an individual under the age of 18 years is exempt from sections 5(1), 5(1AA), 5(1AB), 5(1A) and 5AA of the Act.
- (4) An exemption from sections 5(1A) and 5AA of the Act is limited so that a person must not possess, carry or use a machete other than –
 - (a) at the person's residence; or
 - (b) in connection with an activity of an identified community or group for whom the machete has a traditional, historical or cultural significance.

Examples:

- 1. A machete may be used in the traditional Mexican folk dance known as *Los Machetes*.
- 2. A nifo'oti is type of machete that has a traditional, historical and cultural significance to Samoa and is used to signify the conclusion of certain celebrations and rituals.

- (5) It is a condition of the exemption from sections 5(1)(d), 5(1A) and 5AA of the Act that the person who possesses the machete must ensure that the machete is –
 - (a) stored safely and securely;
 - (b) displayed for sale, possessed, carried or used in a manner calculated to ensure that the machete is not readily accessible to a person without an exemption or an approval; and
 - (c) concealed from plain sight –
 - (i) if the machete is on display for sale, after the machete ceases to be on display for sale; and
 - (ii) if the person is in a public place, after the person ceases to use the machete in the public place.
- (6) In this exemption, a machete that has a traditional, historical or cultural significance to an identifiable community or group includes a machete connected with –
 - (a) Aboriginal intangible heritage (within the meaning of section 4(1) of the **Aboriginal Heritage Act 2006**); and
 - (b) intangible cultural heritage (within the meaning of Article 2 of the UNESCO Convention of the Safeguarding of the Intangible Cultural Heritage).

6 Person with exemption to possess a sword, dagger or other prohibited weapon

- (1) This exemption applies to a person who is referred to in a relevant Order as a person who is exempt from any of sections 5(1), 5(1AA), 5(1AB), 5(1A), or 5AA of the Act for or in relation to a prohibited weapon.
- (2) An individual under the age of 18 years referred to in a relevant Order is exempt from sections 5(1A) and 5AA of the Act according to the tenor of the relevant Order as if a reference to a prohibited weapon were a reference to a machete.
- (3) A person other than an individual under the age of 18 years referred to in a relevant Order is exempt from sections 5(1), 5(1AA), 5(1AB), 5(1A), and 5AA of the Act according to the tenor of the relevant Order as if a reference to a prohibited weapon were a reference to a machete.
- (4) It is a condition of the exemption from sections 5(1)(d), 5(1A) and 5AA of the Act that the person who possesses a machete must ensure that the machete is –
 - (a) stored safely and securely;
 - (b) displayed for sale, possessed, carried or used in a manner calculated to ensure that the machete is not readily accessible to a person without an exemption or an approval; and
 - (c) concealed from plain sight –
 - (i) if the machete is on display for sale, after the machete ceases to be on display for sale; and
 - (ii) if the machete is used in a public place, after the person ceases to use the machete.
- (5) In this exemption, a reference to a person in a relevant Order means a person referred to in any of the following Orders as varied from time to time –
 - (a) the Order titled ‘GENERAL EXEMPTION TO POSSESS SWORDS’ dated 3 June 2014 and published on pages 1156 to 1159 of the Victoria Government Gazette No. G 23 on 5 June 2014, other than a person referred to in the following items in the Table to that Order –
 - (i) item 7. A person aged 18 years or over who is a member of a Lodge or Order listed in Schedule 1 to the Order;
 - (ii) item 9. A person aged 18 years or over who is an active member of the Scout Association of Australia;

- (iii) item 10. A person aged 18 years or over who is a participant in activities associated with Scottish Highland Dancing; a member of a Highland Pipe Band; or a member of a member band of Pipe Bands Victoria;
- (iv) item 11. A person aged 18 years or over who is a participant in a dance group listed in Schedule 2 to the Order;
- (v) item 13. A Sikh aged 18 years or over whose religious practices require the carriage and possession of a Kirpan (a specific type of sword);
- (vi) item 14. A person aged under 18 years who is a member of an organisation, group or religion specified in items 7, 9, 10, 11 or 13;
- (b) the Order titled 'EXEMPTION TO POSSESS SWORDS–RE-ENACTORS AND COLLECTORS' dated 3 June 2014 and published on pages 1160 to 1164 of the Victoria Government Gazette No. G 23 on 5 June 2014 as amended by the Order of the Governor in Council titled 'ADDITIONAL EXEMPTIONS TO POSSESS SWORDS, DAGGERS AND IMITATION FIREARMS – RE-ENACTORS, COLLECTORS AND MARTIAL ARTS PRACTITIONERS' dated 8 November 2017 and published on pages 2440 to 2441 of the Victoria Government Gazette No. G 45 on 9 November 2017;
- (c) the Order titled 'EXEMPTION TO POSSESS SWORDS–MARTIAL ARTS' dated 3 June 2014 and published on pages 1165 to 1168 of the Victoria Government Gazette No. G 23 on 5 June 2014 as amended by the Order of the Governor in Council titled 'ADDITIONAL EXEMPTIONS TO POSSESS SWORDS, DAGGERS AND IMITATION FIREARMS–RE-ENACTORS, COLLECTORS AND MARTIAL ARTS PRACTITIONERS' dated 8 November 2017 and published on pages 2440 to 2441 of the Victoria Government Gazette No. G 45 on 9 November 2017; and as varied by the Order of the Governor in Council titled 'PROHIBITED WEAPONS EXEMPTION – VARIATION TO EXEMPTION TO POSSESS SWORDS – MARTIAL ARTS' dated 27 August 2024 and published on page 1763 of the Victoria Government Gazette No. G 35 on 29 August 2024;
- (d) the Order titled EXEMPTION TO POSSESS CROSSBOWS dated 3 June 2014 and published on pages 1169 to 1173 of the Victoria Government Gazette No. G 23 on 5 June 2014, other than a person referred to in the following items in the Table to the Order –
 - (i) item 4. A person aged 18 years or over who is member of a target shooting or hunting organisation listed in Schedule 1;
 - (ii) item 6. A person aged under 18 years who is a member of an organisation or group specified in item 4;
 - (iii) item 7. A person aged 18 years or over who is a veterinarian;
- (e) the Order titled 'EXEMPTION TO POSSESS PROHIBITED WEAPONS – THE RETURNED AND SERVICES LEAGUE (RSL)' dated 3 June 2014 and published on pages 1174 to 1176 of the Victoria Government Gazette No. G 23 on 5 June 2014;
- (f) the Order titled 'EXEMPTION TO POSSESS DAGGERS' dated 3 June 2014 and published on pages 1177 to 1182 of the Victoria Government Gazette No. G 23 on 5 June 2014 as amended by the Order of the Governor in Council titled 'ADDITIONAL EXEMPTIONS TO POSSESS SWORDS, DAGGERS AND IMITATION FIREARMS–RE-ENACTORS, COLLECTORS AND

MARTIAL ARTS PRACTITIONERS' dated 8 November 2017 and published on pages 2440 to 2441 of the Victoria Government Gazette No. G 45 on 9 November 2017, other than a person referred to in the following items in the Table to the Order –

- (i) item 5. A person aged 18 years or over who wears a Sgian Dubh (dagger) as part of ceremonial or traditional Scottish Highland dress;
- (ii) item 10. A person aged under 18 years who is a member of an organisation or group specified in item 5; or
- (g) the Order titled 'EXEMPTION TO POSSESS THROWING BLADES, MACES AND FLAILS – RE-ENACTMENT ORGANISATIONS' dated 3 June 2014 and published on pages 1183 to 1186 of the Victoria Government Gazette No. G 23 on 5 June 2014 as amended by the Order of the Governor in Council titled 'ADDITIONAL EXEMPTIONS TO POSSESS SWORDS, DAGGERS AND IMITATION FIREARMS–RE-ENACTORS, COLLECTORS AND MARTIAL ARTS PRACTITIONERS' dated 8 November 2017 and published on pages 2440 to 2441 of the Victoria Government Gazette No. G 45 on 9 November 2017.

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

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