

Control of Weapons Act 1990
EXEMPTION TO POSSESS CROSSBOWS

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) and section 5AA of the **Control of Weapons Act 1990**, in relation to crossbows, a person who is of a class of persons set out in an item in Column 1 of the following Table, in relation to activities involving crossbows as listed in Column 2 of the Table, for the purposes listed in Column 3 of the Table.

TABLE

Item	Column 1 Purpose	Column 2 Activities	Column 3 Purposes
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 Museums Australia to which an exemption is issued under section 184 of the Firearms Act 1996 .	Bring into Victoria, cause to be brought or sent into Victoria, display or advertise for sale, sell, purchase, possess, use or carry a crossbow.	Keep and display a crossbow as an historical artefact.
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.	Bring into Victoria, cause to be brought or sent into Victoria, display or advertise for sale, sell, purchase, possess, use or carry a crossbow.	(a) Rehearse for and stage a dramatic or musical performance open to the public; or (b) make a film or television production.
3.	A person aged 18 years or over serving as a member of the naval, military or air forces of the Commonwealth of Australia.	Bring into Victoria, cause to be brought or sent into Victoria, display or advertise for sale, sell, purchase, possess, use or carry a crossbow.	Undertake official duties.
4.	A person aged 18 years or over who is member of a target shooting or hunting organisation listed in Schedule 1.	Bring into Victoria, cause to be brought or sent into Victoria, display or advertise for sale, sell, purchase, possess, use or carry a crossbow.	Participate in target shooting or hunting.
5.	A person aged 18 years or over who is a member of a collectors' club listed in Schedule 2.	Bring into Victoria, cause to be brought or sent into Victoria, display or advertise for sale, sell, purchase, possess, use or carry a crossbow.	Study, collect and display crossbows with an historical or cultural significance.

6.	A person aged under 18 years who is a member of an organisation or group specified in items 1 to 5 above.	Possess, use or carry a crossbow.	Engage in the purposes specified in items 1 to 5 in this Table that relate to the organisation or group to which the person aged under 18 years belongs, when under the supervision of a person aged 18 years or over who has an exemption or approval to possess, use or carry a crossbow.
7.	A person aged 18 years or over who is a veterinarian	Bring into Victoria, cause to be brought or sent into Victoria, display or advertise for sale, sell, purchase, possess, use or carry a crossbow.	Provide animal management and treatment services.

Conditions

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

General conditions

1. *Storage:* When not being used in accordance with the purpose specified in this Order, crossbows must be stored safely and securely;
‘stored safely and securely’ means:
 - (a) stored in a manner calculated to ensure that the crossbow is not readily accessible to a person other than the person seeking to rely on the exemption;
 - (b) recurve crossbows must be:
 - (i) fitted with a trigger lock and the keys stored in a separate place; or
 - (ii) stored with a cable lock through the footclaw and connected to the string; or
 - (iii) stored in the unstrung condition with the prod/bow assembly demounted from the stock (where possible);
 - (c) compound crossbows must be:
 - (i) fitted with a trigger lock and the keys stored in a separate place; or
 - (ii) stored with a cable lock through the footclaw and connected to the string; or
 - (iii) stored with the prod/bow assembly demounted from the stock;
 - (d) ensuring that the crossbow 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 in this Order;
 - (e) when being transported between the usual place of storage of the crossbow and places at which the crossbow is legitimately used for the purposes specified in this exemption:
 - (i) stored in a manner calculated to ensure that the crossbow is not readily accessible to a person other than the person seeking to rely on the exemption; and
 - (ii) that the crossbow is concealed from plain sight during any such transportation.
2. *Pistol crossbows:* This Order does not apply to a ‘pistol crossbow’.

3. *Display:* When being displayed, a crossbow must be securely fastened to ensure that it cannot be used. A person seeking to rely on this exemption to display a crossbow with an historical or cultural significance must ensure that the display occurs in the person's residential home or at an official event associated with the organisation of which the person is a member (being an organisation specified in Column 1 in the above Table), and that the display is only made for purposes genuinely associated with the study and collection of crossbows with historical or cultural significance.
4. *Use:* A crossbow must not be carried or used except as follows:
 - at recognised archery ranges;
 - at firearms shooting ranges approved by the Chief Commissioner under section 179 of the **Firearms Act 1996**;
 - tested in a range at a commercial dealer's premises;
 - on Crown land and State Forests with the appropriate permission;
 - in accordance with a valid Game Licence;
 - in accordance with the conditions attached to a validly completed Registration of Interest in hunting pest animals on Crown land issued by the Victorian Government; or
 - on private rural property with the written permission of the land owner or occupier.
5. *Populous places:* Other than to the extent described in paragraph 4 of this Order, a crossbow must not be used in a town or populous place.
6. *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 reasonable pre-arranged time.
7. *Record of possession:* A person seeking to rely on this exemption must maintain a record of the quantity and types of crossbows in their possession. These records must be kept for the duration of operation of the exemption and must be made available to a member of the police force for inspection at any reasonable pre-arranged time.
8. *Record of sale:* A person seeking to rely on this exemption who sells a crossbow 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.
9. *Persons aged under 18 years:* A person under the age of 18 is not permitted to purchase any prohibited weapon including a crossbow. However, if this exemption applies to a person under 18, he or she may lawfully possess, use or carry a crossbow subject to the terms and conditions of the exemption.
10. *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.

Additional conditions relating to Specified Organisations

11. The following conditions only have effect in relation to members of organisations specified in Schedule 1 and Schedule 2 to this Order ('Specified Organisations') who engage in activities involving crossbows for the purposes specified in the Table. They do not have effect in relation to members who do not engage in such activities.
12. Upon joining a Specified Organisation, a person must acknowledge and consent to follow the conditions outlined in this Order.

Prohibited person check

13. A Specified Organisation must be satisfied that each of its members who possesses, uses or carries a crossbow 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 undergo a Criminal History Check or to provide a Statutory Declaration affirming that they are not a prohibited person. A member of a Specified Organisation who holds a Firearms Licence issued under Part 2 of the **Firearms Act 1996**, an individual approval issued by the Chief Commissioner of Police under section 8C of the **Control of Weapons Act 1990** or a licence issued under Division 2 of Part 3 of the **Private Security Act 2004**, is not required to undergo a Criminal History Check or provide a Statutory Declaration.

Other organisational requirements

14. A Specified Organisation must not publish material, including on a website, which promulgates irresponsible, unlawful or unsafe use of a prohibited weapon.
15. A Specified Organisation must make available to its members information on the Governor in Council exemptions.
16. A Specified Organisation must inform the Department of Justice, Victoria, within 28 days of any change in the Office Bearers of the organisation or their contact details.

The department's email address for this purpose is weapons@justice.vic.gov.au.

Revocation

17. The Governor in Council, under section 8B of the **Control of Weapons Act 1990**, revokes the Order in Council dated 16 June 2004 and published in Government Gazette G25 on 17 June 2004 ('Exemption to Possess General Category Crossbows'), which exempts specified classes of persons from provisions of the **Control of Weapons Act 1990** for activities in relation to crossbows as specified in that Order.

Period of Application

18. 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

SCHEDULE 1**Target Shooting and Hunting Organisations**

Archery Australia
Archery Victoria
Australian Bowhunters Association
Australian Deer Association
Clubs affiliated with Archery Australia
Clubs affiliated with Archery Victoria
Clubs affiliated with the Australian Bowhunters Association
Clubs affiliated with the Australian Deer Association
Field and Game Australia Inc.
Gippsland Deer Stalkers Club
North Eastern Deer Stalkers Association
Shooting Sports Council of Victoria
Sporting Shooters Association of Australia (Victoria) Deerstalkers Club

Sporting Shooters Association of Australia (Victoria) Field Hunters Club
Victorian Deer Association
Victorian Field and Game Association
Victorian Game and Deer Stalking Association Inc. (VicGame)

SCHEDULE 2

Collectors' Organisations

Antique & Historical Arms Collectors Guild of Victoria Inc
Ararat Historical Arms Collectors Club Inc
Arms Collectors Guild of Tasmania
Ballarat Arms & Militaria Collectors Society Inc.
Golden City Collectors Association Inc. of Bendigo
Northern Victorian Arms Collectors Guild
Sporting Shooters Association of Australia Mildura Arms and Militaria Collectors Guild
Sporting Shooters Association of Australia (Victoria) Arms and Militaria Collectors (Melbourne)
Sporting Shooters Association of Australia (Victoria) Military Collector Club
United Firearms Collectors Guild of Victoria
