

Ownership of Swords and Daggers in Victoria.

In Victoria, the Control of Weapons Act 1990 (the Act) lists knives and other bladeware under **Prohibited Weapons** or **Controlled Weapons**. To legally own **Prohibited Weapons** you must have an exemption or be covered under the Control of Weapons Act. You may own **Controlled Weapons** (including knives not listed as prohibited) but need a lawful reason to carry or use them outside of your home. The onus is always on the carrier to provide that lawful reason (and self defence is never accepted as a lawful reason.)

AKC DAGGER EXEMPTION ONGOING

On the 7 May 1998, the *Australasian Knife Collectors (AKC) Club* applied for and was granted an exemption for daggers, one of the items on the Prohibited Weapons list in Victoria. **The AKC Club continues to hold this dagger exemption** that enables its Victorian Members to own double-edge knives (daggers).

The interpretation of the exemption, approved by the Department of Justice Victoria, grants our financial members (not Prohibited Persons) dagger ownership, possession and usage, importation (with appropriate documentation), manufacture (by AKC knifemakers), purchase (by AKC collectors) – and the selling of daggers to authorized persons (AKC financial members or other purchasers who have an exemption) when at shows and exhibitions in Victoria.

The Dagger Exemption

Members of the AKC are enabled to manufacture, import, possess, carry, use, purchase, and sell daggers to authorised persons whilst attending shows and exhibitions on an annual basis in the state of Victoria.

(7 May 1998 - Department of Justice, Victoria)

SWORD AND CROSSBOW EXEMPTIONS RELINQUISHED:

Note: AKC Club sword owners are covered by the Club sword exemption until 30 September 2010.

In 2004, the Department of Justice Victoria called for community comments on a proposal to classify swords and crossbows as Prohibited Weapons. The AKC responded, arguing that swords ought **NOT** be made a prohibited weapon and furthermore, should **NOT** be covered in the same legislation as crossbows, because they are entirely different categories.

Although our voice was heard, the prohibitions went ahead as planned and in July 2004, both swords and crossbows were made Prohibited Weapons in Victoria, thereby requiring an exemption to own them. At that time, the AKC Club - incorrectly listed as the *National Knife Collectors* - had sword and crossbow exemptions bestowed upon it by the Victorian Government. Note - the AKC did not apply for these exemptions. The Club then duly registered the *National Knife Collectors* whilst awaiting for *Australasian Knife Collectors* to be properly gazetted by the Department of Justice Victoria.

Since then, a number of Victorian Club members have taken the opportunity to own swords under the Club exemption. However, in recent times there has been a sharp increase in applicants who simply want 'a sword licence'. While we recognize the legal right of Victorians to seek an exemption to own a sword, the AKC Club was **NOT** founded to cater for Members with no interest in knives (the core interest of the Club) but just a desire to 'own a sword' – and nothing else!

In order to ensure the integrity of the Club and maintain its high standing and continued favourable recognition as a **bona-fide nationwide KNIFE collectors club**, the Department of Justice Victoria has been informed that we are relinquishing the exemptions bestowed upon the AKC Club for swords and crossbows. Our request for a suitable time-frame to allow AKC Club sword owners to make alternative arrangements has been granted.

Sword owners will have until the **30th September** to either legally dispose of (see below) or make an application for a Chief Commissioner of Police (CCP) Approval.

To apply for a CCP Approval for sword ownership, contact **Victorian Weapons Licensing Branch 1300 651 645**. We suggest that you look at the full list of Prohibited Weapons (see over) and make a single application for the categories of knives you plan to collect, as additional items applied for later will incur a 'variation' charge. The current fees are \$157.80 for 3 years, \$134.40 if you currently hold a firearms license and \$58.50 to vary or add items.

AKC Club Members can include a copy of their Membership Card with their application as evidence of belonging to an appropriate collectors' organization; that is, indicating that they are a bona fide collector of edge-ware. If choosing not to be a member of a club, the exemption applicant must show that they are a genuine collector of edged weapons by providing evidence, such as photographs of the current display/collection, evidence that the prohibited weapon is consistent with their collector theme, reference materials and so on.

Selling Prohibited Weapons:

A person who sells a prohibited weapon must maintain a bound record book or operate and maintain a computerised record-keeping system in place of a bound record book, containing an accurate description of the prohibited weapon sold, including any identifying mark or serial number on the weapon; the full name, address, telephone number and date of birth of the purchaser of the prohibited weapon; evidence of the purchaser's approval from the Chief Commissioner of Police or exemption from the Governor in Council to purchase the prohibited weapon; details of the identification provided by the purchaser; the date and time of the transaction; and the name and address of the seller.

The Sword Exemption

AKC members may:

Bring swords into Victoria; Cause swords to be brought or sent into Victoria; Sell or purchase swords; Display or advertise swords for sale; and Possess, use or carry swords for the purpose of studying and collecting swords with an historical or cultural significance.

Please note: valid until the 30 Sept 2010

Department of Justice, Victoria

Prohibited Persons

A prohibited person is not permitted to obtain an Approval or Exemption to possess prohibited weapons under the Control of Weapons Act 1990. For the purpose of the Control of Weapons Act 1990 a prohibited person has the same meaning as in the Firearms Act 1996 and includes a person who has been: *Imprisoned for a serious offence, assault or drug offence anywhere in Australia (ban of 5 years if the sentence is under 5 years, ban of 15 years if the sentence is 5 years or more); Subject to an Intervention Order under the Crimes (Family Violence) Act 1987 or its equivalent in other States (where they are sometimes referred to as AVOs). The ban is 5 years from the end of the order. Placed on a Community Based Order by a court (5 year ban) or found guilty by a court for an indictable offence or an offence against the Firearm Act 1996 where it was open to the court to impose a prison sentence (12 month ban).* Contact the Ministry of Justice for further information.

Storage and Transport of Prohibited Weapons:

When not being used in accordance with the purpose outlined above, prohibited weapons must be **stored safely and securely**; and a member of the Police force must be permitted to inspect storage arrangements at any reasonable time.

To be stored safely and securely means stored in a manner to ensure the sword: (a) is not readily accessible to a person other than the person relying on the exemption and is not available for possession, carriage or use by a person who is not an exempt person; and (b) when being transported between the usual place of storage of the sword and places where it is legitimately being used (see extent of exemption), is stored in a manner to ensure that the sword is not readily accessible to another person, and that the sword is concealed from plain sight during transportation.

This means that you must store or display your prohibited weapons in such a method that only you - or others with an exemption - have access to them. Examples of methods that would meet the Victorian Police requirement of safe storage are:

“ stored in a locked cupboard, cabinet or safe of sturdy construction, and if glass fronted, the glass will be a minimum of 5mm. If the mass weight is less than 150kg it shall be fixed to either the frame of the floor or wall (where applicable) so as to prevent easy removal. Wood screws are not acceptable but ramset/dynabolts are sufficient. The locks fitted to these receptacles shall be of sturdy construction. Padlocks shall have shanks of hardened steel.”

Prohibited Edged Weapons in Victoria Control of Weapons Regulations 2000 ... Schedule 2 Reg. 6

1. Flick knife, being a knife designed or adapted so that the blade is concealed when folded or recessed into the handle and which opens by gravity or centrifugal force or by any pressure applied to a button, spring or device in or attached to the handle of the knife.
2. Dagger, being a sharp pointed stabbing instrument (other than an oyster knife), ordinarily capable of being concealed on the person and having (a) a flat blade with cutting edges (whether serrated or not serrated) along the length of both sides; or (b) a needle-like blade, the cross section of which is elliptical or has 3 or more sides, but not including instruments such as swords or bayonets.
3. Knuckle knife, being an open or exposed blade or similar instrument attached to a handle that is designed or adapted to be held between the knuckles (including the device commonly known as the “Urban Pal Knife”).
4. An article that is designed to include a concealed knife or sword blade, including but not limited to (a) a belt or similar article designed or adapted to hold a knife, dagger or similar instrument so that the presence of the knife, dagger or similar instrument is concealed or disguised as part of the belt or similar article when it is worn (for example an article known as the “Bowen Knife Belt”); (b) a swordstick, being a cane, stick or similar article designed or adapted to hold the blade of a sword so that it is concealed from view until withdrawn from the cane, stick or article; (c) a riding crop designed or adapted to hold a blade or spike so that it is concealed from view until withdrawn from the crop.
5. Butterfly knife, being a knife with a 2 piece handle that folds together to cover both edges of the blade whether the blade is serrated or not serrated.
6. Double-end knife, being a knife that has the appearance of 2 overlapping curved blades joined together so as to form an ellipse shape.
7. A knife that is designed or adapted so that the blade is concealed by a plastic, wooden or metal sheath which retracts into the handle of the knife by gravity or centrifugal force or by any pressure applied to a button, spring or device in or attached to the handle of the knife (including the knife commonly known as the “Black Eagle Knife”).
8. Push knife or similar device designed as a weapon that consists of a single-edged or multi-edged blade or spike of any material that has a handle fitted transversely to the blade or spike and allows the blade or spike to be supported by the palm of the hand so that stabbing blows or slashes can be inflicted by a punching or pushing action.
9. Trench knife or similar device that consists of a single-edged or multi-edged blade or spike of any material that is fitted with a handle made of any hard substance that can be fitted over the knuckles of the hand of the user to protect the knuckles and increase the effect of a punch or blow, or that is adapted for such use.
10. Throwing blade, being a knife or axe of any material that is designed or modified to be thrown.
11. Ballistic knife, being a device or instrument designed or adapted to fire or discharge a knife, dagger or similar instrument by mechanical, percussive or explosive means.
12. Non-metal/ceramic knife, being a knife, blade or spike of which no part is metallic, excluding plastic cutlery.
35. A scythe or sickle shaped article designed as a weapon that has a fixed or folding blade, and which may or may not have a chain attached, including the martial arts weapon known as “Kama”.
41. An article consisting of a curved blade pointed at both ends with a handle attached to the middle, including the martial arts weapon known as “Suan Ywe Gou”.
42. An article consisting of a blade or blades with cord, rope or chain attached for the purpose of enabling the blade to be thrown and retrieved, including the martial arts weapon known as “Shoge”, “ninja Kyokeysu-Shoge” or “Kyotetsu Shoge”.
43. Throwing star, being a sharpened star-shaped article designed for throwing, including the martial arts weapon known as “Surikan”, “Suriken” or “Shaken” (including where the throwing star is attached to a belt-buckle).
44. An article consisting of a handle and an edged blade, joined by chain or a combination of chain and metal pieces or steel rods, designed to be used as a whip, including the martial arts weapon commonly known as “Chinese whip”, “whip spear”, “7 piece iron chain”, “9 piece iron chain”, “Bian Tzu Chiang” or “Lien Tzu Chiang”.
45. The martial arts weapon known as a “Butterfly Sword”.
47. Sword, being a thrusting, striking or cutting weapon with a long blade having 1 or 2 edges and a hilt or handle.