



Wushu & Tai Chi Practitioners Association Inc.

Co-operation

Education

Excellence

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Reg No: A0043555A

CONTROL OF WEAPONS IN VICTORIA

(Control of Weapons Act 2000 and Regulations 2004-2010)

TAI CHI/WUSHU SWORDS - CLASS EXEMPTION

A striking or cutting weapon with a long blade having 1 or 2 cutting edges and a hilt,

The definition applies *inter alia* to a **Tai Chi or Wushu straight sword or broadsword (sabre) only** and it will be in that context it will be used here.

SWORDS ARE PROHIBITED WEAPONS IN VICTORIA

The class or general exemption applies to WTPA members 18 years and over to the following extent:

Bringing a sword into Victoria, causing a sword to be brought or sent into Victoria, selling or purchasing a sword, displaying or advertising a sword for sale, possessing using or carrying a sword for the purposes of studying and participating in Wushu and Tai Chi.

Subject to:

When not used for participating in Tai Chi or Wushu, swords must be stored safely and securely and any person relying on the above exemption must permit a member of the police force to inspect the storage arrangements at any reasonable time.

"stored safely and securely" means stored in a manner calculated to ensure that the sword:

- (i) is not readily accessible to others
- (ii) not available for possession carriage or use by others
- (iii) when being transported it is stored so as to be not readily accessible to others and is concealed from plain sight

"participating" includes receiving instruction in, practising, training, teaching or competing in the sport.

In summary store under lock and key, transport out of sight and securely.

PLEASE NOTE: Persons under the age of 18 are NOT covered by the WTPA class exemption.

Prohibited Persons under the act are specifically excluded from the exemption. Prohibited persons are defined under the Firearms Act 1996 (see separate definition). sword is a thrusting,

The exemption does NOT apply to other prohibited weapons such as nunchaku and 7 star whip etc.

It is strongly recommended that Wushu/Tai Chi schools which are organisation members provide their sword students with a copy of the requirements and a document (membership card or receipt with an expiry date) stating that the school is a full organisation member of WTPA, and that current students are associate (non-voting members). The document should show an expiry date for such membership. For example the student could be paid up for say 1 term or a year.

The copy of requirements and membership document should be carried at all times the sword is carried.

Remember if the school, or individual member has not paid the WTPA membership fee (or the student is not an individual member and leaves the school) there is no class exemption and a licence to possess the sword is required. If you are carrying the sword for any purpose other than the practise of Tai Chi or Wushu there is no exemption.

If you feel that you are unable to comply with storage or carriage requirements then do not possess or carry a sword as it could result in confiscation and the possibility of penalties now, under Control of Weapons Amendment (Penalties) Act 2007, of up to **\$28,668 fine or two years imprisonment (Penalties are doubled if found with a sword around a licensed premises)**. Careless or irresponsible behaviour could result in the removal of the class exemption for all members.

The above notes do not purport to be professional legal advice. If you have any doubts as to requirements consult the original legislation, which may be accessed through the <http://www.justice.vic.gov.au> or Victorian Legislation and Parliamentary Documents Website.

s. 3(1)(i). Firearms Act 1996 Act No. 66/1996

"prohibited person" means—

(a) a person who is serving a term of imprisonment for— (i) an indictable offence; or (ii) an assault; or (iii) an offence under the Drugs, Poisons and Controlled Substances Act 1981— or, in relation to a person— (iv) not more than 15 years have expired since the person finished serving a term of imprisonment of 5 years or more for such an offence; or (v) not more than 5 years have expired since the person finished serving a term of imprisonment of less than 5 years for such an offence; or (b) a person who is serving a term of imprisonment in another State or a Territory for an offence of a corresponding nature to an offence listed in paragraph (a) or in relation to a person— (i) not more than 15 years have expired since the person finished serving a term of imprisonment in another State or a Territory of 5 years or more for such an offence; or (ii) or not more than 5 years have expired since that person finished serving a term of imprisonment in another State or a Territory of less than 5 years for such an offence; or (ba) a person— (i) who is serving a term of imprisonment for an offence under section 321 or 321A of the Crimes Act 1958; or (ii) in relation to whom, not more than 10 years have expired since the person finished serving a term of imprisonment for an offence specified in sub-paragraph (i); or (bb) a person— (i) who is serving a term of imprisonment in another State or a Territory of the Commonwealth for an offence of a corresponding nature to an offence specified in paragraph (ba)(i); or (ii) in relation to whom, not more than 10 years have expired since the person finished serving a term of imprisonment in another State or a Territory of the Commonwealth for an offence specified in paragraph (ba)(i); or (c) a person who is subject to— (i) an intervention order under section 4 of the Crimes (Family Violence) Act 1987 or an order of a corresponding nature made in another State or a Territory; or (ii) a community based order which includes a condition referred to in section 38(1)(b) of the Sentencing Act 1991; or (iii) a supervision order under section 26 of the Crimes (Mental Impairment and Unfitness to be Tried) Act 1997— or, in relation to a person, not more than 5 years have expired since the person was subject to such an order; or (d) a person, in relation to whom, not more than 12 months have expired since that person was found guilty by a court, whether in Victoria or in another State or a Territory, of— (i) an offence against this Act, in relation to which it was open to the court to impose a term of imprisonment; or (ii) an offence against any other Act involving the possession or use of firearms and in relation to which it was open to the court to impose a term of imprisonment; or (iii) an indictable offence— and who is not, by virtue of the operation of any other paragraph of this definition, a prohibited person; or (e) any person who is of a prescribed class of persons;

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