

Tai Chi Association of Australia

To be submitted by **post** to:

TCAA VIC Weapons Exemption,
4, Heathland Way
Dingley Village, VIC 3172

I,
[Full Name]

being a member of the TCAA, Member No:

Postal address:

(NOT PO Box)

.....

Email:

do hereby apply for exemption to own and/or practise Tai Chi with a sword under the Control of Weapons Act 1990, EXEMPTION TO POSSESS SWORDS – MARTIAL ARTS, Order in Council.

I understand that I must possess a photo identification on which my name is identical to my name on my TCAA member card, and that my membership must be current for the exemption to be effective.

I declare that I have read and shall comply with the **CONDITIONS** for the Exemption under the Order in Council.

I submit this application with the signed Statutory Declaration duly witnessed.

Applicant signature:

Date:

Victoria Government Gazette G 23 5 June 2014 1167

CONDITIONS

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

General conditions

1. Use: The sword must only be used for the purposes for which the exemption was granted and must be used in the practice of the martial arts discipline in which the organisation specialises.

2. Storage: When not being used for the purposes specified in this Order, swords must be stored safely and securely.

‘stored safely and securely’ means:

(a) stored in a manner calculated to ensure that the sword:

- (i) is not readily accessible to a person other than the person seeking to rely on the exemption; and
- (ii) is not available for possession, carriage or use by any person who does not belong to a class of exempt persons specified in the above Table or who does not hold an approval issued by the Chief Commissioner of Police; and

(b) when being transported between the sword’s usual place of storage and places at which the sword is legitimately used in accordance with this Order:

- (i) stored in a manner calculated to ensure that the sword is not readily accessible to a person other than the person seeking to rely on the exemption; and

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(ii) concealed from plain sight during transportation.

3. 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.
4. Record of possession: A person seeking to rely on this exemption must maintain a record of the quantity and types of swords 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.
5. Record of sale: A person seeking to rely on this exemption who sells a sword 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.
6. Display: A person seeking to rely on this exemption to display a sword 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 swords with historical or cultural significance.
7. Persons aged under 18: A person under the age of 18 is not permitted to purchase any prohibited weapon including a sword. However, a person aged under 18 years who belongs to a class of exempt person specified in this Order may lawfully possess, use or carry a sword subject to the terms and conditions of the exemption.
8. 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

9. The following conditions only have effect in relation to members, instructors and students of an organisation described in Item 1 in Column 1 of the above Table ('Specified Organisation'), who engage in activities involving swords for purposes specified in the Table. The conditions do not have effect in relation to members, instructors and students who do not engage in such activities.
10. Upon joining a Specified Organisation, a person must acknowledge and consent to follow the conditions outlined in this Order.

Prohibited person check

11. A Specified Organisation must be satisfied that each of its members, instructors and students who possesses, uses or carries a sword in accordance with this Order 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, instructor and student to undergo a Criminal History Check or to provide a Statutory Declaration affirming that they are not a prohibited person.
12. A member of a Specified Organisation who holds a firearms licence issued under Part 2 of the Firearms Act 1996, an 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.

Membership records and member identification

13. A Specified Organisation must provide a membership number or other form of unique identifier, to each of its members, instructors and students who possesses, uses or carries a sword in accordance with this Order.

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14. A Specified Organisation must maintain a current register of members, instructors and students who possess swords in accordance with this Order. The register must contain their names and membership numbers or other unique identifiers.
15. A Specified Organisation must, on request, permit a member of the police force to inspect the register at any reasonable pre-arranged time.
16. A Specified Organisation must require each of its members, instructors and students who possesses, uses or carries a sword in accordance with this Order to provide it with the following details: his or her contact details; and the residential address at which the sword is stored.
17. A Specified Organisation must issue to each of its members, instructors or students who possesses, uses or carries a sword in accordance with this Order a membership card showing the person's name and membership number or other unique identifier, and any other details required by the Specified Organisation.
18. When carrying or transporting a sword in public to and from a class or competition, a member, instructor or student of a Specified Organisation must at all times carry his or her membership card as well as evidence of identity that includes a photograph, such as a driver's licence or passport, unless the person is aged under 18 years, in which case he or she is only required to carry his or her membership card.
19. A member of a Specified Organisation who is participating in a class or competition must ensure his or her membership card is readily accessible nearby while participating or competing, for example by keeping the membership card in a bag, cupboard or locker located nearby.

Statutory Declaration

I, _____
[full name]

s. 3

of _____
[address]

_____, do solemnly and sincerely declare that I am NOT a Prohibited Person.
[occupation]

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
 - (iiia) an offence under the **Control of Weapons Act 1990**—
 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 subparagraph (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) a final order under the Family Violence Protection Act 2008 that does not include conditions cancelling or revoking a licence, permit or authority under this Act, or an order of a corresponding nature made in another State or a Territory; or
 - (ia) a final order under the Family Violence Protection Act 2008 that does include conditions cancelling or revoking a licence, permit or authority under this Act, or an order of a corresponding nature made in another State or a Territory; or
 - (ib) a final order under the Stalking Intervention Orders Act 2008 that does not cancel or suspend a licence, permit or authority under this Act, or an order of a corresponding nature made in another State or a Territory; or
 - (ic) a final order under the Stalking Intervention Orders Act 2008 that does cancel or suspend a licence, permit or authority under this Act, 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;

I acknowledge that this declaration is true and correct, and I make it with the understanding and belief that a person who makes a false declaration is liable to the penalties of perjury.

Declared at _____

this _____ day of _____ 20_____

.....
Signature of person making this declaration
[to be signed in front of an authorised witness]

Before me,

.....
Signature of Authorised Witness

The authorised witness must print or stamp his or her name, address and title under section 107A of the *Evidence (Miscellaneous Provisions) Act 1958* (as of 1 January 2010), (previously *Evidence Act 1958*), (eg. Justice of the Peace, Pharmacist, Police Officer, Court Registrar, Bank Manager, Medical Practitioner, Dentist)