



Victoria Government Gazette

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Control of Weapons Act 1990

EXEMPTION OF A CLASS OF PERSONS

Order in Council

The Governor in Council, under section 8B of the **Control of Weapons Act 1990**, exempts the class of persons listed in Column 1 of the Table below from sections 5(1), 5(1AB) and 5AA of the **Control of Weapons Act 1990**, as those sections apply to bringing into Victoria, causing to be brought into Victoria, purchasing, possessing, carrying or using the items specified in Column 2 of the Table, for the purpose listed in Column 3 of the Table.

Column 1 Person	Column 2 Items	Column 3 Purpose
<p>A prison officer in the class of prison officers assigned to the:</p> <ul style="list-style-type: none">• Security and Emergency Services Group of Corrections Victoria, Department of Justice and Regulation; or• Emergency Response Group of Corrections Victoria, Department of Justice and Regulation.	<ul style="list-style-type: none">• Extendable batons• Oleoresin capsicum spray.	<p>That person's duties in relation to being engaged in either the Parkville Youth Justice Centre or the Malmsbury Youth Justice Centre to perform duties to ensure the security or good order of the Parkville Youth Justice Centre or the Malmsbury Youth Justice Centre (including any person in the Parkville Youth Justice Centre or the Malmsbury Youth Justice Centre) or the safety and security of any detainee in the Parkville Youth Justice Centre or the Malmsbury Youth Justice Centre.</p> <p>'Parkville Youth Justice Centre' means the Youth Remand Centre, the Youth Residential Centre and the Youth Justice Centre established by Order in Council published in the Government Gazette G 22 on 2 June 1994 at Crown Land situated at Park Street, Parkville.</p> <p>'Malmsbury Youth Justice Centre' means the Youth Justice Centre established by Order in Council published in the Government Gazette No. 27 on 14 April 1965 at Calder Highway, Malmsbury and the Youth Justice Centre established by Order in Council published in the Government Gazette G 51 on 22 December 2005 at Calder Highway, Malmsbury.</p>

SPECIAL

Column 1 Person	Column 2 Items	Column 3 Purpose
A prison officer in the class of prison officers assigned to the: Security and Emergency Services Group of Corrections Victoria, Department of Justice and Regulation;	<ul style="list-style-type: none"> • Tear gas 	That person's duties in relation to being engaged in either the Parkville Youth Justice Centre or the Malmsbury Youth Justice Centre to perform duties to ensure the security or good order of the Parkville Youth Justice Centre or the Malmsbury Youth Justice Centre (including any person in the Parkville Youth Justice Centre or the Malmsbury Youth Justice Centre) or the safety and security of any detainee in the Parkville Youth Justice Centre or the Malmsbury Youth Justice Centre.

Conditions:

It is a condition of this exemption that:

1. When engaged in the Parkville Youth Justice Centre or the Malmsbury Youth Justice Centre ('the Centres') to perform duties to ensure the security or good order of the Centres or the safety and security of any detainee in the Centres, the prison officer must perform those duties in accordance with the **Children, Youth and Families Act 2005** and any relevant operation order in relation to the Centres issued by the officer in charge of Victorian Youth Justice Custodial Services in the Department of Health and Human Services and an officer of Corrections Victoria of the level of Assistant Commissioner or higher ('Operation Order').
2. Except where inconsistent with the **Children, Youth and Families Act 2005** or an Operation Order, when engaged in the Centres to perform duties to ensure the security or good order of the Centres or the safety and security of any detainee in the Centres, the prison officer must observe all instructions regarding the purchase, storage, possession, carriage and use of extendable batons and oleoresin capsicum spray as specified in a Commissioner's Requirement issued by the Commissioner of Corrections Victoria.
3. Except where inconsistent with the **Children, Youth and Families Act 2005** or an Operation Order, when engaged in the Centres to perform duties to ensure the security or good order of the Centres or the safety and security of any detainee in the Centres, a prison officer in the class of prison officers assigned to the Security and Emergency Services Group of Corrections Victoria, Department of Justice and Regulation must observe all instructions regarding the purchase, storage, possession, carriage and use of tear gas as specified in a Deputy Commissioner's Instructions.
4. The prison officer must have successfully completed the training requirements for the purchase, storage, possession, carriage and use of extendable batons and oleoresin capsicum spray as specified in a Commissioner's Requirement issued by the Commissioner of Corrections Victoria and, if they are a prison officer in the class of prison officers assigned to the Security and Emergency Services Group of Corrections Victoria, Department of Justice and Regulation, must have successfully completed the training requirements for the purchase, storage, possession, carriage and use of tear gas as specified in a Deputy Commissioner's Instruction.

5. The prison officer must not be a prohibited person under the **Control of Weapons Act 1990**.

Commencement:

This Order comes into effect on the date it is published in the Government Gazette.

Dated 27 January 2017

Responsible Minister:

HON LISA NEVILLE MP

Minister for Police

ANDREW ROBINSON
Clerk of the Executive Council

Control of Weapons Act 1990
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The Governor in Council, under section 8B of the **Control of Weapons Act 1990**, exempts the class of persons listed in Column 1 of the Table below from sections 5(1), 5(1AB) and 5AA of the **Control of Weapons Act 1990**, as those sections apply to bringing into Victoria, causing to be brought into Victoria, purchasing, possessing, carrying or using the items specified in Column 2 of the Table, for the purpose listed in Column 3 of the Table.

Column 1 Person	Column 2 Items	Column 3 Purpose
<p>A prison officer in the class of prison officers assigned to the:</p> <ul style="list-style-type: none"> ● Security and Emergency Services Group of Corrections Victoria, Department of Justice and Regulation; or ● Emergency Response Group of Corrections Victoria, Department of Justice and Regulation. 	<ul style="list-style-type: none"> ● Extendable batons ● Oleoresin capsicum spray. 	<p>That person's duties in relation to being engaged in the Precinct to perform duties in relation to ensuring the security or good order of the Precinct (including any person in the Precinct) or the safety and security of any detainee in the Precinct.</p> <p>'Precinct' means the youth remand centre and youth justice centre established by Orders in Council published in the Government Gazette S 403 on 29 December 2016, being the Grevillea Unit Youth Justice Precinct.</p>

Conditions:

It is a condition of this exemption that:

1. When engaged in the Precinct to perform duties in relation to ensuring the security or good order of the Precinct or the safety and security of any detainee in the Precinct, the prison officer must perform those duties in accordance with the **Children, Youth and Families Act 2005** and any relevant operation order in relation to the Precinct issued by the officer in charge of Victorian Youth Justice Custodial Services in the Department of Health and Human Services and an officer of Corrections Victoria of the level of Assistant Commissioner or higher, or, in his or her absence, the General Manager, Security and Emergency Services Group of Corrections Victoria ('Operation Order').

2. Except where inconsistent with the **Children, Youth and Families Act 2005** or an Operation Order, when engaged in the Precinct to perform duties in relation to ensuring the security or good order of the Precinct or the safety and security of any detainee in the Precinct, the prison officer must observe all instructions regarding the purchase, storage, possession, carriage and use of extendable batons and oleoresin capsicum spray as specified in a Commissioner's Requirement issued by the Commissioner of Corrections Victoria.
3. The prison officer must have successfully completed the training requirements for the purchase, storage, possession, carriage and use of extendable batons and oleoresin capsicum spray as specified in a Commissioner's Requirement issued by the Commissioner of Corrections Victoria.
4. The prison officer must not be a prohibited person under the **Control of Weapons Act 1990**.

Commencement:

This Order comes into effect on the date it is published in the Government Gazette.

Dated 27 January 2017

Responsible Minister:

HON LISA NEVILLE MP

Minister for Police

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Column 1 Person	Column 2 Items	Column 3 Purpose
A prison officer of Corrections Victoria assigned to the Olearia High Security Unit at Her Majesty's Prison, Barwon.	Extendable baton	That person's official duties when assigned to the Olearia High Security Unit at Her Majesty's Prison, Barwon.

Conditions:

It is a condition of this exemption that:

1. The prison officer must perform that person's official duties in accordance with the **Corrections Act 1986**.
2. The prison officer must observe all instructions issued by the Commissioner of Corrections Victoria.
3. The prison officer must have successfully completed the training requirements for the purchase, storage, possession, carriage and use of extendable batons as specified in a Commissioner's Requirement issued by the Commissioner of Corrections Victoria.

4. The prison officer must observe all instructions regarding the purchase, storage, possession, carriage and use of extendable batons as specified in a Commissioner's Requirement issued by the Commissioner of Corrections Victoria.
5. The prison officer must not be a prohibited person under the **Control of Weapons Act 1990**.

Commencement:

This Order comes into effect on the date it is published in the Government Gazette.

Dated 27 January 2017

Responsible Minister:
HON LISA NEVILLE MP
Minister for Police

ANDREW ROBINSON
Clerk of the Executive Council

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