



Victoria Government Gazette

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Control of Weapons Act 1990

WEAPONS EXEMPTION FOR PRISON OFFICERS

Order in Council

The Governor in Council, under section 8B of the **Control of Weapons Act 1990** revokes the Order in Council dated 15 May 2018 and published in Government Gazette G20 on 17 May 2018, titled 'Weapons Exemption for Prison Officers', and 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 weapons specified in Column 2 of the Table, for the purpose listed in Column 3 of the Table.

	Column 1 Person	Column 2 Exempted weapons	Column 3 Purpose
1	A prison officer or escort officer of Corrections Victoria	<ul style="list-style-type: none">• Oleoresin capsicum spray• Extendable baton	For the person's official duties when conducting training, conducting perimeter security of any prisons, or escorting or transporting a prisoner outside a prison.
2	A prison officer of Corrections Victoria assigned to a management unit or high security unit within the following prisons: <ul style="list-style-type: none">• Melbourne Assessment Prison• Metropolitan Remand Centre• Her Majesty's Prison, Barwon	<ul style="list-style-type: none">• Extendable baton	For the person's official duties when assigned to a management unit or high security unit of a prison.
3	A prison officer of Corrections Victoria assigned to the Piper Detention Unit with Her Majesty's Prison, Barwon	<ul style="list-style-type: none">• Oleoresin capsicum spray• Extendable baton	For the person's official duties.
4	A prison officer assigned to the Emergency Response Group of Corrections Victoria	<ul style="list-style-type: none">• Oleoresin capsicum spray• Extendable baton	For the person's official duties.
5	A prison officer assigned to the Security and Emergency Services Group of Corrections Victoria	<ul style="list-style-type: none">• Oleoresin capsicum spray• Extendable baton	For the person's official duties.
6	A prison officer assigned to the Security and Emergency Services Group of Corrections Victoria	<ul style="list-style-type: none">• Tear gas	For the person's official duties when managing or controlling prisoners within a prison in Victoria or when conducting training.

SPECIAL

	Column 1 Person	Column 2 Exempted weapons	Column 3 Purpose
7	A prison officer assigned to the Security and Emergency Services Group of Corrections Victoria when participating in training	<ul style="list-style-type: none"> • Tear gas 	For the person's official duties when participating in training.
8	A prison officer or escort officer of Corrections Victoria participating in training	<ul style="list-style-type: none"> • Oleoresin capsicum spray • Extendable baton 	For the person's official duties when participating in training.
9	An employee of GEO Group Australia Pty Ltd authorised to exercise the functions and duties of a prison officer or escort officer in relation to Ravenhall Correctional Centre or Fulham Correctional Centre or both prisons	<ul style="list-style-type: none"> • Oleoresin capsicum spray • Extendable baton 	For the person's official duties when conducting training, conducting perimeter security of Ravenhall Correctional Centre or Fulham Correctional Centre, or escorting or transporting a prisoner outside the respective prisons.
10	An employee of GEO Group Australia Pty Ltd authorised to exercise the functions and duties of a prison officer and assigned to the Correctional Emergency Response Team in relation to Fulham Correctional Centre or Ravenhall Correctional Centre or both prisons	<ul style="list-style-type: none"> • Oleoresin capsicum spray • Extendable baton 	For the person's official duties.
11	An employee of GEO Group Australia Pty Ltd authorised to exercise the functions and duties of a prison officer and assigned to the Correctional Emergency Response Team in relation to Fulham Correctional Centre or Ravenhall Correctional Centre or both prisons	<ul style="list-style-type: none"> • Tear gas 	For the person's official duties when conducting training, managing or controlling prisoners in relation to Fulham Correctional Centre or Ravenhall Correctional Centre.
12	An employee of G4S Custodial Services Pty Ltd authorised to exercise the functions and duties of a prison officer or escort officer in relation to Port Phillip Prison	<ul style="list-style-type: none"> • Oleoresin capsicum spray • Extendable baton 	For the person's official duties when conducting training, conducting perimeter security of Port Phillip Prison, or escorting or transporting a prisoner outside a prison.
13	An employee of G4S Custodial Services Pty Ltd authorised to exercise the functions and duties of a prison officer and assigned to a management unit or high security unit within Port Phillip Prison	<ul style="list-style-type: none"> • Extendable baton 	For the person's official duties when assigned to a management unit or high security unit.

	Column 1 Person	Column 2 Exempted weapons	Column 3 Purpose
14	An employee of G4S Custodial Services Pty Ltd authorises to exercise the functions and duties of a prison officer or escort officer in relation to Port Phillip Prison and assigned to the Tactical Operations Group	<ul style="list-style-type: none"> ● Oleoresin capsicum spray ● Extendable baton 	For the person's official duties.
15	An employee of G4S Custodial Services Pty Ltd authorised to exercise the functions and duties of a prison officer in relation to Port Phillip Prison and assigned to the Tactical Operations Group	<ul style="list-style-type: none"> ● Tear gas 	For the person's official duties when conducting training, managing or controlling prisoners in relation to Port Phillip Prison.
16	An employee of GEO Group Australia Pty Ltd authorised to exercise the functions and duties of a prison officer and assigned to the Correctional Emergency Response Team in relation to Fulham Correctional Centre or Ravenhall Correctional Centre or both prisons, when participating in training	<ul style="list-style-type: none"> ● Tear gas 	For the person's official duties when participating in training.
17	An employee of GEO Group Australia Pty Ltd authorised to exercise the functions and duties of a prison officer or escort officer in relation to Ravenhall Correctional Centre or Fulham Correctional Centre or both prisons, when participating in training	<ul style="list-style-type: none"> ● Oleoresin capsicum spray ● Extendable baton 	For the person's official duties when participating in training.
18	An employee of G4S Custodial Services Pty Ltd authorised to exercise the functions and duties of a prison officer in relation to Port Phillip Prison and assigned to the Tactical Operations Group when participating in training	<ul style="list-style-type: none"> ● Tear gas 	For the person's official duties when participating in training.
19	An employee of G4S Custodial Services Pty Ltd authorised to exercise the functions and duties of a prison officer or escort officer in relation to Port Phillip Prison when participating in training	<ul style="list-style-type: none"> ● Oleoresin capsicum spray ● Extendable baton 	For the person's official duties when participating in training.

Conditions:

1. In relation to the classes of person listed in rows 1, 2, 3, 4, 5 and 6 of the table, it is a condition of the exemptions that:
 - a) The person must have successfully completed the training requirements for the use of the exempted weapons as specified in any relevant Commissioner's Requirement issued by the Commissioner of Corrections Victoria.

- b) The person must observe all instructions regarding the bringing into Victoria, purchase, storage, possession, carriage and use of the exempted weapons as set out in any relevant Commissioner's Requirement issued by the Commissioner of Corrections Victoria.
 - c) The person must not be a prohibited person under the **Control of Weapons Act 1990**.
2. In relation to the classes of person listed in rows 7 and 8 of the table, it is a condition of the exemptions that:
- a) The person must observe all instructions regarding the bringing into Victoria, purchase, storage, possession, carriage and use of the exempted weapons as set out in any relevant Commissioner's Requirement issued by the Commissioner of Corrections Victoria.
 - b) The person must not be a prohibited person under the **Control of Weapons Act 1990**.
3. In relation to the classes of person listed in rows 9, 10, 11, 12, 13, 14 and 15 of the table, it is a condition of the exemptions that:
- a) The person must be authorised under section 9A of the **Corrections Act 1986**.
 - b) The person must have successfully completed the training requirements for the use of the exempted weapons as specified in any relevant Commissioner's Requirement issued by the Commissioner of Corrections Victoria.
 - c) The person must observe all instructions regarding the bringing into Victoria, purchase, storage, possession, carriage and use of the exempted weapons as specified in any relevant Commissioner's Requirement issued by the Commissioner of Corrections Victoria.
 - d) The person must not be a prohibited person under the **Control of Weapons Act 1990**.
4. In relation to the classes of person listed in rows 16, 17, 18 and 19 of the table, it is a condition of the exemptions that:
- a) The person must be authorised under section 9A of the **Corrections Act 1986**.
 - b) The person must observe all instructions regarding the bringing into Victoria, purchase, storage, possession, carriage and use of the exempted weapons as specified in any relevant Commissioner's Requirement issued by the Commissioner of Corrections Victoria.
 - c) The person 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 24 March 2020

Responsible Minister:

HON LISA NEVILLE MP

Minister for Police and Emergency Services

CLAIRE CHISHOLM
Clerk of the Executive Council

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Level 2, 1 Macarthur Street
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gazette@ivegroup.com.au

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