



Victoria Government Gazette

No. S 578 Thursday 20 October 2022
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Control of Weapons Act 1990

VICTORIA POLICE – PROHIBITED WEAPON EXEMPTION – CONDUCTED ENERGY DEVICE

Order in Council

The Governor in Council under section 8B of the **Control of Weapons Act 1990** orders that –
Commencement

This Order comes into operation on the day it is published in the Government Gazette.

Definitions

In this Order –

- (a) **conducted energy device** means an article designed or adapted to emit an electric current into a human body for the purposes of incapacitation or injury;
- (b) **protective services officer** has the same meaning as in the **Victoria Police Act 2013**; and
- (c) **Victoria Police employee** has the same meaning as in the **Victoria Police Act 2013**.

Exemption

A person listed in Column 1 of the Table is exempt from sections 5(1), 5(1AA), 5(1AB), 5(1A) and 5AA of the **Control of Weapons Act 1990** as the section applies to an activity listed in Column 2 of the Table in relation to an item listed in Column 3 of the Table, for the purpose listed in Column 4 of the Table.

| Column 1 Person | Column 2 Activity | Column 3 Item | Column 4 Purpose |
|---|---|--------------------------|--|
| A police officer. A protective services officer. | Possess, use or carry. Possess, carry or use in licensed premises or in a public place that is in the immediate vicinity of licensed premises. | Conducted energy device. | Official duties. |
| A member of Victoria Police personnel within the meaning of the Victoria Police Act 2013 . | Possess, use or carry. Possess, carry or use in licensed premises or in a public place that is in the immediate vicinity of licensed premises. | Conducted energy device. | Official duties relating to training with a conducted energy device. |

SPECIAL

| Column 1 Person | Column 2 Activity | Column 3 Item | Column 4 Purpose |
|--|--|---------------------------------|--|
| <p>A police officer.</p> <p>A protective services officer.</p> <p>A Victoria Police employee.</p> | <p>Possess, use or carry.</p> <p>Bring into Victoria.</p> <p>Cause to be brought into or sent into Victoria.</p> <p>Purchase.</p> <p>Sell.</p> | <p>Conducted energy device.</p> | <p>Administrative duties that include procurement, issue, receive, store, upload, charge, test, maintain, transport, and dispose of a conducted energy device.</p> |
| <p>A police custody officer supervisor within the meaning of the Victoria Police Act 2013.</p> <p>A police custody officer within the meaning of the Victoria Police Act 2013.</p> | <p>Possess.</p> | <p>Conducted energy device.</p> | <p>Administrative duties that include receive, store and issue a conducted energy device.</p> |

Condition

It is a condition of the exemption in this Order that a person who possesses a conducted energy device or a cartridge for a conducted energy device must store the conducted energy device or the cartridge for a conducted energy device (as the case requires) as if –

- (a) a conducted energy device were a general category handgun within the meaning of the **Firearms Act 1996**; and
- (b) a cartridge for a conducted energy device were cartridge ammunition within the meaning of the **Firearms Act 1996**.

Revocation

The Order of the Governor in Council made under section 8B of the **Control of Weapons Act 1990** dated 1 June 2021 and published on pages 1113 to 1114 of the Government Gazette No. G 22 on 3 June 2021 relating to a prohibited weapon that is a conducted energy device is **revoked**.

Variation

The Order of the Governor in Council made pursuant to section 8B(a)(ii) of the **Control of Weapons Act 1990** on 20 April 2004 and published on page 961 of the Victoria Government Gazette No. G 17 on 22 April 2004 is **varied** so that it does not apply in relation to a prohibited weapon that is a conducted energy device.

Dated: 18 October 2022

Responsible Minister:

HON ANTHONY CARBINES MP

Minister for Police

Minister for Crime Prevention

Minister for Racing

SAMUAL WALLACE
Clerk of the Executive Council

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