



Victoria Government Gazette

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Control of Weapons Act 1990 EXEMPTION UNDER SECTION 8B

Order in Council

The Lieutenant-Governor, as the Governor's Deputy, with the advice of the Executive Council and under section 8B(1) of the **Control of Weapons Act 1990**, exempts the following classes of person from certain provisions of the **Control of Weapons Act 1990** in relation to the articles known as imitation firearms, oleoresin capsicum spray, extendable batons and body armour.

The exemption applies to the classes of person set out in Column 1, with respect to the sections of the **Control of Weapons Act 1990** set out in Column 2, in relation to the activities described in Column 3 for the purposes specified in Column 4 of the following table.

Column 1 Classes of person	Column 2 Exempt sections	Column 3 Description of Activity	Column 4 Purpose
A senior IBAC Officer acting in accordance with the terms of an authorisation given by the IBAC to possess, carry and use defensive equipment.	s. 5(1)(a) s. 5(1)(b) s. 5(1AB) s. 5(1A) s. 5AA s. 8A(1)(a) s. 8A(1)(b) s. 8A(1)(c) s. 8A(1)(d)	<ul style="list-style-type: none"> Purchasing articles designed or adapted to discharge oleoresin capsicum spray, extendable batons or body armour. Bringing articles designed or adapted to discharge oleoresin capsicum spray, extendable batons or body armour into Victoria. Causing articles designed or adapted to discharge oleoresin capsicum spray, extendable batons or body armour to be brought or sent into Victoria. Possessing, carrying or using articles designed or adapted to discharge oleoresin capsicum spray, extendable batons or body armour. 	<p>To:</p> <ul style="list-style-type: none"> investigate police personnel conduct under section 70 or corrupt conduct under section 71 of the Independent Broad-based Anti-corruption Commission Act 2011; or provide or receive training, or test or maintain defensive equipment under section 72 of the Independent Broad-based Anti-corruption Commission Act 2011; or purchase, acquire, maintain, issue, accept the return of or store defensive equipment under section 73 of the Independent Broad-based Anti-corruption Commission Act 2011.
A senior IBAC Officer.	s. 5(1)(a) s. 5(1)(b) s. 5(1AB) s. 5AB(1)	<ul style="list-style-type: none"> Purchasing imitation firearms. Bringing imitation firearms into Victoria. Causing imitation firearms to be brought or sent into Victoria. Possessing, carrying or using an imitation firearm. 	<p>To:</p> <ul style="list-style-type: none"> provide or receive training; or maintain the imitation firearm.

SPECIAL

Definitions

In this Order, unless a contrary intention appears, words have the same meaning as they have in the **Independent Broad-based Anti-corruption Commission Act 2011**.

Conditions to which this exemption is subject

1. The only prohibited weapons to which this exemption extends are imitation firearms and those prohibited weapons defined in clauses 20 and 25 in Schedule 3 to the **Control of Weapons Regulations 2011**. These are:
 - an article designed or adapted to discharge oleoresin capsicum spray; and
 - an extendable baton, being a baton designed or adapted so that the length of the baton extends by gravity or centrifugal force or by any pressure applied to a button, spring or device in or attached to the handle of the baton.
2. Defensive equipment within the meaning of section 3 of the **Independent Broad-based Anti-corruption Commission Act 2011** and imitation firearms must only be used for the purposes for which this exemption was granted.
3. When not being lawfully used, and while being transported between the usual place of storage, imitation firearms and defensive equipment must be stored safely and securely in a manner that ensures that the imitation firearms and defensive equipment are not readily accessible to a person other than a person to whom this exemption applies.
4. A person to whom this exemption applies must maintain a record of the number and types of imitation firearms and defensive equipment in his or her possession, and must maintain a record of the purchase and disposal of such items.

Revocation

The Lieutenant-Governor, as the Governor's Deputy, with the advice of the Executive Council and under section 8B(4)(b) of the **Control of Weapons Act 1990** revokes the Order in Council dated 19 May 2009 and published in Government Gazette G21 on 21 May 2009, which exempted staff members of the Office of Police Integrity from certain provisions of the **Control of Weapons Act 1990** in relation to defensive equipment.

Variation

The Lieutenant-Governor, as the Governor's Deputy, with the advice of the Executive Council and under section 8B(4)(b) of the **Control of Weapons Act 1990** varies the Order in Council dated 28 June 2011, and published in Government Gazette G26 on 30 June 2011, by omitting items 7 and 8 in the Table in that Order, which exempted staff members of the Office of Police Integrity from certain provisions of the **Control of Weapons Act 1990** in relation to imitation firearms.

This Order in Council takes effect on 10 February 2013.

Dated 5 February 2013

Responsible Minister:

PETER RYAN

Minister for Police and Emergency Services

MATTHEW McBEATH
Clerk of the Executive Council

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