



# Victoria Government Gazette

No. S 446 Tuesday 19 December 2017  
By Authority of Victorian Government Printer

## Control of Weapons Act 1990

### WEAPONS EXEMPTION FOR PRISON OFFICERS AND YOUTH JUSTICE OFFICERS

#### 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 section 8A(1) 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
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"><li>• Body armour</li></ul>	<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
An officer within the meaning of the <b>Children, Youth and Families Act 2005</b> assigned to the Safety and Emergency Response Team in relation to a youth justice facility.	<ul style="list-style-type: none"> <li>Body armour</li> </ul>	<p>That person's duties in relation to 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>

**Conditions:**

In relation to 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, 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 Justice and Regulation 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 body armour as specified in a relevant Commissioner's Requirement issued by the Commissioner of Corrections Victoria and any relevant Deputy Commissioner's Instruction issued by the Deputy Commissioner (Operations) of Corrections Victoria.
3. The prison officer must have successfully completed the training requirements for the purchase, storage, possession, carriage and use of body armour as specified in a relevant Commissioner's Requirement issued by the Commissioner of Corrections Victoria and any relevant Deputy Commissioner's Instruction issued by the Deputy Commissioner (Operations) of Corrections Victoria.
4. The prison officer must not be a prohibited person under the **Control of Weapons Act 1990**.

In relation to an officer within the meaning of the **Children, Youth and Families Act 2005** assigned to the Safety and Emergency Response Team in relation to a youth justice facility, it is a condition of this exemption that:

1. When performing duties in the Parkville Youth Justice Centre or the Malmsbury Youth Justice Centre ('the Centres') to ensure the security or good order of the Centres or the safety and security of any detainee in the Centres, the officer must perform those duties in accordance with the **Children, Youth and Families Act 2005** and any relevant Director's Instruction in relation to the Centres issued by the Director of Youth Justice Custodial Services, Department of Justice and Regulation.
2. Except where inconsistent with the **Children, Youth and Families Act 2005**, 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 officer must observe all instructions regarding the purchase, storage, possession, carriage and use of body armour as specified in a relevant Director's Instruction in relation to the Centres issued by the Director of Youth Justice Custodial Services, Department of Justice and Regulation.
3. The officer must have successfully completed the training requirements for the purchase, storage, possession, carriage and use of body armour as specified in a relevant Director's Instruction in relation to the Centres issued by the Director of Youth Justice Custodial Services, Department of Justice and Regulation.
4. The officer must not be a prohibited person under the **Control of Weapons Act 1990**.

**Commencement**

This Order comes into effect on 20 December 2017.

Dated 19 December 2017

Responsible Minister:

HON LISA NEVILLE MP

Minister for Police

ANDREW ROBINSON  
Clerk of the Executive Council

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