

Authorised Version

**Corrections Amendment (Remotely Piloted Aircraft
and Helicopter Ban) Regulations 2018**

S.R. No. 3/2018

TABLE OF PROVISIONS

<i>Regulation</i>		<i>Page</i>
1	Objective	1
2	Authorising provision	1
3	Commencement	2
4	Principal Regulations	2
5	New Division 16 of Part 3 inserted	2
6	Searches of persons other than prisoners	2
7	New regulation 71A inserted	2
8	New regulations 74AA and 74AB inserted	4
<hr/> <hr/>		
Endnotes		7

Authorised Version

STATUTORY RULES 2018

S.R. No. 3/2018

Corrections Act 1986

Corrections Amendment (Remotely Piloted Aircraft and Helicopter Ban) Regulations 2018

The Governor in Council makes the following Regulations:

Dated: 30 January 2018

Responsible Minister:

GAYLE TIERNEY
Minister for Corrections

ANDREW ROBINSON
Clerk of the Executive Council

1 Objective

The objective of these Regulations is to amend the Corrections Regulations 2009—

- (a) to prescribe persons who are exempt from the offence under section 32A(1) of the **Corrections Act 1986**; and
- (b) to set out procedures for searches and seizures in relation to an offence under section 32A(1) of the **Corrections Act 1986**.

2 Authorising provision

These Regulations are made under section 112 of the **Corrections Act 1986**.

3 Commencement

These Regulations come into operation on
1 February 2018.

4 Principal Regulations

In these Regulations, the Corrections Regulations
2009¹ are called the Principal Regulations.

5 New Division 16 of Part 3 inserted

After regulation 49A of the Principal Regulations
insert—

"Division 16—Remotely piloted aircraft or helicopters

49B Prescribed persons allowed to operate remotely piloted aircraft or helicopter

For the purposes of section 32A(1) of the
Act, a person employed by the Department
in Corrections Victoria and acting in the
course of their employment is a prescribed
person."

6 Searches of persons other than prisoners

In regulation 71(1) of the Principal Regulations,
for "section 45" **substitute** "section 45(1) or (2)".

7 New regulation 71A inserted

After regulation 71 of the Principal Regulations
insert—

"71A Searches of persons or vehicles—remotely piloted aircraft and helicopter ban

- (1) Before conducting a search of a person
under section 45(2A) or (2B) of the Act,
the escort officer or police officer must do
the following—

- (a) inform the person of the officer's authority to conduct the search;
 - (b) inform the person of the reason for the search in that particular case;
 - (c) ask the person if the person has any thing in their possession which may threaten the good order or security of the prison, including a remotely piloted aircraft or helicopter;
 - (d) ask the person to produce any thing referred to in paragraph (c);
 - (e) provide the person with the opportunity to respond to the requests referred to in paragraphs (c) and (d);
 - (f) record the person's responses to the requests referred to in paragraphs (c) and (d);
 - (g) record any other details required by the Secretary.
- (2) A person who is about to be searched may request that a person who is accompanying the person be present during the search.
- (3) For the purposes of section 45(2D) of the Act, a search of a person must—
- (a) be conducted only by either one or more of a scanning search, a garment search or a pat-down search; and
 - (b) not be conducted by more officers than is reasonably necessary to ensure the safety of the officers and the person being searched.

- (4) For the purposes of section 45(2D) of the Act, a search of a vehicle must be conducted in one or more of the following ways—
 - (a) an officer examining the exterior and interior of the vehicle;
 - (b) an officer passing an electronic metal detection device over or in close proximity to the vehicle.
- (5) Nothing in this regulation affects any other power a police officer may have in relation to the search of a person or vehicle."

8 New regulations 74AA and 74AB inserted

After regulation 74 of the Principal Regulations
insert—

"74AA Register of things seized—remotely piloted aircraft and helicopter ban

- (1) The Governor of a prison must establish and maintain a register of all things seized under section 46(1A) of the Act.
- (2) The Governor must ensure that, in respect of each thing seized, an entry is made in the register that contains—
 - (a) a description that includes the quantity (if known) of the thing; and
 - (b) the name of the person from whom the thing was seized; and
 - (c) the name and address of the owner of the thing seized (if known); and
 - (d) the time and date of the seizure; and
 - (e) the name and signature of the escort officer who seized the thing; and
 - (f) information about how the thing was dealt with under regulation 74AB.

- (3) In addition, if a firearm, explosive substance or quantity of a drug of dependence seized under section 46(1A) of the Act is given to a police officer under regulation 74AB(2), the register must contain the name, rank, number and signature of that police officer.

74AB Dealing with things seized—remotely piloted aircraft and helicopter ban

- (1) The Governor of a prison must ensure that a thing seized under section 46(1A) of the Act is dealt with in accordance with this regulation.
- (2) The Governor must ensure that a firearm, explosive substance or drug of dependence seized under section 46(1A) of the Act is given to a police officer as soon as possible.
- (3) The Governor must direct that any other thing seized under section 46(1A) of the Act is dealt with by one or more of the following methods—
- (a) retention of the thing as evidence;
 - (b) disposal of the thing in a manner allowed by law;
 - (c) return of the thing to the owner or the person from whom it was seized (if reasonably practicable);
 - (d) declaration of the thing as forfeit to the Crown if the thing was involved in the commission of an offence under section 32A(1) of the Act;
 - (e) dismantling of the thing in a manner allowed by law;

- (f) dealing with the thing in a manner that is appropriate to the nature of the thing and the circumstances under which it was seized."
-
-

Endnotes

- ¹ Reg. 4: S.R. No. 40/2009. Reprint No. 1 as at 18 August 2015. Reprinted to S.R. No. 95/2015. Subsequently amended by S.R. Nos 140/2015, 79/2016, 60/2017 and 133/2017.