

NOTICE OF FILING

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POLICE, NORTH WEST METRO REGION & ANOR
Registry: VICTORIA REGISTRY - FEDERAL COURT OF AUSTRALIA



Sia Lagos

Registrar

Important Information

This Notice has been inserted as the first page of the document which has been accepted for electronic filing. It is now taken to be part of that document for the purposes of the proceeding in the Court and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties.

The date of the filing of the document is determined pursuant to the Court's Rules.



Form 59
Rule 29.02(1)

Affidavit

No. VID1612 of 2025

Federal Court of Australia

District Registry: Victoria

Division: Administrative and Constitutional Law and Human Rights

TARNEEN ONUS BROWNE & ANOR

Applicants

ASSISTANT COMMISSIONER OF POLICE, NORTH WEST METRO REGION & ANOR

Respondents

Affidavit of: **Assistant Commissioner Brett John Curran**

Address: 311 Spencer Street, Docklands, Victoria 3008

Occupation: Assistant Commissioner of Police

Date: 14 January 2026

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Filed on behalf of (name & role of party) Assistant Commissioner of Police, North West Metro Region (First Respondent)
The State of Victoria (Second Respondent)

Prepared by (name of person/lawyer) Laura Godfrey

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I, Assistant Commissioner Brett John Curran of 311 Spencer Street, Docklands, Victoria 3008 Assistant Commissioner of Police affirm:

1. My full name is Brett John Curran. I am the Assistant Commissioner of Police, North West Metropolitan Region at Victoria Police, the First named Respondent in this proceeding.
2. I make this affidavit from my own knowledge, unless I state otherwise, in which case I state the basis of any such belief.

Qualifications and professional background

3. I graduated from the Victoria Police Academy in 1981 and I then commenced employment as a sworn member of Victoria Police.
4. Since 1981, aside from the period from October 2007 to June 2014 (which I refer to below), I have been employed by Victoria Police in various operational and management roles:
 - (a) between 1981 and 1997, I performed the roles of General Duties Police, Sergeant Prosecutions Division and Detective Sergeant Crime Department;
 - (b) between 1998 and 2003, I performed the roles of Detective Senior Sergeant of the Criminal Proceeds Squad and then Detective Acting Inspector in charge of Computer Crime and Criminal Proceeds Squad;




- (c) between 2003 and 2005, I was the Inspector, Deputy Chief of Staff and Government Liaison for the then Chief Commissioner of Police, Christine Nixon;
 - (d) from 2005 to 2006, I was the Inspector of the Moreland Police Service Area;
 - (e) in 2006, I was the Acting Superintendent of the Counter Terrorism Coordination Unit;
 - (f) in 2007 I was the Chief of Staff to the Chief Commissioner of Police, Christine Nixon;
 - (g) in 2007, I was the Acting Divisional Commander, Detective Acting Superintendent North West Region, of Crime, Road Safety and Division 2;
 - (h) in October 2007 to November 2010, I was the Chief of Staff to the Office of the Minister of Police, Emergency Services and Corrections;¹
 - (i) between January 2011 and 2013, I was the Chief of Staff to the Office of the Opposition Leader of the Victoria State Parliament;²
 - (j) in June 2014, I returned to Victoria Police as the Superintendent at the Licensing & Regulation Division responsible for the regulation of firearms and the security industry; and
 - (k) in October 2015, I commenced as the Chief of Staff to the then Chief Commissioner of Police, Graham Ashton.
5. In November 2019, I commenced as an Assistant Commissioner.
6. During the course of my employment, I have undertaken training and obtained additional qualifications including the following:
- (a) Prosecutor Training Course;
 - (b) Detective Training School;
 - (c) Graduate Certificate in Fraud Investigation;
 - (d) Australian Federal Police Management of Serious Crime; and
 - (e) Australian Institute of Police Management Police Leadership Scheme.

Current Role

7. I am the Assistant Commissioner for North West Metropolitan Region. I lead approximately 3,800 staff in facilitating and managing the provision of policing services and community safety for the City and North Western Suburbs of Melbourne.

Purpose and History of OMNI decisions

¹ During this period, I was not an employee of Victoria Police.

² During this period, I was not an employee of Victoria Police.




8. I am aware that *Control of Weapons Act 1990 (Vic)* (**Act**) details criteria for an "authorised officer" to designate a declared area for the purposes of enabling increased police powers, primarily weapons search powers, but also including directions powers. Once an area is designated, Victoria Police organises an operation to exercise those increased powers, allocating specific resources to same. The exercise of these increased search powers is referred to within Victoria Police as an 'OMNI operation' - meaning I sometimes refer to declarations under the Act as OMNI declarations .
9. As I am ranked as an Assistant Commissioner, I have the delegated authority to declare an area to be designated under the Act. A true copy of the "Instrument of Delegation" is at Annexure **BJC-1**.
10. I understand that such declarations can be made for the purpose of preventing or deterring violence or disorder associated with weapons.
11. In 2009, when I was the Chief of Staff to the then Minister for Police & Emergency Services, I participated in briefings on the drafting of the original bill for the Act and the original human rights compatibility statement. I understood that the powers were introduced to prevent, deter and detect weapon carriage and use.
12. I am aware that in March 2025, amendments were made to the Act which allow for declarations as to designated area search powers to be made for up to six months.
13. In my role in the past year, I have made 16 OMNI declarations within the North West Metropolitan Region.
 - (a) Each of these OMNI declarations was made following an assessment of the risk of violence and disorder involving weapons within the relevant designated area.
 - (b) Of the 16 OMNIs, I have made ten OMNI declarations within "Division one" (referred to as **ND1**), covering areas within and surrounding the Central Business District (**CBD**) of Melbourne. I was updated on the process and high level outcomes of any approved OMNIs.
 - (c) From my daily policing duties, I have observed that over the 12 months the CBD has seen a return to pre-COVID patronage and an increase in weapons offending in public spaces. Additionally, I have seen the frequency of counter protest activity by issue motivated groups with opposing ideologies increase. I am aware of people carrying weapons in to mass community events and of protest-related violence in that context. My knowledge is from personally monitoring significant incidents and operations and from in person debriefs and post-event reports of other incidents and operations.

Declaration



14. On or around 27 October 2025, I had a conversation with Deputy Commissioner Robert Hill about the amendments which had been made to the Act and whether the Melbourne CBD and surrounding area could be designated under the recently amended provisions for a substantial period.
15. Subsequently, I then had conversations with Acting Commander Lorna McCarthy, Superintendent Zorka Dunstan and Acting Commander Belinda Jones and asked that an assessment be made of the available intelligence to assess the utility of making an extended declaration under the Act. This assessment took some weeks and I had discussions with the members on its progress over that period.
16. Ultimately I was advised by Acting Commander Belinda Jones and Superintendent Zorka Dunstan that they would recommend the implementation of Operation ND1-HOTEL-2025-2026, which would utilise the OMNI powers, to focus on reducing weapons related offending in the Melbourne CBD and surrounding areas including Docklands, Carlton, Southbank and South Yarra, over a period of six months.

Document Pack Collation and Preparation

17. On 24 November 2025, when I arrived at my desk shortly before 9 AM I saw a pack of documents to assist my assessment of a designation under s 10D of the Act (**Document Pack**).
18. This was the first time I had seen the materials which make up the Document Pack.
19. The Document Pack consisted of:
 - (a) Issue Cover Sheet ND 1-HOTEL 2025-2026. A true copy of the "Issue Cover Sheet ND 1-HOTEL 2025-2026" is at Annexure **BJC-2**;
 - (b) Operation Order for NDW1 Hotel 2025-2026 (**Operation Order**). A true copy of the "Operation Order for NDW1 Hotel 2025-206" is at Annexure **BJC-3**;
 - (c) Summary of Legislative Changes and Victoria Police Manual - Designated areas (**VPM**). A true copy of the "Summary of Legislative Changes and Victoria Police Manual - Designated areas" is at Annexure **BJC-4**;
 - (d) OMNI Support Summary (intelligence product) (**OMNI Support Summary**). A true copy of the "OMNI Support Summary" is at Annexure **BJC-5**;
 - (e) Operational Risk Assessment. A true copy of the "Operational Risk Assessment" is at Annexure **BJC-6**;
 - (f) Human Rights Risk Assessment. A true copy of the "Human Rights Risk Assessment" is at Annexure **BJC-7**;




- (g) Media Brief - Submission for Gazette, Draft Gazette/Website notice. A true copy of the " Media Brief - Submission for Gazette, Draft Gazette/Website notice and Designated Area Search Notices" is at Annexure **BJC-8**;
- (h) Application to declare a designated area (**Application**). A true copy of the "Application to declare a designated area" is at Annexure **BJC-9**.
- (i) Designated Area Search Notices. A true copy of the "Designated Area Search Notices" is at Annexure **BJC-10**.

Redactions Applied to Documents in the Document Pack

20. Some of the documents within the Document Pack have been redacted on the basis of privacy as they contain personally identifying information of third parties, police officers or other information that is unrelated to this proceeding. These redactions are specified as follows:

Annexure	Affidavit Page	Reason
BJC-3	25	Media phone numbers and the phone number for safe city control room
BJC-5	50 - 52	Street numbers and car registrations
	53	Phone number of individual Victoria Police member
BJC-6	55	Phone number of Corporate Risk Unit
BJC-8	73	OMD and Victoria Police phone numbers, PO and Work Centre numbers
BJC-9	78 & 79	Phone numbers of individual Victoria Police members

21. One further redaction has been made on the basis that it is subject to public interest immunity and disclosure of the information would reveal sensitive Victoria Police methodology and operational details that has the potential to compromise police operations. This redaction is made on the Channel Section in the Operation Order at **BJC-3** at page 25 of this Affidavit.

Decision Making Process, Reliance on Decision-Making Material and Assessment of Intelligence

22. The Document Pack, including the Issue Cover Sheet, had been passed through three other reviewers before coming to me for final approval of the Declaration. The

Declaration was supported by Detective Inspector Martin McLean, Superintendent Zorka Dunstan and Acting Commander Belinda Jones.

23. I considered the information in the Document Pack and also was informed by preliminary conversations I had with Superintendent Dunstan and Acting Commander Jones at various times before receiving the Document Pack about the strength of the intelligence, the need for the declaration and the manner in which the powers under the Act would be used.
24. I reviewed the Document Pack in light of my personal knowledge of the publicised issue of related weapons offending, pending community seasonal events, my experience in operational policing since 1981 and potential upcoming counter-protest activity with a potential for violence.
25. I relied on the Documents contained within the Document Pack to assist me in making my decision.
26. Pursuant to item 3.2 in the VPM at **BJC-4**, I was aware that based on supporting evidence, I must assess the validity of the intelligence or information I received relating to violence or disorder involving weapons in the area. The assessment was part of my consideration process.
27. The intelligence I was provided with in the OMNI Support Summary at **BJC-5** contained reported offences that had been extracted from Victoria Police's Law Enforcement Assistance Program (**LEAP**) database and from incident fact sheets, which record incidents where weapons have been used in assaults, stabbings or murder.
28. Over the course of my employment at Victoria Police, I have regularly reviewed data from LEAP and similar factsheets. The intelligence material that I reviewed in the Document Pack was consistent with the methodology and content of this data.
29. I trust the accuracy of the LEAP database and data received from the Crime Statistics Agency, which I have extensively used over the course of my employment with Victoria Police. As a result, I was satisfied with the veracity of the intelligence, information and data that was before me.
30. I now understand that the version of the VPM at **BJC-4** was outdated and there is an updated version of the Victoria Police Manual – Designated Areas (**Current VPM**). The Current VPM was not in the Document Pack however, I had previously reviewed it and was familiar with it prior to making my decision. A true copy of the "Current Victoria Police Manual - Designated Areas" is at Annexure **BJC-11**.

Timing of the Declaration



31. At approximately 11:35 AM on 24 November 2025, after considering the information contained within the Document Pack, I approved the making of a declaration of a designated area pursuant to s 10D(1) of the Act.

(a) The designated area is:

All public places within the area, bounded by the intersection of Peel Street and Victoria Street, east to the intersection of Victoria Street and Rathdowne Street, north to the intersection of Rathdowne Street and Carlton Street, east to the intersection of Carlton Street and Nicholson Street, south to the intersection of Nicholson Street and Victoria Parade, east to the intersection of Victoria Parade and Hoddle Street, south to the intersection of Hoddle Street and Wellington Parade, south to the intersection of Punt Road and Domain Road, west to the intersection of Domain Road and St Kilda Road, north to the intersection of St Kilda Road and Park Street, southwest to the intersection of Park Street and Clarendon Street, northwest to the intersection of Clarendon Street and Whiteman Street, northwest to the intersection of Spencer Street and the Yarra River, west along the southern side of the Yarra River to Webb Bridge, north over the Yarra River to the intersection of Navigation Drive and Harbour Esplanade, north to the intersection of Harbour Esplanade and Dudley Street, and northeast to the intersection of Dudley Street and Peel Street, including all roadways and footpaths associated with the stated road and road related areas (Road has the same meaning as in section 3 of the Road Safety Act 1986), and including all railway stations, underpasses and associated public transport hubs within the defined area.

(b) The duration is:

12.00am Sunday 30 November 2025 to 11.59pm Friday 29 May 2026.

(Declaration).

32. The Application at **BJC-9** records "1135" as the time that the Application was received by me. This is incorrectly recorded and 11:35 AM was the time that I signed and approved the Application.
33. On 25 November 2025, I am aware that the Declaration was published in the Victorian Government Gazette. A true copy of the "Victorian Government Gazette No. S 646" is at Annexure **BJC-12**.

Statutory Considerations under s 10D of the Control of Weapons Act

34. As part of my Document Pack, the statutory criteria under s10D of the Act was detailed on numerous occasions, for my consideration when making a planned designation:

- (a) on page 1 of **BJC-2** (page 20 of this Affidavit);
- (b) on pages 1 to 2 of **BJC-4** (pages 27 to 28 of this Affidavit);
- (c) on page 3 of **BJC-4** (page 29 of this Affidavit);
- (d) on page 1 of **BJC-5** (page 42 of this Affidavit); and
- (e) on page 5 of **BJC-9** (page 82 of this Affidavit).

35. I understood that the statutory criteria were:

- (a) S10D(1)(b)(i): more than one incident of violence or disorder has occurred in that area in the previous 12 months that involved the use of weapons;
- (b) S10D(1)(b)(ii): it is necessary to designate the area for the purpose of enabling police officers or protective services officers to exercise search powers to prevent or deter the occurrence of any violence or disorder that the Chief Commissioner is satisfied is likely to occur;
- (c) S10D(2): The area designated must not be larger than is reasonably necessary to enable police officers or protective services officers to effectively respond to the threat of violence or disorder.
- (d) S10D(3): The period of operation of a declaration (a) must be not longer than is reasonably necessary to enable police officers or protective services officers to effectively respond to the threat of violence or disorder; and (b)(ii) must not exceed 6 months.

36. I also understood that under s10D(1A) "likelihood" includes where something is less than more likely than not.

37. This statutory criteria was at the forefront of my mind when reviewing the other material in the Document Pack and in coming to my decision to make the Declaration.

38. At the time of making the Declaration, I was exercising the powers under s 10D(1)(b) of the Act. I also applied subsections 10D(1A), 10D(2) and 10D(3) of the Act in my consideration of the use of these powers.

Previous Incidents and Likelihood of Future Incidents

39. I was aware that there had been a significant number of offences that involved the use of weapons or likely involved the use of weapons in the CBD and vicinity in the previous 12 months and that this included significant individual incidents which had caused concern among the public and members of Victoria Police.

40. I believed that similar incidents would likely occur within the six-month period specified and within the area designated for the OMNI.




41. As part of my review, I considered the intelligence contained in the OMNI Support Summary at **BJC-5**. This included intelligence in relation to violent offending not specified to include weapons. Material derived from LEAP categorises offences, however the statistics might at times be high-level in the sense that they might not necessarily reveal a situation where a weapon was part of an offence however not included in the charge or narrative. I understood that some of these offences would have actively involved weapons. In addition, in my experience, it is likely that at least some of those involved in certain types of violent offending were carrying weapons even if they were not actively utilised in the offence, meaning that the ability to search for weapons would assist police in their objectives of reducing these incidences of violence or disorder.
42. It is also my belief that the possession of weapons creates a likelihood that those weapons will be utilised in violence or disorder of some kind. As a result, I considered the number of weapons possession offences relevant to the threat of violence and disorder involving weapons.
43. By reviewing the mapping data contained within the OMNI Support Summary at **BJC-5**, I was satisfied that there was a likelihood of violence or disorder involving use of weapons occurring in the proposed designated area in the future, at various times and locations.

Prevention and Deterrence

44. The Issue Cover Sheet at **BJC-2** that I reviewed detailed that the proposed Declaration was:
- "designed to create an inhospitable environment for those wishing to carry weapons and use them to offend within the proposed designated area. The use of search powers under the Control of Weapons Act in the proposed designated area will provide residents, visitors, and workers with a safe, orderly and secure environment, by removing illegal weapons from the area."*
45. Given the predominance of previous incidents that I had reviewed in the OMNI Support Summary at **BJC-5**, I was of the opinion that the nature of the powers under the Declaration, the publication of them and the exercising of the powers by frontline operational police officers and protective services officers would act as a deterrent to offenders.
46. I considered this to be both a specific deterrent of those offenders subject to the powers as well as a general deterrent to any other person holding an intent to enter the designated area under the Declaration and potentially commit an offence using a weapon.



47. I formed the view that the exercise of these powers would lead to behavioural change in the designated area by any would-be offenders generally.
48. In my opinion, the powers were reasonably necessary to allow Victoria Police to efficiently respond to threats of violence or disorder in the future, which I considered to be likely to occur.
49. I was aware that there has not been a large number of weapons seized under the OMNIs run in North West Metro Region in the last year prior to the making of this Declaration. I consider it a sign that deterrence is working. As OMNI searches are carried out on a random basis, they do not often locate weapons, but the exercise of the powers (including the volume and visibility of searches conducted) has a deterrent effect.

Area

50. Having reviewed the intelligence information in the Document Pack before me, I was concerned about the significant number of offences that involved the use of weapons or likely involved the use of weapons occurring in the previous 12 months.
51. In particular, I relied on the OMNI Support Summary at **BJC-5**, including but not limited to the aoristic chart and graphs to form a view that the offences were occurring and could occur in the area I later designated in the Declaration.
52. While there were particular areas that I considered to be 'hot spots' for offences, there were offences occurring in a large variety of locations outside of these hot spots. This extended to areas across the proposed designated area, which satisfied me that there was a likelihood of future threat extending to these areas.
53. My considerations in coming to this conclusion included my general knowledge of incidents occurring in areas that are not permanently populated but that are visited upon occasion by significant numbers of people and which could otherwise be places of mass gathering, such as Federation Square, the Melbourne Cricket Ground or the tennis centre at Melbourne Park. This makes these areas potential targets for significant incidents.
54. The 'non-hot spot' areas within the proposed designated area also included the staging and meeting points of some Issue Motivated Groups who in the past have engaged in violence and locations where there have been significant, but less common, incidents. For example, the Royal Botanic Gardens has been used as a gathering place for a march towards the Shrine of Remembrance by the National Socialist Network.
55. As part of my consideration of the proposed designation area, I considered the scope of the area and whether it was appropriate to designate the entire area sought. I




determined that I could not discount the carriage or use of weapons anywhere within the proposed designation area. I determined that the area included hot spots, transit points, staging points and places of occasional mass gatherings (**Key Locations**). I considered the boundary carefully and concluded that having a clear boundary incorporating these high risk locations would be easiest to enforce for police and provide clarity to members of the public, ensuring that the Declaration was effective in its purpose.

56. I was satisfied that the proposed area was confined to the CBD and nearby Key Locations. In my opinion it was reasonably necessary to include these areas to enable police and protective services officers to effectively respond to any threat of violence or disorder and to also proactively attempt to prevent any such violence or disorder.

Duration

57. My review of the OMNI Support Summary at **BJC-5** also informed me that there was no consistency with the timing of offences involving weapons, because the offences occurred at different times, days and months. My assessment was that this was a dynamic and persistent threat such that I considered that a six-month declaration was reasonably necessary to enable the exercise of the powers to effectively prevent, deter and detect any offences involving weapons.
58. I was also informed by the period of the Declaration, from November to May, being warmer months in Melbourne and the time of year where there is typically a large number of events. As a result, there would be more people in the Melbourne CBD and surrounds due to weather, longer daylight hours and events, including but not limited to school vacation periods, the Boxing Day cricket test match over 5 days, New Year's Eve celebrations, the Australian Open tennis tournament over several weeks in January, the Moomba Festival in March and ANZAC Day events.
59. My understanding was that it was a purpose of the legislation to empower declarations of periods greater than 24 hours and up to six months in duration. The later period being for the purpose of a continuing authorisation, which differentiates it from being used for a specific event.
60. I foresaw the need to utilise the powers at various locations and times across the full period and area designated in the Declaration. I also considered that having the Declaration in place would create a deterrent effect even when the powers were not actively being utilised by Victoria Police.
61. It was a key consideration of mine when approving the duration of the Declaration that the powers would be exercised in the following way:

- (a) in a planned manner;




- (b) only when authorised by leadership of Northwest Metropolitan Region Division 1 Superintendent; and
- (c) all Victoria Police members exercising the powers would be briefed on their scope and applicable human rights considerations.

62. Another reason why the duration of the Declaration was the length that it was, was to avoid the need for repeated designations over this period. This was consistent with my understanding of the purpose of the legislation and the nature of the intelligence I was reviewing supported this duration. There were overlapping events and activities forecast over this period and from a practical perspective it was appropriate to avoid operational and legal inconsistencies or ambiguity due to multiple intersecting declarations.

Consideration of other measures and police powers

63. I considered other available measures to achieve the same goals, however OMNI declarations are in my opinion the most effective deterrent to carrying weapons into a location (as explained above at [44] to [49]) .
64. There are a number of ongoing and historical operations that have been deployed by Victoria Police within the Melbourne CBD in recent years, with aims including the reduction of violence and disorder involving weapons. These operations are made more effective with the addition of the powers under the Declaration, to the extent they provide:
- (a) a deterrent on potential offenders as they do not know if they will be randomly searched at any time; and
 - (b) police officers and protective services officers with the ability to identify potential offenders.
65. For example, I was aware of Operation Brightside which commenced in in October 2025. Operation Brightside, subsequently renamed Harmony, was an operation in which police were deployed in a highly visible fashion across the Melbourne CBD to deter crime and public order offending and increase community confidence. I was of the view that Harmony would be more effective with access to the powers of the Declaration as an additional method for improving community safety and this was one of my considerations in making the Declaration.

Charter of Human Rights Considerations

66. By reference to the Human Rights Risk Assessment at **BJC-7** in the Document Pack as well as my general understanding of the *Charter of Human Rights and Responsibilities Act 2006 (Vic)* (**Charter**) gained over the course of my career, I identified that the




following Charter rights (collectively, **Rights**) would be relevant to my consideration of the proposed designation:

- (a) the right to protection from degrading treatment under s 10 of the Charter;
- (b) the right to freedom of movement under s 12 of the Charter;
- (c) the right to take part in public life under s 18 of the Charter;
- (d) property rights under s 20 of the Charter;
- (e) the right to liberty and security of person under s 21 of the Charter;
- (f) the right to humane treatment when deprived of liberty under s 22 of the Charter; and
- (g) the rights of children in the criminal process under s 23 of the Charter.

67. Having regard to the purpose of the Declaration as set out at [44] above, I assessed that the limits on these Rights were justified because the powers would be exercised under the proposed designation in accordance with risk mitigation strategies. In addition, the proposed designation would be accompanied by an overarching direction that the powers be exercised proportionately, lawfully and where reasonably necessary. This satisfied me that members will be aware of the scope of their powers when acting under the Declaration.
68. When making the Declaration I considered whether a smaller scope or area would be appropriate. I concluded that the Declaration as approved was the most effective means of meeting the purpose of the Declaration for the reasons set out at [50] to [56] above.
69. At the time of making the Declaration, my focus was preventing and deterring violence and disorder through the use of search powers. Protest activity was not my predominant purpose.

Affirmed by the deponent)
 at Queenscliffe)
 in Victoria)
 on 14 January 2026)
 Before me:)



Signature of deponent



Signature of witness

Laura Elisabeth Godfrey, Australian Legal Practitioner

In accordance with section 27(1A) of the *Oaths and Affirmations Act 2018* this affidavit was signed and affirmed by the deponent by audio visual link and the authorised affidavit taker has

used a scanned or electronic copy of the affidavit and not the original in completing the jurat requirements.

Certificate Identifying Annexure

No. VID1612 of 2025

Federal Court of Australia

District Registry: Victoria

Division: Administrative and Constitutional Law and Human Rights

TARNEEN ONUS BROWNE & ANOR

Applicants

ASSISTANT COMMISSIONER OF POLICE, NORTH WEST METRO REGION & ANOR

Respondents

This is the annexure marked "BJC-1" now produced and shown to Assistant Commissioner Brett John Curran at the time of affirming his affidavit on 14 January 2026.

Before me:



.....
Laura Elisabeth Godfrey

Annexure "BJC-1"



VICTORIA POLICE

Mike Bush CNZM
Chief Commissioner of Police

Victoria Police Centre
311 Spencer Street
Docklands Victoria
3008 Australia

Telephone +61 3 8335 1189

P.O. Box 913
Melbourne Victoria 3001 Australia

INSTRUMENT OF DELEGATION

ENABLING POWER: Section 10F, *Control of Weapons Act 1990*

SUBJECT: General Policing – Power to declare a designated area

REFERENCE: GP 2

FILE NUMBER: **FF-102542**


DELEGATION: I, Mike Bush, Chief Commissioner of Victoria Police, pursuant to section 10F of the *Control of Weapons Act 1990*, **hereby delegate** my powers under the *Control of Weapons Act 1990* as specified in column 2 of the Schedule and summarised in column 3 of the Schedule to the person(s) for the time being holding or acting in or performing the duties of the position(s) listed in column 4 of the Schedule.

REVOKED DELEGATION: Signed 14 September 2017

DATE: 20/8/2017

SIGNED:


MIKE BUSH CNZM
CHIEF COMMISSIONER OF POLICE


 Signed by Chief Commissioner

General Policing (GP) – Schedule
GP 2: General Policing – Power to declare a designated area

1	2	3	4
Ref. No	Relevant legislative provision under the <i>Control of Weapons Act 1990</i>	Summary of delegated powers	Delegate
GP 2.1	s.10D s.10E	<ul style="list-style-type: none"> ▪ To declare an area to be a designated area and to publish a notice of the declaration of an area in accordance with s.10D (planned designation of an area) To declare an area to be a designated area and to publish a notice of the declaration of an area in accordance with s.10E (unplanned designation of an area) 	Police officers of or above the rank of Assistant Commissioner

Certificate Identifying Annexure

No. VID1612 of 2025

Federal Court of Australia

District Registry: Victoria

Division: Administrative and Constitutional Law and Human Rights

TARNEEN ONUS BROWNE & ANOR

Applicants

ASSISTANT COMMISSIONER OF POLICE, NORTH WEST METRO REGION & ANOR

Respondents

This is the annexure marked "BJC-2" now produced and shown to Assistant Commissioner Brett John Curran at the time of affirming his affidavit on 14 January 2026.

Before me:



.....
Laura Elisabeth Godfrey

Annexure "BJC-2"

ISSUE COVER SHEET

File No:

Issue:

OMNI application for Operation ND1-HOTEL-2025-2026 in the Melbourne, Docklands, Carlton, Southbank and South Yarra areas, from Sunday 30 November 2025 to Friday 29 May 2026 (six (6) months).

Background:

The Control of Weapons Act and VPM – Designated Areas: Conducting searches and issuing directions Part 1 provides the criteria for an authorised officer, to designate a declared area for the purpose of an OMNI operation for planned events. An authorised officer for the purpose of the Act is an *Assistant Commissioner of Police* and the specific criteria is outlined in *Appendix 2 – 'Victoria Police Manual – Designated areas: Conducting Searches and issuing directions' (Page 1 – Definitions)*.

On 26 March 2025 amendments were made to the Control of Weapons Act 1990 which allow for OMNI declarations to be made for up to six (6) months. *Summary of legislative changes as of 26 March 2025 included.*

The use of the Control of Weapons Act Designated Area Search Powers area commonly referred to as 'OMNI'.

Between 1 November 2024 and 31 October 2025, there was a total of 4223 offences meeting the OMNI criteria within the proposed designated area. 818 of these offences fit the criteria of "incidents involving a weapon". (*Appendix 3 – Intel Product – page 2, Statistical Review*)

This OMNI operation is applied for on the basis of s.10D(3)(b) of the Control of Weapons Act;

- The declaration does not exceed six (6) months, and;
- CCP is satisfied: More than one (1) incident of violence or disorder has occurred in area in the previous 12 months that involved the use of weapons; and it is necessary to designate the area for the purpose of enabling police or PSOs to exercise search powers to prevent or deter the occurrence of any violence or disorder that the CCP is satisfied is likely to occur.

Comment:

ND1 propose the implementation of Operation ND1-HOTEL-2025-2026, utilising OMNI powers, to focus on reducing offending of the above nature in the Melbourne CBD and surrounding areas including Docklands, Carlton, Southbank and South Yarra. The operation is proposed to commence from 30 November 2025, so that key periods over summer including New Years eve and the summer school holidays are covered where there is traditionally an increase in related offending.

The attached intelligence product fully supports the Declaration of a Planned Designated Area for the proposed period, and outlines specific offending relevant to the proposed area, as detailed in *Appendix 3*.

Operation ND1-HOTEL-2025-2026 is designed to create an inhospitable environment for those wishing to carry weapons and use them to offend within the proposed designated area. The use of search powers under the Control of Weapons Act in the proposed designated area will provide residents, visitors, and workers with a safe, orderly and secure environment, by removing illegal weapons from the area.

This will be achieved by selecting persons at random within the designated area, intercepting and searching these persons in accordance with the Control of Weapons Act 1990, VPMs, and the Human Rights Charter. The operation will also aim to prevent the use of face coverings to conceal identities or protect from crowd control substances in support of provisions of the Control of Weapons Act.

The proposed Designated Area encompasses the area roughly bound by Victoria Street to the north, Hoddle Street/Punt Road to the east, Domain Road to the south, and Clarendon Street/Harbour Esplanade to the west. This area encompasses major infrastructure within ND1 including the MCG, Shrine of Remembrance, Southbank promenade and Crown Casino precinct, major shopping centres and retail precincts, and major railway stations

and public transport hubs. The size of the proposed designated area would allow for resources to be deployed to specific areas at the discretion of the Police Commander based on events, incidents and contemporary intelligence. *Appendix 8 (Designated Search area notice).*

It is proposed that the operation designates a planned Declared Area (Section 10D(1)) for the purpose of this operation between 12.00am 30 November 2025 and 11.59pm 29 May 2026 (six (6) months). This timeframe has been nominated based on intelligence which indicates ongoing and consistent relevant offending within the proposed designated area throughout the proceeding 12 months. Checks have been conducted, and it has been confirmed that there has not been an OMNI planned within 12 hours of this date at this location,

Further specifics of this operation, including the Command structure, resourcing, operational deployment and Regional/Divisional Instructions are to be developed and implemented by NWM Executive Command.

The ND1-HOTEL-2025-2026 Operation Order to support this application and provide the operation and command structure details as outlined in *Appendix 1* is pending completion by ND1 Management in consultation with Command, along with any amendments required to the Operational Risk Assessment and Human Rights Assessment as outlined in *Appendix 4* and *Appendix 5* respectively.

Upon approval, a 'Notice of Declaration' will be published in the Government Gazette and Victoria Police news website (as outlined in *Appendix 6*), as soon as possible prior to the operation date and in support of VPM – Designated Areas: Conducting searches and issuing directions Part 1.2.

The mandatory requirements of the Authorised Officer (Assistant Commissioner) for a 'Planned' operation (10 D) is outlined in *'Application to Declare – VPI373 Part C - Page 2 (Appendix 7)* and are listed below:

- Human Rights Risk Assessment attached and reviewed (*Appendix 5*)- *Pending any amendments required*
- OMNI checklist reviewed (*VPI373 page 5*)
- Operation Order attached and reviewed (*Appendix 1*) – *Pending completion*
- Risk assessment for a Planned Event (*Appendix 4*) - *Pending any amendments required*
- Evidence of previous weapons violence or weapons offences (*Appendix 3*)
- An application for this search has not been made within the past 12 hours (mentioned above)
- Draft details for publishing in Government Gazette and Victoria Police website (*Appendix 6*)

Recommendation:

1. Superintendent Zorka DUNSTAN endorse the OMNI operation application in the Melbourne, Docklands, Carlton, Southbank and South Yarra areas, from **Sunday 30 November 2025 to Friday 29 May 2026** (six (6) months). (*Sign part B of Application to Declare (Appendix 7)*)
2. Assistant Commissioner Brett CURRAN approve the OMNI operation application in the Melbourne, Docklands, Carlton, Southbank and South Yarra areas, from **Sunday 30 November 2025 to Friday 29 May 2026** (six (6) months). (*Sign part C of Application to Declare (Appendix 7)*)

Luke READ Det. Sgt. 38507
Melbourne DRU

Date: 19/11/2025

1. Detective Inspector Martin MCLEAN - NDI I&R

Supported /
Not-Supported

Reviews and Additional Documents added & updated to ENSURE
OMNI Remains Applicable To A Six Month OMNI

Operational Resourcing/Deployments/Instructions - TBA.

2. Superintendent Zorka DUNSTAN

[Signature] 23/11/25

Supported /
Not-Supported

supported for further consideration.
Please note that this is for 6 months. It is intended
to have weekly scheduled operations to ensure
implementation complies with legislation.

3. CBD/North Commander

Supported ~ Operator Harmony resources will
support OMNI.

24/11/25
Supported /
Not-Supported

[Signature]
Belinda Jones
Acting Commander

4. Assistant Commissioner Brett CURRAN

Supported /
Not-Supported

I have approved the OMNI from 0000 30/11/2025 to
29/5/2026

[Signature]

24/11/2025

Certificate Identifying Annexure

No. VID1612 of 2025

Federal Court of Australia

District Registry: Victoria

Division: Administrative and Constitutional Law and Human Rights

TARNEEN ONUS BROWNE & ANOR

Applicants

ASSISTANT COMMISSIONER OF POLICE, NORTH WEST METRO REGION & ANOR

Respondents

This is the annexure marked "BJC-3" now produced and shown to Assistant Commissioner Brett John Curran at the time of affirming his affidavit on 14 January 2026.

Before me:



.....
Laura Elisabeth Godfrey

Annexure "BJC-3"

DIU REF:
INTMDN02536679

NORTH-WEST METRO DIVISION 1 | Melbourne CBD and Vicinity
Operation ND1 – HOTEL – 2025-2026
30th November 2025 – 29th May 2026 (six (6) months)



SITUATION

BACKGROUND

Beginning 00:00hrs 30th November 2025 until 23:59hrs 29th May 2026, North-West Metro Division 1 will be conducting a designated search OMNI Operation (Op N1 HOTEL 2025-2026) under Section 100 of the Control of Weapons Act 1990 (CoWA).

The operation will run as deemed necessary inclusive of the above dates, where practicable and resources allow, units will be tasked to the OMNI operation.

The operation will be overseen by various areas within ND1, which includes ND1 Spec. Ops., any of the Investigation & Response Units, general duties members from any of the ND1 Police Stations or as rostered Transit Police. Only units tasked to 'Op N1 HOTEL 2025-2026' where a Sergeant or higher ranked personnel is rostered are to utilize OMNI search powers for the period of the designated area.

This operation's intention is to support community safety within the declared areas, which includes shopping centre precincts and the vicinity of public transport hubs, in line with North-West Metro Region's overall continued Public Safety initiative.

Intelligence suggests a continual increase in robberies, serious assaults, possession of weapons, wearing of articles to disguise a person's identity and other crimes against the person at shopping centres, including transit locations.

AREA OF OPERATIONS
Melbourne CBD and vicinity.

Contained on Map 1 on Page 2 of this Operation Order.

INTELLIGENCE LED OPERATION

Melbourne Divisional Intelligence Unit (Melb DIU) has provided a filtered statistical review of a summary of incidents (Appendix 3) which has identified violence related offending over the previous 12-month period (01-Nov-2024 to 31-Oct-2025). This includes more than one incident of violent disorder in previous 12 months using weapons.

There was a total of 4,223 OMNI meeting the criteria (Assault, Robbery, Behaviour in Public, Weapons/Explosives), identified within the designated area/s. Of these incidents 818 were listed most being for Possess/Carry/Use Prohibited Weapon. Some of these incidents with weapons (including firearms) were serious enough to result in serious injuries or the death of a person.

This Police operation is to be held in an area where incidents of violence or disorder involving the use of weapons have occurred on previous occasions and should be considered within risk assessments and planning.

MISSION – OUTLINE

MISSION (COMMANDER'S INTENT)

To provide high visible presence and a safe, orderly secure environment by removing illegal weapons from persons frequenting the area/s of operation, in support of North-West Metro Region's overall Public Safety initiatives.

To detect and apprehend offenders within the designated area. To reduce crime and increase public confidence within the designated area both during and following this Operation.

OBJECTIVES

- Detect and seize weapons to reduce potential for community harm from weapon and violent disorder offences.
- Help members of the Victorian public feel safe by providing a visible and accessible police presence.
- Provide a first point of contact for persons experiencing social, health, and/or welfare challenges.

MEASUREMENT OF SUCCESS

The successful completion of the operation will fulfil the goals of the Victoria Police 'A Safe Victoria' strategy 2025-2028 by:

- Community first through service excellence
- Increase community trust & confidence
- Reduce serious & violent crime
- Leadership at every level
- Intelligence informed decision making
- Prevention of crime mindset
- Victim focus, prioritising the needs and safety of people
- Preserve the peace
- Protect life and property
- Prevent offending
- Detect & apprehend offenders
- Help those in need of assistance
- Our people are high performing

OPERATIONAL RISK ASSESSMENT
This operation is classified as **LOW RISK**
Refer to Risk Assessment (Appendix 5)

NATIONAL THREAT LEVEL
From 07-Mar-2025 – **PROBABLE**
(As per National Terrorism Threat Advisory System)

EXECUTION

POLICE FORWARD COMMANDERS

IPC	TBC
IPC	TBC
SAFETY OFFICER	TBC

OMNI RESOURCING

	S/SGT	SGT	O/R	PSO SGT	PSO
Voluntary or Rostered Duties	1 (min)	2 (min)			

Detail sheet(s) will be prepared as applicable for each cluster deployment once resource/member names are finalised.

ARRESTS

Active enforcement must be used for this operation. Where weapons/Dangerous Article offences are detected, process will be proceeded with the most appropriate form:

- Caution (child offender only), or
- Infringement Notice, or
- BWC Eff / Field Interview & ITS

If required to transport an offender to a police station:

Police Custody Station 1 – Primary location
Melbourne West Police Station
515 Spencer Street (opp. La Trobe Street), Docklands, VIC 3008
03 9624 9999

Police Custody Station 2 – overflow location
Melbourne East Police Station
202 Bourke Street
Melbourne, VIC 3000
03 9637 1100

All persons taken into custody should be handcuffed if it is reasonably believed to be necessary. Where power of arrest no longer exists, the person should be released without delay.

OFFENDER TRANSPORT

Vans/mini trailers may NOT always be allocated to this Operation. Local divisional van units will be required to assist in any transport situation requirement. PPC to liaise with ND1 251/245 (or representative) for resource availability.

USE OF FORCE

Any force used against any person, whether arrested or searched, must be reasonable and justifiable. Use of Force is governed by Section 462A of the Crimes Act. Where a non-compliant person is required to be searched a supervisor must attend the scene and manage the incident. Where force is used, a supervisor should conduct a short de-brief and review BWC. UoF forms must be completed prior to the end of the shift.

OMNI OPERATION GUIDELINES & HUMAN RIGHTS

GENERAL EXECUTION

- This operation will focus on searching without a warrant under a 'designated area' under s.100 of the Control of Weapons Act.
- A 'Designated Area Search Information' (Appendix 8) pamphlet MUST be distributed to all persons searched or spoken to within the designated search area.
- Persons are to be subject to **RANDOM** selection for searches as part of this operation.

BEFORE COMMENCING A SEARCH – POLICE OFFICER/PSO MUST INFORM THE PERSON OF:

- Police/PSO Name, Rank & place of duty (in writing also if requested)
- The reason for the search
- That you are empowered under the Control of Weapons Act to conduct the search
- Must produce ID if not in uniform
- Must give them a Search Notice (Form 1373A) unless the person refuses or does not wish to accept (s.100)

WHAT CAN BE SEARCHED?

If found in a **public place**, within the designated area:

- A person (s.100 Police and s.106A PSO)
- Anything in their possession or under their control (s.100 Police and s.106A PSO)
- A vehicle, if there is a person in or on the vehicle (s.100). No person in vehicle = CANNOT search under these provisions

LIMITATIONS/CONSIDERATIONS

- Police & PSOs MUST conduct least invasive search that is practicable
- Weapon = prohibited weapon, controlled weapon or dangerous article.
- Where offence detected/identified, s.456AA applies.
- Police/PSOs must ask for cooperation; Hinder/Obstruct police/PSO – refer to Section 100, CoWA.
- Only a CoWA specific power to obtain name & address if stop searching a person (s.100(1))
- Must conduct the least invasive search that is practicable (S100(3) – Police / s.106A(4) – PSO)
- Cannot be detained longer than reasonably necessary for purpose of search/seizure (s.100(4))
- If item is NOT a weapon and can be legally possessed, it must be returned without delay (s.100(2))
- Manner of search – same sex as person (or as person identifies)

PSO LIMITATIONS

- Police officers must be present and actively involved in the search of the designated area
- NOT permitted to conduct full searches.

DP&CS Act

82 Search without warrant

(1) Where a police officer has reasonable grounds for suspecting that— (a) on or in a vehicle in or upon a public place; (b) on an animal in a public place; (c) in the possession of a person in a public place; (d) on or in a boat or vessel, underway or not; or (e) on or in an aircraft— there is a drug of dependence in respect of which an offence has been committed or is reasonably suspected to have been committed under a provision of Part V, the police officer may with such assistance as he thinks necessary— (f) search the vehicle, animal, person, boat, vessel or aircraft; (g) seize and carry away any instrument device or substance which he reasonably believes to be used or capable of being used for or in the manufacture, sale, preparation for manufacture, preparation for sale, or use of any drug of dependence; (h) seize and carry away the drug of dependence— and deal with it according to law.

HUMAN RIGHTS

We must ensure that all operational guidelines, procedures, regulations take into account our legal requirement to properly consider and protect human rights. This can be done by ensuring all actions:

- Have a legal authority
- Have considered the impact on a person's human right
- Have considered the other less restrictive options available
- Are necessary to achieve the objective of the operation
- Are proportionate responses to the presenting circumstances


Any limitation on a person/groups human rights must be reasonable, necessary, and justified.
Refer to the Human Rights Risk Assessment (Appendix 5)

SEARCHES OF CHILDREN

NO PERSON 12 YEARS OR UNDER IS TO BE SEARCHED OR ALLOWED TO WALK THROUGH ANY METAL DETECTOR.

A police officer may pass the electronic metal detection device over the close proximity to a child over 12 years of age. The member may request the removal of outer garments such as a coat, gloves etc. A member may search any item in the child's control such as a bag.

A pat down search or a full search of a child must be undertaken in the presence of a parent or guardian. If due to the urgency or seriousness of the circumstances, a search may be conducted in the presence of an Independent Person.

SEARCHES	ADMIN & LOGISTICS	COMMUNICATION & SAFETY	AREA OF OPERATIONS (DESIGNATED AREA MAP & NARRATIVE)																					
<p>SEARCHES Searches are governed by the VPM-Searches of a person:</p> <p><u>Ward Searches</u> Section 10G enables a search without warrant of a person and any thing in their possession for weapons in a public space in a designated area. The process for all searches initially authorised under s 10G is an initial electronic device search, followed by an outer search.</p> <p>This is because if 3 of 4 applies, which requires the initial electronic device search. If, from that search, police consider the person might be concealing a weapon, police may then conduct an outer search under s 5(1).</p> <p><u>Pat down searches</u> should be conducted with dignity and respect, consider moving the person out of major thoroughfares to afford as much privacy as possible.</p> <p><u>Full searches</u> must be conducted at the PSO PODs. A Sergeant must maintain supervision of any such search. Approval by D/PPC or PPC required.</p> <p><u>Search of children, Aboriginal & vulnerable persons</u> Adherence to Section 3.4 (full search) of VPM is required.</p> <p><u>Transgender, gender diverse & intersex persons</u> should be searched by a member of the same gender with which the person identifies.</p> <p>OMNI SPECIFIC LEGISLATIVE SEARCH LIMITATIONS</p> <table border="1" data-bbox="21 568 682 941"> <tr> <td>CHILDREN UNDER 12 YEARS OF AGE</td> <td>CANNOT be searched under designated area legislation.</td> </tr> <tr> <td>CHILDREN OVER 12 & UNDER 18 Y/O <u>METAL DETECTION SEARCH</u></td> <td>CAN BE searched by metal detector. 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UNABLE TO DETERMINE AGE	Are required to be treated as if a child.	<p>BRIEFING / DE-BRIEFING</p> <p>All personnel will commence duties as tasked by PPC or representative as per joining instructions. Pre-reading briefing will be attached to the joining instructions.</p> <p>In person briefing shall occur by the PPC at the commencement of duties usually at the Victoria Police Centre 311 Spencer Street, Docklands. All members utilising these OMNI powers must attend an in person briefing, unless held remotely or via pre-recorded means. A hot-debrief shall be completed at the end of the operation by the PPC.</p> <p>The Designated Area includes the Melbourne CBD and Vicinity (refer Designated Area (map 1) featured to the right). PSOs if utilised will be deployed with Police members at any transit locations within the designated area.</p> <p>UNIFORM MEMBERS</p> <ul style="list-style-type: none"> Operational uniform Baseball cap Patrol jackets IDEV - Ballistic vest with plates & high-visibility vests Raincoats (if required) <p>EQUIPMENT</p> <ul style="list-style-type: none"> Full OGTT equipment including firearm/Taser (if qualified) MK3 OC spray/Foam MK3 OC foam if available ASP baton Portable radio Notebook/handcuffs PPE (Safety Gloves, gloves, mask) BWC and Iri (if found) Each Unit shall carry a handheld metal detector Approved wands <p>VEHICLES To be driven from work unit.</p> <p>MEALS/REFRESHMENTS</p> <ul style="list-style-type: none"> Meals not supplied. Bottled water not supplied. <p>OVERTIME No planned overtime but in the event it is required it shall be approved or arranged via the PPC. Fatigue management to be considered.</p> <p>BWC NAMING CONVENTION OMNI – ND1 HOTEL 2025-2028</p> <p>MEDIA STRATEGY Media Unit are aware of this operation. Media Unit can be contacted on PRIVACY. Members should not engage with Media on site. Direct any media to PPC.</p>	<p>CHANNELS P11</p> <p>SAFETY OFFICER & BRIEFING A Safety Officer is appointed for this operation. A safety briefing shall be provided prior to the members being deployed.</p> <p>STAND DOWN AREA & AMENITIES</p> <p>Melbourne West Police Station 311 Spencer Street (cor. La Trobe Street), Docklands, VIC 3008 03 9624 3999</p> <p>Secondary venue</p> <p>Melbourne East Police Station 202 Bourke Street Melbourne, VIC 3000 03 9637 1300</p> <p>Sufficient amenities are in both locations with appropriate management for welfare of members.</p> <p>SAFE CITY CAMERS Control room: PRIVACY</p> <p>INJURIES The Police Commander is to be immediately informed of any injuries to any member or other person as a result of police involvement. Should any serious injury or accident occur an ambulance is to be immediately called.</p> <p>Nearest hospital/c:</p> <p>St. Vincent's Hospital 41 Victoria Parade Fitzroy 3065 (03) 9251 2211</p> <p>The Royal Melbourne Hospital 300 Grattan Street Parkville 3050 (03) 9342 7000</p> <p>PREPARED: Martin McLEAN D/INSP 30552</p> <p>APPROVED: NWM – Assistant Commissioner Brett CURRAN</p>	<p>DESIGNATED AREA</p> <p>Melbourne CBD and Vicinity The Assistant Commissioner, North West Metro Region, acting as a delegate of the Chief Commissioner of Police, under section 100(1) of the Control of Weapons Act 1990, declares as a designated area all public places within the area, bounded by the intersection of Peel Street and Victoria Street, east to the intersection of Victoria Street and Rathdowne Street, north to the intersection of Rathdowne Street and Carlton Street, east to the intersection of Carlton Street and Nicholson Street, south to the intersection of Nicholson Street and Victoria Parade, east to the intersection of Victoria Parade and Hoddle Street, south to the intersection of Hoddle Street and Wellington Parade, south to the intersection of Punt Road and Domain Road, west to the intersection of Domain Road and St Kilda Road, north to the intersection of St Kilda Road and Park Street, southwest to the intersection of Park Street and Clarendon Street, northwest to the intersection of Clarendon Street and Whiteman Street, northwest to the intersection of Spencer Street and the Yarra River, west along the southern side of the Yarra River to Welsh Bridge, north over the Yarra River to the intersection of Navigation Drive and Harbour Esplanade, north to the intersection of Harbour Esplanade and Dudley Street, and northeast to the intersection of Dudley Street and Peel Street, including all roadways and footpaths associated with the stated road and road related areas (Road has the same meaning as in section 3 of the Road Safety Act 1986), and including all railway stations, underpasses and associated public transport hubs within the defined area.</p> <p>Designated Area (map 1)</p> 											
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Certificate Identifying Annexure

No. VID1612 of 2025

Federal Court of Australia

District Registry: Victoria

Division: Administrative and Constitutional Law and Human Rights

TARNEEN ONUS BROWNE & ANOR

Applicants

ASSISTANT COMMISSIONER OF POLICE, NORTH WEST METRO REGION & ANOR

Respondents

This is the annexure marked "BJC-4" now produced and shown to Assistant Commissioner Brett John Curran at the time of affirming his affidavit on 14 January 2026.

Before me:



.....
Laura Elisabeth Godfrey

Annexure "BJC-4"

Below is a list of the changes to legislation which are applicable to any OMNI application now.

Control of Weapons Act 1990

On 26 March 2025 amendments to the *Control of Weapons Act 1990* came into operation.

Planned designation of an area

s. 10D(1)

- CCP may declare a designated area if:
 - More than one incident of violence or disorder has occurred in the previous 12 months that involved the use of weapons; **and**
 - Likelihood the violence or disorder will recur; **or**
- CCP is satisfied:
 - More than one incident of violence or disorder has occurred in area in the previous 12 months that involved the use of weapons (not event); **and**
 - Necessary to designate the area for the purpose of enabling police or PSOs to exercise search powers to prevent or deter the occurrence of any violence or disorder (not event); **or**
 - An event is to be held in an area where incidents of violence or disorder involving weapons have occurred on previous occasions of that event; **and**
 - Likelihood the violence or disorder will recur; **or**
 - Likelihood that violence or disorder involving the use of weapons will occur during the period of intended operation of the declaration

s. 10D(3)(b)

- The period of operation of a declaration (**not event**)
 - Must not exceed **24 hours** (*increased from 12 hours*) in the case of a declaration under subsection (1)(a), outlined as:
 - the CCP is satisfied more than one incident of violence or disorder has occurred in that area in the previous 12 months that involved the use of weapons; **and**
 - there is likelihood that the violence or disorder will recur
 - Must not exceed **6 months** in the case of a declaration under subsection (1)(b), outlined as:
 - the CCP is satisfied more than one incident of violence or disorder has occurred in that area in the previous 12 months that involved the use of weapons; **and**
 - it is necessary to designate the area for the purpose of enabling police officers or PSOs to exercise search powers to prevent or deter the occurrence of any violence or disorder that the CCP is satisfied is likely to occur
 - **Note** – *please consider the rationale and human rights when contemplating a declaration up to six months. The CCP is required to report on all designated area declarations, and it is anticipated this new legislation will lead to increasing queries relating to the enactment of these powers.*

s. 10D(3B)

- Each period of a declaration in relation to an event operates:
 - During the event
 - During any time before and after the event that the CCP considers reasonable (10D(5)(d) states the notice must specify the period or periods of operation of the declaration – which would include any times before and after the event and must be specified in the application and advertisement)

s. 10D(4)

- Must advertise in the Government Gazette
- Must advertise on an Internet site maintained by Victoria Police
- *No longer required to advertise in newspaper(s)*

s. 10D(5A)

- Advertising in the Government Gazette and Victoria Police Internet page must include a map of the designated area

s. 10D(8)

- Further declarations of an area cannot take effect until after the end of the period of **12-hours** after the end of the previous declaration (*reduced from 10 days*)

Unplanned designation of an area

s. 10E(4)(b)

- The period of operation of a declaration must not exceed **24-hours** (*increased from 12 hours*)

Amendments are currently being incorporated in the VPM Designated areas: Conducting searches and issuing directions, VP Form 1373, OMNI practice guides and the Transit Safety Division Tasking & Coordination SharePoint page.

Further communication will be released via the Bulletin Board upon completion of the above amendments.

Victoria Police Manual

The Victoria Police Manual is issued under the authority of the Chief Commissioner of Police in s.60, Victoria Police Act 2013. Non-compliance with or a departure from the Victoria Police Manual may be subject to management or disciplinary action. Employees must use VPM Professional and ethical standards to inform the decisions they make to support compliance.

Designated areas: Conducting searches and issuing directions

Context

The *Control of Weapons Act 1990* provides legislation that allows police and Protective Services Officers (PSOs) in certain situations to:

- search persons in a designated area, without a warrant, for weapons and to seize any weapon detected, and
- direct a person to leave the designated area in specific circumstances.

This policy is intended to provide direction to members on the specific rules for conducting these searches or issuing a direction when in a designated area in accordance with the *Control of Weapons Act*. This policy is supported by, and should be read in conjunction with, **VPM Searches of a person**.

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Definitions

- Authorised Officer – police officer of or above the rank of Assistant Commissioner who has been delegated the authority to declare an area to be designated (instrument of delegation GP 2)
- child – a person under the age of 18 years (s.3(1))
- designated area – an area in respect of which a declaration under s.10D or 10E is in effect (s.10C).
- search – as prescribed in Schedule 1 of the Act
- PSO – Protective Services Officer

- thing – includes any object, article or material (s.10C)
- weapon – a prohibited or controlled weapon or dangerous article (s.10C)
- Gender definitions can be found in **VPM Trans and gender diverse inclusion**.

Also refer to the general **VPM Dictionary** for definitions and acronyms.

Policy

- The *Control of Weapons Act* allows for Victoria Police to create a designated area and then, without a warrant, search persons in public places within that area for weapons and seize any weapon detected.
- Only an Assistant Commissioner or above may declare a designated area in accordance with Instrument of Delegation GP2.
- An area may be declared a designated area as part of a planned designation (s.10D) or an unplanned designation (s.10E). Wherever possible, a planned designation should be made rather than an unplanned designation.
- Where a designated area contains a designated place, PSOs may be utilised to assist in the conduct of searches (see **VPM Protective services officers – duties and responsibilities** for definition of designated place).
- A PSO on duty in a designated place may conduct searches within that designated place if there are police officers also conducting searches within the designated area under a s.10D or s.10E declaration.
- Any search conducted in a designated area does not require police officers and PSOs to be satisfied of a suspicion on reasonable grounds that a person is carrying a weapon, as the grounds are based on evidence regarding the location, not the individual. However, police officers and PSOs must conduct the least invasive search that is practicable in the circumstances (s.10G(3)).
- Police officers, PSOs, PCOs and SPCOs must always properly consider and act compatibly with a person's human rights as per s. 38, *Charter of Human Rights and Responsibilities Act 2006* ('the Charter'). When deciding whether and how to conduct a search, any of the protected human rights under the Charter may be engaged. In line with the objectives of the Charter, persons must not be selected solely based on their race, religious belief or activity or physical features. As per **VPM Searches of a person**, employees undertaking a search of a person must consider whether each proposed search is lawful, proportionate and necessary.
- Nothing in this policy prevents a police officer exercising a power to search under s.10, or a search power within any other Act if they have reasonable grounds to suspect as required under those Acts.
- Specific requirements apply to full searches of children (see **VPM Searches of a person**).
- To assist in maintaining the good order of a designated area, police officers may direct a person to leave the area if they reasonably believe grounds specified in the *Control of Weapons Act* are applicable.

Responsibilities and procedures

1. Planned designation

1.1 *Criteria*

- To make a planned designation of an area under s.10D, the Authorised Officer must be satisfied that:
 - an event is being held and incidents of violence or disorder involving weapons has occurred at previous occasions of that event; or
 - more than one incident of violence or disorder involving weapons has taken place in the area in the last 12 months;and
 - there is a likelihood that the violence or disorder will recur, even if that likelihood is less than 'more likely than not'.
- The designated area must not be larger or for a longer period than is reasonably necessary to enable an effective response to the threat of violence or disorder and (other than a scheduled event), must not exceed 12 hours.
- In relation to a scheduled event, the declaration may operate for more than one period. Each period of operation of a declaration may exceed 12 hours, but must not exceed the hours that the event is intended to be in operation (10D (3A&B)).
- The planned designation will take effect and remain in force, after the date of publication of the notice in the Government Gazette, for the period(s) specified in the Notice of Declaration of Designated Area (the 'Notice').
- There can be no further planned designation of the same area until 10 days after the end of the period, or the last of the periods of the previous planned designation. This does not preclude an unplanned designation in respect of that area, during that 10 day period.

1.2 *Notice of declaration*

- Section 10D(4) requires that a Notice must be published for all planned designations:
 - in the Government Gazette; and
 - in a daily newspaper circulated generally in Victoria; and
 - if the declared area is outside the metropolitan area, in a daily newspaper circulated generally within that area if one exists.
- A declaration takes effect after the date of publication of the Notice in the Government Gazette (i.e. where the declaration must take effect on Thursday, the Notice must be published on or before Wednesday).
- The Notice must:
 - describe the designated area and provide specific boundaries (e.g. area encompassed by Smith Street, Stanley Street, Wellington Street and Peel Street, Collingwood)
 - include a map of the designated area (Government Gazette); and
 - include a map of the designated area or address of a Government website where the map has been published (daily newspaper)

- specify the powers that members are authorised to exercise within the designated area
- specify the period or periods of operation of the declaration
- if the declaration is made in relation to an event, specify that event.
- The Authorised Officer must ensure that:
 - the above information is published as required before the declaration takes effect
 - in any areas known to have a high representation of a Culturally and Linguistically Diverse (CALD) community, this information is effectively communicated to that community (for advice on CALD communication strategies, contact Priority Communities Division on email PRIORITYCOMMUNITIESDIVISION@police.vic.gov.au or refer to the [PCD intranet page](#)).

2. Unplanned designation

2.1 *Criteria*

- To make an unplanned designation of an area under s.10E the Authorised Officer must be satisfied that:
 - there is likelihood that violence or disorder involving weapons will occur in that area during the period of intended operation of the declaration; and
 - it is necessary to designate the area for the purpose of enabling members to exercise search powers to prevent or deter the occurrence of any violence or disorder that is likely to occur.
- The unplanned designated area must not be larger or for a longer period than is reasonably necessary to enable police officers and PSOs to effectively respond to the threat of violence or disorder, but not exceed 12 hours.
- The unplanned designation will take effect and remain in force from the date and times stipulated in the Application to Declare a Designated Area [Form 1373].

2.2 *Notice of declaration*

Once an unplanned designation is authorised, a Notice must be published on the Victoria Police website as soon as practicable containing:

- a map of the designated area
- a description of the designated area including specific boundaries (e.g. area encompassed by Smith Street, Stanley Street, Wellington Street and Peel Street, Collingwood)
- the powers that police officers and PSOs are authorised to exercise within the designated area
- the period or periods of operation of the declaration
- where the declaration is made in relation to an event, specify that event.

Forward the Notice to VP WEBSITE-MGR for publication on the Public Notices section of the website.

3. Application process for designation

3.1 Supporting evidence

- An application to an Authorised Officer to declare a designated area must be made using a Form 1373 and should include sufficient evidence to support the legislative criteria for a planned or unplanned designated area in the following format:
 - planned – Operation Order
 - unplanned – Field Incident Action Plan (Form 1391).
- The Operation Order or Incident Action Plan is to include a Human Rights Risk Assessment (HRRRA). For advice on conducting this risk assessment contact the Priority Communities Division. Copies of HRRRA are found at the [Human Rights Assessment Tools](#) intranet page.

3.2 Authorised Officer

Based on the supporting evidence, the Authorised Officer must:

- assess the validity of intelligence or information received relating to violence or disorder involving weapons in the area
- assess if the circumstances meet the legislated criteria for a planned designation or an unplanned designation
- ensure that the area has not been subject to a planned designation in the last 10 days
- ensure that an appropriate area/location is available should there be a requirement to conduct a full search
- consider the need to nominate a member to be responsible for identifying persons to be subjected to a search
- ensure the appropriate Notice of Declaration is completed (refer to section 1.2 or 2.2)
- complete and sign Part C of the Form 1373.

4. Search and seizure powers

- Where an area has been specifically designated under ss.10D or 10E for the purpose of searching for weapons, police officers and PSOs may, without warrant stop and search:
 - a person (s.10G and s.10GA)
 - anything in their possession or under their control (s.10G and s.10GA)
 - a vehicle, if there is a person in or on the vehicle (s.10H)that has been found in a public place, within that designated area.
- For the purposes of conducting the search, police officers and PSOs may:
 - detain the person, thing and vehicle for as long as reasonably necessary to conduct a search
 - seize and detain any suspected weapon that is detected during a search under these provisions.
- When conducting a search, PSOs must comply with the following requirements:
 - must conduct least invasive search that is practicable

- police officers must be present and actively involved in the search of the designated area.
- If after examination, the police officer or PSO determines that the item is not a weapon, and the person can legally possess the property, the police officer or PSO must return the item to the person without delay.

5. Manner of conducting searches

Searches must be conducted:

- in the least invasive manner reasonably necessary in the circumstances
- in a manner that affords the appropriate level of privacy, dignity and self-respect of the person
- as quickly as is reasonable in the circumstances
- in accordance with **VPM Searches of a person**.

6. Pre-search requirements

6.1 Requirements

Before a police officer or PSO commences any search without warrant, they must:

- inform the person:
 - if requested, of their name, rank and place of duty (in writing also if requested)
 - the reason for the search
 - that they are empowered under the *Control of Weapons Act* to conduct the search.
- produce identification for inspection, unless in uniform
- give the person a Search Notice (see section 6.2).

If conducting an outer search of the person, where reasonably practicable in the circumstances, police officers and PSOs must also:

- inform the person if they will be required to remove clothing and the reason why
- ask for the person's co-operation.

If conducting a full search of the person, police officers must:

- inform the person to be searched of the police officer's name, rank and place of duty and provide this in writing if requested
- inform the person if they will be required to remove clothing and the reason why
- ask for the person's co-operation.

PSOs must not conduct full searches.

6.2 Search Notice

A Search Notice [Form 1373A] must be given to the person prior to any search being conducted, unless the person refuses or does not wish to accept (s.10I).

7. Method of search

7.1 Initial search

The initial search of a person may be conducted by electronic metal detection device, of their external person only. If as a result of this initial electronic device search, a police officer or PSO considers that a person may be concealing a weapon, they may:

- pat down the area of the person's pockets or request the person to empty their pockets and search the contents
- request the person to produce and empty the contents of any bag, basket or other receptacle and search the contents.

7.2 Outer search of the person

If as a result of the initial electronic device search, or search under s.10, the police officer or PSO considers that a person may be concealing a weapon, they may conduct an outer search of person (clause 5, Schedule 1) in the following manner:

- request the person to remove their outer clothing such as overcoat/jacket and gloves, shoes and headgear so that the police officer or PSO may:
 - pass an electronic detection device over or in close proximity to their clothing
 - run member's hands over the person's clothing that is immediately under the outer clothing that has been removed
 - search the person's outer clothing and gloves, shoes and headgear.
- it does not include removal of inner clothing
- where reasonably practicable, conducted by police officer or PSO of the same sex gender as the person being searched; or if the person being searched identifies as transgender, gender diverse or intersex, a member of the gender with which the person identifies or is most comfortable. Where it is not possible to meet the person's request, this should be clearly explained and a record made in the patrol duty return, VPS02 Initial Action Pad or official diary.

7.3 Full search

PSOs do not have the authority/power to conduct full searches. If after an outer search a PSO reasonably suspects that the person still has a concealed weapon, they must immediately notify a police officer who can then conduct a full search as per the below instructions.

If after conducting an outer search of a person, the police officer or PSO reasonably suspects that the person still has a concealed weapon on their person and the seriousness and urgency of the circumstances require, a police officer or person under direction of a police officer must seek approval from the Police Commander to conduct a full search in the following manner:

- may involve removal and examination of the least amount of clothing as reasonably believed necessary
- the search must be approved by the Police Commander and be conducted in complete privacy and; the Authorised Officer will ensure that an appropriate location is allocated for this purpose
- be conducted by a police officer or person under direction of police officer:

- of the same gender as the person being searched; or
- if the person being searched identifies as transgender, gender diverse or intersex, a member of the gender with which the person identifies or is most comfortable. Where it is not possible to meet the person's request, this should be clearly explained and a record made in the patrol duty return, VP502 Initial Action Pad or official diary.
- must not include:
 - intrusive body cavity searching or physical examination of the body by touching
 - any more visual inspection of the person as reasonably believed necessary
 - search of genital area or, in the case of a female or person who identifies as a female, the person's breasts, unless reasonably believed necessary for the purpose of the search
 - being conducted in view or presence of person of the opposite sex, or gender to that which the person being searched identifies as or is most comfortable, or other persons not engaged in the search or necessary for the purpose of safety.
- police officers conducting a full search have a power to:
 - demand name and address
 - direct a person to accompany the member to the area nominated by the Authorised Officer.

7.4 *Additional requirements for full searches of children*

- All full searches of children must be conducted in line with **VPM searches of a person**.
- Full searches of children under this policy must only be conducted by police officers and should:
 - only involve the person removing the amount of clothing that is necessary to address the risk of contraband, weapons or evidence being concealed
 - be conducted using the half/half technique unless a senior sergeant or above authorises the person to be directed to remove all their clothing at once.
- Full searches of children must only be conducted in line with sections 2.2 and 3.4 of **VPM Searches of a person**.
- There are additional requirements apply for children aged 10-14 – searches must be conducted in line with section 3.6 of **VPM Searches of a person**.
- Children under 10 can only be subjected to a full search where the relevant search provisions under the *Control of Weapons Act* apply. The threshold justification to conduct such a search is very high in light of the legal obligation that applies to all Victoria Police officers under the Charter, the special vulnerabilities of children under 10, and the need to ensure the protection of the child's best interests.
- Approval to undertake a full search of a child under 10 must be obtained from a superintendent to ensure the required justification exists before undertaking such a search. If practical, the superintendent may seek legal advice before a full search is undertaken of a child under 10 years old.
- A full search of a child under 10 must not involve the removal of more clothes than the police officer believes on reasonable grounds to be necessary for the purposes

of the search. The police officer must not search the genital area of the child unless the police officer believes on reasonable grounds that it is necessary to do so for the purposes of the search.

- A full search of a child under 10 must be conducted in the presence of a parent or guardian, or independent person.

7.5 Additional requirements for searches of children or persons with impaired intellectual functioning

- Where a police officer or PSO has grounds to conduct an outer search of a person they believe on reasonable grounds is a child or a person with impaired intellectual functioning, the search must be conducted in the presence:
 - of a parent or guardian
 - if the person with impaired intellectual functioning, or in the case of a child is mature enough to express an opinion, indicates a parent or guardian is not acceptable, then in the presence of an independent person who is, as far as practicable, acceptable to the child or person to be searched.
- Where a police officer has grounds to conduct a full search of a person they believe on reasonable grounds is a person with impaired intellectual functioning, the search must be conducted in the presence:
 - of a parent or guardian
 - if the person with impaired intellectual functioning indicates a parent or guardian is not acceptable, then in the presence of an independent person who is, as far as practicable, acceptable to the person to be searched.

PSOs do not have the authority/power to conduct full searches.

Planned designation search (s.10D)

If a parent or guardian is not present and urgent or serious circumstances exist, the search may be conducted in the presence of an independent person who is, as far as practicable, acceptable to the child or person.

Unplanned designation search (s.10E)

- If not practicable in the circumstances for a parent or guardian to be present, the search may be conducted in the presence of any person (including police officer) other than a police officer conducting the search.
- Parent, guardian or independent person does not apply if only conducting an initial search by means of electronic device.

Unable to determine age

Where there is doubt regarding a person's age in determining if they are an adult or child, that person should be treated as a child for the purpose of these search requirements and the requirements related to searches of persons under the age of 18 contained in **VPM Searches of a person** must be applied.

7.6 Recording searches

Police officers and PSOs conducting searches under s.10G and s.10GA must record the number of:

- searches conducted

- weapons and the class of weapons found (i.e. dangerous article, controlled or prohibited weapon)
- persons charged with offences under the Act.

Searches must also be recorded in line with the requirements under section 5 of **VPM Searches of a person**.

8. Issuing a direction in a designated area

- PSOs do not have the authority/power to direct a person wearing a face covering to remove the face covering or leave the designated area. If a PSO reasonably suspects that the person should be directed to remove a face covering or leave the designated area, they must immediately notify a police officer who can then issue a direction as per the below instructions. PSOs do not have the power to detain in these circumstances.
- Where a police officer reasonably believes a person in a designated area is wearing a face covering primarily to conceal their identity or protect themselves from the effects of crowd-controlling substances, the police officer may direct the person to remove the face covering. If the person refuses, then the police officer may direct the person to leave the designated area (s.10KA(1)). Failure to comply with the direction without reasonable excuse is an offence (s.10L(2)).
- A police officer may direct a person to leave a designated area if they have a reasonable belief that the person intends to engage in conduct that would constitute an offence under s.195H (affray) or 195I (violent disorder) of the *Crimes Act 1958* (s.10KA(2)). Failure to comply with the direction without reasonable excuse is an offence (s.10L(2)).
- Before or immediately after issuing the direction to leave, the police officer must advise the person that a declaration is in force and the area is a designated area (s.10KA(3)).
- A police officer who has issued a direction in accordance with s.10KA(1) or s.10KA(2) must record this in writing on their running sheet (or equivalent) and notify a supervisor.
- The supervisor of the designated area must record the total number of directions issued on the Form 1373.

9. Recording and supporting documents

- On completion of the operation the member in charge of the designated area must ensure that the following documents are retained at Command Headquarters:
 - Completed Form 1373
 - Operation Order/Incident Action Plan
 - Map of area
 - Debriefing reports
 - Government Gazette notice (if applicable)
 - Newspaper advertisement (if applicable)
 - Copy of notice published on Victoria Police website
 - Copy of Notice of Search.
- The result of the operation must also be recorded on Interpose or other intelligence holding area.

- Relevant information contained in the Form 1373 must be compiled and sent to the Transit Safety Division to meet annual reporting obligations in accordance with s.10B and s.10KB; see section 11.

10. Offences enforceable by infringement notice

10.1 Offences

- An infringement notice can be issued (s.11B) to a person who at the time of detection is aged 16 years or more:
 - s.6(1) possess, carry or use a controlled weapon
 - s.6(1A) possess, carry or use a controlled weapon in or within vicinity of licenced premises
 - s.6(1AA) child purchase a controlled weapon.
- An infringement notice pursuant to s.6(1AA) can only be issued to a child aged from 16 years and under 18 years at the time of detection (s.3(1) & s.11B(2)).

10.2 Forfeiture of controlled weapons if infringement notice served

- Where an infringement notice is served, s.9A provides for any seized controlled weapon, to which the offence relates, to be forfeited to the crown and may be sold or destroyed (s.9A(3)) if:
 - the recipient pays the infringement penalty
 - the recipient commences a payment plan or requests the addition of the infringement penalty to a payment plan under the *Infringement Act*
 - the payment period specified in the infringement notice expires and the recipient has not applied for review of the decision to issue the infringement notice; or
 - a review has been conducted on request of the recipient and a member decides:
 - to confirm the decision to serve the infringement notice; or
 - withdraw the infringement notice and serve an official warning; and
 - 28 days have elapsed since that decision.
- If the matter is to be determined before a court (s.9A(4)), the controlled weapon must be dealt with as an exhibit. Have regard to **VPM Seized property and special property types**.
- All weapons should be photographed and a copy of the photograph placed in the property book or electronically stored and linked to the property book entry prior to forfeiture/disposal.
- The police officer or PSO taking the photograph should sign, date and clearly print his or her name on the back of the photograph. For further guidance on use of secondary evidence, have regard to **VPM Seized property and special property types**.
- If a police officer or PSO withdraws an infringement notice and no further action is to be taken under s.9A(3)(e)(ii) or 4(b), or the court cancels the infringement notice the weapon must be returned to the recipient, unless it has been sold or destroyed under section 9A(3).

11. Reporting requirements

- The Chief Commissioner is required to submit an annual report to the Minister regarding Victoria Police's use of the provisions contained in the Act, specifically s.10B and s.10KB. This information is collected using the Form 1373 at the conclusion of each designated area operation.
- After application and at the conclusion of each designated area operation, the member in charge of the operation must consolidate and email the VP 1373 to Transit Safety Division for recording and collation.
- At the conclusion of the financial year, Transit Safety Division must consolidate and forward the data to the Deputy Commissioner, Regional Operations for provision to External Reporting.
- External Reporting, Investment Management and Reporting Department is responsible for compiling the information for inclusion in the annual report.

Related documents

- VPM Searches of a person
- Instrument of delegation GP 2 - Power to declare a designated area

Further advice and information

For further advice and assistance regarding these instructions, contact Transit Safety Division, Transit and Public Safety Command.

Update history

DATE UPDATED	SUMMARY OF CHANGE	FORCE FILE NUMBER
15/09/17	Reformat of VPMG Control of Weapons Act search powers and inclusion of new direction powers included in <i>Controlled Weapons Act 1990</i>	FF-105377
03/12/18	Inclusion of new powers for Protective Services Officers to conduct searches in a designated area	FF-123063
08/04/19	Update to correctly reference VPM Searches of a person	FF-105377
21/10/19	Instrument names amended to reflect updated property management policies	FF-116667
29/06/20	Amendments to reporting requirements. Transit Safety Division will be the central point for collating data from VP Form 1373.	FF-149528
14/12/20	Changes made to language around transgender, intersex and gender diverse people to improve inclusivity.	FF-164277
15/12/21	Amendments regarding full searches of children to align with review of VPM Searches of a person	FF-190350

Certificate Identifying Annexure

No. VID1612 of 2025

Federal Court of Australia

District Registry: Victoria

Division: Administrative and Constitutional Law and Human Rights

TARNEEN ONUS BROWNE & ANOR

Applicants

ASSISTANT COMMISSIONER OF POLICE, NORTH WEST METRO REGION & ANOR

Respondents

This is the annexure marked "BJC-5" now produced and shown to Assistant Commissioner Brett John Curran at the time of affirming his affidavit on 14 January 2026.

Before me:



.....
Laura Elisabeth Godfrey

Annexure "BJC-5"

OMNI Support Summary

Melbourne DIU



VICTORIA POLICE

DISCLAIMER

The interpretations and conclusions in this report are made on the balance of probabilities, on information available at the time of preparation. The information contained herein is **NOT EVIDENCE** and is intended to provide a basis for further consideration.

OMNI – Melbourne CBD

30-Nov-2025 to 30-May-2026

REQUEST DETAILS			
Request from:	Martin MCLEAN Detective Inspector VP30532	Date:	14-Nov-2025
Topic:	Feasibility of OMNI Operation in Melbourne CBD from 30-Nov-2025 to 30-May-2026.		
Proposed Location/s	Melbourne CBD – Refer attachment A		

1. Criteria for OMNI - CONTROL OF WEAPONS ACT 1990 - SECT 10D

(i) more than one incident of violence or disorder has occurred in that area in the previous 12 months that involved the use of weapons, and

(ii) Likelihood the violence or disorder will recur; or

(iii) it is necessary to designate the area for the purpose of enabling police officers or protective services officers to exercise search powers to prevent or deter the occurrence of any violence or disorder that the Chief Commissioner is satisfied is likely to occur.

2. Methodology

Data was extracted from SAS-EG for offences committed in the Melbourne and Yarra PSAs between 01-Nov-2024 and 31-Oct-2025. The data was filtered by:

- Offence Type: Assault, Robbery, Weapons/Explosives, and Behaviour in public where linked offending includes assault, weapons/explosives or behaviour in public offences. (O:S)
- Removal of Family Violence incidents. (O:S)
- Data was geocoded to the designated area. (O:S)
- Perusal of LEAP narratives, Interpose Information Reports, CAD data, and IFS were conducted for qualitative analysis. (O:S)

- Offences resulting in 'Serious' Injury (Medical attention) were elevated during Nov-2024 to Jan-2025, Apr-2025, and Aug-2025 and have since declined. (O:S)

4.1 Overview of Offences

Offence Type	Count
ASSAULT	2723
WEAPONS/EXPLOSIVES	818
BEHAVIOUR IN PUBLIC	424
ROBBERY	258
Grand Total	4223

Table 1: Offence Type

Police Response Zone	Count
NME	2010
NMW	1715
NSO	335
NMN	101
NRM	35
NFZ	25
NCW	2
Grand Total	4223

Table 2: Response Zone

Offence Code Description	Count
UNLAWFUL ASSAULT	1514
POSSESS CONTROLLED WEAPON WITHOUT EXCUSE	476
RECKLESSLY CAUSE INJURY	309
ROBBERY	169
BEHAVE RIOTOUS INDECENT OFFENSIVE MANNER	108
POSSESS PROHIBITED WEAPON W/O EXEMP/APPR	102
ASSAULT POLICE OFFICER (CRIMES ACT)	86
INTENTIONALLY CAUSE INJURY	85
ARMED ROBBERY	80
MAKE THREAT TO KILL	76
AFFRAY (CRIMES ACT)	76
ASSAULT WITH WEAPON	74

*Table 3: Offence Codes
(Most Prominent)*

Location Type	Count
STREET/LANE/FOOTPATH	1352
TRAIN STATION	567
OTHER RETAIL	249
LICENSED PREMISES	200
RESTAURANT/FASTFOOD	168
FLAT/UNIT/APARTMENT	167
SHOPPING COMPLEX	166
24HR CONVENIENCE	128
UNSPECIFIED/UNKNOWN LOCATION	124
COURT	77
DEPARTMENT STORE	67
SUPERMARKET	67

*Table 4:
Offence Locations
(Most Prominent)*

4.2 Aoristic Time Chart

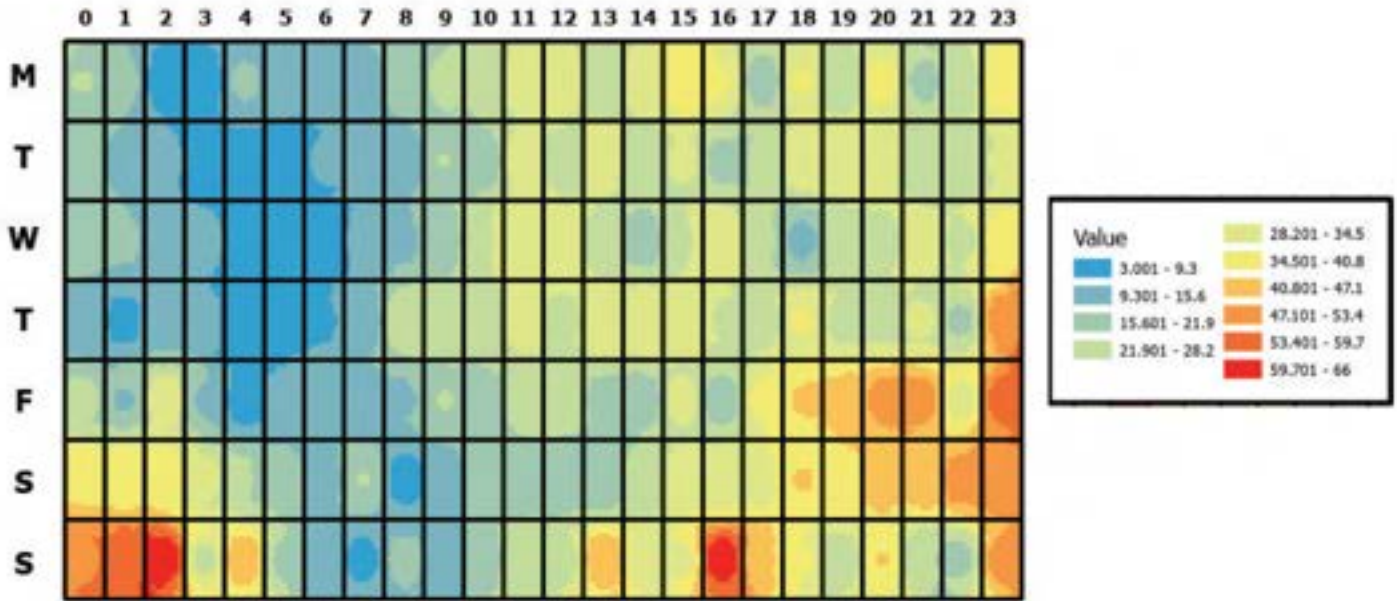


Figure 1 – Aoristic – Day by Hour (all offences)

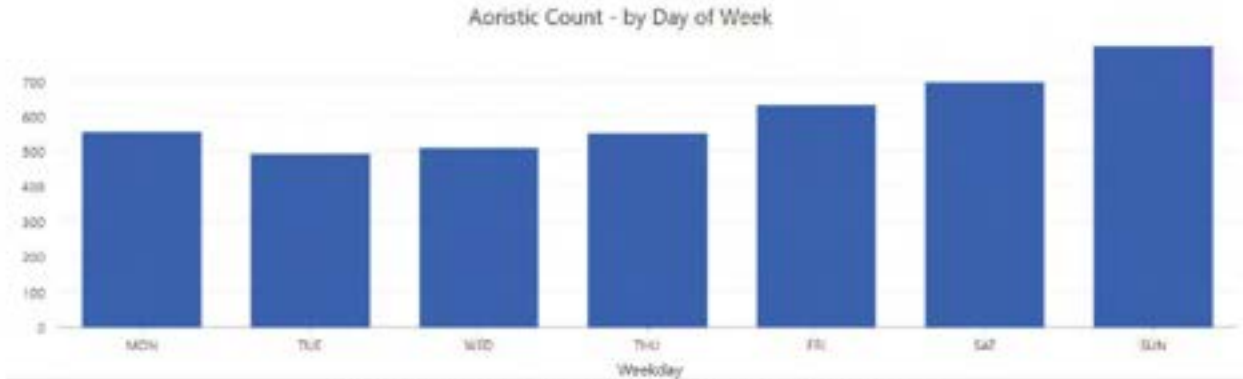


Figure 2 – Aoristic – Day of Week (all offences)

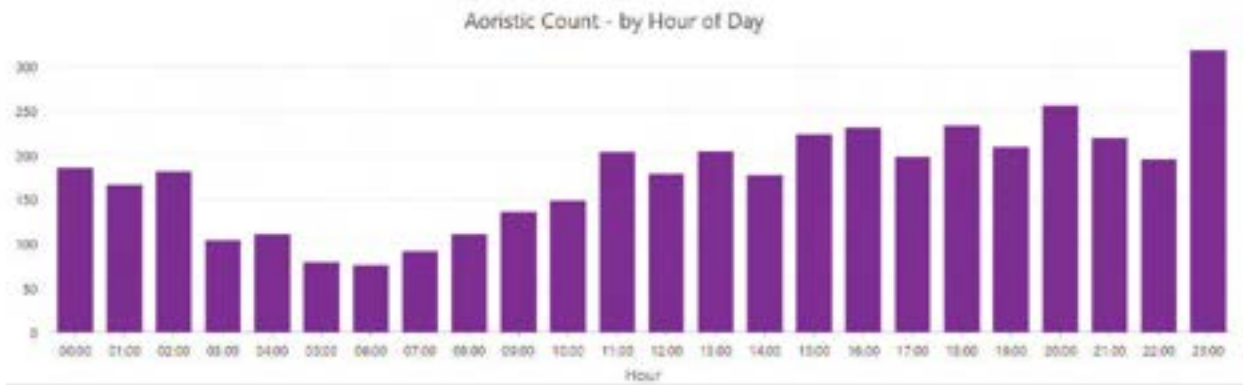
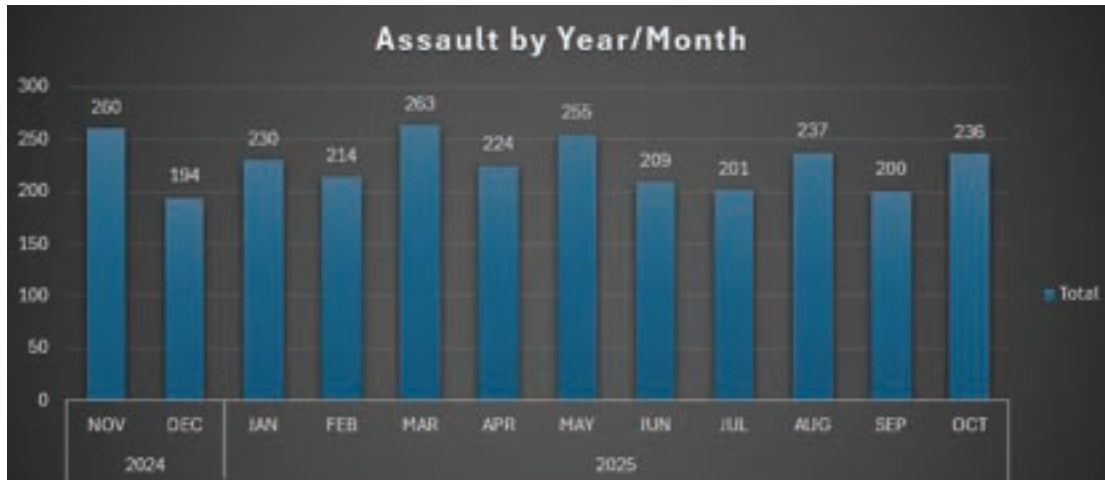
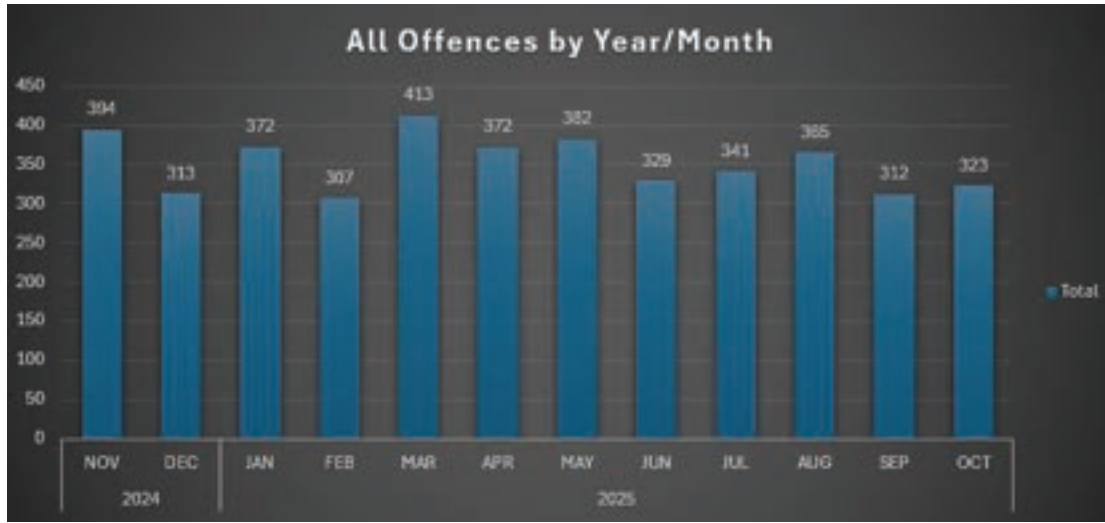
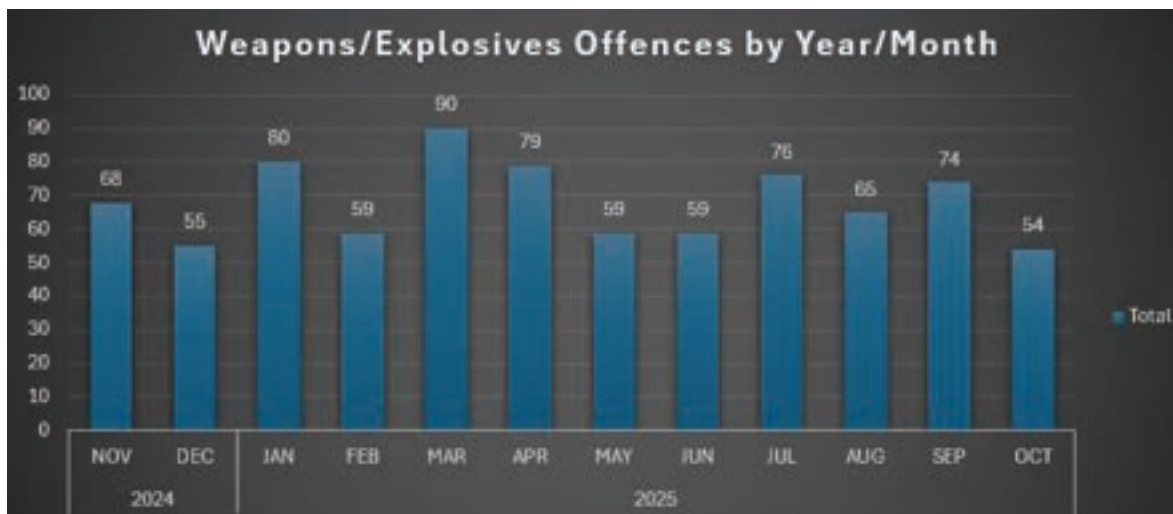


Figure 3 – Aoristic – Hour of Day (all offences)

4.3 Trends





OFFICIAL: Sensitive

4.4 Mapping

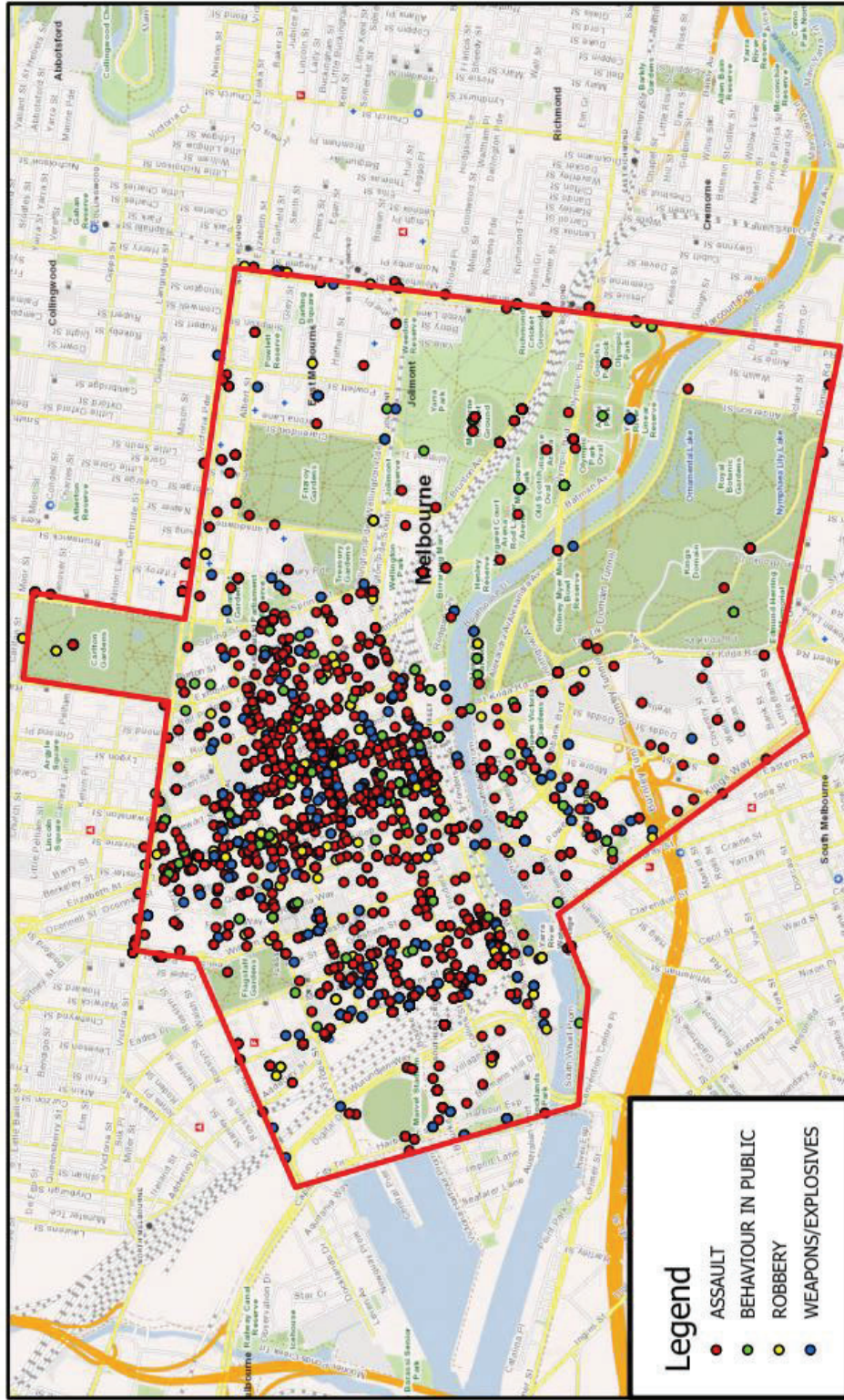
Area of Operation

01-Nov-2024 to 31-Oct-2025

OFFICIAL: Sensitive



VICTORIA POLICE



Produced by vp41802 on 14-Nov-2025

OFFICIAL: Sensitive

Incidents 01-Nov-2024 to 31-Oct-2025 within Proposed Designated Area.

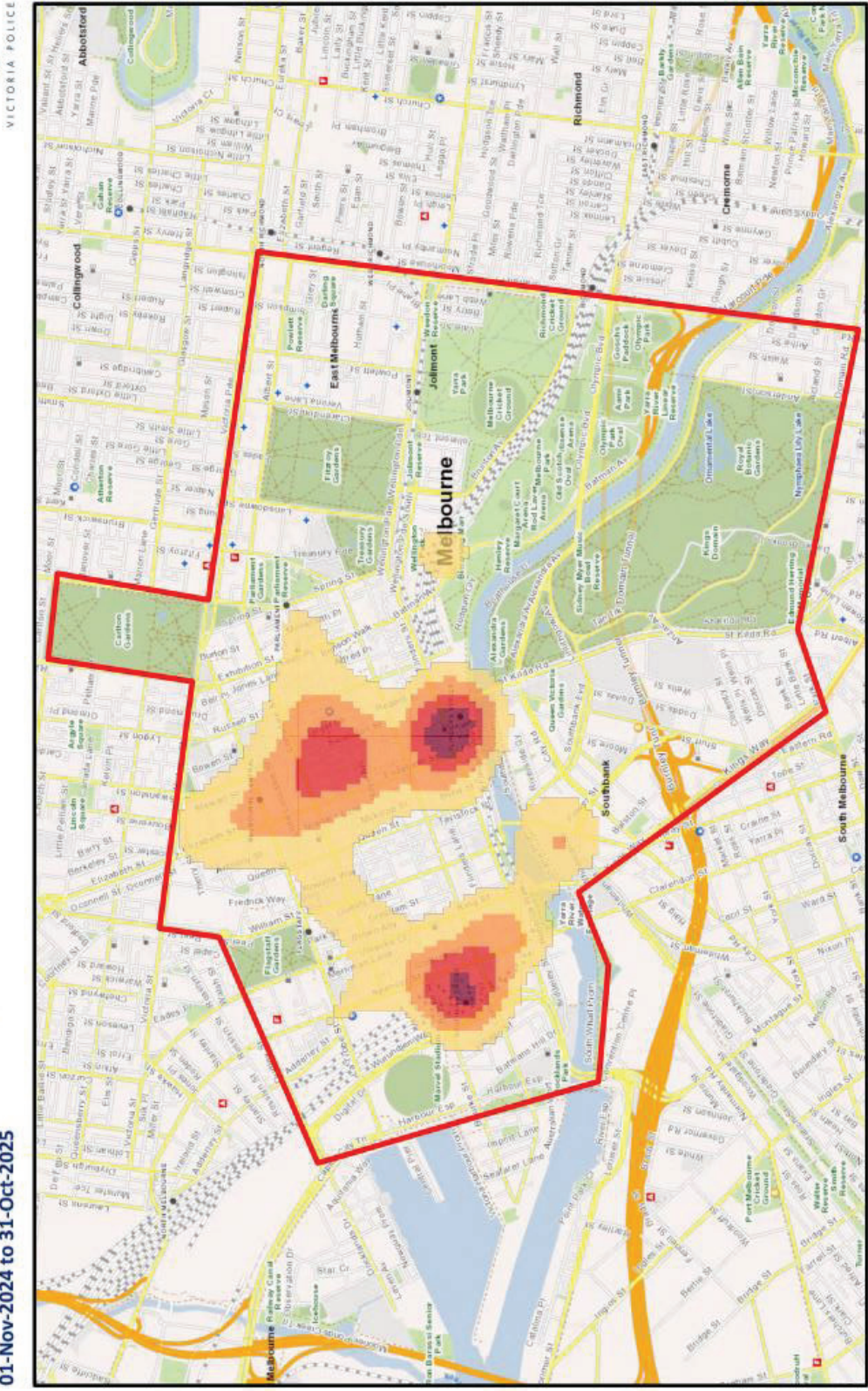
OFFICIAL: Sensitive

OFFICIAL: Sensitive



Area of Operation Hot Spot

01-Nov-2024 to 31-Oct-2025



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OFFICIAL: Sensitive

Incidents 01-Nov-2024 to 31-Oct-2025 within Proposed Designated Area.

OFFICIAL: Sensitive

5. Incidents of Note

IFS VP- VP-2025-037406 – Stabbing

25-Oct-2025 2345hrs – Greenwood Street, Abbotsford

Victim confronted by 4x U/K offenders at the intersection of Greenwood Street and Hoddle Street. Offenders were aggressive towards victim and swarmed him, during which the victim has sustained 2x stab wounds to the left side of his abdomen and a defensive wound to his right index finger. (O:S)

IFS VP-2025-036873 – Armed Robbery / Attempted Armed Robbery

24-Oct-2025 1230hrs – [REDACTED] Swanston Street, Melbourne

Male offender approached the counter and spoke with a staff member. The accused pulled a knife from a wallet a showed it to the victim before demanding a drink. The accused stole an ice-cream before leaving the store making no attempts to pay. The accused was located on Swanston Street and arrested by NME252. Knife located on accused. (O:S)

IFS VP-2025-036586 – Firearms incident

18-Oct-2025 2050hrs – Corner King Street and Flinders Street, Melbourne

The victim was driving near the intersection of Flinders Lane and King Street. The victim was cut off by and subsequently beeped at a white Mazda 3 bearing VIC rego [REDACTED]. In response male driver of [REDACTED] has pointed a black handgun at the VIC, no verbal threats made (O:S)

IFS VP- VP- 2025-035838 – Stabbing

12-Oct-2025 0154hrs - [REDACTED] Riverside Quay, Southbank

A dispute broke out over an accidental bump as two groups walked past each other. Dispute became physical with multiple people engaging in a brawl. At some stage during the brawl, a knife was produced by one of the offenders and victim one was stabbed 3 times, while victim two was stabbed upwards of 6 times. Offenders then decamped on foot and threw the knife into the Yarra. (O:S)

IFS VP- 2025-034430 – Assault - Serious (Life Threatening)

09-Sep-2025 0240hrs - [REDACTED] Elizabeth Street, Melbourne

Male and female offenders assaulted victim on footpath. Female offender pulled victim to the ground where male offender punched, kicked, and stabbed the victim with an unknown weapon. (O:S)

IFS VP- VP- 2025-031867 – Death – Murder / Manslaughter

07-Sep-2025 0343hrs - [REDACTED] Elizabeth Street, Melbourne

Offending vehicle stopped near the group of victims and shot(s) were fired. Victim loaded into grey Toyota wagon & both vehicles travelled north on Elizabeth Street. At 0355hrs, Royal Melbourne Hospital notified police of gunshot wound arrival. Victim dropped off outside RMH ED by Toyota wagon which then drove off east on Grattan Street. Victim pronounced deceased at 0450hrs. (O:S)

IFS VP- 2025-031050 – Firearms incident

30-Aug-2025 1540hrs - [REDACTED] Swanston Street, Melbourne

Police received call relating to male assaulting members of the public in northern end of CBD. Male making verbal threats and has produced a knife towards member on the NME312 who went primary contact. NME303 members immediately behind male, same has deployed a taser with immediate effect. OC deployed although not effective owing to movement of male from tasing. Male secured with handcuffs and knife removed. (O:S)

IFS VP- 2025-019134 – Firearms incident

10-May-2025 1640hrs - [REDACTED] Bourke Street Docklands

POI attended Marvel stadium in effort to enter the stadium and watch the Essendon vs Sydney AFL match. Whilst at gate 5 the POI asked security if they were checking bags. Upon security stating they were the POI pulled his hood down and exited the area away from gate 5. DOC210 alerted to the suspicious male. POI searched and located in possession of a flick style knife and an imitation firearm (gel blaster). (O:S)

IFS VP- 2025-019043 – Armed Offender

09-May-2025 2008hrs - [REDACTED] Swanston Street, Melbourne

At 2008hrs police were dispatched for a male armed with a machete inside McDonald's. NME312 located the POI outside the State Library. NME member drew their firearm & NSO Member drew taser as a result the male was arrested without incident. Nil injuries to police and POI. A search revealed a large machete concealed down POI pants. Safe City confirmed footage of POI chasing unknown male with Machete towards State library. (O:S)

IFS VP- 2024-042501 – Armed Robbery / Attempted Armed Robbery

14-Nov-2024 0345hrs - Lane way Melbourne Place off Russell Street, Melbourne

Offender pulled a knife on the victim, put it up to his stomach and said, "give me your phone, you have 5 seconds". The victim complied and handed his phone over. (O:S)

IFS VP- 2025-015888 – Firearms incident

13-Apr-2024 0615hrs - [REDACTED] Collins Street, Melbourne

Witness has approached police yelling that someone had been shot. A black ford territory has then driven at police member who drew SAP & issued police challenge. The vehicle continued past the member. Vehicle was in convoy with secondary vehicle. A victim then immediately presented to members with WATB gunshot wound to upper left arm. (O:S)

IFS VP- 2025-014979 – Firearms incident

06-Apr-2024 0212hrs - [REDACTED] Bourke Street, Melbourne

Police received job from Police Communications about a male travelling west along Bourke Street Melbourne, in a possession of a machete with blood on it. The male was observed by NME321 on Safe City CCTV Cameras which confirmed the machete in the male's possession. Male was intercepted by NME321 with members observing a machete in his hand. Members drew their SAP and issued a police challenge. The male complied with the direction and dropped the machete and himself to the ground. (O:S)

5.1 Information Reports

26-Sep-2025 - INT25IR3073844

2x youth offenders observed burning security tags from property whilst inside foyer of [REDACTED] Bourke Street, Melbourne. Both males in possession of a kitchen knife. (O:S)

14-Sep-2025 - INT25IR3070479

Police attended Stanley Street Collingwood for reports of a female presenting a knife to members of the public. On arrival police observed female with a knife, 'stabbing' a brick wall. Female was compliant with tact comms and dropped knife without incident. (O:S)

28-Aug-2025 - INT25IR3065389

Male offender found semi-conscious on the corner of Spencer & Roden Streets in West Melbourne. The offender was found next to a black jacket that contained a black taser wrapped in electrical tape. (O:S)



Taser located in West Melbourne

31-Jul-2025 - INT25IR3057431

Two males exit vehicle on Riverside Drive Southbank. One of the males took a machete out of the vehicle and began waving it in the air before both males entered vehicle and left the area. (O:S)

26-May-2025 - INT25IR3040180

Black metal machete discovered by City of Melbourne Council Worker on running track in Melbourne Botanical Gardens. Machete has scratches and damage to tip. Machete found concealed underneath white dress. (O:S)

30-Apr-2025 - INT25IR3033556

5x male youths were observed loitering within Emporium Melbourne. 1x male identified placing a steak knife within the internal garden bed. (O:S)

6. Previous OMNI Results

A previous OMNI operation (ND1-CHARLIE-2025) was held on 24-Jan-2025, at Melbourne Central. The result of this operation was;

- 548 searches
- 3 arrests
- Offences: Possess Controlled/Prohibited Weapon, Possess DOD
- Weapons Seized: 2x knives, 1x imitation firearm

7. Analysis

Analysis reveals that there is sufficient evidence to conduct an OMNI Operation within the proposed designated area. (O:S)

Offences were spread widely throughout the entire designated area, but some hotspots were identified in the following locations;

- The vicinity of Flinders Street and Southern Cross RWS. These locations are the major transport hubs utilised to enter and exit the Melbourne CBD and are historical hotspots for weapons offences. (O:S)
- Elizabeth Street between Flinders Street and Flinders Lane. This area has continued issues with homeless persons and has been the subject of previous police operations. (O:S)
- Vicinity within Latrobe Street, Collins Street, Elizabeth Street, and Russell Street. This area encompasses Melbourne Central, which is notorious for robbery and weapons offences. (O:S)

Consideration should be given to the following events which may have an impact on CBD crowds;

- Kendrick Lamar concert occurring on 04-Dec-2025 at 19:30hrs at AAMI Park. (O:S)
- Lewis Capaldi concert occurring on 10-Dec-2025 and 12-Dec-2025 at 19:30hrs at Rod Laver Arena. (O:S)
- Melbourne Stars v Hobart Hurricanes occurring on 18-Dec-2025 between 19:15hrs and 22:15hrs at the Melbourne Cricket Ground. (O:S)
- Carols by Candlelight occurring on 24-Dec-2025 between 18:00hrs and 23:00hrs at the Sidney Myer Music Bowl. (O:S)
- NYE Events across the entirety of ND1 occurring on 31-Dec-2025. (O:S)

DOCUMENT DETAILS	
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Date:	18-Nov-2025
Interpose Reference	INTMDN02536679

Certificate Identifying Annexure

No. VID1612 of 2025

Federal Court of Australia

District Registry: Victoria

Division: Administrative and Constitutional Law and Human Rights

TARNEEN ONUS BROWNE & ANOR

Applicants

ASSISTANT COMMISSIONER OF POLICE, NORTH WEST METRO REGION & ANOR

Respondents

This is the annexure marked "BJC-6" now produced and shown to Assistant Commissioner Brett John Curran at the time of affirming his affidavit on 14 January 2026.

Before me:



.....
Laura Elisabeth Godfrey

Annexure "BJC-6"

Revised 01 / 13

Victoria Police – Risk Assessment for a Planned Event					
Event Name:	ND1-HOTEL-2025-2026	E-Task No:	TBA	Assessment prepared by:	D/SGT Luke READ
Date of Preparation:	19/11/2025	Approved by:	D/Insp Martin MCLEAN	Date of Approval:	
Part A: Risk Assessment					
<p>The following risk assessment template is designed to assist with the risk assessment of an operation or other planned event. It provides generic areas of consideration to assist in the risk analysis process. It should be completed with the considerations of all stakeholders in mind and when all risks are identified, they must be rated using the likelihood and consequence tables and the risk matrix. The tables and matrix can be found in the Victoria Police Risk Management Manual or at the Corporate Risk & Planning Unit Intranet site.</p> <p>If an extreme or high risk is identified where further treatment is required, a specific treatment plan should be completed. (Appendix C). Refer to VPM 104–3 Operation Orders when completing this assessment.</p> <p>Risk Assessments MUST:</p> <ol style="list-style-type: none"> 1. Comply with Risk Management Standard AS/NZS ISO 31000: 2009 2. Risk identified as requiring further treatment must have a treatment plan completed <p>Further information or assistance can be obtained from the Corporate Risk & Planning Unit – Ph: PRIVACY</p>					
Risk Control Requirements:					
Extreme	Risk must be immediately reported to next line manager and immediate treatment required.	Medium	Risk must be monitored, and treatments may be applied.		
High	Risk must be immediately reported to next line manager and treatment required.	Low	No action required.		

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Victoria Police – Risk Assessment for a Planned Event

Risk Category	Risk	Considerations	Likelihood	Consequence	Risk Rating	Treatment Controls	Further Treatment Required
Planning	Lack of clarification with roles/ responsibilities.		Rare	Moderate	Medium	Operation Order compiled and distributed to all members prior to event. Briefing to all members to be conducted on the day prior to deployment	No
	Succession planning.		Rare	Moderate	Medium	Appropriate allocation of planning responsibilities in conjunction with experience of members involved	No
	Late submission of Operation Order.		Rare	Insignificant	Low	Operation order submitted within specified timeframes	No
	Risk Assessment / Management inappropriate.		Rare	Moderate	Medium	A thorough risk assessment has been completed.	No
	Insufficient personnel / equipment.		Unlikely	Moderate	Medium	Sufficient members will be allocated to the operation to cover contingencies of unplanned leave or other situations where members may be unable to participate. All equipment will be booked and checked prior to operation to ensure it is allocated and in working order.	No
	Flexibility with unscheduled change to threat / operation size.		Unlikely	Moderate	Medium	Very unlikely that the operation size will be increased beyond the planned operation and require further resources. It is unlikely that the threat level will increase given that it is already set at high and has been considered in the planning of this event.	No
	Command Post suitability located		Rare	Insignificant	Low	Command Post TBA	No
Resources	Appropriately trained personnel.		Unlikely	Moderate	Medium	All members will be suitably qualified and experienced as part of the operation. Where lack of experience identified, inexperienced members will be paired with more experienced members.	No

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Victoria Police – Risk Assessment for a Planned Event

Risk Category	Risk	Considerations	Likelihood	Consequence	Risk Rating	Treatment Controls	Further Treatment Required
						A copy of the op order will be available prior to the operation.	
	Adequate equipment and safety requirements		Rare	Moderate	Medium	A safety officer will be appointed. A safety briefing will be given prior to deployment. All equipment will be booked and checked prior to operation to ensure it is allocated and in working order. Additional First Aid equipment is located in vehicles and police facilities throughout the ND1.	No
	Inappropriate supervision.		Rare	Moderate	Medium	Zone Commander and Supervisors appointed and appropriately briefed. Adequate supervision will be planned and supplied. A number of appropriately trained and experienced supervisors will be present at key positions during the operation to supervise junior members and mitigate any risks that may arise. All supervisors will be appropriately briefed prior to the event. All details will be allocated a supervisor.	No
	Suitable briefings to all members involved.		Rare	Moderate	Medium	A comprehensive briefing will be conducted prior to the event on the day that will address all members involved in the operation.	No
Information Security & Management	Appropriately tested information channels		Rare	Moderate	Medium	Radio communications will be conducted on police radio which has a secure network. Telephone communications will be limited and conducted using police issued phones.	No
	Secure channels for all information		Rare	Moderate	Medium	Radio communications will be conducted on police radio which has a secure network.	No

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Victoria Police – Risk Assessment for a Planned Event

Risk Category	Risk	Considerations	Likelihood	Consequence	Risk Rating	Treatment Controls	Further Treatment Required
	Hard copy information accountability and safely handled.		Unlikely	Moderate	Medium	Instructions will be given to all members during the briefing to avoid taking unnecessary police documents with them. Any documents taken to the operation will be accounted for during and after the event. Only documentation required in hard copy will be the search notice. There is no secure information located on these documents.	No
	Risk of breach of Information Security Standards		Unlikely	Moderate	Medium	As above. Access to IRIS devices will remove requirement for hard copy documents	No
Occupational Health & Safety	Chance of slips / trips / falls		Unlikely	Moderate	Medium	The designated area has numerous stairs, ramps, escalators and other potential hazards but the area has been designed and maintained by local council and other authorities in line with OH&S practices with appropriate signage, floor grips, handrails etc. Area of operation will be of high pedestrian traffic.	No
	Members appropriately qualified		Unlikely	Moderate	Medium	All members will be suitably qualified and experienced as part of the operation. Where lack of experience identified, inexperienced members will be paired with more experienced members. A copy of the op order will be available prior to the operation.	No
	First Aid, / Medical Services available & accessible		Rare	Moderate	Medium	All police members are appropriately trained in first aid. AV will be ordered through Police Communications if required and adequate access is available for them to attend.	No

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Victoria Police – Risk Assessment for a Planned Event

Risk Category	Risk	Considerations	Likelihood	Consequence	Risk Rating	Treatment Controls	Further Treatment Required
						Local hospitals, their addresses as well as contact numbers will be provided in the operation order. Additional First Aid equipment is located in police vehicles and police facilities throughout the PSA.	
	Appropriate and Safe handling of detected weapons		Likely	Moderate	High	On locating a weapon, members are to immediately request support from resources or a supervisor ensuring the appropriate security of the offender and responsible and safe handling of the weapon. All weapons must be immediately secured and safely packaged appropriate for storage. Syringe containers and knife containers to be taken on site and additional available at command post.	Yes – this risk will be covered as part of the overall operational briefing.
	Safety expectations meet ie safety glasses gloves, sunscreen etc		Rare	Minor	Low	Appropriate PPE including safety glasses and gloves will be supplied to all members involved in the operation. Surgical and P2 masks as well as sunscreen will also be made available at the event for all members to use.	No
	Appropriate number of staff rostered for operation		Unlikely	Moderate	Medium	Sufficient members will be allocated to the operation to cover contingencies of unplanned leave or other situations where members may be unable to participate.	No
	Less experienced members appropriately supervised and mentored		Rare	Moderate	Medium	Adequate supervision will be planned and supplied. Detail sheets will allocate junior members with suitable experienced members. A number of appropriately trained and experienced supervisors will be present at key positions during the operation to supervise junior	No

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Victoria Police – Risk Assessment for a Planned Event

Risk Category	Risk	Considerations	Likelihood	Consequence	Risk Rating	Treatment Controls	Further Treatment Required
						members and mitigate any risks that may arise. All supervisors will be appropriately briefed prior to the event.	
	OHS Legislation and Force Policy complied with.		Rare	Moderate	Medium	OH&S representative will be consulted in the planning of the operation. Force policy will be included in material sent to all members prior to the operation as well as included in the briefing on the day.	No
	Members minimum rest requirements considered.		Rare	Insignificant	Low	Members will be rostered well in advance of the event and rosters will be prepared in line with guidelines regarding minimum breaks. Any members who worked overtime the day before will be stood down if their minimum breaks aren't adhered to.	No
Community Harmony & Engagement	Disruption to harmony.		Unlikely	Moderate	Medium	The set up of processing areas are such that it will avoid congestion and not unduly delay any public. If there are any delays arising from searches or insufficient processing staff, no further people will be scanned until they become clear. This will be monitored by the supervisors at each area.	No
	Fear amongst the community.		Unlikely	Moderate	Medium	Adequate advertising produced and supplied prior to the Operation. Designated Area handouts produced and available in the designated area to explain to everyone what is occurring. Members will be briefed to conduct themselves in a friendly, professional way at all times and take every opportunity to re-assure members of the public of the purpose and reason of the operation	No

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Victoria Police – Risk Assessment for a Planned Event

Risk Category	Risk	Considerations	Likelihood	Consequence	Risk Rating	Treatment Controls	Further Treatment Required
						ensure safety in the area. Multi lingual signage will be provided and displayed in the designated area. Talking points will be given to members a part of safety briefing.	
	Personal safety fears heightened.		Unlikely	Moderate	Medium	Adequate advertising and signage will be displayed in the designated area to explain to everyone what is occurring. Members will be briefed to conduct themselves in a friendly, professional way at all times and take every opportunity to re-assure members of the public of the purpose and reason of the operation ensure safety in the area.	No
	Disengagement from mainstream.		Unlikely	Minor	Medium	Members to adhere to all engagement guidelines set out in the briefing to ensure an equitable mainstream selection of the community	No
	Bias related incidents.		Unlikely	Moderate	Medium	All members will be instructed to ensure that subjects of the searches are random and to select people of all different sex, age, community groups to avoid allegations of bias. Human Rights Charter will be complied with at all times and included in the briefing	No
	Racially / religiously motivated backlash.		Unlikely	Moderate	Medium	All members will be instructed to ensure that subjects of the OMNI searches are random and to select people of all different sex, age and community groups to avoid allegations of bias. Human Rights Charter will be complied with at all times and included in the briefing	No
	Lack of knowledge of judicial process.		Unlikely	Moderate	Medium	An article will be posted in the Victoria Police news website and Government Gazette. which is	No

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Victoria Police – Risk Assessment for a Planned Event

Risk Category	Risk	Considerations	Likelihood	Consequence	Risk Rating	Treatment Controls	Further Treatment Required
						published in several languages other than English. All persons, are to be handed an information card. Briefings will be conducted prior to the event.	
	Cultural misunderstandings.		Unlikely	Moderate	Medium	An article will be posted in the Victoria Police news website and Government Gazette. which is published in several languages other than English. All persons, are to be handed an information card. Briefings will be conducted prior to the event.	No
Communications	Communication channels tested.		Rare	Insignificant	Low	Radio channels will be tested prior to deployment.	No
	Members briefed on comms channel and call signs		Rare	Insignificant	Low	Members will receive electronic copy of briefing as well as be briefed on the day.	No
	Sufficient number of radios, batteries, chargers etc.		Rare	Moderate	Medium	Checks to ensure sufficient equipment at deployment locations prior to operation. All equipment will be double checked prior to deployment on the day.	No
	Cross boundary issues considered eg MMR vs SMR		Rare	Insignificant	Low	Operation in ND1 which is covered by MMR radio.	No
	All units to ensure effective communications.		Unlikely	Minor	Low	All members will be experienced in using radio communications.	No
Personnel	Suitable Staff rank ratios rostered.		Rare	Moderate	Medium	Sufficient supervisors will be allocated and used for the operation. They will be deployed at locations where they can adequately supervise junior members.	No
	Current OSTT qualifications ensured.		Rare	Minor	Low	Members will be sourced from ND1, Transit and PORT where management has a responsibility to	No

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Victoria Police – Risk Assessment for a Planned Event

Risk Category	Risk	Considerations	Likelihood	Consequence	Risk Rating	Treatment Controls	Further Treatment Required
						ensure all members are OSTT qualified. This is also contained within the Joining Instructions for this event	
	Uniform requirements communicated.		Rare	Insignificant	Low	Dress standards communicated to uniform and plain clothes members as part of joining instructions prior to operation date.	No
Security	Sufficient crowd controllers allocated.		Unlikely	Minor	Low	Sufficient police resources to be allocated.	No
	Plans for threat eg Bomb threat.		Rare	Moderate	Medium	All members are operationally trained and any specific threats will be dealt with in line with normal response practices. Police Forward Commander will coordinate these events.	No
	Plans for handling / processing offenders / lost property / lost children.		Unlikely	Minor	Low	Lost property will be secured and entered onto PALM as per VPMs. Any lost children will be dealt with in line with normal police practice.	No
	Accreditation for all rostered members		Rare	Insignificant	Low	All members will be accounted for prior to, and at the conclusion of the shift. All members will be sourced from ND1, TST & PORT where management has a responsibility to ensure all members are OSTT qualified. No security accreditation is required.	No
	Security of police rooms / Police vehicles / members vehicles		Possible	Moderate	Medium	Police vehicles will be parked together and under CCTV cameras. This will ensure security of the vehicles.	No
Stakeholder Management	Failure to Identify all Stakeholders		Rare	Moderate	Medium	A thorough assessment of all stakeholders involved has been made and every effort will be made to consult them in the planning and preparation of the operation order.	No

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Victoria Police – Risk Assessment for a Planned Event

Risk Category	Risk	Considerations	Likelihood	Consequence	Risk Rating	Treatment Controls	Further Treatment Required
						Ongoing consultation by Tasking and Co-ordination with key stakeholders has enabled up to date identification and contact details.	
	Communication and on-going liaison		Rare	Moderate	Medium	Police Forward Commander will be responsible for all ongoing liaison with stakeholders. Follow up meetings will be pre-planned to facilitate same and get feedback and provide post operation information.	No
	Relevant stakeholders represented at time of operation		Rare	Moderate	Medium	All stakeholders will be consulted on an on-going basis throughout the planning and preparation, as well as the post operation phases of the operation.	No
Environmental	Appropriate facilities organised		Rare	Insignificant	Low	There are appropriate restroom facilities throughout the area of operation along with local police stations.	No
	Clean up responsibilities allocated		Rare	Moderate	Medium	Members will be allocated at the end of the operation co-ordinated by details Sergeants.	No
Media	Operations potential for Media Interest		Possible	Moderate	Medium	Media Unit will be engaged prior to operation and a media release/plan will be drawn up. Any media attention during operation will be directed to Police Forward Commander.	No
	Media Plans established if required		Unlikely	Moderate	Medium	Media Unit will be engaged prior to operation and a media release/plan will be drawn up.	No
	Advice required Media & Corporate Comms		Unlikely	Moderate	Medium	Media Unit will be engaged prior to operation and a media release/plan will be drawn up.	No
Emergency Vehicles	Access / egress routes considered		Rare	Minor	Low	Police vehicles will be used for transport and will be available at the scene of the operation. Vehicles will be parked in allocated areas easily	No

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Victoria Police – Risk Assessment for a Planned Event

Risk Category	Risk	Considerations	Likelihood	Consequence	Risk Rating	Treatment Controls	Further Treatment Required
						accessible where there is little to no chance of any exits being blocked.	
Crowd Control	Adequate equipment supplied		Possible	Moderate	Medium	All members will be supplied with standard operational equipment. Members performing POM duties and will be adequately briefed.	No
	Adequate briefings when violence expected		Unlikely	Moderate	Medium	All members will receive copies of the Operation Order and be briefed on the day of the operation.	No
	Emergency exits adequate and functional		Unlikely	Minor	Low	The location of the operation meets OH&S standards and the necessary emergency exits & signage exist. A review of the facility evacuation process will be conducted by the Police Forward Commander and Zone Commander prior to the operation.	No
	CCTV in operation. Consider temporary / portable if none exists		Rare	Minor	Low	Extensive CCTV is in operation at the location and captures the key areas where members will be operating. All CCTV is saved and will be available if any incidents arise. Police have direct access to CCTV control room if required during the operation.	No
	Options considered for escalation in violence		Unlikely	Moderate	Medium	All members will be supplied with standard operational equipment. Further resources (ie. PORT) to be briefed and available.	No
Liquor Licensing	Appropriate licenses exist		Rare	Insignificant	Low	N/A	No
	Copy of license with police management		Rare	Insignificant	Low	N/A	No
	Members briefed on conditions of licence.		Rare	Insignificant	Low	N/A	No
	Procedures for dealing with drunks		Rare	Insignificant	Low	N/A	No

For Official Use Only

Victoria Police – Risk Assessment for a Planned Event

Part B: OTHER CONSIDERATIONS		
Issues:	Action:	Responsible Member:
NOTES		
<p>This Operation is classed as <i>Medium Risk</i>.</p> <p>Overall Risk Assessment and operational planning in respect to the ongoing operation to be amended advised by ND1 Management if required</p>		

Certificate Identifying Annexure

No. VID1612 of 2025

Federal Court of Australia

District Registry: Victoria

Division: Administrative and Constitutional Law and Human Rights

TARNEEN ONUS BROWNE & ANOR

Applicants

ASSISTANT COMMISSIONER OF POLICE, NORTH WEST METRO REGION & ANOR

Respondents

This is the annexure marked "BJC-7" now produced and shown to Assistant Commissioner Brett John Curran at the time of affirming his affidavit on 14 January 2026.

Before me:



.....
Laura Elisabeth Godfrey

Annexure "BJC-7"



Policy, Project, Plan or Operation	Operation ND1-HOTEL-2025-2026 in the Melbourne, Docklands, Carlton, Southbank and South Yarra areas, from Sunday 30 November 2025 to Friday 29 May 2026 (six (6) months)
Lawful authority	Pursuant to Control of Weapons Act 1990 – Section 10D
Key stakeholders	<i>Persons entering into the designated area</i>

Rights under the Charter

<ul style="list-style-type: none"> s 8 Right to recognition and equality before the law s 9 Right to life s 10 Right to protection from torture and cruel, inhuman or degrading treatment s 11 Right to freedom from forced work s 12 Right to freedom of movement s 13 Right to privacy and reputation s 14 Right to freedom of thought, conscience, religion and belief s 15 Right to freedom of expression s 16 Right to peaceful assembly and freedom of association s 17 Right to protection of families and children 	<ul style="list-style-type: none"> s 18 Right to take part in public life s 19 Right to protection of cultural rights s 20 Property rights s 21 Right to liberty and security of person s 22 Right to humane treatment when deprived of liberty s 23 Rights of children in the criminal process s 24 Right to a fair hearing s 25 Rights in criminal proceedings s 26 Right not to be tried or punished more than once s 27 Right to protection from retrospective criminal laws
--	--

If your action/decision will limit a person's human rights – step through PLAN:

PLAN

Proportionate - Ensure all actions are balanced and proportionate and aligned to the mission statement. Limit the impact to the persons human rights at all times. Searches must be conducted in the least invasive manner reasonably necessary in the circumstances. In a manner that affords the appropriate level of privacy, dignity, and self respect. Completed as quickly as is reasonable in the circumstances.

Lawful - Prior to any search the member is to state to the person their intention to search them for weapons. They must state they are empowered under the appropriate Act to conduct the search. If searching under the Control of Weapons Act, the member must provide that person an information card **Appendix B**.

Accountable - The promotion and protection of human rights is core to our focus and primary objective. All members are to be mindful of the Human Rights of all persons they meet. Without impacting on our safety and operational requirements, our conduct should reflect dignity and respect. To ensure accurate information is obtained, all members involved in processing of suspects and offenders will use Field Contact Reports and Information Reports. All persons arrested during this Operation will be brought to the attention of the Communications Officer who will in turn notify the Police Commander. A list of all arrests and offenders will be kept at the Command Post. Utilisation of the E-referral system is to be considered for all offenders processed.

Necessary - The initial search of a person should be conducted by utilising an electronic metal detection device. If the concealment of a weapon is indicated then a pat down search will be conducted. Request persons to empty their pockets or areas of concealment. Co-operation of the person should be requested through out this process. At all times the less restrictive option should be the objective.

<i>Human Rights impacted (List the human rights being promoted or limited)</i>	<i>Is this right being limited? If so, how?</i>	<i>Where this right is limited, what is the suggested risk mitigation strategy?</i>
<i>s.8 Right to recognition and equality before the law</i>	<i>Not limited</i>	<ul style="list-style-type: none"> - <i>Operation Order and The Control of Weapons Act states that persons must be selected at random, so all persons searched are treated as equals</i>
<i>s 9 Right to life</i>	<i>Not limited</i>	
<i>s.10 Right to protection from degrading treatment</i>	<i>The authority given to police allows for them to search all persons entering into the designated area for weapons. This may impact on a person's right to dignity re being searched by police/PSOs</i>	<ul style="list-style-type: none"> - <i>The operation will be actively supervised by the Police Forward Commander and other supervisors</i> - <i>All personnel will be briefed as to the requirements of searching persons and maintaining dignity</i> - <i>Facilities provided for searches of persons who wish to be provided with privacy</i>
<i>s 11 Right to freedom from forced work</i>	<i>Not limited</i>	
<i>s.12 Right to freedom of movement</i>	<i>The authority given to police allows for them to stop and search all persons entering into the designated area for weapons. This may impact on a person's right to freedom of movement while in the designated area</i>	<ul style="list-style-type: none"> - <i>The operation will be actively supervised by the Police Forward Commander and other supervisors</i> - <i>All personnel will be briefed as to the requirements of searching persons and to not detain for longer than necessary</i> - <i>The operation will be advertised in metro media and Govt Gazette</i> - <i>Signage will be clearly displayed advising all persons of the designated area and police powers</i> - <i>Give persons searched a copy of the information pack outlining The Control of Weapons Act search powers.</i>
<i>s 13 Right to privacy and reputation</i>	<i>The authority given to police allows for them to stop and search all persons entering into the designated area for weapons. This may impact on a person's right to privacy if selected for a search and then identified that they may be carrying a weapon</i>	<ul style="list-style-type: none"> - <i>The operation will be actively supervised by the Police Forward Commander and other supervisors</i> - <i>All personnel will be briefed as to the requirements of searching persons pursuant to the Act and VPM</i> - <i>All persons detained will be in accordance with the Charter of Human Rights, VPM and applicable legislation</i> - <i>Facilities provided for searches of persons who wish to be provided with privacy</i>
<i>s 14 Right to freedom of thought, conscience, religion and belief</i>	<i>Not limited</i>	
<i>s 15 Right to freedom of expression</i>	<i>Not limited</i>	
<i>s 16 Right to peaceful assembly and freedom of association</i>	<i>Not limited</i>	

<i>Human Rights impacted (List the human rights being promoted or limited)</i>	<i>Is this right being limited? If so, how?</i>	<i>Where this right is limited, what is the suggested risk mitigation strategy?</i>
<i>s 17 Right to protection of families and children</i>	<i>Not limited</i>	<ul style="list-style-type: none"> - <i>It is possible that children may be searched while in the designated area, under the powers within the Act. This is not something that is limiting a person's right to protect their family and children</i>
<i>s 18 Right to take part in public life</i>	<i>The authority given to police allows for them to stop and search all persons entering into the designated area for weapons. This may impact on a person's right to take part in public life while in the designated area</i>	<ul style="list-style-type: none"> - <i>Designated area handouts explaining the Police powers being used available for all members. Supervisors on hand</i>
<i>s 19 Right to protection of cultural rights</i>	<i>Not limited</i>	<ul style="list-style-type: none"> -
<i>s 20 Property rights</i>	<i>The authority given to police allows for them to stop and search all persons entering into the designated area for weapons. This may impact on a person's property rights while in the designated area or if items are seized according to law</i>	<ul style="list-style-type: none"> - <i>The operation will be actively supervised by the Police Forward Commander and other supervisors</i> - <i>All personnel will be briefed as to the requirements of searching persons pursuant to the Act and VPM</i> - <i>All property seized will be according to current VPMs</i>
<i>s 21 Right to liberty and security of person</i>	<i>The authority given to police allows for them to stop and search all persons entering into the designated area for weapons. This may impact on a person's right to liberty and security of person</i>	<ul style="list-style-type: none"> - <i>The operation will be actively supervised by the Police Forward Commander and other supervisors</i> - <i>All personnel will be briefed as to the requirements of searching persons pursuant to the Act and VPM</i> - <i>All persons detained will be in accordance with the Charter of Human Rights, VPM and applicable legislation</i> -
<i>s.22 Right to humane treatment when deprived of liberty</i>	<i>The authority given to police allows for them to search all persons entering into the designated area for weapons. This may impact on a person's right to freedom and if weapons located, they may be detained/arrested.</i>	<ul style="list-style-type: none"> - <i>The operation will be actively supervised by the Police Forward Commander and other supervisors</i> - <i>All personnel will be briefed as to the requirements of searching persons pursuant to the Act and VPM</i> - <i>All persons detained will be in accordance with the Charter of Human Rights, VPM and applicable legislation</i> - <i>Any use of force must be in accordance with s.462A Crimes Act</i>

<i>Human Rights impacted (List the human rights being promoted or limited)</i>	<i>Is this right being limited? If so, how?</i>	<i>Where this right is limited, what is the suggested risk mitigation strategy?</i>
<i>s 23 Rights of children in the criminal process</i>	<p><i>The authority given to police allows for them to search all persons entering the designated area for weapons – Schedule 1, Rule 11 outlines rules for search of Children.</i></p> <p><i>This may impact on a person's right to freedom and if weapons located, they may be detained/arrested.</i></p>	<ul style="list-style-type: none"> - <i>The operation will be actively supervised by the Police Forward Commander and other supervisors</i> - <i>All personnel will be briefed as to the requirements of searching persons pursuant to the Act and VPM</i> - <i>All persons detained will be in accordance with the Charter of Human Rights, VPM and applicable legislation</i> - <i>Any use of force must be in accordance with s.462A Crimes Act</i> - <i>Parent/Guardian will be notified of the child being in Police Custody and Parent/Guardian/Independent Person present before interview if the matter is Indictable (S464E(1) Crimes Act)</i> - <i>An accused child who is detained or a child detained without charge must be segregated from all detained adults.</i> - <i>Children 12 and under will not be searched during the operation.</i>
<i>s 24 Right to a fair hearing</i>	<i>Not limited</i>	<ul style="list-style-type: none"> - <i>Any penalty notices issued are able to be contested by the receiver</i>
<i>s 25 Rights in criminal proceedings</i>	<i>Not limited</i>	<ul style="list-style-type: none"> - <i>The operation will be actively supervised by the Police Forward Commander and other supervisors</i> - <i>All personnel will be briefed as to the requirements of searching persons pursuant to the Act and VPM</i> - <i>All persons detained will be in accordance with the Charter of Human Rights, VPM and applicable legislation</i> - <i>Any use of force must be in accordance with s.462A Crimes Act</i>
<i>s 26 Right not to be tried or punished more than once</i>	<i>Not limited</i>	-
<i>s 27 Right to protection from retrospective criminal laws</i>	<i>Not limited</i>	-

Certificate Identifying Annexure

No. VID1612 of 2025

Federal Court of Australia

District Registry: Victoria

Division: Administrative and Constitutional Law and Human Rights

TARNEEN ONUS BROWNE & ANOR

Applicants

ASSISTANT COMMISSIONER OF POLICE, NORTH WEST METRO REGION & ANOR

Respondents

This is the annexure marked "BJC-8" now produced and shown to Assistant Commissioner Brett John Curran at the time of affirming his affidavit on 14 January 2026.

Before me:



.....
Laura Elisabeth Godfrey

Annexure "BJC-8"



VICTORIAN POLICE - OMNI OPERATION

Media Brief

Please e-mail brief to: **PRIVACY**

Any queries please contact **PRIVACY** and **PRIVACY**

Descriptor	Deadline
Brief to be provided	7 working days prior to activity date
OMD to provide Quote	4 working days prior to activity date
Approval provided	3 working days prior to activity date – on approval of this request, PO must be raised. Signed quote (MBA - Media Booking Authority) and PO number to be provided to OMD.

Date:	
Legal entity:	Victoria Police
Department:	NWM D1 I&R
Name (requestor):	Luke READ
Phone number:	PRIVACY
E-Mail:	PRIVACY
Invoicing contact e-mail:	PRIVACY
PO Number:	PRIVACY
Work Centre:	PRIVACY
Manager approval:	D/Inspector Martin MCLEAN

Date of Operation:	<ul style="list-style-type: none"> 12.00am Sunday 30 November 2025 to 11.59pm Friday 29 May 2026
Timing of Operation:	As above
Location:	Melbourne CBD and vicinity
If related to an event, please specify:	
Delegate endorsement:	Assistant Commissioner, North West Metro Command Brett CURRAN
Planned Operation Location Detail:	All public places within the area, bounded by the intersection of Peel Street and Victoria Street, east to the intersection of Victoria Street and Rathdowne Street, north to the intersection of Rathdowne Street and Carlton Street, east to the intersection of Carlton Street and Nicholson Street, south to the intersection of Nicholson Street and Victoria Parade, east to the intersection of Victoria Parade and Hoddle Street, south to the intersection of Hoddle Street and Wellington Parade, south to the intersection of Punt Road and Domain Road, west to the intersection of

	<p>Domain Road and St Kilda Road, north to the intersection of St Kilda Road and Park Street, southwest to the intersection of Park Street and Clarendon Street, northwest to the intersection of Clarendon Street and Whiteman Street, northwest to the intersection of Spencer Street and the Yarra River, west along the southern side of the Yarra River to Webb Bridge, north over the Yarra River to the intersection of Navigation Drive and Harbour Esplanade, north to the intersection of Harbour Esplanade and Dudley Street, and northeast to the intersection of Dudley Street and Peel Street, including all roadways and footpaths associated with the stated road and road related areas (Road has the same meaning as in section 3 of the Road Safety Act 1986), and including all railway stations, underpasses and associated public transport hubs within the defined area.</p>
<p>Powers authorized to exercise:</p>	<p>DECLARATION OF DESIGNATED AREA UNDER SECTION 10D (1) OF THE CONTROL OF WEAPONS ACT 1990</p>

This declaration will be in place from:

- 12.00am Sunday 30 November 2025 to 11.59pm Friday 29 May 2026.

Please be advised that:

- a declaration is in force pursuant to section 10D of the Control of Weapons Act 1990
- you and/or your vehicle is in a public place that is within a designated area
- police officers and protective services officers on duty at a designated place (as per the Victoria Police Act 2013) are empowered to search you and anything in your possession or control, or your vehicle for weapons
- it is an offence to obstruct or hinder a police officer or a protective services officer on duty at a designated place in the exercise of a power to stop and search a person or a vehicle.

If a police officer or protective services officer on duty within a designated place intends to conduct a limited search of you or your vehicle/things for weapons:

- a. You are requested to co-operate with that search.
- b. You may be requested to remove items of outer clothing such as headwear, scarves, jackets, etc.
- c. You may be searched using an electronic wand.
- d. You may be requested to remove items from any bags or pockets.
- e. You may be given a “pat down” search.

Whilst within the designated area, a police officer may request that you remove any face covering if the police officer reasonably believes the face covering is being worn primarily to conceal your identity, or to protect from the effects of crowd-controlling substances. If you refuse to remove the face covering, the police officer may direct you to leave the designated area.

A police officer may also direct a person to leave a designated area if the police officer reasonably believes the person intends to engage in conduct that would constitute an offence under section 195H (affray) or 195I (violent disorder) of the Crimes Act 1958.

It is an offence to fail to comply with any direction to leave a designated area without reasonable excuse.

<p>Publications:</p>	<p>Government Gazette (mandatory) Herald Sun VicPol website</p>
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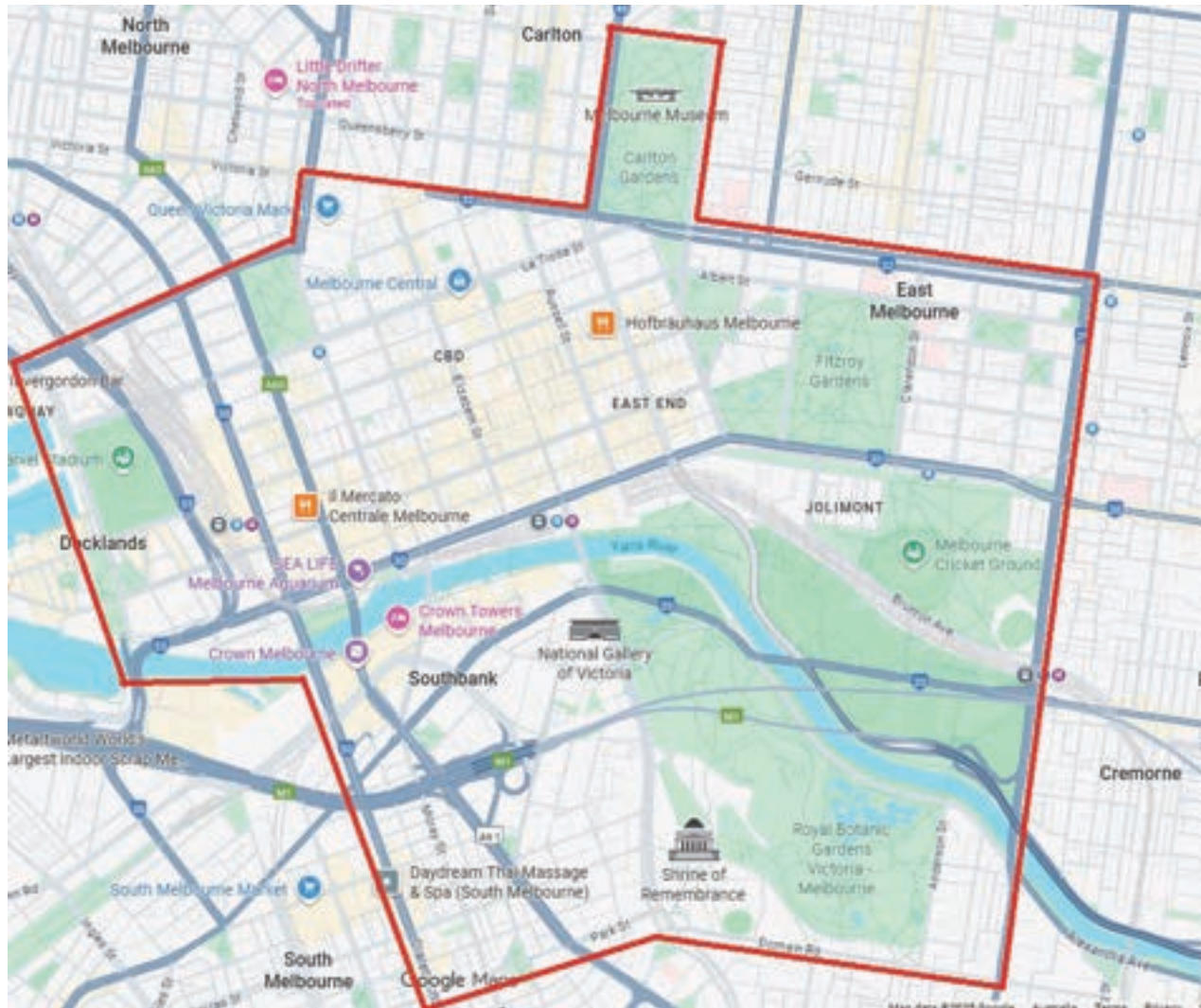


If booking cancelled after proof has been sent – 50% charge applied. Any subsequent alterations to original proof \$44 charge.

If operation cancelled post publication – an Erratum message will be added to the top of front page \$83.80 and a further edition to be published stating cancellation, with cost to be advised.

VICTORIAN POLICE - OMNI OPERATION

MAP



OMD Quote – To Be Filled in by OMD only

Platform	Date and Details	Nett Media Cost
Government Gazette		
Government Gazette incremental charges*		
Newspaper (example: Herald Sun)	example. X August 2023, Classified, Size: M3x3 Mono	

Total Media Cost Nett		
Media Levy		
MAMs Fee		
Total Cost To Client excl. GST		
GST		
Total cost to client incl. GST		

**Government Gazette - If booking cancelled after proof has been sent – 50% charge applied. Any subsequent alterations to original proof \$44 charge.*

If operation cancelled post publication – an Erratum message will be added to the top of front page \$83.80 and a further edition to be published stating cancellation, with cost to be advised.

**Major Newspaper – if booking cancelled, after booking, payment in full will be charged*

Media Booking Authority Approval

To Be Filled in by Victoria Police

Media Booking Authority	
Requester Name	
Requester Signature	
Financial Delegate Name	
Financial Delegate Signature	
Purchase Order Number	

Certificate Identifying Annexure

No. VID1612 of 2025

Federal Court of Australia

District Registry: Victoria

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TARNEEN ONUS BROWNE & ANOR

Applicants

ASSISTANT COMMISSIONER OF POLICE, NORTH WEST METRO REGION & ANOR

Respondents

This is the annexure marked "BJC-9" now produced and shown to Assistant Commissioner Brett John Curran at the time of affirming his affidavit on 14 January 2026.

Before me:



.....
Laura Elisabeth Godfrey

Annexure "BJC-9"

78
Application to Declare a Designated Area
 ss. 10D & 10E Control of Weapons Act 1990

IMPORTANT: Must complete the OMNI Checklist (page 4) prior to submitting.

Part A - Application

Applicant

Name:	Martin MCLEAN	Rank/Reg No.:	D/Insp 30532
Station:	ND1 I&R		
Phone No.:	PRIVACY	Mobile No.:	PRIVACY

Address of Proposed Designated Area

Location Description:	All public places within the area, bounded by the intersection of Peel Street and Victoria Street, east to the intersection of Victoria Street and Rathdowne Street, north to the intersection of Rathdowne Street and Carlton Street, east to the intersection of Carlton Street and Nicholson Street, south to the intersection of Nicholson Street and Victoria Parade, east to the intersection of Victoria Parade and Hoddle Street, south to the intersection of Hoddle Street and Wellington Parade, south to the intersection of Punt Road and Domain Road, west to the intersection of Domain Road and St Kilda Road, north to the intersection of St Kilda Road and Park Street, southwest to the intersection of Park Street and Clarendon Street, northwest to the intersection of Clarendon Street and Whiteman Street, northwest to the intersection of Spencer Street and the Yarra River, west along the southern side of the Yarra River to Webb Bridge, north over the Yarra River to the intersection of Navigation Drive and Harbour Esplanade, north to the intersection of Harbour Esplanade and Dudley Street, and northeast to the intersection of Dudley Street and Peel Street, including all roadways and footpaths associated with the stated road and road related areas (Road has the same meaning as in section 3 of the Road Safety Act 1986), and including all railway stations, underpasses and associated public transport hubs within the defined area.		
Town/Suburb:	Melbourne and surrounding suburbs	State:	VIC
		Postcode:	3000
Region:	NMW	Division:	1

Requirements

<input checked="" type="checkbox"/> Map of the search area attached			
Designated Dates:			
Start Date & Time:	30/11/2025	0000	hours
End Date & Time:	29/05/2026	2359	hours
Start Date & Time:	/ /		hours
End Date & Time:	/ /		hours
Start Date & Time:	/ /		hours
End Date & Time:	/ /		hours
Is this an event?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Event Name:	<input style="width: 100%;" type="text"/>		
<i>Event name must be published in the Government Gazette and/or on the Victoria Police internet site</i>			
Operation Name:	ND1-HOTEL-2025-2026		
Type of Designation:			
<input checked="" type="checkbox"/> Planned <input checked="" type="checkbox"/> Operation Order (including Risk Assessment) attached			
OR			
<input type="checkbox"/> Unplanned <input type="checkbox"/> Field Incident Action Plan (IAP) (including Risk Assessment) attached			
If IAP not attached, MUST provide details:	<input style="width: 100%;" type="text"/>		

Planned Designation

Provide details (including dates/times) of violence or disorder involving weapons that has occurred in the area.
<input checked="" type="checkbox"/> Relevant supporting information attached (e.g. Intel brief, LEAP etc)

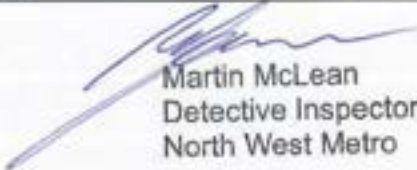
Unplanned Designation

Provide details of violence or disorder involving weapons likely to occur.
--

Martin McLean
 Martin McLean
 Detective Inspector
 North West Metro

Application to Declare a Designated Area
ss. 10D & 10E Control of Weapons Act 1990

Relevant supporting information attached (e.g. Intel brief, LEAP etc)


Martin McLean
Detective Inspector
North West Metro

OMNI Statistics

Yes - Applicant acknowledges that all OMNI statistics must be collected on the OMNI Statistical Collection Sheet to comply with legislated reporting requirements (s.10KB).

Applicant
Signature: 

Date: 21-Nov-2025

Part B - Police Commander Approval

Name: Zorka DUNSTAN Rank/Reg No.: Superintendent 32293

Station: NDI

Phone No.: PRIVACY Mobile No.: PRIVACY

Signature:  Date: 23 November 2025

Part C - Authorised Officer Declaration

The following is provided to enable the Chief Commissioner of Police or delegate of or above the rank of Assistant Commissioner (Control of Weapons Act 1990 s.10F) to determine whether a declaration should be approved:

Application Received at: Date: 24/11/2025 Time: 1135 and contains the following supporting documents:

- Mandatory Requirements:**
 - Human Rights Risk Assessment attached and reviewed Yes
 - OMNI Checklist reviewed Yes
- Planned:**
 - Operation Order attached and reviewed Yes
 - Risk assessment for a Planned Event [VP Form 1117] Yes
 - Evidence of previous weapons violence or weapons offences justifies designation Yes
 - More than 12 hours have passed from the end of any earlier declaration in that area, and relevant confirmation from TRANSIT-OPERATION-OMNI-MGR PBEA confirmation is attached (s.10D (8)) Yes
- Unplanned:**
 - Incident Action Plan attached and reviewed Yes
 - Evidence of likely weapons violence or weapons offences to occur justifies designation Yes

- Drafts attached for required publication of Notice of Declaration:**
 - Government Gazette (planned designation only) Yes
 - Victoria Police public facing internet site (planned & unplanned designation) Yes

Authority

I, Brett CURRAN as a delegate of the Chief Commissioner of Police of or above the rank of Assistant Commissioner declare the area specified at Part A, for the period specified, to be a designated area and authorise a Notice of Declaration of Designated Area to be issued as required by the Control of Weapons Act 1990.

OR

I do not give my authority for the following reasons:



Signature: 

Date: 24/11/2025

As per VPM Designated Areas - Conducting searches and issuing directions, must scan and email Parts A, B & C to TRANSIT-OPERATION-OMNI-MGR PBEA.

80
Application to Declare a Designated Area
ss. 10D & 10E Control of Weapons Act 1990

81
Application to Declare a Designated Area
 ss. 10D & 10E Control of Weapons Act 1990

Part D - Report

Type of Designation: Planned Unplanned

Police Forward Commander Name:

Rank/Reg No.:

MANDATORY: For details of Items located and persons interviewed **MUST** complete the OMNI Statistical Collection Sheet for all FULL searches and OTHER searches and attach to this form.

OMNI Statistical Collection Sheet attached

Full Searches *[information required for Annual Report]*

Number of full searches

Number of weapons found during full searches

Number of persons subject to a full search and charged with offences against *Control of Weapons Act 1990*

Other Searches

Number of wand searches

Number of outer searches (i.e. pat down search)

Number of weapons found

Number of charges or intent to summons

Number of weapons penalty notices

Number of child cautions issued

Directions to Leave a Designated Area *[information required for Annual Report]*

Number of directions to leave the area issued to persons in accordance with s.10KA *Control of Weapons Act 1990*

Name:

Rank/
Reg No.:

Station:

Phone No.:

Mobile
No.:

As per VPM Designated Areas - Conducting searches and issuing directions, scan and email completed Part D and OMNI Statistical Collection Sheet to TRANSIT-OPERATION-OMNI-MGR PBEA for collation and reporting purposes.

Note - Full Search (also known as a "strip search" under the *Control of Weapons Act 1990*) - refer to VPM Searches of person for definition.

INSTRUCTIONS

The Police Commander must ensure that all documentation relating to the designated area is filed at Command Headquarters, including records required for the Annual Report; refer to **VPM Designated Areas - Conducting searches and issuing directions**. The documentation which must be retained includes:

- | | |
|---|--|
| <input type="checkbox"/> Completed VP Form 1373 & OMNI Statistical Collection Sheet | <input type="checkbox"/> Government Gazette Notice (must include a map of the designated area) |
| <input type="checkbox"/> Map of the designated area | <input type="checkbox"/> Copy of notice published on an Internet site maintained by Victoria Police (must include a map of the designated area). |
| <input type="checkbox"/> Incident Action Plan/Operation Order | |

OMNI CHECKLIST

Planned Designation s. 10D Control of Weapons Act 1990:

AREA

- More than one incident of violence or disorder has occurred in that area in the previous 12 months that involved the use of weapons **and** there is a **likelihood** that the violence or disorder will recur (s. 10D (1)(a)) (declaration must not exceed 24 hours).
- OR**
- More than one incident of violence or disorder has occurred in that area in the previous 12 months that involved the use of weapons, **and** it is necessary to designate the area for the purpose of enabling police or PSOs to exercise search powers to prevent or deter the occurrence of any violence or disorder that is **likely** to occur (s. 10D (1b)(i) & (ii)) (declaration must not exceed 6 months).
- The time period of operation is no longer than **reasonably necessary** to enable members to effectively respond to the threat of violence or disorder (s. 10D (3)(a)).
- There is no other Designated Area application submitted for the same area, and more than 12 hours have passed from the end of any earlier declaration in the area. This check can be conducted by contacting **TRANSIT-OPERATION-OMNI-MGR PBEA**.
- Designated area is no larger than **reasonably necessary** to enable members to effectively respond to the threat of violence or disorder (s. 10D (2)).
- Date and time that any previous declaration ended in the **AREA** Date: / / Time ended: hrs.
- If a declaration relates to an area, a further declaration cannot take effect in the same area until after the end of the period of **12 hours** after the end of the earlier declaration (s. 10D (8)).

EVENT

- An event is to be held in that area and incidents of violence or disorder involving the use of weapons have occurred at previous occasions of the event (wherever occurring) **and** there is a **likelihood** that the violence or disorder will recur (s. 10D (1)(c)(i) & (ii)).
- OR**
- An event is to be held in that area and by information known to the Chief Commissioner there is a **likelihood** that violence or disorder involving the use of weapons will occur in that area during the period of intended operation of the declaration (s. 10D (1)(d)(i) & (ii)).
- Declaration times before and/or after the event must be included in the Designated Start/End times (an event can include times before and after the event considered **reasonable** (s. 10D 3B(b)).
 - A declaration in relation to an event may operate for more than one period (s. 10D 3A).

Unplanned Designation s. 10E Control of Weapons Act 1990:

- Violence or disorder involving weapons is **likely** to occur in this area during the period of intended operation of the declaration (s. 10E (1)(a)).
- AND**
- Designation of this area is necessary to enable police or PSOs to exercise search power to prevent or deter the violence or disorder that is **likely to occur** (s. 10E (1)(b)).
- AND**
- The area designated is not larger than is reasonably necessary to enable police or PSOs to effectively respond to the threat of violence or disorder (s. 10E (3)).
- AND**
- Period of operation of a declaration is not longer than necessary to enable police or PSOs to effectively respond to the threat of violence or disorder; and must not exceed 24 hours (s. 10E (4)).

Certificate Identifying Annexure

No. VID1612 of 2025

Federal Court of Australia

District Registry: Victoria

Division: Administrative and Constitutional Law and Human Rights

TARNEEN ONUS BROWNE & ANOR

Applicants

ASSISTANT COMMISSIONER OF POLICE, NORTH WEST METRO REGION & ANOR

Respondents

This is the annexure marked "BJC-10" now produced and shown to Assistant Commissioner Brett John Curran at the time of affirming his affidavit on 14 January 2026.

Before me:



.....
Laura Elisabeth Godfrey

Annexure "BJC-10"



VICTORIA POLICE

PLANNED OPERATION IN MELBOURNE CBD AND VICINITY

DECLARATION OF DESIGNATED AREA UNDER SECTION 10D (1) OF THE CONTROL OF WEAPONS ACT 1990

The Assistant Commissioner, North West Metro Region, acting as a delegate of the Chief Commissioner of Police, under section 10D(1) of the Control of Weapons Act 1990, declares as a designated area all public places within the area, bounded by the intersection of Peel Street and Victoria Street, east to the intersection of Victoria Street and Rathdowne Street, north to the intersection of Rathdowne Street and Carlton Street, east to the intersection of Carlton Street and Nicholson Street, south to the intersection of Nicholson Street and Victoria Parade, east to the intersection of Victoria Parade and Hoddle Street, south to the intersection of Hoddle Street and Wellington Parade, south to the intersection of Punt Road and Domain Road, west to the intersection of Domain Road and St Kilda Road, north to the intersection of St Kilda Road and Park Street, southwest to the intersection of Park Street and Clarendon Street, northwest to the intersection of Clarendon Street and Whiteman Street, northwest to the intersection of Spencer Street and the Yarra River, west along the southern side of the Yarra River to Webb Bridge, north over the Yarra River to the intersection of Navigation Drive and Harbour Esplanade, north to the intersection of Harbour Esplanade and Dudley Street, and northeast to the intersection of Dudley Street and Peel Street, including all roadways and footpaths associated with the stated road and road related areas (Road has the same meaning as in section 3 of the Road Safety Act 1986), and including all railway stations, underpasses and associated public transport hubs within the defined area.



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This declaration will be in place from:

• 12.00am Sunday 30 November 2025 to 11.59pm Friday 29 May 2026.

Please be advised that:

- a declaration is in force pursuant to section 10D of the Control of Weapons Act 1990
- you and/or your vehicle is in a public place that is within a designated area
- police officers and protective services officers on duty at a designated place (as per the Victoria Police Act 2013) are empowered to search you and anything in your possession or control, or your vehicle for weapons
- it is an offence to obstruct or hinder a police officer or a protective services officer on duty at a designated place in the exercise of a power to stop and search a person or a vehicle.

If a police officer or protective services officer on duty within a designated place intends to conduct a limited search of you or your vehicle/things for weapons:

- a. You are requested to co-operate with that search.
- b. You may be requested to remove items of outer clothing such as headwear, scarves, jackets, etc.
- c. You may be searched using an electronic wand.
- d. You may be requested to remove items from any bags or pockets.
- e. You may be given a "pat down" search.

Whilst within the designated area, a police officer may request that you remove any face covering if the police officer reasonably believes the face covering is being worn primarily to conceal your identity, or to protect from the effects of crowd-controlling substances. If you refuse to remove the face covering, the police officer may direct you to leave the designated area.

A police officer may also direct a person to leave a designated area if the police officer reasonably believes the person intends to engage in conduct that would constitute an offence under section 195H (affray) or 195I (violent disorder) of the Crimes Act 1958.

It is an offence to fail to comply with any direction to leave a designated area without reasonable excuse.



VICTORIA POLICE

Designated Area Search Notice
Control of Weapons Act 1990

The public place area depicted on the map overleaf has been declared in writing to be a "designated area" by an Assistant Commissioner of Police under s.10D of the *Control of Weapons Act 1990* (the Act).

That declaration is in place between:
12.00am Sunday 30 November 2025 and 11.59pm Friday 26 May 2026

Police officers are empowered to search a person and anything in the possession or control of the person, or a vehicle for weapons.
You, your vehicle or thing in your possession are in a public place within a designated area.

A police officer intends to conduct a limited search of you or your vehicle/things.

- You are requested to co-operate with that search;
- You may be requested to remove items of outer clothing such as headwear, scarves, jackets, etc;
- You may be searched using an electronic wand;
- You may be requested to remove items from any bags or pockets;
- You may be given a "pat down" search.

A police officer may also exercise their power under the Act to request you to remove any article covering your face or direct you to leave the designated area if you refuse to remove the face covering, or if the police officer reasonably believes that you intend to engage in conduct that would constitute an affray under s.195H, *Crimes Act 1958* or violent disorder under s.195I, *Crimes Act 1958*.

Attention - Offence

It is an offence under the Act to obstruct or hinder a police officer in the exercise of a power to stop and search a person or to fail to comply with a direction to remove a face covering or to leave the designated area.



VICTORIA POLICE

Designated Area Search Notice
Control of Weapons Act 1990

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A police officer intends to conduct a limited search of you or your vehicle/things.

- You are requested to co-operate with that search;
- You may be requested to remove items of outer clothing such as headwear, scarves, jackets, etc;
- You may be searched using an electronic wand;
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VICTORIA POLICE

Designated Area Search Notice
Control of Weapons Act 1990



Declaration of designated area under s. 10D of the Control of Weapons Act 1990 a designated area containing:

All public places within the area, bounded by the intersection of Peel Street and Victoria Street, east to the intersection of Victoria Street and Rathdowne Street, north to the intersection of Rathdowne Street and Carlton Street, east to the intersection of Carlton Street and Nicholson Street, south to the intersection of Nicholson Street and Victoria Parade, east to the intersection of Victoria Parade and Hoddle Street, south to the intersection of Hoddle Street and Wellington Parade, south to the intersection of Punt Road and Domain Road, west to the intersection of Domain Road and St Kilda Road, north to the intersection of St Kilda Road and Park Street, southwest to the intersection of Park Street and Clarendon Street, northwest to the intersection of Clarendon Street and Whitelam Street, northwest to the intersection of Spencer Street and the Yarra River, west along the southern side of the Yarra River to Webb Bridge, north over the Yarra River to the intersection of Navigation Drive and Harbour Esplanade, north to the intersection of Harbour Esplanade and Dudley Street, and northeast to the intersection of Dudley Street and Peel Street, including all roadways and footpaths associated with the stated road and road related areas (Road has the same meaning as in section 3 of the Road Safety Act 1986), and including all railway stations, underpasses and associated public transport hubs within the defined area.



VICTORIA POLICE

Designated Area Search Notice
Control of Weapons Act 1990



Declaration of designated area under s. 10D of the Control of Weapons Act 1990 a designated area containing:

All public places within the area, bounded by the intersection of Peel Street and Victoria Street, east to the intersection of Victoria Street and Rathdowne Street, north to the intersection of Rathdowne Street and Carlton Street, east to the intersection of Carlton Street and Nicholson Street, south to the intersection of Nicholson Street and Victoria Parade, east to the intersection of Victoria Parade and Hoddle Street, south to the intersection of Hoddle Street and Wellington Parade, south to the intersection of Punt Road and Domain Road, west to the intersection of Domain Road and St Kilda Road, north to the intersection of St Kilda Road and Park Street, southwest to the intersection of Park Street and Clarendon Street, northwest to the intersection of Clarendon Street and Whitelam Street, northwest to the intersection of Spencer Street and the Yarra River, west along the southern side of the Yarra River to Webb Bridge, north over the Yarra River to the intersection of Navigation Drive and Harbour Esplanade, north to the intersection of Harbour Esplanade and Dudley Street, and northeast to the intersection of Dudley Street and Peel Street, including all roadways and footpaths associated with the stated road and road related areas (Road has the same meaning as in section 3 of the Road Safety Act 1986), and including all railway stations, underpasses and associated public transport hubs within the defined area.

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Certificate Identifying Annexure

No. VID1612 of 2025

Federal Court of Australia

District Registry: Victoria

Division: Administrative and Constitutional Law and Human Rights

TARNEEN ONUS BROWNE & ANOR

Applicants

ASSISTANT COMMISSIONER OF POLICE, NORTH WEST METRO REGION & ANOR

Respondents

This is the annexure marked "BJC-11" now produced and shown to Assistant Commissioner Brett John Curran at the time of affirming his affidavit on 14 January 2026.

Before me:



.....
Laura Elisabeth Godfrey

Annexure "BJC-11"

Designated areas: Conducting searches and issuing directions

Context

The *Control of Weapons Act 1990* provides legislation that allows police and Protective Services Officers (PSOs) in certain situations to:

- search persons in a designated area, without a warrant, for weapons and to seize any weapon detected, and
- direct a person to leave the designated area in specific circumstances.

This policy is intended to provide direction to members on the specific rules for conducting these searches or issuing a direction when in a designated area in accordance with the *Control of Weapons Act*. This policy is supported by, and should be read in conjunction with, **VPM Searches of a person**.

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Definitions

- Authorised Officer – police officer of or above the rank of Assistant Commissioner who has been delegated the authority to declare an area to be designated (instrument of delegation GP 2)
- child – a person under the age of 18 years (s.3(1))
- designated area – an area in respect of which a declaration under s.10D or 10E is in effect (s.10C).
- search – as prescribed in Schedule 1 of the Act

- PSO – Protective Services Officer
- thing – includes any object, article or material (s.10C)
- weapon – a prohibited or controlled weapon or dangerous article (s.10C)
- Gender definitions can be found in **VPM Trans and gender diverse inclusion**.

Also refer to the general **VPM Dictionary** for definitions and acronyms.

Policy

- The *Control of Weapons Act* allows for Victoria Police to create a designated area and then, without a warrant, search persons in public places within that area for weapons and seize any weapon detected.
- Only an Assistant Commissioner or above may declare a designated area in accordance with Instrument of Delegation GP2.
- An area may be declared a designated area as part of a planned designation (s.10D) or an unplanned designation (s.10E). Wherever possible, a planned designation should be made rather than an unplanned designation.
- Where a designated area contains a designated place, PSOs may be utilised to assist in the conduct of searches (see **VPM Protective services officers – duties and responsibilities** for definition of designated place).
- A PSO on duty in a designated area may conduct searches within that designated area if there are police officers also conducting searches within the designated area under a s.10D or s.10E declaration.
- Any search conducted in a designated area does not require police officers and PSOs to be satisfied of a suspicion on reasonable grounds that a person is carrying a weapon, as the grounds are based on evidence regarding the location, not the individual. However, police officers and PSOs must conduct the least invasive search that is practicable in the circumstances (s.10G(3)).
- Police officers, PSOs, PCOs and SPCOs must always properly consider and act compatibly with a person's human rights as per s. 38, *Charter of Human Rights and Responsibilities Act 2006* (the Charter). When deciding whether and how to conduct a search, any of the protected human rights under the Charter may be engaged. In line with the objectives of the Charter, persons must not be selected solely based on their race, religious belief or activity or physical features. As per **VPM Searches of a person**, employees undertaking a search of a person must consider whether each proposed search is lawful, proportionate and necessary.
- Nothing in this policy prevents a police officer exercising a power to search under s.10, or a search power within any other Act if they have reasonable grounds to suspect as required under those Acts.
- Specific requirements apply to full searches of children (see **VPM Searches of a person**).
- To assist in maintaining the good order of a designated area, police officers may direct a person to leave the area if they reasonably believe grounds specified in the *Control of Weapons Act* are applicable.

Responsibilities and procedures

1. Planned designation

1.1 *Criteria*

- To make a planned designation of an area under s.10D, the Authorised Officer must be satisfied that:
 - more than one incident of violence or disorder has occurred in that area in the previous 12 months that involved the use of weapons and
 - there is a likelihood that the violence or disorder will recur (declaration must not exceed 24 hours)
 - or
 - more than one incident of violence or disorder has occurred in that area in the previous 12 months that involved the use of weapons and
 - it is necessary to designate the area for the purpose of enabling police officers or PSOs to exercise search powers to prevent or deter the occurrence of any violence or disorder that the Authorised Officer is satisfied is likely to occur (declaration must not exceed 6 months)
 - or
 - an event is to be held in that area and incidents of violence or disorder involving the use of weapons have occurred at previous occasions of that event (wherever occurring) and
 - there is a likelihood that the violence or disorder will recur (declaration must not extend beyond a reasonable time before and/or after the event)
 - or
 - an event is to be held in that area and
 - by information known to the Authorised Officer, there is a likelihood that violence or disorder involving the use of weapons will occur in that area during the period of intended operation of the declaration (declaration must not extend beyond a reasonable time before and/or after the event).
- The designated area must not be larger or for a longer period than is reasonably necessary to enable police officers and PSOs to effectively respond to the threat of violence or disorder.
- In relation to a scheduled event, the declaration may operate for more than one period.
- Each period of a declaration in relation to an event operates during the event and during any time before and after the event that the Authorised Officer considers reasonable (s.10D(3B)(a)(b)).
- The planned designation will take effect and remain in force, after the date of publication of the notice in the Government Gazette, for the period(s) specified in the Notice of Declaration of Designated Area (the 'Notice').
- There can be no further planned designation of the same area until 12 hours after the end of the period, or the last of the periods of the previous planned

designation. This does not prevent an unplanned designation in respect of that area, during that 12 hour period.

1.2 *Notice of declaration*

- Section 10D(4) requires that a Notice must be published for all planned designations:
 - in the Government Gazette; and
 - on an internet site maintained by Victoria Police.
- A declaration takes effect after the date of publication of the Notice in the Government Gazette and Victoria Police internet site (i.e. where the declaration must take effect on Thursday, the Notice must be published on or before Wednesday).
- The Notice must:
 - describe the designated area and provide specific boundaries (e.g. area encompassed by Smith Street, Stanley Street, Wellington Street and Peel Street, Collingwood)
 - include a map of the designated area (Government Gazette); and
 - include a map of the designated area or address of a Government website where the map has been published (daily newspaper)
 - specify the powers that members are authorised to exercise within the designated area
 - specify the period or periods of operation of the declaration
 - if the declaration is made in relation to an event, specify that event.
- The Authorised Officer must ensure that:
 - the above information is published as required before the declaration takes effect
 - in any areas known to have a high representation of a Culturally and Linguistically Diverse (CALD) community, this information is effectively communicated to that community (for advice on CALD communication strategies, contact Priority Communities Division on email PRIORITYCOMMUNITIESDIVISION@police.vic.gov.au or refer to the [PCD intranet page](#)).

2. Unplanned designation

2.1 *Criteria*

- To make an unplanned designation of an area under s.10E the Authorised Officer must be satisfied that:
 - there is likelihood that violence or disorder involving weapons will occur in that area during the period of intended operation of the declaration; and
 - it is necessary to designate the area for the purpose of enabling members to exercise search powers to prevent or deter the occurrence of any violence or disorder that is likely to occur.
- The unplanned designated area must not be larger or for a longer period than is reasonably necessary to enable police officers and PSOs to effectively respond to the threat of violence or disorder, but not exceed 24 hours.

- The unplanned designation will take effect and remain in force from the date and times stipulated in the Application to Declare a Designated Area [Form 1373].

2.2 *Notice of declaration*

Once an unplanned designation is authorised, a Notice must be published on the Victoria Police website as soon as practicable containing:

- a map of the designated area
- a description of the designated area including specific boundaries (e.g. area encompassed by Smith Street, Stanley Street, Wellington Street and Peel Street, Collingwood)
- the powers that police officers and PSOs are authorised to exercise within the designated area
- the period or periods of operation of the declaration
- where the declaration is made in relation to an event, specify that event.

Forward the Notice to VP WEBSITE-MGR for publication on the Public Notices section of the website.

3. Application process for designation

3.1 *Supporting evidence*

- An application to an Authorised Officer to declare a designated area must be made using a Form 1373 and should include sufficient evidence to support the legislative criteria for a planned or unplanned designated area in the following format:
 - planned – Operation Order
 - unplanned – Field Incident Action Plan [Form 1391].
- The Operation Order or Incident Action Plan is to include a Human Rights Risk Assessment (HRRRA). For advice on conducting this risk assessment contact the Priority Communities Division. Copies of HRRRA are found at the [Human Rights Assessment Tools](#) intranet page.

3.2 *Authorised Officer*

Based on the supporting evidence, the Authorised Officer must:

- assess the validity of intelligence or information received relating to violence or disorder involving weapons in the area
- assess if the circumstances meet the legislated criteria for a planned designation or an unplanned designation
- ensure that the area has not been subject to a planned designation in the last 12 hours
- ensure that an appropriate area/location is available should there be a requirement to conduct a full search
- consider the need to nominate a member to be responsible for identifying persons to be subjected to a search
- ensure the appropriate Notice of Declaration is completed (refer to section 1.2 or 2.2)

- complete and sign Part C of the Form 1373.

4. Search and seizure powers

- Where an area has been specifically designated under ss.10D or 10E for the purpose of searching for weapons, police officers and PSOs may, without warrant stop and search:
 - a person (s.10G and s.10GA)
 - anything in their possession or under their control (s.10G and s.10GA)
 - a vehicle, if there is a person in or on the vehicle (s.10H)
 that has been found in a public place, within that designated area.
- For the purposes of conducting the search, police officers and PSOs may:
 - detain the person, thing and vehicle for as long as reasonably necessary to conduct a search
 - seize and detain any suspected weapon that is detected during a search under these provisions.
- When conducting a search, PSOs must comply with the following requirements:
 - must conduct least invasive search that is practicable
 - police officers must be present and actively involved in the search of the designated area.
- If after examination, the police officer or PSO determines that the item is not a weapon, and the person can legally possess the property, the police officer or PSO must return the item to the person without delay.

5. Manner of conducting searches

Searches must be conducted:

- in the least invasive manner reasonably necessary in the circumstances
- in a manner that affords the appropriate level of privacy, dignity and self-respect of the person
- as quickly as is reasonable in the circumstances
- in accordance with **VPM Searches of a person**.

6. Pre-search requirements

6.1 Requirements

Before a police officer or PSO commences any search without warrant, they must:

- inform the person:
 - if requested, of their name, rank and place of duty (in writing also if requested)
 - the reason for the search
 - that they are empowered under the *Control of Weapons Act* to conduct the search.
- produce identification for inspection, unless in uniform
- give the person a Search Notice (see section 6.2).

If conducting an outer search of the person, where reasonably practicable in the

circumstances, police officers and PSOs must also:

- inform the person if they will be required to remove clothing and the reason why
- ask for the person's co-operation.

If conducting a full search of the person, police officers must:

- inform the person to be searched of the police officer's name, rank and place of duty and provide this in writing if requested
- inform the person if they will be required to remove clothing and the reason why
- ask for the person's co-operation.

PSOs must not conduct full searches.

6.2 Search Notice

A Search Notice [Form 1373A] must be given to the person prior to any search being conducted, unless the person refuses or does not wish to accept (s.10l).

7. Method of search

7.1 Initial search

The initial search of a person may be conducted by electronic metal detection device, of their external person only. If as a result of this initial electronic device search, a police officer or PSO considers that a person may be concealing a weapon, they may:

- pat down the area of the person's pockets or request the person to empty their pockets and search the contents
- request the person to produce and empty the contents of any bag, basket or other receptacle and search the contents.

7.2 Outer search of the person

If as a result of the initial electronic device search, or search under s.10, the police officer or PSO considers that a person may be concealing a weapon, they may conduct an outer search of person (clause 5, Schedule 1) in the following manner:

- request the person to remove their outer clothing such as overcoat/jacket and gloves, shoes and headgear so that the police officer or PSO may:
 - pass an electronic detection device over or in close proximity to their clothing
 - run member's hands over the person's clothing that is immediately under the outer clothing that has been removed
 - search the person's outer clothing and gloves, shoes and headgear.
- it does not include removal of inner clothing
- where reasonably practicable, conducted by police officer or PSO of the same sex gender as the person being searched; or if the person being searched identifies as transgender, gender diverse or intersex, a member of the gender with which the person identifies or is most comfortable. Where it is not possible to meet the person's request, this should be clearly explained and a record made in the patrol duty return, VP502 Initial Action Pad or official diary.

7.3 Full search

PSOs do not have the authority/power to conduct full searches. If after an outer search a PSO reasonably suspects that the person still has a concealed weapon, they must immediately notify a police officer who can then conduct a full search as per the below instructions.

If after conducting an outer search of a person, the police officer or PSO reasonably suspects that the person still has a concealed weapon on their person and the seriousness and urgency of the circumstances require, a police officer or person under direction of a police officer must seek approval from the Police Commander to conduct a full search in the following manner:

- may involve removal and examination of the least amount of clothing as reasonably believed necessary
- the search must be approved by the Police Commander and be conducted in complete privacy and; the Authorised Officer will ensure that an appropriate location is allocated for this purpose
- be conducted by a police officer or person under direction of police officer:
 - of the same gender as the person being searched; or
 - if the person being searched identifies as transgender, gender diverse or intersex, a member of the gender with which the person identifies or is most comfortable. Where it is not possible to meet the person's request, this should be clearly explained and a record made in the patrol duty return, VP502 Initial Action Pad or official diary.
- must not include:
 - intrusive body cavity searching or physical examination of the body by touching
 - any more visual inspection of the person as reasonably believed necessary
 - search of genital area or, in the case of a female or person who identifies as a female, the person's breasts, unless reasonably believed necessary for the purpose of the search
 - being conducted in view or presence of person of the opposite sex, or gender to that which the person being searched identifies as or is most comfortable, or other persons not engaged in the search or necessary for the purpose of safety.
- police officers conducting a full search have a power to:
 - demand name and address
 - direct a person to accompany the member to the area nominated by the Authorised Officer.

7.4 Additional requirements for full searches of children

- All full searches of children must be conducted in line with **VPM searches of a person.**
- Full searches of children under this policy must only be conducted by police officers and should:
 - only involve the person removing the amount of clothing that is necessary to address the risk of contraband, weapons or evidence being concealed
 - be conducted using the half/half technique unless a senior sergeant or above authorises the person to be directed to remove all their clothing at once.

- Full searches of children must only be conducted in line with sections 2.2 and 3.4 of **VPM Searches of a person**.
- There are additional requirements apply for children aged 10-14 – searches must be conducted in line with section 3.6 of **VPM Searches of a person**.
- Children under 10 can only be subjected to a full search where the relevant search provisions under the *Control of Weapons Act* apply. The threshold justification to conduct such a search is very high in light of the legal obligation that applies to all Victoria Police officers under the Charter, the special vulnerabilities of children under 10, and the need to ensure the protection of the child's best interests.
- Approval to undertake a full search of a child under 10 must be obtained from a superintendent to ensure the required justification exists before undertaking such a search. If practical, the superintendent may seek legal advice before a full search is undertaken of a child under 10 years old.
- A full search of a child under 10 must not involve the removal of more clothes than the police officer believes on reasonable grounds to be necessary for the purposes of the search. The police officer must not search the genital area of the child unless the police officer believes on reasonable grounds that it is necessary to do so for the purposes of the search.
- A full search of a child under 10 must be conducted in the presence of a parent or guardian, or independent person.

7.5 Additional requirements for searches of children or persons with impaired intellectual functioning

- Where a police officer or PSO has grounds to conduct an outer search of a person they believe on reasonable grounds is a child or a person with impaired intellectual functioning, the search must be conducted in the presence:
 - of a parent or guardian
 - if the person with impaired intellectual functioning, or in the case of a child is mature enough to express an opinion, indicates a parent or guardian is not acceptable, then in the presence of an independent person who is, as far as practicable, acceptable to the child or person to be searched.
- Where a police officer has grounds to conduct a full search of a person they believe on reasonable grounds is a person with impaired intellectual functioning, the search must be conducted in the presence:
 - of a parent or guardian
 - if the person with impaired intellectual functioning indicates a parent or guardian is not acceptable, then in the presence of an independent person who is, as far as practicable, acceptable to the person to be searched.

PSOs do not have the authority/power to conduct full searches.

Planned designation search (s.10D)

If a parent or guardian is not present and urgent or serious circumstances exist, the search may be conducted in the presence of an independent person who is, as far as practicable, acceptable to the child or person.

Unplanned designation search (s.10E)

- If not practicable in the circumstances for a parent or guardian to be present, the search may be conducted in the presence of any person (including police officer) other than a police officer conducting the search.
- Parent, guardian or independent person does not apply if only conducting an initial search by means of electronic device.

Unable to determine age

Where there is doubt regarding a person's age in determining if they are an adult or child, that person should be treated as a child for the purpose of these search requirements and the requirements related to searches of persons under the age of 18 contained in **VPM Searches of a person** must be applied.

7.6 Recording searches

Police officers and PSOs conducting searches under s.10G and s.10GA must record the number of:

- searches conducted
- weapons and the class of weapons found (i.e. dangerous article, controlled or prohibited weapon)
- persons charged with offences under the Act.

Searches must also be recorded in line with the requirements under section 5 of **VPM Searches of a person**.

8. Issuing a direction in a designated area

- PSOs do not have the authority/power to direct a person wearing a face covering to remove the face covering or leave the designated area. If a PSO reasonably suspects that the person should be directed to remove a face covering or leave the designated area, they must immediately notify a police officer who can then issue a direction as per the below instructions. PSOs do not have the power to detain in these circumstances.
- Where a police officer reasonably believes a person in a designated area is wearing a face covering primarily to conceal their identity or protect themselves from the effects of crowd-controlling substances, the police officer may direct the person to remove the face covering. If the person refuses, then the police officer may direct the person to leave the designated area (s.10KA(1)). Failure to comply with the direction without reasonable excuse is an offence (s.10L(2)).
- A police officer may direct a person to leave a designated area if they have a reasonable belief that the person intends to engage in conduct that would constitute an offence under s.195H (affray) or 195I (violent disorder) of the *Crimes Act 1958* (s.10KA(2)). Failure to comply with the direction without reasonable excuse is an offence (s.10L(2)).
- Before or immediately after issuing the direction to leave, the police officer must advise the person that a declaration is in force and the area is a designated area (s.10KA(3)).

- A police officer who has issued a direction in accordance with s.10KA(1) or s.10KA(2) must record this in writing on their running sheet (or equivalent) and notify a supervisor.
- The supervisor of the designated area must record the total number of directions issued on the Form 1373.

9. Recording and supporting documents

- On completion of the operation the member in charge of the designated area must ensure that the following documents are retained at Command Headquarters:
 - Completed Form 1373
 - Operation Order/Incident Action Plan
 - Map of area
 - Debriefing reports
 - Government Gazette notice (if applicable)
 - Newspaper advertisement (if applicable)
 - Copy of notice published on Victoria Police website
 - Copy of Notice of Search.
- The result of the operation must also be recorded on Interpose or other intelligence holding area.
- Relevant information contained in the Form 1373 must be compiled and sent to the Transit Safety Division to meet annual reporting obligations in accordance with s.10B and s.10KB; see section 11.

10. Offences enforceable by infringement notice

10.1 Offences

- An infringement notice can be issued (s.11B) to a person who at the time of detection is aged 16 years or more:
 - s.6(1) possess, carry or use a controlled weapon
 - s.6(1A) possess, carry or use a controlled weapon in or within vicinity of licenced premises
 - s.6(1AA) child purchase a controlled weapon.
- An infringement notice pursuant to s.6(1AA) can only be issued to a child aged from 16 years and under 18 years at the time of detection (s.3(1) & s.11B(2)).

10.2 Forfeiture of controlled weapons if infringement notice served

- Where an infringement notice is served, s.9A provides for any seized controlled weapon, to which the offence relates, to be forfeited to the crown and may be sold or destroyed (s.9A(3)) if:
 - the recipient pays the infringement penalty
 - the recipient commences a payment plan or requests the addition of the infringement penalty to a payment plan under the *Infringement Act*
 - the payment period specified in the infringement notice expires and the recipient has not applied for review of the decision to issue the infringement notice; or
 - a review has been conducted on request of the recipient and a member decides:

- to confirm the decision to serve the infringement notice; or
 - withdraw the infringement notice and serve an official warning; and
 - 28 days have elapsed since that decision.
- If the matter is to be determined before a court (s.9A(4)), the controlled weapon must be dealt with as an exhibit. Have regard to **VPM Seized property and special property types**.
 - All weapons should be photographed and a copy of the photograph placed in the property book or electronically stored and linked to the property book entry prior to forfeiture/disposal.
 - The police officer or PSO taking the photograph should sign, date and clearly print his or her name on the back of the photograph. For further guidance on use of secondary evidence, have regard to **VPM Seized property and special property types**.
 - If a police officer or PSO withdraws an infringement notice and no further action is to be taken under s.9A(3)(e)(ii) or 4(b), or the court cancels the infringement notice the weapon must be returned to the recipient, unless it has been sold or destroyed under section 9A(3).

11. Reporting requirements

- The Chief Commissioner is required to submit an annual report to the Minister regarding Victoria Police's use of the provisions contained in the Act, specifically s.10B and s.10KB. This information is collected using the Form 1373 at the conclusion of each designated area operation.
- After application and at the conclusion of each designated area operation, the member in charge of the operation must consolidate and email the VP 1373 to Transit Safety Division for recording and collation.,
- At the conclusion of the financial year, Transit Safety Division must consolidate and forward the data to the Deputy Commissioner, Regional Operations for provision to External Reporting.
- External Reporting, Investment Management and Reporting Department is responsible for compiling the information for inclusion in the annual report.

Related documents

- VPM Searches of a person
- Instrument of delegation GP 2 - Power to declare a designated area
- VPM Protective services officers – duties and responsibilities

Further advice and information

For further advice and assistance regarding these instructions, contact Transit Safety Division, Transit and Public Safety Command.

Update history

DATE UPDATED	SUMMARY OF CHANGE	FORCE FILE NUMBER
15/09/17	Reformat of VPMG Control of Weapons Act search powers and inclusion of new direction powers included in <i>Controlled Weapons Act 1990</i>	FF-105377
03/12/18	Inclusion of new powers for Protective Services Officers to conduct searches in a designated area	FF-123063
08/04/19	Update to correctly reference VPM Searches of a person	FF-105377
21/10/19	Instrument names amended to reflect updated property management policies	FF-116667
29/06/20	Amendments to reporting requirements. Transit Safety Division will be the central point for collating data from VP Form 1373.	FF-149528
14/12/20	Changes made to language around transgender, intersex and gender diverse people to improve inclusivity.	FF-164277
15/12/21	Amendments regarding full searches of children to align with review of VPM Searches of a person	FF-190350
04/06/25	Amendments to implement legislative reforms under the <i>Terrorism (Community Protection) and Control of Weapons Amendment Act 2025</i> regarding criteria for planned designations, updated time limits and publication requirements for notices.	FF-261009

Certificate Identifying Annexure

No. VID1612 of 2025

Federal Court of Australia

District Registry: Victoria

Division: Administrative and Constitutional Law and Human Rights

TARNEEN ONUS BROWNE & ANOR

Applicants

ASSISTANT COMMISSIONER OF POLICE, NORTH WEST METRO REGION & ANOR

Respondents

This is the annexure marked "BJC-12" now produced and shown to Assistant Commissioner Brett John Curran at the time of affirming his affidavit on 14 January 2026.

Before me:



.....
Laura Elisabeth Godfrey

Annexure "BJC-12"



VICTORIA POLICE

Control of Weapons Act 1990

DECLARATION OF DESIGNATED AREA UNDER SECTION 10D(1)

Planned Operation in Melbourne CBD and Vicinity

The Assistant Commissioner, North West Metro Region, acting as a delegate of the Chief Commissioner of Police, under section 10D(1) of the **Control of Weapons Act 1990**, declares as a designated area all public places within the area, bounded by the intersection of Peel Street and Victoria Street, east to the intersection of Victoria Street and Rathdowne Street, north to the intersection of Rathdowne Street and Carlton Street, east to the intersection of Carlton Street and Nicholson Street, south to the intersection of Nicholson Street and Victoria Parade, east to the intersection of Victoria Parade and Hoddle Street, south to the intersection of Hoddle Street and Wellington Parade, south to the intersection of Punt Road and Domain Road, west to the intersection of Domain Road and St Kilda Road, north to the intersection of St Kilda Road and Park Street, southwest to the intersection of Park Street and Clarendon Street, northwest to the intersection of Clarendon Street and Whiteman Street, northwest to the intersection of Spencer Street and the Yarra River, west along the southern side of the Yarra River to Webb Bridge, north over the Yarra River to the intersection of Navigation Drive and Harbour Esplanade, north to the intersection of Harbour Esplanade and Dudley Street, and northeast to the intersection of Dudley Street and Peel Street, including all roadways and footpaths associated with the stated road and road related areas, and including all railway stations, underpasses and associated public transport hubs within the defined area. (Road has the same meaning as in section 3 of the **Road Safety Act 1986**.)



SPECIAL

This declaration will be in place from 12.00 am Sunday 30 November 2025 to 11.59 pm Friday 29 May 2026.

Please be advised that:

- a declaration is in force pursuant to section 10D of the **Control of Weapons Act 1990**;
- you and/or your vehicle is in a public place that is within a designated area;
- police officers and protective services officers on duty at a designated place (as per the **Victoria Police Act 2013**) are empowered to search you and anything in your possession or control, or your vehicle for weapons;
- it is an offence to obstruct or hinder a police officer or a protective services officer on duty at a designated place in the exercise of a power to stop and search a person or a vehicle.

If a police officer or protective services officer on duty within a designated place intends to conduct a limited search of you or your vehicle/things for weapons:

- a. you are requested to co-operate with that search;
- b. you may be requested to remove items of outer clothing such as headwear, scarves, jackets, etc;
- c. you may be searched using an electronic wand;
- d. you may be requested to remove items from any bags or pockets;
- e. you may be given a 'pat down' search.

Whilst within the designated area, a police officer may request that you remove any face covering if the police officer reasonably believes the face covering is being worn primarily to conceal your identity, or to protect from the effects of crowd-controlling substances. If you refuse to remove the face covering, the police officer may direct you to leave the designated area.

A police officer may also direct a person to leave a designated area if the police officer reasonably believes the person intends to engage in conduct that would constitute an offence under section 195H (affray) or section 195I (violent disorder) of the **Crimes Act 1958**.

It is an offence to fail to comply with any direction to leave a designated area without reasonable excuse.

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