

PARLIAMENT OF VICTORIA

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**Firearms Amendment Bill 2017**

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# PARLIAMENT OF VICTORIA

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Introduced in the Assembly

## **Firearms Amendment Bill 2017**

A Bill for an Act to amend the **Firearms Act 1996** and to make consequential and related amendments to the **Control of Weapons Act 1990**, the **Criminal Organisations Control Act 2012** and the **Fortification Removal Act 2013** and for other purposes.

**The Parliament of Victoria enacts:**

### **Part 1—Preliminary**

#### **1 Purposes**

The purposes of this Act are—

- 5
- (a) to amend the **Firearms Act 1996**—
    - (i) to create offences for possessing, carrying and using firearms in public places and private property; and
    - (ii) to provide for firearm prohibition orders; and

- 5
- (iii) to further provide for VCAT review of Chief Commissioner decisions under that Act; and
- (iv) to further provide for traffickable quantities of unregistered firearms; and
- (v) to create offences for possession of parts and equipment for the purpose of manufacturing firearms; and
- 10 (vi) to improve the operation of that Act; and
- (vii) to deal with other minor and related matters; and
- 15 (b) to make consequential and related amendments to the **Control of Weapons Act 1990**, the **Criminal Organisations Control Act 2012** and the **Fortification Removal Act 2013**.

## 2 Commencement

- 20 (1) This Part comes into operation on the day after the day on which this Act receives the Royal Assent.
- (2) Part 3 of this Act comes into operation 10 years after the day on which Part 2 comes into operation.
- 25 (3) Subject to subsection (4), the remaining provisions of this Act come into operation on a day or days to be proclaimed.
- (4) If a provision of this Act to which subsection (3) applies does not come into operation before 30 September 2018, it comes into operation on
- 30 that day.

## 3 Principal Act

In this Act, the **Firearms Act 1996** is called the Principal Act.

## Part 2—Amendment of the Firearms Act 1996

### 4 Purposes

5 After section 1(a)(vii) of the Principal Act  
**insert—**

"(viiia) providing for strict control on the possession,  
carriage, use, acquisition, disposal and  
storage of firearms; and".

### 5 Definitions

10 (1) In section 3(1) of the Principal Act **insert** the  
following definitions—

"*IBAC Officer* has the same meaning as in the  
**Independent Broad-based Anti-corruption  
Commission Act 2011;**

15 *premises* means any place, whether built on  
or not and whether enclosed or not, and  
includes any building or structure on the  
place;".

20 (2) In the definition of *shooting gallery* in  
section 3(1) of the Principal Act, for  
"paintball guns" **substitute** "paintball markers".

### 6 Offence to possess, carry or use a longarm without a licence

25 In section 6(6) of the Principal Act, after  
"or E longarm" **insert** "or a paintball marker".

### 7 Traffickable quantity of unregistered firearms

(1) In section 7C(1) of the Principal Act, for  
"more than 3 firearms" **substitute** "2 or more  
firearms".

30 (2) In section 7C(2) of the Principal Act, for  
"the 3 firearms" **substitute** "the 2 firearms".

**8 General discretion of Chief Commissioner to refuse a longarm or handgun licence**

In section 17(1) of the Principal Act—

(a) after paragraph (b) **insert**—

5                   "(ba) if the Chief Commissioner is satisfied  
                          that the applicant is not a fit and proper  
                          person on the basis of information  
                          known to the Chief Commissioner as to  
10                   the criminal activities of the applicant;  
                          or";

(b) for paragraph (c)(i) and (ia) **substitute**—

                          "(i) in relation to an applicant to which  
                          paragraph (ba) does not apply, the  
                          applicant is a fit and proper person; and  
15                   (ia) all responsible persons in relation to the  
                          application are fit and proper persons;  
                          and".

**9 Review of decision not to issue licence**

(1) In section 34(1) of the Principal Act—

20                   (a) for "Subject to subsection (2), a" **substitute**  
                          "A";

(b) in paragraph (a), after "a licence" **insert**  
                          "other than for the ground specified in  
                          section 17(1)(ba)".

25                   (2) For section 34(2) of the Principal Act  
                          **substitute**—

                          "(2) A non-prohibited person who has applied  
                          for a licence under this Part may apply to  
30                   VCAT for a review of a decision of the Chief  
                          Commissioner not to issue a licence on the  
                          ground specified in section 17(1)(ba).

- (3) Subsection (1) does not apply if an applicant is disqualified from holding a licence in the circumstances set out in section 33A(2A).".

**10 New section inserted after section 39**

5 After section 39 of the Principal Act **insert**—

**"39A Extension of junior licence after 18 years**

- (1) A junior licence is taken to continue in force on and after the day on which the holder turns 18 years of age if—
- 10 (a) the junior licence is not due to expire until on or after the day on which the holder turns 18 years of age; and
- (b) before the holder turns 18 years of age, the Chief Commissioner receives an application from the holder, in accordance with this Act, for a licence for the same category of firearms as that for which the junior licence has been issued.
- 15
- (2) A licence that is taken to continue in force under subsection (1), does so until—
- (a) the holder is issued with the licence for which the application referred to in subsection (1)(b) was made; or
- 25 (b) if the Chief Commissioner decides not to issue that licence, the date on which the holder is notified of that decision; or
- (c) if, under section 32A, the Chief Commissioner refuses to make a decision on the application, the date on which Chief Commissioner so refuses.
- 30

- (3) Subsection (2)(b) applies even if the person applies to the Firearms Appeals Committee for a review of the decision of the Chief Commissioner not to issue the licence."

5           **11 Discretion to refuse to renew etc. licence**

In section 42(2) of the Principal Act—

- (a) after paragraph (ba) **insert**—

10           "(bb) if the Chief Commissioner is satisfied that the applicant is not a fit and proper person on the basis of information known to the Chief Commissioner as to the criminal activities of the applicant; or";

- (b) for paragraph (c)(i) **substitute**—

15           "(i) in relation to an applicant to which paragraph (bb) does not apply, the applicant is a fit and proper person; and  
20           (ia) all responsible persons in relation to the application are fit and proper persons; and".

**12 Review of decision not to renew a licence**

- (1) In section 44(a) of the Principal Act, after "that licence" **insert** ", other than for the ground specified in section 42(2)(bb)".

- 25           (2) At the end of section 44 of the Principal Act **insert**—

30           "(2) A non-prohibited person who has applied for a renewal of a licence under this Part may apply to VCAT for a review of a decision of the Chief Commissioner not to renew a licence on the ground specified in section 42(2)(bb)".



### 13 Power of the Chief Commissioner to cancel a licence

For section 49(1)(f) and (fa) of the Principal Act  
**substitute**—

- 5           "(f) the holder of the licence is not a fit and  
proper person on the basis of information  
known to the Chief Commissioner as to the  
criminal activities of the holder; or
- 10           (fa) in relation to a holder to which paragraph (f)  
does not apply, the holder is no longer a fit  
and proper person on any other basis; or
- (fb) any responsible person in relation to the  
licence is not a fit and proper person; or".

### 14 Review of a decision to cancel a licence

- 15           (1) In section 50 of the Principal Act, for  
"paragraph (fa)" **substitute** "paragraph (f)".
- (2) At the end of section 50 of the Principal Act  
**insert**—
- 20           "(2) A non-prohibited person who is the holder  
of a licence under this Part that has been  
cancelled by the Chief Commissioner on the  
ground specified in section 49(1)(f) may  
apply to VCAT for a review of the decision  
to cancel the licence."

### 15 Notice of Chief Commissioner's decision

- 25           (1) In section 51(1) of the Principal Act, for  
"paragraph (fa)" **substitute** "paragraph (f)".
- (2) In section 51(1A) of the Principal Act—
- (a) **omit** "general category handgun";
- 30           (b) for "section 49(1)(fa)" **substitute**  
"section 49(1)(f)".

## 16 Exemptions from Part 2

(1) After section 54(1) of the Principal Act **insert**—

- 5           "(1A) A non-prohibited person does not commit an offence against section 7 and is not required to hold a licence under this Part when carrying or using a general category handgun at an approved shooting range, if the person is receiving instruction in the use of a general category handgun and—
- 10                 (a) the person is of or over 12 years of age; and
- (b) the instruction is being given by or under the immediate supervision of the holder of a general category handgun licence; and
- 15                 (c) the person has not received any such instruction on more than 13 previous occasions; and
- (d) if the person receiving instruction is of or over the age of 18 years, the person is receiving the instruction for the purpose of obtaining a general category handgun licence for a reason set out in section 15(1); and
- 20                 (e) if the person receiving instruction is under the age of 18 years—
- (i) the person giving the instruction has written consent to give the instruction from a parent or guardian of the person who is receiving the instruction; and
- 25                               (ii) the person receiving the instruction has written consent of the person's parent or guardian to receive the instruction."
- 30
- 35
-

- (2) In section 54(2) of the Principal Act, for "set out in item 4 or 5A of Schedule 3" **substitute** "set out in subsection (1A)".

**17 New Division inserted in Part 3**

5 After the heading to Part 3 of the Principal Act  
**insert—**

**"Division 1AA—Definition**

**59AA Definition**

In this Part—

10 *carry on the business of being a firearms  
dealer* includes, but is not limited to—

- 15 (a) acquiring, disposing of, hiring,  
lending or transferring ownership  
in any firearms, firearms parts or  
cartridge ammunition; or
- (b) exposing or offering for sale  
any firearms, firearms parts or  
cartridge ammunition; or
- 20 (c) possessing for the purpose of  
disposing of, acting as an agent  
in the transfer of ownership in or  
repairing any firearms, firearms  
parts or cartridge ammunition; or
- 25 (d) manufacturing or repairing  
any firearms or possessing any  
firearms parts for the purpose  
of manufacturing or repairing  
firearms."

**18 Offence to carry on the business of dealing in  
firearms, consequential amendment**

30

Section 59(3) of the Principal Act is **repealed**.

**19 Offence to possess parts etc. for the purpose of manufacturing firearms**

(1) For the heading to section 59A of the Principal Act **substitute—**

5                   "**Offence to manufacture firearms or to possess parts etc. for the purpose of manufacturing firearms**".

(2) After section 59A(2) of the Principal Act **insert—**

10                   "(3) A person must not possess any firearm part for the purpose of manufacturing—

                  (a) a category A or category B longarm or a paintball marker; or

                  (b) any part for a category A or category B longarm or a paintball marker—

15                   unless that person does so under and in accordance with a licence issued under this Part.

                  Penalty: 600 penalty units or 5 years imprisonment.

20                   (4) A person must not possess any firearm part for the purpose of manufacturing—

                  (a) a firearm that is not a category A or category B longarm or a paintball marker; or

25                   (b) any part for a firearm that is not a category A or category B longarm or a paintball marker—

30                   unless that person does so under and in accordance with a licence issued under this Part.

                  Penalty: 1200 penalty units or 10 years imprisonment.

- 5 (5) A person must not possess any equipment for the purpose of manufacturing—
- (a) a category A or category B longarm or a paintball marker; or
  - (b) any part for a category A or category B longarm or a paintball marker—
- unless that person does so under and in accordance with a licence issued under this Part.
- 10 Penalty: 600 penalty units or 5 years imprisonment.
- 15 (6) A person must not possess any equipment for the purpose of manufacturing—
- (a) a firearm that is not a category A or category B longarm or a paintball marker, or
  - (b) any part for a firearm that is not a category A or category B longarm or a paintball marker—
- 20 unless that person does so under and in accordance with a licence issued under this Part.
- Penalty: 1200 penalty units or 10 years imprisonment."
- 25 **20 Prohibitions on advertising**
- (1) In section 101(5) of the Principal Act—
- (a) after "in a magazine" **insert** "or publication";
  - (b) after "shooting sports magazine" **insert** "or publication".
- 30 (2) After section 101(5) of the Principal Act **insert**—
- "(6) To avoid doubt, in this section *publish* includes publish by means of the Internet."
-

**21 Offence to acquire or dispose of traffickable quantities of firearms**

- 5
- (1) In section 101A(1) of the Principal Act, for "more than 3 unregistered firearms" **substitute** "2 or more unregistered firearms".
- (2) In section 101A(2) of the Principal Act, for "the 3 firearms" **substitute** "the 2 firearms".

**22 New Part 4A inserted**

After Part 4 of the Principal Act **insert**—

10 **"Part 4A—Firearm prohibition orders**

**Division 1—Definitions**

**112A Definitions**

15 In this Part and in Parts 8 and 10A—  
*firearm prohibition order* means an order made under section 112D(1);

*firearm related item* means any of the following—

- 20
- (a) a part of a firearm;
  - (b) cartridge ammunition;
  - (c) a silencer;
  - (d) an attachment for a firearm;
  - (e) an accessory for a firearm;
  - 25 (f) any other prescribed item related to a firearm.

**Division 2—Firearm prohibition  
order offences**

**112B Offence to acquire, possess, carry or  
use a firearm or firearm related item in  
contravention of a firearm prohibition  
order**

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A person to whom a firearm prohibition  
order applies must not acquire, possess, carry  
or use a firearm or firearm related item.

10

Penalty: 10 years imprisonment.

**112C Offence as to disposal of a firearm etc.  
to an individual to whom a firearm  
prohibition order applies**

15

(1) A person must not, knowing that a firearm  
prohibition order applies to another person—

(a) dispose of or give possession of a  
firearm to the other person; or

(b) enable or permit the other person to  
possess, carry or use a firearm.

20

Penalty: 10 years imprisonment.

(2) A person must not, knowing that a firearm  
prohibition order applies to another person—

25

(a) dispose of or give possession of a  
firearm related item to the other person;  
or

(b) enable or permit the other person to  
possess, carry or use a firearm related  
item.

Penalty: 3 years imprisonment.

### **Division 3—Firearm prohibition orders**

#### **112D Making a firearm prohibition order**

- 5
- (1) The Chief Commissioner may make an order prohibiting an individual from doing all or any of the following—
- (a) acquiring any firearm or firearm related item;
  - (b) possessing, carrying or using any firearm or any firearm related item.
- 10
- (2) The Chief Commissioner must not make a firearm prohibition order in respect of a person who is under the age of 14 years.
- (3) A firearm prohibition order may be made even though the individual to whom the order applies or is to apply has never
- 15
- acquired, possessed, carried or used a firearm or a firearm related item.
- (4) A firearm prohibition order may be made that applies to an individual to whom a
- 20
- previous firearm prohibition order applied that has expired or been revoked.

#### **112E Considerations for making a firearm prohibition order**

- 25
- The Chief Commissioner may make a firearm prohibition order only if the Chief Commissioner is satisfied that it is in the public interest to do so—
- (a) because of the criminal history of the individual; or
  - 30
  - (b) because of the behaviour of the individual; or
  - (c) because of the people with whom the individual associates; or



- (d) because, on the basis of information known to the Chief Commissioner about the individual, the individual may pose a threat or risk to public safety.

5

**112F Delegation of power to make order**

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- (1) The Chief Commissioner, in writing, may delegate the power to make an order under this section to—

- (a) a Deputy Commissioner; or
- (b) an Assistant Commissioner; or
- (c) a person employed by the Chief Commissioner under Division 5 of Part 3 of the **Public Administration Act 2004** at an executive level in the Victorian public service; or
- (d) a person who has the rank of commander; or
- (e) a person who has the rank of chief superintendent or superintendent who has responsibility over one or more of the following portfolio types—
  - (i) crime;
  - (ii) transit and public safety;
  - (iii) intelligence and covert support;
  - (iv) licensing and regulation;
  - (v) family violence;
  - (vi) counter terrorism;
  - (vii) operational support.

- (2) In this section, *Deputy Commissioner*, *Assistant Commissioner*, *commander*, *chief superintendent* and *superintendent* have the

same meanings as in the **Victoria Police Act 2013**.

**112G Form and content of order**

A firearm prohibition order must contain the following particulars—

5

(a) a statement of the effect of the order, including the conduct prohibited by the order and the powers for enforcing the order under this Part;

10

(b) information identifying the individual to whom the order applies;

15

(c) a statement of the fact that the order takes effect on the day on which it is served on the individual to whom it applies;

(d) the date on which the order expires;

(e) the provisions of this Act that empower the making of the order;

20

(f) a statement setting out section 112P and a direction to comply with that section;

(g) that the individual to whom the order applies may apply to VCAT under this Act for review of the decision to make the order;

25

(h) details of—

(i) the offences in sections 112B, 112O and 112P; and

30

(ii) the powers of police under sections 112Q, 112R and 112S; and

(iii) the effect of section 112H.

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**112H Cancellation of licences and permits**

- 5 (1) All licences, permits and approvals under this Act (if any) held by an individual to whom a firearm prohibition order applies are cancelled by the making of the order and the cancellation has effect on the order being served on the individual.
- 10 (2) If a licence, permit or approval under this Act is held by a body corporate, an officer of which is an individual to whom a firearm prohibition order applies, the licence, permit or approval is cancelled by the making of the order and the cancellation has effect on the order being served on the individual.

15 **Note**

See offence in section 112P as to surrender of firearms.

**112I Service of order**

20 A firearm prohibition order must be served in person on the individual to whom it applies by a police officer.

**112J Duration of order**

- 25 (1) A firearm prohibition order that applies to an individual who is of or over the age of 18 years remains in force for 10 years from the day on which it is served on the individual.
- 30 (2) A firearm prohibition order that applies to an individual who is under the age of 18 years remains in force for 5 years from the day on which it is served on the individual.

**112K Revocation of order**

- (1) The Chief Commissioner may revoke a firearm prohibition order.

- 5
- (2) To avoid doubt, the power in subsection (1) is a power that may be exercised solely at the discretion of the Chief Commissioner and application may not be made to the Chief Commissioner by another person for the Chief Commissioner to exercise the power.

#### **Division 4—Reviews as to firearm prohibition orders**

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##### **112L Review of decision to make a firearm prohibition order**

- (1) An individual to whom a firearm prohibition order applies may apply to VCAT for a review of the Chief Commissioner's decision to make the order.
- 15
- (2) Section 50(3) of the **Victorian Civil and Administrative Tribunal Act 1998** does not apply to a review under subsection (1).

20

##### **112M Further right to apply for review of decision to make firearm prohibition order**

- (1) Subject to subsection (2), during the operation of a firearm prohibition order, the individual to whom the order applies may apply to VCAT for a review of the decision to make the order.
- 25
- (2) An application under subsection (1) may be made if more than half the time for which the order is in force under this Act has expired.
- 30
- (3) An application under subsection (1) must not be made more than once in respect of an order.

- 5
- (4) The right to apply for review under subsection (1)—
- (a) is in addition to the right set out in section 112L; and
  - (b) may be exercised irrespective of whether a right under section 112L has been exercised.
- 10
- (5) Sections 45(2) and 50(3) of the **Victorian Civil and Administrative Tribunal Act 1998** do not apply to a review applied for under subsection (1).
- 15
- (6) In making a decision on a review applied for under subsection (1), VCAT may—
- (a) have regard to all information and material on which the decision to make the order was based; and
  - (b) any other relevant information and material.

**112N Protected information**

20

To avoid doubt, section 54 of the **Victorian Civil and Administrative Tribunal Act 1998** applies to a review under this Division.

25

**Division 5—Further offences  
and enforcement**

**112O Offence for individual to whom a firearm prohibition order applies to enter or remain on certain premises**

- 30
- (1) An individual to whom a firearm prohibition order applies must not enter or remain on any of the following—
-

- 5
- (a) a premises on which a person carries on the business of being a firearms dealer (within the meaning of Part 3);
- (b) a shooting range;
- (c) a handgun target shooting club;
- (d) a firearms collectors club;
- (e) a shooting club;
- (f) a place where a handgun target shooting match is occurring;
- 10 (g) a paintball range or place at which paintball activities are carried out;
- (h) a premises where firearms are stored;
- (i) a prescribed premises.

15 Penalty: 50 penalty units or 12 months imprisonment.

- (2) Premises that may be prescribed for the purpose of subsection (1)(i) are premises where the presence of an individual to whom a firearm prohibition order applies is a risk to public safety and order.
- 20

**112P Offence to fail to surrender firearms or firearm related items on service of order**

- 25 (1) At the time a firearm prohibition order is served, the individual on whom the order is served must immediately surrender, to the police officer serving the order, or a police officer assisting that officer, any firearm or firearm related item—
- 30 (a) that is in the possession of that individual; or
- (b) that the individual is carrying or using.

Penalty: 5 years imprisonment.

---

5 (2) If an individual is unable to surrender a  
firearm or firearm related item under  
subsection (1), the individual must surrender  
that firearm or firearm related item to a  
police officer in the manner directed by the  
police officer who serves the order, and no  
later than 24 hours after the order is served.

Penalty: 5 years imprisonment.

10 **112Q Search of premises, vehicles, vessels or  
aircraft without warrant or consent**

15 (1) A police officer, without warrant or  
consent, may exercise any of the powers  
under subsection (2), if the exercise of the  
power is reasonably required to determine  
whether an individual to whom a firearm  
prohibition order applies has acquired,  
possesses or is carrying or using a firearm  
or firearm related item in contravention of  
section 112B or another provision of this  
Act.

20 (2) For the purposes of subsection (1), the police  
officer may exercise the following powers—  
25 (a) enter and search any premises  
occupied by, in the care of or under  
the control or management of the  
individual, including any thing on the  
premises and including any vehicle,  
vessel or aircraft on the premises;  
30 (b) search any vehicle, vessel or aircraft  
that is in the charge of the individual, or  
in which the individual is a passenger,  
wherever the vehicle, vessel or aircraft  
is located.

35 (3) A police officer may conduct an entry or a  
search under this section with the assistance  
of any other police officer.

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- (4) A police officer who conducts an entry or a search under this section may do the following—
    - (a) stop and detain the vehicle, vessel or aircraft being searched for so long as is reasonably necessary to conduct the search;
    - (b) seize any firearm or firearm related item found on the premises, vehicle, vessel or aircraft.
  - (5) Before a police officer commences a search of a premises, vehicle, vessel or aircraft under this section, if the individual to whom the order applies is present, the police officer must inform the individual—
    - (a) of the registered number of the police officer allocated to the police officer by Victoria police; and
    - (b) that the police officer intends to search the premises, vehicle, vessel or aircraft for any firearm or firearm related item and that the police officer is empowered to conduct the search under this Act.
  - (6) If it is not practicable to do give the information required to be given under subsection (5) before commencing a search because of a risk to the safety of a police officer or person involved in the search, the police officer must give the information required to be given under subsection (5) after the search is finished.
  - (7) If so requested by another person present at the premises, vehicle, vessel or aircraft at any time before commencing or during a



search under this section, the police officer must inform the person—

- 5
- (a) of the registered number of the police officer allocated to the police officer by Victoria police; and
  - (b) that the police officer intends to search, or is searching, the premises, vehicle, vessel or aircraft for any firearm or firearm related item and that the police officer is empowered to conduct the search under this Act.
- 10

- 15
- (8) If it is not practicable to do give the information required to be given under subsection (7) before commencing a search or during a search because of a risk to the safety of a police officer or person involved in the search, the police officer must give the information required to be given under subsection (7) after the search is finished.

20

**112R Search of individual to whom firearm prohibition order applies without warrant or consent**

- 25
- (1) A police officer, without warrant or consent, may exercise any of the powers set out in subsection (2), if the exercise of the power is reasonably required to determine whether an individual has acquired, possesses or is carrying or using a firearm or firearm related item in contravention of section 112B or another provision of this Act.
- 30
- (2) For the purposes of subsection (1), the police officer may exercise the following powers—
- (a) search the individual, other than by strip searching the individual;
  - (b) search any item, package or thing in the possession of the individual.
- 35
-

- 5
- (3) A police officer who conducts a search under this section may do the following—
- (a) stop and detain the individual being searched for so long as is reasonably necessary to conduct the search;
- (b) seize any firearm or firearm related item—
- 10
- (i) that is found on the individual or in any item, package or thing in the individual's possession; or
- (ii) that the individual is carrying or using.
- (4) Before a police officer commences a search of an individual to whom a firearm prohibition order applies under this section or any item package or thing in the possession of the individual, the police officer must inform the individual—
- 15
- (a) of the registered number of the police officer allocated to the police officer by Victoria police; and
- 20
- (b) that the police officer intends to search the individual and any item, package or thing in the individual's possession for any firearm or firearm related item and that the police officer is empowered to conduct the search under this Act.
- 25
- (5) A police officer may detain an individual for so long as is reasonably necessary to conduct a search under this section.
- 30

**112S Search of an accompanying person without warrant or consent**

- 35
- (1) A police officer, without warrant or consent, may exercise any of the powers set out in subsection (2) with respect to a person who
-

- is in the company of an individual to whom a firearm prohibition order applies, if the police officer reasonably suspects that the person—
- 5 (a) is committing or is about to commit an offence against this Act; and
- (b) has a firearm or firearm related item in the person's possession.
- 10 (2) For the purposes of subsection (1), the police officer may exercise the following powers—
- (a) search the person, other than by strip searching the person;
- (b) search any item, package or thing in the possession of the person.
- 15 (3) A police officer who conducts a search under this section may do the following—
- (a) stop and detain the person being searched for so long as is reasonably necessary to conduct the search;
- 20 (b) seize any firearm or firearm related item—
- (i) that is found on the person or in any item, package or thing in the person's possession; or
- 25 (ii) that the person is carrying or using.
- (4) Before a police officer commences a search of a person under this section, or any item, package or thing in the possession of the person, the police officer must inform the person—
- 30 (a) of the registered number of the police officer allocated to the police officer by Victoria police; and
-

5 (b) that the police officer intends to search the person and any item, package or thing in the person's possession for any firearm or firearm related item and that the police officer is empowered to conduct the search under this Act.

(5) A police officer may detain a person for so long as is reasonably necessary to conduct a search under this section.

10 **112T Dealing with firearms or firearm related items surrendered or seized under this Part**

15 (1) If a firearm or firearm related item is surrendered or seized under this Part the following subsections apply.

(2) The police officer to whom the firearm or firearm related item was surrendered or who seized the firearm or firearm related item may retain possession of the firearm or firearm related item—

20 (a) if the firearm or firearm related item is evidence of an offence against this Act, for so long as is required for that purpose; or

25 (b) if it is reasonably necessary to test the firearm or firearm related item to determine if it is evidence of an offence against this Act or another Act, for so long as is required for that purpose.

30 (3) The firearm or firearm related item is forfeited to the Crown—

35 (a) if the individual or person who surrendered the firearm or firearm related item or from whom the firearm or firearm related item was seized is not lawfully entitled to possess the firearm

---

or firearm related item, and no other person is lawfully entitled to possess the firearm or firearm related item; or

5 (b) if the firearm or firearm related item has been acquired, possessed, carried or used, in contravention of this Act, by the individual or person who surrendered it or from whom it was seized.

10 (4) The firearm or firearm related item must be returned to the person who is lawfully entitled to possess it if—

15 (a) the firearm or firearm related item is not forfeited to the Crown under subsection (3); and

(b) the firearm or firearm related item is not required or no longer required under subsection (2).

**Note**

20 Part 8 deals with the disposal of firearms and other items forfeited to the Crown or surrendered or seized under this Act.

**112U Certain references to prohibited person to include references to an individual to whom a firearm prohibition order applies**

25 (1) Any reference in a provision listed in subsection (2)—

30 (a) to a *prohibited person* is taken to include a reference to an *individual to whom a firearm prohibition order applies*; and

35 (b) to a *non-prohibited person* is taken not to include a reference to an *individual to whom a firearm prohibition order applies*.

- (2) For the purpose of subsection (1), the following provisions are listed—
- (a) any provision of Division 2, 4, 5, 6, 7, 8 or 10 of Part 2;
  - (b) any provision of Part 3 (other than Division 3), 4, 6 or 6A; and
  - (c) section 179."

**23 Storage of paintball markers, paintball marker licence**

After section 121(1A) of the Principal Act **insert—**

- "(1B) A person who possesses a paintball marker under a paintball marker licence must store that paintball marker, when is it not being carried or used—
- (a) in the manner provided for in item 1A of Schedule 4; or
  - (b) in any other manner which the Chief Commissioner is satisfied is as secure as the manner provided for in that item.

Penalty: 60 penalty units or 12 months imprisonment."

**24 Storage of paintball markers, dealers licence**

After section 123(1) of the Principal Act **insert—**

- "(1A) A person who possesses a paintball marker under a dealers licence must store that paintball marker in the manner fixed in the licence.

Penalty: 60 penalty units or 12 months imprisonment."

**25 Offences as to possession, carriage or use of firearms in certain places**

(1) **Insert** the following heading to section 130 of the Principal Act—

5                    "**Offences as to possession, carriage and use of firearms in certain places**".

(2) For section 130(1) of the Principal Act **substitute**—

10                   "(1) A person must not possess a loaded firearm—

- (a) in a public place; or
- (b) in any other place with reckless disregard for the safety of any person.

Penalty: 10 years imprisonment.

15                   (1A) A person must not carry a loaded firearm—

- (a) in a public place; or
- (b) in any other place with reckless disregard for the safety of any person.

Penalty: 10 years imprisonment.

20                   (1B) A person must not use a firearm—

- (a) in a public place; or
- (b) in any other place with reckless disregard for the safety of any person.

Penalty: 10 years imprisonment."

25                   (3) For section 130(2) of the Principal Act **substitute**—

"(2) To avoid doubt, the interior and exterior of any vehicle, vessel or aircraft that is in a public place is a public place.

(2A) A person does not commit an offence under subsection (1), (1A) or (1B) if the person is—

- 5
- (a) a police officer or a protective services officer who is acting in the course of the police officer's or protective services officer's official duties and when so authorised by the Chief Commissioner; or
- 10
- (b) a senior IBAC Officer when carrying out the purposes for which firearms may be possessed, carried or used, and as authorised under Part 5 of the **Independent Broad-based Anti-corruption Commission Act 2011**; or
- 15
- (c) a member of a police force or a police service of the Commonwealth or of another State or a Territory who is possessing, carrying or using a firearm issued to the member for the performance of a detailed duty; or
- 20
- (d) a person who holds a licence under this Act, that is issued for the reason of prison guard and who is carrying or using a firearm which the person is authorised to carry or use under the licence, and who is acting in the course of the person's duties as a prison guard and who is in the immediate pursuit of another person under the person who is the guard's custody; or
- 25
- (e) a person who holds a licence under this Act, and who is possessing, carrying or using a firearm which the person is authorised to possess, carry or use under the licence and who is
- 30
- 35
-



- 5 acting in the course of the person's  
duties under any relevant law within  
the meaning of the **Conservation,  
Forests and Lands Act 1987** or under  
the **Livestock Disease Control  
Act 1994** or the **Prevention of  
Cruelty to Animals Act 1986**; or
- 10 (f) a person who holds a licence under  
this Act, and who is possessing,  
carrying or using a firearm which the  
person is authorised to possess, carry  
or use in accordance with the licence  
and who is acting under a game licence  
under the **Wildlife Act 1975**; or
- 15 (g) a person who holds a licence under  
this Act, and who is possessing,  
carrying or using a firearm in  
accordance with the licence and  
with any other requirements of any  
20 other law, licence, permit or other  
authority that applies to the possession,  
carriage or use."
- (4) In section 130(3) of the Principal Act, for "(1)"  
**substitute** "(1)(a), (1A)(a) or (1B)(a)".
- 25 (5) In section 130(3) of the Principal Act, after  
"person who" **insert** "possesses,".
- (6) At the end of section 130 of the Principal Act  
**insert**—
- "(7) In this section—
- 30 **loaded**, in relation to a firearm, includes the  
following—
- (a) a firearm that has cartridge  
ammunition in its chamber or  
barrel;
-

- 5 (b) a firearm that is fitted with a magazine or other device that is loaded with cartridge ammunition, if the cartridge ammunition can be fitted to the chamber or barrel of the firearm by the operation of another part of the firearm."

**26 New section inserted after section 131**

After section 131 of the Principal Act **insert**—

10 **"131A Offence to discharge firearm at a premises or vehicle**

- 15 (1) A person must not, with reckless disregard for the safety of any person, use a firearm to discharge a shot, bullet or other missile at a vehicle, vessel, aircraft, or premises.

Penalty: 15 years imprisonment.

- 20 (2) A person who, with reckless disregard for the safety of another, uses a firearm to discharge a shot, bullet or other missile at a vehicle, vessel, aircraft, or premises, while carrying out a serious indictable offence, is guilty of an offence and liable to a term of imprisonment not exceeding 20 years.

- 25 (3) A person does not commit an offence under subsection (1) or (2) if the person is—

- 30 (a) a police officer or a protective services officer who is acting in the course of the police officer's or protective services officer's official duties and when so authorised by the Chief Commissioner; or

- 5 (b) a senior IBAC Officer who is carrying out the purposes for which firearms may be used, and as authorised under Part 5 of the **Independent Broad-based Anti-corruption Commission Act 2011**; or
- 10 (c) a member of a police force or police service of the Commonwealth or of another State or a Territory who is using a firearm issued to the member for the performance of a detailed duty; or
- 15 (d) a person who holds a licence under this Act, that is issued for the reason of prison guard who is using a firearm which the person is authorised to use under the licence, and who is acting in the course of the person's duties as a prison guard and who is in the immediate pursuit of another person who is under the person who is the guard's custody; or
- 20 (e) a person who holds a licence under this Act, who is using a firearm which the person is authorised to use under the licence and who is acting in the course of the person's duties under any relevant law within the meaning of the **Conservation, Forests and Lands Act 1987** or under the **Livestock Disease Control Act 1994** or the **Prevention of Cruelty to Animals Act 1986**.
- 25
- 30
- 35 (4) In this section—  
*serious indictable offence* has the same meaning as in section 325 of the **Crimes Act 1958**."
-

**27 Forfeited firearms, consequential amendment**

In section 152 of the Principal Act, after "firearm" (wherever occurring) **insert** "or firearm related item".

5 **28 Firearms Appeals Committee membership**

(1) In section 155(1) of the Principal Act, for "13" **substitute** "15".

(2) In section 155(2)(a) of the Principal Act—

- 10 (a) for "3 must be" **substitute** "5 must be";
- (b) in subparagraph (i), for "1 person" **substitute** "2 persons";
- (c) in subparagraph (ii), for "3 persons" **substitute** "5 persons";
- 15 (d) in subparagraph (iii), for "5 persons" **substitute** "8 persons".

**29 Procedure of the Committee**

In section 161(5) of the Principal Act, for "7 members" **substitute** "8 members".

**30 New Part 10A inserted**

20 After Part 10 of the Principal Act **insert**—

**"Part 10A—Firearm prohibition orders, reporting and the IBAC**

**Division 1—Definitions**

**171 Definitions**

25 In this Part—

*applicable proceeding, process or action*  
means—

- (a) any legal proceeding other than a criminal proceeding;

- 5 (b) any proceeding, other than a criminal proceeding, of any tribunal, authority or person having power to require the production of documents or the answering of questions, other than the Victorian Inspectorate;
- (c) any disciplinary process or action;
- 10 *authorised IBAC Officer* means an IBAC Officer that is authorised under section 174M(4);
- breach of discipline* has the same meaning as in section 3(1) of the **Victoria Police Act 2013**;
- 15 *IBAC Commissioner* has the same meaning as *Commissioner* has in the **Independent Broad-based Anti-corruption Commission Act 2011**;
- 20 *IBAC Ministerial report* means a report under section 174B;
- member of Victoria Police personnel* has the same meaning as in section 3(1) of the **Victoria Police Act 2013**;
- 25 *protected person* has the same meaning as in section 45 of the **Independent Broad-based Anti-corruption Commission Act 2011**.

**Division 2—Annual reporting obligations**

**172 Information to be included in annual reports**

- 5 (1) The Chief Commissioner must provide to the Minister, for inclusion in the annual report of Victoria Police as a public body for a financial year under Part 7 of the **Financial Management Act 1994**, a report
- 10 containing the following information—
- (a) the number of firearm prohibition orders issued;
  - (b) the number of firearm prohibition orders in operation;
  - 15 (c) the number of people under 18 years of age who are subject to firearm prohibition orders;
  - (d) the number of firearms and firearm related items seized during any exercise
  - 20 of powers under Part 4A;
  - (e) the number of charges laid for offences under this Act connected with searches under Part 4A;
  - 25 (f) the number of charges laid for other offences connected with searches under Part 4A.
- (2) The IBAC, in its annual report for a financial year under Part 7 of the **Financial Management Act 1994**, must include the
- 30 following information—
- (a) the number of firearm prohibition orders, the making of which it has reviewed;

- 5 (b) the number of cases of review for which recommendations have been made by the IBAC and the number of those recommendations that have been accepted by the Chief Commissioner.

**Division 3—Monitoring the administration of Part 4A and this Part**

**173 IBAC to monitor exercise of powers etc. under Part 4A and this Part**

10 The IBAC may monitor any exercise of the powers of the Chief Commissioner or performance of the duties and functions of the Chief Commissioner under Part 4A or this Part, including monitoring any issue relating to—

- 15 (a) the administration by the Chief Commissioner of Part 4A and this Part; and
- 20 (b) an exercise of powers under Part 4A or this Part.

**174 Reports to the Minister on monitoring**

- 25 (1) The IBAC may at any time give the Minister a written report on any monitoring of any exercise of the powers of the Chief Commissioner or a performance of the duties and functions of the Chief Commissioner under Part 4A or this Part, including the results of any inspections carried out under Division 6.
- 30 (2) If requested by the Minister to do so, the IBAC must give the Minister a report under subsection (1) as soon as practicable after receiving the request.

- (3) The IBAC must give a copy of any report under subsection (1) to the Chief Commissioner.

**174A Request for action after monitoring**

- 5 (1) After monitoring any exercise of the powers of the Chief Commissioner or any performance of the duties and functions of the Chief Commissioner under Part 4A or this Part, the IBAC, in writing, may  
10 recommend that the Chief Commissioner take any action that the IBAC considers appropriate.
- 15 (2) The Chief Commissioner must give a written response to the IBAC's recommendation within 45 days of receiving the recommendation.
- (3) A recommendation under subsection (1) must be made in private.

**Division 4—IBAC Ministerial report**

20 **174B IBAC Ministerial report**

- (1) The IBAC, in accordance with section 174C, must report to the Minister on matters for or with respect to—
- 25 (a) the administration of Part 4A and this Part; and
- (b) the exercise of the powers of the Chief Commissioner and the performance of the duties and functions of the Chief Commissioner under Part 4A and this  
30 Part; and
- (c) the exercise of any other powers under Part 4A.



- 5 (2) In a report under this section the IBAC may identify and include recommendations to the Minister on possible amendments to Part 4A or this Part to improve the operation of the Parts.

**174C Timing of IBAC Ministerial report**

10 The IBAC must make an IBAC Ministerial report as soon as possible after the end of the first 2 year period from the commencement of this Division and as soon as possible after the end of each 2 year period after that.

**174D Tabling IBAC Ministerial reports**

- 15 (1) The Minister must cause an IBAC Ministerial report to be laid before each House of Parliament within 7 sitting days of that House after receiving the report.
- 20 (2) A report tabled under subsection (1) must not include any information that the Chief Commissioner identifies should not be included in the report.
- 25 (3) For the purpose of subsection (2), before the Minister tables the report the Chief Commissioner may advise the Minister that information in the report should not be included the tabled report because, in the Chief Commissioner's opinion, the information could reasonably be expected to—
- 30 (a) endanger a person's safety; or
- (b) prejudice an investigation or prosecution; or
- (c) compromise operational activities or methodologies of—
- (i) Victoria Police; or

- 5
- (ii) the IBAC; or
- (iii) a police force or police service of another State or a Territory of the Commonwealth; or
- 10
- (iv) the Australian Federal Police constituted under the Australian Federal Police Act 1979 of the Commonwealth; or
- (v) any police force or police service (however described) in a place outside Australia; or
- 15
- (vi) any other person or body responsible for the enforcement of laws in a place outside Australia; or
- (d) disclose the identity of a person, where it is not in the public interest to do so.

### **Division 5—Reporting on the issue of firearm prohibition orders**

20

#### **174E Chief Commissioner report on issued firearm prohibition orders**

- 25
- (1) As soon as possible after the end of each period of 3 months in any year the Chief Commissioner, in writing, must report to the IBAC listing the firearm prohibition orders issued in the period.
- (2) For the purpose of subsection (1), the first period of 3 months in any year begins on 1 January.
- 30
- (3) A report under subsection (1) must set out the following information—
- (a) the number of orders issued in the period;

(b) in relation to each order—

(i) the name and age of the individual to whom the order applies; and

5

(ii) the grounds set out in section 112E that were relied on to issue the order; and

(iii) whether or not an application for VCAT review has been applied for.

10

**174F The IBAC review of the issue of firearm prohibition orders**

(1) The IBAC must review the making of firearm prohibition orders in accordance with this section.

15

(2) A review of the making of firearm prohibition orders must be conducted for each 3 month period of every year, with the first period commencing on 1 January.

20

(3) In each quarterly review the IBAC must review the making of a proportion of the orders made during the period under review.

25

(4) The IBAC must determine the proportion of orders to be reviewed having regard to the number of orders made during the period, the need to have a representative sample of orders made and any other relevant issues.

**174G Preliminary processes**

30

(1) Once the IBAC has determined the orders, the issue of which is to be reviewed, the IBAC, in writing, must give the Chief Commissioner notice of that information.

- 5 (2) On receiving a notice under subsection (1), the Chief Commissioner must allow the IBAC to have access to all information on which the decision to make the order was based.

**174H Conduct of review**

- 10 (1) For each order under review, the IBAC must review whether or not the order should have been made having regard to the matters set out in section 112E(a), (b), (c) and (d).
- (2) In a review, the information that the IBAC may consider is the information given to the IBAC under section 174G(2).

15 **174I The IBAC may request that certain action be taken**

- (1) After reviewing the issue of an order, the IBAC, in writing, may recommend that the Chief Commissioner take any action that the IBAC considers appropriate.
- 20 (2) The Chief Commissioner must give a written response to the IBAC's recommendation within 45 days of receiving the recommendation.
- 25 (3) A recommendation under subsection (1) must be made in private.

**Division 6—General**

**174J Non-production of documents and other things in applicable proceeding, process or action**

- 30 (1) A protected person is not compellable to produce, or permit inspection of, any document or other thing in any applicable proceeding, process or action if—

- 5
- (a) the protected person has created the document or thing in the performance of the duties and functions or the exercise of the powers of the protected person or the IBAC under this Act; or
- 10
- (b) the document or thing has come into the protected person's possession or control in the performance of the duties and functions or the exercise of the powers of the protected person or the IBAC under this Act.
- 15
- (2) A written certificate of the IBAC that a document or thing is a document or thing to which subsection (1)(a) or (b) applies is evidence of that fact.

**174K Exemption from Freedom of Information Act 1982**

- 20
- (1) The **Freedom of Information Act 1982** does not apply to a document that is in the possession of any person or body to the extent to which the document discloses information that relates to the performance of the duties and functions or the exercise of the powers of the IBAC or an authorised IBAC Officer.
- 25
- (2) In this section, *document* has the same meaning as in the **Freedom of Information Act 1982**.

**174L Disclosure of information by Chief Commissioner under this Part**

- 30
- (1) The Chief Commissioner does not commit an offence under section 181, if the Chief Commissioner discloses information to the IBAC for the purposes of this Part.

- (2) A member of Victoria Police personnel does not commit an offence under section 181, if the member discloses information to the IBAC for the purposes of this Part.

5

**174M Powers of entry and inspection**

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- (1) An authorised IBAC Officer may, after notifying the Chief Commissioner of the intended entry—
- (a) at any time, enter premises occupied by Victoria Police at which the IBAC Commissioner reasonably believes there are documents that contain, or relate to, the administration of Part 4A or that are relevant to the IBAC's functions under this Part; and
  - (b) inspect or copy any document found at any premises entered under paragraph (a); and
  - (c) may require a member of Victoria Police personnel to give the authorised IBAC Officer any information that the authorised IBAC Officer considers necessary, being information that is in the member's possession, or to which the member has access, and that is relevant to the inspection; and
  - (d) may require a member of Victoria Police personnel to answer any question that is relevant to the inspection; and
  - (e) do anything that it is necessary or convenient to do to enable an inspection to be carried out under this section.

- 5
- (2) The Chief Commissioner must ensure that members of Victoria Police personnel give any assistance the authorised IBAC Officer reasonably requires to enable the authorised IBAC Officer to perform the authorised IBAC Officer's functions under this section.
- 10
- (3) Any information or answer given in accordance with a requirement under subsection (1)(c) or (d) is not admissible in evidence before any court or person acting judicially, except in proceedings for—
- 15
- (a) perjury or giving false information; or
- (b) a breach of discipline by a member of Victoria police personnel; or
- (c) a disciplinary process or action, within the meaning of the **Independent Broad-based Anti-corruption Commission Act 2011**.
- 20
- (4) The IBAC may authorise a IBAC Officer to exercise the powers of an authorised IBAC Officer under this section.

**174N IBAC to be given reasonable assistance**

- 25
- (1) The Chief Commissioner must give the IBAC any reasonable assistance that the IBAC reasonably requires to enable the IBAC to perform the IBAC's functions under this Part.
- 30
- (2) The Chief Commissioner must ensure that each of the following persons gives the IBAC any assistance that the IBAC reasonably requires to enable the IBAC to perform the IBAC's functions under this Part—
- (a) police officers;
-

(b) delegates of the Chief Commissioner under Part 4A;

(c) any persons employed in the administration of Part 4A or this Part.

5

**174O Chief Commissioner to keep records**

(1) For the purpose of Part 4A and this Part, the Chief Commissioner must take all reasonable steps to ensure that the following records are kept—

10

(a) each firearm prohibition order made, including any order that is not in operation;

15

(b) any document received from an individual to whom a firearm prohibition order applies, or on behalf of that person, in relation to the order;

20

(c) any policies, procedures or guidelines of Victoria Police about the making of firearm prohibition orders or the operation of Part 4A;

(d) records of any searches under Part 4A.

(2) It is sufficient compliance with subsection (1) if a copy of a document is kept."

**31 Exception to general power of delegation**

25

In section 176 of the Principal Act—

(a) for "section 153C(1) and the following—" **substitute** "sections 112F and 153C(1) and this power of delegation.";

(b) paragraphs (a), (b) and (c) are **repealed**.

30

**32 Consequential amendment of reference to VCAT**

In section 182(1) of the Principal Act, for "the Victorian Civil and Administrative Tribunal" **substitute** "VCAT".

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**33 Insertion of new section after section 182**

After section 182 of the Principal Act **insert—**

**"182A Time period for making application for review to VCAT**

- 5 (1) An application for review of a decision of the Chief Commissioner on the ground specified in section 17(1)(ba), 42(2)(bb) or 49(1)(f) must be made within 28 days of the later of—
- 10 (a) the day on which the decision is made;
- 15 (b) if, under the **Victorian Civil and Administrative Tribunal Act 1998**, the applicant requests a statement of reasons for the decision, the day on which the statement of reasons is given to the applicant or the applicant is informed under section 46(5) of that Act that a statement of reasons will not be given.
- 20 (2) An application for review under section 112L must be made within 28 days of the later of—
- 25 (a) the day on which the firearm prohibition order is served on the individual to whom it applies; or
- 30 (b) if, under the **Victorian Civil and Administrative Tribunal Act 1998**, the individual requests a statement of reasons for the decision, the day on which the statement of reasons is given to the individual or the individual is informed under section 46(5) of that Act that a statement of reasons will not be given."
-

### 34 Indictable offences

In section 189A of the Principal Act—

- (a) for "59A(1), 59A(2)" **substitute** "59A(1), (2), (3), (4), (5) and (6)";
- 5 (b) after "102(2A), (3) and (3A)" **insert** ", 112B, 112C(1) and (2), 112P(1) and (2)";
- (c) after "129A" **insert** ", 130(1), (1A), and (1B), 131A(1) and (2)".

### 35 New section 217 inserted

10 After section 216 of the Principal Act **insert**—

#### **"217 Transitional provision—Firearms Amendment Act 2017—trafficking**

15 The amendments made to this Act by sections 7 and 21 of the **Firearms Amendment Act 2017** apply only to offences alleged to have been committed on or after the commencement of those sections.

#### **218 Transitional provision—Firearms Amendment Act 2017—possession, carriage and use of firearms in certain places**

- 20 (1) The amendments made to this Act by section 25 of the **Firearms Amendment Act 2017** apply only to offences alleged to have been committed on or after the commencement of that section.
- 25 (2) On the commencement of section 25 of the **Firearms Amendment Act 2017**, a permission of the Chief Commissioner—
  - 30 (a) that was given under section 130(3), as in force before the commencement of section 25 of that Act; and

(b) that is in force immediately before the commencement of section 25 of that Act—

5 is taken to continue in force as if the permission had been given under section 130(3) as amended by section 25 of that Act.

10 **219 Transitional provision—Firearms Amendment Act 2017—applications for licences**

(1) This Act as amended by sections 8 and 9 of the **Firearms Amendment Act 2017** applies to any application for a licence to which section 17 applies, whether that application was made before, on or after the commencement of those sections.

(2) This Act as amended by sections 11 and 12 of the **Firearms Amendment Act 2017** applies to any application for renewal of a licence to which section 42 applies, whether the application was made before, on or after the commencement of those sections.

25 **220 Transitional provision—Firearms Amendment Act 2017—suspended licences**

30 Section 49 of this Act, as in force immediately before the commencement of section 13 of the **Firearms Amendment Act 2017**, applies in the case of any licence suspended under section 47 in respect of which a decision has not been made by the Chief Commissioner under section 49 before the commencement of section 13 of that Act."

**36 Amendment of Schedule 3, exemptions from licence requirements**

(1) Items 4 and 5A of Schedule 3 to the Principal Act are **repealed**.

5 (2) In Column 2 of item 6 of Schedule 3 to the Principal Act, for "paintball gun" **substitute** "paintball marker".

**37 Amendment of Schedule 4, storage of paintball markers**

10 After item 1 of Schedule 4 to the Principal Act **insert—**

**"1A Paintball marker licences**

15 The requirements for storage of a paintball marker are the same as those for the storage of a category A or B longarm provided for in item 1 of this Schedule."

**Part 3—Repeal of firearm prohibition  
order provisions**

**38 Repeal of Parts 4A and 10A**

Parts 4A and 10A of the Principal Act are  
**repealed.**

5

## **Part 4—Amendment of other Acts**

### **39 Amendment of the Control of Weapons Act 1990**

(1) In section 3(1) of the **Control of Weapons Act 1990** insert the following definition—

5                   "*firearm prohibition order* has the same meaning as in the **Firearms Act 1996**;"

(2) After section 5AB(2) of the **Control of Weapons Act 1990** insert—

10                   "(3) An individual to whom a firearm prohibition order applies must not possess, carry or use an imitation firearm.

                    Penalty: 1200 penalty units or imprisonment for 10 years."

15                   (3) In section 11A of the **Control of Weapons Act 1990** for "or section 5AB(2)" substitute "or 5AB (2) or (3)".

### **40 Amendment of the Criminal Organisations Control Act 2012**

20                   In the Schedule to the **Criminal Organisations Control Act 2012**—

(a) after item 6.59 insert—

25                   "6.59A Section 112C(2) (offence to dispose of or give possession of a firearm to a person who is subject to a firearm prohibition order or enable such a person to possess, carry or use a firearm).

30                   6.59B Section 112O(1) (offence for a person to whom a firearm prohibition order applies to enter or remain on certain premises).";

(b) after item 6.61 **insert**—

"6.61A Section 121(1B) (improperly storing a paintball marker).";

(c) after item 6.66 **insert**—

5 "6.66A Section 123(1A) (improperly storing a paintball marker that is possessed under a dealers licence).".

#### **41 Amendment of the Fortification Removal Act 2013**

10 In the Schedule to the **Fortification Removal Act 2013**—

(a) after item 6.59 **insert**—

15 "6.59A Section 112C(2) (offence to dispose of or give possession of a firearm to a person who is subject to a firearm prohibition order or enable such a person to possess, carry or use a firearm).

20 6.59B Section 112O(1) (offence for a person to whom a firearm prohibition order applies to enter or remain on certain premises).";

(b) after item 6.61 **insert**—

"6.61A Section 121(1B) (improperly storing a paintball marker).";

25 (c) after item 6.66 **insert**—

"6.66A Section 123(1A) (improperly storing a paintball marker that is possessed under a dealers licence).".

## **Part 5—Repeal of amending Act**

### **42 Repeal of amending Act**

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This Act is **repealed** on the first anniversary of the day on which all of its provisions are in operation.

#### **Note**

The repeal of this Act does not affect the continuing operation of the amendments made by it (see section 15(1) of the **Interpretation of Legislation Act 1984**).

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## **Endnotes**

### **1 General information**

See [www.legislation.vic.gov.au](http://www.legislation.vic.gov.au) for Victorian Bills, Acts and current authorised versions of legislation and up-to-date legislative information.