

# **Legislative statement for the Firearms Prohibition Orders Legislation Bill**

**Presented to the House of Representatives in accordance with Standing Order 272**

## **Introduction**

The objective of the Bill is to ensure that a person subject to a Firearms Prohibition Order (FPO) will not be able to use, access, or be around firearms. The person will also not be able to live in or visit locations where there are firearms, or associate with someone who has them in their physical possession, unless permitted by the Court.

The Bill also details consequences for any breach of an FPO and if another person knowingly supplies firearms to those that are subject to an FPO.

## **Background**

The intent of this Bill is to improve public safety by preventing people whose behaviour and actions represent a high risk of violence, or reflect an underlying risk of violence, from being able to access firearms or restricted weapons.

FPOs will prohibit people who have been found to be at high-risk of offending with firearms from being able to possess firearms, reside in places where there are firearms, or visit particular locations (such as gun shops). This will limit their access to a firearm to perpetrate further harm.

## **Key aspects of the Bill**

The Bill introduces FPOs, which address some limitations with the Arms Act 1983 by preventing 'high risk' persons from accessing or using firearms or specified restricted weapons, associating with people in physical possession of firearms, or residing at, or visiting locations where firearms are held, including gun shops, arms fairs, or gun clubs. The offender would also be disqualified from holding a firearms licence.

The Bill proposes that a court can make an FPO against an offender, who is 18 years or over, if they are convicted of a specified offence in the Arms Act 1983, Crimes Act 1961, or Terrorism Suppression Act 2002.

The court must be satisfied that, on the balance of probabilities, the FPO is reasonable, necessary, and appropriate to assist in managing the risk

that the offender poses to public safety.

The Bill sets out a series of standard and special conditions for an FPO and the penalties for breaching those conditions. The FPO will continue in force for 10 years and will take effect from either the date the order was made, or, where the offender is sentenced to a term of imprisonment, from release from custody.

### **Structure of the Bill**

The Bill is in two parts. Part 1 amends four sections of the Arms Act and inserts one new section detailing the design framework for Firearms Prohibition Orders.

Part 2 of the Bill amends other Acts:

- (a) Subpart 1 amends the Evidence Act 2006 in order to provide consistency for undercover Police officers giving evidence as prosecution witnesses in certain proceedings.
- (b) Subpart 2 amends the Privacy Act 2020 in order to provide for the Department of Corrections to have access to information held by the Police about FPOs made under the Arms Act 1983.
- (c) Subpart 3 amends the Search and Surveillance Act 2012 in order to replace the definition of 'arms' so that the term also includes pistol carbine conversion kits, all magazines, and parts. Subpart 3 also amends the Search and Surveillance Act so that trespass surveillance may be undertaken, and interception devices may be used, to obtain evidential material in relation to the offences introduced under this Bill.
- (d) Subpart 4 amends the Sentencing Act 2002 so that FPO measures can be ordered by judges at sentencing.

### **Changes made at Select Committee**

Following receipt of submissions, the Justice Select Committee recommended the following changes to the Bill:

- the addition of strangulation/suffocation as a qualifying offence; and
- a change to the discretion allowed to the courts when deciding to impose any special conditions on the FPO.

### **Conclusion**

The Bill provides an important additional measure to improve public safety and reduce the risk of firearms related violence.