

Australian Capital Territory

Firearms (Firearm Prohibition Orders) Amendment Act 2026

A2026-19

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Australian Capital Territory

Firearms (Firearm Prohibition Orders) Amendment Act 2026

A2026-19

An Act to amend the *Firearms Act 1996*, and for other purposes

The Legislative Assembly for the Australian Capital Territory enacts as follows:

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1 Name of Act

This Act is the *Firearms (Firearm Prohibition Orders) Amendment Act 2026*.

2 Commencement

This Act commences 12 months after its notification day.

Note The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

3 Legislation amended

This Act amends the *Firearms Act 1996*.

Note This Act also amends other legislation (see sch 1).

4 Offences against Act—application of Criminal Code etc Section 4, note 1, new dot point

insert

- offences against pt 12A (Firearm prohibition orders)

5 Principles and objects of Act New section 5 (2) (g)

insert

(g) to provide for orders that prohibit the acquisition, possession or use of a firearm or firearm-related item.

6 Meaning of *acquire* New section 8 (1A)

insert

(1A) This section does not apply to part 12A (Firearm prohibition orders).

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7 Meaning of *possession* New section 10 (3)

insert

(3) For part 12A (Firearm prohibition orders), subsection (1) also applies in relation to a firearm-related item.

8 Evidence of possession—firearms at premises New section 11 (1A)

insert

(1A) For part 12A (Firearm prohibition orders)—

(a) subsection (1) (as varied by paragraph (b)) applies to a firearm-related item in the same way it applies to a firearm; and

(b) subsection (1) (b) and (c) do not apply in relation to a person subject to a firearm prohibition order to the extent that the order is subject to a condition imposed under section 183P (1).

9 Evidence of possession—care, control or management of firearm New section 12 (1A)

insert

(1A) For part 12A (Firearm prohibition orders), subsection (1) applies to a firearm-related item in the same way it applies to a firearm.

10 Assessing suitability of individuals—discretionary criteria Section 18 (2), definition of *law enforcement agency*

omit

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11 Protection of security sensitive information
Section 18A (3)

omit

12 ACAT or court review—decision on security sensitive information
Section 18B (5)

omit

13 ACAT or court review—dealing with security sensitive information
Section 18C (4), definition of *security sensitive information*

omit

14 New part 12A

insert

Part 12A Firearm prohibition orders

Division 12A.1 Preliminary

183A Definitions—pt 12A

In this part:

amend, a firearm prohibition order—see section 183W.

final order means a final firearm prohibition order made under section 183H.

firearm prohibition order means an interim order or final order.

interim order means an interim firearm prohibition order made under section 183F.

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prohibited premises—

(a) means any of the following:

(i) premises where a firearm or firearm-related item is stored, sold, repaired or manufactured;

(ii) a collectors, hunting or shooting club;

(iii) a paintball range;

(iv) a shooting gallery;

(v) a shooting range;

(vi) premises where a shooting or paintball competition is being held;

(vii) any other premises prescribed by regulation; but

(b) does not include either of the following:

(i) a police station;

(ii) a correctional centre or detention place.

relative—see the *Family Violence Act 2016*, section 11.

residence, of a person—

(a) means the person's principal place of residence; and

(b) includes the principal place of residence of the person's domestic partner or relative, if the person lives at the residence for at least 7 days (whether or not consecutive) in a period of 12 months.

return date, for an application under this part, means the day fixed by the court as the day on which the application will be next before the court.

serious offence means an offence punishable by imprisonment for 5 years or longer in the ACT or elsewhere.

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timing notice, for a hearing of an application under this part, means a written notice stating—

(a) the return date, time and place of the hearing; and

(b) that, if the respondent to the application does not appear at the hearing, the court may decide the application in the respondent's absence.

vary, a firearm prohibition order, includes:

(a) amend the order; and

(b) impose, amend or remove a condition on the order.

Division 12A.2 Making firearm prohibition orders

183B Matters to be considered

(1) In deciding whether to make a firearm prohibition order, the Magistrates Court must consider the following:

(a) to the extent it relates to the order sought—

(i) the respondent's criminal history; and

(ii) the respondent's behaviour; and

(iii) the circumstances of the respondent;

Example—par (iii)

the respondent's age, housing, employment, health, cultural and social needs

(b) whether the respondent has, at any time, unlawfully acquired, possessed or used or attempted to acquire, possess or use a firearm or firearm-related item;

(c) the likelihood of the respondent acquiring, possessing or using a firearm or firearm-related item if no order is made;

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(d) whether the respondent associates with a person—

(i) who has been convicted of a serious offence; or

(ii) for the purpose of planning, organising, facilitating, supporting or engaging in the commission of a serious offence;

(e) the limits the order would have on the human rights of the respondent;

(f) the limits the order would have on the human rights of any other person affected by the order;

(g) whether the respondent poses a serious risk to a person or property if no order is made;

(h) that, if the order is made, a police officer may exercise a power mentioned in division 12A.10 (Enforcement);

(i) for a final order—whether the respondent was or is subject to an interim order;

(j) any other information given in support of the application.

(2) The court may consider anything else it considers relevant in deciding whether to make a firearm prohibition order.

(3) A failure to comply with subsection (1) in relation to a firearm prohibition order does not affect the validity of the order.

183C Application for firearm prohibition order

(1) The chief police officer may apply to the Magistrates Court for a firearm prohibition order in relation to an adult.

Note If a form is approved under the *Court Procedures Act 2004*, s 8 for an application, the form must be used.

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(2) The chief police officer must consider any matter set out in a guideline made by the Minister under subsection (4) before making an application.

(3) An application must—

(a) include the following information (to the extent that the information is known to the chief police officer):

(i) the name of the respondent;

(ii) the respondent's date of birth;

(iii) the address of any residence of the respondent;

(iv) the address of any other premises owned, leased or occupied by the respondent;

Examples

- a storage facility leased to the respondent
- premises where the respondent conducts a business

(v) details of any firearm prohibition order to which the respondent is or has been subject, including any order (however described) made in relation to the respondent in another State that is substantially similar to a firearm prohibition order;

Note ***State*** includes the Northern Territory (see Legislation Act, dict, pt 1).

(vi) whether a registered firearm or firearm-related item is stored at the respondent's residence;

(vii) any other information prescribed by regulation; and

(b) set out the grounds on which the order is sought; and

(c) include the information supporting the grounds on which the order is sought; and

(d) be accompanied by a supporting affidavit.

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(4) The Minister may make guidelines about matters the chief police officer must consider before making an application.

(5) A guideline is a notifiable instrument.

183D Interim order not sought

(1) If the Magistrates Court receives an application for a final order and an interim order is not sought, the registrar of the court must—

(a) set a return date for a hearing of the application for the final order, which is not later than 30 days after the day the application is filed; and

(b) as soon as practicable, give the chief police officer a timing notice for the hearing.

(2) As soon as practicable after receiving the timing notice, the chief police officer must ensure the following are personally served on the respondent:

(a) a copy of the application and supporting affidavit;

(b) a copy of the timing notice.

183E Interim order sought

(1) If the Magistrates Court receives an application for a final order and an interim order is sought, the registrar of the court must set a return date for a hearing of the application for an interim order, which is not later than 2 days after the day the application is filed.

(2) An interim order is made in the absence of the respondent.

Note The hearing of an application for an interim order also takes place in closed court (see s 183ZG).

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(3) After the hearing of the application for the interim order, the registrar of the court must—

(a) set a return date for a hearing of the application for the final order, which is not later than 30 days after the day the application is filed; and

(b) as soon as practicable, give the chief police officer a timing notice for the hearing.

(4) As soon as practicable after receiving the timing notice, the chief police officer must ensure the following are personally served on the respondent:

(a) a copy of the application and supporting affidavit;

(b) if an interim order is made—a copy of the order;

(c) a copy of the timing notice.

183F Making interim orders

(1) The Magistrates Court may, on application, make an interim order if satisfied—

(a) it is in the public interest to make the order; and

(b) the order must be urgently made to reduce a significant risk of serious harm to another person; and

(c) the making of the order in the absence of the respondent is reasonable and justifiable; and

(d) the respondent has, at any time, unlawfully acquired, possessed or used or attempted to acquire, possess or use a firearm or firearm-related item; and

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(e) the making of the order is otherwise reasonable and justifiable in the circumstances.

Note The Magistrates Court must consider the matters mentioned in s 183B in deciding whether to make an interim order.

(2) The court may be satisfied of the matters mentioned in subsection (1) (d) whether or not the respondent has been found guilty of an offence of unlawfully possessing or attempting to possess a firearm or firearm-related item.

183G Notice of response—final order

(1) A respondent to an application for a final order may file a notice of their response not later than 5 days before the day of the hearing of the application.

Note If a form is approved under the *Court Procedures Act 2004*, s 8 for this provision, the form must be used.

(2) The notice must—

(a) set out the facts the respondent intends to rely on at the hearing of the application; and

(b) be accompanied by a supporting affidavit.

(3) The respondent must serve a copy of the notice of response on the chief police officer not later than 5 days before the day of the hearing of the application.

(4) The respondent does not waive any right of objection the respondent may have in relation to the application only because the respondent—

(a) does not file a notice of response; or

(b) fails to serve a copy of the notice of response in accordance with subsection (3).

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183H Making final orders

(1) The Magistrates Court may, on application, make a final order if satisfied—

(a) it is in the public interest to make the order; and

(b) the respondent has, at any time, unlawfully acquired, possessed or used or attempted to acquire, possess or use a firearm or firearm-related item; and

(c) the making of the order is reasonable and justifiable in the circumstances.

Note The Magistrates Court must consider the matters mentioned in s 183B in deciding whether to make a final order.

(2) The court may be satisfied of the matters mentioned in subsection (1) (b) whether or not the respondent has been found guilty of an offence of unlawfully possessing or attempting to possess a firearm or firearm-related item.

(3) The court may, on application under section 183C, make another final order (a ***further final order***) in relation to a respondent who at the time the application is made is already subject to a final order (a ***current order***).

(4) However, the court may only make the further final order—

(a) within 90 days before the end of the current order; or

(b) after the end of the current order.

(5) Subsection (4) does not limit the number of further final orders the court may make.

(6) The chief police officer must ensure that a copy of a final order is personally served on the respondent if the respondent is not present at the hearing when the final order is made.

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183I Period firearm prohibition order in force

(1) An interim order is in force for the period—

(a) beginning on the day the order is served on the respondent; and

(b) ending on the earliest of the following:

(i) the day the interim order is revoked;

(ii) the day the application for a final order in relation to the interim order is withdrawn or dismissed;

(iii) the day a final order in relation to the interim order begins;

(iv) 30 days after the day the interim order begins.

(2) A final order is in force for the period beginning on—

(a) if the respondent is present when the order is made—the day the order is made; or

(b) if the respondent is not present when the order is made—the day the order is served on the respondent.

(3) A further final order is in force for the period beginning on—

(a) if the respondent is present when the further final order is made—the day after the current order ends; or

(b) if the respondent is not present when the further final order is made—

(i) if the further final order is served on the respondent before the current order ends—the day after the current order ends; or

(ii) if the further final order is served on the respondent after the current order ends—the day the further final order is served on the respondent.

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(4) A final order ceases to be in force on the earlier of the following:

(a) the day the order is revoked;

(b) 3 years after the day the order begins.

(5) In this section:

current order—see section 183H (2).

further final order—see section 183H (2).

183J Explaining orders if respondent present

(1) This section applies if—

(a) the Magistrates Court intends to make a firearm prohibition order; and

(b) the respondent is present at the hearing.

(2) On making the firearm prohibition order, the court must explain to the respondent, in language likely to be readily understood by the respondent—

(a) the purpose, terms and effect of the order; and

(b) the consequences that may follow if the respondent fails to comply with the order; and

(c) how the order may be amended or reviewed.

(3) The court must also give the respondent a copy of the firearm prohibition order.

(4) A failure of the court to comply with this section in relation to a firearm prohibition order does not affect the validity of the order.

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183K Contents of firearm prohibition order

(1) A firearm prohibition order must include the following information:

(a) a statement about when the order begins;

(b) the period for which the order is in force;

(c) any conditions imposed on the order under division 12A.3;

(d) the address of any residence of the person subject to the order;

(e) the address of any other premises owned, leased or occupied by the person subject to the order.

Examples—par (e)

- a storage facility leased to the person subject to the order
- premises where the person subject to the order conducts a business

(2) Also, the firearm prohibition order must include information about the following:

(a) the effect of—

(i) section 183M (Prohibition on acquiring, possessing or using firearm or firearm-related item); and

(ii) section 183N (Suspension and cancellation of licences and permits);

(b) the offences and related penalties mentioned in—

(i) section 183Q (Offence—acquire, possess or use of firearm or firearm-related item); and

(ii) section 183R (Offence—fail to surrender licence or permit); and

(iii) section 183S (Offence—fail to surrender firearm or firearm-related item); and

(iv) section 183T (Offence—enter or remain at prohibited premises); and

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(v) section 183U (Offences—dispose of firearm or firearm-related item to person subject to firearm prohibition order); and

(vi) section 183V (Offence—fail to notify change of residence or other premises);

(c) the powers of police under division 12A.10 (Enforcement);

(d) the person's right to seek an amendment of the order;

(e) the person's right of review and appeal under this part.

183L Reasons for order

If the Magistrates Court makes a firearm prohibition order, the court must record the reasons for making the order.

Division 12A.3 Conditions of firearm prohibition orders

183M Prohibition on acquiring, possessing or using firearm or firearm-related item

If a firearm prohibition order is made in relation to a person, the person must not acquire, possess or use a firearm or firearm-related item while the order is in force.

183N Suspension and cancellation of licences and permits

(1) If an interim order is made in relation to a person who is the holder of a licence or permit, the person's licence or permit is suspended.

(2) If a final order is made in relation to a person who is the holder of a licence or permit, the person's licence or permit is cancelled.

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183O Conditions in relation to licenses, permits, firearms and firearm-related items

(1) The Magistrates Court must impose a condition on a firearm prohibition order that a firearm or firearm-related item be removed by a stated time from the residence of the person subject to the order if the court is satisfied—

(a) a firearm or firearm-related item, owned by a person other than the person subject to the order, is stored at the residence; and

(b) the person subject to the order intends to live at the residence while the firearm prohibition order is in force.

(2) If the court is satisfied a person subject to the order holds a licence or permit, the court may impose a condition that the person surrender the licence or permit to a police officer within a stated time.

(3) If the court is satisfied a person subject to the order is in possession of a firearm or firearm-related item, the court may impose a condition that the person surrender the firearm or firearm-related item to a police officer within a stated time.

183P Enter or remain at prohibited premises

(1) The Magistrates Court may impose a condition on a firearm prohibition order that the person subject to the order may enter or remain at prohibited premises if satisfied the person has a genuine reason for entering or remaining at the premises.

(2) The condition may—

(a) state particular prohibited premises or other conditions about entering or remaining at premises; and

(b) have effect for a period stated in the order that is shorter than the length of the order.

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(3) For this section, a person has a ***genuine reason*** for entering or remaining at prohibited premises if—

(a) the premises are owned, leased or occupied by a relative of the person and the relative consents to the person entering or remaining at the premises; or

(b) the person is required to enter or remain at the premises in the course of the person's lawful employment or a lawful business carried on by the person; or

(c) the person has another reason that the court considers to be a genuine reason; or

(d) the person has another reason prescribed by regulation.

Division 12A.4 Effect of firearm prohibition orders

183Q Offence—acquire, possess or use of firearm or firearm-related item

(1) A person commits an offence if the person—

(a) is subject to a firearm prohibition order; and

(b) acquires, possesses or uses a firearm or firearm-related item.

Maximum penalty: imprisonment for 10 years.

(2) Strict liability applies to subsection (1) (a).

183R Offence—fail to surrender licence or permit

(1) A person commits an offence if the person—

(a) is subject to a firearm prohibition order; and

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(b) recklessly or negligently fails to surrender each licence or permit held by the person—

(i) if a police officer has personally served the order on the person and the person has access to the licence or permit when the order is served—to the officer when the order is served; or

(ii) if a police officer has personally served the order on the person and the person does not have access to the licence or permit when the order is served—to a police officer in the way directed by the police officer who serves the order, and within 24 hours after the order is served; or

(iii) if the order is subject to a condition imposed under section 183O (2) that the person surrender the licence or permit within a stated time—to a police officer within the stated time.

Maximum penalty: imprisonment for 5 years.

(2) Strict liability applies to subsection (1) (a).

(3) Subsection (1) does not apply if the defendant has a reasonable excuse.

Note The defendant has an evidential burden in relation to the matters mentioned in s (3) (see Criminal Code, s 58).

(4) Subsection (1) (b) (iii) applies in relation to a person whether or not—

(a) the person was present when the firearm prohibition order was made; or

(b) a police officer personally served the order on the person.

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183S Offence—fail to surrender firearm or firearm-related item

(1) A person commits an offence if the person—

(a) is subject to a firearm prohibition order; and

(b) recklessly or negligently fails to surrender each firearm or firearm-related item in the person's possession—

(i) if a police officer has personally served the order on the person and the person has access to the firearm or firearm-related item when the order is served—to the officer when the order is served; or

(ii) if a police officer has personally served the order on the person and the person does not have access to the firearm or firearm-related item when the order is served—to a police officer in the way directed by the police officer who serves the order, and within 24 hours after the order is served; or

(iii) if the order is subject to a condition imposed under section 183O (3) that the person surrender the firearm or firearm-related item within a stated time—to a police officer within the stated time.

Maximum penalty: imprisonment for 5 years.

(2) Strict liability applies to subsection (1) (a).

(3) Subsection (1) does not apply if the defendant has a reasonable excuse.

Note The defendant has an evidential burden in relation to the matters mentioned in s (3) (see Criminal Code, s 58).

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(4) Subsection (1) (b) (iii) applies in relation to a person whether or not—

(a) the person was present when the firearm prohibition order was made; or

(b) a police officer personally served the order on the person.

183T Offence—enter or remain at prohibited premises

(1) A person commits an offence if the person—

(a) is subject to a firearm prohibition order; and

(b) enters or remains at prohibited premises.

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

(2) Strict liability applies to subsection (1) (a).

(3) Subsection (1) does not apply—

(a) if the defendant enters or remains at premises—

(i) in accordance with a condition of the firearm prohibition order imposed under section 183P (1); or

(ii) to comply with a court order; or

(iii) while in lawful custody; or

(b) if the defendant enters or remains at premises in accordance with a condition of the firearm prohibition order imposed under section 183O (1); or

(c) if the defendant has a reasonable excuse.

Note The defendant has an evidential burden in relation to the matters mentioned in s (3) (see Criminal Code, s 58).

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183U Offences—dispose of firearm or firearm-related item to person subject to firearm prohibition order

(1) A person commits an offence if the person—

(a) either—

(i) disposes of a firearm to another person; or

(ii) takes part in the disposal of a firearm to another person; and

(b) knows that the other person is subject to a firearm prohibition order.

Maximum penalty: imprisonment for 7 years.

(2) A person commits an offence if the person—

(a) either—

(i) disposes of a firearm-related item to another person; or

(ii) takes part in the disposal of a firearm-related item to another person; and

(b) knows that the other person is subject to a firearm prohibition order.

Maximum penalty: imprisonment for 3 years.

(3) For this section, a person ***takes part*** in the disposal of a firearm or firearm-related item if the person—

(a) takes, or takes part in, a step in the process of the disposal, or causes a step to be taken; or

(b) provides or arranges finance for a step in the process of disposal; or

(c) provides access to the premises where a step in the process is taken, or allows a step in the process to be taken at premises that the person owns, leases or occupies.

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183V Offence—fail to notify change of residence or other premises

(1) A person subject to a firearm prohibition order must notify the chief police officer of a change in a particular that relates to either of the following within 7 days after the day the change occurs:

(a) the person's residence;

(b) any other premises owned, leased or occupied by the person.

(2) A person commits an offence if the person—

(a) is subject to a firearm prohibition order; and

(b) fails to notify the chief police officer of a change in a particular that relates to either of the following within 7 days after the day the change occurs:

(i) the person's residence;

(ii) any other premises owned, leased or occupied by the person.

Maximum penalty: imprisonment for 5 years.

(3) Strict liability applies to subsection (2) (a).

(4) Subsection (2) does not apply if the defendant has a reasonable excuse.

Note The defendant has an evidential burden in relation to the matters mentioned in s (4) (see Criminal Code, s 58).

(5) On being notified of a change under subsection (1), the chief police officer must apply to amend the firearm prohibition order under section 183X.

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Division 12A.5 Amendment of firearm prohibition orders

183W Meaning of *amend*—pt 12A

In this part:

amend, a firearm prohibition order, means—

(a) impose, amend or remove a condition on the order to enter or remain at prohibited premises; or

(b) amend information in the order in relation to a change in a particular that relates to—

(i) the residence of the person subject to the order; or

(ii) any other premises owned, leased or occupied by the person.

183X Application for amendment of firearm prohibition order

(1) The Magistrates Court may amend a firearm prohibition order (the ***original order***) on application by—

(a) the chief police officer; or

(b) the person subject to the order.

Note If a form is approved under the *Court Procedures Act 2004*, s 8 for an application, the form must be used.

(2) An application for an amendment of an original order by the chief police officer may be made on the following grounds only:

(a) a change in a particular that relates to the residence of the person subject to the order;

(b) a change in a particular that relates to any other premises owned, leased or occupied by the person.

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(3) An application for an amendment by the person subject to an original order may only be made to impose or change a condition to enter or remain at prohibited premises.

183Y Amendment of firearm prohibition order

(1) If the Magistrates Court receives an application under section 183X, the registrar of the court must do the following:

(a) set a return date for a hearing of the application, which is to be as soon as practicable after the day the application is filed;

(b) as soon as practicable, give the applicant a timing notice for the hearing;

(c) if the respondent is the chief police officer—personally serve on the respondent—

(i) a copy of the application; and

(ii) a copy of the timing notice.

(2) However, if the application is made by the chief police officer because section 183V (5) applies and the person subject to the order agrees, the court may amend the order on the basis of documents, without the chief police officer or the person subject to the firearm prohibition order appearing at a hearing.

(3) If the applicant is the chief police officer, the chief police officer must, as soon as practicable after receiving the timing notice, ensure the following are personally served on the respondent:

(a) a copy of the application;

(b) a copy of the timing notice.

(4) The court may amend a firearm prohibition order only if satisfied the order as amended could be made on application for a firearm prohibition order.

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(5) The chief police officer must ensure that a copy of the amended order is personally served on the respondent if the respondent is the person subject to the order and was not present when the court amended the order.

Division 12A.6 Review of firearm prohibition orders

183Z Application for review

(1) The following people may apply to the Magistrates Court for review of a firearm prohibition order:

(a) the chief police officer;

(b) the person subject to the order, but only with the court's leave;

(c) any other person affected by the order, but only with the court's leave.

Note If a form is approved under the *Court Procedures Act 2004*, s 8 for an application, the form must be used.

(2) On receiving an application to review a firearm prohibition order, the registrar of the court must do the following:

(a) set a return date for a hearing of the application, which is to be as soon as practicable after the day the application is filed;

(b) as soon as practicable, give the applicant a timing notice for the hearing;

(c) if the respondent is the chief police officer—personally serve on the respondent—

(i) a copy of the application; and

(ii) a copy of the timing notice.

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(3) If the applicant is the chief police officer, the chief police officer must, as soon as practicable after receiving the timing notice, ensure the following are personally served on the respondent:

(a) a copy of the application;

(b) a copy of the timing notice.

(4) If the court must give the applicant leave before hearing an application to review a firearm prohibition order, the registrar of the court must do the following:

(a) set a return date for a hearing of the application for leave;

(b) give the applicant a timing notice for the hearing.

183ZA Application for leave to review

(1) The Magistrates Court may give leave to a person subject to a firearm prohibition order to apply to the court for review of the order only in relation to any of the following:

(a) an administrative defect or error in the order;

(b) a change in the circumstances of the person;

Example

a change in the person's housing, employment, health or cultural and social needs

(c) the effect of the order, including any conditions of the order or the exercise of powers under division 12A.10 (Enforcement), which limits the human rights of the person in a way that is not reasonable or justifiable.

(2) The court may give leave to a person affected by the order to apply to the court for review of the order only in relation to the ground mentioned in subsection (1) (c).

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(3) The court may give leave under subsection (1) or (2) only if satisfied it is in the interests of justice to do so.

(4) The court may hear the application to review the firearm prohibition order immediately following the giving of leave under this section.

183ZB Determination of review of firearm prohibition order

(1) On hearing an application under section 183Z to review a firearm prohibition order (the ***original order***), the Magistrates Court must—

(a) dismiss the application; or

(b) make an order to:

(i) confirm the original order; or

(ii) revoke the original order; or

(iii) vary the original order.

(2) Before making an order confirming or revoking the original order, the court must consider the matters mentioned in section 183B.

(3) The court may consider anything else it considers relevant on hearing the application.

(4) The court may make an order confirming the original order only if satisfied—

(a) it continues to be in the public interest for the original order to be in force; and

(b) it is reasonable and justifiable in the circumstances for the original order to be in force.

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(5) The court may make an order revoking the original order only if no longer satisfied—

(a) it continues to be in the public interest for the original order to be in force; and

(b) it is reasonable and justifiable in the circumstances for the original order to be in force.

(6) The court may make an order varying the original order only if satisfied the order as varied could be made on application for a firearm prohibition order.

(7) The chief police officer must ensure that a copy of an order made under subsection (1) (b) is personally served on the person subject to the order if the person was not present when the court made the order.

Division 12A.7 Revocation of firearm prohibition orders

183ZC Application for revocation

(1) The chief police officer must apply to the Magistrates Court for the revocation of a firearm prohibition order in relation to a person if the chief police officer no longer believes it is necessary for the person to be subject to the order.

Note If a form is approved under the *Court Procedures Act 2004*, s 8 for an application, the form must be used.

(2) An application for revocation must be accompanied by a supporting affidavit.

(3) On receiving an application from the chief police officer to revoke a firearm prohibition order, the registrar of the court must do the following:

(a) set a return date for a hearing of the application, which is to be as soon as practicable after the day the application is filed;

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(b) as soon as practicable, give the applicant a timing notice for the hearing.

(4) The chief police officer must, as soon as practicable after receiving the timing notice, ensure the following are personally served on the person subject to the firearm prohibition order:

(a) a copy of the application;

(b) a copy of the timing notice.

183ZD Determination of application for revocation

(1) On hearing an application under section 183ZC to revoke a firearm prohibition order (the ***original order***), the Magistrates Court must—

(a) dismiss the application; or

(b) make an order to:

(i) confirm the original order; or

(ii) revoke the original order.

(2) Before making an order confirming or revoking the original order, the court must consider the matters mentioned in section 183B.

(3) The court may consider anything else it considers relevant on hearing the application.

(4) The court may make an order confirming the original order only if satisfied—

(a) it continues to be in the public interest for the original order to be in force; and

(b) it is reasonable and justifiable in the circumstances for the original order to be in force.

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(5) The court may make an order revoking the original order only if no longer satisfied—

(a) it continues to be in the public interest for the original order to be in force; and

(b) it is reasonable and justifiable in the circumstances for the original order to be in force.

(6) The chief police officer must ensure that a copy of an order made under subsection (1) (b) is personally served on the person subject to the order if the person was not present when the court made the order.

183ZE Revocation by consent

On application under section 183ZC, the Magistrates Court may revoke a firearm prohibition order with the consent of the parties to the proceeding—

(a) whether or not the parties have attended, or any party has attended, before the court in relation to the application; and

(b) whether or not any ground for making the order under section 183ZD has been made out; and

(c) whether or not the court has considered the matters mentioned in section 183B.

Division 12A.8 Procedural matters

Subdivision 12A.8.1 Hearings

183ZF Hearings usually in public

The hearing of an application for an order or decision under this part must be in public unless—

(a) section 183ZG applies; or

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(b) the court makes an order under section 183ZH; or

(c) section 183ZZO applies.

183ZG Closed court for interim order hearings

The hearing of an application for an interim order must take place in private and in the absence of—

(a) the person in relation to whom the order is sought; and

(b) the person's representative; and

(c) any other interested party.

183ZH Closed court in special circumstances

(1) This section applies if a court is hearing an application for an order or decision under this part, other than an application for an interim order.

(2) If satisfied it is in the public interest or the interests of justice, the court may make an order—

(a) permitting—

(i) the hearing, or part of the hearing, to take place in private; and

(ii) only stated people to be present at the hearing; or

(b) prohibiting or restricting the publication of—

(i) evidence given at, or received for, the hearing, whether in public or private; or

(ii) a matter mentioned in a document filed in the court for the proceeding; or

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(c) prohibiting or restricting the disclosure to some or all of the parties to the proceeding of—

(i) evidence given, or received, at the hearing, whether in public or private; or

(ii) a matter mentioned in a document filed in the court for the proceeding.

(3) A person commits an offence if the person fails to comply with an order under this section.

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

(4) Subsection (3) does not apply if the defendant has a reasonable excuse.

Note The defendant has an evidential burden in relation to the matters mentioned in s (4) (see Criminal Code, s 58).

Subdivision 12A.8.2 Service of documents

183ZI Firearm prohibition order to be given to registrar

If the Magistrates Court makes a firearm prohibition order, the chief police officer must give a copy of the order to the registrar.

183ZJ Alternative service

(1) This section applies if a document must be personally served on a person under this part.

(2) If personal service is not reasonably practicable, the Magistrates Court may order that the document be served in a way, stated in the order, that the court considers is likely to bring the document to the attention of the person.

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(3) If the court makes an order under subsection (2), the court may, in the order, provide that the document is taken to have been served—

(a) on the happening of a stated event; or

(b) at a stated time; or

(c) at the end of a stated period.

183ZK Dismissal of application for non-service

The Magistrates Court may dismiss an application for a final order if satisfied—

(a) the copies of the application, supporting affidavit, timing notice and, if relevant, interim order, cannot be served on the respondent in accordance with section 183D (2) or section 183E (3); and

(b) no alternative way of service would be effective to serve the application on the respondent; and

(c) the respondent has not intentionally avoided service.

183ZL Affidavit of service of documents by police

If a police officer serves a document on a person under this part, an affidavit of service by the officer may be sworn or affirmed before another police officer of, or above, the rank of sergeant.

Note An affidavit may also be sworn or affirmed before a person mentioned in the *Oaths and Affirmations Act 1984*, s 11.

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Subdivision 12A.8.3 Non-attendance by party at proceeding

183ZM Meaning of *order*—sdiv 12A.8.3

In this subdivision:

order means—

(a) a final order; or

(b) an order amending a firearm prohibition order; or

(c) an order varying a firearm prohibition order; or

(d) an order revoking a firearm prohibition order; or

(e) any other order arising from the review of a firearm prohibition order; or

(f) a decision in relation to the giving of leave to a person to apply for the review of a firearm prohibition order.

183ZN Applicant not present at return of application

If the applicant is not present at the return of an application for an order before the Magistrates Court, the court must—

(a) dismiss the application; or

(b) adjourn the proceeding for the application.

183ZO Respondent not present at return of application

(1) This section applies to the return of an application for an order before the Magistrates Court if the respondent—

(a) has been served with copies of the application, supporting affidavit (if relevant) and timing notice; and

(b) is not present at the return.

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(2) The court must—

(a) decide the application in the respondent's absence; or

(b) adjourn the hearing.

(3) If the court adjourns the hearing, the court must—

(a) give a direction that the respondent appear before the court on the day the hearing is adjourned to; or

(b) issue a summons requiring the respondent to appear before the court on the day the hearing is adjourned to.

(4) This section does not prevent the court from making an order in the proceeding.

183ZP Neither party present at return of application

If neither party to an application for an order is present at the return of the application before the Magistrates Court, the court may order the proceeding be dismissed.

Division 12A.9 Appeals

183ZQ Appealable decisions and orders

The following decisions or orders by the Magistrates Court under this part are appealable:

(a) the making, amending, confirming, varying or revoking of a firearm prohibition order;

(b) a refusal to make, amend, confirm, vary or revoke a firearm prohibition order;

(c) a refusal to give leave to a person to apply for the review of a firearm prohibition order;

(d) a decision about whether information is security sensitive information.

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183ZR Appeals to Supreme Court

(1) A person may appeal to the Supreme Court against a decision or order mentioned in section 183ZQ if the person was a party to the proceeding in which the decision was made.

(2) The person must file a notice of appeal with the court not later than 28 days after—

(a) if the original decision or order was the making, amending or varying of a final order and the person the subject of the order was not present when the final order was made, amended or varied—the day the final order, amendment or variation is served on the person; or

(b) in any other case—the date of the original decision or order.

(3) However, the court may allow a person to file a notice of appeal after the period mentioned in subsection (2) if satisfied it is appropriate.

183ZS Evidence on appeal

In an appeal, the Supreme Court must consider the evidence given in the proceeding from which the appeal arose, and has power to draw inferences of fact and, in its discretion, to receive further evidence.

183ZT Powers of Supreme Court on appeal

On an appeal, the Supreme Court may—

(a) confirm, reverse or vary the original decision or order; or

(b) make the decision or order that, in the circumstances, it considers appropriate, or refuse to make an order; or

(c) set aside the original decision or order, completely or partly, and remit the proceedings to the Magistrates Court for further hearing, subject to the directions the Supreme Court considers appropriate.

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183ZU Effect of filing appeal

The filing of an appeal against the following does not affect the operation of the original decision or order to which the appeal relates:

(a) the making, amending or varying of a firearm prohibition order;

(b) a decision about whether information is security sensitive information.

Division 12A.10 Enforcement

Subdivision 12A.10.1 General

183ZV Disapplication of pt 14

Part 14 (Enforcement) does not apply to this division, unless otherwise stated.

Subdivision 12A.10.2 Powers of police officers

183ZW Requirements before certain powers can be exercised

(1) This section applies to the exercise of any of the following powers by a police officer in relation to a person subject to a firearm prohibition order:

(a) searching the person under section 183ZX;

(b) entering premises without a warrant under section 183ZY;

(c) entering premises without a warrant under section 183ZZ.

(2) The police officer must not exercise the power unless satisfied exercising the power is reasonably required to determine that the person has acquired, possesses or is using a firearm or firearm-related item in contravention of the firearm prohibition order.

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(3) For subsection (2), the police officer must take the following into account:

(a) whether the officer has credible information that suggests the person has acquired, possesses or is using a firearm or firearm-related item;

(b) if exercising a power of entry between 9 pm and 6 am into premises that are the residence of the person—whether—

(i) it is necessary to enter the premises at that time; and

(ii) it is impractical to enter the premises at another time; and

(iii) another person, including a child, is likely to be present at the premises at that time;

(c) the effect on another person likely to be present during the exercise of the power;

(d) the importance of the person's privacy and the privacy of any other person who may be affected by the exercise of the power;

(e) the person's circumstances, to the extent they are known to the officer;

Example

the person's housing, employment, health, cultural and social needs

(f) how often and recently a power mentioned in subsection (1) has been used in relation to the person.

(4) For subsection (2), the police officer may take any other matter into account, including the following:

(a) the person's criminal history;

(b) the person's behaviour;

(c) the other people with whom the person associates.

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(5) The police officer is not required to consider the matter mentioned in subsection (3) (f) if—

(a) the power is intended to be exercised because of unplanned and urgent circumstances; and

(b) it is unreasonable for the officer to obtain the information required to take the matter into account.

183ZX Power to search person and seize things

(1) A police officer may conduct a frisk search or an ordinary search of a person subject to a firearm prohibition order.

(2) The police officer who conducts the search may stop and detain the person being searched for as long as is reasonably necessary to conduct the search.

(3) If practicable, a search must be carried out by a police officer of the same sex as the person being searched.

(4) The police officer who conducts the search must tell the person about the search and the reasons for the search.

(5) The police officer who conducts the search may seize any firearm or firearm-related item—

(a) found on the person or in any thing in the person's possession; or

(b) that the person has acquired, possesses or is using.

(6) The police officer may also seize any other thing found on the person or in any thing in the person's possession if satisfied on reasonable grounds—

(a) the thing is connected with an offence against this Act or a serious offence; and

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(b) the seizure is necessary to prevent the thing from being—

(i) concealed, lost or destroyed; or

(ii) used to commit, continue or repeat the offence.

(7) In this section:

frisk search means—

(a) a search of a person conducted by quickly running the hands over the person's outer garments; and

(b) an examination of anything worn or carried by the person that is conveniently and voluntarily removed by the person.

ordinary search means a search of a person or of the person's personal property that may include—

(a) requiring the person to remove their overcoat, coat or jacket and any gloves, shoes, socks or hat; and

(b) an examination of those items or personal property.

personal property, of a person, means things carried by the person or things apparently in the immediate control of the person, but does not include clothing being worn by the person.

183ZY Power to enter and search certain premises and seize things without warrant

(1) This section applies in relation to a person subject to a firearm prohibition order.

(2) A police officer may, at any time, enter the following premises:

(a) any residence, of the person, mentioned in the order;

(b) if the person is subject to a final order—any other premises owned, leased or occupied, by the person, mentioned in the order;

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(c) a vehicle, vessel or aircraft of which the person is in charge or is a passenger, wherever the vehicle, vessel or aircraft is located.

(3) On entering the premises, the police officer may:

(a) search the premises; and

(b) seize any firearm or firearm-related item found at the premises; and

(c) for premises mentioned in subsection (2) (c)—stop and detain the vehicle, vessel or aircraft for as long as is reasonably necessary to conduct the search and any seizure.

(4) The police officer may also seize any other thing at the premises if satisfied on reasonable grounds—

(a) the thing is connected with an offence against this Act; and

(b) the seizure is necessary to prevent the thing from being—

(i) concealed, lost or destroyed; or

(ii) used to commit, continue or repeat the offence.

(5) The police officer may use the force that is reasonably necessary to exercise the powers under this section.

183ZZ Power to enter and search other premises and seize things without warrant

(1) This section applies in relation to a person subject to a firearm prohibition order.

(2) A police officer may, at any time, enter premises not mentioned in section 183ZY (2) if the officer believes on reasonable grounds the exercise of the power is necessary to prevent the person—

(a) concealing, losing or destroying a thing connected with an offence against this Act; or

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(b) committing, continuing or repeating the commission of an offence against this Act.

Note The police officer must also consider that the exercise of power is reasonably required to determine that the person has acquired, possesses or is using a firearm or firearm-related item in contravention of a firearm prohibition order to which the person is subject (see s 183ZW).

(3) The police officer who enters premises under subsection (2) may search the premises and seize any firearm or firearm-related item found at the premises.

(4) The police officer may also seize any other thing found at the premises if satisfied on reasonable grounds—

(a) the thing is connected with an offence against this Act; and

(b) the seizure is necessary to prevent the thing from being—

(i) concealed, lost or destroyed; or

(ii) used to commit, continue or repeat the offence.

(5) The police officer may use the force that is reasonably necessary to exercise the powers under this section.

183ZZA Notification of intended exercise of power for certain powers

(1) This section applies if a police officer intends to exercise a power under section 183ZY or section 183ZZ.

(2) Before entering premises, or as soon as possible after entering premises, a police officer must tell the person subject to the firearm prohibition order and any other person present at the premises—

(a) that the officer intends to carry out a search of the premises; and

(b) how long the search is intended to take; and

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(c) the reason for exercising the power; and

(d) the provisions of this Act under which the officer is exercising the power.

(3) The police officer must ensure the matters mentioned in subsection (2) are communicated in a way that the officer believes the person and any other person present is likely to understand.

(4) If the person is not present at the premises at the time the police officer intends to enter the premises, the officer must take reasonable steps to tell the person of the entry and search and the matters mentioned in subsection (2) as soon as possible after exercising the power.

Subdivision 12A.10.3 Warrants

183ZZB Warrant required for entry to other premises

(1) A police officer may apply to a magistrate for a warrant to enter premises not mentioned in section 183ZY (2).

(2) The application must be sworn and state the grounds on which the warrant is sought.

(3) The magistrate may refuse to consider the application until the police officer gives the magistrate all the information the magistrate requires about the application in the way the magistrate requires.

(4) The magistrate may issue a warrant only if satisfied it is reasonably required to determine if a person subject to a firearm prohibition order has acquired, possesses or is using a firearm or firearm-related item in contravention of the order.

(5) The magistrate must take the following into account in considering whether the issue of the warrant is reasonably required:

(a) there is credible information that suggests the person has acquired, possesses or is using a firearm or firearm-related item;

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(b) if the police officer is applying for a warrant to enter premises that are the residence of another person between 9 pm and 6 am—whether—

(i) it is necessary to execute the warrant at that time; and

(ii) it is impractical to execute the warrant at another time; and

(iii) someone else, including a child, is likely to be present at the premises at that time;

(c) the effect on another person likely to be present during the execution of the warrant;

(d) the importance of the person's privacy and the privacy of any other person who may be affected by the execution of the warrant;

(e) the person's circumstances, to the extent they are known to the magistrate;

Example

the person's housing, employment, health, cultural and social needs

(f) how often and recently a power mentioned in this division has been used in relation to the person.

(6) The magistrate may take any other matter into account when considering whether the issue of the warrant is reasonably required, including the following:

(a) the person's criminal history;

(b) the person's behaviour;

(c) the other people with whom the person associates.

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(7) The warrant must state—

(a) that a police officer may, with any necessary assistance and force, enter stated premises and exercise the officer's powers under this division; and

(b) the reason for which the warrant is issued; and

(c) the things that may be seized under the warrant; and

(d) the hours when the premises may be entered; and

(e) the date, within 7 days after the day of the warrant's issue, the warrant ends.

183ZZC Application for warrant in urgent or special circumstances

(1) A police officer may apply to a magistrate for a warrant to enter premises not mentioned in section 183ZY (2) by telephone, fax or other electronic means if the officer considers it necessary because of—

(a) urgent circumstances; or

(b) other special circumstances.

(2) The application must state the grounds on which the warrant is sought.

(3) The police officer may apply for the warrant before the application is sworn.

(4) If the magistrate issues the warrant, the magistrate must, if practicable, immediately provide a written copy to the police officer.

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(5) If it is not practicable to provide a written copy of the warrant to the police officer—

(a) the magistrate must tell the officer—

(i) the date and time the warrant was issued; and

(ii) the warrant's terms; and

(b) the officer must complete a form of warrant (the ***warrant form***) and write on it—

(i) the magistrate's name; and

(ii) the date and time the magistrate issued the warrant; and

(iii) the warrant's terms.

(6) The written copy of the warrant, or the warrant form properly completed by the police officer, authorises the entry and exercise of the officer's powers under the warrant.

(7) The police officer must, at the first reasonable opportunity, send to the magistrate—

(a) the sworn application; and

(b) if the officer completed a warrant form—the completed warrant form.

(8) On receiving the documents, the magistrate must attach them to the warrant.

(9) A court must find that a power exercised by a police officer was not authorised by a warrant under this section if—

(a) the question arises in a proceeding in the court whether the exercise of power was authorised by a warrant; and

(b) the warrant is not produced in evidence; and

(c) it is not proved that the exercise of power was authorised by a warrant under this section.

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183ZZD Requirements in executing warrant

Division 14.3, other than section 211 and section 212, applies in relation to the execution of a warrant issued under section 183ZZB or section 183ZZC as if the warrant were issued under section 211 or section 212.

183ZZE Execution of warrant at premises

(1) A police officer who enters premises in accordance with a warrant issued under section 183ZZB or section 183ZZC may search the premises and seize any firearm or firearm-related item found at the premises.

(2) The police officer may also seize any other thing found at the premises if satisfied on reasonable grounds—

(a) the thing is connected with an offence against this Act; and

(b) the seizure is necessary to prevent the thing from being—

(i) concealed, lost or destroyed; or

(ii) used to commit, continue or repeat the offence.

Subdivision 12A.10.4 Seizure of things

183ZZF Seizure of things

(1) A police officer who seizes a thing under this division may—

(a) remove the thing from the premises where it was seized (the ***place of seizure***) to another place; or

(b) leave the thing at the place of seizure but restrict access to it.

(2) A person commits an offence if—

(a) the person interferes with a seized thing, or anything containing a seized thing, to which access has been restricted under subsection (1); and

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(b) the person knows access to the seized thing has been restricted; and

(c) the person does not have a police officer's approval to interfere with the thing.

Maximum penalty: 50 penalty units.

(3) Strict liability applies to subsection (2) (a).

183ZZG Receipt for things seized

(1) As soon as practicable after a police officer seizes a thing under this division, the officer must give a receipt for it to the person from whom it was seized.

(2) If, for any reason, it is not practicable to comply with subsection (1), the police officer must leave the receipt, secured conspicuously, at the premises where it was seized (the ***place of seizure***).

(3) The receipt must include the following:

(a) a description of the thing seized;

(b) an explanation of why the thing was seized;

(c) the police officer's name and information about how to contact the officer;

(d) if the thing is removed from the place of seizure—the address of the place to which the thing is removed;

(e) if a police officer has restricted access to the thing under section 183ZZF (1) (b)—that it is an offence under section 183ZZF (2) to interfere with the thing without a police officer's approval.

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183ZZH Access to things seized

A person who would, apart from the seizure, be entitled to inspect a thing seized under this division may—

(a) inspect it; and

(b) if it is a document—take extracts from it or make copies of it.

183ZZI Securing things

(1) A police officer may, in exercising a power under this division, secure any thing if satisfied on reasonable grounds—

(a) the thing is connected with a serious offence; and

(b) securing the thing is necessary to prevent the thing from being—

(i) concealed, lost or destroyed; or

(ii) used to commit, continue or repeat the offence.

(2) The police officer may apply to a magistrate for an order to seize the secured thing.

(3) The magistrate may make the order only if satisfied on reasonable grounds the thing is evidence connected with the commission of a serious offence.

(4) A secured thing that is seized under an order mentioned in subsection (3) is only admissible as evidence in a proceeding for an offence with leave of the court.

(5) In deciding whether to give leave, the court must consider whether the exercise of the power was lawful.

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183ZZJ Return or forfeiture of things seized

(1) A thing seized under this division must be returned to its owner, or reasonable compensation must be paid by the Territory to the owner for the loss of the thing, if a prosecution for an offence relating to the thing is not started within 1 year after the day the thing is seized.

(2) If a prosecution for an offence relating to a thing seized under this division is started within 1 year after the day the thing is seized, and the prosecution is not successful, the thing must be returned to its owner.

(3) A thing seized under this division is forfeited to the Territory if there is no requirement under this section—

(a) to return the thing to the person from whom it was seized; or

(b) to pay compensation for the thing.

(4) A thing forfeited to the Territory may be destroyed or otherwise disposed of as the registrar directs.

(5) This section does not apply if the thing seized under this division is a firearm or firearm-related item and the owner of the firearm or firearm-related item is subject to a firearm prohibition order.

Subdivision 12A.10.5 Miscellaneous

183ZZK Written reasons required after exercising certain powers

(1) This section applies if a police officer exercises any of the following powers:

(a) searching a person under section 183ZX;

(b) entering premises without a warrant under section 183ZY;

(c) entering premises without a warrant under section 183ZZ.

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(2) As soon as practicable after exercising the power, the police officer must record, in writing—

(a) their reasons for deciding the exercise of the power was reasonably required to determine that the person has acquired, possesses or is using a firearm or firearm-related item; and

(b) the particular matters stated in section 183ZW (3) or (4) that the officer took into account when making their decision; and

(c) for the power mentioned in subsection (1) (c)—the particular grounds stated in section 183ZZ (2).

Division 12A.11 Destruction or disposal of surrendered or seized firearms or firearm-related items

183ZZL Destruction or disposal of surrendered or seized firearms or firearm-related items

(1) This section applies in relation to a firearm or firearm-related item surrendered or seized by a police officer under this part.

(2) A police officer or the owner of the firearm or firearm-related item may apply to a court for an order that the firearm or firearm-related item is—

(a) forfeited to the Territory; or

(b) returned to the owner; or

(c) destroyed; or

(d) otherwise disposed of.

(3) The court may make the order it considers appropriate.

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(4) However, the owner of the firearm or firearm-related item may not bring an application under subsection (2) if the firearm or firearm-related item was not possessed lawfully by the owner prior to the surrender or seizure.

(5) This section is subject to section 183ZZJ (Return or forfeiture of things seized).

Division 12A.12 Reporting to Minister and ombudsman

183ZZM Report to Minister

(1) The chief police officer must, as soon as practicable after the end of each calendar year, give a written report to the Minister setting out the following in relation to the year:

(a) the number of applications made for a firearm prohibition order;

(b) the number of firearm prohibition orders made;

(c) demographic information in relation to each person subject to a firearm prohibition order, but only if the information is not information that identifies a person subject to a firearm prohibition order;

(d) the number of times a power under division 12A.10 (Enforcement) was exercised and the number of times each power was exercised;

(e) the number of firearms and firearm-related items seized during the exercise of a power under division 12A.10;

(f) the number of charges laid for offences against this Act connected with searches conducted under division 12A.10;

(g) the number of charges laid for any other offences connected with searches conducted under division 12A.10;

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(h) the number of times a person was found guilty of an offence against this part.

(2) The Minister must present the report to the Legislative Assembly as soon as practicable after the report is given to the Minister.

183ZZN Report to ombudsman

(1) The chief police officer must, within 28 days after the end of a reporting period, give a written report to the ombudsman setting out the following in relation to the reporting period:

(a) the number of firearm prohibition orders made;

(b) the number of firearm prohibition orders amended;

(c) the number of firearm prohibition orders varied;

(d) the number of firearm prohibition orders revoked;

(e) the number of times a power under division 12A.10 (Enforcement) was exercised and the number of times each power was exercised;

(f) the number of things seized during the exercise of a power under division 12A.10;

(g) the number of firearms and firearm-related items seized during the exercise of a power under division 12A.10;

(h) the number of charges laid for offences against this Act connected with searches conducted under division 12A.10;

(i) the number of charges laid for any other offences connected with searches conducted under division 12A.10.

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(2) For subsection (1)—

(a) the first reporting period is the period beginning on the day this section commences and ending on the earliest of the following days to occur after that day:

(i) 31 March;

(ii) 30 June;

(iii) 30 September;

(iv) 31 December; and

(b) otherwise—the definition in subsection (4) applies.

(3) Subsection (2) and this subsection expire 1 year after the day they commence.

(4) In this section:

reporting period means a period of 3 months beginning on 1 January, 1 April, 1 July or 1 October in any year.

Division 12A.13 Miscellaneous

183ZZO Court must decide whether information is security sensitive information

(1) The chief police officer must apply to the Magistrates Court for a decision about whether information is security sensitive information if the chief police officer—

(a) intends to use the information in a proceeding under this part (a ***proposed proceeding***); and

(b) believes on reasonable grounds the information is security sensitive information.

Note If a form is approved under the *Court Procedures Act 2004*, s 8 for an application, the form must be used.

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(2) An application need not be served on anyone (including the person to whom the proposed proceeding relates) unless the court otherwise orders.

(3) On application, the court must decide whether the information is security sensitive information.

(4) Unless the chief police officer otherwise agrees, an application must be heard in closed court and in the absence of—

(a) the person to whom the proposed proceeding relates; or

(b) the person's representative; or

(c) any other interested party.

(5) If the court decides that all or part of the information is security sensitive information, the court must ensure the security sensitive information is not disclosed in any reasons for the decision.

(6) If security sensitive information is to be used in the proposed proceeding, the court must decide—

(a) whether the information is to be disclosed to—

(i) the person to whom the proposed proceeding relates or their representative; or

(ii) any other interested party; and

(b) if the information is to be disclosed—whether the information is disclosed as a summary of the information.

183ZZP Delegation by chief police officer

The chief police officer may delegate a function under this part to a deputy chief police officer.

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183ZZQ Review of pt 12A

(1) The Minister must, as soon as practicable after the end of this part's 3rd year of operation, review the following:

(a) the operation of this part;

(b) whether or not this part is operating in a way that is consistent with human rights.

(2) In undertaking the review, the Minister must consult with the ombudsman in relation to the operation of section 183ZZN (Report to ombudsman).

(3) The Minister must present a report of the review to the Legislative Assembly within 12 months after the day the review is started.

(4) This section expires 5 years after the day it commences.

15 Destruction or disposal of seized or surrendered firearms New section 262 (6A)

insert

(6A) This section does not apply in relation to part 12A (Firearm prohibition orders).

16 Dictionary, definition of *acquire*, paragraph (a)

substitute

(a) a firearm or ammunition, for this Act (other than part 12A (Firearm prohibition orders))—see section 8; and

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17 Dictionary, new definitions

insert

amend, a firearm prohibition order, for part 12A (Firearm prohibition orders)—see section 183W.

final order, for part 12A (Firearm prohibition orders)—see section 183A.

firearm prohibition order, for part 12A (Firearm prohibition orders)—see section 183A.

firearm-related item means any of the following:

(a) a firearm part;

(b) ammunition;

(c) a suppressor;

(d) any other item prescribed by regulation.

interim order, for part 12A (Firearm prohibition orders)—see section 183A.

law enforcement agency means each of the following:

(a) the Australian Federal Police;

(b) the police service or force of a State, another Territory or a foreign country;

(c) the Department of Home Affairs (Cwlth);

(d) the Australian Criminal Intelligence Commission;

(e) the New South Wales Independent Commission Against Corruption or a similar entity established under the law of another State;

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(f) the New South Wales Crime Commission or a similar entity established under the law of another State;

(g) an entity prescribed by regulation.

Note ***State*** includes the Northern Territory (see Legislation Act, dict, pt 1).

order, for subdivision 12A.8.3 (Non-attendance by party at proceeding)—see section 183ZM.

present, in relation to a proceeding in the Magistrates Court, means appears in person or is represented by another person in the proceeding.

prohibited premises, for part 12A (Firearm prohibition orders)—see section 183A.

relative, for part 12A (Firearm prohibition orders)—see the *Family Violence Act 2016*, section 11.

residence, of a person, for part 12A (Firearm prohibition orders)—see section 183A.

return date, for an application, for part 12A (Firearm prohibition orders)—see section 183A.

security sensitive information means information held by a law enforcement agency that relates to actual or suspected criminal activity (whether in the ACT or elsewhere), the disclosure of which could reasonably be expected to—

(a) prejudice a criminal investigation; or

(b) enable the discovery of the existence or identity of a confidential source of information relevant to law enforcement; or

(c) endanger a person's life or physical safety.

serious offence, for part 12A (Firearm prohibition orders)—see section 183A.

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timing notice, for a hearing of an application under part 12A (Firearm prohibition orders)—see section 183A.

vary, a firearm prohibition order, for part 12A (Firearm prohibition orders)—see section 183A.

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Schedule 1 Consequential amendments

(see s 3)

Part 1.1 Court Procedures Act 2004

[1.1] New section 41 (2) (da)

insert

(da) the following sections of the *Firearms Act 1996*:

(i) section 183ZG (Closed court for interim order hearings);

(ii) section 183ZH (Closed court in special circumstances);

(iii) section 183ZZO (Court must decide whether information is security sensitive information); and

Part 1.2 Magistrates Court Act 1930

[1.2] New section 256 (aa)

insert

(aa) a proceeding under the *Firearms Act 1996*, part 12A (Firearm prohibition orders); or

Part 1.3 Ombudsman Act 1989

[1.3] New section 4C (g)

insert

(g) to monitor compliance with the *Firearms Act 1996*, division 12A.10 (Enforcement) by the chief police officer and other officers in exercising functions under that division.

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[1.4] New division 2.2AA

before division 2.2A, insert

Division 2.2AA Monitoring police compliance with Firearms Act 1996

17CA Police to give ombudsman reasonable assistance

The chief police officer and other officers exercising functions under the *Firearms Act 1996*, division 12A.10 (Enforcement) must give the ombudsman any assistance that the ombudsman reasonably requires to exercise the ombudsman's functions in relation to that division.

17CB Power to enter police premises

(1) The ombudsman or a police officer may, after notifying the chief police officer of the intended entry, enter, at any time, any premises occupied by the Australian Federal Police where the ombudsman reasonably believes there are documents that are relevant to the ombudsman's functions in relation to the *Firearms Act 1996*, division 12A.10 (Enforcement).

(2) The ombudsman or a police officer may inspect or copy any document found at any premises entered under this section and do anything that is necessary or convenient to do to enable an inspection to be carried out under this section.

[1.5] New section 20B

insert

20B Reports on police compliance with Firearms Act 1996

(1) The ombudsman may, at any time, give the Minister administering the *Firearms Act 1996* a written report on—

(a) the results of any inspections carried out under section 17CB (Power to enter police premises); and

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(b) compliance with the *Firearms Act 1996*, division 12A.10 (Enforcement) in the period to which the report relates by the chief police officer and other officers and people assisting in exercising functions under that division.

(2) If the Minister administering the *Firearms Act 1996* asks the ombudsman for a report under this section, the ombudsman must give the Minister the report as soon as practicable after receiving the request.

(3) The ombudsman must give a copy of a report under this section to the chief police officer.

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Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 24 February 2026.

2 Notification

Notified under the Legislation Act on 9 November 2026.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

I certify that the above is a true copy of the Firearms (Firearm Prohibition Orders) Amendment Bill 2026, which was passed by the Legislative Assembly on 27 October 2026.

Clerk of the Legislative Assembly

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