

Authorised Version

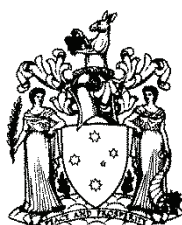
Control of Weapons and Firearms Acts Amendment Act 2012

No. 12 of 2012

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Authorised Version



Victoria

Control of Weapons and Firearms Acts Amendment Act 2012[†]

No. 12 of 2012

[Assented to 20 March 2012]

The Parliament of Victoria enacts:

PART 1—PRELIMINARY

1 Purpose

The purpose of this Act is—

- (a) to amend the **Control of Weapons Act 1990** to—
 - (i) remove the seven-day notice requirement in relation to planned declarations of designated areas; and

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- (ii) create a new indictable offence for prohibited persons to possess, use or carry imitation firearms; and
 - (b) to amend the **Firearms Act 1996** to—
 - (i) to make further provision as to the participation requirements for holders of handgun licences; and
 - (ii) classify certain blank-firing devices as firearms within the meaning of the Act; and
 - (iii) combine two offences relating to prohibited persons possessing, carrying or using registered or unregistered firearms; and
 - (iv) authorise the use of certain devices in back-burning and planned burning operations.

2 Commencement

- (1) Subject to subsection (2), this Act comes into operation on a day to be proclaimed.
 - (2) If this Act does not come into operation before 1 October 2012, it comes into operation on that date.
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**PART 2—AMENDMENTS TO THE CONTROL OF WEAPONS
ACT 1990**

3 Prohibited weapons

- (1) In section 5(1)(d) of the **Control of Weapons Act 1990**, for "sale; or" substitute "sale—".
- (2) Section 5(1)(e) of the **Control of Weapons Act 1990** is repealed.

See:
Act No.
24/1990.
Reprint No. 5
as at
22 August
2010
and
amending
Act Nos
42/2010,
52/2010,
78/2010,
11/2011 and
43/2011.
LawToday:
www.
legislation.
vic.gov.au

4 New sections 5AA and 5AB inserted

After section 5 of the **Control of Weapons Act 1990** insert—

"5AA Offence to possess, use or carry a prohibited weapon

A person must not possess, use or carry a prohibited weapon (other than an imitation firearm) without an exemption under section 8B or an approval under section 8C.

Penalty: 240 penalty units or imprisonment for 2 years.

5AB Offence to possess, use or carry an imitation firearm

- (1) A non-prohibited person must not possess, use or carry an imitation firearm without an exemption under section 8B or an approval under section 8C.

Penalty: 240 penalty units or imprisonment for 2 years.

- (2) A prohibited person must not possess, use or carry an imitation firearm.

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

5 Planned designation of search area

For section 10D(6) of the **Control of Weapons Act 1990** substitute—

- "(6) A declaration under this section has effect, after the date of publication of the notice in the Government Gazette, for the period or periods specified in the notice."

6 Indictable offence

In section 11A of the **Control of Weapons Act 1990**, after "section 5(1A)" insert "or section 5AB(2)".

PART 3—AMENDMENTS TO THE FIREARMS ACT 1996

7 Definitions

- (1) In section 3(1) of the **Firearms Act 1996**, in paragraph (b) of the definition of *approved handgun target shooting match*, after "State or a Territory" **insert** "or a place outside Australia".
- (2) In section 3(1) of the **Firearms Act 1996**, in paragraph (a) of the definition of *firearm*, after "designed or adapted" **insert** ", or is capable of being modified,".

See:
Act No.
66/1996.
Reprint No. 6
as at
1 July 2011
and
amending
Act Nos
53/2010,
11/2011,
29/2011 and
65/2011.
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8 Offence for prohibited person to possess, carry or use a firearm

- (1) In section 5(1) of the **Firearms Act 1996**, omit "registered".
- (2) Section 5(1A) of the **Firearms Act 1996** is **repealed**.

9 Possession of a traffickable quantity of unregistered firearms

In section 7C(3) of the **Firearms Act 1996**, for "section 5(1A)" **substitute** "section 5(1)".

10 Conditions applying to handgun licences

- (1) For sections 16(3), 16(4), 16(5) and 16(6) of the **Firearms Act 1996** **substitute**—
 - "(3) A handgun target shooting licence under which the holder possesses, carries or uses general category handguns is subject to the condition that in each calendar year for which the holder holds the licence, for the number of specified classes of handgun possessed, carried or used under the licence,

he or she must, on at least 10 separate days, participate in at least the total number of—

- (a) handgun target shoots; or
- (b) approved handgun target shooting matches; or
- (c) a combination of the number of handgun target shoots and handgun target shooting matches—

set out in column 2 of the Table opposite the number of specified classes of handgun possessed, carried or used set out in column 1 of the Table.

TABLE

<i>Column 1</i>	<i>Column 2</i>
<i>Number of specified classes of handgun possessed, carried or used</i>	<i>Total number of handgun target shoots or matches or combination of both</i>
1	10
2	10
3	12
4	16

- (4) Of the number of matches and shoots that the holder of a handgun target shooting licence is required to participate in under subsection (3) in any calendar year—
 - (a) at least 6 must be approved handgun target shooting matches; and
 - (b) at least 4 must be participated in for each specified class of handgun; and
 - (c) participation may be either as a competitor, supervisor, competition judge or range officer but at least

6 must be participated in as a competitor."

- (2) In section 16(8)(b) of the **Firearms Act 1996**, after "State or a Territory" **insert** "or a place outside Australia".
- (3) In section 16(12) of the **Firearms Act 1996**, after "State or a Territory" (where twice occurring) **insert** "or a place outside Australia".
- (4) In section 16(13) of the **Firearms Act 1996**, after "State or a Territory" **insert** "or a place outside Australia".
- (5) In section 16(14) of the **Firearms Act 1996**, after "State or a Territory" **insert** "or a place outside Australia".
- (6) In section 16(15) of the **Firearms Act 1996**, after "State or a Territory" **insert** "or a place outside Australia".
- (7) In the note at the foot of section 16(15) of the **Firearms Act 1996**, after "State or a Territory" **insert** "or a place outside Australia".
- (8) In section 16(16) of the **Firearms Act 1996**, after "State or a Territory" **insert** "or a place outside Australia".

11 Approved handgun target shooting clubs— reporting requirements

In section 123C(1)(c)(v) of the **Firearms Act 1996**, after "State or a Territory" **insert** "or a place outside Australia".

12 Non-prohibited persons who are exempt from the requirement to hold a licence under Part 2

After item 15 in Schedule 3 to the **Firearms Act 1996** insert—

"

16	Operational staff of the Metropolitan Fire and Emergency Services Board, officers or members of the Country Fire Authority and persons to whom section 30A(1) of the Country Fire Authority Act 1958 applies.	When using a device that has been designed solely for the purpose of igniting fires by the propulsion of incendiary pods in authorised back-burning or planned burning operations and while acting in the course of his or her duties."
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PART 4—REPEAL OF AMENDING ACT

13 Repeal of amending Act

This Act is **repealed** on 1 October 2013.

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**).

ENDNOTES

† *Minister's second reading speech—*

Legislative Assembly: 7 December 2011

Legislative Council: 1 March 2012

The long title for the Bill for this Act was "A Bill for an Act to amend the **Control of Weapons Act 1990** and the **Firearms Act 1996** and for other purposes."