

Firearms and Other Acts Amendment Act 2010
No. 52 of 2010

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Victoria

Firearms and Other Acts Amendment Act 2010[†]

No. 52 of 2010

[Assented to 7 September 2010]

The Parliament of Victoria enacts:

PART 1—PRELIMINARY

1 Purposes

The purposes of this Act are—

- (a) to amend the **Firearms Act 1996** to—
 - (i) remove imitation firearms from the definition of a firearm for the purposes of that Act;

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- (ii) provide that evidence that a firearm has no serial number or has a serial number which is illegible is, in the absence of evidence to the contrary, proof that the firearm is unregistered;
 - (iii) exempt health service workers from the requirement to hold firearms licences in respect of firearms handled by those workers in the course of their employment with a health service;
 - (iv) make other amendments to that Act in relation to the licensing of firearms;
- (b) to amend the **Control of Weapons Act 1990** to—
- (i) include imitation firearms within the definition of prohibited weapons;
 - (ii) exempt health service workers from any liability in respect of controlled weapons handled by those workers in the course of their employment with a health service;
- (c) to amend the **Graffiti Prevention Act 2007** to—
- (i) permit an authorised transport officer to seize graffiti implements that the officer believes have been, or will be, used to commit an offence;
 - (ii) permit Councils to remove graffiti from private property without giving notice or obtaining permission from the owner or occupier where notice has been given and permission obtained previously;
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- (d) to amend the **Transport (Compliance and Miscellaneous) Act 1983** to make amendments consequential to the changes to the **Graffiti Prevention Act 2007** referred to in paragraph (c)(i);
 - (e) to amend the **Liquor Control Reform Act 1998** to include disorderly conduct under section 17A of the **Summary Offences Act 1966** as an offence for the purposes of banning notices and exclusion orders.

2 Commencement

- (1) Subject to subsection (2), this Act comes into operation on a day or days to be proclaimed.
 - (2) If a provision of this Act does not come into operation before 1 July 2011, it comes into operation on that day.
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PART 2—AMENDMENT OF FIREARMS ACT 1996

3 Definitions

See:
Act No.
66/1996.
Reprint No. 5
as at
1 September
2008
and
amending
Act Nos
12/2008,
34/2008,
52/2008,
68/2008,
25/2009,
55/2009,
69/2009 and
13/2010.
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(1) In section 3(1) of the **Firearms Act 1996**—

(a) for the definition of *approved handgun target shooting match substitute*—

"approved handgun target shooting match
means—

- (a) a competitive target shooting match approved by the Chief Commissioner that is conducted by an approved handgun target shooting club at an approved shooting range; or
- (b) a handgun target shooting match conducted in another State or a Territory that is recognised by the Chief Commissioner under section 16(12)(a) to be an approved handgun target shooting match;"

(b) **insert** the following definitions—

"serial number, of a firearm, means a number that enables the firearm to be individually identified that has been—

- (a) assigned to the firearm by its manufacturer; or
- (b) stamped or otherwise affixed to the firearm in accordance with section 119A or 119B;

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- work purposes in Victoria*, in relation to the requirement to hold a firearm licence, means that the applicant or the holder of the licence, as the case may be—
- (a) is required under a contract of employment or a contract for services to hold a Victorian firearm licence; or
 - (b) in the normal course of conducting a business is required to hold a Victorian firearm licence.";
- (c) in the definition of *firearm*—
- (i) for "in parts and whether or not operable or complete or temporarily or permanently inoperable or incomplete—" **substitute** "in parts—";
 - (ii) in paragraph (a), for "mechanical means; or" **substitute** "mechanical means; and";
 - (iii) for paragraph (b) **substitute**—
"(b) whether or not operable or complete or temporarily or permanently inoperable or incomplete—";
- (d) in the definition of *vehicle* for "vessel." **substitute** "vessel;".
- (2) Section 3(2) of the **Firearms Act 1996** is **repealed**.
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4 New section 8A inserted

After section 8 of the **Firearms Act 1996**
insert—

"8A Proof of registration of firearm

In any proceedings for an offence under this Act, evidence that—

- (a) a firearm does not have a serial number; or
- (b) the serial number of a firearm has been erased, defaced or altered; or
- (c) the serial number of a firearm is illegible—

is admissible to establish that the firearm is not registered and, in the absence of evidence to the contrary, is proof of that fact."

5 Conditions applying to handgun licences

(1) For section 16(8) of the **Firearms Act 1996**
substitute—

"(8) For the purposes of this section, a handgun target shoot must be—

- (a) a handgun target shoot that is—
 - (i) conducted for the purposes of preparation for participation in an approved handgun target shooting match; and
 - (ii) organised by an approved handgun target shooting club; and
 - (iii) conducted on an approved shooting range; or

-
- (b) a handgun target shoot conducted in another State or a Territory that is recognised by the Chief Commissioner under subsection (12)(b) as complying with paragraph (a)."
- (2) After section 16(11) of the **Firearms Act 1996** insert—
- "(12) The Chief Commissioner may recognise—
- (a) a handgun target shooting match conducted in another State or a Territory to be an approved handgun target shooting match; or
 - (b) a handgun target shoot conducted in another State or a Territory to be a handgun target shoot that complies with subsection (8)(a).
- (13) The participation by a person in a handgun target shooting match conducted in another State or a Territory that the Chief Commissioner has recognised under subsection (12)(a) does not count as participation in an approved handgun target shooting match for the purposes of this section and section 123C(1)(c) unless the Chief Commissioner is satisfied that the person participated in that handgun target shooting match.
- (14) The participation by a person in a handgun target shoot conducted in another State or a Territory that the Chief Commissioner has recognised under subsection (12)(b) does not count as participation in a handgun target shoot for the purposes of this section unless the Chief Commissioner is satisfied that the person participated in that handgun target shoot.
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- (15) A person who participates in a handgun target shooting match or a handgun target shoot conducted in another State or a Territory must provide evidence of the participation and details of each weapon used to the approved handgun target shooting club of which the person is a member or, if the person is a member of more than one such club, the club which has been nominated by the person as his or her principal club.

Note

Under section 123C a handgun target shooting club must report to the Chief Commissioner the participation by its members in any handgun target shooting matches or handgun target shoots conducted in another State or a Territory.

- (16) The Chief Commissioner may, at any time before deciding whether or not a person has participated in a handgun target shooting match or a handgun target shoot conducted in another State or a Territory, require the person to produce evidence of that participation."

6 General discretion of Chief Commissioner to refuse longarm or handgun licence

After section 17(a) of the **Firearms Act 1996**
insert—

- "(ab) if the applicant is not ordinarily resident in Victoria unless—
- (i) the Chief Commissioner is satisfied that the applicant requires the licence for work purposes in Victoria; and
 - (ii) the applicant is not a person to whom section 185(2A) or (2B) applies; or"

7 General discretion of Chief Commissioner to refuse junior licence

After section 20(a) of the **Firearms Act 1996**
insert—

"(ab) if the applicant is not ordinarily resident in Victoria; or".

8 General discretion of Chief Commissioner to refuse firearms collectors licence

After section 23(a) of the **Firearms Act 1996**
insert—

"(ab) if the applicant is not ordinarily resident in Victoria; or".

9 General discretion of Chief Commissioner to refuse a firearms heirlooms licence

After section 27(a) of the **Firearms Act 1996**
insert—

"(ab) if the applicant is not ordinarily resident in Victoria; or".

10 General discretion of Chief Commissioner to refuse a firearms ammunition collectors licence

After section 29(a) of the **Firearms Act 1996**
insert—

"(ab) if the applicant is not ordinarily resident in Victoria; or".

11 Information which is required for an application for a licence

After section 32(1) of the **Firearms Act 1996**
insert—

"(1A) If a person who is not ordinarily resident in Victoria applies for a longarm or handgun licence on the basis that the licence is required for work purposes in Victoria, the Chief Commissioner may require the person

to provide evidence that the work purposes are genuine and that they require the person to hold a Victorian firearm licence."

12 General discretion of Chief Commissioner to refuse to renew a licence or to alter or vary the conditions of a licence

After section 42(2)(b) of the **Firearms Act 1996** insert—

- "(ba) if the applicant is not ordinarily resident in Victoria unless—
- (i) the Chief Commissioner is satisfied that the applicant requires the licence for work purposes in Victoria; and
 - (ii) the applicant is not a person to whom section 185(2A) or (2B) applies; or"

13 Variation of licence for failure to comply with participation condition

(1) In section 43A(1) of the **Firearms Act 1996** omit "for the period specified in the variation by the Chief Commissioner, or, if no period is specified, the period of 12 months".

(2) After section 43A(1) of the **Firearms Act 1996** insert—

- "(1A) The variation of a condition by the Chief Commissioner under subsection (1) remains in force—
- (a) in the case of a first variation of condition, for a period of 3 months from the date on which the variation is made; or

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- (b) in the case of a second or subsequent variation—
- (i) for the period specified by the Chief Commissioner in the variation, which must be not less than 3 months and not more than 12 months from the date on which the variation is made; or
 - (ii) if the Chief Commissioner does not specify a period in the variation, for a period of 12 months from the date on which the variation is made."

14 New section 43B inserted

After section 43A of the **Firearms Act 1996**
insert—

"43B Review of decision as to period of variation

A person may apply to the Committee for a review of a decision of the Chief Commissioner as to the period of time specified by the Chief Commissioner under section 43A(1A)(b)(i)."

15 New section 46A inserted

After section 46 of the **Firearms Act 1996**
insert—

"46A Cancellation of licence held by non-resident

- (1) If the Chief Commissioner is satisfied that the holder of a licence under this Part is not ordinarily resident in Victoria and does not require the licence for work purposes in Victoria, the Chief Commissioner must cancel the licence.

- (2) The Chief Commissioner must give written notification to the holder of the licence of the cancellation of the licence.
- (3) Subject to subsection (4), the holder of the licence may apply to the Committee for a review of the decision of the Chief Commissioner to cancel the licence.
- (4) An application to the Committee under subsection (3) may only be made on the ground that the holder of the licence that has been cancelled is ordinarily resident in Victoria or that the holder of the licence requires the licence for work purposes in Victoria."

16 New sections 49A and 49B inserted

After section 49 of the **Firearms Act 1996**
insert—

"49A Restrictions on application for licence following cancellation

- (1) This section applies if the Chief Commissioner cancels a licence under section 49.
 - (2) The Chief Commissioner may specify a period of time (not being more than 12 months after the date of cancellation) within which the person who held the licence is not entitled to apply for such a licence.
 - (3) If the Chief Commissioner does not specify a period, the person who held the licence is not entitled to apply for such a licence for a period of 12 months after the date of cancellation.
 - (4) If the person who held the licence applies for the same category of licence, the application is taken to be an application for a new
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licence and not for the renewal of the licence that was cancelled.

49B Review of decision as to period of disqualification

A person whose licence has been cancelled under section 49 may apply to the Committee for a review of a decision of the Chief Commissioner under section 49A(2) specifying the period of time within which the person is not entitled to apply for such a licence."

17 New section 54AA inserted

After section 54 of the **Firearms Act 1996** insert—

"54AA Health service workers who are exempt from this Part

- (1) A health professional or health service security guard who is not a prohibited person and who possesses or carries a firearm in a health service facility in the circumstances set out in subsection (3) does not commit an offence against section 6, 6A, 7, 7A or 7B for so doing and is not required to hold a licence under this Part.
- (2) An ambulance officer who is not a prohibited person and who possesses or carries a firearm in a health service facility or public place in the circumstances set out in subsection (3) does not commit an offence against section 6, 6A, 7, 7A, 7B or 130(1) for so doing and is not required to hold a licence under this Part.
- (3) For the purposes of subsections (1) and (2), the circumstances are that the health professional, health service security guard or ambulance worker—

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- (a) is carrying out his or her duties as a health professional, health service security guard or ambulance worker, as the case may be; and
- (b) either—
- (i) is given the firearm by a patient; or
 - (ii) removes the firearm from a patient; or
 - (iii) finds the firearm in the vicinity of the patient; or
 - (iv) is given the firearm by a health professional or ambulance worker who has taken possession of the firearm in the circumstances set out in this subsection.
- (4) A health professional, health security guard or ambulance worker who takes possession of a firearm in the circumstances set out in subsection (3) must notify a member of the police force as soon as practicable after having taken possession of the firearm.
- (5) The possession or carriage of a firearm by a health security guard in a health services facility in the circumstances set out in subsection (3) does not affect the operation of any licence held by the health security guard under this Part as a requirement of his or her work or contravene any conditions to which the licence is subject.
- (6) In this section—
- ambulance worker*** means an operational staff member of the ambulance services as defined in the **Ambulance Services Act 1986**;
-

health professional means—

- (a) a registered medical practitioner;
- (b) a nurse or midwife;
- (c) a registered psychologist;

health security guard means a security guard licensed under the **Private Security Act 2004** when working in a health service facility as a contractor or an employee;

health service facility means—

- (a) a day procedure centre; or
- (b) a denominational hospital; or
- (c) a multi purpose service; or
- (d) a private hospital; or
- (e) a public health service; or
- (f) a public hospital—

as defined in the **Health Services Act 1988**."

18 New section 57B inserted

After section 57A of the **Firearms Act 1996**
insert—

"57B Permits to assist in emergency or natural disaster

- (1) The Chief Commissioner may grant to a person a permit to possess, carry or use a category of firearm if—
 - (a) the person holds a licence or permit to possess, carry or use that category of firearm issued in another State or a Territory that is the equivalent of a licence or permit issued under this Part; or

-
- (b) the person is exempt under the laws of another State or a Territory from the requirement to hold a licence for that category of firearm.
- (2) The Chief Commissioner must not grant a permit under subsection (1) unless the Chief Commissioner is satisfied that it is necessary to do so to assist in an emergency or a natural disaster.
- (3) A permit under this section remains in force for the period specified by the Chief Commissioner in the permit, which must not be more than 3 months.
- (4) Subject to subsection (3), the Chief Commissioner may impose any conditions on the permit that the Chief Commissioner thinks fit.
- (5) The conditions that the Chief Commissioner may impose on a permit granted under this section may include conditions for or with respect to—
- (a) the carriage and storage of firearms under the permit; and
 - (b) the circumstances in which the Chief Commissioner may cancel, suspend or vary the permit and any other matters related to cancellation, suspension or variation.
- (6) The holder of permit under this section does not commit an offence under section 6 or 7 when acting under and in accordance with the permit.
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- (7) The holder of permit must comply with the permit.

Penalty: 60 penalty units or 12 months imprisonment."

19 Requirement to keep register of transactions

In section 87(2) of the **Firearms Act 1996**—

- (a) in paragraph (a)(i), for "and serial number" **substitute** ", serial number and, where known or available, model";
- (b) in paragraph (b)(iii), for "and serial number" **substitute** ", serial number and, where known or available, model";
- (c) in paragraph (c)(iii), for "and serial number" **substitute** ", serial number and, where known or available, model";
- (d) in paragraph (d)(ii), for "and serial number" **substitute** ", serial number and, where known or available, model".

20 Permits for theatrical armourers

In section 92A(4)(a)(ii) of the **Firearms Act 1996** **omit** "an imitation handgun or".

21 Keeping of register

In section 113(3)(a) of the **Firearms Act 1996** for "and serial number" **substitute** ", serial number and, where known or available, model".

22 Approved handgun target shooting clubs—reporting requirements

- (1) In section 123C(1)(c)(iv) of the **Firearms Act 1996** for "shoot." **substitute** "shoot; and".

(2) After section 123C(1)(c)(iv) of the **Firearms Act 1996** insert—

"(v) each handgun target shooting match and each handgun target shoot conducted in another State or a Territory that that member competed in and details of each handgun used by that member at each such match and shoot."

23 Section 134C substituted

For section 134C of the **Firearms Act 1996** substitute—

"134C Offence to possess a firearm with no serial number

(1) A person must not, without reasonable excuse, possess a firearm on which there is no serial number.

Penalty: 240 penalty units or 4 years imprisonment.

(2) In any proceeding against a person for an offence under this section, it is not necessary for the prosecution to prove that the person knew, was aware, believed or suspected that there was no serial number on the firearm.

(3) In any proceeding for an offence under this section, it is a defence if the person charged had reasonable grounds for believing that there was a serial number on the firearm.

(4) To avoid doubt, a firearm in which the serial number has been erased or removed is a firearm on which there is no serial number."

24 Notification of change of certain details

After section 139(c) of the **Firearms Act 1996**
insert—

"(ca) the holder's ordinary place of residence;
and".

25 New sections 215 and 216 inserted

After section 214 of the **Firearms Act 1996**
insert—

**"215 Transitional provision—Firearms and
Other Acts Amendment Act 2010—
interstate licence holders**

- (1) This section applies if, immediately before the commencement of section 15 of the **Firearms and Other Acts Amendment Act 2010**, a person holds a licence under Part 2 and the person's ordinary place of residence is not in Victoria.
- (2) Despite section 46A, until the expiry of the licence, the person is not disqualified from holding the licence merely because the person's ordinary place of residence is not Victoria.

**216 Transitional provision—Firearms and
Other Acts Amendment Act 2010—
imitation firearms**

- (1) If, before the commencement of section (3)(1)(c) of the **Firearms and Other Acts Amendment Act 2010**, a licence was issued under Part 2 in respect of an imitation firearm and that licence is in force immediately before that commencement—
 - (a) the licence remains in force after the commencement until the date the licence would otherwise have expired;
and

- (b) while the licence remains in force and when acting in accordance with the licence, the holder of the licence is not liable for an offence under section 5 of the **Control of Weapons Act 1990** in respect of the weapon.
- (2) In this section, *imitation firearm* has the same meaning as in section 3(1) of the **Control of Weapons Act 1990**."
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**PART 3—AMENDMENT OF CONTROL OF WEAPONS
ACT 1990**

26 Definitions

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

(a) **insert** the following definitions—

"firearm has the same meaning as it has in section 3(1) of the **Firearms Act 1996**;

imitation firearm means a device—

- (a) the appearance of which could reasonably be mistaken for that of an operable firearm; but
- (b) which is not designed or adapted to discharge shot or a bullet or other missile by the expansion of gases produced in the device by the ignition of strongly combustible materials or by compressed air or other gases, whether stored in the device in pressurised containers or produced in the device by mechanical means and is not capable of being made to do so;

midwife means a person registered under the Health Practitioner Regulation National Law—

- (a) to practise in the nursing and midwifery profession as a midwife (other than as a student); and
- (b) in the register of midwives kept for that profession;

See:
Act No.
24/1990.
Reprint No. 4
as at
8 November
2007
and
amending
Act Nos
55/2009,
59/2009,
68/2009 and
92/2009.
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nurse means a person registered under the Health Practitioner Regulation National Law to practise in the nursing and midwifery profession as a nurse (other than as a midwife or as a student);

registered medical practitioner means a person registered under the Health Practitioner Regulation National Law to practise in the medical profession (other than as a student);

registered psychologist means a person registered under the Health Practitioner Regulation National Law to practise in the psychology profession (other than as a student).";

- (b) in paragraph (a) of the definition of **body armour** omit "within the meaning of section 3(1) of the **Firearms Act 1996**";
- (c) in the definition of **prohibited weapon**, after "means" insert "an imitation firearm or".

27 Application and construction of Act

In section 4(1) of the **Control of Weapons Act 1990** omit "within the meaning of section 3(1) of the **Firearms Act 1958**".

28 New section 7A inserted

After section 7 of the **Control of Weapons Act 1990** insert—

"7A Exemption of health service workers

- (1) A health professional or health service security guard who is not a prohibited person and who possesses or carries a prohibited weapon, a controlled weapon or a dangerous article in a health service facility in the circumstances set out in subsection (3) does

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- not commit an offence against section 5, 6 or 7 for so doing.
- (2) An ambulance officer who is not a prohibited person and who possesses or carries a prohibited weapon, a controlled weapon or a dangerous article in a health service facility or public place in the circumstances set out in subsection (3) does not commit an offence against section 5, 6 or 7 for so doing.
- (3) For the purposes of subsections (1) and (2), the circumstances are that the health professional, health service security guard or ambulance worker—
- (a) is carrying out his or her duties as a health professional, health service security guard or ambulance worker, as the case may be; and
 - (b) either—
 - (i) is given the prohibited weapon, controlled weapon or dangerous article by a patient; or
 - (ii) removes the prohibited weapon, controlled weapon or dangerous article from a patient; or
 - (iii) finds the prohibited weapon, controlled weapon or dangerous article in the vicinity of the patient; or
 - (iv) is given the prohibited weapon, controlled weapon or dangerous article by a health professional or ambulance worker who has taken possession of the weapon or article in the circumstances set out in this subsection.
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(4) A health professional, health security guard or ambulance worker who takes possession of a firearm in the circumstances set out in subsection (3) must notify a member of the police force as soon as practicable after having taken possession of the prohibited weapon, controlled weapon or dangerous article.

(5) In this section—

ambulance worker means an operational staff member of the ambulance services as defined in the **Ambulance Services Act 1986**;

health professional means—

- (a) a registered medical practitioner;
or
- (b) a nurse or midwife; or
- (c) a registered psychologist;

health security guard means a security guard licensed under the **Private Security Act 2004** when working in a health service facility as a contractor or an employee;

health service facility means—

- (a) a day procedure centre; or
- (b) a denominational hospital; or
- (c) a multi purpose service; or
- (d) a private hospital; or
- (e) a public health service; or

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Part 3—Amendment of Control of Weapons Act 1990

s. 28

(f) a public hospital—
as defined in the **Health Services Act
1988**".

**PART 4—AMENDMENT OF GRAFFITI PREVENTION ACT
2007 AND TRANSPORT (COMPLIANCE AND
MISCELLANEOUS) ACT 1983**

See:
Act No.
59/2007
and
amending
Act No.
6/2010.
LawToday:
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legislation.
vic.gov.au

**29 Amendment of section 3 of the Graffiti Prevention
Act 2007**

In section 3 of the **Graffiti Prevention Act 2007**
insert the following definition—

"*graffiti offence* means—

- (a) an offence against this Act; or
- (b) an offence against regulation 27, 27A
or 48 of the Transport (Conduct)
Regulations 2005;"

**30 New section 17A inserted in Graffiti Prevention
Act 2007**

After section 17 of the **Graffiti Prevention Act
2007 insert—**

"17A Seizure of graffiti implement

- (1) An authorised transport officer may seize
from a person a graffiti implement, using
reasonable force if necessary, if the
authorised transport officer believes on
reasonable grounds that the graffiti
implement has been, or will be, used to
commit a graffiti offence.
- (2) Despite subsection (1), an authorised
transport officer must not seize a graffiti
implement under that subsection unless—
 - (a) the authorised transport officer—
 - (i) has complied with the
requirements of section 218B of
the **Transport (Compliance and
Miscellaneous) Act 1983**; and

- (ii) informed the person in possession of the graffiti implement of the grounds for his or her belief that the graffiti implement has been, or will be, used to commit a graffiti offence; and
 - (iii) asked the person to hand over the graffiti implement; and
 - (iv) informed the person that the authorised transport officer has the power under this Act to seize the graffiti implement in these circumstances; and
- (b) the graffiti implement is fully or partially visible immediately before it is seized.
- (3) If the person voluntarily hands over the graffiti implement, the graffiti implement is taken to have been seized under this section.
- (4) Nothing in this section authorises an authorised transport officer to search a person or to seize anything that is not fully or partially visible immediately before it is seized.
- (5) In this section, *authorised transport officer* means a person authorised by the Director of Public Transport under section 221A or 221AB of the **Transport (Compliance and Miscellaneous) Act 1983**.

31 Amendment of section 18 of the Graffiti Prevention Act 2007

After section 18(3) of the **Graffiti Prevention Act 2007** insert—

- "(3A) Within 12 months after a Council has taken action under subsection (3) to remove or obliterate graffiti on private property and subject to subsection (3B), the Council may take further action to remove or obliterate graffiti subsequently marked on the property without giving notice to, or obtaining the consent of, the owner or occupier.
- (3B) A Council may not take further action under subsection (3A) to remove or obliterate graffiti marked on a property if the Council has received from the owner or occupier of the property an objection to the further action being taken."

32 Amendment of section 24 of the Graffiti Prevention Act 2007

In section 24(1) of the **Graffiti Prevention Act 2007** for "an offence against this Act" (wherever occurring) **substitute** "a graffiti offence".

33 Amendment of section 25 of the Graffiti Prevention Act 2007

For section 25(2) of the **Graffiti Prevention Act 2007** **substitute**—

- "(2) If a seized article, thing or material is required under subsection (1) to be returned to the person from whom it was seized, notice must be given to that person of his or her right to have it returned.

- (2A) For the purposes of subsection (2), the notice must be given—
- (a) if the article, thing or material was seized under section 17A by an authorised transport officer and has not been handed over to a member of the police force, by the person in the Department of Transport or the passenger transport or bus company, as the case may be, who is responsible for the custody of the article, thing or material; or
 - (b) otherwise, by the member of the police force in charge of the police station at which the seized article, thing or material is kept."

34 Amendment of Transport (Compliance and Miscellaneous) Act 1983

- (1) In section 218B(2) of the **Transport (Compliance and Miscellaneous) Act 1983** after "regulations" insert "or against the **Graffiti Prevention Act 2007**".
- (2) In section 219(1) of the **Transport (Compliance and Miscellaneous) Act 1983** for "any regulation made under this Act" substitute "the regulations or against the **Graffiti Prevention Act 2007**".

See:
Act No.
9921.
Reprint No. 14
as at
31 July 2009
and
amending
Act Nos
71/2006,
13/2009,
45/2009,
68/2009,
69/2009,
91/2009,
93/2009,
6/2010,
16/2010 and
19/2010.
LawToday:
www.
legislation.
vic.gov.au

**PART 5—AMENDMENT OF LIQUOR CONTROL REFORM
ACT 1998**

**35 Amendment of Schedule 2 to the Liquor Control
Reform Act 1998**

See:
Act No.
94/1998.
Reprint No. 5
as at
1 April 2010
and
amending
Act Nos
9/2008,
88/2009,
13/2010 and
18/2010.
LawToday:
www.
legislation.
vic.gov.au

In Schedule 2 to the **Liquor Control Reform Act
1998** after item 5 insert—

"5A Disorderly conduct

An offence against section 17A of the
Summary Offences Act 1966."

PART 6—REPEAL OF AMENDING ACT

36 Repeal of amending Act

This Act is **repealed** on 1 December 2011.

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: 24 June 2010

Legislative Council: 29 July 2010

The long title for the Bill for this Act was "A Bill for an Act to amend the **Firearms Act 1996**, the **Control of Weapons Act 1990**, the **Graffiti Prevention Act 2007**, the **Transport Act 1983** and the **Liquor Control Reform Act 1998** and for other purposes."