

## LEGISLATIVE COUNCIL

FIREARMS AND CONTROL OF WEAPONS (MACHETES) AMENDMENT BILL  
2024

(Amendments to be proposed in Committee by KATHERINE COPSEY)

1. Clause 14, line 11, omit "**Power of Chief Commissioner to**" and insert "**Magistrate may**".
2. Clause 14, line 13, omit "a police officer" and insert "the Chief Commissioner".
3. Clause 14, line 14, omit "the Chief Commissioner" and insert "a magistrate".
4. Clause 14, line 18, after "individual" insert "who is of or over the age of 18 years and".
5. Clause 14, line 23, omit "the police officer making the application" and insert "a police officer".
6. Clause 14, lines 27 to 28, omit "the Chief Commissioner" and insert "a magistrate".
7. Clause 14, page 9, line 2, omit "individual; and" and insert "individual.".
8. Clause 14, page 9, lines 3 to 5, omit all words and expressions on those lines.
9. Clause 14, page 9, line 6, omit "The Chief Commissioner" and insert "A magistrate".
10. Clause 14, page 9, lines 8 to 9, omit "and, where the case so requires, subsection (1)(c),".
11. Clause 14, page 9, lines 22 to 29, omit all words and expressions on those lines.
12. Clause 14, page 10, line 11, omit "90 days" and insert "28 days".
13. Clause 14, page 10, lines 11 to 12, omit "the Chief Commissioner" and insert "a magistrate".
14. Clause 14, page 10, lines 18 to 19, omit "the Chief Commissioner" and insert "a magistrate".
15. Clause 14, page 10, line 24, omit "the Chief Commissioner" and insert "a magistrate".
16. Clause 14, page 10, lines 28 to 29, omit "is reasonably satisfied" and insert "believes on reasonable grounds".
17. Clause 14, page 11, after line 20 insert—

"(aa) must inform the individual of the grounds on which the police officer has formed the belief required under section 112ZA(1)(a) in sufficient detail to allow the individual to understand the reason why the police officer has stopped and directed the individual; and

(ab) must state orally the officer's name, rank and place of duty; and

(ac) must give to the individual a written document that sets out—

(i) the fact that the police officer has stopped and directed the individual under section 112ZA(1); and

(ii) the detail of the grounds for the police officer's belief and the reason why the police officer stopped the individual; and

(iii) the officer's name, rank, place of duty and operational type; and".

18. Clause 14, page 11, lines 25 to 33, omit all words and expressions on those lines and insert—

"(b) must warn the individual of the effect of section 112ZA(2), if the individual refuses or fails to comply with a direction under section 112ZA."

19. Clause 14, page 12, lines 1 to 3, omit all words and expressions on those lines.

20. Clause 14, page 12, before line 4 insert—

**"112ZBA Offence for police officer to give incorrect information**

A police officer who, under section 112ZB(ab)—

(a) states a name or rank that is false in a material particular; or

(b) states as the officer's place of duty an address other than the name of the police station that is the officer's ordinary place of duty—

is guilty of an offence and liable to a penalty of not more than 5 penalty units."

21. Clause 14, page 12, lines 5 to 6, omit "**or go to police station or other safe place**".

22. Clause 14, page 12, lines 7 to 21, omit all words and expressions on those lines and insert—

"(1) If the police officer is reasonably satisfied that a service direction determination applies to the individual on the basis of the information given under section 112ZA(1)(b), for the purpose of serving the firearm prohibition order, the police officer may direct the individual to remain at the place where the individual has been stopped."

23. Clause 14, page 12, line 23, omit "subsection (1)(a) or (b)" and insert "subsection (1)".

24. Clause 14, page 12, lines 25 to 26, omit "or to which the individual has gone (as the case requires)".

25. Clause 14, page 13, lines 5 to 33, omit all words and expressions on those lines.

26. Clause 14, page 14, lines 1 to 33, omit all words and expressions on those lines.

27. Clause 14, page 15, lines 1 to 31, omit all words and expressions on those lines.
28. Clause 14, page 17, line 20, omit "circumstances; and" and insert "circumstances."
29. Clause 14, page 17, lines 21 to 23, omit all words and expressions on those lines.
30. Clause 14, page 20, lines 1 to 5, omit all words and expressions on those lines and insert—

"(2) The individual to whom the firearm prohibition order applies must be of or over the age of 18 years."
31. Clause 14, page 23, line 18, omit "112ZX; and" and insert "112ZX."
32. Clause 14, page 23, lines 19 to 21, omit all words and expressions on those lines.
33. Clause 14, page 23, lines 29 to 33, omit all words and expressions on those lines.
34. Clause 14, page 24, lines 1 to 33, omit all words and expressions on those lines.
35. Clause 14, page 25, lines 1 to 7, omit all words and expressions on those lines.
36. Clause 14, page 25, line 13, omit "Division 6 or 7" and insert "Division 7".
37. Clause 14, page 25, line 25, omit "Division 6 or 7" and insert "Division 7".
38. Clause 14, page 26, line 12, omit "Division 6 or 7" and insert "Division 7".
39. Clause 14, page 26, line 29, omit "Division 6 or 7" and insert "Division 7".
40. Clause 14, page 27, line 2, omit "Division 6 or 7" and insert "Division 7".
41. Clause 14, page 27, lines 30 to 31, omit "the giving of the direction,".
42. Clause 14, page 28, line 3, omit "**Division 6 or 7**" and insert "**Division 7**".
43. Clause 14, page 28, lines 4 to 5, omit "Division 6 or 7" and insert "Division 7".
44. Clause 14, page 28, line 18, omit "Division 6 or 7" and insert "Division 7".
45. Clause 14, page 28, line 22, omit "Division 6 or 7" and insert "Division 7".
46. Clause 14, page 28, line 23, omit "Division 6 or 7" and insert "Division 7".
47. Clause 14, page 29, lines 16 to 17, omit "**service direction determinations**" and insert "**holding in custody**".
48. Clause 14, page 29, lines 18 to 22, omit all words and expressions on those lines.
49. Clause 14, page 29, lines 23 to 28, omit all words and expressions on those lines and insert—

"(2) A police officer who, for the purpose of serving a firearm prohibition order, holds an individual in custody under Division 7 must make a written record of that holding in custody."

50. Clause 14, page 31, lines 29 to 34 and page 32, lines 1 to 4, omit all words and expressions on those lines and insert—
- "(1) The Chief Commissioner, on request and without charge, must provide a copy of a record made under section 112ZZA(2) to the individual who was held in custody."
51. Clause 14, page 32, lines 12 to 15, omit all words and expressions on those lines.
52. Clause 14, page 32, line 29, omit "the detention,".
53. Clause 15, line 20, after "112ZA(1)" insert "and the ethnic appearance of each individual to whom such a direction was given".
54. Clause 15, lines 24 to 26, omit "detained under Division 6 of Part 4A and the number".
55. Clause 15, page 34, lines 13 to 21, omit all words and expressions on those lines.
56. Clause 16, line 33, omit "detention" and insert "custody".
57. Clause 19, page 37, lines 29 to 32, omit all words and expressions on those lines.
58. Clause 19, page 38, lines 7 to 9, omit "detained under Division 6 of Part 4A and the number".
59. Clause 20, lines 3 to 4, omit "**matters under Part 4A and this Part**" and insert "**the making of firearm prohibition orders**".
60. Clause 20, lines 5 to 31 and page 40, lines 1 to 19, omit all words and expressions on those lines and insert—
- '(1) The IBAC, in accordance with this section, must review the making of firearm prohibition orders.
- (2) A review under subsection (1) must be conducted for each 3 month period of every year, with the first period commencing on 1 January of that year.
- (3) Subject to subsection (4), in each 3 month review the IBAC must review the making of a proportion of the firearm prohibition orders made during the period under review.
- (4) In a 3 month review the IBAC may review every firearm prohibition order if the IBAC so determines.
- (5) A 3 month review may have regard to—
- (a) a matter arising in a previous 3 month period if that matter is connected with a matter being reviewed for the period under review; or
- (b) a firearm prohibition order made during a previous 3 month period if that order is connected with a matter being monitored under section 173.
- (6) The IBAC must determine the proportion of the orders to be reviewed having regard to the number of orders made during the period, the need to have a representative sample of orders made and any other relevant issues.".'

61. Clause 21, lines 25 to 31, omit all words and expressions on those lines and insert—  
"(1) Once the IBAC has made a determination under section 174F(6), the IBAC must give the Chief Commissioner written notice of the firearm prohibition orders to be reviewed."
62. Clause 21, page 41, lines 2 to 3, omit "or service direction determination".
63. Clause 22, omit this clause.