



VICTORIA POLICE

Firearm Newsletter

L I C E N S I N G & R E G U L A T I O N D I V I S I O N D E C E M B E R 2 0 1 5

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HOLIDAY OPERATING HOURS

LRD's customer service phone line and front counter service will close from 22 December 2015 and reopen on 4 January 2016.

All enquires during this period can be [emailed](#) to the Licensing & Regulation Division.

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A message from the Acting Superintendent

In November the Licensing and Regulation Division published guidelines relating to the safekeeping of firearms when being transported in vehicles. From across the industry I have heard a great deal of concern and misinformation about what was published.

I understand this concern and would like to reiterate that there has been no change to the storage requirements of firearms in vehicles. This clarification was made recently with the Firearm User Group and Victorian Firearm Consultative Committee.

The guidelines created by LRD were done to assist people in understanding what considerations they could make in order to keep their firearms safe when in transit. They are not absolute and should not be considered so.

Current legislation relating to the transport of firearms and ammunition uses an objective test to decide what is right and wrong and this requires a level of interpretation by firearms owners. The alternative to this is would be a prescriptive approach that would tell individuals exactly how, and how not to, transport firearms and ammunition.

Questions relating to the inclusion of drink driving and speeding in the guidelines have also been raised. The examples in relation to drink driving and speeding were included to simply illustrate that all behavior, not just firearms related, can contribute to your presentation as a fit and proper person.

The variables for storage in vehicles are immeasurable but I strongly believe that the majority of firearm owners can exercise common sense and determine for themselves what they need to do to ensure their firearms are kept safe when being transported in their vehicles.

In the last few months there has been a great deal of community interest in firearms, particularly illegal firearms. Community interest in illegal firearms nearly always involves talking about legal firearms in some way. Victoria Police understands that the majority of firearm licence holders and owners are responsible with their firearms.

Notice of front counter service

LRD no longer operates a drop in counter service for general enquires or application submission. If you need assistance from LRD please call, email or write to us. Applications and supporting documents will not be accepted in person.

All firearm licence applications and renewals must be submitted by post.

General news

Recent amendments to the *Firearm Act 1996* and *Crimes Act 1958* introduced on 1 December 2015 will help police target the illegal firearm market. You can read more about these changes below.

Previously LRD has produced separate newsletters firearm dealers, handgun clubs and collector clubs. From this edition onwards we will be combining these three newsletters into one edition that will include sections with specific information for each industry.

I wish you and your families a safe and prosperous new year.

Richard Koo
Acting Superintendent

Amendments to *Firearms Act 1996*

On 1 December 2015 a number of changes to the *Firearms Act 1996* came into effect as a result of the *Firearms Amendment (Trafficking and Other Measures) Act 2015*.

The firearm community should be aware of the following:

- A person will now be considered to be in possession of a firearm if it is found in a vehicle they are in charge of, OR, if it is found on land or in premises they are

occupying, controlling, managing or caretaking;

- The period for the movements of traffickable quantities of firearms has been increased from seven days to 12 months.
- The acquisition or disposal of more than three unregistered firearms in a 12 month period will be considered firearm trafficking;
- The number of unregistered firearms considered a traffickable quantity has been reduced from ten to four;
- The illegal manufacture of a firearm is now its own offence.
- The penalty for the manufacture of a category A, category B or paintball marker without the appropriate licence is 600 penalty units or up to 5 years imprisonment. The penalty for the manufacture of any other firearm without the appropriate licence is 1200 penalty units or up to 10 years imprisonment

The changes listed above relation to sections 7C, 59A, 101A and 145 of the *Firearms Act 1996*.

General news

Under a new inclusion to the *Crimes Act 1958* the theft of a firearm is now a specific offence that carries a penalty of up to 15 years imprisonment.

Mental illness and firearm ownership

Every year, approximately one in five Australians will experience a mental illness. Mental illness covers a wide range of conditions that can be developed by anyone, at any time.

We encourage anyone who is suffering from a mental illness, including depression, to consider voluntarily surrendering their firearms. Disclosing your condition to LRD will not mean that you will be precluded from owning a firearm or weapon forever.

If you are concerned that a friend, colleague or relative in possession of a firearm or weapon is suffering from an untreated mental illness we encourage you to contact LRD. Anonymous reports can be made by contacting Crime Stoppers (1800 333 000) or [emailing](#) LRD directly.

For support or information on mental illness contact Lifeline on 13 11 14 (www.lifeline.org.au), Beyond Blue on 1300 222 4536 (www.beyondblue.org.au) or your local GP.

Buying and selling firearms online

Recently there has been an increase in the number of posts on Gumtree, eBay, online forums and industry sites attempting to sell firearms online.

Firearm owners should be aware that there are strict prohibitions and conditions on the advertisement of firearms for sale.

Unless the advertisement for the private sale of a firearm is placed in a magazine published by an approved club, or a commercially published firearms or sport shooting magazine, only licensed firearm dealers are permitted to advertise firearms for sale. All advertisements are to include the Firearm Serial Number and the Licensed Firearm Dealers Number.

Under no circumstance should a firearm owner sell a firearm without the direct involvement of a licensed firearm dealer.

Legislation relating to advertising of firearms can be found in section 101 of the *Firearms Act 1996*.

Licensed Firearm Dealers

Notification of persons employed by a licenced firearm dealer

Licensed firearm dealers employing a person as a part of their business must immediately notify the Chief Commissioner via LRD of that person's employment.

Some dealer's have only been notifying LRD of individuals who handle firearms. The requirement to notify LRD of staff who work for licensed firearm dealers is not limited to individuals who handle or sell firearms or firearm parts. It includes all persons employed by the business in a part-time or full-time capacity regardless of their core job function.

For example, notification for an individual who keeps the business accounts or runs a register but does not handle a firearm is still required because they exercise financial control over the business.

Notification for individuals who are contractors for the business, such as cleaners or tradespersons, is not required.

Notification must be made using Victorian Firearms [Personal Information Form \(VP303A\)](#) and be accompanied by 100 points of identification for the employee and a full set of fingerprints. This requirement is clearly set out in section 75 of the *Firearms Act 1996*.

The penalty for failing to notify the Chief Commissioner is 60 penalty units or up to 12 months imprisonment.

The same conditions apply to the replacement of a nominated person occurring through personnel changes at a business or by virtue of an existing nominated person becoming a prohibited person.

If dealers have any questions relating to this obligation they are encouraged contact their local Divisional Firearm Officer for clarification.

Transaction reports and firearm registers

Firearm dealers who submit their weekly or monthly transactions reports in hardcopy are reminded that they need to attach the permits to acquire relevant to the reporting period to the transaction report when they return to LRD for processing.

LFDs are also reminded that the recording of firearms on their registers should not be an afterthought. Firearms should be recorded on registers as they are acquired.

Licensed Firearm Dealers

Seeking feedback on proposed new conditions for firearm dealers

LRD is considering implementing two new conditions for firearm dealers and we would like feedback.

The first of the proposed conditions would require firearm dealers to conduct an annual stocktake and return the results to LRD for review in an approved format.

Annual stocktakes would need to include details of all stock on hand at the time of the audit.

This would include firearms that are on loan, being kept for storage or repair, or being held on consignment. Conducting annual audits would assist both firearm dealers and LRD to keep accurate records.

The second condition would be to limit the number of category D and E firearms a dealer could keep on hand for sale. Under the proposed condition a dealer would only be able to keep three firearms of each category unless exceptional circumstances could be demonstrated.

At this stage these new requirements are proposals only. If you have feedback or comments please contact us via [email](#).

Ongoing import permits (B709DA)

In 2015 the Australian Border Force (ABF) introduced a B709DA, commonly referred to as an ongoing importation permit. Similar to B709A and B709D applications, a B709DA will be issued by Victoria Police on behalf of ABF.

B709DA permits will provide ABF written confirmation that a firearm dealer in their jurisdiction held a licence for the importation of firearms and enables the importation by the dealer and without the need to apply for a B709A or B709D for each importation.

Licensing & Regulation Division are currently working with ABF to review what information dealers would need to provide as well as what conditions are to be imposed on the ongoing permit to ensure that the process changes remain seamless.

Ongoing import permits will only be issued to firearm dealers who satisfy the conditions set out by ABF and run for the same length as your dealer's licence. Those who do not satisfy the conditions will still be able to submit B709A and B709D applications for individual permits.

LRD anticipates to have confirmation of the finalised conditions early in the new year.

LFDs

Handgun Clubs

Importation of non-controlled items

The Australian Border Force (ABF) has advised that police confirmation for the importation of non-controlled items is no longer required.

As a result, Victoria Police will no longer be issuing police confirmation for the importation of non-controlled firearm parts.

B709A and B709D applications received for non-controlled items will no longer be processed and notification to the applicant will be provided by LRD advising that we are no longer processing these applications.

The importation of controlled items still requires police confirmation before ABF will release items. Failure to provide an approved B709 application for controlled items will result in the items being detained and/or seized.

For information relating to the classification of controlled and non-controlled items please contact:

Department of Immigration and Border

Protection

GPO Box 2809

Melbourne VIC 3001

03 9339 1250

Participation reminder

Handgun owners are reminded that they need to have fulfilled their minimum participation obligations for this calendar year by 31 December 2015.

Both handgun owners and clubs should be recording participation at designated shooting matches to ensure they can demonstrate their participation throughout the calendar year.

Handgun clubs are reminded that their participation registers for 2015 will need to be returned to LRD by 29 February 2016. A reminder letter will be sent in January 2016 with more details.

Individuals who believe that they will be unable to meet their participation obligations in 2016 will need to complete and return an *Application for Modification (Variation) to or Exemption from Handgun Target Shooting Participation [form](#)* with supporting document no later than 31 October 2016.

Applications for variation or exemption are assessed on their merits and applicants should note that a failure to meet participation obligations in two consecutive years is likely to result in the cancellation of your licence.

Handgun Clubs

Handgun Clubs

Record checks for general category handgun licence applications

Anyone applying for general category handgun licence must have a complete set of fingerprints recorded with Victoria Police before they can submit an application.

To demonstrate the fulfilment of this criteria applicants are required to submit a National Police Certificate as a supporting document with their application.

Current application forms and information relating to the current processing times and fees for a national name and fingerprint can be found on the Victoria Police [website](#).

When completing the National Police Certificate application form, applicants should select a name and a fingerprint record search in section A and in section E should use option 1 and write 'firearm licence'.

Applications that are submitted without a National Police Certificate will be returned unprocessed.

Notification of receiving instruction

Individuals receiving instruction in the use of a general category handgun are required to have a [NORI](#) form completed by their instructor before returning the form to LRD for processing.

If you are an approved shooting club please remind your instructors that they need to record their details on each individual NORI in part five and sign a declaration in part six of the form.