



VICTORIA POLICE

Information for executors and administrators of deceased estates with firearms

In Victoria, the Licensing and Regulation Division (LRD) is responsible for maintaining public safety by ensuring that the possession, use and storage of firearms meet community expectations.

Information in this guide has been developed by the LRD to assist the families of licence holders who have died understand the requirements and obligations in arranging the disposal and storage of firearms attached to deceased estates.

Advice in this guide is general in nature and may be of assistance to you; however, the LRD does not guarantee the information is wholly appropriate to your circumstances.

General information

The only person who can authorise the transfer of firearms belonging to deceased licence holders is the executor or administrator of the deceased estate.

The executor or administrator of an estate is the person who has been given the responsibility for managing the deceased person's remaining financial obligations and wishes. In relation to firearms this could include ensuring firearms are transferred correctly to the person they are bequeathed to, or selling the firearms through a licensed firearms dealers.

For privacy reasons, the executor or administrator of the deceased estate is the only person with who the LRD can discuss the particulars of the licence holder or their firearms.

Legal Requirements

The legal requirements for the management of firearms belonging to deceased firearm licence holders are set out in s 180 of the *Firearms Act 1996 (Firearms Act)*.

Under s 180 of the *Firearms Act*, the executor or administrator is required to:

1. Notify the Chief Commissioner of the death of the licence holder;
2. Ensure the continued safe storage of firearms belonging to the estate of the deceased licence holder; and
3. Dispose of the firearms belonging to the deceased licence holder within six months of the person's date of death.

Notifying the Chief Commissioner

Notification needs to be made in writing to the Licensing and Regulation Division. This can be done via email, however, all written notifications need to include information listed on the following page.

- a certified copy of the death certificate;
- the name and contact details of the executor or administrator of the estate;
- the firearms licence number of the deceased (if known);
- details of each firearm in the estate (including the make, model, calibre and serial no.); and
- address details where each firearm in the estate is to be ordinarily stored.

Storage of firearms belonging to deceased estates

Following the death of a firearm licence holder who owns firearms, the executor or administrator of a deceased estate is responsible for safekeeping and storage of firearms belonging to the estate.

Firearms belonging to deceased estates must be stored in accordance with the storage requirements set out in schedule 4 of the *Firearms Act*.

Storage options include:

- Leaving the firearms in the place where the deceased licence holder stored them provided that no unlicensed person can access them;
- Storing the firearms yourself provided that you have access to appropriate storage facilities;
- Arranging for another licence holder to store the firearms provided they have access to appropriate storage facilities and are appropriately licensed in the same category of firearms; or
- Arranging storage at a Licensed Firearms Dealer.

If you move firearms to a new storage location, the LRD must be notified of the change in storage address. For more information about changing storage details, visit the change of details page on the Victoria Police website.

Disposal of firearms belonging to deceased estates

Firearms belonging to a deceased estate must be disposed of within six months of the licence holder's death.

It is the responsibility of the estate executor or administrator to ensure firearms are disposed of in accordance with the *Firearms Act*. This includes notifying the LRD of any transfer within seven days of the firearms being disposed.

If firearms have been bequeathed to a person, they must be transferred through a Licensed Firearms Dealer via the permit to acquire process. Executors should not allow bequeathed firearms to be given to another person without officially transferring via the permit to acquire process.

Options for disposal

Options for disposal include:

- Transfer ownership to an existing licence holder;
- Selling the firearms to a Licensed Firearms Dealer;
- Surrendering the firearms for destruction.

For more information about the disposal of firearms, visit the disposal of firearms and ammunition page on the Victoria Police website.

Licence requirements for executors and administrators

An executor or administrator of a deceased estate is exempt from needing a licence to possess or carry the firearm for the purpose of disposing (i.e. transferring, selling, surrendering) of the firearm provided they store it correctly and they dispose of the firearms within six months of the licence holder's death.

This exemption is only valid for six months after the licence holder's death and does not allow an executor or administrator to use the deceased person's firearms.

Executors or administrators are not permitted to use the deceased person's firearms unless they are appropriately licenced.

Note on heirloom licences

With respect to firearms from deceased estates, heirloom licences can only be issued for a single or matched pair of firearms when a person has no other valid reason for obtaining another type of firearms licence. Firearms on heirloom licences must be made permanently inoperable by a qualified gunsmith.

For more information about the heirloom licences, download the heirloom licence application form from the licence application form page on the Victoria Police website.

Note for non-licence holders bequeathed firearms

It is an offence against the *Firearms Act* to own a firearm without a licence to possess (s 135).

If you are not a current licence holder and you have been bequeathed a firearm in a deceased estate, you will need to obtain a firearms licence appropriate to the category of firearm you have inherited before you assume ownership. If you do not you may be committing an offence for being an unlicensed person possessing, using or carrying a firearm.

If you have been bequeathed a firearm and you do not want to become licenced, the executor or administrator of the estate will have to dispose of it on your behalf. If you do not you may be committing an offence against the *Firearms Act*.

If you currently hold a firearms licence but it is not in the same category as the firearm you have inherited, you must apply to become licenced in the same category of firearm before you assume ownership. For example if you only have a Category A licence but are bequeathed a Category B firearm you will need to become a Category A/B licence holder to possess, use or carry the bequeathed firearm. If you do not you may be committing an offence for being an unlicensed person in possession of a firearm.

For more information about the licensing process, visit the applying for a new licence page on the Victoria Police website.

Licensing and Regulation Division

GPO Box 2807

Melbourne 3001

licensingregulation@police.vic.gov.au

1300 651 645

Divisional Firearm Officers

To reach your local Divisional Firearm Officer contact your local police station or download the DFO contact list from

www.police.vic.gov.au/dfocontacts



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Checklist for executors and administrators of deceased estates with firearms

1. Notify the Licensing and Regulation Division of the death. You will need to provide:

- Certified copy of the death certificate;
- Name and contact details of the executor or administrator of the estate;
- Evidence of appointment as executor or administrator;
- Firearms licence number of the deceased (if known);
- Details of all firearms in the estate (make, model, caliber and serial number); and
- Details of where each firearm in the estate will be ordinarily stored while the estate is settled

2. Ensure all firearms are stored safely and securely and cannot be accessed by any unlicensed person while the estate is settled

3. Dispose of all firearms in the estate within six months of the licence holder's date of death via one of the following means:

- Transferring ownership to an existing licence holder;
- Selling the firearms to a Licensed Firearms Dealer;
- Surrendering the firearms for destruction.

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