

# House of Representatives

# Supplementary Order Paper

Tuesday, 9 August 2022

## Firearms Prohibition Orders Legislation Bill

### *Proposed amendment*

Hon Mark Mitchell, in Committee, to move the following amendment:

*New clause 18A*

After *clause 18* (page 9, after line 9), insert:

**18A Section 18 amended (Warrantless searches associated with arms)**

- (1) In section 18(2)(a), after “1983”, insert “, other than **section 42A or 42B** of that Act”.
- (2) After section 18(3), insert:
- (4) A constable who has reasonable grounds to suspect that a person is subject to a firearms prohibition order, or that a person is in breach of **section 42A or 42B** of the Arms Act 1983, may, without a warrant, do any or all of the following:
  - (a) search the person:
  - (b) search any thing in the person’s possession or under the person’s control (including a vehicle):
  - (c) enter a vehicle to carry out any activity under **paragraph (a) or (b)**:
  - (d) seize and detain any firearm or related item:
  - (e) seize and detain any licence under the Arms Act 1983 that is found.
- (5) In **subsection (4)**,—  
**firearm or related item** has the meaning given to it in **section 39** of the Arms Act 1983

**firearms prohibition order**, in relation to a person, means an order made against a person by a court under **section 39A** of the Arms Act 1983.

### **Explanatory note**

This Supplementary Order Paper amends the Firearms Prohibition Orders Legislation Bill. It would give Police greater powers to get firearms out of the hands of those who pose a danger to the community. These new powers allow Police to search the person and vehicles of people who are subject to a firearms prohibition order (**FPO**) for firearms at any time.

This amendment would allow seizure of all firearms and related items, which is the intent of FPOs and is in line with legislation already in force in other jurisdictions.

Without these additional powers for Police, FPOs will not have the desired effect of making it easier for Police to take firearms out of the hands of violent offenders who pose a risk to the community.