



VICTORIA POLICE

## Approved Handgun Target Shooting Club Bulletin

### New Legislation Affecting Notification of Receiving Instruction (NORI)

Approved Handgun Target Shooting Clubs need to be aware of the following changes to the *Firearms Act 1996* (the Act) that come into effect from **1 September 2008**. These amendments relate to section 20 of the *Firearms Amendment Act 2007* (the amending Act). **Can you please ensure you post this bulletin within your Approved Handgun Club where all your members are able to see and read it. A copy of this Bulletin can also be located on the Victoria Police Website [www.police.vic.gov.au/firearms](http://www.police.vic.gov.au/firearms), under 'News & Information'.**

#### Legislative Changes

1. **Additional requirements related to s 54 (4)** – As part of a Notification of Receiving Instruction, the Chief Commissioner may require the person giving the notification (i.e. the instructor) to make a declaration -
  - a. that he or she has questioned the person as to whether or not the person is a prohibited person under the *Firearms Act 1996*; and
  - b. that he or she has questioned the person as to the number of occasions on which the person has received instruction in the use of a general category handgun; and
  - c. that based on the answers he or she received in response to those questions, and any other relevant facts available to him or her-
    - I. whether or not he or she believes that the person is a prohibited person; and
    - II. the number of occasions on which he or she believes that the person has received in the use of a general category handgun

To assist instructors in this process, Licensing Services Division has provided the attached definition of a **prohibited person** under the *Firearms Act 1996*. The onus of ensuring that the appropriate questions have been asked rests with the instructor and therefore clubs/instructors may wish to consider the use of a 'check-list' to be completed by the instructor before the instruction is provided.

Instructors **should not provide instruction** if it becomes apparent as a result of their questioning, that the person seeking instruction is a prohibited person or have exceeded the number of instructions allowed under the Act.

2. **New offence s 54 (6)** – The amending Act inserts an offence for a person who intends to receive instruction and is questioned in the manner described above and knowingly or recklessly gives false information in response to a question asked of him or her.

#### Changes to the Notification of Receiving Instruction (NORI) Form

Please note that the form for providing a **Notification of Receiving Instruction (NORI)** has been amended to reflect the above legislative changes. The updated version of the form can now be downloaded at [www.police.vic.gov.au/firearms](http://www.police.vic.gov.au/firearms) under Other Firearm Forms and Information).

#### Contact Us

If you have any questions regarding this Bulletin, please e-mail [licensing@police.vic.gov.au](mailto:licensing@police.vic.gov.au), attention Legislation Implementation Project (LIP).

**Definition of a Prohibited Person – Extracted from the Firearms Act 1996**

**prohibited person** means—

- (a) a person who is serving a term of imprisonment for—
- (i) an indictable offence; or
  - (ii) an assault; or
  - (iii) an offence under the **Drugs, Poisons and Controlled Substances Act 1981**; or
  - (iiia) an offence under the **Control of Weapons Act 1990**—
- or, in relation to a person—
- (iv) not more than 15 years have expired since the person finished serving a term of imprisonment of 5 years or more for such an offence; or
  - (v) not more than 5 years have expired since the person finished serving a term of imprisonment of less than 5 years for such an offence; or
- (b) a person who is serving a term of imprisonment in another State or a Territory for an offence of a corresponding nature to an offence listed in paragraph (a) or in relation to a person—
- (i) not more than 15 years have expired since the person finished serving a term of imprisonment in another State or a Territory of 5 years or more for such an offence; or
  - (ii) or not more than 5 years have expired since that person finished serving a term of imprisonment in another State or a Territory of less than 5 years for such an offence; or
- (ba) a person—
- (i) who is serving a term of imprisonment for an offence under section 321 or 321A of the **Crimes Act 1958**; or
  - (ii) in relation to whom, not more than 10 years have expired since the person finished serving a term of imprisonment for an offence specified in subparagraph (i); or
- (bb) a person—
- (i) who is serving a term of imprisonment in another State or a Territory of the Commonwealth for an offence of a corresponding nature to an offence specified in paragraph (ba)(i); or
  - (ii) in relation to whom, not more than 10 years have expired since the person finished serving a term of imprisonment in another State or a Territory of the Commonwealth for an offence specified in paragraph (ba)(i); or
- (c) a person who is subject to—
- (i) an intervention order under section 4 of the **Crimes (Family Violence) Act 1987** or an order of a corresponding nature made in another State or a Territory; or
  - (ii) a community based order which includes a condition referred to in section 38(1)(b) of the **Sentencing Act 1991**; or
  - (iii) a supervision order under section 26 of the **Crimes (Mental Impairment and Unfitness to be Tried) Act 1997**—
- or, in relation to a person, not more than 5 years have expired since the person was subject to such an order; or
- (d) a person, in relation to whom, not more than 12 months have expired since that person was found guilty by a court, whether in Victoria or in another State or a Territory, of—
- (i) an offence against this Act, in relation to which it was open to the court to impose a term of imprisonment; or
  - (ii) an offence against any other Act involving the possession or use of firearms and in relation to which it was open to the court to impose a term of imprisonment; or
  - (iii) an indictable offence—
- and who is not, by virtue of the operation of any other paragraph of this definition, a prohibited person; or
- (e) any person who is of a prescribed class of persons;

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