

# PROHIBITED PERSONS

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This topic is a very technical legal one:

- ✓ - it involves Criminal Law
- ✓ - it involves Civil Law
- ✓ - it involves the mixing of Civil Law & Police matters

The combination puts a degree of complexity into the subject.

This is an attempt to put it into layman's terms.

PROHIBITED PERSONS  
ITS NOT THE END OF THE WORLD . . . . BUT

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**A PROHIBITED PERSON IS:**

- ✓ a person serving a term of imprisonment
  - for an **indictable offence** (theft, serious assault, etc)
  - for an **assault** or
  - for an offence under Drugs, Poisons & Controlled Substances Act
  
- while **not more than 15 years** has expired since the person finished serving **a term of imprisonment of 5 years or more** for such an offence

**OR**

- while **not more than 5 years** has expired since the person finished serving **a term of imprisonment of less than 5 years** for such an offence

## PROHIBITED PERSONS

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### A PROHIBITED PERSON IS:

- ✓ a person who has been imprisoned in another State or Territory for the above reasons
    - while **not more than 15 years** has expired since the person finished serving **a term of imprisonment of 5 years or more** for such an offence
- OR**
- while **not more than 5 years** has expired since the person finished serving **a term of imprisonment of less than 5 years** for such an offence

## PROHIBITED PERSONS

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### A PROHIBITED PERSON IS:

- ✓ a person who is subject to:
  - an intervention order (Section 4 Crimes [family violence] Act 1987)
  - a community-based order (supervised)

<in both cases **for a period of 5 years** after the order has finished>

- ✓ a person under supervision for mental health reasons

## PROHIBITED PERSONS

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### A PROHIBITED PERSON IS:

- ✓ any person **within 12 months of a finding of guilt** under the Firearms Act (Where the Court *may* have imposed a prison term)
- ✓ a person who has committed an offence against any Act involving possession/use of firearms where a prison sentence *may* be applied

## PROHIBITED PERSONS

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### **A PROHIBITED PERSON IS:**

- ✓ a person guilty of an indictable offence
- ✓ any 'prescribed class' of person (member of a sect, group, etc)

## PROHIBITED PERSONS

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**When a Magistrate is ruling on the imposition of a full intervention order, make sure that you:**

- ✓ seek to have **firearms kept off the ruling** (so you can get them back more readily)
- ✓ immediately upon being made the subject of an intervention order, **formally apply to the Court** for an order not to be deemed a prohibited person (at all or for limited purposes).

## PROHIBITED PERSONS

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### **When an interim order is made by the Court:**

- ✓ the Police are **OBLIGED** under the law to remove any firearms in the possession of the respondent
- ✓ **DO NOT** give the police any grief (leave them with the impression that you are a good, law-abiding and rational person)
- ✓ Then they may be more inclined to support you in the court by making statement to the effect that they do not believe that you are a danger and that you may be allowed to continue with your (shooting) sport.