

Victoria Police Manual

The Victoria Police Manual is issued under the authority of the Chief Commissioner of Police in s.60, Victoria Police Act 2013. Non-compliance with or a departure from the Victoria Police Manual may be subject to management or disciplinary action. Employees must use VPM Professional and ethical standards to inform the decisions they make to support compliance.

Private security, firearms and weapons regulation

Context

Victoria Police has responsibility for the licencing and regulation of the private security, firearms and weapons industries. This responsibility ensures that activities carried out within these industries are conducted appropriately, consistently, in accordance with the law and support the principles of community safety.

By conducting inspections and audits of storage requirements to ensure compliance with legislation and by recording and investigating all incidents of missing and stolen firearms, Victoria Police aims to reduce harm and adverse impacts on community safety.

Policy at a glance

This policy includes:

- responsibilities and notifications under the *Private Security Act 2004*
- responsibilities under the *Firearms Act 1996* including requirements for licence holders
- the process for suspending and cancelling a firearms licence
- responsibilities and notifications under the *Control of Weapons Act 1990*
- the process for obtaining and maintaining a Prohibited Weapons Approval
- information regarding the following categories of weapons and exemption orders:
 - dangerous articles
 - controlled weapons
 - prohibited weapons.

Contents

Context	1
Policy at a glance	1
Contents	1
Responsibilities and procedures	2
1. Private security industry regulation	2
2. Firearms regulation	2
3. Control of weapons regulation	6
Related documents	7
Further advice and information	7
Update history	7

Responsibilities and procedures

1. Private security industry regulation

1.1 Responsibilities

- The Licensing and Regulation Division (LRD) licences crowd controllers, security guards, investigators, bodyguards, private security trainers, security equipment installers and security advisors.
- New applications for individual and business private security licences and registrations under the *Private Security Act* (PSA) are made direct to LRD via the eServices online portal.
- The Chief Commissioner of Police (CCP) has authority under the PSA to conduct hearings and may cancel, suspend or refuse to issue licences. This authority is delegated to employees of LRD in accordance with instrument of delegation PS 1 and only employees in that work area can suspend or cancel a private security licence or registration.

1.2 Notifications

Members must contact LRD where:

- the holder of any private security licence or registration (individual or business) has engaged in conduct that is considered unfair, dishonest or discreditable, and in the member's opinion should not be the holder of a licence or registration
- an extract is required for a brief of evidence relating to any person who, in any way represents themselves to the public as a private security individual or private security business without being the holder of the appropriate licence or registration
- there is information that a person intends to apply for a registration or a licence and is considered an unsuitable applicant for any reason.

2. Firearms regulation

2.1 Responsibilities

- LRD regulates the possession, carriage, use, acquisition and disposal of firearms and related items under the *Firearms Act* and the *Firearm Regulations 2018*.
- Divisional firearms officers' (DFOs) responsibilities include, but are not limited to:
 - implementing and maintaining procedures to process files from LRD for regional personnel
 - completing storage and firearm inspections allocated by LRD (see section 2.6 of this policy)
 - supporting LRD with the administration of the firearm safety course
 - investigating matters relating to licences and registrations under the *Firearms Act*
 - liaising with firearms organisations and licenced firearms dealers
 - timely reconciliation and retrieval of firearms attached to an expired licence holder or a deceased estate and conducting investigations to locate the whereabouts of firearms (see section 2.5 of this policy).

2.2 Notifications

Members must contact LRD or a DFO when:

- attending at a deceased licence holder's property who has firearms attached to the licence
- suspending a firearms licence
- firearms are seized or surrendered in accordance with provisions under the *Family Violence Protection Act 2008*
- a registered firearm is lost, stolen, or recovered
- a licence holder is found in circumstances that deem them unsuitable to hold a firearms licence
- they have information that a person who currently holds a firearms licence or intends to apply for a licence is considered unsuitable for any reason.

2.3 Licence applications

- Members should direct public enquiries to the Victoria Police website in the first instance. They are also able to seek advice from DFOs or refer enquiries to LRD.
- Licensing and permit enquiries from members, should be directed to LRD via the following email accounts:
 - LRD-FIREARM LICENSING-MGR for firearm licence enquires
 - LRD-FDT PERMITS-MGR for firearm permit and weapons enquires
 - LRD-PRIVATE SECURITY-MGR for private security enquires.

2.4 Licence suspensions and cancellations

- Licence suspensions and cancellations are authorised under s.47 and s.49, *Firearms Act*. If the CCP is satisfied that there may be grounds to cancel a licence under s.49, *Firearms Act* the CCP may suspend the licence by serving notice on the licence holder.
- The member seeking suspension of a licence and to serve a notice of a proposal to cancel under s.47, the *Firearms Act* must:
 - obtain the person's firearm licence details and a list of the firearms owned by the person via a LEAP enquiry
 - prepare a Notice of Suspension and Proposal to Cancel [Form 955] for signature by the delegate identified below in accordance with instrument of delegation FA 1.
- If there are sufficient grounds to suspend a firearms licence, the following delegates can authorise a licence suspension by signing the Form 955 that is to be served on the firearms licence holder:
 - DFO
 - Officer in charge of a one member station
 - sergeants or above
 - LRD only: senior constable/VPS 4 or above.

Note: Only LRD can suspend or cancel a firearms dealer's licence under ss.76 -77 and s.79, *Firearms Act*.

- Members must serve the Form 955 on the licence holder by one of the following methods:
 - via post for low-risk circumstances (e.g. licence holder does not own any firearms)
 - in person for all other circumstances.
- Once the Form 955 has been served on the licence holder, the licence holder must surrender the plastic licence/s, all firearms and ammunition as follows:
 - for postal service - within seven days to a police station
 - for in person service – immediately to the member serving the form.
- If members believe on reasonable grounds that the licence holder has failed to surrender firearms or ammunition, they may enter the premises to search for and seize any firearm or ammunition as provided by s.53(2)(b), *Firearms Act*.
- After service of the Form 955 and seizure of firearms, licence and ammunition, members must:
 - note which firearms were seized on the Form 955
 - enter the firearms, licence and ammunition into PALM
 - complete a report providing additional information to support cancellations of the licence by LRD, and details of any firearms that were not seized and why
 - email a copy of the Form 955 and the report to LRD prior to the end of the shift. Emails are to be sent to the Regulation Support Unit (RSU), LRD
 - post the hard copy Form 955 and plastic licence to RSU, LRD via internal mail.
- Attending members should take further action to retrieve any firearms that were not seized, including obtaining a search warrant if required. Efforts should be made to retrieve the firearms before the completion of any court proceeding.
- The CCP or their delegate must suspend a licence immediately on becoming aware that a licence holder is subject to a final order under the following legislation and conditions:
 - *Family Violence Protection Act* (FVPA) Family Violence Intervention Order or recognised Domestic Violence Order (DVO) under a corresponding law of another state or territory, that does not include conditions cancelling or revoking a licence, permit or authority under the FVPA or, in the case of a DVO, a corresponding law of the jurisdiction in which the DVO was made. (See section 2.8 of this policy for further information about family violence and firearms).
 - *Personal Safety Intervention Orders Act 2010* that does not cancel or suspend a licence under that Act, or an order of a corresponding nature made in another state or territory.

Note: Only a senior sergeant or above and a VPS4 or above at LRD can suspend a licence in accordance with s.47A, *Firearms Act*.

- Only a senior sergeant or above or a VPS4 or above at LRD can cancel a suspended firearms licence in accordance with s.49, *Firearms Act*, 28 days after service of a Form 955.
- After a firearms licence is suspended or cancelled, firearms are to be disposed of in accordance with s.53(4), *Firearms Act*. See **VPM Managing special property types – Firearms** and **VPM Property and exhibit management**.

- If charges are to be laid against the firearms licence holder, the firearms are to be retained as exhibits and application for forfeiture made under s.151, *Firearms Act*. See **VPM Managing special property types – Firearms** and **VPM Property and exhibit management**.
- If an extract is required in relation to licensing or firearms registration, a written request must be forwarded to RSU, LRD at least 14 days before the scheduled court date. Requests can be submitted via email to LRD-REGULATION SUPPORT UNIT-OIC.

2.5 *Deceased estate and expired licence firearm recovery/retrieval*

- Where a licence holder has been deceased for less than six months, all firearms registered against the licence must be accounted for. An investigation into the whereabouts of any unaccounted firearms must be conducted immediately following an audit and inspection of their firearm holdings and storage arrangements. Enquiries should then be made with LRD as to the course of action to be taken to dispose of the firearms.
- In accordance with s.180, *Firearms Act*, an executor or administrator of a deceased estate may, for a period of six months after the death of the licence holder, retain possession of a firearm, carry a firearm and for the purpose of disposing of a firearm, does not commit an offence provided they do all of the following:
 - comply with storage requirements
 - arrange for a licensed firearms dealer to store the firearms on his or her behalf, or
 - arrange for a licence holder whose licence permits the possession, carriage or use of that type of firearms to store the firearm on his or her behalf.
- Where a licence holder has been deceased for more than six months or their licence has expired, all firearms must be retrieved in the first instance or surrendered. Refer to the **Firearms – expired licences and deceased estate firearm retrieval Practice Guide** for the options for surrendering firearms. If firearms have not been retrieved, an investigation into the whereabouts of any unaccounted firearms must be conducted immediately following an audit and inspection of their firearm holdings and storage arrangements.
- DFOs and members must ensure that all efforts to locate missing firearms have been exhausted.
- Where enquiries identify that an offence has been committed, members are to comply with **VPM Crime and event reporting and recording**.
- If firearms have been stolen, members must comply with **VPM Crime attendance and investigation**. The Illicit Firearms Squad provide a response and maintain primacy of thefts involving 10 or more firearms.
- Where enquiries indicate that a firearm is lost, the member receiving the information should obtain a statement from the person reporting the loss of the firearm and complete a Lost Property Report [VP220D].
- Where firearms have not been retrieved or surrendered and a crime has not been committed, refer to the **Firearms – expired licences and deceased estate firearm retrieval Practice Guide** for further information.

2.6 *Storage inspections*

- Inspections and auditing of storage of registered firearms requirements under the *Firearms Act* support responsible and accountable ownership of legal firearms to reduce theft.
- In addition to checking that firearms are stored in compliance with the *Firearms Act*, a complete audit of the firearms held on the licence must occur. This is to ensure that the whereabouts of each firearm attached to the licence is known. Refer to the 'Firearms and Storage Inspection Checklist' on the LRD Intranet page for further information.
- If the licence holder is unable to produce a firearm or if there are any discrepancies, such as unlisted firearms, incorrect serial numbers etc. RSU, LRD must be notified via email to LRD-REGULATION SUPPORT UNIT-OIC by the end of shift.

2.7 *People unfit to possess firearms*

In response to an incident where a person poses a threat of harm to themselves or others and is the holder of a firearms licence, attending members must:

- obtain all possible information regarding the person's access to firearms
- where appropriate, take action to prevent the person obtaining or retaining access to firearms
- follow the process detailed at section 2.4 of this policy.

2.8 *Family violence and firearms*

- For family violence incidents, search and seizure powers should be exercised in accordance with provisions under the *Family Violence Protection Act* see **VPM Family violence**.
- Members seizing firearms under the *Family Violence Protection Act* must also suspend the individual's licence under s.47, *Firearms Act* by following the process detailed at section 2.4 of this policy.

2.9 *Firearm amnesties*

Firearm amnesties should be conducted in accordance with **VPM Firearms governance and auditing**.

3. Control of weapons regulation

3.1 *Responsibilities*

- LRD regulates the sale, possession, carriage and use of prohibited weapons and body armour under the *Control of Weapons Act* and the *Control of Weapons Regulations 2021*.
- Where a legitimate and lawful reason exists for an individual or corporation to possess prohibited weapons, a CCP's Prohibited Weapons Approval may be granted upon application to LRD.
- Members can contact a DFO or LRD via email to confirm if a person holds a CCP's Prohibited Weapons Approval and to obtain an extract.

3.2 Notifications

Members must notify LRD where a person is found in circumstances that deem them unsuitable to hold a Prohibited Weapons Approval. For example, if the approval relates to possession of martial arts weapons for use in competition and practice and they are being used outside of those settings.

3.3 Categories of weapons

Weapons are divided into three basic categories:

- dangerous articles
- controlled weapons
- prohibited weapons (including gel blasters that are classified as imitation firearms).

More information on weapons and descriptions of prohibited weapons can be found on the [Victoria Police website](#).

3.4 Governor in council exemptions

Exemptions exist for certain prohibited weapons for specific authorised activities. Refer to the [list of current exemption orders](#) on the Victoria Police website for information about those in force before taking any action.

Related documents

- Delegation PS1 – Licensing and regulation of private security operators
- Delegation FA1 – Licensing and regulation under the *Firearms Act 1996*
- Delegations CW1 – Licensing and regulation under the *Control of Weapons Act 1990*
- VPMG Managing special property types – Firearms
- VPM Firearms governance and auditing
- VPM Property and exhibit management
- VPM Family violence

Further advice and information

For further advice and assistance regarding this policy, contact your supervisor or Regulation Support Unit, Licensing & Regulation Division.

Update history

DATE UPDATED	SUMMARY OF CHANGE	FORCE FILE NUMBER
10/03/20	VPMP Regulatory responsibilities and VPMG Regulatory responsibilities have been consolidated into the new VPM format and reviewed for accuracy.	FF-081093
10/11/23	Updated instructions when responding to expired and deceased licence holders	FF-201668 1