

# TRANSCRIPT

## LEGISLATIVE COUNCIL LEGAL AND SOCIAL ISSUES COMMITTEE

### Inquiry into Firearms Prohibition Legislation

Melbourne—Monday, 2 September 2019

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Mr Stuart Grimley

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## WITNESS

Detective Superintendent Peter Brigham, Crime Command, State Anti-Gangs Division, Victoria Police.

**The CHAIR:** I declare open the Standing Committee on Legal and Social Issues public hearing. Welcome to everyone who is here today for this hearing. The Committee is hearing evidence in relation to our Inquiry into Firearms Prohibition Legislation.

All evidence that is taken at this hearing is protected by parliamentary privilege by the *Constitution Act 1975* and further subject to provisions of the Legislative Council's standing orders, therefore the information you give today is protected by law. However, any comment repeated outside does not have that same protection. Any deliberately false evidence or misleading of the Committee will be considered a contempt of Parliament. All evidence is being recorded, and you will be provided with a proof version of the transcript in the next few days, which you can certainly make some changes to. Ultimately it will be made public on our website.

Thank you, Detective Superintendent Brigham, for making time for us today. Thank you for your patience this afternoon. If you would like to make some opening remarks, then we can open it up for the Committee's questions. We are conscious also of quite a bit of work being done on the other side of this wall, so if you can speak to the microphone, that would assist greatly Hansard.

**Det. Supt BRIGHAM:** To start off with, just an introduction of my background in policing. I have 38 years of policing experience, predominately in areas of criminal investigation. I hold a master of business administration degree, a graduate certificate in police management and a graduate certificate in fraud investigation. Between 2014 and February 2018 I was the superintendent in charge of the state intelligence division, which was part of Intelligence and Covert Support Command. During this period of time I oversaw the operations of the organised crime intelligence unit, the witness protection unit, the prison intelligence unit, the information collection liaison unit, the sporting integrity intelligence unit and Crime Stoppers.

In February 2018 I transferred to the detective superintendent role at the State Anti-Gangs Division of Crime Command. This is the current role that I occupy now. This division comprises the armed crime squad, which includes firearm trafficking teams; the vehicle crime squad; the Echo Taskforce, including the gangs crime unit; and the fugitive taskforce. At the time of my transfer of course I was briefed about the new legislation that was about to come in about firearms prohibition orders and the work that had already been done in preparation for that. My division carries the primary role in relation to the issue of the first applications, and in a way I suppose we were the ones that commenced the application processes. Those have been refined over the last 18 months. In this role I am regularly briefed in relation to current incidents and investigations and serious offences involving the use of illicit firearms.

In this role I also took over as the chair of Operation Athena, which is the National Illicit Firearms Strategy Advisory Group. It is a national group that meets quarterly. That group reports to the Serious and Organised Crime Coordination Committee, which is all the assistant commissioners of crime from around the country. The focus of Athena is in relation to illicit firearms—it is in relation to broader national strategy around that. In the serious and organised crime and illicit firearms environment the role of Victoria Police is mitigating the risk posed by the presence and use of firearms by organised crime groups and entities, network offenders and those considered a terrorist risk as a state and national priority.

Illicit firearms are obtained, we say, from six different areas: illicit firearms are obtained from grey markets, they are firearms that are pre-1996—ones that were not handed in during the amnesty period post-Port Arthur; firearms thefts; illegal importations; corrupt dealers; illegal manufacturing; and the other category is legally registered and owned firearms that may be used illegally.

Generally our approach in policing and the investigation of serious crime related to illicit firearms—the homicide squad deals with fatal shootings; the armed crime squad, or the Echo Taskforce, investigates what we call non-fatal shootings, which are shootings where someone has been injured but they have not been killed; and regional detectives investigate other shootings, such as what are commonly known as drive-by shootings. This is shootings of cars, shootings of houses that we hear about.

The general challenges around illicit firearms—one of the observations I make about a firearm is it is an enduring commodity. It does not have a use-by date. It does not break down over time. Only last week I saw a report of a firearm that had been traced that was over a hundred years old that was taken off a criminal. A firearm is basically an instrument for discharging a bullet. They may circulate around the country between criminals and between criminal groups. They may be stored in separate locations.

The next sort of category I call weapons of choice, and the challenges around the possession and locating of firearms. The challenge for law enforcement is to locate illicit firearms in circumstances where their possession can be attributed to an offender. I will give you an example of a case where a firearm was located in a toilet area of an OMCG clubhouse. In that situation the police seized the firearm but we were not able to prove any charges against any particular individual.

OMCGs and Middle Eastern organised crime groups have demonstrated a strong preference for the use of handguns, in particular semiautomatic handguns. These firearms are easily concealed and hidden. They are relatively simple to use and they are capable of firing multiple rounds in rapid succession. For example, handguns were used by the offenders in the Love Machine shooting this year and also in the Pavilion shooting earlier this year. During FPO service and searches conducted to date there have been 12 firearms located during the initial searches.

The next challenge that we face is cooperation of victims. Injury shootings are often first reported when victims attend at hospitals to obtain medical treatment. Often the victim is not cooperative or is untruthful when speaking to police—some of course will falsely claim that an injury is self-inflicted. In these types of incidents we actually do not know where the shooting occurred sometimes. A person has turned up to hospital, we do not know when it has happened, we do not know where it has happened, we do not know how it happened and we do not know who was responsible. Many victims of these types of shootings of course are known to police already. A lot of them actually know who the offender is. As a general observation, a common factor with shootings is a connection with illicit drug trafficking, so we find that some of these shootings involve non-payment of debts, extortion and blackmail in relation to that.

Intelligence is another key area of challenge. It is believed members of the community actually hold a lot of information in relation to illicit firearms, to their location, to people that have them and their movements. We are currently running a Crime Stoppers campaign in relation to illicit firearms that was launched on 25 July, and we regard that as being relatively successful to date. We have had some very good information that has come forward from the community.

The availability of illicit firearms is a key challenge. The Australian Criminal Intelligence Commission wrote a paper, which is publicly available, in relation to an assessment of illicit firearms in 2016. I am sure you have possibly seen that. They estimate there are around 260 000 grey market and black market illicit firearms in the community in Australia.

Firearms theft is the last challenge that I want to mention. Last year across Australia over 2200 firearms were stolen, around about 560 in Victoria. This has been increasing over time generally across Australia. Over Victoria it has been a bit up and down in their figures, but the challenge of course that we are left with in policing is to try and locate these stolen firearms and recover them. Otherwise they remain out there, they remain a risk out there in the community.

The firearms prohibition orders are a topic of discussion at the Athena committee meetings. New South Wales, South Australia, Victoria and Tasmania currently have FPO legislation. Other states have not yet been successful in achieving this, but the goal of obtaining FPO legislation is actually part of the national serious and organised crime strategy 2013–2018, I believe. Of note, the legislation that has been brought in between the states has variations. I would say there are currently no provisions that are exactly the same and there is no mutual recognition between jurisdictions.

FPOs assist police by providing a search power on premises, vehicles, individuals and their associates. If a person possesses an illicit firearm and are an FPO subject, this increases the likelihood that they will be detected committing relevant offences. An FPO, once in place, allows operational police to take immediate action in situations, for example, where they see a person suddenly make an attempt to avoid them. The extent

to which FPOs prevent and disrupt offences is difficult to measure and will require significant research over time.

Two examples I will give just briefly of application of FPOs: a recent FPO was issued to an offender who had repeatedly committed firearms thefts and burglaries. This offender by their behaviour was presenting challenges to the local police in so much as trying to actually detect their activities and their recidivist offending, and an FPO has been issued in relation to that subject. Part of that person's management plan actually to try and prevent them from committing further offences is having this FPO in place.

In another example an FPO was issued on a suspect for a non-fatal shooting in a situation where police had insufficient evidence to charge that person with the non-fatal shooting but certainly had other information that led to a successful application for a firearms prohibition order, thereby mitigating the future risk posed by that person.

Around other measures, some of the challenges I think that we face with FPOs are actually challenges in finding FPO subjects, and the ongoing challenge in relation to the fact that there is no requirement for that person to tell us they have changed address, so it is a bit of a cat-and-mouse game. There is the increase in the use of FPOs as Victoria Police rolls this out to the regions; this is currently underway where we are rolling out FPOs to regions with training, and to two specific areas in the first and the next phase of this. So we believe there is certainly a number of people out there that are probably fitting and worthy subjects of FPOs. The application process—we have set ourselves a fairly high bar I believe in relation to that, and some of the applications can be 40 to 50 pages long. There is quite a considerable amount of preparation involved. Having no mutual recognition of course means that if someone moves from New South Wales to Victoria, then we have to go through a whole fresh process of taking out an FPO against that person. That has happened. Managing protected information—so in cases where we have sensitive, protected information, in the current way that FPOs are managed we have to weigh up the risk of including that information in an application or not on the balance of whether that information could be at risk of exposure during a review process. Obviously we have a focus on reducing firearms thefts and there are other areas where we are actually working collaboratively with other agencies to reduce the number of illicit firearms in the community.

In relation to VCAT reviews, there are currently five I believe unresolved at this stage. There was one matter in which the person actually went through the process of receiving all the relevant paperwork and then decided to withdraw their application for review. There were two others who were associates of each other who had applied for a review and in the course of us assessing that material a decision was made to withdraw those FPOs against those two individuals. But the other matters remain live and it is fair to say some of the—

**The CHAIR:** Excuse me, Detective, could you just repeat what you have just said? There were a couple that had been withdrawn?

**Det. Supt BRIGHAM:** Two that were withdrawn, yes.

**The CHAIR:** Right.

**Mr O'DONOHUE:** Was that post the appeal?

**Det. Supt BRIGHAM:** No. It was a recommendation made to the assistant commissioner in relation to those two particular matters.

**Mr O'DONOHUE:** So it was not subsequent to Websdale?

**Det. Supt BRIGHAM:** No. The FPO was withdrawn, therefore making the review application cease.

So the Websdale matter, I would say, is due—the application for seeking leave to appeal—for hearing on 10 October 2019. A stay order was successfully made by Victoria Police in relation to that, and I would say really the impact of that decision has not really changed anything we do. We still continue to issue FPOs and that is ongoing, so there are new FPOs issued every week at this point. That is the closing of my introductory piece.

**The CHAIR:** Thank you. That was really fulsome information and is really helpful in getting, I guess, a picture of how this legislation operates on the ground. And thank you for just clarifying where we are up to with the Websdale appeal because I think that was something that was of interest to the Committee.

You have mentioned some of the limitations of the firearms protection orders and in particular I suppose it is the lack of reporting of things like change of details, such as change of address, and mutual recognition with the other states which would assist you in this. Are there any other ways that you think the scheme could be improved?

**Det. Supt BRIGHAM:** Look, there is potentially an opportunity to have FPOs issued on conviction for certain offences.

**The CHAIR:** Right, so I guess an analogy would be like the sex offender register that—

**Det. Supt BRIGHAM:** Yes. So for example if someone is convicted of trafficking firearms, an FPO is automatically issued.

**The CHAIR:** And I suppose that way it would be issued by a magistrate.

**Det. Supt BRIGHAM:** That is right, and it would require some—

**The CHAIR:** So it would be rather than by the police themselves. Yes, that is interesting. I have got some questions, but I will let my colleagues—

**Mr O'DONOHUE:** Detective Superintendent, thank you very much for your evidence today. I would just like to explore a bit further. You said that following the Websdale decision it has not impacted on Victoria Police's operations or approach to issuing FPOs. But I note that the Minister, on 5 June at the Public Accounts and Estimates Committee, said that 181 FPOs had been issued at that time, and now I think the information Victoria Police provided to the Committee is that there have been 223 FPOs issued since the scheme commenced. During the debate on the introduction of FPOs, during the second-reading debate it was said publicly by Deputy Commissioner Patton and by the Minister that there were around 2200 subjects who would be issued, or considered to be issued, with an FPO. So I suppose my first question is: if the decision of VCAT or Her Honour Justice Hampel has not impacted on the issuing of FPOs, why have only 223 been issued and not more?

**Det. Supt BRIGHAM:** The reason for that I think, firstly, is that it is a new process for us—the application process and working through preparing applications, submitting applications—and that largely has been occurring within Crime Command up until now. So it has not been rolled out regionally yet. And we are trying to set up a better regime actually for what we call person of interest management of FPO subjects. So before we go handing this over to the regions we want to make sure that we have got that right. So it is about: how do you manage a person who has got an FPO in place? What are the minimum things that you would need to do to keep an eye on that person?

**The CHAIR:** Can you give us an example of what that might be?

**Det. Supt BRIGHAM:** It is about maintaining a watchful eye in relation to: is that person still living where they are living? Who are they associating with? Have they had any interactions with police or authorities? Are there any opportunities to use the FPO powers? Is there any intelligence that has been received in relation to that particular individual?

**Mr O'DONOHUE:** I appreciate the answer, but to just go back to the second-reading debate at the end of 2017 and into early 2018, there was a lot of discussion about the need to pass the legislation as quickly as possible without amendment so that with all the work that had been done in identifying people who could be the subject of an FPO they could be served with an FPO. So it does seem curious that only 223 have been issued thus far, noting the five-year average in New South Wales up to 30 June last year was 730 FPOs, or their equivalent, per year. So are you confident that the decision of Her Honour Justice Hampel has not impacted on Victoria Police's determination of whether to—

**Det. Supt BRIGHAM:** No, that is right.

**Mr O'DONOHUE:** Okay, so the number of FPOs being issued currently, is that likely to remain roughly the same in coming months?

**Det. Supt BRIGHAM:** Well, it is likely to increase as we roll it out to the regions and we have more people actually submitting applications.

**Mr O'DONOHUE:** So how will—

**Det. Supt BRIGHAM:** Might I also say, though, that the New South Wales criteria is actually different; the wording is different. To satisfy the criteria that they have is arguably easier than in Victoria.

**Mr O'DONOHUE:** I suppose I just reference New South Wales because the Minister referenced New South Wales in her second-reading speech and in debate about the effect the FPO regime in New South Wales had had in tackling organised crime and driving down crime. And as we have seen in New South Wales, crime has actually been on a downward trend now for many years, arguably linked to their FPO regime. If I could ask one follow-up question, Chair: Deputy Commissioner Patton identified around 2200 people that could be the subject of an FPO prior to the legislation being passed. The Minister referred to that number publicly as well. When do you think the 2200 will be issued with an FPO—or the application for an FPO on those 2200 will be concluded?

**Det. Supt BRIGHAM:** I think to get up to numbers like that would depend on the allocation of resources within the regions once the rollout is done.

**Mr O'DONOHUE:** When is that likely to occur? When is the rollout likely to be—

**Det. Supt BRIGHAM:** Well, the rollout is occurring right at the moment, so—

**Mr O'DONOHUE:** When will it be finished?

**Det. Supt BRIGHAM:** It is due to be finished by mid next year.

**Mr O'DONOHUE:** Mid next year?

**Det. Supt BRIGHAM:** Yes.

**Mr O'DONOHUE:** Okay.

**Dr KIEU:** Thank you, Deputy Superintendent Brigham, for coming here and giving us some insight into the issue. I would like to come back to the use and availability of the illicit firearms. Do you have any concerns about, or have you seen any trends about, distributed components of firearms, so different parts of an organised crime ring—so one can have the barrel, the other one may have some other part of the gun and, when needed, they can reassemble it and use it, but individually each component is not illegal, or maybe hard to prove illegal, and also is meaningless if it just stands by itself? Do you see any trend of that? Is there any concern about that?

**Det. Supt BRIGHAM:** Well, I am aware of an AFP investigation last year where they detected firearms parts being imported into Melbourne and subsequently were watching that person; they had a plan obviously of bringing in various parts so they could make up firearms. And ultimately that person was arrested. But the trade of firearms parts as such, it is not really something that we are seeing. We are seeing the movement of actual whole weapons that are concealed, but not the broken-down movement of them.

**Dr KIEU:** Following that, do you have any insight about some of the new emerging technologies in producing or manufacturing firearms illegally, like 3D printing or some other means?

**Det. Supt BRIGHAM:** It is certainly, through Operation Athena, something that we monitor around the country, the emergence of 3D printed firearms for example. We are not seeing an increase in detections around that; it is fairly low level by number. One of the things I believe, in response to that, is that the 3D firearm is only capable of firing one shot. And I think some people would not be confident to actually use it because they

might be worried that it might virtually blow up in their hands. And, you know, it is that balance with the availability of other firearms. So I think if other firearms became harder to get, then there may be a surge or an emergence of those manufactured and 3D-type firearms, but we are not seeing it at this point.

**Dr KIEU:** Lastly, apart from the organised crime like the Middle East or the outlaw motorcycle gangs, have you seen any evidence of increased availability of firearms to a younger group of people or some others not classified as organised crime?

**Det. Supt BRIGHAM:** Probably within what we say are the Middle East crime groups are young male offenders—young men—that seek to get hold of firearms and that are involved in some of these fatal and non-fatal shootings, but mostly linked within those groups rather than others. But there are various detections of police just pulling over a car and finding a firearm in possession of a variety of different people.

**Dr KIEU:** But it is not an increased trend you can see?

**Det. Supt BRIGHAM:** Well, we are seeing an increase, I suppose, in possession of illicit firearms in relation to drug investigations. So people that are dealing in drugs, often we will receive information they also have firearms, or they may be selling drugs and selling firearms too.

**Ms VAGHELA:** You say that the challenge with the firearms is that there is no use-by date. So considering that in mind, in terms of the limitation of the current FPO scheme, what are the limitations? And would you change the current FPO scheme, and if you do, how would you change it?

**Det. Supt BRIGHAM:** Okay. I think with the FPO scheme it is really in its infancy at this point, so police are learning how to best leverage off that and incorporate that in their strategies. I think really for us it is a challenge of actually locating firearms, and in another way most of these people do not cooperate with us. They do not tell us where the firearm came from, how much they paid for it or when they bought it. So I suppose the scheme complementing schemes that are operating in other jurisdictions is an advantage, because we know that stolen firearms, for example, are moving from one side of Australia to the other. A lot of these networked offenders—these organised crime groups—are very proficient at moving these commodities around.

But as far as the scheme goes, I think only what I have already mentioned in so much as knowing where a person is actually living, for a start, because the way I see it is offenders will get used to the legislation, they will get used to finding ways around discovery. And searching for firearms is always challenging for police.

**Ms VAGHELA:** In relation to the Websdale case and VCAT's decision, do you think VCAT is the right body to hear the appeals?

**Det. Supt BRIGHAM:** Look, it is probably not something that I am in a position to answer, I do not think that question.

**Ms VAGHELA:** So what are the strengths and limitations of VCAT to hear such appeals? The decision that was given for Websdale, I understand that is going to be heard now at the Court of Appeal on 10 October.

**Det. Supt BRIGHAM:** Yes. Well, I think we will await the outcome of the Court of Appeal decision, and we will consider that carefully, whatever that decision actually is.

**The CHAIR:** Following on from Ms Vaghela's questions, one of the issues around VCAT was that section 4A of the legislation. In rolling this program out to the regional areas you mentioned that you were providing training and guidelines and preparing the processes in those regional areas. Could you assist us with what sort of guidelines you provide to police about 4A of the legislation? How do you, I suppose, explain 4A to police officers but also the public interest test in section 112? I am guessing that is the information you need to provide to police in the regions?

**Det. Supt BRIGHAM:** Yes. Really, the training of actually putting together an application, and the application is broken down into addressing the sections of 112E—

**The CHAIR:** Four sections, yes.

**Det. Supt BRIGHAM:** (a), (b), (c) and (d). So how those applications are framed varies from case to case. But you know, what we see is that there are layers of supervision and management that occur in the workplace in any event. If a detective was to say, 'Look, I've decided I'm going to put in an FPO application on this particular individual', they may discuss that with their sergeant, and then the sergeant may say, 'Look, I don't think this one's got enough in it actually to progress this. I've had a fair bit of experience with these applications, and I don't actually think this one has enough'.

**The CHAIR:** Yes.

**Det. Supt BRIGHAM:** Then it goes through to the inspector of the unit. At the moment we have the inspector who reviews all applications as well, and then of course the delegate has to be satisfied when the delegate reads it. And we have had quite a number that have been rejected by the delegate.

**The CHAIR:** Okay.

**Det. Supt BRIGHAM:** So, I think, in answer to your question, the public interest test is actually built into the consideration of all applications in weighing up the merit of an application.

**The CHAIR:** Right. And given that there is a delegate who needs to sign off on it—

**Det. Supt BRIGHAM:** Ultimately, yes.

**The CHAIR:** Ultimately. With the orders that have been issued so far—I think 223 orders—we have received the breakdown of the rank of the person who made the order. I am just wondering how many of those orders might have come out of your division, or have those 223 come across from a broad range of divisions?

**Det. Supt BRIGHAM:** At least half.

**The CHAIR:** Right. Yes.

**Det. Supt BRIGHAM:** I mean, that, I suppose, speaks for itself in so much as we are dealing with those people that are in that environment that are the greatest risk.

**The CHAIR:** Well, exactly. I mean, it was those gangs that this legislation was implemented to deal with.

**Mr O'DONOHUE:** Just a question again following previous questions. The decision of Justice Hampel you said basically has had no impact on the way Victoria Police is approaching the issuing of FPOs and preparing the issuing of FPOs. Whilst it is a hypothetical, with the leave for appeal and the appeal, if granted, now listed for early October, there is a very real prospect that Her Honour's decision will be upheld. Noting the chief commissioner has previously said he will ask the Government to redraft the laws if that indeed occurs, if you were starting this again, what different advice would Victoria Police provide to Government when it comes to drafting the FPO regime?

**Det. Supt BRIGHAM:** I really do not know that I can answer that question. I am not a legal expert in relation to that.

**Mr O'DONOHUE:** Maybe I can ask a different question. What flaws are in the legislation that led to the regime failing at its first test?

**Det. Supt BRIGHAM:** Again it is subject to appeal and we do not have a final outcome for that yet. I think the balance in Justice Hampel's decision related to the prospect of the subject person coming into possession of a firearm in the future. That is one of the things it came down, I believe. There is various information—the substantial evidence that was provided to VCAT—and it is a balance on that which is in a way a risk assessment when it comes down to it.

**Mr O'DONOHUE:** If I could take you back to the issue of the number of searches, you mentioned that there have been 12 guns seized from the searches that have been conducted. Can I ask: how many searches have been conducted in total? You did give some evidence to the Committee in response to the questions: '120 searches detected an offence, resulting in 139 individual charges being laid'. That is correct?

**Det. Supt BRIGHAM:** Yes.

**Mr O'DONOHUE:** Can I ask: in addition to the 12 guns, what else has been found, or what has been the general nature of the 139 charges that have been laid?

**Det. Supt BRIGHAM:** A lot of the things found relate to drugs—hydroponics set-up is one, various different drugs, other stolen property.

**The CHAIR:** Just adding on from Mr O'Donohue, the 12 firearms that were found in those searches, and we know that 139 individual charges have been laid—are those 12 the only firearm-related offences that—

**Det. Supt BRIGHAM:** That come out of it?

**The CHAIR:** come out of that?

**Det. Supt BRIGHAM:** Yes. I believe so.

**The CHAIR:** Yes. So the rest were drug offences and other offences.

**Dr KIEU:** Detective Superintendent, were you ever concerned about the fact that there is no cross-jurisdiction collaboration? That could, as you already mentioned, open the loophole for different organised crime gangs to cross the borders. But more than that, what about the terrorists, what about the extremists with the ability to access firearms, or something more cynical? Is there any step being taken between the police of different jurisdictions or is there anything that you think should be done in order to have perhaps a national approach? What do you think about the issue there? Is there anything that should be done?

**Det. Supt BRIGHAM:** Well, there is actually a national firearms and weapons policy working group. I am not a member of that working group, but I understand that that working group has that as an action item to look at—to look at ways of interoperability between jurisdictions and improving legislation and the alignment of legislation.

**Dr KIEU:** At the moment there are still a lot of loopholes and also a lot of uncertainties and potential for—

**Det. Supt BRIGHAM:** Well, it is a question around alignment being that the legislation has been issued in different jurisdictions and none of it looks exactly the same, so that is something to be considered.

**Mr O'DONOHUE:** Just further to my colleague Dr Kieu's point, did Victoria Police, in its advice to Government, consider adopting the New South Wales regime to mirror the New South Wales regime, given that 730 FPOs are being issued each year and given its proven success? Was that considered as part of the advice to Government?

**Det. Supt BRIGHAM:** I do not want to sound like I am avoiding your question, but I actually was not a party to all those steps that had taken place before I came into the role. So basically the legislation was at a point of finalisation and implementation in May, which was two or three months after I had actually commenced. I think all that actually occurred back in 2017.

**Mr O'DONOHUE:** Moving forward, would it be fair to say that more harmonisation with the FPO regimes in other states would assist Victoria Police in managing some of these offenders who obviously work across borders?

**Det. Supt BRIGHAM:** Yes.

**The CHAIR:** And in that, that would be also just that information sharing and that ability for mutual recognition of those protection orders?

**Det. Supt BRIGHAM:** Yes.

**Ms VAGHELA:** You talked about some of the general challenges you have faced in policing organised crimes. FPOs assist in policing those organised crimes. What measures could be put in place or introduced in addition to what you have to make those challenges a little bit easier?

**Det. Supt BRIGHAM:** I probably do not have anything I can add to what I have previously said in relation to that—just around having knowledge of where a person currently resides, similar to registered sex offenders that are required to advise police within 24 hours of a change of address. That would certainly assist us.

**Mr O'DONOHUE:** You mentioned that there are five VCAT reviews yet to be heard. Have they been listed for hearing, those matters?

**Det. Supt BRIGHAM:** Several of them, I know, are in October, and two of them are relatively new so they are just moving through the early stages of the process of the exchanging of relevant paperwork between parties.

**Mr O'DONOHUE:** Right, but there are at least a couple that are listed to have the actual hearing in October?

**Det. Supt BRIGHAM:** Yes.

**Mr O'DONOHUE:** After 10 October?

**Det. Supt BRIGHAM:** Yes.

**Mr O'DONOHUE:** So VCAT's determination may well be informed by the appeal listed for the 10th?

**Det. Supt BRIGHAM:** May.

**Ms VAGHELA:** The VCAT decision in early October, if it is not overturned, then the chief commissioner is saying that they will change the law. What sort of things will be included as part of the change of the law?

**Det. Supt BRIGHAM:** Again, I think it would be a matter of considering the actual decision that is made and clarifying the points that come out of that to look at what part of the law or what wording in the law could be altered to effectively make the application process fit into such a case. It is difficult to speculate at this point in time until a decision is actually made and that decision is read and understood.

**The CHAIR:** Can I just finish up on that section 112 and the public interest, because I guess that is the question that VCAT ultimately decided—that the test of public interest had not been met. In determining that are there some rules of thumb or some information you could provide to us as to how the police determine that public interest, understanding that we have got the main points of what that public interest test is? Given that VCAT found the balance between public interest and the freedoms of the individual did not meet, is there any other information you could provide the Committee on assessing that public interest?

**Det. Supt BRIGHAM:** I will take that on notice I think. I will have a look at our guidelines and see if there is something I can get to you.

**The CHAIR:** Thank you, Detective Superintendent Brigham. That has been really helpful for us.

**Witness withdrew.**