

# Legislative Council Legal and Social Issues Committee

## Inquiry into Firearms Prohibition Legislation



VICTORIA POLICE

### Victoria Police's response to information requested on 22 August 2019

1. **How many FPOs have been made under s 112D?**

As at 26 August 2019, 223 FPOs have been issued. This figure does not include applications for a FPO that were declined, or those still under consideration.

Of these —

a. **How many have been served?**

As at 26 August 2019, 199 FPOs have been served. This figure includes six orders that have been served and subsequently revoked.

b. **What is the breakdown by rank/position of the person who made the order (Chief Commissioner, delegate etc)?**

Rank	Number of Orders Issued
A/Assistant Commissioner	2
Assistant Commissioner	5
A/Commander	13
A/Superintendent	99
Superintendent	104
<b>Grand Total</b>	<b>223</b>

c. **In each case, on what ground/s as set out in s 112E(a)–(d) was the FPO based?**

Of the 223 issued FPOs:

FPO Ground	Number of orders issued using this ground
112E (a) Because of the criminal history of the individual	215
112E (b) Because of the behaviour of the individual	137
112E (c) Because of the people with whom the individual associates	99
112E (d) Because, on the basis of information known to the Chief Commissioner about the individual, the individual may pose	40

These figures are based on each time a FPO has been issued on that ground as only one ground must be satisfied in order for a FPO to be issued. However, a FPO may be issued on one or more grounds, and FPOs have been granted in various combinations. For example, 14 orders have been issued where a FPO was granted on all four grounds.

2. **Are you aware of any applications that have been lodged with VCAT awaiting review under s 112M? If so, how many?**

There are currently four active VCAT reviews as at 27 August 2019. An additional review was to have been heard on 26 August 2019, however was struck-out due to the non-appearance of the applicant. It is unclear at this time if they will seek to continue this review.

One further application has progressed through VCAT and is currently waiting to be heard before the Court of Appeal.

Several additional VCAT matters have been finalised and are no longer under review. Please advise if you require figures.

**3. In relation to the delegation power in s 112F, including a breakdown by rank/position—**

**a. How many persons are eligible to be delegated to?**

Under s.112F(1), the following roles are able to make a FPO:

Role	Number of positions
Chief Commissioner of Victoria Police	1 position
Deputy Commissioner	3 positions
Assistant Commissioner	15 positions
Executive VPS	28 positions
Commander	11 positions
Superintendent – Crime	6 positions
Superintendent – Transit	7 positions
Superintendent - Intelligence and Covert Support	5 positions
Superintendent – Licensing and Regulation	1 position
Superintendent – Family Violence	1 position
Superintendent – Counter Terrorism	2 positions
Superintendent - Operational Support	4 positions

Total: 84 potential delegates.

**b. How many delegations have been made?**

Under the current Instrument of Delegation FA2, the authority to make an order has been limited to the below roles:

- Deputy Commissioner
- Assistant Commissioner
- Commander
- Superintendent – Crime Command
- Superintendent – Counter Terrorism Command

An amendment to this instrument is currently underway, which will expand the delegate cohort to include the below roles:

- Superintendent – Operational Support
- Superintendent – Licensing and Regulation

**4. In relation to searches conducted under Division 5 of Part 4A —**

The Search and Charge data below covers searches and charges resulting from searches between 9 May 2018 to 30 June 2019. This time period has been used due to the data being taken from a pre-existing report, prepared by Victoria Police Corporate Statistics and manually validated by the FPO Registry.

Search and Charge information currently relies upon frontline members accurately entering data into LEAP, which must then be extracted and manually verified to ensure that correct entry has been made. A number of projects are underway to assist in improving access to and reporting of this information, in order to meet reporting requirements.

It should also be noted that the below information relates to each record relating to a search. Several FPO subjects have been searched multiple times and each search will be recorded separately. The method of recording also results in multiple searches being counted when a subject, and persons in their company are searched.

I.e., if a search is conducted under 112R (search of a FPO subject), and 112S (a person in their company) during the same incident, this will count as two searches.

**a. How many searches have been conducted under each of sections 112Q, 112R and 112S?**

s112Q & 112R: 134

s 112S: 71

This data cannot be broken down further without a manual review of each of the 205 records.

**b. On how many occasions has the conduct of a search resulted in charges being laid?**

120 searches detected an offence, resulting in 139 individual charges being laid. These charges are not limited to offences against the *Firearms Act 1996*.