

Legislative Council Legal and Social Issues Committee

Inquiry into Firearms Prohibition Legislation



Victoria Police - Detective Superintendent Peter Bringham

Public Hearing 2 September 2019 - Response to question taken on notice

Question:

Are there some rules of thumb or some information you could provide as to how the police determine public interest, beyond understanding the main points of that public interest test? 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?

Response:

The words 'public interest' are part of the legislative provisions under s112E of *the Firearms Act 1996*.

The Chief Commissioner may make a firearm prohibition order only if the Chief Commissioner is satisfied that it is in the public interest to do so—

- (a) because of the criminal history of the individual; or*
- (b) because of the behaviour of the individual; or*
- (c) because of the people with whom the individual associates; or*
- (d) because, on the basis of information known to the Chief Commissioner about the individual, the individual may pose a threat or risk to public safety.*

Victoria Police considers the 'public interest' in issuing FPO's in terms of the threat and risk that the subject person may pose to the public in terms of the core functions of policing identified as preserving the peace, protecting life and property, preventing the commission of offences, and detecting and apprehending offenders.

'Public interest' is a broad concept that is flexible enough to respond to the facts and circumstances of any particular case.