Report to the Minister

Pursuant to section 174B of the Firearms Act 1996 (Vic)

1 January 2023 – 31 December 2024

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Acknowledgement

IBAC acknowledges the Traditional Custodians of the lands on which we work and pays respect to Elders past, present and emerging. We recognise and celebrate the diversity of Aboriginal peoples and their ongoing cultures and connections to the lands and waters of Victoria.

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1. Overview

1.1. Definitions

BWC	Body worn camera
FPO	Firearm Prohibition Order
FPO applicant	Victoria Police officer completing the Form 1486 FPO Application
FPO made	The date the Delegate approved section 4 of the application
FPO revoked	The date the FPO is no longer in operation
FPO served	The date the FPO is served by a police officer to FPO subject
FPO subject	Individual who is the subject of an FPO that has been made and served
IBAC	the Independent Broad-based Anti-corruption Commission
IBAC officer	IBAC officers authorised under section 174M(4) to exercise powers of entry and inspection
Inspection period	1 January 2023 to 31 December 2024
LRD	Licensing and Regulation Division
LSD	Legal Services Department
LEAP	Law Enforcement Assistance Program
Minister	Minister for Police
SDD	Service Direction Determination
SSW	Service Search Warrant
the Act	Firearms Act 1996 (Vic)
the Registry	Division of Victoria Police responsible for administering the FPO scheme
VCAT	the Victorian Civil and Administrative Tribunal
VPM	Victoria Police Manual – Firearm Prohibition Orders

1.2. Introduction

Pursuant to section 173 of the *Firearms Act 1996* (Vic) (the Act), the Independent Broad-based Anti-corruption Commission (IBAC) is responsible for monitoring the compliance of the Chief Commissioner of Police (Chief Commissioner) and authorised persons with their obligations in relation to making and enforcing firearm prohibition orders (FPOs), and record keeping requirements under Parts 4A and 10A of the Act.

In summary, IBAC functions under the Act are to:

i. review the making of FPOs and Service Direction Determinations (SDDs) by the Chief Commissioner (or delegate) for each three-month period[1]
ii. monitor any exercise of the powers of the Chief Commissioner or the performance of the duties and functions of the Chief Commissioner under Parts 4A and 10A.[2]

To facilitate these functions, IBAC officers may exercise certain powers, including entering premises occupied by Victoria Police at which IBAC reasonably believes there are documents relevant to its functions under the Act, and inspecting any document found at those premises.[3]

After completing a review or inspection, IBAC may make recommendations in private to the Chief Commissioner on any action IBAC considers appropriate, and the Chief Commissioner must respond within 45 days.[4]

IBAC must report biennially to the Minister for Police (Minister) in relation to IBAC's monitoring and review functions listed in points (i) and (ii) above.[5] In the report, IBAC may identify and include recommendations to the Minister on possible amendments to Parts 4A or 10A, to improve the operation of those Parts.[6]

IBAC also has a discretionary power to give the Minister, at any time, a report on IBAC's functions, and the Minister may request that IBAC provide a report on the results of its monitoring functions at any time.[7]

The Minister must cause an IBAC Ministerial report to be laid before each House of Parliament.[8]

This report:

- provides the results of IBAC's quarterly FPO reviews in the inspection period, including updates made by Victoria Police to its FPO processes and systems in response to matters raised by IBAC during those inspections
- sets out the findings of IBAC's inspection pursuant to section 173 of the Act, of Victoria Police's records for the period 1 January 2023 to 31 December 2024 (the inspection period), to determine compliance with the requirements under Parts 4A and 10A of the Act.

Throughout IBAC's FPO reviews and inspection, IBAC liaised with Victoria Police and provided feedback reports setting out matters for consideration, findings, and private recommendations.

1.3. Legislative Framework

The purpose of the Act is to provide:

- a system of licensing and regulation about the business of dealing in firearms
- a system of permitting and regulating the acquisition and disposal of firearms and related items
- a system of registering firearms
- requirements for the secure storage and carriage of firearms
- for the establishment of the Firearms Appeals Committee to hear applications for the review of certain decisions of the Chief Commissioner under the Act.[9]

Victoria Police has wide-ranging powers under the Act to manage and oversee licensing, registration and other control measures for the possession, carriage, use, acquisition, disposal, and storage of firearms.

[1] *Firearms Act 1996* (Vic) s 174F(1).
[2] *Firearms Act 1996* (Vic) s 173.
[3] *Firearms Act 1996* (Vic) s 174M.
[4] *Firearms Act 1996* (Vic) ss 174A and 174I.
[5] *Firearms Act 1996* (Vic) ss 174B and 174C.
[6] *Firearms Act 1996* (Vic) ss 174B(2).
[7] *Firearms Act 1996* (Vic) s 174(1)-(2).
[8] *Firearms Act 1996* (Vic) s 174D.
[9] *Firearms Act 1996* (Vic) s 1.

Part 4A of the Act sets out the powers of the Chief Commissioner (or delegate)[10] to make an FPO in relation to an individual, undertake personal, premises and other searches without a warrant or consent, and lay charges for FPO breaches and related offending. These provisions are aimed at increasing the protection of the community from firearm related offending.[11]

Once an FPO is made by a delegate it does not come into force until the day it is served on the individual to whom the FPO applies (FPO subject).[12] The FPO subject is then prohibited from acquiring, possessing, carrying, or using any firearm or firearm related item. The Chief Commissioner must consider a number of criteria and be satisfied it is in the public interest to make the FPO.[13] The FPO subject can apply to the Victorian Civil and Administrative Tribunal (VCAT) for a review of the decision to make an FPO.[14]

Pursuant to sections 174F and 174H of the Act, IBAC must review a proportion of FPOs made in each quarter, against the statutory requirements, to assess whether the FPO should have been made. IBAC's review of an FPO must be based solely on the information that was before the Victoria Police delegate at the time of making the FPO.[15]

After reviewing the making of an FPO, IBAC may recommend, in private, that the Chief Commissioner take any action that IBAC considers appropriate.[16] For example, IBAC may recommend that the Chief Commissioner review an FPO with a view to revoking it. The Chief Commissioner must provide a response in writing to IBAC within 45 days of receiving the recommendation.

IBAC's review of an FPO differs from a VCAT merits review in which VCAT re-makes the decision based on submissions and evidence from the FPO subject, the applicant, and the Chief Commissioner, including information that was not before the original decision maker.

1.4. The Firearm Prohibition Order Registry

The Chief Commissioner must take all reasonable steps to ensure records are kept for:

- each FPO made, including any order that is not in operation
- any document received from an individual subject to an FPO
- any policies, procedures, or guidelines of Victoria Police about the making of FPOs or the operation of Part 4A
- records of any searches under Part 4A.

The Firearm Prohibition Order Registry (the Registry) within Victoria Police Crime Command has primary responsibility for facilitating the FPO process.

The Registry maintains the FPO Register (the Register) that contains information required to be recorded for FPOs.

FPO applications are completed by police officers (applicants) and reviewed by the Registry before being provided to a delegate for decision. The Registry informs the applicant of the outcome of the FPO application decision.

For an FPO to come into force it must be served on the FPO subject by a police officer,[17] which is evidenced by an Affidavit of Service completed by the serving officer.

Once the FPO is in force, a relevant warning flag is added to the FPO subject's profile in the Law Enforcement Assistance Program (LEAP) to alert police to the FPO, which allows searches without warrant to be conducted if required in accordance with Part 4A of the Act.

The Chief Commissioner is responsible for maintaining documented policies and procedures to ensure there is a methodical approach to the making of FPOs and record keeping pertaining to all aspects of FPOs, including searches, seizures, charges, and revocations.

The Chief Commissioner must include in the Victoria Police annual report the numbers of FPOs issued in the financial year and related statistical information.

IBAC is required to monitor the Chief Commissioner's exercise of powers under Part 4A in relation to making and revoking FPOs, issuing FPOs, service direction determinations (SDDs), service search warrants (SSWs), conducting

[10] *Firearms Act 1996* (Vic) s 112F.
[11] Victoria Parliamentary Debates, Legislative Assembly, 21 Sept 2017, 2964 (Ms Neville, Minister for Police and Emergency Services).
[12] *Firearms Act 1996* (Vic) s 112J.
[13] *Firearms Act 1996* (Vic) s 112E.
[14] *Firearms Act 1996* (Vic) s 112L.
[15] All decisions to make an FPO were by a delegate of the Chief Commissioner of Police.
[16] *Firearms Act 1996* (Vic) s 174I.
[17] *Firearms Act 1996* (Vic) s 112I(1).

searches without warrant or consent in relation to the FPO subject, and dealing with surrendered or seized firearms or related items.[18]

IBAC is also required to monitor the Chief Commissioner's compliance with the requirement in Part 10A of the Act to take all reasonable steps to ensure that records are kept of:

- each FPO made
- any document received in relation to the FPO from an FPO subject (or their representative)
- any Victoria Police policies, procedures, or guidelines about the making of FPOs or the operation of Part 4A
- records of searches under that Part.[19]

IBAC may recommend, in private, that the Chief Commissioner take any action that IBAC considers appropriate, and the Chief Commissioner has 45 days to respond.[20]

[18] *Firearms Act 1996* (Vic) s 173.
[19] *Firearms Act 1996* (Vic) s 174O.
[20] *Firearms Act 1996* (Vic) s 174A.

2. Review of Firearm Prohibition Orders

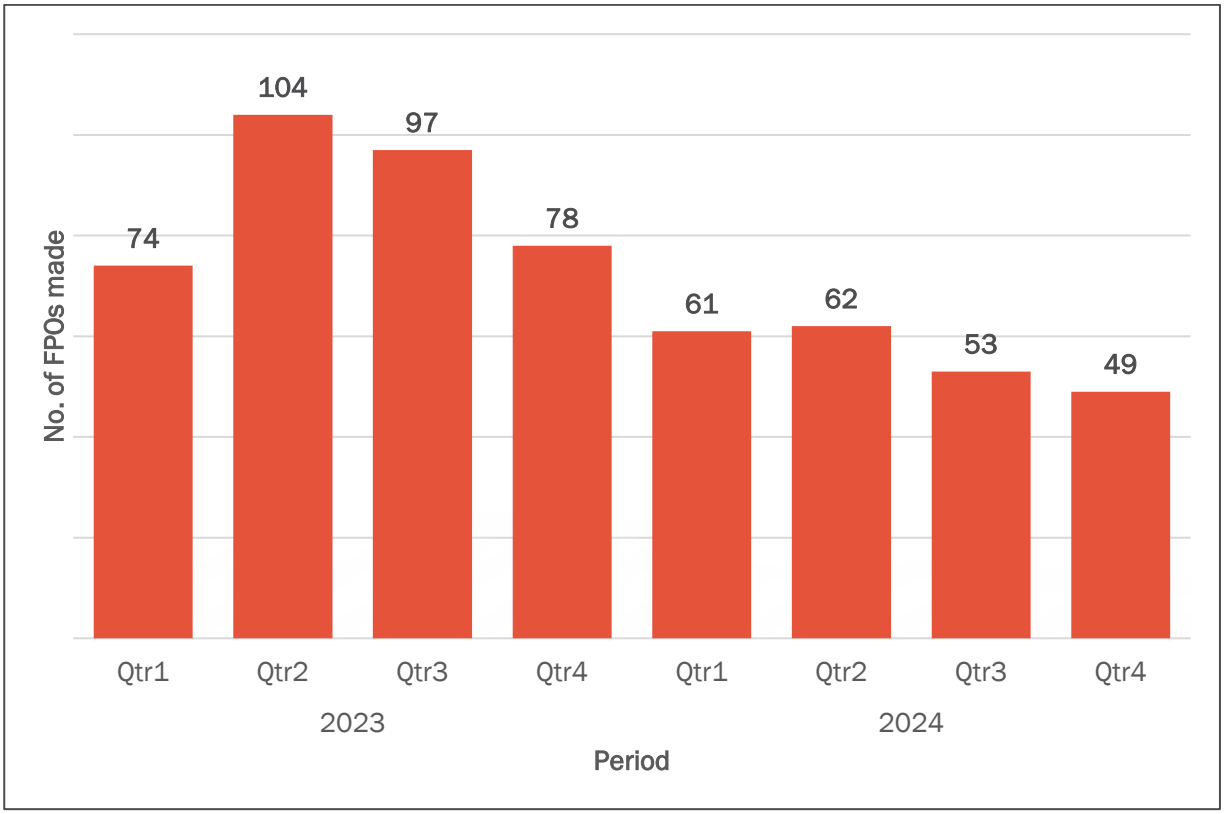
2.1 IBAC's review of FPOs made by Victoria Police

The following statistics show the number of FPOs made in the inspection period. The Chief Commissioner (or delegate) may make an FPO only if satisfied that it is in the public interest to do so:

- because of the criminal history of the individual; or
- because of the behaviour of the individual; or
- because of the people with whom the individual associates; or
- 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.[21]

Figure 1 below shows the split across reporting quarters for the 578 FPOs made by a Victoria Police delegate in the inspection period.

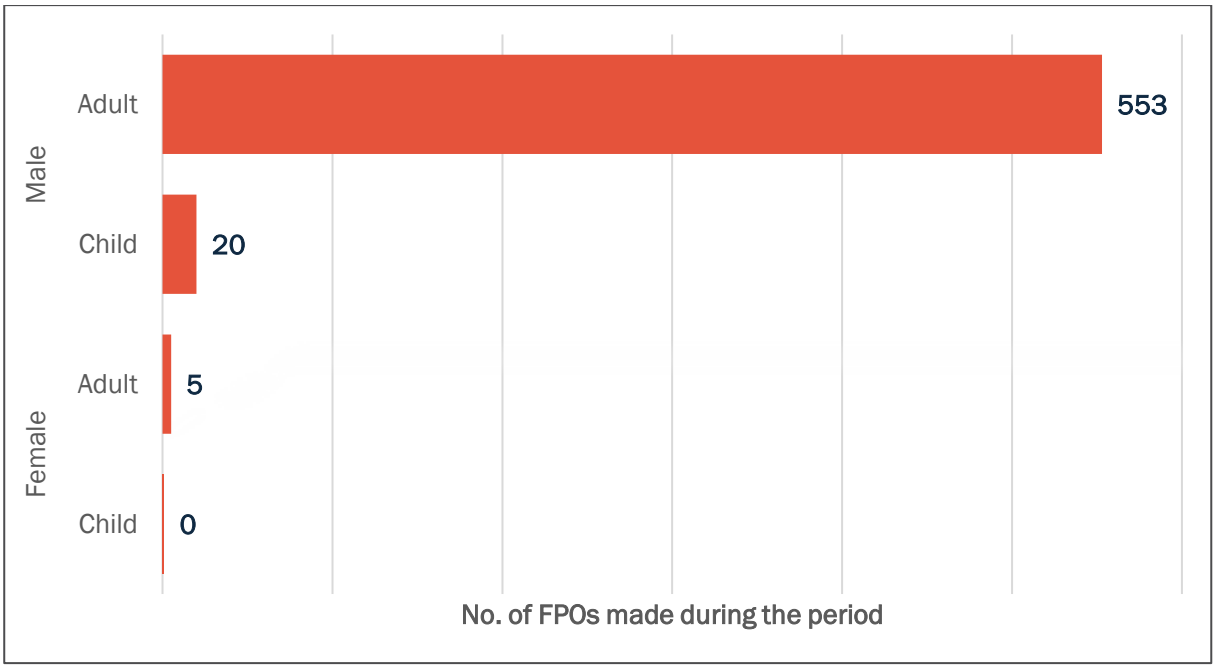
Figure 1: FPOs made



[21] *Firearms Act 1996* (Vic), s 112E.

Figure 2 below shows the age and gender split across FPO subjects for the 578 FPOs made by a Victoria Police delegate in the inspection period.

Figure 2: FPOs subjects



An FPO may be made based on one or more of the criteria set out in section 112E(a) to (d). Figure 3 below shows the split across these criteria for the 578 FPOs made by a Victoria Police delegate in the inspection period.

Figure 3: Each of the grounds under section 112E of the Act on which the FPOs were made

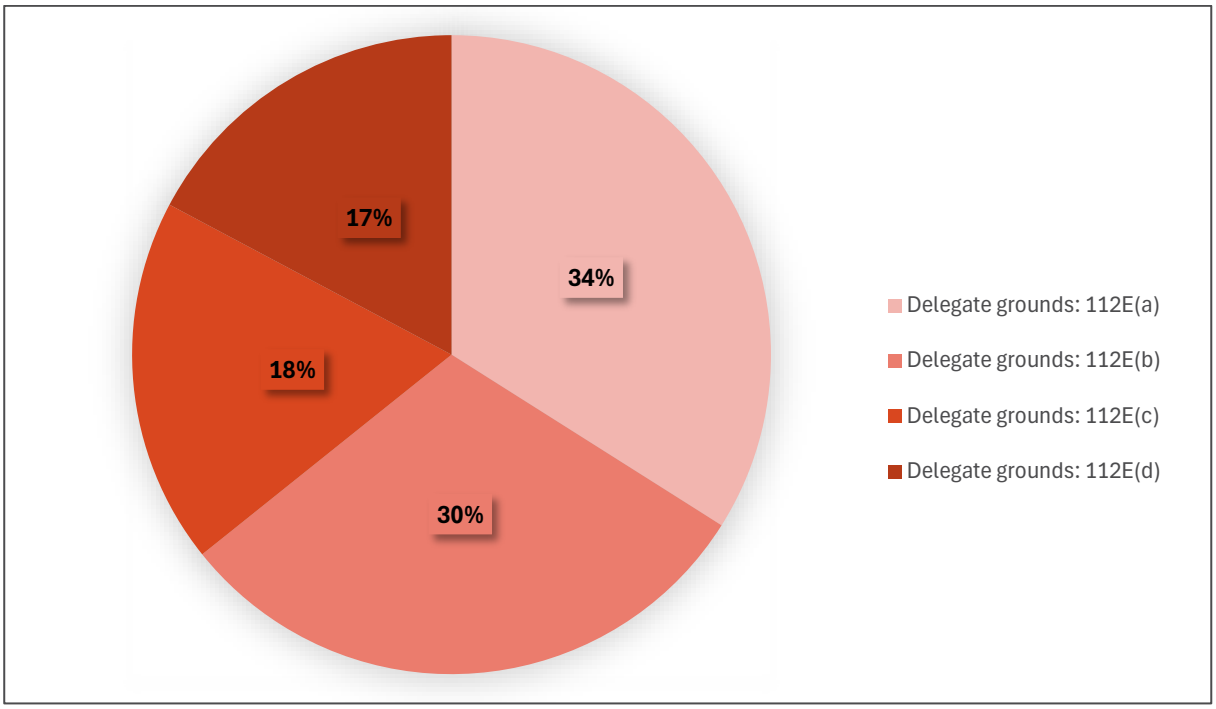
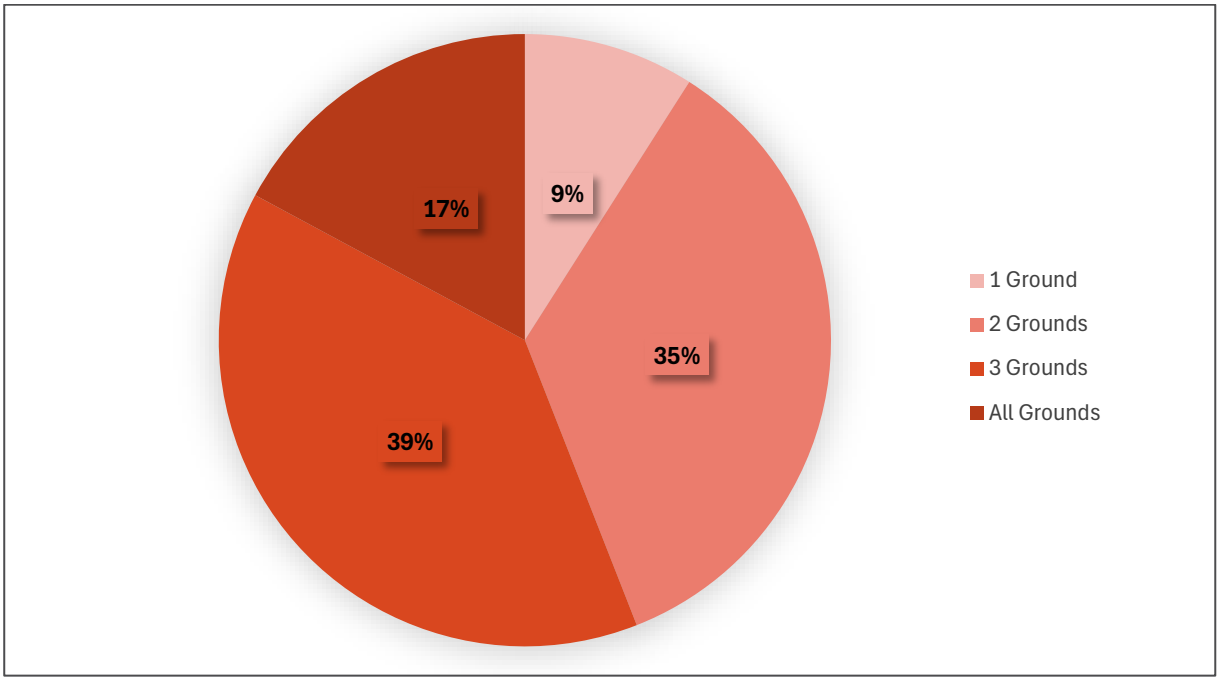


Figure 4 below shows the split across the number of combined grounds for the 578 FPOs made by a Victoria Police delegate in the inspection period.

Figure 4: Combined grounds on which the FPOs were made



IBAC reviews a proportion of FPOs made in each three-month period (quarterly review).[22] In doing so, IBAC selects a representative sample and reviews these against the statutory requirements to assess whether the FPO should have been made.[23] IBAC's review is based solely on the information that was before the Victoria Police delegate who decided to make the FPO.

On average, IBAC reviewed approximately 24 per cent of FPOs made by Victoria Police in each quarter, considering the total number of FPOs made in the period under review and other factors, including the different grounds relied on and the age and gender of the FPO subject.

The below table summarises IBAC's reviews of FPOs made by Victoria Police in the eight quarters, recommendations made and revocations in response:

Review Period	Number of FPOs reviewed	Number of FPOs recommended to be considered for revocation	Revocations
1 January 2023 – 31 March 2023	22	1	0
1 April 2023 – 30 June 2023	32	0	0
1 July 2023 – 30 September 2023	18	0	0
1 October 2023 – 31 December 2023	15	0	0
1 January 2024 – 31 March 2024	12	1	1
1 April 2024 – 30 June 2024	12	0	0
1 July 2024 – 30 September 2024	10	1	0
1 October 2024 – 31 December 2024	11	1	0

[22] *Firearms Act 1996* (Vic) s 174F(3)(a).
[23] *Firearms Act 1996* (Vic) ss 174F(6) and 174H(1).

3. Summary of IBAC's inspection under section 173 of the Act

3.1. Level of compliance

Compliance ratings are based on IBAC's inspections of Victoria Police's records to determine the Chief Commissioner's compliance with Parts 4A and 10A of the Act within the inspection period.

The following ratings are used to describe the level of statutory compliance achieved by the Chief Commissioner during the inspection period in respect of the categories of compliance referred to below.

Compliant – fully compliant with statutory requirements, or any degree of non-compliance was relatively minor in the nature of an occasional mistake or oversight.

Substantially compliant – generally compliant with statutory requirements, but there were material compliance problems or issues identified.

Not compliant – a failure to meet statutory requirements entirely, or a pattern of fundamental compliance problems or issues identified.

Unable to determine – the necessary evidence was not available to IBAC to enable an assessment of compliance with the Act to be made during the inspection.

In relation to the rating of 'unable to determine', IBAC acknowledges that there may be various reasons why the information required for the inspection was not available, including:

- there was insufficient relevant information to enable an assessment of compliance to be made
- the required records were not centrally available for inspection and too difficult to gather.

Not applicable – An invoking element in the criteria was not activated within the scope of the inspection. The element of the criteria may require that a particular activity be carried out, or that an event occur, before the requirement needs to be complied with.

This report also considers other matters related to the Chief Commissioner's compliance with the Act, including administration of Parts 4A and 10A, and any relevant historical matters.

The following table summarises IBAC's assessment of the Chief Commissioner's compliance with the relevant parts of the Act.

Compliance category	Compliance rating
Part 4A of the Act	
4.1 Delegation of power to make an FPO	Compliant
4.2 Delegation of power to revoke an FPO	Compliant
4.3 Delegation of power to make an SDD	Compliant
4.4 Persons authorised to make an FPO	Compliant
4.5 Making an FPO	
4.5.1 FPO subjects	Compliant
4.5.2 Consideration for making an FPO	Compliant
4.5.3 Human rights considerations	Unable to determine
4.5.4 Timing of FPO Applications	Compliant
4.5.5 Urgent Applications	Compliant
4.5.6 Warning Flags	Compliant
4.6 Cancellation of licences and permits	Compliant
4.7 Form and content of FPO	Compliant
4.8 Service of FPO	
4.8.1 Verifying evidence when serving an FPO	Unable to determine
4.8.2 Service documentation	Compliant
4.8.3 Interstate service	Compliant
4.8.4 Service in custody	Not applicable
4.8.5 Timing of FPO service	Compliant
4.8.6 Unserved FPOs	Compliant
4.9 Service direction determinations	Not applicable
4.10 Service search warrants	Not applicable
4.11 Duration of orders	Compliant
4.12 Applications to VCAT for review of a decision to make an FPO	Compliant
4.13 Revocation of FPO	Compliant
4.14 Searches pursuant to sections 112Q, 112R and 112S	Unable to determine
4.15 Dealing with firearms or firearm related items surrendered or seized	Unable to determine
4.16 Notification of a change of address	Substantially compliant
Part 10A of the Act	
4.17 Information to be included in the Annual Report to the Minister	
4.17.1 Charges arising from FPO searches	Unable to determine
4.17.2 Firearms and firearm related items seized during FPO searches	Unable to determine
4.18 Record keeping requirements under Part 10A of the Act	Compliant
4.19 Restricting access to records	Compliant

3.2. Recommendations made in private to the Chief Commissioner of Police

Section 174A permits IBAC to make any recommendation to the Chief Commissioner in private after monitoring any exercise of the powers of the Chief Commissioner or any performance of the duties and functions of the Chief Commissioner under Part 4A or 10A.

IBAC made three recommendations to the Chief Commissioner in private for the reporting period 1 January 2023 to 31 December 2024. [24] All three recommendations were accepted by the Chief Commissioner. Implementation of accepted recommendations will be subject to further checks by IBAC in its next inspection.

Prior to the inspection, there were no outstanding recommendations made by IBAC in previous inspection reports for the inspection period 1 January 2021 to 31 December 2022.

[24] *Firearms Act 1996* (Vic) s 174I(3).

4. Inspection findings

Inspection overview

In August 2025, IBAC conducted an inspection pursuant to section 173 of the Act, that evaluated the Chief Commissioner's exercise of powers under Part 4A in relation to the making, serving and revocation of FPOs, conducting of searches without a warrant or the consent of an FPO subject, and dealing with surrendered or seized firearms or related items. The inspection also assessed compliance with administrative requirements placed on the Chief Commissioner under Parts 4A and 10A, including the requirement to keep records.[25]

On 5 November 2025, IBAC provided the Registry with IBAC's inspection results and findings. On 17 November 2025, the Registry provided IBAC with responses and updates on actions taken.

The inspection results and actions for proposed changes by Victoria Police are set out below.

Report on compliance with Part 4A of the Act

4.1. Delegation of power to make an FPO

The Chief Commissioner may delegate the power to make an FPO.[26]

The Victoria Police FA2.1 instrument of delegation dated 30 August 2022 (the instrument) by the Chief Commissioner, is made pursuant to section 112F (delegation of power to make order) of the Act. The instrument states that the duties, functions, and powers to be delegated are specified in column 2 of the Schedule, as summarised in column 3 of the Schedule to the persons listed in column 4 of the Schedule.

Column 2 of the Schedule is headed 'relevant legislative provisions'. In that column is listed section 112D, section 112E and section 112F. Section 112F is a power of delegation.

On 6 March 2025, the Chief Commissioner signed an updated instrument of delegation (FA2.2). The instrument of delegation is made pursuant to section 112F (delegation of power to make order) of the Act. The new instrument removed section 112F from column 2 of the Schedule to alleviate any confusion regarding a potential delegation of the Chief Commissioner's power to delegate. It is noted that this instrument of delegation came into effect after the inspection period and therefore FA2.1 is the instrument of delegation active during this inspection.

By instrument of delegation FA2.1, the following positions were delegated the power of the Chief Commissioner to make an FPO:

- any Deputy Commissioner
- any Assistant Commissioner
- any Commander
- any Superintendent
- Inspector, Crime Command
- Inspector, Counter Terrorism Command
- Inspector, Licensing and Regulation Division, Regulatory Services Department
- Inspector, Transit and Public Safety Command
- Inspector, Intelligence and Covert Support Command
- Inspector, Family Violence Command
- Inspector, Tasking and Coordination
- Inspector, Local Area Command
- Detective Inspector, Regional.

[25] *Firearms Act 1996* (Vic) s 174O.
[26] *Firearms Act 1996* (Vic) s 112F.

Compliance assessment: In relation to delegation of powers under Part 4A of the Act to make an FPO, the Chief Commissioner is assessed as being **Compliant.**

4.2. Delegation of power to revoke an FPO

The Victoria Police FA3.1 instrument of delegation signed on 21 May 2018 by the Chief Commissioner, is made pursuant to section 176 of the Act (power of delegation).

This instrument of delegation grants the following positions the power of the Chief Commissioner to revoke on FPO:

- any Deputy Commissioner
- any Assistant Commissioner.

Compliance assessment: In relation to delegation of powers under Part 4A of the Act to revoke an FPO, the Chief Commissioner is assessed as being **Compliant.**

4.3. Delegation of power to make a service direction determination

The Victoria Police FA4.1 instrument of delegation signed on 6 November 2024 by the Chief Commissioner, is made pursuant to section 112V of the Act (delegation of power to make SDD).

By instrument of delegation FA4.1, the following positions were delegated the power of the Chief Commissioner to make an SDD:

- any Deputy Commissioner
- any Assistant Commissioner
- any Commander
- any Superintendent
- Inspector, Crime Command
- Inspector, Counter Terrorism Command
- Inspector, Transit and Public Safety Command
- Inspector, Licensing and Regulation Division, Regulatory Services Department
- Inspector, Intelligence and Covert Support Command
- Inspector, Family Violence Command
- Inspector, Tasking and Coordination
- Inspector, Local Area Command
- Detective Inspector, Regional.

Compliance assessment: In relation to delegation of powers under Part 4A of the Act to make an SDD, the Chief Commissioner is assessed as being **Compliant.**

4.4. Persons authorised to make an FPO

Only a delegate approved for the purpose by the Chief Commissioner may make an FPO.

The *Victoria Police Manual – Firearm Prohibition Orders* (VPM) stipulates that only those delegates who have attended an FPO Delegate Information Session can authorise an FPO.

IBAC reviewed the list of authorised delegates during the inspection period and noted all 149 delegates had completed the FPO Delegate Information Session. Delegate information sessions are offered throughout the year and delivered by the Registry. While these sessions are not currently mandated by policy due to funding and administrative constraints, the FPO Registry maintains an expectation that all delegates remain current with the scheme. To support this, the Registry provides a combination of live scheduled sessions and on-demand recorded resources.

The requirement for delegates to attend mandatory ongoing training has been raised by IBAC to the Registry in previous inspections.

IBAC notes that the *Firearms and Control of Weapons (Machetes) Amendment Act 2024* came into effect on 13 November 2024. These amendments included new FPO service provisions regarding SDDs and SSWs, as well as clarifying other service requirements.

The VPM and Practice Guide were updated in November 2024 to include these amendments. The Registry advised that refresher training has been delivered to 106 of the 249 currently active delegates (approximately 43 per cent) as of 2025.

IBAC considers Victoria Police's decision not to mandate refresher training increases the risk of insufficient or outdated knowledge being applied when assessing and determining applications. This may lead to improper use of delegated authority, flawed decision-making, and inefficient use of resources, including additional costs incurred in defending decisions or revoking FPOs.

Additionally, IBAC identified instances where the delegate rank was not recorded on the application form (VP Form 1486). The Registry advised that in cases where the delegates do not record their rank, it is obtained from Outlook or the Rrap roster system and subsequently recorded on the FPO database and Interpose. IBAC noted instances where the position recorded on the application form differed from that listed on the database. IBAC observed that there is no field on the application form for delegates to record their VP number. Adherence to the delegations outlined in FA2.2 is required for the approval or rejection of FPO applications. Currently, the absence of clear delegate information on VP Form 1486 creates a control gap. This ambiguity increases the risk of unauthorised decision-making, potentially compromising the legal validity and defensibility of the resulting FPOs.

Compliance assessment: In relation to delegates authorised to make an FPO, the Chief Commissioner is assessed as being **Compliant.**

4.5. Making an FPO

4.5.1. FPO subjects

The Chief Commissioner cannot make an FPO in relation to a person under 14 years of age.[27]

IBAC reviewed the ages of all FPO subjects and is satisfied that no FPOs were issued to persons under the age of 14 years.

Compliance assessment: In relation to the age of FPO subjects, the Chief Commissioner is assessed as being **Compliant.**

4.5.2. Consideration for making an FPO

As stated earlier in the report, the Chief Commissioner may make an FPO only if satisfied that it is in the public interest to do so:

- because of the criminal history of the individual; or
- because of the behaviour of the individual; or
- because of the people with whom the individual associates; or
- based on information known to the Chief Commissioner about the individual, the individual may pose a threat or risk to public safety.[28]

IBAC noted that the Registry has developed procedural documentation which includes clear instructions and guidance on how an FPO can be made, and the standards and requirements for completing and submitting an FPO application.

IBAC reviewed a sample of 63 of the 632 FPO applications submitted to the Registry during the inspection period. IBAC is satisfied that the management of the application process was in accordance with internal procedures at the time, that applications were completed accurately in most cases, and that information records were kept in relevant FPO files.

[27] *Firearms Act 1996* (Vic) s 112D(2).
[28] *Firearms Act 1996* (Vic) s 112E.

For the sample tested, the specific limb of section 112E of the Act relied upon was recorded by the delegate in all instances. This documentation is fundamental to our assessment of the Chief Commissioner as 'compliant' under the provisions of this section.

There is no statutory obligation for delegates to provide written reasons for their decisions. However, a request for written reasons can be made by the FPO subject, IBAC or VCAT. The VPM now requires the delegate to complete a Delegate Decision Log and demonstrate in writing their consideration of human rights using the Human Rights Risk Assessment form (discussed further below). These requirements were implemented as policy on 5 December 2024. For a substantial portion of the inspection period this was not a mandatory requirement.

The Delegate Decision Log is retained at the Registry and may be disclosed. Of the 63 samples reviewed in the inspection period, 15 did not contain the Delegate Decision Log. Upon request from IBAC, the Registry was able to locate four of these logs, and advised that for another two files, the delegate prepared their own decision notes. The Registry stated that the remaining missing logs were for the period when the Delegate Decision Log was not mandatory. IBAC confirmed that the files with missing logs occurred prior to the policy update on 5 December 2024.

Compliance assessment: In relation to records of delegate considerations specifying which limb of section 112E of the Act the delegate relied on, the Chief Commissioner is assessed as being **Compliant.**

4.5.3. Human rights considerations

Public authorities are obligated to give proper consideration to human rights listed in the *Charter of Human Rights and Responsibilities Act 2006* (Vic) (the Charter) when making a decision.[29] That obligation is additional or supplementary to any obligation imposed under the primary legislation governing the operations of the public authority.[30] Victoria Police is a public authority under the Charter.[31]

Public authorities are required to evidence proper consideration of Charter rights,[32] though what evidence is required may differ depending on the circumstances.[33]

Failure to give proper consideration of Charter rights is an error of law.[34]

Before the requirement for the Human Rights Risk Assessment form to be completed, which came into effect on 5 December 2024, there was no clear or consistent approach to the recording of consideration of Charter rights. In some cases, the sample stated that Charter rights were considered but provided no further detail. Of the 63 samples reviewed in the inspection period, 35 did not contain a completed Human Rights Risk Assessment form. Upon further inspection it was identified that the FPOs with missing Human Rights Risk Assessment forms occurred prior to the policy update making the form a requirement.

The FPO Practice Guide states that delegates must have regard to human rights and provides an overview of the Charter and the rights most likely to be impacted by the making of an FPO. Delegates must turn their mind to the impact of the order on the person's human rights when deciding to make an FPO. Therefore, despite the Human Rights Risk Assessment not being mandatory, the delegates for the 35 FPOs were still required to turn their minds to the human rights of the FPO subject. IBAC is unable to determine if this occurred.

IBAC notes that the issue of recording human rights considerations has been raised with the Chief Commissioner in IBAC's quarterly FPO reports since Q1 of 2023. IBAC considers that there has been substantial improvement in the recording of human rights considerations by delegates since this quarterly inspection, including the requirement for delegates to complete the Human Rights Risk Assessment form.

IBAC will continue to monitor human rights considerations in further reviews and inspections.

Compliance assessment: In relation to the requirement of delegates to consider human rights when deciding to make an FPO, IBAC is **Unable to determine** the Chief Commissioner's compliance.

[29] *Charter of Human Rights and Responsibilities Act 2006* (Vic) s 38(1).
[30] *HJ v IBAC* [2021] VSCA 200 at [154].
[31] *Charter of Human Rights and Responsibilities Act 2006* (Vic) s 4(1)(d).
[32] *LG v Melbourne Health* [2019] VSC 183, [80]–[82]; *Bare v IBAC* [2015] VSCA 197, [220]–[224]; *Castles v Secretary of the Department of Justice* (2010) [2010] VSC 310 at [185]–[186].
[33] *Certain Children (No 2)* [2017] VSC 251 at [471], [514].
[34] *Bare v IBAC* [2015] VSCA 197 at [236] (Tate JA), at [496] (Santamaria JA).

4.5.4. Timing of FPO applications

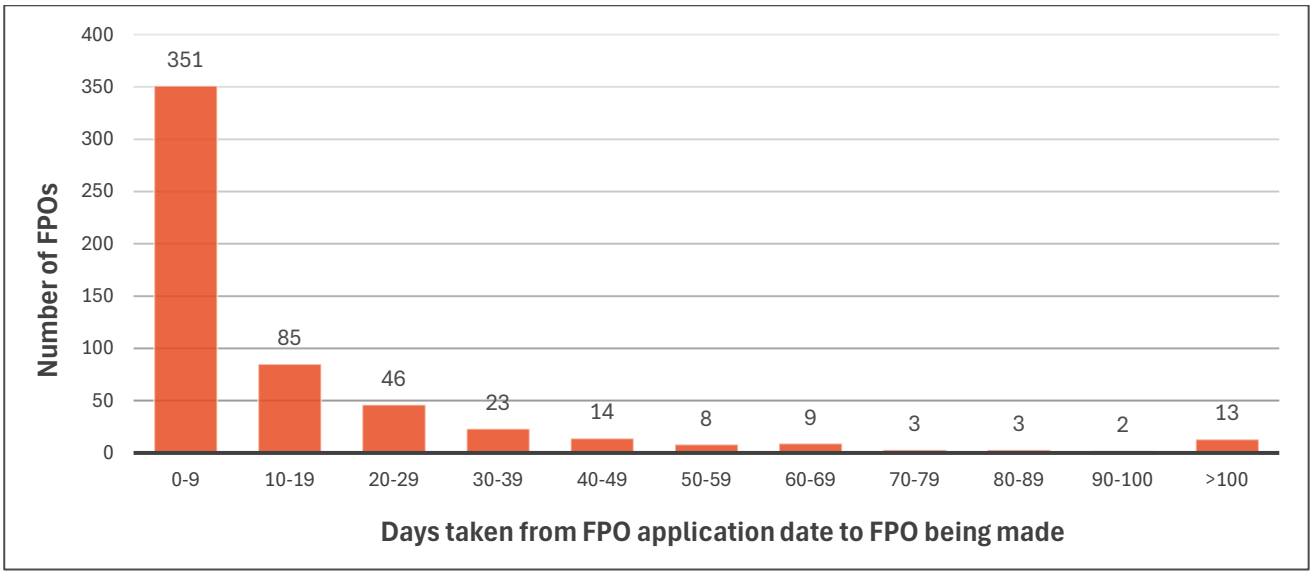
IBAC reviewed the timing of 632 FPO applications made during the inspection period (days taken from application date to date made).

The average number of days taken for an FPO to be made was 14 days. This is an improvement from last inspection where the average number of days taken for an FPO to be made was 22 days.

The longest time taken from application date to FPO being made was 224 days. This is an improvement from last inspection where the longest time taken was 562 days.

Figure 5 below details the number of days taken from the FPO application date to the date the FPO was made by a delegate.

Figure 5: Number of days taken from FPO application date to the FPO being made by a delegate



Compliance assessment: In relation to timeliness of FPO Applications, the Chief Commissioner is assessed as being **Compliant.**

4.5.5. Urgent applications

Where circumstances require an FPO to be made as soon as possible, the VPM provides for the urgent issue and service of an FPO. In these cases, the delegate may provide verbal approval for the FPO being made, then provide subsequent written approval to the applicant electronically. The electronic record of approval must be retained.

IBAC inspected the records of the one urgent application made during the period. IBAC found Victoria Police was compliant with policy for this application.

IBAC notes that there is no specific field or tab for recording the status of urgent applications in the Register.

Compliance assessment: In relation to urgent FPO Applications, the Chief Commissioner is assessed as being **Compliant.**

4.5.6. Warning flags

An FPO comes into effect once served on the FPO subject by a police officer. Once an FPO is in effect, a relevant warning flag is added to the FPO subject's profile in the system to alert police to the FPO. This allows for searches to be conducted if required in accordance with Part 4A of the Act.

IBAC reviewed a sample of active FPOs in the Registry database against the FPO subject's profile in the system during the inspection. IBAC is satisfied that the adding of warning flags is in accordance with internal procedures.

An FPO ceases to be in force if revoked or when it expires. Once this occurs, the warning flag in the FPO subject's profile is removed from the system and the removal date is recorded in the Register.

Compliance assessment: In relation FPO system warning flags, the Chief Commissioner is assessed as being **Compliant.**

4.6. Cancellation of licences and permits

All licences, permits and approvals under the Act held by an individual to whom an FPO applies are cancelled when the FPO is made, and the cancellation has effect once the order is served on the subject.[35]

Where an application for an FPO is made in relation to an individual who validly holds a current firearm, security or weapons authority/licence, the Registry will simultaneously notify the Victoria Police Licensing and Regulation Division (LRD) and forward the application to a delegate for consideration. Notification of the delegates decision will also be provided to the LRD at the same time as the applicant.

IBAC reviewed a sample of 285 FPO applications where an FPO had been made. IBAC is satisfied that the management of the notifications to LRD is in accordance with internal procedures.

Compliance assessment: In relation to notifications of FPOs made for cancellation of licences and permit, the Chief Commissioner is assessed as being **Compliant.**

4.7. Form and content of FPO

An FPO must contain certain information, including a statement of the effect of the FPO, conduct that is prohibited by the FPO and the powers for its enforcement.[36]

The FPO must also contain information identifying the individual to whom the order applies, a statement that the order takes effect on the day it is served, the expiry date, and the provisions of the Act that empower the making of the order.[37]

IBAC reviewed the Registry template order and is satisfied that these requirements are met.

IBAC inspected a sample of 63 FPOs and reviewed the information identifying the individual to whom the order applies and found no instances of non-compliance.

IBAC inspected a sample of 578 issued FPOs and reviewed the service date and expiry date and found that in all but two instances the information was accurate. The Registry advised these two instances have been rectified.

Compliance assessment: In relation to form and content of FPOs made, the Chief Commissioner is assessed as being **Compliant.**

4.8. Service of FPO

An FPO comes into force at the time it is served.[38] An FPO must be personally served on the FPO subject by a police officer.[39] If the FPO subject is located interstate, a Victorian police officer can personally serve the FPO or arrange for service to be undertaken by a Special Constable (being an officer or member of the police force of another jurisdiction appointed by the Chief Commissioner of Victoria Police).[40]

IBAC reviewed the relevant procedural documents that outline the process for service of an FPO, with details of findings outlined below.

4.8.1. Verifying evidence when serving an FPO

Procedural documentation stipulates that when an FPO is served, the serving member must advise the individual to whom the FPO relates that:

- the FPO will remain in effect for ten years if they are 18 years or older at the time the FPO was issued or five years if they are aged between 14 and 17 years

[35] *Firearms Act 1996* (Vic) s 112H.
[36] *Firearms Act 1996* (Vic) s 112G.
[37] *Firearms Act 1996* (Vic) s 112G.
[38] *Firearms Act 1996* (Vic) s 112J.
[39] *Firearms Act 1996* (Vic) s 112I.
[40] The definition of 'police officer' in s 3 of the *Victoria Police Act 2013* (Vic) (VP Act) does not include a person who is a member of a police force of another jurisdiction. However, under s 193 of the VP Act a 'special constable' is taken to be a 'police officer' for the purpose of … any other Act and has the powers conferred on a police officer under … any other Act. This gives Victoria Police the option of having a special constable in another State serve an FPO on the individual located interstate.

- they must immediately surrender to the police officer serving the FPO any firearm or firearm related item they are using, carrying or in possession of including firearms that may be at a different location
- it is an offence to fail to surrender firearms or firearm related items (section 112P) and that a search may be conducted to determine whether this requirement has been met
- the ability to search is conferred as soon as service is affected.

The serving member and any present police officer with a body-worn camera (BWC) must have the device activated for the duration of the service of an FPO.

Audio and video footage from BWC is 'protected information' under the *Surveillance Devices Act 1999* (Vic) (SD Act), and the 'use and disclosure' of such footage is strictly governed by the SD Act. Neither the SD Act, the Surveillance Devices Regulations 2016 (Vic) (SD Regulations) or the Firearms Act permitted the disclosure of protected information to IBAC for the purpose of an inspection function during the inspection. Therefore, IBAC could not review any BWC footage to verify if the internal procedures are being followed when serving an FPO.

IBAC was made aware that BWC footage will be reviewed by senior police officers in instances where a complaint is made about the conduct of a serving officer, or to conduct a 'spot-check'.

In October 2025, an amendment was made to the SD Regulations, giving IBAC the ability to view BWC footage under its compliance monitoring and oversight of Victoria Police function. Therefore, as of its next inspection, IBAC will have the power to inspect BWC footage for service of FPOs.

Compliance assessment: In relation to the requirement of the serving member to advise the individual to whom the order applies of specific information in the FPO, IBAC is **Unable to determine** the Chief Commissioner's compliance.

4.8.2. Service documentation

Once service is complete, a copy of the FPO and the Affidavit of Service must be returned to the Registry, which triggers the Registry to add a warning flag to the FPO subject's profile in the system.

Original affidavits of service are retained by the Registry.

IBAC reviewed a sample of files in relation to service documentation and is satisfied that the management of the service documentation is in accordance with the internal procedures.

Compliance assessment: In relation to service documentation, the Chief Commissioner is assessed as being **Compliant.**

4.8.3. Interstate service

FPOs may be served on a person interstate. If the serving officer is not a Victorian Police officer, service must be affected by a Special Constable.[41]

There were two FPOs served interstate during the inspection period. These were both served by members of Victoria Police and followed appropriate policy and procedure.

Compliance assessment: In relation to interstate service of FPOs, the Chief Commissioner is assessed as being **Compliant.**

4.8.4. Service in custody

Victoria Police members are authorised to serve an FPO on an individual in detention via registered post if a visit by the member has been declined by the individual to whom the FPO applies or denied by the place of detention.[42] The order must be completed by the serving member and mailed to the detention facility, addressed to the individual named in the order. Substituted service of FPOs is not permitted under any other circumstance.

There were no instances where the FPO was served via registered post during the inspection period.

Compliance assessment: Not applicable as this procedure was not activated during the inspection period.

[41] *Victoria Police Act 2013* (Vic), s 191(2).
[42] *Firearms Act 1996* (Vic) s 112IA.

4.8.5. Timing of FPO service

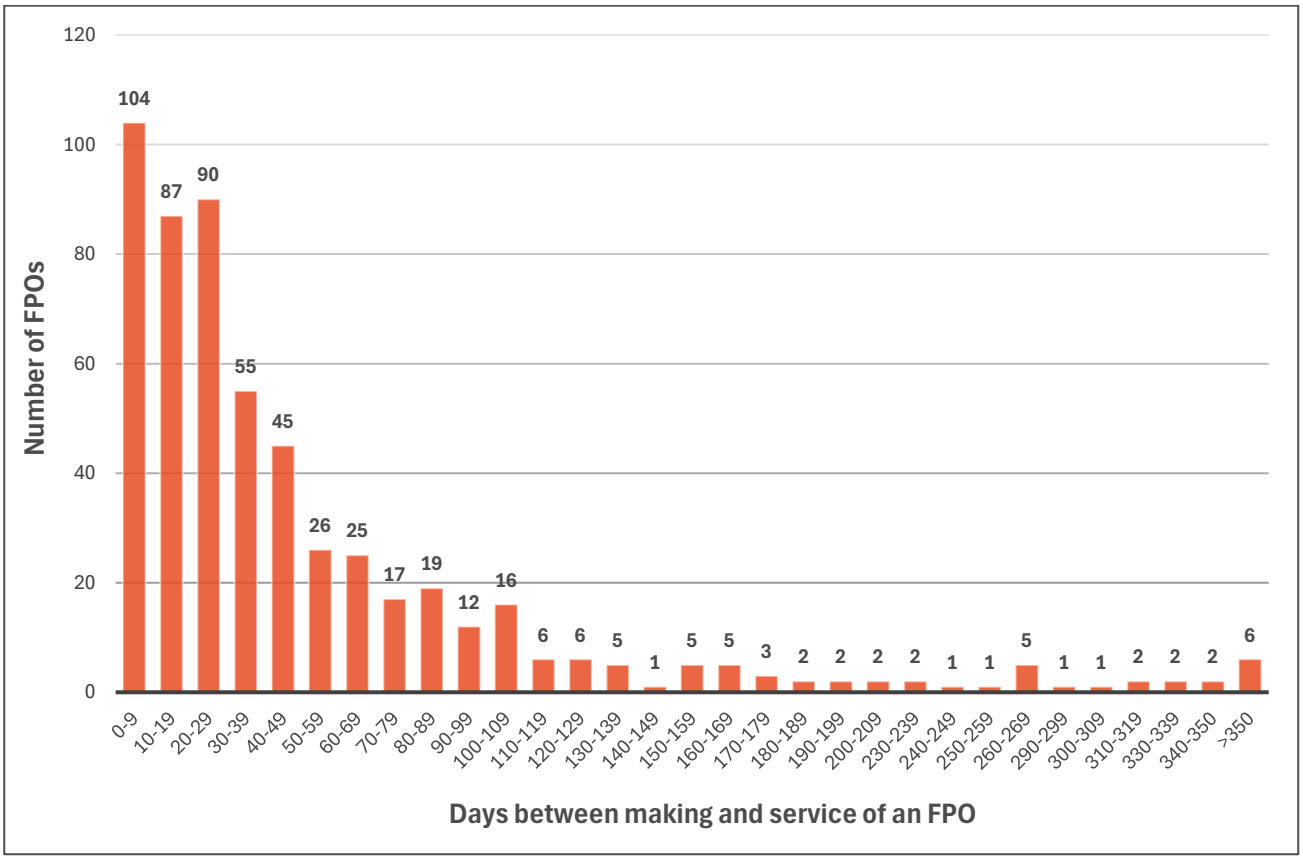
There is no legislative requirement as to when an FPO must be served. Given that the basis for making an FPO is to mitigate or control risk to public safety, it is reasonable to expect that service of an FPO would occur as soon as possible after its making.

The average number of days between making an FPO and the service was 43 days during the inspection period.

During the inspection period, the longest number of days from the day of the FPO being made to the FPO being served was 529 days.

Figure 6 details the number of days taken from the FPO being made to the date the FPO was served.

Figure 6: Number of days taken from date made to service



Compliance was determined based on the average duration required to effect service. Since the commencement of the Act, the average time taken to serve an FPOs is 49 days.

During the inspection period, 69% of orders were served at or below this average. A further 18% were served between 49 and 100 days, while 14% exceeded 100 days. It is noted that for several FPOs exceeding 100 days, valid exceptional circumstances were provided.

Compliance assessment: In relation to timeliness of FPO service, the Chief Commissioner is assessed as being **Compliant.**

4.8.6. Unserved FPOs

Victoria Police procedure states that if an FPO remains unserved for 28 days and the FPO subject cannot be located, the officer who applied for the FPO must inform the Registry of the incomplete service, reasons, and anticipated service date.

There were 13 FPOs made prior to 1 January 2023 that remain unserved as at 31 December 2024:

- three FPOs between 800 and 899 days unserved
- three FPOs between 900 and 999 days unserved
- two FPOs between 1000 and 1099 days unserved

- one FPO between 1300 and 1399 days unserved
- two FPOs between 1400 and 1499 days unserved
- two FPOs between 1600 and 1699 days unserved.

Of the 55 FPOs made in the period that remain unserved as at 31 December 2024:

- 10 were within 28 days of the FPO being made as at 31 December 2024
- 45 were greater than 28 days unserved as at 31 December 2024.

IBAC provided the Registry with the above service timeframe findings and was advised that the following factors may impact the timely and efficient service of an FPO:

- the individual being interstate or overseas
- unknown whereabouts of the individual
- the individual is in custody and refusing contact with serving police officers.

IBAC acknowledges that change in legislation came into effect toward the end of this inspection period (on 14 November 2024) granting Victoria Police officers the power to serve FPOs to persons in custody by registered post.

IBAC accepts that delays in service of an FPO can be justified in certain circumstances. However, IBAC is of the view that, once an FPO is made, its service must be given priority. This is because an FPO is made on the basis of an affirmative conclusion by the decision-maker that there is a risk that the FPO subject will come into possession of a firearm in circumstances where the firearm may be used to endanger the peace and safety of the public.[43]

Compliance assessment: In relation to the service under Part 4A of the Act, IBAC assesses that the Chief Commissioner is **Compliant.**

4.9. Service direction determinations

Part 4A of the Act was updated on 13 November 2024 to include Division 6 – Service Direction Determinations for FPOs. The Chief Commissioner may make a determination that the powers set out in that division may be exercised in relation to an individual to whom an FPO applies.[44]

If a Victoria Police member has difficulty in serving an FPO on a person who refuses to cooperate, is actively avoiding service, or their whereabouts is unknown, the member can apply to a delegate of the Chief Commissioner for the use of SDD powers by submitting an application form and affidavit for an SDD to the Registry.

A delegate must be reasonably satisfied that it is in the public interest that the FPO to which the determination relates must be served on the individual within 28 days after the day on which the application is made for the determination, and that one of the following two scenarios can be demonstrated by the applicant police officer:

- a police officer has reasonably attempted service of the FPO on the individual; and
- before the police officer attempted service, they reasonably believed the person was present at the place and time service was attempted; and
- the person is avoiding service; and
- for a person between 14 and 17 years old, there are exceptional circumstances

OR

- a police officer has made reasonable enquiries to ascertain the residential address of the person; and
- Victoria Police does not have a record of a current residential address for the individual or otherwise does not have information on their whereabouts; and
- for a person between 14 and 17 years old, there are exceptional circumstances.[45]

The Application/Affidavit must be in writing and sworn or affirmed by the police officer making the application.

[43] See - *Chief Commissioner of Police v Colin Websdale* [2019] VSCA 305 [at 36].
[44] *Firearms Act 1996* (Vic) s 112V(1).
[45] *Firearms Act 1996* (Vic) s 112W(1).

No SDDs were made during the inspection period. IBAC confirms that the Registry has policies and procedures in place in relation to SDDs.

Compliance assessment: Not applicable as this procedure was not activated during the inspection period.

4.10. Service search warrants

Part 4A of the Act was updated on 13 November 2024 to include Division 7– Service Search Warrants. On application from the Chief Commissioner, a magistrate may issue a search warrant that authorises the police officer named in the warrant to do all or any of the following:

- break and enter any premises named or described in the warrant
- search those premises for the person to whom an FPO applies and who is named in the warrant
- detain the person for the purposes of serving the FPO, using reasonable force to do so (if required).[46]

The Chief Commissioner may apply to a magistrate for the issue of a SSW if an FPO has been made and has not been served on the person, and the Chief Commissioner reasonably believes that the individual is avoiding service of the FPO.

Before issuing an SSW, the magistrate must be satisfied through oath or affirmation, whether orally or through an affidavit, that there are reasonable grounds to believe that:

- the person who is to be searched for under the warrant is named in an FPO
- the FPO has not been served on the person
- a police officer has made reasonable attempts to serve the order
- the person to whom the FPO applies is avoiding service of the FPO
- it is in the public interest that the FPO be served on the person within 28 days after the warrant is issued
- issuing an SSW is reasonable in the circumstances
- if the person is under the age of 18 years, there are exceptional circumstances.[47]

No SSWs were applied for during the inspection period. IBAC confirms that the Registry has policies and procedures in place in relation to SSWs.

Compliance assessment: Not applicable as this procedure was not activated during the inspection period.

4.11. Duration of orders

The duration of an FPO is determined by the age of the individual to whom it applies at the date of the order.

An FPO remains in force for a specified period from the day on which it is served on the individual. For an individual who is of, or over, the age of 18 years, an FPO remains in force for 10 years from the day on which it is served on the individual.[48] An FPO that applies to an individual under the age of 18 years remains in force for five years.[49]

The FPO Practice Guide details clear instructions on the method for calculating the expiry date of an FPO.

IBAC reviewed the duration of all active FPOs as at 31 December 2024 and found two instances of incorrect calculation of the order duration. The Registry advised that these were manual key entry errors which have now been rectified.

Compliance assessment: In relation to the duration of order, the Chief Commissioner is assessed as being **Compliant.**

[46] *Firearms Act 1996* (Vic) s 112ZG.
[47] *Firearms Act 1996* (Vic) s 112ZH(1).
[48] *Firearms Act 1996* (Vic) s 112J(1).
[49] *Firearms Act 1996* (Vic) s 112J(2).

4.12. Applications to VCAT for review of decision to make an FPO

An FPO subject can apply to VCAT for a review of the Chief Commissioner's decision to make the FPO.[50] An FPO subject has a further VCAT right of review at the halfway point of the FPO's duration.[51]

The Registry is notified of VCAT applications and related matters by Victoria Police's Legal Services Department (LSD). VCAT applications are then recorded in the Registry database, and related records kept. All communications from FPO subjects relating to a VCAT review are managed through the LSD with updates communicated to the Registry.

There were 28 FPOs subject to VCAT applications made in the inspection period. Five of these FPOs' status was 'active' due to the VCAT application either being struck out, withdrawn by the applicant, or not proceeding. The remaining 23 FPOs subject to VCAT review had the following status at the time of IBAC's inspection:

- ten FPOs were Active – VCAT proceeding stayed
- five FPOs Active – Pending VCAT review
- eight FPOs – Revoked.

VCAT considers the information and material on which the decision was originally based as well as subsequent information, material, and the facts as they exist at the time of the VCAT proceedings. This enables an FPO subject to demonstrate that the basis for making the FPO is no longer warranted.

All documents were retained by either the LSD or the Registry.

Compliance assessment: In relation to the administering and record keeping of VCAT applications, the Chief Commissioner is assessed as being **Compliant.**

4.13. Revocation of orders

The Chief Commissioner (or delegate) has the power to revoke an FPO, which must be at the sole discretion of the decision maker, as another person cannot 'apply' to have an FPO revoked.[52] This power is delegated to Assistant Commissioners and Deputy Commissioners.

The four causes that may prompt a delegate to revoke an FPO occur where:

- an IBAC recommendation is made under section 174I
- a court or tribunal with jurisdiction orders that the FPO should not have been made
- an FPO subject has been identified as deceased
- an FPO is recognised by Victoria Police as requiring revocation.

During the inspection period, 60 FPOs were revoked, of which:

- 32 were revoked as the subject of the FPO was identified as deceased
- 28 FPOs were revoked after Victoria Police recognised they required revocation (eg after application by the FPO subject to VCAT for review of the decision to make an FPO).

IBAC is satisfied that the management of revocations is in accordance with legislation and internal procedures, and that relevant procedures and guidelines in relation to the operation of section 112K are kept.

Compliance assessment: In relation to the revocation of firearm prohibition orders, the Chief Commissioner is assessed as being **Compliant.**

4.14. Searches pursuant to sections 112Q, 112R and 112S

Victoria Police can exercise the following powers pursuant to sections 112Q and 112R of the Act, without warrant or consent:

- enter and search any premises occupied by, or under the control or management of, the individual

[50] *Firearms Act 1996* (Vic) s 112L.
[51] *Firearms Act 1996* (Vic) s 112M.
[52] *Firearms Act 1996* (Vic) s 112K.

- search any vehicle, vessel, or aircraft which the individual is in charge of or is a passenger in
- search the individual and any item in his or her possession
- seize any firearm or firearm related item
- stop and detain the vehicle or individual for so long as is reasonably necessary to conduct the search.

These powers may be exercised:

- by a police officer if the exercise of the power is reasonably required to determine whether an FPO subject has acquired, possesses or is carrying or using a firearm or related item in contravention of the Act
- in relation to an adult FPO subject, and a child aged between 14 and 17 years who is an FPO subject.

Police also have the power under section 112S of the Act, to search a person who is in the company of an FPO subject, if police reasonably suspect that the person:

- is committing or is about to commit an offence against the Act
- has a firearm or related item in his or her possession.

The Chief Commissioner must ensure that records of any searches under Part 4A are kept.[53] The VPM requires that as soon as possible after an FPO related search has been conducted, the members must record the search, including the justification for the exercise of the power. The VPM provides detail as to where the information is to be recorded to ensure compliance with the Act and ensure that search information is available to other areas within Victoria Police where required.

IBAC's inspection of information recorded (in spreadsheet) listed 7214 search entries within the period 1 January 2023 to 31 December 2024. IBAC identified that a population of 1702 unique FPO subjects were searched in those entries.

It was identified that this data contained other searches conducted that were linked to FPO subjects but were not related to the exercise of powers under Part 4A. For example, vehicle searches, person checks, drug/drink driver bans and other drug searches under warrant.

IBAC inspected a sample of searches undertaken by police officers under Part 4A and reviewed information from the Registry database, as well as several other Victoria Police systems outside of the Registry where the grounds for searches are also recorded.

IBAC has been informed that FPO data quality is reliant on users from outside of the Registry accurately selecting the type of search and inputting the required information. The Registry also relies on monthly corporate statistics and conducts data checks extracted from LEAP to ensure data is captured as accurately as possible. Awareness of these limitations have been raised by the Registry via the FPO Implementation Working Group.

On review of the section 112Q, 112R and 112S search entries, IBAC identified various systemic inconsistencies within the reported data. For example, IBAC identified:

- searches recorded as being a section 112R search which should have been recorded as a section 112Q search
- searches marked incorrectly as 'initial' searches. These errors were identified by IBAC as the dates of these 'initial' searches did not have the same date as the date of service
- searches marked incorrectly as 'compliance' searches when the search was conducted on an accompanying person instead of the FPO subject
- cases where the member recorded the FPO subject as being present during the search, when the field contact stated that they were not present, and in some cases were in custody
- items marked as seized which did not specify the category of item (eg firearm, firearm related item, weapon, or drug).

Due to the limitations within the system and the issues identified with the manual data extracts, IBAC is not satisfied that the search numbers have been reported accurately to IBAC, or within the Victoria Police annual report.

[53] *Firearms Act 1996* (Vic) s 1740.

Before conducting a search under Part 4A of the Act, the police officer must inform the individual:

- of the registered number of the police officer
- that the police officer intends to search for any firearm or firearm related item, and that they are empowered to do so under the Act.[54]

If it is not practicable to provide this information before conducting a search under section 112Q, it must be provided after the search is finished.[55]

Further, a police officer may detain a person for so long as reasonably necessary to conduct the search under sections 112S and 112R.[56]

During an FPO search, where evidence of an offence against another act is found, the VPM directs that members must obtain a relevant warrant to search for and seize that evidence.

As discussed above in 4.7, IBAC was unable to access BWC footage for inspection purposes. Further, due to a lack of specific notes or recorded observations made by police officers outside the Registry, IBAC is unable to be satisfied that in each FPO case involving the exercise of search powers under Part 4A that all legislative and compliance obligations have been met. As of the next inspection, IBAC will be able to access BWC footage relating to FPO searches.

IBAC has raised the issue with Victoria Police of having a centrally accessible and readily available store of records to enable IBAC officers to determine whether all information is recorded as required by the Act, noting that IT enhancements could facilitate the solving of these issues identified. IBAC was advised that a fit-for-purpose database is in development.

Overall, IBAC finds that Victoria Police has in place a record keeping system (albeit made up of multiple record keeping repositories and systems) as well as instructions in the VPM governing FPOs which, if adhered to, will ensure compliance with Parts 4A and 10A of the Act. However, the current process has various limitations, including the absence of effective governance and audit tracking mechanisms, which limits the Registry's and IBAC's visibility relating to searches.

Compliance assessment: In relation to searches conducted under Part 4A of the Act, IBAC assesses that it is **Unable to determine** compliance by the Chief Commissioner.

4.15. Dealing with firearms or firearm related items surrendered or seized

Any firearm or firearm related item that is seized or surrendered under Part 4A may be retained for as long as required if it is evidence of an offence under the Act, or if it is reasonably necessary to test the firearm or firearm related item to determine if it is evidence of an offence under the Act or other legislation.[57] Provision is also made for the forfeiture of firearms or firearm related items to the Crown, or return of these to the person who is lawfully entitled to possess them.

Where firearms or firearm related items are seized by police as a result of an FPO search, a notification is sent to the Registry by email, and the items are managed through another system. The Registry is provided with a copy of the receipt from that system, for retention within the central FPO records.

The Registry relies on police members to provide accurate information in relation to items being seized during an FPO search.

IBAC inspected a list of FPO items that were seized in the course of FPO searches, together with associated receipts for firearms or firearm related items surrendered or seized in the reporting period. IBAC found a number of instances where the receipt was not received at the Registry.

IBAC is unable to determine compliance in relation to surrendered or seized firearms and related items as there are no governance and audit checks performed. The Registry advised that the administrative burden of overseeing charges and pursuing receipts is unachievable under current search volumes and resource allocations.

Compliance assessment: In relation to compliance with obligations regarding the retention of firearms and firearm related items, IBAC is **Unable to determine** the compliance of the Chief Commissioner.

[54] *Firearms Act 1996* (Vic) ss 112Q(5), 112R(4) and 112S(4)
[55] *Firearms Act 1996* (Vic) s 112Q(6).
[56] *Firearms Act 1996* (Vic) ss 112R(5) and 112S(5).
[57] *Firearms Act 1996* (Vic), s 112T.

4.16. Notification of a change of address

FPO subjects must notify the Chief Commissioner of a change of address within 24 hours of the change occurring or face a penalty of 50 units or 12 months' imprisonment.[58]

The Registry obtains details and documents relevant to notifications of change of residential address and maintains those details in an up-to-date register. Relevant systems are updated to reflect this change of address by the Registry.

IBAC considers the Registry to be substantially compliant in their record keeping duty for change of address notifications.

Regarding address change procedures, a finding of compliance could not be reached. IBAC's review was limited by restricted Registry access and lack of archived notification records. Although the Practice Guide mandates work unit notifications, the Registry's interpretation was that the requirement was an optional courtesy. To rectify this, a formal notification process for all future address updates will be implemented by the Registry to ensure alignment with the Practice Guide.

Compliance assessment: In relation to record keeping requirements and following of procedures relating to section 112CA of the Act, the Chief Commissioner is assessed as being **Substantially compliant.**

Report on compliance with Part 10A of the Act

4.17. Information to be included in annual report to Minister

The Chief Commissioner is required to report to the Minister annually, and include in Victoria Police's annual report, certain statistics in relation to FPOs made and in operation, including:

- FPOs issued
- FPOs in operation
- people under 18 years of age who are subject to an FPO
- firearms and firearm related items seized during any exercise of power under Part 4A
- FPOs served under an SDD and an SSW
- FPOs served on people in detention
- SDDs made, including the number of times powers were exercised under SDDs and the number of individuals to whom directions were given under an SDD
- people detained under an SDD or SSW or transferred to police station or other safe place
- SSWs applied for, issued, and executed, including premises entered
- charges laid for offences under the Act connected with searches under Part 4A
- charges laid for other offences connected with searches under Part 4A.[59]

The Registry manually extracts data which is used to generate statistics for the Victoria Police annual report. The process for recording the data related to searches, seizures and prosecutions used in these statistics relies on members recording accurate information in LEAP and/or provided copies of documents to the Registry.

IBAC was unable to recalculate these statistics in the Victoria Police annual report to ensure accuracy as the raw copies of the report data were not saved by the Registry.

Going forward, the Registry will retain these raw copies of the reports data and any other data used to generate the annual report statistics and will provide these to IBAC at the next inspection.

Compliance assessment: In relation to compliance with obligations to report statistics in relation to FPOs made and in operation, IBAC is **Unable to determine** the compliance of the Chief Commissioner.

[58] *Firearms Act 1996* (Vic) s 112CA.
[59] *Firearms Act 1996* (Vic) s 174E

4.17.1. Charges arising from FPO searches

IBAC is satisfied that Victoria Police has a process in place for identifying whether charges laid fall under section 172(1)(e) and 172(1)(f) of the Act. However, it is noted that the process relies heavily on manual checks by the Registry, is time consuming and open to error. IBAC was therefore unable to determine the completeness of FPO-related charges and is unable to comment on Victoria Police's compliance in relation to this.

Figure 7 shows the number of charges laid for offences under the Act connected with searches conducted under Part 4A.

Figure 7: Offences under the Act

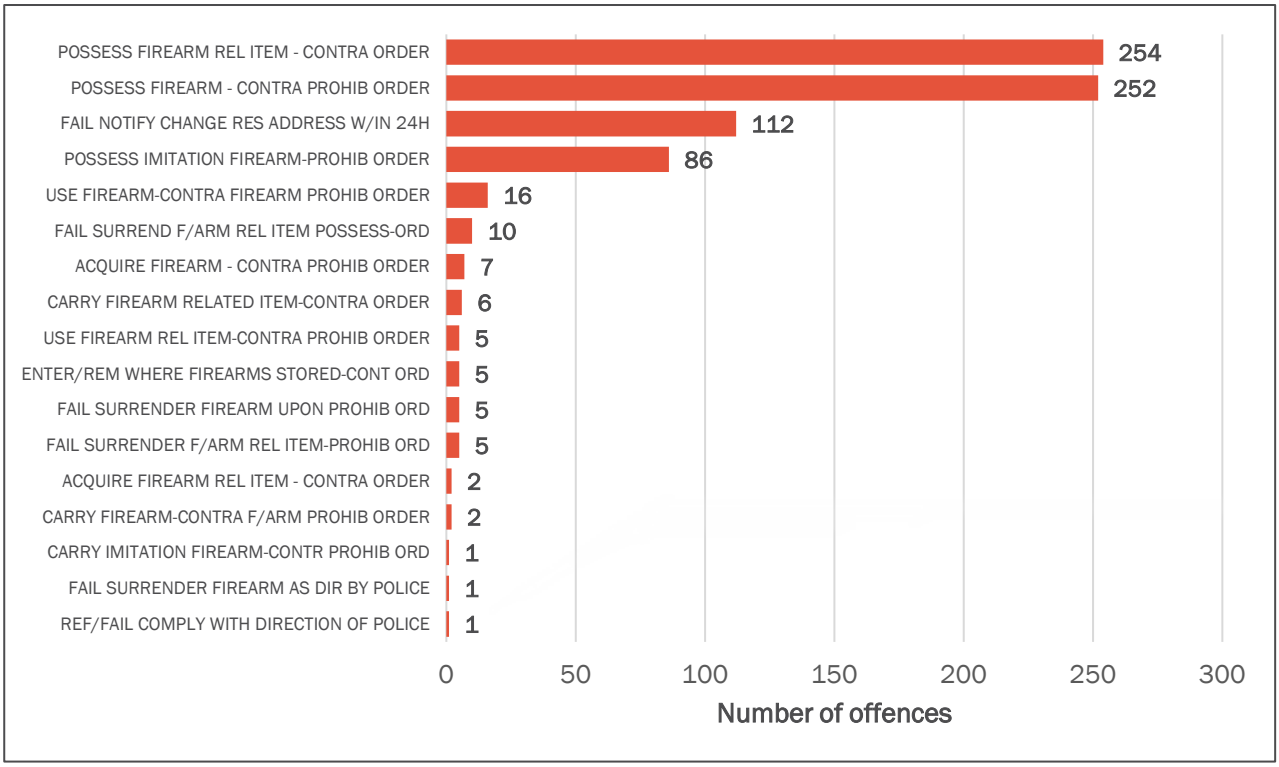
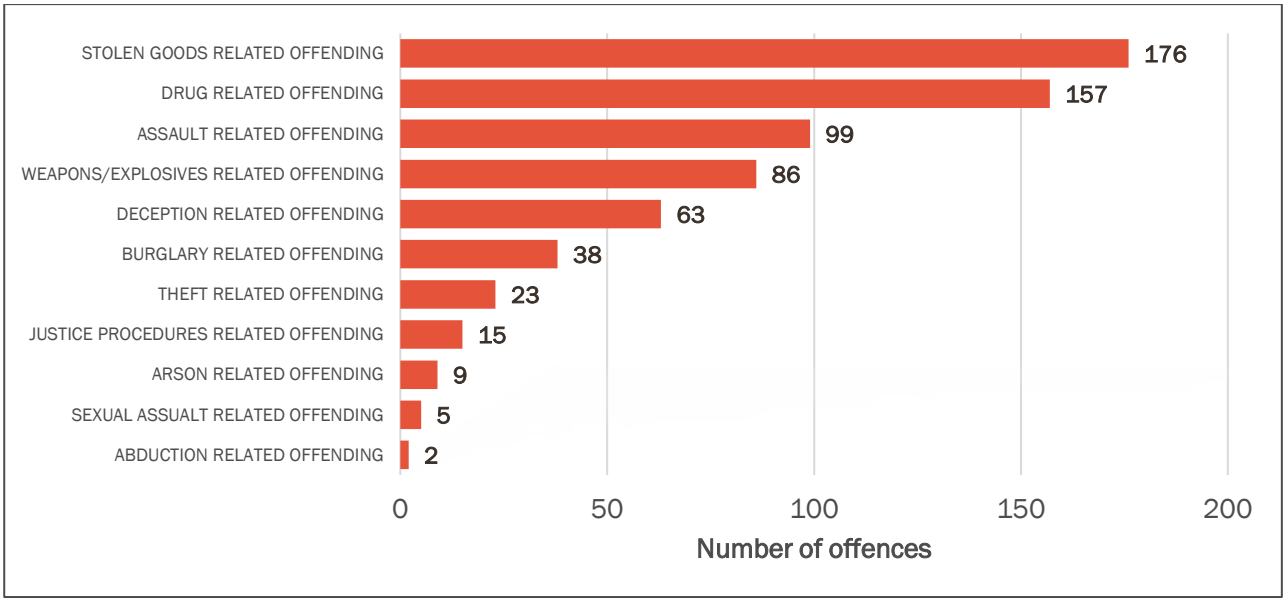


Figure 8 shows the number of charges laid for other offences connected with searches conducted under Part 4A.

Figure 8: Other offences



Compliance assessment: In relation to compliance with obligations to report statistics in relation to charges arising from FPO searches, IBAC is **Unable to determine** the compliance of the Chief Commissioner.

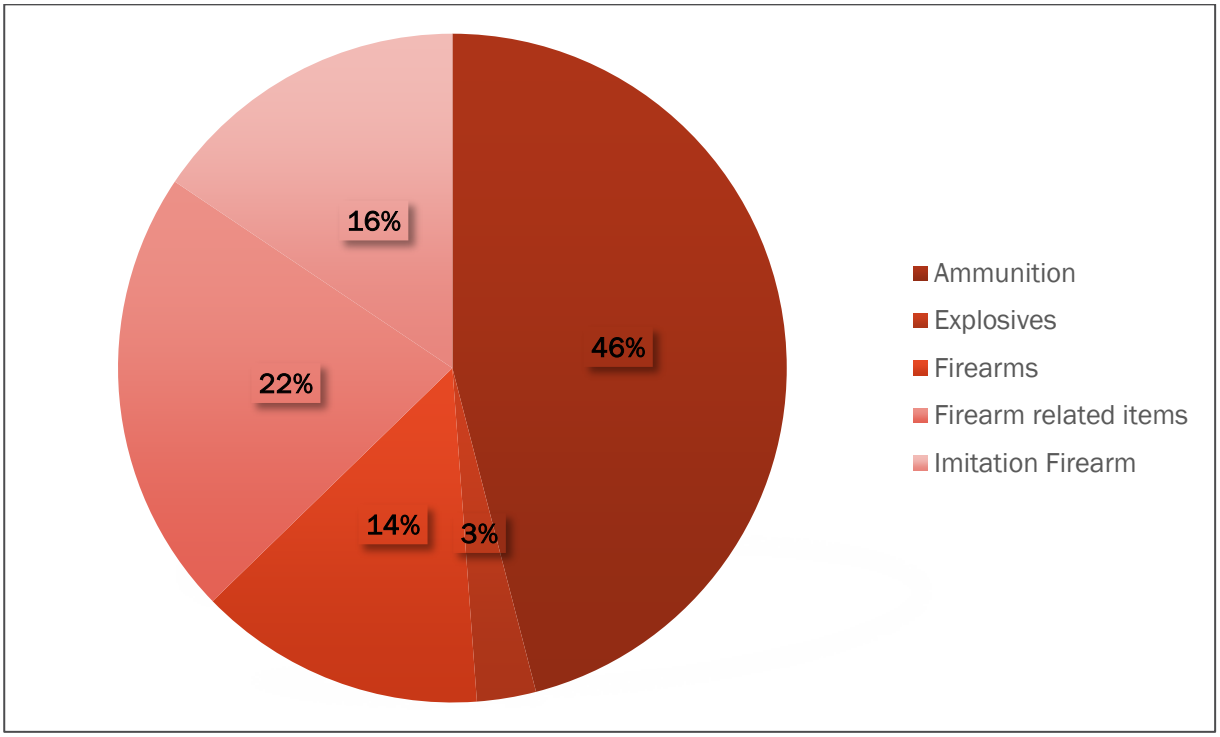
4.17.2. Firearms and firearm related items seized during FPO searches

IBAC could not verify the completeness of data relating to firearms and firearm related items seized during searches under Part 4A of the Act. Because the Registry relies on external users for initial data entry, there is no mechanism to ensure all searches are recorded. Consequently, IBAC is unable to comment on Victoria Police's compliance in relation to this.

During the inspection period, a total of 770 firearms and firearm related items were seized during the exercise of powers under Part 4A of the Act.

Figure 9 shows the percentage breakdown of the total firearm and firearm related items seized during the exercise of powers under Part 4A.

Figure 9: Seized firearms and related items



IBAC reviewed the relevant Victoria Police 'Governance and Internal Audit Arrangements' procedures. The Registry advised that they undertake audits at daily, weekly, and quarterly intervals, as well as on an ad-hoc basis, as necessary. Based on a review of the guidance material, IBAC considers that these audits include all information required to be reported under section 172 of the Act. However, a lack of systemic record keeping regarding governance and compliance audits has resulted in an unverifiable history. IBAC is therefore unable to provide assurance regarding the status or outcomes of these activities.

Compliance assessment: In relation to annual reporting requirements under section 172 of the Act, IBAC is **Unable to determine** the compliance of the Chief Commissioner.

4.18. Record keeping requirements under Part 10A of the Act

The Chief Commissioner must take reasonable steps to ensure that records are kept of:

- each FPO made
- any document received in relation to the FPO from an individual who is the subject of the order
- any Victoria Police policies, procedures, or guidelines about the making of FPOs or the operation of Part 4A
- records of searches under that Part.[60]

[60] *Firearms Act 1996* (Vic) s 174O.

Victoria Police has appointed the Registry to govern FPO applications, relevant decision-making processes, and records management. The Registry maintains the Register that contains relevant details of FPOs.

During IBAC's inspection of the Register, a sample of electronic entries were reviewed, predominantly consisting of files added to the Register in the inspection period. IBAC identified that the Register substantially contained the information required to be kept, although some inconsistencies, errors and omissions were identified. These were brought to the Registry's attention for verification and follow up.

Noted inconsistencies or omissions in the Register include:

- date of birth
- FPO status
- grounds made
- service date
- age
- emails.

IBAC notes that the Register currently relies on manual data reconciliation due to a lack of system interoperability. Data quality risks are managed by the Registry through a combination of corrective audits and targeted training initiatives.

Compliance assessment: In relation to Victoria Police obligation to maintain records, the Chief Commissioner is assessed as being **Compliant.**

4.19. Restricting access to records

The Information Privacy Principles contained in the *Privacy Data and Protection Act (2014)* (Vic) governs information use, handling, and storage by Victoria Police.

Authority to access the Register and associated records

IBAC was provided with a list of persons with access to the Register and associated records during the inspection period. The Registry removed access to all persons whose position no longer justified access to the Registry shared drive.

IBAC was informed that the Registry will monitor systems access on a periodic basis to ensure only authorised persons with justification have access.

IBAC reviewed the current list of persons with access to the Register and associated records and is satisfied that access is appropriately restricted.

Location and physical access

The Registry is located at Victoria Police premises and provides an appropriate level of security.

IBAC is satisfied that the Registry is in a secure environment and that appropriate controls are in place to restrict access to the Register.

Compliance assessment: In relation to the obligation to restrict access to the Register and associated records, the Chief Commissioner is assessed as being **Compliant**.

Complaints made to Victoria Police and IBAC

Complaints may be made to Victoria Police or IBAC relating to misconduct or corrupt conduct of Victoria Police officers.

In response to IBAC's inquiries regarding complaint volumes received by Victoria Police in relation to the FPO scheme, the Registry clarified that while information sharing occurs during Professional Standards' inquiries, current system limitations prevent the automated extraction of 'FPO' as a specific reporting category.

Consequently, a report detailing the volume of complaints could not be provided to IBAC during the inspection period.

During the reporting period, IBAC received five FPO-related complaints which help to optimise inspection targeting and identify specific procedural weaknesses within FPO systems.

Other matters

Internal governance and audits

The Registry produces a large suite of procedural documentation which includes standard operating procedures, manuals, guidelines, and templates which are regularly updated and provide clear instruction. IBAC is satisfied that there is an effective framework for managing the Registry's operational matters within Victoria Police.

It is the Registry's responsibility to ensure Victoria Police is complying with the Act by ensuring records relating to the application, issuing and use of FPOs are created and maintained to a standard that demonstrates sufficient compliance. IBAC could not verify whether audit activities took place as the Registry does not keep records of governance and audit activities. IBAC has raised the issue of the Registry retaining comprehensive records of all governance and audit activities, including evidence of completion and outcomes.

Resourcing

The Registry continues to prioritise its statutory obligations, successfully managing a cumulative volume of 2971 FPO applications. Of these, 632 were finalised during the inspection period, demonstrating a sustained commitment to meeting legislative mandates despite significant resourcing demands.

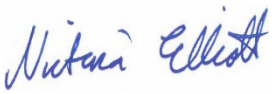
Overall

IBAC recognises the significant role of the Registry in ensuring the overall effective and efficient operation and management of the Register and related matters.

The helpful discussions between IBAC and staff at the Registry, along with the Registry's willingness to engage constructively with IBAC's oversight functions, appear to reflect the Registry's continued commitment to meeting its statutory obligations and ensuring best practice in relation to the requirements set out in the Act. Registry staff were courteous and cooperative and provided considerable assistance to IBAC in undertaking the inspection and reviews.

IBAC thanks the Registry for their assistance, particularly in facilitating access to the Registry and its records and providing ongoing assistance to IBAC officers about the operation of the Registry.

In the inspection period, IBAC did not identify any provisions within Parts 4A or 10A of the Act that it considered as needing to be the subject of recommendations to the Minister for possible amendments to improve the operation of those Parts, noting that IBAC has made three recommendations directly to the Chief Commissioner.



Victoria Elliott
Commissioner
Independent Broad-based Anti-corruption Commission

Date: 10 July 2026

ibac | Strengthening Victoria's Integrity

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