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## Policy No. 16

# Prohibited and Other Persons

### DOCUMENT CONTROL

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| <b>Version:</b>                | 10 <sup>th</sup> October 2014<br>Wilda Kerr |
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| <b>On behalf of Board:</b>     | Denis Moroney<br>President                  |
| <b>Next review date:</b>       | October 2017                                |

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## **TITLE**

Prohibited and Other Persons

## **PURPOSE**

To offer guidance to SSAA Vic Branches and Ranges on their rights and obligations when dealing with a SSAA member who has been deemed “prohibited” by the Victoria Police.

## **SCOPE**

All SSAA Vic Ranges and Branches

## **OBJECTIVE**

Provide direction / advice

## **DEFINITIONS**

Section 3 (pages 18 to 21) of the Firearms Act 1996 extensively defines the term “Prohibited Person”. In this policy a ‘Prohibited Person’ will be generally considered as any person who has surrendered their firearms and had their firearm licence revoked by the Victoria Police.

The Victoria Police, on the revoke of a firearm licence will ‘deem’ that person to be prohibited. This is provisional only. It is important to note that being ‘deemed prohibited’ does not mean that the person has been charged and found guilty of a criminal offence.

Only if found guilty of a criminal offence does that person then become a ‘prohibited person’. If the Victoria Police do not find the person to be guilty, that person will be “un-deemed prohibited”.

Reasons for being ‘deemed prohibited’ may include:

- Not meeting secure storage requirements
- Other firearm’s offences
- Having an intervention order placed on a person
- Imprisonment for criminal offence

## POLICY DETAILS

Each SSAA Vic Branch is responsible for deciding whether a SSAA Vic member who has been 'deemed prohibited' is considered to be 'fit and proper' and as such should be allowed the continued benefits of a Firearm Licence holder when on the SSAA Vic Branch's Range.

The Firearms Act 1996 requires that you must be a 'fit and proper person to possess, carry, use, acquire or dispose of a firearm.

The Victoria Police website defines a person to not be considered 'fit and proper' if they have:

- a history of irresponsible handling of firearms
- been deemed to be a 'prohibited person'
- findings of guilt for crimes of violence
- not proven to be of good character
- a criminal history associated with firearms (e.g. armed robbery, assault with a weapon, attempted murder and murder)
- provided false or misleading information to the police in a firearms matter
- a record of physical or mental illness which medical evidence suggests debars you from owning or using firearms
- a record of drug or alcohol misuse which medical advice suggests debars you from owning or using a firearm
- failed to possess sufficient knowledge and competency in the carriage and use of firearms (e.g. you have not completed or failed the Victorian Firearms Safety Course).

There may be other criteria that will prevent someone from being considered a fit and proper person. Situations that fall outside the above guidelines will be assessed on a case by case basis. (Victoria Police website). Each situation must be reviewed on its own merit.

A Branch must decide if they are comfortable with having a member who has been 'deemed prohibited':

- Utilising the range under direct supervision, as would happen with a non-licence holder
- Continuing to hold a committee position, if they currently do.
- Assisting as a non-licensed Range Officer who does not at any point have full and total control of any firing line (It is SSAA (Vic) Policy that all Range Officers must hold a current firearm's licence)
- Coming onto the Branch property or range

Consider the risks involved to the Branch and SSAA (Vic) in general:

- Has the member been charged by Victoria Police?
- Has the member demonstrated any threatening behaviour?
- Is the member considered to be a danger to themselves or others?
- Has the member breached the Branch's Code of Conduct?

- Could having the member on SSAA property cause reputational issues for the SSAA (Vic) in the media?

If the Branch is unable to resolve the issue, the matter may be expedited to the Victorian Board for further advice.

### **ASSOCIATED DOCUMENTS / REFERENCES**

Policy 2 - Range Officer Policy

Policy 14 – Risk Management