



Magistrates' Court of
Victoria

APPLICATION FOR DECLARATION TO BE DEEMED NOT TO BE A PROHIBITED PERSON

Firearms Act 1996 Section 189

IMPORTANT: PLEASE READ THE FOLLOWING INFORMATION BEFORE COMPLETING THIS APPLICATION

An application under section 189 of the *Firearms Act 1996* to be deemed not to be a prohibited person can **only** be made in the following circumstances:

- You are subject to a final Intervention Order made in Victoria under the *Family Violence Protection Act 2008*, and the Court **has not** imposed conditions that have cancelled, suspended or revoked your firearm licence, permit or authority.
- You are subject to a final Intervention Order made in Victoria under the *Personal Safety Intervention Orders Act 2010* or the *Stalking Intervention Orders Act 2008*, and the Court **has not** imposed conditions that have cancelled, suspended or revoked your firearm licence, permit or authority.
- You have been found guilty of:
 - an offence under the *Firearms Act 1996*,
 - an offence under any other Act involving the possession or use of firearms or
 - an indictable offence,

AND you were not sentenced to a term of imprisonment.

(A term of imprisonment under section 3 of the *Firearms Act 1996* includes a suspended sentence, intensive corrections order or detention in a Youth Justice Centre.)

Please Note:

You are unable to make an application if you are subject to an interim order.

You are unable to make an application if you are appealing the decision of a final Intervention Order and that appeal has not yet been determined.

Your application must be lodged at the Magistrates' Court where the prohibitive order was made. Except:

- If you are the subject of any prohibiting intervention orders or criminal outcomes interstate, you must lodge your application at the Supreme Court.
- If you are the subject of any prohibiting intervention orders or criminal outcomes as a result of proceedings in the County Court, you must lodge your application at the County Court.

If you are unsure as to whether you are a prohibited person under Section 3(1) of the *Firearms Act 1996*, and/or are listed as an appropriate applicant (in relation to Section 189), you should seek advice before lodging this application

For further information about Prohibited Persons and Section 189 Applications refer to the Victoria Police website.

www.police.vic.gov.au/firearms

APPLICATION TYPE

Note: This is the reason why you became a prohibited person.

APPLICANT'S FULL NAME

(Include all other names known by)

DATE OF BIRTH

RESIDENTIAL ADDRESS

CONTACT PHONE NUMBERS

DRIVER LICENCE NUMBER

- | | | |
|--------------------------|---|--------|
| ☐ | Subject to final Intervention Order - <u>Section 189 (1) or (1AA)</u> | |
| ☐ | Criminal Court Determination - <u>Section 189 (1A)</u> | |
| | | |
| / / | | |
| | | |
| (H) | (W) | (M) |
| Licence No. | | State: |

APPLICANT TO COMPLETE

S189 (1) or (1AA) APPLICATIONS

(relates to intervention orders only)

Does the final Intervention Order include any condition that has cancelled, revoked or suspended a firearm licence, permit or authority?

☐ YES

☐ NO

Note: If you answered YES then you are ineligible to make this application until such time that you have obtained a variation to the final Intervention order.

Has any condition on the Intervention Order been varied or revoked such as removal of a firearms clause?

☐ YES

☐ NO

Note: You must attach a current copy of the Intervention Order to this application

Name of Protected Person.

Note: If there are additional Protected Persons specified in the order, then please list.

Full
Name:

Full Names of additional Protected Persons (if any):

1.
2.
3.

Protected Person's address.

Note: If you do not know the Protected Person's address, just write unknown. The police will obtain this information for the Court if you are prohibited from doing so.

Address

Phone
No.

S189 (1A) APPLICATIONS

(relates to criminal offences only - where applicable you must provide all relevant information about your offence)

Which Court heard your case?

Magistrates/Children's Court at

What was the date of hearing?

What offence / offences were you found guilty of?

What was the penalty imposed?

Briefly state your grounds for making this application to be a non-prohibited person in relation to your need to possess a firearm licence and/or firearms.

Note: If you require a licence for occupational reasons then this would be deemed for limited purposes.

If your application is successful, the purposes for which the Applicant is deemed not to be a prohibited person will be specified in the order

☐ Hunting

☐ Sport/Target shooting (if a member of a club, please specify)

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I, _____, acknowledge that the particulars in this application and any attachments are true and correct and I make this acknowledgment knowing that it is an offence against section 140A (1) of the *Firearms Act 1996* to wilfully supply details that are false or misleading. (Maximum penalty 240 penalty units or 4 years imprisonment).

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Dated at _____ on ____ / ____ / ____

COURT USE ONLY

Firearms Act 1996 - Section 189 (2A) & (2B)

The Registrar of the Court, the Chief Commissioner of Police and any person protected by a final Intervention Order must be given a minimum of 28 days written notice of the application. The Chief Commissioner of Police and any Protected Person may appear before the Court to be heard on the application.

List 6 weeks ahead to ensure legislative requirements are complied with.

Note: If this application is a result of a Criminal Court Determination, the Section 189 (1A) application may be listed 28 days after the date of application.

Notice to the protected person will be provided by posting to their last known address or a confirmed email by the court registrar.

Take notice that this application will be heard and determined as follows:

In the Magistrates' Court at

Case No:

Date of Hearing

Time am/pm

Applicant's Full Name

(include all other names known by)

Protected Person/Persons

(if applicable)

Dated at

on / /

REGISTRAR.....

Email:
Completed application form to
Victoria Police Regulation and Licensing
Division

**Email LRD-RSU-INTERNAL-
MGR@police.vic.gov.au**



Magistrates' Court of
Victoria

APPENDIX "A"

NOTICE TO PROTECTED PERSON

APPLICATION FOR DECLARATION TO BE DEEMED NOT TO BE A PROHIBITED PERSON

Firearms Act 1996 Section 189

To

(Insert full name of the person protected by the Court Order)

- The Court records indicate that you are a Protected Person by means of an Intervention Order made under Section 74 of the *Family Violence Protection Act 2008* or Section 61 of the *Personal Safety Intervention Orders Act 2010*, or an Affected Person under Section 7 of the *Stalking Intervention Order Act 2008*, or a person protected by a corresponding order made in another State or Territory.
- This is written notification that the Respondent (Prohibited Person) who is subject to the Intervention Order or corresponding interstate order has made an application under Section 189 of the *Firearms Act 1996* for a declaration to be deemed a non-prohibited person. (See copy attached). This means the applicant intends to have his/her firearm licence reinstated or intends to apply for a firearm licence, permit or authority if deemed non-prohibited by the Court.
- The *Firearms Act 1996* states that you may appear before the Court to be heard on this application. You can appear before the Court to object to or support the Respondent's application. Should you wish to attend the Court hearing, you can also choose to seek independent legal advice. If you intend to have legal representation, please advise the Court of this prior to the hearing. This is necessary for the Court to allocate sufficient time to determine the matter. If the police initiated your original application for an intervention order, you should advise the police applicant of your intentions.
- Please note the following details for the Court venue, date & time of this application.
- A member of Victoria Police will attempt to make contact with you to discuss this application.

In the Magistrates' Court at

Date of Hearing

Applicant's Full Name

Protected Person/Persons

Case No:

Time: am/pm

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