



# Submission cover sheet

## Inquiry into Legislation on proposed firearms reform

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# ACT Policing Submission

Inquiry into Legislation on proposed firearms reform –  
Firearms (Firearm Prohibition Orders) Amendment Bill 2026

April 2026

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## Executive Summary

ACT Policing thanks the Standing Committee on Legal Affairs for the opportunity to make a submission to the Inquiry into Legislation on proposed firearms reform. Please note that this submission focuses on the Firearms (Firearm Prohibition Orders) Amendment Bill 2026 (the Bill) and that a separate submission has been made on the Firearms (Public Safety) Amendment Bill 2026.

ACT Policing also acknowledges the ACT Government's ongoing engagement and consultation throughout the development of the proposed Firearm Prohibition Order (FPO) scheme. While Canberra remains one of the safest cities in Australia, ACT Policing supports measures that reinforce its ability to police for a safer community.

ACT Policing also welcomes the ACT Government's recent announcement to introduce legislation to ban members of Outlaw Motorcycle Gangs (OMCGs) from wearing or displaying items that signify gang membership. These measures will assist ACT Policing in our ongoing fight to disrupt organised crime in the ACT and help keep the Canberra community safe.

Per the Bill's Explanatory Statement<sup>1</sup>, the ACT's firearms framework relies upon making it unlawful to acquire, possess, and use a firearm without a licence (or other exemption), and by restricting licences only to people who have a genuine reason to have a licence and who meet the suitability criteria. While this framework is generally suitable to manage firearms in the ACT, there is a small group of individuals where the possibility of their acquisition, possession, or use of a firearm presents a significant risk to the wider community, and there is a need to have positive confirmation that they are not acquiring, possessing, or using a firearm.

ACT Policing has been a longstanding advocate for the introduction of an FPO scheme in the ACT and remains committed to initiatives that enhance community safety and reduce the risk of firearm related harm. The primary intent of the FPO scheme is to address a specific high-risk group of individuals and those most likely to perpetrate violence, including those involved in organised crime, domestic violence or violent extremism. The misuse, unlawful possession and unauthorised manufacture of firearms present significant risks to community safety.

The introduction of the FPO scheme will bring the ACT in line with all other jurisdictions in Australia who operate similar schemes. Organised crime, including crime relating to firearms, does not operate within defined boundaries. The Australian Institute of Criminology<sup>2</sup> has estimated the cost of serious and organised crime to Australia grew to \$82.3 billion in 2023-24, which is a \$13.6 billion increase from the previous year. Serious and organised crime groups use illicit firearms to undertake criminal activities and protect their interests through intimidation and physical violence<sup>3</sup>. While ACT Policing continues to work collaboratively with partner agencies to target OMCGs and other organised crime groups, the introduction of an FPO scheme will enhance ACT Policing's ability to protect the ACT community.

<sup>1</sup> Firearms (Firearm Prohibition Order) Amendment Bill 2026 Explanatory Statement [https://www.legislation.act.gov.au/View/es/db\\_74010/current/html/db\\_74010.html](https://www.legislation.act.gov.au/View/es/db_74010/current/html/db_74010.html)

<sup>2</sup> Alexandra Voce and Anthony Morgan, The Costs of Serious and Organised Crime in Australia, 2023-24 (Statistical Report No. 55, Australian Institute of Criminology, 2025) <https://www.aic.gov.au/publications/sr/sr55>

<sup>3</sup> Alexandra Voce and Anthony Morgan, The Costs of Serious and Organised Crime in Australia, 2023-24 (Statistical Report No. 55, Australian Institute of Criminology, 2025) <https://www.aic.gov.au/publications/sr/sr55>

While ACT Policing is limited in what can be provided in a public submission, firearms and organised crime continue to present a significant risk and challenge within the ACT. In 2025, ACT Policing responded to 10 shooting incidents, with intelligence indicating that a number of these incidents were linked to OMCG activity. Intelligence held by ACT Policing indicates OMCG members are active within the Canberra community and actively engaged with interstate criminal associates who frequently travel to the ACT.

From an operational context, ACT Policing anticipates FPOs would be of most value for high-risk offenders who have shown they continue to engage, whether convicted of an offence or through involvement in serious and organised criminal activity and display extreme resistance to traditional methods of intervention. Based on a preliminary assessment, ACT Policing has identified approximately 70 individuals who may be suitable candidates for an FPO, based on a combination of criminal history, intelligence holdings, and associations with serious and organised crime.

These individuals present an ongoing risk to community safety in the ACT, noting that access to firearms may occur through indirect means, including through associates. Noting the stringent application and threshold requirements to obtain an FPO, a more detailed assessment will need to be undertaken by ACT Policing to determine the appropriate number of FPO candidates that police will seek from the Magistrates Court.

Overall, ACT Policing supports the intent of the Bill to introduce a preventative, intelligence led framework to restrict high risk individuals from accessing firearms and firearm related items. Notwithstanding this support and acknowledging the need to balance the rights of the individual and protecting the community, ACT Policing considers that certain elements of the proposed scheme may limit its operational effectiveness and its ability to function as a genuinely preventative tool. At a high-level, this submission outlines those considerations for the Committee's consideration and welcomes the opportunity to discuss these matters in further detail at the public hearing.

## Firearm Prohibition Order Scheme

The proposed FPO scheme is intended to operate as a preventative tool to mitigate the risk of firearm related harm. Under the proposed framework, an FPO is issued by the court and operates to restrict a person from acquiring, possessing, or using firearms or firearm related items. This is a key difference when compared to other jurisdictions' FPO scheme, whereby an FPO is made by a senior police officer on a lower test and there is no judicial oversight. Per the Bill's Explanatory Statement<sup>4</sup>, the "ACT FPO scheme has been developed to ensure that the limitations on the right to privacy as a result of the enforcement powers are the least restrictive means available to ensure the operational viability of the scheme and the protection of community safety".

The FPO scheme would enable police to engage in certain powers that are subject to a threshold test of 'reasonably required' to determine whether the person subject to an FPO has committed offences in contravention of the FPO. The construct of the scheme imposes a genuine constraint on police powers and limits the risk of arbitrary use. While the Bill allows a police officer to seize and secure items which are unrelated to offences for breach of the FPO, the police officer needs to be satisfied on reasonable grounds that the thing is connected with an offence against the *Firearms Act 1996* or a serious offence punishable by more than five years, and the seizure is

<sup>4</sup> Firearms (Firearm Prohibition Order) Amendment Bill 2026 Explanatory Statement  
[https://www.legislation.act.gov.au/View/es/db\\_74010/current/html/db\\_74010.html](https://www.legislation.act.gov.au/View/es/db_74010/current/html/db_74010.html)

necessary to prevent the thing from being concealed, lost or destroyed, or used to commit, continue or repeat the offence.

In practice and while engaging in a search in relation to an FPO, if a police officer identified an item that was an offence but not a serious offence (i.e. not punishable by more than five years), police would be required to seek a separate warrant to seize that item. This could relate to offences such as minor theft or possessing drugs of dependence or prohibited substances which carry sentences of imprisonment lower than five years. The risk of arbitrary use of police powers is also safeguarded by the requirement to report annually to the ombudsman on a range of matters, including the number of FPOs made, the kind of things seized, and the number of charges laid.

Overall, ACT Policing supports the preventative intent of the scheme and its focus on reducing access to firearms among individuals as assessed as presenting an elevated risk to the community.

## **Thresholds for an FPO – Matters to be Considered by Magistrates Court**

ACT Policing notes that the high threshold imposed by the proposed scheme limits the scope of people who can be subject to an FPO, thereby reducing the likelihood of subjecting a person who is of lower risk to the requirements of an FPO. These requirements seek to reflect the extraordinary powers that are provided to police where a person is subject to an FPO.

Per the Bill's Explanatory Statement<sup>5</sup>, "in considering whether to make an FPO, the court is required to consider a list of factors, including the person's criminal history, their behaviour, their circumstances (including cultural and social needs), the limits the order would have on the human rights of the respondent and any person affected by the order, and the extensive police search powers which would be available for the duration of the FPO". Noting the parameters and purpose of the scheme, ACT Policing suggests it may be beneficial to provide further detail in the explanatory material on how these factors are to be balanced, including the limitations of 'any other persons'. For example, whether this includes co-residents and partners etc.

The proposed scheme does recognise that criminal convictions represent only one aspect of an individual's risk profile. This is a critical component of the scheme, as intelligence holdings, patterns of behaviour, associations, and contextual information are often more indicative of future risk than past offending. This is particularly relevant in the context of serious and organised crime, where individuals may deliberately avoid direct involvement in firearm possession or target 'cleanskin' individuals<sup>6</sup>. In some cases, organised crime groups may recruit or target individuals through intimidation to engage or support them undertake criminal activity. Similarly, standover tactics may be used against people who owe debts, or favours to transport and house firearms, illicit drugs and proceeds of crime.

ACT Policing places significant reliance on intelligence led policing to identify and respond to emerging risks. This approach recognises that individuals involved in serious and organised crime

<sup>5</sup> Firearms (Firearm Prohibition Order) Amendment Bill 2026 Explanatory Statement [https://www.legislation.act.gov.au/View/es/db\\_74010/current/html/db\\_74010.html](https://www.legislation.act.gov.au/View/es/db_74010/current/html/db_74010.html)

<sup>6</sup> Victorian Law Reform Commission, *Use of Regulatory Regimes in Preventing the Infiltration of Organised Crime into Lawful Occupations and Industries* (Report No. 33, February 2016) <https://www.lawreform.vic.gov.au/publication/regulatory-regimes-and-organised-crime-report-2/>.

often operate in ways that minimise direct exposure to offending, including through the use of intermediaries or by maintaining distance from the physical possession of firearms.

## Thresholds for an FPO – Matters to be Satisfied by Magistrates Court

While ACT Policing supports the criteria of matters to be considered by the Magistrate under the proposed section 183B of the Bill, we query the appropriateness of elements needing to be satisfied under the proposed sections 183F and 183H of the Bill.

Prior to making the FPO, the Magistrate must be satisfied that the person has unlawfully acquired, possessed, or used (or unlawfully attempted to acquire, possess, or use) a firearm or firearm-related item. While ACT Policing acknowledges that this is to be considered regardless of whether the respondent has been found guilty of an offence in relation to firearms, it is anticipated that this measure will limit the number of FPO applications that can be applied for. This approach is in stark contrast to Victoria, whereby, an FPO may be made even though the individual to whom the order applies or is to apply has never acquired, possessed, carried or used a firearm or a firearm related item.

ACT Policing is concerned that elevating unlawful acquisition, possession or use of a firearm to a standalone threshold requirement may undermine the intended preventative purpose of the scheme. While the Bill requires the court to consider a holistic range of factors including behaviour associations and broader risk indicators, these matters are effectively subordinate to the need to establish prior unlawful conduct. The proposed approach may constrain the scheme's ability to respond to individuals whose risk is identified primarily through intelligence holdings and emerging patterns of behaviour, rather than direct evidence of offending. As a result, individuals who present a credible and escalating risk to community safety may fall outside the scope of the scheme, limiting its effectiveness as a proactive tool and shifting its operation towards a more reactive model.

In operation, this may create particular challenges where an individual has possessed a firearm under a valid firearms license but is subsequently assessed as presenting an elevated risk due to involvement in serious offending, including family or domestic violence. In such circumstances, because the individual held the firearm lawfully means the individual would be ineligible for an FPO, regardless that they might meet all other criteria and present a credible and escalating threat to community safety.

The scenario highlights a key limitation of the proposed framework. Individuals who engage in violent or coercive behaviour may not have a history of unlawful firearm possession, yet intelligence may indicate that the individual has a high risk of harm, or access to firearms through indirect means, including associates. The requirement may therefore exclude individuals at a critical intervention point, where proactive restrictions on firearm access could mitigate the risk of serious harm. As a result, individuals assessed by police as presenting a genuine and increasing risk may fall outside the scope of the scheme, undermining its intended preventative purpose.

In practice, ACT Policing is concerned that this provision may shift the scheme away from a preventative model and towards a more reactive approach that relies on historic behaviour to consider the person's current risk. ACT Policing suggests that the Committee examine whether this requirement (e.g. paragraphs 183F(1)(d) and 183H(1)(b)), in its current form, supports the intended preventative function of the scheme, or whether alternative approaches could achieve an appropriate balance between evidentiary integrity and early intervention.

Under the proposed framework, ACT Policing anticipates there to be a lower utility of FPOs when compared to other jurisdictions, which may limit the schemes effectiveness in some respects. If these elements are not amended, the Bill's proposed 3<sup>rd</sup> year of operation review will provide a timely opportunity to review the scheme's applicability and utility.

## Enter and Search Certain Premises

Under the proposed model, if a person is subject to an FPO and the requisite requirements have been met to engage police powers, a police officer may only enter and search certain premises without a warrant. Under the proposed s183ZY, the power to enter and search certain premises and seize things without warrant include:

- a) any residence, of the person mentioned in the order;
- b) if the person is subject to a final order—any other premises owned, leased or occupied, by the person, mentioned in the order;
- c) a vehicle, vessel or aircraft of which the person is in charge or is a passenger, wherever the vehicle, vessel or aircraft is located.

ACT Policing holds concern that elements of the proposed scheme may not sufficiently accommodate an intelligence led approach. Where significant weight is placed on demonstrable unlawful conduct or specific premises, ACT Policing's ability to proactively engage or intervene may be limited by the proposed scheme.

The proposed framework limits the exercise of these powers to premises that are expressly specified in the order. While this provides clarity, it may create practical limitations in circumstances where relevant premises are identified after the order has been made and result in repeated applications to the Court for amendments to the order.

In operational settings, information about the use of premises is often dynamic and intelligence led. Individuals who are subject to an FPO, may utilise informal, transient or third-party premises that are not readily identifiable at the time of the application. Where new premises are identified, police will be required to seek an amendment to the order before search powers under the FPO can be exercised. In practice, this process is likely to involve procedural steps that may result in the respondent becoming aware that additional premises have been identified.

This creates risk that a firearm or firearm-related item may be moved, concealed or otherwise disposed of before any enforcement action has occurred, which undermines the preventative intent of the scheme. Noting the *Firearms Act 1996* already provides a definition of 'occupier of premises', which includes a person reasonably believed to be an occupier of the premises, or a person apparently in charge of the premises, ACT Policing suggests there may be benefits in amending the proposed section 183ZY to allow police to enter and search premises where an officer reasonably believes the person subject to the order owns, leases or occupies the premises in addition to those specified in either an interim or final order.

This would align with the existing definition and enable a more timely and effective enforcement in circumstances where premises are identified after the order is made. As a safeguard, we note these powers would be subject to the ombudsman's oversight of the scheme.

## Notification Requirements

Under the proposed section 183V of the Bill, a person subject to an FPO must notify police within 7 days after the day the change occurs with regards to the person's residence or any other premises owned, leased or occupied by the person. Upon being notified of the change, police will be required to apply to amend the FPO order which carries further administrative implications for police and may create a gap in police enforcement abilities. In comparison, the Victorian FPO scheme requires the person with whom an FPO applies to notify police of any change to the person's residential address within 24 hours of the change occurring.

ACT Policing considers the proposed notification requirements as inconsistent with the preventative and proactive intent of the scheme and may reduce its effectiveness in mitigating harm. In addition to advocating for the reduction in notification timeframes, for example 24 hours like Victoria, ACT Policing queries the need and onus on police to then further seek an amendment by the Court. There may also be merit in exploring mechanisms to support person's subject to an FPO to be able to proactively notify police of upcoming changes to circumstances.

To reiterate, ACT Policing supports the introduction of an FPO scheme in the ACT, though suggests that further refinements to the model may be necessary to see the full benefits that are being realised in other jurisdictions in Australia and reduce administrative implications on ACT Policing and the Courts.

## Safeguards and Operational Effectiveness

ACT Policing acknowledges the substantial effort undertaken to ensure that the proposed FPO scheme incorporates appropriate safeguards and is consistent with the ACT's human rights framework. The inclusion of court based decision making, proportionality considerations, and review mechanisms reflects a strong commitment to accountability and oversight.

ACT Policing supports the inclusion of safeguards as a necessary component of any legislative framework. However, ACT Policing notes that the cumulative effect of these safeguards, particularly when combined with additional evidentiary thresholds and administrative implications for police, may result in a scheme that is difficult to operationalise and resource intensive.

Where safeguards operate to significantly elevate the threshold for obtaining an order, there is a risk that the scheme may not be used in practice or may only be used in a limited number of cases where risk is already well established. This may undermine the intended preventative function of the scheme and it may be more practically appropriate and efficient to seek a warrant instead.

ACT Policing considers that maintaining an appropriate balance between safeguards and operational effectiveness will be critical to the success of the scheme.

## Administrative Impact

ACT Policing considers that the practical application of the proposed FPO scheme, as currently drafted, will be a critical determinant of its effectiveness. While the Bill establishes a comprehensive legislative framework with a range of safeguards, the operational utility of the scheme will depend on whether it can be implemented efficiently and sustainably within an operational policing environment.

Under the proposed arrangements, applications for an FPO are likely to require extensive evidentiary material, detailed legal preparation and significant court engagement. The court based nature of the scheme, combined with mandatory considerations and review mechanisms, is expected to impose a substantial administrative impact. This may limit the frequency with which the scheme is utilised in practice, particularly where alternative investigative or enforcement powers are available and can be exercised more readily.

ACT Policing holds concern that, as presently structured, the administrative and resource demands of the scheme may constrain its practical use and reduce its effectiveness as a preventative tool. If the scheme proves to be too resource intensive or difficult to operationalise, it may not be applied to its full intended extent, thereby limiting its overall contribution to community safety and diminishing the return on investment associated with its implementation.

## **Resource Implications**

ACT Policing notes that the Bill does not identify an immediate financial impact. However, the implementation of the FPO scheme is expected to have significant resource implications.

The court based nature of the scheme will require legal support for the preparation and presentation of applications. ACT Policing anticipates that, in many cases, external legal counsel will be required, particularly where matters are contested. Preliminary estimates indicate that the cost of individual applications may be substantial, with further costs arising through review and appeal processes.

In addition to legal costs, the scheme will require investment in training, systems, and governance structures to support its administration. These requirements represent an ongoing resource commitment.

In the absence of dedicated funding, the cost of implementing the scheme may impact other operational priorities. ACT Policing considers that a future budget bid will be necessary to ensure that the scheme is appropriately resourced and capable of being sustained over time.

## **Benefits of the FPO Scheme**

Notwithstanding the concerns outlined above, ACT Policing considers that the introduction of an FPO scheme has the potential to deliver significant benefits to public safety. All jurisdictions in Australia except the ACT have an FPO scheme, including other likeminded countries such as New Zealand, Canada and the United Kingdom. The ability to proactively restrict access to firearms among high-risk individuals represents a critical gap in the current legislative framework.

If implemented effectively, the scheme will support earlier intervention, disrupt criminal activity, and reduce the likelihood of firearm-related incidents. It will also enhance alignment with other jurisdictions, supporting national consistency and cooperation in the management of firearm-related risk.

ACT Policing considers that these benefits are contingent on the scheme being designed and implemented in a manner that supports practical application and preserves its preventative intent.

## Conclusion

ACT Policing supports the introduction of an FPO scheme in the ACT and acknowledges the significant work undertaken to develop the proposed model.

ACT Policing emphasises that the effectiveness of the scheme will depend on its ability to operate as a genuinely preventative, intelligence led tool. In its current form, there is a risk that certain elements of the scheme, particularly those relating to evidentiary thresholds and cumulative safeguards, may limit its operational utility.

ACT Policing encourages the Committee to consider whether adjustments to the legislative framework are required to ensure that the scheme achieves its intended purpose. In particular, consideration should be given to maintaining an appropriate balance between safeguards and operational effectiveness, and to ensuring that the scheme can be applied in a timely and practical manner.

ACT Policing remains committed to working with the ACT Government and stakeholders to support the successful implementation of the scheme and to enhance community safety outcomes for the ACT community.