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THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

ELEVENTH ASSEMBLY

FIREARMS (FIREARM PROHIBITION ORDERS) AMENDMENT BILL 2026

SUPPLEMENTARY EXPLANATORY STATEMENT

Presented by
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FIREARMS (FIREARM PROHIBITION ORDERS) AMENDMENT BILL 2026

This supplementary explanatory statement relates to government amendments to the Firearms (Firearm Prohibition Orders) Amendment Bill 2026 (FPO Bill), as presented to the Legislative Assembly.

BACKGROUND

The Minister for Police, Fire and Emergency Services (the Minister) introduced the FPO Bill into the Assembly on 24 February 2026. The FPO Bill amends the *Firearms Act 1996* (Firearms Act) to establish a Firearms Prohibition Order (FPO) scheme.

The FPO scheme would enable the Magistrates Court to issue an order prohibiting the subject from acquiring, possessing or using a firearm or related item, and from attending or remaining on premises where firearms or related items may be located. Where an FPO is issued, a police officer may—without a warrant—search a person subject to the FPO and enter and search premises owned or occupied by a person subject to an FPO. To exercise the powers, an officer must be satisfied that the power is reasonably required to ensure compliance with the order.

The FPO scheme is subject to numerous safeguards, including in relation to the issue of an FPO and the exercise of search and seizure powers. In addition, the Chief Police Officer (CPO) must report to the Minister and the Ombudsman on the number of FPOs issued and on powers exercised under the scheme. The Minister must also review the operation of the FPO scheme after three years and present a report in the Legislative Assembly.

Inquiry into Legislation on Proposed Firearms Reform

The FPO Bill was referred to the Legislative Assembly Standing Committee on Legal Affairs (the Committee) for inquiry. Ultimately, the Bill was considered as part of a broader Inquiry into legislation on proposed firearms reform (the Inquiry). The Inquiry also considered the Firearms (Public Safety) Amendment Bill 2026 (PS Bill) and an e-petition on evidence-based policy and consultation in firearms reform.[1]

A report for the Inquiry was released on 21 May 2026. The Committee made 11 recommendations, including amendments to the FPO Bill and PS Bill and further engagement with stakeholders. Recommendation 10 is that the ACT Government amend the FPO Bill to:

- Remove the requirement for the CPO to provide a copy of the application for an FPO and a copy of the order to the Ombudsman within seven days after the order is made.

[1] See E-PET-002-26—*Firearms Reform—Evidence Based Policy and Proper Consultation*.

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- Require the CPO to report to the Ombudsman any warrantless searches made under an FPO, including the kinds and numbers of things seized and any charges resulting, on a quarterly basis.
- Require that the review of Part 12A of the Act specified in proposed section 183ZZR include review of the effectiveness of the above provision in consultation with the Ombudsman.[2]

Concerns regarding the operation of section 183G(3)

Following introduction of the FPO Bill, the ACT Government was made aware of a concern regarding proposed section 183G(3). That section provides that where a respondent to an application for a final order files a notice of their response, the Registrar of the Magistrate's Court must service a copy of the notice on the CPO.

The ACT Government was informed that the section could prejudice the impartiality of court proceedings, as it may result in the Registrar being required to give evidence in a proceeding about service determined by a Magistrate of the same court.

OVERVIEW OF THE GOVERNMENT AMENDMENTS

Amendment to arrangements for Ombudsman oversight

The government amendments will insert a new provision requiring the CPO to report to the ACT Ombudsman on a quarterly basis in relation to the issue of FPOs and the exercise of warrantless search and seizure powers, instead of on a yearly basis as is currently proposed. A report would include the number of FPOs issued, amended, varied or revoked, the number of times an enforcement power was exercised, and the number of items seized, and the number of charges laid, in the exercise of an enforcement power.

The amendments would also remove the requirement for the CPO to provide a copy of each application for an FPO, and a copy of the order, within seven days after the order is made.

The intent of the amendment is to ensure information reported to the Ombudsman aligns with the Ombudsman's oversight functions and to ensure the Ombudsman has access to up-to-date information on the operation of scheme and can assess trends in the use of enforcement powers.

An amendment is also made to section 183ZZR(1) to specify that the Minister must, as part of the statutory review of the effectiveness of the scheme, consult with the Ombudsman in relation to the operation of the quarterly reporting requirement.

These amendments respond to Recommendation 10 of the Inquiry.

[2] Legislative Assembly Standing Committee on Legal Affairs (2026), *Report No 9—Inquiry into legislation on proposed firearms reform*, p 44 (**Recommendation 10**).

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Amendment to service arrangements

The government amendments will replace the requirement for the Registrar of the Magistrate's Court to serve a copy of a notice of response on the CPO with a requirement for the respondent to effect service on the CPO. This aligns with usual arrangements for service in civil proceedings. The amendments will also clarify that a respondent does not waive any right of objection if they fail to serve a copy of the notice on the CPO.

The amendments respond to concerns regarding the application of section 183G(3).

CONSULTATION ON THE PROPOSED APPROACH

The ACT Government consulted with ACT Policing, the Parliamentary Counsel's Office and the Human Rights Scrutiny team in the Justice and Community Safety Directorate on the Government amendments.

The ACT Government consulted with the ACT Ombudsman's Office on the proposal to require quarterly reporting to the Ombudsman. This was to ensure the proposal would align with the Ombudsman's oversight functions.

The ACT Government consulted with ACT Courts and Tribunals and ACT Corrective Services on the proposed change to service arrangements. This was to ensure the proposal would address concerns regarding impacts on the impartiality of the court and would not result in undue burden to respondents.

CLIMATE IMPACT

This amendment has no impact on climate change.

CONSISTENCY WITH HUMAN RIGHTS

The ACT Government has given full regard to whether the government amendments are compatible with human rights, including via consultation with the JACS Human Rights and Social Policy team. As outlined above, the amendments would increase the frequency with which key data on the FPO scheme is reported to the Ombudsman, thereby enhancing the effectiveness of a key human rights safeguard. Amendment to require engagement with the Ombudsman on the operation of the measure in a statutory review of the FPO scheme will strengthen these arrangements.

It is acknowledged that the amendments also remove the requirement for the CPO to give a copy of an FPO and the associated application to the Ombudsman. This was initially identified as a human rights safeguard. However, it was later noted by the Ombudsman that the requirement does not align with the Ombudsman's oversight functions in relation to the FPO scheme and would have no practical utility.[3]

[3] See ACT Ombudsman, *Submission 77 to Standing Committee on Legal Affairs Inquiry into Legislation on*

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Notwithstanding the removal of the requirement, the Ombudsman would be able to effectively monitor the use of enforcement powers under the scheme, including to confirm whether the exercise of the powers is enabled by and consistent with an FPO. In this regard, the FPO Bill provides for the following measures:

- A requirement for the CPO and other police officers exercising functions under new Division 12A.10 (Enforcement) to give the Ombudsman such assistance as is reasonably required for the Ombudsman to exercise its monitoring functions.
- A power for the Ombudsman or a police officer to enter any premises occupied by the Australian Federal Police (AFP) where the Ombudsman reasonable believes there are documents relevant to the Ombudsman's monitoring functions.
- A power to the Ombudsman or a police officer to inspect or copy any document found at such premises and do anything that is necessary or convenient to enable an inspection to be carried out.

The amendment to require the respondent to an application for an FPO to serve a copy of any notice of response on the CPO will not have any substantive impact on human rights. The amendment aligns requirements for service under the FPO scheme with usual arrangements for service for civil procedure.

The FPO Bill will also provide that a respondent does not waive any right of objection they may have in relation to an application for an FPO only because they do not file a notice of response or file a copy of the notice on the CPO.

In light of the matters above, a detailed human rights analysis is not included in this supplementary explanatory statement. An analysis of the human rights compatibility of measures in the FPO Bill is included with the primary explanatory statement.

Proposed Firearms Reform, p. 3.

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CLAUSE NOTES

Government Amendment 1
Clause 14
Proposed new section 183G(3) and (4)

The amendment replaces proposed new section 183G(3) with a requirement that the respondent to an application for a firearm prohibition order serve a copy of the notice on the chief police officer (CPO).

The respondent must serve the copy of the notice on the CPO no later than 5 days before the day of hearing of the application.

In addition, the amendment will amend proposed section 183(4) to clarify that if the respondent fails to serve a copy of the notice of response in accordance with section 183G(3), the respondent does not waive any right of objection to the application.

Government Amendment 2
Clause 14
Proposed new division 12A.12 heading

The amendment replaces the proposed heading to new division 12A.12 with a new heading, reading 'Reporting to Minister and Ombudsman'.

The new heading better reflects the provisions in division 12A.12, including the government amendments below.

Government Amendment 3
Clause 14
Proposed new section 183ZZN

The amendment replaces proposed section 183ZZN with a requirement for the CPO to report to the Ombudsman on a quarterly basis. The previous section required annual reporting.

The section requires the following to be reported to the Ombudsman, for each reporting period:

- the number of firearm prohibition orders made, amended, varied, and revoked
- the number of times a power under division 12A.10 (Enforcement) was exercised and the number of times each power was exercised;
- the number of things seized during the exercise of a power under division 12A.10
- the number of firearms and firearm-related items seized during the exercise of a power under division 12A.10;

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- the number of charges laid for offences against the Firearms Act connected with searches conducted under division 12A.10
- the number of charges laid for any other offences connected with searches conducted under division 12A.10.

A reporting period will be 3 months, with a shorter reporting period for the first report following commencement of the Bill. A report must be given to the Ombudsman within 28 days of the end of a reporting period.

Government Amendment 4
Clause 14
Proposed new section 183ZZO

This amendment would remove proposed section 183ZZO from the Bill.

Government Amendment 5
Clause 14
Proposed new section 183ZZR(1)

Proposed section 183ZZR requires that the Minister must, as soon as practicable after the third year of operation of Part 12A (the FPO scheme), review the operation of the Part—including whether the Part is operating in a way that is consistent with human rights.

The amendment would amend proposed section 183ZZR(1) to require that, in undertaking the review, the Minister must consult with the Ombudsman in relation to the operation of section 183ZZN.

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