2026

LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

AMENDMENTS TO FIREARMS (FIREARM PROHIBITION ORDERS) AMENDMENT BILL 2026

EXPLANATORY STATEMENT

Presented by
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Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

Amendment To Firearms (Firearm Prohibition Orders) Amendment Bill 2026

This supplementary explanatory statement relates to amendments presented by Rebecca Vassarotti MLA to the Firearms (Firearm Prohibition Orders) Amendment Bill 2026 (FPO Bill).

Overview

The amendments relate to the police enforcement powers included in proposed Division 12A.10 of the FPO Bill.

These powers, as currently proposed in the FPO Bill, would allow police to search a person who is subject to an FPO, detain that person, enter and search their residence, their vehicle, and various other premises, and to seize things.

This exercise of power would not require a warrant or a reasonable suspicion that any offence has been committed.

To exercise these powers, proposed new section 183ZW(2) of the FPO Bill only requires a police officer to be satisfied that exercising the power(s) is "**reasonably required"** to determine that a person subject to an FPO has acquired, possesses or is using a firearm or firearm-related item, in contravention of that FPO.

The amendments to the Bill would change section 183ZW(2) so that instead the standard required is that the officer **suspects on reasonable grounds** that the person subject to an FPO has acquired, possesses or is using a firearm or firearm-related item, in contravention of that FPO.

Rationale

The proposed amendments are intended to support the proposed FPO regime and its goal of enhancing community safety, while also ensuring that it contains safeguards necessary to protect against unreasonable and unnecessary limitations on human rights.

The ACT Human Rights Commission expressed concern with the framing of the enforcement powers in the current Bill, saying: "We do not consider that the proposed safeguards in the FPOs Bill suffice to remedy the underlying risk that these powers will unlawfully limit the right not to be subjected to unlawful or arbitrary interferences with privacy, family, home or correspondence, or other rights protected by the Human Rights Act 2004."[1]

It is a fundamental safeguard that before police can exercise search and seizure powers that they obtain a warrant or have a reasonable suspicion of commission of an offence. As the Human Rights Commission emphasised in its submission, and the

[1] ACT Human Rights Commission submission to Legislative Assembly Committee Inquiry into the FPO Bill. https://www.parliament.act.gov.au/__data/assets/pdf_file/0007/3049531/Submission-055-ACT-Human-Rights-Commission.pdf

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Government emphasises in its Explanatory Statement to the Bill, there is substantial domestic and international jurisprudence emphasising this fact.

It is noted that when similar legislation was introduced in Victoria, the Victorian Minister accepted that the equivalent provisions of that legislation (provisions affording extraordinary search powers to Victorian police where “reasonably required”) were incompatible with human rights.[2]

It is also noted that reviews of both the Victorian FPOs scheme and the NSW scheme found there had been misuse of FPO search powers by police officers, and various civil society bodies in NSW, Victoria and QLD have raised concerns about the misuse or potential misuse of powers under the scheme.[3]

The Human Rights Commission recommended that the exercise of search and other enforcement powers concerning an FPO be premised on a “reasonable suspicion” that the subject has contravened the FPO, or otherwise occur in accordance with a warrant (as in proposed section 183ZZB).

Clause 4 of the amendments is a consequential amendment. It would amend the Bill to omit “when making their decision” in proposed new section 183KK(2)(b), which is the section requiring a police officer, as soon as practicable after exercising an enforcement power, to provide written reasons for exercising the power. This is simply a consequential amendment. The reason for this omission is that s183ZZK (2)(a) will no longer say "reasons for **deciding**" and will instead say "reasons for suspecting on reasonable grounds". As it would no longer make sense to refer to a "decision" in (b) (because paragraph (a) does not refer to "deciding"/"decision".) clause 4 omits "when making their decision". It does not change the substantive meaning.

Human Rights compatibility

In addition to the extensive human rights commentary already included in the Government’s explanatory and supplementary explanatory statements – see discussion specifically on Division 12A.10 enforcement powers – it is noted that this amendment will mitigate the limitations on human rights proposed by the original bill by strengthening the standard police must meet in order to exercise the enforcement powers. Compared to the original bill, the amendment will enhance: the right to protection from unlawful or arbitrary interference with privacy, family and home (section 12 of the Human Rights Act); the right to freedom of association (section 15) and the right to liberty and security of person pursuant (section 18), which are all rights that currently limited in the FPO Bill by the Division 12A.10 enforcement powers.

[2] ACT Human Rights Commission submission
[3] ACT Human Rights Commission submission

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The explanatory statement for the Government's bill contains extensive commentary on the proportionality of the limitations on human rights imposed by the enforcement powers. It sets out the rationale for the restrictions and argues that the approach is the least restrictive means reasonably available to achieve the purpose their purpose. That rationale is noted, and that the requiring the police to have a suspicion on reasonable grounds before exercising enforcement powers is a less restrictive means to achieve the legitimate purpose, in line with the requirement in s28(e) of the Human Rights Act.

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