

# Firearms Appeals Committee

## Directions Hearings and Orders Information Sheet

### Firearms Appeals Committee

The Firearms Appeals Committee (**Committee**) is a statutory appeals body established under Part 9 of the *Firearms Act 1996* (Vic) (the Act) to hear applications for review of particular decisions made by the Chief Commissioner of Police. The Committee is independent of both the Victorian Government and Victoria Police. The Department of Justice and Community Safety provides secretariat support to the Committee.

The Committee consists of up to 15 members, who are appointed by the Governor in Council. The members of the Committee are made up of legal representatives, firearms industry representatives and representatives nominated by the relevant Minister with responsibility for the Act.

### Directions Hearings

When an applicant lodges their application for review with the Committee, the first step will be for Licencing and Regulation Division to confirm whether they oppose the application, if opposed a directions hearing will be scheduled. A directions hearing is not the final hearing of an application – its purpose is for the Committee to make decisions about how the case is to be managed in order to get it ready for final hearing.

In most cases, directions hearings are conducted ‘on the papers’ – this means that they are conducted administratively by the Committee without the need for the parties to appear.

However, in some cases, the Committee may contact the parties and request that they appear for a directions hearing (these directions hearings are typically conducted online or by phone for the convenience of the parties). Alternatively, either party can request that a directions hearing be held at any time prior to the final hearing of a matter.

Typically, directions hearings at which parties are requested to appear last for about 20 minutes. During directions hearings, the Committee aims to make orders that fix a date for final hearing of the matter, and fix dates for the filing and service of evidence and any other written material on which the parties seek to rely in support of their case. Where parties are requested to appear at a directions hearing, the Committee are likely to ask the parties questions about how they propose to run their cases – for example:

- How many witnesses each party proposes to call to give evidence at the final hearing of the matter;
- Whether those witnesses are lay witnesses or expert witnesses;
  - Where expert witnesses are proposed to be called, whether any of them are medical practitioners (for example, who have treated or consulted the applicant in cases where physical or mental health is a relevant issue), and whether those medical practitioners will be providing a written report to the Committee before the final hearing.
  - Where character witnesses are proposed to be called, the Committee may request their name, nature of relationship to the Applicant and how long they have known the Applicant. Character witnesses should write a reference for the Committee to consider before the final hearing.
- How long the evidence of each witness is expected to take;

## Standard timetabling order made at directions hearings

Standard orders that are often made at a directions hearing are as follows:

*The Committee orders that:*

- *The application of [insert name] dated [insert date] be listed for hearing on [insert date] on an estimate of [insert number of days].*
- *The Respondent by [insert date] file and serve:*
  - *all written material (evidence and submissions) (a) relied upon in, or otherwise relevant to, the making of the decision that is the subject of the application in this matter, and (b) on which the Respondent seeks to rely at the final hearing of this matter;*
  - *a list of witnesses to be called to give evidence at the final hearing of this matter.*
- *The Applicant by [insert date] file and serve:*
  - *all written material on which they seek to rely at the final hearing of this matter;*
  - *a list of witnesses to be called to give evidence at the final hearing of this matter.*

The Committee may also make such other orders as it sees fit for the conduct of a particular matter.

## Contacting the Committee

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### Disclaimer

The contents of this guide do not constitute legal advice, are not intended as a substitute for legal advice and should not be relied on as such. You may wish to seek independent legal advice or other professional advice before acting or relying on the information provided.