



Australian Capital Territory

# **Firearms Act 1996**

**A1996-74**

**Republication No 11**

**Effective: 9 April 2004 – 1 July 2004**

Republication date: 9 April 2004

Last amendment made by A2004-15

Authorised by the ACT Parliamentary Counsel

## About this republication

### The republished law

This is a republication of the *Firearms Act 1996* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 9 April 2004. It also includes any amendment, repeal or expiry affecting the republished law to 9 April 2004.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

### Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

### Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication includes amendments made under part 11.3 (see endnote 1).

### Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

### Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

### Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.



Australian Capital Territory

# Firearms Act 1996

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Australian Capital Territory

## Firearms Act 1996

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An Act to provide for the regulation, control and registration of firearms, to repeal the Weapons Act 1991, to make savings and transitional provisions, and to make consequential amendments of other Acts

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## Part 1 Preliminary

### 1 Short title

This Act may be cited as the *Firearms Act 1996*.

### 3 Principles and objects of Act

- (1) The underlying principles of this Act are—
  - (a) to confirm firearm possession and use as being a privilege that is conditional on the overriding need to ensure public safety; and
  - (b) to improve public safety—
    - (i) by imposing strict controls on the possession and use of firearms; and
    - (ii) by promoting the safe and responsible storage and use of firearms; and
  - (c) to facilitate a national approach to the control of firearms.
- (2) The objects of this Act are as follows:
  - (a) to prohibit the possession and use of all automatic firearms, self-loading rifles and shotguns (including pump action shotguns), except in special circumstances;
  - (b) to establish an integrated licensing and registration scheme for all firearms;
  - (c) to require each person who possesses or uses a firearm under the authority of a licence to establish a genuine reason for possessing or using the firearm;

- (d) to provide strict requirements that must be satisfied in relation to the licensing of firearms and the acquisition and sales of firearms;
- (e) to ensure that firearms are stored and conveyed in a safe and secure manner;
- (f) to provide for an amnesty period to enable the surrender of certain prohibited firearms.

#### 4 Definitions for Act

In this Act:

*Note* A definition applies except so far as the contrary intention appears (see *Legislation Act 2001*, s 155).

**acquire**, in relation to a firearm, means purchase, accept or receive, or otherwise take possession of, the firearm, except for the purpose only of repairing it.

**active**, for a member of an approved club, means—

- (a) a member who takes part in the number and kind of activities prescribed under the regulations for the kind of approved club of which the person is a member; or
- (b) for a member who is the holder of a licence other than a category H licence—a member who makes a personal contribution (other than a financial contribution) to the club in a way and to an extent that satisfies the registrar that the person is an active member of the club.

**airgun** means a gun that—

- (a) can propel, or is designed to propel, a projectile—
  - (i) by means of any gas or mixture of gases, including air but not including a gas or mixture of gases generated by an explosive; or

- (ii) by means of a spring; and
- (b) is operated or designed for operation by means of a trigger or similar device;

but does not include a paint pellet gun.

**ammunition** includes—

- (a) any article consisting of a cartridge case fitted with a primer and a projectile; or
- (b) any article consisting of a cartridge case fitted with a primer and containing a propelling charge and a projectile; or
- (c) blank cartridges, airgun pellets, training cartridges or gas cartridges; or
- (d) any other article prescribed for this definition.

**approved**, for a collectors, hunting or shooting club, means a club of that kind approved under section 15.

**approved club** means a collectors, hunting or shooting club approved under section 15.

**approved shooting range** means a range approved by the registrar under section 14 (2).

**authorised instructor** means, subject to section 14, a person authorised in writing by the registrar to give instruction in the use of firearms.

**authorised member** means, subject to section 14, a member of an approved club authorised in writing by the registrar to sell ammunition.

**barrel length**, for a pistol, means—

- (a) for a revolver—the distance from the muzzle to the breech end of the barrel immediately in front of the cylinder, including any

alteration that is permanently attached to, and not readily detachable from, the barrel; and

- (b) for any other pistol—the distance from the muzzle to the point of the breech face (including the chamber) with the top slide forward and the breech face or bolt in the closed position, including any alteration that is permanently attached to, and not readily detachable, from the barrel.

**blank fire firearm** means a device that is designed for firing blank cartridges only, such as a starting pistol.

**chief police officer** means the police officer who is responsible for the day-to-day administration and control of police services in the Territory.

**composite entity** means—

- (a) a body corporate; or  
(b) a partnership; or  
(c) a government agency (other than a body corporate).

**corresponding order**, in relation to a protection order or interim protection order, means an order under a law of a State, another Territory or New Zealand that has the same effect or substantially the same effect as a protection order or interim protection order.

**dealer's licence** means a firearms dealer's licence issued under this Act.

**employee**, in relation to a government agency, means a public servant holding office, or a person employed, in the agency.

**endorsed**, in relation to a firearm, means endorsed in accordance with section 59.

**explosive**—see the *Dangerous Substances Act 2004*, section 73.

**firearm** means a gun, or other weapon, that is (or at any time was) capable of propelling a projectile by means of an explosive, and

includes a blank fire firearm, or an airgun, but does not include anything declared by the regulations not to be a firearm.

**firearm part** includes a barrel, breech, pistol slide, frame, cylinder, trigger mechanism, operating mechanism or magazine designed as, or reasonably capable of forming, part of a firearm.

**firearms dealer** means a person who, in the ordinary course of carrying on business—

- (a) manufactures, buys, sells or repairs firearms or firearm parts; or
- (b) exposes or offers firearms or firearm parts for sale; or
- (c) possesses firearms for the purpose of selling, transferring or repairing them; or
- (d) possesses firearm parts for the purpose of selling, transferring or repairing them, or of manufacturing firearms;

and includes a person who is a member of an approved club who is a club armourer for that club.

**firearms prohibition order** means an order in force under section 111.

**genuine reason** means a reason of a kind referred to in section 23 (4), table, column 2.

**government agency** means—

- (a) an administrative unit; or
- (b) a Territory authority; or
- (c) a department or authority of a State or another Territory.

**head**, in relation to a government agency, means the chief executive who has control of the relevant administrative unit or other person who has administrative control of the agency.

***inoperable firearm*** means a firearm that has been rendered inoperable in accordance with this Act.

***interim protection order***—

- (a) see the *Protection Orders Act 2001*, dictionary, definition of ***interim order***; and
- (b) includes an interim protection order made under the *Domestic Violence Act 1986* and an interim restraining order made under the *Magistrates Court Act 1930*.

***licence*** means a licence in force under this Act.

***licensee*** means the holder of a licence.

***occupier***, in relation to premises, means a person who is, or is reasonably believed to be, in charge of the premises.

***permit*** means a permit in force under this Act.

***pistol*** means a firearm that—

- (a) is reasonably capable of being raised and fired by 1 hand; and
- (b) does not exceed any prescribed dimension.

***possession***, in relation to a firearm, includes any case in which a person knowingly—

- (a) has custody of the firearm; or
- (b) has the firearm in the custody of another person.

***premises*** means the whole or any part of any land, building or other structure, vehicle, vessel, aircraft or place.

***principal***, in relation to a composite entity, means—

- (a) for a body corporate—a director or manager; and
- (b) for a partnership—a partner; and
- (c) for a government agency—the head.

***prohibited firearm*** means a firearm described in schedule 1.

*Note* A prohibited pistol is not a prohibited firearm.

***prohibited pistol*** means any of the following kinds of pistols:

- (a) a pistol of more than 9.65mm calibre;

*Note* A 9.65mm calibre pistol includes a 0.38 inch calibre pistol.

- (b) a semiautomatic pistol with a barrel length of less than 120mm;
- (c) a revolver or single action pistol with a barrel length of less than 100mm;
- (d) a pistol with a capacity of more than 10 rounds of ammunition.

*Note* A prohibited pistol is not a prohibited firearm. Prohibited firearms are listed in sch 1 (see s 4, def ***prohibited firearm***).

***protection order***—

- (a) see the *Protection Orders Act 2001*, dictionary, definition of ***final order***; and
- (b) includes a protection order made under the *Domestic Violence Act 1986* and a restraining order made under the *Magistrates Court Act 1930*.

***public place*** means any street, road, public park, reserve or other place that the public are entitled to use or that is open to, or used by, the public, whether on payment of money or otherwise.

***register*** means the register of firearms provided for in section 50.

***registered*** means registered for the time being under this Act.

***registrar*** means the Registrar of Firearms appointed under section 7.

***shooting gallery*** includes a shooting gallery that is, or if dismantled is, portable.

***starting pistol*** means a firearm the purpose of which is for use in the starting of racing events in sporting competitions.

*use*, in relation to a firearm, means fire the firearm or hold it so as to cause a reasonable belief that it will be fired, whether or not it is capable of being fired.

**4A Extended meanings of *firearm* and *prohibited firearm***

For this Act—

- (a) anything that would be a firearm if it did not have something missing from it, or a defect or obstruction in it, shall be taken to be a firearm; and
- (b) any firearm that would be a prohibited firearm—
  - (i) if it did not have something missing from it, or a defect or obstruction in it; or
  - (ii) if it were not for the fact that something has been added to it;

shall be taken to be a prohibited firearm.

**4B Extended meaning of *possession***

- (1) For this Act—
  - (a) if firearm parts are possessed, or being carried, by 2 or more persons, each of them shall be taken to be possessing or carrying the firearm; and
  - (b) a person who takes possession of anything under a credit contract (within the meaning of the *Credit Act 1985*) shall be taken to have bought it and the person who possessed it immediately before parting with possession shall be taken to have sold it.
- (2) A person shall be taken to have possession of a firearm if—
  - (a) the firearm is on or in any premises occupied by the person; or

- (b) any part of that firearm is in his or her possession in such circumstances that—
- (i) a division of parts of the firearm with some other person or persons is for an agreed purpose; and
  - (ii) if those parts were fitted together, they would constitute the firearm.

#### **4C Licences held by partnerships**

If a licence issued in the name or names of 1 or more of a number of partners is held for the purposes of the partnership, a reference in this Act to the *holder* of a licence includes a reference to any 1 of the partners who is concerned in, or takes part in, the management of the partnership's business, whether or not the partner's name appears on the licence.

#### **4CA Offences against Act—application of Criminal Code etc**

Other legislation applies in relation to offences against this Act.

*Note 1 Criminal Code*

The Criminal Code, ch 2 applies to the following offences against this Act (see Code, pt 2.1):

- s 16 (Unauthorised possession or use of firearms prohibited)
- s 84A (Unauthorised manufacture of firearms)
- s 98 (5) (Sale and purchase of ammunition).

The chapter sets out the general principles of criminal responsibility (including burdens of proof and general defences), and defines terms used for offences to which the Code applies (eg *conduct*, *intention*, *recklessness* and *strict liability*).

*Note 2 Penalty units*

The Legislation Act, s 133 deals with the meaning of offence penalties that are expressed in penalty units.

#### **4D Persons responsible for certain actions etc**

For this Act—

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- (a) a licence issued to a partner or partners on behalf of the partnership shall be taken to have been issued to the partnership; and
- (b) a licence issued to a person acting on behalf of a government agency shall be taken to have been issued to the agency; and
- (c) a thing done on behalf of a composite entity shall be taken to have been done by the entity; and
- (d) a thing done in relation to a principal or employee of a composite entity shall be taken to have been done in relation to the entity.

#### **4E Firearms owned by governments**

For this Act, a firearm owned by the Territory or a State or another Territory, being a firearm for which the head of a government agency is responsible, shall be taken to be owned by the agency.

#### **5 Amendment of sch 1 list of prohibited firearms**

The regulations may amend schedule 1—

- (a) by adding the name or description of a firearm; or
- (b) by amending a name or description of a prohibited firearm for the purpose of more accurately describing the firearm concerned.

#### **6 Application of Act**

This Act does not apply to—

- (a) a member of—
  - (i) the Australian Federal Police or a police force of a State or another Territory; or
  - (ii) the Defence Force; or

- (iii) a visiting force within the meaning of the *Defence (Visiting Forces) Act 1963* (Cwlth); or
  - (iv) the Australian Cadet Corps established under the *Defence Act 1903* (Cwlth);
- in respect of a firearm in his or her possession for use in the exercise of his or her functions and duties as such a member; or
- (b) a prison officer of a State or another Territory in respect of a firearm in his or her possession for use in the exercise of his or her functions and duties as such an officer; or
  - (c) a member of the Council of the Australian War Memorial or of the staff of the memorial in respect of a firearm in his or her possession, being a firearm that forms part of the memorial collection within the meaning of the *Australian War Memorial Act 1980* (Cwlth) in the exercise of his or her functions and duties under that Act; or
  - (d) a member of the Council of the National Museum of Australia or of the staff of the museum in respect of a firearm in his or her possession, being a firearm that forms part of the memorial collection within the meaning of the *National Museum of Australia Act 1980* (Cwlth) in the exercise of his or her functions and duties in accordance under that Act.

## **6A When possession and use not an offence**

A person does not commit an offence against this Act if he or she possesses or uses a firearm—

- (a) required by law to be carried on a ship or aircraft by the master or captain or a member of the crew of that ship or aircraft in the course of his or her duties as master, captain or member, as the case requires; or
- (b) for the purpose of receiving instruction, on an approved shooting range, in the use of the firearm, if—

- (i) the person is under the immediate supervision of an authorised instructor; and
  - (ii) the firearm used for that purpose is owned by the authorised instructor or by the approved club by which the instructor is authorised; or
- (c) for an airgun—for the purposes of shooting at a shooting gallery, show, fair or amusement centre while that person—
- (i) has the firearm in his or her possession; or
  - (ii) uses the firearm at the gallery, show, fair or amusement centre; or
- under the immediate supervision of the owner of the firearm, or a person employed or engaged by the owner, who is the holder of a category A licence on which the firearm is specified or endorsed; or
- (d) that is a starting pistol if the person—
- (i) is an individual who is an official in relation to sporting competitions conducted by a prescribed sporting organisation, and the starting pistol is used while he or she is acting in that capacity; or
  - (ii) is a prescribed sporting organisation; or
- (e) for the purpose of exercising the person's functions as an authorised instructor on premises owned or used by an approved club or at an approved shooting range.

*Note* A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

## **6B Diplomatic and consular representatives**

A person does not commit an offence under this Act if the person—

- (a) is entitled to immunity under—

- (i) the *Diplomatic Privileges and Immunities Act 1967* (Cwlth); or
  - (ii) the *Consular Privileges and Immunities Act 1972* (Cwlth); and
- (b) has the written approval of the chief of protocol of the Commonwealth department responsible for foreign affairs to possess the firearm.

*Note* A reference to an Act (including a Commonwealth Act) includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

## Part 2 Administration

### 7 Registrar of firearms

The chief police officer may, in writing, appoint a person who is a police officer who holds a rank of or above that of superintendent to be the Registrar of Firearms.

### 8 Functions of registrar

The registrar has the functions given to the registrar by this Act or any other law of the Territory.

### 9 Powers of registrar

The registrar has power to do all things that are necessary or convenient to be done for, or in connection with, the functions of the registrar.

### 10 Delegation

The registrar may, by writing signed by him or her, delegate any of his or her powers or functions under this Act to a police officer who holds a rank of or above the rank of sergeant.

### 11 Acting registrar

- (1) The chief police officer may appoint a person who is a police officer who holds a rank of or above that of superintendent to act in the office of registrar.
- (2) Anything done by or in relation to a person purporting to act under subsection (1) is not invalid because—
  - (a) the occasion for the appointment had not arisen; or
  - (b) there was a defect or irregularity in connection with the appointment; or

- (c) the appointment had ceased to have effect; or
- (d) the occasion for the person to act had not arisen or had ceased.

## 12 Reports, recommendations and guidelines

- (1) The registrar must, if asked to do so by the Minister, prepare and give reports and recommendations to the Minister on matters referred to the registrar by the Minister.
- (2) The registrar must, in writing, determine guidelines—
  - (a) for the security of premises where firearms are kept and for the safe custody of the firearms; and
  - (b) for making firearms inoperable.
- (3) A determination is a disallowable instrument.

*Note* A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

- (4) Unless a determination is disallowed by the Legislative Assembly, the determination commences—
  - (a) on the day after the last day when it could have been disallowed; or
  - (b) if the determination provides for a later date or time of commencement—on that date or at that time.
- (5) The registrar must also publish a determination under subsection (2) (a) in a daily newspaper published and circulating in the ACT.

## 13 Amnesty

- (1) The Minister may, in writing, declare an amnesty period for section 16 (Offence of unauthorised possession or use of firearms).
- (2) A declaration is a notifiable instrument.

*Note* A notifiable instrument must be notified under the *Legislation Act 2001*.

- (3) The Minister must also publish the declaration in a daily newspaper published and circulating in the ACT.
- (4) A proceeding does not lie against a person in relation to the possession of a firearm surrendered to a police officer during an amnesty period.

**14 Authorised instructors, authorised members and approved ranges**

- (1) The registrar shall not authorise a person—
  - (a) to give instruction in the use of firearms unless the person has, to the satisfaction of the registrar, completed a course of training and instruction in the use of firearms approved by the registrar; or
  - (b) to be an authorised member unless the registrar is satisfied that the person would not (if the person were an applicant for a licence) be a person to whom the registrar could refuse to issue a licence under section 21 (3).
- (2) The registrar may, in writing, approve a shooting range for the purposes of the giving of instructions in the use of firearms.

**15 Approval of clubs**

- (1) A collectors, hunting or shooting club may apply, in writing, to the registrar for approval for this Act.
- (2) The registrar may, in writing, approve the club.
- (3) The registrar may approve the club only if satisfied that—
  - (a) the club is a corporation; and
  - (b) if the club is a collectors club—
    - (i) the club holds regular meetings and activities in relation to the collection of firearms; and

- (ii) the club is formed or carried on for the purpose of directly promoting or encouraging the collection of firearms or firearms of a particular kind; and
  - (c) if the club is a hunting club—
    - (i) the club conducts regular recreational hunting activities requiring the use of firearms; and
    - (ii) the main objects of the club are to conduct recreational hunting activities requiring the use of firearms, whether or not its activities are carried out partly outside the ACT; and
  - (d) if the club is a shooting club—
    - (i) the club conducts regular shooting competitions or other activities requiring the use of firearms; and
    - (ii) the club is formed or carried on for the purpose of directly promoting or encouraging the sport of shooting, whether or not its activities are carried out partly outside the ACT; and
  - (e) the club meets the requirements (if any) prescribed under the regulations.
- (4) In deciding whether to approve the club, the registrar must have regard to—
- (a) the membership rules of the club; and
  - (b) for a shooting club—whether the club owns or uses an approved shooting range or club premises; and
  - (c) anything else prescribed under the regulations.
- (5) An approval is subject to the conditions (if any) prescribed under the regulations.

(6) An approval is a disallowable instrument.

*Note* A disallowable instrument must be notified, and presented to the Legislative Assembly, under the Legislation Act.

## Part 3 Licences and permits

### Division 3.1 Requirement for licence or permit

#### 16 Unauthorised possession or use of firearms prohibited

- (1) A person commits an offence if—
- (a) the person possesses or uses a firearm; and
  - (b) the person is not authorised by a licence or permit, or this Act, to possess or use the firearm.

Maximum penalty:

- (a) for the possession or use of a prohibited firearm or prohibited pistol—200 penalty units, imprisonment for 2 years or both; and
- (b) for the possession or use of any other firearm—100 penalty units, imprisonment for 1 year or both.

#### **Example of unauthorised possession or use of firearm**

A person possesses or uses a firearm for a purpose other than the purpose established by the person as the genuine reason for possessing or using the firearm.

*Note 1* A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see Legislation Act, s 104).

*Note 2* An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

- (2) Without limiting subsection (1), a person who is a licence holder is taken to possess or use a firearm in contravention of the subsection if the person contravenes a condition of the person's licence.

## **Division 3.2                      Licensing scheme**

### **17                      Licence categories and authority conferred by licence**

- (1) The categories of licences, the firearms to which they apply, and the possession or use they authorise, are as set out in schedule 2.
- (2) In addition to the firearms referred to in schedule 2, column 3 that are excluded from category C and D licences, the regulations may prescribe other firearms (whether being of a general class or whether described specifically) that are excluded from the category.
- (3) The regulations may prescribe subcategories in respect of category H licences.
- (4) The possession or use authorised by a licence is subject to the regulations.

### **18                      Authority conferred by licence—additional matters**

- (1) A licence that authorises the licensee to have possession of a firearm also authorises the licensee to have possession of the firearm while—
  - (a) taking it to a licensed firearms dealer for the purpose of—
    - (i) selling it; or
    - (ii) having it altered (otherwise than to convert it into a prohibited firearm), maintained, tested or repaired and subsequently recovering it from the dealer; and
  - (b) taking it to a police officer for the purpose of having it inspected and subsequently recovering it from a police officer; and
  - (c) taking it to a police officer for the purpose of surrendering it.
- (2) Subject to the regulations, a category C or category D licence does not authorise the possession or use of a prohibited firearm for the purposes of a shooting competition.

- (3) A licence does not authorise the possession of—
- (a) a prohibited firearm; or
  - (b) a firearm manufactured after the prescribed date;
- for the purposes of a firearms collection.

## **19 Applications for licences**

- (1) An applicant for a licence shall—
- (a) if the applicant is an individual—be of or above the age of 18 years; and
  - (b) provide proof of the applicant's identity in accordance with the requirements under the *Financial Transaction Reports Act 1988* (Cwlth) that apply in respect of the opening of a bank account; and
  - (c) provide the other particulars or documents that are prescribed.

*Note 1* A fee may be determined under s 125 (Determination of fees) for this section.

*Note 2* If a form is approved under s 125A (Approved forms) for an application, the form must be used.

- (2) An applicant, at the time of applying for a licence, is to be provided with the following:
- (a) information about any firearms safety training course that is required by the regulations to be completed by the applicant;
  - (b) information about the firearm storage and safety requirements under this Act.

## **20 Applications—request for further information etc**

The registrar may, by written notice, require an applicant for a licence, the renewal of a licence or the specification or endorsement of a firearm on a licence—

- (a) to give to the registrar, either orally or in writing, the further information relating to the application that is specified in the notice; and
- (b) for an application for the specification of a firearm on a licence—to produce the firearm to the registrar for the purposes of enabling the registrar—
  - (i) to inspect the firearm for the purpose of identifying it; and
  - (ii) to determine whether the firearm is safe.

## **21 General restrictions on issue of licences**

- (1) The registrar may issue a licence in respect of an application, or refuse any such application.
- (2) A licence shall not be issued until after the end of the period of 28 days following the day when the application is made.
- (3) A licence shall not be issued unless—
  - (a) the registrar is satisfied that the applicant is a fit and proper person; and
  - (b) for a person who is applying for a licence for the first time—the applicant has completed, to the satisfaction of the registrar, the firearms training and safety courses that are prescribed in respect of the licence concerned; and
  - (c) the registrar is satisfied that the relevant storage and safety requirements of part 5 are capable of being met by the applicant; and
  - (d) the registrar—
    - (i) is satisfied that the person to whom the licence would be issued is, or is about to become, a resident of the ACT; or

- (ii) in accordance with section 23, is satisfied that it would be necessary for the person to possess or use the firearm in the lawful course of business or employment in the ACT.
- (4) Without limiting subsection (3) (a), a licence shall not be issued if the registrar has reasonable grounds for believing that the applicant may not personally exercise continuous and responsible control over firearms because of the applicant's way of living or domestic circumstances.
- (5) For subsection (3) (a), in determining whether or not an applicant is a fit and proper person to hold a firearms licence, the registrar shall have regard to whether—
  - (a) the applicant's physical or mental condition is, in his or her opinion, likely to endanger the applicant or another person, or as a consequence of that condition, the applicant is likely to cause a breach of the peace involving a firearm; and
  - (b) the applicant, or for an application by 1 or more of a number of partners for the purposes of the partnership, any of the partners, has, within the period of 10 years before the date of the application, been released (whether on parole or otherwise) after serving a term of imprisonment; and
  - (c) for an application by a body corporate—a director or manager of the body corporate has, within the period of 10 years before the date of the application, been released (whether on parole or otherwise) after serving a term of imprisonment; and
  - (d) the applicant—
    - (i) was, within the 10 years before the day the application was made, subject to an interim protection order or corresponding order; or
    - (ii) has, within the 10 years before the day the application was made—

- (A) given an undertaking, in the ACT or elsewhere, to keep the peace or to be of good behaviour; or
  - (B) had his or her licence suspended or cancelled.
- (6) A licence shall not be issued to a person who—
- (a) is under the age of 18 years; or
  - (b) is subject to a firearms prohibition order.
- (7) Except for a composite entity licence, a licence shall not be issued to a person who is not an individual.
- (8) Subsection (3) (a) does not apply in relation to an applicant acting on behalf of a government agency.
- (9) If an application for a firearms licence is made on behalf of a composite entity, the registrar shall, subject to subsection (1) and section 22, grant the licence if it has been established to the satisfaction of the registrar that the entity requires a firearm for a genuine reason.
- (10) The registrar shall refuse to issue a licence if the registrar considers that issue of the licence would be contrary to the public interest.
- (11) The regulations may provide other mandatory or discretionary grounds for refusing the issue of a licence.

## **22 Refusal to grant a licence**

- (1) The registrar shall refuse to grant a licence under section 21—
- (a) if the applicant has, within the 10 years before the day the application was made, been subject to a protection order or corresponding order, other than a protection order or corresponding order that has been successfully appealed against; or

*Note* See s (4) for when an order has been successfully appealed against.

- (b) if the applicant, or for an application by 1 or more of a number of partners for the purposes of the partnership, any of the partners, has, within the period of 10 years before the date of the application, been convicted in the ACT or elsewhere of an indictable offence, whether on indictment or summarily; or
  - (c) for an application by a body corporate—a director or manager of the body corporate has, within the period of 10 years before the date of the application, been convicted in the ACT or elsewhere of an indictable offence, whether on indictment or summarily.
- (2) Subsection (1) (a) does not apply in relation to an applicant acting on behalf of a government agency.
  - (3) The registrar shall refuse to grant a licence under section 21 if the applicant refuses or fails to provide the registrar with proof of his or her identity to the satisfaction of the registrar when requested by the registrar to do so.
  - (4) For subsection (1) (a), a protection order or corresponding order has been successfully appealed against if an appeal against the making of the order has been upheld.
  - (5) A reference in subsection (1) (b) or (c) to an *indictable offence* is a reference to an offence involving the use of a firearm, or actual or threatened violence.

## 23 Genuine reasons for having a licence

- (1) The registrar shall not issue a licence that authorises the possession and use of a firearm unless it has been established to the satisfaction of the registrar that the applicant has a genuine reason for possessing or using the firearm.

- (2) An applicant does not have a genuine reason for possessing or using a firearm if the applicant intends to possess or use the firearm for any of the following reasons:
- (a) personal protection or the protection of any other person;
  - (b) the protection of property (other than in circumstances constituting a reason of a kind referred to in subsection (4), table, column 2).
- (3) Subsection (2) does not limit the reasons that the registrar may be satisfied are not genuine reasons for the purposes of justifying the possession or use of a firearm.
- (4) Subject to this Act, an applicant for a licence has a genuine reason for possessing or using a firearm if the applicant—
- (a) states that he or she intends to possess or use the firearm for any 1 or more of the reasons referred to in the table, column 2; and
  - (b) is able to produce evidence to the registrar that he or she satisfies the requirements specified in respect of any such reason.

**Table**

column 1 item	column 2 genuine reason	column 3 evidence to be produced in support of application
1	sport or target shooting	<p>1.1 For an applicant to whom section 36A (Special conditions for category H licences for sporting or target shooting) applies—the applicant must be a member of an approved shooting club that conducts competitions or activities requiring the use of the firearm for which the licence is sought.</p> <p>1.2 For any other applicant—the applicant must be an active member of an approved shooting club that conducts competitions or activities requiring the use of the firearm for which the licence is sought.</p>
2	recreational hunting or vermin control	<p>2.1 For recreational hunting or vermin control on rural land, the applicant shall—</p> <p>(a) produce evidence of permission by the owner or occupier of the land to shoot on the land; or</p> <p>(b) be an active member of an approved hunting club, state that he or she intends to use the firearm solely for the purpose of taking part in recreational hunting activities conducted by the club and produce evidence that—</p> <p>(i) the main objects of the club are to conduct recreational hunting activities requiring the use of the firearm for which the license is sought; and</p> <p>(ii) the club has the permission of the owner or occupier of the land to conduct those activities on the land.</p>

<b>column 1 item</b>	<b>column 2 genuine reason</b>	<b>column 3 evidence to be produced in support of application</b>
		2.2 For recreational hunting or vermin control on land within a reserved area under the <i>Nature Conservation Act 1980</i> , produce evidence of permission given by an officer of the ACT Parks and Conservation Service or ACT Forests or a prescribed authority, to shoot on the land.
3	primary production	The applicant shall— (a) be a person whose occupation is the business of a primary producer, or who is the owner, lessee or manager of land used for primary production; and (b) state that he or she intends to use the firearm solely in connection with farming or grazing activities (including the suppression of vertebrate pest animals on the land concerned).
4	vertebrate pest animal control	The applicant shall be— (a) a professional contract shooter engaged or employed in controlling vertebrate pest animals on rural land; or (b) a person employed by or in, or authorised by, a prescribed government agency that has functions relating to the control or suppression of vertebrate pest animals.
5	business or employment	The applicant shall demonstrate that it is necessary in the conduct of the applicant's business or employment to possess or use the firearm for which the licence is sought.
6	occupational requirements relating to rural purposes	The applicant shall be employed or engaged in a rural occupation that requires the possession or use of the firearm for which the licence is sought.
7	animal welfare	The applicant shall be— (a) an officer of the Royal Society for the Prevention of Cruelty to Animals; or (b) a veterinary surgeon; or

column 1 item	column 2 genuine reason	column 3 evidence to be produced in support of application
		<ul style="list-style-type: none"> <li>(c) a person employed by or within an administrative unit with responsibilities for animal welfare; or</li> <li>(d) an owner, transporter, drover or other handler of animals who may need to destroy animals to avoid suffering.</li> </ul>
8	firearms collection	<p>8.1 For a licence that permits the applicant to collect pistols manufactured after 1946, the applicant must provide written evidence from the approved collectors club of which the applicant is a member that—</p> <ul style="list-style-type: none"> <li>(a) the applicant has been a member of the club for at least 1 year; and</li> <li>(b) the collection has a thematic structure; and</li> <li>(c) the applicant researches or studies firearms; and</li> <li>(d) the members of the club collect firearms of the kind for which the licence is sought; and</li> <li>(e) the licence application is endorsed by the club.</li> </ul> <p>8.2 For a licence that permits the applicant to collect any other kind of firearms, the applicant must demonstrate that—</p> <ul style="list-style-type: none"> <li>(a) the applicant is a member of an approved collectors club; and</li> <li>(b) the collection has a genuine historical or thematic structure or a genuine commemorative or investment value; and</li> <li>(c) the members of the club collect firearms of the kind for which the licence is sought; and</li> <li>(d) the licence application is endorsed by the club.</li> </ul>
9	composite entity	<p>9.1 That—</p> <ul style="list-style-type: none"> <li>(a) the entity— <ul style="list-style-type: none"> <li>(i) carries on business in the ACT as a</li> </ul> </li> </ul>

column 1 item	column 2 genuine reason	column 3 evidence to be produced in support of application
		<p style="text-align: center;">security organisation; or</p> <p>(ii) is an approved club; or</p> <p>(b) for a government agency—it is necessary for an employee to possess a firearm in the course of his or her employment.</p> <p>9.2 In clause 9.1 (a) (i): <i>security organisation</i> means a corporation within the meaning of the Corporations Act, or a partnership, that carries on a business of providing—</p> <p>(a) protection for persons; or</p> <p>(b) transport or protection for the money or property of persons other than the corporation or partnership, but does not include a bank.</p>

- (5) The regulations may provide for—
- (a) the manner and form of giving any permission referred to in subsection (4), table in relation to recreational hunting or vermin control; and
  - (b) the extent to which that permission operates; and
  - (c) how that permission is to be produced as evidence by the applicant; and
  - (d) the nature of any additional evidence to be provided in support of an application.

## 24 **Category B licences—restrictions on issue**

Subject to the regulations, the registrar shall not issue a category B licence to any person unless the person, in addition to establishing a genuine reason for being issued with the licence, produces evidence to the satisfaction of the registrar that there is a special need for the person to possess or use a firearm to which a category B licence applies.

**25 Category C licences—restrictions on issue**

The registrar shall not issue a category C licence to any person unless—

- (a) the genuine reason established by the person for being issued with the licence is primary production (or some other prescribed genuine reason); and
- (b) in addition to establishing any such genuine reason, the person produces prescribed evidence to the registrar's satisfaction that there is a special need for the person to possess or use a firearm to which licence category C applies; and
- (c) the person produces evidence to the registrar's satisfaction that any such special need can not be met by any other means (including by the authority conferred by a category A or category B licence).

**26 Category D licences—restrictions on issue**

- (1) The registrar shall not issue a category D licence to any person except in accordance with the written authority of the Minister.
- (2) An authority under subsection (1) may be expressed to be given either generally or in particular circumstances.

**27 Category H licences—restrictions on issue**

The registrar must not issue a category H licence to a person unless—

- (a) the genuine reason established by the person for being issued with the licence is any 1 or more of the following:
  - (i) sport or target shooting;
  - (ii) business or employment;
  - (iii) firearms collection; and

- (b) in addition to establishing such a genuine reason, the person gives the registrar satisfactory evidence that there is a special need for the person to possess or use a pistol; and
- (c) if the genuine reason established by the person is sport or target shooting—the person gives the registrar written evidence from an approved shooting club of which the person is a member that the licence application is endorsed by the club.

**28 Collectors licence—restrictions on issue**

The registrar may issue a collectors licence to a person only if the registrar is satisfied that the person collects firearms.

**29 Heirlooms licence—restrictions on issue**

- (1) A person who, before the commencement of this section—
  - (a) was in possession of a firearm that is an heirloom; and
  - (b) on application to the registrar for a licence, does not establish to the satisfaction of the registrar that he or she has a genuine reason for possessing the firearm or that the firearm is part of a collection;is entitled to apply to the registrar for an heirlooms licence.
- (2) The registrar shall not issue an heirlooms licence—
  - (a) in respect of more than 1 firearm or a matched pair of firearms; and
  - (b) unless satisfied that the firearm to which the application relates—
    - (i) is an heirloom; and
    - (ii) is permanently inoperable.

### 30 Composite entity licence

A category A, category B, category C or category H licence issued to a composite entity, or to a person on behalf of a composite entity, authorises the licensee to possess a firearm specified on the licence.

### 31 Temporary licences—internationally protected persons

(1) The registrar may, on written application, grant to a person a temporary firearms licence if satisfied that—

- (a) the person to whom the application relates is a member of the staff of an internationally protected person whose duties include the protection of that person while in the ACT; and
- (b) the firearm to which the application relates is a pistol of not more than 11.43mm calibre that is not fully automatic or capable of conversion to being fully automatic; and

*Note* A 11.43mm calibre pistol includes a 0.45 inch calibre pistol.

(c) it would not be contrary to the public interest to grant the licence.

(2) The registrar may, in a temporary firearms licence, specify conditions to which the licence is subject.

(3) In subsection (1):

***internationally protected person***—see the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, a copy of which is set out in the *Crimes (Internationally Protected Persons) Act 1976* (Cwlth), schedule.

### 32 Proof of special need

(1) The regulations may specify the evidence that may be produced to satisfy the registrar of a special need for the purpose of section 24, 25 or 27.

- (2) Nothing in subsection (1) shall be taken to limit the registrar's discretion in determining whether any such special need has been demonstrated.

### **33 Form of licence**

- (1) A licence shall—
- (a) contain a recent photograph of the person to whom it is issued (such photograph being obtained in accordance with arrangements determined by the registrar); and
  - (b) bear the signature of the licensee; and
  - (c) specify the licence category; and
  - (d) specify (except for a firearms dealer's licence) the registered firearm or firearms to which the licence relates; and
  - (e) specify the genuine reason established by the person for the issue of the licence; and
  - (f) specify the premises where the firearm is authorised to be kept; and
  - (g) contain a reference to the requirements under this Act relating to the storage and safe keeping of the firearm; and
  - (h) contain such other particulars as are prescribed.

*Note* If a form is approved under s 125A (Approved forms) for a licence, the form must be used.

- (2) A person to whom a licence is issued shall, on receipt of the licence, write the person's usual signature in ink in the space provided for it on the licence (unless the licence already bears the licensee's signature).

Maximum penalty: 10 penalty units.

### **34 Issue of licences to composite entities**

- (1) A licence issued to a body corporate shall be issued in the name of the body corporate.
- (2) A licence issued in respect of a partnership shall be issued in the name of the partnership.
- (3) A licence issued in respect of a government agency shall be issued in the name of the agency.

### **35 Issue of copy of licence**

- (1) If the registrar is satisfied that a licence in force under this Act has been lost, stolen or destroyed, the registrar shall issue to the licensee a copy of the licence and that copy has, for this Act, the same force and effect as the licence.

*Note* A fee may be determined under s 125 (Determination of fees) for this section.

- (2) The holder of a licence that has been lost, stolen or destroyed shall not, without reasonable excuse, fail to notify the registrar within 7 days of becoming aware of its being lost, stolen or destroyed.

Maximum penalty (for subsection (2)): 10 penalty units.

### **36 Conditions of licence**

- (1) A licence may be issued by the registrar subject to the conditions the registrar thinks fit to impose.

- (2) Without limiting subsection (1), each licence is subject to the following conditions:
- (a) the licensee shall comply with the requirements of part 5 that are applicable to the licence;
  - (b) the licensee shall not permit any other person to possess or use any firearm in the licensee's possession if that other person is not authorised to possess or use the firearm;
  - (c) the licensee shall, in accordance with such arrangements as are agreed between by the licensee and the registrar or, for a licensed firearms dealer, at any reasonable time, permit inspection by a police officer (or such other person as may be prescribed) of the licensee's facilities in respect of the storage and safe keeping of the firearms in the licensee's possession;
  - (d) the licensee shall not possess, at any one time, an amount of ammunition that exceeds the prescribed amount (if any), unless authorised in writing by the registrar;
  - (e) the licence can not be transferred to another person.
- (3) A licence is subject to the other conditions that are prescribed.

**36A Special conditions for category H licences for sporting or target shooting**

- (1) This section applies to a person who is issued with a category H licence for the genuine reason of sport or target shooting if the person has never held a category H licence.
- (2) The licence is subject to the following conditions for the first 6-month period of the licence term:
- (a) the licensee must not possess a pistol except on the premises of an approved shooting club;

- (b) the licensee must complete, to the satisfaction of the registrar, a firearm safety training course conducted by an approved shooting club;
  - (c) the licensee must be an active member of an approved shooting club.
- (3) If, after the end of the period mentioned in subsection (2), the approved shooting club mentioned in subsection (2) (c) has certified to the registrar that the licensee has complied with the conditions mentioned in the subsection, the licence is subject to the condition that, for the second 6-month period of the licence term, the licensee may acquire no more than—
- (a) 1 pistol of not more than 5.6mm calibre and 1 air pistol of not more than 4.5mm calibre; or
  - (b) 1 centre-fire pistol and 1 air pistol of not more than 4.5mm calibre.

*Note 1* A 4.5mm calibre air pistol includes a 0.177 inch calibre air pistol.

*Note 2* A 5.6mm calibre pistol includes a 0.22 inch calibre pistol.

- (4) This section does not limit the conditions that may be placed on the licence.

*Note* For conditions of category H licences issued for the genuine reason of business or employment, see *Firearms Regulations 1997*, reg 12 and reg 13.

### **37 Special conditions of licences issued for collection purposes**

A licence that authorises the licensee to possess a firearm for the purposes of a firearms collection is subject to the following conditions:

- (a) a firearm in the collection manufactured on or after 1 January 1900, or that is a prohibited pistol, must be rendered

incapable of being fired in the way prescribed under the regulations;

- (b) the licensee shall not possess any ammunition for any firearm in the collection;
- (c) the licensee shall not restore any firearm in the collection to a state in which the firearm can readily be fired;
- (d) the collection shall not contain any category C or category D firearm unless the firearm has been rendered permanently inoperable;
- (e) subject to sections 67 and 84, any category C or category D firearm shall not be sold or otherwise disposed of otherwise than to another licensed collector;
- (f) that no ammunition capable of being discharged from a firearm to which a collectors licence relates shall be in the possession of the holder of the licence unless the person holds a collectors licence in relation to the ammunition or another licence under this Act authorising possession of a firearm from which the ammunition is capable of being lawfully discharged;
- (g) subject to section 45, the licensee is not authorised to discharge a firearm that is part of a collection.

### **38 Term of licence**

A licence continues in force from the time it is issued for a period of 5 years (or the shorter period that may be prescribed), unless it is sooner surrendered or cancelled or otherwise ceases to be in force.

### **39 Suspension of licence**

- (1) The registrar may, if the registrar is satisfied there may be grounds for cancelling a licence, suspend the licence by serving personally or by post on the licensee a notice—

- (a) stating that the licence is suspended, the period of suspension and the reasons for suspending it; and
  - (b) requesting that the person provide the registrar with reasons why the licence should not be cancelled.
- (2) The registrar must suspend a licence in accordance with this section if the registrar has reasonable grounds for believing that the licensee has been charged with, committed, or threatened to commit, a domestic violence offence.
- (3) A suspended licence does not authorise the possession or use of firearms during the period specified in the notice suspending it.
- (4) In this section:

***domestic violence offence***—see *Protection Orders Act 2001*, dictionary.

*Note 1* A licence is automatically suspended under the *Protection Orders Act 2001*, s 56 (Firearms and interim orders) if the Magistrates Court makes an interim protection order unless the court orders otherwise. Under that section, the Magistrates Court may also order seizure of the licence, and seizure and detention of firearms and ammunition, for the period of the interim order.

*Note 2* A licence is also automatically suspended under the *Protection Orders Act 2001*, s 72 (Firearms and emergency orders) if a judicial officer makes an emergency order. Under that section, the officer may also order seizure of the licence, and seizure and detention of firearms and ammunition, for the period of the emergency order.

## 41 Cancellation of licence

- (1) A licence that authorises a person to possess or use a firearm is automatically cancelled if the licensee becomes subject to a firearm prohibition order.

*Note* A licence is automatically cancelled under the *Protection Orders Act 2001*, s 38 (Firearms and final orders) if the Magistrates Court makes a final protection order unless the court orders otherwise. Under that section, the Magistrates Court may also order seizure of the licence, firearms and ammunition.

- (2) The registrar must cancel a category H licence issued for the genuine reason of sport or target shooting if the licensee ceases to be an active member of an approved shooting club.
- (3) A licence may be cancelled—
- (a) for any reason for which the licensee would be required to be refused a licence of the same kind; or
  - (b) if the licensee—
    - (i) supplied information that was (to the licensee's knowledge) false or misleading in a material particular in, or in connection with, the application for the licence; or
    - (ii) contravenes any provision of this Act, whether or not the licensee has been convicted of an offence for the contravention; or
    - (iii) contravenes any condition of the licence; or
  - (c) if the registrar is of the opinion that the licensee is no longer a fit and proper person to hold a licence; or
  - (d) for any other prescribed reason.

**Example of licensee being no longer fit and proper person to hold licence**

Firearms are lost or stolen because of the negligence of, or fraud by, the licensee.

*Note 1* An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

*Note 2* A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see Legislation Act, s 104).

- (4) The registrar may cancel a licence by serving personally or by post on the licensee a notice stating that the licence is cancelled and the reason for cancelling it.

- (5) The cancellation of a licence by such a notice takes effect when the notice is served or on a later date specified in the notice, whether or not an appeal is lodged against the cancellation.
- (6) If a notice under subsection (4) is expressed to take effect on a specified date, the registrar may, by serving a further notice on the holder of the licence, cancel the notice cancelling the licence before it takes effect.

**42 Surrender and seizure of firearms when licence suspended or cancelled**

- (1) If a licence is suspended or cancelled, the person to whom it was issued shall surrender to a police officer—
  - (a) any firearm in the person's possession; and
  - (b) the licence.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

- (2) A police officer is authorised to seize any firearm in the possession of a person if that person's licence is suspended or cancelled.

**43 Temporary recognition of interstate licences—shooting competitions**

- (1) This section applies to a person who—
  - (a) is a resident of a State or another Territory and comes to the ACT for—
    - (i) the purpose of participating in a shooting competition approved by the registrar; or
    - (ii) a prescribed purpose relating to the possession or use of a firearm; and

- (b) is the holder of the equivalent of a category A, category B, category C licence issued under the law in force in that State or other Territory.
- (2) A person to whom this section applies is authorised to possess or use for a purpose referred to in subsection (1) (a), for the specified period, a firearm of a kind to which the corresponding category A, category B or category H licence issued in the ACT applies if the person complies with the prescribed conditions for the possession or use of a firearm of that kind.
- (3) A person to whom this section applies is authorised to possess or use, for the specified period, a firearm of a kind to which the corresponding category C licence issued in the ACT applies for the purpose of participating in a shooting competition approved by the registrar—
- (a) if the person is the holder of the equivalent of a category C licence under a law of a State or another Territory that authorises the holder to possess a firearm for the genuine reason of being a sport or target shooter; and
- (b) if the person complies with the prescribed conditions and the prescribed requirements for the possession or use of the firearm.
- (4) In this section:
- specified period* means the period of 3 months commencing on the day when the person arrives in the ACT for the purpose of participating in the competition.

#### **44 Interstate residents moving to the ACT**

- (1) A resident of a State or another Territory who is the holder of the equivalent of a category A or category B licence issued under the law in force in that State or other Territory may notify the registrar in writing that he or she intends to reside on a permanent basis in the ACT.

- (2) If the registrar is notified in accordance with subsection (1), the equivalent of the category A or category B licence (as issued by the other jurisdiction) is, subject to any direction of the registrar, taken to be the corresponding licence in force in the ACT—
- (a) for a period of 3 months from the time the person notified the registrar; or
  - (b) until the person's application for a licence under this Act is issued or refused;
- whichever is sooner.
- (3) If a resident of a State or another Territory who is the holder of the equivalent of a category C or category H licence notifies the registrar in writing that the person intends to reside in the ACT, the equivalent of the category C or category H licence (as issued by the other jurisdiction) is, subject to any direction of the registrar, taken to be the corresponding licence in force in the ACT for a period of 7 days from the time the person notified the registrar.
- (4) After the expiry of the 7 day period referred to in subsection (3), any person—
- (a) who has duly notified the registrar in accordance with subsection (3); and
  - (b) who applied for a licence before the expiry of that period;
- does not, while the person's application for a licence is being determined by the registrar, commit an offence under section 16 in respect of the possession of a firearm.

## **Division 3.3                      Permits**

### **45                      General power to issue permits**

The registrar may issue permits for any 1 or more of the following purposes:

- (a) to authorise a person to acquire a firearm;
- (b) to authorise the possession or use of firearms by minors in accordance with section 49;
- (c) to authorise the possession or use of firearms in the circumstances that may be prescribed (including film or theatrical productions or other artistic purposes);
- (d) to authorise the acquisition, selling or transfer of firearms in the circumstances that may be prescribed;
- (e) to authorise the shortening or conversion of firearms;
- (f) to authorise anything else for which provision may be made by the regulations and that is required by the regulations to be authorised by a permit.

### **45A                      International visitors—issue of temporary permits**

- (1) The registrar may issue a permit to authorise the possession or use of a firearm by a person for the purpose stated in the permit if the registrar is satisfied that—
  - (a) the applicant is a visitor to the ACT; and
  - (b) the applicant is a resident of a country other than Australia; and
  - (c) the applicant is licensed or lawfully entitled to possess or use in that country the type of firearm for which a permit is sought.
- (2) The registrar may issue a permit authorising a person to participate in a shooting competition approved by the registrar only if the

applicant would enter or has entered Australia (within the meaning of the *Migration Act 1958* (Cwlth)) in the ACT.

- (3) A permit continues in force for the period, not exceeding 3 months, that the registrar determines.

#### **46 General restrictions on issuing permits**

- (1) A permit shall not be issued unless the registrar is satisfied that the applicant is a fit and proper person to have possession of firearms without danger to public safety or to the peace.
- (2) Without limiting subsection (1), a permit shall not be issued if the registrar has reasonable cause to believe that the applicant may not personally exercise continuous and responsible control over firearms because of the applicant's way of living or domestic circumstances.
- (3) Subject to this division, a permit shall not be issued to a person who—
- (a) has, within the period of 10 years before the application for the permit was made, been convicted in the ACT or elsewhere of a prescribed offence, whether or not the offence is an offence under a Territory law; or
  - (b) is subject to a protection order that is a domestic violence order, or has been subject to a protection order that is a domestic violence order within the 10 years before the application for the permit was made; or
  - (c) is subject to a recognisance, granted in the ACT or elsewhere, to keep the peace; or
  - (d) is subject to a firearms prohibition order.
- (4) For subsection (3) (b):
- protection order*** does not include a protection order that has been revoked.

- (5) The registrar may refuse to issue a permit if the registrar considers that issue of the permit would be contrary to the public interest.
- (6) The regulations may provide other mandatory or discretionary grounds for refusing the issue of a permit.

#### **47 General provisions relating to permits**

- (1) An application for a permit shall be made in the prescribed manner.
  - Note 1* A fee may be determined under s 125 (Determination of fees) for this subsection.
  - Note 2* If a form is approved under s 125A (Approved forms) for an application or permit, the form must be used.
- (2) A permit must include the particulars prescribed under the regulations.
- (3) The regulations may prescribe or provide for the registrar to impose or determine—
  - (a) conditions to which a permit shall be subject; and
  - (b) the period for which a permit shall be in force.
- (4) A permit may be suspended or cancelled by the registrar—
  - (a) for any reason for which a licence may be suspended or cancelled under this Act; or
  - (b) for the other reasons that are prescribed.
- (5) The suspension or cancellation of a permit takes effect when notice is served on the holder of the permit.
- (6) If a permit is surrendered or cancelled, the person to whom it was issued shall surrender to a police officer—
  - (a) any firearm in respect of which the permit has been issued; and

(b) the permit.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

- (7) A police officer is authorised to seize any firearm in respect of which a permit has been issued if the permit is suspended or cancelled.

#### **48 Permits to acquire firearms**

- (1) A person who is the holder of a licence or permit may apply to the registrar for a permit to acquire a firearm.
- (2) A separate permit to acquire is required in respect of each firearm to be acquired by the holder of a licence or permit.
- (3) The registrar shall not issue a permit authorising a person to acquire a firearm—
- (a) unless the person is the holder of a licence or permit authorising the person to use or possess the firearm concerned; and
  - (b) until after the end of the period of 28 days following the day on which the application for the permit is made; and
  - (c) unless the registrar is satisfied that the applicant has a good reason for acquiring the firearm concerned.
- (4) Also, the registrar must not issue a permit authorising the holder of a category H licence issued for the genuine reason of sport or target shooting to acquire a pistol unless—
- (a) the acquisition is in accordance with the conditions (if any) of the licence; and
  - (b) the registrar is given written advice from the approved shooting club of which the licensee is a member stating—

- (i) the competition shooting discipline for which the pistol is required; and
- (ii) that the club endorses the licensee's application for a permit to acquire the pistol; and
- (iii) the licensee can comply with the requirements of this Act in relation to safety and the storage of firearms.

*Note* A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see Legislation Act, s 104).

- (5) Subsection (4) (b) (i) does not apply to the issue of a permit to acquire a pistol mentioned in section 36A (3) (Special conditions for category H licences for sporting or target shooting).
- (6) If the registrar determines that a permit to acquire a firearm is to be issued, it shall be issued as soon as practicable after the 28 day period.
- (7) Unless sooner cancelled by the registrar, a permit to acquire a firearm remains in force from the time it is issued for a period of 30 days, or until the firearm to which the permit relates is acquired, whichever is the sooner.

#### **49 Minor's firearms permits**

- (1) An application for a minor's firearms permit shall be lodged personally by the applicant.
- (2) The applicant shall—
  - (a) be of or above the prescribed age and under the age of 18 years; and
  - (b) have completed a firearms safety training course in accordance with the regulations; and
  - (c) be a member of an approved shooting club.

- (3) The application shall contain the written consent of a parent or guardian of the applicant to the issue of the permit.
- (4) A minor's firearms permit is to be of 1 of the following classes:
  - (a) a minor's firearms training permit;
  - (b) a minor's target pistol training permit.
- (5) A minor's firearms training permit authorises the person to whom it is issued to possess and use a firearm (other than a pistol or a prohibited firearm), but only—
  - (a) under the personal supervision of the holder of a category A, category B or category C licence or a person authorised by the registrar to supervise the use by minors of firearms of the kind concerned; and
  - (b) for the purpose of receiving instruction in the safe use of the firearm or participating in a shooting competition approved by the registrar.
- (6) A minor's target pistol permit authorises the person to whom it is issued to possess and use a target pistol (and no other kind of firearm), but only—
  - (a) under the personal supervision of the holder of a category H licence who is authorised to use a pistol for the purposes of target shooting; and
  - (b) for the purpose of receiving instruction in the safe use of the pistol or competing in such events as are approved by the registrar.
- (7) Unless sooner surrendered or cancelled, a minor's firearms permit expires on the permit holder's 18th birthday.

**49A International visitors—recognition of temporary permits granted interstate for shooting competitions**

- (1) This section applies to a person who is—

- (a) a resident of a country other than Australia; and
  - (b) the holder of a permit issued under the law of a State or another Territory that authorises the person to possess or use a firearm for the purpose of participating in a shooting competition in that jurisdiction.
- (2) A person to whom this section applies is authorised to possess or use, for the defined period, the firearm specified in the permit for the purpose of participating in a shooting competition approved by the registrar if the person complies with—
- (a) the conditions (if any) imposed under the law of the State or other Territory that issued the permit; and
  - (b) the prescribed conditions.
- (3) A condition imposed by the State or Territory that issued the permit that is inconsistent with a prescribed condition is void to the extent of the inconsistency.
- (4) Nothing in subsection (3) affects a condition that is imposed by the State or Territory that issued the permit to the extent that it is capable of operating consistently with a prescribed condition.
- (5) In subsection (2):

*defined period* means the period of 3 months commencing on the day on which the person arrives in the ACT for the purpose of participating in the competition.

## **Part 4 Registration of firearms**

### **Division 4.1 Registration scheme**

#### **50 Register of firearms**

- (1) The registrar shall compile and maintain a register of firearms.
- (2) The register comprises—
  - (a) the particulars of each registered firearm (including any serial number) that are sufficient to identify the firearm and the person in whose name the firearm is registered; and
  - (b) particulars of the licence or permit of the person in respect of whom the firearm is registered; and
  - (c) the other information that may be required by the regulations to be included in the register.
- (3) The register shall be maintained in such form as—
  - (a) to enable the register to be linked to the National Exchange of Police Information (NEPI) scheme; and
  - (b) to enable information in the register to be accessed by other State and Territory government firearms authorities.
- (4) The register is not to be made available for inspection by a member of the public.
- (5) The regulations may make provision with respect to the register.

#### **51 Registration of firearms**

- (1) If an application is made to the registrar to register a firearm, the registrar must register the firearm.

- (2) However, the registrar must not register a firearm unless the person in whose name the firearm is registered is the holder of a licence or permit in respect of the firearm.
- (3) For a person who is the holder of a category C licence, no more than 1 rifle to which the licence applies, and no more than 1 shotgun to which the licence applies, shall be registered in the name of that person.
- (4) Also, the registrar may refuse to register a firearm if any firearm to which the application relates is not first produced for inspection by a police officer.
- (5) The registrar shall register a firearm by entering in the register particulars of the firearm and particulars relating to the person in whose name the firearm is registered.
- (6) If—
  - (a) a firearm is registered in accordance with subsection (5); or
  - (b) the registrar, in accordance with the regulations, records in the register a change in the particulars relating to the person in whose name a firearm is registered;the registrar is to issue a notice of registration to the person in whose name the firearm is registered.
- (7) A registered firearm ceases to be registered if registration of the firearm is cancelled under section 52.
- (8) Nothing in subsection (7) prevents the further registration of a firearm after it ceases to be a registered firearm.

## **52 Cancellation of registration**

- (1) The registrar may, by written notice served on the person in whose name a firearm is registered, cancel the registration of the firearm if—

- (a) the person does not hold a licence or permit in respect of the firearm; or
- (b) the registrar is satisfied that the applicant for registration made a statement in or in connection with the application that the applicant knew to be false or misleading in a material particular; or
- (c) the person in whose name the firearm is registered is convicted of—
  - (i) an offence against this Act; or
  - (ii) an offence against the Criminal Code, part 3.4 (False or misleading statements, information and documents) in relation to an application under this Act; or
  - (iii) an offence against the Criminal Code, section 346 (Forgery) in relation to a licence or permit under this Act; or
  - (iv) an offence against the Criminal Code, section 361 (Obstructing Territory public official) in relation to a police officer exercising functions under this Act; or
  - (v) a prescribed offence; or
- (d) the person in whose name the firearm is registered requests the cancellation.

*Note* A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

- (2) Cancellation of the registration of a firearm takes effect on the notice being served on the person in whose name the firearm is registered.
- (3) On cancellation of the registration of a firearm, a police officer is authorised to seize the firearm.

## **Division 4.2                      Offences relating to registration**

### **53                      Unregistered firearms**

- (1) A person shall not, without reasonable excuse, sell, purchase, possess or use a firearm that is not registered.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

- (2) A licensed firearms dealer does not commit an offence against this section of purchasing or possessing an unregistered firearm if the firearm is registered within the prescribed period.

### **54                      Requirements relating to registered firearms**

- (1) The person in whose name a firearm is registered shall—
- (a) produce the firearm for inspection by a police officer at any reasonable time when requested to do so by the officer; and
  - (b) if the firearm is sold or lost by, or stolen from, that person—notify a police officer of the sale, loss or theft of the firearm and provide the registrar, within 7 days after the firearm is sold, lost or stolen, with particulars of the sale, loss or theft in accordance with the regulations.

- (2) A person (other than a licensed firearms dealer) who acquires a firearm shall provide the registrar, within 7 days after the firearm is acquired, with such particulars as are prescribed.

Maximum penalty: 50 penalty units.

### **55 Alteration of notice of registration**

A person shall not alter any of the particulars set out in a notice of registration issued under section 51 (6).

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

## **Division 4.3 Endorsement of licences**

### **56 Application of div 4.3**

- (1) Nothing in this division entitles the holder of a licence to apply to the registrar for the endorsement on the licence of a pistol grip firearm.
- (2) In subsection (1):

*pistol grip firearm* means a firearm, other than a pistol, that is fitted with a pistol grip or a stock designed to fold, swivel, telescope or be readily detachable.

### **57 Application for endorsement**

- (1) The holder of a category A or category B licence may apply to the registrar for endorsement on his or her licence of a firearm specified on a category A or category B licence held by another person.

*Note 1* A fee may be determined under s 125 (Determination of fees) for this section.

*Note 2* If a form is approved under s 125A (Approved forms) for an application, the form must be used.

- (2) The application must be accompanied by the applicant's licence.

## **58 Approval of application**

The registrar shall endorse a licence in accordance with section 59 if satisfied that—

- (a) the firearm to which the application relates is of a type suitable for use for the genuine reason established by the applicant for the issue his or her licence; and
- (b) the applicant has an adequate knowledge of ACT law relating to firearms and of the safety practices relating to the type of firearm to which the application for endorsement relates; and
- (c) if the applicant is a licensed firearms dealer or composite entity, or an employee or person acting on behalf of a licensed firearms dealer or composite entity—the applicant requires the firearm for the purposes of the dealership or entity.

## **59 Endorsement**

If the registrar approves an application for endorsement, the registrar shall endorse the licence with a description of the firearm to which the application relates and also to the effect—

- (a) if the applicant is employed by a dealer who holds a firearms dealers licence—that the applicant is entitled to possess and use a firearm to which the dealer's licence relates in the course of that employment; and
- (b) if the applicant is employed by a composite entity that holds a category A, category B, category C or category H licence—that the applicant is entitled to possess and use any firearm specified on the entity's licence in the course of that employment; and
- (c) if the applicant is a member of an approved club—that the applicant is authorised to possess and use a category A, category B or category H firearm specified on the club's licence while the member is on an approved shooting range

owned or used by that or another approved club for the purpose of taking part in competitions in, or activities relating to, the use of such firearms.

## **60 Cancellation of endorsement**

- (1) When the registrar cancels the registration of a firearm under section 52, the registrar shall require each person on whose licence that firearm is endorsed to produce his or her licence for the purpose of cancelling that endorsement.
- (2) A person shall not, without reasonable excuse, contravene a requirement of the registrar made under subsection (1).

Maximum penalty: 10 penalty units.

- (3) If a person whose licence has been endorsed under section 59 ceases to be—
  - (a) an active member of an approved club to which the endorsement relates; or
  - (b) a principal or employee of a composite entity to which the endorsement relates;

the endorsement shall be taken to have been cancelled on the day when the person ceases to be such a member, principal or employee.

## **61 Endorsements—notification of change of particulars**

- (1) A person referred to in section 60 (3) shall, not later than 7 days after ceasing to be such a member, principal or employee, as the case may be—
  - (a) notify the registrar in writing; and
  - (b) forward his or her licence to the registrar for the purpose of its being varied.

- (2) If a person ceases to be employed by a composite entity, the entity shall, not later than 7 days after the person ceases to be so employed, notify the registrar in writing accordingly.
- (3) A person shall not, without reasonable excuse, contravene subsection (1) or (2).

Maximum penalty (subsection (3)): 10 penalty units.

## Part 5 Safe keeping of firearms

### 62 General requirements

- (1) A person who possesses a firearm shall take all reasonable precautions to ensure—
  - (a) its safe keeping; and
  - (b) that it is not stolen or lost; and
  - (c) that it does not come into the possession of a person who is not authorised to possess the firearm.

Maximum penalty: 20 penalty units.

- (2) For subsection (1), the regulations may specify reasonable precautions.

### 63 Category A and B licence requirements

- (1) The holder of a category A or category B licence shall comply with the following requirements in respect of a firearm to which the licence applies:
  - (a) when the firearm is not being used or carried, it shall be stored in a locked receptacle—
    - (i) of a type approved by the registrar; and
    - (ii) that is constructed of hard wood or steel so as not to be easily penetrable; and
    - (iii) if the receptacle weighs less than 150kg when empty—fixed in position to prevent its easy removal; and
    - (iv) secured by locks of solid metal of a type approved by the registrar;

- (b) any ammunition for the firearm shall be stored in a locked container of a type approved by the registrar and that is kept separate from the receptacle containing the firearm;
- (c) the other requirements relating to security and safe storage that are prescribed.

Maximum penalty: 50 penalty units.

- (2) A licensee need not comply with the requirements of this section if the licensee satisfies the registrar that the licensee has provided alternative arrangements for the storage of firearms in the licensee's possession that are of a standard not less than the requirements set out in this section.

#### **64 Category C, D and H licence requirements**

- (1) The holder of a category C, category D or category H licence shall comply with the following requirements in respect of any firearm to which the licence applies:
  - (a) when the firearm is not being used or carried, it shall be stored in a locked steel safe—
    - (i) of a type approved by the registrar that can not be easily penetrated; and
    - (ii) bolted to the structure of the premises where the firearm is authorised to be kept;
  - (b) any ammunition for the firearm shall be stored in a locked container of a type approved by the registrar and that is kept separate from the safe containing the firearm;
  - (c) the other requirements relating to security and safe storage that are prescribed.

Maximum penalty: 50 penalty units.

- (2) A licensee need not comply with the requirements of this section if the licensee satisfies the registrar that the licensee has provided

**Part 5** Safe keeping of firearms

Section 65

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alternative arrangements for the storage of firearms in the licensee's possession that are of a standard not less than the requirements set out in this section.

**65 Seizure of firearms if storage requirements not met**

A police officer shall seize any firearm or ammunition that the officer has reasonable grounds to believe is not being kept in accordance with this part.

## Part 6 Firearms dealers

### 66 Firearms dealers required to be licensed

A person shall not, in carrying on a business—

- (a) manufacture, buy, sell, transfer or repair firearms or firearm parts; or
- (b) expose or offer firearms or firearm parts for sale; or
- (c) possess firearms for the purpose of selling, transferring or repairing them; or
- (d) possess firearm parts for the purpose of selling, transferring or repairing them, or of manufacturing firearms;

unless authorised to do so by a firearms dealer's licence.

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

### 67 Restrictions on sale etc of firearms by dealers

- (1) A licensed firearms dealer shall not buy a firearm from another person who is not a licensed firearms dealer unless—
  - (a) the other person is authorised to possess the firearm by a licence or permit; and
  - (b) the firearms dealer has seen the licence or permit.
- (2) A licensed firearms dealer shall not sell a firearm to another person unless—
  - (a) the other person is authorised to possess the firearm by a licence or permit; and
  - (b) the firearms dealer has seen the licence or permit; and

- (c) the firearms dealer has seen the other person's permit to acquire the firearm (or the equivalent of any such permit that is issued under the law of a State or another Territory in respect of the firearm concerned).

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

## **68 Recording of transactions**

- (1) A licensed firearms dealer shall ensure that—
  - (a) all transactions and dealings concerning firearms to which the firearms dealer's licence applies are recorded in accordance with this section; and
  - (b) each record is, in accordance with the regulations, sent to the registrar for inclusion of the particulars in the register and to update the register.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

- (2) In respect of each transaction being a purchase, receipt, sale or transfer of a firearm or firearm part entered into by a dealer with another person, the record shall contain the following particulars:
  - (a) the name and address of the other person;
  - (b) the number of the other person's licence or permit authorising the other person to possess the firearm or firearm part;
  - (c) the number of the other person's permit to acquire the firearm;
  - (d) for each firearm or firearm part that is or has been in the possession of the dealer—
    - (i) the dates of its initial purchase or receipt by the dealer and of its subsequent sale or transfer out of the possession of the dealer; and

- (ii) the name and address of the person who initially gave possession of it to the dealer; and
  - (iii) if it is sold or transferred out of the possession of the dealer—its make, serial number, calibre, type, action and magazine capacity (if any);
- (e) the other particulars that are prescribed.
- (3) An entry required to be made in a record about the purchase, receipt, sale or transfer of a firearm shall, subject to the regulations, be entered within 24 hours of the transaction concerned.
- (4) A record shall be made and kept in the form approved by the registrar.
- (5) If a licensed firearms dealer ceases to hold such a licence, the former dealer shall, within 14 days after ceasing to hold the licence, provide the registrar with a record of all transactions during the 2 years immediately before the date when the licence ceased to be in force.
- (6) A person required to keep or to ensure a record is kept under this section, shall, on demand by a police officer at any time—
  - (a) produce the record to the officer and permit the officer to inspect and make copies of any entries in it; and
  - (b) produce to the officer all firearms and spare barrels for firearms in the possession of the person; and
  - (c) give to the officer any information in the person's possession with respect to any firearm or spare barrel for a firearm that under the authority of the person's firearms dealers licence—
    - (i) is in his or her possession; or
    - (ii) has been manufactured or repaired; or
    - (iii) has been purchased or received; or

(iv) has been sold or otherwise transferred.

Maximum penalty: 50 penalty units.

- (7) A correction to an entry in a record that is required to be kept under this section shall—
- (a) be made in such a manner as to preserve the record and show that a correction has been made and the date when it was made; and
  - (b) be authorised by the registrar.

## 69 Quarterly returns

- (1) A licensed firearms dealer shall, within 14 days after the end of March, June, September and December in each year, forward a return to the registrar that contains the particulars for the previous quarter that are required to be recorded under section 68 (2).

*Note* If a form is approved under s 125A (Approved forms) for a return, the form must be used.

- (2) A person shall not, without reasonable excuse, contravene subsection (1).

Maximum penalty: 10 penalty units.

- (3) This section does not prevent a person from forwarding returns at more frequent intervals than this section requires.

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**70 Additional requirements for dealers**

- (1) A licensed firearms dealer shall affix and keep affixed to each firearm in the dealer's possession (other than for the purposes of maintenance or repair) a label showing the entry number for that firearm as entered in the record required to be kept under this part and the identifying number (if any) of that firearm.

Maximum penalty: 10 penalty units.

- (2) If the registrar serves a written notice on a licensed firearms dealer about the acquisition, disposition or possession by the dealer of any firearms or firearm parts, the dealer must, within the time stated in the notice, give to the registrar the particulars required by the notice.

Maximum penalty: 50 penalty units.

*Note* If a form is approved under s 125A (Approved forms) for a statement of required particulars or a notification, the form must be used.

- (3) A licensed firearms dealer shall, within 24 hours after becoming aware of the loss, theft or destruction of any firearm or firearm part that was in the possession of the dealer, notify the registrar of that loss, theft or destruction.

Maximum penalty: 50 penalty units.

- (4) A licensed firearms dealer shall ensure that each record required by this Act to be kept by the dealer is kept in a place of safe keeping on the premises specified in the licence (but not in a place of safe keeping in which firearms are kept).

Maximum penalty: 50 penalty units.

- (5) A licensed firearms dealer shall not take possession of any firearm for the purpose of maintaining or repairing it unless the firearms dealer has sighted—

- (a) the licence or permit of the person who is giving possession of the firearm to the dealer; and

(b) the current notice of registration of the firearm.

Maximum penalty: 50 penalty units.

(6) A licensed firearms dealer shall not maintain or repair any firearm that is not registered.

Maximum penalty: 50 penalty units.

(7) The regulations may prescribe other requirements with respect to licensed firearms dealers.

## **71 Security of displayed firearms**

(1) A licensed firearms dealer who displays firearms on the dealer's premises shall ensure that those firearms are secured in a manner that would reasonably prevent their removal otherwise than by the dealer or any employee of the dealer.

(2) A licensed firearms dealer shall ensure that any firearm displayed in any part of the premises to which the licence relates—

(a) is under the immediate supervision and control of the dealer or an employee of the dealer; and

(b) is not displayed to the public unless reasonable precautions are taken to prevent it from being stolen.

Maximum penalty: 50 penalty units.

## **72 Interstate transactions between dealers**

(1) Despite any other provision of this Act, a licensed firearms dealer is, for the purposes of any transaction between the dealer and the holder of a corresponding licence, authorised to buy a firearm from the holder of that corresponding licence.

(2) In this section:

*corresponding licence* means an instrument that, in the opinion of the registrar, is the equivalent of a firearms dealer licence in a place outside the ACT.

## Part 7 Powers of entry, search and seizure

### 73 Interpretation for pt 7

- (1) In this part:

*offence* means any conduct (whether constituted by an act or omission) engaged in that constitutes, or that it is believed on reasonable grounds constitutes—

- (a) an offence against this Act; or
- (b) an offence against another Act, in respect of which a penalty of imprisonment for 6 months or more may be imposed.

- (2) For this part, a thing is *connected with* a particular offence if—

- (a) it is a thing with respect to which the offence has been committed;
- (b) it will afford evidence of the commission of the offence; or
- (c) it was used, or is or was intended to be used, for the purpose of committing the offence.

### 74 Powers of entry, search etc

- (1) For the purposes of ascertaining whether the provisions of this Act are being complied with, a police officer may, without a warrant—

- (a) enter premises where a licensed firearms dealer carries on business at any reasonable time when those premises are open for business; or

- (b) subject to section 76, enter any premises at any time with the consent of the occupier of those premises.

*Note* A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

- (2) A police officer who enters premises under subsection (1), is not authorised to remain on the premises if, on request by or on behalf of the occupier of the premises, the officer does not produce evidence that he or she is a police officer.
- (3) A police officer who enters premises under subsection (1) may—
- (a) inspect, make copies of, or take extracts from, any record of a transaction or dealing required to be kept under part 6, or any other book, documentation or other record that the police officer believes on reasonable grounds to be connected with the acquisition, disposal, repair, modification or manufacture of firearms; and
  - (b) inspect any apparatus, equipment or other article that the officer believes on reasonable grounds to be used in the manufacture or testing of firearms; and
  - (c) test, or seize, for the purpose of testing, any firearm that the officer believes on reasonable grounds does not comply with this Act; and
  - (d) if the police officer believes on reasonable grounds that a firearm on the premises is not safe—direct the occupier of the premises, by written notice, not to use or sell the firearm, unless it has been rendered safe for use and has been inspected, tested and approved by the registrar; and
  - (e) seize any thing that the police officer has reasonable grounds for believing to be connected with an offence; and
  - (f) require any person on the premises to make available any books, documents or records kept on the premises, to give

information that the police officer has reasonable grounds for believing is connected with an offence, and to answer questions; and

(g) require the occupier to give the police officer the assistance that is reasonable to enable the police officer to exercise his or her powers under this section.

- (4) A person shall not, without reasonable excuse, contravene a direction given to the person under subsection (3) (d).

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

- (5) A person shall not, without reasonable excuse, fail to comply with a requirement made of the person under subsection (3) (f) or (g).

Maximum penalty: 50 penalty units.

- (6) A person is not excused from providing assistance by making available books, documents or records, furnishing information or answering in compliance with subsection (3) (f) on the ground that providing the assistance might tend to incriminate the person.

- (7) Any book, document, information or answer obtained under subsection (3) or any information, document or thing obtained directly or indirectly as a consequence of that book, document, information or answer, is not admissible in evidence against the person in criminal proceedings other than proceedings for an offence against this Act.

## **75 Search of persons, vehicles, vessels—without warrant**

- (1) If a police officer has reasonable grounds for believing that a firearm connected with an offence may be found in the possession of a person, or in or on a vehicle or vessel, the police officer may, without warrant—

(a) stop and search the person, the clothing being worn by the person, or property in, or apparently in, the immediate control of the person; or

(b) stop, search and detain the vehicle or vessel;

and seize any such firearm and any thing that is found in the course of a search referred to in paragraph (a) or (b) that he or she believes on reasonable grounds is connected with that offence.

(2) If a person is searched under this section, the search shall be carried out by a police officer of the same sex.

(3) However, if a transgender or intersex person is searched, the person may require that the search be carried out by either a male or a female.

*Note* For the meaning of *transgender person* see Legislation Act, s 169A.

*Note* For the meaning of *intersex person*, see Legislation Act, s 169B.

(4) If the transgender or intersex person requires that the search be carried out by a male, the person is taken, for this section, to be male.

(5) If the transgender or intersex person requires that the search be carried out by a female, the person is taken, for this section, to be female.

## **76 Consent to entry and inspection**

(1) Before seeking the consent of the occupier of premises for section 74 (1) (b), a police officer shall inform the occupier that he or she may refuse to give that consent.

(2) If a police officer obtains the consent of the occupier of premises for section 74 (1) (b), the officer shall ask the occupier or that person to sign a written acknowledgment—

- (a) that the occupier has given the officer consent, for that paragraph, to enter the premises and to exercise the powers of a police officer under section 74 (3); and
  - (b) that the occupier has been informed that he or she may refuse to give that consent; and
  - (c) specifying the day and time when that consent was given.
- (3) If it is material, in any proceedings, for a court to be satisfied of the consent of an occupier for section 74 (1) (b) and an acknowledgment in accordance with subsection (2) is not produced in evidence, it shall be presumed that the occupier did not consent unless the contrary is established.

## 77 Search warrants

- (1) If an information on oath is laid before a magistrate setting out the grounds for suspecting that there may be, on any premises a firearm or thing of a particular kind that—
- (a) is connected with a particular offence against this Act; or
  - (b) for a firearm—is unsafe to use;

and the magistrate is satisfied that there are reasonable grounds for issuing a warrant to search those premises, the magistrate may issue a search warrant.

*Note* A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

- (2) For the purposes of satisfying himself or herself that there are reasonable grounds for issuing a warrant under subsection (1), the magistrate may obtain from the informant or another person, either orally or by affidavit, any further information that the magistrate requires about those grounds.
- (3) A search warrant issued under subsection (1) in relation to the premises, firearm or thing referred to in that subsection authorises a

police officer named in the warrant, with the assistance and by the force that is necessary and reasonable—

- (a) to enter the premises; and
  - (b) to search the premises for the firearm or thing; and
  - (c) to exercise the powers under section 74 (3) in relation to the premises.
- (4) A warrant shall—
- (a) state the purpose for which it is issued; and
  - (b) specify the nature of the offence or the lack of compliance in relation to which the entry and search are authorised; and
  - (c) specify particular hours during which the entry is authorised, or state that the entry is authorised at any time of the day or night; and
  - (d) include a description of the kinds of things in relation to which the powers under section 74 (3) may be exercised; and
  - (e) specify the date, not later than 1 month after the date of issue of the warrant, when the warrant ceases to have effect.
- (5) If, in the course of searching any premises, under a warrant issued under subsection (1), a police officer—
- (a) finds any firearm or thing that is not of a kind specified in the warrant; and
  - (b) has reasonable grounds for believing that—
    - (i) the thing is used in the manufacture, sale, modification, testing, repair, export or import of firearms; or
    - (ii) possession of the firearm is prohibited by, or the firearm does not comply with, this Act; and
  - (c) has reasonable grounds for believing that it is necessary to seize the firearm or thing to prevent its—

- (i) concealment, loss or destruction; or
- (ii) sale, manufacture or export; or
- (iii) being exposed for sale;

the police officer may seize it.

## **78 Forfeiture etc of firearms**

- (1) In this section a reference to seizure is a reference to seizure—
- (a) under section 74 or 75; or
  - (b) under a warrant issued under section 77 (1).
- (2) If—
- (a) a firearm or ammunition is seized; and
  - (b) a prosecution for an offence against this Act relating to the firearm or ammunition is not instituted within 60 days of the seizure;
- the registrar shall, on the end of that period return the firearm or ammunition, as the case may be, to the owner.
- (3) If, in proceedings for an offence against this Act—
- (a) the defendant is a person from whom a firearm or ammunition has been seized; and
  - (b) the court does not find the offence proved;
- the registrar shall return the firearm or ammunition, as the case may be, to the owner.
- (4) Subsections (2) and (3) do not apply if, before the end of the 60 days or before the court finds the offence not proved, as the case may be—
- (a) the licence of the person to whom the firearm would, but for this section have been returned, has been cancelled; or

(b) for ammunition seized—a prosecution for an offence against section 98 has been instituted.

(5) If—

(a) a firearm or ammunition is seized; and

(b) the firearm or ammunition would, but for this subsection, be returned to the owner under subsection (2) or (3);

then, if—

(c) the owner is charged with an offence against a law in force in the ACT that would, if proved, entitle the registrar to cancel the person's licence; or

(d) the registrar is otherwise entitled to revoke an approval under section 99 (4); or

(e) for ammunition—the person would not otherwise be entitled to possess it;

the registrar shall retain possession of the firearm pending the hearing of the charge.

(6) If the court does not find the charge referred to in subsection (4) proved, the registrar shall return the firearm or ammunition to the owner unless the registrar would otherwise be entitled under this Act to be in possession of the firearm.

(7) If, in proceedings for an offence against this Act, the court finds the offence proved, any firearm or ammunition used in connection with the commission of the offence—

(a) shall if stolen, be returned by the registrar to the person whom the court is satisfied is entitled to the firearm; or

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- (b) is, in any other case, forfeited to the Territory, unless the court otherwise directs.
- (8) A prohibited firearm that has been seized is forfeited to the Territory.

## Part 8 Miscellaneous offences

### 80 Discharge etc of firearm—public places etc

- (1) A person shall not, without reasonable excuse—
- (a) have a firearm in his or her possession in or near a street or public place; or
  - (b) discharge a firearm in, near or onto a street or public place;
- except with the written approval of the registrar.

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

- (2) A person shall not, without reasonable excuse, have a firearm in his or her possession in a place (other than a street or public place) so as to endanger the life of another person.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

### 81 Discharge of firearm—general

- (1) A person shall not, without reasonable excuse, discharge a firearm on, onto or across—
- (a) land, (other than land that is in or near a street or public place) that is—
    - (i) leased land; or
    - (ii) occupied under a licence granted by the Territory;
- except with the written consent of the lessee or occupier of that land or other person apparently acting with the authority of the lessee or occupier; or

- (b) any other land—except with the written approval of the registrar.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

- (2) Subsection (1) does not apply in relation to a person who is on an approved shooting range owned or used by an approved club if the person is taking part in a competition or activity conducted by or in association with the club.

## **82 Carriage or use of firearm—improper manner**

A person shall not, without reasonable excuse, carry or use a firearm—

- (a) in or on any premises in a manner likely to—
  - (i) injure, or endanger the safety of, another person; or
  - (ii) cause reasonable fear of the infliction of injury; or
  - (iii) destroy or damage any property; or
- (b) with disregard for his or her own safety or for the safety of other persons.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

## **83 Buying of firearms**

A person shall not buy a firearm unless the person is—

- (a) authorised to possess the firearm by a licence or permit; and

- (b) except for a licensed firearms dealer, authorised to acquire the firearm by a permit (or the equivalent of any such permit that is issued under the law of a State or another Territory in respect of the firearm concerned).

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

#### **84 Restrictions on sale and purchase of firearms**

- (1) A person other than a licensed firearms dealer shall not sell a firearm to another person unless—
- (a) that other person is a licensed firearms dealer; or
  - (b) the sale has, in accordance with the regulations, been arranged through a licensed firearms dealer.

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

- (2) A person other than a licensed firearms dealer shall not purchase a firearm from another person unless—
- (a) that other person is a licensed firearms dealer; or

- (b) the purchase has been arranged through a licensed firearms dealer.

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

- (3) A person shall not sell or give by way of gift a firearm to another person who is the holder of a licence on which no firearm is specified before the end of the period of 28 days after the date when the licence was issued.

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

- (4) A person who is the holder of a licence on which no firearm is specified shall not acquire a firearm before the end of the period of 28 days after the date when the licence was issued.

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

#### **84A Unauthorised manufacture of firearms**

- (1) A person commits an offence if the person manufactures a firearm.

Maximum penalty: 1 000 penalty units, imprisonment for 10 years or both.

*Note* For the extended meaning of *firearm*, see s 4A (a).

- (2) Subsection (1) does not apply to a person if the person is authorised by a licence or permit to manufacture the firearm.

- (3) A person commits an offence if the person manufactures a prohibited firearm or a prohibited pistol.

Maximum penalty: 1 500 penalty units, imprisonment for 20 years or both.

- (4) Subsection (3) does not apply to a person if the person is authorised by a licence or permit to manufacture the prohibited firearm or the prohibited pistol.

*Note* For the extended meaning of *prohibited firearm*, see s 4A (b).

- (5) In this section:

*manufacture* a firearm includes assemble a firearm from firearm parts.

- (6) An offence against this section is a strict liability offence.

#### **84B Alternative verdict for offences against s 84A (3)**

- (1) This section applies if, in a prosecution for an offence against section 84A (3), the trier of fact is not satisfied that the defendant is guilty of the offence, but is satisfied beyond reasonable doubt that the defendant is guilty of an offence against section 84A (1) (the *alternative offence*).
- (2) The trier of fact may find the defendant guilty of the alternative offence but only if the defendant has been given procedural fairness in relation to that finding of guilt.

#### **85 Use of mail for sending firearms**

- (1) This section is subject to section 86.
- (2) A person shall not send a firearm by mail to an address in the ACT.
- (3) A person shall not receive a firearm by mail at an address in the ACT.
- (4) A person shall not direct or request another person, whether the other person is within or outside the ACT when the request is made,

to send a firearm by mail to an address in the ACT, whether or not the request is made in writing or in connection with the purchase by the person of the firearm.

- (5) A person shall not contravene subsection (2), (3) or (4).

Maximum penalty: 50 penalty units.

- (6) A person is taken to have made such a request if the person accepts an offer made by another person within or outside the ACT to forward a firearm by mail to an address within the ACT.
- (7) It is a defence to a prosecution against subsection (3) if the defendant proves that the firearm was sent to the defendant without his or her knowledge or approval.
- (8) In this section:  
*firearm* includes a firearm part.

## **86 Use of mail for sending firearms outside ACT**

A person shall not send a firearm or firearm part to another person by mail unless—

- (a) the person sending the firearm or firearm part is a licensed firearms dealer; and
- (b) the address to which the firearm or firearm part is sent is outside the ACT; and
- (c) the firearm or firearm part is sent by security mail; and
- (d) the other person would not, because of receiving the firearm or firearm part or being in possession of it at the place to which it is sent, commit any offence under any law that applies at that place; and

- (e) the other person is a licensed firearms dealer under the law of that other place.

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

**87 Advertising sale of firearms**

A person shall not cause an advertisement for the sale of a firearm or firearm part to be published unless—

- (a) the person is a licensed firearms dealer; or  
(b) the proposed sale is to be arranged by or through a licensed firearms dealer.

Maximum penalty: 50 penalty units.

**88 Means of delivering possession of firearms**

Subject to section 86, a person shall not deliver possession of a firearm or firearm part to another person except—

- (a) in person; or  
(b) by means of another person who appears to the person to be able to ensure the security of the firearm or firearm part during the course of delivery.

Maximum penalty: 50 penalty units.

**89 Transport of firearms and ammunition**

A person who is engaged in the business of transporting goods shall not, without reasonable excuse, transport any cargo that contains both a firearm and ammunition.

Maximum penalty: 50 penalty units.

**90 Transporting prohibited firearms or pistols**

A person shall not convey (whether or not in the course of a business) a prohibited firearm or pistol except in accordance with the prescribed safety requirements.

Maximum penalty: 50 penalty units.

**91 Possession of spare barrels for firearms**

A person shall not possess a barrel for a firearm unless the person is authorised by a licence or permit to possess the firearm or barrel.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

**92 On-the-spot inspection of firearms by police**

- (1) A person who is carrying a firearm or possesses a firearm that is within the immediate vicinity of the person shall, on the demand of a police officer at any time, produce for inspection by the police officer—
- (a) the firearm; and
  - (b) any licence or permit that authorises the person to possess the firearm.

Maximum penalty: 50 penalty units.

- (2) A person commits an offence against this section only if the police officer, when making the demand, explains to the person that failure to comply with the demand is an offence against this Act.
- (3) A person does not commit an offence against this section because of failing to produce a licence or permit if the person—
- (a) has a reasonable excuse for not having the licence or permit when the demand is made; and
  - (b) produces it, as soon as is practicable (but not more than 24 hours) after the demand for its production is made, to the

police officer who made the demand or to another such police officer nominated by the officer.

- (4) In this section:

*firearm* includes a firearm part.

### **93 Disposal of firearms by unauthorised holders**

- (1) A person who comes into possession of a firearm, but is not authorised by or under this Act to possess the firearm, shall surrender the firearm to a police officer.

Maximum penalty: 50 penalty units.

- (2) A person does not contravene a provision of this Act merely by possessing a firearm for the purpose of surrendering it in accordance with subsection (1).

### **94 Unsafe firearms**

- (1) A person shall not sell or give possession of a firearm to another person knowing that it is unsafe, except after giving an appropriate warning.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

- (2) A police officer may seize a firearm in the possession of a person if—

- (a) the firearm is in a public place; and
- (b) the officer suspects on reasonable grounds that the firearm is unsafe.

- (3) For this section, a firearm shall be taken to be unsafe (apart from any other reason for which it may be unsafe) if, because of some mechanical defect or its general condition, it may reasonably be considered to be unsafe.

**95 Shortening firearms**

- (1) A person shall not, unless authorised to do so by a permit—
  - (a) shorten any firearm (other than a pistol); or
  - (b) subject to section 96 (1), possess any such firearm that has been shortened; or
  - (c) sell or give possession of any such firearm that has been shortened to another person.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

- (2) The regulations may provide that certain kinds of firearms shall be taken to have been shortened for this section only if they (or specified parts of them) have prescribed characteristics.

**96      Converting firearms**

- (1) A person shall not shorten a firearm so as to convert it into a pistol unless a licence has been issued to the person authorising possession of the pistol.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

- (2) A person shall not, unless authorised to do so by a permit, alter the construction or action of a prohibited firearm so as to convert it into a firearm that is not a prohibited firearm.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

**97      Restrictions where alcohol or other drugs concerned**

- (1) A person shall not possess, carry or use a firearm while the person is under the influence of alcohol or any other drug.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

- (2) A person shall not sell or give possession of a firearm to another person—

- (a) if the person knows or has reasonable cause to believe that the other person is under the influence of alcohol or any other drug; or

- (b) if the other person's appearance or behaviour is such that the person intending to sell or give possession of the firearm believes or has reasonable cause to believe that the other person is incapable of exercising responsible control over the firearm.

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

**98 Sale and purchase of ammunition**

- (1) A person, other than a licensed firearms dealer or an authorised member, shall not sell ammunition.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

- (2) A person shall not sell ammunition unless—
  - (a) the buyer is the holder of a licence or permit for a firearm that takes that ammunition; or
  - (b) the buyer is authorised to buy it by a permit or by the registrar in writing;

and the seller has seen the licence, permit or authorisation.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

- (3) A person shall not buy ammunition unless the person—
  - (a) is the holder of a licence or permit for a firearm that takes that ammunition; or
  - (b) is authorised to buy it by a permit or by the registrar in writing;

and the amount of ammunition that is purchased at any one time does not exceed the prescribed amount (if any).

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

- (4) A licensed firearms dealer shall not sell ammunition unless—
- (a) for a sale to a person resident in a State or another Territory—the licensed firearms dealer has reasonable grounds for believing that the possession in that State or other Territory of such ammunition by that person is not prohibited by a law of that State or Territory; or
  - (b) for a sale of ammunition capable of being discharged from a starting pistol—the licensed firearms dealer is satisfied that the person has an approved reason for requiring a starting pistol.

Maximum penalty: 50 penalty units.

- (5) An authorised member of an approved club must not sell ammunition to someone else (the *purchaser*) unless—
- (a) the sale takes place on premises owned or used by the club; and
  - (b) the purchaser, at the time of sale, is at the club for the purpose of taking part in a competition or activity conducted by or in association with the club; and
  - (c) the ammunition is of a kind that can be discharged from—
    - (i) a firearm stated or endorsed on the purchaser's licence; or
    - (ii) a firearm being used by the purchaser in a competition or activity conducted by or in association with the club.

Maximum penalty: 50 penalty units.

- (6) An offence against subsection (5) is a strict liability offence.

**99 Possession of ammunition**

- (1) A person shall not possess ammunition.  
Maximum penalty: 10 penalty units.
- (2) Subsection (1) does not apply—
- (a) in relation to—
    - (i) a licensed firearms dealer or an authorised member; or
    - (ii) ammunition of a kind that is capable of being discharged from a firearm registered or endorsed on a licence held by the person; or
    - (iii) a collector of ammunition authorised by the registrar in writing to possess that ammunition; or
    - (iv) a person who has the approval of the registrar under subsection (4);
  - (b) if—
    - (i) a licence held by a person has been cancelled, suspended or surrendered or has expired; or
    - (ii) a firearm registered or endorsed on a licence has been disposed of or has ceased to be so registered or endorsed; orduring the period of 28 days after that occurrence; or
  - (c) to a person who has an approved reason for requiring a starting pistol, if the ammunition consists of blank cartridges for use in a starting pistol.
- (3) A person may apply to the registrar for approval to collect ammunition.
- Note* If a form is approved under s 125A (Approved forms) for an application, the form must be used.
- (4) The registrar may approve or refuse to approve the application.

- (5) The registrar shall not give approval to an applicant purporting to be a collector of ammunition unless satisfied that—
- (a) the applicant is a collector of ammunition; and
  - (b) the collection of ammunition would not consist of more rounds of ammunition that are identical as to—
    - (i) manufacturer; or
    - (ii) date of manufacture; or
    - (iii) calibre or type; or
    - (iv) if the ammunition bears a cartridge headstamp—the headstamp;
- than the registrar considers reasonable in the interests of the safety of members of the public.

## **100 Modification of firearms**

- (1) In this section:
- length of the stock* means the distance from the front of the trigger, or if there is more than 1 trigger, from the front of the rearmost trigger, to the centre of the rear butt plate or stock.
- (2) A person shall not, except with the written approval of the registrar, modify a firearm that is—
- (a) a smoothbore shotgun or a combination smoothbore shotgun and rifle; or
  - (b) a rifle, other than a combination smoothbore shotgun and rifle or an airgun; or
  - (c) an airgun—
    - (i) the barrel of which is rifled; or

- (ii) that has a front-end cocking action known as the underlever principle or a pump up or a pneumatic action; or
- (iii) that is designed to be used solely for tranquillising, immobilising, or administering vaccines or other medicines to, animals; or
- (iv) that is capable of discharging projectiles in rapid succession by 1 pressure of the trigger.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

- (3) A firearm referred to in subsection (2) shall be taken to have been modified if—
  - (a) for a smoothbore shotgun or a combination smoothbore shotgun and rifle—
    - (i) the length of the barrel or, if it has more than 1 barrel, of the longer or longest barrel, is less than 400mm; or
    - (ii) the length of the stock is less than 300mm; or
    - (iii) it has no stock; or
    - (iv) the overall length is less than 700mm; or
  - (b) for a rifle, other than a combination smoothbore shotgun and rifle or an airgun—
    - (i) the length of the barrel or, if it has more than 1 barrel, of the longer or longest barrel, is less than 400mm; or
    - (ii) the length of the stock is less than 300mm; or
    - (iii) it has no stock; or
    - (iv) the overall length is less than 800mm; or
  - (c) for an airgun referred to in subsection (2) (c)—

- (i) the length of the barrel is less than 400mm; or
  - (ii) the length of the stock is less than 300mm; or
  - (iii) it has no stock; or
  - (iv) the overall length is less than 700mm.
- (4) In considering whether to give his or her approval under subsection (2), the registrar shall have regard to the necessity for the modification and whether the giving of the approval would be likely to prejudice public safety.
- (5) If the modification to which an approval relates has not been made before the end of the period 6 months commencing on the date of the approval, the approval ceases to have effect on the end of that period.

## **101 Approval of modifications**

- (1) A person authorised to modify a firearm under section 100 (2) shall, not later than 7 days after its modification, produce the firearm to the registrar for the purpose of enabling the registrar to determine whether the firearm, has been modified in accordance with that authority.
- (2) A person shall not, without reasonable excuse, contravene subsection (1).

Maximum penalty: 10 penalty units.

- (3) If the registrar is satisfied that a firearm referred to in subsection (1) has been modified in accordance with his or her authority, the registrar shall, on production to him or her of the licence on which that firearm is registered make the alterations to that licence that are necessary.

**102 Defacing or altering identification marks**

A person shall not, unless authorised by the registrar to do so—

- (a) deface or alter any number, letter or identification mark on any firearm or barrel for a firearm; or
- (b) have possession of any firearm or barrel for a firearm on which any number, letter or identification mark has been defaced or altered.

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

**103 Pawning of firearms**

A pawnbroker shall not take a firearm, firearm part or ammunition into pawn.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

**104 Production of licence or permit on demand**

- (1) A person to whom a licence or permit is issued shall, on demand made by a police officer at any time—
  - (a) if the person has the licence or permit in his or her immediate possession—produce the licence or permit for inspection by the police officer; or
  - (b) if the person does not have the licence or permit in his or her immediate possession—produce it as soon as practicable (but not more than 24 hours) after the demand is made to the police officer who made the demand or to another police officer nominated by the officer; or

- (c) state the person's full name and residential address to the police officer.

Maximum penalty: 50 penalty units.

- (2) A person commits an offence against this section only if the police officer, when making the demand, explains to the person that failure to comply with the demand is an offence against this Act.

### **105 Possession of firearm under another licence**

A licensee shall not, without reasonable excuse, possess a firearm that is specified on a licence that has been issued to another person unless—

- (a) particulars of that firearm are endorsed on his or her licence; or  
(b) the licensee is otherwise authorised by this Act to have that firearm in his or her possession.

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

### **106 Requirement to notify change of address**

A licensee or the holder of a permit shall, if there is any change in the licensee's or permit holder's place of residence, provide the registrar with the particulars of the change of address within 7 days after the change occurs.

Maximum penalty: 50 penalty units.

### **108 Misuse of licences and permits**

A person shall not—

- (a) falsely represent himself or herself to be the holder of a licence or permit (whether or not it is in force); or  
(b) give possession of a licence or permit to another person for the purpose of using it unlawfully; or

(c) knowingly have possession of a borrowed or stolen licence or permit.

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

**110 Lost, destroyed or stolen firearms**

If a firearm in the lawful possession of a person is lost, destroyed or stolen, the person shall, within 2 days after becoming aware of its loss, destruction or theft, notify the registrar accordingly.

Maximum penalty: 10 penalty units.

## Part 9 Firearms prohibition orders

### 111 Firearms prohibition orders

- (1) The registrar may make an order prohibiting a person from having possession of or using a firearm if, in the opinion of the registrar, the person is not fit, in the public interest, to be permitted to have possession of a firearm.
- (2) Without limiting subsection (1), such an order may be made in respect of a person who had possession of or used a firearm immediately before its being seized under this or any other Act.
- (3) A firearms prohibition order takes effect when it is served personally on the person to whom it is directed.

### 112 Effect of firearms prohibition order

- (1) A person shall not possess or use a firearm in contravention of a firearms prohibition order that is in force.

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

- (2) Without limiting subsection (1) and for the purposes only of that subsection, a firearm found in or on any premises is, in the absence of proof to the contrary, taken to be possessed by any person subject to a firearms prohibition order who at the time of the finding or recently to that time was in, on or in occupation of the premises.

- (3) A person shall not sell or give possession of a firearm to another person, knowing that the other person is prohibited from possessing firearms by a firearms prohibition order.

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

- (4) In this section:

*premises* includes any structure, vehicle, vessel or aircraft or any place, whether built on or not.

## Part 10                      Review of decisions

### 113            Review of decisions

Application may be made to the administrative appeals tribunal for a review of a decision of the registrar—

- (a) refusing to approve a club, or revoking the approval of a club, under section 15; or
- (b) refusing to issue a licence under section 21 (1); or
- (c) imposing conditions on a licence under section 36; or
- (d) suspending a licence under section 39 (1); or
- (e) cancelling a licence under section 39 (2), 41 (2) or (3) or 121 (2); or
- (f) issuing a permit under section 45; or
- (g) refusing to issue a permit under section 46 or section 48 (3) or (6); or
- (h) refusing to approve an application for registration under section 51; or
- (i) cancelling registration under section 52; or
- (j) refusing to approve an application for endorsement under section 58; or
- (k) approving the collection of ammunition under section 99 (4); or
- (l) approving the modification of a firearm under section 100; or
- (m) prohibiting the possession or use of a firearm under section 111.

**114 Notification of decisions**

- (1) If the registrar makes a decision of the kind referred to in section 113, the registrar shall cause written notice of the decision to be given—
  - (a) for a decision referred to in section 113 (a) or (b)—to the applicant; and
  - (b) for a decision referred to in section 113 (d)—to the applicant or licensee, as the case requires; and
  - (c) in any other case—to the licensee or permit holder, as the case requires.
- (2) A notice under subsection (1) shall be in accordance with the requirements of the code of practice in force under the *Administrative Appeals Tribunal Act 1989*, section 25B (1).

## Part 11 Miscellaneous provisions

### 115 Disclosure by health professionals of certain information

- (1) This section applies if a health professional believes that—
  - (a) a person to whom the health professional is or has been providing professional services may pose a threat to public safety or a threat to the person's own safety; and
  - (b) the person possesses or has access to a firearm.
- (2) The health professional may tell the registrar about the belief.
- (3) If the health professional acts honestly under this section—
  - (a) the telling of the belief to the registrar is, for all purposes, not a breach of confidence or professional etiquette or ethics, or a breach of a rule of professional conduct, applying to the health professional; and
  - (b) civil or criminal liability is not incurred by the health professional only because of the health professional telling the registrar about the belief.

*Note* The *Civil Law (Wrongs) Act 2002*, s 59 provides a defence of truth and public benefit to civil defamation actions.

- (4) In this section:

***health professional*** means any of the following people:

- (a) a doctor, psychologist, nurse or social worker;
- (b) a person who provides professional counselling services;
- (c) anyone else declared under the regulations to be a provider of health-related services.

**116 Disposal of surrendered or seized firearms**

- (1) A magistrate may, on application by a police officer or by a person who claims to be the owner of a firearm surrendered to or seized by a police officer in accordance with this Act, order that the firearm—
  - (a) be forfeited to the Territory; or
  - (b) be returned to the person claiming to be the owner of the firearm; or
  - (c) be otherwise disposed of in the manner that the court thinks fit.
- (2) If a person is found guilty of an offence against part 4 and a firearm has been seized by a police officer in connection with the offence, the court which makes the finding of guilt is taken to have ordered that the firearm be forfeited to the Territory.
- (3) A firearm forfeited under subsection (2) may be destroyed.
- (4) In this section:  
*firearm* includes a firearm part or ammunition.

**117 Disposal of uncollected firearms**

The registrar may dispose of a firearm in his or her possession for not less than 6 months if—

- (a) the registrar has made reasonable attempts to ascertain the whereabouts of the owner of the firearm; and
- (b) there are no circumstances that would preclude the disposal of the firearm.

**118 Certificates of safety**

If an applicant referred to in section 51 produces to the registrar a certificate signed by a licensed firearms dealer stating that, in the opinion of a licensed firearms dealer, the firearm the subject of the

application is safe, the registrar, in satisfying himself or herself for that section, shall have regard to that certificate.

## 119 Acts and omissions of representatives

- (1) In this section:

*person* means an individual.

*Note* See the Criminal Code, pt 2.5 for provisions about corporate criminal responsibility.

*representative*, of a person, means an employee or agent of the person.

*state of mind*, of a person, includes—

- (a) the person's knowledge, intention, opinion, belief or purpose; and
  - (b) the person's reasons for the intention, opinion, belief or purpose.
- (2) This section applies to a prosecution for any offence against this Act.
- (3) If it is relevant to prove a person's state of mind about an act or omission, it is enough to show—
- (a) the act was done or omission made by a representative of the person within the scope of the representative's actual or apparent authority; and
  - (b) the representative had the state of mind.
- (4) An act done or omitted to be done on behalf of a person by a representative of the person within the scope of the representative's actual or apparent authority is also taken to have been done or omitted to be done by the person.

- (5) However, subsection (4) does not apply if the person establishes that reasonable precautions were taken and appropriate diligence was exercised to avoid the act or omission.
- (6) A person who is convicted of an offence cannot be punished by imprisonment for the offence if the person would not have been convicted of the offence without subsection (3) or (4).

**120 Third-party interests—complaints to registrar**

- (1) A person may make a complaint to the registrar regarding any matter arising out of the issue to another person of a licence, the registration of a firearm or the issue of a permit.
- (2) A complaint shall—
  - (a) be in writing and signed by the complainant; and
  - (b) specify the grounds on which the complaint is made.

**121 Investigations**

- (1) If a complaint is made under section 120 the registrar—
  - (a) may make the investigations of the subject matter of the complaint that the registrar thinks fit; and
  - (b) shall give notice of the making of the complaint and the grounds on which it is based to the person against whom the complaint is made.
- (2) The registrar may cancel a licence if, after making investigations under subsection (1), he or she is satisfied that a ground exists on which the registrar may cancel the licence.
- (3) For this section, the registrar may by writing signed by the registrar require a person—
  - (a) to give to the registrar information relevant to the investigation; or

- (b) to produce to the registrar such books, documents, or writing, or any firearm, in his or her possession.

## 122 Offences by corporations

- (1) If a corporation contravenes a provision of this Act, each person who is a director of the corporation or who is concerned in the management of the corporation is taken to have contravened the same provision if the person knowingly authorised or permitted the contravention.

*Note* A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

- (2) A person may be proceeded against and convicted under a provision under subsection (1) whether or not the corporation has been proceeded against or convicted under that provision.
- (3) Nothing in this section affects any liability imposed on a corporation for an offence committed by the corporation under this Act.

## 123 Service of notices

Any notice or other instrument required or authorised by this Act to be served on a person by post is sufficiently addressed if it is addressed to the last address of the person known to the registrar.

*Note* A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

## 124 Evidentiary certificates

In proceedings for an offence mentioned in section 52 (1) (c) (i) to (iv), a certificate signed by the registrar stating that—

- (a) at a specified time or during a specified period, a specified person was, or was not, the holder of a licence or permit; or

- (b) that a licence or permit was or was not, on a day or during a specified period, subject to specified conditions; or
- (c) that a specified person was or was not, on a specified day or during a specified period, subject to a firearms prohibition order; or
- (d) that a specified firearm was registered or unregistered on a day or during a specified period; or
- (e) that a specified person was the person in whose name a firearm was registered on a day or during a specified period; or
- (f) that a specified address was, on a specified date, the last address known to the registrar or a specified person; or
- (g) a licence of a specified kind was, or was not, renewed or had expired on a specified day; or
- (h) a specified licence issued to a specified person was cancelled on a specified day; or
- (i) a specified firearms dealer's licence issued to a specified person was suspended on a specified day for a specified period; or
- (j) registration of a specified firearm was refused; or
- (k) at a specified time, a specified person was or was not a person to whom—
  - (i) an approval had been given under section 80, 81 (b) or 100; or
  - (ii) an authorisation had been given under section 99 (2) (a) (iii) or 102; or
- (l) a specified firearm was, or was not, at a specified time or during a specified period, endorsed on a specified licence; or
- (m) an endorsement on a specified licence was cancelled; or

- (n) registration of a specified firearm was cancelled on a specified date for a specified reason;

is evidence of the matters stated in the certificate.

## **125 Determination of fees**

- (1) The Minister may, in writing, determine fees for this Act.

*Note* The *Legislation Act 2001* contains provisions about the making of determinations and regulations relating to fees (see pt 6.3).

- (2) A determination is a disallowable instrument.

*Note* A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

## **125A Approved forms**

- (1) The registrar may, in writing, approve forms for this Act.
- (2) If the registrar approves a form for a particular purpose, the approved form must be used for that purpose.
- (3) An approved form is a notifiable instrument.

*Note* A notifiable instrument must be notified under the *Legislation Act 2001*.

## **126 Regulation-making power**

- (1) The Executive may make regulations for this Act.

*Note* Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

- (2) The regulations may make provision in relation to—
- (a) the acquisition, possession, registration, storage, identification, maintenance, carrying, conveyance, altering, repair, testing and use of firearms; or
- (b) firearms safety training courses; or
- (c) training and supervision in relation to firearms; or

- (d) firearms dealers; or
- (e) club armourers; or
- (f) ammunition collectors; or
- (g) ammunition and components of ammunition, other than the manufacture or transport of ammunition;  
*Note* For the manufacture or transport of ammunition, see the *Dangerous Substances Act 2004*.
- (h) security guards; or
- (i) spear guns; or
- (j) the approval of shooting ranges and approved shooting ranges; or
- (k) the approval of clubs and approved clubs and their members, including, for example—
  - (i) the conditions applying to the approval of a club; and
  - (ii) the duties of approved clubs in relation to members; and
  - (iii) the reporting obligations of approved clubs; or
- (l) the approval of club armourers to repair firearms and firearms parts; or
- (m) licences, licence renewals and duplicate licences; or
- (n) permits, approvals and authorisations; or
- (o) forms, records, notices and returns; or
- (p) exempting persons from specified requirements of this Act; or
- (q) the maximum amounts payable by way of compensation for the surrender of prohibited firearms.

*Note* An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

- (3) The regulations may also prescribe offences for contraventions of the regulations and prescribe maximum penalties of not more than 10 penalty units for offences against the regulations.

## **128 Review of Act**

- (1) The Minister shall review this Act to determine whether the policy objectives of the Act remain valid and whether the terms of the Act remain appropriate for securing those objectives.
- (2) The review shall be undertaken as soon as possible after the period of 3 years from the date of commencement of section 3.
- (3) A report on the outcome of the review shall be presented to the Legislative Assembly within 12 months after the end of the period of 3 years.

## Part 12 Transitional provisions

### **M** 129 **Meaning of *amnesty period* for pt 12**

In this part:

*amnesty period* means the period after 30 June 2003 and before 1 January 2004.

### **130 Existing approved clubs**

- (1) A declaration under section 15 that is in force immediately before the commencement of this section is taken, after the commencement, to be—
  - (a) for an approved club the main objects of which are to conduct recreational hunting activities—the approval of the club as an approved hunting club; and
  - (b) for an approved club that conducts firearms competitions at an approved range—the approval of the club as an approved shooting club.
- (2) An approval of a collectors club or association for section 28 (a) (Collectors licence—restrictions on issue) that is in force immediately before the commencement of this section continues in force after the commencement as if the club or association were approved under section 15 as an approved collectors club.

### **131 Unlicensed target pistol shooters—members of approved shooting clubs**

- (1) This section applies to a person—
  - (a) who has never held a category H licence; and
  - (b) who was immediately before 1 July 2003 a member of an approved shooting club; and

- (c) whose membership involves the use of a pistol for sport or target shooting; and
  - (d) who is issued a category H licence for the genuine reason of sport or target shooting during the amnesty period.
- (2) If the club certifies to the registrar that the person began to take part in club activities that involved the use of pistols on a stated date, section 36A (Special conditions for category H licences for sporting or target shooting) applies to the person—
- (a) as if the first 6-month period (the *deemed period*) mentioned in section 36A (2) had begun on that date; and
  - (b) if, after the end of the deemed period, the club certifies to the registrar that the person has complied with the conditions mentioned in section 36A (2)—the second 6-month period mentioned in section 36A (3) begins or began immediately after the end of the deemed period.

**132 Temporary amnesty for possession of prohibited pistols by licensed target pistol shooters**

- (1) This section applies to a person if—
- (a) the person acquired a prohibited pistol before 1 July 2003; and
  - (b) the person is the holder of a category H licence issued for the genuine reason of sport or target shooting; and
  - (c) the licence authorises the person to possess the pistol; and
  - (d) the pistol is registered; and
  - (e) the person is not authorised by the regulations, regulation 8A (Authorised possession or use of prohibited pistols for sport or target shooting—Act, sch 2, item 5, col 4) to possess the pistol.
- (2) The person does not commit an offence against section 16 (Unauthorised possession or use of firearms prohibited) in relation to the possession of the pistol during the amnesty period.

- (3) To remove any doubt, this section does not authorise the person to use the pistol.

**133 Temporary amnesty for possession of post-1946 pistols by licensed collectors**

- (1) This section applies to a person if—
- (a) the person acquired a post-1946 pistol before 1 July 2003; and
  - (b) the person is the holder of a collectors licence authorising the person to possess the pistol; and
  - (c) the pistol is registered.
- (2) The person does not commit an offence against section 16 (Unauthorised possession or use of firearms prohibited) in relation to the possession of the pistol after 30 June 2003 and before 1 July 2004.

*Note* This section allows a licensed collector to meet the minimum 1 year approved collectors club membership requirement under s 23 (4), table, item 8.1 (a).

- (3) To remove any doubt, this section does not authorise the person to use or display a post-1946 pistol.
- (4) In this section:

*post-1946 pistol* means a pistol manufactured after 1946.

**134 Temporary licensing and registration amnesty for pre-1900 percussion pistols**

- (1) This section applies to a person who acquired a pre-1900 percussion pistol before 1 July 2003.
- (2) The person is, during the amnesty period, exempt from a requirement under this Act—
- (a) to hold a licence or permit authorising possession of the pistol; and

- (b) for the pistol to be registered.
- (3) To remove any doubt, this section does not authorise the person to use a pre-1900 percussion pistol.
- (4) In this section:

*pre-1900 percussion pistol* means a percussion-fired pistol manufactured before 1 January 1900.

**M 135 Compensation for surrendered prohibited pistols—  
licensed pistol shooters**

- (1) This section applies to a person if—
  - (a) the person acquired a prohibited pistol before 1 July 2003; and
  - (b) the person is the holder of a category H licence issued for the genuine reason of sport or target shooting; and
  - (c) the licence authorises the person to possess or use the pistol; and
  - (d) the pistol is registered; and
  - (e) because of the making of the *Firearms (Prohibited Pistols) Amendment Act 2003*, the person either—
    - (i) ceases to have a genuine reason for possessing or using the pistol; or
    - (ii) ceases to be authorised under this Act to possess or use the pistol; and
  - (f) the person surrenders the pistol to a police officer during the amnesty period.

*Note* A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see Legislation Act, s 104).

- (2) The person is entitled to the compensation prescribed under the regulations for the pistol.

**M 135A Compensation for surrendered accessories and major parts—licensed pistol shooters**

**M 136 Compensation for surrendered prohibited pistols—licensed firearms dealers**

A licensed firearms dealer is entitled to the compensation prescribed under the regulations for a prohibited pistol if—

- (a) the dealer acquired or ordered the pistol before 20 December 2002; and
- (b) the dealer surrenders the pistol to a police officer during the amnesty period.

**M 136A Compensation for licensed firearms dealers—other items**

**M 137 Compensation and mandatory licence disqualification—licensed pistol shooters withdrawing from pistol shooting**

- (1) This section applies to a person if—
  - (a) the person is the holder of a category H licence issued for the genuine reason of sport or target shooting; and
  - (b) the person cannot comply with the applicable minimum participation rate mentioned in the *Firearms Regulations 1997*, regulation 4A (2), table of shooting club participation rates because of the making of the *Firearms (Prohibited Pistols) Amendment Act 2003*; and
  - (c) during the amnesty period the person surrenders to a police officer—
    - (i) the licence; and
    - (ii) all registered pistols that the person is authorised to possess under the licence.

- (2) The person is entitled to the compensation prescribed under the regulations for the pistols.
- (3) The licence (and any other licence that authorises the person to possess a pistol for the genuine reason of sport or target shooting) is automatically cancelled on the surrender of the licence.
- (4) The registrar must not issue to the person a category H licence for the genuine reason of sport or target shooting during the period of 5 years beginning on the day after the day the person complied with subsection (1) (c).
- (5) This section expires on 1 January 2009.

**M 137A Compensation for licensed pistol shooters withdrawing from pistol shooting—pistols**

**M 137B Compensation for licensed pistol shooters withdrawing from pistol shooting—other items**

**M 138 Compensation for surrendered post-1946 pistols—licensed collectors not authorised to possess pistols**

- (1) This section applies to a person if—
  - (a) the person acquired a post-1946 pistol before 1 July 2003; and
  - (b) the person was, immediately before 1 July 2003, the holder of a collectors licence that authorised the person to possess the pistol; and
  - (c) the pistol is registered; and
  - (d) the person ceases to be authorised under this Act to possess the pistol because of the making of the *Firearms (Prohibited Pistols) Amendment Act 2003*; and
  - (e) the person surrenders the pistol to a police officer during the amnesty period.

(2) The person is entitled to the compensation prescribed under the regulations for the pistol.

(3) In this section:

*post-1946 pistol* means a pistol manufactured after 1946.

**M 139 Regulations to prescribe compensation for parts etc of surrendered pistols**

(1) This section applies in relation to parts, accessories and ammunition for a pistol for which a person is entitled under this part to be paid compensation.

(2) The regulations must provide for the payment of compensation to the person for the parts, accessories and ammunition surrendered by the person to a police officer during the amnesty period.

(3) For subsection (2), the regulations may prescribe—

(a) the parts, accessories and ammunition for which the compensation is, or is not, payable; and

(b) the circumstances in which the compensation is, or is not, payable; and

(c) the amount of the compensation or how the amount of compensation is to be worked out.

**M 140 Regulations to prescribe valuation dispute resolution procedure**

The regulations must provide a procedure for resolving disputes about the value of pistols, and parts, accessories and ammunition for pistols, surrendered by a person to a police officer for which the person is entitled under this part to be paid compensation.

**141 Regulations modifying pt 12**

The regulations may modify the operation of this part to make provision in relation to any matter that is not, or is not in the Executive's opinion adequately, dealt with in this part.

**142 Expiry of transitional provisions**

Sections 129 to 136, 138 to 141 and this section expire on 1 July 2004.

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## Schedule 1 Prohibited firearms

(see s 4)

column 1 item	column 2 description
1	a machine gun, submachine gun or other firearm capable of propelling projectiles in rapid succession during 1 pressure of the trigger
2	a self-loading rim-fire rifle (including such a firearm described elsewhere in this schedule)
3	a self-loading centre-fire rifle (including such a firearm described elsewhere in this schedule)
4	a self-loading or repeating action, eg pump action shotgun (including such a firearm described elsewhere in this schedule)
5	a self-loading centre-fire rifle of a kind that is designed or adapted for military purposes
6	a self-loading shotgun of a kind that is designed or adapted for military purposes
7	a firearm that substantially duplicates in appearance (regardless of calibre or manner of operation) a firearm referred to in item 1, 5 or 6
8	a firearm, having a barrel not less than 400mm in length, other than a pistol, of the Uberti or Armi-Jager brands, or any similar firearm fitted with a revolving ammunition cylinder (other than a firearm manufactured before 1920) designed to accept multiple rounds of ammunition that, when operated by mechanical or other means, introduces the rounds to a central firing position (commonly known as a revolving carbine)

column 1 item	column 2 description
9	a shotgun fitted with or designed to be fitted with a drum magazine of the 'Striker 12' assault shotgun type or any similar firearm
10	a firearm to which there is attached any article or device capable of muffling, reducing or stopping the noise created by firing the firearm
11	a firearm, other than a pistol, fitted with a stock that is specially designed so as to be readily detachable, or to operate on a swivel, folding or telescopic basis
12	a firearm made up in the form of a stylographic or propelling pen or pencil, capable of being used for the discharge of gas, bullets, shot, dye or pyrotechnic flares
13	a firearm capable of discharging by any means— (a) any irritant matter in liquid, powder, gas or chemical form; or (b) any pyrotechnic flare or dye; or (c) any article known as a 'paintball'
14	a firearm that substantially duplicates in appearance a walking-stick or walking-cane
15	a cannon or other firearm by whatever name known of a type that— (a) will expel a projectile by the action of an explosive or other propellant; and (b) has a barrel with a bore in excess of 10 gauge; other than a firearm of the Very or rocket type designed and intended for use for lifesaving or distress signalling purposes, an antique muzzle-loading firearm, or a rifle or shotgun manufactured before 1920
16	a firearm that, or part of which, has a dimension less than the minimum dimension prescribed for the firearm or part by the regulations

**Schedule 1**            Prohibited firearms

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<b>column 1 item</b>	<b>column 2 description</b>
17	an imitation or replica of any firearm (including an imitation or replica pistol, blank fire pistol, shortened firearm, machine gun or submachine gun) unless it is of a type approved by the registrar
18	a device known as a 'powerhead' that can be attached to the end of a spear gun and that is designed to propel a projectile by means of an explosive.

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## Schedule 2 Licence categories and authority conferred

(see s 17)

*Note* The possession or use of firearms authorised by a licence is subject to the regulations, see s 17 (4).

column 1 item	column 2 category of licence	column 3 firearms to which licence applies	column 4 authority conferred by licence
1	category A licence	the following firearms, other than prohibited firearms: (a) airguns; (b) rim-fire rifles (other than self- loading); (c) shotguns; (d) shotgun and rim- fire rifle combinations	The licensee is authorised to possess or use a registered firearm of the kind to which the licence applies, for the purpose established by the licensee as the genuine reason for possessing or using the firearm.
2	category B licence	the following firearms, other than prohibited firearms: (a) muzzle-loading firearms (other than pistols); (b) centre-fire rifles (other than self- loading); (c) shotgun and centre-fire rifle combinations	The licensee is authorised to possess or use a registered firearm of the kind to which the licence applies, for the purpose established by the licensee as the genuine reason for possessing or using the firearm.

**Schedule 2**

Licence categories and authority conferred

column 1 item	column 2 category of licence	column 3 firearms to which licence applies	column 4 authority conferred by licence
3	category C licence (prohibited except for occupational purposes)	the following firearms, other than firearms referred to in item 6, 10 or 11 of schedule 1: (a) self-loading rim-fire rifles with a magazine capacity of no more than 10 rounds; (b) self-loading shotguns with a magazine capacity of no more than 5 rounds; (c) pump action shotguns with a magazine capacity of no more than 5 rounds	The licensee is authorised to possess or use— (a) no more than 1 registered self-loading rim-fire rifle with a magazine capacity of no more than 10 rounds that is specified in the licence; and (b) no more than 1 registered shotgun to which the licence applies that is specified in the licence; for the purpose established by the licensee as the genuine reason for possessing or using the firearm.
4	category D licence (prohibited except for official purposes)	the following firearms, other than firearms referred to in schedule 1, item 5, 6, 9, 10 or 11: (a) self-loading centre-fire rifles; (b) self-loading rim-fire rifles with a magazine	The licensee is authorised to possess or use a registered firearm to which the licence applies, for the purpose established by the licensee as the genuine reason for possessing or using the firearm.

column 1 item	column 2 category of licence	column 3 firearms to which licence applies	column 4 authority conferred by licence
		capacity of more than 10 rounds; (c) self-loading shotguns with a magazine capacity of more than 5 rounds; (d) pump action shotguns with a magazine capacity of more than 5 rounds; (e) such other firearms to which a category C licence applies as may be prescribed	

**Schedule 2**

Licence categories and authority conferred

column 1 item	column 2 category of licence	column 3 firearms to which licence applies	column 4 authority conferred by licence
5	category H licence (pistols)	pistols (including blank fire pistols and air pistols), other than prohibited firearms	<p>The licensee is authorised to possess or use a registered pistol to which the licence applies for the purpose established by the licensee as the genuine reason for having the licence.</p> <p>However, the licensee is only authorised to possess or use a registered prohibited pistol in accordance with the regulations.</p>
6	firearms dealer licence	the kinds of firearms specified in the licence	<p>Authorises the licensee and (subject to the conditions of the licence and the regulations)—</p> <ul style="list-style-type: none"> <li>(a) employees or directors of the corporation specified in the licence; or</li> <li>(b) employees of the partnership so specified; or</li> <li>(c) employees of the individual so specified;</li> </ul> <p>who are eligible to be issued with a licence, to possess, manufacture, buy, sell, transfer, repair,</p>

<b>column 1 item</b>	<b>column 2 category of licence</b>	<b>column 3 firearms to which licence applies</b>	<b>column 4 authority conferred by licence</b>
			maintain or test, in the course of carrying on the business of a firearms dealer, and at the premises specified in the licence, any firearm to which the licence applies, and to sell ammunition for such firearms.
7	collectors licence	the kinds of firearms specified in the licence	The licensee is authorised to possess the firearms specified in the licence as a collector.
8	heirlooms licence	the kinds of firearms specified in the licence	The licensee is authorised to possess the firearms specified in the licence as an heirloom.

## Endnotes

1 About the endnotes

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## Endnotes

### 1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

### 2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	par = paragraph/subparagraph
cl = clause	pres = present
def = definition	prev = previous
dict = dictionary	(prev...) = previously
disallowed = disallowed by the Legislative Assembly	pt = part
div = division	r = rule/subrule
exp = expires/expired	reg = regulation/subregulation
Gaz = Gazette	renum = renumbered
hdg = heading	reloc = relocated
IA = Interpretation Act 1967	R[X] = Republication No
ins = inserted/added	RI = reissue
LA = Legislation Act 2001	s = section/subsection
LR = legislation register	sch = schedule
LRA = Legislation (Republication) Act 1996	sdiv = subdivision
mod = modified/modification	sub = substituted
o = order	SL = Subordinate Law
om = omitted/repealed	<u>underlining</u> = whole or part not commenced or to be expired

### 3 Legislation history

**Firearms Act 1996 No 74**

notified 20 December 1996 (Gaz 1996 No S328)  
s 1, s 2 commenced 20 December 1996 (s 2 (1))  
remainder commenced 17 May 1997 (s 2 (2) and Gaz 1997 No S135)

as amended by

**Firearms (Amendment) Act 1997 No 12**

notified 16 May 1997 (Gaz 1997 No S127)  
ss 1-3 commenced 16 May 1997 (s 2 (1))  
remainder commenced 17 May 1997 (s 2 (2) and Gaz 1997 No S135)

**Custodial Escorts (Consequential Provisions) Act 1998 No 67 pt 5**

notified 23 December 1998 (Gaz 1998 No S212)  
s 1, s 2 commenced 23 December 1998 (s 2 (1))  
pt 5 commenced 23 December 1998 (s 2 (2) and Gaz 1998 No 51)

**Firearms (Amendment) Act 1999 No 29**

notified 21 May 1999 (Gaz 1999 No S24)  
ss 1-3 commenced 21 May 1999 (s 2 (1))  
remainder commenced 1 October 1999 (s 2 (2) and Gaz 1999 No 37)

**Legislation (Consequential Amendments) Act 2001 No 44 pt 148**

notified 26 July 2001 (Gaz 2001 No 30)  
s 1, s 2 commenced 26 July 2001 (IA s 10B)  
pt 148 commenced 12 September 2001 (s 2 and see Gaz 2001 No S65)

**Protection Orders (Consequential Amendments) Act 2001 No 90 pt 1.7**

notified LR 27 September 2001  
s 1, s 2 commenced 27 September 2001 (LA s 75)  
pt 1.7 commenced 27 March 2002 (s 2, see Protection Orders Act 2001 s 3 and LA s 79)

**Statute Law Amendment Act 2002 No 30 pt 3.27**

notified LR 16 September 2002  
s 1, s 2 taken to have commenced 19 May 1997 (LA s 75 (2))  
pt 3.27 commenced 17 September 2002 (s 2 (1))

## Endnotes

3 Legislation history

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### **Legislation (Gay, Lesbian and Transgender) Amendment Act 2003 A2003-14 sch 1 pt 1.15**

notified LR 27 March 2003  
s 1, s 2 commenced 27 March 2003 (LA s 75)  
sch 1 pt 1.15 commenced 28 March 2003 (s 2)

### **Firearms (Prohibited Pistols) Amendment Act 2003 A2003-31 pt 2, sch 1**

notified LR 30 June 2003  
s 1, s 2 commenced 30 June 2003 (LA s 75 (1))  
pt 2, sch 1 commenced 1 July 2003 (s 2)

as modified by

### **Firearms (Compensation) Regulations 2003 SL2003-28 pt 2 (as am by SL2004-3)**

notified LR 28 August 2003  
reg 1, reg 2 commenced 28 August 2003 (LA s 75 (1))  
pt 2 commenced 29 August 2003 (reg 2)

### **Firearms (Extension of Amnesty) Amendment Regulations 2004 (No 1) SL2004-3**

notified LR 19 January 2004  
reg 1, reg 2 commenced 19 January 2004 (LA s 75 (1))  
remainder commenced 20 January 2004 (reg 2)

*Note* These regulations only amend the Firearms (Compensation) Regulations 2003 SL2003-28.

as amended by

### **Dangerous Substances Act 2004 A2004-7 sch 1 pt 1.2**

notified LR 19 March 2004  
s 1, s 2 commenced 19 March 2004 (LA s 75 (1))  
sch 1 pt 1.2 commenced 5 April 2004 (s 2 and CN2004-6)

### **Criminal Code (Theft, Fraud, Bribery and Related Offences) Amendment Act 2004 A2004-15 sch 1 pt 1.15, sch 2 pt 2.35**

notified LR 26 March 2004  
s 1, s 2 commenced 26 March 2004 (LA s 75 (1))  
sch 1 pt 1.15, sch 2 pt 2.35 commenced 9 April 2004 (s 2 (1))

## 4 Amendment history

### Commencement

s 2 om 2001 No 44 amdt 1.1639

### Definitions for Act

s 4 hdg sub 1999 No 29 notes  
am R3 LA

s 4 am 1999 No 29 sch  
def **active** sub A2003-31 s 4  
def **approved** ins A2003-31 amdt 1.1  
def **approved club** sub A2003-31 amdt 1.1  
def **approved range** om A2003-31 amdt 1.2  
def **approved shooting range** ins A2003-31 amdt 1.2  
def **barrel length** ins A2003-31 s 5  
def **corresponding order** sub 2001 No 90 amdt 1.64  
def **determined fee** om 2001 No 44 amdt 1.1640  
def **explosive** sub A2004-7 amdt 1.2  
def **interim protection order** ins 2001 No 90 amdt 1.65  
def **prohibited firearm** am A2003-31 amdt 1.3  
def **prohibited pistol** ins A2003-31 s 5  
def **protection order** ins 2001 No 90 amdt 1.66  
def **public place** am 2002 No 30 amdt 3.371

### Extended meanings of *firearm* and *prohibited firearm*

s 4A hdg ins 1999 No 29 notes  
s 4A (prev s 4 (2)) renum 1999 No 29 sch

### Extended meaning of *possession*

s 4B hdg ins 1999 No 29 notes  
s 4B (prev s 4 (3), s 4 (4)) renum 1999 No 29 sch

### Licences held by partnerships

s 4C hdg ins 1999 No 29 notes  
s 4C (prev s 4 (5)) renum 1999 No 29 sch

### Offences against Act—application of Criminal Code etc

s 4CA ins A2003-31 amdt 1.4

### Persons responsible for certain actions etc

s 4D hdg ins 1999 No 29 notes  
s 4D (prev s 4 (6)) renum 1999 No 29 sch

### Firearms owned by governments

s 4E hdg ins 1999 No 29 notes  
s 4E (prev s 4 (7)) renum 1999 No 29 sch

### Application of Act

s 6 am 1999 No 29 sch

## Endnotes

### 4 Amendment history

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#### **When possession and use not an offence**

s 6A hdg ins 1999 No 29 notes  
s 6A (prev s 6 (2)) renum 1999 No 29 sch  
am 2001 No 44 amdt 1.1641, amdt 1.1642; A2003-31 amdt  
1.5, amdt 1.6

#### **Diplomatic and consular representatives**

s 6B hdg ins 1999 No 29 notes  
s 6B (prev s 6 (3)) renum 1999 No 29 sch  
am 2001 No 44 amdts 1.1643-1.1645

#### **Reports, recommendations and guidelines**

s 12 sub 2001 No 44 amdt 1.1646

#### **Amnesty**

s 13 sub 2001 No 44 amdt 1.1646

#### **Authorised instructors, authorised members and approved ranges**

s 14 am A2003-31 amdt 1.7

#### **Approval of clubs**

s 15 am 2001 No 44 amdts 1.1647-1.1649  
sub A2003-31 s 6

#### **Requirement for licence or permit**

div 3.1 hdg (prev pt 3 div 1 hdg) renum R3 LA (see also 2001 No 90 amdt  
1.78)

#### **Unauthorised possession or use of firearms prohibited**

s 16 hdg am 1999 No 29 s 4  
s 16 am 1999 No 29 s 4  
sub A2003-31 s 7

#### **Licensing scheme**

div 3.2 hdg (prev pt 3 div 2 hdg) renum R3 LA (see also 2001 No 90 amdt  
1.78)

#### **Applications for licences**

s 19 am 2001 No 44 amdt 1.1650, amdt 1.1651; ss renum R3 LA  
(see 2001 No 44 amdt 1.1652)

#### **General restrictions on issue of licences**

s 21 am 1998 No 67 s 17; 2001 No 90 amdt 1.67

#### **Refusal to grant a licence**

s 22 am 2001 No 90 amdts 1.68-1.70

#### **Genuine reasons for having a licence**

s 23 am A2003-31 s 8, s 9, amdts 1.8-1.10

#### **Category H licences—restrictions on issue**

s 27 sub A2003-31 s 10

**Collectors licence—restrictions on issue**

s 28 sub A2003-31 s 10

**Temporary licences—internationally protected persons**

s 31 am A2003-31 amdt 1.11

**Form of licence**

s 33 am 2001 No 44 amdts 1.1653-1.1655

**Issue of copy of licence**

s 35 am 2001 No 44 amdt 1.1656, amdt 1.1657

**Special conditions for category H licences for sporting or target shooting**

s 36A ins A2003-31 s 11

**Special conditions of licences issued for collection purposes**

s 37 am A2003-31 s 12

**Suspension of licence**

s 39 am 2001 No 90 amdt 1.71, amdt 1.72

**Suspension of licence on making of interim domestic violence order**

s 40 om 2001 No 90 amdt 1.73

**Cancellation of licence**

s 41 am 2001 No 44 amdt 1.1658, amdt 1.1659; 2001 No 90 amdt 1.74; A2003-31 s 13, s 14; ss renum R7 LA (see A2003-31 s 15)

**Temporary recognition of interstate licences—shooting competitions**

s 43 hdg sub 1999 No 29 s 5

s 43 am 1999 No 29 s 5

**Permits**

div 3.3 hdg (prev pt 3 div 3 hdg) renum R3 LA (see also 2001 No 90 amdt 1.78)

**International visitors—issue of temporary permits**

s 45A ins 1999 No 29 s 6

**General restrictions on issuing permits**

s 46 am 2001 No 90 amdt 1.75, amdt 1.76; ss renum R4 LA (2001 No 90 amdt 1.77)

**General provisions relating to permits**

s 47 am 2001 No 44 amdts 1.1660-1.1662

**Permits to acquire firearms**

s 48 am A2003-31 s 16, s 17

**Minor's firearms permits**

s 49 am A2003-31 amdt 1.12

## Endnotes

### 4 Amendment history

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**International visitors—recognition of temporary permits granted interstate for shooting competitions**

s 49A ins 1999 No 29 s 7

**Registration scheme**

div 4.1 hdg (prev pt 4 div 1 hdg) renum R3 LA (see also 2001 No 90 amdt 1.78)

**Registration of firearms**

s 51 am 2001 No 44 amdts 1.1663-1.1665; ss renum R3 LA (see 2001 No 44 amdt 1.1666)

**Cancellation of registration**

s 52 am 2001 No 44 amdt 1.1667, amdt 1.1668; A2004-15 amdt 2.75

**Offences relating to registration**

div 4.2 hdg (prev pt 4 div 2 hdg) renum R3 LA (see also 2001 No 90 amdt 1.78)

**Endorsement of licences**

div 4.3 hdg (prev pt 4 div 3 hdg) renum R3 LA (see also 2001 No 90 amdt 1.78)

**Application for endorsement**

s 57 am 2001 No 44 amdt 1.1669, amdt 1.1670

**Endorsement**

s 59 am A2003-31 amdt 1.13

**Quarterly returns**

s 69 am 2001 No 44 amdt 1.1671, amdt 1.1672

**Additional requirements for dealers**

s 70 am 2001 No 44 amdt 1.1673, amdt 1.1674

**Powers of entry, search etc**

s 74 am 2001 No 44 amdts 1.1675-1.1677

**Search of persons, vehicles, vessels—without warrant**

s 75 am A2003-14 amdt 1.57

**Search warrants**

s 77 am 2001 No 44 amdt 1.1678, amdt 1.1679

**Obstruction of police officers**

s 79 om A2004-15 amdt 2.76

**Discharge of firearm—general**

s 81 am A2003-31 amdt 1.14

**Carriage or use of firearm—improper manner**

s 82 hdg sub 1998 No 67 s 18

s 82 am 1998 No 67 s 18

**Unauthorised manufacture of firearms**

s 84A ins A2003-31 s 18

**Alternative verdict for offences against s 84A (3)**

s 84B ins A2003-31 s 18

**Sale and purchase of ammunition**

s 98 am A2003-31 amdt 1.15

**Possession of ammunition**

s 99 am 2001 No 44 amdt 1.1680, amdt 1.1681; ss renum R3 LA  
(see 2001 No 44 amdt 1.1682)

**False or misleading applications**

s 107 am 2001 No 44 amdt 1.1683, amdt 1.1684  
om A2004-15 amdt 2.76

**Misuse of licences and permits**

s 108 am A2004-15 amdt 2.76, amdt 2.77; pars renum R11 LA (see  
A2004-15 amdt 2.78)

**Altering or falsifying records**

s 109 am 2001 No 44 amdt 1.1685, amdt 1.1686  
om A2004-15 amdt 2.79

**Review of decisions**

s 113 am A2003-31 amdts 1.16-1.18; pars renum R7 LA (see  
A2003-31 amdt 1.19)

**Notification of decisions**

s 114 am A2003-31 amdt 1.20

**Disclosure by health professionals of certain information**

s 115 sub A2003-31 s 19

**Acts and omissions of representatives**

s 119 sub A2004-15 amdt 1.17

**Offences by corporations**

s 122 am 2001 No 44 amdt 1.1687, amdt 1.1688

**Service of notices**

s 123 am 2001 No 44 amdt 1.1689, amdt 1.1690

**Evidentiary certificates**

s 124 am A2004-15 amdt 2.80

**Determination of fees**

s 125 sub 2001 No 44 amdt 1.1691

**Approved forms**

s 125A ins 2001 No 44 amdt 1.1691

## Endnotes

### 4 Amendment history

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#### **Regulation-making power**

s 126 hdg sub 2001 No 44 amdt 1.1692  
s 126 am 2001 No 44 amdts 1.1693-1.1697, amdt 1.1699; pars  
renum R3 LA (see 2001 No 44 amdt 1.1698); pars renum R4  
LA; A2003-31 s 20, s 21; A2004-7 amdt 1.3

#### **Repeal**

s 127 om 1999 No 29 sch

#### **Transitional provisions**

pt 12 hdg sub A2003-31 s 22

#### **Meaning of *amnesty period* for pt 12**

s 129 sub A2003-31 s 22  
mod SL2003-28 reg 6 (as am SL2004-3 reg 4) (exp 1 July  
2004 see SL2003-28 reg 4)  
exp 1 July 2004 (s 142)

#### **Existing approved clubs**

s 130 am 1999 No 29 sch  
sub A2003-31 s 22  
exp 1 July 2004 (s 142)

#### **Unlicensed target pistol shooters—members of approved shooting clubs**

s 131 sub A2003-31 s 22  
exp 1 July 2004 (s 142)

#### **Temporary amnesty for possession of prohibited pistols by licensed target pistol shooters**

s 132 om 1999 No 29 sch  
ins A2003-31 s 22  
exp 1 July 2004 (s 142)

#### **Temporary amnesty for possession of post-1946 pistols by licensed collectors**

s 133 om 1999 No 29 sch  
ins A2003-31 s 22  
exp 1 July 2004 (s 142)

#### **Temporary licensing and registration amnesty for pre-1900 percussion pistols**

s 134 sub A2003-31 s 22  
exp 1 July 2004 (s 142)

#### **Compensation for surrendered prohibited pistols—licensed pistol shooters**

s 135 sub A2003-31 s 22  
mod SL2003-28 reg 7 (exp 1 July 2004 see SL2003-28 reg 4)  
exp 1 July 2004 (s 142)

**Amnesty**

s 135A ins 1997 No 12 s 4  
om 1999 No 29 sch  
ins as mod SL2003-28 reg 8 ([exp 1 July 2004 see SL2003-28 reg 4](#))

**Compensation**

s 135B ins 1997 No 12 s 4  
om 1999 No 29 sch

**Compensation for surrendered prohibited pistols—licensed firearms dealers**

s 136 om 1999 No 29 sch  
ins A2003-31 s 22  
mod SL2003-28 reg 9 ([exp 1 July 2004 see SL2003-28 reg 4](#))  
[exp 1 July 2004 \(s 142\)](#)

**Compensation for licensed firearms dealers—other items**

s 136A ins as mod SL2003-28 reg 9 ([exp 1 July 2004 see SL2003-28 reg 4](#))

**Compensation and mandatory licence disqualification—licensed pistol shooters withdrawing from pistol shooting**

s 137 ins A2003-31 s 22  
mod SL2003-28 reg 10 ([exp 1 July 2004 see SL2003-28 reg 4](#))  
[exp 1 January 2009 \(s 137 \(5\)\)](#)

**Compensation for licensed pistol shooters withdrawing from pistol shooting—pistols**

s 137A ins as mod SL2003-28 reg 11 ([exp 1 July 2004 see SL2003-28 reg 4](#))

**Compensation for licensed pistol shooters withdrawing from pistol shooting—other items**

s 137B ins as mod SL2003-28 reg 11 ([exp 1 July 2004 see SL2003-28 reg 4](#))

**Compensation for surrendered post-1946 pistols—licensed collectors not authorised to possess pistols**

s 138 ins A2003-31 s 22  
mod SL2003-28 reg 12 ([exp 1 July 2004 see SL2003-28 reg 4](#))  
[exp 1 July 2004 \(s 142\)](#)

**Regulations to prescribe compensation for parts etc of surrendered pistols**

s 139 ins A2003-31 s 22  
mod SL2003-28 reg 13 ([exp 1 July 2004 see SL2003-28 reg 4](#))  
[exp 1 July 2004 \(s 142\)](#)

**Regulations to prescribe valuation dispute resolution procedure**

s 140 ins A2003-31 s 22  
mod SL2003-28 reg 14 ([exp 1 July 2004 see SL2003-28 reg 4](#))  
[exp 1 July 2004 \(s 142\)](#)

## Endnotes

4 Amendment history

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### **Regulations modifying pt 12**

s 141 ins A2003-31 s 22  
exp 1 July 2004 (s 142)

### **Expiry of transitional provisions**

s 142 ins A2003-31 s 22  
exp 1 July 2004 (s 142)

### **Licence categories and authority conferred**

sch 2 note ins A2003-31 amdt 1.21  
sch 2 am A2003-31 s 23

### **Amounts of compensation**

sch 2A ins 1997 No 12 s 5  
om 1999 No 29 sch

### **Amendments of other Acts**

sch 3 om 1999 No 29 sch

## 5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (\*) in column 1. Except for the footer, electronic and printed versions of an authorised republication are identical.

<b>Republication No and date</b>	<b>Effective</b>	<b>Last amendment made by</b>	<b>Republication for</b>
R1 31 May 1997	17 May 1997– 22 Dec 1998	A1997-12	amendments by A1997-12
R1 (RI) 5 Aug 2003	17 May 1997– 22 Dec 1998	A1997-12	reissue of printed version
R1A 5 Aug 2003	23 Dec 1998– 30 Sept 1999	A1998-67	amendments by A1998-67
R2 30 Apr 2000	1 Oct 1999– 11 Sept 2001	A1999-29	amendments by A1999-29
R2 (RI) 5 Aug 2003	1 Oct 1999– 11 Sept 2001	A1999-29	reissue of printed version
R3 26 Oct 2001	12 Sept 2001– 26 Mar 2002	A2001-90	amendments by A2001-44
R4 27 Mar 2002	27 Mar 2002– 16 Sept 2002	A2001-90	amendments by A2001-90
R5 (RI) 23 Oct 2002	17 Sept 2002– 27 Mar 2003	A2002-30	amendments by A2002-30 reissue for textual correction in s 22
R6 28 Mar 2003	28 Mar 2003– 30 June 2003	A2003-14	amendments by A2003-14
R7 1 July 2003	1 July 2003– 28 Aug 2003	A2003-31	amendments by A2003-31

## Endnotes

6 Modifications of republished law with temporary effect

Republication No and date	Effective	Last amendment made by	Republication for
R8 29 Aug 2003	29 Aug 2003– 19 Jan 2004	A2003-31	modification by SL2003-28
R9 20 Jan 2004	20 Jan 2004– 4 Apr 2004	A2003-31	amendment by SL2004-3 to modification by SL2003-28
R10 5 Apr 2004	5 Apr 2004– 8 Apr 2004	A2004-7	amendments by A2004-7

## 6 Modifications of republished law with temporary effect

The following modifications have not been included in this republication:

**Firearms (Compensation) Regulations 2003 SL2003-28  
pt 2 (as am by SL2004-3 reg 4)**

## Part 2 Modification of Act, pt 12

### 5 Act modified—pt 2

This part modifies the *Firearms Act 1996*, part 12 (Transitional provisions).

### 6 Section 129

*substitute*

### 129 Definitions for pt 12

In this part:

***accessory***, for a pistol, does not include a cap, jacket, carry bag, glove, safety glasses or a similar item.

***amnesty period***—

- (a) means the period after 30 June 2003 and before 1 January 2004; and
- (b) for the following provisions—includes the period beginning on 5 January 2004 and ending at 12 noon on 10 January 2004:
- section 132 (Temporary amnesty for possession of prohibited pistols by licensed target pistol shooters)
  - section 135 (Compensation for surrendered prohibited pistols—licensed pistol shooters)
  - section 135A (Compensation for surrendered accessories and major parts—licensed pistol shooters)
  - section 136 (Compensation for licensed firearms dealers—prohibited pistols)
  - section 136A (Compensation for licensed firearms dealers—other items)
  - section 137 (Compensation and mandatory licence disqualification—licensed pistol shooters withdrawing from pistol shooting)
  - section 137B (Compensation for licensed pistol shooters withdrawing from pistol shooting—other items).

**major part**, for a pistol, includes a slide, barrel, revolving chamber, trigger assembly, frame and magazine.

**National Valuation List** means a National Valuation List, as amended from time to time, on the web site at [www.handgunbuyback.gov.au](http://www.handgunbuyback.gov.au).

**valuation list**, for a pistol, or an accessory or major part for a pistol, means the National Valuation List (if any) applying to the pistol, accessory or major part.

**valuation panel** means the panel established under section 140.

## Endnotes

6 Modifications of republished law with temporary effect

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### **7 Section 135 (2)**

*substitute*

- (2) The person is entitled to payment of the following amount of compensation for the pistol:
  - (a) if a valuation list applies to the pistol—the amount worked out in accordance with the list; or
  - (b) if a valuation list does not apply to the pistol—the amount assessed by the valuation panel.
- (3) However, if a valuation list applies to the pistol and the person asks a police officer to arrange for the pistol's value to be assessed by the valuation panel, the person is entitled to payment of the amount of compensation assessed by the valuation panel.

### **8 New section 135A**

*insert*

#### **135A Compensation for surrendered accessories and major parts—licensed pistol shooters**

- (1) In this section:

*related item*, for a person, means—

  - (a) a major part of, or a major part designed for use with, a pistol for which the person is entitled to compensation under section 135; or
  - (b) an accessory (including a special holster) that is—
    - (i) specific to a pistol for which the person is entitled to compensation under section 135; and
    - (ii) directly related to the person's participation in pistol shooting; or

- (c) a major part of, or major part designed for use with, a prohibited pistol that is no longer owned by the person but that has been registered in the person's name.
- (2) This section applies to a person if—
  - (a) section 135 applies to the person; and
  - (b) the person surrenders a related item owned by the person to a police officer during the amnesty period.
- (3) The person is entitled to payment of the following amount of compensation for the related item:
  - (a) if a valuation list applies to the item—the amount worked out in accordance with the list; or
  - (b) if a valuation list does not apply to the item—the amount assessed by the valuation panel.
- (4) However, if a valuation list applies to the item but the person asks a police officer to arrange for the item's value to be assessed by the valuation panel, the person is entitled to payment of the amount of compensation assessed by the valuation panel.
- (5) For this section, the person or a police officer may ask the valuation panel to decide whether a thing is a related item for the person.
- (6) The valuation panel's decision applies to the working out of the amount of compensation to which the person is entitled to under this section.

**9 Section 136**

*substitute*

**136 Compensation for licensed firearms dealers—prohibited pistols**

- (1) This section applies to a prohibited pistol owned by a licensed firearms dealer if—
  - (a) the dealer acquired or ordered the pistol before 20 December 2002; and
  - (b) the dealer surrenders the pistol to a police officer during the amnesty period.
- (2) The dealer is entitled to payment of the following amount of compensation for the pistol:
  - (a) if the pistol was imported by the dealer—the total of the customs value of the pistol determined in accordance with the *Customs Act 1901* (Cwlth), section 159 and 20% of that determined customs value;
  - (b) in any other case—
    - (i) if a valuation list applies to the pistol—the amount worked out in accordance with the list; or
    - (ii) if a valuation list does not apply to the pistol—the amount assessed by the valuation panel.
- (3) However, if a valuation list applies to the pistol but the dealer asks a police officer to arrange for the pistol's value to be assessed by the valuation panel, the dealer is entitled to payment of the amount of compensation assessed by the valuation panel.

**136A Compensation for licensed firearms dealers—other items**

- (1) In this section:  
*related item* means—
  - (a) any part or accessory for a prohibited pistol that can be used only for a prohibited pistol; or
  - (b) commercially available factory-loaded ammunition that can be used only by a prohibited pistol.
- (2) This section applies to a licensed firearms dealer if—
  - (a) the dealer acquired or ordered a related item before 20 December 2002; and
  - (b) the dealer surrenders the item to a police officer during the amnesty period.
- (3) For each particular kind of related item surrendered by the dealer, the dealer is entitled to payment of the amount of compensation worked out in accordance with subsection (4) or (5) for a quantity of the item that is not more than a commercially viable stock level for the item.
- (4) The amount of compensation payable to the dealer for a related item is as follows:
  - (a) if the item was imported by the dealer—the total of the customs value of the item determined in accordance with the *Customs Act 1901* (Cwlth), section 159 and 20% of that determined customs value;
  - (b) in any other case—
    - (i) if a valuation list applies to the item—the amount worked out in accordance with the list; or
    - (ii) if a valuation list does not apply to the item—the amount assessed by the valuation panel.

## Endnotes

6 Modifications of republished law with temporary effect

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- (5) However, if a valuation list applies to the item but the dealer asks a police officer to arrange for the item's value to be assessed by the valuation panel, amount of compensation payable to the dealer is the amount assessed by the valuation panel.
- (6) For this section, the person or a police officer may ask the valuation panel to decide whether—
  - (a) a thing is a related item for the dealer; or
  - (b) the quantity of a related item that is a commercially viable stock level for the item.
- (7) The valuation panel's decision applies to the working out of the amount of compensation to which the dealer is entitled to under this section.

### **10 Section 137 (2)**

*omit*

### **11 New sections 137A and 137B**

*insert*

#### **137A Compensation for licensed pistol shooters withdrawing from pistol shooting—pistols**

- (1) This section applies to a person to whom section 137 applies.
- (2) The person is entitled to payment of the following amount of compensation for each pistol surrendered by the person under section 137:
  - (a) if a valuation list applies to the pistol—the amount worked out in accordance with the list; or
  - (b) if a valuation list does not apply to the pistol—the amount assessed by the valuation panel.
- (3) However, if a valuation list applies to the pistol and the person asks a police officer to arrange for the pistol's value to be assessed by the

valuation panel, the person is entitled to payment of the amount of compensation assessed by the valuation panel.

**137B Compensation for licensed pistol shooters withdrawing from pistol shooting—other items**

(1) In this section:

*related item*, for a person, means—

- (a) a major part of, or a major part designed for use with, a pistol for which the person is entitled to compensation under section 137; or
- (b) an accessory (including a special holster) that is—
  - (i) specific to a pistol for which the person is entitled to compensation under section 137; and
  - (ii) directly related to the person's participation in pistol shooting; or
- (c) a major part of, or major part designed for use with, a prohibited pistol that is no longer owned by the person but that has been registered in the person's name.

(2) This section applies to a person if—

- (a) section 137 applies to the person; and
- (b) the person surrenders a related item owned by the person to a police officer during the amnesty period.

(3) The person is entitled to payment of the following amount of compensation for the related item:

- (a) if a valuation list applies to the item—the amount worked out in accordance with the list; or
- (b) if a valuation list does not apply to the item—the amount assessed by the valuation panel.

## Endnotes

- (4) However, if a valuation list applies to the item but the person asks a police officer to arrange for the item's value to be assessed by the valuation panel, the person is entitled to payment of the amount of compensation assessed by the valuation panel.
- (5) For this section, the person or a police officer may ask the valuation panel to decide whether a thing is a related item for the person.
- (6) The valuation panel's decision applies to the working out of the amount of compensation to which the person is entitled to under this section.

### **12 Section 138 (2)**

*substitute*

- (2) The person is entitled to payment of the following amount of compensation for the pistol:
  - (a) if a valuation list applies to the pistol—the amount worked out in accordance with the list; or
  - (b) if a valuation list does not apply to the pistol—the amount assessed by the valuation panel.
- (2A) However, if a valuation list applies to the pistol and the person asks a police officer to arrange for the pistol's value to be assessed by the valuation panel, the person is entitled to payment of the amount of compensation assessed by the valuation panel.

### **13 Section 139**

*omit*

### **14 Section 140**

*substitute*

### **140 Valuation panel**

- (1) The chief executive must arrange for the establishment of a valuation panel constituted by—

- (a) 4 firearms dealers licensed under the *Firearms Act 1996* (NSW); and
- (b) 1 police officer exercising functions in relation to the surrender of pistols under this part; and
- (c) 1 police officer experienced in firearm ballistics.

*Note* For the making of appointments, see Legislation Act, div 19.3.

- (2) The quorum for a meeting of the panel is 1 firearms dealer and 1 police officer.
- (3) The panel has the functions given to it by this part.

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