



Australian Capital Territory

Firearms Act 1996

A1996-74

Republication No 16

Effective: 2 January 2009 – 14 January 2009

Republication date: 2 January 2009

Last amendment made by A2008-46
(republication for commenced expiry)

Not all amendments are in force: see last endnote

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 2 January 2009. It also includes any amendment, repeal or expiry affecting the republished law to 2 January 2009.

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):

- 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 does not include 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

Contents

	Page
Part 1	Preliminary
1	Short title 2
2	Dictionary 2
2A	Notes 2
2B	Offences against Act—application of Criminal Code etc 2
Part 1A	Important concepts
3	Principles and objects of Act 3
4	Definitions for Act 4
4A	Extended meanings of <i>firearm</i> and <i>prohibited firearm</i> 10
4AB	Meaning of <i>prohibited firearm</i> —Act 10
4AC	Meaning of <i>acquire</i> —Act 10
4AD	Meaning of <i>dispose</i> —Act 10
4B	Extended meaning of <i>possession</i> 10

R16
02/01/09

Firearms Act 1996
Effective: 02/01/09-14/01/09

contents 1

Contents

	Page
4BA Evidence of possession—firearms at premises	11
4BB Evidence of possession—care, control or management of firearm	11
4BC Taking possession under credit contract	11
4BD Authority to possess and use firearms temporarily	11
4BE Paintball markers—authority to possess, use or store	11
4BF Meaning of <i>close associate</i> of firearms dealer etc—Act	11
4BG Assessing suitability of individuals	11
4BH Assessing suitability of individuals—discretionary criteria	11
4BI Assessing suitability of individuals—mandatory criteria	11
4BJ Approval of courses etc by registrar	11
Part 1B Operation of Act	
4C Licences held by partnerships	12
4CA Offences against Act—application of Criminal Code etc	12
4D Persons responsible for certain actions etc	12
4E Firearms owned by governments	13
Part 1C Unregulated firearms	
4G Meaning of unregulated firearm—Act	13
4H Unregulated firearms—seizure by police	13
4I Unregulated firearms—receipt for seizure	13
4J Unregulated firearms—examination	13
4K Unregulated firearms—access to things seized	13
4L Unregulated firearms—review of decision to seize	13
4M Unregulated firearms—forfeiture	13
Part 1D Declarations about firearms	
5 Amendment of sch 1 list of prohibited firearms	14
6 Application of Act	14
6A When possession and use not an offence	15
6B Diplomatic and consular representatives	16
Part 2 Administration	
7 Registrar of firearms	18
8 Functions of registrar	18

	Page
9 Powers of registrar	18
10 Delegation	18
11 Acting registrar	18
12 Reports, recommendations and guidelines	19
12A Minister's guidelines	20
13 Amnesty	20
14 Authorised instructors, authorised members and approved ranges	20
15 Approval of clubs	20
15A Registrar's approval to possess ammunition as collector	22
Part 3 Licences and permits	
Division 3.1 Requirement for licence or permit	
16 Unauthorised possession or use of firearms prohibited	23
16AA Offence—unauthorised possession or use of firearms other than prohibited firearms	24
16AB Alternative verdicts—unauthorised possession or use of firearms	24
16AC Offence—contravention of condition by licensee etc	24
Division 3.2 Licensing scheme	
16A Definitions of some licences—Act	24
16B Offence—notice of lost, stolen and destroyed licences	24
16C Offence—failing to surrender firearms when licence suspended or cancelled	24
16D Offence—failure to give up suspended or cancelled licence	24
16E Police may seize firearms under suspended and cancelled licences	24
16F Licence renewals to be treated as fresh applications	24
17 Licence categories and authority conferred by licence	24
18 Authority conferred by licence—additional matters	25
Division 3.2A Licensing scheme—adult firearms licences	
19 Applications for licences	26
19A Adult firearms licences—registrar to tell applicant about training etc	26
20 Applications—request for further information etc	26
21 General restrictions on issue of licences	27
22 Refusal to grant a licence	29
22A Adult firearms licences—categories	30

Contents

	Page	
22B	When adult firearms licences may be issued	30
23	Genuine reasons for having a licence	30
23A	Adult firearms licences—no genuine reason to possess or use firearms	35
24	Category B licences—restrictions on issue	35
25	Category C licences—restrictions on issue	36
26	Category D licences—restrictions on issue	36
27	Category H licences—restrictions on issue	36
28	Collectors licence—restrictions on issue	37
29	Heirlooms licence—restrictions on issue	37
30	Composite entity licence	38
30A	Adult firearms licences—restrictions on issue of paintball marker licences	38
31	Temporary licences—internationally protected persons	38
32	Proof of special need	39
33	Form of licence	39
34	Issue of licences to composite entities	40
35	Issue of copy of licence	40
36	Conditions of licence	40
36AA	Adult firearms licences—special conditions of category D licences	41
36A	Special conditions for category H licences for sporting or target shooting	41
37	Special conditions of licences issued for collection purposes	42
38	Term of licence	43
39	Suspension of licence	44
40	Adult firearms licences—immediate suspension	45
40A	Adult firearms licences—mandatory suspension	45
41	Cancellation of licence	45
42	Surrender and seizure of firearms when licence suspended or cancelled	46
42A	Adult firearms licences—when suspension or cancellation takes effect	47
Division 3.2B Licensing scheme—minors firearms licences		
42D	Children prohibited from owning firearms	47
42E	Minors firearms licences—applications	47
42F	Minors firearms licences—requirement for further information etc	47

	Page	
42G	Minors firearms licences—decision	47
42H	Minors firearms licences—refusal	47
42I	Minors firearms licences—categories	47
42J	When minors firearms licences may be issued	47
42K	Minors firearms licences—genuine reasons to possess or use firearms	47
42L	Minors firearms licences—form	47
42M	Minors firearms licences—replacements	47
42N	Minors firearms licences—conditions	47
42O	Minors firearms licences—period in force	47
42P	Minors firearms licences—immediate suspension	47
42Q	Minors firearms licences—mandatory suspension	47
42R	Minors firearms licences—cancellation	48
42S	Minors firearms licences—when suspension or cancellation takes effect	48
Division 3.2C Licensing scheme—composite entity firearms licences		
42U	Definitions—Act	48
42V	Composite entity firearms licences—applications	48
42W	Composite entity firearms licences—requirement for further information etc	48
42X	Composite entity firearms licences—decision	48
42Y	Composite entity firearms licences—refusal	48
42Z	Composite entity firearms licences—categories	48
42ZA	Composite entity firearms licence—principal's name	48
42ZB	When composite entity firearms licences may be issued	48
42ZC	Composite entity firearms licences—genuine reasons to possess or use firearms	48
42ZD	Composite entity firearms licences—no genuine reason to possess or use firearms	48
42ZE	Composite entity firearms licences—restriction on issue of category B licences	48
42ZF	Composite entity firearms licences—restriction on issue of category C licences	48
42ZG	Composite entity firearms licences—restriction on issue of category D licences	49
42ZH	Composite entity firearms licences—restriction on issue of category H licences	49

Contents

		Page
42ZI	Composite entity firearms licences—form	49
42ZJ	Composite entity firearms licences—replacements	49
42ZK	Composite entity firearms licences—conditions	49
42ZL	Composite entity firearms licences—period in force	49
42ZM	Composite entity firearms licences—immediate suspension	49
42ZMA	Composite entity firearms licences—mandatory suspension	49
42ZN	Composite entity firearms licences—cancellation	49
42ZO	Composite entity firearms licences—when suspension or cancellation takes effect	49
Division 3.2D	Licensing scheme—temporary international firearms licences	
42ZOA	Meaning of <i>foreign firearms licence</i> —div 3.2D	49
42ZP	Temporary international firearms licences—applications	49
42ZPA	Temporary international firearms licences—requirement for further information etc	49
42ZPB	Temporary international firearms licences—decision	49
42ZPC	Temporary international firearms licences—refusal	50
42ZPD	When temporary international firearms licences may be issued	50
42ZQ	Temporary international firearms licences—genuine reasons to possess or use firearms	50
42ZQA	Temporary international firearms licences—form	50
42ZQB	Temporary international firearms licences—conditions	50
42ZR	Temporary international firearms licences—period in force	50
42ZRA	Temporary international firearms licences—cancellation	50
42ZRB	Temporary international firearms licences—when cancellation takes effect	50
Part 3A	Temporary recognition of interstate licences and permits	
42ZS	Definitions—pt 3A	51
42ZSA	Temporary recognition of interstate licences—declaration of licence categories	51
42ZT	Temporary recognition of interstate licences—general	51
42ZU	Temporary recognition of interstate category C licences	51
42ZV	Interstate residents moving to ACT—category A, B, and paintball marker licences	51

	Page
42ZW Interstate residents moving to ACT—category C and H licences	51
42ZX Temporary recognition of interstate licences for international visitors— shooting or paintball competitions	51
Part 3B Permits generally	
43 Temporary recognition of interstate licences—shooting competitions	52
44 Interstate residents moving to the ACT	53
Division 3.3 Permits	
Part 3C Permits to acquire firearms	
45 General power to issue permits	55
45A International visitors—issue of temporary permits	55
45B Permits to acquire—decision	56
46 General restrictions on issuing permits	56
46A Permits to acquire—refusal to issue to temporary international firearms licensees	57
46B When permits to acquire may be issued	57
47 General provisions relating to permits	57
48 Permits to acquire firearms	58
48A Offence—notice of lost, stolen and destroyed permits to acquire	60
48B Permits to acquire—automatic suspension and cancellation	60
48C Permits to acquire—cancellation by registrar	60
49 Minor's firearms permits	60
49A International visitors—recognition of temporary permits granted interstate for shooting competitions	61
Part 4 Registration of firearms	
Division 4.1 Registration scheme	
49B Meaning of owner and user particulars—pt 4	63
50 Register of firearms	63
50A Contents of register	64
50B Register not available to public	64
50C Two-yearly reviews	64
51 Registration of firearms	64
51A Firearm registration—request for further information etc	65

Contents

	Page
51B	Firearm registration—decision 65
51C	Firearm registration—refusal 65
51D	Firearm registration notice 65
51E	End of firearm registration 65
52	Cancellation of registration 65
52A	Police may seize firearms if firearm registration cancelled 66
52B	User registration—application 66
52BA	User registration—request for further information etc 66
52BB	User registration—decision 66
52C	User registration—refusal 66
52D	Effect of registration as user 67
52E	User registration—period in force 67
52F	Automatic cancellation of user registration 67
52G	Automatic cancellation of user registration—certain registered users 67
52H	Offence—failing to notify event causing cancellation of user registration 67
Division 4.2 Offences relating to registration	
53	Unregistered firearms 67
54	Requirements relating to registered firearms 67
55	Alteration of notice of registration 68
Division 4.3 Endorsement of licences	
56	Application of div 4.3 68
57	Application for endorsement 68
58	Approval of application 69
59	Endorsement 69
60	Cancellation of endorsement 70
61	Endorsements—notification of change of particulars 70
Division 4.4 Registration of firearms users	
Division 4.5 Offences—registration	
Part 5 Safe keeping of firearms	
62	General requirements 72
63	Category A and B licence requirements 72

	Page
64	73
65	74
Part 6 Firearms dealers	
Division 6.1 Interpretation	
65A	75
Division 6.2 Licences and licensed firearms dealers	
66	75
66A	76
66B	76
66C	76
66D	76
66E	76
67	76
Division 6.3 Licensed firearms dealers—records and returns	
67A	77
68	77
68AA	79
68A	79
68B	79
68C	79
69	79
70	80
71	81
72	82
Part 7 Powers of entry, search and seizure	
Division 7.1 Interpretation	
73	83
Division 7.2 Powers of police officers	
74	83
74A	85

Contents

	Page
75	Search of persons, vehicles, vessels—without warrant 85
75A	General powers on entry to premises 86
75B	Powers on entry—condition 86
75C	Offences—noncompliance with directions and requirements 87
75D	Power to seize things 87
75DA	Receipt for things seized 87
Division 7.3 Search warrants	
76	Consent to entry and inspection 87
76A	Warrants—application made other than in person 88
76B	Search warrants—announcement before entry 88
76C	Details of search warrant to be given to occupier etc 88
76D	Occupier entitled to be present during search etc 88
Division 7.4 Things seized	
77	Search warrants 88
77A	Return or forfeiture of things seized 90
Division 7.5 Enforcement—miscellaneous	
78	Forfeiture etc of firearms 90
78A	Compensation for exercise of enforcement powers 92
Part 8 Miscellaneous offences	
79	Offences—trafficking firearms 93
80	Discharge etc of firearm—public places etc 93
81	Discharge of firearm—general 93
82	Carriage or use of firearm—improper manner 94
82A	Offences—operation of shooting ranges 94
82B	Offences—operation of paintball ranges 94
83	Buying of firearms 94
84	Restrictions on sale and purchase of firearms 95
84A	Unauthorised manufacture of firearms 96
84B	Alternative verdict for offences against s 84A (3) 96
85	Use of mail for sending firearms 97
86	Use of mail for sending firearms outside ACT 98
87	Advertising sale of firearms 98

	Page	
88	Means of delivering possession of firearms	98
89	Transport of firearms and ammunition	99
90	Transporting prohibited firearms or pistols	99
91	Possession of spare barrels for firearms	99
92	On-the-spot inspection of firearms by police	99
93	Disposal of firearms by unauthorised holders	100
93A	Offence—disposal of inherited firearms	101
94	Unsafe firearms	101
95	Shortening firearms	101
96	Converting firearms	102
97	Restrictions where alcohol or other drugs concerned	102
98	Sale and purchase of ammunition	103
98A	Offence—sale of ammunition by licensed firearms dealers	105
98B	Offence—sale of ammunition by authorised club members	105
98C	Offence—selling ammunition to people from outside ACT	105
98D	Offence—selling ammunition for starting pistols	105
99	Possession of ammunition	105
99A	Offence—possessing ammunition generally	106
100	Modification of firearms	106
101	Approval of modifications	108
102	Defacing or altering identification marks	109
103	Pawning of firearms	109
104	Production of licence or permit on demand	109
105	Possession of firearm under another licence	110
106	Requirement to notify change of address	111
108	Misuse of licences and permits	111
110	Lost, destroyed or stolen firearms	111
Part 9	Firearms prohibition orders	
111	Firearms prohibition orders	112
112	Effect of firearms prohibition order	112
Part 10	Review of decisions	
113	Review of decisions	114
113A	Review of decisions	115

Contents

		Page
114	Notification of decisions	115
114A	Applications for review	115
Part 11	Miscellaneous provisions	
115	Disclosure by health professionals of certain information	116
116	Disposal of surrendered or seized firearms	117
117	Disposal of uncollected firearms	117
118	Certificates of safety	117
119	Acts and omissions of representatives	118
120	Third-party interests—complaints to registrar	119
121	Investigations	119
122	Offences by corporations	120
123	Service of notices	120
124	Evidentiary certificates	120
125	Determination of fees	122
125A	Approved forms	122
126	Regulation-making power	122
128	Review of Act	124
129	Licensing of entities to operate approved paintball ranges	124

		Page
Part 20	Transitional	
Schedule 1	Prohibited firearms	126
Schedule 2	Licence categories and authority conferred	129
Schedule 3	Licence categories and authority conferred	134
Schedule 4	Reviewable decisions	134
Dictionary		135
Endnotes		
1	About the endnotes	136
2	Abbreviation key	136
3	Legislation history	137
4	Amendment history	140
5	Earlier republications	167
6	Uncommenced amendments	169



Australian Capital Territory

Firearms Act 1996

- U** 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
-

Part 1 Preliminary

- U** 1 **Short title**
This Act may be cited as the *Firearms Act 1996*.
- U** 2 **Dictionary**
- U** 2A **Notes**
- U** 2B **Offences against Act—application of Criminal Code etc**

U Part 1A **Important concepts**

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.

U 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 mentioned in table 23, 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 *Domestic Violence and 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 *Domestic Violence and 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.

U 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.

U 4AB Meaning of *prohibited firearm*—Act

U 4AC Meaning of *acquire*—Act

U 4AD Meaning of *dispose*—Act

U 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.

- U** 4BA Evidence of possession—firearms at premises
- U** 4BB Evidence of possession—care, control or management of firearm
- U** 4BC Taking possession under credit contract
- U** 4BD Authority to possess and use firearms temporarily
- U** 4BE Paintball markers—authority to possess, use or store
- U** 4BF Meaning of *close associate* of firearms dealer etc—Act
- U** 4BG Assessing suitability of individuals
- U** 4BH Assessing suitability of individuals—discretionary criteria
- U** 4BI Assessing suitability of individuals—mandatory criteria
- U** 4BJ Approval of courses etc by registrar

U Part 1B Operation of Act

U 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.

U 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.

U 4D Persons responsible for certain actions etc

For this Act—

- (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.

U 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.

U Part 1C Unregulated firearms

U 4G Meaning of unregulated firearm—Act

U 4H Unregulated firearms—seizure by police

U 4I Unregulated firearms—receipt for seizure

U 4J Unregulated firearms—examination

U 4K Unregulated firearms—access to things seized

U 4L Unregulated firearms—review of decision to seize

U 4M Unregulated firearms—forfeiture

U Part 1D Declarations about firearms

U 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.

U 6 Application of Act

(1) 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 corrections officer in relation to a firearm in the officer's possession for use in the exercise of the officer's functions; 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.

- (2) In this section:

corrections officer includes a person engaged by an entity responsible under a State law for providing correctional services for offenders.

Note ***Corrections officer*** is defined in the Legislation Act, dict, pt 1.

U 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).

U 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

U 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.

U 8 Functions of registrar

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

U 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.

U 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.

U 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.

U 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.

U 12A Minister's guidelines

U 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.

U 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.

U 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.

U 15A Registrar's approval to possess ammunition as collector

U Part 3 Licences and permits

U Division 3.1 Requirement for licence or permit

U 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.

- U 16AA Offence—unauthorised possession or use of firearms other than prohibited firearms**
- U 16AB Alternative verdicts—unauthorised possession or use of firearms**
- U 16AC Offence—contravention of condition by licensee etc**
- U Division 3.2 Licensing scheme**
- U 16A Definitions of some licences—Act**
- U 16B Offence—notice of lost, stolen and destroyed licences**
- U 16C Offence—failing to surrender firearms when licence suspended or cancelled**
- U 16D Offence—failure to give up suspended or cancelled licence**
- U 16E Police may seize firearms under suspended and cancelled licences**
- U 16F Licence renewals to be treated as fresh applications**
- U 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.

U 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.

U **Division 3.2A Licensing scheme—adult firearms licences**

U **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.

U **19A Adult firearms licences—registrar to tell applicant about training etc**

U **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.

U 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.

U 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.

U 22A Adult firearms licences—categories

U 22B When adult firearms licences may be issued

U 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 mentioned in table 23, 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 mentioned in table 23, column 2; and
 - (b) can produce evidence to the registrar that he or she satisfies the requirements specified in relation to any such reason.

Table 23

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>

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

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 mentioned in table 23 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.

U 23A **Adult firearms licences—no genuine reason to possess or use firearms**

U 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.

U 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).

U 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.

U 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.

U 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.

U 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.

U 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.

U 30A Adult firearms licences—restrictions on issue of paintball marker licences

U 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
- (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.

U 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.

U 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.

U 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.

U 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.

U 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.

U **36AA** **Adult firearms licences—special conditions of category D licences**

U **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.

U 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.

U 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.

U 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—an offence is a ***domestic violence offence*** if the conduct making up the offence is domestic violence under the *Domestic Violence and Protection Orders Act 2001*.

Note 1 A licence is automatically suspended under the *Domestic Violence and Protection Orders Act 2001*, s 57 (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 *Domestic Violence and Protection Orders Act 2001*, s 73 (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.

U 40 **Adult firearms licences—immediate suspension**

U 40A **Adult firearms licences—mandatory suspension**

U 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 *Domestic Violence and 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.

U 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.

- U 42A** **Adult firearms licences—when suspension or cancellation takes effect**

- U Division 3.2B** **Licensing scheme—minors firearms licences**

- U 42D** **Children prohibited from owning firearms**
- U 42E** **Minors firearms licences—applications**
- U 42F** **Minors firearms licences—requirement for further information etc**
- U 42G** **Minors firearms licences—decision**
- U 42H** **Minors firearms licences—refusal**
- U 42I** **Minors firearms licences—categories**
- U 42J** **When minors firearms licences may be issued**
- U 42K** **Minors firearms licences—genuine reasons to possess or use firearms**
- U 42L** **Minors firearms licences—form**
- U 42M** **Minors firearms licences—replacements**
- U 42N** **Minors firearms licences—conditions**
- U 42O** **Minors firearms licences—period in force**
- U 42P** **Minors firearms licences—immediate suspension**
- U 42Q** **Minors firearms licences—mandatory suspension**

- U 42R Minors firearms licences—cancellation**
- U 42S Minors firearms licences—when suspension or cancellation takes effect**
- U Division 3.2C Licensing scheme—composite entity firearms licences**
- U 42U Definitions—Act**
- U 42V Composite entity firearms licences—applications**
- U 42W Composite entity firearms licences—requirement for further information etc**
- U 42X Composite entity firearms licences—decision**
- U 42Y Composite entity firearms licences—refusal**
- U 42Z Composite entity firearms licences—categories**
- U 42ZA Composite entity firearms licence—principal’s name**
- U 42ZB When composite entity firearms licences may be issued**
- U 42ZC Composite entity firearms licences—genuine reasons to possess or use firearms**
- U 42ZD Composite entity firearms licences—no genuine reason to possess or use firearms**
- U 42ZE Composite entity firearms licences—restriction on issue of category B licences**
- U 42ZF Composite entity firearms licences—restriction on issue of category C licences**

- U** 42ZG Composite entity firearms licences—restriction on issue of category D licences
- U** 42ZH Composite entity firearms licences—restriction on issue of category H licences
- U** 42ZI Composite entity firearms licences—form
- U** 42ZJ Composite entity firearms licences—replacements
- U** 42ZK Composite entity firearms licences—conditions
- U** 42ZL Composite entity firearms licences—period in force
- U** 42ZM Composite entity firearms licences—immediate suspension
- U** 42ZMA Composite entity firearms licences—mandatory suspension
- U** 42ZN Composite entity firearms licences—cancellation
- U** 42ZO Composite entity firearms licences—when suspension or cancellation takes effect

- U** Division 3.2D Licensing scheme—temporary international firearms licences

- U** 42ZOA Meaning of *foreign firearms licence*—div 3.2D
- U** 42ZP Temporary international firearms licences—applications
- U** 42ZPA Temporary international firearms licences—requirement for further information etc
- U** 42ZPB Temporary international firearms licences—decision

- U** 42ZPC Temporary international firearms licences—refusal
- U** 42ZPD When temporary international firearms licences may be issued
- U** 42ZQ Temporary international firearms licences—genuine reasons to possess or use firearms
- U** 42ZQA Temporary international firearms licences—form
- U** 42ZQB Temporary international firearms licences—conditions
- U** 42ZR Temporary international firearms licences—period in force
- U** 42ZRA Temporary international firearms licences—cancellation
- U** 42ZRB Temporary international firearms licences—when cancellation takes effect

- U** **Part 3A** **Temporary recognition of interstate licences and permits**
- U** **42ZS** **Definitions—pt 3A**
- U** **42ZSA** **Temporary recognition of interstate licences—declaration of licence categories**
- U** **42ZT** **Temporary recognition of interstate licences—general**
- U** **42ZU** **Temporary recognition of interstate category C licences**
- U** **42ZV** **Interstate residents moving to ACT—category A, B, and paintball marker licences**
- U** **42ZW** **Interstate residents moving to ACT—category C and H licences**
- U** **42ZX** **Temporary recognition of interstate licences for international visitors—shooting or paintball competitions**

U Part 3B Permits generally

U 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.

U 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.

U Division 3.3 Permits**U Part 3C Permits to acquire firearms****U 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.

U 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.

U 45B Permits to acquire—decision

U 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 court order (however described), 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.

U 46A **Permits to acquire—refusal to issue to temporary international firearms licensees**

U 46B **When permits to acquire may be issued**

U 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.

U 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.

- U 48A Offence—notice of lost, stolen and destroyed permits to acquire**
- U 48B Permits to acquire—automatic suspension and cancellation**
- U 48C Permits to acquire—cancellation by registrar**
- U 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.

U 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.

U Part 4 Registration of firearms

U Division 4.1 Registration scheme

U 49B Meaning of owner and user particulars—pt 4

U 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.

U 50A Contents of register

U 50B Register not available to public

U 50C Two-yearly reviews

U 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.

U 51A Firearm registration—request for further information etc

U 51B Firearm registration—decision

U 51C Firearm registration—refusal

U 51D Firearm registration notice

U 51E End of firearm registration

U 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.

U 52A Police may seize firearms if firearm registration cancelled

U 52B User registration—application

U 52BA User registration—request for further information etc

U 52BB User registration—decision

U 52C User registration—refusal

- U 52D** **Effect of registration as user**
- U 52E** **User registration—period in force**
- U 52F** **Automatic cancellation of user registration**
- U 52G** **Automatic cancellation of user registration—certain registered users**
- U 52H** **Offence—failing to notify event causing cancellation of user registration**

U Division 4.2 **Offences relating to registration**

U 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.

U 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.

U 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.

U Division 4.3 Endorsement of licences

U 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.

U 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.

U 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.

U 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.

U 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.

U 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.

U **Division 4.4** **Registration of firearms users**

U **Division 4.5** **Offences—registration**

U Part 5 Safe keeping of firearms

U 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.

U 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.

U 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 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.

U Part 6 Firearms dealers**U Division 6.1 Interpretation****U 65A Meaning of *prohibited person*—pt 6****U Division 6.2 Licences and licensed firearms dealers****U 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.

- U 66A Information about close associates of certain firearms dealers**
- U 66B Meaning of *prohibited person* for licensed firearms dealers**
- U 66C Registrar's statement whether person prohibited—application**
- U 66D Registrar's statement whether person prohibited**
- U 66E Offence—prohibited person not to be involved in firearms dealing business**
- U 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.

U **Division 6.3** **Licensed firearms dealers—records and returns**

U **67A** **Definitions—div 6.3**

U **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.

U 68AA Acquisition and disposal—records

U 68A Correction of recorded entries

U 68B Offence—inspection of records

U 68C Offence—records of former firearms dealers

U 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.

U 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.

U 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.

U **Part 7** **Powers of entry, search and seizure**

U **Division 7.1** **Interpretation**

U **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.

U **Division 7.2** **Powers of police officers**

U **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.

U **74A** **Production of evidence of identity**

U **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.

U 75A **General powers on entry to premises**

U 75B **Powers on entry—condition**

U 75C Offences—noncompliance with directions and requirements

U 75D Power to seize things

U 75DA Receipt for things seized

U Division 7.3 Search warrants

U 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.

U 76A Warrants—application made other than in person

U 76B Search warrants—announcement before entry

U 76C Details of search warrant to be given to occupier etc

U 76D Occupier entitled to be present during search etc

U Division 7.4 Things seized

U 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.

U 77A Return or forfeiture of things seized

U Division 7.5 Enforcement—miscellaneous

U 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

- (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.

U 78A Compensation for exercise of enforcement powers

U Part 8 Miscellaneous offences**U 79 Offences—trafficking firearms****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.

U 82A Offences—operation of shooting ranges

U 82B Offences—operation of paintball ranges

U 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.

U 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.

U 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.

U 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).

U 93A Offence—disposal of inherited firearms**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.

U 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.

U 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.

- U 98A** **Offence—sale of ammunition by licensed firearms dealers**
- U 98B** **Offence—sale of ammunition by authorised club members**
- U 98C** **Offence—selling ammunition to people from outside ACT**
- U 98D** **Offence—selling ammunition for starting pistols**
- U 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; or

during 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.

U 99A Offence—possessing ammunition generally

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.

U 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.

U 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.

U 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.

U Part 9 Firearms prohibition orders

U 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.

U 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.

U Part 10 Review of decisions

U 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.

U 113A Review of decisions**U 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).

U 114A Applications for review

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, midwife 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.

U 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.

U 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.

U 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).

U 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.

U 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*.

U 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*.

U 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.

U 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.

U 129 Licensing of entities to operate approved paintball ranges

U Part 20

Transitional

U 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

column 1 item	column 2 description
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.

U 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.

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	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
		magazine 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"> (a) employees or directors of the corporation specified in the licence; or (b) employees of the partnership so specified; or (c) employees of the individual so specified; <p>who are eligible to be issued with a licence, to possess, manufacture, buy, sell, transfer, repair,</p>

column 1 item	column 2 category of licence	column 3 firearms to which licence applies	column 4 authority conferred by licence
			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.

- U** **Schedule 3** Licence categories and authority conferred
- U** **Schedule 4** Reviewable decisions

U Dictionary

Endnotes

1 About the endnotes

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
def = definition	pres = present
dict = dictionary	prev = previous
disallowed = disallowed by the Legislative Assembly	(prev...) = previously
div = division	pt = part
exp = expires/expired	r = rule/subrule
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

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))

**Domestic Violence and Protection Orders Amendment Act 2005
A2005-13 sch 1 pt 1.9**

notified LR 24 March 2005
s 1, s 2 commenced 24 March 2005 (LA s 75 (1))
sch 1 pt 1.9 commenced 25 March 2005 (s 2)

Sentencing Legislation Amendment Act 2006 A2006-23 sch 1 pt 1.18

notified LR 18 May 2006
s 1, s 2 commenced 18 May 2006 (LA s 75 (1))
sch 1 pt 1.18 commenced 2 June 2006 (s 2 (1) and see Crimes
(Sentence Administration) Act 2005 A2005-59 s 2, Crimes
(Sentencing) Act 2005 A2005-58, s 2 and LA s 79)

Health Legislation Amendment Act 2006 (No 2) A2006-46 sch 2 pt 2.5

notified LR 17 November 2006
s 1, s 2 commenced 17 November 2006 (LA s 75 (1))
sch 2 pt 2.5 commenced 18 November 2006 (s 2 (1))

Firearms Amendment Act 2008 A2008-25 pt 2, sch 1 pt 1.1

notified LR 15 July 2008
s 1, s 2 commenced 15 July 2008 (LA s 75 (1))
pt 2, sch 1 pt 1.1 awaiting commencement (s 2 (1))

Note default commencement under LA s 79: 15 January 2009

**ACT Civil and Administrative Tribunal Legislation Amendment Act
2008 A2008-36 sch 1 pt 1.24**

notified LR 4 September 2008
s 1, s 2 commenced 4 September 2008 (LA s 75 (1))
sch 1 pt 1.24 commences on the later of the commencement of ACT
Civil and Administrative Tribunal Act 2008 A2008-35 s 6 and the
commencement of the Firearms Amendment Act 2008 A2008-25 pt 2
(s 2 (3))

Note default commencement under A2008-25: 15 January 2009
default commencement under A2005-35: 4 September 2010

**Domestic Violence and Protection Orders Act 2008 A2008-46 sch 3
pt 3.10**

notified LR 10 September 2008
s 1, s 2 commenced 10 September 2008 (LA s 75 (1))
sch 3 pt 3.10 commences 30 March 2009 (s 2)

Endnotes

4 Amendment history

4 Amendment history

Long title

long title [sub A2008-25 amdt 1.1](#)

Name of Act

s 1 [sub A2008-25 amdt 1.2](#)

Dictionary

s 2 [om 2001 No 44 amdt 1.1639](#)
[ins A2008-25 s 4](#)

Notes

[s 2A](#) [ins A2008-25 s 4](#)

Offences against Act—application of Criminal Code etc

[s 2B](#) [ins A2008-25 s 4](#)

Important concepts

[pt 1A hdg](#) [ins A2008-25 s 4](#)

Definitions for Act

[s 4 hdg](#) [sub 1999 No 29 notes](#)
[am R3 LA](#)

[s 4](#) [am 1999 No 29 sch](#)
[defs reloc to dict A2008-25 s 6](#)
[om A2008-25 s 7](#)
def **acquire** [om A2008-25 s 5](#)
def **airgun** [om A2008-25 s 5](#)
def **ammunition** [om A2008-25 s 5](#)
def **approved range** [om A2003-31 amdt 1.2](#)
def **approved shooting range** [ins A2003-31 amdt 1.2](#)
[om A2008-25 s 5](#)
def **authorised instructor** [om A2008-25 s 5](#)
def **authorised member** [om A2008-25 s 5](#)
def **chief police officer** [om A2008-25 s 5](#)
def **composite entity** [om A2008-25 s 5](#)
def **dealer's licence** [om A2008-25 s 5](#)
def **determined fee** [om 2001 No 44 amdt 1.1640](#)
def **employee** [om A2008-25 s 5](#)
def **endorsed** [om A2008-25 s 5](#)
def **firearm** [om A2008-25 s 5](#)
def **firearm part** [om A2008-25 s 5](#)
def **firearms dealer** [om A2008-25 s 5](#)
def **firearms prohibition order** [om A2008-25 s 5](#)
def **genuine reason** [om A2008-25 s 5](#)
def **occupier** [om A2008-25 s 5](#)
def **possession** [om A2008-25 s 5](#)
def **principal** [om A2008-25 s 5](#)

def **prohibited firearm** am A2003-31 amdt 1.3
om A2008-25 s 5

def **prohibited pistol** ins A2003-31 s 5
om A2008-25 s 5

Meaning of firearm—Act

s 4A hdg ins 1999 No 29 notes
s 4A (prev s 4 (2)) renum 1999 No 29 sch
sub A2008-25 s 8

Meaning of prohibited firearm—Act

s 4AB ins A2008-25 s 8

Meaning of acquire—Act

s 4AC ins A2008-25 s 8

Meaning of dispose—Act

s 4AD ins A2008-25 s 8

Meaning of possession—Act

s 4B hdg ins 1999 No 29 notes
s 4B (prev s 4 (3), s 4 (4)) renum 1999 No 29 sch
sub A2008-25 s 8

Evidence of possession—firearms at premises

s 4BA ins A2008-25 s 8

Evidence of possession—care, control or management of firearm

s 4BB ins A2008-25 s 8

Taking possession under credit contract

s 4BC ins A2008-25 s 8

Authority to possess and use firearms temporarily

s 4BD ins A2008-25 s 8

Paintball markers—authority to possess, use or store

s 4BE ins A2008-25 s 8

Meaning of close associate of firearms dealer etc—Act

s 4BF ins A2008-25 s 8

Assessing suitability of individuals

s 4BG ins A2008-25 s 8

Assessing suitability of individuals—discretionary criteria

s 4BH ins A2008-25 s 8

Assessing suitability of individuals—mandatory criteria

s 4BI ins A2008-25 s 8

Approval of courses etc by registrar

s 4BJ ins A2008-25 s 8

Endnotes

4 Amendment history

Operation of Act

pt 1B hdg [ins A2008-25 s 8](#)

Government-owned firearms

s 4C hdg [ins 1999 No 29 notes](#)
s 4C [\(prev s 4 \(5\)\) renum 1999 No 29 sch](#)
[sub A2008-25 s 8](#)

Offences against Act—application of Criminal Code etc

s 4CA [ins A2003-31 amdt 1.4](#)
[om A2008-25 s 8](#)

People responsible for certain actions etc

s 4D hdg [ins 1999 No 29 notes](#)
s 4D [\(prev s 4 \(6\)\) renum 1999 No 29 sch](#)
[sub A2008-25 s 8](#)

People exempt from Act etc

s 4E hdg [ins 1999 No 29 notes](#)
s 4E [\(prev s 4 \(7\)\) renum 1999 No 29 sch](#)
[sub A2008-25 s 8](#)

Unregulated firearms

pt 1C hdg [ins A2008-25 s 8](#)

Meaning of unregulated firearm—Act

s 4G [ins A2008-25 s 8](#)

Unregulated firearms—seizure by police

s 4H [ins A2008-25 s 8](#)

Unregulated firearms—receipt for seizure

s 4I [ins A2008-25 s 8](#)

Unregulated firearms—examination

s 4J [ins A2008-25 s 8](#)

Unregulated firearms—access to things seized

s 4K [ins A2008-25 s 8](#)

Unregulated firearms—review of decision to seize

s 4L [ins A2008-25 s 8](#)

Unregulated firearms—forfeiture

s 4M [ins A2008-25 s 8](#)

Declarations about firearms

pt 1D hdg [ins A2008-25 s 8](#)

Firearms declarations by registrar

s 5 [sub A2008-25 s 8](#)

Effect of certain declarations

s 6 am 1999 No 29 sch; A2006-23 amdts 1.198-1.200
sub [A2008-25 s 8](#)

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
om [A2008-25 s 8](#)

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
om [A2008-25 s 8](#)

Registrar of firearms

s 7 am [A2008-25 amdt 1.3](#), [amdt 1.4](#)

Functions of registrar

s 8 am [A2008-25 amdt 1.5](#)

Powers of registrar

s 9 om [A2008-25 amdt 1.6](#)

Delegation by registrar

s 10 sub [A2008-25 s 9](#)

Acting registrar

s 11 om [A2008-25 amdt 1.7](#)

Reports and recommendations

s 12 sub 2001 No 44 amdt 1.1646; [A2008-25 s 10](#)

Minister's guidelines

s 12A ins [A2008-25 s 10](#)

Amnesty

s 13 sub 2001 No 44 amdt 1.1646
am [A2008-25 s 11](#)

Authorised instructors and club members

s 14 am [A2003-31 amdt 1.7](#)
sub [A2008-25 s 12](#)

Approval of clubs

s 15 am 2001 No 44 amdts 1.1647-1.1649
sub [A2003-31 s 6](#)
am [A2008-25 amdt 1.8](#)

Registrar's approval to possess ammunition as collector

s 15A ins [A2008-25 s 13](#)

Endnotes

4 Amendment history

Firearms licences

pt 3 hdg [sub A2008-25 s 14](#)

Requirement for licence etc

div 3.1 hdg (prev pt 3 div 1 hdg) renum R3 LA (see also 2001 No 90
amdt 1.78)
[sub A2008-25 s 14](#)

Offence—unauthorised possession or use of prohibited firearms

s 16 hdg am 1999 No 29 s 4
s 16 am 1999 No 29 s 4
[sub A2003-31 s 7; A2008-25 s 15](#)

Offence—unauthorised possession or use of firearms other than prohibited firearms

[s 16AA](#) [ins A2008-25 s 15](#)

Alternative verdicts—unauthorised possession or use of firearms

[s 16AB](#) [ins A2008-25 s 15](#)

Offence—contravention of condition by licensee etc

[s 16AC](#) [ins A2008-25 s 15](#)

Licensing schemes—general

div 3.2 hdg (prev pt 3 div 2 hdg) renum R3 LA (see also 2001 No 90 amdt
1.78)
[sub A2008-25 s 16](#)

Definitions of some licences—Act

[s 16A](#) [ins A2008-25 s 16](#)
[def *adult firearms licence*](#) [ins A2008-25 s 16](#)
[def *composite entity firearms licence*](#) [ins A2008-25 s 16](#)
[def *minors firearms licence*](#) [ins A2008-25 s 16](#)
[def *temporary international firearms licence*](#) [ins A2008-25
s 16](#)

Offence—notice of lost, stolen and destroyed licences

[s 16B](#) [ins A2008-25 s 16](#)

Offence—failing to surrender firearms when licence suspended or cancelled

[s 16C](#) [ins A2008-25 s 16](#)

Offence—failure to give up suspended or cancelled licence

[s 16D](#) [ins A2008-25 s 16](#)

Police may seize firearms under suspended and cancelled licences

[s 16E](#) [ins A2008-25 s 16](#)

Licence renewals to be treated as fresh applications

[s 16F](#) [ins A2008-25 s 16](#)

Licence categories, kinds and authority conferred by licence

[s 17](#) [sub A2008-25 s 17](#)

Authority conferred by licence—additional matters

s 18 [am A2008-25 s 18](#)

Licensing scheme—adult firearms licences

div 3.2A hdg [ins A2008-25 s 19](#)

Adult firearms licences—applications

s 19 [am 2001 No 44 amdt 1.1650, amdt 1.1651; ss renum R3 LA \(see 2001 No 44 amdt 1.1652\) sub A2008-25 s 19](#)

Adult firearms licences—registrar to tell applicant about training etc

s 19A [ins A2008-25 s 19](#)

Adult firearms licences—requirement for further information etc

s 20 [sub A2008-25 s 19](#)

Adult firearms licences—decision

s 21 [am 1998 No 67 s 17; 2001 No 90 amdt 1.67 sub A2008-25 s 19](#)

Adult firearms licences—refusal

s 22 [am 2001 No 90 amdts 1.68-1.70 sub A2008-25 s 19](#)

Adult firearms licences—categories

s 22A [ins A2008-25 s 19](#)

When adult firearms licences may be issued

s 22B [ins A2008-25 s 19](#)

Adult firearms licences—genuine reasons to possess or use firearms

s 23 [am A2003-31 s 8, s 9, amdts 1.8-1.10; table renum R12 LA sub A2008-25 s 19](#)

Adult firearms licences—no genuine reason to possess or use firearms

s 23A [ins A2008-25 s 19](#)

Adult firearms licences—restriction on issue of category B licences

s 24 [sub A2008-25 s 19](#)

Adult firearms licences—restriction on issue of category C licences

s 25 [sub A2008-25 s 19](#)

Adult firearms licences—restriction on issue of category D licences

s 26 [sub A2008-25 s 19](#)

Adult firearms licences—restriction on issue of category H licences

s 27 [sub A2003-31 s 10; A2008-25 s 19](#)

Adult firearms licences—restriction on issue of collectors licences

s 28 [sub A2003-31 s 10; A2008-25 s 19](#)

Endnotes

4 Amendment history

Adult firearms licences—restrictions on issue of heirlooms licence

s 29 [sub A2008-25 s 19](#)

Adult firearms licences—restrictions on issue of firearms dealer licences

s 30 [sub A2008-25 s 19](#)

Adult firearms licences—restrictions on issue of paintball marker licences

s 30A [ins A2008-25 s 19](#)

Adult firearms licences—form

s 31 [am A2003-31 amdt 1.11](#)
[sub A2008-25 s 19](#)

Adult firearms licences—replacements

s 32 [sub A2008-25 s 19](#)

Form of licence

s 33 [am 2001 No 44 amdts 1.1653-1.1655](#)
[om A2008-25 s 19](#)

Issue of licences to composite entities

s 34 [om A2008-25 s 19](#)

Issue of copy of licence

s 35 [am 2001 No 44 amdt 1.1656, amdt 1.1657](#)
[om A2008-25 s 19](#)

Adult firearms licences—conditions

s 36 [sub A2008-25 s 20](#)

Adult firearms licences—special conditions of category D licences

s 36AA [ins A2008-25 s 20](#)

Adult firearms licences—special conditions for category H licences for sport or target shooting

s 36A hdg [sub A2008-25 s 21](#)
s 36A [ins A2003-31 s 11](#)
[am A2008-25 s 21, s 22](#)

Adult firearms licences—special conditions for collectors licences

s 37 hdg [sub A2008-25 s 23](#)
s 37 [am A2003-31 s 12; A2008-25 s 23](#)

Adult firearms licences—special conditions for paintball marker licences

s 38 [sub A2008-25 s 24](#)

Adult firearms licences—period in force

s 39 [am 2001 No 90 amdt 1.71, amdt 1.72; A2005-13 amdt 1.37](#)
[sub A2008-25 s 24](#)

Adult firearms licences—immediate suspension

s 40 [om 2001 No 90 amdt 1.73](#)
[ins A2008-25 s 24](#)

Adult firearms licences—mandatory suspension

s 40A ins A2008-25 s 24
am A2008-46 amdt 3.26, amdt 3.27

Adult firearms licences—cancellation generally

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) ; A2005-13 amdt 1.38
sub A2008-25 s 24
am A2008-46 amdt 3.28

Adult firearms licences—cancellation of category H licences

s 42 sub A2008-25 s 24

Adult firearms licences—when suspension or cancellation takes effect

s 42A ins A2008-25 s 24

Licensing scheme—minors firearms licences

div 3.2B hdg ins A2008-25 s 24

Children prohibited from owning firearms

s 42D ins A2008-25 s 24

Minors firearms licences—applications

s 42E ins A2008-25 s 24

Minors firearms licences—requirement for further information etc

s 42F ins A2008-25 s 24

Minors firearms licences—decision

s 42G ins A2008-25 s 24

Minors firearms licences—refusal

s 42H ins A2008-25 s 24

Minors firearms licences—categories

s 42I ins A2008-25 s 24

When minors firearms licences may be issued

s 42J ins A2008-25 s 24

Minors firearms licences—genuine reasons to possess or use firearms

s 42K ins A2008-25 s 24

Minors firearms licences—form

s 42L ins A2008-25 s 24

Minors firearms licences—replacements

s 42M ins A2008-25 s 24

Minors firearms licences—conditions

s 42N ins A2008-25 s 24

Endnotes

4 Amendment history

Minors firearms licences—period in force

s 42O ins A2008-25 s 24

Minors firearms licences—immediate suspension

s 42P ins A2008-25 s 24

Minors firearms licences—mandatory suspension

s 42Q ins A2008-25 s 24
am A2008-46 amdt 3.29, amdt 3.30

Minors firearms licences—cancellation

s 42R ins A2008-25 s 24
am A2008-46 amdt 3.31

Minors firearms licences—when suspension or cancellation takes effect

s 42S ins A2008-25 s 24

Licensing scheme—composite entity firearms licences

div 3.2C hdg ins A2008-25 s 24

Definitions—Act

s 42U ins A2008-25 s 24
def **composite entity** ins A2008-25 s 24
def **principal** ins A2008-25 s 24
def **registered principal** ins A2008-25 s 24

Composite entity firearms licences—applications

s 42V ins A2008-25 s 24

Composite entity firearms licences—requirement for further information etc

s 42W ins A2008-25 s 24

Composite entity firearms licences—decision

s 42X ins A2008-25 s 24

Composite entity firearms licences—refusal

s 42Y ins A2008-25 s 24

Composite entity firearms licences—categories

s 42Z ins A2008-25 s 24

Composite entity firearms licence—principal's name

s 42ZA ins A2008-25 s 24

When composite entity firearms licences may be issued

s 42ZB ins A2008-25 s 24

Composite entity firearms licences—genuine reasons to possess or use firearms

s 42ZC ins A2008-25 s 24

Composite entity firearms licences—no genuine reason to possess or use firearms

s 42ZD ins A2008-25 s 24

Composite entity firearms licences—restriction on issue of category B licences

s 42ZE ins A2008-25 s 24

Composite entity firearms licences—restriction on issue of category C licences

s 42ZF ins A2008-25 s 24

Composite entity firearms licences—restriction on issue of category D licences

s 42ZG ins A2008-25 s 24

Composite entity firearms licences—restriction on issue of category H licences

s 42ZH ins A2008-25 s 24

Composite entity firearms licences—form

s 42ZI ins A2008-25 s 24

Composite entity firearms licences—replacements

s 42ZJ ins A2008-25 s 24

Composite entity firearms licences—conditions

s 42ZK ins A2008-25 s 24

Composite entity firearms licences—period in force

s 42ZL ins A2008-25 s 24

Composite entity firearms licences—immediate suspension

s 42ZM ins A2008-25 s 24

Composite entity firearms licences—mandatory suspension

s 42ZMA ins A2008-25 s 24
am A2008-46 amdt 3.32, amdt 3.33

Composite entity firearms licences—cancellation

s 42ZN ins A2008-25 s 24
am A2008-46 amdt 3.34

Composite entity firearms licences—when suspension or cancellation takes effect

s 42ZO ins A2008-25 s 24

Licensing scheme—temporary international firearms licences

div 3.2D hdg ins A2008-25 s 24

Meaning of foreign firearms licence—div 3.2D

s 42ZOA ins A2008-25 s 24

Temporary international firearms licences—applications

s 42ZP ins A2008-25 s 24

Endnotes

4 Amendment history

Temporary international firearms licences—requirement for further information etc

s 42ZPA ins A2008-25 s 24

Temporary international firearms licences—decision

s 42ZPB ins A2008-25 s 24

Temporary international firearms licences—refusal

s 42ZPC ins A2008-25 s 24

When temporary international firearms licences may be issued

s 42ZPD ins A2008-25 s 24

Temporary international firearms licences—genuine reasons to possess or use firearms

s 42ZQ ins A2008-25 s 24

Temporary international firearms licences—form

s 42ZQA ins A2008-25 s 24

Temporary international firearms licences—conditions

s 42ZQB ins A2008-25 s 24

Temporary international firearms licences—period in force

s 42ZR ins A2008-25 s 24

Temporary international firearms licences—cancellation

s 42ZRA ins A2008-25 s 24
am A2008-46 amdt 3.35

Temporary international firearms licences—when cancellation takes effect

s 42ZRB ins A2008-25 s 24

Permits

div 3.3 hdg (prev pt 3 div 3 hdg) renum R3 LA (see also 2001 No 90
amdt 1.78)
om A2008-25 s 25

Temporary recognition of interstate licences and permits

pt 3A hdg ins A2008-25 s 24

Definitions—pt 3A

s 42ZS ins A2008-25 s 24
def ***authorised period*** ins A2008-25 s 24
def ***corresponding*** ins A2008-25 s 24
def ***interstate licence*** ins A2008-25 s 24
def ***local licence*** ins A2008-25 s 24

Temporary recognition of interstate licences—declaration of licence categories

s 42ZSA ins A2008-25 s 24

Temporary recognition of interstate licences—general

s 42ZT ins A2008-25 s 24

Temporary recognition of interstate category C licences

s 42ZU ins A2008-25 s 24

Interstate residents moving to ACT—category A, B, and paintball marker licences

s 42ZV ins A2008-25 s 24

Interstate residents moving to ACT—category C and H licences

s 42ZW ins A2008-25 s 24

Temporary recognition of interstate licences for international visitors—shooting or paintball competitions

s 42ZX ins A2008-25 s 24

Permits generally

pt 3B hdg ins A2008-25 s 25

General power to issue permits

s 43 hdg sub 1999 No 29 s 5

s 43 am 1999 No 29 s 5

om A2008-25 s 24

ins A2008-25 s 25

Interstate residents moving to the ACT

s 44 om A2008-25 s 24

Permits to acquire firearms

pt 3C hdg ins A2008-25 s 25

Meaning of acquirer and foreign acquirer—pt 3C

s 45 sub A2008-25 s 25

Permits to acquire—applications

s 45A ins 1999 No 29 s 6

sub A2008-25 s 25

Permits to acquire—decision

s 45B ins A2008-25 s 25

Permits to acquire—refusal to issue generally

s 46 am 2001 No 90 amdt 1.75, amdt 1.76; ss renum R4 LA (2001 No 90 amdt 1.77); A2006-23 amdt 1.201

sub A2008-25 s 25

Permits to acquire—refusal to issue to temporary international firearms licensees

s 46A ins A2008-25 s 25

When permits to acquire may be issued

s 46B ins A2008-25 s 25

Endnotes

4 Amendment history

Permits to acquire—period in force

s 47 am 2001 No 44 amdts 1.1660-1.1662
sub A2008-25 s 25

Permits to acquire—replacements

s 48 am A2003-31 s 16, s 17
sub A2008-25 s 25

Offence—notice of lost, stolen and destroyed permits to acquire

s 48A ins A2008-25 s 25

Permits to acquire—automatic suspension and cancellation

s 48B ins A2008-25 s 25

Permits to acquire—cancellation by registrar

s 48C ins A2008-25 s 25

Offence—failing to give up suspended or cancelled permit to acquire

s 49 am A2003-31 amdt 1.12
sub A2008-25 s 25

Regulations about permits to acquire

s 49A ins 1999 No 29 s 7
sub A2008-25 s 25

Registration of firearms and firearm users

pt 4 hdg sub A2008-25 s 26

Interpretation

div 4.1 hdg (prev pt 4 div 1 hdg) renum R3 LA (see also 2001 No 90
amdt 1.78)
sub A2008-25 s 26

Meaning of owner and user particulars—pt 4

s 49B ins A2008-25 s 26

Register of firearms

div 4.2 hdg (prev pt 4 div 2 hdg) renum R3 LA (see also 2001 No 90
amdt 1.78)
sub A2008-25 s 26

Register of firearms

s 50 sub A2008-25 s 26

Contents of register

s 50A ins A2008-25 s 26

Register not available to public

s 50B ins A2008-25 s 26

Two-yearly reviews

s 50C ins A2008-25 s 26

Registration of firearms

div 4.3 hdg (prev pt 4 div 3 hdg) renum R3 LA (see also 2001 No 90
amdt 1.78)
sub A2008-25 s 26

Firearm registration—application

s 51 am 2001 No 44 amdts 1.1663-1.1665; ss renum R3 LA (see
2001 No 44 amdt 1.1666)
sub A2008-25 s 26

Firearm registration—request for further information etc

s 51A ins A2008-25 s 26

Firearm registration—decision

s 51B ins A2008-25 s 26

Firearm registration—refusal

s 51C ins A2008-25 s 26

Firearm registration notice

s 51D ins A2008-25 s 26

End of firearm registration

s 51E ins A2008-25 s 26

Cancellation of firearm registration

s 52 am 2001 No 44 amdt 1.1667, amdt 1.1668; A2004-15
amdt 2.75
sub A2008-25 s 26

Police may seize firearms if firearm registration cancelled

s 52A ins A2008-25 s 26

Registration of firearms users

div 4.4 hdg ins A2008-25 s 26

User registration—application

s 52B ins A2008-25 s 26

User registration—request for further information etc

s 52BA ins A2008-25 s 26

User registration—decision

s 52BB ins A2008-25 s 26

User registration—refusal

s 52C ins A2008-25 s 26

Effect of registration as user

s 52D ins A2008-25 s 26

User registration—period in force

s 52E ins A2008-25 s 26

Endnotes

4 Amendment history

Automatic cancellation of user registration

s 52F [ins A2008-25 s 26](#)

Automatic cancellation of user registration—certain registered users

s 52G [ins A2008-25 s 26](#)

Offences—registration

div 4.5 hdg [ins A2008-25 s 26](#)

Offence—failing to notify event causing cancellation of user registration

s 52H [ins A2008-25 s 26](#)

Offence—unregistered firearms

s 53 [sub A2008-25 s 26](#)

Offence—requirements relating to registered firearms

s 54 [sub A2008-25 s 26](#)

Offence—possessing firearm under another licence

s 55 [sub A2008-25 s 26](#)

Application of div 4.3

s 56 [om A2008-25 s 26](#)

Application for endorsement

s 57 [am 2001 No 44 amdt 1.1669, amdt 1.1670](#)
[om A2008-25 s 26](#)

Approval of application

s 58 [om A2008-25 s 26](#)

Endorsement

s 59 [am A2003-31 amdt 1.13](#)
[om A2008-25 s 26](#)

Cancellation of endorsement

s 60 [om A2008-25 s 26](#)

Endorsements—notification of change of particulars

s 61 [om A2008-25 s 26](#)

Safe storage of firearms

pt 5 hdg [sub A2008-25 s 27](#)

Offence—failing to comply with storage requirements

s 62 [sub A2008-25 s 28](#)

Offence—storage requirements for category A, category B and paintball marker licences

s 63 hdg [sub A2008-25 s 29](#)
s 63 [am A2008-25 s 29, s 30](#)

Offence—storage requirements for category C, D and H licences

s 64 hdg [sub A2008-25 s 31](#)
s 64 [am A2008-25 s 31, s 32](#)

Firearms dealers

pt 6 hdg [sub A2008-25 s 33](#)

Interpretation

div 6.1 hdg [ins A2008-25 s 33](#)

Meaning of *prohibited person*—pt 6

s 65A [ins A2008-25 s 33](#)

Licences and licensed firearms dealers

div 6.2 hdg [ins A2008-25 s 33](#)

Offence—firearms dealers to be licensed

s 66 [sub A2008-25 s 34](#)

Information about close associates of certain firearms dealers

s 66A [ins A2008-25 s 34](#)

Meaning of *prohibited person* for licensed firearms dealers

s 66B [ins A2008-25 s 34](#)

Registrar's statement whether person prohibited—application

s 66C [ins A2008-25 s 34](#)

Registrar's statement whether person prohibited

s 66D [ins A2008-25 s 34](#)

Offence—prohibited person not to be involved in firearms dealing business

s 66E [ins A2008-25 s 34](#)

Offence—restrictions on acquisition and disposal of firearms by firearms dealers

s 67 [sub A2008-25 s 34](#)

Licensed firearms dealers—records and returns

div 6.3 hdg [ins A2008-25 s 33](#)

Definitions—div 6.3

s 67A [ins A2008-25 s 34](#)
def **acquire** [ins A2008-25 s 34](#)
def **dispose** [ins A2008-25 s 34](#)

Offence—records generally

s 68 [sub A2008-25 s 34](#)

Acquisition and disposal—records

s 68AA [ins A2008-25 s 34](#)

Correction of recorded entries

s 68A [ins A2008-25 s 34](#)

Endnotes

4 Amendment history

Offence—inspection of records

s 68B [ins A2008-25 s 34](#)

Offence—records of former firearms dealers

s 68C [ins A2008-25 s 34](#)

Offence—monthly returns

s 69 [am 2001 No 44 amdt 1.1671, amdt 1.1672](#)
[sub A2008-25 s 34](#)

Additional requirements for firearms dealers

s 70 hdg [sub A2008-25 s 35](#)
s 70 [am 2001 No 44 amdt 1.1673, amdt 1.1674; A2008-25 s 36](#)

Security of displayed firearms

s 71 [am A2008-25 s 37](#)

Enforcement

pt 7 hdg [sub A2008-25 s 38](#)

Interpretation

div 7.1 hdg [ins A2008-25 s 38](#)

Meaning of offence—pt 7

s 73 [sub A2008-25 s 38](#)

Interpretation

div 7.2 hdg [ins A2008-25 s 38](#)

Power to enter premises

s 74 [am 2001 No 44 amdt 1.1675-1.1677](#)
[sub A2008-25 s 38](#)

Production of evidence of identity

s 74A [ins A2008-25 s 38](#)

Consent to entry

s 75 [am A2003-14 amdt 1.57](#)
[sub A2008-25 s 38](#)

General powers on entry to premises

s 75A [ins A2008-25 s 38](#)

Powers on entry—condition

s 75B [ins A2008-25 s 38](#)

Offences—noncompliance with directions and requirements

s 75C [ins A2008-25 s 38](#)

Power to seize things

s 75D [ins A2008-25 s 38](#)

Receipt for things seized

s 75DA [ins A2008-25 s 38](#)

Search warrants

div 7.3 hdg [ins A2008-25 s 38](#)

Warrants generally

s 76 [sub A2008-25 s 38](#)

Warrants—application made other than in person

s 76A [ins A2008-25 s 38](#)

Search warrants—announcement before entry

s 76B [ins A2008-25 s 38](#)

Details of search warrant to be given to occupier etc

s 76C [ins A2008-25 s 38](#)

Occupier entitled to be present during search etc

s 76D [ins A2008-25 s 38](#)

Things seized

div 7.4 hdg [ins A2008-25 s 38](#)

Access to things seized

s 77 [am 2001 No 44 amdt 1.1678, amdt 1.1679](#)
[sub A2008-25 s 38](#)

Return or forfeiture of things seized

s 77A [ins A2008-25 s 38](#)

Enforcement—miscellaneous

div 7.5 hdg [ins A2008-25 s 38](#)

Damage etc to be minimised

s 78 [sub A2008-25 s 38](#)

Compensation for exercise of enforcement powers

s 78A [ins A2008-25 s 38](#)

Offences

pt 8 hdg [sub A2008-25 s 39](#)

Offences—trafficking firearms

s 79 [om A2004-15 amdt 2.76](#)
[ins A2008-25 s 39](#)

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](#)

Offences—operation of shooting ranges

s 82A [ins A2008-25 s 40](#)

Endnotes

4 Amendment history

Offences—operation of paintball ranges

s 82B ins A2008-25 s 40

Offence—unlawful disposal of firearms

s 83 sub A2008-25 s 40

Offence—unlawful acquisition of firearms

s 84 sub A2008-25 s 40

Offence—unauthorised manufacture of firearms

s 84A ins A2003-31 s 18
sub A2008-25 s 40

Alternative verdict for offences against s 84A (3)

s 84B ins A2003-31 s 18
om A2008-25 s 40

Offence—disposal of firearms by unauthorised holders generally

s 93 sub A2008-25 s 41

Offence—disposal of inherited firearms

s 93A ins A2008-25 s 41
am A2008-36 amdt 1.268

Restrictions where alcohol or other drugs concerned

s 97 am A2008-25 s 42

Offence—selling ammunition generally

s 98 am A2003-31 amdt 1.15
sub A2008-25 s 43

Offence—sale of ammunition by licensed firearms dealers

s 98A ins A2008-25 s 43

Offence—sale of ammunition by authorised club members

s 98B ins A2008-25 s 43

Offence—selling ammunition to people from outside ACT

s 98C ins A2008-25 s 43

Offence—selling ammunition for starting pistols

s 98D ins A2008-25 s 43

Offence—acquiring ammunition

s 99 am 2001 No 44 amdt 1.1680, amdt 1.1681; ss renum R3 LA
(see 2001 No 44 amdt 1.1682)
sub A2008-25 s 43

Offence—possessing ammunition generally

s 99A ins A2008-25 s 43

Offences—defacing, altering and removing identification marks

s 102 sub A2008-25 s 44

Possession of firearm under another licence

s 105 [om A2008-25 s 45](#)

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

Offence—lost, stolen or destroyed firearms

s 110 [sub A2008-25 s 46](#)

Firearms prohibition orders

pt 9 hdg [om A2008-25 s 47](#)

Firearms prohibition orders

s 111 [om A2008-25 s 47](#)

Effect of firearms prohibition order

s 112 [om A2008-25 s 47](#)

Notification and review of decisions

pt 10 hdg [sub A2008-36 amdt 1.269](#)

Meaning of reviewable decision—pt 10

s 113 am A2003-31 amdts 1.16-1.18; pars renum R7 LA (see
A2003-31 amdt 1.19
[sub A2008-25 s 48; A2008-36 amdt 1.269](#))

Review of decisions

[s 113A](#) [ins A2008-25 s 48](#)
[om A2008-36 amdt 1.269](#)

Reviewable decision notices

s 114 am A2003-31 amdt 1.20
[sub A2008-25 s 48; A2008-36 amdt 1.269](#)

Applications for review

[s 114A](#) [ins A2008-36 amdt 1.269](#)

Disclosure by health professionals of certain information

s 115 sub A2003-31 s 19
am A2006-46 amdt 2.19

Disposal of surrendered or seized firearms

s 116 [sub A2008-25 s 49](#)

Endnotes

4 Amendment history

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; A2008-25 s 50

Service of notices

s 123 am 2001 No 44 amdt 1.1689, amdt 1.1690
om A2008-25 amdt 1.9

Evidentiary certificates

s 124 am A2004-15 amdt 2.80
sub A2008-25 s 51

Determination of fees

s 125 sub 2001 No 44 amdt 1.1691; A2008-25 amdt 1.10

Approved forms

s 125A ins 2001 No 44 amdt 1.1691
sub A2008-25 amdt 1.10

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; A2008-25
ss 52-56

Repeal

s 127 om 1999 No 29 sch

Licensing of entities to operate approved shooting ranges

s 128 sub A2008-25 s 57

Licensing of entities to operate approved paintball ranges

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)
ins A2008-25 s 57

Transitional provisions

pt 12 hdg sub A2003-31 s 22
om R12 LA s 89

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))

Endnotes

4 Amendment history

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)

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)

Transitional

pt 20 hdg ins A2008-25 s 58
exp 15 January 2010 (s 215 (2))

Definitions—pt 20

s 200 ins A2008-25 s 58
exp 15 January 2010 (s 215 (2))
def **commencement day** ins A2008-25 s 58
def **pre-commencement Act** ins A2008-25 s 58

Pre-commencement Act partnerships

s 201 ins A2008-25 s 58
exp 15 January 2010 (s 215 (2))

Pre-commencement Act—fit and proper

s 202 ins A2008-25 s 58
exp 15 January 2010 (s 215 (2))

Pre-commencement Act applications for licences

s 203 ins A2008-25 s 58
exp 15 January 2010 (s 215 (2))

Pre-commencement Act applications for permits

s 204 ins A2008-25 s 58
exp 15 January 2010 (s 215 (2))

Pre-commencement Act licences

s 205 ins A2008-25 s 58
exp 15 January 2010 (s 215 (2))

Pre-commencement Act minor's firearms permits

s 206 ins A2008-25 s 58
exp 15 January 2010 (s 215 (2))

Pre-commencement Act internationally protected people temporary licences

s 207 ins A2008-25 s 58
exp 15 January 2010 (s 215 (2))

Pre-commencement Act international visitors temporary permits

s 208 ins A2008-25 s 58
exp 15 January 2010 (s 215 (2))

Pre-commencement Act—suspensions

s 209 ins A2008-25 s 58
exp 15 January 2010 (s 215 (2))

Pre-commencement Act—applications for registration of firearm

s 210 ins A2008-25 s 58
exp 15 January 2010 (s 215 (2))

Pre-commencement Act—register

s 211 ins A2008-25 s 58
exp 15 January 2010 (s 215 (2))

Pre-commencement Act—endorsement of licences

s 212 ins A2008-25 s 58
exp 15 January 2010 (s 215 (2))

Pre-commencement Act certificates

s 213 ins A2008-25 s 58
exp 15 January 2010 (s 215 (2))

Transitional meaning of *parental responsibility*

s 213A ins A2008-25 s 58
exp 9 September 2008 (s 215 (1) and see A2008-19, s 2 and
CN2008-13)

Transitional regulations

s 214 ins A2008-25 s 58
exp 15 January 2010 (s 215 (2))

Endnotes

4 Amendment history

Expiry—pt 20

s 215 ins A2008-25 s 58
exp 15 January 2010 (s 215 (2))

Prohibited firearms

sch 1 hdg am A2008-25 amdt 1.11
sch 1 am A2008-25 ss 59-67

Exemptions from Act

sch 2 note ins A2003-31 amdt 1.21
sch 2 am A2003-31 s 23
sub A2008-25 s 68

Amounts of compensation

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

Licence categories and authority conferred

sch 3 om 1999 No 29 sch
ins A2008-25 s 68

Reviewable decisions

sch 4 ins A2008-25 s 68
sub A2008-36 amdt 1.270
item 43, item 44 exp 15 January 2010 (s 215 (2))

Dictionary

dict ins A2008-25 s 69
am A2008-36 amdt 1.271, amdt 1.272
def **acquire** ins A2008-25 s 69
def **acquirer** ins A2008-25 s 69
def **active** sub A2003-31 s 4
reloc from s 4 A2008-25 s 6
def **adult firearms licence** ins A2008-25 s 69
def **airgun** ins A2008-25 s 69
def **ammunition** ins A2008-25 s 69
def **approved** ins A2003-31 amdt 1.1
reloc from s 4 A2008-25 s 6
def **approved club** sub A2003-31 amdt 1.1
reloc from s 4 A2008-25 s 6
def **approved firearms event** ins A2008-25 s 69
def **approved firearms training course** ins A2008-25 s 69
def **approved paintball competition** ins A2008-25 s 69
def **approved paintball range** ins A2008-25 s 69
def **approved reason** ins A2008-25 s 69
def **approved shooting competition** ins A2008-25 s 69
def **approved shooting range** ins A2008-25 s 69
def **authorised club member** ins A2008-25 s 69
def **authorised instructor** ins A2008-25 s 69
def **authorised period** ins A2008-25 s 69

- def ***barrel length*** ins A2003-31 s 5
reloc from s 4 A2008-25 s 6
- def ***blank fire firearm*** reloc from s 4 A2008-25 s 6
- def ***buy*** ins A2008-25 s 69
- def ***category*** ins A2008-25 s 69
- def ***category A firearm*** ins A2008-25 s 69
- def ***category B firearm*** ins A2008-25 s 69
- def ***category C firearm*** ins A2008-25 s 69
- def ***category D firearm*** ins A2008-25 s 69
- def ***category H firearm*** ins A2008-25 s 69
- def ***close associate*** ins A2008-25 s 69
- def ***composite entity*** ins A2008-25 s 69
- def ***composite entity firearms licence*** ins A2008-25 s 69
- def ***connected*** ins A2008-25 s 69
- def ***corrections officer*** ins A2008-25 s 69
- def ***corresponding*** ins A2008-25 s 69
- def ***corresponding law*** ins A2008-25 s 69
- def ***corresponding order*** sub 2001 No 90 amdt 1.64
reloc from s 4 A2008-25 s 6
- def ***dispose*** ins A2008-25 s 69
- def ***domestic violence offence*** ins A2008-25 s 69
am A2008-46 amdt 3.36
- def ***employed*** ins A2008-25 s 69
- def ***employee*** ins A2008-25 s 69
- def ***executive officer*** ins A2008-25 s 69
- def ***explosive*** sub A2004-7 amdt 1.2
reloc from s 4 A2008-25 s 6
- def ***firearm*** ins A2008-25 s 69
- def ***firearm part*** ins A2008-25 s 69
- def ***firearms dealer*** ins A2008-25 s 69
- def ***foreign acquirer*** ins A2008-25 s 69
- def ***foreign firearms licence*** ins A2008-25 s 69
- def ***genuine reason*** ins A2008-25 s 69
- def ***genuine reason of international visitor*** ins A2008-25 s 69
- def ***government agency*** reloc from s 4 A2008-25 s 6
- def ***head*** reloc from s 4 A2008-25 s 6
- def ***inoperable firearm*** reloc from s 4 A2008-25 s 6
- def ***interim protection order*** ins 2001 No 90 amdt 1.65
am A2005-13 amdt 1.36
reloc from s 4 A2008-25 s 6
am A2008-46 amdt 3.37
- def ***interstate licence*** ins A2008-25 s 69
- def ***licence*** reloc from s 4 A2008-25 s 6
- def ***licensee*** reloc from s 4 A2008-25 s 6
- def ***local licence*** ins A2008-25 s 69
- def ***minors firearms licence*** ins A2008-25 s 69

Endnotes

4 Amendment history

def **occupier** ins A2008-25 s 69
def **offence** ins A2008-25 s 69
def **owner and user particulars** ins A2008-25 s 69
def **paintball** ins A2008-25 s 69
def **paintball activity** ins A2008-25 s 69
def **paintball marker** ins A2008-25 s 69
def **paintball range operator** ins A2008-25 s 69
def **parental responsibility** ins A2008-25 s 69
note 2 exp 9 September 2008 (s 215 (1) and see
A2008-19, s 2 and CN2008-13)
def **permit** reloc from s 4 A2008-25 s 6
def **permit-holder** ins A2008-25 s 69
def **permit to acquire** ins A2008-25 s 69
def **photograph** ins A2008-25 s 69
def **pistol** reloc from s 4 A2008-25 s 6
def **possession** ins A2008-25 s 69
def **premises** reloc from s 4 A2008-25 s 6
def **principal** ins A2008-25 s 69
def **prohibited firearm** ins A2008-25 s 69
def **prohibited person** ins A2008-25 s 69
def **prohibited pistol** ins A2008-25 s 69
def **protection order** ins 2001 No 90 amdt 1.66
am A2005-13 amdt 1.36
reloc from s 4 A2008-25 s 6
am A2008-46 amdt 3.38
def **public place** am 2002 No 30 amdt 3.371
reloc from s 4 A2008-25 s 6
def **register** reloc from s 4 A2008-25 s 6
def **registered** reloc from s 4 A2008-25 s 6
def **registered firearm** ins A2008-25 s 69
def **registered owner** ins A2008-25 s 69
def **registered premises** ins A2008-25 s 69
def **registered principal** ins A2008-25 s 69
def **registered user** ins A2008-25 s 69
def **registrar** reloc from s 4 A2008-25 s 6
def **responsible person** ins A2008-25 s 69
def **reviewable decision** ins A2008-25 s 69
sub A2008-36 amdt 1.273
def **security organisation** ins A2008-25 s 69
def **sell** ins A2008-25 s 69
def **shooting gallery** reloc from s 4 A2008-25 s 6
def **starting pistol** reloc from s 4 A2008-25 s 6
def **successfully appealed against** ins A2008-25 s 69
def **temporarily store** ins A2008-25 s 69
am A2008-36 amdt 1.274
def **temporary international firearms licence** ins A2008-25
s 69

def **unregulated firearm** ins A2008-25 s 69
def **use** reloc from s 4 A2008-25 s 6

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. Electronic and printed versions of an authorised republication are identical.

Republication No and date	Effective	Last amendment made by	Republication for
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

Endnotes

5 Earlier republications

Republication No and date	Effective	Last amendment made by	Republication for
R7 1 July 2003	1 July 2003– 28 Aug 2003	A2003-31	amendments by A2003-31
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
R11 9 Apr 2004	9 Apr 2004– 1 July 2004	A2004-15	amendments by A2004-15
R12 2 July 2004	2 July 2004– 24 Mar 2005	A2004-15	commenced expiry
R13* 25 Mar 2005	25 Mar 2005– 1 June 2006	A2005-13	amendments by A2005-13
R14 2 June 2006	2 June 2006– 17 Nov 2006	A2006-23	amendments by A2006-23
R15 18 Nov 2006	18 Nov 2006– 1 Jan 2008	A2006-46	amendments by A2006-46

6 Uncommenced amendments

The following amendments have not been included in this republication because they were uncommenced at the republication date:

Firearms Amendment Act 2008 A2008-25 pt 2, sch 1 pt 1.1

Part 2 Firearms Act 1996

3 Legislation amended—pt 2

This part amends the *Firearms Act 1996*.

Note The Act is also amended in sch 1.

4 New sections 2 to 2B and part 1A heading

insert

2 Dictionary

The dictionary at the end of this Act is part of this Act.

Note 1 The dictionary at the end of this Act defines certain terms used in this Act, and includes references (*signpost definitions*) to other terms defined elsewhere.

For example, the signpost definition ‘*explosive*—see the *Dangerous Substances Act 2004*, section 73.’ means that the term ‘explosive’ is defined in that section and the definition applies to this Act.

Note 2 A definition in the dictionary (including a signpost definition) applies to the entire Act unless the definition, or another provision of the Act, provides otherwise or the contrary intention otherwise appears (see Legislation Act, s 155 and s 156 (1)).

Endnotes

6 Uncommenced amendments

2A Notes

A note included in this Act is explanatory and is not part of this Act.

Note See the Legislation Act, s 127 (1), (4) and (5) for the legal status of notes.

2B 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):

- offences against pt 3 (Firearms licences)
- offences against pt 3C (Permits to acquire firearms)
- offences against pt 4 (Registration of firearms and firearm users)
- s 62 (Offence—failing to comply with storage requirements)
- offences against pt 6 (Firearms dealers) (other than s 70 (1) to (3) and s 71)
- offences against pt 7 (Enforcement)
- offences against pt 8 (Offences) (other than s 80 to s 82, s 85 to s 92, s 94 to s 96, s 97 (1) and (2), s 100, s 101, s 103, s 104 and s 106 to s 109).

The Criminal Code, ch 2 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.

Part 1A Important concepts

5 **Definitions for Act**
Section 4, definitions of *acquire*, *airgun*, *ammunition*, *approved shooting range*, *authorised instructor*,

authorised member, chief police officer, composite entity, dealer's licence, employee, endorsed, firearm, firearm part, firearms dealer, firearms prohibition order, genuine reason, occupier, possession, principal, prohibited firearm and prohibited pistol

omit

6 Section 4, definitions (as amended)

relocate to dictionary

7 Section 4, remainder

omit

8 Sections 4A to 6B

substitute

4A Meaning of *firearm*—Act

(1) In this Act:

firearm—

- (a) means a gun, or other weapon, that is, or at any time was, capable of propelling a projectile by means of an explosive force, however caused; and
- (b) includes—
 - (i) a blank fire firearm; and
 - (ii) an airgun; and
 - (iii) a paintball marker; and
 - (iv) something declared to be a firearm under section 5; and
 - (v) a modified item.

(2) However, ***firearm*** does not include—

Endnotes

6 Uncommenced amendments

- (a) something prescribed by regulation not to be a firearm; or
- (b) something declared not to be a firearm under section 5.

(3) In this section:

modified item means something that would be a firearm if—

- (a) it did not have something missing from it, or a defect or obstruction; or
- (b) something had not been added to it.

4AB Meaning of *prohibited firearm*—Act

(1) In this Act:

prohibited firearm—

- (a) means—
 - (i) a firearm described in schedule 1; and
 - (ii) a firearm prescribed by regulation; and
 - (iii) something declared to be a prohibited firearm under section 5; and
- (b) includes a modified firearm.

Note A prohibited firearm includes a *prohibited pistol* (see sch 1, items 19 to 21).

- (2) However, *prohibited firearm* does not include something declared not to be a prohibited firearm under section 5.
- (3) A regulation may amend schedule 1 by—
 - (a) adding the name or description of a firearm; or
 - (b) amending a name or description of a firearm to more accurately describe the firearm; or
 - (c) omitting the name and description of a firearm.

- (4) In this section:

modified firearm means a firearm that would be a prohibited firearm if—

- (a) it did not have something missing from it, or a defect or obstruction; or
- (b) something had not been added to it.

4AC Meaning of *acquire*—Act

- (1) In this Act:

acquire, a firearm or ammunition, means—

- (a) buy, accept, receive or otherwise take possession of the firearm or ammunition; but
- (b) does not include take temporary possession of the firearm.

- (2) In this section:

temporary possession of a firearm—a person takes *temporary possession* of a firearm—

- (a) if the person is a licensed firearms dealer who has possession of the firearm to—
 - (i) repair, maintain or test it; or
 - (ii) store it for the person who gave it to the dealer; or
- (b) if the person is a registered principal for, or registered user of, the firearm and the person has possession of the firearm; or
- (c) if the person is authorised to possess or use the firearm under section 4BD (Authority to possess and use firearms temporarily) and the person has possession of the firearm; or
- (d) if the firearm is a paintball marker, the person is authorised to possess, use or store the paintball marker under section 4BE

(Paintball markers—authority to possess, use or store) and the person has possession of the paintball marker; or

- (e) in any other circumstances prescribed by regulation.

4AD Meaning of *dispose*—Act

In this Act:

dispose, of a firearm, means sell, give away or otherwise transfer possession of the firearm.

4B Meaning of *possession*—Act

- (1) For this Act, a person has *possession* of a firearm if the person—
- (a) has the firearm on his or her person, including in something carried or worn by the person (*physical possession*); or
 - (b) has the firearm at premises owned, leased or occupied by the person; or
 - (c) otherwise has the care, control or management of the firearm.

Example—*possession*

Simon buys a firearm illegally. He hands it to Penny to look after it for him while he appears in court. Simon still has the care, control or management of the firearm and so has possession of the firearm. Penny holds the firearm and also has possession of the firearm.

Note 1 **Premises** includes vehicles (see dict).

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) Also, for this Act, a person has *possession* of a firearm if—
- (a) part of the firearm is in the person's possession; and
 - (b) other parts of the firearm are in the possession of 1 or more other people; and

- (c) at least 1 of the other people is in possession of the other part or parts for an agreed purpose with the person; and
- (d) the parts would make up the firearm if fitted together.

4BA Evidence of possession—firearms at premises

- (1) For this Act, a person is not taken to have possession of a firearm only because the firearm is at premises owned, leased or occupied by the person if—

- (a) the person does not know that the firearm is at the premises; or

Example

Stuart buys a house from Bob. The house has ducted heating, and the old fireplace cannot be used. Bob owns a firearm but, before moving out, he hides it in a cavity in the house's chimney. Stuart does not know that Bob hid the firearm in the chimney. Stuart does not have possession of the firearm because he does not know that the firearm is in the chimney.

- (b) someone else who is authorised to possess the firearm—

- (i) is also at the premises; or

- (ii) has the care, control or management of the firearm; or

Example—par (b) (i)

Charlotte is giving Bruce a lift in her car to a shooting range. Bruce is licensed and has his registered firearm with him. Charlotte is not in possession of the firearm because Bruce is authorised to possess the firearm and he is in the car.

Example—par (b) (ii)

Isabel and Roy share a house. Roy is licensed and stores his registered firearm in the house. Isabel does not have access to the firearm and has nothing to do with it. Isabel is not in possession of the firearm even when Roy, the person authorised to possess the firearm, is not at the house, because Roy is the person who has the care, control or management of the firearm.

Note 1 **Premises** includes vehicles (see dict).

Endnotes

6 Uncommenced amendments

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).

- (c) someone else who is not authorised to possess the firearm has the care, control or management of the firearm; or
 - (d) the trier of fact is otherwise satisfied that the person was not in possession of the firearm.
- (2) To remove any doubt, a defendant to a prosecution for an offence against this Act who wishes to rely on a matter mentioned in subsection (1) has the evidential burden in relation to the matter.

4BB Evidence of possession—care, control or management of firearm

- (1) To work out whether a person has the care, control or management of a firearm for this Act, each of the following must be considered:
- (a) whether the person knows about the firearm;
 - (b) whether the person can use or dispose of the firearm;
 - (c) whether the person can control or prevent someone else from using or having physical possession of the firearm.
- (2) In this section:
- physical possession*—see section 4B (1) (a).

4BC Taking possession under credit contract

- (1) For this Act—
- (a) a person who takes possession of a thing under a credit contract is taken to have acquired it; and
 - (b) the person who possessed the thing immediately before parting with possession is taken to have disposed of it.

(2) In this section:

credit contract—see the *Credit Act 1985*, dictionary.

4BD Authority to possess and use firearms temporarily

- (1) A person is authorised to possess or use a firearm if—
- (a) the person is a licensee to whom the firearm is lent by someone else (the *lender*) during a shooting or paintball competition; and
 - (b) the licensee is licensed to use a firearm of the same kind as the firearm lent; and
 - (c) the lender is a licensee; and
 - (d) the lender is present while the person to whom the firearm is lent has possession of the firearm.
- (2) A person is authorised to possess or use a firearm if—
- (a) the person has possession of the firearm on an approved shooting range to receive instruction in the use of the firearm; and
 - (b) the person is under the immediate supervision of an authorised instructor; and
 - (c) either—
 - (i) the firearm is owned by the authorised instructor; or
 - (ii) the firearm is owned by an approved club, and the authorised instructor is a registered user of the firearm.
- (3) A person is authorised to possess or use an airgun if the person—
- (a) has possession of it for shooting at a shooting gallery, show, fair or amusement centre; and
 - (b) is under the immediate supervision of—

Endnotes

- (i) the registered owner or a registered user of, or the registered principal for, the airgun; or
 - (ii) for an airgun owned by someone from a State or another Territory who holds a licence or permit (however described) (an *interstate licence*) in force under the law of the State or Territory that authorises the use or possession of the airgun—the owner or someone employed by the owner who holds an interstate licence.
- (4) A person is authorised to possess or use a firearm in any other circumstances prescribed by regulation.

4BE Paintball markers—authority to possess, use or store

- (1) This section applies in relation to the possession or use of a paintball marker in the ACT at an approved paintball range operated by the paintball range operator for the range.
- (2) The paintball range operator, and an adult employee of the operator, are authorised to possess or use the paintball marker if the possession is in the course of the operation of the paintball range or the employee's employment.
- (3) An adult is authorised to possess or use the paintball marker if—
 - (a) the marker is in the person's possession with the knowledge and approval of the paintball range operator or an adult employee of the operator; and
 - (b) the person is taking part in a paintball activity conducted by the operator.
- (4) A person who is 16 or 17 years old (a *young participant*) is authorised to possess or use the paintball marker if the possession or use is in accordance with—
 - (a) the requirements stated in subsection (3) (a) and (b); and

- (b) the written consent of a responsible person for the young participant.

Note A **responsible person** for a young participant is a person with **parental responsibility** for the participant (see dict).

- (5) The paintball range operator is authorised to store, for the holder of a paintball marker licence, a registered paintball marker held under the licence.

Note See s 63 (Offence—storage requirements for category A, category B and paintball marker licences).

4BF Meaning of *close associate* of firearms dealer etc—Act

- (1) For this Act, an entity is a **close associate** of a licensed firearms dealer if—

- (a) the entity—

(i) holds or will hold a financial interest, or is or will be entitled to exercise a relevant power, in the dealer's business; and

(ii) is able, or will be able, to exercise significant influence in relation to the conduct of the business because of the interest or power; or

- (b) the entity holds or will hold a relevant position in the dealer's business.

- (2) In this section:

exercise a power includes exercise the power for someone else.

financial interest, in relation to a business, means—

- (a) a share in the capital of the business; or

- (b) an entitlement to receive income derived from the business, however the entitlement arises.

hold a position includes hold the position for someone else.

licensed firearms dealer includes an applicant for a firearms dealer licence.

power means a power exercisable—

- (a) by voting or otherwise; and
- (b) alone or with others.

relevant position, in a business, means a position (however described) whose holder takes part in the management of the business.

relevant power, in relation to a business, means a power—

- (a) to take part in a directorial, managerial or executive decision for the business; or
- (b) to elect or appoint a person to a relevant position in the business.

4BG Assessing suitability of individuals

- (1) This section applies if the registrar is deciding an individual's suitability in relation to—
 - (a) an authorisation mentioned in section 14 (b) (Authorised instructors and club members); or
 - (b) an application under this Act; or
 - (c) the cancellation of a licence; or
 - (d) whether the individual is a prohibited person under section 66B (Meaning of *prohibited person* for licensed firearms dealers).

Note The registrar must or may decide an individual's suitability in relation to the following applications and licences:

- applications for adult firearms licences (see s 22), firearms dealer licences (see s 30), minors firearms licences (see s 42H) and composite entity firearms licences (see s 42Y);

- cancellation of adult firearms licences (see s 41), minors firearms licences (see s 42R) and composite entity firearms licences (see s 42ZN).
- (2) In making the decision, the registrar—
- (a) must consider any discretionary criteria under section 4BH that apply to the individual; and
 - (b) must—
 - (i) consider whether any of the mandatory criteria under section 4BI are satisfied in relation to the individual; and
 - (ii) if 1 or more criteria are satisfied—decide that the individual is not suitable.

4BH Assessing suitability of individuals—discretionary criteria

- (1) For section 4BG, the following are the discretionary criteria in relation to an individual:
- (a) whether the registrar believes on reasonable grounds that, because of the individual's physical or mental health, the individual may not handle firearms responsibly;
 - Note 1* Under s 20, the registrar may require the applicant for an adult firearms licence to give the registrar stated further information or documents that the registrar reasonably needs to decide the application. This could include a document that is a consent to the disclosure of personal health information (see s 20 (3)).
 - Note 2* See also s 42F (Minors firearms licences—requirement for further information etc) and s 42W (Composite entity firearms licences—requirement for further information etc).
 - (b) whether, during the 10 years before the day the registrar decides the individual's suitability, the individual has—
 - (i) been released (whether on parole or otherwise) after serving a term of imprisonment or detention; or

Endnotes

- (ii) been subject to a protection order or corresponding order that has been revoked; or
- (iii) been subject to an interim protection order or corresponding order; or
- (iv) been convicted or found guilty of an offence (other than a prescribed offence)—
 - (A) against this Act or a corresponding law; or
 - (B) in the ACT or elsewhere involving violence, drugs, alcohol or weapons; or

Note A conviction does not include a spent conviction—see the *Spent Convictions Act 2000*, s 16 (c) (i).

- (v) given an undertaking to a court, in the ACT or elsewhere, to keep the peace or be of good behaviour; or
- (vi) had his or her licence or permit suspended or cancelled;
- (c) whether the registrar believes on reasonable grounds that information held by a law enforcement agency in relation to the individual indicates that it would be contrary to the public interest for the individual to have access to a firearm;

Note The Minister may make guidelines about the making of decisions about the public interest under this paragraph (see s 12A).

- (d) any other criteria prescribed by regulation.

(2) In this section:

law enforcement agency means each of the following:

- (a) the Australian Federal Police;
- (b) the police service or force of a State, another Territory or a foreign country;
- (c) the Australian Customs Service;
- (d) the Australian Crime Commission;

- (e) the Commonwealth CrimTrac Agency;
- (f) the New South Wales Independent Commission Against Corruption or a similar entity established under the law of another State or Territory;
- (g) the New South Wales Crime Commission or a similar entity established under the law of another State or Territory;
- (h) an entity prescribed by regulation.

prescribed offence means—

- (a) an offence—
 - (i) against this Act or a corresponding law; or
 - (ii) in the ACT or elsewhere involving violence, drugs, alcohol or weapons; and
- (b) an offence punishable by imprisonment for longer than 1 year.

4BI Assessing suitability of individuals—mandatory criteria

- (1) For section 4BG, the following are the mandatory criteria in relation to an individual:
 - (a) for an application for a licence other than a composite entity firearms licence—the registrar believes on reasonable grounds that the individual may not personally exercise continuous and responsible control over a firearm because of the individual's way of living or domestic circumstances;
 - (b) within the 10 years before the day the registrar decides the individual's suitability, the individual has been—
 - (i) subject to a protection order or corresponding order (other than an order that has been revoked or successfully appealed against); or

Note **Successfully appealed against**—see the dictionary.

Endnotes

6 Uncommenced amendments

- (ii) subject to an order under this Act or a corresponding law that prohibits the person from possessing or using a firearm (other than an order that has been successfully appealed against); or
- (iii) convicted or found guilty of a prescribed offence in the ACT or elsewhere;
- (c) the individual is not suitable because of a reason prescribed by regulation.

(2) In this section:

prescribed offence—see section 4BH (2).

4BJ Approval of courses etc by registrar

(1) The registrar may approve the following for this Act:

- (a) a firearms training course;
- (b) a shooting competition;
- (c) a paintball competition;
- (d) an event involving firearms.

(2) An approval under this section is a notifiable instrument.

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

Part 1B Operation of Act

4C Government-owned firearms

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

Note The head of the agency is the principal for the firearm (see s 42U).

4D People responsible for certain actions etc

For this Act—

- (a) a thing done for a composite entity is taken to have been done by the entity; and
- (b) a thing done in relation to a principal or employee of a composite entity is taken to have been done in relation to the entity.

Note **Composite entity** and **principal**—see s 42U.

4E People exempt from Act etc

- (1) A person mentioned in schedule 2, part 2.2, column 2 is exempt from this Act in relation to a firearm the person possesses or uses in the circumstances mentioned in column 3 for the person.
- (2) A person mentioned in schedule 2, part 2.3, column 2 does not commit an offence against this Act in relation to a firearm the person possesses or uses in the circumstances mentioned in column 3 for the person.
- (3) A person mentioned in schedule 2, part 2.4, column 2 does not commit an offence against this Act in relation to a firearm in the circumstances mentioned in column 3 for the person.
- (4) To remove any doubt, a defendant to a prosecution for an offence against this Act who wishes to rely on a circumstance mentioned in schedule 2, part 2.2, part 2.3 or part 2.4, column 3 has the evidential burden in relation to the circumstance.
- (5) For this section, a person is **exempt** from, or **does not commit an offence** against, this Act including because of an exception or immunity under a Commonwealth law.

Note 1 This Act can only bind the Crown in right of the Commonwealth if regulations under the *Australian Capital Territory (Self-Government) Act 1988*, s 28 allow it to do so.

Note 2 A regulation may also exempt a person from this Act (see s 126 (2) (p)).

Part 1C Unregulated firearms

4G Meaning of *unregulated firearm*—Act

In this Act:

unregulated firearm—a thing is an *unregulated firearm* if—

- (a) the thing is designed, made or altered to be used as a firearm; and
- (b) the only practical use of the thing is as a firearm; and
- (c) the thing is not a prohibited firearm; and
- (d) the possession or use of the thing is not authorised under this Act.

4H Unregulated firearms—seizure by police

A police officer may seize a thing if the police officer believes on reasonable grounds that the thing is an unregulated firearm and that the seizure is necessary—

- (a) because the thing would pose a risk to the safety of anyone if used; and
- (b) to prevent the thing from being used or concealed, lost or destroyed.

4I Unregulated firearms—receipt for seizure

- (1) A police officer who seizes a thing under section 4H must give a receipt for the thing to the person from whom it was seized.
- (2) If, for any reason, it is not practicable to comply with subsection (1), the police officer must leave the receipt, secured conspicuously, at the premises where it was seized (the *place of seizure*).
- (3) The receipt must include the following:
 - (a) a description of the thing seized;

- (b) an explanation of why the thing was seized;
- (c) the police officer's name, and how to contact the officer;
- (d) if the thing is removed from the place of seizure under section 4J—the address of the place to which the thing is removed.

4J Unregulated firearms—examination

- (1) A police officer who seizes a thing under section 4H (Unregulated firearms—seizure by police) may remove the thing from the premises where it was seized to another place for examination or processing, for not longer than 7 days (the *7-day period*).
- (2) A police officer may apply to the Magistrates Court for an extension of the 7-day period if the officer believes on reasonable grounds that the thing cannot be examined or processed within that time.
- (3) The police officer must, if practicable, give notice of the application to the person from whom the thing was seized, and the person is entitled to be heard on the application.
- (4) The court may order the extension if satisfied on reasonable grounds that the thing cannot be examined or processed within the 7-day period.
- (5) If a thing is moved to another place under this section, the police officer must, if practicable, tell the person from whom the thing was seized (or the person's representative) the results of the examination or processing.

4K Unregulated firearms—access to things seized

A person who would, apart from the seizure, be entitled to inspect a thing seized under section 4H (Unregulated firearms—seizure by police) may inspect it.

4L Unregulated firearms—review of decision to seize

- (1) The registrar must review each seizure under section 4H (Unregulated firearms—seizure by police) and order the return of the thing to the person from whom it was seized if—
 - (a) when seized, the thing was not—
 - (i) an unregulated firearm; or
 - (ii) a prohibited firearm; or
 - (b) within 30 days after the day of seizure, the thing is not a prohibited firearm; or
 - (c) the registrar has no reasonable grounds to believe that the thing is connected with an offence against any of the following:
 - (i) this Act;
 - (ii) the *Prohibited Weapons Act 1996*;
 - (iii) the *Crimes Act 1900*;
 - (iv) the Criminal Code;
 - (v) another law prescribed by regulation.
- (2) If a thing is ordered to be returned under subsection (1) to the person from whom it was seized, but it cannot be returned, the Territory must pay reasonable compensation to the owner of the thing for its loss.
- (3) In this section:

offence includes an offence that there are reasonable grounds for believing has been, is being or will be, committed.

4M Unregulated firearms—forfeiture

- (1) A thing seized under section 4H (Unregulated firearms—seizure by police) is forfeited to the Territory if there is no requirement under section 4L—

- (a) to return the thing to the person from whom it was seized; or
 - (b) to pay compensation for the thing.
- (2) A thing forfeited to the Territory may be destroyed or otherwise disposed of as the chief executive directs.

Part 1D Declarations about firearms

5 Firearms declarations by registrar

- (1) The registrar may, in accordance with any guidelines under section 12A (Minister's guidelines), do any of the following:
- (a) declare something to be a firearm;
 - (b) declare an unregulated firearm to be a prohibited firearm;
 - (c) declare that something is not a firearm or prohibited firearm.
- (2) A declaration remains in force for 3 months beginning on the day after the day the declaration is notified under the Legislation Act.
- (3) A declaration is a disallowable instrument.
- Note* A disallowable instrument must be notified, and presented to the Legislative Assembly, under the Legislation Act.
- (4) The registrar must also publish the declaration in a daily newspaper circulating in the ACT.

6 Effect of certain declarations

A person does not commit an offence against this Act in relation to the possession or use of a thing that is the subject of a declaration under section 5 (1) (a) or (b) if the elements of the offence happen less than 2 days after the day the declaration is notified under the Legislation Act.

Endnotes

6 Uncommenced amendments

9 Section 10

substitute

10 Delegation by registrar

The registrar may delegate the registrar's functions under this Act to a police officer.

Note 1 For the making of delegations and the exercise of delegated functions, see the Legislation Act, pt 19.4.

Note 2 In particular, the delegation must be in writing (see Legislation Act, s 232).

10 Section 12

substitute

12 Reports and recommendations

The registrar must report to the Minister on any matter referred by the Minister to the registrar for report.

12A Minister's guidelines

- (1) The Minister may make guidelines for this Act.
- (2) Without limiting subsection (1), the Minister may make guidelines about the making of the following decisions by the registrar:
 - (a) a decision about the public interest under section 4BH (1) (c) (Assessing suitability of individuals—discretionary criteria);
 - (b) a decision under section 4BJ (Approval of courses etc by registrar);
 - (c) a decision under section 5 (Firearms declarations by registrar);
 - (d) a decision under this Act whether it is in the public interest to—
 - (i) issue a licence; or

-
- (ii) put a condition on a licence; or
 - (iii) suspend a licence;
- (e) a decision about an authorisation under any of the following sections:
- (i) section 14 (Authorised instructors and club members);
 - (ii) section 36 (1) (e) (Adult firearms licences—conditions);
 - (iii) section 42N (1) (b) (Minors firearms licences—conditions);
 - (iv) section 42ZK (1) (f) (Composite entity firearms licences—conditions);
 - (v) section 42ZQB (1) (e) (Temporary international firearms licences—conditions);
 - (vi) section 98A (Offence—sale of ammunition by licensed firearms dealers);
 - (vii) section 98B (Offence—sale of ammunition by authorised club members);
 - (viii) section 99 (Offence—acquiring ammunition);
 - (ix) section 102 (Offences—defacing, altering and removing identification marks);
- (f) a decision about an approval under any of the following sections:
- (i) section 80 (Discharge etc of firearm—public places etc);
 - (ii) section 81 (1) (b) (Discharge of firearm—general);
 - (iii) section 100 (Modification of firearms).
- (3) The registrar must comply with any guidelines about the making of decisions by the registrar.

Endnotes

6 Uncommenced amendments

- (4) Also, without limiting subsection (1), the Minister may make guidelines about the following:
- (a) the safe storage of firearms on premises;
Note **Premises** includes vehicles (see dict).
 - (b) making firearms inoperable;
 - (c) the operation of shooting ranges;
 - (d) the operation of paintball ranges;
 - (e) the correction of records required to be kept by licensed firearms dealers under this Act.
- (5) A guideline is a disallowable instrument.

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

11 **Amnesty** **Section 13 (1)**

omit

section 16 (Offence of unauthorised possession or use of firearms)

substitute

section 16 (Offence—unauthorised possession or use of prohibited firearms) or section 16AA (Offence—unauthorised possession or use of firearms other than prohibited firearms)

12 Section 14

substitute

14 Authorised instructors and club members

The registrar may, in writing, authorise—

- (a) a licensee to give instruction in the use of firearms if the licensee has completed an approved firearms training course; or
- (b) a member of an approved club to sell ammunition if the registrar is satisfied on reasonable grounds that the member is suitable.

Note For when an individual is or is not suitable, see s 4BG.

13 New section 15A

in part 2, insert

15A Registrar's approval to possess ammunition as collector

- (1) A person may apply to the registrar for approval to possess ammunition.

Note 1 If a form is approved under s 125A for this provision, the form must be used.

Note 2 A fee may be determined under s 125 for this provision.

- (2) The registrar must approve the application unless prevented from doing so by subsection (3).
- (3) The registrar must not approve the application unless satisfied on reasonable grounds that—
 - (a) the applicant is a collector of ammunition; and
 - (b) the collection of ammunition does not, and will not, consist of more rounds of ammunition that are identical as to the

Endnotes

6 Uncommenced amendments

following than the registrar considers reasonable in the interests of public safety:

- (i) manufacturer;
- (ii) date of manufacture;
- (iii) calibre or type;
- (iv) if the ammunition bears a cartridge headstamp—
headstamp.

14 Part 3 and division 3.1 headings

substitute

Part 3 Firearms licences

Division 3.1 Requirement for licence etc

15 Section 16

substitute

16 Offence—unauthorised possession or use of prohibited firearms

A person commits an offence if the person—

- (a) possesses or uses—
 - (i) 10 or more prohibited firearms; or
 - (ii) 3 or more prohibited firearms, but less than 10 prohibited firearms; or
 - (iii) 1 or 2 prohibited firearms; and

- (b) is not authorised by a licence, permit or otherwise under this Act to possess or use each of the firearms.

Maximum penalty:

- (a) for paragraph (a) (i)—imprisonment for 20 years; or
(b) for paragraph (a) (ii)—imprisonment for 14 years; or
(c) for paragraph (a) (iii)—imprisonment for 10 years.

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

16AA Offence—unauthorised possession or use of firearms other than prohibited firearms

- (1) A person commits an offence if the person—
- (a) possesses or uses—
- (i) 10 or more firearms; or
- (ii) 3 or more firearms, but less than 10 firearms; or
- (iii) 1 or 2 firearms; and
- (b) is not authorised by a licence, permit or otherwise under this Act to possess or use each of the firearms.

Maximum penalty:

- (a) for subsection (1) (a) (i)—imprisonment for 20 years; or
(b) for subsection (1) (a) (ii)—imprisonment for 7 years; or
(c) for subsection (1) (a) (iii)—imprisonment for 5 years.

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

- (2) In this section:

firearm does not include a prohibited firearm.

16AB Alternative verdicts—unauthorised possession or use of firearms

- (1) This section applies if, in a prosecution for an offence against section 16 (Offence—unauthorised possession or use of prohibited firearms), the trier of fact is not satisfied that the defendant committed the offence but is satisfied beyond reasonable doubt that the defendant committed an offence against section 16AA.
- (2) The trier of fact may find the defendant guilty of the offence against section 16AA, but only if the defendant has been given procedural fairness in relation to that finding of guilt.

16AC Offence—contravention of condition by licensee etc

- (1) A person commits an offence if the person—
 - (a) possesses or uses a prohibited firearm; and
 - (b) is authorised by a licence or permit to possess or use the firearm; and
 - (c) contravenes a condition of the licence or permit.

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

- (2) A person commits an offence if the person—
 - (a) possesses or uses a firearm (other than a prohibited firearm); and
 - (b) is authorised by a licence or permit to possess or use the firearm; and
 - (c) contravenes a condition of the licence or permit.

Maximum penalty: 500 penalty units, imprisonment for 5 years or both.

- (3) Subsections (1) and (2) do not apply to a condition that the licensee or permit-holder must allow a police officer to enter to inspect facilities if—
- (a) the contravention involved refusing to allow a police officer to enter or inspect facilities; and
 - (b) the refusal was reasonable in all the circumstances.

16 Division 3.2 heading

substitute

Division 3.2 Licensing schemes—general

16A Definitions of some licences—Act

In this Act:

adult firearms licence means a licence issued to an adult under division 3.2A.

composite entity firearms licence means a licence issued to a composite entity under division 3.2C.

minors firearms licence means a licence issued to a child under division 3.2B.

temporary international firearms licence means a licence issued under division 3.2D.

16B Offence—notice of lost, stolen and destroyed licences

A licensee commits an offence if—

- (a) the licence is lost, stolen or destroyed; and
- (b) the licensee knows about the loss, theft or destruction; and

Endnotes

6 Uncommenced amendments

- (c) the licensee fails to tell the registrar about the loss, theft or destruction within 7 days after the day the licensee becomes aware of the loss, theft or destruction.

Maximum penalty: 10 penalty units.

16C Offence—failing to surrender firearms when licence suspended or cancelled

A person commits an offence if—

- (a) the person's licence is suspended or cancelled; and
- (b) the person intentionally or negligently fails to surrender any firearm in the person's possession to a police officer—
 - (i) if the police officer is present and asks the person for the firearm, and the person has the firearm—immediately; or
 - (ii) as soon as possible after the day the person is given notice of the suspension or cancellation; or
 - (iii) if a longer time is stated in the notice—within the time stated in the notice.

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

16D Offence—failure to give up suspended or cancelled licence

A person commits an offence if—

- (a) the person's licence is suspended or cancelled; and
- (b) the person intentionally or negligently fails to give the licence to a police officer—
 - (i) if the police officer is present and asks the person for the licence, and the person has the licence—immediately; or

- (ii) as soon as possible after the day the person is given notice of the suspension or cancellation; or
- (iii) if a longer time is stated in the notice—within the time stated in the notice.

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

16E Police may seize firearms under suspended and cancelled licences

- (1) A police officer may seize any firearm in a person's possession if a licence held by the person is suspended or cancelled.
- (2) When the suspension of a licence ends, a police officer must return any firearm seized under this section to the licensee if—
 - (a) the licence is in force or has not been further suspended; or
 - (b) possession of the firearm is not otherwise prohibited under this Act.

16F Licence renewals to be treated as fresh applications

To remove any doubt, this Act applies to an application for the renewal of a licence as if it were an application for a new licence.

17 Section 17

substitute

17 Licence categories, kinds and authority conferred by licence

- (1) The categories of licences, the kinds of licences, the firearms to which they apply, and the possession or use they authorise, are set out in schedule 3.

Endnotes

6 Uncommenced amendments

- (2) In addition to the firearms mentioned in schedule 3, column 3 that are excluded from category C and D licences, a regulation may prescribe other firearms that are excluded from the category.
- (3) A regulation may prescribe subcategories of category H licences.
- (4) The possession or use authorised by a licence is subject to any regulation.
- (5) The registrar may declare the category of a firearm if—
 - (a) the firearm does not have a category under this Act; or
 - (b) it is not clear to which category the firearm belongs.

Note **Category**, of firearm—see the dictionary.

- (6) A declaration is a disallowable instrument.

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

- (7) The registrar must also publish the declaration in a daily newspaper published and circulating in the ACT.

18 Authority conferred by licence—additional matters **Section 18 (2)**

substitute

- (2) A licence (other than a firearms dealer licence or paintball marker licence) that authorises the licensee to use a firearm also authorises the licensee, in accordance with this Act or another territory law, to acquire, possess or use the calibre of ammunition made for use in the firearm.

Note 1 A licensee must not possess, at any one time, an amount of ammunition that is more than the amount (if any) prescribed by regulation, unless authorised in writing by the registrar (see s 36, s 42N, s 42ZK or s 42ZQB).

Note 2 A licensee must not acquire ammunition unless the amount of ammunition that is acquired at any one time is not more than the amount (if any) prescribed by regulation (see s 99).

- (2A) Unless a regulation prescribes otherwise, a category C licence does not authorise the possession or use of a prohibited firearm for a shooting competition.

19 Sections 19 to 35

substitute

Division 3.2A Licensing scheme—adult firearms licences

19 Adult firearms licences—applications

- (1) An adult may apply to the registrar for an adult firearms licence.

Note 1 If a form is approved under s 125A for this provision, the form must be used.

Note 2 A fee may be determined under s 125 for this provision.

- (2) The application must—
- (a) provide evidence of the applicant's identity in accordance with the requirements under the *Financial Transaction Reports Act 1988* (Cwlth) that apply in relation to the opening of a bank account; and
 - (b) contain the information prescribed by regulation; and
 - (c) be accompanied by the documents prescribed by regulation.

19A Adult firearms licences—registrar to tell applicant about training etc

On receiving an application for an adult firearms licence, the registrar must give the applicant information about—

- (a) any approved firearms training courses that must be completed by the applicant; and
- (b) the firearm storage and safety requirements under this Act.

20 Adult firearms licences—requirement for further information etc

- (1) This section applies to an application for an adult firearms licence.
- (2) The registrar may give the applicant a written notice requiring the applicant to give the registrar stated further information or documents that the registrar reasonably needs to decide the application.
- (3) Without limiting subsection (2), if the registrar believes on reasonable grounds that the applicant's mental health may affect the applicant's ability to handle firearms responsibly, the registrar may ask the applicant to consent to the disclosure to the registrar of personal health information about the applicant from a health record relating to the applicant.

Note The *Health Records (Privacy and Access) Act 1997* contains provisions about the consent, access to the information and limitations on the use or disclosure of the information (see s 13A and sch 1, principle 10, cl 2 (c), 7 and 8). In particular, sch 1, principle 10, cl 7 provides that the consent must be in writing and name the health service provider who made the health record.

- (4) If the applicant does not comply with subsection (2) (other than in relation to the consent mentioned in subsection (3)), the registrar may refuse to consider the application further.
- (5) In this section:

health record—see the *Health Records (Privacy and Access) Act 1997*, dictionary.

personal health information—see the *Health Records (Privacy and Access) Act 1997*, dictionary.

21 Adult firearms licences—decision

On an application for an adult firearms licence, the registrar must issue the licence unless prevented from doing so by this Act.

Note 1 For when the registrar must refuse to issue an adult firearms licence, see s 22 and s 24 to s 30A.

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

22 Adult firearms licences—refusal

(1) The registrar must refuse to issue an adult firearms licence to an applicant for the licence unless satisfied on reasonable grounds—

- (a) about the applicant's identity; and
- (b) that the applicant is suitable; and

Note For when an individual is or is not suitable, see s 4BG.

- (c) that the applicant has a genuine reason for possessing or using a firearm; and
- (d) that the applicant will comply with part 5 (Safe storage of firearms) in relation to each registered firearm held under the licence; and
- (e) that—
 - (i) the applicant is, or is about to become, a resident of the ACT; or
 - (ii) in accordance with section 23, it would be necessary for the applicant to possess or use the firearm in the lawful course of business or employment in the ACT; and
- (f) that each registered firearm held under the licence will be stored in the ACT.

Endnotes

- (2) The registrar must also refuse to issue the licence if—
- (a) the applicant is not an adult; or
 - (b) for an application other than a renewal—the applicant holds a licence of the category applied for; or
 - (c) for an application for a licence other than a category D licence—the applicant has not completed each approved firearms training course for the category of licence applied for; or
 - (d) for an application for a category D licence—the applicant is not accredited by an entity approved by the registrar; or
 - (e) the registrar believes on reasonable grounds that it would be contrary to the public interest to issue the licence.

Note The Minister may make guidelines about the making of a decision whether it is in the public interest to issue a licence (see s 12A).

- (3) The approval of an entity under subsection (2) (d) is a notifiable instrument.

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

22A Adult firearms licences—categories

An adult firearms licence must be issued in 1 of the following categories:

- (a) category A;
- (b) category B;
- (c) category C;
- (d) category D;
- (e) category H;
- (f) collectors;
- (g) heirlooms;

- (h) firearms dealer;
- (i) paintball marker.

22B When adult firearms licences may be issued

The registrar must not issue an adult firearms licence earlier than 28 days after the day the application for the licence is made.

23 Adult firearms licences—genuine reasons to possess or use firearms

- (1) An applicant for an adult firearms licence has a genuine reason to possess or use a firearm if the registrar is satisfied that the applicant intends to possess or use the firearm for 1 or more of the reasons mentioned in table 23, column 2.
- (2) The applicant must produce evidence (including evidence of a kind, if any, mentioned in table 23, column 3) of the requirements mentioned in column 3 in relation to the applicant's genuine reason if asked to do so by the registrar.
- (3) If the applicant does not comply with subsection (2), the registrar may refuse to consider the application further.

Table 23

column 1 item	column 2 genuine reason	column 3 requirements
1	sport or target shooting	1.1 For an applicant to whom section 36A (Adult firearms licences—special conditions for category H licences for sport or target shooting) applies—the applicant is a member of an approved shooting club that conducts competitions or activities requiring the use of the

Endnotes

6 Uncommenced amendments

column 1 item	column 2 genuine reason	column 3 requirements
		<p>firearm for which the licence is sought.</p> <p>1.2 For any other applicant—the applicant is 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 on rural land	<p>2.1 For recreational hunting or vermin control on rural land—</p> <p>(a) the applicant has the permission of the owner or occupier of the land to shoot on the land; or</p> <p>(b) the applicant—</p> <p>(i) is an active member of an approved hunting club; and</p> <p>(ii) intends to use the firearm solely to take part in recreational hunting activities conducted by the club; and</p> <p>(iii) proves that the main objects of the club are to conduct recreational hunting activities requiring the</p>

column 1 item	column 2 genuine reason	column 3 requirements
		<p>use of the firearm for which the licence is sought; and</p> <p>(iv) proves that the club has the permission of the owner or occupier of the land to conduct those activities on the land.</p>
		<p>2.2 For recreational hunting or vermin control on land within a reserved area under the <i>Nature Conservation Act 1980</i>—the applicant has the permission of an officer of the ACT Parks and Conservation Service or ACT Forests or another authority prescribed by regulation, to shoot on the land.</p>
3	primary production	<p>The applicant—</p> <p>(a) is 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</p> <p>(b) intends to use the firearm solely in relation to farming or grazing activities (including the suppression of vertebrate pest animals on the</p>

Endnotes

6 Uncommenced amendments

column 1 item	column 2 genuine reason	column 3 requirements
		land concerned).
4	vertebrate pest animal control	<p>The applicant is—</p> <ul style="list-style-type: none"> (a) a professional contract shooter employed in controlling vertebrate pest animals on rural land; or (b) a person employed by or in, or authorised by, a government agency prescribed by regulation that has functions relating to the control or suppression of vertebrate pest animals; or (c) 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 who is taking part in an authorised campaign conducted by or on behalf of a government agency to eradicate large feral animals or animals that are affected by brucellosis or tuberculosis.
5	business or employment	The applicant needs to possess or use the firearm for which the licence is sought in the conduct of the applicant’s business or employment.

column 1 item	column 2 genuine reason	column 3 requirements
6	occupational requirements relating to rural purposes	The applicant is employed in a rural occupation that requires the possession or use of the firearm for which the licence is sought.
7	animal welfare	<p>The applicant is—</p> <ul style="list-style-type: none"> (a) an officer of the Royal Society for the Prevention of Cruelty to Animals; or (b) a veterinary surgeon; or (c) a person employed by or within an administrative unit with responsibility for animal welfare; or (d) an owner, transporter, drover or other handler of animals who may need to destroy an animal to avoid it suffering.
8	firearms collection	<p>8.1 For a licence that authorises the applicant to collect pistols manufactured after 1946—the applicant proves (by producing written evidence from the approved collectors club of which the applicant is a member) that—</p> <ul style="list-style-type: none"> (a) the applicant has been a member of the club for at least 1 year; and (b) the collection has a thematic structure; and

Endnotes

6 Uncommenced amendments

column 1 item	column 2 genuine reason	column 3 requirements
		<p>(c) the applicant researches or studies firearms; and</p> <p>(d) the members of the club collect firearms of the kind for which the licence is sought; and</p> <p>(e) the licence application is supported by the club.</p> <p>8.2 For a licence that authorises the applicant to collect any other kind of firearms—</p> <p>(a) the applicant is a member of an approved collectors club; and</p> <p>(b) the collection has a genuine historical or thematic structure or a genuine commemorative or investment value; and</p> <p>(c) the members of the club collect firearms of the kind for which the licence is sought; and</p> <p>(d) the licence application is supported by the club.</p>
9	heirloom possession	The applicant wants to possess a firearm that is an heirloom.

column 1 item	column 2 genuine reason	column 3 requirements
10	paintball activity	The applicant wants to possess or use a paintball marker for paintball activities.

23A Adult firearms licences—no genuine reason to possess or use firearms

An applicant for an adult firearms licence does not have a genuine reason to possess or use a firearm if the applicant intends to possess or use the firearm for—

- (a) personal protection or the protection of anyone else; or
- (b) the protection of property (other than in circumstances constituting a reason of a kind mentioned in table 23, column 2).

24 Adult firearms licences—restriction on issue of category B licences

Unless a regulation prescribes otherwise, the registrar must not issue a category B licence to an adult unless the adult, in addition to establishing a genuine reason to possess or use a firearm, produces evidence that satisfies the registrar that the adult has a special need to possess or use a firearm to which a category B licence applies.

25 Adult firearms licences—restriction on issue of category C licences

The registrar must not issue a category C licence to an adult unless—

- (a) the genuine reason established by the adult to possess or use a firearm is primary production (or another genuine reason prescribed by regulation); and
- (b) the adult produces evidence that satisfies the registrar that—

- (i) the adult has a special need to possess or use a firearm to which a category C licence applies; and
- (ii) the special need cannot be met in any other way (whether by the authority given by a category A or category B licence or otherwise).

26 Adult firearms licences—restriction on issue of category D licences

- (1) The registrar must not issue a category D licence to an adult unless—
 - (a) the genuine reason established by the adult to possess or use a firearm is vertebrate pest animal control; and
 - (b) the adult produces evidence that satisfies the registrar that the adult has a special need to possess or use a firearm to which a category D licence applies; and
 - (c) for an adult mentioned in table 23, item 4, column 3, paragraph (c)—the adult produces evidence that satisfies the registrar that the special need cannot be met in any other way (whether by the authority given by a category B or category C licence, by engaging a professional contract shooter or otherwise); and
 - (d) the Minister authorises the issue in writing.
- (2) The Minister’s authority may be given on the condition that the licence is issued subject to a stated condition that the Minister believes on reasonable grounds is in the public interest.
- (3) If a guideline mentioned in section 12A (2) (d) (ii) is in force, the guideline applies in relation to subsection (2) as if the Minister were the registrar.

27 Adult firearms licences—restriction on issue of category H licences

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

- (a) the adult has established 1 or more of the following genuine reasons to possess or use a firearm:
 - (i) sport or target shooting;
 - (ii) business or employment;
 - (iii) firearms collection; and
- (b) the adult produces evidence that satisfies the registrar that the adult has a special need to possess or use a pistol; and
- (c) if the adult's only genuine reason to possess or use a firearm is sport or target shooting—the adult gives the registrar written evidence from an approved shooting club of which the adult is a member that the licence application is supported by the club.

28 Adult firearms licences—restriction on issue of collectors licences

The registrar must not issue a collectors licence to an adult unless satisfied on reasonable grounds that the adult collects firearms.

29 Adult firearms licences—restrictions on issue of heirlooms licence

The registrar must not issue an heirlooms licence to an adult—

- (a) for more than 1 firearm or a matched pair of firearms; and
- (b) unless satisfied on reasonable grounds that the firearm or matched pair is—
 - (i) an heirloom; and
 - (ii) permanently inoperable.

30 Adult firearms licences—restrictions on issue of firearms dealer licences

The registrar must not issue a firearms dealer licence to an adult unless satisfied on reasonable grounds that—

- (a) an individual who is, or will be, a close associate of the adult is suitable; and

Note For when an individual is or is not suitable, see s 4BG.

- (b) the adult will be the person primarily responsible for the management of the business to be carried on under the licence.

30A Adult firearms licences—restrictions on issue of paintball marker licences

The registrar must not issue a paintball marker licence to an adult unless satisfied on reasonable grounds that the adult has taken part in at least 4 paintball competitions.

Note Section 4BE (Paintball markers—authority to possess, use or store) provides that an adult is authorised to possess or use a paintball marker without a licence in certain circumstances.

31 Adult firearms licences—form

An adult firearms licence must—

- (a) state the licensee's name; and
- (b) contain a recent photograph of the licensee; and
- (c) contain the licensee's signature; and
- (d) state the licence category; and
- (e) for a firearms dealer licence, collectors licence or heirlooms licence—state the category of firearm for which the licence is issued; and
- (f) state the date the licence ends; and

- (g) for a licence other than a firearms dealer licence or paintball marker licence—state the calibre of ammunition the licensee is authorised to acquire or possess; and
- (h) state the genuine reason established by the licensee to possess or use a firearm to which the licence applies; and
- (i) for a category D licence—state the circumstances when the firearm may be used; and
- (j) contain any other particulars prescribed by regulation.

32 **Adult firearms licences—replacements**

- (1) The registrar may issue a replacement adult firearms licence to the licensee if satisfied on reasonable grounds that the licence (the *original licence*) has been lost, stolen or destroyed.

Note A fee may be determined under s 125 for this provision.

- (2) If the registrar issues the replacement licence, the registrar must—
 - (a) record in the register that the original licence has been lost, stolen or destroyed; and
 - (b) not later than 48 hours after making the record, tell all licensed firearms dealers in writing that the original licence has been recorded as lost, stolen or destroyed.

Note It is an offence to fail to tell the registrar about a lost, stolen or destroyed licence (see s 16B).

20 Section 36

substitute

36 Adult firearms licences—conditions

(1) An adult firearms licence is subject to each of the following conditions:

- (a) the licensee must comply with part 5 (Safe storage of firearms) in relation to each registered firearm held under the licence;
- (b) the licensee must not allow someone else to possess or use a firearm in the licensee's possession if the other person is not authorised to possess or use the firearm;
- (c) the licensee must store each registered firearm held under the licence at the registered premises for the firearm;

Note **Registered premises** are premises in the ACT (see dict).

- (d) the licensee must allow a police officer to enter premises to inspect the licensee's facilities for storing firearms in the licensee's possession;

Note For a police officer's powers on entry under a licence condition, see s 75B (Powers on entry—condition).

- (e) the licensee must not possess, at any one time, an amount of ammunition that is more than the amount (if any) prescribed by regulation, unless authorised in writing by the registrar;
- (f) the licence cannot be transferred to someone else;
- (g) any other condition prescribed by regulation.

(2) For subsection (1) (d), a police officer may enter premises—

- (a) not more than twice each year, unless the entry is under part 7 (Enforcement); and
- (b) only if the licensee is present; and

- (c) only between 7 am and 7 pm; and
 - (d) as prescribed by regulation (if any).
- (3) An adult firearms licence is also subject to any condition that the registrar believes on reasonable grounds is in the public interest.

Note 1 The Minister may make guidelines about the making of a decision whether it is in the public interest to put a condition on a licence (see s 12A).

Note 2 If the registrar puts a condition on a licence under this section, the registrar must give written notice of the decision to the licensee (see s 114).

36AA Adult firearms licences—special conditions of category D licences

Each category D licence is subject to the following conditions:

- (a) the licensee may use the firearm only in the circumstances stated in the licence;

Example—stated circumstances

for airborne culling

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).

- (b) the licensee must—
 - (i) store the firearm with a licensed firearms dealer (other than a club armourer) as soon as practicable after the day the licence ends; or
 - (ii) otherwise deal with the firearm in accordance with arrangements approved by the registrar.

Endnotes

6 Uncommenced amendments

21 Section 36A

omit everything before subsection (2), substitute

36A Adult firearms licences—special conditions for category H licences for sport or target shooting

- (1) This section applies to an adult if the adult—
 - (a) is issued with a category H licence (the *new licence*) for the genuine reason of sport or target shooting; and
 - (b) has never held a category H licence before being issued with the new licence.

22 Section 36A (2) (b)

substitute

- (b) the licensee must complete each approved firearms training course for the licence;

23 Section 37

omit everything before paragraph (a), substitute

37 Adult firearms licences—special conditions for collectors licences

A collectors licence is subject to the following conditions:

24 Sections 38 to 44

substitute

38 Adult firearms licences—special conditions for paintball marker licences

A paintball marker licence is subject to the condition that the licensee must not use a registered paintball marker held under the

licence in the ACT other than at an approved paintball range operated by the paintball range operator for the range.

39 Adult firearms licences—period in force

- (1) An adult firearms licence begins on the day it is issued and remains in force, subject to this Act—
 - (a) for 5 years; or
 - (b) if a shorter period is prescribed by regulation—for the shorter period prescribed; or
 - (c) for a category D licence—until the date (the *end date*) decided by the registrar.
- (2) The end date must not be more than 12 months after the day the licence begins.

Example—s (1)

An adult firearms licence is issued on 1 January 2009. It ends on 31 December 2013 (at the end of that day).

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).

40 Adult firearms licences—immediate suspension

- (1) This section applies if the registrar—
 - (a) is considering whether a ground for cancellation of a licence exists under—
 - (i) section 41 (Adult firearms licences—cancellation generally); or
 - (ii) section 42 (Adult firearms licences—cancellation of category H licences); and

Endnotes

- (b) believes on reasonable grounds that it is in the public interest to suspend the licence until the registrar decides whether to cancel the licence on the ground.

Note 1 The Minister may make guidelines about the making of a decision whether it is in the public interest to suspend a licence (see s 12A).

Note 2 If the registrar suspends a licence under this section, the registrar must give written notice of the decision to the licensee (see s 114).

- (2) The registrar's notice of the suspension must—
 - (a) include a statement about the effect of subsections (3) and (4); and
 - (b) state that the licensee may, before the end of a stated period, give the registrar written reasons why the licence should remain in force.

Note See s 42A (Adult firearms licences—when suspension or cancellation takes effect).

- (3) The suspension ends when the earliest of the following happens:
 - (a) the registrar gives the licensee a written notice revoking the suspension;
 - (b) if the licence is cancelled under this Act or another territory law, or suspended (the *later suspension*) under another provision of this Act or another territory law—the cancellation or later suspension takes effect;
 - (c) 12 weeks have elapsed after the day the suspension takes effect.
- (4) The licensee is not authorised to possess or use any firearm (not only firearms held under the licence) during the suspension.

40A Adult firearms licences—mandatory suspension

- (1) The registrar must suspend an adult firearms licence if the registrar believes on reasonable grounds that the licensee has been charged with, committed or threatened to commit—
 - (a) a domestic violence offence; or
 - (b) an offence against a law of a State or another Territory corresponding to a domestic violence offence.

Note 1 **Domestic violence offence**—see the dictionary.

Note 2 A licence is automatically suspended under the *Domestic Violence and Protection Orders Act 2001*, s 57 (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 3 A licence is also automatically suspended under the *Domestic Violence and Protection Orders Act 2001*, s 73 (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.

Note 4 If the registrar suspends a licence under this section, the registrar must give written notice of the decision to the licensee (see s 114).

- (2) The registrar's notice of the suspension must—
 - (a) include a statement about the effect of subsections (3) and (4); and
 - (b) state that the licensee may, before the end of a stated period, give the registrar written reasons why the licence should remain in force.
- (3) The suspension ends when the earliest of the following happens:
 - (a) the registrar gives the licensee a written notice revoking the suspension;

Endnotes

6 Uncommenced amendments

- (b) if the licence is cancelled under this Act or another territory law, or suspended (the *later suspension*) under another provision of this Act or another territory law—the cancellation or later suspension takes effect;
 - (c) 12 weeks have elapsed after the day the suspension takes effect.
- (4) The licensee is not authorised to possess or use any firearm (not only firearms held under the licence) during the suspension.

Further uncommenced amendment by A2008-46 amdt 3.26, amdt 3.27 (see endnote for A2008-46).

41 Adult firearms licences—cancellation generally

- (1) The registrar must cancel an adult firearms licence—
- (a) if, had the licensee been applying for the licence held, the registrar would be required to refuse to issue the licence; or
- Note* For when the registrar must refuse to issue an adult firearms licence, see s 22 and s 24 to s 30A.
- (b) if satisfied on reasonable grounds that the licensee—
 - (i) gave information that was (to the licensee’s knowledge) false or misleading in a material particular in relation to the application for the licence; or
 - (ii) has contravened this Act, whether or not the licensee has been convicted of an offence for the contravention; or
- Note* A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including any regulation (see Legislation Act, s 104).
- (iii) has contravened a condition of the licence; or
- (c) if satisfied on reasonable grounds that the licensee is not suitable; or

Note For when an individual is or is not suitable, see s 4BG.

- (d) for any other reason prescribed by regulation.
- (2) Subsection (1) (b) (iii) does not apply to a condition that the licensee must allow a police officer to enter premises to inspect facilities if—
- (a) the contravention involved refusing to allow a police officer to enter the premises or inspect the facilities; and
- (b) the refusal was reasonable in all the circumstances.

Note 1 If the registrar cancels a licence under this section, the registrar must give written notice of the decision to the licensee (see s 114).

Note 2 A licence is automatically cancelled under the *Domestic Violence and 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.

Further uncommenced amendment by A2008-46 amdt 3.28 (see endnote for A2008-46).

42 Adult firearms licences—cancellation of category H licences

The registrar must cancel a category H licence issued for the genuine reason of sport or target shooting if satisfied on reasonable grounds that the licensee stops being an active member of an approved shooting club.

42A Adult firearms licences—when suspension or cancellation takes effect

- (1) This section applies if the registrar suspends or cancels a licence under this division.
- (2) The suspension or cancellation takes effect on—
- (a) the day notice of the suspension or cancellation is given to the licensee; or

Endnotes

6 Uncommenced amendments

- (b) if the notice of the suspension or cancellation states a later date of effect—the stated date.

Note For how documents may be served, see the Legislation Act, pt 19.5.

Division 3.2B Licensing scheme—minors firearms licences

42D Children prohibited from owning firearms

A child must not own a firearm.

42E Minors firearms licences—applications

- (1) A child may apply to the registrar for a minors firearms licence if the child—

- (a) is at least the age prescribed by regulation; and

Note A child is under 18 years old (see Legislation Act, dict, pt 1, def *child*).

- (b) has completed each approved firearms training course for the licence; and

- (c) is a member of an approved shooting club.

Note 1 If a form is approved under s 125A for this provision, the form must be used.

Note 2 A fee may be determined under s 125 for this provision.

- (2) The application must—

- (a) provide evidence of the applicant's identity in accordance with the requirements under the *Financial Transaction Reports Act 1988* (Cwlth) that apply in relation to the opening of a bank account; and

- (b) contain the information prescribed by regulation; and

- (c) be accompanied by the documents prescribed by regulation.

- (3) The applicant must personally lodge the application in the presence of a responsible person for the applicant.
- (4) The application must contain the written consent of a responsible person for the applicant to the issue of the licence.

Note A *responsible person* for an applicant is a person with *parental responsibility* for the applicant (see dict).

42F Minors firearms licences—requirement for further information etc

- (1) This section applies to an application for—
 - (a) a minors firearms licence; or
 - (b) an extension under section 42O (Minors firearms licences—period in force).
- (2) The registrar may give the applicant a written notice requiring the applicant to give the registrar stated further information or documents that the registrar reasonably needs to decide the application.
- (3) Without limiting subsection (2), if the registrar believes on reasonable grounds that the applicant’s mental health may affect the applicant’s ability to handle firearms responsibly, the registrar may ask the applicant to consent to the disclosure to the registrar of personal health information about the applicant from a health record relating to the applicant.

Note The *Health Records (Privacy and Access) Act 1997* contains provisions about the consent, access to the information and limitations on the use or disclosure of the information (see s 13A and sch 1, principle 10, cl 2 (c), 7 and 8). In particular, sch 1, principle 10, cl 7 provides that the consent must be in writing and signed by a parent or legally appointed guardian of the applicant, or someone else with parental responsibility for the applicant, and name the health service provider who made the health record.

Endnotes

6 Uncommenced amendments

(4) If the applicant does not comply with subsection (2) (other than in relation to the consent mentioned in subsection (3)), the registrar may refuse to consider the application further.

(5) In this section:

health record—see the *Health Records (Privacy and Access) Act 1997*, dictionary.

personal health information—see the *Health Records (Privacy and Access) Act 1997*, dictionary.

42G Minors firearms licences—decision

On an application for a minors firearms licence, the registrar must issue the licence unless prevented from doing so by this Act.

Note 1 For when the registrar must refuse to issue a minors firearms licence, see s 42H.

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

42H Minors firearms licences—refusal

(1) The registrar must refuse to issue a minors firearms licence to an applicant for the licence unless satisfied on reasonable grounds—

- (a) about the applicant's identity; and
- (b) that the applicant is suitable; and

Note For when an individual is or is not suitable, see s 4BG.

- (c) that the applicant has a genuine reason for possessing or using a firearm; and

Note Genuine reasons for possessing or using firearms for minors firearms licences are dealt with in s 42K.

- (d) that the applicant is, or is about to become, a resident of the ACT; and

- (e) that the application is made in accordance with section 42E.
- (2) The registrar must also refuse to issue the licence if—
 - (a) the applicant holds a licence of the category applied for; or
 - (b) the registrar believes on reasonable grounds that it would be contrary to the public interest to issue the licence.

Note The Minister may make guidelines about the making of a decision whether it is in the public interest to issue a licence (see s 12A).

42I Minors firearms licences—categories

A minors firearms licence must be issued in 1 of the following categories:

- (a) category A;
- (b) category B;
- (c) category H.

42J When minors firearms licences may be issued

The registrar must not issue a minors firearms licence earlier than 28 days after the day the application for the licence is made.

42K Minors firearms licences—genuine reasons to possess or use firearms

- (1) An applicant for a minors firearms licence has a genuine reason to possess or use a firearm if the applicant wants to take part in—
 - (a) firearms training; or
 - (b) target pistol training.
- (2) An applicant for a category A or category B minors firearms licence also has a genuine reason to possess or use a firearm if the applicant wants to receive instruction that is—
 - (a) about the safe use of the firearm for primary production; and

Endnotes

6 Uncommenced amendments

- (b) given under the supervision of a person who—
 - (i) is a responsible person for the applicant; and
 - (ii) holds an adult firearms licence of that category under which that use is a genuine reason for the person to hold the licence.

Note A *responsible person* for an applicant is a person with *parental responsibility* for the applicant (see dict).

42L Minors firearms licences—form

A minors firearms licence must—

- (a) state the licensee's name; and
- (b) contain a recent photograph of the licensee; and
- (c) contain the licensee's signature; and
- (d) state that it is a minors firearms licence; and
- (e) state the licence category; and
- (f) state the date the licence ends; and
- (g) state the calibre of ammunition the licensee is authorised to acquire or possess; and
- (h) state the genuine reason established by the licensee to possess or use a firearm to which the licence applies; and
- (i) contain any other particulars prescribed by regulation.

42M Minors firearms licences—replacements

- (1) The registrar may issue a replacement minors firearms licence to the licensee if satisfied on reasonable grounds that the licence (the *original licence*) has been lost, stolen or destroyed.

Note A fee may be determined under s 125 for this provision.

- (2) If the registrar issues the replacement licence, the registrar must—
- (a) record in the register that the original licence has been lost, stolen or destroyed; and
 - (b) not later than 48 hours after making the record, tell all licensed firearms dealers in writing that the original licence has been recorded as lost, stolen or destroyed.

Note It is an offence to fail to tell the registrar about a lost, stolen or destroyed licence (see s 16B).

42N Minors firearms licences—conditions

- (1) A minors firearms licence is subject to each of the following conditions:
- (a) the licensee must not allow someone else to possess or use a firearm in the licensee's possession if the other person is not authorised to possess or use the firearm;
 - (b) the licensee must not possess, at any one time, an amount of ammunition that is more than the amount (if any) prescribed by regulation, unless authorised in writing by the registrar;
 - (c) the licence cannot be transferred to someone else;
 - (d) any other condition prescribed by regulation.
- (2) A minors firearms licence is also subject to any condition that the registrar believes on reasonable grounds is in the public interest.

Note 1 The Minister may make guidelines about the making of a decision whether it is in the public interest to put a condition on a licence (see s 12A).

Note 2 If the registrar puts a condition on a licence under this section, the registrar must give written notice of the decision to the licensee (see s 114).

42O Minors firearms licences—period in force

- (1) A minors firearms licence begins on the day it is issued and remains in force, subject to this Act, until the day before the licensee's 18th birthday.
- (2) The registrar may extend the period that a minors firearms licence is in force for not longer than 60 days after the day it would otherwise end under subsection (1) if—
 - (a) before the licence ends, the licensee applies for a licence other than a minors firearms licence; and
 - (b) the registrar has not decided whether to issue or refuse to issue the licence applied for; and
 - (c) the registrar is satisfied on reasonable grounds that the extension is necessary to allow the licensee—
 - (i) for a minors firearms licence issued for the genuine reason of firearms training—to continue to receive instruction, or take part in an approved firearms event, that the person began before the person's 18th birthday; or
 - (ii) for a minors firearms licence issued for the genuine reason of target pistol training—to continue to receive instruction, or take part in an approved firearms event, that the person began before the person's 18th birthday.

42P Minors firearms licences—immediate suspension

- (1) This section applies if the registrar—
 - (a) is considering whether a ground for cancellation of a licence exists under section 42R (1) (Minors firearms licences—cancellation); and

- (b) believes on reasonable grounds that it is in the public interest to suspend the licence until the registrar decides whether to cancel the licence on the ground.

Note 1 The Minister may make guidelines about the making of a decision whether it is in the public interest to suspend a licence (see s 12A).

Note 2 If the registrar suspends a licence under this section, the registrar must give written notice of the decision to the licensee (see s 114).

- (2) The registrar's notice of the suspension must—
- (a) include a statement about the effect of subsections (3) and (4); and
 - (b) state that the licensee may, before the end of a stated period, give the registrar written reasons why the licence should remain in force.

Note See s 42S (Minors firearms licences—when suspension or cancellation takes effect).

- (3) The suspension ends when the earliest of the following happens:
- (a) the registrar gives the licensee a written notice revoking the suspension;
 - (b) if the licence is cancelled under this Act or another territory law, or suspended (the *later suspension*) under another provision of this Act or another territory law—the cancellation or later suspension takes effect;
 - (c) 12 weeks have elapsed after the day the suspension takes effect.
- (4) The licensee is not authorised to possess or use any firearm (not only firearms held under the licence) during the suspension.

42Q Minors firearms licences—mandatory suspension

- (1) The registrar must suspend a minors firearms licence if the registrar believes on reasonable grounds that the licensee has been charged with, committed or threatened to commit—
- (a) a domestic violence offence; or
 - (b) an offence against a law of a State or another Territory corresponding to a domestic violence offence.

Note 1 **Domestic violence offence**—see the dictionary.

Note 2 A licence is automatically suspended under the *Domestic Violence and Protection Orders Act 2001*, s 57 (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 3 A licence is also automatically suspended under the *Domestic Violence and Protection Orders Act 2001*, s 73 (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.

Note 4 If the registrar suspends a licence under this section, the registrar must give written notice of the decision to the licensee (see s 114).

- (2) The registrar’s notice of the suspension must—
- (a) include a statement about the effect of subsections (3) and (4); and
 - (b) state that the licensee may, before the end of a stated period, give the registrar written reasons why the licence should remain in force.
- (3) The suspension ends when the earliest of the following happens:
- (a) the registrar gives the licensee a written notice revoking the suspension;

- (b) if the licence is cancelled under this Act or another territory law, or suspended (the *later suspension*) under another provision of this Act or another territory law—the cancellation or later suspension takes effect;
 - (c) 12 weeks have elapsed after the day the suspension takes effect.
- (4) The licensee is not authorised to possess or use any firearm (not only firearms held under the licence) during the suspension.

Further uncommenced amendment by A2008-46 amdt 3.29, amdt 3.30 (see endnote for A2008-46).

42R Minors firearms licences—cancellation

The registrar must cancel a minors firearms licence—

- (a) if, had the licensee been applying for the licence held, the registrar would be required to refuse to issue the licence; or

Note For when the registrar must refuse to issue a minors firearms licence, see s 42H.

- (b) if satisfied on reasonable grounds that the licensee—

(i) gave information that was (to the licensee's knowledge) false or misleading in a material particular in relation to the application for the licence; or

(ii) has contravened this Act, whether or not the licensee has been convicted of an offence for the contravention; or

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

(iii) has contravened a condition of the licence; or

- (c) if satisfied on reasonable grounds that the licensee is not suitable; or

Note For when an individual is or is not suitable, see s 4BG.

Endnotes

6 Uncommenced amendments

(d) for any other reason prescribed by regulation.

Note 1 If the registrar cancels a licence under this section, the registrar must give written notice of the decision to the licensee (see s 114).

Note 2 A licence is automatically cancelled under the *Domestic Violence and 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.

Further uncommenced amendment by A2008-46 amdt 3.31 (see endnote for A2008-46).

42S Minors firearms licences—when suspension or cancellation takes effect

- (1) This section applies if the registrar suspends or cancels a licence under this division.
- (2) The suspension or cancellation takes effect on—
 - (a) the day notice of the suspension or cancellation is given to the licensee; or
 - (b) if the notice of the suspension or cancellation states a later date of effect—the stated date.

Note For how documents may be served, see the Legislation Act, pt 19.5.

Division 3.2C Licensing scheme—composite entity firearms licences

42U Definitions—Act

In this Act:

composite entity means—

- (a) a corporation; or
- (b) a government agency (other than a corporation).

principal, of a composite entity—

- (a) for a corporation—means an executive officer of the corporation; or
- (b) for a government agency—means the head of the agency.

registered principal, for a composite entity firearms licence, means the principal named in the licence.

42V Composite entity firearms licences—applications

- (1) A principal who proposes to be the registered principal of a composite entity may apply for the entity to the registrar for a composite entity firearms licence.

Note 1 For this Act, something done for a composite entity is taken to have been done by the entity (see s 4D).

Note 2 If a form is approved under s 125A for this provision, the form must be used.

Note 3 A fee may be determined under s 125 for this provision.

- (2) The application must—
 - (a) provide evidence of the applicant's identity in accordance with the requirements under the *Financial Transaction Reports Act 1988* (Cwlth) that apply in relation to the opening of a bank account; and
 - (b) provide evidence of the composite entity's identity; and
 - (c) contain the information prescribed by regulation; and
 - (d) be accompanied by the documents prescribed by regulation.

42W Composite entity firearms licences—requirement for further information etc

- (1) This section applies to an application for a composite entity firearms licence.
- (2) The registrar may give the principal making the application a written notice requiring the principal to give the registrar stated further information or documents that the registrar reasonably needs to decide the application.
- (3) Without limiting subsection (2), if the registrar believes on reasonable grounds that the principal's mental health may affect the principal's ability to handle firearms responsibly, or make decisions in relation to firearms, the registrar may ask the principal to consent to the disclosure to the registrar of personal health information about the principal from a health record relating to the principal.

Note The *Health Records (Privacy and Access) Act 1997* contains provisions about the consent, access to the information and limitations on the use or disclosure of the information (see s 13A and sch 1, principle 10, cl 2 (c), 7 and 8). In particular, sch 1, principle 10, cl 7 provides that the consent must be in writing and name the health service provider who made the health record.

- (4) If the applicant does not comply with subsection (2) (other than in relation to the consent mentioned in subsection (3)), the registrar may refuse to consider the application further.
- (5) In this section:

health record—see the *Health Records (Privacy and Access) Act 1997*, dictionary.

personal health information—see the *Health Records (Privacy and Access) Act 1997*, dictionary.

42X Composite entity firearms licences—decision

On an application for a composite entity firearms licence, the registrar must issue the licence unless prevented from doing so by this Act.

Note 1 For when the registrar must refuse to issue a composite entity firearms licence, see s 42Y and s 42ZE to s 42ZH.

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

42Y Composite entity firearms licences—refusal

(1) On application, the registrar must refuse to issue a composite entity firearms licence unless satisfied on reasonable grounds—

(a) about the identity of the composite entity and the principal making the application; and

(b) that the principal making the application is suitable; and

Note For when an individual is or is not suitable, see s 4BG.

(c) that the composite entity has a genuine reason for possessing or using a firearm; and

Note See s 42ZC (Composite entity firearms licences—genuine reasons to possess or use firearms).

(d) that the composite entity will comply with part 5 (Safe storage of firearms) in relation to each registered firearm held under the licence; and

(e) that each registered firearm held under the licence will be stored in the ACT.

(2) The registrar must also refuse to issue the licence if—

(a) for an application other than a renewal—the composite entity holds a licence of the category applied for; or

Endnotes

6 Uncommenced amendments

- (b) the registrar believes on reasonable grounds that it would be contrary to the public interest to issue the licence.

Note The Minister may make guidelines about the making of a decision whether it is in the public interest to issue a licence (see s 12A).

42Z Composite entity firearms licences—categories

A composite entity firearms licence must be issued in 1 of the following categories:

- (a) category A;
- (b) category B;
- (c) category C;
- (d) category D;
- (e) category H.

42ZA Composite entity firearms licence—principal's name

A composite entity firearms licence must be issued to the composite entity in the name of the principal who applied for the licence.

42ZB When composite entity firearms licences may be issued

The registrar must not issue a composite entity firearms licence earlier than 28 days after the day the application for the licence is made.

42ZC Composite entity firearms licences—genuine reasons to possess or use firearms

- (1) A composite entity has a genuine reason to possess or use a firearm if the registrar is satisfied—
 - (a) that the entity carries on business in the ACT as a security organisation; or
 - (b) that—

-
- (i) the entity—
 - (A) is the owner, lessee or manager of land in the ACT used for primary production; and
 - (B) intends that the firearm be used solely in relation to farming or grazing activities (including the suppression of vertebrate pest animals on the land); and
 - (ii) it is necessary for a person employed in relation to the farming or grazing activities to possess a firearm in the course of employment; or
 - (c) that the entity is an approved club; or
 - (d) that the entity is a government agency and it is necessary for an employee to possess a firearm in the course of employment.
- (2) The principal making the application for the composite entity must produce evidence of the matter mentioned in subsection (1) that applies in relation to the entity if asked to do so by the registrar.
- (3) If the principal does not comply with subsection (2), the registrar may refuse to consider the application further.
- (4) In this section:
- security organisation***—
- (a) means a corporation that—
 - (i) carries on the business of providing—
 - (A) protection for people; or
 - (B) transport or protection for the money or property of people other than the corporation; and
 - (ii) holds a master licence under the *Security Industry Act 2003*; but
 - (b) does not include a bank.

42ZD Composite entity firearms licences—no genuine reason to possess or use firearms

A composite entity (other than an approved club) does not have a genuine reason to possess or use a firearm if the entity intends the firearm to be possessed or used for sport or target shooting.

42ZE Composite entity firearms licences—restriction on issue of category B licences

Unless a regulation prescribes otherwise, the registrar must not issue a category B composite entity firearms licence unless the composite entity, in addition to establishing a genuine reason to possess or use a firearm, produces evidence that satisfies the registrar that the entity has a special need to possess or use a firearm to which a category B licence applies.

42ZF Composite entity firearms licences—restriction on issue of category C licences

The registrar must not issue a category C composite entity firearms licence unless—

- (a) the genuine reason established by the composite entity to possess or use a firearm is primary production (or another genuine reason prescribed by regulation); and
- (b) the entity produces evidence that satisfies the registrar that—
 - (i) the entity has a special need to possess or use a firearm to which a category C licence applies; and
 - (ii) the special need cannot be met in any other way (whether by the authority given by a category A or category B licence or otherwise).

42ZG Composite entity firearms licences—restriction on issue of category D licences

The registrar must not issue a category D composite entity firearms licence unless the composite entity is a government agency.

42ZH Composite entity firearms licences—restriction on issue of category H licences

The registrar must not issue a category H composite entity firearms licence unless—

- (a) the genuine reason established by the composite entity to possess or use a firearm is carrying on business in the ACT as a security organisation; or
- (b) the entity produces evidence that satisfies the registrar that the entity has a special need to possess or use a pistol; or
- (c) the entity is an approved club and the pistol is to be used for sport or target shooting.

42ZI Composite entity firearms licences—form

A composite entity firearms licence must—

- (a) state the names of the composite entity and registered principal; and
- (b) contain a recent photograph of the registered principal; and
- (c) contain the registered principal's signature; and
- (d) state the licence category; and
- (e) state the date the licence ends; and
- (f) state the calibre of ammunition the licence authorises the registered principal and each registered user to acquire or possess; and

- (g) state the genuine reason established by the licensee to possess or use a firearm to which the licence applies; and
- (h) contain any other particulars prescribed by regulation.

42ZJ Composite entity firearms licences—replacements

- (1) The registrar may issue a replacement composite entity firearms licence to the licensee if satisfied on reasonable grounds that the licence (the *original licence*) has been lost, stolen or destroyed.

Note A fee may be determined under s 125 for this provision.

- (2) If the registrar issues the replacement licence, the registrar must—
 - (a) record in the register that the original licence has been lost, stolen or destroyed; and
 - (b) not later than 48 hours after making the record, tell all licensed firearms dealers in writing that the original licence has been recorded as lost, stolen or destroyed.

Note It is an offence to fail to tell the registrar about a lost, stolen or destroyed licence (see s 16B).

42ZK Composite entity firearms licences—conditions

- (1) A composite entity firearms licence is subject to each of the following conditions:
 - (a) the licensee must comply with part 5 (Safe storage of firearms) in relation to each registered firearm held under the licence;
 - (b) the licensee must not allow someone to possess or use a firearm in the licensee's possession if the person is not authorised to possess or use the firearm;
 - (c) the licensee must store each registered firearm held under the licence at the registered premises for the firearm;

Note **Registered premises** are premises in the ACT (see dict).

(d) the licensee must store each registered firearm held under the licence so that only the registered principal for, and each registered user of, the firearm have access to it;

(e) the licensee must allow a police officer to enter premises to inspect the licensee's facilities for storing firearms in the licensee's possession;

Note For a police officer's powers on entry under a licence condition, see s 75B (Powers on entry—condition).

(f) the licensee must not possess, at any one time, an amount of ammunition that is more than the amount (if any) prescribed by regulation, unless authorised in writing by the registrar;

(g) the licence cannot be transferred to someone else;

(h) any other condition prescribed by regulation.

(2) For subsection (1) (e), a police officer may enter premises—

(a) not more than twice each year, unless the entry is under part 7 (Enforcement); and

(b) only if the licensee is present; and

(c) only between 7 am and 7 pm; and

(d) as prescribed by regulation (if any).

(3) A composite entity firearms licence is also subject to any condition that the registrar believes on reasonable grounds is in the public interest.

Note 1 The Minister may make guidelines about the making of a decision whether it is in the public interest to put a condition on a licence (see s 12A).

Note 2 If the registrar puts a condition on a licence under this section, the registrar must give written notice of the decision to the licensee (see s 114).

42ZL Composite entity firearms licences—period in force

A composite entity firearms licence begins on the day it is issued and remains in force, subject to this Act—

- (a) for 2 years; or
- (b) if a shorter period is prescribed by regulation—for the shorter period prescribed.

Example—par (a)

A composite entity firearms licence is issued on 1 January 2009. It ends on 31 December 2010 (at the end of that day).

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).

42ZM Composite entity firearms licences—immediate suspension

- (1) This section applies if the registrar—
 - (a) is considering whether a ground for cancellation of a licence exists under section 42ZN (Composite entity firearms licences—cancellation); and
 - (b) believes on reasonable grounds that it is in the public interest to suspend the licence until the registrar decides whether to cancel the licence on the ground.

Note 1 The Minister may make guidelines about the making of a decision whether it is in the public interest to suspend a licence (see s 12A).

Note 2 If the registrar suspends a licence under this section, the registrar must give written notice of the decision to the licensee (see s 114).

- (2) The registrar’s notice of the suspension must—
 - (a) include a statement about the effect of subsections (3) and (4); and

- (b) state that the licensee may, before the end of a stated period, give the registrar written reasons why the licence should remain in force.

Note See s 42ZO (Composite entity firearms licences—when suspension or cancellation takes effect).

- (3) The suspension ends when the earliest of the following happens:
 - (a) the registrar gives the licensee a written notice revoking the suspension;
 - (b) if the licence is cancelled under this Act or another territory law, or suspended (the *later suspension*) under another provision of this Act or another territory law—the cancellation or later suspension takes effect;
 - (c) 12 weeks have elapsed after the day the suspension takes effect.
- (4) The licensee is not authorised to possess or use any firearm (not only firearms held under the licence) during the suspension.

42ZMA Composite entity firearms licences—mandatory suspension

- (1) The registrar must suspend a composite entity firearms licence if the registrar believes on reasonable grounds that the registered principal has been charged with, committed or threatened to commit—
 - (a) a domestic violence offence; or
 - (b) an offence against a law of a State or another Territory corresponding to a domestic violence offence.

Note 1 **Domestic violence offence**—see the dictionary.

Note 2 A licence is automatically suspended under the *Domestic Violence and Protection Orders Act 2001*, s 57 (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

Endnotes

6 Uncommenced amendments

order seizure of the licence, and seizure and detention of firearms and ammunition, for the period of the interim order.

Note 3 A licence is also automatically suspended under the *Domestic Violence and Protection Orders Act 2001*, s 73 (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.

Note 4 If the registrar suspends a licence under this section, the registrar must give written notice of the decision to the licensee (see s 114).

- (2) The registrar's notice of the suspension must—
- (a) include a statement about the effect of subsections (3) and (4); and
 - (b) state that the licensee may, before the end of a stated period, give the registrar written reasons why the licence should remain in force.
- (3) The suspension ends when the earliest of the following happens:
- (a) the registrar gives the licensee a written notice revoking the suspension;
 - (b) if the licence is cancelled under this Act or another territory law, or suspended (the *later suspension*) under another provision of this Act or another territory law—the cancellation or later suspension takes effect;
 - (c) 12 weeks have elapsed after the day the suspension takes effect.
- (4) The licensee is not authorised to possess or use any firearm (not only firearms held under the licence) during the suspension.

Further uncommenced amendment by A2008-46 amdt 3.32, amdt 3.33 (see endnote for A2008-46).

42ZN Composite entity firearms licences—cancellation

- (1) The registrar must cancel a composite entity firearms licence—
- (a) if, had the registered principal been applying for the licence held, the registrar would be required to refuse to issue the licence; or
- Note* For when the registrar must refuse to issue a composite entity firearms licence, see s 42Y and s 42ZE to s 42ZH.
- (b) if satisfied on reasonable grounds that the principal who made the application for the licence gave information that was (to the principal's knowledge) false or misleading in a material particular in relation to the application; or
 - (c) if satisfied on reasonable grounds that the composite entity has contravened this Act, whether or not the entity has been convicted of an offence for the contravention; or
- Note* A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including any regulation (see Legislation Act, s 104).
- (d) if satisfied on reasonable grounds that the composite entity has contravened a condition of the licence; or
 - (e) if satisfied on reasonable grounds that the registered principal is not suitable; or
- Note* For when an individual is or is not suitable, see s 4BG.
- (f) for any other reason prescribed by regulation.
- (2) Subsection (1) (d) does not apply to a condition that the licensee must allow a police officer to enter premises to inspect facilities if—
- (a) the contravention involved refusing to allow a police officer to enter the premises or inspect the facilities; and
 - (b) the refusal was reasonable in all the circumstances.

Note 1 If the registrar cancels a licence under this section, the registrar must give written notice of the decision to the licensee (see s 114).

Endnotes

6 Uncommenced amendments

Note 2 A licence is automatically cancelled under the *Domestic Violence and 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.

Further uncommenced amendment by A2008-46 amdt 3.34 (see endnote for A2008-46).

42ZO Composite entity firearms licences—when suspension or cancellation takes effect

- (1) This section applies if the registrar suspends or cancels a licence under this division.
- (2) The suspension or cancellation takes effect on—
 - (a) the day notice of the suspension or cancellation is given to the licensee; or
 - (b) if the notice of the suspension or cancellation states a later date of effect—the stated date.

Note For how documents may be served, see the Legislation Act, pt 19.5.

Division 3.2D Licensing scheme—temporary international firearms licences

42ZOA Meaning of *foreign firearms licence*—div 3.2D

In this division:

foreign firearms licence means a licence or permit (however described) in force under the law of a foreign country that authorises the use or possession of a firearm.

42ZP Temporary international firearms licences—applications

- (1) An adult who holds a foreign firearms licence may apply to the registrar for a temporary international firearms licence.

Note 1 If a form is approved under s 125A for this provision, the form must be used.

Note 2 A fee may be determined under s 125 for this provision.

- (2) The application must—
 - (a) contain the information prescribed by regulation; and
 - (b) be accompanied by the documents prescribed by regulation.
- (3) The applicant must produce the applicant's passport, or evidence of the applicant's passport, to the registrar.

42ZPA Temporary international firearms licences—requirement for further information etc

- (1) This section applies to an application for a temporary international firearms licence.
- (2) The registrar may give the applicant a written notice requiring the applicant to give the registrar stated further information or documents that the registrar reasonably needs to decide the application.
- (3) If the applicant does not comply with subsection (2), the registrar may refuse to consider the application further.

42ZPB Temporary international firearms licences—decision

- (1) On an application for a temporary international firearms licence, the registrar must issue the licence unless prevented from doing so by this Act.

Note 1 For when the registrar must refuse to issue a temporary international firearms licence, see s 42ZPC.

Endnotes

6 Uncommenced amendments

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

- (2) The licence must be issued in the category that the registrar believes on reasonable grounds best corresponds to the foreign firearms licence held by the applicant.

Note A firearm for which a temporary international firearms licence is issued need not be registered (see s 50 (3)).

42ZPC Temporary international firearms licences—refusal

- (1) The registrar must refuse to issue a temporary international firearms licence to an applicant for the licence unless satisfied on reasonable grounds—
- (a) about the applicant's identity; and
 - (b) that the applicant is a resident of a foreign country; and
 - (c) that the applicant holds a foreign firearms licence; and
 - (d) that the applicant has a genuine reason for possessing or using a firearm; and
 - (e) that the applicant will comply with part 5 (Safe storage of firearms) in relation to each firearm held under the licence.
- (2) The registrar must also refuse to issue the licence if—
- (a) the applicant is not an adult; or
 - (b) the registrar believes on reasonable grounds that it would be contrary to the public interest to issue the licence.

Note The Minister may make guidelines about the making of a decision whether it is in the public interest to issue a licence (see s 12A).

42ZPD When temporary international firearms licences may be issued

The registrar must not issue a temporary international firearms licence earlier than 28 days after the day the application for the licence is made.

42ZQ Temporary international firearms licences—genuine reasons to possess or use firearms

- (1) An applicant for a temporary international firearms licence—
 - (a) has a genuine reason to possess or use a firearm if the registrar is satisfied that—
 - (i) the applicant is a member of the staff of an internationally protected person, or other declared person, whose duties include the protection of that person while in the ACT; and
 - (ii) 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; or

Note A 11.43mm calibre pistol includes a 0.45-inch calibre pistol.
 - (b) has a genuine reason (the *genuine reason of international visitor*) to possess or use a firearm if the registrar is satisfied that—
 - (i) the applicant is a visitor to the ACT; and
 - (ii) for a licence authorising the applicant to take part in an approved shooting or approved paintball competition—the applicant would enter or has entered Australia (within the meaning of the *Migration Act 1958* (Cwlth)) in the ACT.

Endnotes

6 Uncommenced amendments

- (2) The applicant must produce evidence of the matter mentioned in subsection (1) that applies in relation to the applicant if asked to do so by the registrar.
- (3) If the applicant does not comply with subsection (2), the registrar may refuse to consider the application further.
- (4) The Minister may declare a person for subsection (1) (a) (i).
- (5) A declaration is a notifiable instrument.

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

- (6) In this section:

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.

42ZQA Temporary international firearms licences—form

A temporary international firearms licence must—

- (a) state the licensee's name and address while in the ACT; and
- (b) contain a recent photograph of the licensee; and
- (c) contain the licensee's signature; and
- (d) state that it is a temporary international firearms licence; and
- (e) state the licence category; and
- (f) state the date the licence ends; and

Note The end date must not be more than 3 months after the day the licence begins (see s 42ZR (2)).

- (g) state the particulars prescribed by regulation of the firearm for which the licence is issued; and
- (h) state the calibre of ammunition the licensee is authorised to acquire or possess; and

- (i) state the genuine reason established by the licensee to possess or use a firearm to which the licence applies; and
- (j) for a licence issued for the genuine reason of international visitor—state the purpose for which the firearm may be possessed or used; and
- (k) contain any other particulars prescribed by regulation.

42ZQB Temporary international firearms licences—conditions

- (1) A temporary international firearms licence is subject to each of the following conditions:
 - (a) the licensee must produce the licensee's passport to the registrar on request;
 - (b) the licensee must comply with part 5 (Safe storage of firearms) in relation to each firearm held under the licence;
 - (c) the licensee must not allow someone else to possess or use a firearm in the licensee's possession if the other person is not authorised to possess or use the firearm;
 - (d) the licensee must—
 - (i) carry the licence when possessing or using a firearm held under the licence; and
 - (ii) produce the licence to a police officer on request;
 - (e) the licensee must not possess, at any one time, an amount of ammunition that is more than the amount (if any) prescribed by regulation, unless authorised in writing by the registrar;
 - (f) the licence cannot be transferred to someone else;
 - (g) any other condition prescribed by regulation.

Endnotes

6 Uncommenced amendments

- (2) A temporary international firearms licence is also subject to any condition that the registrar believes on reasonable grounds is in the public interest.

Note 1 The Minister may make guidelines about the making of a decision whether it is in the public interest to put a condition on a licence (see s 12A).

Note 2 If the registrar puts a condition on a licence under this section, the registrar must give written notice of the decision to the licensee (see s 114).

42ZR Temporary international firearms licences—period in force

- (1) A temporary international firearms licence begins on the day it is issued and remains in force, subject to this Act, until the date (the *end date*) decided by the registrar.
- (2) The end date must not be more than 3 months after the day the licence begins.

42ZRA Temporary international firearms licences—cancellation

The registrar must cancel a temporary international firearms licence—

- (a) if, had the licensee been applying for the licence held, the registrar would be required to refuse to issue the licence; or

Note For when the registrar must refuse to issue a temporary international firearms licence, see s 42ZPC.

- (b) if satisfied on reasonable grounds that the licensee—
- (i) gave information that was (to the licensee's knowledge) false or misleading in a material particular in relation to the application for the licence; or

- (ii) has contravened this Act, whether or not the licensee has been convicted of an offence for the contravention; or

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

- (iii) has contravened a condition of the licence; or

- (c) for any other reason prescribed by regulation.

Note 1 If the registrar cancels a licence under this section, the registrar must give written notice of the decision to the licensee (see s 114).

Note 2 A licence is automatically cancelled under the *Domestic Violence and 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.

Further uncommenced amendment by A2008-46 amdt 3.35 (see endnote for A2008-46).

42ZRB Temporary international firearms licences—when cancellation takes effect

- (1) This section applies if the registrar cancels a licence under section 42ZRA.
- (2) The cancellation takes effect on—
- (a) the day notice of the cancellation is given to the licensee; or
- (b) if the notice of cancellation states a later date of effect—the stated date.

Note For how documents may be served, see the Legislation Act, pt 19.5.

Part 3A Temporary recognition of interstate licences and permits

42ZS Definitions—pt 3A

In this part:

authorised period, in relation to an individual interstate licensee who arrives in the ACT for a purpose mentioned in this part, means the period of 3 months beginning on the person's arrival day.

corresponding—a licence or permit of a particular category issued under this Act (the *local licence*), and an interstate licence of the same category, or that is declared under section 42ZSA to be of a particular category that is the same category, are *corresponding*.

interstate licence means a licence or permit (however described) in force under the law of a State or another Territory that authorises the use or possession of a firearm.

local licence—see the definition of *corresponding*.

42ZSA Temporary recognition of interstate licences—declaration of licence categories

- (1) The registrar may declare that an interstate licence is of a particular category.
- (2) A declaration is a notifiable instrument.

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

42ZT Temporary recognition of interstate licences—general

- (1) This section applies to an individual interstate licensee if the individual—
 - (a) is a resident of a State or another Territory and comes to the ACT for—

- (i) the purpose of taking part in an approved shooting or approved paintball competition; or
 - (ii) a purpose prescribed by regulation in relation to the possession or use of a firearm; and
 - (b) holds an interstate licence that corresponds to a category A licence, category B licence, category C licence, category H licence or paintball marker licence.
- (2) For the authorised period, the individual is authorised to possess, or use, for a purpose mentioned in subsection (1) (a), a firearm of a kind to which the corresponding local licence applies.
- (3) However, the authorisation under subsection (2) is subject to compliance with any condition prescribed by regulation.
- (4) This section does not apply to an individual to whom section 42ZU applies.

42ZU Temporary recognition of interstate category C licences

- (1) This section applies to an individual interstate licensee if the individual—
- (a) is a resident of a State or another Territory and comes to the ACT for the purpose of taking part in an approved shooting competition; and
 - (b) holds an interstate licence that corresponds to a category C licence that authorises the individual to possess or use a firearm for the genuine reason of sport or target shooting.
- (2) For the authorised period, the individual is authorised to possess, or use, for the purpose of taking part in the shooting competition, a firearm of a kind to which the corresponding local licence applies.
- (3) However, the authorisation under subsection (2) is subject to compliance with any condition prescribed by regulation.

42ZV Interstate residents moving to ACT—category A, B, and paintball marker licences

- (1) This section applies to an individual who—
 - (a) is a resident of a State or another Territory; and
 - (b) is the holder of an interstate licence that corresponds to a category A licence, category B licence or paintball marker licence; and
 - (c) notifies the registrar in writing that he or she intends to live in the ACT permanently.
- (2) The interstate licence is, subject to any direction of the registrar, taken to be the corresponding local licence until the earlier of the following:
 - (a) the end of the period of 3 months beginning on the day after the day the individual notifies the registrar under subsection (1);
 - (b) if the person applies for a corresponding local licence before the end of the 3-month period—the day the registrar issues, or refuses to issue, the licence to the individual.

42ZW Interstate residents moving to ACT—category C and H licences

- (1) This section applies to an individual who—
 - (a) is a resident of a State or another Territory; and
 - (b) is the holder of an interstate licence that corresponds to a category C licence or category H licence; and
 - (c) notifies the registrar in writing that he or she intends to live in the ACT permanently.

-
- (2) The interstate licence is, subject to any direction of the registrar, taken to be the corresponding local licence until the earlier of the following:
- (a) the end of the period of 7 days beginning on the day after the day the individual notifies the registrar under subsection (1);
 - (b) if the person applies for a corresponding local licence before the end of the 7-day period—the day the registrar issues, or refuses to issue, the licence to the individual.

42ZX Temporary recognition of interstate licences for international visitors—shooting or paintball competitions

- (1) This section applies to an individual if the individual—
- (a) is a resident of a foreign country; and
 - (b) holds an interstate licence issued by a State or another Territory that authorises the individual to possess or use a firearm for the purpose of taking part in a shooting or paintball competition in the State or Territory; and
 - (c) comes to the ACT for the purpose of taking part in an approved shooting or approved paintball competition.
- (2) For the authorised period, the individual is authorised to possess, or use, for the purpose of taking part in the shooting or paintball competition, the firearm for which the interstate licence is issued.
- (3) However, the authorisation under subsection (2) is subject to compliance with any condition—
- (a) imposed under the law of the State or Territory that issued the licence (the *interstate condition*); and
 - (b) prescribed by regulation.
- (4) If an interstate condition is inconsistent with a prescribed condition, the interstate condition has no effect to the extent of the inconsistency.

Endnotes

6 Uncommenced amendments

- (5) An interstate condition is taken to be inconsistent with a prescribed condition to the extent that it is capable of operating concurrently with the prescribed condition.

25 Division 3.3

substitute

Part 3B Permits generally

43 General power to issue permits

The registrar may issue a permit authorising 1 or more of the following:

- (a) the possession or use of a firearm in the circumstances prescribed by regulation (including for film or theatrical productions);
- (b) the shortening or conversion of a firearm in the circumstances prescribed by regulation;
- (c) anything else that is required by regulation to be authorised by a permit.

Part 3C Permits to acquire firearms

45 Meaning of *acquirer* and *foreign acquirer*—pt 3C

In this part:

acquirer—see section 45A.

foreign acquirer—see section 46A.

45A Permits to acquire—applications

- (1) A person (the *acquirer*) who is a licensee may apply to the registrar for a permit to acquire a firearm.

Note 1 If a form is approved under s 125A for this provision, the form must be used.

Note 2 A fee may be determined under s 125 for this provision.

- (2) The acquirer must have a separate permit for each firearm to be acquired.

45B Permits to acquire—decision

On an application for a permit to acquire a firearm, the registrar must issue the permit unless prevented from doing so by this Act.

Note 1 For when the registrar must refuse to issue a permit to acquire a firearm, see s 46 and s 46A.

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

46 Permits to acquire—refusal to issue generally

- (1) The registrar must refuse to issue a permit to acquire a firearm (the *proposed firearm*) unless—
- (a) the acquirer holds a licence authorising the acquirer to possess or use a firearm of the same kind as the proposed firearm; and
 - (b) the registrar is satisfied on reasonable grounds that the acquirer has a good reason for acquiring the firearm.
- (2) The registrar must also refuse to issue a permit to acquire a pistol to the holder of a category H licence issued for the genuine reason of sport or target shooting unless—
- (a) the acquisition is in accordance with the conditions (if any) of the licence; and

- (b) the approved shooting club of which the licensee is a member gives the registrar written advice stating—
 - (i) the competition shooting discipline for which the licensee requires the pistol; and
 - (ii) that the club supports the licensee’s application for a permit to acquire the pistol; and
- (c) the registrar is satisfied on reasonable grounds that the licensee will comply with part 5 (Safe storage of firearms) in relation to the pistol.

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

- (3) Subsection (2) (b) (i) does not apply in relation to the issue of a permit to acquire a pistol mentioned in section 36A (3) (Adult firearms licences—special conditions for category H licences for sport or target shooting).
- (4) This section does not apply to an acquirer to whom section 46A applies.

46A Permits to acquire—refusal to issue to temporary international firearms licensees

- (1) This section applies to an acquirer (the *foreign acquirer*) who is a resident of a foreign country.
- (2) The registrar must not issue a permit to acquire a firearm (the *proposed firearm*) to the foreign acquirer unless—
 - (a) the acquirer holds a temporary international firearms licence authorising the acquirer to possess or use a firearm of the same kind as the proposed firearm; and
 - (b) the registrar is satisfied on reasonable grounds that the acquirer has a good reason for acquiring the proposed firearm.

46B When permits to acquire may be issued

The registrar must not issue a permit to acquire a firearm earlier than 28 days after the day the application for the permit is made.

47 Permits to acquire—period in force

- (1) A permit to acquire a firearm begins on the day it is issued and remains in force, subject to this Act, until the earlier of—
 - (a) the end of 30 days after the day the permit is issued; or
 - (b) the day the permit-holder acquires the firearm.
- (2) The registrar may extend the period mentioned in subsection (1) (a) so the permit is in force for not longer than 60 days if—
 - (a) there is a delay in acquiring the firearm to which the permit relates; and
 - (b) the registrar is satisfied on reasonable grounds that the delay is caused by circumstances beyond the permit-holder's control.

48 Permits to acquire—replacements

- (1) The registrar may issue a replacement permit to acquire a firearm to the permit-holder if satisfied on reasonable grounds that the permit (the *original permit*) has been lost, stolen or destroyed.

Note A fee may be determined under s 125 for this provision.
- (2) If the registrar issues the replacement permit, the registrar must—
 - (a) record in the register that the original permit has been lost, stolen or destroyed; and
 - (b) not later than 48 hours after making the record, tell all licensed firearms dealers in writing that the original permit has been recorded as lost, stolen or destroyed.

48A Offence—notice of lost, stolen and destroyed permits to acquire

The holder of a permit to acquire a firearm commits an offence if—

- (a) the permit is lost, stolen or destroyed; and
- (b) the holder knows about the loss, theft or destruction; and
- (c) the holder fails to tell the registrar about the loss, theft or destruction within 7 days after the day the holder becomes aware of the loss, theft or destruction.

Maximum penalty: 10 penalty units.

48B Permits to acquire—automatic suspension and cancellation

- (1) A person's permit to acquire a firearm (the *relevant firearm*) is suspended by force of this section if the person's licence or permit (the *relevant suspended licence*) authorising the person to possess or use a firearm of the same kind as the relevant firearm is suspended.
- (2) The suspension of the permit to acquire takes effect on the day the suspension of the relevant suspended licence takes effect.
- (3) The permit to acquire is suspended until the earlier of—
 - (a) the day the permit ceases to be in force; or
 - (b) the day the suspension of the relevant suspended licence ends.
- (4) A person's permit to acquire a firearm (the *relevant firearm*) is cancelled by force of this section if the person's licence or permit (the *relevant cancelled licence*) authorising the person to possess or use a firearm of the same kind as the relevant firearm is cancelled.

- (5) The cancellation of the permit to acquire takes effect on the day the cancellation of the relevant cancelled licence takes effect.

Note A regulation may prescribe other reasons for suspending or cancelling a permit (see s 49A).

48C Permits to acquire—cancellation by registrar

- (1) The registrar must cancel a permit to acquire a firearm—
- (a) if, had the permit-holder been applying for the permit held, the registrar would be required to refuse to issue the permit; or

Note For when the registrar must refuse to issue a permit to acquire a firearm, see s 46 and s 46A.

- (b) if satisfied on reasonable grounds that the permit-holder—
- (i) gave information that was (to the holder's knowledge) false or misleading in a material particular in relation to the application for the permit; or
- (ii) has contravened this Act, whether or not the permit-holder has been convicted of an offence for the contravention; or

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

- (iii) has contravened a condition of the permit; or
- (c) for any other reason prescribed by regulation.

Note If the registrar cancels a permit under this section, the registrar must give written notice of the decision to the permit-holder (see s 114).

- (2) The cancellation of a permit to acquire a firearm under this section takes effect on—
- (a) the day notice of the cancellation is given to the permit-holder; or

- (b) if the notice of the cancellation states a later date of effect—the stated date.

Note For how documents may be served, see the Legislation Act, pt 19.5.

49 Offence—failing to give up suspended or cancelled permit to acquire

- (1) A person commits an offence if—
 - (a) the person’s permit to acquire a firearm (the *relevant firearm*) is suspended or cancelled; and
 - (b) the person intentionally or negligently fails to give the permit to a police officer—
 - (i) if the police officer is present and asks the person for the permit, and the person has the permit—immediately; or
 - (ii) if the permit is suspended by force of section 48B (Permits to acquire—automatic suspension and cancellation)—as soon as possible after the day the suspension of the person’s relevant licence takes effect; or
 - (iii) if the permit is cancelled by force of section 48B—as soon as possible after the day the cancellation of the person’s relevant licence takes effect; or
 - (iv) if the permit is cancelled under section 48C (Permits to acquire—cancellation by registrar)—
 - (A) as soon as possible after the day the person is given notice of the cancellation; or
 - (B) if a longer time is stated in the notice—within the time stated in the notice.

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

(2) In this section:

relevant licence, of a person, means the licence or permit that authorises the person to possess or use a firearm of the same kind as the relevant firearm.

49A Regulations about permits to acquire

A regulation may make provision in relation to any of the following:

- (a) the way in which an application for a permit to acquire a firearm may or must be made;
- (b) the particulars an application for a permit to acquire a firearm must include;
- (c) the conditions that may be imposed on a permit to acquire a firearm, or to which the permit is subject;
- (d) the reasons for which a permit to acquire a firearm may be suspended or cancelled.

26 Part 4

substitute

Part 4 Registration of firearms and firearm users

Division 4.1 Interpretation

49B Meaning of *owner and user particulars*—pt 4

In this part:

owner and user particulars, in relation to a registered firearm, means—

- (a) the name of the registered owner of the firearm; and

Endnotes

6 Uncommenced amendments

- (b) if the registered owner of the firearm is a composite entity—the name of the registered principal; and
- (c) the name of each registered user of the firearm; and
- (d) particulars of the licence or permit of each registered owner or registered user.

Division 4.2 Register of firearms

50 Register of firearms

- (1) The registrar must keep a register of firearms stored in the ACT by licensees and permit-holders.
- (2) The register must be kept in a way that allows—
 - (a) the register to be linked to a national scheme for firearms management or registration prescribed by regulation; and
 - (b) information in the register to be accessed by other State and Territory government entities responsible for administering or enforcing legislation relating to firearms.
- (3) A firearm for which a temporary international firearms licence is issued need not be registered.

50A Contents of register

The register consists of—

- (a) for each registered firearm—
 - (i) the owner and user particulars; and
 - (ii) the address of the premises in the ACT where the firearm—
 - (A) is or is to be stored; or
 - (B) if the registered owner is a licensed firearms dealer—may be available for sale; and

- (iii) any other particulars prescribed by regulation; and
- (b) for each registered user of a registered firearm—
 - (i) if the registered user is employed by a licensed firearms dealer—the dealer’s name; and
 - (ii) if the registered user is employed by a composite entity that holds a category A, category B, category C or category H licence—the composite entity’s name; and
 - (iii) if the registered user is a member of an approved club—the approved club’s name; and
 - (iv) any other particulars prescribed by regulation; and
- (c) any other information required under this Act to be included in the register.

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

50B Register not available to public

The register must not be available for inspection by a member of the public.

50C Two-yearly reviews

- (1) The registrar must, at least once every 2 years, undertake a review of the register to assess the accuracy of information in the register.
- (2) In undertaking the review, the registrar need not check every entry in the register, but may sample the entries either randomly or systematically to assess the accuracy of information.
- (3) The registrar must—
 - (a) prepare a written report stating—
 - (i) when the review was carried out; and

- (ii) the results of the review; and
- (b) not later than 3 months after the day the review is finished, give the report to the chief executive.

Division 4.3 Registration of firearms

51 Firearm registration—application

- (1) The owner of a firearm may apply to the registrar to register the firearm.

Note 1 If a form is approved under s 125A for this provision, the form must be used.

Note 2 A fee may be determined under s 125 for this provision.

- (2) The application must state the address of the premises in the ACT where the firearm—
 - (a) is or is to be stored; or
 - (b) if the registered owner is a licensed firearms dealer—may be available for sale.

51A Firearm registration—request for further information etc

- (1) This section applies to an application for registration of a firearm.
- (2) The registrar may give the applicant a written notice requiring the applicant to—
 - (a) give the registrar stated further information or documents that the registrar reasonably needs to decide the application; and
 - (b) produce the firearm to the registrar to allow the registrar to—
 - (i) identify the firearm by inspecting it; and
 - (ii) decide if the firearm is safe.

- (3) If the applicant does not comply with subsection (2) (a), the registrar may refuse to consider the application further.

Note If the applicant does not produce the firearm, the registrar must refuse to register the firearm (see s 51C (2)).

51B Firearm registration—decision

On an application for registration of a firearm, the registrar must register the firearm unless prevented from doing so by this Act.

Note 1 For when the registrar must refuse to register a firearm, see s 51C.

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

51C Firearm registration—refusal

- (1) The registrar must refuse to register a firearm unless the person to be the registered owner is the holder of a licence or permit in relation to the firearm.
- (2) Also, if the registrar requires an applicant for registration of a firearm to produce the firearm under section 51A (2) (b), the registrar must refuse to register the firearm if it is not produced as required.

51D Firearm registration notice

- (1) This section applies if the registrar—
- (a) registers a firearm under section 51B; or
 - (b) registers a person as a user of a firearm under section 52BB; or
 - (c) records in the register, as prescribed by regulation, a change in the owner and user particulars for a firearm.
- (2) The registrar must issue a firearm registration notice to the registered owner of the firearm.

Endnotes

6 Uncommenced amendments

- (3) The registrar may also, but need not, issue a firearm registration notice to each registered user of the firearm.
- (4) However, if a registered user of a firearm applies to the registrar for a firearm registration notice for the firearm, the registrar must issue the notice to the user.

Note 1 If a form is approved under s 125A for this provision, the form must be used.

Note 2 A fee may be determined under s 125 for this provision.

51E End of firearm registration

The registration of a firearm remains in force unless cancelled under section 52.

52 Cancellation of firearm registration

- (1) The registrar must cancel the registration of a firearm—
 - (a) if the owner of the firearm no longer holds a licence or permit in relation to the firearm; or
 - (b) if satisfied on reasonable grounds that the applicant for registration gave information that was (to the applicant's knowledge) false or misleading in a material particular in relation to the application; or
 - (c) if the owner of the firearm 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 a function under this Act; or
- (v) an offence prescribed by regulation; or
- (d) if the owner of the firearm asks for the cancellation; or
- (e) for any other reason prescribed by regulation.

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

Note 2 If the registrar cancels the registration of a firearm under this section, the registrar must give written notice of the decision to the owner of the firearm (see s 114).

- (2) The cancellation takes effect on—
 - (a) the day notice of the cancellation is given to the owner of the firearm; or
 - (b) if the notice of the cancellation states a later date of effect—the stated date.

Note For how documents may be served, see the Legislation Act, pt 19.5.

52A Police may seize firearms if firearm registration cancelled

A police officer may seize a firearm if the firearm's registration is cancelled.

Division 4.4 Registration of firearms users

52B User registration—application

- (1) This section applies to the holder of 1 or more of the following licences:
 - (a) a category A licence;
 - (b) a category B licence;

Endnotes

- (c) a category C licence;
 - (d) a category H licence;
 - (e) a firearms dealer licence;
 - (f) a paintball marker licence.
- (2) The holder may apply to the registrar for registration as a user of a registered firearm—
- (a) of which someone else is the registered owner; and
 - (b) of the kind the holder is authorised to use by the holder's licence.
- (3) The application must—
- (a) be accompanied by a certified copy of the applicant's licence; and
 - (b) contain the registered owner's written consent to the registration of the applicant as a user of the firearm.

Example

Anthony holds a category A licence. Jess is the registered owner of a category A firearm and agrees to let Anthony use her firearm. Anthony may apply to the registrar to be a registered user of Jess's firearm.

Note 1 If a form is approved under s 125A for this provision, the form must be used.

Note 2 A fee may be determined under s 125 for this provision.

Note 3 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).

52BA User registration—request for further information etc

- (1) This section applies to an application for registration as a user of a firearm.

- (2) The registrar may give the applicant a written notice requiring the applicant to give the registrar stated further information or documents that the registrar reasonably needs to decide the application.
- (3) The registrar may give the registered owner of the firearm a written notice requiring the registered owner to produce the firearm to the registrar to allow the registrar to—
 - (a) identify the firearm by inspecting it; and
 - (b) decide if the firearm is safe.
- (4) If the applicant does not comply with subsection (2), the registrar may refuse to consider the application further.

Note If the registered owner does not produce the firearm, the registrar must refuse to register the user (see s 52C (2)).

52BB User registration—decision

On an application for registration as a user of a firearm, the registrar must register the user unless prevented from doing so by this Act.

Note 1 For when the registrar must refuse to register a person as a user of a firearm, see s 52C.

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

52C User registration—refusal

- (1) On an application for registration as a user of a firearm, the registrar must refuse to register the applicant as a user unless satisfied on reasonable grounds that—
 - (a) the firearm to which the application relates is of a kind suitable for use for the genuine reason established by the applicant for the issue of the applicant's licence; and

Endnotes

6 Uncommenced amendments

- (b) 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.
- (2) Also, if the registrar requires the registered owner of a firearm to produce the firearm under section 52BA (3), the registrar must refuse to register the user if the firearm is not produced as required.

52D Effect of registration as user

- (1) Registration as a user of a firearm authorises the registered user to possess and use the firearm as if the firearm were held under the registered user's licence or permit.
- (2) However, a registered user of a firearm may possess or use the firearm only with the registered owner's permission.
- (3) Also, a registered user is authorised to possess and use a firearm for which a licensed firearms dealer is the registered owner if—
 - (a) the dealer is listed in the register in relation to the user; and
 - (b) the user is employed by the dealer; and
 - (c) the user possesses and uses the firearm in the course of the employment.
- (4) Also, a registered user is authorised to possess and use a category A, category B, category C or category H firearm for which a composite entity is the registered owner if—
 - (a) the composite entity is listed in the register in relation to the user; and
 - (b) the user is employed by the composite entity; and
 - (c) the user possesses and uses the firearm in the course of the employment.

-
- (5) Also, a registered user is authorised to possess and use a category A, category B or category H firearm for which an approved club is the registered owner if—
- (a) the approved club is listed in the register in relation to the user; and
 - (b) the user is a member of the club; and
 - (c) the user possesses and uses the firearm while on an approved shooting range owned or used by the club, or another approved club, to take part in a competition in, or activities relating to, the use of the firearm.

52E User registration—period in force

The registration of a user of a firearm remains in force unless cancelled under this division.

52F Automatic cancellation of user registration

- (1) This section applies if the registrar cancels the registration of a firearm under section 52.
- (2) The registration of each registered user of the firearm is cancelled by force of this section on the day the firearm's registration is cancelled.
- (3) The registrar must give each person (other than an excepted person) whose registration as a user of the firearm is cancelled by force of this section a written notice stating—
 - (a) that the person's registration as a user of the firearm is cancelled because the firearm's registration is cancelled; and
 - (b) the date the firearm's registration is cancelled.
- (4) For a firearm for which a composite entity is the registered owner, the registered principal for the firearm must give each excepted person a written notice stating—

Endnotes

6 Uncommenced amendments

- (a) that the person's registration as a user of the firearm is cancelled because the firearm's registration is cancelled; and
- (b) the date the firearm's registration is cancelled.

(5) In this section:

excepted person, in relation to a firearm for which a composite entity is the registered owner, means a person whose registration as a user of the firearm is cancelled by force of this section.

52G Automatic cancellation of user registration—certain registered users

- (1) This section applies to a person who is a registered user of a firearm if any of the following is the registered owner of the firearm:
 - (a) a licensed firearms dealer;
 - (b) a composite entity;
 - (c) an approved club.
- (2) The person's registration as a registered user is cancelled by force of this section if the person stops being—
 - (a) if the registered owner is a licensed firearms dealer—an employee of the dealer; or
 - (b) if the registered owner is a composite entity—a principal or employee of the composite entity; or
 - (c) if the registered owner is an approved club, and the person is not a principal or employee of the club—an active member of the club.
- (3) The cancellation takes effect on the day the person stops being the employee, principal or active member.

Division 4.5 Offences—registration**52H Offence—failing to notify event causing cancellation of user registration**

- (1) A person commits an offence if—
- (a) the person's registration as a user is cancelled under section 52G; and
 - (b) the person does not, within 7 days after the day the registration is cancelled, tell the registrar in writing about the reason for the cancellation.

Maximum penalty: 10 penalty units.

- (2) The holder of a composite entity licence commits an offence if—
- (a) a person who is an employee of the entity is a registered user of a firearm of which the entity is the registered owner; and
 - (b) the person stops being employed by the entity; and
 - (c) the entity does not, within 7 days after the day the person stops being employed by the entity, tell the registrar in writing about the end of the employment.

Maximum penalty: 10 penalty units.

- (3) A licensed firearms dealer commits an offence if—
- (a) a person who is an employee of the dealer is a registered user of a firearm of which the dealer is the registered owner; and
 - (b) the person stops being employed by the dealer; and
 - (c) the dealer does not, within 7 days after the day the person stops being employed by the dealer, tell the registrar in writing about the end of the employment.

Maximum penalty: 10 penalty units.

53 Offence—unregistered firearms

- (1) A person must not dispose of or acquire—
- (a) a prohibited firearm that is not registered; or
 - (b) any other firearm that is not registered.

Maximum penalty:

- (a) for subsection (1) (a)—1000 penalty units, imprisonment for 10 years or both; or
- (b) for subsection (1) (b)—500 penalty units, imprisonment for 5 years or both.

- (2) A person must not possess or use—
- (a) a prohibited firearm that is not registered; or
 - (b) any other firearm that is not registered.

Maximum penalty:

- (a) for subsection (2) (a)—1 000 penalty units, imprisonment for 10 years or both; or
- (b) for subsection (2) (b)—500 penalty units, imprisonment for 5 years or both.

- (3) Subsection (1), to the extent that it creates an offence of disposing of a firearm that is not registered, and subsection (2), to the extent that it creates an offence of possessing a firearm that is not registered, do not apply in relation to the surrender of a firearm to a police officer.

- (4) Also, subsection (1), to the extent that it creates an offence of acquiring a firearm that is not registered, and subsection (2), to the extent that it creates an offence of possessing a firearm that is not registered, do not apply if—

- (a) the person is a licensed firearms dealer; and
- (b) the firearm is registered within the period prescribed by regulation.

-
- (5) Also, subsections (1) and (2) do not apply to a person if the person—
- (a) did not know, and could not reasonably be expected to have known, that the firearm was not registered; and
 - (b) is not the owner of the firearm.

54 Offence—requirements relating to registered firearms

- (1) The registered owner of a firearm must produce the firearm for inspection by a police officer at any reasonable time if asked to do so by the officer.

Maximum penalty: 50 penalty units.

- (2) A person (other than a licensed firearms dealer) who is the registered owner of a firearm commits an offence if the person—

- (a) sells the firearm; and
- (b) fails to give the registrar the particulars prescribed by regulation in relation to the sale within 7 days after the day the firearm is sold.

Maximum penalty: 50 penalty units.

- (3) A person (other than a licensed firearms dealer) commits an offence if the person—

- (a) acquires a firearm; and
- (b) fails to give the registrar the particulars prescribed by regulation in relation to the acquisition within 7 days after the day the firearm is acquired.

Maximum penalty: 50 penalty units.

Note See also s 110 (Offence—lost, stolen or destroyed firearms).

55 Offence—possessing firearm under another licence

A licensee must not possess a firearm of which someone else is the registered owner unless—

- (a) the person is the registered principal for, or a registered user of, the firearm; or
- (b) the licensee is otherwise authorised under this Act to possess the firearm.

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

27 Part 5 heading

substitute

Part 5 Safe storage of firearms

28 Section 62

substitute

62 Offence—failing to comply with storage requirements

- (1) A person commits an offence if the person—
 - (a) possesses—
 - (i) a prohibited firearm; or
 - (ii) any other firearm; and
 - (b) fails to take all reasonable steps to ensure each of the following:
 - (i) the firearm is stored safely;
 - (ii) the firearm is not lost or stolen;

- (iii) the firearm does not come into the possession of someone who is not authorised to possess the firearm.

Maximum penalty:

- (a) for subsection (1) (a) (i)—imprisonment for 2 years;
(b) for subsection (1) (a) (ii)—imprisonment for 1 year.
- (2) For a firearm stored in a vehicle, the person who possesses the firearm takes all reasonable steps to ensure it is stored safely if the firearm is stored in the vehicle in accordance with any guidelines under section 12A (Minister’s guidelines).
- (3) Also, a regulation may prescribe what are reasonable steps.

**29 Category A and B licence requirements
Section 63**

omit everything before subsection (1) (a), substitute

**63 Offence—storage requirements for category A,
category B and paintball marker licences**

- (1) The holder of a category A, category B or paintball marker licence must comply with the following requirements in relation to each registered firearm held under the licence:

30 Section 63 (1) penalty

substitute

Maximum penalty: imprisonment for 1 year.

Endnotes

6 Uncommenced amendments

**31 Category C, D and H licence requirements
Section 64**

omit everything before subsection (1) (a), substitute

64 Offence—storage requirements for category C, D and H licences

- (1) The holder of a category C, category D or category H licence must comply with the following requirements in relation to each registered firearm held under the licence:

32 Section 64 (1) penalty

substitute

Maximum penalty: imprisonment for 2 years.

33 Part 6 heading

substitute

Part 6 Firearms dealers

Division 6.1 Interpretation

65A Meaning of *prohibited person*—pt 6

In this part:

prohibited person—see section 66B.

Division 6.2 Licences and licensed firearms dealers

34 Sections 66 to 69

substitute

66 Offence—firearms dealers to be licensed

A person commits an offence if—

- (a) in carrying on a business, the person—
 - (i) manufactures, acquires, disposes of, repairs, maintains or tests firearms or firearm parts; or
 - (ii) possesses firearms for the purpose of disposing of, or repairing, maintaining or testing, them; or
 - (iii) possesses firearm parts for the purpose of manufacturing firearms; or
 - (iv) stores firearms for someone else; and
- (b) the person is not authorised to do the thing by a firearms dealer licence.

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

66A Information about close associates of certain firearms dealers

- (1) In an application for a firearms dealer licence, the applicant must give the name and address of each close associate of the applicant and particulars of the kind of association with the applicant.
- (2) If a close associate of a licensed firearms dealer changes after the dealer gives the registrar the most recent application for a licence, or declaration under this section, the dealer must give the registrar not later than 7 days after the day the change happened a written declaration—
 - (a) telling the registrar about the change; and

Endnotes

6 Uncommenced amendments

- (b) stating the name and address of each close associate of the dealer and particulars of the nature of the association with the dealer.
- (3) The registrar may, by written notice given to a licensed firearms dealer, require the dealer to give the registrar within the reasonable time stated in the notice—
- (a) a written declaration that—
 - (i) the dealer (and no one else) is the person primarily responsible for the management of the business authorised by the licence; or
 - (ii) someone else (whether instead of or in addition to the dealer) is primarily responsible for the management of the business; and
 - (b) a written declaration—
 - (i) that the close associates of the dealer (if any) have not changed since the most recent application for a licence, or declaration under this section, was given to the registrar; or
 - (ii) stating the name and address of each close associate of the dealer and particulars of the nature of the association with the dealer.

Note The Criminal Code, pt 3.4 includes offences for giving false or misleading statements and giving false or misleading information.

66B Meaning of *prohibited person* for licensed firearms dealers

For this part, an individual is a *prohibited person* for a licensed firearms dealer if the individual—

- (a) does not hold an adult firearms licence; and

(b) is not suitable.

Note 1 For when an individual is or is not suitable, see s 4BG.

Note 2 If an individual's licence is suspended, the licensee is not authorised to possess or use any firearm (not only firearms held under the licence) during the suspension (see s 40 and s 40A).

66C Registrar's statement whether person prohibited— application

(1) A licensed firearms dealer must apply to the registrar for a statement about an individual who has agreed to the making of the application if—

(a) the dealer—

(i) proposes to employ the individual in the business authorised by the licence; or

(ii) proposes to allow the individual to act as an agent for, or take part in the management of, the business; and

(b) the individual does not hold an adult firearms licence.

Note 1 If a form is approved under s 125A for this provision, the form must be used.

Note 2 A fee may be determined under s 125 for this provision.

(2) A licensed firearms dealer may apply to the registrar for a statement about an individual who has agreed to the making of the application if—

(a) the dealer—

(i) employs the individual in the business authorised by the licence; or

(ii) allows the individual to act as an agent for, or take part in the management of, the business; and

(b) the individual does not hold an adult firearms licence.

Endnotes

6 Uncommenced amendments

- (3) The application must—
- (a) provide evidence of the individual's identity in accordance with the requirements under the *Financial Transaction Reports Act 1988* (Cwlth) that apply in relation to the opening of a bank account; and
 - (b) contain the information mentioned in section 19 (2) (b) (Adult firearms licences—applications) as if the individual were the applicant; and
 - (c) be accompanied by the documents mentioned in section 19 (2) (c) as if the individual were the applicant.
- (4) Also, the registrar may give the individual a written notice requiring the individual to give the registrar stated further information or documents mentioned in section 20 (Adult firearms licences—requirement for further information etc) as if the individual were the applicant.

66D Registrar's statement whether person prohibited

On an application under section 66C, the registrar must give the licensed firearms dealer a statement in relation to the individual stating whether the individual is a prohibited person.

66E Offence—prohibited person not to be involved in firearms dealing business

- (1) A licensed firearms dealer commits an offence if the dealer—
- (a) employs a prohibited person in the business authorised by the licence; or
 - (b) allows a prohibited person to act as an agent for, or take part in the management of, the business.

Maximum penalty: imprisonment for 10 years.

-
- (2) A person commits an offence if—
- (a) the person is a prohibited person; and
 - (b) either—
 - (i) a licensed firearms dealer employs the person in the business authorised by the licence; or
 - (ii) a licensed firearms dealer allows the person to act as an agent for, or take part in the management of, the business.

Maximum penalty: imprisonment for 10 years.

- (3) It is a defence to a prosecution for an offence against subsection (1) if the licensed firearms dealer proves that the dealer did not know, and could not reasonably be expected to have known, that the individual employed or allowed to act as an agent for, or to take part in the management of, the business was a prohibited person.

67 Offence—restrictions on acquisition and disposal of firearms by firearms dealers

- (1) A licensed firearms dealer commits an offence if—
- (a) the dealer acquires a firearm from someone (the *disposer*) who is not a licensed firearms dealer; and
 - (b) the disposer—
 - (i) is not authorised by a licence or permit to possess the firearm; or
 - (ii) is authorised by a licence or permit to possess the firearm, but the dealer has not inspected the licence or permit.

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

Endnotes

6 Uncommenced amendments

- (2) A licensed firearms dealer commits an offence if—
- (a) the dealer disposes of a firearm to someone (the *acquirer*); and
 - (b) any of the following apply:
 - (i) the acquirer is not authorised by a licence or permit to possess the firearm;
 - (ii) the acquirer is authorised by a licence or permit to possess the firearm, but the dealer has not inspected the licence or permit;
 - (iii) the dealer has not inspected the acquirer's permit to acquire the firearm (or the equivalent of a permit to acquire a firearm that is issued under the law of a State or another Territory for the firearm).

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

- (3) Subsection (2) does not apply in relation to the surrender of a firearm to a police officer.

Division 6.3 Licensed firearms dealers—records and returns

67A Definitions—div 6.3

In this division:

acquire, a firearm, includes—

- (a) take possession of the firearm to repair, maintain or test it; and
- (b) store the firearm.

dispose, of a firearm, includes, for a firearm that is repaired, maintained, tested or stored for a person, return the firearm to the person.

68 Offence—records generally

A licensed firearms dealer commits an offence if the dealer intentionally or negligently fails to ensure that—

- (a) each acquisition or disposal of a firearm, or firearm part, to which the dealer's licence applies is recorded in accordance with this division; and
- (b) each record relating to a firearm or firearm part is given to the registrar as prescribed by regulation.

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

68AA Acquisition and disposal—records

- (1) This section applies if a licensed firearms dealer—
 - (a) acquires a firearm or firearm part from someone else; or
 - (b) disposes of a firearm or firearm part to someone else.
- (2) The record of the acquisition or disposal of the firearm or firearm part must contain the following particulars:
 - (a) the name and address of the other person;
 - (b) for a firearm other than a firearm that is temporarily stored—the number of the other person's licence or permit authorising the other person to possess the firearm or firearm part;
 - (c) for a disposal of a firearm (other than the surrender of a firearm to a police officer or a firearm temporarily stored)—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 firearms dealer's possession—
 - (i) the date it was first acquired by the dealer and, if no longer in the dealer's possession, the date of its disposal by the dealer; and

Endnotes

6 Uncommenced amendments

- (ii) the name and address of the person who first gave possession of it to the dealer; and
 - (iii) if it is disposed of by the dealer (other than by return to the person for whom it was stored)—its make, serial number, calibre, type, action and magazine capacity (if any);
- (e) any other particulars prescribed by regulation.
- (3) The record of the acquisition or disposal must be made within 48 hours after the acquisition or disposal, unless a regulation prescribes otherwise.
- (4) The record of the acquisition or disposal must be made and kept in the way approved by the registrar.
- (5) An approval is a notifiable instrument.

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

68A Correction of recorded entries

A correction to an entry in a record required to be kept under this division must—

- (a) preserve the record; and
- (b) show that a correction has been made and the date it was made; and
- (c) be made in accordance with any guidelines under section 12A (Minister's guidelines).

68B Offence—inspection of records

- (1) A licensed firearms dealer commits an offence if the dealer—
 - (a) is required to keep a record, or ensure a record is kept, under this division; and

-
- (b) fails to do 1 or more of the following when asked by a police officer:
- (i) show the record to the officer and allow the officer to inspect and make copies of any entry in it;
 - (ii) show the officer the firearms and firearm parts in the dealer's possession;
 - (iii) give the officer any information in the dealer's possession about a firearm or firearm part that, under the authority of the dealer's licence—
 - (A) is in the dealer's possession; or
 - (B) has been manufactured or repaired; or
 - (C) has been acquired; or
 - (D) has been disposed of.

Maximum penalty: 50 penalty units.

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

68C Offence—records of former firearms dealers

- (1) A person commits an offence if the person—
- (a) stops being a licensed firearms dealer; and
 - (b) not later than 14 days after the day (the *end day*) the person stops being licensed, the person fails to give the registrar all of the person's records as a dealer during the 2 years immediately before the end day.

Maximum penalty: 20 penalty units.

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

Endnotes

6 Uncommenced amendments

69 Offence—monthly returns

- (1) Not later than 7 days after the end of each month, a licensed firearms dealer must give the registrar a return for the month that contains the particulars mentioned in section 68AA (2) (Acquisition and disposal—records).
- (2) A licensed firearms dealer commits an offence if the dealer does not take all reasonable steps to give a return in accordance with this section.

Maximum penalty: 10 penalty units.

35 Section 70 heading

substitute

70 Additional requirements for firearms dealers

36 Section 70 (4) to (6)

substitute

- (4) A licensed firearms dealer must ensure that each record required to be kept by the dealer under this Act is kept in a safe place on the registered premises for the firearm, other than a place in which firearms are kept under this Act.

Maximum penalty: 50 penalty units.

- (5) A licensed firearms dealer commits an offence if the dealer—
 - (a) takes possession of a firearm from someone else to—
 - (i) repair, maintain or test it; or
 - (ii) store it for the person; and
 - (b) has not inspected—
 - (i) the person's licence or permit in relation to the firearm; and

(ii) the firearm registration notice for the firearm.

Maximum penalty: 50 penalty units.

- (6) Subsection (5) does not apply in relation to—
- (a) a firearm that is temporarily stored; or
 - (b) storage of a firearm mentioned in section 36AA (b) (i) (Adult firearms licences—special conditions of category D licences).
- (6A) A licensed firearms dealer must not store, maintain or repair a firearm that is not registered.

Maximum penalty: 50 penalty units.

- (6B) Subsection (6A) does not apply in relation to a firearm that is temporarily stored.

Note See s 93 (Offence—disposal of firearms by unauthorised holders generally) and s 93A (Offence—disposal of inherited firearms).

37 Security of displayed firearms Section 71 (2)

omit everything before paragraph (a), substitute

- (2) A licensed firearms dealer commits an offence if the dealer fails to ensure that each firearm displayed in any part of the registered premises—

38 Part 7

substitute

Part 7 Enforcement

Division 7.1 Interpretation

73 Meaning of *offence*—pt 7

In this part:

offence includes an offence that there are reasonable grounds for believing has been, is being, or will be, committed.

Division 7.2 Powers of police officers

74 Power to enter premises

- (1) For this Act, a police officer may—
 - (a) at any reasonable time, enter premises that the public is entitled to use or that are open to the public (whether or not on payment); or
 - (b) at any time when the premises of a licensed firearms dealer are open for business, enter the premises; or
 - (c) at any time, enter premises with the occupier's consent; or
 - (d) enter premises in accordance with a licence or permit condition; or
 - (e) enter premises in accordance with a search warrant; or
 - (f) at any time, enter premises if the police officer believes on reasonable grounds that—
 - (i) an offence or a breach of the peace is being or is likely to be committed, or a person has suffered physical injury or

there is imminent danger of injury to a person or damage to property; and

- (ii) it is necessary to enter the premises immediately for the purpose of preventing the commission or repetition of an offence or a breach of the peace or to protect life or property.
- (2) However, subsection (1) (a) and (b) do not authorise entry into a part of premises that is being used only for residential purposes.
- (3) A police officer may, without the consent of the occupier of premises, enter land that is around, or part of, the premises to ask for consent to enter the premises.
- (4) To remove any doubt, a police officer may enter premises under subsection (1) without payment of an entry fee or other charge.
- (5) In this section:

at any reasonable time includes at any time when the public is entitled to use the premises, or when the premises are open to or used by the public (whether or not on payment).

74A Production of evidence of identity

A police officer must not remain at premises entered under this part if the officer does not produce evidence that the officer is a police officer when asked by the occupier.

75 Consent to entry

- (1) When seeking the consent of an occupier of premises to enter the premises under section 74 (1) (c), a police officer must—
 - (a) produce evidence that he or she is a police officer; and
 - (b) tell the occupier—
 - (i) the purpose of the entry; and

Endnotes

- (ii) that anything found and seized under this part may be used in evidence in court; and
 - (iii) that consent may be refused.
- (2) If the occupier consents, the police officer must ask the occupier to sign a written acknowledgment (an *acknowledgment of consent*)—
 - (a) that the occupier was told—
 - (i) the purpose of the entry; and
 - (ii) that anything found and seized under this part may be used in evidence in court; and
 - (iii) that consent may be refused; and
 - (b) that the occupier consented to the entry; and
 - (c) stating the time and date consent was given.
- (3) If the occupier signs an acknowledgment of consent, the police officer must immediately give a copy to the occupier.
- (4) A court must find that an occupier did not consent to entry to the premises by a police officer under this part if—
 - (a) the question arises in a proceeding in the court whether the occupier consented to the entry; and
 - (b) an acknowledgment of consent is not produced in evidence; and
 - (c) it is not proved that the occupier consented to the entry.

75A General powers on entry to premises

A police officer who enters premises under this part may, for this Act, do 1 or more of the following in relation to the premises or anything at the premises:

- (a) inspect or examine, including inspect, make copies of, or take extracts from, any record required to be kept under part 6

(Firearms dealers), or any other document that the officer believes on reasonable grounds is connected with—

- (i) the acquisition, disposal, possession, repair, maintenance, testing, modification or manufacture of a firearm or firearm part; or
 - (ii) the storage of a firearm;
- (b) test, or remove for testing, any firearm or firearm part that the officer believes on reasonable grounds is not safe or has been modified otherwise than in accordance with this Act or another law in force in the ACT;
- (c) if the officer believes on reasonable grounds that a firearm at the premises is not safe—direct, in writing, the occupier of the premises, and, if the occupier is not the owner of the firearm, the registered owner, not to use or dispose of the firearm, unless it has been made safe for use and has been inspected, tested and approved by the registrar;
- (d) take photographs, films, or audio, video or other recordings;
- (e) require the occupier, or anyone at the premises, to produce any document kept at the premises that the officer believes on reasonable grounds is connected with an offence;
- (f) require the occupier, or an employee or agent of the occupier, to give the police officer reasonable help to exercise a power under this part.

Examples—help

- 1 give information
- 2 answer questions

Note 1 The Legislation Act, s 170 and s 171 deal with the application of the privilege against selfincrimination and client legal privilege.

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).

75B Powers on entry—condition

- (1) This section applies if a police officer enters registered premises for a firearm under a condition of a licence or permit.
- (2) The police officer may—
 - (a) inspect any facility for storing firearms at the premises; and
 - (b) test, or remove for testing, any firearm that the officer believes on reasonable grounds is not safe or has been modified otherwise than in accordance with this Act or another law in force in the ACT; and
 - (c) if the officer believes on reasonable grounds that a firearm at the premises is not safe—direct, in writing, the licensee or permit-holder not to use or dispose of the firearm, unless it has been made safe for use and has been inspected, tested and approved by the registrar; and
 - (d) seize a thing if satisfied on reasonable grounds that the thing is connected with an indictable offence.

75C Offences—noncompliance with directions and requirements

- (1) A person must take all reasonable steps to comply with a direction given to the person under section 75A (c).

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.
- (2) A person must take all reasonable steps to comply with a requirement made of the person under section 75A (e) or section 75A (f).

Maximum penalty: 50 penalty units.

75D Power to seize things

- (1) A police officer who enters premises under this part with the occupier's consent may seize anything at the premises if—
 - (a) satisfied on reasonable grounds that the thing is connected with an offence against this Act; and
 - (b) seizure of the thing is consistent with the purpose of the entry told to the occupier when seeking the occupier's consent.
- (2) A police officer who enters premises under a warrant under this part may seize anything at the premises that the officer is authorised to seize under the warrant.
- (3) A police officer who enters premises under this part (whether with the occupier's consent, under a warrant or otherwise) may seize anything at the premises if satisfied on reasonable grounds that—
 - (a) the thing is connected with an offence against this Act; and
 - (b) the seizure is necessary to prevent the thing from being—
 - (i) concealed, lost or destroyed; or
 - (ii) used to commit, continue or repeat the offence.
- (4) Also, a police officer who enters premises under this part (whether with the occupier's consent, under a warrant or otherwise) may seize anything at the premises if satisfied on reasonable grounds that the thing is connected with an indictable offence.
- (5) The powers of a police officer under subsections (3) and (4) are additional to any powers of the officer under subsection (1) or (2) or any other territory law.
- (6) A police officer who seizes a thing under this section may—
 - (a) remove the thing from the premises where it was seized (the *place of seizure*) to another place; or
 - (b) leave the thing at the place of seizure but restrict access to it.

Endnotes

6 Uncommenced amendments

- (7) A person commits an offence if—
- (a) the person interferes with a seized thing, or anything containing a seized thing, to which access has been restricted under subsection (6); and
 - (b) the person knows access to the seized thing has been restricted; and
 - (c) the person does not have a police officer's approval to interfere with the thing.

Maximum penalty: 50 penalty units.

- (8) Strict liability applies to subsection (7) (a).

75DA Receipt for things seized

- (1) As soon as practicable after a police officer seizes a thing under this part, the officer must give a receipt for it to the person from whom it was seized.
- (2) If, for any reason, it is not practicable to comply with subsection (1), the police officer must leave the receipt, secured conspicuously, at the premises where it was seized (the *place of seizure*).
- (3) The receipt must include the following:
 - (a) a description of the thing seized;
 - (b) an explanation of why the thing was seized;
 - (c) the police officer's name, and information about how to contact the officer;
 - (d) if the thing is removed from the place of seizure—the address of the place to which the thing is removed;
 - (e) if a police officer has restricted access to the thing under section 75D (6) (b)—that it is an offence under section 75D (7) to interfere with the thing without a police officer's approval.

Division 7.3 Search warrants

76 Warrants generally

- (1) A police officer may apply to a magistrate for a warrant to enter premises.
- (2) The application must be sworn and state the grounds on which the warrant is sought.

Note Swear an oath includes make an affirmation (see Legislation Act, dict, pt 1, def *swear*).

- (3) The magistrate may refuse to consider the application until the police officer gives the magistrate all the information the magistrate requires about the application in the way the magistrate requires.
- (4) The magistrate may issue a warrant only if satisfied there are reasonable grounds for suspecting—
 - (a) there is a particular thing (including a firearm) or activity connected with an offence against this Act; and
 - (b) the thing or activity—
 - (i) is, or is being engaged in, at the premises; or
 - (ii) may be, or may be engaged in, at the premises within the next 7 days.
- (5) The magistrate may also issue a warrant only if satisfied there are reasonable grounds for suspecting—
 - (a) there is a firearm that is unsafe to use; and
 - (b) the firearm—
 - (i) is at the premises; or
 - (ii) may be at the premises within the next 7 days.

Endnotes

6 Uncommenced amendments

- (6) The warrant must state—
- (a) that a police officer may, with any necessary assistance and force, enter stated premises and exercise the officer's powers under this part; and
 - (b) the reason for which the warrant is issued; and
 - (c) the things that may be seized under the warrant; and
 - (d) the hours when the premises may be entered; and
 - (e) the date, within 7 days after the day of the warrant's issue, the warrant ends.
- (7) In this section:
- connected*—an activity is *connected* with an offence if—
- (a) the offence has been committed by engaging or not engaging in it; or
 - (b) it will provide evidence of the commission of the offence.

76A Warrants—application made other than in person

- (1) A police officer may apply for a warrant by phone, fax, radio or other form of communication if the officer considers it necessary because of—
 - (a) urgent circumstances; or
 - (b) other special circumstances.
- (2) Before applying for the warrant, the police officer must prepare an application stating the grounds on which the warrant is sought.
- (3) The police officer may apply for the warrant before the application is sworn.
- (4) If the magistrate issues the warrant, the magistrate must immediately fax a copy to the police officer if it is practicable to do so.

- (5) If it is not practicable to fax a copy to the police officer—
- (a) the magistrate must tell the officer—
 - (i) the date and time the warrant was issued; and
 - (ii) the warrant's terms; and
 - (b) the police officer must complete a form of warrant (the *warrant form*) and write on it—
 - (i) the magistrate's name; and
 - (ii) the date and time the magistrate issued the warrant; and
 - (iii) the warrant's terms.
- (6) The faxed copy of the warrant, or the warrant form properly completed by the police officer, authorises the entry and exercise of the officer's powers under the warrant.
- (7) The police officer must, at the first reasonable opportunity, send to the magistrate—
- (a) the sworn application; and
 - (b) if the officer completed a warrant form—the completed warrant form.
- (8) On receiving the documents, the magistrate must attach them to the warrant.
- (9) A court must find that a power exercised by a police officer was not authorised by a warrant under this section if—
- (a) the question arises in a proceeding in the court whether the exercise of power was authorised by a warrant; and
 - (b) the warrant is not produced in evidence; and
 - (c) it is not proved that the exercise of power was authorised by a warrant under this section.

76B Search warrants—announcement before entry

- (1) A police officer must, before anyone enters premises under a search warrant—
 - (a) announce that the officer is authorised to enter the premises; and
 - (b) give anyone at the premises an opportunity to allow entry to the premises; and
 - (c) if the occupier of the premises, or someone else who apparently represents the occupier, is present at the premises—identify himself or herself to the person.
- (2) The police officer is not required to comply with subsection (1) if the officer believes on reasonable grounds that immediate entry to the premises is required to ensure—
 - (a) the safety of anyone (including the officer or any person assisting); or
 - (b) that the effective execution of the warrant is not frustrated.

76C Details of search warrant to be given to occupier etc

- (1) If an occupier of premises, or someone else who apparently represents the occupier, is present at the premises while a search warrant is being executed, the police officer or a person assisting must make available to the person—
 - (a) a copy of the warrant or warrant form; and
 - (b) a document setting out the rights and obligations of the person.
- (2) In this section:
warrant form—see section 76A (Warrants—application made other than in person).

76D Occupier entitled to be present during search etc

- (1) If an occupier of premises, or someone else who apparently represents the occupier, is present at the premises while a search warrant is being executed, the person is entitled to observe the search being conducted.
- (2) However, the person is not entitled to observe the search if—
 - (a) to do so would impede the search; or
 - (b) the person is under arrest, and allowing the person to observe the search being conducted would interfere with the objectives of the search.
- (3) This section does not prevent 2 or more areas of the premises being searched at the same time.

Division 7.4 Things seized**77 Access to things seized**

A person who would, apart from the seizure, be entitled to inspect a thing seized under this part may—

- (a) inspect it; and
- (b) if it is a document—take extracts from it or make copies of it.

77A Return or forfeiture of things seized

- (1) A thing seized under this part must be returned to its owner, or reasonable compensation must be paid by the Territory to the owner for the loss of the thing, if a prosecution for an offence relating to the thing is not started within 1 year after the day the thing is seized.
- (2) If a prosecution for an offence relating to a thing seized under this part is started within 1 year after the day the thing is seized, and the prosecution is not successful, the thing must be returned to its owner.

Endnotes

6 Uncommenced amendments

- (3) A thing seized under this part is forfeited to the Territory if there is no requirement under this section—
 - (a) to return the thing to the person from whom it was seized; or
 - (b) to pay compensation for the thing.
- (4) A thing forfeited to the Territory may be destroyed or otherwise disposed of as the chief executive directs.

Division 7.5 Enforcement—miscellaneous

78 Damage etc to be minimised

- (1) In the exercise, or purported exercise, of a function under this part, a police officer must take all reasonable steps to ensure that the officer causes as little inconvenience, detriment and damage as practicable.
- (2) If a police officer damages anything in the exercise or purported exercise of a function under this part, the officer must give written notice of the particulars of the damage to the person the officer believes on reasonable grounds is the owner of the thing.
- (3) The notice must state that—
 - (a) the person may claim compensation from the Territory if the person suffers loss or expense because of the damage; and
 - (b) compensation may be claimed and ordered in a proceeding for compensation brought in a court of competent jurisdiction; and
 - (c) the court may order the payment of reasonable compensation for the loss or expense only if satisfied it is just to make the order in the circumstances of the particular case.

-
- (4) If the damage happens at premises entered under this part in the absence of the occupier, the notice may be given by leaving it, secured conspicuously, at the premises.
- (5) In this section:
police officer includes a person assisting the officer under this part.

78A Compensation for exercise of enforcement powers

- (1) A person may claim compensation from the Territory if the person suffers loss or expense because of the exercise, or purported exercise, of a function under this part by a police officer.
- (2) Compensation may be claimed and ordered in a proceeding for—
- (a) compensation brought in a court of competent jurisdiction; or
 - (b) an offence against this Act brought against the person making the claim for compensation.
- (3) A court may order the payment of reasonable compensation for the loss or expense only if satisfied it is just to make the order in the circumstances of the particular case.
- (4) A regulation may prescribe matters that may, must or must not be taken into account by the court in considering whether it is just to make the order.
- (5) In this section:
police officer—see section 78 (5).

39 Part 8 heading*substitute***Part 8 Offences****79 Offences—trafficking firearms**

- (1) A person commits an offence if the person contravenes a relevant provision on 3 or more separate occasions over a 12-month period.

Maximum penalty: imprisonment for 20 years.

- (2) If, on the trial of a person for an offence against subsection (1), more than 3 occasions are relied on as evidence of the commission of the offence, the trier of fact must be satisfied as to the same 3 occasions in order to find the person guilty of the offence.

Example

During a 12-month period starting in January, Jonah sells 7 unregistered firearms as follows:

- on 8 January Adam and Beth each buy an unregistered firearm from Jonah (2 occasions);
- on 14 June Jonah sells 3 unregistered firearms to Cate in a single transaction (1 occasion);
- on both 5 and 16 December Jonah sells an unregistered firearm to David (2 occasions).

None of the people involved in the transactions are licensed firearms dealers or authorised by a licence or permit to possess the firearms the subject of the transactions.

Evidence of these transactions forms the basis of 5 separate offences against section 83. Jonah is charged with 1 offence against section 79 (1). In order for Jonah to be convicted of the offence, the trier of fact must be satisfied that Jonah contravened section 83 on at least 3 of the occasions, and be satisfied as to the same 3 occasions.

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) If, on the trial of a person for an offence against subsection (1), the trier of fact is not satisfied that the offence is proven, but is satisfied that the person, in relation to an occasion relied on as evidence of commission of the offence against subsection (1), committed an offence against a relevant provision, the trier of fact may acquit the person of the offence charged and find the person guilty of the offence against the relevant provision.
- (4) To remove any doubt, a person may not be tried for an offence against subsection (1) in relation to the contravention of a relevant provision on an occasion if the person has been convicted or acquitted of the contravention.
- (5) A person commits an offence if the person—
- (a) contravenes a relevant provision; and
 - (b) the contravention is the acquisition or disposal of 4 or more firearms on the same occasion.

Maximum penalty: imprisonment for 20 years.

- (6) In this section:
- relevant provision*** means—
- (a) section 53 (1) (Offence—unregistered firearms); or
 - (b) section 83 (Offence—unlawful disposal of firearms); or
 - (c) section 84 (Offence—unlawful acquisition of firearms).
- (7) To remove any doubt, for subsection (1), the 12-month period must start on or after the day this section commences.
- (8) Subsection (7) and this subsection expire 1 year after the day this section commences.

40 Sections 83 to 84B

substitute

82A Offences—operation of shooting ranges

- (1) A person commits an offence if the person operates a shooting range other than an approved shooting range.

Maximum penalty: 200 penalty units, imprisonment for 2 years or both.

- (2) A person commits an offence if the person—
- (a) operates an approved shooting range; and
 - (b) is not licensed to operate the shooting range.

Maximum penalty: 200 penalty units, imprisonment for 2 years or both.

82B Offences—operation of paintball ranges

- (1) A person commits an offence if the person operates a paintball range other than an approved paintball range.

Maximum penalty: 200 penalty units, imprisonment for 2 years or both.

- (2) A person commits an offence if the person—
- (a) operates an approved paintball range; and
 - (b) is not licensed to operate the paintball range.

Maximum penalty: 200 penalty units, imprisonment for 2 years or both.

83 Offence—unlawful disposal of firearms

- (1) A person (the *disposer*) must not dispose of or take part in the disposal of a firearm to someone else (the *acquirer*) unless—

- (a) the acquirer and disposer are each authorised by a licence or permit to possess the firearm; and
- (b) the following documents have been produced to, and inspected by, the disposer:
 - (i) the acquirer's licence or permit;
 - (ii) if the acquirer is not a licensed firearms dealer—
 - (A) the acquirer's permit to acquire the firearm; or
 - (B) a permit (however described) in force under the law of a State or another Territory that authorises the acquisition of the firearm; and
- (c) if neither the acquirer nor disposer is a licensed firearms dealer—the disposal has been arranged through a licensed firearms dealer as prescribed by regulation.

Maximum penalty:

- (a) if the firearm is a prohibited firearm—imprisonment for 10 years; or
 - (b) in any other case—imprisonment for 5 years.
- (2) Subsection (1) does not apply in relation to—
- (a) the surrender of a firearm to a police officer; or
 - (b) a firearm to be temporarily stored by a licensed firearms dealer for a person who has possession of the firearm because of the death of the individual authorised to possess it; or

Note See s 93 (Offence—disposal of firearms by unauthorised holders generally).

- (c) a person who inherits a firearm and disposes of it to a licensed firearms dealer.

Note See s 93A (Offence—disposal of inherited firearms).

(3) In this section:

takes part—a person *takes part* in the disposal of a firearm if the person—

- (a) takes, or takes part in, a step, or causes a step to be taken, in the process of the disposal; or
- (b) provides or arranges finance for a step in the process; or
- (c) provides the premises where a step in the process is taken, or allows a step in the process to be taken at premises of which the person is the owner, lessee or occupier or of which the person has the care, control or management.

84 Offence—unlawful acquisition of firearms

(1) A person (the *acquirer*) must not acquire, or take part in the acquisition of, a firearm from someone else (the *disposer*) unless—

- (a) the acquirer and disposer are each authorised by a licence or permit to possess the firearm; and
- (b) the disposer's licence or permit has been produced to, and inspected by, the acquirer; and
- (c) if neither the acquirer nor disposer is a licensed firearms dealer—the acquisition has been arranged through a licensed firearms dealer as prescribed by regulation.

Maximum penalty:

- (a) if the firearm is a prohibited firearm—imprisonment for 10 years; or
- (b) in any other case—imprisonment for 5 years.

(2) Subsection (1) does not apply in relation to—

- (a) the surrender of a firearm to a police officer; or

- (b) a person who inherits a firearm and disposes of it to a licensed firearms dealer.

Note See s 93A (Offence—disposal of inherited firearms).

- (3) In this section:

takes part—a person ***takes part*** in the acquisition of a firearm if the person—

- (a) takes, or takes part in, a step, or causes a step to be taken, in the process of the acquisition; or
- (b) provides or arranges finance for a step in the process; or
- (c) provides the premises where a step in the process is taken, or allows a step in the process to be taken at premises of which the person is the owner, lessee or occupier or of which the person has the care, control or management.

84A Offence—unauthorised manufacture of firearms

- (1) A person commits an offence if the person manufactures, or takes part in the manufacture of, a firearm.

Maximum penalty:

- (a) if the firearm is a prohibited firearm—1 500 penalty units, imprisonment for 20 years or both; or
- (b) if the firearm is not a prohibited firearm—1 000 penalty units, imprisonment for 10 years or both.
- (2) Subsection (1) does not apply to a person if the person is authorised by a firearms dealer licence to manufacture the firearm.
- (3) In this section:
- manufacture***, a firearm, includes assemble a firearm from firearm parts.

Endnotes

6 Uncommenced amendments

takes part—a person ***takes part*** in the manufacture of a firearm if the person—

- (a) takes, or takes part in, a step, or causes a step to be taken, in the process of the manufacture; or
- (b) provides or arranges finance for a step in the process; or
- (c) provides the premises where a step in the process is taken, or allows a step in the process to be taken at premises of which the person is the owner, lessee or occupier or of which the person has the care, control or management.

41 Section 93

substitute

93 Offence—disposal of firearms by unauthorised holders generally

- (1) A person commits an offence if—
 - (a) the person has possession of a firearm; and
 - (b) the person is not authorised by a licence, permit or otherwise under this Act to possess the firearm; and
 - (c) either—
 - (i) the person fails to surrender the firearm to a police officer; or
 - (ii) if the person has possession of the firearm because of the death of the individual authorised to possess it—the person fails to—
 - (A) give the firearm to a licensed firearm dealer to temporarily store the firearm; and

- (B) give the registrar written notice of the death and the name of the licensed firearms dealer storing the firearm.

Maximum penalty: 50 penalty units.

- (2) Subsection (1) does not apply to a person who inherits a firearm.

93A Offence—disposal of inherited firearms

A person commits an offence if—

- (a) the person inherits a firearm; and
- (b) the person is not authorised by a licence, permit or otherwise under this Act to possess the firearm; and
- (c) the person—
- (i) applies for a licence or permit in relation to the firearm and does not give the firearm to a licensed firearm dealer to temporarily store; or
- Note* A firearm is *temporarily stored* by a licensed firearms dealer for a person who inherits the firearm and applies for a licence or permit in relation to the firearm if the dealer stores the firearm until the application is finally decided (including any application to the AAT for review of the decision and any subsequent appeal) (see dict, def *temporarily store*).
- (ii) does not dispose of the firearm to a licensed firearms dealer; or
- (iii) does not surrender the firearm to a police officer.

Maximum penalty: 50 penalty units.

Further uncommenced amendment by A2008-36 amdt 1.268 (see endnote for A2008-46).

**42 Restrictions where alcohol or other drugs concerned
New section 97 (3)**

insert

- (3) A person commits an offence if—
- (a) the person occupies, operates or manages a shooting range; and
 - (b) someone else (the *attending person*) possesses, carries or uses a firearm at the shooting range; and
 - (c) either—
 - (i) the person knows, or believes on reasonable grounds, that the attending person—
 - (A) is under the influence of alcohol or a drug; and
 - (B) would not be able to exercise responsible control over the firearm; or
 - (ii) the person believes on reasonable grounds that, because of the attending person's behaviour, the attending person would not be able to exercise responsible control over a firearm; and
 - (d) the person does not take all reasonable steps to ensure that the attending person does not take part in a shooting activity at the range.

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

43 Sections 98 and 99

substitute

98 Offence—selling ammunition generally

A person commits an offence if the person—

- (a) is not a licensed firearms dealer or authorised club member; and
- (b) sells ammunition.

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

98A Offence—sale of ammunition by licensed firearms dealers

A licensed firearms dealer must not sell ammunition to someone else (the *acquirer*) unless—

- (a) the acquirer—
 - (i) holds a licence or permit authorising the acquisition of ammunition of the calibre sold; or
 - (ii) is authorised in writing by the registrar to acquire the ammunition; and
- (b) the dealer has inspected the licence, permit or authorisation; and
- (c) the amount of ammunition the dealer sells to the acquirer at any 1 time is not more than the amount (if any) prescribed by regulation.

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

98B Offence—sale of ammunition by authorised club members

An authorised club member (the *seller*) of an approved club must not sell ammunition to someone else (the *acquirer*) unless—

- (a) the sale takes place on premises owned or used by the club; and
- (b) the acquirer is at the premises to take part in a competition or activity conducted by or in association with the club; and
- (c) the acquirer—
 - (i) holds a licence or permit authorising the acquisition of ammunition of the calibre sold; or
 - (ii) is authorised in writing by the registrar to acquire the ammunition; and
- (d) the seller has inspected the licence, permit or authorisation; and
- (e) the ammunition can be discharged from a firearm—
 - (i) of which the acquirer is a registered owner, registered principal or registered user; or
 - (ii) being used by the acquirer in a competition or activity conducted by or in association with the club; and
- (f) the amount of ammunition the seller sells to the acquirer at any 1 time is not more than the amount (if any) prescribed by regulation.

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

98C Offence—selling ammunition to people from outside ACT

- (1) A licensed firearms dealer must not sell ammunition to a person who lives in a State or another Territory.

Maximum penalty: 50 penalty units.

- (2) Subsection (1) does not apply if the dealer believes on reasonable grounds that the person's possession of the ammunition in the State or other Territory is not prohibited by a law of the State or Territory.

98D Offence—selling ammunition for starting pistols

- (1) A licensed firearms dealer must not sell ammunition to a person if the dealer knows or believes on reasonable grounds that the person intends to discharge it from a starting pistol.

Maximum penalty: 50 penalty units.

- (2) Subsection (1) does not apply if—
- (a) the dealer is satisfied on reasonable grounds that the person has an approved reason for requiring the starting pistol; and
 - (b) the ammunition is a blank cartridge.

Note **Approved reason**—see the dictionary.

99 Offence—acquiring ammunition

- (1) A person commits an offence if—
- (a) the person acquires ammunition; and
 - (b) the person—
 - (i) does not hold a licence or permit authorising the acquisition of ammunition of the calibre sold; or

Endnotes

- (ii) is not authorised in writing by the registrar to acquire the ammunition.

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

- (2) A person commits an offence if—
 - (a) the person acquires ammunition; and
 - (b) the person—
 - (i) holds a licence or permit authorising the acquisition of ammunition of the calibre sold; or
 - (ii) is authorised in writing by the registrar to acquire the ammunition; and
 - (c) the amount of ammunition the person acquires at any one time is more than the amount (if any) prescribed by regulation.

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

99A Offence—possessing ammunition generally

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

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

Note 2 A licensee must not possess, at any one time, an amount of ammunition that is more than the amount (if any) prescribed by regulation, unless authorised in writing by the registrar (see s 36, s 42N, s or s 42ZQB).

Maximum penalty: 10 penalty units.

- (2) Subsection (1) does not apply during the period ending 28 days after the day any of the following happens:
- (a) the licence or permit authorising the possession or acquisition of the ammunition is cancelled, suspended, surrendered or ends;
Note Section 18 provides that a licence that authorises the licensee to use a firearm also authorises the licensee, in accordance with this Act or another territory law, to acquire, possess or use the calibre of ammunition made for use in the firearm.
 - (b) the person is the registered owner, registered principal or a registered user of the firearm, and the firearm is disposed of or destroyed;
 - (c) the person's registration as owner or user of the firearm is cancelled.
- (3) Also, subsection (1) does not apply—
- (a) to a person who has an approved reason for requiring a starting pistol, if the ammunition is a blank cartridge for use in a starting pistol; or
 - (b) in relation to the surrender of ammunition to a police officer.
Note **Approved reason**—see the dictionary.
- (4) Strict liability applies to subsection (1) (b).

44 Section 102

substitute

102 Offences—defacing, altering and removing identification marks

- (1) A person commits an offence if the person defaces, alters or removes a number, letter or other identification mark on a firearm or barrel for a firearm.

Maximum penalty: 500 penalty units, imprisonment for 5 years or both.

- (2) A person commits an offence if the person—
- (a) possesses a firearm or barrel for a firearm on which a number, letter or identification mark has been defaced, altered or removed; and
 - (b) knows that a number, letter or identification mark has been defaced, altered or removed.

Maximum penalty: 500 penalty units, imprisonment for 5 years or both.

- (3) It is a defence to a prosecution for an offence against subsection (1) if the defendant proves that the defendant was authorised in writing by the registrar to deface, alter or remove the number, letter or other identification mark.
- (4) It is a defence to a prosecution for an offence against subsection (2) if the defendant proves that the defendant was authorised in writing by the registrar—
- (a) to deface, alter or remove the number, letter or other identification mark; or
 - (b) to possess the firearm or barrel.

- (5) Subsection (2) does not apply in relation to the surrender of a firearm to a police officer.

**45 Possession of firearm under another licence
Section 105**

omit

46 Section 110

substitute

110 Offence—lost, stolen or destroyed firearms

A person (other than a licensed firearms dealer) commits an offence if—

- (a) the person possesses a firearm; and
- (b) the firearm is lost, stolen or destroyed; and
- (c) the person knows about the loss, theft or destruction; and
- (d) the person fails, within 2 days after the day the person becomes aware of the loss, theft or destruction, to—
 - (i) tell the registrar about the loss, theft or destruction; and
 - (ii) give the registrar particulars of the loss, theft or destruction (if any) prescribed by regulation.

Maximum penalty: 50 penalty units.

Note For licensed firearms dealers, see s 70 (3) (Additional requirements for firearms dealers).

**47 Firearms prohibition orders
Part 9**

omit

Endnotes

6 Uncommenced amendments

48 Sections 113 and 114

substitute

113 Meaning of reviewable decision—pt 10

In this part:

reviewable decision means a decision of the registrar mentioned in schedule 4, column 3 under a provision of this Act mentioned in schedule 4, column 2 for the decision.

113A Review of decisions

Application may be made to the AAT for review of a reviewable decision.

114 Notice of reviewable decisions

- (1) If the registrar makes a reviewable decision, the registrar must give a written notice of the decision to each person affected by the decision.
- (2) The notice must be in accordance with the requirements of the code of practice in force under the *Administrative Appeals Tribunal Act 1989*, section 25B (1).

Further uncommenced amendment by A2008-36 amdt 1.269 (see endnote for A2008-46).

49 Section 116

substitute

116 Disposal of surrendered or seized firearms

- (1) This section applies in relation to a firearm surrendered to or seized by a police officer under this Act.
- (2) A police officer or the owner of the firearm may apply to a court for an order that the firearm is—

- (a) forfeited to the Territory; or
 - (b) returned to the owner; or
 - (c) destroyed; or
 - (d) otherwise disposed of.
- (3) The court may make the order it considers appropriate.
- (4) This section is subject to section 77A (Return or forfeiture of things seized).
- (5) In this section:
- firearm* includes a firearm part and ammunition.
- owner*, of a firearm, means a person who is or claims to be the owner of the firearm.

50 Offences by corporations Section 122 (1) and note

substitute

- (1) If a corporation contravenes a provision of this Act, each person who is an executive officer of the corporation is taken to have contravened the same provision if the officer knowingly authorised or allowed the contravention.

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

51 Section 124

substitute

124 Evidentiary certificates

- (1) In a proceeding for an offence mentioned in section 52 (1) (c), a certificate signed by the registrar stating the following is evidence of the matter stated:
- (a) at a stated time or during a stated period, a stated person was or was not the holder of a licence or permit;
 - (b) a licence or permit was or was not, on a day or during a stated period, subject to a stated condition;
 - (c) a licence or permit was or was not renewed, or had ended on a stated day;
 - (d) a stated licence or permit issued to a stated person was cancelled on a stated day;
 - (e) a stated licence or permit issued to a stated person was suspended on a stated day or during a stated period;
 - (f) a stated address was, on a stated date, the last address known to the registrar of a stated person;
 - (g) a stated firearm was registered or not registered on a stated day or during a stated period;
 - (h) a stated person was or was not the registered owner of a stated firearm on a stated day or during a stated period;
 - (i) registration of a stated firearm was refused on a stated day;
 - (j) registration of a stated firearm had ended on a stated day;
 - (k) registration of a stated firearm was cancelled on a stated date for a stated reason;

-
- (l) a stated person was the registered principal for a composite entity firearms licence on a stated day or during a stated period;
- (m) a stated person was a registered user of a stated firearm on a stated day or during a stated period;
- (n) a stated person's registration as the user of a stated firearm had ended on a stated day;
- (o) a stated person's registration as the user of a stated firearm was cancelled on a stated date for a stated reason;
- (p) at a stated time, a stated person was or was not a person to whom—
- (i) an approval had been given under any of the following:
 - section 80 (Discharge etc of firearm—public places etc);
 - section 81 (1) (b) (Discharge of firearm—general);
 - section 100 (Modification of firearms); or
 - (ii) an authorisation had been given under any of the following:
 - section 36 (Adult firearms licences—conditions);
 - section 42O (Minors firearms licences—conditions);
 - section 42ZK (Composite entity firearms licences—conditions);
 - section 42ZQB (Temporary international firearms licences—conditions);
 - section 98A (1) (a) (ii) (Offence—sale of ammunition by licensed firearms dealers);
 - section 98B (1) (c) (ii) (Offence—sale of ammunition by authorised club members);
 - section 99 (1) (a) (ii) (Offence—acquiring ammunition);

Endnotes

6 Uncommenced amendments

- section 102 (Offences—defacing, altering and removing identification marks);
- (q) at a stated time or during a stated period, a stated person was or was not authorised by a licence or permit.
- (2) A regulation may prescribe that a certificate signed by the registrar stating a prescribed matter is evidence of the matter stated.

52 Regulation-making power Section 126 (2) (a)

after

acquisition,

insert

disposal,

53 Section 126 (2) (b)

substitute

- (aa) the register, including how changes may or must be made to the particulars and information in the register; or
- (b) firearms training courses; or

54 New section 126 (2) (ja)

insert

- (ja) the approval of paintball ranges and approved paintball ranges;
or

55 Section 126 (2) (p)

substitute

- (p) exempting a person from this Act; or

56 New section 126 (2A) and (2B)

insert

- (2A) A regulation may prescribe the evidence that may or must be produced to the registrar that—
- (a) there is a special need in relation to a licence application; or
 - (b) an applicant's special need cannot be met other than by being issued with a category C or category D licence.
- (2B) A regulation under subsection (2A) does not limit the matters that the registrar may reasonably consider when deciding whether a special need has been established.

57 Section 128

substitute

128 Licensing of entities to operate approved shooting ranges

- (1) A regulation may provide for the licensing of an entity to operate an approved shooting range.
- (2) Without limiting subsection (1), a regulation may—
- (a) make provision in relation to—
 - (i) the issue and refusal to issue a licence to operate an approved shooting range; and
 - (ii) the renewal and refusal to renew a licence to operate an approved shooting range; and
 - (iii) the imposition of conditions on a licence to operate an approved shooting range, or the conditions to which the licence is subject; and
 - (iv) the replacement of and refusal to replace a licence to operate an approved shooting range; and

Endnotes

6 Uncommenced amendments

- (b) make provision in relation to the cancellation, variation and suspension of a licence to operate an approved shooting range; and
- (c) fix a period for which a licence to operate an approved shooting range or renewal remains in force; and
- (d) require the production of information by—
 - (i) an applicant for a licence to operate an approved shooting range or for a renewal or variation of a licence to operate an approved shooting range; and
 - (ii) the holder of a licence to operate an approved shooting range; and
- (e) prescribe the circumstances in which a licence to operate an approved shooting range must be surrendered or returned to the registrar.

129 Licensing of entities to operate approved paintball ranges

- (1) A regulation may provide for the licensing of an entity to operate an approved paintball range.
- (2) Without limiting subsection (1), a regulation may—
 - (a) make provision in relation to—
 - (i) the issue and refusal to issue a licence to operate an approved paintball range; and
 - (ii) the renewal and refusal to renew a licence to operate an approved paintball range; and
 - (iii) the imposition of conditions on a licence to operate an approved paintball range, or the conditions to which the licence is subject; and
 - (iv) the replacement of and refusal to replace a licence to operate an approved paintball range; and

- (b) make provision in relation to the cancellation, variation and suspension of a licence to operate an approved paintball range; and
 - (c) fix a period for which a licence to operate an approved paintball range or renewal remains in force; and
 - (d) require the production of information by—
 - (i) an applicant for a licence to operate an approved paintball range or for a renewal or variation of a licence to operate an approved paintball range; and
 - (ii) the holder of a licence to operate an approved paintball range; and
 - (e) prescribe the circumstances in which a licence to operate an approved paintball range must be surrendered or returned to the registrar.
- (3) Also, a regulation may prescribe the records that must be kept by a paintball range operator in relation to the storage of a paintball marker for someone other than the operator.

58 New part 20

insert

Part 20 Transitional**200 Definitions—pt 20**

In this part:

commencement day means the day the *Firearms Amendment Act 2008*, section 4 commences.

pre-commencement Act means this Act as in force immediately before the commencement day.

201 Pre-commencement Act partnerships

- (1) This section applies if, immediately before the commencement day, a partnership held a licence (the *original licence*) under the pre-commencement Act.
- (2) Each partner in the partnership is taken to hold an adult firearms licence of the same category as the original licence.
- (3) The adult firearms licence is taken to have been issued to the partner on the day the partnership was issued with the original licence.
- (4) The registrar must—
 - (a) change the register to reflect the effect of subsection (2); and
 - (b) issue each partner with a licence.

202 Pre-commencement Act—fit and proper

In this Act:

suitable, in relation to the issue, suspension or cancellation of a licence or permit before the commencement day, includes fit and proper.

203 Pre-commencement Act applications for licences

- (1) This section applies if, immediately before the commencement day, an entity had applied under the pre-commencement Act for a licence, but the application had not been decided by the registrar.
- (2) However, this section does not apply to an application for a licence on behalf of a partnership under the pre-commencement Act.
- (3) The application is taken to be an application for the kind and category of licence under this Act that the registrar considers appropriate.
- (4) If the application is for a licence under the pre-commencement Act, section 31 (Temporary licences—internationally protected persons),

the application is taken to be an application for a temporary international firearms licence.

- (5) If, because the application was made under the pre-commencement Act, the application does not include something that is required for an application under this Act, the registrar may ask the applicant for the further information or documents.
- (6) If the applicant does not comply with the request, the registrar may refuse to consider the application further.

204 Pre-commencement Act applications for permits

- (1) This section applies if, immediately before the commencement day, an entity had applied under the pre-commencement Act for a permit, but the application had not been decided by the registrar.
- (2) However, this section does not apply to an application for a permit under the pre-commencement Act if the permit cannot be issued under this Act.
- (3) The application is taken to be an application for the kind of permit under this Act that the registrar considers appropriate.
- (4) If, because the application was made under the pre-commencement Act, the application does not include something that is required for an application under this Act, the registrar may ask the applicant for the further information or documents.
- (5) If the applicant does not comply with the request, the registrar may refuse to consider the application further.

205 Pre-commencement Act licences

- (1) This section applies if, immediately before the commencement day, an entity held a licence (the *original licence*) under the pre-commencement Act.

Endnotes

6 Uncommenced amendments

- (2) However, this section does not apply to a licence held by—
 - (a) a partnership under the pre-commencement Act; or
 - (b) an individual under the pre-commencement Act, section 31 (Temporary licences—internationally protected persons).
- (3) For a licence held by an individual, the individual is taken to hold an adult firearms licence of the same category as the original licence.
- (4) For a licence held by a composite entity, the composite entity is taken to hold a composite entity licence of the same category as the original licence.
- (5) Any condition to which the original licence was subject under the pre-commencement Act continues to apply but may be amended in accordance with this Act.
- (6) The licence ends when the original licence would have ended under the pre-commencement Act unless it is cancelled.

206 Pre-commencement Act minor's firearms permits

- (1) This section applies if, immediately before the commencement day, a child held a minor's firearms permit under the pre-commencement Act.
- (2) The permit is taken to be a minors firearms licence under this Act.
- (3) Any condition to which the permit was subject under the pre-commencement Act continues to apply but may be amended in accordance with this Act.
- (4) The licence ends when the permit would have ended under the pre-commencement Act unless it is cancelled.

207 Pre-commencement Act internationally protected people temporary licences

- (1) This section applies if, immediately before the commencement day, a person held a licence (the *original licence*) under the pre-commencement Act, section 31 (Temporary licences—internationally protected persons).
- (2) The original licence is taken to be a temporary international firearms licence under this Act.
- (3) Any condition to which the original licence was subject under the pre-commencement Act continues to apply but may be amended in accordance with this Act.
- (4) The licence ends when the original licence would have ended under the pre-commencement Act unless it is cancelled.

208 Pre-commencement Act international visitors temporary permits

- (1) This section applies if, immediately before the commencement day, a person held a permit under the pre-commencement Act, section 45A (International visitors—issue of temporary permits).
- (2) The permit is taken to be a temporary international firearms licence under this Act.
- (3) Any condition to which the permit was subject under the pre-commencement Act continues to apply but may be amended in accordance with this Act.
- (4) The licence ends when the permit would have ended under the pre-commencement Act unless it is cancelled.

209 Pre-commencement Act—suspensions

- (1) This section applies if, immediately before the commencement day, a person's licence or permit under the pre-commencement Act was suspended.

Endnotes

6 Uncommenced amendments

- (2) The person's licence or permit is taken to be suspended until the suspension would have ended under the pre-commencement Act.

210 Pre-commencement Act—applications for registration of firearm

- (1) This section applies if, immediately before the commencement day, a person had applied under the pre-commencement Act for registration of a firearm, but the application had not been decided by the registrar.
- (2) The application is taken to be an application for registration under this Act.
- (3) If, because the application was made under the pre-commencement Act, the application does not include something that is required for an application under this Act, the registrar may ask the applicant for the further information.
- (4) If the applicant does not comply with the request, the registrar may refuse to consider the application further.

211 Pre-commencement Act—register

- (1) To remove any doubt, the register of firearms under this Act, section 50 (Register of firearms) includes the register of firearms under the pre-commencement Act, section 50 (Register of firearms).
- (2) However, the registrar may ask the owner of a firearm registered under the pre-commencement Act to give the registrar information, or produce a thing to the registrar, that the owner would be required to give or produce if the owner were an applicant for registration of the firearm under this Act.
- (3) If the owner does not comply with the request within 30 days after the day it is made, the registrar may cancel the registration of the firearm.

212 Pre-commencement Act—endorsement of licences

- (1) This section applies if, immediately before the commencement day—
 - (a) someone else's firearm is endorsed on a person's licence under the pre-commencement Act, division 4.3 (Endorsement of licences); and
 - (b) the other person's firearm is a registered firearm.
- (2) The person—
 - (a) is taken to be a registered user of the other person's firearm under this Act; and
 - (b) if the person is a person mentioned in the pre-commencement Act, section 59 (a), (b) or (c) (Endorsement)—the person may possess and use the firearm only as mentioned in the section.
- (3) For the purpose of making an entry in the register in relation to the person, the registrar may ask the person to give the registrar information, or produce a thing to the registrar, that the person would be required to give or produce if the person were an applicant for registration as a user of the firearm under this Act.
- (4) If the person does not comply with the request within 30 days after the day it is made, the registrar may cancel the person's registration as a user of the firearm.

213 Pre-commencement Act certificates

On or after the commencement day, the registrar may issue a certificate in relation to anything that happened before the commencement day that the registrar could have issued under the pre-commencement Act.

213A Transitional meaning of *parental responsibility*

- (1) In this Act, until the *Children and Young People Act 2008*, section 15 commences:

parental responsibility—see the *Children and Young People Act 1999*, section 17.

- (2) This section has effect despite the dictionary definition of *parental responsibility*.

214 Transitional regulations

- (1) A regulation may prescribe transitional matters necessary or convenient to be prescribed because of the enactment of the *Firearms Amendment Act 2008*.
- (2) A regulation may modify this part to make provision in relation to anything that, in the Executive's opinion, is not, or is not adequately or appropriately, dealt with in this part.
- (3) A regulation under subsection (2) has effect despite anything else in this Act or another territory law.

215 Expiry—pt 20

- (1) Section 213A and note 2 to the dictionary definition of *parental responsibility* expire on the day the *Children and Young People Act 2008*, section 15 commences.
- (2) This part (other than section 213A) and schedule 4, items 43 and 44, expire 1 year after the commencement day.

59 Schedule 1, item 4*substitute*

4	a self-loading or pump action shotgun (including a firearm of that kind described elsewhere in this schedule)
---	---

60 Schedule 1, new item 6A*insert*

6A	a paintball marker that resembles a prohibited firearm
----	--

61 Schedule 1, item 8*substitute*

8	a firearm (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)
---	--

62 Schedule 1, item 11, column 2*after*

fitted with a

insert

pistol grip or

63 Schedule 1, item 13, column 2, paragraph (c)*omit*

Endnotes

6 Uncommenced amendments

64 Schedule 1, item 14

substitute

14	a firearm that— (a) substantially duplicates in appearance another article (for example, a walking stick, walking cane or key ring); and (b) disguises or conceals the fact that it is a firearm.
----	---

65 Schedule 1, item 15, column 2

after

in excess of 10 gauge

insert

or 19.70mm

66 Schedule 1, item 17, column 2

after

blank fire pistol,

insert

paintball marker,

67 Schedule 1, new items 19 to 21

insert

19	a pistol of more than 9.65mm calibre <i>Note</i> A 9.65mm calibre pistol includes a 0.38-inch calibre pistol.
20	a semiautomatic pistol with a barrel length of less than 120mm

21	a revolver or single action pistol with a barrel length of less than 100mm
----	--

68 Schedule 2

substitute

Schedule 2 Exemptions from Act

(see s 4E)

Part 2.1 Interpretation—sch 2

2.1 Meaning of *corrections officer*—sch 2

In this schedule:

corrections officer includes a person employed by an entity responsible under a law of a State or another Territory for providing correctional services for offenders.

Note *Corrections officer*—see the Legislation Act, dict, pt 1.

Part 2.2 People exempt from Act

column 1 item	column 2 person exempted	column 3 circumstances
1	member of— (a) Australian Federal Police or police service or force of a State or another Territory (b) Defence Force	possessing or using firearm in exercise of person's functions as member

Endnotes

6 Uncommenced amendments

column 1 item	column 2 person exempted	column 3 circumstances
	(c) visiting force within the meaning of the <i>Defence (Visiting Forces) Act 1963</i> (Cwlth)	
	(d) Australian Army Cadets under the <i>Defence Act 1903</i> (Cwlth)	
2	corrections officer	possessing or using firearm in exercise of officer's functions
3	member of Council of Australian War Memorial, or of staff of memorial	possessing firearm if— (a) firearm is part of the memorial collection within the meaning of the <i>Australian War Memorial Act 1980</i> (Cwlth); and (b) possession is in exercise of person's functions under that Act
4	member of Council of National Museum of Australia, or of staff of museum	possessing firearm if— (a) firearm is part of the national historical collection within the meaning of the <i>National Museum of Australia Act 1980</i> (Cwlth); and (b) possession is in exercise of person's functions under that Act

Part 2.3 No offence for possession or use

column 1 item	column 2 no offence by	column 3 circumstances
1	master or captain, or member of crew, of ship or aircraft	possessing or using firearm if— (a) firearm is required by law to be carried on the ship or aircraft; and (b) possession or use is in exercise of person's functions as master, captain or member
2	sporting organisation prescribed by regulation	possessing or using starting pistol
3	official in sporting competition conducted by sporting organisation prescribed by regulation	possessing or using starting pistol in exercise of functions as official
4	authorised instructor	possessing or using firearm in exercise of functions as instructor— (a) on premises owned or used by approved club; or (b) at approved shooting range

Endnotes

6 Uncommenced amendments

Part 2.4 No offence

column 1 item	column 2 no offence by	column 3 circumstances
1	person entitled to immunity under— (a) the <i>Diplomatic Privileges and Immunities Act 1967</i> (Cwlth); or (b) the <i>Consular Privileges and Immunities Act 1972</i> (Cwlth)	the person has the written approval of the chief of protocol of the Commonwealth department responsible for foreign affairs to possess the firearm

Schedule 3 Licence categories and authority conferred

(see s 17)

Note 1 The possession or use of a firearm authorised by a licence is subject to any regulation (see s 17 (4)).

Note 2 Registered users of firearms are authorised to possess and use registered firearms in the circumstances set out in s 52D (Effect of registration as user).

column 1 item	column 2 category of licence (and kind of licence)	column 3 firearms to which licence applies	column 4 entity authorised by licence	column 5 authority conferred by licence
1	category A (adult firearms licence)	the following firearms, other than prohibited firearms:	licensee who is registered owner	possess or use registered firearm to which licence applies, for purpose established by licensee as genuine reason for possessing or using firearm

Endnotes

6 Uncommenced amendments

column 1 item	column 2 category of licence (and kind of licence)	column 3 firearms to which licence applies	column 4 entity authorised by licence	column 5 authority conferred by licence
		(a) airguns; (b) rim-fire rifles (other than self-loading); (c) shotguns; (d) shotgun and rim-fire rifle combinations		
2	category B (adult firearms licence)	the following firearms, other than prohibited	licensee who is registered owner	possess or use registered firearm to which licence applies, for purpose established by licensee as genuine

column 1 item	column 2 category of licence (and kind of licence)	column 3 firearms to which licence applies	column 4 entity authorised by licence	column 5 authority conferred by licence
		firearms: (a) muzzle-loading firearms (other than pistols); (b) centre-fire rifles (other than self- loading); (c) shotgun and centre-fire		reason for possessing or using firearm

Endnotes

6 Uncommenced amendments

column 1 item	column 2 category of licence (and kind of licence)	column 3 firearms to which licence applies	column 4 entity authorised by licence	column 5 authority conferred by licence
3	category C (adult firearms licence)	<p>rifle combinations</p> <p>the following firearms (other than firearms mentioned in sch 1, item 6, 10 or 11):</p> <p>(a) self-loading rim-fire rifles with magazine capacity of</p>	licensee who is registered owner	<p>possess or use, for purpose established by licensee as genuine reason for possessing or using firearm—</p> <p>(a) 1 registered self-loading rim-fire rifle with magazine capacity of not more than 10 rounds; and</p> <p>(b) 1 registered shotgun to which licence applies</p>

column 1 item	column 2 category of licence (and kind of licence)	column 3 firearms to which licence applies	column 4 entity authorised by licence	column 5 authority conferred by licence
		not more than 10 rounds; (b) self-loading shotguns with magazine capacity of not more than 5 rounds; (c) pump action shotguns with magazine capacity of not more than		

Endnotes

6 Uncommenced amendments

column 1 item	column 2 category of licence (and kind of licence)	column 3 firearms to which licence applies	column 4 entity authorised by licence	column 5 authority conferred by licence
		5 rounds		
4	category D (adult firearms licence)	the following firearms (other than firearms mentioned in sch 1, item 5, 6, 9, 10 or 11): (a) self-loading centre-fire rifles; (b) self-loading rim-fire rifles	licensee who is registered owner	possess 1 registered firearm to which licence applies and use only— (a) for vertebrate pest animal control; and (b) at place stated in licence

column 1 item	column 2 category of licence (and kind of licence)	column 3 firearms to which licence applies	column 4 entity authorised by licence	column 5 authority conferred by licence
		<p>with magazine capacity of more than 10 rounds;</p> <p>(c) self-loading shotguns with magazine capacity of more than 5 rounds;</p> <p>(d) pump action shotguns with</p>		

Endnotes

6 Uncommenced amendments

column 1 item	column 2 category of licence (and kind of licence)	column 3 firearms to which licence applies	column 4 entity authorised by licence	column 5 authority conferred by licence
		magazine capacity of more than 5 rounds; (e) any other firearms to which category C licence applies as prescribed by regulation		

column 1 item	column 2 category of licence (and kind of licence)	column 3 firearms to which licence applies	column 4 entity authorised by licence	column 5 authority conferred by licence
5	category H for other than prohibited pistols (adult firearms licence)	pistols (including blank fire pistols and air pistols) other than prohibited pistols	licensee who is registered owner	possess or use registered pistol to which licence applies, for purpose established by licensee as genuine reason for possessing or using pistol
6	category H for prohibited pistols (adult firearms licence)	prohibited pistols	licensee who is registered owner	as prescribed by regulation, possess or use registered prohibited pistol to which licence applies, for purpose established by licensee as genuine reason for possessing or using pistol

Endnotes

6 Uncommenced amendments

column 1 item	column 2 category of licence (and kind of licence)	column 3 firearms to which licence applies	column 4 entity authorised by licence	column 5 authority conferred by licence
7	firearms dealer (adult firearms licence)	the categories of firearms stated in licence	licensee who is registered owner	acquire, dispose of, possess, repair, maintain, test, manufacture, or store, in the course of carrying on the business of a firearms dealer, and at the registered premises, any firearm to which the licence applies, and to acquire or dispose of ammunition for those firearms
8	collectors (adult firearms licence)	the categories of firearms stated in licence	licensee who is registered owner	possess each registered firearm to which licence applies

column 1 item	column 2 category of licence (and kind of licence)	column 3 firearms to which licence applies	column 4 entity authorised by licence	column 5 authority conferred by licence
9	heirlooms (adult firearms licence)	the categories of firearms stated in licence	licensee who is registered owner	possess each registered firearm to which licence applies
10	paintball marker (adult firearms licence)	paintball markers	licensee who is registered owner	possess or use registered paintball marker for purpose established by licensee as genuine reason for possessing or using paintball marker
11	category A (minors firearms licence)	the following firearms, other than prohibited firearms:	licensee	if genuine reason is firearms training— (a) possess or use registered category A firearm under supervision of holder of category

Endnotes

6 Uncommenced amendments

column 1 item	column 2 category of licence (and kind of licence)	column 3 firearms to which licence applies	column 4 entity authorised by licence	column 5 authority conferred by licence
		(a) airguns; (b) rim-fire rifles (other than self-loading); (c) shotguns; (d) shotgun and rim-fire rifle combinations		A, category B or category C licence or authorised instructor; and (b) possess or use registered category A firearm to receive instruction in the safe use of the firearm or to take part in an approved firearms event
12	category A (minors firearms licence)	the following firearms, other than prohibited firearms:	licensee	possess or use firearm where genuine reason is instruction— (a) about safe use of firearm for

column 1 item	column 2 category of licence (and kind of licence)	column 3 firearms to which licence applies	column 4 entity authorised by licence	column 5 authority conferred by licence
		<ul style="list-style-type: none"> (a) airguns; (b) rim-fire rifles (other than self-loading); (c) shotguns; (d) shotgun and rim-fire rifle combinations 		<ul style="list-style-type: none"> primary production; and (b) given under supervision of a person who— <ul style="list-style-type: none"> (i) is a responsible person for the applicant; and (ii) holds a category A adult firearms licence under which that use is a genuine reason for the person to hold the licence

Endnotes

6 Uncommenced amendments

column 1 item	column 2 category of licence (and kind of licence)	column 3 firearms to which licence applies	column 4 entity authorised by licence	column 5 authority conferred by licence
13	category B (minors firearms licence)	the following firearms, other than prohibited firearms: (a) muzzle- loading firearms (other than pistols); (b) centre-fire rifles (other than self- loading);	licensee	if genuine reason is firearms training— (a) possess or use registered category B firearm under supervision of holder of category B or category C licence or authorised instructor; and (b) possess or use registered category B firearm to receive instruction in the safe use of the firearm or to take part in an approved firearms event

column 1 item	column 2 category of licence (and kind of licence)	column 3 firearms to which licence applies	column 4 entity authorised by licence	column 5 authority conferred by licence
		(c) shotgun and centre-fire rifle combinations		
14	category B (minors firearms licence)	the following firearms, other than prohibited firearms: (a) muzzle- loading firearms (other than pistols);	licensee	possess or use firearm where genuine reason is instruction— (a) about safe use of firearm for primary production; and (b) given under supervision of a person who— (i) is a responsible person for the applicant; and

Endnotes

6 Uncommenced amendments

column 1 item	column 2 category of licence (and kind of licence)	column 3 firearms to which licence applies	column 4 entity authorised by licence	column 5 authority conferred by licence
		(b) centre-fire rifles (other than self- loading); (c) shotgun and centre-fire rifle combinations		(ii) holds a category B adult firearms licence under which that use is a genuine reason for the person to hold the licence

column 1 item	column 2 category of licence (and kind of licence)	column 3 firearms to which licence applies	column 4 entity authorised by licence	column 5 authority conferred by licence
15	category H (minors firearms licence)	pistols (including blank fire pistols and air pistols) other than prohibited pistols	licensee	if genuine reason is target pistol training— (a) possess or use registered target pistol under supervision of holder of category H licence who is authorised under the holder's licence to use a pistol for purpose of target shooting; and (b) possess or use registered target pistol to receive instruction in the safe use of the pistol or to take part in an approved firearms event

Endnotes

6 Uncommenced amendments

column 1 item	column 2 category of licence (and kind of licence)	column 3 firearms to which licence applies	column 4 entity authorised by licence	column 5 authority conferred by licence
16	category A, B, C, D or H (composite entity licence)	the category of firearms for which licence is issued	registered principal	possess or use registered firearm to which licence applies for purpose— (a) if genuine reason for issue of licence is that entity carries on business in ACT as security organisation—of carrying on business as security organisation; or (b) if genuine reason for issue of licence is as mentioned in s 42ZC (1) (b)—of farming or grazing activities;

column 1 item	column 2 category of licence (and kind of licence)	column 3 firearms to which licence applies	column 4 entity authorised by licence	column 5 authority conferred by licence
				<p>(c) if genuine reason for issue of licence is that entity is approved club—of use in activities of club;</p> <p>(d) if genuine reason for issue of licence is that entity is a government agency—of use in course of employment in government agency.</p> <p>For category C licence, not more than—</p> <p>(a) 1 registered self-loading rim-fire rifle with magazine capacity of not more than 10 rounds; and</p>

Endnotes

6 Uncommenced amendments

column 1 item	column 2 category of licence (and kind of licence)	column 3 firearms to which licence applies	column 4 entity authorised by licence	column 5 authority conferred by licence
17	temporary international firearms licence	the category of firearms stated in licence	licensee	<p>(b) 1 registered shotgun to which licence applies.</p> <p>possess or use firearm of kind to which licence applies—</p> <p>(a) for purpose established by licensee as genuine reason for possessing or using firearm; and</p> <p>(b) for genuine reason of international visitor—for purpose stated in licence.</p>

column 1 item	column 2 category of licence (and kind of licence)	column 3 firearms to which licence applies	column 4 entity authorised by licence	column 5 authority conferred by licence
				<p>Also, if licence applies to category C firearms, possess or use not more than—</p> <ul style="list-style-type: none"> (a) 1 registered self-loading rim-fire rifle with magazine capacity of not more than 10 rounds; and (b) 1 registered shotgun to which licence applies.

Endnotes

6 Uncommenced amendments

Schedule 4 Reviewable decisions

(see s 113)

column 1 item	column 2 Act provision	column 3 reviewable decision
1	4BJ	refusing to approve firearms training course, shooting competition, paintball competition or event involving firearms
2	14	refusing to authorise licensee or member of approved club
3	15	refusing to approve a club, or revoking the approval of a club
4	15A (2)	refusing to approve possession of ammunition by ammunition collector
5	21	refusing to issue or renew adult firearms licence refusing to issue or renew adult firearms licence because Minister has not authorised the issue under s 26
6	26 (2)	issuing category D adult firearms licence subject to condition required by Minister
7	32	refusing to issue replacement adult firearms licence
8	36 (1) (e)	refusing to authorise possession of more than prescribed amount of ammunition
9	36 (3)	putting condition on adult firearms licence
10	39 (1) (c)	end date less than 12 months after day licence begins
11	40, 40A	suspending adult firearms licence
12	41	cancelling adult firearms licence
13	42	cancelling category H adult firearms licence

column 1 item	column 2 Act provision	column 3 reviewable decision
		issued for genuine reason of sport or target shooting
14	42G	refusing to issue minors firearms licence
15	42M	refusing to issue replacement minors firearms licence
16	42N (1) (b)	refusing to authorise possession of more than prescribed amount of ammunition
17	42N (2)	putting condition on minors firearms licence
18	42O (2)	refusing to extend period minors firearms licence in force
19	42P, 42Q	suspending minors firearms licence
20	42R	cancelling minors firearms licence
21	42X	refusing to issue or renew composite entity firearms licence
22	42ZJ	refusing to issue replacement composite entity firearms licence
23	42ZK (1) (f)	refusing to authorise possession of more than prescribed amount of ammunition
24	42ZK (3)	putting condition on composite entity firearms licence
25	42ZM, 42ZMA	suspending composite entity firearms licence
26	42ZN	cancelling composite entity firearms licence
27	42ZPB	refusing to issue or renew temporary international firearms licence
28	42ZQB (1) (e)	refusing to authorise possession of more than prescribed amount of ammunition
29	42ZQB (2)	putting condition on temporary international firearms licence
30	42ZR (1)	end date less than 3 months after day licence begins

Endnotes

6 Uncommenced amendments

column 1 item	column 2 Act provision	column 3 reviewable decision
31	42ZRA	cancelling temporary international firearms licence
32	42ZV	making direction in relation to interstate licence
33	45B	refusing to issue permit to acquire a firearm
34	47 (2)	refusing to extend period permit to acquire a firearm in force
35	48	refusing to issue replacement permit to acquire a firearm
36	48B	suspending or cancelling permit to acquire a firearm
37	51B	refusing to register firearm
38	52	cancelling registration of firearm
39	52BB	refusing to register user of firearm
40	52G	cancelling registration of user of firearm
41	100 (2)	refusing to approve the modification of a firearm
42	121 (2)	cancelling a licence
43	211 (3)	cancelling registration of firearm
44	212 (4)	cancelling registration of user of firearm

Further uncommenced amendment by A2008-36 amdt 1.270 (see endnote for A2008-46).

69 New dictionary

insert

Dictionary

(see s 2)

Note 1 The Legislation Act contains definitions and other provisions relevant to this Act.

Note 2 For example, the Legislation Act, dict, pt 1, defines the following terms:

- AAT
- administrative unit
- bank
- chief police officer
- corrections officer
- foreign country
- indictable offence (see s 190)
- Minister (see s 162)
- nurse
- penalty unit (see s 133)
- person
- State
- territory authority
- veterinary surgeon.

acquire—

- (a) a firearm or ammunition, for this Act—see section 4AC; and
- (b) a firearm, for division 6.3 (Licensed firearms dealers—records and returns)—see section 67A.

acquirer, for part 3C (Permits to acquire firearms)—see section 45.

adult firearms licence—see section 16A.

airgun means a firearm, other than a paintball marker, that—

- (a) can propel, or is designed to propel, a projectile by means of—
 - (i) any gas or mixture of gases, including air but not including a gas or mixture of gases generated by an explosive; or
 - (ii) a spring; and
- (b) is operated or designed for operation by means of a trigger or similar device.

ammunition—

- (a) includes—
 - (i) a cartridge case fitted with a primer and projectile; and
 - (ii) a cartridge case fitted with a primer that contains a propelling charge and projectile; and
 - (iii) blank cartridges, airgun pellets, training cartridges or gas cartridges; and
 - (iv) anything else prescribed by regulation; but
- (b) does not include—
 - (i) a paintball; or
 - (ii) something prescribed by regulation not to be ammunition.

approved firearms event means an event involving firearms approved by the registrar under section 4BJ (Approval of courses etc by registrar).

approved firearms training course means a firearms training course approved by the registrar under section 4BJ (Approval of courses etc by registrar).

approved paintball competition means a paintball competition approved by the registrar under section 4BJ (Approval of courses etc by registrar).

approved paintball range means a paintball range approved by the registrar as prescribed by regulation.

approved reason—a person has an ***approved reason*** for requiring a starting pistol if the person—

- (a) 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 the person is acting in that capacity; or
- (b) is a sporting organisation prescribed by regulation.

approved shooting competition means a shooting competition approved by the registrar under section 4BJ (Approval of courses etc by registrar).

approved shooting range means a shooting range approved by the registrar as prescribed by regulation.

authorised club member means a member of an approved club authorised by the registrar under section 14 to sell ammunition.

authorised instructor means a person authorised by the registrar under section 14 to give instruction in the use of firearms.

authorised period, in relation to an individual interstate licensee, for part 3A (Temporary recognition of interstate licences and permits)—see section 42ZS.

buy includes—

- (a) buy by wholesale, retail, auction or tender; and
- (b) obtain by barter or exchange.

Endnotes

6 Uncommenced amendments

category, of firearm, means a category A firearm, category B firearm, category C firearm, category D firearm or category H firearm.

category A firearm means a firearm to which a category A licence applies.

category B firearm means a firearm to which a category B licence applies.

category C firearm means a firearm to which a category C licence applies.

category D firearm means a firearm to which a category D licence applies.

category H firearm means a firearm to which a category H licence applies.

close associate, of a licensed firearms dealer—see section 4BF.

composite entity—see section 42U.

composite entity firearms licence—see section 16A.

connected—a thing is **connected** with an offence if—

- (a) the offence has been committed in relation to it; or
- (b) it will provide evidence of the commission of the offence; or
- (c) it was used, is being used, or is intended to be used, to commit the offence.

corrections officer, for schedule 2 (Exemptions from Act)—see section 2.1.

corresponding, for part 3A (Temporary recognition of interstate licences and permits)—see section 42ZS.

corresponding law means a law of a State, another Territory or New Zealand corresponding, or substantially corresponding, to this Act.

dispose, of a firearm—

- (a) for this Act—see section 4AD; and
- (b) for division 6.3 (Licensed firearms dealers—records and returns)—see section 67A.

domestic violence offence—an offence is a **domestic violence offence** if the conduct making up the offence is domestic violence under the *Domestic Violence and Protection Orders Act 2001*.

employed includes engaged.

employee—

- (a) of a person, includes someone engaged by the person; and
- (b) in relation to a government agency, means a public servant holding office, or a person employed, in the agency.

executive officer, of a corporation, means a person (however described) who is concerned with, or takes part in, the corporation's management, whether or not the person is a director of the corporation.

firearm—see section 4A.

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

firearms dealer—

- (a) means an individual who, in the ordinary course of carrying on business—
 - (i) manufactures, acquires, disposes of (including by sale) or repairs firearms or firearm parts; or
 - (ii) possesses firearms for the purpose of disposing of, or repairing, them; or

Endnotes

- (iii) possesses firearm parts for the purpose of disposing of, or repairing, them, or of manufacturing firearms; and
- (b) includes an individual who is a club armourer for an approved club.

foreign acquirer, for part 3C (Permits to acquire firearms)—see section 45.

foreign firearms licence, for part 3.2D (Licensing scheme—temporary international firearms licences)—see section 42ZOA.

genuine reason—

- (a) in relation to an adult firearms licence—see section 23; or
- (b) in relation to a minors firearms licence—see section 42K; or
- (c) in relation to a composite entity firearms licence—see section 42ZC; or
- (d) in relation to a temporary international firearms licence—see section 42ZQ.

genuine reason of international visitor—see section 42ZQ (1) (b) (Temporary international firearms licences—genuine reasons to possess or use firearms).

interstate licence, for part 3A (Temporary recognition of interstate licences and permits)—see section 42ZS.

local licence, for part 3A (Temporary recognition of interstate licences and permits)—see section 42ZS.

minors firearms licence—see section 16A.

occupier, of premises, includes—

- (a) a person believed on reasonable grounds to be an occupier of the premises; and
- (b) a person apparently in charge of the premises.

offence, for part 7 (Enforcement)—see section 73.

owner and user particulars, in relation to a registered firearm, for part 4 (Registration of firearms and firearm users)—see section 49B.

paintball means a projectile that primarily consists of a dye or similar substance designed to mark a person or object.

paintball activity includes a paintball competition.

paintball marker means a firearm designed to discharge a paintball.

paintball range operator, for an approved paintball range, means a person licensed under this Act to operate the range.

parental responsibility—a person has *parental responsibility* for a child or young person if the person has parental responsibility for the child or young person under the *Children and Young People Act 2008*.

Note 1 Parental responsibility is dealt with in the *Children and Young People Act 2008*, div 1.3.2.

Note 2 For the meaning of *parental responsibility* before the commencement of the *Children and Young People Act 2008*, see s 213A.

permit-holder means the holder of a permit.

permit to acquire, a firearm, means a permit to acquire the firearm issued under part 3C (Permits to acquire firearms).

photograph includes a digitised, electronic or computer generated image in a form approved by the registrar.

possession—see section 4B.

principal, of a composite entity—see section 42U.

prohibited firearm—see section 4AB.

prohibited person, for part 6 (Firearms dealers)—see section 65A.

prohibited pistol means a prohibited firearm mentioned in schedule 1, item 19, item 20 or item 21.

registered firearm means a firearm registered under this Act.

registered owner, of a firearm, means the person recorded in the register as the owner of the firearm.

registered premises, for a firearm, means the premises in the ACT stated in the register as the premises where the firearm—

- (a) is or is to be stored; or
- (b) if the registered owner of the firearm is a licensed firearms dealer—may be available for sale.

registered principal—

- (a) for a composite entity firearms licence—see section 42U; and
- (b) for a firearm—means the principal named in the composite entity firearms licence under which the firearm is held.

registered user, of a firearm, means an individual recorded in the register as a user of the firearm.

responsible person, for a child or young person, means a person with parental responsibility for the child or young person.

reviewable decision, for part 10 (Review of decisions)—see section 113.

security organisation—see section 42ZC (2).

sell includes—

- (a) sell by wholesale, retail, auction or tender; and
- (b) dispose of by barter or exchange; and
- (c) sell for profit; and
- (d) offer for sale, receive for sale, have in possession for sale or expose or exhibit for sale; and
- (e) conduct negotiations for sale; and

(f) consign or deliver for sale.

successfully appealed against—an order is *successfully appealed against* if an appeal against the making of the order is upheld.

temporarily store—a firearm is *temporarily stored* by a licensed firearms dealer if—

- (a) for a person who has possession of the firearm because of the death of the individual authorised to possess it—the dealer stores the firearm until the person is authorised, under this Act or another territory law, to otherwise dispose of it; or
- (b) for a person who inherits the firearm and applies for a licence or permit in relation to the firearm—the dealer stores the firearm until the application is finally decided (including any application to the AAT for review of the decision and any subsequent appeal).

temporary international firearms licence—see section 16A.

unregulated firearm—see section 4G.

Further uncommenced amendments by A2008-36 amds 1.271-1.274 and A2008-46 amdt 3.36 (see endnotes for A2008-36 and A2008-46).

Part 1.1 Firearms Act 1996

[1.1] Long title

substitute

An Act to provide for the regulation, control and registration of firearms

[1.2] Section 1

substitute

Endnotes

6 Uncommenced amendments

1 Name of Act

This Act is the *Firearms Act 1996*.

[1.3] Section 7

omit

, in writing,

[1.4] Section 7, new notes

insert

Note 1 For the making of appointments (including acting appointments), see the Legislation Act, pt 19.3.

Note 2 In particular, an appointment may be made by naming a person or nominating the occupant of a position (see Legislation Act, s 207).

[1.5] Section 8, new note

insert

Note A provision of a law that gives an entity (including a person) a function also gives the entity the powers necessary and convenient to exercise the function (see Legislation Act, s 196 (1) and dict, pt 1, defs *entity* and *function*).

[1.6] Section 9

omit

[1.7] Section 11

omit

[1.8] Section 15 (2)

substitute

(2) The registrar may approve the club.

Note An approval is a disallowable instrument (see s (6)).

[1.9] Section 123

omit

[1.10] Sections 125 and 125A

substitute

125 Determination of fees

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

Note The Legislation Act 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.

125A Approved forms

- (1) The registrar may 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.

Note For other provisions about forms, see the Legislation Act, s 255.

- (3) An approved form is a notifiable instrument.

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

[1.11] Schedule 1, heading

omit

(see s 4)

substitute

(see s 4AB)

Endnotes

6 Uncommenced amendments

[1.12] Firearms Act 1996—renumbering

renumber provisions when Act next republished under Legislation Act

**ACT Civil and Administrative Tribunal Legislation
Amendment Act 2008 A2008-36 sch 1 pt 1.24**

Part 1.24 Firearms Act 1996

[1.268] Section 93A (c) (i), note

substitute

Note A firearm is *temporarily stored* by a licensed firearms dealer for a person who inherits the firearm and applies for a licence or permit in relation to the firearm if the dealer stores the firearm until the application is finally decided (including any application to the ACAT for review of the decision and any subsequent appeal) (see dict, def *temporarily store*).

[1.269] Part 10

substitute

Part 10 Notification and review of decisions

113 Meaning of *reviewable decision*—pt 10

In this part:

reviewable decision means a decision mentioned in schedule 4, column 3 under a provision of this Act mentioned in column 2 in relation to the decision.

114 Reviewable decision notices

If a person makes a reviewable decision, the person must give a reviewable decision notice to each entity mentioned in schedule 4, column 4 in relation to the decision.

Note 1 The person must also take reasonable steps to give a reviewable decision notice to any other person whose interests are affected by the decision (see *ACT Civil and Administrative Tribunal Act 2008*, s 67A).

Note 2 The requirements for reviewable decision notices are prescribed under the *ACT Civil and Administrative Tribunal Act 2008*.

114A Applications for review

The following may apply to the ACAT for a review of a reviewable decision:

- (a) an entity mentioned in schedule 4, column 4 in relation to the decision;
- (b) any other person whose interests are affected by the decision.

Note If a form is approved under the *ACT Civil and Administrative Tribunal Act 2008* for the application, the form must be used.

Endnotes

6 Uncommenced amendments

[1.270] Schedule 4

substitute

Schedule 4 Reviewable decisions

(see pt 10)

column 1 item	column 2 section	column 3 decision	column 4 entity
1	4BJ	refuse to approve firearms training course, shooting competition, paintball competition or event involving firearms	person refused approval
2	14	refuse to authorise licensee or member of approved club	person refused authorisation
3	15	refuse to approve a club, or revoking the approval of a club	club refused approval
4	15A (2)	refuse to approve possession of ammunition by ammunition collector	person refused approval
5	21	refuse to issue or renew adult firearms licence refuse to issue or renew adult firearms licence because Minister has not authorised issue under s 26	person refused licence or renewal

column 1 item	column 2 section	column 3 decision	column 4 entity
6	26 (2)	issue category D adult firearms licence subject to condition required by Minister	licensee
7	32	refuse to issue replacement adult firearms licence	applicant for replacement
8	36 (1) (e)	refuse to authorise possession of more than prescribed amount of ammunition	person refused authorisation
9	36 (2)	put condition on adult firearms licence	licensee
10	39 (1) (c)	end date less than 12 months after day licence begins	licensee
11	40, 40A	suspend adult firearms licence	licensee
12	41	cancel adult firearms licence	person who held licence
13	42	cancel category H adult firearms licence issued for genuine reason of sport or target shooting	person who held licence
14	42G	refuse to issue minors firearms licence	applicant for licence
15	42M	refusing to issue replacement minors firearms licence	applicant for replacement

Endnotes

6 Uncommenced amendments

column 1 item	column 2 section	column 3 decision	column 4 entity
16	42N (1) (b)	refuse to authorise possession of more than prescribed amount of ammunition	person refused authorisation
17	42N (2)	put condition on minors firearms licence	licensee
18	42O (2)	refuse to extend period minors firearms licence in force	applicant for extension
19	42P, 42Q	suspend minors firearms licence	licensee
20	42R	cancel minors firearms licence	person who held licence
21	42X	refuse to issue or renew composite entity firearms licence	applicant for licence or renewal
22	42ZJ	refuse to issue replacement composite entity firearms licence	applicant for replacement
23	42ZK (1) (f)	refuse to authorise possession of more than prescribed amount of ammunition	person refused authorisation
24	42ZK (3)	put condition on composite entity firearms licence	licensee
25	42ZM, 42ZMA	suspend composite entity firearms licence	licensee
26	42ZN	cancel composite entity firearms licence	person who held licence
27	42ZPB	refuse to issue or renew	applicant for licence

column 1 item	column 2 section	column 3 decision	column 4 entity
		temporary international firearms licence	or renewal
28	42ZQB (1) (e)	refuse to authorise possession of more than prescribed amount of ammunition	person refused authorisation
29	42ZQB (2)	put condition on temporary international firearms licence	licensee
30	42ZR (1)	end date less than 3 months after day licence begins	licensee
31	42ZRA	cancel temporary international firearms licence	person who held licence
32	42ZV	make direction in relation to interstate licence	licensee
33	45B	refuse to issue permit to acquire a firearm	applicant for permit
34	47 (2)	refuse to extend period permit to acquire a firearm in force	applicant for extension
35	48	refusing to issue replacement permit to acquire a firearm	applicant for replacement
36	48B	suspend or cancel permit to acquire a firearm	licensee or person who held licence
37	51B	refuse to register firearm	application for registration

Endnotes

6 Uncommenced amendments

column 1 item	column 2 section	column 3 decision	column 4 entity
38	52	cancel registration of firearm	person who held licence
39	52BB	refuse to register user of firearm	applicant for registration
40	52G	cancel registration of user of firearm	person who was registered
41	100 (2)	refuse to approve the modification of a firearm	person refused approval
42	121 (2)	cancel a licence	person who held licence
43	211 (3)	cancel registration of firearm	person whose firearm was registered
44	212 (4)	cancel registration of user of firearm	person who was registered

[1.271] Dictionary, note 2, dot points

omit

- AAT

[1.272] Dictionary, note 2, new dot points

insert

- ACAT
- reviewable decision notice

[1.273] Dictionary, definition of *reviewable decision*

substitute

reviewable decision, for part 10 (Notification and review of decisions)—see section 113.

[1.274] Dictionary, definition of *temporarily store*, paragraph (b)

omit

AAT

substitute

ACAT

**Domestic Violence and Protection Orders Act 2008
A2008-46 sch 3 pt 3.10**

Part 3.10 Firearms Act 1996**[3.26] Section 40A (1), note 2**

omit

Domestic Violence and Protection Orders Act 2001, s 57 (Firearms and interim orders)

substitute

Domestic Violence and Protection Orders Act 2008, s 40 (Firearms and interim orders)

[3.27] Section 40A (1), note 3

omit

Domestic Violence and Protection Orders Act 2001, s 73 (Firearms and emergency orders)

substitute

Domestic Violence and Protection Orders Act 2008, s 80 (Firearms and emergency orders)

[3.28] Section 41 (2), note 2

omit

Endnotes

6 Uncommenced amendments

Domestic Violence and Protection Orders Act 2001, s 38 (Firearms and final orders)

substitute

Domestic Violence and Protection Orders Act 2008, s 57 (Firearms and final orders)

[3.29] Section 42Q (1), note 2

omit

Domestic Violence and Protection Orders Act 2001, s 57 (Firearms and interim orders)

substitute

Domestic Violence and Protection Orders Act 2008, s 40 (Firearms and interim orders)

[3.30] Section 42Q (1), note 3

omit

Domestic Violence and Protection Orders Act 2001, s 73 (Firearms and emergency orders)

substitute

Domestic Violence and Protection Orders Act 2008, s 80 (Firearms and emergency orders)

[3.31] Section 42R (d), note 2

omit

Domestic Violence and Protection Orders Act 2001, s 38 (Firearms and final orders)

substitute

Domestic Violence and Protection Orders Act 2008, s 57 (Firearms and final orders)

[3.32] Section 42ZMA (1), note 2

omit

Domestic Violence and Protection Orders Act 2001, s 57 (Firearms and interim orders)

substitute

Domestic Violence and Protection Orders Act 2008, s 40 (Firearms and interim orders)

[3.33] Section 42ZMA (1), note 3

omit

Domestic Violence and Protection Orders Act 2001, s 73 (Firearms and emergency orders)

substitute

Domestic Violence and Protection Orders Act 2008, s 80 (Firearms and emergency orders)

[3.34] Section 42ZN (2), note 2

omit

Domestic Violence and Protection Orders Act 2001, s 38 (Firearms and final orders)

substitute

Domestic Violence and Protection Orders Act 2008, s 57 (Firearms and final orders)

[3.35] Section 42ZRA (c), note 2

omit

Domestic Violence and Protection Orders Act 2001, s 38 (Firearms and final orders)

substitute

Endnotes

6 Uncommenced amendments

Domestic Violence and Protection Orders Act 2008, s 57 (Firearms and final orders)

[3.36] Dictionary, definition of *domestic violence offence*

omit

Domestic Violence and Protection Orders Act 2001

substitute

Domestic Violence and Protection Orders Act 2008

[3.37] Dictionary, definition of *interim protection order*, paragraph (a)

omit

Domestic Violence and Protection Orders Act 2001

substitute

Domestic Violence and Protection Orders Act 2008

[3.38] Dictionary, definition of *protection order*, paragraph (a)

omit

Domestic Violence and Protection Orders Act 2001

substitute

Domestic Violence and Protection Orders Act 2008

© Australian Capital Territory 2008