



Australian Capital Territory

Firearms Act 1996

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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 29 September 2009. It also includes any amendment, repeal or expiry affecting the republished law to 29 September 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 includes amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

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

Modifications

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

Penalties

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

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



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Australian Capital Territory

Firearms Act 1996

An Act to provide for the regulation, control and registration of firearms

Part 1 Preliminary

1 Name of Act

This Act is the *Firearms Act 1996*.

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)).

3 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.

4 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 7 (Firearms licences)
- offences against pt 10 (Permits to acquire firearms)
- offences against pt 11 (Registration of firearms and firearm users)
- s 180 (Offence—failing to comply with storage requirements)
- offences against pt 13 (Firearms dealers) (other than s 199 (1) to (3) and s 200)
- offences against pt 14 (Enforcement)
- offences against pt 15 (Offences) (other than s 221 to s 223, s 229 to s 236, s 239 to s 241, s 242 (1) and (2), s 250, s 251, s 253, s 254 and s 255 to s 257).

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 2 Important concepts

5 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.

6 **Meaning of *firearm***

- (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 31; and
 - (v) a modified item.

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

- (a) something prescribed by regulation not to be a firearm; or
- (b) something declared not to be a firearm under section 31.

- (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.

7 Meaning of *prohibited firearm*

(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 31; 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 31.

(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.

8 Meaning of *acquire*

(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 14 (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 15 (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.

9 Meaning of *dispose*

In this Act:

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

10 Meaning of *possession*

- (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.

11 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).

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.

12 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 10 (1) (a).

13 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.

14 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—
 - (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.

15 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 181 (Offence—storage requirements for category A, category B and paintball marker licences).

16 Meaning of *close associate* of firearms dealer etc

- (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.

17 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 39 (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 187 (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 58), firearms dealer licences (see s 69), minors firearms licences (see s 88) and composite entity firearms licences (see s 104);
- cancellation of adult firearms licences (see s 81), minors firearms licences (see s 98) and composite entity firearms licences (see s 120).

- (2) In making the decision, the registrar—
- (a) must consider any discretionary criteria under section 18 that apply to the individual; and
 - (b) must—
 - (i) consider whether any of the mandatory criteria under section 19 are satisfied in relation to the individual; and
 - (ii) if 1 or more criteria are satisfied—decide that the individual is not suitable.

18 Assessing suitability of individuals—discretionary criteria

- (1) For section 17, 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 56, 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 56 (3)).
 - Note 2* See also s 86 (Minors firearms licences—requirement for further information etc) and s 102 (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
 - (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 37).

- (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.

19 Assessing suitability of individuals—mandatory criteria

- (1) For section 17, 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.

- (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 18 (2).

20 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 3 Operation of Act

21 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 100).

22 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 100.

23 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 272 (2) (r)).

Part 4 Unregulated firearms

24 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.

25 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.

26 Unregulated firearms—receipt for seizure

- (1) A police officer who seizes a thing under section 25 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 27—the address of the place to which the thing is removed.

27 Unregulated firearms—examination

- (1) A police officer who seizes a thing under section 25 (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.

28 Unregulated firearms—access to things seized

A person who would, apart from the seizure, be entitled to inspect a thing seized under section 25 (Unregulated firearms—seizure by police) may inspect it.

29 Unregulated firearms—review of decision to seize

- (1) The registrar must review each seizure under section 25 (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.

30 Unregulated firearms—forfeiture

- (1) A thing seized under section 25 (Unregulated firearms—seizure by police) is forfeited to the Territory if there is no requirement under section 29—
 - (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 5 Declarations about firearms

31 Firearms declarations by registrar

- (1) The registrar may, in accordance with any guidelines under section 37 (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.

32 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 31 (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.

Part 6 Administration

33 Registrar of firearms

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

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).

34 Functions of registrar

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

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*).

35 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).

36 Reports and recommendations

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

37 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 18 (1) (c) (Assessing suitability of individuals—discretionary criteria);
 - (b) a decision under section 20 (Approval of courses etc by registrar);
 - (c) a decision under section 31 (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 39 (Authorised instructors and club members);
 - (ii) section 73 (1) (e) (Adult firearms licences—conditions);
 - (iii) section 94 (1) (b) (Minors firearms licences—conditions);
 - (iv) section 116 (1) (f) (Composite entity firearms licences—conditions);
 - (v) section 130 (1) (e) (Temporary international firearms licences—conditions);
 - (vi) section 244 (Offence—sale of ammunition by licensed firearms dealers);

- (vii) section 245 (Offence—sale of ammunition by authorised club members);
- (viii) section 248 (Offence—acquiring ammunition);
- (ix) section 252 (Offences—defacing, altering and removing identification marks);
- (f) a decision about an approval under any of the following sections:
 - (i) section 221 (Discharge etc of firearm—public places etc);
 - (ii) section 222 (1) (b) (Discharge of firearm—general);
 - (iii) section 250 (Modification of firearms).
- (3) The registrar must comply with any guidelines about the making of decisions by the registrar.
- (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.

38 Amnesty

- (1) The Minister may, in writing, declare an amnesty period for section 42 (Offence—unauthorised possession or use of prohibited firearms) or section 43 (Offence—unauthorised possession or use of firearms other than prohibited 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.
- (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.

39 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 17.

40 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 approve the club.

Note An approval is a disallowable instrument (see s (6)).

- (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.

41 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 271 for this provision, the form must be used.

Note 2 A fee may be determined under s 270 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 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.

Part 7 Firearms licences

Division 7.1 Requirement for licence etc

42 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).

43 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.

44 Alternative verdicts—unauthorised possession or use of firearms

- (1) This section applies if, in a prosecution for an offence against section 42 (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 43.
- (2) The trier of fact may find the defendant guilty of the offence against section 43, but only if the defendant has been given procedural fairness in relation to that finding of guilt.

45 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.

Division 7.2 Licensing schemes—general

46 Definitions of some licences—Act

In this Act:

adult firearms licence means a licence issued to an adult under division 7.3.

composite entity firearms licence means a licence issued to a composite entity under division 7.5.

minors firearms licence means a licence issued to a child under division 7.4.

temporary international firearms licence means a licence issued under division 7.6.

47 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
- (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.

48 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.

49 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.

50 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.

51 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.

52 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.
- (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.

53 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) 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 73, s 94, s 116 or s 130).

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 248).

- (3) Unless a regulation prescribes otherwise, a category C licence does not authorise the possession or use of a prohibited firearm for a shooting competition.
- (4) 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.

Division 7.3 Licensing scheme—adult firearms licences

54 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 271 for this provision, the form must be used.

Note 2 A fee may be determined under s 270 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.

55 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.

56 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 that Act, 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.

57 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 58 and s 63 to s 70.

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).

58 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 17.

- (c) that the applicant has a genuine reason for possessing or using a firearm; and
- (d) that the applicant will comply with part 12 (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 61, 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.
- (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 37).
- (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.

59 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.

60 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.

61 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 61, column 2.
- (2) The applicant must produce evidence (including evidence of a kind, if any, mentioned in table 61, 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 61

column 1 item	column 2 genuine reason	column 3 requirements
1	sport or target shooting	<p>1.1 For an applicant to whom section 75 (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 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 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>

column 1 item	column 2 genuine reason	column 3 requirements
3	primary production	The applicant— (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 (b) intends to use the firearm solely in relation to farming or grazing activities (including the suppression of vertebrate pest animals on the land concerned).
4	vertebrate pest animal control	The applicant is— (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.
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.

column 1 item	column 2 genuine reason	column 3 requirements
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 (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 supported by the club. <p>8.2 For a licence that authorises the applicant to collect any other kind of firearms—</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 supported by the club.

column 1 item	column 2 genuine reason	column 3 requirements
9	heirloom possession	The applicant wants to possess a firearm that is an heirloom.
10	paintball activity	The applicant wants to possess or use a paintball marker for paintball activities.

62 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 61, column 2).

63 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.

64 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).

65 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 61, 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 37 (2) (d) (ii) is in force, the guideline applies in relation to subsection (2) as if the Minister were the registrar.

66 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.

67 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.

68 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.

69 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 17.

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

70 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 15 (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.

71 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.

72 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 270 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 47).

73 Adult firearms licences—conditions

- (1) An adult firearms licence is subject to each of the following conditions:
 - (a) the licensee must comply with part 12 (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 207 (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 14 (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 37).

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 260).

74 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.

75 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.
- (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 each approved firearms training course for the licence;
 - (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 Regulation 1997*, s 12 and s 13.

76 Adult firearms licences—special conditions for collectors licences

A collectors licence 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 191 and 227, 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 142, the licensee is not authorised to discharge a firearm that is part of a collection.

77 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.

78 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).

79 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 81 (Adult firearms licences—cancellation generally); or
 - (ii) section 82 (Adult firearms licences—cancellation of category H licences); 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 37).

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 260).

- (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 83 (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.

80 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, another Territory or New Zealand 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 2008*, s 40 (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 2008*, s 80 (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 260).

- (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.

81 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 58 and s 63 to s 70.
 - (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 17.
 - (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 260).

Note 2 A licence is automatically cancelled under the *Domestic Violence and Protection Orders Act 2008*, s 57 (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.

82 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.

83 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
 - (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 7.4 Licensing scheme—minors firearms licences

84 Children prohibited from owning firearms

A child must not own a firearm.

85 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 271 for this provision, the form must be used.

Note 2 A fee may be determined under s 270 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).

86 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 95 (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 that Act, 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.

- (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.

87 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 88.

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).

88 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 17.

- (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 91.

- (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 85.

- (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 37).

89 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.

90 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.

91 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

- (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).

92 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.

93 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 270 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 47).

94 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 37).

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 260).

95 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.

96 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 98 (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 37).

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 260).

- (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 99 (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.

97 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, another Territory or New Zealand 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 2008*, s 40 (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 2008*, s 80 (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 260).

- (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.

98 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 88.

- (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 17.

(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 260).

Note 2 A licence is automatically cancelled under the *Domestic Violence and Protection Orders Act 2008*, s 57 (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.

99 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 7.5 Licensing scheme—composite entity firearms licences

100 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.

101 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 22).

Note 2 If a form is approved under s 271 for this provision, the form must be used.

Note 3 A fee may be determined under s 270 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.

102 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 that Act, 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.

103 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 104 and s 110 to s 113.

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).

104 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 17.

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

Note See s 108 (Composite entity firearms licences—genuine reasons to possess or use firearms).

(d) that the composite entity will comply with part 12 (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

- (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 37).

105 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.

106 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.

107 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.

108 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.

109 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.

110 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.

111 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).

112 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.

113 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.

114 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.

115 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 270 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 47).

116 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 12 (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 207 (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 14 (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 37).

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 260).

117 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).

118 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 120 (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 37).

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 260).

- (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 121 (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.

119 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, another Territory or New Zealand 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 2008*, s 40 (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 2008*, s 80 (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 260).

- (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.

120 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 104 and s 110 to s 113.
- (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 17.
- (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 260).

Note 2 A licence is automatically cancelled under the *Domestic Violence and Protection Orders Act 2008*, s 57 (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.

121 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 7.6 Licensing scheme—temporary international firearms licences

122 Meaning of *foreign firearms licence*—div 7.6

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.

123 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 271 for this provision, the form must be used.

Note 2 A fee may be determined under s 270 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.

124 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.

125 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 126.

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 156 (3)).

126 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 12 (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 37).

127 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.

128 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.
- (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.

129 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 131 (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.

130 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 12 (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.
- (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 37).

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 260).

131 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.

132 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 126.

- (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 260).

Note 2 A licence is automatically cancelled under the *Domestic Violence and Protection Orders Act 2008*, s 57 (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.

133 Temporary international firearms licences—when cancellation takes effect

- (1) This section applies if the registrar cancels a licence under section 132.
- (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 8 Temporary recognition of interstate licences and permits

134 Definitions—pt 8

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 135 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*.

135 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.

136 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 137 applies.

137 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.

138 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.

139 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.

140 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.
- (5) An interstate condition is not taken to be inconsistent with a prescribed condition to the extent that it is capable of operating concurrently with the prescribed condition.

Part 9 Permits generally

141 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 10 Permits to acquire firearms

142 Meaning of *acquirer* and *foreign acquirer*—pt 10

In this part:

acquirer—see section 143.

foreign acquirer—see section 146.

143 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 271 for this provision, the form must be used.

Note 2 A fee may be determined under s 270 for this provision.

- (2) The acquirer must have a separate permit for each firearm to be acquired.

144 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 145 and s 146.

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).

145 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 12 (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 75 (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 146 applies.

146 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.

147 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.

148 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.

149 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 270 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.

150 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.

151 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 154).

152 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 145 and s 146.

 - (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 260).

- (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.

153 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 151 (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 151—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 152 (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.

154 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.

Part 11 Registration of firearms and firearm users

Division 11.1 Interpretation

155 Meaning of *owner and user particulars*—pt 11

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
- (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 11.2 Register of firearms

156 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.

157 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).

158 Register not available to public

The register must not be available for inspection by a member of the public.

159 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 11.3 Registration of firearms

160 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 271 for this provision, the form must be used.

Note 2 A fee may be determined under s 270 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.

161 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 163 (2)).

162 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 163.

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).

163 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 161 (2) (b), the registrar must refuse to register the firearm if it is not produced as required.

164 Firearm registration notice

- (1) This section applies if the registrar—
- (a) registers a firearm under section 162; or
 - (b) registers a person as a user of a firearm under section 170; 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.
- (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 271 for this provision, the form must be used.

Note 2 A fee may be determined under s 270 for this provision.

165 End of firearm registration

The registration of a firearm remains in force unless cancelled under section 166.

166 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 260).

- (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.

167 Police may seize firearms if firearm registration cancelled

A police officer may seize a firearm if the firearm's registration is cancelled.

Division 11.4 Registration of firearms users

168 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;
 - (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 271 for this provision, the form must be used.

Note 2 A fee may be determined under s 270 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).

169 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 171 (2)).

170 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 171.

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).

171 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
 - (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 169 (3), the registrar must refuse to register the user if the firearm is not produced as required.

172 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.

173 User registration—period in force

The registration of a user of a firearm remains in force unless cancelled under this division.

174 Automatic cancellation of user registration

- (1) This section applies if the registrar cancels the registration of a firearm under section 166.
- (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—
 - (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.

175 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 11.5 Offences—registration

176 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 175; 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.

177 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.

178 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 257 (Offence—lost, stolen or destroyed firearms).

179 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.

Part 12 Safe storage of firearms

180 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 37 (Minister’s guidelines).
 - (3) Also, a regulation may prescribe what are reasonable steps.

181 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:
 - (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: imprisonment for 1 year.

- (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.

182 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:
- (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: imprisonment for 2 years.

- (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.

183 Seizure of firearms if storage requirements not met

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

Part 13 **Firearms dealers**

Division 13.1 **Interpretation**

184 **Meaning of *prohibited person*—pt 13**

In this part:

prohibited person—see section 187.

Division 13.2 **Licences and licensed firearms dealers**

185 **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.

186 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
 - (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.

187 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 17.

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 79 and s 80).

188 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 271 for this provision, the form must be used.

Note 2 A fee may be determined under s 270 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.

(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 54 (2) (b) (Adult firearms licences—applications) as if the individual were the applicant; and

(c) be accompanied by the documents mentioned in section 54 (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 56 (Adult firearms licences—requirement for further information etc) as if the individual were the applicant.

189 Registrar's statement whether person prohibited

On an application under section 188, the registrar must give the licensed firearms dealer a statement in relation to the individual stating whether the individual is a prohibited person.

190 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.

191 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.

- (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 13.3 Licensed firearms dealers—records and returns

192 Definitions—div 13.3

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.

193 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.

194 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
 - (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.

195 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 37 (Minister’s guidelines).

196 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.

197 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.

198 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 194 (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.

199 Additional requirements for firearms 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 271 (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 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 74 (b) (i) (Adult firearms licences—special conditions of category D licences).
- (7) A licensed firearms dealer must not store, maintain or repair a firearm that is not registered.

Maximum penalty: 50 penalty units.

- (8) Subsection (7) does not apply in relation to a firearm that is temporarily stored.

Note See s 237 (Offence—disposal of firearms by unauthorised holders generally) and s 238 (Offence—disposal of inherited firearms).

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

200 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 commits an offence if the dealer fails to ensure that each firearm displayed in any part of the registered premises—
- (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.

201 Interstate transactions between dealers

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

- (2) In this section:

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

Part 14 Enforcement

Division 14.1 Interpretation

202 Meaning of *offence*—pt 14

In this part:

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

Division 14.2 Powers of police officers

203 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).

204 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.

205 Consent to entry

- (1) When seeking the consent of an occupier of premises to enter the premises under section 203 (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
 - (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.

206 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 13 (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).

207 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.

208 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 206 (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 206 (e) or section 206 (f).

Maximum penalty: 50 penalty units.

209 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.

- (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).

210 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 209 (6) (b)—that it is an offence under section 209 (7) to interfere with the thing without a police officer's approval.

Division 14.3 Search warrants

211 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.

- (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.

212 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.

213 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.

214 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 212 (Warrants—application made other than in person).

215 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 14.4 Things seized

216 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.

217 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.

- (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 14.5 Enforcement—miscellaneous

218 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.

219 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 218 (5).

Part 15 Offences

220 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 226. Jonah is charged with 1 offence against section 220 (1). In order for Jonah to be convicted of the offence, the trier of fact must be satisfied that Jonah contravened section 226 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 177 (1) (Offence—unregistered firearms); or
 - (b) section 226 (Offence—unlawful disposal of firearms); or
 - (c) section 227 (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.

221 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.

222 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.

223 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.

224 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.

225 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.

226 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 237 (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 238 (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.

227 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 238 (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.

228 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.

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.

229 Use of mail for sending firearms

- (1) This section is subject to section 230.
- (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.

230 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.

231 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.

232 Means of delivering possession of firearms

Subject to section 230, 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.

233 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.

234 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.

235 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.

236 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.

237 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.

238 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 ACAT 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.

239 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.

240 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 241 (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.

241 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.

242 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.

- (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.

243 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.

244 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.

245 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.

246 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.

247 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.

248 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
 - (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.

249 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 73, s 94, or s 130).

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 53 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).

250 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.

251 Approval of modifications

- (1) A person authorised to modify a firearm under section 250 (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.

252 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.

253 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.

254 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.

255 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.

256 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.

257 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 199 (3) (Additional requirements for firearms dealers).

Part 16 Notification and review of decisions

258 Meaning of *reviewable decision*—pt 16

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.

260 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*.

260A 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.

Part 17 Miscellaneous provisions

261 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.

262 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 217 (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.

263 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.

264 Certificates of safety

If an applicant referred to in section 160 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.

265 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).

266 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.

267 Investigations

- (1) If a complaint is made under section 266 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.

268 Offences by corporations

- (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).

- (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.

269 Evidentiary certificates

- (1) In a proceeding for an offence mentioned in section 166 (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 221 (Discharge etc of firearm—public places etc);
 - section 222 (1) (b) (Discharge of firearm—general);
 - section 250 (Modification of firearms); or
 - (ii) an authorisation had been given under any of the following:
 - section 73 (Adult firearms licences—conditions);
 - section 95 (Minors firearms licences—conditions);
 - section 116 (Composite entity firearms licences—conditions);
 - section 130 (Temporary international firearms licences—conditions);
 - section 244 (1) (a) (ii) (Offence—sale of ammunition by licensed firearms dealers);
 - section 245 (1) (c) (ii) (Offence—sale of ammunition by authorised club members);
 - section 248 (1) (a) (ii) (Offence—acquiring ammunition);
 - section 252 (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.

270 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.

271 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.

272 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, disposal, possession, registration, storage, identification, maintenance, carrying, conveyance, altering, repair, testing and use of firearms; or
- (b) the register, including how changes may or must be made to the particulars and information in the register; or
- (c) firearms training courses; or
- (d) training and supervision in relation to firearms; or

- (e) firearms dealers; or
- (f) club armourers; or
- (g) ammunition collectors; or
- (h) 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*.

- (i) security guards; or
- (j) spear guns; or
- (k) the approval of shooting ranges and approved shooting ranges; or
- (l) the approval of paintball ranges and approved paintball ranges; or
- (m) 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
- (n) the approval of club armourers to repair firearms and firearms parts; or
- (o) licences, licence renewals and duplicate licences; or
- (p) permits, approvals and authorisations; or
- (q) forms, records, notices and returns; or
- (r) exempting a person from this Act; or

- (s) 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) 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.
- (4) A regulation under subsection (3) does not limit the matters that the registrar may reasonably consider when deciding whether a special need has been established.
- (5) 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.

273 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
- (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.

274 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.

Part 25 Transitional

400 Definitions—pt 25

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.

401 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.

402 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.

403 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.

404 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.

405 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.
- (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.

406 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.

407 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.

408 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.

409 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.
- (2) The person's licence or permit is taken to be suspended until the suspension would have ended under the pre-commencement Act.

410 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.

411 Pre-commencement Act—register

- (1) To remove any doubt, the register of firearms under this Act, section 156 (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.

412 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.

413 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.

415 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.

416 Expiry—pt 25

- (1) Section 414 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 414) and schedule 4, items 43 and 44, expire 1 year after the commencement day.

M **416A** **Authorised possession or use of prohibited firearms with pistol grips for sport or target shooting**

Schedule 1 Prohibited firearms

(see s 7)

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 pump action shotgun (including a firearm of that kind 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 paintball marker that resembles a prohibited firearm
8	a firearm that substantially duplicates in appearance (regardless of calibre or manner of operation) a firearm referred to in item 1, 5 or 6
9	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)
10	a shotgun fitted with or designed to be fitted with a drum magazine of the 'Striker 12' assault shotgun type or any similar firearm
11	a firearm to which there is attached any article or device capable of muffling, reducing or stopping the noise created by firing the firearm
12	a firearm, other than a pistol, fitted with a pistol grip or stock that is specially designed so as to be readily detachable, or to operate on a swivel, folding or telescopic basis
13	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

Schedule 1 Prohibited firearms

column 1 item	column 2 description
14	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.
15	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.
16	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 or 19.70mm; 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
17	a firearm that, or part of which, has a dimension less than the minimum dimension prescribed for the firearm or part by the regulations
18	an imitation or replica of any firearm (including an imitation or replica pistol, blank fire pistol, paintball marker, shortened firearm, machine gun or submachine gun) unless it is of a type approved by the registrar
19	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.
20	a pistol of more than 9.65mm calibre <i>Note</i> A 9.65mm calibre pistol includes a 0.38-inch calibre pistol.
21	a semiautomatic pistol with a barrel length of less than 120mm
22	a revolver or single action pistol with a barrel length of less than 100mm

Schedule 2 Exemptions from Act

(see s 23)

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 (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)	possessing or using firearm in exercise of person's functions as member
2	member of a police service or force of a foreign country	possessing or using firearm for taking part in a training activity— (a) conducted by the Australian Federal Police; and (b) carried out in the ACT
3	corrections officer	possessing or using firearm in exercise of officer's functions
4	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

column 1 item	column 2 person exempted	column 3 circumstances
5	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

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 52)

Note 1 The possession or use of a firearm authorised by a licence is subject to any regulation (see s 52 (4)).

Note 2 Registered users of firearms are authorised to possess and use registered firearms in the circumstances set out in s 172 (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: (a) airguns; (b) rim-fire rifles (other than self- loading); (c) shotguns; (d) shotgun and rim- fire rifle combinations	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

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
2	category B (adult firearms 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	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
3	category C (adult firearms licence)	the following firearms (other than firearms mentioned in sch 1, item 1, 11 or 12): (a) self-loading rim- fire rifles with magazine capacity of 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 5 rounds	licensee who is registered owner	possess or use, for purpose established by licensee as genuine reason for possessing or using firearm— (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

Schedule 3

Licence categories and authority conferred

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
4	category D (adult firearms licence)	the following firearms (other than firearms mentioned in sch 1, item 5, 6, 10, 11 or 12): (a) self-loading centre-fire rifles; (b) self-loading rim- fire rifles with magazine capacity of more than 10 rounds; (c) self-loading shotguns with magazine capacity of more than 5 rounds; (d) pump action shotguns with magazine capacity of more than 5 rounds; (e) any other firearms to which category C licence applies as prescribed by regulation	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
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
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

Schedule 3

Licence categories and authority conferred

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: (a) airguns; (b) rim-fire rifles (other than self- loading); (c) shotguns; (d) shotgun and rim- fire rifle combinations	licensee	if genuine reason is firearms training— (a) possess or use registered category A firearm under supervision of holder of category 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

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
12	category A (minors firearms 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	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 (ii) holds a category A adult firearms licence under which that use is a genuine reason for the person to hold the licence

Schedule 3

Licence categories and authority conferred

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); (c) shotgun and centre-fire rifle combinations	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
14	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); (c) shotgun and centre-fire rifle combinations	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 (ii) holds a category B adult firearms licence under which that use is a genuine reason for the person to hold the licence

Schedule 3

Licence categories and authority conferred

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
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

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>(b) if genuine reason for issue of licence is as mentioned in s 108 (1) (b)—of farming or grazing activities;</p> <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> <p>(b) 1 registered shotgun to which licence applies.</p>

Schedule 3

Licence categories and authority conferred

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>possess or use firearm of kind to which licence applies—</p> <ul style="list-style-type: none"> (a) for purpose established by licensee as genuine reason for possessing or using firearm; and (b) for genuine reason of international visitor—for purpose stated in 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.

Schedule 4 Reviewable decisions

(see pt 16)

column 1 item	column 2 section	column 3 decision	column 4 entity
1	20	refuse to approve firearms training course, shooting competition, paintball competition or event involving firearms	person refused approval
2	39	refuse to authorise licensee or member of approved club	person refused authorisation
3	40	refuse to approve a club, or revoking the approval of a club	club refused approval
4	41 (2)	refuse to approve possession of ammunition by ammunition collector	person refused approval
5	57	refuse to issue or renew adult firearms licence refuse to issue or renew adult firearms licence because Minister has not authorised issue under s 65	person refused licence or renewal
6	65 (2)	issue category D adult firearms licence subject to condition required by Minister	licensee

Schedule 4

Reviewable decisions

column 1 item	column 2 section	column 3 decision	column 4 entity
7	72	refuse to issue replacement adult firearms licence	applicant for replacement
8	73 (1) (e)	refuse to authorise possession of more than prescribed amount of ammunition	person refused authorisation
9	73 (2)	put condition on adult firearms licence	licensee
10	78 (1) (c)	end date less than 12 months after day licence begins	licensee
11	79, 80	suspend adult firearms licence	licensee
12	81	cancel adult firearms licence	person who held licence
13	82	cancel category H adult firearms licence issued for genuine reason of sport or target shooting	person who held licence
14	87	refuse to issue minors firearms licence	applicant for licence
15	93	refusing to issue replacement minors firearms licence	applicant for replacement
16	94 (1) (b)	refuse to authorise possession of more than prescribed amount of ammunition	person refused authorisation
17	94 (2)	put condition on minors firearms licence	licensee

column 1 item	column 2 section	column 3 decision	column 4 entity
18	95 (2)	refuse to extend period minors firearms licence in force	applicant for extension
19	96, 97	suspend minors firearms licence	licensee
20	98	cancel minors firearms licence	person who held licence
21	103	refuse to issue or renew composite entity firearms licence	applicant for licence or renewal
22	115	refuse to issue replacement composite entity firearms licence	applicant for replacement
23	116 (1) (f)	refuse to authorise possession of more than prescribed amount of ammunition	person refused authorisation
24	116 (3)	put condition on composite entity firearms licence	licensee
25	118, 119	suspend composite entity firearms licence	licensee
26	120	cancel composite entity firearms licence	person who held licence
27	125	refuse to issue or renew temporary international firearms licence	applicant for licence or renewal
28	130 (1) (e)	refuse to authorise possession of more than prescribed amount of ammunition	person refused authorisation

Schedule 4

Reviewable decisions

column 1 item	column 2 section	column 3 decision	column 4 entity
29	130 (2)	put condition on temporary international firearms licence	licensee
30	131 (1)	end date less than 3 months after day licence begins	licensee
31	132	cancel temporary international firearms licence	person who held licence
32	138	make direction in relation to interstate licence	licensee
33	144	refuse to issue permit to acquire a firearm	applicant for permit
34	148 (2)	refuse to extend period permit to acquire a firearm in force	applicant for extension
35	149	refusing to issue replacement permit to acquire a firearm	applicant for replacement
36	151	suspend or cancel permit to acquire a firearm	licensee or person who held licence
37	162	refuse to register firearm	application for registration
38	166	cancel registration of firearm	person who held licence
39	170	refuse to register user of firearm	applicant for registration
40	175	cancel registration of user of firearm	person who was registered

column 1 item	column 2 section	column 3 decision	column 4 entity
41	250 (2)	refuse to approve the modification of a firearm	person refused approval
42	267 (2)	cancel a licence	person who held licence
43	411 (3)	cancel registration of firearm	person whose firearm was registered
44	412 (4)	cancel registration of user of firearm	person who was registered

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:

- ACAT
- administrative unit
- bank
- chief police officer
- corrections officer
- daily newspaper
- foreign country
- indictable offence (see s 190)
- Minister (see s 162)
- nurse
- penalty unit (see s 133)
- person
- reviewable decision notice
- State
- territory authority
- veterinary surgeon.

acquire—

- (a) a firearm or ammunition, for this Act—see section 8; and
- (b) a firearm, for division 13.3 (Licensed firearms dealers—records and returns)—see section 192.

acquirer, for part 10 (Permits to acquire firearms)—see section 142.

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.

adult firearms licence—see section 46.

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, for a collectors, hunting or shooting club, means a club of that kind approved under section 40.

approved club means a collectors, hunting or shooting club approved under section 40.

approved firearms event means an event involving firearms approved by the registrar under section 20 (Approval of courses etc by registrar).

approved firearms training course means a firearms training course approved by the registrar under section 20 (Approval of courses etc by registrar).

approved paintball competition means a paintball competition approved by the registrar under section 20 (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 20 (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 39 to sell ammunition.

authorised instructor means a person authorised by the registrar under section 39 to give instruction in the use of firearms.

authorised period, in relation to an individual interstate licensee, for part 8 (Temporary recognition of interstate licences and permits)—see section 134.

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.

buy includes—

- (a) buy by wholesale, retail, auction or tender; and
- (b) obtain by barter or exchange.

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 16.

composite entity—see section 100.

composite entity firearms licence—see section 46.

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 8 (Temporary recognition of interstate licences and permits)—see section 134.

corresponding law means a law of a State, another Territory or New Zealand corresponding, or substantially corresponding, to this Act.

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.

dispose, of a firearm—

- (a) for this Act—see section 9; and
- (b) for division 13.3 (Licensed firearms dealers—records and returns)—see section 192.

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 2008*.

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.

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

firearm—see section 6.

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
 - (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 10 (Permits to acquire firearms)—see section 142.

foreign firearms licence, for division 7.6 (Licensing scheme—temporary international firearms licences)—see section 122.

genuine reason—

- (a) in relation to an adult firearms licence—see section 61; or
- (b) in relation to a minors firearms licence—see section 91; or
- (c) in relation to a composite entity firearms licence—see section 108; or
- (d) in relation to a temporary international firearms licence—see section 128.

genuine reason of international visitor—see section 128 (1) (b) (Temporary international firearms licences—genuine reasons to possess or use firearms).

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 2008*, 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*.

interstate licence, for part 8 (Temporary recognition of interstate licences and permits)—see section 134.

licence means a licence in force under this Act.

licensee means the holder of a licence.

local licence, for part 8 (Temporary recognition of interstate licences and permits)—see section 134.

minors firearms licence—see section 46.

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 14 (Enforcement)—see section 202.

owner and user particulars, in relation to a registered firearm, for part 11 (Registration of firearms and firearm users)—see section 155.

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 Parental responsibility is dealt with in the *Children and Young People Act 2008*, div 1.3.2.

permit means a permit in force under this Act.

permit-holder means the holder of a permit.

permit to acquire, a firearm, means a permit to acquire the firearm issued under part 10 (Permits to acquire firearms).

photograph includes a digitised, electronic or computer generated image in a form approved by the registrar.

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—see section 10.

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

principal, of a composite entity—see section 100.

prohibited firearm—see section 7.

prohibited person, for part 13 (Firearms dealers)—see section 184.

prohibited pistol means a prohibited firearm mentioned in schedule 1, item 20, item 21 or item 22.

protection order—

- (a) see the *Domestic Violence and Protection Orders Act 2008*, 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 156.

registered means registered for the time being under this Act.

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 100; 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.

registrar means the Registrar of Firearms appointed under section 33.

responsible person, for a child or young person, means a person with parental responsibility for the child or young person.

reviewable decision, for part 16 (Notification and review of decisions)—see section 258.

security organisation—see section 108 (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.

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.

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 ACAT for review of the decision and any subsequent appeal).

temporary international firearms licence—see section 46.

unregulated firearm—see section 24.

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.

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 commenced 15 January 2009 (s 2 (1) and LA s 79)

**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 commenced 2 February 2009 (s 2 (3) and see ACT Civil
and Administrative Tribunal Act 2008 A2008-35, s 2 (1) and CN2009-2)

**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 commenced 30 March 2009 (s 2)

Endnotes

4 Amendment history

as modified by

Firearms Regulation 2008 SL2008-55 s 81

notified LR 22 December 2008

s 1, s 2 commenced 22 December 2008 (LA s 75 (1))

s 81 commenced 15 January 2009 (s 2 and see Firearms Amendment Act 2008 A2008-25, s 2 and LA s 79)

as amended by

Justice and Community Safety Legislation Amendment Act 2009 (No 2) A2009-19 pt 7

notified LR 1 September 2009

s 1, s 2 commenced 1 September 2009 (LA s 75 (1))

pt 7 commenced 29 September 2009 (s 2)

Statute Law Amendment Act 2009 A2009-20 sch 3 pt 3.31

notified LR 1 September 2009

s 1, s 2 commenced 1 September 2009 (LA s 75 (1))

sch 3 pt 3.31 commenced 22 September 2009 (s 2)

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 renum as s 3

Offences against Act—application of Criminal Code etc

s 2B renum as s 4

Notes

s 3 **orig s 3**
renum as s 5
pres s 3
(prev s 2A) ins A2008-25 s 4
renum as s 3 R17 LA (see A2008-25 amdt 1.12)

Offences against Act—application of Criminal Code etc

- s 4 hdg **orig s 4 hdg**
sub 1999 No 29 notes
am R3 LA
- s 4 **orig 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
- pres s 4**
(prev s 2B) ins A2008-25 s 4
renum as s 4 R17 LA (see A2008-25 amdt 1.12)

Important concepts

- pt 1A hdg renum as pt 2 hdg

Meaning of firearm—Act

- s 4A (prev s 4 (2)) renum as s 4A and then s 6

Meaning of prohibited firearm—Act

- s 4AB renum as s 7

Meaning of acquire—Act

- s 4AC renum as s 8

Endnotes

4 Amendment history

Meaning of *dispose*—Act

s 4AD renum as s 9

Meaning of *possession*—Act

s 4B (prev s 4 (3), s 4 (4)) renum as s 4B and then s 10

Evidence of possession—firearms at premises

s 4BA renum as s 11

Evidence of possession—care, control or management of firearm

s 4BB renum as s 12

Taking possession under credit contract

s 4BC renum as s 13

Authority to possess and use firearms temporarily

s 4BD renum as s 14

Paintball markers—authority to possess, use or store

s 4BE renum as s 15

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

s 4BF renum as s 16

Assessing suitability of individuals

s 4BG renum as s 17

Assessing suitability of individuals—discretionary criteria

s 4BH renum as s 18

Assessing suitability of individuals—mandatory criteria

s 4BI renum as s 19

Approval of courses etc by registrar

s 4BJ renum as s 20

Operation of Act

pt 1B hdg renum as pt 3 hdg

Government-owned firearms

s 4C (prev s 4 (5)) renum as s 4C and then s 21

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 (prev s 4 (6)) renum as s 4D and then s 22

People exempt from Act etc

s 4E (prev s 4 (7)) renum as s 4E and then s 23

Unregulated firearms

pt 1C hdg renum as pt 4 hdg

Meaning of *unregulated firearm*—Act

s 4G renum as s 24

Unregulated firearms—seizure by police

s 4H renum as s 25

Unregulated firearms—receipt for seizure

s 4I renum as s 26

Unregulated firearms—examination

s 4J renum as s 27

Unregulated firearms—access to things seized

s 4K renum as s 28

Unregulated firearms—review of decision to seize

s 4L renum as s 29

Unregulated firearms—forfeiture

s 4M renum as s 30

Declarations about firearms

pt 1D hdg renum as pt 5 hdg

Important concepts

pt 2 hdg

orig pt 2 hdg

renum as pt 6 hdg

pres pt 2 hdg

(prev pt 1A hdg) ins A2008-25 s 4

renum as pt 2 hdg R17 LA (see A2008-25 amdt 1.12)

Principles and objects of Act

s 5

orig s 5

renum as s 31

pres s 5

(prev s 3) renum as s 5 R17 LA (see A2008-25 amdt 1.12)

Meaning of *firearm*

s 6 hdg

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

s 6

orig s 6

renum as s 32

pres s 6

(prev s 4 (2)) renum as s 4A 1999 No 29 sch

sub A2008-25 s 8

renum as s 6 R17 LA (see A2008-25 amdt 1.12)

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

Endnotes

4 Amendment history

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

Meaning of *prohibited firearm*

s 7 **orig s 7**
renum as s 33
pres s 7
(prev s 4AB) ins A2008-25 s 8
renum as s 7 R17 LA (see A2008-25 amdt 1.12)

Meaning of *acquire*

s 8 **orig s 8**
renum as s 34
pres s 8
(prev s 4AC) ins A2008-25 s 8
renum as s 8 R17 LA (see A2008-25 amdt 1.12)

Meaning of *dispose*

s 9 **orig s 9**
om A2008-25 amdt 1.6
pres s 9
(prev s 4AD) ins A2008-25 s 8
renum as s 9 R17 LA (see A2008-25 amdt 1.12)

Meaning of *possession*

s 10 hdg (prev s 4B hdg) ins 1999 No 29 notes
s 10 **orig s 10**
renum as s 35
pres s 10
(prev s 4 (3), s 4 (4)) renum as s 4B 1999 No 29 sch
sub A2008-25 s 8
renum as s 10 R17 LA (see A2008-25 amdt 1.12)

Evidence of possession—firearms at premises

s 11 **orig s 11**
om A2008-25 amdt 1.7
pres s 11
(prev s 4BA) ins A2008-25 s 8
renum as s 11 R17 LA (see A2008-25 amdt 1.12)

Evidence of possession—care, control or management of firearm

s 12 **orig s 12**
renum as s 36
pres s 12
(prev s 4BB) ins A2008-25 s 8
renum as s 12 R17 LA (see A2008-25 amdt 1.12)

Minister's guidelines

s 12A renum as s 37

Taking possession under credit contract

s 13 **orig s 13**
renum as s 38
pres s 13
(prev s 4BC) ins A2008-25 s 8
renum as s 13 R17 LA (see A2008-25 amdt 1.12)

Authority to possess and use firearms temporarily

s 14 **orig s 14**
renum as s 39
pres s 14
(prev s 4BD) ins A2008-25 s 8
renum as s 14 R17 LA (see A2008-25 amdt 1.12)

Paintball markers—authority to possess, use or store

s 15 **orig s 15**
renum as s 40
pres s 15
(prev s 4BE) ins A2008-25 s 8
renum as s 15 R17 LA (see A2008-25 amdt 1.12)

Registrar's approval to possess ammunition as collector

s 15A renum as s 41

Meaning of *close associate* of firearms dealer etc

s 16 **orig s 16**
renum as s 42
pres s 16
(prev s 4BF) ins A2008-25 s 8
renum as s 16 R17 LA (see A2008-25 amdt 1.12)

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

s 16AA renum as s 43

Alternative verdicts—unauthorised possession or use of firearms

s 16AB renum as s 44

Offence—contravention of condition by licensee etc

s 16AC renum as s 45

Definitions of some licences—Act

s 16A renum as s 46

Offence—notice of lost, stolen and destroyed licences

s 16B renum as s 47

Offence—failing to surrender firearms when licence suspended or cancelled

s 16C renum as s 48

Endnotes

4 Amendment history

Offence—failure to give up suspended or cancelled licence

s 16D renum as s 49

Police may seize firearms under suspended and cancelled licences

s 16E renum as s 50

Licence renewals to be treated as fresh applications

s 16F renum as s 51

Assessing suitability of individuals

s 17 **orig s 17**
renum as s 52
pres s 17
(prev s 4BG) ins A2008-25 s 8
renum as s 17 R17 LA (see A2008-25 amdt 1.12)

Assessing suitability of individuals—discretionary criteria

s 18 **orig s 18**
renum as s 53
pres s 18
(prev s 4BH) ins A2008-25 s 8
renum as s 18 R17 LA (see A2008-25 amdt 1.12)

Assessing suitability of individuals—mandatory criteria

s 19 **orig s 19**
renum as s 54
pres s 19
(prev s 4BI) ins A2008-25 s 8
renum as s 19 R17 LA (see A2008-25 amdt 1.12)

Adult firearms licences—registrar to tell applicant about training etc

s 19A renum as s 55

Approval of courses etc by registrar

s 20 **orig s 20**
renum as s 56
pres s 20
(prev s 4BJ) ins A2008-25 s 8
renum as s 20 R17 LA (see A2008-25 amdt 1.12)

Operation of Act

pt 3 hdg **orig pt 3 hdg**
renum as pt 7 hdg
pres pt 3 hdg
(prev pt 1B hdg) ins A2008-25 s 8
renum as pt 3 hdg R17 LA (see A2008-25 amdt 1.12)

Requirement for licence etc

div 3.1 hdg renum as div 7.1 hdg

Licensing schemes—general

div 3.2 hdg renum as div 7.2 hdg

Licensing scheme—adult firearms licences

div 3.2A hdg renum as div 7.3 hdg

Licensing scheme—minors firearms licences

div 3.2B hdg renum as div 7.4 hdg

Licensing scheme—composite entity firearms licences

div 3.2C hdg renum as div 7.5 hdg

Licensing scheme—temporary international firearms licences

div 3.2D hdg renum as div 7.6 hdg

Permitsdiv 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**Government-owned firearms**

s 21 hdg (prev s 4C hdg) ins 1999 No 29 notes

s 21

orig s 21

renum as s 57

pres s 21

(prev s 4 (5)) renum as s 4C 1999 No 29 sch

sub A2008-25 s 8

renum as s 21 R17 LA (see A2008-25 amdt 1.12)

People responsible for certain actions etc

s 22 hdg (prev s 4D hdg) ins 1999 No 29 notes

s 22

orig s 22

renum as s 58

pres s 22

(prev s 4 (6)) renum as s 4D 1999 No 29 sch

sub A2008-25 s 8

renum as s 22 R17 LA (see A2008-25 amdt 1.12)

Adult firearms licences—categories

s 22A renum as s 59

When adult firearms licences may be issued

s 22B renum as s 60

Endnotes

4 Amendment history

People exempt from Act etc

s 23 hdg (prev s 4E hdg) ins 1999 No 29 notes
s 23 **orig s 23**
renum as s 61
pres s 23
(prev s 4 (7)) renum as s 4E 1999 No 29 sch
sub A2008-25 s 8
renum as s 23 R17 LA (see A2008-25 amdt 1.12)

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

s 23A renum as s 62

Temporary recognition of interstate licences and permits

pt 3A hdg renum as pt 8 hdg

Permits generally

pt 3B hdg renum as pt 9 hdg

Permits to acquire firearms

pt 3C hdg renum as pt 10 hdg

Unregulated firearms

pt 4 hdg **orig pt 4 hdg**
renum as pt 11 hdg
pres pt 4 hdg
(prev pt 1C hdg) ins A2008-25 s 8
renum as pt 4 hdg R17 LA (see A2008-25 amdt 1.12)

Interpretation

div 4.1 hdg renum as div 11.1 hdg

Register of firearms

div 4.2 hdg renum as div 11.2 hdg

Registration of firearms

div 4.3 hdg renum as div 11.3 hdg

Registration of firearms users

div 4.4 hdg renum as div 11.4 hdg

Offences—registration

div 4.5 hdg renum as div 11.5 hdg

Meaning of *unregulated firearm*—Act

s 24 **orig s 24**
renum as s 63
pres s 24
(prev s 4G) ins A2008-25 s 8
renum as s 24 R17 LA (see A2008-25 amdt 1.12)

Unregulated firearms—seizure by police

s 25 **orig s 25**
renum as s 64
pres s 25
(prev s 4H) ins A2008-25 s 8
renum as s 25 R17 LA (see A2008-25 amdt 1.12)

Unregulated firearms—receipt for seizure

s 26 **orig s 26**
renum as s 65
pres s 26
(prev s 4I) ins A2008-25 s 8
renum as s 26 R17 LA (see A2008-25 amdt 1.12)

Unregulated firearms—examination

s 27 **orig s 27**
renum as s 66
pres s 27
(prev s 4J) ins A2008-25 s 8
renum as s 27 R17 LA (see A2008-25 amdt 1.12)

Unregulated firearms—access to things seized

s 28 **orig s 28**
renum as s 67
pres s 28
(prev s 4K) ins A2008-25 s 8
renum as s 28 R17 LA (see A2008-25 amdt 1.12)

Unregulated firearms—review of decision to seize

s 29 **orig s 29**
renum as s 68
pres s 29
(prev s 4L) ins A2008-25 s 8
renum as s 29 R17 LA (see A2008-25 amdt 1.12)

Unregulated firearms—forfeiture

s 30 **orig s 30**
renum as s 69
pres s 30
(prev s 4M) ins A2008-25 s 8
renum as s 30 R17 LA (see A2008-25 amdt 1.12)

Adult firearms licences—restrictions on issue of paintball marker licences

s 30A renum as s 70

Endnotes

4 Amendment history

Declarations about firearms

pt 5 hdg **orig pt 5 hdg**
renum as pt 12 hdg
pres pt 5 hdg
(prev pt 1D hdg) ins A2008-25 s 8
renum as pt 5 hdg R17 LA (see A2008-25 amdt 1.12)

Firearms declarations by registrar

s 31 **orig s 31**
renum as s 71
pres s 31
(prev s 5) sub A2008-25 s 8
renum as s 31 R17 LA (see A2008-25 amdt 1.12)
am A2009-20 amdt 3.75

Effect of certain declarations

s 32 **orig s 32**
renum as s 72
pres s 32
(prev s 6) am 1999 No 29 sch; A2006-23 amdts 1.198-1.200
sub A2008-25 s 8
renum as s 32 R17 LA (see A2008-25 amdt 1.12)

Administration

pt 6 hdg **orig pt 6 hdg**
renum as pt 13 hdg
pres pt 6 hdg
(prev pt 2 hdg) renum as pt 6 hdg R17 LA (see A2008-25
amdt 1.12)

Interpretation

div 6.1 hdg renum as div 13.1 hdg

Licences and licensed firearms dealers

div 6.2 hdg renum as div 13.2 hdg

Licensed firearms dealers—records and returns

div 6.3 hdg renum as div 13.3 hdg

Registrar of firearms

s 33 **orig s 33**
am 2001 No 44 amdts 1.1653-1.1655
om A2008-25 s 19
pres s 33
(prev s 7) am A2008-25 amdt 1.3, amdt 1.4
renum as s 33 R17 LA (see A2008-25 amdt 1.12)

Functions of registrar

s 34 **orig s 34**
om A2008-25 s 19
pres s 34
(prev s 8) am A2008-25 amdt 1.5
renum as s 34 R17 LA (see A2008-25 amdt 1.12)

Delegation by registrar

s 35 **orig s 35**
am 2001 No 44 amdt 1.1656, amdt 1.1657
om A2008-25 s 19
pres s 35
(prev s 10) sub A2008-25 s 9
renum as s 35 R17 LA (see A2008-25 amdt 1.12)

Reports and recommendations

s 36 **orig s 36**
renum as s 73
pres s 36
(prev s 12) sub 2001 No 44 amdt 1.1646; A2008-25 s 10
renum as s 36 R17 LA (see A2008-25 amdt 1.12)

Adult firearms licences—special conditions of category D licences

s 36AA renum as s 74

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

s 36A renum as s 75

Minister's guidelines

s 37 **orig s 37**
renum as s 76
pres s 37
(prev s 12A) ins A2008-25 s 10
renum as s 37 R17 LA (see A2008-25 amdt 1.12)

Amnesty

s 38 **orig s 38**
renum as s 77
pres s 38
(prev s 13) sub 2001 No 44 amdt 1.1646
am A2008-25 s 11
renum as s 38 R17 LA (see A2008-25 amdt 1.12)
am A2009-20 amdt 3.76

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Authorised instructors and club members

s 39 **orig s 39**
renum as s 78
pres s 39
(prev s 14) am A2003-31 amdt 1.7
sub A2008-25 s 12
renum as s 39 R17 LA (see A2008-25 amdt 1.12)

Approval of clubs

s 40 **orig s 40**
om 2001 No 90 amdt 1.73
prev s 40
renum as s 79
pres s 40
(prev s 15) am 2001 No 44 amdts 1.1647-1.1649
sub A2003-31 s 6
am A2008-25 amdt 1.8
renum as s 40 R17 LA (see A2008-25 amdt 1.12)

Adult firearms licences—mandatory suspension

s 40A renum as s 80

Registrar's approval to possess ammunition as collector

s 41 **orig s 41**
renum as s 81
pres s 41
(prev s 15A) ins A2008-25 s 13
renum as s 41 R17 LA (see A2008-25 amdt 1.12)

Firearms licences

pt 7 hdg **orig pt 7 hdg**
renum as pt 14 hdg
pres pt 7 hdg
(prev pt 3 hdg) sub A2008-25 s 14
renum as pt 7 hdg R17 LA (see A2008-25 amdt 1.12)

Requirement for licence etc

div 7.1 hdg **orig div 7.1 hdg**
renum as div 14.1 hdg
pres div 7.1 hdg
(prev pt 3 div 1 hdg) renum as div 3.1 hdg R3 LA (see also
2001 No 90 amdt 1.78)
sub A2008-25 s 14
renum as div 7.1 hdg R17 LA (see A2008-25 amdt 1.12)

Offence—unauthorised possession or use of prohibited firearms

s 42 hdg (prev s 16 hdg) am 1999 No 29 s 4
s 42 **orig s 42**
renum as s 82
pres s 42
(prev s 16) am 1999 No 29 s 4
sub A2003-31 s 7; A2008-25 s 15
renum as s 42 R17 LA (see A2008-25 amdt 1.12)

Adult firearms licences—when suspension or cancellation takes effect

s 42A renum as s 83

Children prohibited from owning firearms

s 42D renum as s 84

Minors firearms licences—applications

s 42E renum as s 85

Minors firearms licences—requirement for further information etc

s 42F renum as s 86

Minors firearms licences—decision

s 42G renum as s 87

Minors firearms licences—refusal

s 42H renum as s 88

Minors firearms licences—categories

s 42I renum as s 89

When minors firearms licences may be issued

s 42J renum as s 90

Minors firearms licences—genuine reasons to possess or use firearms

s 42K renum as s 91

Minors firearms licences—form

s 42L renum as s 92

Minors firearms licences—replacements

s 42M renum as s 93

Minors firearms licences—conditions

s 42N renum as s 94

Minors firearms licences—period in force

s 42O renum as s 95

Minors firearms licences—immediate suspension

s 42P renum as s 96

Minors firearms licences—mandatory suspension

s 42Q renum as s 97

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Minors firearms licences—cancellation

s 42R renum as s 98

Minors firearms licences—when suspension or cancellation takes effect

s 42S renum as s 99

Definitions—Act

s 42U renum as s 100

Composite entity firearms licences—applications

s 42V renum as s 101

Composite entity firearms licences—requirement for further information etc

s 42W renum as s 102

Composite entity firearms licences—decision

s 42X renum as s 103

Composite entity firearms licences—refusal

s 42Y renum as s 104

Composite entity firearms licences—categories

s 42Z renum as s 105

Composite entity firearms licence—principal's name

s 42ZA renum as s 106

When composite entity firearms licences may be issued

s 42ZB renum as s 107

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

s 42ZC renum as s 108

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

s 42ZD renum as s 109

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

s 42ZE renum as s 110

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

s 42ZF renum as s 111

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

s 42ZG renum as s 112

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

s 42ZH renum as s 113

Composite entity firearms licences—form	
s 42ZI	renum as s 114
Composite entity firearms licences—replacements	
s 42ZJ	renum as s 115
Composite entity firearms licences—conditions	
s 42ZK	renum as s 116
Composite entity firearms licences—period in force	
s 42ZL	renum as s 117
Composite entity firearms licences—immediate suspension	
s 42ZM	renum as s 118
Composite entity firearms licences—mandatory suspension	
s 42ZMA	renum as s 119
Composite entity firearms licences—cancellation	
s 42ZN	renum as s 120
Composite entity firearms licences—when suspension or cancellation takes effect	
s 42ZO	renum as s 121
Meaning of <i>foreign firearms licence</i>—div 3.2D	
s 42ZOA	renum as s 122
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s 42ZP	renum as s 123
Temporary international firearms licences—requirement for further information etc	
s 42ZPA	renum as s 124
Temporary international firearms licences—decision	
s 42ZPB	renum as s 125
Temporary international firearms licences—refusal	
s 42ZPC	renum as s 126
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s 42ZPD	renum as s 127
Temporary international firearms licences—genuine reasons to possess or use firearms	
s 42ZQ	renum as s 128
Temporary international firearms licences—form	
s 42ZQA	renum as s 129
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s 42ZQB	renum as s 130

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Temporary international firearms licences—period in force

s 42ZR renum as s 131

Temporary international firearms licences—cancellation

s 42ZRA renum as s 132

Temporary international firearms licences—when cancellation takes effect

s 42ZRB renum as s 133

Definitions—pt 3A

s 42ZS renum as s 134

Temporary recognition of interstate licences—declaration of licence categories

s 42ZSA renum as s 136

Temporary recognition of interstate licences—general

s 42ZT renum as s 136

Temporary recognition of interstate category C licences

s 42ZU renum as s 137

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

s 42ZV renum as s 138

Interstate residents moving to ACT—category C and H licences

s 42ZW renum as s 139

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

s 42ZX renum as s 140

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

s 43

orig s 43
am 1999 No 29 s 5
om A2008-25 s 24

prev s 43
renum as s 141

pres s 43
(prev s 16AA) ins A2008-25 s 15
renum as s 43 R17 LA (see A2008-25 amdt 1.12)

Alternative verdicts—unauthorised possession or use of firearms

s 44

orig s 44
om A2008-25 s 24

pres s 44
(prev s 16AB) ins A2008-25 s 15
renum as s 44 R17 LA (see A2008-25 amdt 1.12)

Offence—contravention of condition by licensee etc

s 45 **orig s 45**
 renum as s 142
 pres s 45
 (prev s 16AC) ins A2008-25 s 15
 renum as s 45 R17 LA (see A2008-25 amdt 1.12)

Permits to acquire—applications

s 45A renum as s 143

Permits to acquire—decision

s 45B renum as s 144

Licensing schemes—general

div 7.2 hdg **orig div 7.2 hdg**
 renum as div 14.2 hdg
 pres div 7.2 hdg
 (prev pt 3 div 2 hdg) renum as div 3.2 hdg R3 LA (see also
 2001 No 90 amdt 1.78)
 sub A2008-25 s 16
 renum as div 7.2 hdg R17 LA (see A2008-25 amdt 1.12)

Definitions of some licences—Act

s 46 **orig s 46**
 renum as s 145
 pres s 46
 (prev s 16A) ins A2008-25 s 16
 renum as s 46 R17 LA (see A2008-25 amdt 1.12)
 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

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

s 46A renum as s 146

When permits to acquire may be issued

s 46B renum as s 147

Offence—notice of lost, stolen and destroyed licences

s 47 **orig s 47**
 renum as s 148
 pres s 47
 (prev s 16B) ins A2008-25 s 16
 renum as s 47 R17 LA (see A2008-25 amdt 1.12)

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Offence—failing to surrender firearms when licence suspended or cancelled

s 48 **orig s 48**
 renum as s 149
 pres s 48
 (prev s 16C) ins A2008-25 s 16
 renum as s 48 R17 LA (see A2008-25 amdt 1.12)

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

s 48A renum as s 150

Permits to acquire—automatic suspension and cancellation

s 48B renum as s 151

Permits to acquire—cancellation by registrar

s 48C renum as s 152

Offence—failure to give up suspended or cancelled licence

s 49 **orig s 49**
 renum as s 153
 pres s 49
 (prev s 16D) ins A2008-25 s 16
 renum as s 49 R17 LA (see A2008-25 amdt 1.12)

Regulations about permits to acquire

s 49A renum as s 154

Meaning of owner and user particulars—pt 4

s 49B renum as s 155

Police may seize firearms under suspended and cancelled licences

s 50 **orig s 50**
 renum as s 156
 pres s 50
 (prev s 16E) ins A2008-25 s 16
 renum as s 50 R17 LA (see A2008-25 amdt 1.12)

Contents of register

s 50A renum as s 157

Register not available to public

s 50B renum as s 158

Two-yearly reviews

s 50C renum as s 159

Licence renewals to be treated as fresh applications

s 51 **orig s 51**
 renum as s 160
 pres s 51
 (prev s 16F) ins A2008-25 s 16
 renum as s 51 R17 LA (see A2008-25 amdt 1.12)

Firearm registration—request for further information etc

s 51A renum as s 161

Firearm registration—decision

s 51B renum as s 162

Firearm registration—refusal

s 51C renum as s 163

Firearm registration notice

s 51D renum as s 164

End of firearm registration

s 51E renum as s 165

Licence categories, kinds and authority conferred by licence

s 52 **orig s 52**
renum as s 166
pres s 52
(prev s 17) sub A2008-25 s 17
renum as s 52 R17 LA (see A2008-25 amdt 1.12)
am A2009-20 amdt 3.76

Police may seize firearms if firearm registration cancelled

s 52A renum as s 167

User registration—application

s 52B renum as s 168

User registration—request for further information etc

s 52BA renum as s 169

User registration—decision

s 52BB renum as s 170

User registration—refusal

s 52C renum as s 171

Effect of registration as user

s 52D renum as s 172

User registration—period in force

s 52E renum as s 173

Automatic cancellation of user registration

s 52F renum as s 174

Automatic cancellation of user registration—certain registered users

s 52G renum as s 175

Offence—failing to notify event causing cancellation of user registration

s 52H renum as s 176

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Authority conferred by licence—additional matters

s 53 **orig s 53**
renum as s 177
pres s 53
(prev s 18) am A2008-25 s 18
renum as s 53 R17 LA (see A2008-25 amdt 1.12)

Licensing scheme—adult firearms licences

div 7.3 hdg **orig div 7.3 hdg**
renum as div 14.3 hdg
pres div 7.3 hdg
(prev div 3.2A hdg) ins A2008-25 s 19
renum as div 7.3 hdg R17 LA (see A2008-25 amdt 1.12)

Adult firearms licences—applications

s 54 **orig s 54**
renum as s 178
pres s 54
(prev 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
renum as s 54 R17 LA (see A2008-25 amdt 1.12)

Adult firearms licences—registrar to tell applicant about training etc

s 55 **orig s 55**
renum as s 179
pres s 55
(prev s 19A) ins A2008-25 s 19
renum as s 55 R17 LA (see A2008-25 amdt 1.12)

Adult firearms licences—requirement for further information etc

s 56 **orig s 56**
om A2008-25 s 26
pres s 56
(prev s 20) sub A2008-25 s 19
renum as s 56 R17 LA (see A2008-25 amdt 1.12)

Adult firearms licences—decision

s 57 **orig s 57**
am 2001 No 44 amdt 1.1669, amdt 1.1670
om A2008-25 s 26
pres s 57
(prev s 21) am 1998 No 67 s 17; 2001 No 90 amdt 1.67
sub A2008-25 s 19
renum as s 57 R17 LA (see A2008-25 amdt 1.12)

Adult firearms licences—refusal

s 58 **orig s 58**
om A2008-25 s 26
pres s 58
(prev s 22) am 2001 No 90 amdts 1.68-1.70
sub A2008-25 s 19
renum as s 58 R17 LA (see A2008-25 amdt 1.12)

Adult firearms licences—categories

s 59 **orig s 59**
am A2003-31 amdt 1.13
om A2008-25 s 26
pres s 59
(prev s 22A) ins A2008-25 s 19
renum as s 59 R17 LA (see A2008-25 amdt 1.12)

When adult firearms licences may be issued

s 60 **orig s 60**
om A2008-25 s 26
pres s 60
(prev s 22B) ins A2008-25 s 19
renum as s 60 R17 LA (see A2008-25 amdt 1.12)

Adult firearms licences—genuine reasons to possess or use firearms

s 61 **orig s 61**
om A2008-25 s 26
pres s 61
(prev s 23) am A2003-31 s 8, s 9, amdts 1.8-1.10; table renum
R12 LA
sub A2008-25 s 19
renum as s 61 R17 LA (see A2008-25 amdt 1.12)

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

s 62 **orig s 62**
renum as s 180
pres s 62
(prev s 23A) ins A2008-25 s 19
renum as s 62 R17 LA (see A2008-25 amdt 1.12)

Adult firearms licences—restriction on issue of category B licences

s 63 **orig s 63**
renum as s 181
pres s 63
(prev s 24) sub A2008-25 s 19
renum as s 63 R17 LA (see A2008-25 amdt 1.12)

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Adult firearms licences—restriction on issue of category C licences

s 64 **orig s 64**
 renum as s 182
 pres s 64
 (prev s 25) sub A2008-25 s 19
 renum as s 64 R17 LA (see A2008-25 amdt 1.12)

Adult firearms licences—restriction on issue of category D licences

s 65 **orig s 65**
 renum as s 183
 pres s 65
 (prev s 26) sub A2008-25 s 19
 renum as s 65 R17 LA (see A2008-25 amdt 1.12)

Meaning of *prohibited person*—pt 6

s 65A renum as s 184

Adult firearms licences—restriction on issue of category H licences

s 66 **orig s 66**
 renum as s 185
 pres s 66
 (prev s 27) sub A2003-31 s 10; A2008-25 s 19
 renum as s 66 R17 LA (see A2008-25 amdt 1.12)

Information about close associates of certain firearms dealers

s 66A renum as s 186

Meaning of *prohibited person* for licensed firearms dealers

s 66B renum as s 187

Registrar's statement whether person prohibited—application

s 66C renum as s 188

Registrar's statement whether person prohibited

s 66D renum as s 189

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

s 66E renum as s 190

Adult firearms licences—restriction on issue of collectors licences

s 67 **orig s 67**
 renum as s 191
 pres s 67
 (prev s 28) sub A2003-31 s 10; A2008-25 s 19
 renum as s 67 R17 LA (see A2008-25 amdt 1.12)

Definitions—div 6.3

s 67A renum as s 192

Adult firearms licences—restrictions on issue of heirlooms licence

s 68 **orig s 68**
 renum as s 193
 pres s 68
 (prev s 29) sub A2008-25 s 19
 renum as s 68 R17 LA (see A2008-25 amdt 1.12)

Acquisition and disposal—records

s 68AA renum as s 194

Correction of recorded entries

s 68A renum as s 195

Offence—inspection of records

s 68B renum as s 196

Offence—records of former firearms dealers

s 68C renum as s 197

Adult firearms licences—restrictions on issue of firearms dealer licences

s 69 **orig s 69**
 renum as s 198
 pres s 69
 (prev s 30) sub A2008-25 s 19
 renum as s 69 R17 LA (see A2008-25 amdt 1.12)

Adult firearms licences—restrictions on issue of paintball marker licences

s 70 **orig s 70**
 renum as s 199
 pres s 70
 (prev s 30A) ins A2008-25 s 19
 renum as s 70 R17 LA (see A2008-25 amdt 1.12)

Adult firearms licences—form

s 71 **orig s 71**
 renum as s 200
 pres s 71
 (prev s 31) am A2003-31 amdt 1.11
 sub A2008-25 s 19
 renum as s 71 R17 LA (see A2008-25 amdt 1.12)

Adult firearms licences—replacements

s 72 **orig s 72**
 renum as s 201
 pres s 72
 (prev s 32) sub A2008-25 s 19
 renum as s 72 R17 LA (see A2008-25 amdt 1.12)

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Adult firearms licences—conditions

s 73 **orig s 73**
renum as s 202
pres s 73
(prev s 36) sub A2008-25 s 20
renum as s 73 R17 LA (see A2008-25 amdt 1.12)

Adult firearms licences—special conditions of category D licences

s 74 **orig s 74**
renum as s 203
pres s 74
(prev s 36AA) ins A2008-25 s 20
renum as s 74 R17 LA (see A2008-25 amdt 1.12)

Production of evidence of identity

s 74A renum as s 204

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

s 75 hdg (prev s 36A hdg) sub A2008-25 s 21
s 75 **orig s 75**
renum as s 205
pres s 75
(prev s 36A) ins A2003-31 s 11
am A2008-25 s 21, s 22
renum as s 75 R17 LA (see A2008-25 amdt 1.12)

General powers on entry to premises

s 75A renum as s 206

Powers on entry—condition

s 75B renum as s 207

Offences—noncompliance with directions and requirements

s 75C renum as s 208

Power to seize things

s 75D renum as s 209

Receipt for things seized

s 75DA renum as s 210

Adult firearms licences—special conditions for collectors licences

s 76 hdg (prev s 37 hdg) sub A2008-25 s 23
s 76 **orig s 76**
renum as s 211
pres s 76
(prev s 37) am A2003-31 s 12; A2008-25 s 23
renum as s 76 R17 LA (see A2008-25 amdt 1.12)

Warrants—application made other than in person

s 76A renum as s 212

Search warrants—announcement before entry

s 76B renum as s 213

Details of search warrant to be given to occupier etc

s 76C renum as s 214

Occupier entitled to be present during search etc

s 76D renum as s 215

Adult firearms licences—special conditions for paintball marker licences

s 77 **orig s 77**
renum as s 216
pres s 77
(prev s 38) sub A2008-25 s 24
renum as s 77 R17 LA (see A2008-25 amdt 1.12)

Return or forfeiture of things seized

s 77A renum as s 217

Adult firearms licences—period in force

s 78 **orig s 78**
renum as s 218
pres s 78
(prev s 39) am 2001 No 90 amdt 1.71, amdt 1.72; A2005-13
amdt 1.37
sub A2008-25 s 24
renum as s 78 R17 LA (see A2008-25 amdt 1.12)

Compensation for exercise of enforcement powers

s 78A renum as s 219

Adult firearms licences—immediate suspension

s 79 **orig s 79**
om A2004-15 amdt 2.76
pres s 79
renum as s 220
pres s 79
(prev s 40) ins A2008-25 s 24
renum as s 79 R17 LA (see A2008-25 amdt 1.12)

Adult firearms licences—mandatory suspension

s 80 **orig s 80**
renum as s 221
pres s 80
(prev s 40A) ins A2008-25 s 24
renum as s 80 R17 LA (see A2008-25 amdt 1.12)
am A2008-46 amdt 3.26, amdt 3.27; A2009-19 s 25

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Adult firearms licences—cancellation generally

s 81 **orig s 81**
renum as s 222
pres s 81
(prev 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
renum as s 81 R17 LA (see A2008-25 amdt 1.12)
am A2008-46 amdt 3.28

Adult firearms licences—cancellation of category H licences

s 82 **orig s 82**
renum as s 223
pres s 82
(prev s 42) sub A2008-25 s 24
renum as s 82 R17 LA (see A2008-25 amdt 1.12)

Offences—operation of shooting ranges

s 82A renum as s 224

Offences—operation of paintball ranges

s 82B renum as s 225

Adult firearms licences—when suspension or cancellation takes effect

s 83 **orig s 83**
renum as s 226
pres s 83
(prev s 42A) ins A2008-25 s 24
renum as s 83 R17 LA (see A2008-25 amdt 1.12)

Licensing scheme—minors firearms licences

div 7.4 hdg **orig div 7.4 hdg**
renum as div 14.4 hdg
pres div 7.4 hdg
(prev div 3.2B hdg) ins A2008-25 s 24
renum as div 7.4 hdg R17 LA (see A2008-25 amdt 1.12)

Children prohibited from owning firearms

s 84 **orig s 84**
renum as s 227
pres s 84
(prev s 42D) ins A2008-25 s 24
renum as s 84 R17 LA (see A2008-25 amdt 1.12)

Offence—unauthorised manufacture of firearms

s 84A renum as s 228

Alternative verdict for offences against s 84A (3)

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

Minors firearms licences—applications

s 85 **orig s 85**
renum as s 229
pres s 85
(prev s 42E) ins A2008-25 s 24
renum as s 85 R17 LA (see A2008-25 amdt 1.12)

Minors firearms licences—requirement for further information etc

s 86 **orig s 86**
renum as s 230
pres s 86
(prev s 42F) ins A2008-25 s 24
renum as s 86 R17 LA (see A2008-25 amdt 1.12)

Minors firearms licences—decision

s 87 **orig s 87**
renum as s 231
pres s 87
(prev s 42G) ins A2008-25 s 24
renum as s 87 R17 LA (see A2008-25 amdt 1.12)

Minors firearms licences—refusal

s 88 **orig s 88**
renum as s 232
pres s 88
(prev s 42H) ins A2008-25 s 24
renum as s 88 R17 LA (see A2008-25 amdt 1.12)

Minors firearms licences—categories

s 89 **orig s 89**
renum as s 233
pres s 89
(prev s 42I) ins A2008-25 s 24
renum as s 89 R17 LA (see A2008-25 amdt 1.12)

When minors firearms licences may be issued

s 90 **orig s 90**
renum as s 234
pres s 90
(prev s 42J) ins A2008-25 s 24
renum as s 90 R17 LA (see A2008-25 amdt 1.12)

Minors firearms licences—genuine reasons to possess or use firearms

s 91 **orig s 91**
renum as s 235
pres s 91
(prev s 42K) ins A2008-25 s 24
renum as s 91 R17 LA (see A2008-25 amdt 1.12)

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Minors firearms licences—form

s 92 **orig s 92**
renum as s 236
pres s 92
(prev s 42L) ins A2008-25 s 24
renum as s 92 R17 LA (see A2008-25 amdt 1.12)

Minors firearms licences—replacements

s 93 **orig s 93**
renum as s 237
pres s 93
(prev s 42M) ins A2008-25 s 24
renum as s 93 R17 LA (see A2008-25 amdt 1.12)

Offence—disposal of inherited firearms

s 93A renum as s 238

Minors firearms licences—conditions

s 94 **orig s 94**
renum as s 239
pres s 94
(prev s 42N) ins A2008-25 s 24
renum as s 94 R17 LA (see A2008-25 amdt 1.12)

Minors firearms licences—period in force

s 95 **orig s 95**
renum as s 240
pres s 95
(prev s 42O) ins A2008-25 s 24
renum as s 95 R17 LA (see A2008-25 amdt 1.12)

Minors firearms licences—immediate suspension

s 96 **orig s 96**
renum as s 241
pres s 96
(prev s 42P) ins A2008-25 s 24
renum as s 96 R17 LA (see A2008-25 amdt 1.12)

Minors firearms licences—mandatory suspension

s 97 **orig s 97**
renum as s 242
pres s 97
(prev s 42Q) ins A2008-25 s 24
renum as s 97 R17 LA (see A2008-25 amdt 1.12)
am A2008-46 amdt 3.29, amdt 3.30; A2009-19 s 26

Minors firearms licences—cancellation

s 98 **orig s 98**
renum as s 243
pres s 98
(prev s 42R) ins A2008-25 s 24
renum as s 98 R17 LA (see A2008-25 amdt 1.12)
am A2008-46 amdt 3.31

Offence—sale of ammunition by licensed firearms dealers

s 98A renum as s 244

Offence—sale of ammunition by authorised club members

s 98B renum as s 245

Offence—selling ammunition to people from outside ACT

s 98C renum as s 246

Offence—selling ammunition for starting pistols

s 98D renum as s 247

Minors firearms licences—when suspension or cancellation takes effect

s 99 **orig s 99**
renum as s 248
pres s 99
(prev s 42S) ins A2008-25 s 24
renum as s 99 R17 LA (see A2008-25 amdt 1.12)

Offence—possessing ammunition generally

s 99A renum as s 249

Licensing scheme—composite entity firearms licences

div 7.5 hdg **orig div 7.5 hdg**
renum as div 14.5 hdg
pres div 7.5 hdg
(prev div 3.2C hdg) ins A2008-25 s 24
renum as div 7.5 hdg R17 LA (see A2008-25 amdt 1.12)

Definitions—Act

s 100 **orig s 100**
renum as s 250
pres s 100
(prev s 42U) ins A2008-25 s 24
renum as s 100 R17 LA (see A2008-25 amdt 1.12)
def **composite entity** ins A2008-25 s 24
def **principal** ins A2008-25 s 24
def **registered principal** ins A2008-25 s 24

Endnotes

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Composite entity firearms licences—applications

s 101 **orig s 101**
renum as s 251
pres s 101
(prev s 42V) ins A2008-25 s 24
renum as s 101 R17 LA (see A2008-25 amdt 1.12)

Composite entity firearms licences—requirement for further information etc

s 102 **orig s 102**
renum as s 252
pres s 102
(prev s 42W) ins A2008-25 s 24
renum as s 102 R17 LA (see A2008-25 amdt 1.12)

Composite entity firearms licences—decision

s 103 **orig s 103**
renum as s 253
pres s 103
(prev s 42X) ins A2008-25 s 24
renum as s 103 R17 LA (see A2008-25 amdt 1.12)

Composite entity firearms licences—refusal

s 104 **orig s 104**
renum as s 254
pres s 104
(prev s 42Y) ins A2008-25 s 24
renum as s 104 R17 LA (see A2008-25 amdt 1.12)

Composite entity firearms licences—categories

s 105 **orig s 105**
om A2008-25 s 45
pres s 105
(prev s 42Z) ins A2008-25 s 24
renum as s 105 R17 LA (see A2008-25 amdt 1.12)

Composite entity firearms licence—principal's name

s 106 **orig s 106**
renum as s 255
pres s 106
(prev s 42ZA) ins A2008-25 s 24
renum as s 106 R17 LA (see A2008-25 amdt 1.12)

When composite entity firearms licences may be issued

s 107 **orig s 107**
am 2001 No 44 amdt 1.1683, amdt 1.1684
om A2004-15 amdt 2.76
pres s 107
(prev s 42ZB) ins A2008-25 s 24
renum as s 107 R17 LA (see A2008-25 amdt 1.12)

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

s 108

orig s 108

renum as s 256

pres s 108

(prev s 42ZC) ins A2008-25 s 24

renum as s 108 R17 LA (see A2008-25 amdt 1.12)

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

s 109

orig s 109

am 2001 No 44 amdt 1.1685, amdt 1.1686

om A2004-15 amdt 2.79

pres s 109

(prev s 42ZD) ins A2008-25 s 24

renum as s 109 R17 LA (see A2008-25 amdt 1.12)

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

s 110

orig s 110

renum as s 257

pres s 110

(prev s 42ZE) ins A2008-25 s 24

renum as s 110 R17 LA (see A2008-25 amdt 1.12)

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

s 111

orig s 111

om A2008-25 s 47

pres s 111

(prev s 42ZF) ins A2008-25 s 24

renum as s 111 R17 LA (see A2008-25 amdt 1.12)

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

s 112

orig s 112

om A2008-25 s 47

pres s 112

(prev s 42ZG) ins A2008-25 s 24

renum as s 112 R17 LA (see A2008-25 amdt 1.12)

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

s 113

orig s 113

renum as s 258

pres s 113

(prev s 42ZH) ins A2008-25 s 24

renum as s 113 R17 LA (see A2008-25 amdt 1.12)

Endnotes

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Review of decisions

s 113A renum as s 259

Composite entity firearms licences—form

s 114 **orig s 114**
renum as s 260
pres s 114
(prev s 42ZI) ins A2008-25 s 24
renum as s 114 R17 LA (see A2008-25 amdt 1.12)

Applications for review

s 114A renum as s 260A

Composite entity firearms licences—replacements

s 115 **orig s 115**
renum as s 261
pres s 115
(prev s 42ZJ) ins A2008-25 s 24
renum as s 115 R17 LA (see A2008-25 amdt 1.12)

Composite entity firearms licences—conditions

s 116 **orig s 116**
renum as s 262
pres s 116
(prev s 42ZK) ins A2008-25 s 24
renum as s 116 R17 LA (see A2008-25 amdt 1.12)

Composite entity firearms licences—period in force

s 117 **orig s 117**
renum as s 263
pres s 117
(prev s 42ZL) ins A2008-25 s 24
renum as s 117 R17 LA (see A2008-25 amdt 1.12)

Composite entity firearms licences—immediate suspension

s 118 **orig s 118**
renum as s 264
pres s 118
(prev s 42ZM) ins A2008-25 s 24
renum as s 118 R17 LA (see A2008-25 amdt 1.12)

Composite entity firearms licences—mandatory suspension

s 119 **orig s 119**
renum as s 265
pres s 119
(prev s 42ZMA) ins A2008-25 s 24
renum as s 119 R17 LA (see A2008-25 amdt 1.12)
am A2008-46 amdt 3.32, amdt 3.33; A2009-19 s 27

Composite entity firearms licences—cancellation

s 120 **orig s 120**
renum as s 266
pres s 120
(prev s 42ZN) ins A2008-25 s 24
renum as s 120 R17 LA (see A2008-25 amdt 1.12)
am A2008-46 amdt 3.34

Composite entity firearms licences—when suspension or cancellation takes effect

s 121 **orig s 121**
renum as s 267
pres s 121
(prev s 42ZO) ins A2008-25 s 24
renum as s 121 R17 LA (see A2008-25 amdt 1.12)

Licensing scheme—temporary international firearms licences

div 7.6 hdg (prev div 3.2D hdg) ins A2008-25 s 24
renum as div 7.6 hdg R17 LA (see A2008-25 amdt 1.12)

Meaning of foreign firearms licence—div 3.2D

s 122 **orig s 122**
renum as s 268
pres s 122
(prev s 42ZOA) ins A2008-25 s 24
renum as s 122 R17 LA (see A2008-25 amdt 1.12)

Temporary international firearms licences—applications

s 123 **orig s 123**
am 2001 No 44 amdt 1.1689, amdt 1.1690
om A2008-25 amdt 1.9
pres s 123
(prev s 42ZP) ins A2008-25 s 24
renum as s 123 R17 LA (see A2008-25 amdt 1.12)

Temporary international firearms licences—requirement for further information etc

s 124 **orig s 124**
renum as s 269
pres s 124
(prev s 42ZPA) ins A2008-25 s 24
renum as s 124 R17 LA (see A2008-25 amdt 1.12)

Temporary international firearms licences—decision

s 125 **orig s 125**
renum as s 270
pres s 125
(prev s 42ZPB) ins A2008-25 s 24
renum as s 125 R17 LA (see A2008-25 amdt 1.12)

Endnotes

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Approved forms

s 125A renum as s 271

Temporary international firearms licences—refusal

s 126 **orig s 126**
renum as s 272
pres s 126
(prev s 42ZPC) ins A2008-25 s 24
renum as s 126 R17 LA (see A2008-25 amdt 1.12)

When temporary international firearms licences may be issued

s 127 **orig s 127**
om 1999 No 29 sch
pres s 127
(prev s 42ZPD) ins A2008-25 s 24
renum as s 127 R17 LA (see A2008-25 amdt 1.12)

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

s 128 **orig s 128**
renum as s 273
pres s 128
(prev s 42ZQ) ins A2008-25 s 24
renum as s 128 R17 LA (see A2008-25 amdt 1.12)

Temporary international firearms licences—form

s 129 **orig s 129**
renum as s 274
pres s 129
(prev s 42ZQA) ins A2008-25 s 24
renum as s 129 R17 LA (see A2008-25 amdt 1.12)

Temporary international firearms licences—conditions

s 130 **orig s 130**
am 1999 No 29 sch
sub A2003-31 s 22
exp 1 July 2004 (s 142)
pres s 130
(prev s 42ZQB) ins A2008-25 s 24
renum as s 130 R17 LA (see A2008-25 amdt 1.12)

Temporary international firearms licences—period in force

s 131 **orig s 131**
sub A2003-31 s 22
exp 1 July 2004 (s 142)
pres s 131
(prev s 42ZR) ins A2008-25 s 24
renum as s 131 R17 LA (see A2008-25 amdt 1.12)

Temporary international firearms licences—cancellation

s 132 **orig s 132**
om 1999 No 29 sch
prev s 132
ins A2003-31 s 22
exp 1 July 2004 (s 142)
pres s 132
(prev s 42ZRA) ins A2008-25 s 24
renum as s 132 R17 LA (see A2008-25 amdt 1.12)
am A2008-46 amdt 3.35

Temporary international firearms licences—when cancellation takes effect

s 133 **orig s 133**
om 1999 No 29 sch
prev s 133
ins A2003-31 s 22
exp 1 July 2004 (s 142)
pres s 133
(prev s 42ZRB) ins A2008-25 s 24
renum as s 133 R17 LA (see A2008-25 amdt 1.12)

Temporary recognition of interstate licences and permits

pt 8 hdg **orig pt 8 hdg**
renum as pt 15 hdg
pres pt 8 hdg
(prev pt 3A hdg) ins A2008-25 s 24
renum as pt 8 hdg R17 LA (see A2008-25 amdt 1.12)

Definitions—pt 8

s 134 **orig s 134**
sub A2003-31 s 22
exp 1 July 2004 (s 142)
pres s 134
(prev s 42ZS) ins A2008-25 s 24
renum as s 134 R17 LA (see A2008-25 amdt 1.12)
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 135 **orig 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)
pres s 135
(prev s 42ZSA) ins A2008-25 s 24
renum as s 135 R17 LA (see A2008-25 amdt 1.12)

Endnotes

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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

Temporary recognition of interstate licences—general

s 136 **orig s 136**
om 1999 No 29 sch
prev s 136
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)
pres s 136
(prev s 42ZT) ins A2008-25 s 24
renum as s 136 R17 LA (see A2008-25 amdt 1.12)

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)

Temporary recognition of interstate category C licences

s 137 **orig 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))
pres s 137
(prev s 42ZU) ins A2008-25 s 24
renum as s 137 R17 LA (see A2008-25 amdt 1.12)

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)

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

s 138 **orig 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)
pres s 138
(prev s 42ZV) ins A2008-25 s 24
renum as s 138 R17 LA (see A2008-25 amdt 1.12)

Interstate residents moving to ACT—category C and H licences

s 139 **orig 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)
pres s 139
(prev s 42ZW) ins A2008-25 s 24
renum as s 139 R17 LA (see A2008-25 amdt 1.12)

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

s 140 **orig 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)
pres s 140
(prev s 42ZX) ins A2008-25 s 24
renum as s 140 R17 LA (see A2008-25 amdt 1.12)
am A2009-19 s 28

Permits generally

pt 9 hdg **orig pt 9 hdg**
om A2008-25 s 47
pres pt 9 hdg
(prev pt 3B hdg) ins A2008-25 s 25
renum as pt 9 hdg R17 LA (see A2008-25 amdt 1.12)

General power to issue permits

s 141 hdg (prev s 43 hdg) sub 1999 No 29 s 5
s 141 **orig s 141**
ins A2003-31 s 22
exp 1 July 2004 (s 142)
pres s 141
(prev s 43) ins A2008-25 s 25
renum as s 141 R17 LA (see A2008-25 amdt 1.12)

Endnotes

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Permits to acquire firearms

pt 10 hdg **orig pt 10 hdg**
renum as pt 16 hdg
pres pt 10 hdg
(prev pt 3C hdg) ins A2008-25 s 25
renum as pt 10 hdg R17 LA (see A2008-25 amdt 1.12)

Meaning of *acquirer* and *foreign acquirer*—pt 10

s 142 **orig s 142**
ins A2003-31 s 22
exp 1 July 2004 (s 142)
pres s 142
(prev s 45) sub A2008-25 s 25
renum as s 142 R17 LA (see A2008-25 amdt 1.12)

Permits to acquire—applications

s 143 (prev s 45A) ins 1999 No 29 s 6
sub A2008-25 s 25
renum as s 143 R17 LA (see A2008-25 amdt 1.12)

Permits to acquire—decision

s 144 (prev s 45B) ins A2008-25 s 25
renum as s 144 R17 LA (see A2008-25 amdt 1.12)

Permits to acquire—refusal to issue generally

s 145 (prev 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
renum as s 145 R17 LA (see A2008-25 amdt 1.12)

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

s 146 (prev s 46A) ins A2008-25 s 25
renum as s 146 R17 LA (see A2008-25 amdt 1.12)

When permits to acquire may be issued

s 147 (prev s 46B) ins A2008-25 s 25
renum as s 147 R17 LA (see A2008-25 amdt 1.12)

Permits to acquire—period in force

s 148 (prev s 47) am 2001 No 44 amdts 1.1660-1.1662
sub A2008-25 s 25
renum as s 148 R17 LA (see A2008-25 amdt 1.12)

Permits to acquire—replacements

s 149 (prev s 48) am A2003-31 s 16, s 17
sub A2008-25 s 25
renum as s 149 R17 LA (see A2008-25 amdt 1.12)

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- Offence—notice of lost, stolen and destroyed permits to acquire**
s 150 (prev s 48A) ins A2008-25 s 25
renum as s 150 R17 LA (see A2008-25 amdt 1.12)
- Permits to acquire—automatic suspension and cancellation**
s 151 (prev s 48B) ins A2008-25 s 25
renum as s 151 R17 LA (see A2008-25 amdt 1.12)
- Permits to acquire—cancellation by registrar**
s 152 (prev s 48C) ins A2008-25 s 25
renum as s 152 R17 LA (see A2008-25 amdt 1.12)
- Offence—failing to give up suspended or cancelled permit to acquire**
s 153 (prev s 49) am A2003-31 amdt 1.12
sub A2008-25 s 25
renum as s 153 R17 LA (see A2008-25 amdt 1.12)
- Regulations about permits to acquire**
s 154 (prev s 49A) ins 1999 No 29 s 7
sub A2008-25 s 25
renum as s 154 R17 LA (see A2008-25 amdt 1.12)
- Registration of firearms and firearm users**
pt 11 hdg **orig pt 11 hdg**
renum as pt 17 hdg
pres pt 11 hdg
(prev pt 4 hdg) sub A2008-25 s 26
renum as pt 11 hdg R17 LA (see A2008-25 amdt 1.12)
- Interpretation**
div 11.1 hdg (prev pt 4 div 1 hdg) renum as div 4.1 hdg R3 LA (see also
2001 No 90 amdt 1.78)
sub A2008-25 s 26
renum as div 11.1 hdg R17 LA (see A2008-25 amdt 1.12)
- Meaning of owner and user particulars—pt 11**
s 155 (prev s 49B) ins A2008-25 s 26
renum as s 155 R17 LA (see A2008-25 amdt 1.12)
- Register of firearms**
div 11.2 hdg (prev pt 4 div 2 hdg) renum as div 4.2 hdg R3 LA (see also
2001 No 90 amdt 1.78)
sub A2008-25 s 26
renum as div 11.2 hdg R17 LA (see A2008-25 amdt 1.12)
- Register of firearms**
s 156 (prev s 50) sub A2008-25 s 26
renum as s 156 R17 LA (see A2008-25 amdt 1.12)

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Contents of register

s 157 (prev s 50A) ins A2008-25 s 26
renum as s 157 R17 LA (see A2008-25 amdt 1.12)

Register not available to public

s 158 (prev s 50B) ins A2008-25 s 26
renum as s 158 R17 LA (see A2008-25 amdt 1.12)

Two-yearly reviews

s 159 (prev s 50C) ins A2008-25 s 26
renum as s 159 R17 LA (see A2008-25 amdt 1.12)

Registration of firearms

div 11.3 hdg (prev pt 4 div 3 hdg) renum as div 4.3 hdg R3 LA (see also
2001 No 90 amdt 1.78)
sub A2008-25 s 26
renum as div 11.3 hdg R17 LA (see A2008-25 amdt 1.12)

Firearm registration—application

s 160 (prev 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
renum as s 160 R17 LA (see A2008-25 amdt 1.12)

Firearm registration—request for further information etc

s 161 (prev s 51A) ins A2008-25 s 26
renum as s 161 R17 LA (see A2008-25 amdt 1.12)

Firearm registration—decision

s 162 (prev s 51B) ins A2008-25 s 26
renum as s 162 R17 LA (see A2008-25 amdt 1.12)

Firearm registration—refusal

s 163 (prev s 51C) ins A2008-25 s 26
renum as s 163 R17 LA (see A2008-25 amdt 1.12)

Firearm registration notice

s 164 (prev s 51D) ins A2008-25 s 26
renum as s 164 R17 LA (see A2008-25 amdt 1.12)

End of firearm registration

s 165 (prev s 51E) ins A2008-25 s 26
renum as s 165 R17 LA (see A2008-25 amdt 1.12)

Cancellation of firearm registration

s 166 (prev s 52) am 2001 No 44 amdt 1.1667, amdt 1.1668;
A2004-15 amdt 2.75
sub A2008-25 s 26
renum as s 166 R17 LA (see A2008-25 amdt 1.12)

Police may seize firearms if firearm registration cancelled

s 167 (prev s 52A) ins A2008-25 s 26
renum as s 167 R17 LA (see A2008-25 amdt 1.12)

Registration of firearms users

div 11.4 hdg (prev div 4.4 hdg) ins A2008-25 s 26
renum as div 11.4 hdg R17 LA (see A2008-25 amdt 1.12)

User registration—application

s 168 (prev s 52B) ins A2008-25 s 26
renum as s 168 R17 LA (see A2008-25 amdt 1.12)

User registration—request for further information etc

s 169 (prev s 52BA) ins A2008-25 s 26
renum as s 169 R17 LA (see A2008-25 amdt 1.12)

User registration—decision

s 170 (prev s 52BB) ins A2008-25 s 26
renum as s 170 R17 LA (see A2008-25 amdt 1.12)

User registration—refusal

s 171 (prev s 52C) ins A2008-25 s 26
renum as s 171 R17 LA (see A2008-25 amdt 1.12)

Effect of registration as user

s 172 (prev s 52D) ins A2008-25 s 26
renum as s 172 R17 LA (see A2008-25 amdt 1.12)

User registration—period in force

s 173 (prev s 52E) ins A2008-25 s 26
renum as s 173 R17 LA (see A2008-25 amdt 1.12)

Automatic cancellation of user registration

s 174 (prev s 52F) ins A2008-25 s 26
renum as s 174 R17 LA (see A2008-25 amdt 1.12)

Automatic cancellation of user registration—certain registered users

s 175 (prev s 52G) ins A2008-25 s 26
renum as s 175 R17 LA (see A2008-25 amdt 1.12)

Offences—registration

div 11.5 hdg (prev div 4.5 hdg) ins A2008-25 s 26
renum as div 11.5 hdg R17 LA (see A2008-25 amdt 1.12)

Offence—failing to notify event causing cancellation of user registration

s 176 (prev s 52H) ins A2008-25 s 26
renum as s 176 R17 LA (see A2008-25 amdt 1.12)

Offence—unregistered firearms

s 177 (prev s 53) sub A2008-25 s 26
ss renum R17 LA
renum as s 177 R17 LA (see A2008-25 amdt 1.12)

Endnotes

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Offence—requirements relating to registered firearms

s 178 (prev s 54) sub A2008-25 s 26
renum as s 178 R17 LA (see A2008-25 amdt 1.12)

Offence—possessing firearm under another licence

s 179 (prev s 55) sub A2008-25 s 26
renum as s 179 R17 LA (see A2008-25 amdt 1.12)

Safe storage of firearms

pt 12 hdg **orig pt 12 hdg**
sub A2003-31 s 22
om R12 LA s 89
pres pt 12 hdg
(prev pt 5 hdg) sub A2008-25 s 27
renum as pt 12 hdg R17 LA (see A2008-25 amdt 1.12)

Offence—failing to comply with storage requirements

s 180 (prev s 62) sub A2008-25 s 28
renum as s 180 R17 LA (see A2008-25 amdt 1.12)

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

s 181 hdg (prev s 63 hdg) sub A2008-25 s 29
s 181 (prev s 63) am A2008-25 s 29, s 30
renum as s 181 R17 LA (see A2008-25 amdt 1.12)

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

s 182 hdg (prev s 64 hdg) sub A2008-25 s 31
s 182 (prev s 64) am A2008-25 s 31, s 32
renum as s 182 R17 LA (see A2008-25 amdt 1.12)

Seizure of firearms if storage requirements not met

s 183 (prev s 65) renum as s 183 R17 LA (see A2008-25 amdt 1.12)

Firearms dealers

pt 13 hdg (prev pt 6 hdg) sub A2008-25 s 33
renum as pt 13 hdg R17 LA (see A2008-25 amdt 1.12)

Interpretation

div 13.1 hdg (prev div 6.1 hdg) ins A2008-25 s 33
renum as div 13.1 hdg R17 LA (see A2008-25 amdt 1.12)

Meaning of *prohibited person*—pt 13

s 184 (prev s 65A) ins A2008-25 s 33
renum as s 184 R17 LA (see A2008-25 amdt 1.12)

Licences and licensed firearms dealers

div 13.2 hdg (prev div 6.2 hdg) ins A2008-25 s 33
renum as div 13.2 hdg R17 LA (see A2008-25 amdt 1.12)

Offence—firearms dealers to be licensed

s 185 (prev s 66) sub A2008-25 s 34
renum as s 185 R17 LA (see A2008-25 amdt 1.12)

Information about close associates of certain firearms dealers

s 186 (prev s 66A) ins A2008-25 s 34
renum as s 186 R17 LA (see A2008-25 amdt 1.12)

Meaning of *prohibited person* for licensed firearms dealers

s 187 (prev s 66B) ins A2008-25 s 34
renum as s 187 R17 LA (see A2008-25 amdt 1.12)

Registrar's statement whether person prohibited—application

s 188 (prev s 66C) ins A2008-25 s 34
renum as s 188 R17 LA (see A2008-25 amdt 1.12)

Registrar's statement whether person prohibited

s 189 (prev s 66D) ins A2008-25 s 34
renum as s 189 R17 LA (see A2008-25 amdt 1.12)

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

s 190 (prev s 66E) ins A2008-25 s 34
renum as s 190 R17 LA (see A2008-25 amdt 1.12)

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

s 191 (prev s 67) sub A2008-25 s 34
renum as s 191 R17 LA (see A2008-25 amdt 1.12)

Licensed firearms dealers—records and returns

div 13.3 hdg (prev div 6.3 hdg) ins A2008-25 s 33
renum as div 13.3 hdg R17 LA (see A2008-25 amdt 1.12)

Definitions—div 13.3

s 192 (prev s 67A) ins A2008-25 s 34
renum as s 192 R17 LA (see A2008-25 amdt 1.12)
def **acquire** ins A2008-25 s 34
def **dispose** ins A2008-25 s 34

Offence—records generally

s 193 (prev s 68) sub A2008-25 s 34
renum as s 193 R17 LA (see A2008-25 amdt 1.12)

Acquisition and disposal—records

s 194 (prev s 68AA) ins A2008-25 s 34
renum as s 194 R17 LA (see A2008-25 amdt 1.12)

Correction of recorded entries

s 195 (prev s 68A) ins A2008-25 s 34
renum as s 195 R17 LA (see A2008-25 amdt 1.12)

Endnotes

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Offence—inspection of records

s 196 (prev s 68B) ins A2008-25 s 34
renum as s 196 R17 LA (see A2008-25 amdt 1.12)

Offence—records of former firearms dealers

s 197 (prev s 68C) ins A2008-25 s 34
renum as s 197 R17 LA (see A2008-25 amdt 1.12)

Offence—monthly returns

s 198 (prev s 69) am 2001 No 44 amdt 1.1671, amdt 1.1672
sub A2008-25 s 34
renum as s 198 R17 LA (see A2008-25 amdt 1.12)

Additional requirements for firearms dealers

s 199 hdg (prev s 70 hdg) sub A2008-25 s 35
s 199 (prev s 70) am 2001 No 44 amdt 1.1673, amdt 1.1674;
A2008-25 s 36; ss renum R17 LA
renum as s 199 R17 LA (see A2008-25 amdt 1.12)

Security of displayed firearms

s 200 **orig s 200**
renum as s 400
pres s 200
(prev s 71) am A2008-25 s 37
renum as s 200 R17 LA (see A2008-25 amdt 1.12)

Interstate transactions between dealers

s 201 **orig s 201**
renum as s 401
pres s 201
(prev s 72) renum as s 201 R17 LA (see A2008-25 amdt 1.12)

Enforcement

pt 14 hdg (prev pt 7 hdg) sub A2008-25 s 38
renum as pt 14 hdg R17 LA (see A2008-25 amdt 1.12)

Interpretation

div 14.1 hdg (prev div 7.1 hdg) ins A2008-25 s 38
renum as div 14.1 hdg R17 LA (see A2008-25 amdt 1.12)

Meaning of offence—pt 14

s 202 **orig s 202**
renum as s 402
pres s 202
(prev s 73) sub A2008-25 s 38
renum as s 202 R17 LA (see A2008-25 amdt 1.12)

Interpretation

div 14.2 hdg (prev div 7.2 hdg) ins A2008-25 s 38
renum as div 14.2 hdg R17 LA (see A2008-25 amdt 1.12)

Power to enter premises

s 203 **orig s 203**
renum as s 403
pres s 203
(prev s 74) am 2001 No 44 amdts 1.1675-1.1677
sub A2008-25 s 38
renum as s 203 R17 LA (see A2008-25 amdt 1.12)

Production of evidence of identity

s 204 **orig s 204**
renum as s 404
pres s 204
(prev s 74A) ins A2008-25 s 38
renum as s 204 R17 LA (see A2008-25 amdt 1.12)

Consent to entry

s 205 **orig s 205**
renum as s 405
pres s 205
(prev s 75) am A2003-14 amdt 1.57
sub A2008-25 s 38
renum as s 205 R17 LA (see A2008-25 amdt 1.12)

General powers on entry to premises

s 206 **orig s 206**
renum as s 406
pres s 206
(prev s 75A) ins A2008-25 s 38
renum as s 206 R17 LA (see A2008-25 amdt 1.12)

Powers on entry—condition

s 207 **orig s 207**
renum as s 407
pres s 207
(prev s 75B) ins A2008-25 s 38
renum as s 207 R17 LA (see A2008-25 amdt 1.12)

Offences—noncompliance with directions and requirements

s 208 **orig s 208**
renum as s 408
pres s 208
(prev s 75C) ins A2008-25 s 38
renum as s 208 R17 LA (see A2008-25 amdt 1.12)

Power to seize things

s 209 **orig s 209**
renum as s 409
pres s 209
(prev s 75D) ins A2008-25 s 38
renum as s 209 R17 LA (see A2008-25 amdt 1.12)

Endnotes

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Receipt for things seized

s 210 **orig s 210**
renum as s 410
pres s 210
(prev s 75DA) ins A2008-25 s 38
renum as s 210 R17 LA (see A2008-25 amdt 1.12)

Search warrants

div 14.3 hdg (prev div 7.3 hdg) ins A2008-25 s 38
renum as div 14.3 hdg R17 LA (see A2008-25 amdt 1.12)

Warrants generally

s 211 **orig s 211**
renum as s 411
pres s 211
(prev s 76) sub A2008-25 s 38
renum as s 211 R17 LA (see A2008-25 amdt 1.12)

Warrants—application made other than in person

s 212 **orig s 212**
renum as s 412
pres s 212
(prev s 76A) ins A2008-25 s 38
renum as s 212 R17 LA (see A2008-25 amdt 1.12)

Search warrants—announcement before entry

s 213 **orig s 213**
renum as s 413
pres s 213
(prev s 76B) ins A2008-25 s 38
renum as s 213 R17 LA (see A2008-25 amdt 1.12)

Transitional meaning of *parental responsibility*

s 213A renum as s 414

Details of search warrant to be given to occupier etc

s 214 **orig s 214**
renum as s 415
pres s 214
(prev s 76C) ins A2008-25 s 38
renum as s 214 R17 LA (see A2008-25 amdt 1.12)

Occupier entitled to be present during search etc

s 215 **orig s 215**
renum as s 416
pres s 215
(prev s 76D) ins A2008-25 s 38
renum as s 215 R17 LA (see A2008-25 amdt 1.12)

Things seized

div 14.4 hdg (prev div 7.4 hdg) ins A2008-25 s 38
renum as div 14.4 hdg R17 LA (see A2008-25 amdt 1.12)

Access to things seized

s 216 (prev s 77) am 2001 No 44 amdt 1.1678, amdt 1.1679
sub A2008-25 s 38
renum as s 216 R17 LA (see A2008-25 amdt 1.12)

Return or forfeiture of things seized

s 217 (prev s 77A) ins A2008-25 s 38
renum as s 217 R17 LA (see A2008-25 amdt 1.12)

Enforcement—miscellaneous

div 14.5 hdg (prev div 7.5 hdg) ins A2008-25 s 38
renum as div 14.5 hdg R17 LA (see A2008-25 amdt 1.12)

Damage etc to be minimised

s 218 (prev s 78) sub A2008-25 s 38
renum as s 218 R17 LA (see A2008-25 amdt 1.12)

Compensation for exercise of enforcement powers

s 219 (prev s 78A) ins A2008-25 s 38
renum as s 219 R17 LA (see A2008-25 amdt 1.12)

Offences

pt 15 hdg (prev pt 8 hdg) sub A2008-25 s 39
renum as pt 15 hdg R17 LA (see A2008-25 amdt 1.12)

Offences—trafficking firearms

s 220 (prev s 79) ins A2008-25 s 39
renum as s 220 R17 LA (see A2008-25 amdt 1.12)
(7), (8) exp 15 January 2010 (s 220 (8))

Discharge etc of firearm—public places etc

s 221 (prev s 80) renum as s 221 R17 LA (see A2008-25 amdt 1.12)

Discharge of firearm—general

s 222 (prev s 81) am A2003-31 amdt 1.14
renum as s 222 R17 LA (see A2008-25 amdt 1.12)

Carriage or use of firearm—improper manner

s 223 hdg (prev s 82 hdg) sub 1998 No 67 s 18
s 223 (prev s 82) am 1998 No 67 s 18
renum as s 223 R17 LA (see A2008-25 amdt 1.12)

Offences—operation of shooting ranges

s 224 (prev s 82A) ins A2008-25 s 40
renum as s 224 R17 LA (see A2008-25 amdt 1.12)

Endnotes

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Offences—operation of paintball ranges

s 225 (prev s 82B) ins A2008-25 s 40
renum as s 225 R17 LA (see A2008-25 amdt 1.12)

Offence—unlawful disposal of firearms

s 226 (prev s 83) sub A2008-25 s 40
renum as s 226 R17 LA (see A2008-25 amdt 1.12)

Offence—unlawful acquisition of firearms

s 227 (prev s 84) sub A2008-25 s 40
renum as s 227 R17 LA (see A2008-25 amdt 1.12)

Offence—unauthorised manufacture of firearms

s 228 (prev s 84A) ins A2003-31 s 18
sub A2008-25 s 40
renum as s 228 R17 LA (see A2008-25 amdt 1.12)

Use of mail for sending firearms

s 229 (prev s 85) renum as s 229 R17 LA (see A2008-25 amdt 1.12)

Use of mail for sending firearms outside ACT

s 230 (prev s 86) renum as s 230 R17 LA (see A2008-25 amdt 1.12)

Advertising sale of firearms

s 231 (prev s 87) renum as s 231 R17 LA (see A2008-25 amdt 1.12)

Means of delivering possession of firearms

s 232 (prev s 88) renum as s 232 R17 LA (see A2008-25 amdt 1.12)

Transport of firearms and ammunition

s 233 (prev s 89) renum as s 233 R17 LA (see A2008-25 amdt 1.12)

Transporting prohibited firearms or pistols

s 234 (prev s 90) renum as s 234 R17 LA (see A2008-25 amdt 1.12)

Possession of spare barrels for firearms

s 235 (prev s 91) renum as s 235 R17 LA (see A2008-25 amdt 1.12)

On-the-spot inspection of firearms by police

s 236 (prev s 92) renum as s 236 R17 LA (see A2008-25 amdt 1.12)

Offence—disposal of firearms by unauthorised holders generally

s 237 (prev s 93) sub A2008-25 s 41
renum as s 237 R17 LA (see A2008-25 amdt 1.12)

Offence—disposal of inherited firearms

s 238 (prev s 93A) ins A2008-25 s 41
renum as s 238 R17 LA (see A2008-25 amdt 1.12)
am A2008-36 amdt 1.268

Unsafe firearms

s 239 (prev s 94) renum as s 239 R17 LA (see A2008-25 amdt 1.12)

Shortening firearms

s 240 (prev s 95) renum as s 240 R17 LA (see A2008-25 amdt 1.12)

Converting firearms

s 241 (prev s 96) renum as s 241 R17 LA (see A2008-25 amdt 1.12)

Restrictions where alcohol or other drugs concerned

s 242 (prev s 97) am A2008-25 s 42
renum as s 242 R17 LA (see A2008-25 amdt 1.12)

Offence—selling ammunition generally

s 243 (prev s 98) am A2003-31 amdt 1.15
sub A2008-25 s 43
renum as s 243 R17 LA (see A2008-25 amdt 1.12)

Offence—sale of ammunition by licensed firearms dealers

s 244 (prev s 98A) ins A2008-25 s 43
renum as s 244 R17 LA (see A2008-25 amdt 1.12)

Offence—sale of ammunition by authorised club members

s 245 (prev s 98B) ins A2008-25 s 43
renum as s 245 R17 LA (see A2008-25 amdt 1.12)

Offence—selling ammunition to people from outside ACT

s 246 (prev s 98C) ins A2008-25 s 43
renum as s 246 R17 LA (see A2008-25 amdt 1.12)

Offence—selling ammunition for starting pistols

s 247 (prev s 98D) ins A2008-25 s 43
renum as s 247 R17 LA (see A2008-25 amdt 1.12)

Offence—acquiring ammunition

s 248 (prev 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
renum as s 248 R17 LA (see A2008-25 amdt 1.12)

Offence—possessing ammunition generally

s 249 (prev s 99A) ins A2008-25 s 43
renum as s 249 R17 LA (see A2008-25 amdt 1.12)

Modification of firearms

s 250 (prev s 100) renum as s 250 R17 LA (see A2008-25
amdt 1.12)

Approval of modifications

s 251 (prev s 101) renum as s 251 R17 LA (see A2008-25
amdt 1.12)

Offences—defacing, altering and removing identification marks

s 252 (prev s 102) sub A2008-25 s 44
renum as s 252 R17 LA (see A2008-25 amdt 1.12)

Endnotes

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Pawning of firearms

s 253 (prev s 103) renum as s 253 R17 LA (see A2008-25
amdt 1.12)

Production of licence or permit on demand

s 254 (prev s 104) renum as s 254 R17 LA (see A2008-25
amdt 1.12)

Requirement to notify change of address

s 255 (prev s 106) renum as s 255 R17 LA (see A2008-25
amdt 1.12)

Misuse of licences and permits

s 256 (prev s 108) am A2004-15 amdt 2.76, amdt 2.77; pars renum
R11 LA (see A2004-15 amdt 2.78)
renum as s 256 R17 LA (see A2008-25 amdt 1.12)

Offence—lost, stolen or destroyed firearms

s 257 (prev s 110) sub A2008-25 s 46
renum as s 257 R17 LA (see A2008-25 amdt 1.12)

Notification and review of decisions

pt 16 hdg (prev pt 10 hdg) renum as pt 16 hdg R17 LA (see A2008-25
amdt 1.12)
sub A2008-36 amdt 1.269

Meaning of *reviewable decision*—pt 16

s 258 (prev 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
renum as s 258 R17 LA (see A2008-25 amdt 1.12)
sub A2008-36 amdt 1.269

Review of decisions

s 259 (prev s 113A) ins A2008-25 s 48
renum as s 259 R17 LA (see A2008-25 amdt 1.12)
om A2008-36 amdt 1.269

Reviewable decision notices

s 260 (prev s 114) am A2003-31 amdt 1.20
sub A2008-25 s 48
renum as s 260 R17 LA (see A2008-25 amdt 1.12)
sub A2008-36 amdt 1.269

Applications for review

s 260A (prev s 114A) renum as s 260A R17 LA
ins A2008-36 amdt 1.269

Miscellaneous provisions

pt 17 hdg (prev pt 11 hdg) renum as pt 17 hdg R17 LA (see A2008-25
amdt 1.12)

Disclosure by health professionals of certain information

s 261 (prev s 115) sub A2003-31 s 19
am A2006-46 amdt 2.19
renum as s 261 R17 LA (see A2008-25 amdt 1.12)

Disposal of surrendered or seized firearms

s 262 (prev s 116) sub A2008-25 s 49
renum as s 262 R17 LA (see A2008-25 amdt 1.12)

Disposal of uncollected firearms

s 263 (prev s 117) renum as s 263 R17 LA (see A2008-25
amdt 1.12)

Certificates of safety

s 264 (prev s 118) renum as s 264 R17 LA (see A2008-25
amdt 1.12)

Acts and omissions of representatives

s 265 (prev s 119) sub A2004-15 amdt 1.17
renum as s 265 R17 LA (see A2008-25 amdt 1.12)

Third-party interests—complaints to registrar

s 266 (prev s 120) renum as s 266 R17 LA (see A2008-25
amdt 1.12)

Investigations

s 267 (prev s 121) renum as s 267 R17 LA (see A2008-25
amdt 1.12)

Offences by corporations

s 268 (prev s 122) am 2001 No 44 amdt 1.1687, amdt 1.1688;
A2008-25 s 50
renum as s 268 R17 LA (see A2008-25 amdt 1.12)

Evidentiary certificates

s 269 (prev s 124) am A2004-15 amdt 2.80
sub A2008-25 s 51
renum as s 269 R17 LA (see A2008-25 amdt 1.12)

Determination of fees

s 270 (prev s 125) sub 2001 No 44 amdt 1.1691; A2008-25
amdt 1.10
renum as s 270 R17 LA (see A2008-25 amdt 1.12)

Approved forms

s 271 (prev s 125A) ins 2001 No 44 amdt 1.1691
sub A2008-25 amdt 1.10
renum as s 271 R17 LA (see A2008-25 amdt 1.12)

Endnotes

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Regulation-making power

s 272 hdg (prev s 126 hdg) sub 2001 No 44 amdt 1.1692
s 272 (prev s 126) am 2001 No 44 amdt 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; ss and pars renum R17 LA renum as s 272 R17 LA (see A2008-25 amdt 1.12)

Licensing of entities to operate approved shooting ranges

s 273 (prev s 128) sub A2008-25 s 57
renum as s 273 R17 LA (see A2008-25 amdt 1.12)

Licensing of entities to operate approved paintball ranges

s 274 (prev 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
renum as s 274 R17 LA (see A2008-25 amdt 1.12)

Transitional

pt 20 hdg renum as pt 25 hdg

Transitional

pt 25 hdg (prev pt 20 hdg) ins A2008-25 s 58
renum as pt 25 hdg R17 LA (see A2008-25 amdt 1.12)
exp 15 January 2010 (s 416 (2))

Definitions—pt 25

s 400 (prev s 200) ins A2008-25 s 58
renum as s 400 R17 LA (see A2008-25 amdt 1.12)
exp 15 January 2010 (s 416 (2))
def **commencement day** ins A2008-25 s 58
def **pre-commencement Act** ins A2008-25 s 58

Pre-commencement Act partnerships

s 401 (prev s 201) ins A2008-25 s 58
renum as s 401 R17 LA (see A2008-25 amdt 1.12)
exp 15 January 2010 (s 416 (2))

Pre-commencement Act—fit and proper

s 402 (prev s 202) ins A2008-25 s 58
renum as s 402 R17 LA (see A2008-25 amdt 1.12)
exp 15 January 2010 (s 416 (2))

Pre-commencement Act applications for licences

s 403 (prev s 203) ins A2008-25 s 58
renum as s 403 R17 LA (see A2008-25 amdt 1.12)
exp 15 January 2010 (s 416 (2))

Pre-commencement Act applications for permits

s 404 (prev s 204) ins A2008-25 s 58
renum as s 404 R17 LA (see A2008-25 amdt 1.12)
exp 15 January 2010 (s 416 (2))

Pre-commencement Act licences

s 405 (prev s 205) ins A2008-25 s 58
renum as s 405 R17 LA (see A2008-25 amdt 1.12)
exp 15 January 2010 (s 416 (2))

Pre-commencement Act minor's firearms permits

s 406 (prev s 206) ins A2008-25 s 58
renum as s 406 R17 LA (see A2008-25 amdt 1.12)
exp 15 January 2010 (s 416 (2))

Pre-commencement Act internationally protected people temporary licences

s 407 (prev s 207) ins A2008-25 s 58
renum as s 407 R17 LA (see A2008-25 amdt 1.12)
exp 15 January 2010 (s 416 (2))

Pre-commencement Act international visitors temporary permits

s 408 (prev s 208) ins A2008-25 s 58
renum as s 408 R17 LA (see A2008-25 amdt 1.12)
exp 15 January 2010 (s 416 (2))

Pre-commencement Act—suspensions

s 409 (prev s 209) ins A2008-25 s 58
renum as s 409 R17 LA (see A2008-25 amdt 1.12)
exp 15 January 2010 (s 416 (2))

Pre-commencement Act—applications for registration of firearm

s 410 (prev s 210) ins A2008-25 s 58
renum as s 410 R17 LA (see A2008-25 amdt 1.12)
exp 15 January 2010 (s 416 (2))

Pre-commencement Act—register

s 411 (prev s 211) ins A2008-25 s 58
renum as s 411 R17 LA (see A2008-25 amdt 1.12)
exp 15 January 2010 (s 416 (2))

Pre-commencement Act—endorsement of licences

s 412 (prev s 212) ins A2008-25 s 58
renum as s 412 R17 LA (see A2008-25 amdt 1.12)
exp 15 January 2010 (s 416 (2))

Pre-commencement Act certificates

s 413 (prev s 213) ins A2008-25 s 58
renum as s 413 R17 LA (see A2008-25 amdt 1.12)
exp 15 January 2010 (s 416 (2))

Endnotes

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Transitional meaning of *parental responsibility*

s 414 (prev s 213A) ins A2008-25 s 58
renum as s 414 R17 LA (see A2008-25 amdt 1.12)
exp 15 January 2009 (s 416 (1) but see A2008-19, s 2 and
CN2008-13)

Transitional regulations

s 415 (prev s 214) ins A2008-25 s 58
renum as s 415 R17 LA (see A2008-25 amdt 1.12)
exp 15 January 2010 (s 416 (2))

Expiry—pt 25

s 416 (prev s 215) ins A2008-25 s 58
renum as s 416 R17 LA (see A2008-25 amdt 1.12)
exp 15 January 2010 (s 416 (2))

Authorised possession or use of prohibited firearms with pistol grips for sport or target shooting

s 416A ins as mod SL2008-55 s 81
exp 15 January 2010 (s 416A (4))

Prohibited firearms

sch 1 hdg am A2008-25 amdt 1.11
sch 1 am A2008-25 ss 59-67; items renum R17 LA

Exemptions from Act

sch 2 note ins A2003-31 amdt 1.21
sch 2 am A2003-31 s 23
sub A2008-25 s 68
am A2009-19 s 29; items renum R21 LA

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 416 (2))

Dictionary

dict ins A2008-25 s 69
am A2008-36 amdt 1.271, amdt 1.272; A2009-20 amdt 3.77
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

Endnotes

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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 1.66
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
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 15 January 2009 (s 416 (1) but 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
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def **register** reloc from s 4 A2008-25 s 6
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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

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R2 (RI) 5 Aug 2003	1 Oct 1999– 11 Sept 2001	A1999-29	reissue of printed version
R3 26 Oct 2001	12 Sept 2001– 26 Mar 2002	A2001-90	amendments by A2001-44
R4 27 Mar 2002	27 Mar 2002– 16 Sept 2002	A2001-90	amendments by A2001-90
R5 (RI) 23 Oct 2002	17 Sept 2002– 27 Mar 2003	A2002-30	amendments by A2002-30 reissue for textual correction in s 22
R6 28 Mar 2003	28 Mar 2003– 30 June 2003	A2003-14	amendments by A2003-14
R7 1 July 2003	1 July 2003– 28 Aug 2003	A2003-31	amendments by A2003-31
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 2009	A2006-46	amendments by A2006-46

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R16 2 Jan 2009	2 Jan 2009– 14 Jan 2009	<u>A2008-46</u>	commenced expiry
R17 15 Jan 2009	15 Jan 2009– 1 Feb 2009	SL2008-55	amendments by A2008-25, modifications by SL2008-55 and general renumbering
R18 2 Feb 2009	2 Feb 2009– 29 Mar 2009	SL2008-55	amendments by A2008-36
R19 30 Mar 2009	30 Mar 2009– 21 Sept 2009	SL2008-55	amendments by A2008-46
R20 22 Sept 2009	22 Sept 2009– 28 Sept 2009	A2009-20	amendments by A2009-20

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as made by *Firearms Amendment Act 2008* A2008-25, amdt 1.12 and under the *Legislation Act 2001*

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29/09/09

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7 Modifications of republished law with temporary effect

The following modifications have not been included in this republication:

Firearms Regulation 2008 SL2008-55 s 81**81 Transitional—modification of Act, pt 25, s 415 (2)**

The Act, part 25 applies as if the following section were inserted:

‘416A Authorised possession or use of prohibited firearms with pistol grips for sport or target shooting

- (1) The holder of a category B licence issued for the genuine reason of sport or target shooting is authorised to possess and use a registered prohibited firearm (other than a prohibited pistol fitted with a pistol grip) for the purposes of—
 - (a) taking part in any kind of approved shooting competition; and
 - (b) practising on an approved shooting range for the competition.
- (2) The holder of a category B licence issued for the genuine reason of sport or target shooting is authorised to possess and use a registered prohibited rifle fitted with a pistol grip for the purposes of—
 - (a) taking part in an approved specialised target shooting competition; and
 - (b) practising on an approved shooting range for the competition.
- (3) In this section:
approved, for a competition, means a competition that is conducted or organised by an approved shooting club the licence holder is a member of and approved by the registrar.
- (4) This section expires on the day the *Firearms Regulation 2008*, part 17 expires.’

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