



Australian Capital Territory

# Firearms (Prohibited Pistols) Amendment Act 2003

A2003-31

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Australian Capital Territory

# Firearms (Prohibited Pistols) Amendment Act 2003

**A2003-31**

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An Act to amend the *Firearms Act 1996* and *Firearms Regulations 1997*

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*Notified under the Legislation Act 2001 on 30 June 2003  
(see [www.legislation.act.gov.au](http://www.legislation.act.gov.au))*

The Legislative Assembly for the Australian Capital Territory enacts as follows:

## Part 1 Preliminary

### 1 Name of Act

This Act is the *Firearms (Prohibited Pistols) Amendment Act 2003*.

### 2 Commencement

This Act commences on 1 July 2003.

*Note* The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

## Part 2                      Firearms Act 1996

### 3    Act amended—pt 2

This part and schedule 1 amend the *Firearms Act 1996*.

### 4    Definitions for Act Section 4, definition of *active*

*substitute*

*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.

### 5    Section 4, new definitions

*insert*

*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.

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

- (a) a pistol of more than 9.65mm calibre;
- (b) a semiautomatic pistol with a barrel length of less than 120mm;
- (c) a revolver or single action pistol with a barrel length of less than 100mm;
- (d) a pistol with a capacity of more than 10 rounds of ammunition.

*Note* A 9.65mm calibre pistol includes a 0.38 inch calibre pistol. Prohibited firearms are listed in sch 1 (see s 4, def ***prohibited firearm***).

## **6 Section 15**

*substitute*

### **15 Approval of clubs**

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



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

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

**7 Section 16***substitute***16 Unauthorised possession or use of firearms prohibited**

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

Maximum penalty:

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

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

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

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

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

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

**8 Genuine reasons for having a licence**  
**Section 23 (4), table, item 1**

*substitute*

1	sport or target shooting	<p>1.1 For an applicant to whom section 36A (Special conditions for category H licences for sporting or target shooting) applies—the applicant must be a member of an approved shooting club that conducts competitions or activities requiring the use of the firearm for which the licence is sought.</p> <p>1.2 For any other applicant—the applicant must be an active member of an approved shooting club that conducts competitions or activities requiring the use of the firearm for which the licence is sought.</p>
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**9 Section 23 (4), table, item 8**

*substitute*

8	firearms collection	<p>8.1 For a licence that permits the applicant to collect pistols manufactured after 1946, the applicant must provide written evidence from the approved collectors club of which the applicant is a member that—</p> <ul style="list-style-type: none"> <li>(a) the applicant has been a member of the club for at least 1 year; and</li> <li>(b) the collection has a thematic structure; and</li> <li>(c) the applicant researches or studies firearms; and</li> <li>(d) the members of the club collect firearms of the kind for which the licence is sought; and</li> <li>(e) the licence application is endorsed by the club.</li> </ul> <p>8.2 For a licence that permits the applicant to</p>
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		<p>collect any other kind of firearms, the applicant must demonstrate that—</p> <p>(a) the applicant is a member of an approved collectors club; and</p> <p>(b) the collection has a genuine historical or thematic structure or a genuine commemorative or investment value; and</p> <p>(c) the members of the club collect firearms of the kind for which the licence is sought; and</p> <p>(d) the licence application is endorsed by the club.</p>
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## 10 Sections 27 and 28

*substitute*

### 27 Category H licences—restrictions on issue

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

- (a) the genuine reason established by the person for being issued with the licence is any 1 or more of the following:
  - (i) sport or target shooting;
  - (ii) business or employment;
  - (iii) firearms collection; and
- (b) in addition to establishing such a genuine reason, the person gives the registrar satisfactory evidence that there is a special need for the person to possess or use a pistol; and
- (c) if the genuine reason established by the person is sport or target shooting—the person gives the registrar written evidence from an approved shooting club of which the person is a member that the licence application is endorsed by the club.

**28 Collectors licence—restrictions on issue**

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

**11 New section 36A**

*insert*

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

- (1) This section applies to a person who is issued with a category H licence for the genuine reason of sport or target shooting if the person has never held a category H licence.
- (2) The licence is subject to the following conditions for the first 6-month period of the licence term:
  - (a) the licensee must not possess a pistol except on the premises of an approved shooting club;
  - (b) the licensee must complete, to the satisfaction of the registrar, a firearm safety training course conducted by an approved shooting club;
  - (c) the licensee must be an active member of an approved shooting club.
- (3) If, after the end of the period mentioned in subsection (2), the approved shooting club mentioned in subsection (2) (c) has certified to the registrar that the licensee has complied with the conditions mentioned in the subsection, the licence is subject to the condition that, for the second 6-month period of the licence term, the licensee may acquire no more than—
  - (a) 1 pistol of not more than 5.6mm calibre and 1 air pistol of not more than 4.5mm calibre; or

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- (b) 1 centre-fire pistol and 1 air pistol of not more than 4.5mm calibre.

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

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

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

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

**12 Special conditions of licences issued for collection purposes**  
**Section 37 (a)**

*substitute*

- (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;

**13 Cancellation of licence**  
**New section 41 (1A)**

*insert*

- (1A) The registrar must cancel a category H licence issued for the genuine reason of sport or target shooting if the licensee ceases to be an active member of an approved shooting club.

**14 Section 41 (2), note**

*substitute*

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

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

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

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

**15 Section 41**

*renumber subsections when Act next republished under Legislation Act*

**16 Permits to acquire firearms  
Section 48 (4) and (5)**

*renumber as section 48 (6) and (7)*

**17 New section 48 (4) and (5)**

*insert*

- (4) Also, the registrar must not issue a permit authorising the holder of a category H licence issued for the genuine reason of sport or target shooting to acquire a pistol unless—
- (a) the acquisition is in accordance with the conditions (if any) of the licence; and
  - (b) the registrar is given written advice from the approved shooting club of which the licensee is a member stating—
    - (i) the competition shooting discipline for which the pistol is required; and

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

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

- (5) Subsection (4) (b) (i) does not apply to the issue of a permit to acquire a pistol mentioned in section 36A (3) (Special conditions for category H licences for sporting or target shooting).

## **18 New sections 84A and 84B**

*insert*

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

- (1) A person commits an offence if the person manufactures a firearm.  
Maximum penalty: 1 000 penalty units, imprisonment for 10 years or both.  
*Note* For the extended meaning of *firearm*, see s 4A (a).
- (2) Subsection (1) does not apply to a person if the person is authorised by a licence or permit to manufacture the firearm.
- (3) A person commits an offence if the person manufactures a prohibited firearm or a prohibited pistol.  
Maximum penalty: 1 500 penalty units, imprisonment for 20 years or both.
- (4) Subsection (3) does not apply to a person if the person is authorised by a licence or permit to manufacture the prohibited firearm or the prohibited pistol.

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



(5) In this section:

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

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

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

(1) This section applies if, in a prosecution for an offence against section 84A (3), the trier of fact is not satisfied that the defendant is guilty of the offence, but is satisfied beyond reasonable doubt that the defendant is guilty of an offence against section 84A (1) (the *alternative offence*).

(2) The trier of fact may find the defendant guilty of the alternative offence but only if the defendant has been given procedural fairness in relation to that finding of guilt.

## **19 Section 115**

*substitute*

### **115 Disclosure by health professionals of certain information**

(1) This section applies if a health professional believes that—

- (a) a person to whom the health professional is or has been providing professional services may pose a threat to public safety or a threat to the person's own safety; and
- (b) the person possesses or has access to a firearm.

(2) The health professional may tell the registrar about the belief.

(3) If the health professional acts honestly under this section—

- (a) the telling of the belief to the registrar is, for all purposes, not a breach of confidence or professional etiquette or ethics, or a breach of a rule of professional conduct, applying to the health professional; and

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- (b) civil or criminal liability is not incurred by the health professional only because of the health professional telling the registrar about the belief.

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

- (4) In this section:

*health professional* means any of the following people:

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

## 20 Regulation-making power Section 126 (2) (j) and (k)

*substitute*

- (j) the approval of shooting ranges and approved shooting ranges;  
or
- (k) the approval of clubs and approved clubs and their members,  
including, for example—
  - (i) the conditions applying to the approval of a club; and
  - (ii) the duties of approved clubs in relation to members; and
  - (iii) the reporting obligations of approved clubs; or

## 21 Section 126 (2), note

*substitute*

*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).

**22 Part 12**

*substitute*

**Part 12 Transitional provisions****129 Meaning of *amnesty period* for pt 12**

In this part:

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

**130 Existing approved clubs**

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

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

- (1) This section applies to a person—
  - (a) who has never held a category H licence; and

- (b) who was immediately before 1 July 2003 a member of an approved shooting club; and
  - (c) whose membership involves the use of a pistol for sport or target shooting; and
  - (d) who is issued a category H licence for the genuine reason of sport or target shooting during the amnesty period.
- (2) If the club certifies to the registrar that the person began to take part in club activities that involved the use of pistols on a stated date, section 36A (Special conditions for category H licences for sporting or target shooting) applies to the person—
- (a) as if the first 6-month period (the *deemed period*) mentioned in section 36A (2) had begun on that date; and
  - (b) if, after the end of the deemed period, the club certifies to the registrar that the person has complied with the conditions mentioned in section 36A (2)—the second 6-month period mentioned in section 36A (3) begins or began immediately after the end of the deemed period.

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

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

- (2) The person does not commit an offence against section 16 (Unauthorised possession or use of firearms prohibited) in relation to the possession of the pistol during the amnesty period.
- (3) To remove any doubt, this section does not authorise the person to use the pistol.

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

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

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

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

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

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

- (1) This section applies to a person who acquired a pre-1900 percussion pistol before 1 July 2003.

- (2) The person is, during the amnesty period, exempt from a requirement under this Act—
- (a) to hold a licence or permit authorising possession of the pistol; and
  - (b) for the pistol to be registered.
- (3) To remove any doubt, this section does not authorise the person to use a pre-1900 percussion pistol.
- (4) In this section:
- pre-1900 percussion pistol* means a percussion-fired pistol manufactured before 1 January 1900.

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

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

- (f) the person surrenders the pistol to a police officer during the amnesty period.

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

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

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

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

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

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

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

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

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

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



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

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

- (1) This section applies in relation to parts, accessories and ammunition for a pistol for which a person is entitled under this part to be paid compensation.
- (2) The regulations must provide for the payment of compensation to the person for the parts, accessories and ammunition surrendered by the person to a police officer during the amnesty period.
- (3) For subsection (2), the regulations may prescribe—
  - (a) the parts, accessories and ammunition for which the compensation is, or is not, payable; and
  - (b) the circumstances in which the compensation is, or is not, payable; and
  - (c) the amount of the compensation or how the amount of compensation is to be worked out.

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

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

**141 Regulations modifying pt 12**

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

**142 Expiry of transitional provisions**

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

**23 Schedule 2, item 5**

*substitute*

5	category H licence (pistols)	pistols (including blank fire pistols and air pistols), other than prohibited firearms	The licensee is authorised to possess or use a registered pistol to which the licence applies for the purpose established by the licensee as the genuine reason for having the licence.  However, the licensee is only authorised to possess or use a registered prohibited pistol in accordance with the regulations.
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## Part 3 Firearms Regulations 1997

### 24 Regulations amended—pt 3

This part amends the *Firearms Regulations 1997*.

### 25 Interpretation Regulation 3 (1), new definition of *target pistol shooter*

*insert*

*target pistol shooter*, for part 3A (Clubs)—see regulation 31A.

### 26 Regulation 3 (as amended)

*renumber as regulation 2*

### 27 New regulations 3 and 3A

*insert*

### 3 Notes

A note included in these regulations is explanatory and is not part of these regulations.

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

### 3A Offences against regulations—application of Criminal Code etc

Other legislation applies in relation to offences against these regulations.

*Note 1* *Criminal Code*

The Criminal Code, ch 2 applies to the following offence against these regulations (see Code, pt 2.1):

- reg 31D (Target pistol shooters to notify club of change of name or address).

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

*Note 2 Penalty units*

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

## **28 Not firearms Regulation 4 (a)**

*substitute*

- (a) a firearm (other than a percussion-fired pistol) manufactured before 1 January 1900 for which ammunition is not readily commercially available;

*Note* The effect of this provision is that the Act applies to a percussion-fired pistol whenever it was manufactured but does not apply to any other kind of firearm manufactured before 1 January 1900.

## **29 New regulation 4A**

*in division 2.1, insert*

### **4A Minimum participation rates for members of approved clubs—Act, s 4, def *active*, par (a)**

- (1) A member of an approved hunting club must, in each calendar year, take part in 4 activities of any approved hunting club that take place on separate days.
- (2) A member of an approved shooting club mentioned in an item in the table of shooting club participation rates, column 2 must comply with the minimum participation rate mentioned in the item, column 3.

**Table of shooting club participation rates**

<b>column 1 item</b>	<b>column 2 member</b>	<b>column 3 minimum participation rate</b>
1	the holder of a licence, other than a category H licence	The holder must, in each calendar year, take part in 4 activities of any approved shooting club that take place on separate days.
2	the holder of a category H licence to whom the Act, section 36A (Special conditions for category H licences for sporting or target shooting) applies	The holder must, in each 6-month period mentioned in the Act, section 36A, take part in— (a) 6 shooting competitions that are conducted or organised by an approved shooting club of which the licensee is a member (the <i>member's club</i> ) and that take place on separate days; and (b) if the licensee is authorised by the licence to use 2 or more kinds of pistols—4 shooting competitions (or other shooting events) that are conducted or organised by the member's club for each kind of pistol.
3	the holder of a category H licence, other than a person to whom the Act, section 36A applies	The holder must, in each 12-month period of the licence, take part in— (a) 6 shooting competitions that are conducted or organised by the member's club that take place on separate days; and (b) if the licensee is authorised by the licence to use 2 or more kinds of pistols—4 shooting competitions (or other shooting events) that are conducted or organised by the member's club for each kind of pistol.

### **30 Category C licences Regulation 5 (3) (a)**

*substitute*

- (a) on an approved shooting range; and

**31 Applications for licences—particulars and documents**  
**Regulation 6 (1) (t)***substitute*

- (t) for an applicant whose genuine reason for possessing or using a firearm is firearms collection, a document from the approved collectors club of which the applicant is a member stating that—
  - (i) the applicant is a member of the club; and
  - (ii) for a licence that permits the applicant to collect pistols manufactured after 1946—the collection has a thematic structure and the applicant researches or studies firearms; and
  - (iii) for a licence that permits the applicant to collect any other kind of firearm—the collection has a genuine historical or thematic structure or a genuine commemorative or investment value;

**32 New regulation 8A***insert***8A Authorised possession or use of prohibited pistols for sport or target shooting—Act, sch 2, item 5, col 4**

- (1) The holder of a category H licence issued for the genuine reason of sport or target shooting is authorised to possess and use a registered prohibited pistol of more than 9.65mm calibre, but not more than 11.43mm calibre, for the purposes of—
  - (a) taking part in any of the following kinds of pistol shooting competitions:
    - (i) an approved competition that involves the pistol target shooting discipline known as Metallic Silhouette;

- (ii) an approved competition that involves the pistol target shooting discipline known as Single Action; and
- (b) practicing on an approved shooting range for such a competition.

*Note* This subregulation applies to a pistol of more than 0.38 inch calibre but not more than 0.45 inch calibre.

- (2) The holder of a category H licence issued for the genuine reason of sport or target shooting is authorised to possess and use a registered prohibited pistol that has a barrel length of less than 120mm for the purposes of—
  - (a) taking part in an approved specialised target shooting competition; and
  - (b) practicing on an approved shooting range for such a competition.

- (3) In this regulation:

*approved*, for a competition, means a competition that is conducted or organised by an approved shooting club and approved by the registrar.

### **33 New part 3A**

*insert*

## **Part 3A Clubs**

### **31A Meaning of *target pistol shooter* for pt 3A**

In this part:

*target pistol shooter*, for an approved shooting club, means—

- (a) a person who is a member of the club and the holder of a category H licence issued for the genuine reason of sport or target shooting; or

- (b) a person who has applied for membership of the club and the person's membership will involve the use of a pistol for sport or target shooting.

**31B Conditions of approval of shooting clubs—Act, s 15 (5)**

- (1) The approval of a shooting club is subject to the following conditions:
  - (a) the club may admit a target pistol shooter as a member only if—
    - (i) the person provides a statement supplied by a police officer about the person's criminal history (if any); and
    - (ii) the person provides 2 character references from people who are at least 18 years old and who have known the person for at least 2 years; and
    - (iii) the secretary or other relevant office-holder of the club is satisfied that the person has provided—
      - (A) the name of any other approved shooting club of which the person is a member; and
      - (B) a statement of the pistols owned by the person;
  - (b) if a target pistol shooter leaves the club or does not renew the person's membership, the secretary or other relevant office-holder of the club must, within 14 days after the day the membership change happens, give the registrar, in writing, the full name and residential address of the person and the date the membership change happened;
  - (c) the secretary or other relevant office-holder of the club must, within 14 days after the day the club is told of a change in the name or residential address of a target pistol shooter, give the registrar, in writing, details of the change;



- (d) if the club decides to suspend or cancel the membership of a target pistol shooter, the secretary or other relevant office-holder must, within 7 days after the day the decision is made, tell the registrar in writing that the person's membership has been suspended or cancelled and the reasons for the suspension or cancellation;
  - (e) the secretary or other relevant office-holder of the club must, as soon as practicable after each 1 July, give the registrar a return for the previous financial year that states—
    - (i) the full name and residential address of club members who are target pistol shooters (*relevant members*) as at the date of the return; and
    - (ii) the number and kind of activities mentioned in regulation 4A each relevant member took part in during the period to which the return relates; and
    - (iii) the pistols known by the club, or the secretary or other relevant office-holder, to be owned by each relevant member during the period to which the return relates;
- Note* If a form is approved under the Act, s 125A (Approved forms) for a return, the form must be used.
- (f) if the secretary or other relevant officer-holder of the club is of the belief that a club member who is a target pistol shooter, or an applicant for membership who is a target pistol shooter, may pose a threat to public safety or a threat to the person's own safety if in possession of a pistol, the secretary or office-holder must tell the registrar about the belief;
  - (g) the club must ensure that a person whose category H licence has been suspended or cancelled does not use a pistol on any approved shooting range owned or used by the club.
- (2) A civil or criminal proceeding does not lie against the club or the secretary or other relevant office-holder of the club in relation to

loss, damage or injury of any kind to anyone because of the honest disclosure of something to the registrar under subregulation (1).

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

- (3) To remove any doubt, this regulation applies to an approved shooting club whether the club was approved before or after the commencement of this regulation.
- (4) The first return required under subregulation (1) (d) must be given to the registrar as soon as practicable after 1 July 2004.
- (5) This subregulation and subregulations (3) and (4) expire on 1 August 2004.

### **31C Shooting clubs—power to request information from registrar about target pistol shooters**

- (1) The secretary or other relevant office-holder of an approved shooting club may ask the registrar, in relation to an application for membership of the club by a target pistol shooter, to disclose to the secretary or other relevant office-holder of the club information about any of the following known to the registrar:
  - (a) the pistols that are owned by the person;
  - (b) any other approved club, or approved club (however described) in a State, of which the person is a member;

*Note* **State** includes the Northern Territory, see Legislation Act, dict, pt 1.
  - (c) any other approved club, or approved club (however described) in a State, of which the person has been refused membership, or had their membership suspended or cancelled, in the 5-year period before the making of the application;
  - (d) any category H licence issued to the person that has been cancelled in the 5-year period before the making of the application;

- (e) any application for a category H licence by the person that has been refused by the registrar in the 5-year period before the application.
- (2) The secretary or other relevant office-holder of an approved shooting club may also ask the registrar, in relation to an application for membership of the club by a target pistol shooter, to disclose to the secretary or other relevant office-holder of the club the person's criminal history (if any) that is, in the registrar's opinion, relevant to the issue of a category H licence.
- (3) The registrar is authorised to disclose the information mentioned in subregulation (1) or (2) to the secretary or other relevant office-holder of the club.

**31D Target pistol shooters to notify club of change of name or address**

A target pistol shooter commits an offence if—

- (a) the person is a member of an approved shooting club; and
- (b) the person's name or residential address changes; and
- (c) the person does not tell the secretary or other relevant office-holder of the club, in writing, of the change within 14 days after the day the change happens.

Maximum penalty: 10 penalty units.

**31E Conditions of approval of collectors clubs—Act, s 15 (5)**

- (1) The approval of a collectors club is subject to the following conditions:
  - (a) if the club decides to suspend or cancel the membership of a member who collects pistols, the secretary or other relevant office-holder must, within 7 days after the day the decision is made, tell the registrar that the person's membership has been

suspended or cancelled and the reasons for the suspension or cancellation;

- (b) if the secretary or other relevant officer-holder of the club is of the belief that a club member who collects pistols, or an applicant for membership who collects pistols, is not a fit and proper person to be in possession of a pistol, the secretary or office-holder must tell the registrar about the belief.
- (2) A civil or criminal proceeding does not lie against the club or the secretary or other relevant office-holder of the club in relation to loss, damage or injury of any kind to anyone because of the honest disclosure of something to the registrar under subregulation (1).
- Note* The *Civil Law (Wrongs) Act 2002*, s 59 provides a defence of truth and public benefit to civil defamation actions.
- (3) To remove any doubt, this regulation applies to an approved collectors club whether the club was approved before or after the commencement of this regulation.
- (4) This subregulation and subregulation (3) expire on 1 August 2004.

### **34 Lending for competition Regulation 47**

*omit*

approved club

*substitute*

approved shooting club

### **35 Parts 3A to 7**

*renumber parts when regulations next republished under the  
Legislation Act*

1 **Schedule 1**      **Firearms Act 1996—**  
2 **additional amendments**

3 (see s 3)

4 **[1.1] Section 4, definition of *approved club***

5 *substitute*

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

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

10 **[1.2] Section 4, definition of *approved range***

11 *substitute*

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

14 **[1.3] Section 4, definition of *prohibited firearm*, new note**

15 *insert*

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

17 **[1.4] New section 4CA**

18 *insert*

19 **4CA Offences against Act—application of Criminal Code etc**

20 Other legislation applies in relation to offences against this Act.

21 *Note 1*    *Criminal Code*

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

- 24        • s 16 (Unauthorised possession or use of firearms prohibited)  
25        • s 84A (Unauthorised manufacture of firearms)

**Schedule 1** Firearms Act 1996—additional amendments

Amendment [1.5]

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1 • s 98 (5) (Sale and purchase of ammunition).

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

6 *Note 2 Penalty units*

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

9 **[1.5] Section 6A (b)**

10 *omit*

11 an approved range

12 *substitute*

13 an approved shooting range

14 **[1.6] Section 6A (e)**

15 *substitute*

16 (e) for the purpose of exercising the person's functions as an  
17 authorised instructor on premises owned or used by an  
18 approved club or at an approved shooting range.

19 **[1.7] Section 14 (2)**

20 *omit*

21 a range

22 *substitute*

23 a shooting range

---

1 **[1.8] Section 23 (4), table, item 2, column 2**

2 *omit*

3 recreational hunting/vermin control

4 *substitute*

5 recreational hunting or vermin control

6 **[1.9] Section 23 (4), table, item 2, column 3**

7 *omit*

8 approved club

9 *substitute*

10 approved hunting club

11 **[1.10] Section 23 (4), table, item 2, column 3**

12 *omit*

13 principal objects

14 *substitute*

15 main objects

16 **[1.11] Section 31 (1) (b)**

17 *substitute*

18 (b) the firearm to which the application relates is a pistol of not  
19 more than 11.43mm calibre that is not fully automatic or  
20 capable of conversion to being fully automatic; and

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

22 **[1.12] Section 49 (2) (c)**

23 *substitute*

24 (c) be a member of an approved shooting club.

1 **[1.13] Section 59 (c)**

2 *omit*

3 a shooting range owned or occupied by that or any other approved  
4 club

5 *substitute*

6 an approved shooting range owned or used by that or another  
7 approved club

8 **[1.14] Section 81 (2)**

9 *omit*

10 a shooting range owned or occupied

11 *substitute*

12 an approved shooting range owned or used

13 **[1.15] Section 98 (5)**

14 *substitute*

15 (5) An authorised member of an approved club must not sell  
16 ammunition to someone else (the *purchaser*) unless—

17 (a) the sale takes place on premises owned or used by the club;  
18 and

19 (b) the purchaser, at the time of sale, is at the club for the purpose  
20 of taking part in a competition or activity conducted by or in  
21 association with the club; and

22 (c) the ammunition is of a kind that can be discharged from—

23 (i) a firearm stated or endorsed on the purchaser's licence; or



- 1 (ii) a firearm being used by the purchaser in a competition or  
2 activity conducted by or in association with the club.

3 Maximum penalty: 50 penalty units.

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

5 **[1.16] New section 113 (aa)**

6 *before section 113 (a), insert*

- 7 (aa) refusing to approve a club, or revoking the approval of a club,  
8 under section 15; or

9 **[1.17] Section 113 (d)**

10 *substitute*

- 11 (d) cancelling a licence under section 39 (2), 41 (1A) or (2) or  
12 121 (2); or

13 **[1.18] Section 113 (f)**

14 *substitute*

- 15 (f) refusing to issue a permit under section 46 or section 48 (3) or  
16 (4); or

17 **[1.19] Section 113**

18 *renumber paragraphs when Act next republished under Legislation*  
19 *Act*

20 **[1.20] Section 114 (1) (a)**

21 *substitute*

- 22 (a) for a decision referred to in section 113 (aa) or (a)—to the  
23 applicant; and

**Schedule 1** Firearms Act 1996—additional amendments

Amendment [1.21]

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1 **[1.21] Schedule 2, new note**

2 *after schedule heading, insert*

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

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**Endnotes**

**Republications of amended laws**

1 For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

**Penalty units**

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

*[Presentation speech made in Assembly on 17 June 2003]*

I certify that the above is a true copy of the Firearms (Prohibited Pistols) Amendment Bill 2003 which was passed by the Legislative Assembly on 26 June 2003.

Acting Clerk of the Legislative Assembly

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