

2008

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Attorney-General)

Firearms Amendment Bill 2008

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(Attorney-General)

Firearms Amendment Bill 2008

A Bill for

An Act to amend the *Firearms Act 1996* and the *Prohibited Weapons Act 1996*,
and for other purposes

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

1 **Part 1 Preliminary**

2 **1 Name of Act**

3 This Act is the *Firearms Amendment Act 2008*.

4 **2 Commencement**

5 (1) This Act (other than a provision mentioned in subsection (2))
6 commences on a day fixed by the Minister by written notice.

7 (2) The following provisions commence 1 year after this Act's
8 notification day:

- 9 • section 71
10 • section 72
11 • section 80
12 • part 4
13 • schedule 1, amendments 1.14 and 1.16
14 • schedule 2, amendment 2.4.

15 (3) The Legislation Act, section 79 (Automatic commencement of
16 postponed law) does not apply to a provision mentioned in
17 subsection (2).

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

20 *Note 2* A single day or time may be fixed, or different days or times may be
21 fixed, for the commencement of different provisions (see Legislation
22 Act, s 77 (1)).

23 *Note 3* If a provision (other than a provision mentioned in subsection (2)) has
24 not commenced within 6 months beginning on the notification day, it
25 automatically commences on the first day after that period (see
26 Legislation Act, s 79).

1 **Part 2** **Firearms Act 1996**

2 **3** **Legislation amended—pt 2**

3 This part amends the *Firearms Act 1996*.

4 *Note* The Act is also amended in sch 1.

5 **4** **New sections 2 to 2B and part 1A heading**

6 *insert*

7 **2** **Dictionary**

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

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

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

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

19 **2A** **Notes**

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

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

1 **2B Offences against Act—application of Criminal Code etc**

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

3 *Note 1 Criminal Code*

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

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

16 The Criminal Code, ch 2 sets out the general principles of criminal
17 responsibility (including burdens of proof and general defences), and
18 defines terms used for offences to which the Code applies (eg *conduct*,
19 *intention*, *recklessness* and *strict liability*).

20 *Note 2 Penalty units*

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

23 **Part 1A Important concepts**

- 1 **5** **Definitions for Act**
2 **Section 4, definitions of *acquire, airgun, ammunition,***
3 ***approved shooting range, authorised instructor,***
4 ***authorised member, chief police officer, composite entity,***
5 ***dealer’s licence, employee, endorsed, firearm, firearm***
6 ***part, firearms dealer, firearms prohibition order, genuine***
7 ***reason, occupier, possession, principal, prohibited***
8 ***firearm and prohibited pistol***
- 9 *omit*
- 10 **6** **Section 4, definitions (as amended)**
- 11 *relocate to dictionary*
- 12 **7** **Section 4, remainder**
- 13 *omit*
- 14 **8** **Sections 4A to 6B**
- 15 *substitute*
- 16 **4A** **Meaning of *firearm*—Act**
- 17 (1) In this Act:
- 18 ***firearm***—
- 19 (a) means a gun, or other weapon, that is, or at any time was,
20 capable of propelling a projectile by means of an explosive
21 force, however caused; and
- 22 (b) includes—
- 23 (i) a blank fire firearm; and
- 24 (ii) an airgun; and
- 25 (iii) a paintball marker; and
- 26 (iv) something declared to be a firearm under section 5; and

- 1 (v) a modified item.
- 2 (2) However, *firearm* does not include—
- 3 (a) something prescribed by regulation not to be a firearm; or
- 4 (b) something declared not to be a firearm under section 5.
- 5 (3) In this section:
- 6 *modified item* means something that would be a firearm if—
- 7 (a) it did not have something missing from it, or a defect or
- 8 obstruction; or
- 9 (b) something had not been added to it.
- 10 **4AB Meaning of *prohibited firearm*—Act**
- 11 (1) In this Act:
- 12 *prohibited firearm*—
- 13 (a) means—
- 14 (i) a firearm described in schedule 1; and
- 15 (ii) a firearm prescribed by regulation; and
- 16 (iii) something declared to be a prohibited firearm under
- 17 section 5; and
- 18 (b) includes a modified firearm.
- 19 *Note* A prohibited firearm includes a *prohibited pistol* (see sch 1,
- 20 items 19 to 21).
- 21 (2) However, *prohibited firearm* does not include something declared
- 22 not to be a prohibited firearm under section 5.
- 23 (3) A regulation may amend schedule 1 by—
- 24 (a) adding the name or description of a firearm; or

1 (b) amending a name or description of a firearm to more
2 accurately describe the firearm; or

3 (c) omitting the name and description of a firearm.

4 (4) In this section:

5 *modified firearm* means a firearm that would be a prohibited
6 firearm if—

7 (a) it did not have something missing from it, or a defect or
8 obstruction; or

9 (b) something had not been added to it.

10 **4AC Meaning of *acquire*—Act**

11 (1) In this Act:

12 *acquire*, a firearm or ammunition, means—

13 (a) buy, accept, receive or otherwise take possession of the firearm
14 or ammunition; but

15 (b) does not include take temporary possession of the firearm.

16 (2) In this section:

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

19 (a) if the person is a licensed firearms dealer who has possession
20 of the firearm to—

21 (i) repair, maintain or test it; or

22 (ii) store it for the person who gave it to the dealer; or

23 (b) if the person is a registered principal for, or registered user of,
24 the firearm and the person has possession of the firearm; or

- 1 (c) if the person is authorised to possess or use the firearm under
2 section 4BD (Authority to possess and use firearms
3 temporarily) and the person has possession of the firearm; or
- 4 (d) if the firearm is a paintball marker, the person is authorised to
5 possess, use or store the paintball marker under section 4BE
6 (Paintball markers—authority to possess, use or store) and the
7 person has possession of the paintball marker; or
- 8 (e) in any other circumstances prescribed by regulation.

9 **4AD Meaning of *dispose*—Act**

10 In this Act:

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

13 **4B Meaning of *possession*—Act**

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

20 **Example—*possession***

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

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

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

- 1 (2) Also, for this Act, a person has *possession* of a firearm if—
- 2 (a) part of the firearm is in the person's possession; and
- 3 (b) other parts of the firearm are in the possession of 1 or more
- 4 other people; and
- 5 (c) at least 1 of the other people is in possession of the other part
- 6 or parts for an agreed purpose with the person; and
- 7 (d) the parts would make up the firearm if fitted together.

8 **4BA Evidence of possession—firearms at premises**

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

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

13 **Example**

14 Stuart buys a house from Bob. The house has ducted heating, and the old

15 fireplace cannot be used. Bob owns a firearm but, before moving out, he

16 hides it in a cavity in the house's chimney. Stuart does not know that Bob

17 hid the firearm in the chimney. Stuart does not have possession of the

18 firearm because he does not know that the firearm is in the chimney.

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

- 20 (i) is also at the premises; or

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

22 **Example—par (b) (i)**

23 Charlotte is giving Bruce a lift in her car to a shooting range. Bruce is

24 licensed and has his registered firearm with him. Charlotte is not in

25 possession of the firearm because Bruce is authorised to possess the firearm

26 and he is in the car.

1 **Example—par (b) (ii)**

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

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

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

12 (c) someone else who is not authorised to possess the firearm has
13 the care, control or management of the firearm; or

14 (d) the trier of fact is otherwise satisfied that the person was not in
15 possession of the firearm.

16 (2) To remove any doubt, a defendant to a prosecution for an offence
17 against this Act who wishes to rely on a matter mentioned in
18 subsection (1) has the evidential burden in relation to the matter.

19 **4BB Evidence of possession—care, control or management of**
20 **firearm**

21 (1) To work out whether a person has the care, control or management
22 of a firearm for this Act, each of the following must be considered:

23 (a) whether the person knows about the firearm;

24 (b) whether the person can use or dispose of the firearm;

25 (c) whether the person can control or prevent someone else from
26 using or having physical possession of the firearm.

27 (2) In this section:

28 **physical possession**—see section 4B (1) (a).

1 **4BC Taking possession under credit contract**

2 (1) For this Act—

3 (a) a person who takes possession of a thing under a credit
4 contract is taken to have acquired it; and

5 (b) the person who possessed the thing immediately before parting
6 with possession is taken to have disposed of it.

7 (2) In this section:

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

9 **4BD Authority to possess and use firearms temporarily**

10 (1) A person is authorised to possess or use a firearm if—

11 (a) the person is a licensee to whom the firearm is lent by someone
12 else (the *lender*) during a shooting or paintball competition;
13 and

14 (b) the licensee is licensed to use a firearm of the same kind as the
15 firearm lent; and

16 (c) the lender is a licensee; and

17 (d) the lender is present while the person to whom the firearm is
18 lent has possession of the firearm.

19 (2) A person is authorised to possess or use a firearm if—

20 (a) the person has possession of the firearm on an approved
21 shooting range to receive instruction in the use of the firearm;
22 and

23 (b) the person is under the immediate supervision of an authorised
24 instructor; and

25 (c) either—

26 (i) the firearm is owned by the authorised instructor; or

- 1 (ii) the firearm is owned by an approved club, and the
2 authorised instructor is a registered user of the firearm.
- 3 (3) A person is authorised to possess or use an airgun if the person—
- 4 (a) has possession of it for shooting at a shooting gallery, show,
5 fair or amusement centre; and
- 6 (b) is under the immediate supervision of—
- 7 (i) the registered owner or a registered user of, or the
8 registered principal for, the airgun; or
- 9 (ii) for an airgun owned by someone from a State or another
10 Territory who holds a licence or permit (however
11 described) (an *interstate licence*) in force under the law
12 of the State or Territory that authorises the use or
13 possession of the airgun—the owner or someone
14 employed by the owner who holds an interstate licence.
- 15 (4) A person is authorised to possess or use a firearm in any other
16 circumstances prescribed by regulation.

17 **4BE Paintball markers—authority to possess, use or store**

- 18 (1) This section applies in relation to the possession or use of a paintball
19 marker in the ACT at an approved paintball range operated by the
20 paintball range operator for the range.
- 21 (2) The paintball range operator, and an adult employee of the operator,
22 are authorised to possess or use the paintball marker if the
23 possession is in the course of the operation of the paintball range or
24 the employee's employment.
- 25 (3) An adult is authorised to possess or use the paintball marker if—
- 26 (a) the marker is in the person's possession with the knowledge
27 and approval of the paintball range operator or an adult
28 employee of the operator; and

1 (b) the person is taking part in a paintball activity conducted by the
2 operator.

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

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

8 **4BF Meaning of *close associate* of firearms dealer etc—Act**

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

11 (a) the entity—

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

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

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

20 (2) In this section:

21 *exercise* a power includes exercise the power for someone else.

22 *financial interest*, in relation to a business, means—

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

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

26 *hold* a position includes hold the position for someone else.

27 *licensed firearms dealer* includes an applicant for a firearms dealer
28 licence.

1 **power** means a power exercisable—

2 (a) by voting or otherwise; and

3 (b) alone or with others.

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

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

8 (a) to take part in a directorial, managerial or executive decision
9 for the business; or

10 (b) to elect or appoint a person to a relevant position in the
11 business.

12 **4BG Assessing suitability of individuals**

13 (1) This section applies if the registrar is deciding an individual's
14 suitability in relation to—

15 (a) an authorisation mentioned in section 14 (b) (Authorised
16 instructors and club members); or

17 (b) an application under this Act; or

18 (c) the cancellation of a licence; or

19 (d) whether the individual is a prohibited person under section 66B
20 (Meaning of *prohibited person* for licensed firearms dealers).

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

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

26 • cancellation of adult firearms licences (see s 41), minors firearms
27 licences (see s 42R) and composite entity firearms licences (see
28 s 42ZN).

- 1 (2) In making the decision, the registrar—
- 2 (a) must consider any discretionary criteria under section 4BH that
- 3 apply to the individual; and
- 4 (b) must—
- 5 (i) consider whether any of the mandatory criteria under
- 6 section 4BI are satisfied in relation to the individual; and
- 7 (ii) if 1 or more criteria are satisfied—decide that the
- 8 individual is not suitable.

9 **4BH Assessing suitability of individuals—discretionary**

10 **criteria**

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

- 1 (iii) been subject to an interim protection order or
2 corresponding order; or
- 3 (iv) been convicted or found guilty of an offence (other than a
4 prescribed offence)—
- 5 (A) against this Act or a corresponding law; or
- 6 (B) in the ACT or elsewhere involving violence, drugs,
7 alcohol or weapons; or
- 8 *Note* A conviction does not include a spent conviction—see the
9 *Spent Convictions Act 2000*, s 16 (c) (i).
- 10 (v) given an undertaking to a court, in the ACT or elsewhere,
11 to keep the peace or be of good behaviour; or
- 12 (vi) had his or her licence or permit suspended or cancelled;
- 13 (c) whether the registrar believes on reasonable grounds that
14 information held by a law enforcement agency in relation to
15 the individual indicates that it would be contrary to the public
16 interest for the individual to have access to a firearm;
- 17 *Note* The Minister may make guidelines about the making of decisions
18 about the public interest under this paragraph (see s 12A).
- 19 (d) any other criteria prescribed by regulation.

20 (2) In this section:

21 ***law enforcement agency*** means each of the following:

- 22 (a) the Australian Federal Police;
- 23 (b) the police service or force of a State, another Territory or a
24 foreign country;
- 25 (c) the Australian Customs Service;
- 26 (d) the Australian Crime Commission;
- 27 (e) the Commonwealth CrimTrac Agency;

- 1 (f) the New South Wales Independent Commission Against
2 Corruption or a similar entity established under the law of
3 another State or Territory;
- 4 (g) the New South Wales Crime Commission or a similar entity
5 established under the law of another State or Territory;
- 6 (h) an entity prescribed by regulation.

7 *prescribed offence* means—

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

13 **4BI Assessing suitability of individuals—mandatory criteria**

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

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

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

- 9 (2) In this section:
10 *prescribed offence*—see section 4BH (2).

11 **4BJ Approval of courses etc by registrar**

- 12 (1) The registrar may approve the following for this Act:
13 (a) a firearms training course;
14 (b) a shooting competition;
15 (c) a paintball competition;
16 (d) an event involving firearms.
- 17 (2) An approval under this section is a notifiable instrument.

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

19 **Part 1B Operation of Act**

20 **4C Government-owned firearms**

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

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

1 **4D People responsible for certain actions etc**

2 For this Act—

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

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

9 **4E People exempt from Act etc**

10 (1) A person mentioned in schedule 2, part 2.2, column 2 is exempt
11 from this Act in relation to a firearm the person possesses or uses in
12 the circumstances mentioned in column 3 for the person.

13 (2) A person mentioned in schedule 2, part 2.3, column 2 does not
14 commit an offence against this Act in relation to a firearm the
15 person possesses or uses in the circumstances mentioned in
16 column 3 for the person.

17 (3) A person mentioned in schedule 2, part 2.4, column 2 does not
18 commit an offence against this Act in relation to a firearm in the
19 circumstances mentioned in column 3 for the person.

20 (4) To remove any doubt, a defendant to a prosecution for an offence
21 against this Act who wishes to rely on a circumstance mentioned in
22 schedule 2, part 2.2, part 2.3 or part 2.4, column 3 has the evidential
23 burden in relation to the circumstance.

24 (5) For this section, a person is **exempt** from, or **does not commit an**
25 **offence** against, this Act including because of an exception or
26 immunity under a Commonwealth law.

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

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

1 **Part 1C** **Unregulated firearms**

2 **4G** **Meaning of *unregulated firearm*—Act**

3 In this Act:

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

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

11 **4H** **Unregulated firearms—seizure by police**

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

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

19 **4I** **Unregulated firearms—receipt for seizure**

20 (1) A police officer who seizes a thing under section 4H must give a
21 receipt for the thing to the person from whom it was seized.

22 (2) If, for any reason, it is not practicable to comply with subsection (1),
23 the police officer must leave the receipt, secured conspicuously, at
24 the premises where it was seized (the ***place of seizure***).

25 (3) The receipt must include the following:

- 26 (a) a description of the thing seized;

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

6 **4J Unregulated firearms—examination**

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

24 **4K Unregulated firearms—access to things seized**

25 A person who would, apart from the seizure, be entitled to inspect a

26 thing seized under section 4H (Unregulated firearms—seizure by

27 police) may inspect it.

- 1 **4L Unregulated firearms—review of decision to seize**
- 2 (1) The registrar must review each seizure under section 4H
3 (Unregulated firearms—seizure by police) and order the return of
4 the thing to the person from whom it was seized if—
- 5 (a) when seized, the thing was not—
- 6 (i) an unregulated firearm; or
- 7 (ii) a prohibited firearm; or
- 8 (b) within 30 days after the day of seizure, the thing is not a
9 prohibited firearm; or
- 10 (c) the registrar has no reasonable grounds to believe that the thing
11 is connected with an offence against any of the following:
- 12 (i) this Act;
- 13 (ii) the *Prohibited Weapons Act 1996*;
- 14 (iii) the *Crimes Act 1900*;
- 15 (iv) the Criminal Code;
- 16 (v) another law prescribed by regulation.
- 17 (2) If a thing is ordered to be returned under subsection (1) to the person
18 from whom it was seized, but it cannot be returned, the Territory
19 must pay reasonable compensation to the owner of the thing for its
20 loss.
- 21 (3) In this section:
- 22 ***offence*** includes an offence that there are reasonable grounds for
23 believing has been, is being or will be, committed.

1 **4M Unregulated firearms—forfeiture**

- 2 (1) A thing seized under section 4H (Unregulated firearms—seizure by
3 police) is forfeited to the Territory if there is no requirement under
4 section 4L—
- 5 (a) to return the thing to the person from whom it was seized; or
6 (b) to pay compensation for the thing.
- 7 (2) A thing forfeited to the Territory may be destroyed or otherwise
8 disposed of as the chief executive directs.

9 **Part 1D Declarations about firearms**

10 **5 Firearms declarations by registrar**

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

1 **6 Effect of certain declarations**

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

7 **9 Section 10**

8 *substitute*

9 **10 Delegation by registrar**

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

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

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

16 **10 Section 12**

17 *substitute*

18 **12 Reports and recommendations**

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

21 **12A Minister's guidelines**

22 (1) The Minister may make guidelines for this Act.

23 (2) Without limiting subsection (1), the Minister may make guidelines
24 about the making of the following decisions by the registrar:

25 (a) a decision about the public interest under section 4BH (1) (c)
26 (Assessing suitability of individuals—discretionary criteria);

- 1 (b) a decision under section 4BJ (Approval of courses etc by
2 registrar);
- 3 (c) a decision under section 5 (Firearms declarations by registrar);
- 4 (d) a decision under this Act whether it is in the public interest
5 to—
- 6 (i) issue a licence; or
- 7 (ii) put a condition on a licence; or
- 8 (iii) suspend a licence;
- 9 (e) a decision about an authorisation under any of the following
10 sections:
- 11 (i) section 14 (Authorised instructors and club members);
- 12 (ii) section 36 (1) (e) (Adult firearms licences—conditions);
- 13 (iii) section 42N (1) (b) (Minors firearms licences—
14 conditions);
- 15 (iv) section 42ZK (1) (f) (Composite entity firearms
16 licences—conditions);
- 17 (v) section 42ZQB (1) (e) (Temporary international firearms
18 licences—conditions);
- 19 (vi) section 98A (Offence—sale of ammunition by licensed
20 firearms dealers);
- 21 (vii) section 98B (Offence—sale of ammunition by authorised
22 club members);
- 23 (viii) section 99 (Offence—acquiring ammunition);
- 24 (ix) section 102 (Offences—defacing, altering and removing
25 identification marks);

- 1 (f) a decision about an approval under any of the following
2 sections:
- 3 (i) section 80 (Discharge etc of firearm—public places etc);
4 (ii) section 81 (1) (b) (Discharge of firearm—general);
5 (iii) section 100 (Modification of firearms).
- 6 (3) The registrar must comply with any guidelines about the making of
7 decisions by the registrar.
- 8 (4) Also, without limiting subsection (1), the Minister may make
9 guidelines about the following:
- 10 (a) the safe storage of firearms on premises;
11 *Note Premises* includes vehicles (see dict).
12 (b) making firearms inoperable;
13 (c) the operation of shooting ranges;
14 (d) the operation of paintball ranges;
15 (e) the correction of records required to be kept by licensed
16 firearms dealers under this Act.
- 17 (5) A guideline is a disallowable instrument.
18 *Note* A disallowable instrument must be notified, and presented to the
19 Legislative Assembly, under the Legislation Act.

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

3 *omit*

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

5 *substitute*

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

9 **12** **Section 14**

10 *substitute*

11 **14** **Authorised instructors and club members**

12 The registrar may, in writing, authorise—

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

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

1 **13 New section 15A**

2 *in part 2, insert*

3 **15A Registrar's approval to possess ammunition as collector**

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

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

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

9 (2) The registrar must approve the application unless prevented from
10 doing so by subsection (3).

11 (3) The registrar must not approve the application unless satisfied on
12 reasonable grounds that—

13 (a) the applicant is a collector of ammunition; and

14 (b) the collection of ammunition does not, and will not, consist of
15 more rounds of ammunition that are identical as to the
16 following than the registrar considers reasonable in the
17 interests of public safety:

18 (i) manufacturer;

19 (ii) date of manufacture;

20 (iii) calibre or type;

21 (iv) if the ammunition bears a cartridge headstamp—
22 headstamp.

14 Part 3 and division 3.1 headings

substitute

Part 3 Firearms licences**Division 3.1 Requirement for licence etc****15 Section 16**

substitute

16 Offence—unauthorised possession or use of prohibited firearms

A person commits an offence if the person—

(a) possesses or uses—

(i) 10 or more prohibited firearms; or

(ii) 3 or more prohibited firearms, but less than 10 prohibited firearms; or

(iii) 1 or 2 prohibited firearms; and

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

Maximum penalty:

(a) for paragraph (a) (i)—imprisonment for 20 years; or

(b) for paragraph (a) (ii)—imprisonment for 14 years; or

(c) for paragraph (a) (iii)—imprisonment for 10 years.

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

- 1 **16AA Offence—unauthorised possession or use of firearms**
2 **other than prohibited firearms**
- 3 (1) A person commits an offence if the person—
- 4 (a) possesses or uses—
- 5 (i) 10 or more firearms; or
- 6 (ii) 3 or more firearms, but less than 10 firearms; or
- 7 (iii) 1 or 2 firearms; and
- 8 (b) is not authorised by a licence, permit or otherwise under this
- 9 Act to possess or use each of the firearms.
- 10 Maximum penalty:
- 11 (a) for subsection (1) (a) (i)—imprisonment for 20 years; or
- 12 (b) for subsection (1) (a) (ii)—imprisonment for 7 years; or
- 13 (c) for subsection (1) (a) (iii)—imprisonment for 5 years.
- 14 *Note* A reference to an Act includes a reference to the statutory instruments
- 15 made or in force under the Act, including any regulation (see
- 16 Legislation Act, s 104).
- 17 (2) In this section:
- 18 *firearm* does not include a prohibited firearm.
- 19 **16AB Alternative verdicts—unauthorised possession or use of**
20 **firearms**
- 21 (1) This section applies if, in a prosecution for an offence against
- 22 section 16 (Offence—unauthorised possession or use of prohibited
- 23 firearms), the trier of fact is not satisfied that the defendant
- 24 committed the offence but is satisfied beyond reasonable doubt that
- 25 the defendant committed an offence against section 16AA.
- 26 (2) The trier of fact may find the defendant guilty of the offence against
- 27 section 16AA, but only if the defendant has been given procedural
- 28 fairness in relation to that finding of guilt.

1 **16AC Offence—contravention of condition by licensee etc**

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

7 Maximum penalty: 1 000 penalty units, imprisonment for 10 years

8 or both.

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

15 Maximum penalty: 500 penalty units, imprisonment for 5 years or

16 both.

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

1 **16 Division 3.2 heading**

2 *substitute*

3 **Division 3.2 Licensing schemes—general**

4 **16A Definitions of some licences—Act**

5 In this Act:

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

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

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

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

14 **16B Offence—notice of lost, stolen and destroyed licences**

15 A licensee commits an offence if—

- 16 (a) the licence is lost, stolen or destroyed; and
17 (b) the licensee knows about the loss, theft or destruction; and
18 (c) the licensee fails to tell the registrar about the loss, theft or
19 destruction within 7 days after the day the licensee becomes
20 aware of the loss, theft or destruction.

21 Maximum penalty: 10 penalty units.

22 **16C Offence—failing to surrender firearms when licence
23 suspended or cancelled**

24 A person commits an offence if—

- 25 (a) the person's licence is suspended or cancelled; and

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

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

11 **16D Offence—failure to give up suspended or cancelled**
12 **licence**

13 A person commits an offence if—

- 14 (a) the person's licence is suspended or cancelled; and
- 15 (b) the person intentionally or negligently fails to give the licence
16 to a police officer—
- 17 (i) if the police officer is present and asks the person for the
18 licence, and the person has the licence—immediately; or
- 19 (ii) as soon as possible after the day the person is given
20 notice of the suspension or cancellation; or

1 (iii) if a longer time is stated in the notice—within the time
2 stated in the notice.

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

5 **16E Police may seize firearms under suspended and**
6 **cancelled licences**

7 (1) A police officer may seize any firearm in a person's possession if a
8 licence held by the person is suspended or cancelled.

9 (2) When the suspension of a licence ends, a police officer must return
10 any firearm seized under this section to the licensee if—

11 (a) the licence is in force or has not been further suspended; or

12 (b) possession of the firearm is not otherwise prohibited under this
13 Act.

14 **16F Licence renewals to be treated as fresh applications**

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

17 **17 Section 17**

18 *substitute*

19 **17 Licence categories, kinds and authority conferred by**
20 **licence**

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

24 (2) In addition to the firearms mentioned in schedule 3, column 3 that
25 are excluded from category C and D licences, a regulation may
26 prescribe other firearms that are excluded from the category.

27 (3) A regulation may prescribe subcategories of category H licences.

- 1 (4) The possession or use authorised by a licence is subject to any
2 regulation.
- 3 (5) The registrar may declare the category of a firearm if—
4 (a) the firearm does not have a category under this Act; or
5 (b) it is not clear to which category the firearm belongs.
- 6 *Note* **Category**, of firearm—see the dictionary.
- 7 (6) A declaration is a disallowable instrument.
- 8 *Note* A disallowable instrument must be notified, and presented to the
9 Legislative Assembly, under the Legislation Act.
- 10 (7) The registrar must also publish the declaration in a daily newspaper
11 published and circulating in the ACT.

12 **18 Authority conferred by licence—additional matters**
13 **Section 18 (2)**

- 14 *substitute*
- 15 (2) A licence (other than a firearms dealer licence or paintball marker
16 licence) that authorises the licensee to use a firearm also authorises
17 the licensee, in accordance with this Act or another territory law, to
18 acquire, possess or use the calibre of ammunition made for use in
19 the firearm.
- 20 *Note 1* A licensee must not possess, at any one time, an amount of ammunition
21 that is more than the amount (if any) prescribed by regulation, unless
22 authorised in writing by the registrar (see s 36, s 42N, s 42ZK or
23 s 42ZQB).
- 24 *Note 2* A licensee must not acquire ammunition unless the amount of
25 ammunition that is acquired at any one time is not more than the amount
26 (if any) prescribed by regulation (see s 99).
- 27 (2A) Unless a regulation prescribes otherwise, a category C licence does
28 not authorise the possession or use of a prohibited firearm for a
29 shooting competition.

1 **19 Sections 19 to 35**

2 *substitute*

3 **Division 3.2A Licensing scheme—adult firearms**
4 **licences**

5 **19 Adult firearms licences—applications**

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

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

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

- 10 (2) The application must—

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

17 **19A Adult firearms licences—registrar to tell applicant about**
18 **training etc**

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

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

1 **20 Adult firearms licences—requirement for further**
2 **information etc**

- 3 (1) This section applies to an application for an adult firearms licence.
- 4 (2) The registrar may give the applicant a written notice requiring the
5 applicant to give the registrar stated further information or
6 documents that the registrar reasonably needs to decide the
7 application.
- 8 (3) Without limiting subsection (2), if the registrar believes on
9 reasonable grounds that the applicant's mental health may affect the
10 applicant's ability to handle firearms responsibly, the registrar may
11 ask the applicant to consent to the disclosure to the registrar of
12 personal health information about the applicant from a health record
13 relating to the applicant.
- 14 *Note* The *Health Records (Privacy and Access) Act 1997* contains provisions
15 about the consent, access to the information and limitations on the use
16 or disclosure of the information (see s 13A and sch 1, principle 10,
17 cl 2 (c), 7 and 8). In particular, sch 1, principle 10, cl 7 provides that
18 the consent must be in writing and name the health service provider
19 who made the health record.
- 20 (4) If the applicant does not comply with subsection (2) (other than in
21 relation to the consent mentioned in subsection (3)), the registrar
22 may refuse to consider the application further.

- 23 (5) In this section:

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

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

1 **21 Adult firearms licences—decision**

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

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

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

9 **22 Adult firearms licences—refusal**

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

12 (a) about the applicant’s identity; and

13 (b) that the applicant is suitable; and

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

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

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

20 (e) that—

21 (i) the applicant is, or is about to become, a resident of the
22 ACT; or

23 (ii) in accordance with section 23, it would be necessary for
24 the applicant to possess or use the firearm in the lawful
25 course of business or employment in the ACT; and

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

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

13 *Note* The Minister may make guidelines about the making of a decision

14 whether it is in the public interest to issue a licence (see s 12A).

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

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

18 **22A Adult firearms licences—categories**

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

20 categories:

- 21 (a) category A;
- 22 (b) category B;
- 23 (c) category C;
- 24 (d) category D;
- 25 (e) category H;
- 26 (f) collectors;
- 27 (g) heirlooms;

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

3 **22B When adult firearms licences may be issued**

4 The registrar must not issue an adult firearms licence earlier than
5 28 days after the day the application for the licence is made.

6 **23 Adult firearms licences—genuine reasons to possess or**
7 **use firearms**

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

Table 23

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

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

column 1 item	column 2 genuine reason	column 3 requirements
		<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>
3	primary production	<p>The applicant—</p> <p>(a) is a person whose occupation is the business of a primary producer, or who is the owner, lessee or manager of land used for primary production; and</p>

column 1 item	column 2 genuine reason	column 3 requirements
		(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	<p>The applicant is—</p> <p>(a) a professional contract shooter employed in controlling vertebrate pest animals on rural land; or</p> <p>(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</p> <p>(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.</p>

column 1 item	column 2 genuine reason	column 3 requirements
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.
7	animal welfare	The applicant is— <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	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—

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

column 1 item	column 2 genuine reason	column 3 requirements
		(d) the licence application is supported by the club.
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.

1 **23A Adult firearms licences—no genuine reason to possess**
2 **or use firearms**

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

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

10 **24 Adult firearms licences—restriction on issue of**
11 **category B licences**

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

-
- 1 **25 Adult firearms licences—restriction on issue of**
2 **category C licences**
- 3 The registrar must not issue a category C licence to an adult
4 unless—
- 5 (a) the genuine reason established by the adult to possess or use a
6 firearm is primary production (or another genuine reason
7 prescribed by regulation); and
- 8 (b) the adult produces evidence that satisfies the registrar that—
- 9 (i) the adult has a special need to possess or use a firearm to
10 which a category C licence applies; and
- 11 (ii) the special need cannot be met in any other way (whether
12 by the authority given by a category A or category B
13 licence or otherwise).
- 14 **26 Adult firearms licences—restriction on issue of**
15 **category D licences**
- 16 (1) The registrar must not issue a category D licence to an adult
17 unless—
- 18 (a) the genuine reason established by the adult to possess or use a
19 firearm is vertebrate pest animal control; and
- 20 (b) the adult produces evidence that satisfies the registrar that the
21 adult has a special need to possess or use a firearm to which a
22 category D licence applies; and
- 23 (c) for an adult mentioned in table 23, item 4, column 3,
24 paragraph (c)—the adult produces evidence that satisfies the
25 registrar that the special need cannot be met in any other way
26 (whether by the authority given by a category B or category C
27 licence, by engaging a professional contract shooter or
28 otherwise); and
- 29 (d) the Minister authorises the issue in writing.

- 1 (2) The Minister's authority may be given on the condition that the
2 licence is issued subject to a stated condition that the Minister
3 believes on reasonable grounds is in the public interest.
- 4 (3) If a guideline mentioned in section 12A (2) (d) (ii) is in force, the
5 guideline applies in relation to subsection (2) as if the Minister were
6 the registrar.

7 **27 Adult firearms licences—restriction on issue of**
8 **category H licences**

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

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

22 **28 Adult firearms licences—restriction on issue of collectors**
23 **licences**

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

-
- 1 **29** **Adult firearms licences—restrictions on issue of**
2 **heirlooms licence**
- 3 The registrar must not issue an heirlooms licence to an adult—
- 4 (a) for more than 1 firearm or a matched pair of firearms; and
- 5 (b) unless satisfied on reasonable grounds that the firearm or
6 matched pair is—
- 7 (i) an heirloom; and
- 8 (ii) permanently inoperable.
- 9 **30** **Adult firearms licences—restrictions on issue of firearms**
10 **dealer licences**
- 11 The registrar must not issue a firearms dealer licence to an adult
12 unless satisfied on reasonable grounds that—
- 13 (a) an individual who is, or will be, a close associate of the adult is
14 suitable; and
- 15 *Note* For when an individual is or is not suitable, see s 4BG.
- 16 (b) the adult will be the person primarily responsible for the
17 management of the business to be carried on under the licence.
- 18 **30A** **Adult firearms licences—restrictions on issue of paintball**
19 **marker licences**
- 20 The registrar must not issue a paintball marker licence to an adult
21 unless satisfied on reasonable grounds that the adult has taken part
22 in at least 4 paintball competitions.
- 23 *Note* Section 4BE (Paintball markers—authority to possess, use or store)
24 provides that an adult is authorised to possess or use a paintball marker
25 without a licence in certain circumstances.

- 1 **31 Adult firearms licences—form**
- 2 An adult firearms licence must—
- 3 (a) state the licensee’s name; and
- 4 (b) contain a recent photograph of the licensee; and
- 5 (c) contain the licensee’s signature; and
- 6 (d) state the licence category; and
- 7 (e) for a firearms dealer licence, collectors licence or heirlooms
- 8 licence—state the category of firearm for which the licence is
- 9 issued; and
- 10 (f) state the date the licence ends; and
- 11 (g) for a licence other than a firearms dealer licence or paintball
- 12 marker licence—state the calibre of ammunition the licensee is
- 13 authorised to acquire or possess; and
- 14 (h) state the genuine reason established by the licensee to possess
- 15 or use a firearm to which the licence applies; and
- 16 (i) for a category D licence—state the circumstances when the
- 17 firearm may be used; and
- 18 (j) contain any other particulars prescribed by regulation.
- 19 **32 Adult firearms licences—replacements**
- 20 (1) The registrar may issue a replacement adult firearms licence to the
- 21 licensee if satisfied on reasonable grounds that the licence (the
- 22 *original licence*) has been lost, stolen or destroyed.
- 23 *Note* A fee may be determined under s 125 for this provision.
- 24 (2) If the registrar issues the replacement licence, the registrar must—
- 25 (a) record in the register that the original licence has been lost,
- 26 stolen or destroyed; and

- 1 (b) not later than 48 hours after making the record, tell all licensed
2 firearms dealers in writing that the original licence has been
3 recorded as lost, stolen or destroyed.

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

6 **20 Section 36**

7 *substitute*

8 **36 Adult firearms licences—conditions**

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

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

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

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

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

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

- 1 (2) For subsection (1) (d), a police officer may enter premises—
- 2 (a) not more than twice each year, unless the entry is under part 7
- 3 (Enforcement); and
- 4 (b) only if the licensee is present; and
- 5 (c) only between 7 am and 7 pm; and
- 6 (d) as prescribed by regulation (if any).

- 7 (2) An adult firearms licence is also subject to any condition that the
- 8 registrar believes on reasonable grounds is in the public interest.

9 *Note 1* The Minister may make guidelines about the making of a decision

10 whether it is in the public interest to put a condition on a licence (see

11 s 12A).

12 *Note 2* If the registrar puts a condition on a licence under this section, the

13 registrar must give written notice of the decision to the licensee (see

14 s 114).

15 **36AA Adult firearms licences—special conditions of category D**

16 **licences**

17 Each category D licence is subject to the following conditions:

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

20 **Example—stated circumstances**

21 for airborne culling

22 *Note* An example is part of the Act, is not exhaustive and may extend,

23 but does not limit, the meaning of the provision in which it

24 appears (see Legislation Act, s 126 and s 132).

- 25 (b) the licensee must—
- 26 (i) store the firearm with a licensed firearms dealer (other
- 27 than a club armourer) as soon as practicable after the day
- 28 the licence ends; or

- 1 (ii) otherwise deal with the firearm in accordance with
2 arrangements approved by the registrar.

3 **21 Section 36A**

4 *omit everything before subsection (2), substitute*

5 **36A Adult firearms licences—special conditions for**
6 **category H licences for sport or target shooting**

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

12 **22 Section 36A (2) (b)**

13 *substitute*

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

16 **23 Section 37**

17 *omit everything before paragraph (a), substitute*

18 **37 Adult firearms licences—special conditions for collectors**
19 **licences**

20 A collectors licence is subject to the following conditions:

24 Sections 38 to 44

2 *substitute*

38 Adult firearms licences—special conditions for paintball marker licences

5 A paintball marker licence is subject to the condition that the
6 licensee must not use a registered paintball marker held under the
7 licence in the ACT other than at an approved paintball range
8 operated by the paintball range operator for the range.

39 Adult firearms licences—period in force

10 (1) An adult firearms licence begins on the day it is issued and remains
11 in force, subject to this Act—

12 (a) for 5 years; or

13 (b) if a shorter period is prescribed by regulation—for the shorter
14 period prescribed; or

15 (c) for a category D licence—until the date (the *end date*) decided
16 by the registrar.

17 (2) The end date must not be more than 12 months after the day the
18 licence begins.

Example—s (1)

20 An adult firearms licence is issued on 1 January 2009. It ends on
21 31 December 2013 (at the end of that day).

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

1 **40 Adult firearms licences—immediate suspension**

- 2 (1) This section applies if the registrar—
- 3 (a) is considering whether a ground for cancellation of a licence
- 4 exists under—
- 5 (i) section 41 (Adult firearms licences—cancellation
- 6 generally); or
- 7 (ii) section 42 (Adult firearms licences—cancellation of
- 8 category H licences); and
- 9 (b) believes on reasonable grounds that it is in the public interest
- 10 to suspend the licence until the registrar decides whether to
- 11 cancel the licence on the ground.

12 *Note 1* The Minister may make guidelines about the making of a decision

13 whether it is in the public interest to suspend a licence (see s 12A).

14 *Note 2* If the registrar suspends a licence under this section, the registrar must

15 give written notice of the decision to the licensee (see s 114).

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

22 *Note* See s 42A (Adult firearms licences—when suspension or cancellation

23 takes effect).

- 24 (3) The suspension ends when the earliest of the following happens:
- 25 (a) the registrar gives the licensee a written notice revoking the
- 26 suspension;

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

9 **40A Adult firearms licences—mandatory suspension**

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

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

17 *Note 2* A licence is automatically suspended under the *Domestic Violence and*
18 *Protection Orders Act 2001*, s 57 (Firearms and interim orders) if the
19 Magistrates Court makes an interim protection order unless the court
20 orders otherwise. Under that section, the Magistrates Court may also
21 order seizure of the licence, and seizure and detention of firearms and
22 ammunition, for the period of the interim order.

23 *Note 3* A licence is also automatically suspended under the *Domestic Violence*
24 *and Protection Orders Act 2001*, s 73 (Firearms and emergency orders)
25 if a judicial officer makes an emergency order. Under that section, the
26 officer may also order seizure of the licence, and seizure and detention
27 of firearms and ammunition, for the period of the emergency order.

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

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

18 **41 Adult firearms licences—cancellation generally**

- 19 (1) The registrar must cancel an adult firearms licence—
- 20 (a) if, had the licensee been applying for the licence held, the
- 21 registrar would be required to refuse to issue the licence; or
- 22 *Note* For when the registrar must refuse to issue an adult firearms
- 23 licence, see s 22 and s 24 to s 30A.
- 24 (b) if satisfied on reasonable grounds that the licensee—
- 25 (i) gave information that was (to the licensee's knowledge)
- 26 false or misleading in a material particular in relation to
- 27 the application for the licence; or

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

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

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

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

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

10 (d) for any other reason prescribed by regulation.

11 (3) Subsection (1) (b) (iii) does not apply to a condition that the licensee
12 must allow a police officer to enter premises to inspect facilities if—

13 (a) the contravention involved refusing to allow a police officer to
14 enter the premises or inspect the facilities; and

15 (b) the refusal was reasonable in all the circumstances.

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

18 *Note 2* A licence is automatically cancelled under the *Domestic Violence and*
19 *Protection Orders Act 2001*, s 38 (Firearms and final orders) if the
20 Magistrates Court makes a final protection order unless the court orders
21 otherwise. Under that section, the Magistrates Court may also order
22 seizure of the licence, firearms and ammunition.

23 **42 Adult firearms licences—cancellation of category H** 24 **licences**

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

1 **42A Adult firearms licences—when suspension or**
2 **cancellation takes effect**

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

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

11 **Division 3.2B Licensing scheme—minors firearms**
12 **licences**

13 **42C Definitions—div 3.2B**

14 In this division:

15 *parental responsibility*, for a child—see the *Children and Young*
16 *People Act 1999*, section 17.

17 *Note* *Parental responsibility* for a child is defined in the *Children and Young*
18 *People Act 1999*, s 17 to mean all the duties, powers and responsibilities
19 parents ordinarily have by law in relation to their children. Under that
20 section, it also includes responsibility for the day-to-day or long-term
21 care, welfare and development of the child.

22 *responsible person*, for a child, is a person with parental
23 responsibility for the child.

24 **42D Children prohibited from owning firearms**

25 A child must not own a firearm.

1 **42E Minors firearms licences—applications**

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

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

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

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

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

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

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

13 (2) The application must—

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

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

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

20 (3) The applicant must personally lodge the application in the presence
21 of a responsible person for the applicant.

22 (4) The application must contain the written consent of a responsible
23 person for the applicant to the issue of the licence.

24 **42F Minors firearms licences—requirement for further**
25 **information etc**

26 (1) This section applies to an application for—

27 (a) a minors firearms licence; or

- 1 (b) an extension under section 42O (Minors firearms licences—
2 period in force).
- 3 (2) The registrar may give the applicant a written notice requiring the
4 applicant to give the registrar stated further information or
5 documents that the registrar reasonably needs to decide the
6 application.
- 7 (3) Without limiting subsection (2), if the registrar believes on
8 reasonable grounds that the applicant's mental health may affect the
9 applicant's ability to handle firearms responsibly, the registrar may
10 ask the applicant to consent to the disclosure to the registrar of
11 personal health information about the applicant from a health record
12 relating to the applicant.
- 13 *Note* The *Health Records (Privacy and Access) Act 1997* contains provisions
14 about the consent, access to the information and limitations on the use
15 or disclosure of the information (see s 13A and sch 1, principle 10,
16 cl 2 (c), 7 and 8). In particular, sch 1, principle 10, cl 7 provides that
17 the consent must be in writing and signed by a parent or legally
18 appointed guardian of the applicant, or someone else with parental
19 responsibility for the applicant, and name the health service provider
20 who made the health record.
- 21 (4) If the applicant does not comply with subsection (2) (other than in
22 relation to the consent mentioned in subsection (3)), the registrar
23 may refuse to consider the application further.
- 24 (5) In this section:
- 25 **health record**—see the *Health Records (Privacy and Access)*
26 *Act 1997*, dictionary.
- 27 **personal health information**—see the *Health Records (Privacy and*
28 *Access) Act 1997*, dictionary.

1 **42G Minors firearms licences—decision**

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

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

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

9 **42H Minors firearms licences—refusal**

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

12 (a) about the applicant's identity; and

13 (b) that the applicant is suitable; and

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

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

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

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

21 (e) that the application is made in accordance with section 42E.

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

23 (a) the applicant holds a licence of the category applied for; or

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

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

1 **42I Minors firearms licences—categories**

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

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

7 **42J When minors firearms licences may be issued**

8 The registrar must not issue a minors firearms licence earlier than
9 28 days after the day the application for the licence is made.

10 **42K Minors firearms licences—genuine reasons to possess or**
11 **use firearms**

12 An applicant for a minors firearms licence has a genuine reason to
13 possess or use a firearm if the applicant wants to take part in—

- 14 (a) firearms training; or
15 (b) target pistol training.

16 **42L Minors firearms licences—form**

17 A minors firearms licence must—

- 18 (a) state the licensee's name; and
19 (b) contain a recent photograph of the licensee; and
20 (c) contain the licensee's signature; and
21 (d) state that it is a minors firearms licence; and
22 (e) state the licence category; and
23 (f) state the date the licence ends; and

- 1 (g) state the calibre of ammunition the licensee is authorised to
2 acquire or possess; and
- 3 (h) state the genuine reason established by the licensee to possess
4 or use a firearm to which the licence applies; and
- 5 (i) contain any other particulars prescribed by regulation.

6 **42M Minors firearms licences—replacements**

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

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

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

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

19 **42N Minors firearms licences—conditions**

- 20 (1) A minors firearms licence is subject to each of the following
21 conditions:
- 22 (a) the licensee must not allow someone else to possess or use a
23 firearm in the licensee's possession if the other person is not
24 authorised to possess or use the firearm;
- 25 (b) the licensee must not possess, at any one time, an amount of
26 ammunition that is more than the amount (if any) prescribed by
27 regulation, unless authorised in writing by the registrar;
- 28 (c) the licence cannot be transferred to someone else;

1 (d) any other condition prescribed by regulation.

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

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

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

10 **420 Minors firearms licences—period in force**

11 (1) A minors firearms licence begins on the day it is issued and remains
12 in force, subject to this Act, until the day before the licensee's
13 18th birthday.

14 (2) The registrar may extend the period that a minors firearms licence is
15 in force for not longer than 60 days after the day it would otherwise
16 end under subsection (1) if—

17 (a) before the licence ends, the licensee applies for a licence other
18 than a minors firearms licence; and

19 (b) the registrar has not decided whether to issue or refuse to issue
20 the licence applied for; and

21 (c) the registrar is satisfied on reasonable grounds that the
22 extension is necessary to allow the licensee—

23 (i) for a minors firearms licence issued for the genuine
24 reason of firearms training—to continue to receive
25 instruction, or take part in an approved firearms event,
26 that the person began before the person's 18th birthday;
27 or

- 1 (ii) for a minors firearms licence issued for the genuine
2 reason of target pistol training—to continue to receive
3 instruction, or take part in an approved firearms event,
4 that the person began before the person’s 18th birthday.

5 **42P Minors firearms licences—immediate suspension**

- 6 (1) This section applies if the registrar—
7 (a) is considering whether a ground for cancellation of a licence
8 exists under section 42R (1) (Minors firearms licences—
9 cancellation); and
10 (b) believes on reasonable grounds that it is in the public interest
11 to suspend the licence until the registrar decides whether to
12 cancel the licence on the ground.

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

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

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

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

- 25 (3) The suspension ends when the earliest of the following happens:
26 (a) the registrar gives the licensee a written notice revoking the
27 suspension;

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

9 **42Q Minors firearms licences—mandatory suspension**

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

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

17 *Note 2* A licence is automatically suspended under the *Domestic Violence and*
18 *Protection Orders Act 2001, s 57* (Firearms and interim orders) if the
19 Magistrates Court makes an interim protection order unless the court
20 orders otherwise. Under that section, the Magistrates Court may also
21 order seizure of the licence, and seizure and detention of firearms and
22 ammunition, for the period of the interim order.

23 *Note 3* A licence is also automatically suspended under the *Domestic Violence*
24 *and Protection Orders Act 2001, s 73* (Firearms and emergency orders)
25 if a judicial officer makes an emergency order. Under that section, the
26 officer may also order seizure of the licence, and seizure and detention
27 of firearms and ammunition, for the period of the emergency order.

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

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

18 **42R Minors firearms licences—cancellation**

19 The registrar must cancel a minors firearms licence—

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

22 *Note* For when the registrar must refuse to issue a minors firearms

23 licence, see s 42H.

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

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

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

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

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

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

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

10 (d) for any other reason prescribed by regulation.

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

13 *Note 2* A licence is automatically cancelled under the *Domestic Violence and*
14 *Protection Orders Act 2001*, s 38 (Firearms and final orders) if the
15 Magistrates Court makes a final protection order unless the court orders
16 otherwise. Under that section, the Magistrates Court may also order
17 seizure of the licence, firearms and ammunition.

18 **42S Minors firearms licences—when suspension or**
19 **cancellation takes effect**

20 (1) This section applies if the registrar suspends or cancels a licence
21 under this division.

22 (2) The suspension or cancellation takes effect on—

23 (a) the day notice of the suspension or cancellation is given to the
24 licensee; or

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

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

1 **Division 3.2C Licensing scheme—composite entity**
2 **firearms licences**

3 **42U Definitions—Act**

4 In this Act:

5 *composite entity* means—

6 (a) a corporation; or

7 (b) a government agency (other than a corporation).

8 *principal*, of a composite entity—

9 (a) for a corporation—means an executive officer of the
10 corporation; or

11 (b) for a government agency—means the head of the agency.

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

14 **42V Composite entity firearms licences—applications**

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

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

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

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

23 (2) The application must—

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

- 1 (b) provide evidence of the composite entity's identity; and
2 (c) contain the information prescribed by regulation; and
3 (d) be accompanied by the documents prescribed by regulation.

4 **42W Composite entity firearms licences—requirement for**
5 **further information etc**

- 6 (1) This section applies to an application for a composite entity firearms
7 licence.
- 8 (2) The registrar may give the principal making the application a
9 written notice requiring the principal to give the registrar stated
10 further information or documents that the registrar reasonably needs
11 to decide the application.
- 12 (3) Without limiting subsection (2), if the registrar believes on
13 reasonable grounds that the principal's mental health may affect the
14 principal's ability to handle firearms responsibly, or make decisions
15 in relation to firearms, the registrar may ask the principal to consent
16 to the disclosure to the registrar of personal health information about
17 the principal from a health record relating to the principal.
- 18 *Note* The *Health Records (Privacy and Access) Act 1997* contains provisions
19 about the consent, access to the information and limitations on the use
20 or disclosure of the information (see s 13A and sch 1, principle 10,
21 cl 2 (c), 7 and 8). In particular, sch 1, principle 10, cl 7 provides that
22 the consent must be in writing and name the health service provider
23 who made the health record.
- 24 (4) If the applicant does not comply with subsection (2) (other than in
25 relation to the consent mentioned in subsection (3)), the registrar
26 may refuse to consider the application further.
- 27 (5) In this section:
- 28 **health record**—see the *Health Records (Privacy and Access)*
29 *Act 1997*, dictionary.

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

3 **42X Composite entity firearms licences—decision**

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

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

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

12 **42Y Composite entity firearms licences—refusal**

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

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

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

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

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

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

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

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

- 1 (2) The registrar must also refuse to issue the licence if—
- 2 (a) for an application other than a renewal—the composite entity
- 3 holds a licence of the category applied for; or
- 4 (b) the registrar believes on reasonable grounds that it would be
- 5 contrary to the public interest to issue the licence.

6 *Note* The Minister may make guidelines about the making of a decision

7 whether it is in the public interest to issue a licence (see s 12A).

8 **42Z Composite entity firearms licences—categories**

9 A composite entity firearms licence must be issued in 1 of the

10 following categories:

- 11 (a) category A;
- 12 (b) category B;
- 13 (c) category C;
- 14 (d) category D;
- 15 (e) category H.

16 **42ZA Composite entity firearms licence—principal's name**

17 A composite entity firearms licence must be issued to the composite

18 entity in the name of the principal who applied for the licence.

19 **42ZB When composite entity firearms licences may be issued**

20 The registrar must not issue a composite entity firearms licence

21 earlier than 28 days after the day the application for the licence is

22 made.

- 1 **42ZC Composite entity firearms licences—genuine reasons to**
2 **possess or use firearms**
- 3 (1) A composite entity has a genuine reason to possess or use a firearm
4 if the registrar is satisfied—
- 5 (a) that the entity carries on business in the ACT as a security
6 organisation; or
- 7 (b) that—
- 8 (i) the entity—
- 9 (A) is the owner, lessee or manager of land in the ACT
10 used for primary production; and
- 11 (B) intends that the firearm be used solely in relation to
12 farming or grazing activities (including the
13 suppression of vertebrate pest animals on the land);
14 and
- 15 (ii) it is necessary for a person employed in relation to the
16 farming or grazing activities to possess a firearm in the
17 course of employment; or
- 18 (c) that the entity is an approved club; or
- 19 (d) that the entity is a government agency and it is necessary for an
20 employee to possess a firearm in the course of employment.
- 21 (2) The principal making the application for the composite entity must
22 produce evidence of the matter mentioned in subsection (1) that
23 applies in relation to the entity if asked to do so by the registrar.
- 24 (3) If the principal does not comply with subsection (2), the registrar
25 may refuse to consider the application further.

- 1 (4) In this section:
2 *security organisation*—
3 (a) means a corporation that—
4 (i) carries on the business of providing—
5 (A) protection for people; or
6 (B) transport or protection for the money or property of
7 people other than the corporation; and
8 (ii) holds a master licence under the *Security Industry*
9 *Act 2003*; but
10 (b) does not include a bank.

11 **42ZD Composite entity firearms licences—no genuine reason**
12 **to possess or use firearms**

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

16 **42ZE Composite entity firearms licences—restriction on issue**
17 **of category B licences**

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

- 1 **42ZF Composite entity firearms licences—restriction on issue**
2 **of category C licences**
- 3 The registrar must not issue a category C composite entity firearms
4 licence unless—
- 5 (a) the genuine reason established by the composite entity to
6 possess or use a firearm is primary production (or another
7 genuine reason prescribed by regulation); and
- 8 (b) the entity produces evidence that satisfies the registrar that—
- 9 (i) the entity has a special need to possess or use a firearm to
10 which a category C licence applies; and
- 11 (ii) the special need cannot be met in any other way (whether
12 by the authority given by a category A or category B
13 licence or otherwise).
- 14 **42ZG Composite entity firearms licences—restriction on issue**
15 **of category D licences**
- 16 The registrar must not issue a category D composite entity firearms
17 licence unless the composite entity is a government agency.
- 18 **42ZH Composite entity firearms licences—restriction on issue**
19 **of category H licences**
- 20 The registrar must not issue a category H composite entity firearms
21 licence unless—
- 22 (a) the genuine reason established by the composite entity to
23 possess or use a firearm is carrying on business in the ACT as
24 a security organisation; or
- 25 (b) the entity produces evidence that satisfies the registrar that the
26 entity has a special need to possess or use a pistol; or
- 27 (c) the entity is an approved club and the pistol is to be used for
28 sport or target shooting.

1 **42ZI Composite entity firearms licences—form**

2 A composite entity firearms licence must—

- 3 (a) state the names of the composite entity and registered
4 principal; and
- 5 (b) contain a recent photograph of the registered principal; and
- 6 (c) contain the registered principal’s signature; and
- 7 (d) state the licence category; and
- 8 (e) state the date the licence ends; and
- 9 (f) state the calibre of ammunition the licence authorises the
10 registered principal and each registered user to acquire or
11 possess; and
- 12 (g) state the genuine reason established by the licensee to possess
13 or use a firearm to which the licence applies; and
- 14 (h) contain any other particulars prescribed by regulation.

15 **42ZJ Composite entity firearms licences—replacements**

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

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

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

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

1 **42ZK Composite entity firearms licences—conditions**

2 (1) A composite entity firearms licence is subject to each of the
3 following conditions:

4 (a) the licensee must comply with part 5 (Safe storage of firearms)
5 in relation to each registered firearm held under the licence;

6 (b) the licensee must not allow someone to possess or use a
7 firearm in the licensee's possession if the person is not
8 authorised to possess or use the firearm;

9 (c) the licensee must store each registered firearm held under the
10 licence at the registered premises for the firearm;

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

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

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

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

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

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

24 (h) any other condition prescribed by regulation.

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

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

28 (b) only if the licensee is present; and

- 1 (c) only between 7 am and 7 pm; and
2 (d) as prescribed by regulation (if any).
- 3 (3) A composite entity firearms licence is also subject to any condition
4 that the registrar believes on reasonable grounds is in the public
5 interest.
- 6 *Note 1* The Minister may make guidelines about the making of a decision
7 whether it is in the public interest to put a condition on a licence (see
8 s 12A).
- 9 *Note 2* If the registrar puts a condition on a licence under this section, the
10 registrar must give written notice of the decision to the licensee (see
11 s 114).

12 **42ZL Composite entity firearms licences—period in force**

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

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

18 **Example—par (a)**

19 A composite entity firearms licence is issued on 1 January 2009. It ends on
20 31 December 2010 (at the end of that day).

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

24 **42ZM Composite entity firearms licences—immediate
25 suspension**

- 26 (1) This section applies if the registrar—
27 (a) is considering whether a ground for cancellation of a licence
28 exists under section 42ZN (Composite entity firearms
29 licences—cancellation); and

- 1 (b) believes on reasonable grounds that it is in the public interest
2 to suspend the licence until the registrar decides whether to
3 cancel the licence on the ground.
- 4 *Note 1* The Minister may make guidelines about the making of a decision
5 whether it is in the public interest to suspend a licence (see s 12A).
- 6 *Note 2* If the registrar suspends a licence under this section, the registrar must
7 give written notice of the decision to the licensee (see s 114).
- 8 (2) The registrar's notice of the suspension must—
- 9 (a) include a statement about the effect of subsections (3) and (4);
10 and
- 11 (b) state that the licensee may, before the end of a stated period,
12 give the registrar written reasons why the licence should
13 remain in force.
- 14 *Note* See s 42ZO (Composite entity firearms licences—when suspension or
15 cancellation takes effect).
- 16 (3) The suspension ends when the earliest of the following happens:
- 17 (a) the registrar gives the licensee a written notice revoking the
18 suspension;
- 19 (b) if the licence is cancelled under this Act or another territory
20 law, or suspended (the *later suspension*) under another
21 provision of this Act or another territory law—the cancellation
22 or later suspension takes effect;
- 23 (c) 12 weeks have elapsed after the day the suspension takes
24 effect.
- 25 (4) The licensee is not authorised to possess or use any firearm (not
26 only firearms held under the licence) during the suspension.

1 **42ZMA Composite entity firearms licences—mandatory**
2 **suspension**

3 (1) The registrar must suspend a composite entity firearms licence if the
4 registrar believes on reasonable grounds that the registered principal
5 has been charged with, committed or threatened to commit—

6 (a) a domestic violence offence; or

7 (b) an offence against a law of a State or another Territory
8 corresponding to a domestic violence offence.

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

10 *Note 2* A licence is automatically suspended under the *Domestic Violence and*
11 *Protection Orders Act 2001*, s 57 (Firearms and interim orders) if the
12 Magistrates Court makes an interim protection order unless the court
13 orders otherwise. Under that section, the Magistrates Court may also
14 order seizure of the licence, and seizure and detention of firearms and
15 ammunition, for the period of the interim order.

16 *Note 3* A licence is also automatically suspended under the *Domestic Violence*
17 *and Protection Orders Act 2001*, s 73 (Firearms and emergency orders)
18 if a judicial officer makes an emergency order. Under that section, the
19 officer may also order seizure of the licence, and seizure and detention
20 of firearms and ammunition, for the period of the emergency order.

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

23 (2) The registrar's notice of the suspension must—

24 (a) include a statement about the effect of subsections (3) and (4);
25 and

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

29 (3) The suspension ends when the earliest of the following happens:

30 (a) the registrar gives the licensee a written notice revoking the
31 suspension;

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

9 **42ZN Composite entity firearms licences—cancellation**

- 10 (1) The registrar must cancel a composite entity firearms licence—
- 11 (a) if, had the registered principal been applying for the licence
12 held, the registrar would be required to refuse to issue the
13 licence; or
- 14 *Note* For when the registrar must refuse to issue a composite entity
15 firearms licence, see s 42Y and s 42ZE to s 42ZH.
- 16 (b) if satisfied on reasonable grounds that the principal who made
17 the application for the licence gave information that was (to the
18 principal's knowledge) false or misleading in a material
19 particular in relation to the application; or
- 20 (c) if satisfied on reasonable grounds that the composite entity has
21 contravened this Act, whether or not the entity has been
22 convicted of an offence for the contravention; or
- 23 *Note* A reference to an Act includes a reference to the statutory
24 instruments made or in force under the Act, including any
25 regulation (see Legislation Act, s 104).
- 26 (d) if satisfied on reasonable grounds that the composite entity has
27 contravened a condition of the licence; or
- 28 (e) if satisfied on reasonable grounds that the registered principal
29 is not suitable; or
- 30 *Note* For when an individual is or is not suitable, see s 4BG.

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

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

9 *Note 2* A licence is automatically cancelled under the *Domestic Violence and*
10 *Protection Orders Act 2001*, s 38 (Firearms and final orders) if the
11 Magistrates Court makes a final protection order unless the court orders
12 otherwise. Under that section, the Magistrates Court may also order
13 seizure of the licence, firearms and ammunition.

14 **42ZO Composite entity firearms licences—when suspension or**
15 **cancellation takes effect**

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

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

1 **Division 3.2D Licensing scheme—temporary**
2 **international firearms licences**

3 **42ZOA Meaning of *foreign firearms licence*—div 3.2D**

4 In this division:

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

8 **42ZP Temporary international firearms licences—applications**

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

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

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

14 (2) The application must—

15 (a) contain the information prescribed by regulation; and

16 (b) be accompanied by the documents prescribed by regulation.

17 (3) The applicant must produce the applicant's passport, or evidence of
18 the applicant's passport, to the registrar.

19 **42ZPA Temporary international firearms licences—requirement**
20 **for further information etc**

21 (1) This section applies to an application for a temporary international
22 firearms licence.

23 (2) The registrar may give the applicant a written notice requiring the
24 applicant to give the registrar stated further information or
25 documents that the registrar reasonably needs to decide the
26 application.

- 1 (3) If the applicant does not comply with subsection (2), the registrar
2 may refuse to consider the application further.

3 **42ZPB Temporary international firearms licences—decision**

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

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

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

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

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

17 **42ZPC Temporary international firearms licences—refusal**

- 18 (1) The registrar must refuse to issue a temporary international firearms
19 licence to an applicant for the licence unless satisfied on reasonable
20 grounds—

- 21 (a) about the applicant's identity; and
22 (b) that the applicant is a resident of a foreign country; and
23 (c) that the applicant holds a foreign firearms licence; and
24 (d) that the applicant has a genuine reason for possessing or using
25 a firearm; and
26 (e) that the applicant will comply with part 5 (Safe storage of
27 firearms) in relation to each firearm held under the licence.

- 1 (2) The registrar must also refuse to issue the licence if—
2 (a) the applicant is not an adult; or
3 (b) the registrar believes on reasonable grounds that it would be
4 contrary to the public interest to issue the licence.

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

7 **42ZPD When temporary international firearms licences may be**
8 **issued**

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

12 **42ZQ Temporary international firearms licences—genuine**
13 **reasons to possess or use firearms**

- 14 (1) An applicant for a temporary international firearms licence—
15 (a) has a genuine reason to possess or use a firearm if the registrar
16 is satisfied that—
17 (i) the applicant is a member of the staff of an
18 internationally protected person, or other declared person,
19 whose duties include the protection of that person while
20 in the ACT; and
21 (ii) the firearm to which the application relates is a pistol of
22 not more than 11.43mm calibre that is not fully automatic
23 or capable of conversion to being fully automatic; or

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

- 26 (b) has a genuine reason (the ***genuine reason of international***
27 ***visitor***) to possess or use a firearm if the registrar is satisfied
28 that—
29 (i) the applicant is a visitor to the ACT; and

1 (ii) for a licence authorising the applicant to take part in an
2 approved shooting or approved paintball competition—
3 the applicant would enter or has entered Australia (within
4 the meaning of the *Migration Act 1958* (Cwlth)) in the
5 ACT.

6 (2) The applicant must produce evidence of the matter mentioned in
7 subsection (1) that applies in relation to the applicant if asked to do
8 so by the registrar.

9 (3) If the applicant does not comply with subsection (2), the registrar
10 may refuse to consider the application further.

11 (4) The Minister may declare a person for subsection (1) (a) (i).

12 (5) A declaration is a notifiable instrument.

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

14 (6) In this section:

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

19 **42ZQA Temporary international firearms licences—form**

20 A temporary international firearms licence must—

21 (a) state the licensee's name and address while in the ACT; and

22 (b) contain a recent photograph of the licensee; and

23 (c) contain the licensee's signature; and

24 (d) state that it is a temporary international firearms licence; and

25 (e) state the licence category; and

- 1 (f) state the date the licence ends; and
- 2 *Note* The end date must not be more than 3 months after the day the
- 3 licence begins (see s 42ZR (2)).
- 4 (g) state the particulars prescribed by regulation of the firearm for
- 5 which the licence is issued; and
- 6 (h) state the calibre of ammunition the licensee is authorised to
- 7 acquire or possess; and
- 8 (i) state the genuine reason established by the licensee to possess
- 9 or use a firearm to which the licence applies; and
- 10 (j) for a licence issued for the genuine reason of international
- 11 visitor—state the purpose for which the firearm may be
- 12 possessed or used; and
- 13 (k) contain any other particulars prescribed by regulation.

14 **42ZQB Temporary international firearms licences—conditions**

- 15 (1) A temporary international firearms licence is subject to each of the
- 16 following conditions:
- 17 (a) the licensee must produce the licensee's passport to the
- 18 registrar on request;
- 19 (b) the licensee must comply with part 5 (Safe storage of firearms)
- 20 in relation to each firearm held under the licence;
- 21 (c) the licensee must not allow someone else to possess or use a
- 22 firearm in the licensee's possession if the other person is not
- 23 authorised to possess or use the firearm;
- 24 (d) the licensee must—
- 25 (i) carry the licence when possessing or using a firearm held
- 26 under the licence; and
- 27 (ii) produce the licence to a police officer on request;

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

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

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

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

15 **42ZR Temporary international firearms licences—period in**
16 **force**

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

22 **42ZRA Temporary international firearms licences—cancellation**

23 The registrar must cancel a temporary international firearms
24 licence—

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

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

- 1 (b) if satisfied on reasonable grounds that the licensee—
2 (i) gave information that was (to the licensee’s knowledge)
3 false or misleading in a material particular in relation to
4 the application for the licence; or
5 (ii) has contravened this Act, whether or not the licensee has
6 been convicted of an offence for the contravention; or
7 *Note* A reference to an Act includes a reference to the statutory
8 instruments made or in force under the Act, including any
9 regulation (see Legislation Act, s 104).
10 (iii) has contravened a condition of the licence; or
11 (c) for any other reason prescribed by regulation.

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

14 *Note 2* A licence is automatically cancelled under the *Domestic Violence and*
15 *Protection Orders Act 2001*, s 38 (Firearms and final orders) if the
16 Magistrates Court makes a final protection order unless the court orders
17 otherwise. Under that section, the Magistrates Court may also order
18 seizure of the licence, firearms and ammunition.

19 **42ZRB Temporary international firearms licences—when**
20 **cancellation takes effect**

- 21 (1) This section applies if the registrar cancels a licence under
22 section 42ZRA.
23 (2) The cancellation takes effect on—
24 (a) the day notice of the cancellation is given to the licensee; or
25 (b) if the notice of cancellation states a later date of effect—the
26 stated date.

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

1 **Part 3A** **Temporary recognition of**
2 **interstate licences and permits**

3 **42ZS** **Definitions—pt 3A**

4 In this part:

5 *authorised period*, in relation to an individual interstate licensee
6 who arrives in the ACT for a purpose mentioned in this part, means
7 the period of 3 months beginning on the person's arrival day.

8 *corresponding*—a licence or permit of a particular category issued
9 under this Act (the *local licence*), and an interstate licence of the
10 same category, or that is declared under section 42ZSA to be of a
11 particular category that is the same category, are *corresponding*.

12 *interstate licence* means a licence or permit (however described) in
13 force under the law of a State or another Territory that authorises the
14 use or possession of a firearm.

15 *local licence*—see the definition of *corresponding*.

16 **42ZSA** **Temporary recognition of interstate licences—declaration**
17 **of licence categories**

- 18 (1) The registrar may declare that an interstate licence is of a particular
19 category.
- 20 (2) A declaration is a notifiable instrument.

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

- 1 **42ZT Temporary recognition of interstate licences—general**
- 2 (1) This section applies to an individual interstate licensee if the
3 individual—
- 4 (a) is a resident of a State or another Territory and comes to the
5 ACT for—
- 6 (i) the purpose of taking part in an approved shooting or
7 approved paintball competition; or
- 8 (ii) a purpose prescribed by regulation in relation to the
9 possession or use of a firearm; and
- 10 (b) holds an interstate licence that corresponds to a category A
11 licence, category B licence, category C licence, category H
12 licence or paintball marker licence.
- 13 (2) For the authorised period, the individual is authorised to possess, or
14 use, for a purpose mentioned in subsection (1) (a), a firearm of a
15 kind to which the corresponding local licence applies.
- 16 (3) However, the authorisation under subsection (2) is subject to
17 compliance with any condition prescribed by regulation.
- 18 (4) This section does not apply to an individual to whom section 42ZU
19 applies.
- 20 **42ZU Temporary recognition of interstate category C licences**
- 21 (1) This section applies to an individual interstate licensee if the
22 individual—
- 23 (a) is a resident of a State or another Territory and comes to the
24 ACT for the purpose of taking part in an approved shooting
25 competition; and
- 26 (b) holds an interstate licence that corresponds to a category C
27 licence that authorises the individual to possess or use a
28 firearm for the genuine reason of sport or target shooting.

1 (2) For the authorised period, the individual is authorised to possess, or
2 use, for the purpose of taking part in the shooting competition, a
3 firearm of a kind to which the corresponding local licence applies.

4 (3) However, the authorisation under subsection (2) is subject to
5 compliance with any condition prescribed by regulation.

6 **42ZV Interstate residents moving to ACT—category A, B, and**
7 **paintball marker licences**

8 (1) This section applies to an individual who—

9 (a) is a resident of a State or another Territory; and

10 (b) is the holder of an interstate licence that corresponds to a
11 category A licence, category B licence or paintball marker
12 licence; and

13 (c) notifies the registrar in writing that he or she intends to live in
14 the ACT permanently.

15 (2) The interstate licence is, subject to any direction of the registrar,
16 taken to be the corresponding local licence until the earlier of the
17 following:

18 (a) the end of the period of 3 months beginning on the day after
19 the day the individual notifies the registrar under
20 subsection (1);

21 (b) if the person applies for a corresponding local licence before
22 the end of the 3-month period—the day the registrar issues, or
23 refuses to issue, the licence to the individual.

24 **42ZW Interstate residents moving to ACT—category C and H**
25 **licences**

26 (1) This section applies to an individual who—

27 (a) is a resident of a State or another Territory; and

- 1 (b) is the holder of an interstate licence that corresponds to a
2 category C licence or category H licence; and
- 3 (c) notifies the registrar in writing that he or she intends to live in
4 the ACT permanently.
- 5 (2) The interstate licence is, subject to any direction of the registrar,
6 taken to be the corresponding local licence until the earlier of the
7 following:
- 8 (a) the end of the period of 7 days beginning on the day after the
9 day the individual notifies the registrar under subsection (1);
- 10 (b) if the person applies for a corresponding local licence before
11 the end of the 7-day period—the day the registrar issues, or
12 refuses to issue, the licence to the individual.

13 **42ZX Temporary recognition of interstate licences for**
14 **international visitors—shooting or paintball competitions**

- 15 (1) This section applies to an individual if the individual—
- 16 (a) is a resident of a foreign country; and
- 17 (b) holds an interstate licence issued by a State or another
18 Territory that authorises the individual to possess or use a
19 firearm for the purpose of taking part in a shooting or paintball
20 competition in the State or Territory; and
- 21 (c) comes to the ACT for the purpose of taking part in an approved
22 shooting or approved paintball competition.
- 23 (2) For the authorised period, the individual is authorised to possess, or
24 use, for the purpose of taking part in the shooting or paintball
25 competition, the firearm for which the interstate licence is issued.
- 26 (3) However, the authorisation under subsection (2) is subject to
27 compliance with any condition—
- 28 (a) imposed under the law of the State or Territory that issued the
29 licence (the *interstate condition*); and

- 1 (b) prescribed by regulation.
- 2 (4) If an interstate condition is inconsistent with a prescribed condition,
3 the interstate condition has no effect to the extent of the
4 inconsistency.
- 5 (5) An interstate condition is taken to be inconsistent with a prescribed
6 condition to the extent that it is capable of operating concurrently
7 with the prescribed condition.

8 **25 Division 3.3**

9 *substitute*

10 **Part 3B Permits generally**

11 **43 General power to issue permits**

- 12 The registrar may issue a permit authorising 1 or more of the
13 following:
- 14 (a) the possession or use of a firearm in the circumstances
15 prescribed by regulation (including for film or theatrical
16 productions);
- 17 (b) the shortening or conversion of a firearm in the circumstances
18 prescribed by regulation;
- 19 (c) anything else that is required by regulation to be authorised by
20 a permit.

1 **Part 3C Permits to acquire firearms**

2 **45 Meaning of *acquirer* and *foreign acquirer*—pt 3C**

3 In this part:

4 *acquirer*—see section 45A.

5 *foreign acquirer*—see section 46A.

6 **45A Permits to acquire—applications**

- 7 (1) A person (the *acquirer*) who is a licensee may apply to the registrar
8 for a permit to acquire a firearm.

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

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

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

14 **45B Permits to acquire—decision**

15 On an application for a permit to acquire a firearm, the registrar
16 must issue the permit unless prevented from doing so by this Act.

17 *Note 1* For when the registrar must refuse to issue a permit to acquire a firearm,
18 see s 46 and s 46A.

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

22 **46 Permits to acquire—refusal to issue generally**

- 23 (1) The registrar must refuse to issue a permit to acquire a firearm (the
24 *proposed firearm*) unless—

- 25 (a) the acquirer holds a licence authorising the acquirer to possess
26 or use a firearm of the same kind as the proposed firearm; and

- 1 (b) the registrar is satisfied on reasonable grounds that the acquirer
2 has a good reason for acquiring the firearm.
- 3 (2) The registrar must also refuse to issue a permit to acquire a pistol to
4 the holder of a category H licence issued for the genuine reason of
5 sport or target shooting unless—
- 6 (a) the acquisition is in accordance with the conditions (if any) of
7 the licence; and
- 8 (b) the approved shooting club of which the licensee is a member
9 gives the registrar written advice stating—
- 10 (i) the competition shooting discipline for which the licensee
11 requires the pistol; and
- 12 (ii) that the club supports the licensee's application for a
13 permit to acquire the pistol; and
- 14 (c) the registrar is satisfied on reasonable grounds that the licensee
15 will comply with part 5 (Safe storage of firearms) in relation to
16 the pistol.
- 17 *Note* A reference to an Act includes a reference to the statutory
18 instruments made or in force under the Act, including any
19 regulation (see Legislation Act, s 104).
- 20 (3) Subsection (2) (b) (i) does not apply in relation to the issue of a
21 permit to acquire a pistol mentioned in section 36A (3) (Adult
22 firearms licences—special conditions for category H licences for
23 sport or target shooting).
- 24 (4) This section does not apply to an acquirer to whom section 46A
25 applies.

- 1 **46A Permits to acquire—refusal to issue to temporary**
2 **international firearms licensees**
- 3 (1) This section applies to an acquirer (the *foreign acquirer*) who is a
4 resident of a foreign country.
- 5 (2) The registrar must not issue a permit to acquire a firearm (the
6 *proposed firearm*) to the foreign acquirer unless—
- 7 (a) the acquirer holds a temporary international firearms licence
8 authorising the acquirer to possess or use a firearm of the same
9 kind as the proposed firearm; and
- 10 (b) the registrar is satisfied on reasonable grounds that the acquirer
11 has a good reason for acquiring the proposed firearm.
- 12 **46B When permits to acquire may be issued**
- 13 The registrar must not issue a permit to acquire a firearm earlier
14 than 28 days after the day the application for the permit is made.
- 15 **47 Permits to acquire—period in force**
- 16 (1) A permit to acquire a firearm begins on the day it is issued and
17 remains in force, subject to this Act, until the earlier of—
- 18 (a) the end of 30 days after the day the permit is issued; or
- 19 (b) the day the permit-holder acquires the firearm.
- 20 (2) The registrar may extend the period mentioned in subsection (1) (a)
21 so the permit is in force for not longer than 60 days if—
- 22 (a) there is a delay in acquiring the firearm to which the permit
23 relates; and
- 24 (b) the registrar is satisfied on reasonable grounds that the delay is
25 caused by circumstances beyond the permit-holder's control.

1 **48 Permits to acquire—replacements**

2 (1) The registrar may issue a replacement permit to acquire a firearm to
3 the permit-holder if satisfied on reasonable grounds that the permit
4 (the *original permit*) has been lost, stolen or destroyed.

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

6 (2) If the registrar issues the replacement permit, the registrar must—

7 (a) record in the register that the original permit has been lost,
8 stolen or destroyed; and

9 (b) not later than 48 hours after making the record, tell all licensed
10 firearms dealers in writing that the original permit has been
11 recorded as lost, stolen or destroyed.

12 **48A Offence—notice of lost, stolen and destroyed permits to
13 acquire**

14 The holder of a permit to acquire a firearm commits an offence if—

15 (a) the permit is lost, stolen or destroyed; and

16 (b) the holder knows about the loss, theft or destruction; and

17 (c) the holder fails to tell the registrar about the loss, theft or
18 destruction within 7 days after the day the holder becomes
19 aware of the loss, theft or destruction.

20 Maximum penalty: 10 penalty units.

21 **48B Permits to acquire—automatic suspension and
22 cancellation**

23 (1) A person's permit to acquire a firearm (the *relevant firearm*) is
24 suspended by force of this section if the person's licence or permit
25 (the *relevant suspended licence*) authorising the person to possess
26 or use a firearm of the same kind as the relevant firearm is
27 suspended.

- 1 (2) The suspension of the permit to acquire takes effect on the day the
2 suspension of the relevant suspended licence takes effect.
- 3 (3) The permit to acquire is suspended until the earlier of—
4 (a) the day the permit ceases to be in force; or
5 (b) the day the suspension of the relevant suspended licence ends.
- 6 (4) A person's permit to acquire a firearm (the *relevant firearm*) is
7 cancelled by force of this section if the person's licence or permit
8 (the *relevant cancelled licence*) authorising the person to possess or
9 use a firearm of the same kind as the relevant firearm is cancelled.
- 10 (5) The cancellation of the permit to acquire takes effect on the day the
11 cancellation of the relevant cancelled licence takes effect.

12 *Note* A regulation may prescribe other reasons for suspending or cancelling a
13 permit (see s 49A).

14 **48C Permits to acquire—cancellation by registrar**

- 15 (1) The registrar must cancel a permit to acquire a firearm—
16 (a) if, had the permit-holder been applying for the permit held, the
17 registrar would be required to refuse to issue the permit; or

18 *Note* For when the registrar must refuse to issue a permit to acquire a
19 firearm, see s 46 and s 46A.

- 20 (b) if satisfied on reasonable grounds that the permit-holder—
21 (i) gave information that was (to the holder's knowledge)
22 false or misleading in a material particular in relation to
23 the application for the permit; or
24 (ii) has contravened this Act, whether or not the
25 permit-holder has been convicted of an offence for the
26 contravention; or

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

1 (iii) has contravened a condition of the permit; or

2 (c) for any other reason prescribed by regulation.

3 *Note* If the registrar cancels a permit under this section, the registrar must
4 give written notice of the decision to the permit-holder (see s 114).

5 (2) The cancellation of a permit to acquire a firearm under this section
6 takes effect on—

7 (a) the day notice of the cancellation is given to the permit-holder;
8 or

9 (b) if the notice of the cancellation states a later date of effect—the
10 stated date.

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

12 **49 Offence—failing to give up suspended or cancelled**
13 **permit to acquire**

14 (1) A person commits an offence if—

15 (a) the person's permit to acquire a firearm (the *relevant firearm*)
16 is suspended or cancelled; and

17 (b) the person intentionally or negligently fails to give the permit
18 to a police officer—

19 (i) if the police officer is present and asks the person for the
20 permit, and the person has the permit—immediately; or

21 (ii) if the permit is suspended by force of section 48B
22 (Permits to acquire—automatic suspension and
23 cancellation)—as soon as possible after the day the
24 suspension of the person's relevant licence takes effect;
25 or

26 (iii) if the permit is cancelled by force of section 48B—as
27 soon as possible after the day the cancellation of the
28 person's relevant licence takes effect; or

- 1 (iv) if the permit is cancelled under section 48C (Permits to
2 acquire—cancellation by registrar)—
- 3 (A) as soon as possible after the day the person is given
4 notice of the cancellation; or
- 5 (B) if a longer time is stated in the notice—within the
6 time stated in the notice.

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

9 (2) In this section:

10 *relevant licence*, of a person, means the licence or permit that
11 authorises the person to possess or use a firearm of the same kind as
12 the relevant firearm.

13 **49A Regulations about permits to acquire**

14 A regulation may make provision in relation to any of the following:

- 15 (a) the way in which an application for a permit to acquire a
16 firearm may or must be made;
- 17 (b) the particulars an application for a permit to acquire a firearm
18 must include;
- 19 (c) the conditions that may be imposed on a permit to acquire a
20 firearm, or to which the permit is subject;
- 21 (d) the reasons for which a permit to acquire a firearm may be
22 suspended or cancelled.

26 Part 4*substitute***Part 4 Registration of firearms and
firearm users****Division 4.1 Interpretation****49B Meaning of *owner and user particulars*—pt 4**

In this part:

owner and user particulars, in relation to a registered firearm,
means—

- (a) the name of the registered owner of the firearm; and
- (b) if the registered owner of the firearm is a composite entity—
the name of the registered principal; and
- (c) the name of each registered user of the firearm; and
- (d) particulars of the licence or permit of each registered owner or
registered user.

Division 4.2 Register of firearms**50 Register of firearms**

- (1) The registrar must keep a register of firearms stored in the ACT by
licensees and permit-holders.
- (2) The register must be kept in a way that allows—
 - (a) the register to be linked to a national scheme for firearms
management or registration prescribed by regulation; and

- 1 (b) information in the register to be accessed by other State and
2 Territory government entities responsible for administering or
3 enforcing legislation relating to firearms.
- 4 (3) A firearm for which a temporary international firearms licence is
5 issued need not be registered.

6 **50A Contents of register**

7 The register consists of—

- 8 (a) for each registered firearm—
- 9 (i) the owner and user particulars; and
- 10 (ii) the address of the premises in the ACT where the
11 firearm—
- 12 (A) is or is to be stored; or
- 13 (B) if the registered owner is a licensed firearms
14 dealer—may be available for sale; and
- 15 (iii) any other particulars prescribed by regulation; and
- 16 (b) for each registered user of a registered firearm—
- 17 (i) if the registered user is employed by a licensed firearms
18 dealer—the dealer’s name; and
- 19 (ii) if the registered user is employed by a composite entity
20 that holds a category A, category B, category C or
21 category H licence—the composite entity’s name; and
- 22 (iii) if the registered user is a member of an approved club—
23 the approved club’s name; and
- 24 (iv) any other particulars prescribed by regulation; and

1 (c) any other information required under this Act to be included in
2 the register.

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

6 **50B Register not available to public**

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

9 **50C Two-yearly reviews**

10 (1) The registrar must, at least once every 2 years, undertake a review
11 of the register to assess the accuracy of information in the register.

12 (2) In undertaking the review, the registrar need not check every entry
13 in the register, but may sample the entries either randomly or
14 systematically to assess the accuracy of information.

15 (3) The registrar must—

16 (a) prepare a written report stating—

17 (i) when the review was carried out; and

18 (ii) the results of the review; and

19 (b) not later than 3 months after the day the review is finished,
20 give the report to the chief executive.

Division 4.3 Registration of firearms**51 Firearm registration—application**

- (1) The owner of a firearm may apply to the registrar to register the firearm.

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

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

- (2) The application must state the address of the premises in the ACT where the firearm—

(a) is or is to be stored; or

(b) if the registered owner is a licensed firearms dealer—may be available for sale.

51A Firearm registration—request for further information etc

- (1) This section applies to an application for registration of a firearm.

- (2) The registrar may give the applicant a written notice requiring the applicant to—

(a) give the registrar stated further information or documents that the registrar reasonably needs to decide the application; and

(b) produce the firearm to the registrar to allow the registrar to—

(i) identify the firearm by inspecting it; and

(ii) decide if the firearm is safe.

- (3) If the applicant does not comply with subsection (2) (a), the registrar may refuse to consider the application further.

Note If the applicant does not produce the firearm, the registrar must refuse to register the firearm (see s 51C (2)).

1 **51B Firearm registration—decision**

2 On an application for registration of a firearm, the registrar must
3 register the firearm unless prevented from doing so by this Act.

4 *Note 1* For when the registrar must refuse to register a firearm, see s 51C.

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

8 **51C Firearm registration—refusal**

9 (1) The registrar must refuse to register a firearm unless the person to
10 be the registered owner is the holder of a licence or permit in
11 relation to the firearm.

12 (2) Also, if the registrar requires an applicant for registration of a
13 firearm to produce the firearm under section 51A (2) (b), the
14 registrar must refuse to register the firearm if it is not produced as
15 required.

16 **51D Firearm registration notice**

17 (1) This section applies if the registrar—

18 (a) registers a firearm under section 51B; or

19 (b) registers a person as a user of a firearm under section 52BB; or

20 (c) records in the register, as prescribed by regulation, a change in
21 the owner and user particulars for a firearm.

22 (2) The registrar must issue a firearm registration notice to the
23 registered owner of the firearm.

24 (3) The registrar may also, but need not, issue a firearm registration
25 notice to each registered user of the firearm.

- 1 (4) However, if a registered user of a firearm applies to the registrar for
2 a firearm registration notice for the firearm, the registrar must issue
3 the notice to the user.

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

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

7 **51E End of firearm registration**

8 The registration of a firearm remains in force unless cancelled under
9 section 52.

10 **52 Cancellation of firearm registration**

- 11 (1) The registrar must cancel the registration of a firearm—
- 12 (a) if the owner of the firearm no longer holds a licence or permit
13 in relation to the firearm; or
- 14 (b) if satisfied on reasonable grounds that the applicant for
15 registration gave information that was (to the applicant's
16 knowledge) false or misleading in a material particular in
17 relation to the application; or
- 18 (c) if the owner of the firearm is convicted of—
- 19 (i) an offence against this Act; or
- 20 (ii) an offence against the Criminal Code, part 3.4 (False or
21 misleading statements, information and documents) in
22 relation to an application under this Act; or
- 23 (iii) an offence against the Criminal Code, section 346
24 (Forgery) in relation to a licence or permit under this Act;
25 or
- 26 (iv) an offence against the Criminal Code, section 361
27 (Obstructing Territory public official) in relation to a
28 police officer exercising a function under this Act; or

- 1 (v) an offence prescribed by regulation; or
2 (d) if the owner of the firearm asks for the cancellation; or
3 (e) for any other reason prescribed by regulation.

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

7 *Note 2* If the registrar cancels the registration of a firearm under this section,
8 the registrar must give written notice of the decision to the owner of the
9 firearm (see s 114).

10 (2) The cancellation takes effect on—

- 11 (a) the day notice of the cancellation is given to the owner of the
12 firearm; or
13 (b) if the notice of the cancellation states a later date of effect—the
14 stated date.

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

16 **52A Police may seize firearms if firearm registration cancelled**

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

19 **Division 4.4 Registration of firearms users**

20 **52B User registration—application**

- 21 (1) This section applies to the holder of 1 or more of the following
22 licences:
23 (a) a category A licence;
24 (b) a category B licence;
25 (c) a category C licence;
26 (d) a category H licence;

- 1 (e) a firearms dealer licence;
- 2 (f) a paintball marker licence.
- 3 (2) The holder may apply to the registrar for registration as a user of a
- 4 registered firearm—
- 5 (a) of which someone else is the registered owner; and
- 6 (b) of the kind the holder is authorised to use by the holder's
- 7 licence.
- 8 (3) The application must—
- 9 (a) be accompanied by a certified copy of the applicant's licence;
- 10 and
- 11 (b) contain the registered owner's written consent to the
- 12 registration of the applicant as a user of the firearm.

13 **Example**

14 Anthony holds a category A licence. Jess is the registered owner of a category A

15 firearm and agrees to let Anthony use her firearm. Anthony may apply to the

16 registrar to be a registered user of Jess's firearm.

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

18 used.

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

20 *Note 3* An example is part of the Act, is not exhaustive and may extend, but

21 does not limit, the meaning of the provision in which it appears (see

22 Legislation Act, s 126 and s 132).

23 **52BA User registration—request for further information etc**

- 24 (1) This section applies to an application for registration as a user of a
- 25 firearm.
- 26 (2) The registrar may give the applicant a written notice requiring the
- 27 applicant to give the registrar stated further information or
- 28 documents that the registrar reasonably needs to decide the
- 29 application.

1 (3) The registrar may give the registered owner of the firearm a written
2 notice requiring the registered owner to produce the firearm to the
3 registrar to allow the registrar to—

4 (a) identify the firearm by inspecting it; and

5 (b) decide if the firearm is safe.

6 (4) If the applicant does not comply with subsection (2), the registrar
7 may refuse to consider the application further.

8 *Note* If the registered owner does not produce the firearm, the registrar must
9 refuse to register the user (see s 52C (2)).

10 **52BB User registration—decision**

11 On an application for registration as a user of a firearm, the registrar
12 must register the user unless prevented from doing so by this Act.

13 *Note 1* For when the registrar must refuse to register a person as a user of a
14 firearm, see s 52C.

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

18 **52C User registration—refusal**

19 (1) On an application for registration as a user of a firearm, the registrar
20 must refuse to register the applicant as a user unless satisfied on
21 reasonable grounds that—

22 (a) the firearm to which the application relates is of a kind suitable
23 for use for the genuine reason established by the applicant for
24 the issue of the applicant's licence; and

25 (b) if the applicant is a licensed firearms dealer or composite
26 entity, or an employee or person acting on behalf of a licensed
27 firearms dealer or composite entity—the applicant requires the
28 firearm for the purposes of the dealership or entity.

- 1 (2) Also, if the registrar requires the registered owner of a firearm to
2 produce the firearm under section 52BA (3), the registrar must
3 refuse to register the user if the firearm is not produced as required.

4 **52D Effect of registration as user**

- 5 (1) Registration as a user of a firearm authorises the registered user to
6 possess and use the firearm as if the firearm were held under the
7 registered user's licence or permit.
- 8 (2) However, a registered user of a firearm may possess or use the
9 firearm only with the registered owner's permission.
- 10 (3) Also, a registered user is authorised to possess and use a firearm for
11 which a licensed firearms dealer is the registered owner if—
- 12 (a) the dealer is listed in the register in relation to the user; and
13 (b) the user is employed by the dealer; and
14 (c) the user possesses and uses the firearm in the course of the
15 employment.
- 16 (4) Also, a registered user is authorised to possess and use a category A,
17 category B, category C or category H firearm for which a composite
18 entity is the registered owner if—
- 19 (a) the composite entity is listed in the register in relation to the
20 user; and
21 (b) the user is employed by the composite entity; and
22 (c) the user possesses and uses the firearm in the course of the
23 employment.
- 24 (5) Also, a registered user is authorised to possess and use a category A,
25 category B or category H firearm for which an approved club is the
26 registered owner if—
- 27 (a) the approved club is listed in the register in relation to the user;
28 and

- 1 (b) the user is a member of the club; and
- 2 (c) the user possesses and uses the firearm while on an approved
- 3 shooting range owned or used by the club, or another approved
- 4 club, to take part in a competition in, or activities relating to,
- 5 the use of the firearm.

6 **52E User registration—period in force**

7 The registration of a user of a firearm remains in force unless

8 cancelled under this division.

9 **52F Automatic cancellation of user registration**

- 10 (1) This section applies if the registrar cancels the registration of a
- 11 firearm under section 52.
- 12 (2) The registration of each registered user of the firearm is cancelled
- 13 by force of this section on the day the firearm's registration is
- 14 cancelled.
- 15 (3) The registrar must give each person (other than an excepted person)
- 16 whose registration as a user of the firearm is cancelled by force of
- 17 this section a written notice stating—
- 18 (a) that the person's registration as a user of the firearm is
- 19 cancelled because the firearm's registration is cancelled; and
- 20 (b) the date the firearm's registration is cancelled.
- 21 (4) For a firearm for which a composite entity is the registered owner,
- 22 the registered principal for the firearm must give each excepted
- 23 person a written notice stating—
- 24 (a) that the person's registration as a user of the firearm is
- 25 cancelled because the firearm's registration is cancelled; and
- 26 (b) the date the firearm's registration is cancelled.

- 1 (5) In this section:
2 *excepted person*, in relation to a firearm for which a composite
3 entity is the registered owner, means a person whose registration as
4 a user of the firearm is cancelled by force of this section.

5 **52G Automatic cancellation of user registration—certain**
6 **registered users**

- 7 (1) This section applies to a person who is a registered user of a firearm
8 if any of the following is the registered owner of the firearm:
9 (a) a licensed firearms dealer;
10 (b) a composite entity;
11 (c) an approved club.
- 12 (2) The person's registration as a registered user is cancelled by force of
13 this section if the person stops being—
14 (a) if the registered owner is a licensed firearms dealer—an
15 employee of the dealer; or
16 (b) if the registered owner is a composite entity—a principal or
17 employee of the composite entity; or
18 (c) if the registered owner is an approved club, and the person is
19 not a principal or employee of the club—an active member of
20 the club.
- 21 (3) The cancellation takes effect on the day the person stops being the
22 employee, principal or active member.

1 **Division 4.5 Offences—registration**

2 **52H Offence—failing to notify event causing cancellation of**
3 **user registration**

4 (1) A person commits an offence if—

5 (a) the person's registration as a user is cancelled under
6 section 52G; and

7 (b) the person does not, within 7 days after the day the registration
8 is cancelled, tell the registrar in writing about the reason for the
9 cancellation.

10 Maximum penalty: 10 penalty units.

11 (2) The holder of a composite entity licence commits an offence if—

12 (a) a person who is an employee of the entity is a registered user
13 of a firearm of which the entity is the registered owner; and

14 (b) the person stops being employed by the entity; and

15 (c) the entity does not, within 7 days after the day the person stops
16 being employed by the entity, tell the registrar in writing about
17 the end of the employment.

18 Maximum penalty: 10 penalty units.

19 (3) A licensed firearms dealer commits an offence if—

20 (a) a person who is an employee of the dealer is a registered user
21 of a firearm of which the dealer is the registered owner; and

22 (b) the person stops being employed by the dealer; and

- 1 (c) the dealer does not, within 7 days after the day the person stops
2 being employed by the dealer, tell the registrar in writing about
3 the end of the employment.

4 Maximum penalty: 10 penalty units.

5 **53 Offence—unregistered firearms**

- 6 (1) A person must not dispose of or acquire—

- 7 (a) a prohibited firearm that is not registered; or
8 (b) any other firearm that is not registered.

9 Maximum penalty:

- 10 (a) for subsection (1) (a)—1000 penalty units, imprisonment for
11 10 years or both; or
12 (b) for subsection (1) (b)—500 penalty units, imprisonment for
13 5 years or both.

- 14 (2) A person must not possess or use—

- 15 (a) a prohibited firearm that is not registered; or
16 (b) any other firearm that is not registered.

17 Maximum penalty:

- 18 (a) for subsection (2) (a)—1 000 penalty units, imprisonment for
19 10 years or both; or
20 (b) for subsection (2) (b)—500 penalty units, imprisonment for
21 5 years or both.

- 22 (3) Subsection (1), to the extent that it creates an offence of disposing of
23 a firearm that is not registered, and subsection (2), to the extent that
24 it creates an offence of possessing a firearm that is not registered, do
25 not apply in relation to the surrender of a firearm to a police officer.

- 1 (4) Also, subsection (1), to the extent that it creates an offence of
2 acquiring a firearm that is not registered, and subsection (2), to the
3 extent that it creates an offence of possessing a firearm that is not
4 registered, do not apply if—
- 5 (a) the person is a licensed firearms dealer; and
6 (b) the firearm is registered within the period prescribed by
7 regulation.
- 8 (5) Also, subsections (1) and (2) do not apply to a person if the
9 person—
- 10 (a) did not know, and could not reasonably be expected to have
11 known, that the firearm was not registered; and
12 (b) is not the owner of the firearm.

13 **54 Offence—requirements relating to registered firearms**

- 14 (1) The registered owner of a firearm must produce the firearm for
15 inspection by a police officer at any reasonable time if asked to do
16 so by the officer.
- 17 Maximum penalty: 50 penalty units.
- 18 (2) A person (other than a licensed firearms dealer) who is the
19 registered owner of a firearm commits an offence if the person—
- 20 (a) sells the firearm; and
21 (b) fails to give the registrar the particulars prescribed by
22 regulation in relation to the sale within 7 days after the day the
23 firearm is sold.
- 24 Maximum penalty: 50 penalty units.
- 25 (3) A person (other than a licensed firearms dealer) commits an offence
26 if the person—
- 27 (a) acquires a firearm; and

1 (b) fails to give the registrar the particulars prescribed by
2 regulation in relation to the acquisition within 7 days after the
3 day the firearm is acquired.

4 Maximum penalty: 50 penalty units.

5 *Note* See also s 110 (Offence—lost, stolen or destroyed firearms).

6 **55 Offence—possessing firearm under another licence**

7 A licensee must not possess a firearm of which someone else is the
8 registered owner unless—

9 (a) the person is the registered principal for, or a registered user of,
10 the firearm; or

11 (b) the licensee is otherwise authorised under this Act to possess
12 the firearm.

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

15 **27 Part 5 heading**

16 *substitute*

17 **Part 5 Safe storage of firearms**

18 **28 Section 62**

19 *substitute*

20 **62 Offence—failing to comply with storage requirements**

21 (1) A person commits an offence if the person—

22 (a) possesses—

23 (i) a prohibited firearm; or

24 (ii) any other firearm; and

- 1 (b) fails to take all reasonable steps to ensure each of the
2 following:
- 3 (i) the firearm is stored safely;
- 4 (ii) the firearm is not lost or stolen;
- 5 (iii) the firearm does not come into the possession of someone
6 who is not authorised to possess the firearm.
- 7 Maximum penalty:
- 8 (a) for subsection (1) (a) (i)—imprisonment for 2 years;
- 9 (b) for subsection (1) (a) (ii)—imprisonment for 1 year.
- 10 (2) For a firearm stored in a vehicle, the person who possesses the
11 firearm takes all reasonable steps to ensure it is stored safely if the
12 firearm is stored in the vehicle in accordance with any guidelines
13 under section 12A (Minister’s guidelines).
- 14 (3) Also, a regulation may prescribe what are reasonable steps.

15 **29 Category A and B licence requirements**
16 **Section 63**

17 *omit everything before subsection (1) (a), substitute*

18 **63 Offence—storage requirements for category A,
19 category B and paintball marker licences**

- 20 (1) The holder of a category A, category B or paintball marker licence
21 must comply with the following requirements in relation to each
22 registered firearm held under the licence:

- 1 **30 Section 63 (1) penalty**
- 2 *substitute*
- 3 Maximum penalty: imprisonment for 1 year.
- 4 **31 Category C, D and H licence requirements**
- 5 **Section 64**
- 6 *omit everything before subsection (1) (a), substitute*
- 7 **64 Offence—storage requirements for category C, D and H**
- 8 **licences**
- 9 (1) The holder of a category C, category D or category H licence must
- 10 comply with the following requirements in relation to each
- 11 registered firearm held under the licence:
- 12 **32 Section 64 (1) penalty**
- 13 *substitute*
- 14 Maximum penalty: imprisonment for 2 years.
- 15 **33 Part 6 heading**
- 16 *substitute*
- 17 **Part 6 Firearms dealers**
- 18 **Division 6.1 Interpretation**
- 19 **65A Meaning of *prohibited person*—pt 6**
- 20 In this part:
- 21 ***prohibited person***—see section 66B.

1 **Division 6.2 Licences and licensed firearms**
2 **dealers**

3 **34 Sections 66 to 69**

4 *substitute*

5 **66 Offence—firearms dealers to be licensed**

6 A person commits an offence if—

7 (a) in carrying on a business, the person—

8 (i) manufactures, acquires, disposes of, repairs, maintains or
9 tests firearms or firearm parts; or

10 (ii) possesses firearms for the purpose of disposing of, or
11 repairing, maintaining or testing, them; or

12 (iii) possesses firearm parts for the purpose of manufacturing
13 firearms; or

14 (iv) stores firearms for someone else; and

15 (b) the person is not authorised to do the thing by a firearms dealer
16 licence.

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

19 **66A Information about close associates of certain firearms**
20 **dealers**

- 21 (1) In an application for a firearms dealer licence, the applicant must
22 give the name and address of each close associate of the applicant
23 and particulars of the kind of association with the applicant.

Section 34

- 1 (2) If a close associate of a licensed firearms dealer changes after the
2 dealer gives the registrar the most recent application for a licence, or
3 declaration under this section, the dealer must give the registrar not
4 later than 7 days after the day the change happened a written
5 declaration—
- 6 (a) telling the registrar about the change; and
- 7 (b) stating the name and address of each close associate of the
8 dealer and particulars of the nature of the association with the
9 dealer.
- 10 (3) The registrar may, by written notice given to a licensed firearms
11 dealer, require the dealer to give the registrar within the reasonable
12 time stated in the notice—
- 13 (a) a written declaration that—
- 14 (i) the dealer (and no one else) is the person primarily
15 responsible for the management of the business
16 authorised by the licence; or
- 17 (ii) someone else (whether instead of or in addition to the
18 dealer) is primarily responsible for the management of
19 the business; and
- 20 (b) a written declaration—
- 21 (i) that the close associates of the dealer (if any) have not
22 changed since the most recent application for a licence,
23 or declaration under this section, was given to the
24 registrar; or
- 25 (ii) stating the name and address of each close associate of
26 the dealer and particulars of the nature of the association
27 with the dealer.
- 28 *Note* The Criminal Code, pt 3.4 includes offences for giving false or
29 misleading statements and giving false or misleading information.

- 1 **66B** **Meaning of *prohibited person* for licensed firearms**
2 **dealers**
- 3 For this part, an individual is a *prohibited person* for a licensed
4 firearms dealer if the individual—
- 5 (a) does not hold an adult firearms licence; and
6 (b) is not suitable.
- 7 *Note 1* For when an individual is or is not suitable, see s 4BG.
- 8 *Note 2* If an individual's licence is suspended, the licensee is not authorised to
9 possess or use any firearm (not only firearms held under the licence)
10 during the suspension (see s 40 and s 40A).
- 11 **66C** **Registrar's statement whether person prohibited—**
12 **application**
- 13 (1) A licensed firearms dealer must apply to the registrar for a statement
14 about an individual who has agreed to the making of the application
15 if—
- 16 (a) the dealer—
- 17 (i) proposes to employ the individual in the business
18 authorised by the licence; or
- 19 (ii) proposes to allow the individual to act as an agent for, or
20 take part in the management of, the business; and
- 21 (b) the individual does not hold an adult firearms licence.
- 22 *Note 1* If a form is approved under s 125A for this provision, the form must be
23 used.
- 24 *Note 2* A fee may be determined under s 125 for this provision.

- 1 (2) A licensed firearms dealer may apply to the registrar for a statement
2 about an individual who has agreed to the making of the application
3 if—
- 4 (a) the dealer—
- 5 (i) employs the individual in the business authorised by the
6 licence; or
- 7 (ii) allows the individual to act as an agent for, or take part in
8 the management of, the business; and
- 9 (b) the individual does not hold an adult firearms licence.
- 10 (3) The application must—
- 11 (a) provide evidence of the individual's identity in accordance
12 with the requirements under the *Financial Transaction Reports*
13 *Act 1988* (Cwlth) that apply in relation to the opening of a bank
14 account; and
- 15 (b) contain the information mentioned in section 19 (2) (b) (Adult
16 firearms licences—applications) as if the individual were the
17 applicant; and
- 18 (c) be accompanied by the documents mentioned in
19 section 19 (2) (c) as if the individual were the applicant.
- 20 (4) Also, the registrar may give the individual a written notice requiring
21 the individual to give the registrar stated further information or
22 documents mentioned in section 20 (Adult firearms licences—
23 requirement for further information etc) as if the individual were the
24 applicant.

25 **66D Registrar's statement whether person prohibited**

26 On an application under section 66C, the registrar must give the
27 licensed firearms dealer a statement in relation to the individual
28 stating whether the individual is a prohibited person.

1 **66E Offence—prohibited person not to be involved in firearms**
2 **dealing business**

- 3 (1) A licensed firearms dealer commits an offence if the dealer—
4 (a) employs a prohibited person in the business authorised by the
5 licence; or
6 (b) allows a prohibited person to act as an agent for, or take part in
7 the management of, the business.

8 Maximum penalty: imprisonment for 10 years.

- 9 (2) A person commits an offence if—
10 (a) the person is a prohibited person; and
11 (b) either—
12 (i) a licensed firearms dealer employs the person in the
13 business authorised by the licence; or
14 (ii) a licensed firearms dealer allows the person to act as an
15 agent for, or take part in the management of, the business.

16 Maximum penalty: imprisonment for 10 years.

- 17 (3) It is a defence to a prosecution for an offence against subsection (1)
18 if the licensed firearms dealer proves that the dealer did not know,
19 and could not reasonably be expected to have known, that the
20 individual employed or allowed to act as an agent for, or to take part
21 in the management of, the business was a prohibited person.

22 **67 Offence—restrictions on acquisition and disposal of**
23 **firearms by firearms dealers**

- 24 (1) A licensed firearms dealer commits an offence if—
25 (a) the dealer acquires a firearm from someone (the *disposer*) who
26 is not a licensed firearms dealer; and

- 1 (b) the disposer—
- 2 (i) is not authorised by a licence or permit to possess the
3 firearm; or
- 4 (ii) is authorised by a licence or permit to possess the
5 firearm, but the dealer has not inspected the licence or
6 permit.
- 7 Maximum penalty: 50 penalty units, imprisonment for 6 months or
8 both.
- 9 (2) A licensed firearms dealer commits an offence if—
- 10 (a) the dealer disposes of a firearm to someone (the *acquirer*); and
- 11 (b) any of the following apply:
- 12 (i) the acquirer is not authorised by a licence or permit to
13 possess the firearm;
- 14 (ii) the acquirer is authorised by a licence or permit to
15 possess the firearm, but the dealer has not inspected the
16 licence or permit;
- 17 (iii) the dealer has not inspected the acquirer's permit to
18 acquire the firearm (or the equivalent of a permit to
19 acquire a firearm that is issued under the law of a State or
20 another Territory for the firearm).
- 21 Maximum penalty: 50 penalty units, imprisonment for 6 months or
22 both.
- 23 (3) Subsection (2) does not apply in relation to the surrender of a
24 firearm to a police officer.

1 **Division 6.3** **Licensed firearms dealers—records**
2 **and returns**

3 **67A** **Definitions—div 6.3**

4 In this division:

5 *acquire*, a firearm, includes—

- 6 (a) take possession of the firearm to repair, maintain or test it; and
7 (b) store the firearm.

8 *dispose*, of a firearm, includes, for a firearm that is repaired,
9 maintained, tested or stored for a person, return the firearm to the
10 person.

11 **68** **Offence—records generally**

12 A licensed firearms dealer commits an offence if the dealer
13 intentionally or negligently fails to ensure that—

- 14 (a) each acquisition or disposal of a firearm, or firearm part, to
15 which the dealer's licence applies is recorded in accordance
16 with this division; and
17 (b) each record relating to a firearm or firearm part is given to the
18 registrar as prescribed by regulation.

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

21 **68AA** **Acquisition and disposal—records**

22 (1) This section applies if a licensed firearms dealer—

- 23 (a) acquires a firearm or firearm part from someone else; or
24 (b) disposes of a firearm or firearm part to someone else.

- 1 (2) The record of the acquisition or disposal of the firearm or firearm
2 part must contain the following particulars:
- 3 (a) the name and address of the other person;
- 4 (b) for a firearm other than a firearm that is temporarily stored—
5 the number of the other person's licence or permit authorising
6 the other person to possess the firearm or firearm part;
- 7 (c) for a disposal of a firearm (other than the surrender of a firearm
8 to a police officer or a firearm temporarily stored)—the
9 number of the other person's permit to acquire the firearm;
- 10 (d) for each firearm or firearm part that is or has been in the
11 firearms dealer's possession—
- 12 (i) the date it was first acquired by the dealer and, if no
13 longer in the dealer's possession, the date of its disposal
14 by the dealer; and
- 15 (ii) the name and address of the person who first gave
16 possession of it to the dealer; and
- 17 (iii) if it is disposed of by the dealer (other than by return to
18 the person for whom it was stored)—its make, serial
19 number, calibre, type, action and magazine capacity (if
20 any);
- 21 (e) any other particulars prescribed by regulation.
- 22 (3) The record of the acquisition or disposal must be made within
23 48 hours after the acquisition or disposal, unless a regulation
24 prescribes otherwise.
- 25 (4) The record of the acquisition or disposal must be made and kept in
26 the way approved by the registrar.
- 27 (5) An approval is a notifiable instrument.

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

1 **68A Correction of recorded entries**

2 A correction to an entry in a record required to be kept under this
3 division must—

- 4 (a) preserve the record; and
- 5 (b) show that a correction has been made and the date it was made;
6 and
- 7 (c) be made in accordance with any guidelines under section 12A
8 (Minister's guidelines).

9 **68B Offence—inspection of records**

10 (1) A licensed firearms dealer commits an offence if the dealer—

- 11 (a) is required to keep a record, or ensure a record is kept, under
12 this division; and
- 13 (b) fails to do 1 or more of the following when asked by a police
14 officer:
- 15 (i) show the record to the officer and allow the officer to
16 inspect and make copies of any entry in it;
- 17 (ii) show the officer the firearms and firearm parts in the
18 dealer's possession;
- 19 (iii) give the officer any information in the dealer's
20 possession about a firearm or firearm part that, under the
21 authority of the dealer's licence—
- 22 (A) is in the dealer's possession; or
- 23 (B) has been manufactured or repaired; or
- 24 (C) has been acquired; or

1 (D) has been disposed of.

2 Maximum penalty: 50 penalty units.

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

4 **68C Offence—records of former firearms dealers**

5 (1) A person commits an offence if the person—

6 (a) stops being a licensed firearms dealer; and

7 (b) not later than 14 days after the day (the *end day*) the person
8 stops being licensed, the person fails to give the registrar all of
9 the person's records as a dealer during the 2 years immediately
10 before the end day.

11 Maximum penalty: 20 penalty units.

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

13 **69 Offence—monthly returns**

14 (1) Not later than 7 days after the end of each month, a licensed
15 firearms dealer must give the registrar a return for the month that
16 contains the particulars mentioned in section 68AA (2) (Acquisition
17 and disposal—records).

18 (2) A licensed firearms dealer commits an offence if the dealer does not
19 take all reasonable steps to give a return in accordance with this
20 section.

21 Maximum penalty: 10 penalty units.

1 **35 Section 70 heading**

2 *substitute*

3 **70 Additional requirements for firearms dealers**

4 **36 Section 70 (4) to (6)**

5 *substitute*

6 (4) A licensed firearms dealer must ensure that each record required to
7 be kept by the dealer under this Act is kept in a safe place on the
8 registered premises for the firearm, other than a place in which
9 firearms are kept under this Act.

10 Maximum penalty: 50 penalty units.

11 (5) A licensed firearms dealer commits an offence if the dealer—

12 (a) takes possession of a firearm from someone else to—

13 (i) repair, maintain or test it; or

14 (ii) store it for the person; and

15 (b) has not inspected—

16 (i) the person's licence or permit in relation to the firearm;
17 and

18 (ii) the firearm registration notice for the firearm.

19 Maximum penalty: 50 penalty units.

20 (6) Subsection (5) does not apply in relation to—

21 (a) a firearm that is temporarily stored; or

22 (b) storage of a firearm mentioned in section 36AA (b) (i) (Adult
23 firearms licences—special conditions of category D licences).

1 (6A) A licensed firearms dealer must not store, maintain or repair a
2 firearm that is not registered.

3 Maximum penalty: 50 penalty units.

4 (6B) Subsection (6A) does not apply in relation to a firearm that is
5 temporarily stored.

6 *Note* See s 93 (Offence—disposal of firearms by unauthorised holders
7 generally) and s 93A (Offence—disposal of inherited firearms).

8 **37 Security of displayed firearms**
9 **Section 71 (2)**

10 *omit everything before paragraph (a), substitute*

11 (2) A licensed firearms dealer commits an offence if the dealer fails to
12 ensure that each firearm displayed in any part of the registered
13 premises—

14 **38 Part 7**

15 *substitute*

16 **Part 7 Enforcement**

17 **Division 7.1 Interpretation**

18 **73 Meaning of offence—pt 7**

19 In this part:

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

1 **Division 7.2 Powers of police officers**

2 **74 Power to enter premises**

3 (1) For this Act, a police officer may—

4 (a) at any reasonable time, enter premises that the public is entitled
5 to use or that are open to the public (whether or not on
6 payment); or

7 (b) at any time when the premises of a licensed firearms dealer are
8 open for business, enter the premises; or

9 (c) at any time, enter premises with the occupier's consent; or

10 (d) enter premises in accordance with a licence or permit
11 condition; or

12 (e) enter premises in accordance with a search warrant; or

13 (f) at any time, enter premises if the police officer believes on
14 reasonable grounds that—

15 (i) an offence or a breach of the peace is being or is likely to
16 be committed, or a person has suffered physical injury or
17 there is imminent danger of injury to a person or damage
18 to property; and

19 (ii) it is necessary to enter the premises immediately for the
20 purpose of preventing the commission or repetition of an
21 offence or a breach of the peace or to protect life or
22 property.

23 (2) However, subsection (1) (a) and (b) do not authorise entry into a
24 part of premises that is being used only for residential purposes.

25 (3) A police officer may, without the consent of the occupier of
26 premises, enter land that is around, or part of, the premises to ask for
27 consent to enter the premises.

1 (4) To remove any doubt, a police officer may enter premises under
2 subsection (1) without payment of an entry fee or other charge.

3 (5) In this section:

4 *at any reasonable time* includes at any time when the public is
5 entitled to use the premises, or when the premises are open to or
6 used by the public (whether or not on payment).

7 **74A Production of evidence of identity**

8 A police officer must not remain at premises entered under this part
9 if the officer does not produce evidence that the officer is a police
10 officer when asked by the occupier.

11 **75 Consent to entry**

12 (1) When seeking the consent of an occupier of premises to enter the
13 premises under section 74 (1) (c), a police officer must—

14 (a) produce evidence that he or she is a police officer; and

15 (b) tell the occupier—

16 (i) the purpose of the entry; and

17 (ii) that anything found and seized under this part may be
18 used in evidence in court; and

19 (iii) that consent may be refused.

20 (2) If the occupier consents, the police officer must ask the occupier to
21 sign a written acknowledgment (an *acknowledgment of consent*)—

22 (a) that the occupier was told—

23 (i) the purpose of the entry; and

24 (ii) that anything found and seized under this part may be
25 used in evidence in court; and

26 (iii) that consent may be refused; and

- 1 (b) that the occupier consented to the entry; and
2 (c) stating the time and date consent was given.
- 3 (3) If the occupier signs an acknowledgment of consent, the police
4 officer must immediately give a copy to the occupier.
- 5 (4) A court must find that an occupier did not consent to entry to the
6 premises by a police officer under this part if—
- 7 (a) the question arises in a proceeding in the court whether the
8 occupier consented to the entry; and
- 9 (b) an acknowledgment of consent is not produced in evidence;
10 and
- 11 (c) it is not proved that the occupier consented to the entry.

12 **75A General powers on entry to premises**

13 A police officer who enters premises under this part may, for this
14 Act, do 1 or more of the following in relation to the premises or
15 anything at the premises:

- 16 (a) inspect or examine, including inspect, make copies of, or take
17 extracts from, any record required to be kept under part 6
18 (Firearms dealers), or any other document that the officer
19 believes on reasonable grounds is connected with—
- 20 (i) the acquisition, disposal, possession, repair, maintenance,
21 testing, modification or manufacture of a firearm or
22 firearm part; or
- 23 (ii) the storage of a firearm;
- 24 (b) test, or remove for testing, any firearm or firearm part that the
25 officer believes on reasonable grounds is not safe or has been
26 modified otherwise than in accordance with this Act or another
27 law in force in the ACT;

- 1 (c) if the officer believes on reasonable grounds that a firearm at
2 the premises is not safe—direct, in writing, the occupier of the
3 premises, and, if the occupier is not the owner of the firearm,
4 the registered owner, not to use or dispose of the firearm,
5 unless it has been made safe for use and has been inspected,
6 tested and approved by the registrar;
- 7 (d) take photographs, films, or audio, video or other recordings;
- 8 (e) require the occupier, or anyone at the premises, to produce any
9 document kept at the premises that the officer believes on
10 reasonable grounds is connected with an offence;
- 11 (f) require the occupier, or an employee or agent of the occupier,
12 to give the police officer reasonable help to exercise a power
13 under this part.

14 **Examples—help**

- 15 1 give information
16 2 answer questions

17 *Note 1* The Legislation Act, s 170 and s 171 deal with the application of the
18 privilege against selfincrimination and client legal privilege.

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

22 **75B Powers on entry—condition**

- 23 (1) This section applies if a police officer enters registered premises for
24 a firearm under a condition of a licence or permit.
- 25 (2) The police officer may—
- 26 (a) inspect any facility for storing firearms at the premises; and
- 27 (b) test, or remove for testing, any firearm that the officer believes
28 on reasonable grounds is not safe or has been modified
29 otherwise than in accordance with this Act or another law in
30 force in the ACT; and

- 1 (c) if the officer believes on reasonable grounds that a firearm at
2 the premises is not safe—direct, in writing, the licensee or
3 permit-holder not to use or dispose of the firearm, unless it has
4 been made safe for use and has been inspected, tested and
5 approved by the registrar; and
- 6 (d) seize a thing if satisfied on reasonable grounds that the thing is
7 connected with an indictable offence.

8 **75C Offences—noncompliance with directions and**
9 **requirements**

- 10 (1) A person must take all reasonable steps to comply with a direction
11 given to the person under section 75A (c).

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

- 14 (2) A person must take all reasonable steps to comply with a
15 requirement made of the person under section 75A (e) or
16 section 75A (f).

17 Maximum penalty: 50 penalty units.

18 **75D Power to seize things**

- 19 (1) A police officer who enters premises under this part with the
20 occupier's consent may seize anything at the premises if—

21 (a) satisfied on reasonable grounds that the thing is connected with
22 an offence against this Act; and

23 (b) seizure of the thing is consistent with the purpose of the entry
24 told to the occupier when seeking the occupier's consent.

- 25 (2) A police officer who enters premises under a warrant under this part
26 may seize anything at the premises that the officer is authorised to
27 seize under the warrant.

- 1 (3) A police officer who enters premises under this part (whether with
2 the occupier's consent, under a warrant or otherwise) may seize
3 anything at the premises if satisfied on reasonable grounds that—
4 (a) the thing is connected with an offence against this Act; and
5 (b) the seizure is necessary to prevent the thing from being—
6 (i) concealed, lost or destroyed; or
7 (ii) used to commit, continue or repeat the offence.
- 8 (4) Also, a police officer who enters premises under this part (whether
9 with the occupier's consent, under a warrant or otherwise) may seize
10 anything at the premises if satisfied on reasonable grounds that the
11 thing is connected with an indictable offence.
- 12 (5) The powers of a police officer under subsections (3) and (4) are
13 additional to any powers of the officer under subsection (1) or (2) or
14 any other territory law.
- 15 (6) A police officer who seizes a thing under this section may—
16 (a) remove the thing from the premises where it was seized (the
17 *place of seizure*) to another place; or
18 (b) leave the thing at the place of seizure but restrict access to it.
- 19 (7) A person commits an offence if—
20 (a) the person interferes with a seized thing, or anything
21 containing a seized thing, to which access has been restricted
22 under subsection (6); and
23 (b) the person knows access to the seized thing has been restricted;
24 and
25 (c) the person does not have a police officer's approval to interfere
26 with the thing.
- 27 Maximum penalty: 50 penalty units.
- 28 (8) Strict liability applies to subsection (7) (a).

1 **75DA Receipt for things seized**

- 2 (1) As soon as practicable after a police officer seizes a thing under this
3 part, the officer must give a receipt for it to the person from whom it
4 was seized.
- 5 (2) If, for any reason, it is not practicable to comply with subsection (1),
6 the police officer must leave the receipt, secured conspicuously, at
7 the premises where it was seized (the *place of seizure*).
- 8 (3) The receipt must include the following:
- 9 (a) a description of the thing seized;
- 10 (b) an explanation of why the thing was seized;
- 11 (c) the police officer's name, and information about how to
12 contact the officer;
- 13 (d) if the thing is removed from the place of seizure—the address
14 of the place to which the thing is removed;
- 15 (e) if a police officer has restricted access to the thing under
16 section 75D (6) (b)—that it is an offence under section 75D (7)
17 to interfere with the thing without a police officer's approval.

18 **Division 7.3 Search warrants**

19 **76 Warrants generally**

- 20 (1) A police officer may apply to a magistrate for a warrant to enter
21 premises.
- 22 (2) The application must be sworn and state the grounds on which the
23 warrant is sought.
- 24 *Note* Swear an oath includes make an affirmation (see Legislation Act, dict,
25 pt 1, def *swear*).
- 26 (3) The magistrate may refuse to consider the application until the
27 police officer gives the magistrate all the information the magistrate
28 requires about the application in the way the magistrate requires.

- 1 (4) The magistrate may issue a warrant only if satisfied there are
2 reasonable grounds for suspecting—
- 3 (a) there is a particular thing (including a firearm) or activity
4 connected with an offence against this Act; and
- 5 (b) the thing or activity—
- 6 (i) is, or is being engaged in, at the premises; or
- 7 (ii) may be, or may be engaged in, at the premises within the
8 next 7 days.
- 9 (5) The magistrate may also issue a warrant only if satisfied there are
10 reasonable grounds for suspecting—
- 11 (a) there is a firearm that is unsafe to use; and
- 12 (b) the firearm—
- 13 (i) is at the premises; or
- 14 (ii) may be at the premises within the next 7 days.
- 15 (6) The warrant must state—
- 16 (a) that a police officer may, with any necessary assistance and
17 force, enter stated premises and exercise the officer's powers
18 under this part; and
- 19 (b) the reason for which the warrant is issued; and
- 20 (c) the things that may be seized under the warrant; and
- 21 (d) the hours when the premises may be entered; and
- 22 (e) the date, within 7 days after the day of the warrant's issue, the
23 warrant ends.

- 1 (7) In this section:
2 *connected*—an activity is *connected* with an offence if—
3 (a) the offence has been committed by engaging or not engaging in
4 it; or
5 (b) it will provide evidence of the commission of the offence.
- 6 **76A Warrants—application made other than in person**
- 7 (1) A police officer may apply for a warrant by phone, fax, radio or
8 other form of communication if the officer considers it necessary
9 because of—
10 (a) urgent circumstances; or
11 (b) other special circumstances.
- 12 (2) Before applying for the warrant, the police officer must prepare an
13 application stating the grounds on which the warrant is sought.
- 14 (3) The police officer may apply for the warrant before the application
15 is sworn.
- 16 (4) If the magistrate issues the warrant, the magistrate must
17 immediately fax a copy to the police officer if it is practicable to do
18 so.
- 19 (5) If it is not practicable to fax a copy to the police officer—
20 (a) the magistrate must tell the officer—
21 (i) the date and time the warrant was issued; and
22 (ii) the warrant's terms; and
23 (b) the police officer must complete a form of warrant (the
24 *warrant form*) and write on it—
25 (i) the magistrate's name; and
26 (ii) the date and time the magistrate issued the warrant; and

- 1 (iii) the warrant's terms.
- 2 (6) The faxed copy of the warrant, or the warrant form properly
3 completed by the police officer, authorises the entry and exercise of
4 the officer's powers under the warrant.
- 5 (7) The police officer must, at the first reasonable opportunity, send to
6 the magistrate—
- 7 (a) the sworn application; and
- 8 (b) if the officer completed a warrant form—the completed
9 warrant form.
- 10 (8) On receiving the documents, the magistrate must attach them to the
11 warrant.
- 12 (9) A court must find that a power exercised by a police officer was not
13 authorised by a warrant under this section if—
- 14 (a) the question arises in a proceeding in the court whether the
15 exercise of power was authorised by a warrant; and
- 16 (b) the warrant is not produced in evidence; and
- 17 (c) it is not proved that the exercise of power was authorised by a
18 warrant under this section.

19 **76B Search warrants—announcement before entry**

- 20 (1) A police officer must, before anyone enters premises under a search
21 warrant—
- 22 (a) announce that the officer is authorised to enter the premises;
23 and
- 24 (b) give anyone at the premises an opportunity to allow entry to
25 the premises; and
- 26 (c) if the occupier of the premises, or someone else who
27 apparently represents the occupier, is present at the premises—
28 identify himself or herself to the person.

- 1 (2) The police officer is not required to comply with subsection (1) if
2 the officer believes on reasonable grounds that immediate entry to
3 the premises is required to ensure—
- 4 (a) the safety of anyone (including the officer or any person
5 assisting); or
- 6 (b) that the effective execution of the warrant is not frustrated.

7 **76C Details of search warrant to be given to occupier etc**

- 8 (1) If an occupier of premises, or someone else who apparently
9 represents the occupier, is present at the premises while a search
10 warrant is being executed, the police officer or a person assisting
11 must make available to the person—
- 12 (a) a copy of the warrant or warrant form; and
- 13 (b) a document setting out the rights and obligations of the person.
- 14 (2) In this section:
- 15 *warrant form*—see section 76A (Warrants—application made other
16 than in person).

17 **76D Occupier entitled to be present during search etc**

- 18 (1) If an occupier of premises, or someone else who apparently
19 represents the occupier, is present at the premises while a search
20 warrant is being executed, the person is entitled to observe the
21 search being conducted.
- 22 (2) However, the person is not entitled to observe the search if—
- 23 (a) to do so would impede the search; or
- 24 (b) the person is under arrest, and allowing the person to observe
25 the search being conducted would interfere with the objectives
26 of the search.

- 1 (3) This section does not prevent 2 or more areas of the premises being
2 searched at the same time.

3 **Division 7.4 Things seized**

4 **77 Access to things seized**

5 A person who would, apart from the seizure, be entitled to inspect a
6 thing seized under this part may—

- 7 (a) inspect it; and
8 (b) if it is a document—take extracts from it or make copies of it.

9 **77A Return or forfeiture of things seized**

- 10 (1) A thing seized under this part must be returned to its owner, or
11 reasonable compensation must be paid by the Territory to the owner
12 for the loss of the thing, if a prosecution for an offence relating to
13 the thing is not started within 1 year after the day the thing is seized.
- 14 (2) If a prosecution for an offence relating to a thing seized under this
15 part is started within 1 year after the day the thing is seized, and the
16 prosecution is not successful, the thing must be returned to its
17 owner.
- 18 (3) A thing seized under this part is forfeited to the Territory if there is
19 no requirement under this section—
- 20 (a) to return the thing to the person from whom it was seized; or
21 (b) to pay compensation for the thing.
- 22 (4) A thing forfeited to the Territory may be destroyed or otherwise
23 disposed of as the chief executive directs.

1 **Division 7.5 Enforcement—miscellaneous**

2 **78 Damage etc to be minimised**

3 (1) In the exercise, or purported exercise, of a function under this part, a
4 police officer must take all reasonable steps to ensure that the officer
5 causes as little inconvenience, detriment and damage as practicable.

6 (2) If a police officer damages anything in the exercise or purported
7 exercise of a function under this part, the officer must give written
8 notice of the particulars of the damage to the person the officer
9 believes on reasonable grounds is the owner of the thing.

10 (3) The notice must state that—

11 (a) the person may claim compensation from the Territory if the
12 person suffers loss or expense because of the damage; and

13 (b) compensation may be claimed and ordered in a proceeding for
14 compensation brought in a court of competent jurisdiction; and

15 (c) the court may order the payment of reasonable compensation
16 for the loss or expense only if satisfied it is just to make the
17 order in the circumstances of the particular case.

18 (4) If the damage happens at premises entered under this part in the
19 absence of the occupier, the notice may be given by leaving it,
20 secured conspicuously, at the premises.

21 (5) In this section:

22 *police officer* includes a person assisting the officer under this part.

23 **78A Compensation for exercise of enforcement powers**

24 (1) A person may claim compensation from the Territory if the person
25 suffers loss or expense because of the exercise, or purported
26 exercise, of a function under this part by a police officer.

- 1 (2) Compensation may be claimed and ordered in a proceeding for—
2 (a) compensation brought in a court of competent jurisdiction; or
3 (b) an offence against this Act brought against the person making
4 the claim for compensation.
- 5 (3) A court may order the payment of reasonable compensation for the
6 loss or expense only if satisfied it is just to make the order in the
7 circumstances of the particular case.
- 8 (4) A regulation may prescribe matters that may, must or must not be
9 taken into account by the court in considering whether it is just to
10 make the order.
- 11 (5) In this section:
12 *police officer*—see section 78 (5).

13 **39 Part 8 heading**

14 *substitute*

15 **Part 8 Offences**

16 **79 Offences—trafficking firearms**

- 17 (1) A person commits an offence if the person contravenes a relevant
18 provision on 3 or more separate occasions over a 12-month period.
19 Maximum penalty: imprisonment for 20 years.

- 1 (2) If, on the trial of a person for an offence against subsection (1),
2 more than 3 occasions are relied on as evidence of the commission
3 of the offence, the trier of fact must be satisfied as to the same
4 3 occasions in order to find the person guilty of the offence.

5 **Example**

6 During a 12-month period starting in January, Jonah sells 7 unregistered firearms
7 as follows:

- 8 • on 8 January Adam and Beth each buy an unregistered firearm from Jonah
9 (2 occasions);
10 • on 14 June Jonah sells 3 unregistered firearms to Cate in a single transaction
11 (1 occasion);
12 • on both 5 and 16 December Jonah sells an unregistered firearm to David
13 (2 occasions).

14 None of the people involved in the transactions are licensed firearms dealers or
15 authorised by a licence or permit to possess the firearms the subject of the
16 transactions.

17 Evidence of these transactions forms the basis of 5 separate offences against
18 section 83. Jonah is charged with 1 offence against section 79 (1). In order for
19 Jonah to be convicted of the offence, the trier of fact must be satisfied that Jonah
20 contravened section 83 on at least 3 of the occasions, and be satisfied as to the
21 same 3 occasions.

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

- 25 (3) If, on the trial of a person for an offence against subsection (1), the
26 trier of fact is not satisfied that the offence is proven, but is satisfied
27 that the person, in relation to an occasion relied on as evidence of
28 commission of the offence against subsection (1), committed an
29 offence against a relevant provision, the trier of fact may acquit the
30 person of the offence charged and find the person guilty of the
31 offence against the relevant provision.

- 32 (4) To remove any doubt, a person may not be tried for an offence
33 against subsection (1) in relation to the contravention of a relevant
34 provision on an occasion if the person has been convicted or
35 acquitted of the contravention.

- 1 (5) A person commits an offence if the person—
2 (a) contravenes a relevant provision; and
3 (b) the contravention is the acquisition or disposal of 4 or more
4 firearms on the same occasion.
5 Maximum penalty: imprisonment for 20 years.
- 6 (6) In this section:
7 *relevant provision* means—
8 (a) section 53 (1) (Offence—unregistered firearms); or
9 (b) section 83 (Offence—unlawful disposal of firearms); or
10 (c) section 84 (Offence—unlawful acquisition of firearms).
- 11 (7) To remove any doubt, for subsection (1), the 12-month period must
12 start on or after the day this section commences.
- 13 (8) Subsection (7) and this subsection expire 1 year after the day this
14 section commences.

15 **40 Sections 83 to 84B**

16 *substitute*

17 **82A Offences—operation of shooting ranges**

- 18 (1) A person commits an offence if the person operates a shooting range
19 other than an approved shooting range.
20 Maximum penalty: 200 penalty units, imprisonment for 2 years or
21 both.
- 22 (2) A person commits an offence if the person—
23 (a) operates an approved shooting range; and

1 (b) is not licensed to operate the shooting range.

2 Maximum penalty: 200 penalty units, imprisonment for 2 years or
3 both.

4 **82B Offences—operation of paintball ranges**

5 (1) A person commits an offence if the person operates a paintball range
6 other than an approved paintball range.

7 Maximum penalty: 200 penalty units, imprisonment for 2 years or
8 both.

9 (2) A person commits an offence if the person—

10 (a) operates an approved paintball range; and

11 (b) is not licensed to operate the paintball range.

12 Maximum penalty: 200 penalty units, imprisonment for 2 years or
13 both.

14 **83 Offence—unlawful disposal of firearms**

15 (1) A person (the *disposer*) must not dispose of or take part in the
16 disposal of a firearm to someone else (the *acquirer*) unless—

17 (a) the acquirer and disposer are each authorised by a licence or
18 permit to possess the firearm; and

19 (b) the following documents have been produced to, and inspected
20 by, the disposer:

21 (i) the acquirer's licence or permit;

22 (ii) if the acquirer is not a licensed firearms dealer—

23 (A) the acquirer's permit to acquire the firearm; or

24 (B) a permit (however described) in force under the law
25 of a State or another Territory that authorises the
26 acquisition of the firearm; and

Section 40

1 (c) if neither the acquirer nor disposer is a licensed firearms
2 dealer—the disposal has been arranged through a licensed
3 firearms dealer as prescribed by regulation.

4 Maximum penalty:

5 (a) if the firearm is a prohibited firearm—imprisonment for
6 10 years; or

7 (b) in any other case—imprisonment for 5 years.

8 (2) Subsection (1) does not apply in relation to—

9 (a) the surrender of a firearm to a police officer; or

10 (b) a firearm to be temporarily stored by a licensed firearms dealer
11 for a person who has possession of the firearm because of the
12 death of the individual authorised to possess it; or

13 *Note* See s 93 (Offence—disposal of firearms by unauthorised holders
14 generally).

15 (c) a person who inherits a firearm and disposes of it to a licensed
16 firearms dealer.

17 *Note* See s 93A (Offence—disposal of inherited firearms).

18 (3) In this section:

19 ***takes part***—a person ***takes part*** in the disposal of a firearm if the
20 person—

21 (a) takes, or takes part in, a step, or causes a step to be taken, in
22 the process of the disposal; or

23 (b) provides or arranges finance for a step in the process; or

24 (c) provides the premises where a step in the process is taken, or
25 allows a step in the process to be taken at premises of which
26 the person is the owner, lessee or occupier or of which the
27 person has the care, control or management.

- 1 **84 Offence—unlawful acquisition of firearms**
- 2 (1) A person (the *acquirer*) must not acquire, or take part in the
- 3 acquisition of, a firearm from someone else (the *disposer*) unless—
- 4 (a) the acquirer and disposer are each authorised by a licence or
- 5 permit to possess the firearm; and
- 6 (b) the disposer’s licence or permit has been produced to, and
- 7 inspected by, the acquirer; and
- 8 (c) if neither the acquirer nor disposer is a licensed firearms
- 9 dealer—the acquisition has been arranged through a licensed
- 10 firearms dealer as prescribed by regulation.
- 11 Maximum penalty:
- 12 (a) if the firearm is a prohibited firearm—imprisonment for
- 13 10 years; or
- 14 (b) in any other case—imprisonment for 5 years.
- 15 (2) Subsection (1) does not apply in relation to—
- 16 (a) the surrender of a firearm to a police officer; or
- 17 (b) a person who inherits a firearm and disposes of it to a licensed
- 18 firearms dealer.
- 19 *Note* See s 93A (Offence—disposal of inherited firearms).
- 20 (3) In this section:
- 21 *takes part*—a person *takes part* in the acquisition of a firearm if the
- 22 person—
- 23 (a) takes, or takes part in, a step, or causes a step to be taken, in
- 24 the process of the acquisition; or
- 25 (b) provides or arranges finance for a step in the process; or

- 1 (c) provides the premises where a step in the process is taken, or
2 allows a step in the process to be taken at premises of which
3 the person is the owner, lessee or occupier or of which the
4 person has the care, control or management.

5 **84A Offence—unauthorised manufacture of firearms**

- 6 (1) A person commits an offence if the person manufactures, or takes
7 part in the manufacture of, a firearm.

8 Maximum penalty:

- 9 (a) if the firearm is a prohibited firearm—1 500 penalty units,
10 imprisonment for 20 years or both; or
11 (b) if the firearm is not a prohibited firearm—1 000 penalty units,
12 imprisonment for 10 years or both.

- 13 (2) Subsection (1) does not apply to a person if the person is authorised
14 by a firearms dealer licence to manufacture the firearm.

- 15 (3) In this section:

16 *manufacture*, a firearm, includes assemble a firearm from firearm
17 parts.

18 *takes part*—a person *takes part* in the manufacture of a firearm if
19 the person—

- 20 (a) takes, or takes part in, a step, or causes a step to be taken, in
21 the process of the manufacture; or
22 (b) provides or arranges finance for a step in the process; or
23 (c) provides the premises where a step in the process is taken, or
24 allows a step in the process to be taken at premises of which
25 the person is the owner, lessee or occupier or of which the
26 person has the care, control or management.

41 Section 93

substitute

93 Offence—disposal of firearms by unauthorised holders generally

- (1) A person commits an offence if—
- (a) the person has possession of a firearm; and
 - (b) the person is not authorised by a licence, permit or otherwise under this Act to possess the firearm; and
 - (c) either—
 - (i) the person fails to surrender the firearm to a police officer; or
 - (ii) if the person has possession of the firearm because of the death of the individual authorised to possess it—the person fails to—
 - (A) give the firearm to a licensed firearm dealer to temporarily store the firearm; and
 - (B) give the registrar written notice of the death and the name of the licensed firearms dealer storing the firearm.

Maximum penalty: 50 penalty units.

- (2) Subsection (1) does not apply to a person who inherits a firearm.

93A Offence—disposal of inherited firearms

A person commits an offence if—

- (a) the person inherits a firearm; and
- (b) the person is not authorised by a licence, permit or otherwise under this Act to possess the firearm; and

- 1 (c) the person—
- 2 (i) applies for a licence or permit in relation to the firearm
- 3 and does not give the firearm to a licensed firearm dealer
- 4 to temporarily store; or
- 5 *Note* A firearm is *temporarily stored* by a licensed firearms
- 6 dealer for a person who inherits the firearm and applies for
- 7 a licence or permit in relation to the firearm if the dealer
- 8 stores the firearm until the application is finally decided
- 9 (including any application to the AAT for review of the
- 10 decision and any subsequent appeal) (see dict,
- 11 def *temporarily store*).
- 12 (ii) does not dispose of the firearm to a licensed firearms
- 13 dealer; or
- 14 (iii) does not surrender the firearm to a police officer.

15 Maximum penalty: 50 penalty units.

16 **42 Restrictions where alcohol or other drugs concerned**

17 **New section 97 (3)**

18 *insert*

- 19 (3) A person commits an offence if—
- 20 (a) the person occupies, operates or manages a shooting range; and
- 21 (b) someone else (the *attending person*) possesses, carries or uses
- 22 a firearm at the shooting range; and
- 23 (c) either—
- 24 (i) the person knows, or believes on reasonable grounds, that
- 25 the attending person—
- 26 (A) is under the influence of alcohol or a drug; and
- 27 (B) would not be able to exercise responsible control
- 28 over the firearm; or

1 (ii) the person believes on reasonable grounds that, because
2 of the attending person's behaviour, the attending person
3 would not be able to exercise responsible control over a
4 firearm; and

5 (d) the person does not take all reasonable steps to ensure that the
6 attending person does not take part in a shooting activity at the
7 range.

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

10 **43 Sections 98 and 99**

11 *substitute*

12 **98 Offence—selling ammunition generally**

13 A person commits an offence if the person—

14 (a) is not a licensed firearms dealer or authorised club member;
15 and

16 (b) sells ammunition.

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

19 **98A Offence—sale of ammunition by licensed firearms
20 dealers**

21 A licensed firearms dealer must not sell ammunition to someone
22 else (the *acquirer*) unless—

23 (a) the acquirer—

24 (i) holds a licence or permit authorising the acquisition of
25 ammunition of the calibre sold; or

26 (ii) is authorised in writing by the registrar to acquire the
27 ammunition; and

- 1 (b) the dealer has inspected the licence, permit or authorisation;
2 and
3 (c) the amount of ammunition the dealer sells to the acquirer at
4 any 1 time is not more than the amount (if any) prescribed by
5 regulation.

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

8 **98B Offence—sale of ammunition by authorised club**
9 **members**

10 An authorised club member (the *seller*) of an approved club must
11 not sell ammunition to someone else (the *acquirer*) unless—

- 12 (a) the sale takes place on premises owned or used by the club;
13 and
14 (b) the acquirer is at the premises to take part in a competition or
15 activity conducted by or in association with the club; and
16 (c) the acquirer—
17 (i) holds a licence or permit authorising the acquisition of
18 ammunition of the calibre sold; or
19 (ii) is authorised in writing by the registrar to acquire the
20 ammunition; and
21 (d) the seller has inspected the licence, permit or authorisation; and
22 (e) the ammunition can be discharged from a firearm—
23 (i) of which the acquirer is a registered owner, registered
24 principal or registered user; or
25 (ii) being used by the acquirer in a competition or activity
26 conducted by or in association with the club; and

1 (f) the amount of ammunition the seller sells to the acquirer at any
2 1 time is not more than the amount (if any) prescribed by
3 regulation.

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

6 **98C Offence—selling ammunition to people from outside ACT**

7 (1) A licensed firearms dealer must not sell ammunition to a person
8 who lives in a State or another Territory.

9 Maximum penalty: 50 penalty units.

10 (2) Subsection (1) does not apply if the dealer believes on reasonable
11 grounds that the person's possession of the ammunition in the State
12 or other Territory is not prohibited by a law of the State or Territory.

13 **98D Offence—selling ammunition for starting pistols**

14 (1) A licensed firearms dealer must not sell ammunition to a person if
15 the dealer knows or believes on reasonable grounds that the person
16 intends to discharge it from a starting pistol.

17 Maximum penalty: 50 penalty units.

18 (2) Subsection (1) does not apply if—

19 (a) the dealer is satisfied on reasonable grounds that the person has
20 an approved reason for requiring the starting pistol; and

21 (b) the ammunition is a blank cartridge.

22 *Note* **Approved reason**—see the dictionary.

23 **99 Offence—acquiring ammunition**

24 (1) A person commits an offence if—

25 (a) the person acquires ammunition; and

- 1 (b) the person—
2 (i) does not hold a licence or permit authorising the
3 acquisition of ammunition of the calibre sold; or
4 (ii) is not authorised in writing by the registrar to acquire the
5 ammunition.

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

- 8 (2) A person commits an offence if—
9 (a) the person acquires ammunition; and
10 (b) the person—
11 (i) holds a licence or permit authorising the acquisition of
12 ammunition of the calibre sold; or
13 (ii) is authorised in writing by the registrar to acquire the
14 ammunition; and
15 (c) the amount of ammunition the person acquires at any one time
16 is more than the amount (if any) prescribed by regulation.

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

19 **99A Offence—possessing ammunition generally**

- 20 (1) A person commits an offence if—
21 (a) the person possesses ammunition for a firearm; and
22 (b) the person is not authorised by a licence, permit or otherwise
23 under this Act to possess or acquire the ammunition.

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

1 *Note 2* A licensee must not possess, at any one time, an amount of
2 ammunition that is more than the amount (if any) prescribed by
3 regulation, unless authorised in writing by the registrar (see s 36,
4 s 42N, s or s 42ZQB).

5 Maximum penalty: 10 penalty units.

6 (2) Subsection (1) does not apply during the period ending 28 days after
7 the day any of the following happens:

8 (a) the licence or permit authorising the possession or acquisition
9 of the ammunition is cancelled, suspended, surrendered or
10 ends;

11 *Note* Section 18 provides that a licence that authorises the licensee to
12 use a firearm also authorises the licensee, in accordance with this
13 Act or another territory law, to acquire, possess or use the calibre
14 of ammunition made for use in the firearm.

15 (b) the person is the registered owner, registered principal or a
16 registered user of the firearm, and the firearm is disposed of or
17 destroyed;

18 (c) the person's registration as owner or user of the firearm is
19 cancelled.

20 (3) Also, subsection (1) does not apply—

21 (a) to a person who has an approved reason for requiring a starting
22 pistol, if the ammunition is a blank cartridge for use in a
23 starting pistol; or

24 (b) in relation to the surrender of ammunition to a police officer.

25 *Note* **Approved reason**—see the dictionary.

26 (4) Strict liability applies to subsection (1) (b).

- 1 **44** **Section 102**
- 2 *substitute*
- 3 **102** **Offences—defacing, altering and removing identification**
- 4 **marks**
- 5 (1) A person commits an offence if the person defaces, alters or
- 6 removes a number, letter or other identification mark on a firearm or
- 7 barrel for a firearm.
- 8 Maximum penalty: 500 penalty units, imprisonment for 5 years or
- 9 both.
- 10 (2) A person commits an offence if the person—
- 11 (a) possesses a firearm or barrel for a firearm on which a number,
- 12 letter or identification mark has been defaced, altered or
- 13 removed; and
- 14 (b) knows that a number, letter or identification mark has been
- 15 defaced, altered or removed.
- 16 Maximum penalty: 500 penalty units, imprisonment for 5 years or
- 17 both.
- 18 (3) It is a defence to a prosecution for an offence against subsection (1)
- 19 if the defendant proves that the defendant was authorised in writing
- 20 by the registrar to deface, alter or remove the number, letter or other
- 21 identification mark.
- 22 (4) It is a defence to a prosecution for an offence against subsection (2)
- 23 if the defendant proves that the defendant was authorised in writing
- 24 by the registrar—
- 25 (a) to deface, alter or remove the number, letter or other
- 26 identification mark; or
- 27 (b) to possess the firearm or barrel.

- 1 (5) Subsection (2) does not apply in relation to the surrender of a
2 firearm to a police officer.

3 **45 Possession of firearm under another licence**
4 **Section 105**

5 *omit*

6 **46 Section 110**

7 *substitute*

8 **110 Offence—lost, stolen or destroyed firearms**

9 A person (other than a licensed firearms dealer) commits an offence
10 if—

- 11 (a) the person possesses a firearm; and
12 (b) the firearm is lost, stolen or destroyed; and
13 (c) the person knows about the loss, theft or destruction; and
14 (d) the person fails, within 2 days after the day the person becomes
15 aware of the loss, theft or destruction, to—
16 (i) tell the registrar about the loss, theft or destruction; and
17 (ii) give the registrar particulars of the loss, theft or
18 destruction (if any) prescribed by regulation.

19 Maximum penalty: 50 penalty units.

20 *Note* For licensed firearms dealers, see s 70 (3) (Additional requirements for
21 firearms dealers).

22 **47 Firearms prohibition orders**
23 **Part 9**

24 *omit*

1 **48 Sections 113 and 114**

2 *substitute*

3 **113 Meaning of reviewable decision—pt 10**

4 In this part:

5 *reviewable decision* means a decision of the registrar mentioned in
6 schedule 4, column 3 under a provision of this Act mentioned in
7 schedule 4, column 2 for the decision.

8 **113A Review of decisions**

9 Application may be made to the AAT for review of a reviewable
10 decision.

11 **114 Notice of reviewable decisions**

12 (1) If the registrar makes a reviewable decision, the registrar must give
13 a written notice of the decision to each person affected by the
14 decision.

15 (2) The notice must be in accordance with the requirements of the code
16 of practice in force under the *Administrative Appeals Tribunal*
17 *Act 1989*, section 25B (1).

18 **49 Section 116**

19 *substitute*

20 **116 Disposal of surrendered or seized firearms**

21 (1) This section applies in relation to a firearm surrendered to or seized
22 by a police officer under this Act.

23 (2) A police officer or the owner of the firearm may apply to a court for
24 an order that the firearm is—

25 (a) forfeited to the Territory; or

- 1 (b) returned to the owner; or
2 (c) destroyed; or
3 (d) otherwise disposed of.
4 (3) The court may make the order it considers appropriate.
5 (4) This section is subject to section 77A (Return or forfeiture of things
6 seized).
7 (5) In this section:
8 *firearm* includes a firearm part and ammunition.
9 *owner*, of a firearm, means a person who is or claims to be the
10 owner of the firearm.

11 **50 Offences by corporations**
12 **Section 122 (1) and note**

13 *substitute*

- 14 (1) If a corporation contravenes a provision of this Act, each person
15 who is an executive officer of the corporation is taken to have
16 contravened the same provision if the officer knowingly authorised
17 or allowed the contravention.

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

51 Section 124

2 *substitute*

124 Evidentiary certificates

- 4 (1) In a proceeding for an offence mentioned in section 52 (1) (c), a
5 certificate signed by the registrar stating the following is evidence of
6 the matter stated:
- 7 (a) at a stated time or during a stated period, a stated person was or
8 was not the holder of a licence or permit;
 - 9 (b) a licence or permit was or was not, on a day or during a stated
10 period, subject to a stated condition;
 - 11 (c) a licence or permit was or was not renewed, or had ended on a
12 stated day;
 - 13 (d) a stated licence or permit issued to a stated person was
14 cancelled on a stated day;
 - 15 (e) a stated licence or permit issued to a stated person was
16 suspended on a stated day or during a stated period;
 - 17 (f) a stated address was, on a stated date, the last address known to
18 the registrar of a stated person;
 - 19 (g) a stated firearm was registered or not registered on a stated day
20 or during a stated period;
 - 21 (h) a stated person was or was not the registered owner of a stated
22 firearm on a stated day or during a stated period;
 - 23 (i) registration of a stated firearm was refused on a stated day;
 - 24 (j) registration of a stated firearm had ended on a stated day;
 - 25 (k) registration of a stated firearm was cancelled on a stated date
26 for a stated reason;

- 1 (l) a stated person was the registered principal for a composite
2 entity firearms licence on a stated day or during a stated
3 period;
- 4 (m) a stated person was a registered user of a stated firearm on a
5 stated day or during a stated period;
- 6 (n) a stated person's registration as the user of a stated firearm had
7 ended on a stated day;
- 8 (o) a stated person's registration as the user of a stated firearm was
9 cancelled on a stated date for a stated reason;
- 10 (p) at a stated time, a stated person was or was not a person to
11 whom—
- 12 (i) an approval had been given under any of the following:
- 13 • section 80 (Discharge etc of firearm—public places
14 etc);
- 15 • section 81 (1) (b) (Discharge of firearm—general);
- 16 • section 100 (Modification of firearms); or
- 17 (ii) an authorisation had been given under any of the
18 following:
- 19 • section 36 (Adult firearms licences—conditions);
- 20 • section 42O (Minors firearms licences—conditions);
- 21 • section 42ZK (Composite entity firearms licences—
22 conditions);
- 23 • section 42ZQB (Temporary international firearms
24 licences—conditions);
- 25 • section 98A (1) (a) (ii) (Offence—sale of
26 ammunition by licensed firearms dealers);
- 27 • section 98B (1) (c) (ii) (Offence—sale of ammunition
28 by authorised club members);
- 29 • section 99 (1) (a) (ii) (Offence—acquiring
30 ammunition);

- 1 • section 102 (Offences—defacing, altering and
2 removing identification marks);
- 3 (q) at a stated time or during a stated period, a stated person was or
4 was not authorised by a licence or permit.
- 5 (2) A regulation may prescribe that a certificate signed by the registrar
6 stating a prescribed matter is evidence of the matter stated.

7 **52 Regulation-making power**
8 **Section 126 (2) (a)**

9 *after*
10 acquisition,
11 *insert*
12 disposal,

13 **53 Section 126 (2) (b)**

14 *substitute*

15 (aa) the register, including how changes may or must be made to
16 the particulars and information in the register; or

17 (b) firearms training courses; or

18 **54 New section 126 (2) (ja)**

19 *insert*

20 (ja) the approval of paintball ranges and approved paintball ranges;
21 or

22 **55 Section 126 (2) (p)**

23 *substitute*

24 (p) exempting a person from this Act; or

56 New section 126 (2A) and (2B)

insert

(2A) A regulation may prescribe the evidence that may or must be produced to the registrar that—

(a) there is a special need in relation to a licence application; or

(b) an applicant's special need cannot be met other than by being issued with a category C or category D licence.

(2B) A regulation under subsection (2A) does not limit the matters that the registrar may reasonably consider when deciding whether a special need has been established.

57 Section 128

substitute

128 Licensing of entities to operate approved shooting ranges

(1) A regulation may provide for the licensing of an entity to operate an approved shooting range.

(2) Without limiting subsection (1), a regulation may—

(a) make provision in relation to—

(i) the issue and refusal to issue a licence to operate an approved shooting range; and

(ii) the renewal and refusal to renew a licence to operate an approved shooting range; and

(iii) the imposition of conditions on a licence to operate an approved shooting range, or the conditions to which the licence is subject; and

(iv) the replacement of and refusal to replace a licence to operate an approved shooting range; and

- 1 (b) make provision in relation to the cancellation, variation and
2 suspension of a licence to operate an approved shooting range;
3 and
- 4 (c) fix a period for which a licence to operate an approved
5 shooting range or renewal remains in force; and
- 6 (d) require the production of information by—
- 7 (i) an applicant for a licence to operate an approved shooting
8 range or for a renewal or variation of a licence to operate
9 an approved shooting range; and
- 10 (ii) the holder of a licence to operate an approved shooting
11 range; and
- 12 (e) prescribe the circumstances in which a licence to operate an
13 approved shooting range must be surrendered or returned to the
14 registrar.

15 **129 Licensing of entities to operate approved paintball ranges**

- 16 (1) A regulation may provide for the licensing of an entity to operate an
17 approved paintball range.
- 18 (2) Without limiting subsection (1), a regulation may—
- 19 (a) make provision in relation to—
- 20 (i) the issue and refusal to issue a licence to operate an
21 approved paintball range; and
- 22 (ii) the renewal and refusal to renew a licence to operate an
23 approved paintball range; and
- 24 (iii) the imposition of conditions on a licence to operate an
25 approved paintball range, or the conditions to which the
26 licence is subject; and
- 27 (iv) the replacement of and refusal to replace a licence to
28 operate an approved paintball range; and

- 1 (b) make provision in relation to the cancellation, variation and
2 suspension of a licence to operate an approved paintball range;
3 and
- 4 (c) fix a period for which a licence to operate an approved
5 paintball range or renewal remains in force; and
- 6 (d) require the production of information by—
- 7 (i) an applicant for a licence to operate an approved paintball
8 range or for a renewal or variation of a licence to operate
9 an approved paintball range; and
- 10 (ii) the holder of a licence to operate an approved paintball
11 range; and
- 12 (e) prescribe the circumstances in which a licence to operate an
13 approved paintball range must be surrendered or returned to
14 the registrar.
- 15 (3) Also, a regulation may prescribe the records that must be kept by a
16 paintball range operator in relation to the storage of a paintball
17 marker for someone other than the operator.

58 New part 20

19 *insert*

20 Part 20 Transitional

21 200 Definitions—pt 20

22 In this part:

23 *commencement day* means the day the *Firearms Amendment*
24 *Act 2008*, section 4 commences.

25 *pre-commencement Act* means this Act as in force immediately
26 before the commencement day.

1 **201 Pre-commencement Act partnerships**

- 2 (1) This section applies if, immediately before the commencement day,
3 a partnership held a licence (the *original licence*) under the
4 pre-commencement Act.
- 5 (2) Each partner in the partnership is taken to hold an adult firearms
6 licence of the same category as the original licence.
- 7 (3) The adult firearms licence is taken to have been issued to the partner
8 on the day the partnership was issued with the original licence.
- 9 (4) The registrar must—
- 10 (a) change the register to reflect the effect of subsection (2); and
- 11 (b) issue each partner with a licence.

12 **202 Pre-commencement Act—fit and proper**

13 In this Act:

14 *suitable*, in relation to the issue, suspension or cancellation of a
15 licence or permit before the commencement day, includes fit and
16 proper.

17 **203 Pre-commencement Act applications for licences**

- 18 (1) This section applies if, immediately before the commencement day,
19 an entity had applied under the pre-commencement Act for a
20 licence, but the application had not been decided by the registrar.
- 21 (2) However, this section does not apply to an application for a licence
22 on behalf of a partnership under the pre-commencement Act.
- 23 (3) The application is taken to be an application for the kind and
24 category of licence under this Act that the registrar considers
25 appropriate.

- 1 (4) If the application is for a licence under the pre-commencement Act,
2 section 31 (Temporary licences—internationally protected persons),
3 the application is taken to be an application for a temporary
4 international firearms licence.
- 5 (5) If, because the application was made under the pre-commencement
6 Act, the application does not include something that is required for
7 an application under this Act, the registrar may ask the applicant for
8 the further information or documents.
- 9 (6) If the applicant does not comply with the request, the registrar may
10 refuse to consider the application further.

11 **204 Pre-commencement Act applications for permits**

- 12 (1) This section applies if, immediately before the commencement day,
13 an entity had applied under the pre-commencement Act for a permit,
14 but the application had not been decided by the registrar.
- 15 (2) However, this section does not apply to an application for a permit
16 under the pre-commencement Act if the permit cannot be issued
17 under this Act.
- 18 (3) The application is taken to be an application for the kind of permit
19 under this Act that the registrar considers appropriate.
- 20 (4) If, because the application was made under the pre-commencement
21 Act, the application does not include something that is required for
22 an application under this Act, the registrar may ask the applicant for
23 the further information or documents.
- 24 (5) If the applicant does not comply with the request, the registrar may
25 refuse to consider the application further.

26 **205 Pre-commencement Act licences**

- 27 (1) This section applies if, immediately before the commencement day,
28 an entity held a licence (the *original licence*) under the
29 pre-commencement Act.

- 1 (2) However, this section does not apply to a licence held by—
2 (a) a partnership under the pre-commencement Act; or
3 (b) an individual under the pre-commencement Act, section 31
4 (Temporary licences—internationally protected persons).
- 5 (3) For a licence held by an individual, the individual is taken to hold an
6 adult firearms licence of the same category as the original licence.
- 7 (4) For a licence held by a composite entity, the composite entity is
8 taken to hold a composite entity licence of the same category as the
9 original licence.
- 10 (5) Any condition to which the original licence was subject under the
11 pre-commencement Act continues to apply but may be amended in
12 accordance with this Act.
- 13 (6) The licence ends when the original licence would have ended under
14 the pre-commencement Act unless it is cancelled.

15 **206 Pre-commencement Act minor's firearms permits**

- 16 (1) This section applies if, immediately before the commencement day,
17 a child held a minor's firearms permit under the pre-commencement
18 Act.
- 19 (2) The permit is taken to be a minors firearms licence under this Act.
- 20 (3) Any condition to which the permit was subject under the
21 pre-commencement Act continues to apply but may be amended in
22 accordance with this Act.
- 23 (4) The licence ends when the permit would have ended under the
24 pre-commencement Act unless it is cancelled.

- 1 **207 Pre-commencement Act internationally protected people**
2 **temporary licences**
- 3 (1) This section applies if, immediately before the commencement day,
4 a person held a licence (the *original licence*) under the
5 pre-commencement Act, section 31 (Temporary licences—
6 internationally protected persons).
- 7 (2) The original licence is taken to be a temporary international firearms
8 licence under this Act.
- 9 (3) Any condition to which the original licence was subject under the
10 pre-commencement Act continues to apply but may be amended in
11 accordance with this Act.
- 12 (4) The licence ends when the original licence would have ended under
13 the pre-commencement Act unless it is cancelled.
- 14 **208 Pre-commencement Act international visitors temporary**
15 **permits**
- 16 (1) This section applies if, immediately before the commencement day,
17 a person held a permit under the pre-commencement Act,
18 section 45A (International visitors—issue of temporary permits).
- 19 (2) The permit is taken to be a temporary international firearms licence
20 under this Act.
- 21 (3) Any condition to which the permit was subject under the
22 pre-commencement Act continues to apply but may be amended in
23 accordance with this Act.
- 24 (4) The licence ends when the permit would have ended under the
25 pre-commencement Act unless it is cancelled.
- 26 **209 Pre-commencement Act—suspensions**
- 27 (1) This section applies if, immediately before the commencement day,
28 a person's licence or permit under the pre-commencement Act was
29 suspended.

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

3 **210 Pre-commencement Act—applications for registration of**
4 **firearm**

- 5 (1) This section applies if, immediately before the commencement day,
6 a person had applied under the pre-commencement Act for
7 registration of a firearm, but the application had not been decided by
8 the registrar.
- 9 (2) The application is taken to be an application for registration under
10 this Act.
- 11 (3) If, because the application was made under the pre-commencement
12 Act, the application does not include something that is required for
13 an application under this Act, the registrar may ask the applicant for
14 the further information.
- 15 (4) If the applicant does not comply with the request, the registrar may
16 refuse to consider the application further.

17 **211 Pre-commencement Act—register**

- 18 (1) To remove any doubt, the register of firearms under this Act,
19 section 50 (Register of firearms) includes the register of firearms
20 under the pre-commencement Act, section 50 (Register of firearms).
- 21 (2) However, the registrar may ask the owner of a firearm registered
22 under the pre-commencement Act to give the registrar information,
23 or produce a thing to the registrar, that the owner would be required
24 to give or produce if the owner were an applicant for registration of
25 the firearm under this Act.
- 26 (3) If the owner does not comply with the request within 30 days after
27 the day it is made, the registrar may cancel the registration of the
28 firearm.

- 1 **212 Pre-commencement Act—endorsement of licences**
- 2 (1) This section applies if, immediately before the commencement
- 3 day—
- 4 (a) someone else’s firearm is endorsed on a person’s licence under
- 5 the pre-commencement Act, division 4.3 (Endorsement of
- 6 licences); and
- 7 (b) the other person’s firearm is a registered firearm.
- 8 (2) The person—
- 9 (a) is taken to be a registered user of the other person’s firearm
- 10 under this Act; and
- 11 (b) if the person is a person mentioned in the pre-commencement
- 12 Act, section 59 (a), (b) or (c) (Endorsement)—the person may
- 13 possess and use the firearm only as mentioned in the section.
- 14 (3) For the purpose of making an entry in the register in relation to the
- 15 person, the registrar may ask the person to give the registrar
- 16 information, or produce a thing to the registrar, that the person
- 17 would be required to give or produce if the person were an applicant
- 18 for registration as a user of the firearm under this Act.
- 19 (4) If the person does not comply with the request within 30 days after
- 20 the day it is made, the registrar may cancel the person’s registration
- 21 as a user of the firearm.

- 22 **213 Pre-commencement Act certificates**
- 23 On or after the commencement day, the registrar may issue a
- 24 certificate in relation to anything that happened before the
- 25 commencement day that the registrar could have issued under the
- 26 pre-commencement Act.

1 **214 Transitional regulations**

- 2 (1) A regulation may prescribe transitional matters necessary or
3 convenient to be prescribed because of the enactment of the
4 *Firearms Amendment Act 2008*.
- 5 (2) A regulation may modify this part to make provision in relation to
6 anything that, in the Executive's opinion, is not, or is not adequately
7 or appropriately, dealt with in this part.
- 8 (3) A regulation under subsection (2) has effect despite anything else in
9 this Act or another territory law.

10 **215 Expiry—pt 20**

11 This part, and schedule 4, items 43 and 44, expire 1 year after the
12 commencement day.

13 **59 Schedule 1, item 4**

14 *substitute*

4	a self-loading or pump action shotgun (including a firearm of that kind described elsewhere in this schedule)
---	---

15 **60 Schedule 1, new item 6A**

16 *insert*

6A	a paintball marker that resembles a prohibited firearm
----	--

17 **61 Schedule 1, item 8**

18 *substitute*

8	a firearm (other than a pistol) of the Uberti or Armi-Jager brands, or any similar firearm fitted with a revolving ammunition cylinder (other than a firearm manufactured before 1920)
---	--

62 Schedule 1, item 11, column 2

1
2 *after*
3 fitted with a
4 *insert*
5 pistol grip or

63 Schedule 1, item 13, column 2, paragraph (c)

6
7 *omit*

64 Schedule 1, item 14

8
9 *substitute*

-
- | | |
|----|---|
| 14 | a firearm that—
(a) substantially duplicates in appearance another article (for example, a walking stick, walking cane or key ring); and
(b) disguises or conceals the fact that it is a firearm. |
|----|---|
-

65 Schedule 1, item 15, column 2

10
11 *after*
12 in excess of 10 gauge
13 *insert*
14 or 19.70mm

1 **66 Schedule 1, item 17, column 2**

2 *after*
3 blank fire pistol,
4 *insert*
5 paintball marker,

6 **67 Schedule 1, new items 19 to 21**

7 *insert*

19	a pistol of more than 9.65mm calibre <i>Note</i> A 9.65mm calibre pistol includes a 0.38-inch calibre pistol.
20	a semiautomatic pistol with a barrel length of less than 120mm
21	a revolver or single action pistol with a barrel length of less than 100mm

68 Schedule 2*substitute***Schedule 2 Exemptions from Act**

(see s 4E)

Part 2.1 Interpretation—sch 2**2.1 Meaning of *corrections officer*—sch 2**

In this schedule:

corrections officer includes a person employed by an entity responsible under a law of a State or another Territory for providing correctional services for offenders.

Note *Corrections officer*—see the Legislation Act, dict, pt 1.

Part 2.2 People exempt from Act

column 1 item	column 2 person exempted	column 3 circumstances
1	member of— (a) Australian Federal Police or police service or force of a State or another Territory (b) Defence Force (c) visiting force within the meaning of the <i>Defence (Visiting Forces) Act 1963</i>	possessing or using firearm in exercise of person's functions as member

Section 68

column 1 item	column 2 person exempted	column 3 circumstances
	(Cwlth)	
	(d) Australian Army Cadets under the <i>Defence Act 1903</i> (Cwlth)	
2	corrections officer	possessing or using firearm in exercise of officer's functions
3	member of Council of Australian War Memorial, or of staff of memorial	possessing firearm if— (a) firearm is part of the memorial collection within the meaning of the <i>Australian War Memorial Act 1980</i> (Cwlth); and (b) possession is in exercise of person's functions under that Act
4	member of Council of National Museum of Australia, or of staff of museum	possessing firearm if— (a) firearm is part of the national historical collection within the meaning of the <i>National Museum of Australia Act 1980</i> (Cwlth); and (b) possession is in exercise of person's functions under that Act

Part 2.3 No offence for possession or use

column 1 item	column 2 no offence by	column 3 circumstances
1	master or captain, or member of crew, of ship or aircraft	possessing or using firearm if— (a) firearm is required by law to be carried on the ship or aircraft; and (b) possession or use is in exercise of person's functions as master, captain or member
2	sporting organisation prescribed by regulation	possessing or using starting pistol
3	official in sporting competition conducted by sporting organisation prescribed by regulation	possessing or using starting pistol in exercise of functions as official
4	authorised instructor	possessing or using firearm in exercise of functions as instructor— (a) on premises owned or used by approved club; or (b) at approved shooting range

Part 2.4 No offence

column 1 item	column 2 no offence by	column 3 circumstances
1	person entitled to immunity under— (a) the <i>Diplomatic Privileges and Immunities Act 1967</i> (Cwlth); or (b) the <i>Consular Privileges and Immunities Act 1972</i> (Cwlth)	the person has the written approval of the chief of protocol of the Commonwealth department responsible for foreign affairs to possess the firearm

Schedule 3 Licence categories and authority conferred

(see s 17)

Note 1 The possession or use of a firearm authorised by a licence is subject to any regulation (see s 17 (4)).

Note 2 Registered users of firearms are authorised to possess and use registered firearms in the circumstances set out in s 52D (Effect of registration as user).

column 1 item	column 2 category of licence (and kind of licence)	column 3 firearms to which licence applies	column 4 entity authorised by licence	column 5 authority conferred by licence
1	category A (adult firearms licence)	the following firearms, other than prohibited firearms:	licensee who is registered owner	possess or use registered firearm to which licence applies, for purpose established by licensee as genuine reason for possessing or using firearm

Part 2

Firearms Act 1996

Section 68

column 1 item	column 2 category of licence (and kind of licence)	column 3 firearms to which licence applies	column 4 entity authorised by licence	column 5 authority conferred by licence
		(a) airguns; (b) rim-fire rifles (other than self-loading); (c) shotguns; (d) shotgun and rim-fire rifle combinations		
2	category B (adult firearms licence)	the following firearms, other than prohibited firearms:	licensee who is registered owner	possess or use registered firearm to which licence applies, for purpose established by licensee as genuine reason for possessing or using firearm

column 1 item	column 2 category of licence (and kind of licence)	column 3 firearms to which licence applies	column 4 entity authorised by licence	column 5 authority conferred by licence
		(a) muzzle-loading firearms (other than pistols); (b) centre-fire rifles (other than self- loading); (c) shotgun and centre-fire rifle combinations		

Section 68

column 1 item	column 2 category of licence (and kind of licence)	column 3 firearms to which licence applies	column 4 entity authorised by licence	column 5 authority conferred by licence
3	category C (adult firearms licence)	the following firearms (other than firearms mentioned in sch 1, item 6, 10 or 11): (a) self-loading rim-fire rifles with magazine capacity of not more than 10 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

column 1 item	column 2 category of licence (and kind of licence)	column 3 firearms to which licence applies	column 4 entity authorised by licence	column 5 authority conferred by licence
		(b) 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		

Part 2

Firearms Act 1996

Section 68

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, 9, 10 or 11): (a) self-loading centre-fire rifles;	licensee who is registered owner	possess 1 registered firearm to which licence applies and use only— (a) for vertebrate pest animal control; and (b) at place stated in licence

column 1 item	column 2 category of licence (and kind of licence)	column 3 firearms to which licence applies	column 4 entity authorised by licence	column 5 authority conferred by licence
		(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;		

Part 2

Firearms Act 1996

Section 68

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
		(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		

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

Part 2

Firearms Act 1996

Section 68

column 1 item	column 2 category of licence (and kind of licence)	column 3 firearms to which licence applies	column 4 entity authorised by licence	column 5 authority conferred by licence
7	firearms dealer (adult firearms licence)	the categories of firearms stated in licence	licensee who is registered owner	acquire, dispose of, possess, repair, maintain, test, manufacture, or store, in the course of carrying on the business of a firearms dealer, and at the registered premises, any firearm to which the licence applies, and to acquire or dispose of ammunition for those firearms
8	collectors (adult firearms licence)	the categories of firearms stated in licence	licensee who is registered owner	possess each registered firearm to which licence applies

column 1 item	column 2 category of licence (and kind of licence)	column 3 firearms to which licence applies	column 4 entity authorised by licence	column 5 authority conferred by licence
9	heirlooms (adult firearms licence)	the categories of firearms stated in licence	licensee who is registered owner	possess each registered firearm to which licence applies
10	paintball marker (adult firearms licence)	paintball markers	licensee who is registered owner	possess or use registered paintball marker for purpose established by licensee as genuine reason for possessing or using paintball marker

Section 68

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
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 B (minors firearms licence)	the following firearms, other than prohibited firearms: (a) muzzle- loading firearms (other than pistols);	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

Part 2

Firearms Act 1996

Section 68

column 1 item	column 2 category of licence (and kind of licence)	column 3 firearms to which licence applies	column 4 entity authorised by licence	column 5 authority conferred by licence
		(b) centre-fire rifles (other than self-loading); (c) shotgun and centre-fire rifle combinations		

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 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

Section 68

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 A, B, C, D or H (composite entity licence)	the category of firearms for which licence is issued	registered principal	possess or use registered firearm to which licence applies for purpose— (a) if genuine reason for issue of licence is that entity carries on business in ACT as security organisation—of carrying on business as security organisation; or (b) if genuine reason for issue of licence is as mentioned in s 42ZC (1) (b)—of farming or grazing activities;

column 1 item	column 2 category of licence (and kind of licence)	column 3 firearms to which licence applies	column 4 entity authorised by licence	column 5 authority conferred by licence
				<p>(c) if genuine reason for issue of licence is that entity is approved club—of use in activities of club;</p> <p>(d) if genuine reason for issue of licence is that entity is a government agency—of use in course of employment in government agency.</p> <p>For category C licence, not more than—</p> <p>(a) 1 registered self-loading rim-fire rifle with magazine capacity of not more than 10 rounds; and</p>

Part 2

Firearms Act 1996

Section 68

column 1 item	column 2 category of licence (and kind of licence)	column 3 firearms to which licence applies	column 4 entity authorised by licence	column 5 authority conferred by licence
				(b) 1 registered shotgun to which licence applies.
15	temporary international firearms licence	the category of firearms stated in licence	licensee	possess or use firearm of kind to which licence applies— (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.

column 1 item	column 2 category of licence (and kind of licence)	column 3 firearms to which licence applies	column 4 entity authorised by licence	column 5 authority conferred by licence
				<p>Also, if licence applies to category C firearms, possess or use not more than—</p> <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 4 Reviewable decisions

(see s 113)

column 1 item	column 2 Act provision	column 3 reviewable decision
1	4BJ	refusing to approve firearms training course, shooting competition, paintball competition or event involving firearms
2	14	refusing to authorise licensee or member of approved club
3	15	refusing to approve a club, or revoking the approval of a club
4	15A (2)	refusing to approve possession of ammunition by ammunition collector
5	21	refusing to issue or renew adult firearms licence refusing to issue or renew adult firearms licence because Minister has not authorised the issue under s 26
6	26 (2)	issuing category D adult firearms licence subject to condition required by Minister
7	32	refusing to issue replacement adult firearms licence
8	36 (1) (e)	refusing to authorise possession of more than prescribed amount of ammunition
9	36 (2)	putting condition on adult firearms licence
10	39 (1) (c)	end date less than 12 months after day licence begins
11	40, 40A	suspending adult firearms licence
12	41	cancelling adult firearms licence

column 1 item	column 2 Act provision	column 3 reviewable decision
13	42	cancelling category H adult firearms licence issued for genuine reason of sport or target shooting
14	42G	refusing to issue minors firearms licence
15	42M	refusing to issue replacement minors firearms licence
16	42N (1) (b)	refusing to authorise possession of more than prescribed amount of ammunition
17	42N (2)	putting condition on minors firearms licence
18	42O (2)	refusing to extend period minors firearms licence in force
19	42P, 42Q	suspending minors firearms licence
20	42R	cancelling minors firearms licence
21	42X	refusing to issue or renew composite entity firearms licence
22	42ZJ	refusing to issue replacement composite entity firearms licence
23	42ZK (1) (f)	refusing to authorise possession of more than prescribed amount of ammunition
24	42ZK (3)	putting condition on composite entity firearms licence
25	42ZM, 42ZMA	suspending composite entity firearms licence
26	42ZN	cancelling composite entity firearms licence
27	42ZPB	refusing to issue or renew temporary international firearms licence
28	42ZQB (1) (e)	refusing to authorise possession of more than prescribed amount of ammunition
29	42ZQB (2)	putting condition on temporary international firearms licence

column 1 item	column 2 Act provision	column 3 reviewable decision
30	42ZR (1)	end date less than 3 months after day licence begins
31	42ZRA	cancelling temporary international firearms licence
32	42ZV	making direction in relation to interstate licence
33	45B	refusing to issue permit to acquire a firearm
34	47 (2)	refusing to extend period permit to acquire a firearm in force
35	48	refusing to issue replacement permit to acquire a firearm
36	48B	suspending or cancelling permit to acquire a firearm
37	51B	refusing to register firearm
38	52	cancelling registration of firearm
39	52BB	refusing to register user of firearm
40	52G	cancelling registration of user of firearm
41	100 (2)	refusing to approve the modification of a firearm
42	121 (2)	cancelling a licence
43	211 (3)	cancelling registration of firearm
44	212 (4)	cancelling registration of user of firearm

69 New dictionary

insert

Dictionary

(see s 2)

Note 1 The Legislation Act contains definitions and other provisions relevant to this Act.

Note 2 For example, the Legislation Act, dict, pt 1, defines the following terms:

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

acquire—

(a) a firearm or ammunition, for this Act—see section 4AC; and

(b) a firearm, for division 6.3 (Licensed firearms dealers—records and returns)—see section 67A.

acquirer, for part 3C (Permits to acquire firearms)—see section 45.

adult firearms licence—see section 16A.

- 1 ***airgun*** means a firearm, other than a paintball marker, that—
- 2 (a) can propel, or is designed to propel, a projectile by means of—
- 3 (i) any gas or mixture of gases, including air but not
- 4 including a gas or mixture of gases generated by an
- 5 explosive; or
- 6 (ii) a spring; and
- 7 (b) is operated or designed for operation by means of a trigger or
- 8 similar device.
- 9 ***ammunition***—
- 10 (a) includes—
- 11 (i) a cartridge case fitted with a primer and projectile; and
- 12 (ii) a cartridge case fitted with a primer that contains a
- 13 propelling charge and projectile; and
- 14 (iii) blank cartridges, airgun pellets, training cartridges or gas
- 15 cartridges; and
- 16 (iv) anything else prescribed by regulation; but
- 17 (b) does not include—
- 18 (i) a paintball; or
- 19 (ii) something prescribed by regulation not to be
- 20 ammunition.
- 21 ***approved firearms event*** means an event involving firearms
- 22 approved by the registrar under section 4BJ (Approval of courses
- 23 etc by registrar).
- 24 ***approved firearms training course*** means a firearms training course
- 25 approved by the registrar under section 4BJ (Approval of courses
- 26 etc by registrar).

1 ***approved paintball competition*** means a paintball competition
2 approved by the registrar under section 4BJ (Approval of courses
3 etc by registrar).

4 ***approved paintball range*** means a paintball range approved by the
5 registrar as prescribed by regulation.

6 ***approved reason***—a person has an ***approved reason*** for requiring a
7 starting pistol if the person—

8 (a) is an individual who is an official in relation to sporting
9 competitions conducted by a prescribed sporting organisation,
10 and the starting pistol is used while the person is acting in that
11 capacity; or

12 (b) is a sporting organisation prescribed by regulation.

13 ***approved shooting competition*** means a shooting competition
14 approved by the registrar under section 4BJ (Approval of courses
15 etc by registrar).

16 ***approved shooting range*** means a shooting range approved by the
17 registrar as prescribed by regulation.

18 ***authorised club member*** means a member of an approved club
19 authorised by the registrar under section 14 to sell ammunition.

20 ***authorised instructor*** means a person authorised by the registrar
21 under section 14 to give instruction in the use of firearms.

22 ***authorised period***, in relation to an individual interstate licensee, for
23 part 3A (Temporary recognition of interstate licences and
24 permits)—see section 42ZS.

25 ***buy*** includes—

26 (a) buy by wholesale, retail, auction or tender; and

27 (b) obtain by barter or exchange.

- 1 **category**, of firearm, means a category A firearm, category B
2 firearm, category C firearm, category D firearm or category H
3 firearm.
- 4 **category A firearm** means a firearm to which a category A licence
5 applies.
- 6 **category B firearm** means a firearm to which a category B licence
7 applies.
- 8 **category C firearm** means a firearm to which a category C licence
9 applies.
- 10 **category D firearm** means a firearm to which a category D licence
11 applies.
- 12 **category H firearm** means a firearm to which a category H licence
13 applies.
- 14 **close associate**, of a licensed firearms dealer—see section 4BF.
- 15 **composite entity**—see section 42U.
- 16 **composite entity firearms licence**—see section 16A.
- 17 **connected**—a thing is **connected** with an offence if—
- 18 (a) the offence has been committed in relation to it; or
- 19 (b) it will provide evidence of the commission of the offence; or
- 20 (c) it was used, is being used, or is intended to be used, to commit
21 the offence.
- 22 **corrections officer**, for schedule 2 (Exemptions from Act)—see
23 section 2.1.
- 24 **corresponding**, for part 3A (Temporary recognition of interstate
25 licences and permits)—see section 42ZS.
- 26 **corresponding law** means a law of a State, another Territory or New
27 Zealand corresponding, or substantially corresponding, to this Act.

1 **dispose**, of a firearm—

2 (a) for this Act—see section 4AD; and

3 (b) for division 6.3 (Licensed firearms dealers—records and
4 returns)—see section 67A.

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

8 **employed** includes engaged.

9 **employee**—

10 (a) of a person, includes someone engaged by the person; and

11 (b) in relation to a government agency, means a public servant
12 holding office, or a person employed, in the agency.

13 **executive officer**, of a corporation, means a person (however
14 described) who is concerned with, or takes part in, the corporation's
15 management, whether or not the person is a director of the
16 corporation.

17 **firearm**—see section 4A.

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

21 **firearms dealer**—

22 (a) means an individual who, in the ordinary course of carrying on
23 business—

24 (i) manufactures, acquires, disposes of (including by sale) or
25 repairs firearms or firearm parts; or

26 (ii) possesses firearms for the purpose of disposing of, or
27 repairing, them; or

- 1 (iii) possesses firearm parts for the purpose of disposing of, or
2 repairing, them, or of manufacturing firearms; and
- 3 (b) includes an individual who is a club armourer for an approved
4 club.
- 5 *foreign acquirer*, for part 3C (Permits to acquire firearms)—see
6 section 45.
- 7 *foreign firearms licence*, for part 3.2D (Licensing scheme—
8 temporary international firearms licences)—see section 42ZOA.
- 9 *genuine reason*—
- 10 (a) in relation to an adult firearms licence—see section 23; or
11 (b) in relation to a minors firearms licence—see section 42K; or
12 (c) in relation to a composite entity firearms licence—see
13 section 42ZC; or
14 (d) in relation to a temporary international firearms licence—see
15 section 42ZQ.
- 16 *genuine reason of international visitor*—see section 42ZQ (1) (b)
17 (Temporary international firearms licences—genuine reasons to
18 possess or use firearms).
- 19 *interstate licence*, for part 3A (Temporary recognition of interstate
20 licences and permits)—see section 42ZS.
- 21 *local licence*, for part 3A (Temporary recognition of interstate
22 licences and permits)—see section 42ZS.
- 23 *minors firearms licence*—see section 16A.
- 24 *occupier*, of premises, includes—
- 25 (a) a person believed on reasonable grounds to be an occupier of
26 the premises; and
27 (b) a person apparently in charge of the premises.

- 1 *offence*, for part 7 (Enforcement)—see section 73.
- 2 *owner and user particulars*, in relation to a registered firearm, for
3 part 4 (Registration of firearms and firearm users)—see section 49B.
- 4 *paintball* means a projectile that primarily consists of a dye or
5 similar substance designed to mark a person or object.
- 6 *paintball activity* includes a paintball competition.
- 7 *paintball marker* means a firearm designed to discharge a paintball.
- 8 *paintball range operator*, for an approved paintball range, means a
9 person licensed under this Act to operate the range.
- 10 *parental responsibility*, for a child, for division 3.2B (Licensing
11 scheme—minors firearms licences)—see the *Children and Young
12 People Act 1999*, section 17.
- 13 *permit-holder* means the holder of a permit.
- 14 *permit to acquire*, a firearm, means a permit to acquire the firearm
15 issued under part 3C (Permits to acquire firearms).
- 16 *photograph* includes a digitised, electronic or computer generated
17 image in a form approved by the registrar.
- 18 *possession*—see section 4B.
- 19 *principal*, of a composite entity—see section 42U.
- 20 *prohibited firearm*—see section 4AB.
- 21 *prohibited person*, for part 6 (Firearms dealers)—see section 65A.
- 22 *prohibited pistol* means a prohibited firearm mentioned in
23 schedule 1, item 19, item 20 or item 21.
- 24 *registered firearm* means a firearm registered under this Act.
- 25 *registered owner*, of a firearm, means the person recorded in the
26 register as the owner of the firearm.

1 **registered premises**, for a firearm, means the premises in the ACT
2 stated in the register as the premises where the firearm—

- 3 (a) is or is to be stored; or
4 (b) if the registered owner of the firearm is a licensed firearms
5 dealer—may be available for sale.

6 **registered principal**—

- 7 (a) for a composite entity firearms licence—see section 42U; and
8 (b) for a firearm—means the principal named in the composite
9 entity firearms licence under which the firearm is held.

10 **registered user**, of a firearm, means an individual recorded in the
11 register as a user of the firearm.

12 **responsible person**, for a child, for division 3.2B (Licensing
13 scheme—minors firearms licences)—see section 42C.

14 **reviewable decision**, for part 10 (Review of decisions)—see
15 section 113.

16 **security organisation**—see section 42ZC (2).

17 **sell** includes—

- 18 (a) sell by wholesale, retail, auction or tender; and
19 (b) dispose of by barter or exchange; and
20 (c) sell for profit; and
21 (d) offer for sale, receive for sale, have in possession for sale or
22 expose or exhibit for sale; and
23 (e) conduct negotiations for sale; and
24 (f) consign or deliver for sale.

25 **successfully appealed against**—an order is **successfully appealed**
26 **against** if an appeal against the making of the order is upheld.

1 ***temporarily store***—a firearm is ***temporarily stored*** by a licensed
2 firearms dealer if—

3 (a) for a person who has possession of the firearm because of the
4 death of the individual authorised to possess it—the dealer
5 stores the firearm until the person is authorised, under this Act
6 or another territory law, to otherwise dispose of it; or

7 (b) for a person who inherits the firearm and applies for a licence
8 or permit in relation to the firearm—the dealer stores the
9 firearm until the application is finally decided (including any
10 application to the AAT for review of the decision and any
11 subsequent appeal).

12 ***temporary international firearms licence***—see section 16A.

13 ***unregulated firearm***—see section 4G.

1 **Part 3 Prohibited Weapons Act 1996**

2 **70 Legislation amended—pt 3**

3 This part amends the *Prohibited Weapons Act 1996*.

4 *Note* The Act is also amended in sch 1.

5 **71 Section 3**

6 *substitute*

7 **3 Meaning of *possession*—Act**

8 (1) For this Act, a person has *possession* of a prohibited weapon or
9 prohibited article if the person—

10 (a) has the weapon or article on his or her person, including in
11 something carried or worn by the person (*physical possession*);
12 or

13 (b) has the weapon or article at premises owned, leased or
14 occupied by the person; or

15 (c) otherwise has the care, control or management of the firearm.

16 (2) Also, for this Act, a person has *possession* of a prohibited weapon
17 or prohibited article if—

18 (a) part of the weapon or article is in the person's possession; and

19 (b) other parts of the weapon or article are in the possession of 1 or
20 more other people; and

21 (c) at least 1 of the other people is in possession of the other part
22 or parts for an agreed purpose with the person; and

23 (d) the parts would make up the weapon or article if fitted
24 together.

- 1 **3A Evidence of possession—prohibited weapons or articles**
2 **at premises**
- 3 (1) For this Act, a person is not taken to have possession of a prohibited
4 weapon or prohibited article only because the weapon or article is at
5 premises owned, leased or occupied by the person if—
- 6 (a) the person does not know that the weapon or article is at the
7 premises; or
- 8 (b) someone else who is authorised to possess the weapon or
9 article—
- 10 (i) is also at the premises; or
- 11 (ii) has the care, control or management of the weapon or
12 article; or
- 13 (c) someone else who is not authorised to possess the weapon or
14 article has the care, control or management of the weapon or
15 article; or
- 16 (d) the trier of fact is otherwise satisfied that the person was not in
17 possession of the weapon or article.
- 18 (2) To remove any doubt, a defendant to a prosecution for an offence
19 against this Act who wishes to rely on a matter mentioned in
20 subsection (1) has the evidential burden in relation to the matter.
- 21 **3B Evidence of possession—care, control or management of**
22 **prohibited weapon or article**
- 23 (1) To work out whether a person has the care, control or management
24 of a prohibited weapon or prohibited article for this Act, each of the
25 following must be considered:
- 26 (a) whether the person knows about the weapon or article;
- 27 (b) whether the person can use or dispose of the weapon or article;

1 (c) whether the person can control or prevent someone else from
2 using or having physical possession of the weapon or article.

3 (2) In this section:

4 *physical possession*—see section 3 (1) (a).

5 **72 New part 1A**

6 *insert*

7 **Part 1A Important concepts**

8 **4A Meaning of *prohibited weapon*—Act**

9 (1) In this Act:

10 *prohibited weapon*—

11 (a) means—

12 (i) a weapon or thing described in schedule 1; and

13 (ii) a weapon or thing prescribed by regulation; and

14 (iii) something declared to be a prohibited weapon under
15 section 4L; and

16 (b) includes a modified prohibited weapon.

17 (2) However, *prohibited weapon* does not include something declared
18 not to be a prohibited weapon under section 4L.

19 (3) A regulation may amend schedule 1—

20 (a) by adding the name or description of a weapon or thing; or

21 (b) by amending a name or description of a prohibited weapon to
22 more accurately describe the weapon; or

23 (c) by omitting the name and description of a prohibited weapon.

- 1 (4) In this section:
- 2 *modified prohibited weapon* means a weapon or thing that would be
- 3 a prohibited weapon if—
- 4 (a) it did not have something missing from it, or a defect or
- 5 obstruction; or
- 6 (b) something had not been added to it.
- 7 **4B Meaning of *prohibited article*—Act**
- 8 (1) In this Act:
- 9 *prohibited article*—
- 10 (a) means—
- 11 (i) an article described in schedule 2; and
- 12 (ii) an article prescribed by regulation; and
- 13 (iii) something declared to be a prohibited article under
- 14 section 4L; and
- 15 (b) includes a modified prohibited article.
- 16 (2) However, *prohibited article* does not include something declared
- 17 not to be a prohibited article under section 4L.
- 18 (3) A regulation may amend schedule 2—
- 19 (a) by adding the name or description of an article; or
- 20 (b) by amending a name or description of a prohibited article to
- 21 more accurately describe the article; or
- 22 (c) by omitting the name and description of a prohibited article.

- 1 (4) In this section:
- 2 *modified prohibited article* means an article that would be a
- 3 prohibited article if—
- 4 (a) it did not have something missing from it, or a defect or
- 5 obstruction; or
- 6 (b) something had not been added to it.

7 **73 New parts 1B to 1D**

8 *insert*

9 **Part 1B Unregulated weapons**

10 **4C Meaning of *unregulated weapon*—Act**

11 In this Act:

12 *unregulated weapon*—a thing is an *unregulated weapon* if—

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

19 **4CA Meaning of *connected*—pt 1B**

20 In this part:

21 *connected*—a thing is *connected* with an offence if—

- 22 (a) the offence has been committed in relation to it; or
- 23 (b) it will provide evidence of the commission of the offence; or

- 1 (c) it was used, is being used, or is intended to be used, to commit
2 the offence.

3 **4D Unregulated weapons—seizure by police**

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

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

11 **4E Unregulated weapons—receipt for seizure**

- 12 (1) A police officer who seizes a thing under section 4D must give a
13 receipt for the thing to the person from whom it was seized.
14 (2) If, for any reason, it is not practicable to comply with subsection (1),
15 the police officer must leave the receipt, secured conspicuously, at
16 the premises where it was seized (the *place of seizure*).
17 (3) The receipt must include the following:
18 (a) a description of the thing seized;
19 (b) an explanation of why the thing was seized;
20 (c) the police officer's name, and how to contact the officer;
21 (d) if the thing is removed from the place of seizure under
22 section 4F—the address of the place to which the thing is
23 removed.

1 **4F Unregulated weapons—examination**

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

19 **4G Unregulated weapons—access to things seized**

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

23 **4H Unregulated weapons—review of decision to seize**

- 24 (1) The registrar must review each seizure under section 4D
25 (Unregulated weapons—seizure by police) and order the return of
26 the thing to the person from whom it was seized if—
- 27 (a) when seized, the thing was not—
- 28 (i) an unregulated weapon; or

- 1 (ii) a prohibited weapon; or
- 2 (b) within 30 days after the day of seizure, the thing is not a
- 3 prohibited weapon; or
- 4 (c) the registrar has no reasonable grounds to believe that the thing
- 5 is connected with an offence against any of the following:
- 6 (i) this Act;
- 7 (ii) the *Firearms Act 1996*;
- 8 (iii) the *Crimes Act 1900*;
- 9 (iv) the Criminal Code;
- 10 (v) another law prescribed by regulation.
- 11 (2) If a thing is ordered to be returned under subsection (1) to the person
- 12 from whom it was seized, but it cannot be returned, the Territory
- 13 must pay reasonable compensation to the owner of the thing for its
- 14 loss.
- 15 (3) In this section:
- 16 *offence* includes an offence that there are reasonable grounds for
- 17 believing has been, is being or will be, committed.

18 **4I Unregulated weapons—forfeiture**

- 19 (1) A thing seized under section 4D (Unregulated weapons—seizure by
- 20 police) is forfeited to the Territory if there is no requirement under
- 21 section 4H—
- 22 (a) to return the thing to the person from whom it was seized; or
- 23 (b) to pay compensation for the thing.
- 24 (2) A thing forfeited to the Territory may be destroyed or otherwise
- 25 disposed of as the chief executive directs.

1 **Part 1C** **Minister's guidelines**

2 **4K** **Minister's guidelines**

- 3 (1) The Minister may make guidelines about the making of a decision
4 by the registrar under section 4L.
- 5 (2) The registrar must comply with any guidelines under this section.
- 6 (3) A guideline is a disallowable instrument.

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

9 **Part 1D** **Declarations about prohibited**
10 **articles and weapons**

11 **4L** **Prohibited articles and weapons declarations by registrar**

- 12 (1) The registrar may, in accordance with any guidelines under
13 section 4K (Minister's guidelines), do any of the following:
- 14 (a) declare something to be a prohibited article;
- 15 (b) declare an unregulated weapon to be a prohibited weapon;
- 16 (c) declare that something is not a prohibited article or prohibited
17 weapon.
- 18 (2) A declaration remains in force for 3 months beginning on the day
19 after the day the declaration is notified under the Legislation Act.
- 20 (3) A declaration is a disallowable instrument.

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

- 23 (4) The registrar must also publish the declaration in a daily newspaper
24 circulating in the ACT.

1 **4M Effect of certain declarations**

2 A person does not commit an offence against this Act in relation to
3 the possession or use of a thing that is the subject of a declaration
4 under section 4L (1) (a) or (b) if the elements of the offence happen
5 less than 2 days after the day the declaration is notified under the
6 Legislation Act.

7 **74 Part 2 heading**

8 *substitute*

9 **Part 2 Offences**

10 **75 Sections 5 and 6**

11 *substitute*

12 **5 Offence—unauthorised possession or use of prohibited**
13 **weapons**

14 A person commits an offence if the person—

- 15 (a) possesses or uses a prohibited weapon; and
16 (b) is not authorised by a permit, or otherwise under this Act, to
17 possess or use the weapon.

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

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

- 1 **6** **Offence—unauthorised possession or use of prohibited**
2 **articles**
- 3 A person commits an offence if the person—
- 4 (a) possesses or uses a prohibited article; and
- 5 (b) is not authorised by a permit, or otherwise under this Act, to
6 possess or use the article.
- 7 Maximum penalty: 200 penalty units, imprisonment for 2 years or
8 both.
- 9 *Note* A reference to an Act includes a reference to the statutory instruments
10 made or in force under the Act, including any regulation (see
11 Legislation Act, s 104).

12 **76** **Section 8**

13 *substitute*

- 14 **8** **Offence—disposal of prohibited weapons and articles by**
15 **unauthorised holders**
- 16 (1) A person commits an offence if—
- 17 (a) the person has possession of a prohibited weapon or prohibited
18 article; and
- 19 (b) the person is not, or is no longer, authorised by a permit or
20 otherwise under this Act to possess the weapon or article; and
- 21 (c) within 7 days after the day the person comes into possession
22 of, or is no longer authorised to possess, the weapon or article,
23 the person fails—
- 24 (i) to surrender the weapon or article to a police officer; or

1 (ii) to dispose of the weapon or article to someone who is
2 authorised by a permit to possess it.

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

5 (2) A person does not contravene any other provision of this Act
6 because the person—

7 (a) disposed of or surrendered a prohibited weapon or prohibited
8 article in accordance with this section; or

9 (b) accepted a prohibited weapon or prohibited article under this
10 section.

11 **77 Section 17**

12 *substitute*

13 **17 Evidentiary provisions**

14 A certificate signed by the registrar stating the following is evidence
15 of the matter stated:

16 (a) at a stated time or during a stated period, a stated person was,
17 or was not, the holder of a stated permit (or of a permit for a
18 stated prohibited weapon or prohibited article);

19 (b) a permit was or was not, on a day or during a stated period,
20 subject to a stated condition.

21 **17A Determination of fees**

22 (1) The Minister may determine fees for this Act.

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

25 (2) A determination is a disallowable instrument.

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

1 **78 Approved forms**
2 **Section 18**

3 *omit*

4 Minister

5 *substitute*

6 registrar

7 **79 New part 5**

8 **Part 5 Transitional**

9 **50 Definitions—pt 5**

10 In this part:

11 *commencement day* means the day 1 year after the day the *Firearms*
12 *Amendment Act 2008* is notified.

13 *dispose*, of a prohibited weapon or article, means sell, give away or
14 otherwise transfer possession of the weapon or article.

15 *pre-commencement Act* means this Act as in force at any time
16 before the commencement day.

17 **51 Pre-commencement Act—permitted weapons and articles**
18 **generally**

19 (1) This section applies to a weapon or article that—

20 (a) is not, before the commencement day, a prohibited weapon or
21 prohibited article; and

22 (b) will be, on the commencement day, a prohibited weapon or
23 prohibited article.

24 (2) A person may apply to the registrar for a permit for the weapon or
25 article at any time before the commencement day.

- 1 (3) For an application mentioned in subsection (2), section 9 (Permits),
2 section 13 (Surrender of cancelled permit) and section 14 (Review
3 of decisions) apply as if the weapon or article were a prohibited
4 weapon or prohibited article.
- 5 (4) The person is exempt from any fee that would otherwise be payable
6 to the registrar for—
- 7 (a) the application; and
8 (b) if a permit is issued to the person—the issue of the permit.
- 9 (5) A person may before the commencement day—
- 10 (a) surrender the weapon or article to a police officer; or
11 (b) dispose of the weapon or article to someone who is authorised
12 by a permit to possess it.
- 13 (6) A weapon or article surrendered under this section—
- 14 (a) is forfeited to the Territory; and
15 (b) may be destroyed or otherwise disposed of as the chief
16 executive directs.

17 **52 Pre-commencement Act—permitted weapons and**
18 **articles—late application for permit**

- 19 (1) This section applies if—
- 20 (a) a person applies under section 51 for a permit for a weapon or
21 article during the period beginning 30 days before the
22 commencement day; and
- 23 (b) the registrar has not decided whether to issue or refuse to issue
24 the permit before the commencement day.

- 1 (2) The person does not commit an offence against this Act in relation
2 to the possession or use of the weapon or article if the elements of
3 the offence happen—
- 4 (a) during the period the registrar is deciding; and
- 5 (b) if the registrar decides to refuse to issue the permit—during the
6 period of 7 days (the *7-day period*) beginning on the day after
7 the day the person receives notice of the registrar’s decision.
- 8 (3) A person mentioned in subsection (2) (b) may, during the 7-day
9 period—
- 10 (a) surrender the weapon or article to a police officer; or
- 11 (b) dispose of the weapon or article to someone who is authorised
12 by a permit to possess it; or
- 13 (c) if the person decides to apply to the AAT for a review of the
14 decision of the registrar to refuse to issue the permit—ask the
15 registrar to store the weapon or article until the application, and
16 any subsequent appeal, are finally decided.
- 17 (4) If the person’s application or appeal is successful, the weapon or
18 article must be returned to the person.
- 19 (5) If the person’s application or appeal is not successful, the weapon or
20 article is taken to be surrendered to the registrar.
- 21 (6) A weapon or article surrendered under this section—
- 22 (a) is forfeited to the Territory; and
- 23 (b) may be destroyed or otherwise disposed of as the chief
24 executive directs.

25 **52 Transitional regulations**

- 26 (1) A regulation may prescribe transitional matters necessary or
27 convenient to be prescribed because of the enactment of the
28 *Firearms Amendment Act 2008*.

1 (2) A regulation may modify this part to make provision in relation to
 2 anything that, in the Executive's opinion, is not, or is not adequately
 3 or appropriately, dealt with in this part.

4 (3) A regulation under subsection (2) has effect despite anything else in
 5 this Act or another territory law.

6 **53 Expiry—pt 5**

7 This part expires 1 year after the commencement day.

8 **80 Schedule 1**

9 *substitute*

10 **Schedule 1 Prohibited weapons**

11 (see s 4A)

12 **Part 1.1 Prohibited bladed weapons**

column 1 item	column 2 description
1	a flick knife or other similar device that has a blade folded or recessed into the handle which opens automatically by— (a) gravity or centrifugal force; or (b) pressure applied to a button, spring or device in or attached to the handle of the device
2	a sheath knife or other similar device that has a sheath that withdraws into the handle by— (a) gravity or centrifugal force; or (b) pressure applied to a button, spring or device in or attached to the handle of the device

column 1 item	column 2 description
3	<p>a dagger or other similar device, that has a sharp-pointed stabbing instrument—</p> <ul style="list-style-type: none">(a) that can be concealed on the person; and(b) that—<ul style="list-style-type: none">(i) has a flat blade with cutting edges (whether serrated or non-serrated) along the length of both sides; or(ii) has a needle-like blade, the cross section of which is elliptical or has three or more sides; and(iii) is not a sword or bayonet
	<p>Example Urban Skinner push dagger</p> <p><i>Note</i> 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).</p>
4	<p>a butterfly knife, balisong or other similar device that consists of a blade (whether single-edged or multi-edged) or spike that—</p> <ul style="list-style-type: none">(a) fits within 2 handles attached to the blade or spike by transverse pivot points; and(b) can be opened by gravity or centrifugal force
5	<p>a star knife or other similar device that—</p> <ul style="list-style-type: none">(a) consists of 2 or more angular points, blades or spikes that spreads out about a central axis point; and(b) is designed to spin around the knife’s central axis point in flight when thrown at a target

column 1 item	column 2 description
6	a trench knife or other similar device that— <ul style="list-style-type: none">(a) consists of a blade (whether single-edged or multi-edged) or spike; and(b) is fitted with a handle made of a hard substance; and(c) is either made or modified to be fitted over the knuckles of the hand of the user—<ul style="list-style-type: none">(i) to protect the knuckles; and(ii) to increase the effect of a punch or blow
7	a knife that can discharge a blade as a projectile by a spring mechanism or other means (known as a ballistic knife)
8	a blade, knife or axe that is either made or modified to be thrown
9	a claw (known as a hand or foot claw) made or modified to be attached to or worn on the hand or foot to cause injury to someone else

Part 1.2 Prohibited hand weapons

column 1 item	column 2 description
1	a knuckle-duster or other similar device, made or modified to be fitted over the knuckles of the hand of the user— (a) to protect the knuckles; and (b) to increase the effect of a punch or other blow
2	a sap glove or other weighted glove (including a fingerless glove) made or modified to be used as a weapon
3	a studded glove, or other similar hand covering, that incorporates protrusions designed to puncture or bruise the skin
4	a mace or other similar device (other than a ceremonial mace made for use solely as a symbol of authority on ceremonial occasions) that— (a) can cause injury; and (b) consists of a club or staff fitted with a flanged or spiked head
5	a flail or other similar device consisting of a staff or handle that has fitted to 1 end, by any means, a freely swinging part armed with spikes or studded with any protruding matter
6	a whip, the lash of which is comprised completely or partly of metal
7	a cat-o'-nine-tails or other similar device whether or not it has 9 lashes
8	nunchakus or kung-fu sticks or other similar device

column 1 item	column 2 description
9	a side-handled baton or other similar device that— <ul style="list-style-type: none">(a) consists of a baton, staff or rod; and(b) is made of a hard substance; and(c) has fitted to 1 side a handle (whether or not permanently fixed)
10	an extendable or telescopic baton, made or modified so that the length of the baton extends by— <ul style="list-style-type: none">(a) gravity; or(b) centrifugal force; or(c) pressure applied to a button, spring or device in or attached to the handle of the baton

Part 1.3 Prohibited missile weapons

column 1 item	column 2 description
1	a spear gun with an overall length of less than 45cm when unloaded
2	a hunting sling, catapult or sling shot made or modified for use with, or a component part of which is, a brace that— <ul style="list-style-type: none">(a) fits or rests on the forearm or other part of the body; and(b) supports the wrist or forearm against the tension of the material used to propel a projectile
	Example a Saunders ‘falcon’ hunting sling
	<i>Note</i> 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 crossbow or other similar device manufactured on or after 1 January 1900
4	a blow gun, blow-pipe or dart projector that consists of a pipe or tube through which a dart or other device can be projected by— <ul style="list-style-type: none">(a) the exhaled breath of the user; or(b) the use of an elasticised band; or(c) means other than by an explosive
5	a shark dart or other similar device designed to expel, on or after contact, a gas or other substance that can cause bodily harm
	Example a Farallon shark dart

Part 1.4 Other prohibited weapons

column 1 item	column 2 description
1	<p>an explosive, incendiary, irritant or poison gas—</p> <p>(a) bomb; or</p> <p>(b) grenade; or</p> <p>(c) rocket with a propellant charge of more than 100g; or</p> <p>(d) missile with an explosive or incendiary charge of more than 7g; or</p> <p>(e) mine</p>
2	<p>a device or apparatus made or modified for use with a gas or liquid, if the device or apparatus is—</p> <p>(a) capable of killing or incapacitating someone; or</p> <p>(b) made or modified to kill or incapacitate someone</p>
3	A flame thrower or any other device of military design that can propel ignited incendiary fuel
4	<p>A hand-held or other electric device designed to administer an electric shock on contact, other than a piece of medical equipment or electric prod designed exclusively for use with animals</p> <p>Example—hand-held electric device a taser self-defence weapon</p> <p>Examples—other electric device</p> <p>1 a taxi protection cushion system</p> <p>2 a super safety suitcase</p> <p><i>Note</i> 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).</p>

column 1 item	column 2 description
5	a thing made or intended as a defence or antipersonnel spray that can discharge by any means an irritant (other than an irritant matter mentioned in item 6) in liquid, powder, gas or chemical form
6	a thing made or intended as a defence or antipersonnel spray that can discharge by any means an irritant in liquid, powder, gas or chemical form, including but not limited to the following: <ul style="list-style-type: none">(a) chloroacetophenone, known as CN;(b) orthochlorobenzalmalononitrile, known as CS;(c) dyphenylaminechloroarsone, known as DM or Adamsite;(d) oleoresin capsicum, known as OC
7	an acoustic or light-emitting antipersonnel device made or modified— <ul style="list-style-type: none">(a) to cause permanent or temporary incapacity or disability to a person; or(b) to otherwise physically disorientate a person

Schedule 2 Prohibited articles

(see s 4B)

column 1 item	column 2 description
1	an article commonly known as soft body armour
2	a modified article of clothing, accessory or adornment a purpose of which is to disguise or conceal a weapon
	Examples—modified articles
	1 a walking stick containing a sword
	2 a riding crop containing a stiletto
	3 a Bowen knife belt
	<i>Note</i> 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	an article or device intended for use to muffle, reduce or stop the noise created by firing a firearm
4	equipment made or modified to make a smoke screen
5	a trip flare
6	a rimfire magazine with a capacity of more than 15 rounds
7	a pistol magazine with a capacity of more than 10 rounds
8	a centre-fire self-loading rifle magazine, or shotgun magazine, with a capacity of more than 5 rounds
9	a shotgun tubular magazine extension to extend the capacity of a shotgun magazine to more than 5 rounds
10	a device that converts a firearm so it can fire in a fully automatic condition
11	a folding, detachable, telescopic or collapsible stock

1 **Part 4 Prohibited Weapons Regulation**
2 **1997**

3 **81 Legislation amended—pt 4**

4 This part amends the *Prohibited Weapons Regulation 1997*.

5 **82 Prohibited articles**
6 **Section 4**

7 *omit*

1 **Schedule 1** **Technical amendments**

2 (see s 3 and s 70)

3 **Part 1.1** **Firearms Act 1996**

4 **[1.1] Long title**

5 *substitute*

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

8 **[1.2] Section 1**

9 *substitute*

10 **1 Name of Act**

11 This Act is the *Firearms Act 1996*.

12 **[1.3] Section 7**

13 *omit*

14 , in writing,

15 **[1.4] Section 7, new notes**

16 *insert*

17 *Note 1* For the making of appointments (including acting appointments), see the
18 Legislation Act, pt 19.3.

19 *Note 2* In particular, an appointment may be made by naming a person or nominating
20 the occupant of a position (see Legislation Act, s 207).

- 1 **[1.5] Section 8, new note**
- 2 *insert*
- 3 *Note* A provision of a law that gives an entity (including a person) a function
4 also gives the entity the powers necessary and convenient to exercise
5 the function (see Legislation Act, s 196 (1) and dict, pt 1, defs *entity* and
6 *function*).
- 7 **[1.6] Section 9**
- 8 *omit*
- 9 **[1.7] Section 11**
- 10 *omit*
- 11 **[1.8] Section 15 (2)**
- 12 *substitute*
- 13 (2) The registrar may approve the club.
- 14 *Note* An approval is a disallowable instrument (see s (6)).
- 15 **[1.9] Section 123**
- 16 *omit*
- 17 **[1.10] Sections 125 and 125A**
- 18 *substitute*
- 19 **125 Determination of fees**
- 20 (1) The Minister may determine fees for this Act.
- 21 *Note* The Legislation Act contains provisions about the making of
22 determinations and regulations relating to fees (see pt 6.3).
- 23 (2) A determination is a disallowable instrument.
- 24 *Note* A disallowable instrument must be notified, and presented to the
25 Legislative Assembly, under the Legislation Act.

1 **125A Approved forms**

2 (1) The registrar may approve forms for this Act.

3 (2) If the registrar approves a form for a particular purpose, the
4 approved form must be used for that purpose.

5 *Note* For other provisions about forms, see the Legislation Act, s 255.

6 (3) An approved form is a notifiable instrument.

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

8 **[1.11] Schedule 1, heading**

9 *omit*

10 (see s 4)

11 *substitute*

12 (see s 4AB)

13 **[1.12] Firearms Act 1996—renumbering**

14 *renumber provisions when Act next republished under Legislation*
15 *Act*

16 **Part 1.2 Prohibited Weapons Act 1996**

17 **[1.13] Section 1**

18 *substitute*

19 **1 Name of Act**

20 This Act is the *Prohibited Weapons Act 1996*.

1 **[1.14] New section 2**

2 *insert*

3 **2 Dictionary**

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

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

8 For example, the signpost definition, ‘*firearm*—see the
9 *Firearms Act 1996*, section 4A.’ means that the term ‘firearm’ is
10 defined in that section and the definition applies to this Act.

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

15 **[1.15] New sections 2A and 2B**

16 *insert*

17 **2A Notes**

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

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

21 **2B Offences against Act—application of Criminal Code etc**

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

23 *Note 1* *Criminal Code*

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

- 26 • s 5 (Offence—unauthorised possession or use of prohibited
27 weapons)
- 28 • s 6 (Offence—unauthorised possession or use of prohibited
29 articles)

- 1 • s 8 (Offence—disposal of prohibited weapons and articles by
2 unauthorised holders).

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

7 *Note 2* *Penalty units*

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

10 **[1.16] New dictionary**

11 *insert*

12 **Dictionary**

13 (see s 2)

14 *Note 1* The Legislation Act contains definitions and other provisions relevant to
15 this Act.

16 *Note 2* For example, the Legislation Act, dict, pt 1, defines the following terms:

- 17 • AAT
18 • ACT
19 • corrections officer
20 • Criminal Code
21 • exercise
22 • function
23 • police officer
24 • registrar of firearms
25 • under.

26 *connected* with an offence, for part 1B (Unregulated weapons)—see
27 section 4CA.

28 *dispose*, of a prohibited weapon or article, means sell, give away or
29 otherwise transfer possession of the weapon or article.

30 *firearm*—see the *Firearms Act 1996*, section 4A.

- 1 *permit* means a permit under part 3.
- 2 *possession*—see section 3.
- 3 *premises* means the whole or any part of any land, building or other
4 structure, vehicle, vessel, aircraft or place.
- 5 *prohibited article*—see section 4B.
- 6 *prohibited weapon*—see section 4A.
- 7 *registrar* means the registrar of firearms.
- 8 *unregulated weapon*—see section 4C.

1 **Schedule 2 Consequential amendments**

2 **Part 2.1 Court Procedures Act 2004**

3 **[2.1] Section 40, definition of *firearm***

4 *substitute*

5 *firearm*—see the *Firearms Act 1996*, section 4A.

6 **[2.2] Dictionary, definition of *firearm***

7 *substitute*

8 *firearm*, for part 5 (Court security)—see the *Firearms Act 1996*,
9 section 4A.

10 **Part 2.2 Crimes (Sentence**
11 **Administration) Regulation 2006**

12 **[2.3] Dictionary, definition of *firearm***

13 *substitute*

14 *firearm*—see the *Firearms Act 1996*, section 4A.

15 **[2.4] Dictionary, definitions of *prohibited article* and *prohibited***
16 ***weapon***

17 *substitute*

18 *prohibited article*—see the *Prohibited Weapons Act 1996*,
19 section 4B.

20 *prohibited weapon*—see the *Prohibited Weapons Act 1996*,
21 section 4A.

1 **Part 2.3** **Domestic Violence and**
2 **Protection Orders Act 2001**

3 **[2.5] Section 3, notes**

4 *substitute*

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

8 For example, the signpost definition '*firearm*—see the *Firearms*
9 *Act 1996*, section 4A.' means that the term 'firearm' is defined in that
10 section and the definition applies to this Act.

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

15 **[2.6] Section 9 (2), definition of *domestic violence offence*,**
16 **paragraph (e) (i)**

17 *substitute*

18 (i) section 53 (Offence—unregistered firearms);

19 **[2.7] Dictionary, definitions of *ammunition*, *firearm* and**
20 ***firearms licence***

21 *substitute*

22 *ammunition*—see the *Firearms Act 1996*, dictionary.

23 *firearm*—see the *Firearms Act 1996*, section 4A.

24 *firearms licence*—see the *Firearms Act 1996*, dictionary, definition
25 of *licence*.

1 **Part 2.4** **Fair Trading Act 1992**

2 **[2.8] Section 26 (2) (e)**

3 *substitute*

4 (e) carrying a firearm or prohibited weapon;

5 **[2.9] New section 26 (3)**

6 *insert*

7 (3) In this section:

8 *firearm*—see the *Firearms Act 1996*, section 4A.

9 *prohibited weapon*—see the *Prohibited Weapons Act 1996*,
10 section 4A.

11 **Part 2.5** **Spent Convictions Act 2000**

12 **[2.10] Section 19 (5)**

13 *substitute*

14 (5) Section 16 does not apply in relation to the making of a decision
15 under the *Firearms Act 1996* about a person's suitability.

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 2008.

2 Notification

Notified under the Legislation Act on 2008.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

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