

2017

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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(As presented)

(Minister for Police and Emergency Services)

# Firearms and Prohibited Weapons Legislation Amendment Bill 2017

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J2017-187

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# **Firearms and Prohibited Weapons Legislation Amendment Bill 2017**

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## **A Bill for**

An Act to amend legislation about firearms and prohibited weapons

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

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J2017-187

Authorised by the ACT Parliamentary Counsel—also accessible at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)

1 **Part 1 Preliminary**

2 **1 Name of Act**

3 This Act is the *Firearms and Prohibited Weapons Legislation*  
4 *Amendment Act 2017*.

5 **2 Commencement**

6 (1) This Act (other than sections 26, 27, 28 and 31) commences on the  
7 day after its notification day.

8 (2) Sections 26, 27 and 28 commence 6 months after this Act's  
9 notification day.

10 (3) Section 31 commences 1 month after this Act's notification day.

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

13 **3 Legislation amended**

14 This Act amends the following legislation:

- 15 • [Firearms Act 1996](#)
- 16 • [Firearms Regulation 2008](#)
- 17 • [Prohibited Weapons Act 1996](#)
- 18 • [Prohibited Weapons Regulation 1997](#).

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

2 **4 Authority to possess and use firearms temporarily**  
3 **Section 14 (2) (d)**

4 *substitute*

5 (d) the instructor is authorised under subsection (3) to possess or  
6 use the firearm.

7 **5 Section 14 (3) (b)**

8 *substitute*

9 (b) the firearm is a registered firearm; and

10 (ba) the person is licensed to possess or use a firearm of that kind;  
11 and

12 **6 Assessing suitability of individuals—discretionary**  
13 **criteria**  
14 **Section 18 (2), definition of *law enforcement agency*,**  
15 **paragraph (d)**

16 *substitute*

17 (d) the Australian Criminal Intelligence Commission;

18 **7 New sections 18A to 18C**

19 *insert*

20 **18A Protection of security sensitive information**

21 (1) This section applies if, in deciding an individual's suitability under  
22 section 17, the registrar—

23 (a) considers discretionary criteria under section 18 (1) (c) in  
24 relation to the individual; and

- 1 (b) believes on reasonable grounds that information held by a law  
2 enforcement agency in relation to the individual indicates that  
3 it would be contrary to the public interest for the individual to  
4 have access to a firearm.
- 5 (2) The registrar is not required under this Act or any other territory law  
6 to give reasons for the registrar's decision to the extent that giving  
7 those reasons would disclose security sensitive information.
- 8 (3) In this section:
- 9 *law enforcement agency*—see section 18 (2).
- 10 *security sensitive information* means information held by a law  
11 enforcement agency that relates to actual or suspected criminal  
12 activity (whether in the ACT or elsewhere) the disclosure of which  
13 could reasonably be expected to—
- 14 (a) prejudice a criminal investigation; or  
15 (b) enable the discovery of the existence or identity of a  
16 confidential source of information relevant to law enforcement;  
17 or  
18 (c) endanger a person's life or physical safety.
- 19 **18B ACAT or court review—decision on security sensitive**  
20 **information**
- 21 (1) This section applies if—
- 22 (a) an individual applies to the ACAT or the court for review of a  
23 decision of the registrar under this Act (the *relevant decision*);  
24 and  
25 (b) the registrar has not given reasons for the relevant decision  
26 under section 18A (2).
- 27 (2) The registrar must apply to the ACAT or the court for a decision  
28 about whether the reasons disclose security sensitive information.



- 1 (3) The registrar need not notify anyone about the registrar's application  
2 (including the applicant for the review of the relevant decision)  
3 unless the ACAT or the court otherwise orders.
- 4 (4) On application, the ACAT or the court must decide whether the  
5 information is, or is not, security sensitive information.
- 6 (5) In this section:  
7 *security sensitive information*—see section 18A (3).
- 8 **18C ACAT or court review—dealing with security sensitive**  
9 **information**
- 10 (1) This section applies if the ACAT or the court decides under  
11 section 18B that reasons for a relevant decision disclose security  
12 sensitive information.
- 13 (2) In deciding an application for review of the relevant decision, the  
14 ACAT or the court must—
- 15 (a) ensure security sensitive information is not disclosed in any  
16 reasons for the decision; and
- 17 (b) receive evidence and submissions that would disclose security  
18 sensitive information in private, in the absence of the public,  
19 the applicant for review, the applicant's representative and any  
20 other interested party.
- 21 (3) However, the ACAT or court need not receive evidence or  
22 submissions in accordance with subsection (2) (b) if the registrar  
23 otherwise agrees.
- 24 (4) In this section:  
25 *relevant decision*—see section 18B (1) (a).  
26 *security sensitive information*—see section 18A (3).

1 **8 Firearms declarations by registrar**  
2 **Section 31 (2)**

3 *substitute*

4 (2) A declaration remains in force for 3 months.

5 **9 Delegation by registrar**  
6 **New section 35 (2)**

7 *before the notes, insert*

8 (2) However, the registrar must not delegate the registrar's functions  
9 under sections 18A, 18B or 18C.

10 **10 Adult firearms licences—refusal**  
11 **Section 58 (1) (d)**

12 *substitute*

13 (d) that the applicant will comply with the following in relation to  
14 the storage of each registered firearm held under the licence:

15 (i) for a firearm stored in the ACT—part 12 (Safe storage of  
16 firearms);

17 (ii) for a firearm stored in New South Wales—the  
18 requirements for storage under a permit issued under the  
19 *Firearms Act 1996* (NSW), section 28; and

**11 Section 58 (1) (f)**

*substitute*

(f) that each registered firearm held under the licence will be—

(i) stored in the ACT; or

(ii) if the applicant's genuine reason for possessing or using a firearm relates to an activity that occurs in New South Wales—authorised to be stored in New South Wales by a permit issued under the *Firearms Act 1996* (NSW), section 28.

**12 Adult firearms licences—conditions  
Section 73 (1) (c), except note**

*substitute*

(c) the licensee must store each registered firearm held under the licence—

(i) at the registered premises for the firearm; or

(ii) at premises authorised for storage of the firearm by a permit issued under the *Firearms Act 1996* (NSW), section 28;

**13 Section 73 (1) (d)**

*before*

premises

*insert*

registered

1 **14 Composite entity firearms licences—genuine reasons to**  
2 **possess or use firearms**  
3 **New section 108 (1) (e)**

4 *insert*

5 (e) that—

- 6 (i) the entity is the owner or operator of a zoo; and  
7 (ii) it is necessary for a person employed in relation to the  
8 management of animals at the zoo to possess a firearm in  
9 the course of employment.

10 **15 Composite entity firearms licences—restriction on issue**  
11 **of category C licences**  
12 **Section 111 (a)**

13 *substitute*

14 (a) the genuine reason established by the composite entity to  
15 possess or use a firearm is—

- 16 (i) that the entity is—  
17 (A) engaged in primary production; or  
18 (B) operating a zoo; or  
19 (ii) a genuine reason prescribed by regulation; and

20 **16 Evidentiary certificates**  
21 **Section 269 (1) (p) (i), new dot point**

22 *insert*

- 23 • section 41 (Registrar's approval to possess  
24 ammunition as collector);

1 **17 Prohibited firearms**  
2 **Schedule 1, item 11**

3 *substitute*

11	a firearm with a suppressor attached if there is no permit to possess or use the suppressor in relation to the firearm under the <i>Prohibited Weapons Act 1996</i> , section 9
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4 **18 Dictionary, new definition of *suppressor***

5 *insert*

6 *suppressor*—see the *Prohibited Weapons Act 1996*, dictionary.

1 **Part 3 Firearms Regulation 2008**

2 **19 Not firearms—Act, s 6 (2) (a)**  
3 **Section 6 (1) (a) and (b)**

4 *substitute*

5 (a) an antique firearm;

6 (b) a firearm (other than an antique firearm or an antique revolver)  
7 manufactured before 1900 for which ammunition is not  
8 commercially available;

9 **20 Section 6 (2), new definitions**

10 *insert*

11 *antique firearm* means any firearm manufactured before 1900  
12 that—

13 (a) in the case of a firearm other than a pistol—

14 (i) is not capable of discharging breech-loaded metallic  
15 cartridges; or

16 (ii) is a firearm for which the ammunition is declared under  
17 section 6A to be ammunition that is not commercially  
18 available; or

19 (b) in the case of a pistol—is not capable of discharging  
20 breech-loaded metallic cartridges.

21 *antique revolver* means an antique firearm that is a percussion lock  
22 pistol equipped with a revolving cylinder.

- 
- 1 **21 Section 6 (2), definition of *pre-percussion pistol***
- 2 *omit*
- 3 **22 New section 6A**
- 4 *in part 1, insert*
- 5 **6A Registrar may declare ammunition not commercially**
- 6 **available**
- 7 (1) The registrar may declare that ammunition for an antique firearm is
- 8 not commercially available.
- 9 (2) A declaration under subsection (1) is a disallowable instrument.
- 10 *Note* A disallowable instrument must be notified, and presented to the
- 11 Legislative Assembly, under the [Legislation Act](#).
- 12 **23 Category C licences, target shooting—Act, s 53 (3)**
- 13 **Section 13 (1), note**
- 14 *omit*
- 15 prohibited weapon
- 16 *substitute*
- 17 prohibited firearm
- 18 **24 Composite entity, evidence of special need for category C**
- 19 **licence—Act, s 272 (2) (o)**
- 20 **Section 30 heading, note**
- 21 *omit*
- 22 of primary production

1 **25 Sections 32 and 33**

2 *omit*  
3 responsible person for the licensee  
4 *substitute*  
5 registered principal

6 **26 New section 44A**

7 *insert*

8 **44A Storage of more than 10 category A or category B**  
9 **firearms—Act, s 180 (3)**

- 10 (1) This section applies if—  
11 (a) a person holds any of the following licences:  
12 (i) a collectors licence;  
13 (ii) a category A licence;  
14 (iii) a category B licence; and  
15 (b) more than 10 category A or category B firearms are stated in  
16 the licence.  
17 (2) The person takes reasonable steps to ensure that the firearms are  
18 stored safely if the firearms are stored in a metal safe or a concrete  
19 or brick safe of a kind described in section 47 (3).



- 1 **27** **Section 46 heading**
- 2 *substitute*
- 3 **46** **Storage of not more than 10 category A or category B**  
4 **firearms, collectors—Act, s 180 (3)**
- 5 **28** **Section 46 (4)**
- 6 *omit*

1 **Part 4 Prohibited Weapons Act 1996**

2 **29 Prohibited articles and weapons declarations by registrar**  
3 **Section 4L (2)**

4 *substitute*

5 (2) A declaration remains in force for 3 months.

6 **30 Permits**  
7 **Section 9 (1)**

8 *substitute*

9 (1) The registrar may issue a permit authorising the possession or use  
10 of—

11 (a) a prohibited weapon; or

12 (b) a prohibited article.

13 **31 Prohibited weapons**  
14 **Schedule 1, part 1.1, new item 10 and example**

15 *insert*

10 an article or other thing that—

(a) because of its appearance is capable of being mistaken for something  
else that is not a weapon; and

(b) disguises or conceals within it a single-edged or multi-edged blade or  
spike

**Example**

credit card knife

16 **32 Prohibited articles**  
17 **Schedule 2, item 1**

18 *substitute*

1 body armour

1 **33 Schedule 2, item 3**

2 *substitute*  
3 a suppressor

3 **34 Schedule 2, new item 8A**

4 *insert*  
5A a centre-fire rifle magazine (other than a centre-fire self-loading rifle  
6 magazine) with a capacity of more than 10 rounds

5 **35 Dictionary, new definitions**

6 *insert*

7 ***anti-ballistic*** means resistant to the penetration of a projectile  
8 discharged from a firearm.

9 ***anti-fragmentation*** means resistant to the penetration of material  
10 discharged when an explosive device is detonated.

11 ***body armour*** means—

12 (a) an article that is designed—

13 (i) for anti-ballistic or anti-fragmentation purposes; and

14 (ii) to be worn on, or cover, the human body; but

15 (b) does not include any of the following:

16 (i) a helmet;

17 (ii) an anti-ballistic article designed for sight or hearing  
18 protection;

1 (iii) a vest or plate carrier designed to hold anti-ballistic or  
2 anti-fragmentation protection but without the  
3 anti-ballistic or anti-fragmentation protection included in  
4 the vest or plate carrier.

5 *suppressor* means an article or device intended for use to muffle,  
6 reduce or stop the noise created by firing a firearm.

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1 **Part 5** **Prohibited Weapons**  
2 **Regulation 1997**

3 **36 Section 12 heading**

4 *substitute*

5 **12 Possession and use of body armour**

6 **37 Section 12 (1) and (2)**

7 *omit*

8 soft

9 **38 Section 12 (3)**

10 *omit*

11 **39 New section 12A**

12 *insert*

13 **12A Possession and use of suppressors**

14 (1) The registrar must not issue a permit authorising a person to possess  
15 or use a suppressor unless—

16 (a) the person is an authorised person; and

17 (b) the suppressor is being used for an authorised purpose.

18 (2) The following activities are authorised purposes for this section:

19 (a) at the direction, or under the authority, of a conservation  
20 officer—killing fauna on public land reserved under the  
21 [territory plan](#) for a purpose mentioned in the [Planning and](#)  
22 [Development Act 2007](#), section 315 (Reserved areas—public  
23 land);

- 1 (b) for a conservation officer or veterinary surgeon—killing fauna  
2 to alleviate its suffering;
- 3 (c) for an employee of the CSIRO—undertaking an expedition to  
4 collect museum specimens;
- 5 (d) for a firearms dealer—carrying out activities that are  
6 reasonable and necessary for a firearms dealer to manufacture,  
7 acquire, dispose of, repair, maintain or test firearms or firearm  
8 parts;
- 9 (e) for a lessee of land held under a rural lease or a person  
10 authorised by the lessee—killing fauna on the rural lease.

11 (3) In this section:

12 ***authorised person*** means a person who—

- 13 (a) holds a licence or permit or is otherwise authorised under the  
14 *Firearms Act 1996* to possess or use a prohibited firearm; and
- 15 (b) is—

- 16 (i) a conservation officer; or
- 17 (ii) contracted or otherwise authorised by the Territory to kill  
18 particular fauna; or

19 *Note* The conservator or custodian of unleased land or public  
20 land must take reasonable steps to implement a controlled  
21 native species management plan and may authorise another  
22 person to take action to implement the plan (see *Nature*  
23 *Conservation Act 2014*, s 167).

- 24 (iii) a veterinary surgeon; or
- 25 (iv) authorised by a licence under the *Firearms Act 1996* to  
26 carry on business as a firearms dealer, including  
27 manufacturing, acquiring, disposing of, repairing,  
28 maintaining or testing firearms or firearm parts; or

- 1 (v) employed by the CSIRO; or  
2 (vi) a lessee of land held under a rural lease, or a person  
3 lawfully authorised by the lessee.

4 **conservation officer** means a person who is appointed as a  
5 conservation officer under the *Nature Conservation Act 2014*,  
6 section 28 (Conservation officers—appointment).

7 **CSIRO** means the Commonwealth Scientific and Industrial  
8 Research Organisation established by the *Science and Industry*  
9 *Research Act 1949* (Cwlth).

10 **fauna** includes the following:

- 11 (a) a native animal;  
12 (b) an animal declared to be a pest animal under the *Pest Plants*  
13 *and Animals Act 2005*, section 16;  
14 (c) stock.

15 **rural lease**—see the *Planning and Development Act 2007*,  
16 dictionary.

17 **stock**—see the *Stock Act 2005*, dictionary.

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## Endnotes

**1 Presentation speech**

Presentation speech made in the Legislative Assembly on 14 September 2017.

**2 Notification**

Notified under the [Legislation Act](#) on 2017.

**3 Republications of amended laws**

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

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