

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

Weapons Bill 1990

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1990
THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

Presented, 22 February 1990

(Attorney-General)

Weapons Bill 1990

A BILL

FOR

**An Act to regulate the acquisition, possession, use and
disposal of weapons**

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

PART I—PRELIMINARY

Short title

5 1. This Act may be cited as the *Weapons Act 1990*.

Commencement

2. (1) Section 1 and this section commence on the day on which this Act is notified in the *Gazette*.

10 (2) Subject to subsection (3), the remaining provisions commence on a day fixed by the Minister by notice in the *Gazette*.

(3) If the remaining provisions have not commenced before the expiration of the period of 6 months commencing on the day on which this Act is notified in the *Gazette*, those provisions shall, by force of this subsection, commence on the expiration of that period.

Repeal

3. The Acts specified in Schedule 1 are repealed.

Interpretation

4. (1) In this Act, unless the contrary intention appears—

“antique weapon” means a firearm manufactured before 1900 for which ammunition is not readily commercially available;

“approved club” means a company, or an association, society, institution or body incorporated under the *Associations Incorporation Act 1953*, that is formed or carried on for the purpose of promoting or encouraging, whether directly or indirectly, the sport of shooting, whether or not its activities are carried on in whole or in part in the Territory, which is—

(a) affiliated with—

(i) The Australian Clay Target Association Inc.;

(ii) The Field and Game Federation of Australia Incorporated;

(iii) The Amateur Pistol Shooting Union of Australia Incorporated;

(iv) The Sporting Shooters' Association of Australia Incorporated;

(v) The Australian Smallbore and Air Rifle Association Incorporated; or

(vi) The National Rifle Association of Australia; or

(b) declared by the Registrar by notice in the *Gazette* to be an approved club for the purposes of this Act;

“authorised instructor” means a person authorised by an approved club to give instruction in the use of dangerous weapons;

“Commissioner” means the Commissioner of Police appointed under subsection 17 (1) of the *Australian Federal Police Act 1979* of the Commonwealth;

“corporate dangerous weapons licence” means a corporate dangerous weapons licence granted or renewed under this Act;

“corporate licensee” means the holder of a corporate dangerous weapons licence;

“dangerous weapon” means a weapon from which any shot, bullet or other missile can be discharged or propelled, but does not include—

(a) a prohibited weapon;

(b) a restricted weapon;

(c) an antique weapon;

- (d) a long bow or compound bow;
- (e) a device commonly known as a stapling gun; or
- (f) an explosive-powered tool within the meaning of Part IXA of the Regulations under the Scaffolding and Lifts Act, 1912-1948 of the State of New South Wales in its application in the Territory;

5 "dangerous weapons licence" means a dangerous weapons licence granted or renewed under this Act;

10 "dealer", in relation to dangerous weapons or restricted weapons, means a person who in the ordinary course of business—

- (a) manufactures, repairs or modifies dangerous weapons or restricted weapons;
- (b) purchases or sells dangerous weapons or restricted weapons; or
- (c) has dangerous weapons or restricted weapons in his or her possession for sale, safekeeping, modification or repair;

15 and includes a person who is a member of an approved club who is a club armourer for that club;

"Dealer's Book" means a Dealer's Book kept under section 40;

20 "dealer's licence" means a licence granted or renewed under this Act;

"determined fee" means the fee determined by the Minister under section 106 for the purposes of the provision in which the expression occurs;

25 "foreign dangerous weapons law" means a law of a State or another Territory relating to the possession or use of dangerous weapons, restricted weapons or prohibited weapons;

"gun licence" has the same meaning as it had under the repealed Act;

"licence" means a licence granted under this Act;

"licensed dealer" means a dealer who holds a dealer's licence;

"licensee" means the holder of a licence;

30 "military type", in relation to a self-loading centre fire rifle, means a rifle that has been issued or is used by an armed force of the Commonwealth or of a foreign country or which the Registrar is satisfied replicates such a weapon;

35 "occupier", in relation to premises, means a person who is, or is reasonably believed to be, in charge of the premises;

"permit" means a permit to acquire a dangerous weapon issued under section 59;

"pistol" means any dangerous weapon of a size ordinarily capable of being carried or concealed on the person;

40 "pistol grip weapon" means a weapon, other than a pistol, which is fitted with a pistol grip or a stock designed to fold, swivel telescope or be readily detachable;

- “possession”, in relation to a dangerous weapon, restricted weapon or prohibited weapon, includes—
- (a) the control of the weapon in any place, whether exclusively or in common with another person; or
 - (b) an ability to claim or obtain control of the weapon; 5
- “premises” means the whole or any part of any land, building or other structure, vehicle, vessel, aircraft or place;
- “prohibited weapon” means—
- (a) a pistol grip weapon (other than such a weapon in respect of which a dangerous weapons licence is in force); and 10
 - (b) a weapon, article or device specified in Schedule 3;
- “public place” means any street, road, public park within the meaning of the *Public Parks Act 1928*, reserve or other place which the public are entitled to use or which is open to, or used by, the public, whether on payment of money or otherwise; 15
- “Register” means the Register of Weapons kept in accordance with section 12;
- “registered”, in relation to a dangerous weapon or restricted weapon, means registered in accordance with section 65;
- “Registrar” means the Registrar of Weapons appointed under section 6; 20
- “repealed Act” means the *Gun Licence Act 1937*;
- “restricted weapons licence” means a restricted weapons licence granted or renewed under this Act;
- “restricted weapon” means a weapon, article or device specified in Schedule 2; 25
- “self-loading”, in relation to a dangerous weapon, means a dangerous weapon which discharges, ejects and loads cartridges by mechanical means as a result of one pressure of the trigger;
- “sell” includes offer or expose for sale, let on hire, barter or exchange;
- “shooting gallery” includes a shooting gallery that is, or if dismantled is, portable; 30
- “spare barrel”, in relation to a dangerous weapon, means—
- (a) a barrel of the same calibre as that fitted to the weapon;
 - (b) a barrel of a calibre different from the calibre of the barrel fitted to that weapon; or 35
 - (c) a tube or sleeve which, when fitted to the weapon, would permit the discharge of a shot, bullet or other missile of a smaller calibre than a calibre for which the weapon was designed;
- “spear gun” means any article or device that is— 40
- (a) capable of propelling a spear or similar instrument or thing;
 - (b) operated by a trigger or similar device; and
 - (c) designed or intended for use in water;

"Tribunal" means the Australian Capital Territory Administrative Appeals Tribunal.

(2) A person shall be taken to have possession of a dangerous weapon, restricted weapon or prohibited weapon if—

- 5 (a) the weapon is on or in any premises occupied by the person; or
(b) any part of that weapon is in his or her possession in such circumstances that—
- 10 (i) a division of parts of the weapon with some other person or persons is for an agreed purpose; and
(ii) if those parts were fitted together, they would constitute the weapon.

(3) A reference in this Act to a dangerous weapon shall be read as including a reference to a spare barrel.

15 (4) A reference in this Act to a dangerous weapon, restricted weapon or prohibited weapon shall be read as including a reference to a weapon that—

- (a) but for the absence of, or defect in, some part or parts, would constitute such a weapon; or
(b) is reasonably capable of being converted into such a weapon.

20 (5) Where a licence issued in the name or names of one or more of a number of partners is held for the purposes of the partnership, a reference in this Act to the holder of a licence shall be read as including a reference to any one of the partners who is concerned in, or takes part in, the management of the partnership's business, whether or not the partner's name appears on the licence.

25

Approved purposes

5. (1) For the purposes of this Act, a natural person shall not be taken to require a dangerous weapon for an approved purpose unless the person—

- 30 (a) is a member of an approved club;
(b) is a member of the A.C.T. Antique Arms Association or is a person whom the Registrar is satisfied is a collector of dangerous weapons as curiosities or ornaments;
(c) carries on business in the Territory in the ordinary course of which, at any one time, money in excess of the prescribed amount is received by the person other than during normal banking hours;
35 (d) in the ordinary course of his or her business or employment carries in the Territory, at any one time, a sum of money in excess of the prescribed amount from the place of that business or employment to a bank, building society or credit union for deposit;
40 (e) carries on business in the Territory the payroll for which, at any one time, ordinarily exceeds the prescribed amount;

- (f) is the owner or occupier of a rural property, or is a relative of that person, and the weapon will be used in connection with farming or grazing activities on the property;
 - (g) is employed by a person referred to in paragraph (f) and is required by the owner or occupier to possess a dangerous weapon for the purposes of that employment; 5
 - (h) is employed by a corporate licensee and is required by that employer to possess a dangerous weapon for the purposes of that employment;
 - (i) is the owner or occupier of a shooting gallery;
 - (j) is, or is employed by, a licensed dealer and is required by him or her to possess a dangerous weapon for the purposes of that employment; 10
 - (k) in the case of a self-loading centre fire rifle whether or not of a military type—
 - (i) is a member of an approved club; and 15
 - (ii) participates in competitions in the use of such a weapon held by or in association with that club;
 - (m) in the case of a dangerous weapon, other than a pistol grip weapon or a self-loading centre fire rifle of a military type—is a recreational shooter or hunter in a State or another Territory and is authorised by a law of that State or other Territory to use the weapon for that purpose; or 20
 - (n) in the case of a dangerous weapon that is a pistol grip weapon—
 - (i) is a member of an approved club; and
 - (ii) participates in competitions in the use of such a weapon conducted by or in association with that club. 25
- (2) For the purposes of this Act, a body corporate or partnership shall not be taken to require a dangerous weapon for an approved purpose unless the body corporate or partnership—
- (a) carries on business in the Territory in the ordinary course of which a person or persons employed by it is, or are, required to carry, at any one time, a sum of money which, or goods the value of which, is not less than the prescribed amount; 30
 - (b) carries on business in the Territory as a security organisation; or
 - (c) is an approved club. 35
- (3) In subsection (1), “relative” in relation to a person, means—
- (a) a person related by blood, adoption or marriage to the first-mentioned person; or
 - (b) a person of the opposite sex to the first-mentioned person who lives with that person as his or her spouse on a *bona fide* domestic basis, although not legally married to him or her. 40

(4) For the purposes of subsections (1) and (2), "the prescribed amount" means—

- (a) \$30,000; or
- (b) if another amount is prescribed—that amount.

5 (5) In subsection (2), "security organisation" means a corporation within the meaning of the *Companies Act 1981* of the Commonwealth, or a partnership, which carries on a business of providing—

- (a) protection for persons; or
- 10 (b) transport or protection for the money or property of persons other than the corporation or partnership, but does not include a bank.

PART II—ADMINISTRATION

Registrar of Weapons

6. The Commissioner may, by instrument, appoint a person who is a police officer who holds a rank of or above that of Superintendent to be the Registrar of Weapons.

Functions of the Registrar

7. The Registrar has such functions as are conferred on the Registrar by this Act or any other law of the Territory.

Powers of the Registrar

20 8. The Registrar has power to do all things that are necessary or convenient to be done for, or in connection with, the functions of the Registrar.

Directions by Minister

25 9. (1) The Minister may, by notice in writing given to the Registrar, give directions to the Registrar with respect to the performance of his or her functions or the exercise of his or her powers, otherwise than in relation to a particular case.

(2) The Registrar shall comply with a direction under subsection (1).

Delegation

30 10. The Registrar may, by writing signed by him or her, delegate any of his or her powers or functions under this Act.

Acting Registrar

11. (1) The Commissioner may appoint a person who is a police officer who holds a rank of or above that of Superintendent to act as Registrar—

- 35 (a) during a vacancy in the office of Registrar, whether or not an appointment has previously been made to the office; or
- (b) during any period, or during all periods, when the Registrar is absent from duty or from the Territory or is, for any other reason, unable to perform the functions of the office;

but a person appointed to act during a vacancy shall not continue so to act for more than 12 months.

(2) Anything done by or in relation to a person purporting to act under subsection (1) is not invalid because—

- (a) the occasion for the appointment had not arisen; 5
- (b) there was a defect or irregularity in connection with the appointment;
- (c) the appointment had ceased to have effect; or
- (d) the occasion for the person to act had not arisen or had ceased.

Register of Weapons

12. (1) The Registrar shall keep for the purposes of this Act a register to be known as the Register of Weapons. 10

(2) The Registrar shall enter in the Register—

- (a) in relation to each licence—
 - (i) the name and address of the licensee;
 - (ii) the licence number; and 15
 - (iii) particulars of the grant, renewal, suspension, cancellation or surrender of the licence;
- (b) in the case of a dangerous weapons licence, particulars of—
 - (i) each weapon registered or endorsed on the licence and the date of registration or endorsement; 20
 - (ii) the date on which any dangerous weapon registered on the licence was acquired or disposed of;
 - (iii) the name and address of the person from whom each dangerous weapon registered on the licence was acquired;
 - (iv) the number of each permit to acquire a dangerous weapon issued in respect of each weapon registered on the licence; and 25
 - (v) the name and address of the owner of each dangerous weapon endorsed on the licence;
- (c) in the case of a restricted weapons licence—particulars sufficient to identify the weapon to which the licence relates; and 30
- (d) such other particulars as are prescribed.

Reports and recommendations etc.

13. (1) The Registrar shall—

- (a) if requested to do so by the Commissioner—prepare and furnish reports and recommendations to the Minister on matters referred to the Registrar by the Commissioner; and 35
- (b) by notice in the *Gazette*, determine guidelines for the security of premises in or on which dangerous weapons or restricted weapons are kept and for the safe custody of those weapons. 40

(2) Section 6 of the *Subordinate Laws Act 1989* applies to guidelines determined under subsection (1) as if paragraph 6 (1) (b) were omitted and the following paragraph substituted:

5 “(b) takes effect on the first day on which the guidelines are no longer liable to be disallowed under this section; and”.

(3) A determination under subsection (1) is a disallowable instrument for the purposes of section 10 of the *Subordinate Laws Act 1989*.

Guidelines—offence

10 14. A person shall not contravene a guideline determined under section 13. Penalty: \$2,000.

Amnesty

15 15. (1) The Minister may, by notice published in the *Gazette* and in a daily newspaper published and circulating in the Territory, specify an amnesty period for the purposes of this Act.

(2) No proceeding lies against a person in respect of the possession of a weapon surrendered to the Territory by or on behalf of the person during an amnesty period.

(3) A period specified under subsection (1) shall not exceed 3 months.

PART III—LICENCES

20

Division 1—Requirement to be licensed

Prohibited weapons

16. (1) A person shall not manufacture, have in his or her possession, acquire, sell or otherwise dispose of, any prohibited weapon.

25 (2) A person shall not knowingly import into, or export from, the Territory a prohibited weapon.

Penalty: \$5,000 or imprisonment for 2 years, or both.

Restricted weapons

30 17. (1) A person shall not manufacture, have in his or her possession, use, cause or permit to be used, acquire, sell or otherwise dispose of, a restricted weapon, except in accordance with a restricted weapons licence granted to the person in relation to that weapon.

35 (2) A person shall not knowingly import into, or export from, the Territory a restricted weapon unless the person is the holder of a restricted weapons licence authorising the person to import the weapon into, or export the weapon from, the Territory.

Penalty: \$2,000 or imprisonment for 12 months, or both.

Dangerous weapons

18. A person shall not possess or use a dangerous weapon, other than a spear gun, unless the person is the holder of a dangerous weapons licence on which the weapon is registered or endorsed, or the person is otherwise authorised under this Act to possess or use the weapon. 5

Penalty: \$2,000 or imprisonment for 12 months, or both.

Licensed dealers

19. A person shall not deal in dangerous weapons or restricted weapons unless the person is the holder of a dealer's licence.

Penalty: \$2,000 or imprisonment for 12 months, or both. 10

Exemptions—general

20. (1) This Act does not apply to—

(a) a member of—

- (i) the Australian Federal Police or a police force of a State or another Territory; 15
- (ii) the Defence Force;
- (iii) a visiting force within the meaning of the *Defence (Visiting Forces) Act 1963* of the Commonwealth; or
- (iv) the Australian Cadet Corps established under the *Defence Act 1903* of the Commonwealth; 20

who has a dangerous weapon, restricted weapon or prohibited weapon in his or her possession for use in the performance of his or her functions and duties as such a member;

(b) a member of the Council of the Australian War Memorial or of the staff of the Memorial who, in the performance of his or her functions and duties in accordance with the *Australian War Memorial Act 1980* of the Commonwealth, has in his or her possession a dangerous weapon, restricted weapon or prohibited weapon, forming part of the memorial collection within the meaning of that Act; 25 30

(c) a member of the Council of the National Museum of Australia or of the staff of the Museum who, in the performance of his or her functions and duties in accordance with the *National Museum of Australia Act 1980* of the Commonwealth, has in his or her possession a dangerous weapon, restricted weapon or prohibited weapon forming part of the memorial collection within the meaning of that Act; or 35

(d) a visitor to the Territory from a State or another Territory who—

- (i) brings a dangerous weapon temporarily into the Territory; and 40
- (ii) is required by a law of that State or other Territory to hold a licence to possess or use the weapon.

- (2) The regulations may—
- (a) exempt a specified person or a person included in a specified class of persons from the requirements of all or any of the provisions of this Act; and
 - 5 (b) specify the circumstances, whether generally or in a particular case, in which an exemption applies.

Specific exemptions—possession or use of dangerous weapons and restricted weapons

10 21. A licence is not required for, and a person shall be taken to be authorised to possess or use—

- 15 (a) a dangerous weapon or restricted weapon required by law to be carried on a ship or aircraft by the master or captain or a member of the crew of that ship or aircraft in the course of his or her duties as master, captain or member, as the case requires;
- (b) a dangerous weapon or restricted weapon designed for use by a registered veterinary surgeon to destroy, tranquillise, immobilise or administer vaccines or other medicines to animals in the course of his or her practice as a veterinary surgeon;
- 20 (c) in the case of a dangerous weapon brought into the Territory temporarily by a person who is ordinarily resident in a State or another Territory if—
 - (i) the law of that State or other Territory does not require the person to hold a licence to possess or use the weapon;
 - 25 (ii) it is brought into the Territory by the person for the purpose of enabling him or her to take part in a competition in the use of weapons of that kind held by or in association with an approved club; and
 - (iii) it is not used for any other purpose while in the Territory;
- 30 (d) a dangerous weapon if—
 - (i) the person is under the immediate supervision of an authorised instructor for the purpose of receiving instruction in the use of the weapon;
 - (ii) the dangerous weapon used for that purpose is owned by the authorised instructor or by the approved club by which the instructor is authorised; and
 - 35 (iii) the instruction is given at a shooting range used by that club; or
- 40 (e) a dangerous weapon for the purpose of shooting at a shooting gallery at a show, fair or amusement centre while that person has the dangerous weapon in his or her possession or uses the weapon at the gallery under the immediate supervision of the owner of the weapon, or a person employed or engaged by the owner, who is the holder of a dangerous weapons licence on which the weapon is registered or endorsed.

Specific exemptions—possession of dangerous weapons and restricted weapons

22. (1) A licence is not required for, and a person shall be taken to be authorised to possess, a dangerous weapon or a restricted weapon if—

- (a) in the case of a common carrier or warehouseman, or an employee of such a person—the person, in the ordinary course of his or her trade or business as a common carrier or warehouseman, has the weapon in his or her possession for the purpose of carrying it or storing it for another person; 5
- (b) in the case of the personal representative of a deceased licensee—the personal representative has the weapon in his or her possession in the ordinary course of performing the duties of a personal representative; 10
- (c) in the case of a person to whom the Registrar has refused the grant of a licence— 15
 - (i) the person has the weapon in his or her possession for the purpose of delivering or selling the weapon to a licensed dealer or surrendering it to the Registrar, as the case may be; and
 - (ii) the period of 7 days after the date on which the person was notified of that refusal has not expired; 20
- (d) in the case of a person who holds a permit to acquire the weapon and whose application for registration of a dangerous weapon is refused—the period of 7 days after the date of refusal has not expired; and 25
- (e) in the case of a licensee whose licence has expired or is cancelled or surrendered and on whose licence a weapon is registered or endorsed—
 - (i) the person has the weapon in his or her possession for the purposes of delivering or selling the weapon to a licensed dealer or surrendering it to the Registrar, as the case may be; and 30
 - (ii) the period of 7 days after the date of expiration or surrender of the licence, or the date on which cancellation of the licence took effect, has not expired. 35

(2) If a person who is authorised to possess a dangerous weapon under a law of a State or another Territory changes his or her ordinary place of residence to the Territory, a licence is not required for, and the person shall be taken to be authorised to possess, the weapon for a period of 28 days after the change. 40

(3) Where a licensee is in possession of a dangerous weapon, not being a dangerous weapon registered on his or her licence, the licensee shall be taken to be authorised to possess the weapon—

- (a) for a period of 7 days after the licensee obtains possession of that weapon; or 45

(b) if the weapon is delivered to a licensed dealer under section 64 for the purpose of its being rendered safe—the period of 7 days after the weapon was returned to the person by the dealer has not expired.

5 (4) In this section, “warehouseman” has the same meaning as in Part VI of the *Mercantile Law Act 1962*.

Division 2—Dangerous weapons licences

Application for licence

10 23. (1) Application may be made to the Registrar by a natural person for a dangerous weapons licence.

(2) Application may be made to the Registrar by a body corporate for a corporate dangerous weapons licence.

(3) An application shall—

- 15 (a) be in accordance with a form approved by the Registrar;
(b) be executed by the applicant; and
(c) be accompanied by the determined fee.

Grant of licence

20 24. (1) The Registrar shall grant a dangerous weapons licence if satisfied that the applicant for the licence—

- (a) is a fit and proper person to hold a dangerous weapons licence;
(b) in the case of an applicant who is of or over the age of 18 years—requires a dangerous weapon for an approved purpose;
(c) in the case of an applicant who is under the age of 18 years—
25 (i) is a member of an approved club; and
(ii) requires the licence in order to be able to take part in competitions in the use of dangerous weapons conducted by or in association with that club;
(d) has—
30 (i) satisfactorily completed a course of training in the safe handling of dangerous weapons, being a course of training that is approved by the Registrar and conducted by an approved club; or
(ii) adequate training and experience in the safe handling of dangerous weapons; and
35 (e) in the case of an application for possession only of a self-loading centre fire rifle—is of or over the age of 18 years and is a collector of weapons.

40 (2) The Registrar shall grant a corporate dangerous weapons licence if satisfied that the body corporate or partnership requires a dangerous weapon for an approved purpose.

Refusal to grant licence

25. The Registrar shall refuse to grant a licence under section 24—
- (a) in the case of an application by a body corporate—if any one of the persons concerned in the direction, management or conduct of the business of the body corporate or partnership, as the case may be, is under the age of 18 years; 5
 - (b) if the applicant, or in the case of an application by one or more of a number of partners for the purposes of the partnership, any of the partners, has, within the period of 8 years preceding the date of the application— 10
 - (i) been convicted in the Territory or elsewhere of an indictable offence, whether on indictment or summarily; or
 - (ii) been released from a term of imprisonment;
 - (c) in the case of an application by a body corporate—a director or manager of the body corporate has, within the period of 8 years preceding the date of the application— 15
 - (i) been convicted in the Territory or elsewhere of an indictable offence, whether on indictment or summarily; or
 - (ii) been released from a term of imprisonment; or
 - (d) if the applicant— 20
 - (i) has, within the period of 2 years preceding the date of his or her application, been subject to a recognisance, entered into in the Territory or elsewhere, to keep the peace or be of good behaviour;
 - (ii) is a person in respect of whom a protection order is in force under the *Domestic Violence Act 1986*; 25
 - (iii) has, within the period of 2 years preceding the date of his or her application, been the subject of a protection order under the *Domestic Violence Act 1986*; or
 - (iv) has, within the period of 8 years preceding the date of his or her application, had his or her licence cancelled under section 52, otherwise than on a ground referred to in subparagraph 52 (2) (b) (i) or (d) (ii). 30

Issue of licences—bodies corporate, partnerships

26. Where the Registrar grants a licence to— 35
- (a) a body corporate—the Registrar shall issue a corporate dangerous weapons licence in the name of a person whom the Registrar is satisfied has the direction, management or control of the body corporate in the Territory to be held by him or her on behalf of the body corporate; or 40
 - (b) a partnership—the Registrar shall issue a corporate dangerous weapons licence in the name or names of one or more of the partners, as the case requires, to be held for the purposes of the partnership by that partner or one of those partners.

Form of licence

27. A licence granted under section 24 shall be in a form approved by the Registrar.

Effect of licences

5 28. (1) Subject to this Act—

(a) a dangerous weapons licence authorises the licensee—

(i) in the case of a self-loading centre fire rifle of a military type or a pistol grip weapon—to possess and use the dangerous weapon registered on the licence; and

10 (ii) in any other case—to possess and use a dangerous weapon registered or endorsed on the licence;

(b) a corporate dangerous weapons licence authorises the licensee to possess a weapon registered on the licence; and

15 (c) a dangerous weapons licence granted to a person under the age of 18 years authorises him or her to possess and use a dangerous weapon registered or endorsed on the licence while that person is on a shooting range owned or occupied by an approved club and he or she is—

20 (i) under the immediate supervision of an authorised instructor; or

(ii) taking part in a competition in the use of dangerous weapons conducted by or in association with an approved club of which he or she is a member.

25 (2) A licensee (other than a licensee who is under the age of 18 years) is to be taken to be authorised to possess a dangerous weapon registered on a dangerous weapons licence held by a person under the age of 18 years if the first-mentioned licensee—

(a) is a member of the same approved club as the other licensee; and

30 (b) is accompanying the other licensee to or from the club, or a competition conducted by or in association with the club, and the weapon is in his or her possession for that purpose.

Division 3—Restricted weapons licences

Application for licence

35 29. (1) Application for a restricted weapons licence may be made to the Registrar.

(2) An application shall—

(a) be in accordance with a form approved by the Registrar;

(b) be executed by the applicant; and

(c) be accompanied by the determined fee.

Grant of licence

30. (1) The Registrar shall grant a restricted weapons licence if satisfied that—

- (a) the applicant for the licence is—
 - (i) of or over the age of 18 years; and 5
 - (ii) a fit and proper person to hold a restricted licence;
- (b) the applicant proposes—
 - (i) to acquire a restricted weapon as a curiosity or for ornamental purposes; or
 - (ii) to use the weapon in a theatrical production; 10
- (c) reasonable provision has been made for the safekeeping of the weapon at the premises in or on which the weapon to which the application relates is to be kept having regard to the nature of the weapon; and
- (d) the weapon to which the application relates— 15
 - (i) can be distinguished from other restricted weapons; and
 - (ii) is safe.

(2) In considering whether or not to grant a restricted weapons licence, the Registrar shall have regard to whether or not it would be in the interests of public safety to grant the licence. 20

Form of licence

31. A restricted weapons licence shall be in a form approved by the Registrar.

Return of licence

32. If— 25
- (a) the holder of a restricted weapons licence ceases to possess a restricted weapon to which the licence relates; or
 - (b) the licence expires and is not renewed;

the licensee shall, not later than 7 days after ceasing to possess the weapon, or that expiration, return his or her licence to the Registrar. 30

Penalty: \$1,000.

Effect of licence

33. A restricted weapons licence authorises the licensee to do, in respect of a restricted weapon, such of the following acts as are specified on the licence: 35

- (a) to possess or use the weapon;
- (b) to acquire or dispose of the weapon;
- (c) to export or import the weapon;
- (d) to manufacture the weapon.

Division 4—Dealers' licences

Application for licence

34. (1) Application for a dealer's licence may be made to the Registrar.

(2) An application shall—

- 5 (a) be in accordance with a form approved by the Registrar;
(b) be executed by the applicant; and
(c) be accompanied by the determined fee.

Grant of licence

10 35. (1) The Registrar shall grant a dealer's licence if satisfied that the premises to which the application relates are suitable for carrying on the business of a licensed dealer, and—

- (a) in the case of a body corporate—each person who is involved in the direction, management or control of the business at each premises to which the application relates;
15 (b) in the case of an application by one or more of a number of partners for the purposes of the partnership—each member of the partnership and each person who is involved in the direction, management or control of the partnership at each premises to which the application relates; or
20 (c) in any other case—the applicant;
is a fit and proper person to hold a dealer's licence.

(2) In determining whether or not premises are suitable for carrying on the business of a licensed dealer, the Registrar shall have regard to—

- (a) measures taken to secure the premises against unauthorised entry;
25 (b) whether or not adequate provision has been made for the safe custody of dangerous weapons or restricted weapons on the premises by means of safes, strongrooms or otherwise; and
(c) if the licence is not to be granted subject to a condition prohibiting
30 the testing of dangerous weapons or restricted weapons on the premises—whether or not an efficient bullet recovery box or bullet stop is provided on the premises.

Refusal to grant licence

36. The Registrar shall refuse to grant a dealer's licence if, in relation to the applicant for the licence, a ground specified in section 25 exists on
35 which the Registrar could refuse to grant a dangerous weapons licence or corporate dangerous weapons licence.

Form of licence

37. A dealer's licence shall be in a form approved by the Registrar.

Effect of licence

38. A dealer's licence authorises the licensee to do, in respect of a dangerous weapon or restricted weapon, such of the following acts as are specified on the licence:

- (a) to acquire or dispose of the weapon;
- (b) to export or import the weapon;
- (c) to manufacture the weapon;
- (d) to test, repair or modify the weapon.

5

Alteration of premises

39. (1) A licensed dealer shall not alter premises to which his or her licence relates, except with the approval of the Registrar.

10

Penalty: \$2,000.

(2) The Registrar may, on application by the holder of a dealer's licence, approve the alteration of premises to which the licence relates.

(3) An application shall—

15

- (a) be in accordance with a form approved by the Registrar;
- (b) be executed by the applicant; and
- (c) be accompanied by the determined fee.

(4) The Registrar shall grant an application to alter premises if satisfied, having regard to the matters referred to in subsection 35 (2), that the alteration will not affect the suitability of the premises for carrying on the business of a licensed dealer.

20

Dealer's Book

40. (1) A licensed dealer shall keep in or on the premises to which the licence relates a book to be called the "Dealer's Book".

25

(2) A Dealer's Book shall be in a form approved by the Registrar.

(3) Where—

- (a) a licensed dealer manufactures, acquires, modifies, tests, repairs, sells or otherwise disposes of a dangerous weapon or restricted weapon; or
- (b) a dangerous weapon or restricted weapon is surrendered to a licensed dealer under this Act;

30

the licensed dealer shall, within 24 hours of manufacturing, acquiring, modifying, testing, repairing, selling or otherwise disposing of the weapon, or of that surrender, enter in the Dealer's Book the prescribed particulars.

35

Penalty: \$2,000 or imprisonment for 12 months, or both.

(4) A licensed dealer shall retain a Dealer's Book until the expiration of the period of 7 years commencing on the date of the last entry made under subsection (3) in that book.

Penalty: \$2,000.

40

(5) A licensed dealer shall not, if his or her licence—

(a) is cancelled or surrendered; or

(b) has expired and has not been renewed;

5 without reasonable excuse, fail or refuse to forward to the Registrar, within 7 days after that cancellation, surrender or expiration, each Dealer's Book kept by the licensee under this section.

Penalty: \$2,000.

Falsifying records etc.

41. A licensed dealer shall not knowingly or recklessly—

10 (a) make any record in a Dealer's Book of any matter in such a way that it does not correctly record the matter; or

(b) destroy, alter, mutilate or falsify any record in a Dealer's Book.

Penalty: \$2,000 or imprisonment for 12 months, or both.

Returns by licensed dealers

15 42. (1) A licensed dealer who, during a quarter—

(a) manufactures, acquires, modifies, tests, repairs, sells or otherwise disposes of; or

(b) otherwise has in his or her possession on the premises to which the licence relates;

20 any dangerous weapon or restricted weapon, shall not, without reasonable excuse, fail to lodge with the Registrar a return in respect of that quarter.

Penalty: \$1,000.

(2) A return shall—

(a) be in accordance with a form approved by the Registrar; and

25 (b) be lodged with the Registrar within 14 days after the end of the quarter to which the return relates.

(3) In this section, "quarter" means a period of 3 months ending on the last day of December, March, June or September.

Keeping dangerous weapons etc.

30 43. A licensed dealer shall not keep any dangerous weapon or restricted weapon in his or her possession in the course of carrying on the business of a licensed dealer at a place other than the premises to which the licence relates.

Penalty: \$2,000 or imprisonment for 12 months, or both.

35 **Receiving dangerous weapons etc. for modification, testing or repair**

44. A licensed dealer shall not receive a dangerous weapon or restricted weapon tendered by a person for modification, testing or repair unless satisfied that the person—

- (a) is—
- (i) the holder of a licence on which the weapon is registered or endorsed; or
 - (ii) otherwise authorised under this Act to possess the weapon; and
- (b) in the case of a dangerous weapon or restricted weapon tendered to the dealer for modification—is authorised under section 94.
- Penalty: \$2,000 or imprisonment for 12 months, or both.

Notification by licensed dealer

45. (1) A licensed dealer shall, within 7 days after coming into possession of a restricted weapon, give notice to the Registrar in writing.
- (2) A notice under subsection (1) shall—
- (a) specify the name and address of the person from whom the weapon was received; and
 - (b) contain a description of the weapon sufficient to identify it.
- Penalty: \$2,000.

Division 5—Licences generally

Applications—request for further information etc.

46. The Registrar may, by notice in writing, require an applicant for a licence, the renewal of a licence, the registration or endorsement of a dangerous weapon on a dangerous weapons licence—
- (a) to furnish to the Registrar, either orally or in writing, such further information relating to the application as is specified in the notice; and
 - (b) in the case of an application for a restricted weapons licence or the registration of a dangerous weapon or a dangerous weapons licence—to produce the weapon to the Registrar for the purposes of enabling the Registrar—
 - (i) to inspect the weapon for the purpose of identifying it; and
 - (ii) to determine whether the weapon is safe.

Licences to be signed

47. A person to whom a licence is granted under this Part shall sign his or her name in the place set apart on the licence for the signature of the licensee.
- Penalty: \$1,000.

Conditions of licence

48. (1) The Registrar may, in a licence, specify conditions to which the licence is subject.
- (2) The conditions that may be specified in a licence may include such conditions as are reasonable in the interests of the safety of members of the public.

(3) Where the Registrar is satisfied that, in the interests of the safety of members of the public—

- (a) a condition specified in a licence should be varied or revoked; or
- (b) the licence should be made subject to a condition;

5 the Registrar may, by notice in writing served on the holder of the licence, require the holder, within 14 days after the date of the notice, to forward the licence to the Registrar.

(4) After receipt by the Registrar of a licence under subsection (3) the Registrar shall—

- 10 (a) vary the licence; and
- (b) return the licence to its holder.

(5) The holder of a licence shall not—

- (a) refuse or fail to comply with a requirement of the Registrar under subsection (3); or
- 15 (b) contravene a condition of a licence.

Penalty: \$2,000 or imprisonment for 12 months, or both.

Term of licence

20 49. (1) Subject to subsection (2), a licence, unless sooner surrendered or revoked, remains in force for the period of 12 months commencing on the date of grant of the licence but may be renewed in accordance with section 50.

(2) A restricted weapons licence, unless sooner surrendered or revoked, remains in force until the period specified in the licence, being a period not exceeding 12 months, expires.

25 Renewal of licence

50. The Registrar shall, on application being made, and on payment of the determined fee, before the expiration of the term of a licence, renew the licence—

- 30 (a) in the case of a restricted weapons licence—for such period, not exceeding 12 months, as is specified in the licence; and
- (b) in any other case—for the period of 12 months;

commencing on the day immediately following the day on which, but for its renewal, the licence would have expired.

Issue of copy of licence

35 51. (1) Where the Registrar is satisfied that a licence in force under this Act has been lost, stolen or destroyed, the Registrar may, upon payment of the determined fee, issue to the licensee a copy of the licence and that copy has, for the purposes of this Act, the same force and effect as the licence.

(2) The holder of a licence which has been lost, stolen or destroyed shall notify the Registrar within 2 days of becoming aware of its being lost, stolen or destroyed.

(3) A person who fails to comply with subsection (2) is guilty of an offence punishable, on conviction, by a fine not exceeding \$1,000.

5

Cancellation and suspension of licence—general

52. (1) The Registrar may—

(a) in the case of a dealer's licence—cancel the licence or suspend the licence for such period as the Registrar thinks fit; or

(b) in any other case—cancel a licence.

10

(2) The Registrar shall not cancel or suspend a licence unless satisfied that—

(a) a ground on which the Registrar may refuse to grant a licence exists (other than a ground referred to in subparagraph 25 (d) (ii) or (iii));

15

(b) in the case of a dangerous weapons licence on which only one weapon is registered or endorsed—

(i) the licensee has ceased to require a dangerous weapon for an approved purpose; or

(ii) the weapon has been modified otherwise than in accordance with an authority under section 94;

20

(c) in the case of a corporate dangerous weapons licence—the body corporate or partnership has ceased to require a dangerous weapon for an approved purpose;

(d) in the case of a dealer's licence—

25

(i) the dealer has ceased to be a fit and proper person to hold the licence; or

(ii) the premises to which the licence relates have ceased to be suitable for carrying on the business of dealer;

(e) the licence was obtained by fraud or misrepresentation;

30

(f) the licensee has failed to comply with a condition specified on a licence; or

(g) the licensee has been convicted of an offence against this Act, or a law in force in a State or Territory relating to the possession or use of dangerous weapons, restricted weapons, or prohibited weapons.

35

(3) A licence shall not be taken to be in force during the period for which it is suspended.

(4) Cancellation of a licence takes effect on the date on which the notice of cancellation is served on the licensee.

Surrender of dealer's licence

53. If a licensed dealer ceases to carry on business at the address to which the licence relates the licensee shall, within 7 days of so moving or ceasing to carry on business at that address, surrender the licence to the Registrar.

Penalty: \$2,000 or imprisonment for 12 months, or both.

Surrender etc. of weapons

54. (1) Where a licence ceases to have effect by reason of its having been cancelled (whether under this or any other law of the Territory), suspended or having expired or been surrendered, the former licensee shall, not later than 7 days after the date on which the licence has so ceased to have effect, deliver to the Registrar—

(a) in the case of a dangerous weapons licence or corporate dangerous weapons licence—

(i) each weapon registered or endorsed on the former licence that is in his or her possession; and

(ii) if a weapon registered on the former licence is not in his or her possession—

(A) a statement by a licensed dealer certifying that the former licensee has, on a specified date, delivered each dangerous weapon specified in the former licence to the dealer, including details of each weapon sufficient to identify it; and

(B) a statement of the whereabouts on that date of each weapon registered on the former licence, other than a weapon included in a statement under sub-paragraph (A);

as the case requires;

(b) in the case of a restricted weapons licence—

(i) the restricted weapon to which the former licence relates; or

(ii) a statement by a licensed dealer certifying that the former licensee has, on a specified date, delivered the restricted weapon specified in the former licence to the dealer; and

(c) in the case of a dealer's licence—every dangerous weapon or restricted weapon on the premises to which the former licence relates, unless before the expiration of that period he or she ceases to be the owner of those weapons.

Penalty: \$2,000 or imprisonment for 12 months, or both.

(2) If a dangerous weapon or restricted weapon is delivered to the Registrar in accordance with subsection (1), otherwise than by reason of its being surrendered, then—

(a) if—

(i) no appeal is lodged with the Tribunal against the Registrar's decision to cancel the licence; or

(ii) an appeal is lodged with the Tribunal and that decision is upheld;

the weapon shall, for the purposes of this Act, be taken to have been surrendered to the Registrar; or

(b) if an appeal is lodged with the Tribunal and the Registrar's decision to cancel, suspend or not renew the licence is set aside or the appeal is otherwise determined—the Registrar shall, within 7 days after the date of notification of the decision, return the weapon to the owner. 5

(3) Where a dangerous weapon endorsed on a licence to which subsection (1) applies is delivered to the Registrar, the Registrar shall deliver the weapon to the owner, unless the Registrar would otherwise be entitled under this Act to be in possession of the weapon. 10

Change of possession

55. (1) The holder of a dangerous weapons licence shall, within 7 days after the date on which the person ceased to possess a weapon registered or endorsed on the licence— 15

(a) give notice to the Registrar in writing setting out the prescribed particulars; and

(b) forward the licence to the Registrar for the purpose of that registration or endorsement being cancelled. 20

Penalty: \$2,000.

(2) After varying a licence in accordance with subsection (1), the Registrar shall return the licence to the holder.

(3) The holder of a restricted weapons licence shall, within 7 days after the date on which he or she ceased to possess the weapon, forward his or her licence to the Registrar. 25

Penalty: \$2,000.

(4) A licensed dealer who disposes of a dangerous weapon or restricted weapon shall, within 7 days after the date of the disposal, give notice in writing to the Registrar setting out the prescribed particulars. 30

Penalty: \$2,000.

Change of address

56. (1) A licensee, other than a licensed dealer, shall, within 7 days after a change of address entered in the Register in respect of the licensee, notify the Registrar and submit his or her licence to the Registrar. 35

Penalty: \$1,000.

(2) On receipt of a notification under subsection (1), the Registrar shall amend the licence and return it to its holder.

PART IV—PERMITS, REGISTRATION AND ENDORSEMENT

Division 1—Permits to acquire dangerous weapons

Permit to acquire

5 57. A person shall not acquire a dangerous weapon unless he or she is the holder of—

- (a) a dangerous weapons licence; and
- (b) a permit to acquire the weapon.

Penalty: \$2,000 or imprisonment for 12 months, or both.

Application for permit

10 58. An application for a permit shall—

- (a) be in accordance with a form approved by the Registrar;
- (b) be executed by the applicant;
- (c) be lodged with the Registrar; and
- (d) be accompanied by the determined fee.

15 **Issue of permit**

59. (1) Subject to subsection (2), the Registrar may issue a permit if satisfied that the applicant—

- (a) requires a dangerous weapon for an approved purpose; and
- (b) has good knowledge of—

- 20
- (i) the law of the Territory relating to dangerous weapons; and
 - (ii) the safety practices relating to the type of weapon to which the application relates.

25 (2) Where application is made under section 58 by the holder of a dangerous weapons licence on which no dangerous weapon is registered, the Registrar shall not issue a permit until the expiration of 28 days after the date of the application.

Form of permit

60. A permit shall be in a form approved by the Registrar.

Duration of permit

30 61. A permit remains in force for a period of 6 months commencing on the date of issue.

Division 2—Registration of weapons

Application for registration

35 62. (1) Application may be made to the Registrar by a person who is—

- (a) the holder of a dangerous weapons licence; and
- (b) the owner of a dangerous weapon;

for registration of the weapon on his or her licence.

- (2) An application shall—
- (a) be in accordance with a form approved by the Registrar;
 - (b) be executed by the applicant; and
 - (c) be accompanied by—
 - (i) the applicant's licence; and
 - (ii) the determined fee.

5

Approval of application

63. (1) Subject to subsection (2), the Registrar shall register a dangerous weapon if satisfied that—

- (a) a permit to acquire was issued to the applicant authorising him or her to acquire the weapon to which the application relates; 10
- (b) the applicant is the owner of the weapon;
- (c) the applicant requires the weapon for an approved purpose;
- (d) the applicant has a good knowledge of the law of the Territory relating to dangerous weapons and the safety practices relating to the type of weapon to which the application relates; and 15
- (e) the weapon is safe.

(2) Where application is made for registration of a dangerous weapon by a person authorised to possess a dangerous weapon under a foreign dangerous weapons law who changes his or her ordinary place of residence to the Territory, the Registrar shall approve the application if satisfied that— 20

- (a) the applicant—
 - (i) is the owner of the weapon;
 - (ii) requires the weapon for an approved purpose; and 25
 - (iii) has a good knowledge of the law of the Territory relating to dangerous weapons and the safety practices relating to the type of weapon to which the application relates;
- (b) the weapon is safe; and
- (c) in the case of an application for registration of a self-loading centre fire rifle— 30
 - (i) of a military type—the applicant has, within the period of 12 months prior to the date of the application, taken part in a competition held by or in association with an approved club in the use of such a weapon; or 35
 - (ii) not of a military type—the applicant is a recreational shooter, or has, within the period of 12 months prior to the date of the application, taken part in a competition of the kind referred to in subparagraph (i).

(3) Where the Registrar approves an application for registration the Registrar shall register the weapon in accordance with section 65. 40

Refusal of registration—duties of licensee

64. (1) Where the Registrar refuses to register a dangerous weapon the licensee shall, not later than 7 days after the date of refusal—

- (a) deliver the weapon to the Registrar; or
- 5 (b) if registration is refused on the ground that the weapon is not safe—
 - (i) deliver the weapon to a licensed dealer for the purpose of its being rendered safe; and
 - 10 (ii) deliver to the Registrar a statement by a licensed dealer certifying that the licensee has, on a specified date, delivered the dangerous weapon specified in the notice to the dealer for the purpose of its being rendered safe.

Penalty: \$2,000 or imprisonment for 12 months, or both.

(2) If a dangerous weapon is delivered to the Registrar in accordance with subsection (1), then—

- 15 (a) if—
 - (i) no appeal is lodged with the Tribunal against the Registrar's decision to refuse to register the weapon; or
 - (ii) an appeal is lodged with the Tribunal and that decision is upheld;
- 20 the weapon shall, for the purposes of this Act, be taken to have been surrendered to the Registrar; or
- (b) if an appeal is lodged with the Tribunal and the Registrar's decision to refuse to register the weapon is set aside or the appeal is otherwise determined—the Registrar shall, within 7 days after the date of notification of the decision, return the weapon to the owner.
- 25

Registration

65. Registration of a weapon under this Act is effected by the Registrar entering in the Register and on the licence in relation to that weapon the particulars referred to in subsection 12 (2).

30 **Cancellation of registration**

66. (1) Where a person applies for renewal of a dangerous weapons licence under section 50, the Registrar may require the applicant to produce to the Registrar any dangerous weapon registered on the licence for the purpose of determining whether or not the weapon is safe.

35 (2) If the Registrar is not satisfied that a dangerous weapon referred to in subsection (1) is safe, the Registrar shall cancel the registration of the weapon, and alter the licence accordingly.

40 (3) Where application is made by a licensee under subsection 50 (1) in respect of a dangerous weapons licence on which a dangerous weapon is registered by reason only that the applicant is a member of an approved club, the Registrar shall cancel the registration of that weapon unless satisfied that the applicant has good reason to possess the weapon.

(4) In determining whether or not a person has good reason to possess a dangerous weapon, the Registrar shall have regard to—

- (a) the number of occasions on which the applicant has, in the preceding period of 12 months, attended an approved club for the purpose of using the weapon in a competition or activity conducted by or in association with the club; 5
- (b) the types of competition or activity engaged in by that person as a member of an approved club; and
- (c) any other relevant factor.

Renewal of registration—effect of refusal

10

67. Section 64 applies in relation to the cancellation of the registration of a weapon in the same way as it applies to the refusal of an application for registration.

Division 3—Endorsement of licences

Division does not apply to pistol grip weapons

15

68. Nothing in this Division shall be taken to authorise the holder of a dangerous weapons licence to apply to the Registrar for endorsement on his or her licence of a dangerous weapon that is a pistol grip weapon.

Application for endorsement

69. (1) The holder of a dangerous weapons licence may apply to the Registrar for endorsement on his or her licence of a dangerous weapon registered on a dangerous weapons licence held by another person. 20

(2) An application shall—

- (a) be in accordance with a form approved by the Registrar; and
- (b) be accompanied by— 25
 - (i) the applicant's licence; and
 - (ii) the determined fee.

Approval of application

70. The Registrar shall endorse a licence in accordance with section 71 if satisfied that— 30

- (a) the applicant requires the dangerous weapon to which the application relates for an approved purpose;
- (b) the applicant has a good knowledge of the law of the Territory relating to dangerous weapons and of the safety practices relating to the type of weapon to which the application for endorsement relates; and 35
- (c) if the applicant is a director of a body corporate that is the holder of a corporate dangerous weapons licence, a member of a partnership who holds (whether alone or with another partner) a corporate dangerous weapons licence for the purposes of the partnership, a licensed dealer, or an employee of such a body corporate, partnership 40

or licensed dealer—the applicant requires the dangerous weapon in the course of carrying on the business of that body corporate, partnership or dealership.

Endorsement

5 **71.** Where the Registrar approves an application under section 69, the Registrar shall endorse the licence with a description of the dangerous weapon to which the application relates and—

- (a) in the case of a person employed or engaged by a body corporate—
endorse the licence to the effect that he or she is authorised—
 - 10 (i) if the person by whom he or she is employed is a licensed dealer—to possess or use, in the course of that employment, a dangerous weapon to which the dealer's licence relates; or
 - (ii) in any other case—to possess or use a dangerous weapon registered on the corporate dangerous weapons licence held by that body corporate; and
- 15 (b) if the applicant is a member of an approved club—endorse the licence to the effect that he or she is authorised to possess or use a dangerous weapon registered on the club's licence while the member is on a shooting range owned or occupied by that or any other
20 approved club for the purpose of taking part in competitions in, or activities relating to, the use of such weapons.

Cancellation of endorsement

25 **72.** (1) When the Registrar cancels the registration of a dangerous weapon under section 66, the Registrar shall require each person on whose licence that weapon is endorsed to produce his or her licence for the purposes of cancelling that endorsement.

(2) A person shall not contravene a requirement of the Registrar made pursuant to subsection (1).

Penalty: \$1,000.

30 (3) If a person referred to in paragraph 71 (a) or (b) ceases to be—

- (a) a member of an approved club;
 - (b) a director of a body corporate or a partner in a partnership; or
 - (c) an employee of a body corporate or partnership;
- 35 to which the endorsement relates, the endorsement shall be taken to have been cancelled on the date on which he or she ceased to be such a member, director, partner or employee, as the case may be.

Endorsements—notification of change of particulars

40 **73.** (1) A person referred to in subsection 72 (3) shall, not later than 7 days after ceasing to be such a member, director, partner or employee, as the case may be—

- (a) notify the Registrar in writing; and

(b) forward his or her licence to the Registrar for the purpose of its being varied.

(2) Where a person ceases to be employed by a body corporate or partnership, the body corporate or partnership shall, not later than 7 days after the person ceases to be so employed, notify the Registrar in writing accordingly.

5

Penalty: \$1,000.

PART V—POWERS OF ENTRY, SEARCH AND SEIZURE

Interpretation

74. (1) In this Part, unless the contrary intention appears—

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“offence” means any conduct (whether constituted by an act or omission) engaged in which constitutes, or which it is believed on reasonable grounds constitutes—

(a) an offence against this Act; or

(b) an offence against another Act, in respect of which a penalty of imprisonment for 6 months or more may be imposed.

15

(2) For the purposes of this Part, a thing is connected with a particular offence if—

(a) it is a thing with respect to which the offence has been committed;

(b) it will afford evidence of the commission of the offence; or

20

(c) it was used, or is or was intended to be used, for the purpose of committing the offence.

Powers of entry, search etc.

75. (1) For the purposes of ascertaining whether the provisions of this Act or the regulations are being complied with, a police officer may, without the authority of a warrant—

25

(a) enter premises on which a licensed dealer carries on business at any reasonable time when those premises are open for business; or

(b) enter any premises at any time with the consent of the occupier of those premises.

30

(2) A police officer who enters premises under subsection (1), is not authorised to remain on the premises if, on request by or on behalf of the occupier of the premises, the officer does not produce evidence that he or she is a police officer.

(3) A police officer who enters premises pursuant to subsection (1) may—

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(a) inspect, make copies of, or take extracts from, the Dealer's Book, or any other book, documentation or other record that the police officer believes on reasonable grounds to be connected with the acquisition, disposal, repair, modification or manufacture of dangerous weapons or restricted weapons;

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- 5 (b) inspect any apparatus, equipment or other article that the officer believes on reasonable grounds to be used in the manufacture or testing of dangerous weapons or restricted weapons;
- (c) test, or seize for the purpose of testing, any dangerous weapon or restricted weapon that the officer believes on reasonable grounds does not comply with this Act or the regulations, or to be likely to become unsafe;
- 10 (d) if the police officer believes on reasonable grounds that a dangerous weapon or restricted weapon on the premises is not safe—direct the occupier of the premises, by notice in writing, not to use or sell the dangerous weapon or restricted weapon, unless it has been rendered safe for use and has been inspected, tested and approved by the Registrar;
- 15 (e) seize any thing that the police officer has reasonable grounds for believing to be connected with an offence;
- (f) require any person on the premises to make available any books, documents or records kept on the premises, to furnish information that the police officer has reasonable grounds for believing is connected with an offence, and to answer questions; and
- 20 (g) require the occupier to give the police officer such assistance as is reasonable to enable the police officer to exercise his or her powers under this section.

(4) A person shall not, without reasonable excuse—

- 25 (a) contravene a direction given to the person under paragraph (3) (d); or
- (b) fail to comply with a requirement made of the person under paragraph (3) (f) or (g).

Penalty: \$5,000 or imprisonment for 2 years, or both.

30 (5) A person is not excused from making available books, documents or records, furnishing information or answering in compliance with paragraph (3) (f) on the ground that the making available of books, documents or records, the furnishing of information, or the answering of questions might tend to incriminate the person.

35 (6) Any book, document, information or answer obtained under subsection (3) or any information, document or thing obtained directly or indirectly as a consequence of that book, document, information or answer, is not admissible in evidence against the person in criminal proceedings other than proceedings for an offence against this Act.

Search of persons, vehicles, vessels—without warrant

40 76. (1) Where a police officer has reasonable grounds for believing that a dangerous weapon, restricted weapon or prohibited weapon connected with an offence may be found in the possession of a person, or in or on a vehicle or vessel, the police officer may, without warrant—

- 45 (a) stop and search the person, the clothing being worn by the person, or property in, or apparently in, the immediate control of the person; or

(b) stop, search and detain the vehicle or vessel; and seize any such weapon and any thing that is found in the course of a search referred to in paragraph (a) or (b) that he or she believes on reasonable grounds is connected with that offence.

(2) Where a person is searched under this section, the search shall be carried out by a police officer of the same sex. 5

Consent to entry and inspection

77. (1) Before seeking the consent of the occupier of premises for the purposes of paragraph 75 (1) (b), a police officer shall inform the occupier that he or she may refuse to give that consent. 10

(2) If a police officer obtains the consent of the occupier of premises for the purposes of paragraph 75 (1) (b), the officer shall ask the occupier or that person to sign a written acknowledgment—

- (a) that the occupier has given the officer consent, for the purposes of that paragraph, to enter the premises and to exercise the powers of a police officer under subsection 75 (3); 15
- (b) that the occupier has been informed that he or she may refuse to give that consent; and
- (c) on the day on which, and the time at which, that consent was given. 20

(3) Where it is material, in any proceedings, for a court to be satisfied of the consent of an occupier for the purposes of paragraph 75 (1) (b) and an acknowledgment in accordance with subsection (2) is not produced in evidence, it shall be presumed that the occupier did not consent unless the contrary is established. 25

Search warrants

78. (1) Where an information on oath is laid before a magistrate alleging that there are reasonable grounds for suspecting that there may be, on any premises—

- (a) a thing of a particular kind connected with a particular offence against this Act; or 30
- (b) any dangerous weapon, restricted weapon or prohibited weapon, or any equipment or other article used in the manufacture, modification, testing, repair, export or import of any such weapon that— 35
 - (i) does not comply with this Act or the regulations; or
 - (ii) is, or is likely to become, unsafe to use;

and the information sets out those grounds, the magistrate may issue a search warrant authorising a police officer named in the warrant, with such assistance and by such force as is necessary and reasonable—

- (c) to enter the premises; 40
- (d) to search the premises for things of the kind referred to in paragraph (a) or for any equipment or other article of a kind referred to in paragraph (b); and

- (e) to exercise the powers of a police officer under subsection 75 (3) in relation to the premises.
- (2) A magistrate shall not issue a warrant unless—
- 5 (a) the informant or another person has given the magistrate, either orally or by affidavit, any further information that the magistrate requires concerning the grounds on which the issue of the warrant is being sought; and
- (b) the magistrate is satisfied that there are reasonable grounds for issuing the warrant.
- 10 (3) A warrant shall—
- (a) state the purpose for which it is issued;
- (b) specify the nature of the offence or the lack of compliance in relation to which the entry and search are authorised;
- 15 (c) specify particular hours during which the entry is authorised, or state that the entry is authorised at any time of the day or night;
- (d) include a description of the kinds of things in relation to which the powers under subsection 75 (3) may be exercised; and
- (e) specify the date, being a date not later than 1 month after the date of issue of the warrant, on which the warrant ceases to have effect.
- 20 (4) If, in the course of searching any premises, pursuant to a warrant issued under subsection 78 (1), a police officer—
- (a) finds any dangerous weapon, restricted weapon, prohibited weapon or other article or thing that is not of a kind specified in the warrant;
- 25 (b) has reasonable grounds for believing that—
- (i) the article or thing is used in the manufacture, sale, modification, testing, repair, export or import of dangerous weapons, restricted weapons or prohibited weapons; or
- 30 (ii) possession of the weapon is prohibited by, or the weapon does not comply with, this Act or the regulations; and
- (c) has reasonable grounds for believing that it is necessary to seize the weapon, article or thing in order to prevent its—
- (i) concealment, loss or destruction;
- 35 (ii) sale, manufacture, import or export; or
- (iii) being exposed for sale;
- the police officer may seize it.

Forfeiture etc. of weapons

79. (1) Where—

- 40 (a) a dangerous weapon or restricted weapon is seized under section 75, 76 or 78; and
- (b) a prosecution for an offence against this Act relating to the weapon is not instituted within 60 days of the seizure;

the Registrar shall, upon the expiration of that period return the dangerous weapon or restricted weapon, as the case may be, to the owner.

(2) Where, in proceedings for an offence against this Act—

(a) the defendant is a person from whom a dangerous weapon or restricted weapon has been seized under section 75, 76 or 78; and 5

(b) the court does not find the offence proved;

the Registrar shall return the dangerous weapon or restricted weapon, as the case may be, to the owner.

(3) Subsections (1) and (2) do not apply if—

(a) before the expiration of 60 days; or 10

(b) before the court finds an offence not proved;

as the case may be, the licence of the person to whom the weapon would, but for this subsection have been returned, has been cancelled.

(4) Where—

(a) a dangerous weapon or restricted weapon is seized under section 75, 76 or 78; and 15

(b) the weapon would, but for this subsection, be returned to the owner pursuant to subsection (1) or (2);

then, if the owner is charged with an offence against a law in force in the Territory which would, if proved, entitle the Registrar to cancel the person's licence, the Registrar shall retain possession of the weapon pending the hearing of the charge. 20

(5) If the court does not find the charge referred to in subsection (4) proved, the Registrar shall return the dangerous weapon or restricted weapon to the owner unless the Registrar would otherwise be entitled under this Act to be in possession of the weapon. 25

(6) Where, in proceedings for an offence against this Act, the court finds the offence proved, any dangerous weapon or restricted weapon used in connection with the commission of the offence—

(a) shall if stolen, be returned by the Registrar to the person whom the court is satisfied is entitled to the weapon; or 30

(b) is, in any other case, forfeited to the Territory, unless the court otherwise directs.

(7) A prohibited weapon seized under section 75, 76 or 78 is forfeited to the Territory. 35

PART VI—OFFENCES GENERALLY

Corporations—penalties

80. Where a body corporate is convicted of an offence against this Act or the regulations, the penalty that the court may impose is a fine not exceeding 5 times the maximum amount that, but for this section, the court could impose as a pecuniary penalty for that offence. 40

Obstruction of police officers

81. A person shall not knowingly hinder or obstruct a police officer in the exercise of his or her powers or the performance of his or her duties under this Act.

5 Penalty: \$2,000 or imprisonment for 12 months, or both.

Defacement

82. (1) A person shall not deface or alter any number, letter or other identification mark on any dangerous weapon or restricted weapon.

10 (2) A person shall not, except with the approval of the Registrar, have in his or her possession any dangerous weapon or restricted weapon on which any number, letter or other identification mark is defaced or altered.

 Penalty: \$5,000 or imprisonment for 2 years, or both.

Sale etc. of weapons

15 83. (1) A person shall not sell, lend or give a restricted weapon to another person, unless the other person is the holder of a restricted weapons licence granted in respect of that weapon.

 Penalty: \$5,000 or imprisonment for 2 years, or both.

(2) A person shall not—

20 (a) sell or give by way of a gift a dangerous weapon to another person, unless the other person is the holder of a dangerous weapons licence and has a permit to acquire that weapon; or

(b) lend, or give otherwise than by way of a gift, a dangerous weapon to another person unless that other person is the holder of a dangerous weapons licence on which the weapon is endorsed.

25 (3) A corporate licensee or licensed dealer shall not lend or give a dangerous weapon to another person, unless—

(a) the other person is the holder of a dangerous weapons licence;

(b) the other person is an employee of that person; and

30 (c) the weapon is lent or given for use by that employee in the course of that employment.

(4) A person shall not sell, lend or give a dangerous weapon or restricted weapon to another person who is not the holder of a dangerous weapons licence or restricted weapons licence, unless—

35 (a) where the weapon is lent or given—the other person is authorised by virtue of paragraph 21 (1) (a), (b) or (d) to possess or use, or by subsection 22 (1) to possess, the weapon; or

(b) where the weapon is sold—the other person is authorised by virtue of paragraph 21 (1) (a) or (b) to possess or use the weapon.

 Penalty: \$5,000 or imprisonment for 2 years, or both.

Interstate sales

84. A person shall not sell a dangerous weapon or restricted weapon to another person (being a person who ordinarily resides in a State or another Territory), unless he or she has reasonable grounds for believing that the possession in that State or other Territory of such a weapon by that other person is not proscribed by a law of that State or other Territory. 5

Penalty: \$2,000 or imprisonment for 12 months, or both.

Spear guns—sale etc. to persons under 14 years of age

85. (1) A person who is under the age of 14 years shall not possess a spear gun. 10

Penalty: \$1,000.

(2) A person shall not, knowingly, sell, lend or give a spear gun to another person, unless the other person is, or is reasonably believed to be, of or over the age of 14 years.

Penalty: \$2,000. 15

Production of licences etc.

86. (1) Subject to subsection (2), a person who is carrying or has upon his or her person or under his or her immediate control, a dangerous weapon or restricted weapon, shall not, without reasonable excuse, refuse or fail to comply with a requirement of a police officer— 20

(a) to produce his or her licence for inspection by the police officer;

(b) in the case of a person who is otherwise authorised by this Act to possess or use a dangerous weapon or restricted weapon—to give reasonable proof that he or she is so authorised to possess or use the weapon; or 25

(c) to give the police officer particulars of his or her name and address.

Penalty: \$1,000 or imprisonment for 6 months, or both.

(2) A person who fails to produce a licence to a police officer when required to do so under subsection (1) shall not be taken to have contravened that subsection if the person produces his or her licence to the Registrar within 3 days after the date of that request. 30

(3) Where a police officer makes a requirement of a person under subsection (1), that person is not obliged to comply with that requirement unless, if requested to do so by that person, the officer produces to that person evidence that the officer is a police officer. 35

(4) Subject to subsection (3), a person shall not give a police officer particulars of his or her name and address that are false or misleading in a material particular.

Penalty: \$1,000.

Possession of weapon under another licence

87. A licensee shall not possess a dangerous weapon that is registered on a licence which has been granted to another person unless—
- (a) particulars of that weapon are endorsed on his or her licence; or
 - 5 (b) the licensee is otherwise authorised by this Act to have that weapon in his or her possession.

Penalty: \$5,000 or imprisonment for 2 years, or both.

Safekeeping of dangerous weapons

88. (1) A licensee who lawfully has a dangerous weapon, other than a spear gun, in his or her possession shall keep the weapon in a locked container or under such conditions as to prevent another person from having access to the weapon without the specific consent of the owner.

Penalty: \$2,000 or imprisonment for 12 months, or both.

- (2) A person shall not keep a weapon that is loaded.
- 15 Penalty: \$2,000 or imprisonment for 12 months, or both.

- (3) Subsection (2) does not apply to a weapon that—
- (a) is being used; or
 - (b) has been prepared for imminent use.

Lost, destroyed or stolen weapons

89. Where a dangerous weapon or restricted weapon in the lawful possession of a person is lost, destroyed or stolen, the person shall, as soon as practicable after becoming aware of its loss, destruction or theft, notify the Registrar accordingly.

Penalty: \$2,000.

Discharge etc. of weapons—public places etc.

90. (1) A person shall not, without reasonable excuse—
- (a) have a dangerous weapon or restricted weapon in his or her possession in a public place; or
 - 30 (b) discharge a dangerous weapon or restricted weapon in, near or onto a public place;
- except in accordance with the written authority of the Registrar.

- (2) A person shall not, without reasonable excuse, have a dangerous weapon or restricted weapon in his or her possession in a place (other than a public place) so as to endanger the life of another person.

35 Penalty: \$2,000 or imprisonment for 12 months, or both.

Discharge of weapons—general

91. A person shall not discharge a dangerous weapon or restricted weapon on, onto or across—
- 40 (a) leased land, or land that is occupied pursuant to a licence granted by the Territory—except with the consent of the lessee or occupier

or a person apparently acting with the authority of the lessee or occupier; or

- (b) any other land—except in accordance with the written authority of the Registrar.

Penalty: \$2,000 or imprisonment for 12 months, or both.

5

Authority to discharge etc. weapons

92. In considering whether to give an authority pursuant to section 90 or paragraph 91 (b), the Registrar shall have regard to whether the giving of the authority would be likely to endanger the safety of members of the public.

10

Carriage or use of weapon—disregard for safety

93. A person shall not carry or use a dangerous weapon or restricted weapon—

- (a) in or on any premises in a manner likely to—
- (i) injure himself or herself or endanger his or her own safety;
 - (ii) injure, or endanger the safety of, another person;
 - (iii) cause reasonable fear of the infliction of injury; or
 - (iv) destroy or damage any property;
- (b) with disregard for his or her own safety or for the safety of other persons; or
- (c) while under the influence of alcohol or drugs.

15

20

Penalty: \$2,000 or imprisonment for 12 months, or both.

Modification of dangerous weapons

94. (1) In this section, "length of the stock" means the distance from the front of the trigger, or if there is more than one trigger, from the front of the rearmost trigger, to the centre of the rear butt plate or stock.

25

(2) A person shall not, except with the written authority of the Registrar, modify a dangerous weapon that is—

- (a) a smooth bore shotgun or a combination smooth bore shotgun and rifle;
- (b) a rifle, not being a combination smooth bore shotgun and rifle or an airgun; or
- (c) an airgun—
- (i) the barrel of which is rifled;
 - (ii) that has a front end cocking action known as the under lever principle or a pump-up or a pneumatic action;
 - (iii) that is designed to be used solely for tranquillising, immobilising, or administering vaccines or other medicines to, animals; or
 - (iv) that is capable of discharging projectiles in rapid succession by one pressure of the trigger.

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Penalty: \$5,000 or imprisonment for 2 years, or both.

(3) A dangerous weapon referred to in subsection (2) shall be taken to have been modified if—

(a) in the case of a smooth bore shotgun or a combination smooth bore shotgun and rifle—

- 5 (i) the length of the barrel or, where it has more than one barrel, of the longer or longest barrel, is less than 40 centimetres;
- (ii) the length of the stock is less than 30 centimetres; or
- (iii) it has no stock;

10 (b) in the case of a rifle, not being a combination smooth bore shotgun and rifle or an airgun—

- (i) the length of the barrel or, where it has more than one barrel, of the longer or longest barrel, is less than 40 centimetres;
- 15 (ii) the length of the stock is less than 30 centimetres;
- (iii) it has no stock; or
- (iv) the overall length is less than 80 centimetres; or

(c) in the case of an airgun referred to in paragraph (1) (c)—

- 20 (i) the length of the barrel is less than 40 centimetres;
- (ii) the length of the stock is less than 30 centimetres;
- (iii) it has no stock; or
- (iv) the overall length is less than 70 centimetres.

25 (4) In considering whether to give his or her authority under subsection (2), the Registrar shall have regard to the necessity for the modification and whether the giving of the authority would be likely to prejudice public safety.

(5) An authority under this section ceases to have effect at the expiration of 6 months after the date of the authority.

Approval of modifications

30 95. (1) A person to whom authority to modify a dangerous weapon has been given under subsection 94 (2) shall, not later than 7 days after its modification, produce the weapon to the Registrar for the purpose of enabling the Registrar to determine whether the weapon has been modified in accordance with that authority.

35 Penalty: \$1,000.

(2) If the Registrar is satisfied that a weapon referred to in subsection (1) has been modified in accordance with his or her authority, the Registrar shall, upon production to him or her of the licence upon which that weapon is registered make such alterations to that licence as are necessary.

Possession or use of modified dangerous weapons

96. A person shall not have in his or her possession, or use, a dangerous weapon that has been modified otherwise than in accordance with the authority of the Registrar.

Penalty: \$5,000 or imprisonment for 2 years, or both. 5

Sale of ammunition—offences

97. (1) A person, other than a licensed dealer or an authorised member, shall not sell ammunition.

Penalty: \$2,000 or imprisonment for 12 months, or both.

(2) A licensed dealer shall not sell ammunition unless— 10

(a) at the time of the sale, the purchaser produces to the licensed dealer for inspection by the licensed dealer, the person's dangerous weapons licence; and

(b) the ammunition is of a kind capable of being discharged from a dangerous weapon of the kind registered or endorsed on that licence. 15

Penalty: \$2,000.

(3) An authorised member shall not sell ammunition—

(a) otherwise than on premises owned or occupied by the relevant club; 20
(b) to a person who is not a member of the club, unless, at the time of the sale, the person is at the club for the purpose of taking part in a competition held by the club; and

(c) unless the ammunition is of a kind capable of being discharged from a dangerous weapon registered or endorsed on the member's licence, or from a dangerous weapon being used by a person referred to in paragraph (b), as the case may be. 25

Penalty: \$2,000.

(4) A person shall not knowingly have in his or her possession ammunition that is not of a kind capable of being discharged from a dangerous weapon registered or endorsed on his or her licence.

Penalty: \$1,000. 30

(5) In this section "authorised member" means a member of an approved club authorised in writing by the club to sell ammunition.

PART VII—MISCELLANEOUS**Compensation for surrendered weapons**

98. Where, under section 54 or 64, a dangerous weapon or restricted weapon is surrendered to the Registrar, the Territory shall compensate the owner of the weapon. 35

Conduct of directors, servants and agents

5 99. (1) Where, for the purposes of a prosecution for an offence against this Act, it is necessary to establish the state of mind of a body corporate or a natural person in relation to particular conduct, it is sufficient to show—

- (a) that a director, servant or agent of the body, or a servant or agent of the person, had that state of mind; and
- (b) that the conduct was engaged in by that director, servant or agent within the scope of his or her actual or apparent authority.

10 (2) A reference in subsection (1) to the state of mind of a body or person includes a reference to—

- (a) the knowledge, intention, opinion, belief or purpose of the body or person; and
- (b) the body's or person's reasons for the intention, opinion, belief or purpose.

15 (3) Any conduct engaged in on behalf of a body corporate or a natural person by a director, servant or agent of the body, or a servant or agent of the person, within the scope of his or her actual or apparent authority is to be taken, for the purposes of a prosecution for an offence against this Act, to have been engaged in also by the body or person unless the body or person establishes that reasonable precautions were taken and due diligence was exercised to avoid the conduct.

(4) Where—

- (a) a natural person is convicted of an offence against this Act; and
- (b) the person would not have been convicted of the offence if subsections (1) and (3) had not been enacted;

25 the person is not liable to be punished by imprisonment for that offence.

30 (5) A reference in this section to a director of a body corporate is to be read as including a reference to a member of a body corporate incorporated for a public purpose by a law of the Territory, the Commonwealth, a State or another Territory.

(6) A reference in this section to engaging in conduct is to be read as including a reference to failing or refusing to engage in conduct.

Third-party interest—complaints to Registrar

35 100. (1) A person may make a complaint to the Registrar regarding any matter rising out of the grant of a dangerous weapons licence or a restricted weapons licence.

(2) A complaint shall—

- (a) be in writing and signed by the complainant; and
- (b) specify the grounds on which the complaint is made.

Investigations

101. (1) Where a complaint is made under section 100 the Registrar shall make such investigations of the subject-matter of the complaint as the Registrar thinks fit.

(2) The Registrar shall cancel a licence if, after making investigations under subsection (1), he or she is satisfied that a ground exists on which the Registrar may cancel the licence. 5

(3) For the purposes of this section, the Registrar may by writing signed by the Registrar require a person—

- (a) to furnish to the Registrar information relevant to the investigation; 10
or
- (b) to produce to the Registrar such books, documents, or writing, or any dangerous weapon or restricted weapon, in his or her possession.

Evidentiary certificates

102. In proceedings for an offence against this Act, a certificate signed by the Registrar stating that— 15

- (a) at a specified time or during a specified period, a specified person was, or was not, the holder of a licence;
- (b) a licence of a specified kind was, or was not, renewed or had expired on a specified day; 20
- (c) a licence was granted or renewed subject to specified conditions;
- (d) a specified licence granted to a specified person was cancelled on a specified day;
- (e) a specified dealer's licence granted to a specified person was suspended on a specified day for a specified period; 25
- (f) a specified dangerous weapon was, or was not, on a specified day, registered on a specified licence granted to a specified person;
- (g) registration of a specified weapon was refused;
- (h) a specified permit was or was not granted to a specified person in respect of a specified weapon; 30
- (i) a specified dangerous weapon or pistol grip weapon was, or was not, at a specified time or during a specified period, endorsed on a specified dangerous weapons licence;
- (j) an endorsement on a specified dangerous weapons licence was cancelled; or 35
- (k) registration of a specified dangerous weapon was cancelled on a specified date for a specified reason;

is evidence of the matters stated in the certificate.

Review of decisions

103. Application may be made to the Administrative Appeals Tribunal for a review of a decision of the Registrar— 40

- (a) under subsection 4 (1) that, for the purposes of the definition of

“military type”, a self-loading centre fire rifle replicates a rifle that has been issued or is used by an armed force of the Commonwealth or of a foreign country;

- (b) granting a licence under section 24, 30 or 35;
- 5 (c) refusing to grant a licence under section 25, 30, 35 or 36;
- (d) refusing to approve an application under subsection 39 (2);
- (e) specifying conditions or further conditions to which a licence is subject, or varying or cancelling conditions specified in a licence under section 48;
- 10 (f) refusing to renew a licence under section 50;
- (g) refusing to issue a copy of a licence under section 51;
- (h) cancelling or suspending a licence under section 52;
- (i) refusing to issue a permit under section 59;
- 15 (j) refusing to approve an application for registration of a dangerous weapon under section 63;
- (k) cancelling the registration of a dangerous weapon under section 66;
- (l) refusing to approve an application for endorsement of a dangerous weapon on a licence under section 70;
- 20 (m) cancelling the endorsement of a dangerous weapon on a licence under section 72;
- (n) refusing to give his or her authority under section 90 or paragraph 91 (b);
- (o) refusing to give his or her authority to modify a dangerous weapon under section 94;
- 25 (p) refusing to alter a licence under subsection 95 (2); or
- (q) cancelling a licence under subsection 101 (2).

Notification of decisions

104. (1) Where the Registrar makes a decision of the kind referred to in section 103, the Registrar shall cause notice in writing of the decision and the reason for the decision to be given—

- 30 (a) in the case of a decision to refuse to grant a licence under section 25, 30, 35 or 36 or a decision referred to in paragraph 103 (d), (i) or (j)—to the applicant;
- 35 (b) in the case of a decision referred to in subsection 101 (2)—to the complainant;
- (c) in the case of a decision of the kind referred to in paragraph 103 (a) or (e)—to the applicant or licensee, as the case requires; and
- (d) in any other case—to the licensee.

40 (2) A notice under subsection (1) shall include a statement to the effect that, subject to the *Administrative Appeals Tribunal Act 1989*, an application may be made to the Tribunal for a review of the decision to which the notice relates.

(3) The validity of a decision referred to in subsection (1) shall not be taken to be affected by a failure to comply with subsection (2).

Service of notices on Registrar

105. A notice that is required to be given to the Registrar may be given— 5

- (a) by delivering the notice to the Registrar personally;
- (b) by sending the notice by certified mail addressed to the Registrar; or
- (c) by leaving the notice at the office of the Registrar with a person who is, or is reasonably believed to be, employed at that office. 10

Power of Minister to determine fees

106. The Minister may, by notice in writing published in the *Gazette*, determine fees for the purposes of this Act.

Regulations

107. (1) The Executive may make regulations, not inconsistent with this Act, prescribing matters— 15

- (a) required or permitted by this Act to be prescribed; or
- (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.

(2) Without limiting the generality of subsection (1), the regulations may— 20

- (a) make provision in relation to—
 - (i) the marking of dangerous weapons with an identification mark;
 - (ii) the inspecting, examining and testing of dangerous weapons or restricted weapons; and 25
 - (iii) the purchase, sale, or other disposition, of dangerous weapons or restricted weapons delivered to a licensed dealer; and
- (b) prescribe, for offences against the regulations, penalties not exceeding— 30
 - (i) if the offender is a natural person—a fine of \$1,000; and
 - (ii) if the offender is a body corporate—a fine of \$10,000.

PART VIII—SAVINGS AND TRANSITIONAL

Interpretation

108. In this Part— 35

“commencement date” means the date fixed under section 2.

Pistol grip weapons

5 109. (1) A person who, immediately before the commencement date was the holder of a gun licence under the repealed Act in respect of a pistol grip weapon shall, on and after that date, be deemed to be the holder of a dangerous weapons licence granted under section 24 of this Act in respect of that weapon.

(2) As soon as practicable after the commencement date, the Registrar shall—

- 10 (a) grant a dangerous weapons licence to a person to whom subsection (1) applies; and
(b) register the weapon under this Act.

(3) A dangerous weapons licence granted under subsection (2) remains in force—

- 15 (a) for the remainder of the period for which the gun licence, held by the person under the repealed Act immediately before the commencement date, would, but for this Act, have remained in force; or
(b) for the period of 3 months after the commencement date; whichever is the greater.

20 (4) For the purposes of paragraph (2) (b), sections 62 and 63 do not apply.

Permits to acquire—exemption

25 110. Paragraph 63 (1) (a) of this Act does not apply in relation to an application for a dangerous weapons licence made in respect of a weapon to which section 111 applies.

Transitional—general

111. (1) This section applies to a licence that was—

- (a) granted under the repealed Act; and
(b) in force immediately before the commencement date.

30 (2) On and after the commencement date—

- (a) a licence to which this section applies continues in force for the remainder of the period for which it would, but for this Act, have remained in force; and
(b) the repealed Act continues to apply to the person who is the holder of that licence for the period for which it continues in force;

35 as if the repealed Act had not been repealed.

(3) Where a licence to which this section applies continues in force—

- (a) for a period not exceeding 3 months after the commencement date, the licence may be renewed—
40 (i) in accordance with the repealed Act as if that Act had not been repealed; or

- (ii) in accordance with this Act; or
- (b) for a period exceeding 3 months after the commencement date—
shall be renewed in accordance with this Act.
- (4) Where a person holds more than one licence of the kind to which
subparagraph (3) (a) (i) applies, each of those licences shall be deemed to
be renewable on the earliest of the dates for renewal of those licences.

5

SCHEDULE 1

Section 3

ACTS REPEALED

- Gun Licence Act 1937*
- Gun Licence Act (No. 2) 1937*
- Gun Licence Act 1964*
- Gun Licence Act 1970*
- Gun Licence Act 1971*
- Gun Licence (Amendment) Act 1978*
- Gun Licence (Amendment) Act 1979*

SCHEDULE 2

Subsection 4 (1)

RESTRICTED WEAPONS

Item	Description
1	Any imitation or replica dangerous weapon or military ordnance, other than a child's toy.
2	A walking stick or cane containing a sword.
3	A riding crop containing a knife or stiletto.

SCHEDULE 3

Subsection 4 (1)

PROHIBITED WEAPONS

Column 1 Item	Column 2 Description
1	Any article or device designed for attachment to a dangerous weapon for the purpose of muffling, reducing or stopping the noise of the explosion of a cartridge discharged in that weapon, or any dangerous weapon to which such a device is attached.
2	An article commonly known as soft body armour.
3	Any article or device of a type or description commonly known as a knuckle-duster or metal knuckles or any similar article or device.
4	A sap glove.
5	A studded glove.
6	Any dart capable of being projected from a blow-gun.
7	A weapon that— (a) is capable of propelling projectiles in rapid succession during 1 pressure of the trigger; or (b) substantially duplicates a dangerous weapon referred to in paragraph (a) but is not capable of propelling projectiles in rapid succession during 1 pressure of the trigger.
8	A weapon in the form of a pen or pencil, capable of being used for the discharge of gas, bullets, shot, dye or pyrotechnic flares.
9	A spear gun the overall length of which is less than 45 centimetres.

SCHEDULE 3—continued

Column 1 Item	Column 2 Description
10	A weapon that substantially duplicates in appearance a walking stick, walking cane or umbrella.
11	A weapon capable of discharging by any means any irritant liquid, powder, gas or chemical or any pyrotechnic flare or dye.
12	Any irritant or poison gas.
13	A weapon capable of expelling a projectile by the action of an explosive or other propellant and which has a bore in excess of 10 gauge, not being— (a) a dangerous weapon of the Very or rocket type designed for and used for life saving or distress signalling purposes; (b) an antique muzzle loading weapon; or (c) a rifle or shot gun manufactured before 1920.
14	A crossbow.
15	A knife commonly known as a flick-knife having a blade that opens automatically by gravity or centrifugal force or by any pressure applied to a button, spring or device in or attached to the handle of the knife.
16	A device commonly known as a Taser Self Defence Weapon or any similar device.
17	A knife commonly known as a star knife or any similar device.
18	A flame-thrower.
19	A device commonly known as a Farallon Shark Dart or any similar device that is— (a) designed to expel, upon contact, any gas or other substance capable of causing bodily harm; and (b) reasonably capable of being carried concealed about the person.
20	A device commonly known as a Saunders 'Falcon' Hunting Sling or any other device in the nature of a hunting sling, catapult or sling shot designed for use with, or a component part of which is, a brace that fits or rests upon the forearm or upon another part of the body of the user and supports the wrist against the tension of elastic material used to project a projectile.
21	An article commonly known as 'The Bowen Knife Belt' or any article of similar design capable of concealing or disguising a knife or any similar article.
22	A dangerous weapon, having a barrel not less than 400 millimetres in length, of the Uberti or Armi-Jager brand, or any similar dangerous weapon fitted with a revolving cylinder designed to accept multiple rounds of ammunition which, when operated by mechanical or other means, introduces the rounds to a central firing position (commonly known as a revolving carbine).

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