



Australian Capital Territory

# **Weapons Act 1991**

**A1991-8**

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## **About this republication**

### **The republished law**

This is a republication of the *Weapons Act 1991* effective from 1 July 1994 to 13 November 1994.

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Australian Capital Territory  
**WEAPONS ACT 1991**

*As at 1 July 1994*

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Australian Capital Territory

## **WEAPONS ACT 1991**

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

### **PART I—PRELIMINARY**

#### **Short title**

1. This Act may be cited as the *Weapons Act 1991*.<sup>1</sup>

#### **Commencement**

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

(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 The Acts specified in Schedule 1 are repealed.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;
  - (vi) The National Rifle Association of Australia; or
  - (vii) Safari Club International (Australian—South Pacific Chapter) Incorporated; 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;

“authorised member” means a member of an approved club authorised in writing by the club to sell ammunition;

“chief police officer” means the police officer who is responsible for the day-to-day administration and control of police services in the Territory;

“composite entity” means—

- (a) a body corporate;
- (b) a partnership; or
- (c) a government agency (other than a body corporate);

“corresponding order” means an order under a law of a State or another Territory having the same effect or substantially the same effect as—

- (a) a restraining order or an interim restraining order under the *Magistrates Court Act 1930*; or
- (b) a protection order or an interim protection order under the *Domestic Violence Act 1986*;

“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, recurve 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;

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

“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;

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;

“dealer’s licence” means a licence granted or renewed under this Act;

“determined fee” means the fee determined by the Minister under section 101 for the purposes of the provision in which the expression occurs;

“employee”, in relation to a government agency, means a public servant holding office, or a person employed, in the agency;

“endorsed”, in relation to a dangerous weapon or restricted weapon, means endorsed in accordance with section 65;

“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;

“government agency” means—

- (a) an administrative unit;
- (b) a Territory authority; or
- (c) a department or authority of a State or another Territory;

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

“head”, in relation to a government agency, means the Commissioner for Public Administration, the Chief Executive who has control of the relevant administrative unit or other person who has administrative control of the agency;

“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;

“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;

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

“pistol” means any dangerous weapon the overall length of which is less than 70 centimetres, or if the weapon has no stock, the length of the barrel of which is less than 40 centimetres;

“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;

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

“principal”, in relation to a composite entity, means—

- (a) in the case of a body corporate—a director or manager;
- (b) in the case of a partnership—a partner; and
- (c) in the case of a government agency—the head;

“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
- (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;

“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 59;

“Registrar” means the Registrar of Weapons appointed under section 6;

“repealed Act” means the *Gun Licence Act 1937* as in force immediately before the commencement date;

“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;

“self-loading”, in relation to a dangerous weapon, means a dangerous weapon which is capable of discharging, ejecting and loading a cartridge 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;

“spare barrel”, in relation to a dangerous weapon, means—

- (a) a barrel of a calibre different from the calibre of the barrel fitted to that weapon;
- (b) 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; or
- (c) in the case of a pistol—a barrel of the same calibre as that fitted to the weapon;

“spear gun” means any article or device that is—

- (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—

- (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—
  - (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.

(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.

(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.

(6) For the purposes of this Act—

- (a) a licence granted to a partner or partners on behalf of the partnership shall be taken to have been granted to the partnership;
- (b) a licence granted to a person acting on behalf of a government agency shall be taken to have been granted to the agency;
- (c) a thing done on behalf of a composite entity shall be taken to have been done by the entity; and
- (d) a thing done in relation to a principal or employee of a composite entity shall be taken to have been done in relation to the entity.

(7) For the purposes of this Act (other than section 92), a weapon owned by the Territory or a State or another Territory, being a weapon for which the head of a government agency is responsible, shall be taken to be owned by the agency.

### **Approved reasons**

**5. (1)** For the purposes of this Act, a natural person is to be taken to have an approved reason for requiring a dangerous weapon if the person—

- (a) is a member of an approved club;
- (b) is a member of the A.C.T. Antique and Historical Arms Association Incorporated or is a person whom the Registrar is satisfied—
  - (i) is a collector of dangerous weapons as curiosities or ornaments;

- (ii) keeps in his or her possession, as a memento, a dangerous weapon that is inoperable; or
  - (iii) keeps with a licensed dealer, as a memento, a dangerous weapon that is operable;
- (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;
- (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;
- (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;
- (h) is employed by a composite entity that holds a dangerous weapons licence and is required by the entity 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;
- (k) in the case of a self-loading centre fire rifle of a military type—
  - (i) is a member of an approved club; and
  - (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—
    - (i) is a recreational shooter or hunter in the Territory and has the written consent of a lessee, occupier or other person referred to in paragraph 85 (1) (a); or
    - (ii) is a recreational shooter or hunter in a State or another Territory;
  - (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;
  - (p) is entitled to immunity under the *Diplomatic Privileges and Immunities Act 1967* of the Commonwealth, or to immunity under the *Consular Privileges and Immunities Act 1972* of the Commonwealth or under regulations made for the purpose of section 9 of that Act, and has the written approval of the Chief of Protocol of the Commonwealth Department of Foreign Affairs and Trade to possess the weapon; or
  - (q) is a prescribed person or a person included in a prescribed class of persons.
- (2) For the purposes of this Act, a composite entity has an approved reason for requiring a dangerous weapon if—
- (a) the entity—
    - (i) carries on business in the Territory in the ordinary course of which an employee is 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;
    - (ii) carries on business in the Territory as a security organisation; or
    - (iii) is an approved club; or
  - (b) in the case of a government agency—it is necessary for an employee to possess a dangerous weapon in the course of his or her employment.
- (3) In paragraphs (1) (f), (g) and (i), a reference in subsection (1) to a dangerous weapon shall be taken not to include a reference to a pistol.

(4) Nothing in subsection (1) shall be taken to authorise the use of a pistol in the Territory for recreational shooting or hunting.

(5) 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 same or 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.

(6) For the purposes of subsections (1) and (2)—

“the prescribed amount” means—

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

(7) 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
- (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 chief police officer 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**

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**

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**

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 chief police officer may appoint a person who is a police officer who holds a rank of or above that of Superintendent to act as Registrar—

- (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;
- (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.

**(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
- (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;
- (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; and
- (iv) 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

(d) such other particulars as are prescribed.

**Reports and recommendations etc.**

**13. (1)** The Registrar shall—

- (a) if requested to do so by the chief police officer—prepare and furnish reports and recommendations to the Minister on matters referred to the Registrar by the chief police officer; and
- (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.

**(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:

- “(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*.

(4) The Registrar shall cause a copy of a determination under paragraph (1) (b) to be published in a daily newspaper published and circulating in the Territory.

### **Guidelines—offence**

14. A person shall not, without reasonable excuse, contravene a guideline determined under section 13.

Penalty: \$2,000.

### **Amnesty**

15. (1) The Minister may, by notice published in the *Gazette*, specify an amnesty period for the purposes of section 16, 17 or 18.

(2) No proceeding lies against a person in respect of the possession of a weapon surrendered to a police officer during an amnesty period.

(3) The Minister shall cause a copy of a notice under subsection (1) to be published in a daily newspaper published and circulating in the Territory.

## **PART III—LICENCES**

### ***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.

(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**

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.

(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.

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.

### **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;
- (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;

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;
- (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
- (d) a visitor to the Territory from a State or another Territory who—
  - (i) brings a dangerous weapon temporarily into the Territory; and
  - (ii) is the holder of a licence under a law of that State or other Territory relating to the possession or use of 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;
- (b) exempt a specified weapon or a weapon included in a specified class of weapons from the requirements of all or any of the provisions of this Act; or
- (c) 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**

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

- (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;
- (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;
  - (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;
- (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; and
  - (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; or
- (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;
- (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;
- (c) in the case of a person to whom the Registrar has refused the grant of a licence—
  - (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; and
- (d) 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
  - (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.

**(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.

(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
- (b) if the weapon is delivered to a licensed dealer under section 58 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.

(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**

23. An application for a dangerous weapons licence shall be—

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

#### **Grant of licence**

24. (1) Subject to section 25, 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 reason;
- (c) in the case of an applicant who is under the age of 18 years—
  - (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—

- (i) completed, to the satisfaction of the Registrar, a course of instruction approved by the Registrar and conducted by an approved club or by a person or body authorised in writing by the Registrar; or
  - (ii) adequate training and experience in the safe handling of dangerous weapons; and
- (e) in the case of an application for possession only of a self-loading centre fire rifle of a military type—is of or over the age of 18 years and is a collector of weapons.

(2) In determining whether or not an applicant is a fit and proper person to hold a dangerous weapons licence, the Registrar shall have regard to whether—

- (a) 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, been released (whether on parole or otherwise) after serving a term of imprisonment;
- (b) 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, been released (whether on parole or otherwise) after serving a term of imprisonment; or
- (c) the applicant—
  - (i) has, within the period of 8 years preceding the date of his or her application—
    - (A) been subject to a recognisance, entered into in the Territory or elsewhere, to keep the peace or to be of good behaviour;
    - (B) been a respondent to a restraining order within the meaning of Part X of the *Magistrates Court Act 1930* or a corresponding order (other than a restraining order or corresponding order an appeal against the making of which has been upheld); or
    - (C) been the subject of a protection order under the *Domestic Violence Act 1986* or a corresponding order (other than a protection order or corresponding order an appeal against the making of which has been upheld);

- (ii) is a person in respect of whom—
  - (A) an interim restraining order is in force under the *Magistrates Court Act 1930*;
  - (B) an interim protection order is in force under the *Domestic Violence Act 1986*; or
  - (C) a corresponding order is in force; or
- (iii) has, within the period of 8 years preceding the date of his or her application, had his or her licence cancelled under section 51, otherwise than on a ground referred to in subparagraph 51 (2) (b) (i) or (d) (ii).

(3) Subsection (1) does not apply in relation to an applicant acting on behalf of a government agency.

(3A) Where an application for a dangerous weapons licence is made on behalf of a composite entity, the Registrar shall, subject to subsection (1) and section 25, grant the licence if satisfied that the entity requires a dangerous weapon for an approved reason.

(4) A course of instruction referred to in subparagraph (1) (d) (i) shall include instruction in the law relating to, and the safe handling of, dangerous weapons.

### **Refusal to grant licence**

**25. (1)** The Registrar shall refuse to grant a licence under section 24—

- (a) if the applicant is a person in respect of whom—
  - (i) a restraining order is in force under the *Magistrates Court Act 1930*;
  - (ii) a protection order is in force under the *Domestic Violence Act 1986*; or
  - (iii) a corresponding order is in force;
- (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, been convicted in the Territory or elsewhere of an indictable offence, whether on indictment or summarily; or

- (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, been convicted in the Territory or elsewhere of an indictable offence, whether on indictment or summarily.

(2) Paragraph (1) (a) does not apply in relation to an applicant acting on behalf of a government agency.

### **Issue of licences to composite entities**

**26. (1)** A dangerous weapons licence granted to a body corporate shall be issued in the name of the body corporate.

(2) A dangerous weapons licence granted to a partner or partners on behalf of a partnership shall be issued in the name of the partnership.

(3) A dangerous weapons licence granted to a person on behalf of a government agency shall be issued in the name of the agency.

### **Form of licence**

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

### **Effect of licence**

**28. (1)** Subject to this Act—

- (a) a dangerous weapons licence (other than one referred to in paragraph (b)) 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;
  - (ii) in the case of a dangerous weapon to which subparagraph 5 (1) (b) (ii) applies—to possess the dangerous weapon registered on the licence; and
  - (iii) in any other case—to possess and use a dangerous weapon registered or endorsed on the licence;
- (b) a dangerous weapons licence granted to a composite entity, or to a person on behalf of a composite entity, authorises the licensee to possess a dangerous weapon registered on the licence; and

- (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—
  - (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.

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

### ***Division 3—Restricted weapons licences***

#### **Application for licence**

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
  - (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;
- (c) having regard to the nature of the weapon, 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; and
- (d) the weapon to which the application relates—
  - (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.

#### **Form of licence**

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

#### **Return of licence**

32. If—

- (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, without reasonable excuse, fail to return the licence to the Registrar within 7 days after ceasing to possess the weapon or that expiration.

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:

- (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—

- (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**

**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;
- (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
- (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;
- (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 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 which the Registrar could refuse to grant a 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 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;
- (e) to test, repair or modify the weapon.

### **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.

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—

- (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.

### **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".

(2) A Dealer's Book kept by a licensed dealer 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;

the licensed dealer shall not, without reasonable excuse, fail to enter in the Dealer's Book the prescribed particulars, within 24 hours after manufacturing, acquiring, modifying, testing or repairing, or selling or otherwise disposing of, the weapon, or of that surrender.

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

(4) A licensed dealer shall not fail to 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.

(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;

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.

(6) A licensed dealer who, without reasonable excuse, contravenes subsection (1), (2), (4) or (5) is guilty of an offence punishable, on conviction, by a fine not exceeding \$2,000.

#### **Falsifying records etc.**

41. A licensed dealer shall not knowingly or recklessly—

- (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, mutilate or falsify any record in a Dealer's Book.

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

**Returns by licensed dealers**

**42. (1)** A licensed dealer who, during a quarter manufactures, acquires, modifies, tests or repairs, or sells or otherwise disposes of, 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
- (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.**

**43.** A licensed dealer shall not, without reasonable excuse, 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.

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

**44. (1)** 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 87.

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

(2) Subsection (1) does not apply in relation to the tendering of a dangerous weapon or restricted weapon by a person who is ordinarily resident in a State or another Territory if the person is not proscribed by a law of the State or other Territory from possessing the weapon in that State or other Territory.

### ***Division 5—Licences generally***

#### **Applications—request for further information etc.**

45. 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 on 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**

46. A person to whom a licence is granted under this Part shall not, without reasonable excuse, fail to 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**

47. (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;

the Registrar shall, 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—

- (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
- (b) contravene a condition of a licence.

(6) A person who, without reasonable excuse, contravenes subsection (5) is guilty of an offence punishable, on conviction, by a fine not exceeding \$2,000 or imprisonment for 12 months, or both.

### **Term of licence**

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

(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 2 years, expires.

### **Renewal of licence**

**49.** 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—

- (a) in the case of a restricted weapons licence—for such period, not exceeding 2 years, as is specified in the licence; and
- (b) in any other case—for the period of 2 years;

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

**Issue of copy of licence**

**50. (1)** Where the Registrar is satisfied that a licence in force under this Act has been lost, stolen or destroyed, the Registrar shall, 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 not, without reasonable excuse, fail to notify the Registrar within 2 days of becoming aware of its being lost, stolen or destroyed.

**(3)** A person who, without reasonable excuse, fails to comply with subsection (2) is guilty of an offence punishable, on conviction, by a fine not exceeding \$1,000.

**Cancellation and suspension of licence—general**

**51. (1)** Subject to this section, the Registrar may cancel a licence, or suspend a licence for such period as the Registrar thinks fit.

**(2)** The Registrar shall not cancel or suspend a licence pursuant to subsection (1) unless satisfied that—

- (a) a ground exists in relation to the licensee on which the Registrar may refuse to grant the licence;
- (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 reason; or
  - (ii) the weapon has been modified otherwise than in accordance with an authority under section 87;
- (c) in the case of a dangerous weapons licence granted to a composite entity—the entity has ceased to require a dangerous weapon for an approved reason;
- (d) in the case of a dealer's licence—
  - (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;

- (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.

**(2A)** Paragraph (2) (g) does not apply in relation to a person holding a licence on behalf of a government agency.

**(3)** The Registrar shall cancel a licence if satisfied that a ground for the refusal of the grant of the licence, being a ground referred to in paragraph 25 (b) or (c), exists in relation to the licensee.

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

**(5)** 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**

**52.** If a licensed dealer ceases to carry on business at the address to which the licence relates the licensee shall not, without reasonable excuse, fail to surrender the licence to the Registrar within 7 days of ceasing to carry on business at that address.

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

#### **Surrender etc. of weapons**

**53. (1)** Where a dangerous weapons licence ceases to have effect, the former licensee shall not, without reasonable excuse—

- (a) fail to deliver to the Registrar or a licensed dealer, within 7 days after the date on which the licence has ceased to have effect, each weapon registered or endorsed on the former licence that is in his or her possession; and
- (b) if any of the weapons is delivered to a licensed dealer—fail to deliver to the Registrar, within 7 days after the date on which the licence has ceased to have effect, a statement by the former licensee specifying the name and address of the licensed dealer to whom each weapon was delivered, the date it was delivered and details of each weapon sufficient to identify it.

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

(2) Where a dangerous weapons licence ceases to have effect, and on the date it ceases to have effect a weapon registered or endorsed on the former licence is not in his or her possession, the former licensee shall not, without reasonable excuse, fail to deliver to the Registrar, within 7 days after that date, a statement of the whereabouts on that date of each weapon registered on the former licence.

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

(3) Where a restricted weapons licence ceases to have effect, the former licensee shall not, without reasonable excuse, fail to deliver to the Registrar, within 7 days after the date on which the licence has ceased to have effect—

- (a) the restricted weapon to which the former licence relates; or
- (b) a statement by the former licensee that he or she has, on a specified date, delivered the restricted weapon specified in the former licence to the licensed dealer specified in the statement.

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

(4) Where a dealer's licence ceases to have effect, the former licensee shall not, without reasonable excuse—

- (a) fail to deliver to the Registrar or a licensed dealer, within 21 days after the date on which the licence ceased to have effect, each 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 the weapon; and
- (b) if any of the weapons is delivered to a licensed dealer—fail to deliver to the Registrar, within 7 days after the date on which the last weapon was delivered to the dealer in accordance with paragraph (a), a statement by the former licensee specifying the name and address of the licensed dealer to whom each weapon was delivered, the date it was delivered and details sufficient to identify it.

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

(5) For the purposes of subsections (1), (2), (3) and (4), a licence ceases to have effect if it has—

- (a) been cancelled or suspended (whether under this or any other law of the Territory);
- (b) been surrendered; or
- (c) expired.

(6) If a dangerous weapon or restricted weapon is delivered to the Registrar in accordance with subsection (1), (3) or (4), otherwise than by reason of its being surrendered or the relevant licence having expired, 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 the Registrar's decision is upheld, the appeal is withdrawn, or is determined otherwise than by the decision of the Registrar being set aside;

the weapon is, for the purposes of section 92, to 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—the Registrar shall, within 7 days after the date of notification of the decision, return the weapon to the owner.

(7) Where a dangerous weapon endorsed on a licence to which subsection (1) applies is delivered to the Registrar, the Registrar shall, within 7 days after that delivery, deliver the weapon to the owner, unless the Registrar would otherwise be entitled under this Act to be in possession of the weapon.

(8) If a dangerous weapon or restricted weapon is delivered to a licensed dealer in accordance with subsection (1) or (4) (otherwise than by reason of its being surrendered or the relevant licence having expired), then, if an appeal is lodged with the Tribunal and the Registrar's decision to cancel, suspend or not renew the licence is set aside, the licensed dealer shall, within 7 days after the date of notification of the decision, return the weapon to the owner.

### **Change of possession**

**54. (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—

- (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.

**(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.

(4) A person who, without reasonable excuse, fails to comply with subsection (1) or (3) is guilty of an offence punishable, on conviction, by a fine not exceeding \$2,000.

### **Change of address**

**55. (1)** A licensee (other than a licensed dealer) shall not, without reasonable excuse, fail to notify the Registrar and to submit to the Registrar his or her licence within 7 days after a change of address entered in the Register in respect of that licensee.

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—REGISTRATION AND ENDORSEMENT**

### ***Division 1—Registration of weapons***

#### **Application for registration**

**56. (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.

**Approval of application**

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

- (a) the applicant is the owner of the weapon;
- (b) the weapon is of a type suitable for use for the approved reason for which the applicant was granted his or her licence;
- (c) the applicant has an adequate 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
- (d) 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—

- (a) the applicant—
  - (i) is the owner of the weapon; and
  - (ii) has an adequate 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 of a type suitable for use for the approved reason for which the applicant was granted his or her licence;
- (c) the weapon is safe; and
- (d) in the case of an application for registration of a self-loading centre fire rifle 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 in the use of such a weapon held by or in association with an approved club.

**(3)** Where the Registrar approves an application for registration the Registrar shall register the weapon in accordance with section 59.

**Refusal of registration—duties of licensee**

**58. (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 a licensed dealer; or
- (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
  - (ii) deliver to the Registrar a statement by the licensee specifying the name and address of the licensed dealer to whom the weapon was delivered for the purpose of its being rendered safe and the date it was delivered.

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

- (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, the appeal is withdrawn, or is determined otherwise than by the decision of the Registrar being set aside;

the weapon is, for the purposes of section 92, to 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—the Registrar shall, within 7 days after the date of notification of the decision, return the weapon to the owner.

**(3)** If a dangerous weapon is delivered to a licensed dealer in accordance with subsection (1) then, if an appeal is lodged with the Tribunal and the Registrar's decision to refuse to register the weapon is set aside, the licensed dealer shall, within 7 days after the date of notification of the decision, return the weapon to the owner.

**(4)** If a dangerous weapon is delivered to a licensed dealer in accordance with paragraph (1) (a) because registration has been refused (otherwise than on the ground that the weapon is not safe), the licensee shall not fail to deliver to the Registrar, within 7 days after the date of refusal, a statement by the licensee specifying the name and address of the licensed dealer to whom the weapon was delivered and the date it was delivered.

(5) A person who, without reasonable excuse, contravenes subsection (1) or (4) is guilty of an offence, punishable, on conviction, by a fine not exceeding \$2,000 or imprisonment for 12 months, or both.

### **Registration**

59. 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).

### **Cancellation of registration**

60. (1) Where a person applies for renewal of a dangerous weapons licence under section 49, 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.

(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.

(3) Where application is made by a licensee under section 49 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 2 years, attended an approved club for the purpose of using the weapon in a competition or activity conducted by or in association with the club;
- (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.

(5) In subsection (3), a reference to a licensee is to be taken not to include a reference to a licensee who is a recreational shooter or hunter.

**Renewal of registration—effect of refusal**

**61.** Section 58 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 2—Endorsement of licences*****Division does not apply to pistol grip weapons**

**62.** 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**

**63. (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.

**(2)** An application shall—

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

**Approval of application**

**64.** The Registrar shall endorse a licence in accordance with section 65 if satisfied that—

- (a) the dangerous weapon to which the application relates is of a type suitable for use for the approved reason for which the applicant was granted his or her licence;
- (b) the applicant has an adequate 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
- (c) if the applicant is a licensed dealer or composite entity, or an employee or person acting on behalf of a licensed dealer or composite entity—the applicant requires the dangerous weapon for the purposes of the dealership or entity.

**Endorsement**

**65.** Where the Registrar approves an application for endorsement—

- (a) if the applicant is employed by a dealer who holds a dangerous weapons licence—the Registrar shall endorse the licence to the effect that the applicant is entitled to possess and use a dangerous weapon to which the dealer's licence relates in the course of that employment;
- (b) if the applicant is employed by a composite entity that holds a dangerous weapons licence—the Registrar shall endorse the licence to the effect that the applicant is entitled to possess and use any weapon registered on the entity's dangerous weapons licence in the course of that employment;
- (c) if the applicant is a member of an approved club—the Registrar shall endorse the licence to the effect that the applicant is authorised to possess and use a dangerous weapon registered on the club's dangerous weapons licence while the member is on a shooting range owned or occupied by that or any other approved club for the purpose of taking part in competitions in, or activities relating to, the use of such weapons; and
- (d) in any other case—the Registrar shall endorse the licence with a description of the dangerous weapon to which the application relates.

**Cancellation of endorsement**

**66. (1)** When the Registrar cancels the registration of a dangerous weapon under section 60, 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, without reasonable excuse, contravene a requirement of the Registrar made pursuant to subsection (1).

Penalty: \$1,000.

**(3)** Where a person whose licence has been endorsed under section 65 ceases to be—

- (a) a member of an approved club to which the endorsement relates; or

- (b) a principal or employee of a composite entity to which the endorsement relates;

the endorsement shall be taken to have been cancelled on the day on which the person ceases to be such a member, principal or employee.

### **Endorsements—notification of change of particulars**

**67. (1)** A person referred to in subsection 66 (3) shall, not later than 7 days after ceasing to be such a member, principal 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 composite entity, the entity shall, not later than 7 days after the person ceases to be so employed, notify the Registrar in writing accordingly.

**(3)** A person who, without reasonable excuse, contravenes subsection (1) or (2) is guilty of an offence punishable, on conviction, by a fine not exceeding \$1,000.

## **PART V—POWERS OF ENTRY, SEARCH AND SEIZURE**

### **Interpretation**

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

“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.

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

**Powers of entry, search etc.**

**69. (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—

- (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.

**(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—

- (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;
- (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;
- (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;
- (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
  - (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—
- (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.

(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.

(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**

**70. (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—

- (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.

### **Consent to entry and inspection**

71. (1) Before seeking the consent of the occupier of premises for the purposes of paragraph 69 (1) (b), a police officer shall inform the occupier that he or she may refuse to give that consent.

(2) If a police officer obtains the consent of the occupier of premises for the purposes of paragraph 69 (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 69 (3);
- (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.

(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 69 (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.

### **Search warrants**

72. (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 dangerous weapon, restricted weapon or prohibited weapon or thing of a particular kind that—

- (a) is connected with a particular offence against this Act or the regulations; and
- (b) in the case of a dangerous weapon—is 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;
- (d) to search the premises for that weapon or thing; and

- (e) to exercise the powers of a police officer under subsection 69 (3) in relation to the premises.
- (2) A magistrate shall not issue a warrant unless—
  - (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.
- (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;
  - (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 69 (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.
- (4) If, in the course of searching any premises, pursuant to a warrant issued under subsection (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;
  - (b) has reasonable grounds for believing that—
    - (i) the thing is used in the manufacture, sale, modification, testing, repair, export or import of dangerous weapons, restricted weapons or prohibited weapons; or
    - (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 or thing in order to prevent its—
    - (i) concealment, loss or destruction;

- (ii) sale, manufacture or export; or
- (iii) being exposed for sale;

the police officer may seize it.

**Forfeiture etc. of weapons**

**73. (1) Where—**

- (a) a dangerous weapon or restricted weapon is seized under section 69, 70 or 72; 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 69, 70 or 72; and
- (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
- (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 69, 70 or 72; and
- (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.

(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.

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

(7) A prohibited weapon seized under section 69, 70 or 72 is forfeited to the Territory.

## **PART VI—OFFENCES GENERALLY**

### **Corporations—penalties**

74. 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.

### **Obstruction of police officers**

75. A person shall not 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.

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

### **Defacement**

76. (1) A person shall not, except with the written approval of the Registrar, deface or alter any number, letter or other identification mark on any dangerous weapon or restricted weapon.

(2) A person shall not, except with the written 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**

**77. (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.

**(2)** A person shall not—

- (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 the weapon is of a type suitable for use for the approved reason for which the licence was granted; or
- (b) lend, or give otherwise than by way of a gift, a dangerous weapon to another person unless the other person is the holder of a dangerous weapons licence on which the weapon is endorsed.

**(3)** A person shall not sell or give by way of gift a dangerous weapon to another person who is the holder of a dangerous weapons licence on which no dangerous weapon is registered before the expiration of the period of 28 days after the date on which the licence was granted.

**(4)** A person who is the holder of a dangerous weapons licence on which no dangerous weapon is registered shall not acquire a dangerous weapon before the expiration of the period of 28 days after the date on which the licence was granted.

**(5)** A composite entity that holds a dangerous weapons licence 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
- (c) the weapon is lent or given for use by that employee in the course of that employment.

**(6)** 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—

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

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

**Interstate sales**

**78.** 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.

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

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

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

Penalty: \$1,000.

**(2)** A person shall not 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.

**Production of licences etc.**

**80. (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—

- (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
- (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.

(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.

(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**

**81.** 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
- (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**

**82. (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.

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**

**83. (1)** Where a dangerous weapon or restricted weapon in the lawful possession of a person is lost, destroyed or stolen, the person shall, within 2 days after becoming aware of its loss, destruction or theft, notify the Registrar accordingly.

(2) A person who, without reasonable excuse, contravenes subsection (1) is guilty of an offence punishable, on conviction by a fine not exceeding \$2,000.

**Discharge etc. of weapons—public places etc.**

**84. (1)** A person shall not, without reasonable excuse—

- (a) have a dangerous weapon or restricted weapon in his or her possession in or near a street or public place; or
- (b) discharge a dangerous weapon or restricted weapon in, near or onto a street or public place;

except with the written approval 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 street or public place) so as to endanger the life of another person.

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

**Discharge of weapons—general**

**85. (1)** A person shall not, without reasonable excuse, discharge a dangerous weapon or restricted weapon on, onto or across—

- (a) land, (other than land that is in or near a street or public place) that is—
  - (i) leased land; or
  - (ii) occupied pursuant to a licence granted by the Territory;

except with the written consent of the lessee or occupier of that land or other person apparently acting with the authority of the lessee or occupier; or

- (b) any other land—except with the written approval of the Registrar.

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

(2) Subsection (1) does not apply in relation to a person who is on a shooting range owned or occupied by an approved club if the person is taking part in a competition or activity conducted by or in association with the club.

**Carriage or use of weapon—disregard for safety**

**86.** 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, or endanger the safety of, another person;
  - (ii) cause reasonable fear of the infliction of injury; or
  - (iii) 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.

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

**Modification of dangerous weapons**

**87. (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.

**(2)** A person shall not, except with the written approval 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.

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—
  - (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;
  - (iii) it has no stock; or
  - (iv) the overall length is less than 70 centimetres;
- (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;
  - (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 (2) (c)—
  - (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.

**(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**

**88. (1)** A person whom authority to modify a dangerous weapon has been given under subsection 87 (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.

**(2)** A person who, without reasonable excuse, fails to comply with subsection (1) is guilty of an offence punishable, on conviction, by a fine not exceeding \$1,000.

**(3)** 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**

**89.** 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.

**Possession of ammunition**

**90. (1)** A person shall not possess ammunition.

Penalty: \$1,000.

**(2)** Subsection (1) does not apply—

**(a)** in relation to—

- (i)** a licensed dealer or an authorised member;
- (ii)** ammunition of a kind that is capable of being discharged from a dangerous weapon registered or endorsed on a dangerous weapons licence held by the person;
- (iii)** a person who has the approval of the Registrar under subsection (3); or
- (iv)** ammunition kept by a person as a memento (whether or not the person is a person to whom subparagraph (iii) applies); or

(b) if—

- (i) a dangerous weapons licence held by a person has been cancelled, suspended or surrendered or has expired; or
- (ii) a dangerous weapon registered or endorsed on a dangerous weapons licence has been disposed of or has ceased to be so registered or endorsed;

during the period of 28 days after that occurrence.

(3) A person may apply in writing to the Registrar for approval to collect ammunition.

(4) The Registrar may approve or refuse to approve the application.

(5) The Registrar shall not give approval to an applicant purporting to be a collector of ammunition unless satisfied that—

- (a) the applicant is a collector of ammunition; and
  - (b) the collection of ammunition does not consist of more rounds of ammunition that are identical as to—
    - (i) manufacturer;
    - (ii) date of manufacture;
    - (iii) calibre or type; or
    - (iv) if the ammunition bears a cartridge headstamp—the headstamp;
- than the Registrar considers reasonable in the interests of the safety of members of the public.

### **Sale of ammunition**

**91. (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 to a person unless—

- (a) the ammunition is of a kind capable of being discharged from a dangerous weapon of the kind registered or endorsed on a dangerous weapons licence held by the person and, at the time of the sale the person produces to the licensed dealer for inspection by the licensed dealer, the person's dangerous weapons licence;

- (b) in the case of the purchase of ammunition that is of a kind that is not capable of being discharged from a dangerous weapon of a kind registered or endorsed on a dangerous weapons licence held by the person—at the time of the sale, the licensed dealer is satisfied that the person has the approval of the Registrar under subsection 90 (4); or
  - (c) in the case of a person resident in a State or another Territory—the licensed dealer has reasonable grounds for believing that the possession in that State or other Territory of such ammunition by that person is not proscribed by a law of that State or other Territory.
- (3) An authorised member shall not sell ammunition—
- (a) otherwise than on premises owned or occupied by the relevant club;
  - (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 or activity conducted by or in association with 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.
- (4) A person who, without reasonable excuse, contravenes subsection (2) or (3) is guilty of an offence punishable, on conviction, by a fine not exceeding \$2,000.

## **PART VII—MISCELLANEOUS**

### **Compensation for surrendered weapons**

**92.** Where, under section 53 or 58, a dangerous weapon or restricted weapon is to be taken to have been surrendered to the Registrar, the Territory shall compensate the owner of the weapon.

### **Certificates of safety**

**93.** If an applicant referred to in section 30, 57 or 60 produces to the Registrar a certificate signed by a licensed dealer stating that, in the opinion of a licensed dealer, the dangerous weapon the subject of the application is safe, the Registrar, in satisfying himself or herself for the purposes of that section, shall have regard to that certificate.

**Conduct of directors, servants and agents**

**94. (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.

**(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.

**(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;

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

**(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 interests—complaints to Registrar**

**95. (1)** A person may make a complaint to the Registrar regarding any matter arising 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**

**96. (1)** Where a complaint is made under section 95 the Registrar—

- (a) may make such investigations of the subject-matter of the complaint as the Registrar thinks fit; and
- (b) shall give notice of the making of the complaint and the grounds on which it is based to the person against whom the complaint is made.

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

**(3)** For 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; 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**

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

- (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;
- (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;
- (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) at a specified time, a specified person was or was not a person to whom approval had been given under section 76, subsection 84 (1), paragraph 85 (b) or subsection 87 (2) or 90 (4);
- (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
- (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**

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

- (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;
- (c) refusing to grant a licence under section 24, 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 47;
- (f) refusing to renew a licence under section 49;
- (g) refusing to issue a copy of a licence under section 50;
- (h) cancelling or suspending a licence under section 51;

- (i) refusing to approve an application for registration of a dangerous weapon under section 57;
- (j) cancelling the registration of a dangerous weapon under section 60;
- (k) refusing to approve an application for endorsement of a dangerous weapon on a licence under section 64;
- (l) cancelling the endorsement of a dangerous weapon on a licence under section 66;
- (m) refusing to give his or her approval under section 76, subsection 84 (1), paragraph 85 (b) or subsection 87 (2) or 90 (4);
- (n) refusing to alter a licence under subsection 88 (2); or
- (o) cancelling a licence under subsection 96 (2).

#### **Notification of decisions**

**99. (1)** Where the Registrar makes a decision of the kind referred to in section 98, the Registrar shall cause notice in writing of the decision and the reason for the decision to be given—

- (a) in the case of a decision to refuse to grant a licence under section 24, 25, 30, 35 or 36 or a decision referred to in paragraph 98 (d) or (i)—to the applicant;
- (b) in the case of a decision referred to in subsection 96 (2)—to the complainant;
- (c) in the case of a decision of the kind referred to in paragraph 98 (a) or (e)—to the applicant or licensee, as the case requires; and
- (d) in any other case—to the licensee.

**(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**

**100.** A notice that is required to be given to the Registrar may be given—

- (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.

### **Power of Minister to determine fees**

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

### **Regulations**

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

- (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—
- (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
    - (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—
    - (i) if the offender is a natural person—a fine of \$1,000; or
    - (ii) if the offender is a body corporate—a fine of \$10,000.

## **PART VIII—SAVINGS AND TRANSITIONAL**

### **Interpretation**

**103.** In this Part—

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

**Pistol grip weapons**

**104. (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—

- (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—

- (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.

**(4)** For the purposes of paragraph (2) (b), sections 56 and 57 do not apply.

**Transitional—general**

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

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

**(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;

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—
- (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—the licence 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.

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## 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*

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## SCHEDULE 2

Subsection 4 (1)

### RESTRICTED WEAPONS

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Item	Description
1	Any imitation 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.

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**SCHEDULE 3**

Subsection 4 (1)

**PROHIBITED WEAPONS**

Item	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— <ul style="list-style-type: none"> <li>(a) is capable of propelling projectiles in rapid succession during 1 pressure of the trigger; or</li> <li>(b) substantially duplicates a weapon of the kind referred to in paragraph (a) (other than a self-loading centre fire rifle of a military type, or a pistol grip weapon, which is registered on a dangerous weapons licence) which is capable of propelling projectiles but which is not capable of propelling the projectiles in rapid succession during 1 pressure of the trigger.</li> </ul>
8	A weapon in the form of a pen or pencil, capable or 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.
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— <ul style="list-style-type: none"> <li>(a) bomb;</li> <li>(b) grenade;</li> <li>(c) rocket, having a propellant charge exceeding 100 grams;</li> <li>(d) missile, having an explosive or incendiary charge exceeding 7 grams; or</li> <li>(e) mine;</li> </ul> or similar device.

**SCHEDULE 3—continued**

Item	Description
13	<p>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—</p> <ul style="list-style-type: none"> <li>(a) a dangerous weapon of the Very or rocket type designed for and used for life saving or distress signalling purposes;</li> <li>(b) an antique muzzle loading weapon; or</li> <li>(c) a rifle or shot gun manufactured before 1920.</li> </ul>
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	<p>A device commonly known as a Farallon Shark Dart or any similar device that is—</p> <ul style="list-style-type: none"> <li>(a) designed to expel, upon contact, any gas or other substance capable of causing bodily harm; and</li> <li>(b) reasonably capable of being carried concealed about the person.</li> </ul>
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 weapon, having a barrel not less than 400 millimetres in length, of the Uberti or Armi-Jager brand, or any similar 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).

**NOTE**

1. The *Weapons Act 1991* as shown in this reprint comprises Act No. 8, 1991 amended as indicated in the Tables below.

**Table of Acts**

Act	Number and year	Date of notification in <i>Gazette</i>	Date of commencement	Application, saving or transitional provisions
<i>Weapons Act 1991</i>	8, 1991	3 Apr 1991	Ss. 1 and 2: 3 Apr 1991 Remainder: 3 Oct 1991 (see s. 2 (3))	
<i>Acts Revision (Position of Crown) Act 1993</i>	44, 1993	27 Aug 1993	27 Aug 1993 (see s. 2)	—
<i>Public Sector Management (Consequential and Transitional Provisions) Act 1994</i>	38, 1994	30 June 1994	Ss. 1 and 2: 30 June 1994 Remainder: 1 July 1994 (see <i>Gazette</i> 1994, No. S142, p. 2)	Ss. 3, 5-12, 15 and 19

**Table of Amendments**

ad. = added or inserted    am. = amended    rep. = repealed    rs. = repealed and substituted

Provision	How affected
S. 4.....	am. No. 44, 1993; No. 38, 1994
S. 5.....	am. No. 44, 1993
S. 23.....	rs. No. 44, 1993
Ss. 24, 25.....	am. No. 44, 1993
S. 26.....	rs. No. 44, 1993
S. 28.....	am. No. 44, 1993
S. 36.....	am. No. 44, 1993
S. 51.....	am. No. 44, 1993
S. 53.....	am. No. 44, 1993
S. 64.....	am. No. 44, 1993
S. 65.....	rs. No. 44, 1993
Ss. 66, 67.....	am. No. 44, 1993
S. 77.....	am. No. 44, 1993