

1996  
THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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(As presented)

(Attorney-General)

## Firearms Bill 1996

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### TABLE OF PROVISIONS

**Section**

**PART I—PRELIMINARY**

- 1 Short title
- 2 Commencement
- 3 Principles and objects of Act
- 4 Interpretation
- 5 Amendment of Schedule 1 list of prohibited firearms
- 6 Application of Act

**PART II—ADMINISTRATION**

- 7 Registrar of Firearms
- 8 Functions of Registrar
- 9 Powers of Registrar
- 10 Delegation
- 11 Acting Registrar
- 12 Reports, recommendations and guidelines
- 13 Amnesty
- 14 Authorised instructors, authorised members and approved ranges

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86045 (T45/96)

**TABLE OF PROVISIONS—continued**

Section

**PART III—LICENCES AND PERMITS**

*Division 1—Requirement for licence or permit*

- 15 Offence of unauthorised possession or use of firearms
- Division 2—Licensing scheme*
- 16 Licence categories and authority conferred by licence
- 17 Authority conferred by licence—additional matters
- 18 Applications for licences
- 19 Applications—request for further information etc
- 20 General restrictions on issue of licences
- 21 Refusal to grant a licence
- 22 Genuine reasons for having a licence
- 23 Category B licences—restrictions on issue
- 24 Category C licences—restrictions on issue
- 25 Category D licences—restrictions on issue
- 26 Category H licences—restrictions on issue
- 27 Collectors licence—restrictions on issue
- 28 Heirlooms licence—restrictions on issue
- 29 Composite entity licence
- 30 Temporary licences—internationally protected persons
- 31 Proof of special need
- 32 Form of licence
- 33 Issue of licences to composite entities
- 34 Issue of copy of licence
- 35 Conditions of licence
- 36 Special conditions of licences issued for collection purposes
- 37 Term of licence
- 38 Suspension of licence
- 39 Suspension of licence on making of interim domestic violence order
- 40 Cancellation of licence
- 41 Surrender and seizure of firearms when licence suspended or cancelled
- 42 Temporary recognition of interstate licences for shooting competition purposes
- 43 Interstate residents moving to the Territory
- Division 3—Permits*
- 44 General power to issue permits
- 45 General restrictions on issuing permits
- 46 General provisions relating to permits
- 47 Permits to acquire firearms
- 48 Minor's firearms permits

TABLE OF PROVISIONS—continued

Section

PART IV—REGISTRATION OF FIREARMS

*Division 1—Registration scheme*

- 49 Register of Firearms
- 50 Registration of firearms
- 51 Cancellation of registration

*Division 2—Offences relating to registration*

- 52 Unregistered firearms
- 53 Requirements relating to registered firearms
- 54. Alteration of notice of registration

*Division 3—Endorsement of licences*

- 55 Application of Division
- 56 Application for endorsement
- 57 Approval of application
- 58. Endorsement
- 59 Cancellation of endorsement
- 60 Endorsements—notification of change of particulars

PART V—SAFE KEEPING OF FIREARMS

- 61 General requirements
- 62 Category A and B licence requirements
- 63 Category C, D and H licence requirements
- 64 Seizure of firearms if storage requirements not met

PART VI—FIREARMS DEALERS

- 65 Firearms dealers required to be licensed
- 66 Restrictions on sale etc. of firearms by dealers
- 67 Recording of transactions
- 68 Quarterly returns
- 69 Additional requirements for dealers
- 70 Security of displayed firearms
- 71 Interstate transactions between dealers

PART VII—POWERS OF ENTRY, SEARCH AND SEIZURE

- 72 Interpretation
- 73 Powers of entry, search etc.
- 74 Search of persons, vehicles, vessels—without warrant
- 75 Consent to entry and inspection
- 76 Search warrants
- 77 Forfeiture etc. of firearms

PART VIII—MISCELLANEOUS OFFENCES

- 78 Obstruction of police officers
- 79 Discharge etc. of firearm—public places etc.

**TABLE OF PROVISIONS—continued**

<b>Section</b>	
<b>80</b>	Discharge of firearm—general
<b>81</b>	Carnage or use of firearm—disregard for safety
<b>82</b>	Buying of firearms
<b>83</b>	Restrictions on sale and purchase of firearms
<b>84</b>	Use of mail for sending firearms
<b>85</b>	Use of mail for sending firearms outside the Territory
<b>86</b>	Advertising sale of firearms
<b>87</b>	Means of delivering possession of firearms
<b>88</b>	Transport of firearms and ammunition
<b>89</b>	Transporting prohibited firearms or pistols
<b>90</b>	Possession of spare barrels for firearms
<b>91</b>	“On-the-spot” inspection of firearms by police
<b>92</b>	Disposal of firearms by unauthorised holders
<b>93</b>	Unsafe firearms
<b>94</b>	Shortening firearms
<b>95</b>	Converting firearms
<b>96</b>	Restrictions where alcohol or other drugs concerned
<b>97</b>	Sale and purchase of ammunition
<b>98</b>	Possession of ammunition
<b>99</b>	Modification of firearms
<b>100</b>	Approval of modifications
<b>101</b>	Defacing or altering identification marks
<b>102</b>	Pawning of firearms
<b>103</b>	Production of licence or permit on demand
<b>104</b>	Possession of firearm under another licence
<b>105</b>	Requirement to notify change of address
<b>106</b>	False or misleading applications
<b>107</b>	Misuse of licences and permits
<b>108</b>	Altering or falsifying records
<b>109</b>	Lost, destroyed or stolen firearms
	<b>PART IX—FIREARMS PROHIBITION ORDERS</b>
<b>110</b>	Firearms prohibition orders
<b>111</b>	Effect of firearms prohibition order
	<b>PART X—REVIEW OF DECISIONS</b>
<b>112</b>	Review of decisions
<b>113</b>	Notification of decisions
	<b>PART XI—MISCELLANEOUS PROVISIONS</b>
<b>114</b>	Disclosure by doctors of certain information
<b>115</b>	Disposal of surrendered or seized firearms
<b>116</b>	Disposal of uncollected firearms

*Firearms No . 1996*

**TABLE OF PROVISIONS—continued**

<b>Section</b>	
117	<b>Certificates of safety</b>
118	<b>Conduct of directors, servants and agents</b>
119	<b>Third-party interests—complaints to Registrar</b>
120	<b>Investigations</b>
121	<b>Offences by corporations</b>
122	<b>Service of notices</b>
123	<b>Evidentiary certificates</b>
124	<b>Power of Minister to determine fees</b>
125	<b>Regulations</b>
126	<b>Repeal</b>
127	<b>Review of Act</b>

**SCHEDULE 1  
PROHIBITED FIREARMS**

**SCHEDULE 2  
LICENCE CATEGORIES AND AUTHORITY CONFERRED**

1996  
THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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(As presented)

(Attorney-General)

**Firearms Bill 1996**

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**A BILL  
FOR**

**An Act to provide for the regulation, control and  
registration of firearms, to repeal the *Weapons  
Act 1991*, and for related purposes**

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

**PART I—PRELIMINARY**

**Short title**

- 5      1. This Act may be cited as the *Firearms Act 1996*.

**Commencement**

2. (1) Section 1 and this section commence on the day on which this Act is notified in the *Gazette*.
- 10      (2) The remaining provisions commence on a day, or respective days, fixed by the Minister by notice in the *Gazette*.

(3) If a provision referred to in subsection (2) has not commenced before the end of the period of 6 months commencing on the day on which this Act is notified in the *Gazette*, that provision, by force of this subsection, commences on the first day after the end of that period

5 **Principles and objects of Act**

3. (1) The underlying principles of this Act are—

- (a) to confirm firearm possession and use as being a privilege that is conditional on the overriding need to ensure public safety;
- (b) to improve public safety—
  - 10 (i) by imposing strict controls on the possession and use of firearms; and
  - (ii) by promoting the safe and responsible storage and use of firearms; and
- (c) to facilitate a national approach to the control of firearms.

15 (2) The objects of this Act are as follows:

- (a) to prohibit the possession and use of all automatic firearms, self-loading rifles and shotguns (including pump action shotguns), except in special circumstances;
- 20 (b) to establish an integrated licensing and registration scheme for all firearms;
- (c) to require each person who possesses or uses a firearm under the authority of a licence to establish a genuine reason for possessing or using the firearm;
- 25 (d) to provide strict requirements that must be satisfied in relation to the licensing of firearms and the acquisition and sales of firearms;
- (e) to ensure that firearms are stored and conveyed in a safe and secure manner;
- (f) to provide for an amnesty period to enable the surrender of certain prohibited firearms.

30 **Interpretation**

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

“acquire”, in relation to a firearm, means purchase, accept or receive, or otherwise take possession of, the firearm, except for the purpose only of repairing it,

“air gun” means a gun that—

(a) can propel, or is designed to propel, a projectile—

(i) by means of any gas or mixture of gases, including air but not including a gas or mixture of gases generated by an explosive; or

(ii) by means of a spring; and

(b) is operated or designed for operation by means of a trigger or similar device;

but does not include a paint pellet gun;

“ammunition” includes—

(a) any article consisting of a cartridge case fitted with a primer and a projectile;

(b) any article consisting of a cartridge case fitted with a primer and containing a propelling charge and a projectile;

(c) blank cartridges, air gun pellets, training cartridges or gas cartridges; or

(d) any other article prescribed for the purposes of this definition;

“authorised member” means, subject to section 14, a member of a prescribed club authorised in writing by the Registrar to sell ammunition;

“authorised instructor” means, subject to section 14, a person authorised in writing by the Registrar to give instruction in the use of firearms;

“approved range” means a range approved under subsection 14 (2);

“blank fire firearm” means a device that is designed for firing blank cartridges only, such as a starting pistol;

“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—

- 5
- (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*;

“dealer’s licence” means a firearms dealer’s licence issued under this Act;

10 “determined fee” means the fee determined by the Minister under section 124 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;

15 “endorsed”, in relation to a firearm, means endorsed in accordance with section 58;

“explosive” has the same meaning as in the *Dangerous Goods Act 1975* of the State of New South Wales in its application in the Territory;

20 “firearm” means a gun, or other weapon, that is (or at any time was) capable of propelling a projectile by means of an explosive, and includes a blank fire firearm, or an air gun, but does not include anything declared by the regulations not to be a firearm;

25 “firearm part” includes a barrel, breech, pistol slide, frame, cylinder, trigger mechanism, operating mechanism or magazine designed as, or reasonably capable of forming, part of a firearm;

“firearms dealer” means a person who, in the ordinary course of carrying on business—

- (a) manufactures, buys, sells or repairs firearms or firearm parts;
- 30 (b) exposes or offers firearms or firearm parts for sale;
- (c) possesses firearms for the purpose of selling, transferring or repairing them; or
- (d) possesses firearm parts for the purpose of selling, transferring or repairing them, or of manufacturing
- 35 firearms,

and includes a person who is a member of a prescribed club who is a club armourer for that club;

“firearms prohibition order” means an order in force under section 110;

“genuine reason” means a reason of a kind referred to in the first column the table to subsection 22 (4);

“government agency” means—

5

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

10

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

“inoperable firearm” means a firearm that has been rendered inoperable in accordance with this Act;

“licence” means a licence in force under this Act;

“licensee” means the holder of a licence;

15

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

“permit” means a permit in force under this Act;

“pistol” means a firearm that—

20

- (a) is reasonably capable of being raised and fired by 1 hand; and
- (b) does not exceed any prescribed dimension;

“possession”, in relation to a firearm, includes any case in which a person knowingly—

25

- (a) has custody of the firearm; or
- (b) has the firearm in the custody of another person;

“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—

30

- (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 firearm” means a firearm described in Schedule 1;

- “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;
- 5 “Register” means the Register of Firearms provided for in section 49;
- “registered” means registered for the time being under this Act;
- “Registrar” means the Registrar of Firearms appointed under section 7;
- “shooting gallery” includes a shooting gallery that is, or if dismantled is, portable;
- 10 “starting pistol” means a firearm the purpose of which is for use in the starting of racing events in sporting competitions;
- “use”, in relation to a firearm, means fire the firearm or hold it so as to cause a reasonable belief that it will be fired, whether or not it is capable of being fired.
- 15 (2) For the purposes of this Act—
- (a) anything that would be a firearm if it did not have something missing from it, or a defect or obstruction in it, shall be taken to be a firearm; and
- (b) any firearm that would be a prohibited firearm—
- 20 (i) if it did not have something missing from it, or a defect or obstruction in it; or
- (ii) if it were not for the fact that something has been added to it;
- shall be taken to be a prohibited firearm.
- 25 (3) For the purposes of this Act—
- (a) if firearm parts are possessed, or being carried, by 2 or more persons, each of them shall be taken to be possessing or carrying the firearm; and
- (b) a person who takes possession of anything under a credit contract (within the meaning of the *Credit Act 1985*) shall be taken to have bought it and the person who possessed it immediately before parting with possession shall be taken to have sold it.
- 30 (4) A person shall be taken to have possession of a firearm if—
- (a) the firearm is on or in any premises occupied by the person; or

(b) any part of that firearm is in his or her possession in such circumstances that—

(i) a division of parts of the firearm with some other person or persons is for an agreed purpose; and

5 (ii) if those parts were fitted together, they would constitute the firearm.

(5) Where a licence issued in the name or names of 1 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  
10 any 1 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—

15 (a) a licence issued to a partner or partners on behalf of the partnership shall be taken to have been issued to the partnership;

(b) a licence issued to a person acting on behalf of a government agency shall be taken to have been issued to the agency;

(c) a thing done on behalf of a composite entity shall be taken to have been done by the entity; and

20 (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, a firearm owned by the Territory or a State or another Territory, being a firearm for which the head of a government agency is responsible, shall be taken to be owned by the  
25 agency.

#### **Amendment of Schedule 1 list of prohibited firearms**

5. The regulations may amend Schedule 1—

(a) by adding the name or description of a firearm; or

30 (b) by amending a name or description of a prohibited firearm for the purpose of more accurately describing the firearm concerned.

#### **Application of Act**

6. (1) This Act does not apply to—

(a) a member of—

35 (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;
- 5 in respect of a firearm in his or her possession for use in the performance of his or her functions and duties as such a member;
- (b) a prison officer of a State or another Territory in respect of a firearm in his or her possession for use in the performance of his or her functions and duties as such an officer;
  - 10 (c) a member of the Council of the Australian War Memorial or of the staff of the Memorial in respect of a firearm in his or her possession, being a firearm that forms part of the memorial collection within the meaning of the *Australian War Memorial Act 1980* of the Commonwealth in the performance of his or her
  - 15 functions and duties under that Act; or
  - (d) a member of the Council of the National Museum of Australia or of the staff of the Museum in respect of a firearm in his or her possession, being a firearm that forms part of the memorial collection within the meaning of the *National Museum of Australia Act 1980* of the Commonwealth in the performance of his or her
  - 20 functions and duties in accordance under that Act.
- (2) A person is not guilty of an offence against this Act or the regulations if he or she possesses or uses a firearm—
- 25 (a) 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) for the purpose of receiving instruction, on an approved range, in the use of the firearm, if—
  - 30 (i) the person is under the immediate supervision of an authorised instructor; and
  - (ii) the firearm used for that purpose is owned by the authorised instructor or by the approved club by which the instructor is authorised;
  - 35 (c) in the case of an air gun—for the purposes of shooting at a shooting gallery, show, fair or amusement centre while that person—
  - (i) has the firearm in his or her possession; or

(ii) uses the firearm at the gallery, show, fair or amusement centre;

under the immediate supervision of the owner of the firearm, or a person employed or engaged by the owner, who is the holder of a category A licence on which the firearm is specified or endorsed;

5

(d) that is a starting pistol if the person—

(i) is a natural person who is an official in relation to sporting competitions conducted by a prescribed sporting organisation, and the starting pistol is used while he or she is acting in that capacity; or

10

(ii) is a prescribed sporting organisation; or

(e) for the purpose of performing his or her functions as an authorised instructor at premises owned or occupied by a prescribed club or at a firing range approved by the Registrar.

15

(3) A person is not guilty of an offence under this Act or the regulations if the person—

(a) is entitled to immunity under—

(i) the *Diplomatic Privileges and Immunities Act 1967* of the Commonwealth; or

20

(ii) the *Consular Privileges and Immunities Act 1972* of the Commonwealth or under regulations made for the purpose of section 9 of that Act; and

(b) has the written approval of the Chief of Protocol of the Commonwealth department responsible for foreign affairs to possess the firearm.

25

## PART II—ADMINISTRATION

### Registrar of Firearms

7. 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 Firearms.

30

### Functions of Registrar

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

### **Powers of Registrar**

9. 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.

### **5 Delegation**

10. The Registrar may, by writing signed by him or her, delegate any of his or her powers or functions under this Act to a police officer who holds a rank of or above the rank of sergeant.

### **Acting Registrar**

10 **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 in the office of Registrar.

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

- 15
- (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.

### **20 Reports, recommendations and guidelines**

**12. (1)** The Registrar shall—

- 25
- (a) if requested to do so by the Minister—prepare and furnish reports and recommendations to the Minister on matters referred to the Registrar by the Minister;
  - (b) by notice in the *Gazette*, determine guidelines for the security of premises in or on which firearms are kept and for the safe custody of those firearms; and
  - (c) by notice in the *Gazette*, determine guidelines for rendering firearms inoperable.

30 **(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”.

35 **(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.

**Amnesty**

5 13. (1) The Minister may, by notice published in the *Gazette*, specify an amnesty period for the purposes of section 15.

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

10 (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.

**Authorised instructors, authorised members and approved ranges**

14. (1) The Registrar shall not authorise a person—

15 (a) to give instruction in the use of firearms—unless the person has, to the satisfaction of the Registrar, completed a course of training and instruction in the use of firearms approved by the Registrar; or

(b) to be an authorised member—unless the Registrar is satisfied that the person would not (if the person were an applicant for a licence) be a person to whom the Registrar could refuse to issue a licence under subsection 20 (3).

(2) The Registrar may, in writing, approve a range for the purposes of the giving of instructions in the use of firearms.

**PART III—LICENCES AND PERMITS**

*Division 1—Requirement for licence or permit*

25 **Offence of unauthorised possession or use of firearms**

15. (1) A person shall not possess or use a firearm unless the person is authorised to do so by a licence or a permit.

**Penalty:**

- 30 (a) in relation to the possession or use of a prohibited firearm—
- (i) if the offender is a natural person—200 penalty units or imprisonment for 2 years, or both;
  - (ii) if the offender is a body corporate—1,000 penalty units;

- (b) in relation to the possession or use of any other kind of firearm—
- (i) if the offender is a natural person—100 penalty units or imprisonment for 12 months, or both;
  - (ii) if the offender is a body corporate—500 penalty units;
- 5 (2) Without limiting the operation of subsection (1), a person who is the holder of a licence is guilty of an offence against this section if the person—
- 10 (a) uses a firearm for any purpose otherwise than in connection with the purpose established by the person as the genuine reason for possessing or using the firearm; or
  - (b) contravenes any condition of the licence.

*Division 2—Licensing scheme*

**Licence categories and authority conferred by licence**

15 16. (1) The categories of licences, the firearms to which they apply, and the possession or use they authorise, are as set out in Schedule 2.

(2) In addition to the firearms referred to in column 2 of Schedule 2 that are excluded from category C and D licences, the regulations may prescribe other firearms (whether being of a general class or whether described specifically) that are excluded from the category.

20 (3) The regulations may prescribe sub-categories in respect of category H licences.

(4) The possession or use authorised by a licence is subject to the regulations.

**Authority conferred by licence—additional matters**

25 17. (1) A licence that authorises the licensee to have possession of a firearm also authorises the licensee to have possession of the firearm while—

- (a) taking it to a licensed firearms dealer for the purpose of—
  - (i) selling it; or
  - 30 (ii) having it altered (otherwise than to convert it into a prohibited firearm), maintained, tested or repaired and subsequently recovering it from the dealer;
- (b) taking it to a police officer for the purpose of having it inspected and subsequently recovering it from a police officer; and
- 35 (c) taking it to a police officer for the purpose of surrendering it.

(2) Subject to the regulations, a category C or category D licence does not authorise the possession or use of a prohibited firearm for the purposes of a shooting competition.

(3) A licence does not authorise the possession of—

- 5 (a) a prohibited firearm; or  
(b) a firearm manufactured after the prescribed date;  
for the purposes of a firearms collection.

#### Applications for licences

18. (1) An application for a licence shall—

- 10 (a) be in a form approved by the Registrar; and  
(b) be accompanied by the determined fee.

(2) An applicant for a licence shall—

- (a) if the applicant is a natural person, be of or above the age of 18 years;  
15 (b) provide proof of the applicant's identity in accordance with the requirements under the *Financial Transaction Reports Act 1988* of the Commonwealth that apply in respect of the opening of a bank account; and  
(c) provide such other particulars or documents as are prescribed.

20 (3) An applicant, at the time of applying for a licence, is to be provided with the following:

- (a) information concerning any firearms safety training course that is required by the regulations to be completed by the applicant;  
25 (b) information concerning the firearm storage and safety requirements under this Act.

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

19. The Registrar may, by notice in writing, require an applicant for a licence, the renewal of a licence or the specification or endorsement of a firearm on a licence—

- 30 (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 the specification of a firearm on a licence—to produce the firearm to the Registrar for the purposes of  
35 enabling the Registrar—

- (i) to inspect the firearm for the purpose of identifying it; and
- (ii) to determine whether the firearm is safe.

**General restrictions on issue of licences**

5       **20. (1)** The Registrar may issue a licence in respect of an application, or refuse any such application.

**(2)** A licence shall not be issued until after the end of the period of 28 days following the day on which the application is made.

**(3)** A licence shall not be issued unless—

- 10       **(a)** the Registrar is satisfied that the applicant is a fit and proper person;
- (b)** in the case of a person who is applying for a licence for the first time, the applicant has completed, to the satisfaction of the Registrar, such firearms training and safety courses as are prescribed in respect of the licence concerned;
- 15       **(c)** the Registrar is satisfied that the relevant storage and safety requirements of Part V are capable of being met by the applicant; and
- 20       **(d)** the Registrar is satisfied that the person to whom the licence is to be issued is a resident of the Territory or is about to become a resident of the Territory.

25       **(4)** Without limiting the generality of paragraph (3) (a) a licence shall not be issued if the Registrar has reasonable grounds for believing that the applicant may not personally exercise continuous and responsible control over firearms because of the applicant's way of living or domestic circumstances.

**(5)** For the purposes of paragraph (3) (a), in determining whether or not an applicant is a fit and proper person to hold a firearms licence, the Registrar shall have regard to whether—

- 30       **(a)** the applicant's physical or mental condition is, in his or her opinion, likely to endanger the applicant or another person, or as a consequence of that condition, the applicant is likely to cause a breach of the peace involving a firearm;
- 35       **(b)** the applicant, or in the case of an application by 1 or more of a number of partners for the purposes of the partnership, any of the partners, has, within the period of 10 years preceding the date of the application, been released (whether on parole or otherwise) after serving a term of imprisonment,

- (c) in the case of an application by a body corporate—a director or manager of the body corporate has, within the period of 10 years preceding the date of the application, been released (whether on parole or otherwise) after serving a term of imprisonment; and
- 5 (d) the applicant—
- (i) has, within the period of 10 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;
- 10 (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
- 15 (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);
- 20 (ii) is a person in respect of whom—
- (A) an interim restraining order is in force under the *Magistrates Court Act 1930*;
- 25 (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 10 years preceding the date of his or her application, had his or her licence suspended or cancelled.
- 30 (6) A licence shall not be issued to a person who—
- (a) is under the age of 18 years; or
- (b) is subject to a firearms prohibition order.
- (7) Except in the case of a composite entity licence, a licence shall not be issued to a person who is not a natural person.
- 35 (8) Paragraph (3) (a) does not apply in relation to an applicant acting on behalf of a government agency.

(9) Where an application for a firearms licence is made on behalf of a composite entity, the Registrar shall, subject to subsection (1) and section 21, grant the licence if it has been established to the satisfaction of the Registrar that the entity requires a firearm for a genuine reason.

5 (10) The Registrar shall refuse to issue a licence if the Registrar considers that issue of the licence would be contrary to the public interest

(11) The regulations may provide other mandatory or discretionary grounds for refusing the issue of a licence.

**Refusal to grant a licence**

10 21. (1) The Registrar shall refuse to grant a licence under section 20—

(a) if the applicant is a person in respect of whom—

(i) a restraining order is in force under the *Magistrates Court Act 1930*;

15 (ii) a protection order is in force under the *Domestic Violence Act 1986*; or

(iii) a corresponding order is in force;

20 (b) if the applicant, or in the case of an application by 1 or more of a number of partners for the purposes of the partnership, any of the partners, has, within the period of 10 years preceding the date of the application, been convicted in the Territory or elsewhere of an indictable offence, whether on indictment or summarily; or

25 (c) in the case of an application by a body corporate—a director or manager of the body corporate has, within the period of 10 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.

30 (3) The Registrar shall refuse to grant a licence under section 20 if the applicant refuses or fails to provide the Registrar with proof of his or her identity to the satisfaction of the Registrar when requested by the Registrar to do so.

35 (4) A reference in paragraphs (1) (b) and (c) to an indictable offence shall be read as a reference to an offence involving the use of a firearm, or actual or threatened violence.

**Genuine reasons for having a licence**

22. (1) The Registrar shall not issue a licence that authorises the possession and use of a firearm unless it has been established to the satisfaction of the Registrar that the applicant has a genuine reason for possessing or using the firearm.

(2) An applicant does not have a genuine reason for possessing or using a firearm if the applicant intends to possess or use the firearm for any of the following reasons:

- (a) personal protection or the protection of any other person;
- (b) the protection of property (other than in circumstances constituting a reason of a kind referred to in the first column of the table to subsection (4)).

(3) Subsection (2) does not limit the reasons which the Registrar may be satisfied are not genuine reasons for the purposes of justifying the possession or use of a firearm.

(4) Subject to this Act, an applicant for a licence has a genuine reason for possessing or using a firearm if the applicant—

- (a) states that he or she intends to possess or use the firearm for any 1 or more of the reasons referred to in the first column of the table to this subsection; and
- (b) is able to produce evidence to the Registrar that he or she satisfies the requirements specified in respect of any such reason.

**Table**

Genuine reason	Evidence to be produced in support of application
Sport/target shooting	The applicant shall be a current member of a prescribed shooting club that conducts competitions or activities requiring the use of the firearm for which the licence is sought.
Recreational hunting/vermin control	The applicant shall— <ul style="list-style-type: none"> <li>(a) in the case of recreational hunting or vermin control on rural property—produce proof of permission by the owner or occupier of the land to shoot on the land; or</li> <li>(b) in the case of recreational hunting or vermin control on land within a reserved area under the <i>Nature Conservation Act 1980</i>— produce proof of permission given by an officer of the ACT Parks and Conservation Service or ACT Forests or a prescribed authority, to shoot on the land</li> </ul>

Genuine reason	Evidence to be produced in support of application
Primary production	<p>The applicant shall—</p> <ul style="list-style-type: none"> <li>(a) be a person whose occupation is the business of a primary producer, or who is the owner, lessee or manager of land used for primary production; and</li> <li>(b) state that he or she intends to use the firearm solely in connection with farming or grazing activities (including the suppression of vertebrate pest animals on the land concerned)</li> </ul>
Vertebrate pest animal control	<p>The applicant shall be—</p> <ul style="list-style-type: none"> <li>(a) a professional contract shooter engaged or employed in controlling vertebrate pest animals on rural land, or</li> <li>(b) a person employed by or in, or authorised by, a prescribed government agency that has functions relating to the control or suppression of vertebrate pest animals.</li> </ul>
Business or employment	<p>The applicant shall demonstrate that it is necessary in the conduct of the applicant's business or employment to possess or use the firearm for which the licence is sought</p>
Occupational requirements relating to rural purposes	<p>The applicant shall be employed or engaged in a rural occupation that requires the possession or use of the firearm for which the licence is sought</p>
Animal welfare	<p>The applicant shall be—</p> <ul style="list-style-type: none"> <li>(a) an officer of the Royal Society for the Prevention of Cruelty to Animals,</li> <li>(b) a veterinary surgeon,</li> <li>(c) a person employed by or within an administrative unit with responsibilities for animal welfare; or</li> <li>(d) an owner, transporter, drover or other handler of animals who may need to destroy animals to avoid suffering.</li> </ul>
Firearms collection	<p>The applicant shall be a current member of a prescribed collectors' society or prescribed club, the members of which collect firearms of the kind for which the licence is sought</p>

Genuine reason	Evidence to be produced in support of application
Composite entity	<p>Where—</p> <p>(a) the entity—</p> <p style="padding-left: 40px;">(i) carries on business in the Territory as a security organisation; or</p> <p style="padding-left: 40px;">(ii) is an approved club; or</p> <p>(b) in the case of a government agency—it is necessary for an employee to possess a firearm in the course of his or her employment.</p> <p>In paragraph (a) (i)—</p> <p>“security organisation” means a corporation within the meaning of the Corporations Law, or a partnership, which carries on a business of providing—</p> <p style="padding-left: 40px;">(a) protection for persons; or</p> <p style="padding-left: 40px;">(b) transport or protection for the money or property of persons other than the corporation or partnership, but does not include a bank.</p>

**(5) The regulations may provide for—**

- (a) the manner and form of giving any permission referred to in the table to subsection (4) in relation to recreational hunting or vermin control;
- 5 (b) the extent to which that permission operates; and
- (c) the manner in which that permission is to be produced as evidence by the applicant.

**Category B licences—restrictions on issue**

10 **23.** Subject to the regulations, the Registrar shall not issue a category B licence to any person unless the person, in addition to establishing a genuine reason for being issued with the licence, produces evidence to the satisfaction of the Registrar that there is a special need for the person to possess or use a firearm to which a category B licence applies.

**Category C licences—restrictions on issue**

15 **24.** The Registrar shall not issue a category C licence to any person unless—

- 5
- 10
- (a) the genuine reason established by the person for being issued with the licence is primary production (or some other prescribed genuine reason),
  - (b) in addition to establishing any such genuine reason, the person produces evidence to the Registrar's satisfaction that there is a special need for the person to possess or use a firearm to which licence category C applies; and
  - (c) the person produces evidence to the Registrar's satisfaction that any such special need can not be met by any other means (including by the authority conferred by a category A or category B licence).

**Category D licences—restrictions on issue**

- 15
25. (1) The Registrar shall not issue a category D licence to any person except in accordance with the written authority of the Minister.
- (2) An authority under subsection (1) may be expressed to be given either generally or in particular circumstances.

**Category H licences—restrictions on issue**

- 20
26. The Registrar shall not issue a category H licence to any person unless—
- (a) the genuine reason established by the person for being issued with the licence is any 1 or more of the following:
    - (i) sport or target shooting;
    - (ii) business or employment;
    - (iii) firearms collection; and
  - (b) in addition to establishing any such genuine reason, the person produces evidence to the Registrar's satisfaction that there is a special need for the person to possess or use a pistol.
- 25

**Collectors licence—restrictions on issue**

- 30
27. The Registrar shall not issue a collectors licence to a person unless the Registrar is satisfied that—
- (a) the applicant is a collector of firearms and is a member of an approved collectors club or association; and
  - (b) the collection is of a significant commemorative, historical, thematic or investment value

**Heirlooms licence—restrictions on issue**

28. (1) A person who, before the commencement of this section—

- (a) was in possession of a firearm that is an heirloom; and
- 5 (b) on application to the Registrar for a licence, does not establish to the satisfaction of the Registrar that he or she has a genuine reason for possessing the firearm or that the firearm is part of a collection;

is entitled to apply to the Registrar for an heirlooms licence.

(2) The Registrar shall not issue an heirlooms licence—

- 10 (a) in respect of more than 1 firearm or a matched pair of firearms; and
- (b) unless satisfied that the firearm to which the application relates—
  - (i) is an heirloom; and
  - (ii) is permanently inoperable.

**Composite entity licence**

15 29. A category A, category B, category C or category H licence issued to a composite entity, or to a person on behalf of a composite entity, authorises the licensee to possess a firearm specified on the licence.

**Temporary licences—internationally protected persons**

20 30. (1) The Registrar may, on written application, grant to a person a temporary firearms licence if satisfied that—

- (a) the person to whom the application relates is a member of the staff of an internationally protected person whose duties include the protection of that person while in the Territory;
- 25 (b) the firearm to which the application relates is a pistol or revolver of not more than 0.45 calibre that is not fully automatic or capable of conversion to being fully automatic; and
- (c) it would not be contrary to the public interest to grant the licence.

(2) The Registrar may, in a temporary firearms licence, specify conditions to which the licence is subject.

30 (3) In subsection (1)—

35 “internationally protected person” has the same meaning as in the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons a copy of which is set out in the Schedule of the *Crimes (Internationally Protected Persons) Act 1976* of the Commonwealth.

**Proof of special need**

31. (1) The regulations may specify the evidence that may be produced in order to satisfy the Registrar of a special need for the purpose of section 23, 24 or 26.

5 (2) Nothing in subsection (1) shall be taken to limit the Registrar's discretion in determining whether any such special need has been demonstrated.

**Form of licence**

32. (1) A licence shall be in a form approved by the Registrar.

10 (2) The manner and form in which the information referred to in subsection (4) shall be specified in the licence, or recorded, shall be determined by the Registrar from time to time

15 (3) For the purposes of subsection (2), the manner or form in which information may be specified or recorded includes a magnetic strip or other electronic means.

(4) A licence shall—

- 20 (a) contain a recent photograph of the person to whom it is issued (such photograph being obtained in accordance with arrangements determined by the Registrar);
- (b) bear the signature of the licensee;
- (c) specify the licence category,
- (d) specify (except in the case of a firearms dealer's licence) the registered firearm or firearms to which the licence relates;
- 25 (e) specify the genuine reason established by the person for the issue of the licence,
- (f) specify the premises where the firearm is authorised to be kept;
- (g) contain a reference to the requirements under this Act relating to the storage and safe keeping of the firearm, and
- (h) contain such other particulars as are prescribed.

30 (5) A person to whom a licence is issued shall, on receipt of the licence, write the person's usual signature in ink in the space provided for it on the licence (unless the licence already bears the licensee's signature)

**Penalty**

- 35 (a) if the offender is a natural person—10 penalty units,
- (b) if the offender is a body corporate—50 penalty units

**Issue of licences to composite entities**

33. (1) A licence issued to a body corporate shall be issued in the name of the body corporate.

5 (2) A licence issued in respect of a partnership shall be issued in the name of the partnership.

(3) A licence issued in respect of a government agency shall be issued in the name of the agency.

**Issue of copy of licence**

10 34. (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.

15 (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.

Penalty for a contravention of subsection (2):

- (a) if the offender is a natural person—10 penalty units;
- (b) if the offender is a body corporate—50 penalty units.

20 **Conditions of licence**

35. (1) A licence may be issued by the Registrar subject to such conditions as the Registrar thinks fit to impose.

(2) Without limiting subsection (1), each licence is subject to the following conditions:

- 25 (a) the licensee shall comply with the requirements of Part V that are applicable to the licence;
- (b) the licensee shall not permit any other person to possess or use any firearm in the licensee's possession if that other person is not authorised to possess or use the firearm;
- 30 (c) the licensee shall, in accordance with such arrangements as are agreed between by the licensee and the Registrar or, in the case of a licensed firearms dealer, at any reasonable time, permit inspection by a police officer (or such other person as may be prescribed) of the licensee's facilities in respect of the storage and
- 35 safe keeping of the firearms in the licensee's possession;

(d) the licensee shall not possess, at any one time, an amount of ammunition that exceeds the prescribed amount (if any), unless authorised in writing by the Registrar;

(e) the licence can not be transferred to another person

5 (3) A licence is subject to such other conditions as are prescribed.

**Special conditions of licences issued for collection purposes**

36. A licence that authorises the licensee to possess a firearm for the purposes of a firearms collection is subject to the following conditions:

10 (a) a firearm in the collection manufactured on or after 1 January 1900 shall be rendered incapable, in the prescribed manner, of being fired;

(b) the licensee shall not possess any ammunition for any firearm in the collection;

15 (c) the licensee shall not restore any firearm in the collection to a state in which the firearm can readily be fired;

(d) the collection shall not contain any category C or category D firearm unless the firearm has been rendered permanently inoperable;

20 (e) subject to sections 66 and 83, any category C or category D firearm shall not be sold or otherwise disposed of otherwise than to another licensed collector;

25 (f) that no ammunition capable of being discharged from a firearm to which a collectors licence relates shall be in the possession of the holder of the licence unless the person holds a collectors licence in relation to the ammunition or another licence under this Act authorising possession of a firearm from which the ammunition is capable of being lawfully discharged;

(g) subject to section 44, the licensee is not authorised to discharge a firearm that is part of a collection.

30 **Term of licence**

37. A licence continues in force from the time it is issued for a period of 5 years (or such shorter period as may be prescribed), unless it is sooner surrendered or cancelled or otherwise ceases to be in force.

**Suspension of licence**

35 38. (1) The Registrar may, if the Registrar is satisfied there may be grounds for cancelling a licence, suspend the licence by serving personally or by post on the licensee a notice—

- (a) stating that the licence is suspended, the period of suspension and the reasons for suspending it; and
  - (b) requesting that the person provide the Registrar with reasons why the licence should not be cancelled.
- 5 (2) The Registrar shall suspend a licence in accordance with this section if the Registrar has reasonable grounds for believing—
- (a) that the licensee has been charged with a domestic violence offence within the meaning of the *Domestic Violence Act 1986*; or
  - 10 (b) that the licensee has committed or has threatened to commit a domestic violence offence within the meaning of that Act.
- (3) A suspended licence does not authorise the possession or use of firearms during the period specified in the notice suspending it.

**Suspension of licence on making of interim domestic violence order**

- 15 39. (1) A licence that authorises a person to possess or use a firearm is automatically suspended on the making of an interim domestic violence order against the person.
- (2) A suspension imposed by subsection (1) continues until the order is confirmed or revoked.

20 **Cancellation of licence**

40. (1) A licence that authorises a person to possess or use a firearm is automatically cancelled if the licensee becomes subject to a firearms prohibition order or a domestic violence order.
- (2) A licence may be cancelled—
- 25 (a) for any reason for which the licensee would be required to be refused a licence of the same kind;
- (b) if the licensee—
- 30 (i) supplied information which was (to the licensee's knowledge) false or misleading in a material particular in, or in connection with, the application for the licence;
- (ii) contravenes any provision of this Act or the regulations, whether or not the licensee has been convicted of an offence for the contravention; or
- (iii) contravenes any condition of the licence;
- 35 (c) if the Registrar is of the opinion that the licensee is no longer a fit and proper person to hold a licence; or

(d) for any other prescribed reason.

(3) The Registrar may cancel a licence by serving personally or by post on the licensee a notice stating that the licence is cancelled and the reason for cancelling it.

5 (4) The cancellation of a licence by such a notice takes effect when the notice is served or on a later date specified in the notice, whether or not an appeal is lodged against the cancellation.

10 (5) Where a notice under subsection (3) is expressed to take effect on a specified date, the Registrar may, by serving a further notice on the holder of the licence, cancel the notice cancelling the licence before it takes effect.

**Surrender and seizure of firearms when licence suspended or cancelled**

41. (1) If a licence is suspended or cancelled, the person to whom it was issued shall surrender to a police officer—

- 15 (a) any firearm in the person's possession; and  
(b) the licence.

Penalty:

- (a) if the offender is a natural person—50 penalty units or imprisonment for 6 months, or both;  
20 (b) if the offender is a body corporate—250 penalty units.

(2) A police officer is authorised to seize any firearm in the possession of a person if that person's licence is suspended or cancelled.

**Temporary recognition of interstate licences for shooting competition purposes**

25 42. A person who—

- (a) is a resident of a State or another Territory and comes to the Territory for—  
(i) the purpose of participating in a shooting competition approved by the Registrar, or  
30 (ii) a prescribed purpose relating to the possession or use of a firearm; and

(b) is the holder of the equivalent of a category A, category B or category H licence issued under the law in force in that State or other Territory;

5 is, for that purpose, authorised to possess or use a firearm of a kind to which the corresponding category A, category B or category H licence issued in the Territory applies.

**Interstate residents moving to the Territory**

10 **43. (1)** A resident of a State or another Territory who is the holder of the equivalent of a category A or category B licence issued under the law in force in that State or other Territory may notify the Registrar in writing that he or she intends to reside on a permanent basis in the Territory.

15 **(2)** If the Registrar is notified in accordance with subsection (1), the equivalent of the category A or category B licence (as issued by the other jurisdiction) is, subject to any direction of the Registrar, taken to be the corresponding licence in force in the Territory—

(a) for a period of 3 months from the time the person notified the Registrar; or

(b) until the person's application for a licence under this Act is issued or refused;

20 whichever is sooner.

25 **(3)** If a resident of a State or another Territory who is the holder of the equivalent of a category C or category H licence notifies the Registrar in writing that the person intends to reside in the Territory, the equivalent of the category C or category H licence (as issued by the other jurisdiction) is, subject to any direction of the Registrar, taken to be the corresponding licence in force in the Territory for a period of 7 days from the time the person notified the Registrar.

**(4)** After the expiry of the 7 day period referred to in subsection (3), any person—

30 (a) who has duly notified the Registrar in accordance with subsection (3); and

(b) who applied for a licence before the expiry of that period;

35 does not, while the person's application for a licence is being determined by the Registrar, commit an offence under section 15 in respect of the possession of a firearm.

**Division 3—Permits**

**General power to issue permits**

44. The Registrar may issue permits for any 1 or more of the following purposes:

- 5 (a) to authorise a person to acquire a firearm;
- (b) to authorise the possession or use of firearms by minors in accordance with section 48;
- 10 (c) to authorise the possession or use of firearms in such circumstances as may be prescribed (including film or theatrical productions or other artistic purposes);
- (d) to authorise the acquisition, selling or transfer of firearms in such circumstances as may be prescribed;
- (e) to authorise the shortening or conversion of firearms;
- 15 (f) to authorise anything else for which provision may be made by the regulations and which is required by the regulations to be authorised by a permit.

**General restrictions on issuing permits**

45. (1) A permit shall not be issued unless the Registrar is satisfied that the applicant is a fit and proper person to have possession of firearms without danger to public safety or to the peace.

(2) Without limiting the generality of subsection (1), a permit shall not be issued if the Registrar has reasonable cause to believe that the applicant may not personally exercise continuous and responsible control over firearms because of the applicant's way of living or domestic circumstances.

25 (3) Subject to this Division, a permit shall not be issued to a person who—

- (a) is under the age of 18 years,
- 30 (b) has, within the period of 10 years before the application for the permit was made, been convicted in the Territory or elsewhere of a prescribed offence, whether or not the offence is an offence under a law of the Territory;
- (c) is subject to a domestic violence order or who has at any time within 10 years before the application for the permit was made been subject to such an order (other than an order which has been revoked);
- 35 (d) is subject to a recognisance, granted in the Territory or elsewhere, to keep the peace; or

(e) is subject to a firearms prohibition order.

(4) The Registrar may refuse to issue a permit if the Registrar considers that issue of the permit would be contrary to the public interest.

5 (5) The regulations may provide other mandatory or discretionary grounds for refusing the issue of a permit.

**General provisions relating to permits**

46. (1) An application for a permit shall be made in the prescribed manner and accompanied by the determined fee.

10 (2) A permit shall be in a form approved by the Registrar and contain such other particulars as are prescribed.

(3) The regulations may prescribe or provide for the Registrar to impose or determine—

(a) conditions to which a permit shall be subject; and

(b) the period for which a permit shall be in force.

15 (4) A permit may be suspended or cancelled by the Registrar—

(a) for any reason for which a licence may be suspended or cancelled under this Act; or

(b) for such other reasons as are prescribed.

20 (5) The suspension or cancellation of a permit takes effect when notice is served on the holder of the permit.

(6) If a permit is surrendered or cancelled, the person to whom it was issued shall surrender to a police officer—

(a) any firearm in respect of which the permit has been issued; and

(b) the permit.

25 **Penalty:**

(a) if the offender is a natural person—50 penalty units or imprisonment for 6 months, or both;

(b) if the offender is a body corporate—250 penalty units.

30 (7) A police officer is authorised to seize any firearm in respect of which a permit has been issued if the permit is suspended or cancelled.

**Permits to acquire firearms**

47. (1) A person who is the holder of a licence or permit may apply to the Registrar for a permit to acquire a firearm.

(2) A separate permit to acquire is required in respect of each firearm to be acquired by the holder of a licence or permit

(3) The Registrar shall not issue a permit authorising a person to acquire a firearm—

- 5 (a) unless the person is the holder of a licence or permit authorising the person to use or possess the firearm concerned;
- (b) until after the end of the period of 28 days following the day on which the application for the permit is made; and
- 10 (c) unless the Registrar is satisfied that the applicant has a good reason for acquiring the firearm concerned.

(4) If the Registrar determines that a permit to acquire a firearm is to be issued, it shall be issued as soon as practicable after the 28 day period.

15 (5) Unless sooner cancelled by the Registrar, a permit to acquire a firearm remains in force from the time it is issued for a period of 30 days, or until the firearm to which the permit relates is acquired, whichever is the sooner.

#### Minor's firearms permits

48. (1) An application for a minor's firearms permit shall be lodged personally by the applicant.

- 20 (2) The applicant shall—
- (a) be of or above the prescribed age and under the age of 18 years;
- (b) have completed a firearms safety training course in accordance with the regulations; and
- (c) be a member of a prescribed club.
- 25 (3) The application shall contain the written consent of a parent or guardian of the applicant to the issue of the permit
- (4) A minor's firearms permit is to be of 1 of the following classes:
- (a) a minor's firearms training permit;
- (b) a minor's target pistol permit.
- 30 (5) A minor's firearms training permit authorises the person to whom it is issued to possess and use a firearm (other than a pistol or a prohibited firearm), but only—
- (a) under the personal supervision of the holder of a category A, category B or category C licence or a person authorised by the

Registrar to supervise the use by minors of firearms of the kind concerned; and

(b) for the purpose of receiving instruction in the safe use of the firearm.

5 (6) A minor's target pistol permit authorises the person to whom it is issued to possess and use a target pistol (and no other kind of firearm), but only—

10 (a) under the personal supervision of the holder of a category H licence who is authorised to use a pistol for the purposes of target shooting; and

(b) for the purpose of receiving instruction in the safe use of the pistol or competing in such events as are approved by the Registrar.

(7) Unless sooner surrendered or cancelled, a minor's firearms permit expires on the permit holder's eighteenth birthday.

## 15 PART IV—REGISTRATION OF FIREARMS

### *Division 1—Registration scheme*

#### **Register of Firearms**

49. (1) The Registrar shall compile and maintain a Register of Firearms.

20 (2) The Register comprises—

(a) such particulars of each registered firearm (including its serial number if any) as are sufficient to identify the firearm and the person in whose name the firearm is registered;

25 (b) particulars of the licence or permit of the person in respect of whom the firearm is registered; and

(c) such other information as may be required by the regulations to be included in the Register.

(3) The Register shall be maintained in such form as—

30 (a) to enable the Register to be linked to the National Exchange of Police Information (NEPI) scheme; and

(b) to enable information in the Register to be accessed by other State and Territory government firearms authorities.

(4) The Register is not to be made available for inspection by a member of the public.

35 (5) The regulations may make provision with respect to the Register.

**Registration of firearms**

50. (1) An application for registration of a firearm shall—
- (a) be in a form approved by the Registrar; and
  - (b) be accompanied by the determined fee.
- 5 (2) Subject to this section, the Registrar shall register a firearm that is the subject of an application.
- (3) The Registrar shall not register a firearm unless the person in whose name the firearm is registered is the holder of a licence or permit in respect of the firearm.
- 10 (4) In the case of a person who is the holder of a category C licence, no more than 1 rifle to which the licence applies, and no more than 1 shotgun to which the licence applies, shall be registered in the name of that person.
- 15 (5) The Registrar may refuse to register a firearm if any firearm to which the application relates is not first produced for inspection by a police officer.
- (6) The Registrar shall register a firearm by entering in the Register particulars of the firearm and particulars relating to the person in whose name the firearm is registered.
- 20 (7) If—
- (a) a firearm is registered in accordance with subsection (6); or
  - (b) the Registrar, in accordance with the regulations, records in the Register a change in the particulars relating to the person in whose name a firearm is registered;
- 25 the Registrar is to issue a notice of registration to the person in whose name the firearm is registered.
- (8) A registered firearm ceases to be registered if registration of the firearm is cancelled under section 51.
- 30 (9) Nothing in subsection (8) prevents the further registration of a firearm after it ceases to be a registered firearm.

**Cancellation of registration**

51. (1) The Registrar may, by notice in writing served on the person in whose name a firearm is registered, cancel the registration of the firearm if—
- 35 (a) the person does not hold a licence or permit in respect of the firearm;

- (b) the Registrar is satisfied that the applicant for registration made a statement in or in connection with the application that the applicant knew to be false or misleading in a material particular;
- 5 (c) the person in whose name the firearm is registered is convicted of an offence under this Act or the regulations or a prescribed offence; or
- (d) the person in whose name the firearm is registered requests the cancellation.
- 10 (2) Cancellation of the registration of a firearm takes effect on the notice being served on the person in whose name the firearm is registered.
- (3) On cancellation of the registration of a firearm, a police officer is authorised to seize the firearm.

*Division 2—Offences relating to registration*

**Unregistered firearms**

- 15 52. (1) A person shall not, without reasonable excuse, sell, purchase, possess or use a firearm that is not registered.

Penalty:

- (a) if the offender is a natural person—50 penalty units or imprisonment for 6 months, or both;
- 20 (b) if the offender is a body corporate—250 penalty units.

(2) A licensed firearms dealer does not commit an offence under this section of purchasing or possessing an unregistered firearm if the firearm is registered within the prescribed period.

**Requirements relating to registered firearms**

- 25 53. (1) The person in whose name a firearm is registered shall—
- (a) produce the firearm for inspection by a police officer at any reasonable time when requested to do so by the officer; and
- (b) if the firearm is sold or lost by, or stolen from, that person—notify a police officer of the sale, loss or theft of the firearm and provide the Registrar, within 7 days after the firearm is sold, lost or stolen, with particulars of the sale, loss or theft in accordance with the regulations.
- 30

(2) A person (other than a licensed firearms dealer) who acquires a firearm shall provide the Registrar, within 7 days after the firearm is acquired, with such particulars as are prescribed.

Penalty:

- 5 (a) if the offender is a natural person—50 penalty units;  
(b) if the offender is a body corporate—250 penalty units.

#### **Alteration of notice of registration**

54. A person shall not alter any of the particulars set out in a notice of registration issued under subsection 50 (7).

10 Penalty:

- (a) if the offender is a natural person—50 penalty units or imprisonment for 6 months, or both;  
(b) if the offender is a body corporate—250 penalty units.

#### ***Division 3—Endorsement of licences***

#### **15 Application of Division**

55. Nothing in this Division entitles the holder of a licence to apply to the Registrar for the endorsement on the licence of a pistol.

#### **Application for endorsement**

20 56. (1) The holder of a category A or category B licence may apply to the Registrar for endorsement on his or her licence of a firearm specified on a category A or category B 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—  
25 (i) the applicant's licence; and  
(ii) the determined fee.

#### **Approval of application**

57. The Registrar shall endorse a licence in accordance with section 58 if satisfied that—

- 30 (a) the firearm to which the application relates is of a type suitable for use for the genuine reason established by the applicant for the issue his or her licence;

- (b) the applicant has an adequate knowledge of the law of the Territory relating to firearms and of the safety practices relating to the type of firearm to which the application for endorsement relates; and
- 5 (c) if the applicant is a licensed firearms dealer or composite entity, or an employee or person acting on behalf of a licensed firearms dealer or composite entity—the applicant requires the firearm for the purposes of the dealership or entity.

### Endorsement

10 **58.** Where the Registrar approves an application for endorsement, the Registrar shall endorse the licence with a description of the firearm to which the application relates and also to the effect—

- 15 (a) if the applicant is employed by a dealer who holds a firearms dealers licence—that the applicant is entitled to possess and use a firearm 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 category A, category B, category C or category H licence—that the applicant is entitled to possess and use any firearm specified on the entity's licence in the course of that employment; and
- 20 (c) if the applicant is a member of a prescribed club—that the applicant is authorised to possess and use a category A, category B or category H firearm specified on the club's licence while the member is on a shooting range owned or occupied by that or any other prescribed club for the purpose of taking part in competitions in, or activities relating to, the use of such firearms.

### Cancellation of endorsement

30 **59. (1)** When the Registrar cancels the registration of a firearm under section 51, the Registrar shall require each person on whose licence that firearm is endorsed to produce his or her licence for the purpose of cancelling that endorsement.

(2) A person shall not, without reasonable excuse, contravene a requirement of the Registrar made pursuant to subsection (1).

#### Penalty:

- 35 (a) if the offender is a natural person—10 penalty units;
- (b) if the offender is a body corporate—50 penalty units.

(3) Where a person whose licence has been endorsed under section 58 ceases to be—

- (a) a member of a prescribed 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.

5 **Endorsements—notification of change of particulars**

60. (1) A person referred to in subsection 59 (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
- 10 (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.

- 15 (3) A person shall not, without reasonable excuse, contravene subsection (1) or (2).

Penalty:

- (a) if the offender is a natural person—10 penalty units;
- (b) if the offender is a body corporate—50 penalty units.

20 **PART V—SAFE KEEPING OF FIREARMS**

**General requirements**

61. (1) A person who possesses a firearm shall take all reasonable precautions to ensure—

- (a) its safe keeping;
- 25 (b) that it is not stolen or lost; and
- (c) that it does not come into the possession of a person who is not authorised to possess the firearm

Penalty:

- (a) if the offender is a natural person—20 penalty units;
- 30 (b) if the offender is a body corporate—100 penalty units.

(2) For the purposes of subsection (1), the regulations may specify reasonable precautions

**Category A and B licence requirements**

62. (1) The holder of a category A or category B licence shall comply with the following requirements in respect of a firearm to which the licence applies:

- 5 (a) when the firearm is not being used or carried, it shall be stored in a locked receptacle—
- (i) of a type approved by the Registrar;
  - (ii) that is constructed of hard wood or steel so as not to be easily penetrable;
  - 10 (iii) if the receptacle weighs less than 150 kilograms when empty—fixed in position in order to prevent its easy removal; and
  - (iv) secured by locks of solid metal of a type approved by the Registrar;
- 15 (b) any ammunition for the firearm shall be stored in a locked container of a type approved by the Registrar and that is kept separate from the receptacle containing the firearm;
- (c) such other requirements relating to security and safe storage as are prescribed.

20 Penalty:

- (a) if the offender is a natural person—50 penalty units;
- (b) if the offender is a body corporate—250 penalty units.

25 (2) A licensee need not comply with the requirements of this section if the licensee satisfies the Registrar that the licensee has provided alternative arrangements for the storage of firearms in the licensee's possession that are of a standard not less than the requirements set out in this section.

**Category C, D and H licence requirements**

30 63. (1) The holder of a category C, category D or category H licence shall comply with the following requirements in respect of any firearm to which the licence applies:

- (a) when the firearm is not being used or carried, it shall be stored in a locked steel safe—
  - (i) of a type approved by the Registrar that can not be easily penetrated; and
  - 35 (ii) bolted to the structure of the premises in which the firearm is authorised to be kept;

- (b) any ammunition for the firearm shall be stored in a locked container of a type approved by the Registrar and that is kept separate from the safe containing the firearm;
- 5 (c) such other requirements relating to security and safe storage as are prescribed.

Penalty:

- (a) if the offender is a natural person—50 penalty units;
- (b) if the offender is a body corporate—250 penalty units.
- 10 (2) A licensee need not comply with the requirements of this section if the licensee satisfies the Registrar that the licensee has provided alternative arrangements for the storage of firearms in the licensee's possession that are of a standard not less than the requirements set out in this section.

**Seizure of firearms if storage requirements not met**

- 15 64. A police officer shall seize any firearm or ammunition that the officer has reasonable grounds to believe is not being kept in accordance with this Part

**PART VI—FIREARMS DEALERS**

**Firearms dealers required to be licensed**

- 20 65. A person shall not, in carrying on a business—
- (a) manufacture, buy, sell, transfer or repair firearms or firearm parts;
- (b) expose or offer firearms or firearm parts for sale;
- (c) possess firearms for the purpose of selling, transferring or repairing them; or
- 25 (d) possess firearm parts for the purpose of selling, transferring or repairing them, or of manufacturing firearms;

unless authorised to do so by a firearms dealer's licence

Penalty.

- (a) if the offender is a natural person—100 penalty units or imprisonment for 12 months, or both,
- 30 (b) if the offender is a body corporate—500 penalty units.

**Restrictions on sale etc. of firearms by dealers**

66. (1) A licensed firearms dealer shall not buy a firearm from another person who is not a licensed firearms dealer unless—

- (a) the other person is authorised to possess the firearm by a licence or permit; and
- (b) the firearms dealer has seen the licence or permit.

5 (2) A licensed firearms dealer shall not sell a firearm to another person unless—

- (a) the other person is authorised to possess the firearm by a licence or permit;
- (b) the firearms dealer has seen the licence or permit; and
- 10 (c) the firearms dealer has seen the other person's permit to acquire the firearm (or the equivalent of any such permit that is issued under the law of a State or another Territory in respect of the firearm concerned).

Penalty:

- 15 (a) if the offender is a natural person—50 penalty units or imprisonment for 6 months, or both;
- (b) if the offender is a body corporate—250 penalty units.

#### Recording of transactions

67. (1) A licensed firearms dealer shall ensure that—

- 20 (a) all transactions and dealings concerning firearms to which the firearms dealer's licence applies are recorded in accordance with this section; and
- (b) each record is, in accordance with the regulations, sent to the Registrar for inclusion of the particulars in the Register and in order to update the Register.

25 Penalty:

- (a) if the offender is a natural person—50 penalty units or imprisonment for 6 months, or both;
- (b) if the offender is a body corporate—250 penalty units.

30 (2) In respect of each transaction being a purchase, receipt, sale or transfer of a firearm or firearm part entered into by a dealer with another person, the record shall contain the following particulars:

- (a) the name and address of the other person;
- (b) the number of the other person's licence or permit authorising the other person to possess the firearm or firearm part;
- 35 (c) the number of the other person's permit to acquire the firearm;

- (d) for each firearm or firearm part that is or has been in the possession of the dealer—
- 5 (i) the dates of its initial purchase or receipt by the dealer and of its subsequent sale or transfer out of the possession of the dealer,
  - (ii) the name and address of the person who initially gave possession of it to the dealer; and
  - 10 (iii) if it is sold or transferred out of the possession of the dealer—its make, serial number, calibre, type, action and magazine capacity (if any);
- (e) such other particulars as are prescribed
- (3) An entry required to be made in a record concerning the purchase, receipt, sale or transfer of a firearm shall, subject to the regulations, be entered within 24 hours of the transaction concerned
- 15 (4) A record shall be made and kept in the form approved by the Registrar
- (5) If a licensed firearms dealer ceases to hold such a licence, the former dealer shall, within 14 days after ceasing to hold the licence, provide the Registrar with a record of all transactions during the 2 years immediately preceding the date on which the licence ceased to be in force.
- 20 (6) A person required to keep or to ensure a record is kept under this section, shall, on demand by a police officer at any time—
- 25 (a) produce the record to the officer and permit the officer to inspect and make copies of any entries in it,
  - (b) produce to the officer all firearms and spare barrels for firearms in the possession of the person, and
  - (c) furnish to the officer any information in the person's possession with respect to any firearm or spare barrel for a firearm that under the authority of the person's firearms dealers licence—
- 30 (i) is in his or her possession;
  - (ii) has been manufactured or repaired,
  - (iii) has been purchased or received, or

(iv) has been sold or otherwise transferred.

Penalty:

- (a) if the offender is a natural person—50 penalty units;
- (b) if the offender is a body corporate—250 penalty units.

5 (7) A correction to an entry in a record that is required to be kept under this section shall—

- (a) be made in such a manner as to preserve the record and show that a correction has been made and the date on which it was made; and
- (b) be authorised by the Registrar.

10 **Quarterly returns**

68. (1) A licensed firearms dealer shall, within 14 days after the end of March, June, September and December in each year, forward a return to the Registrar which contains the particulars for the preceding quarter that are required to be recorded under subsection 67 (2).

15 (2) A person shall not, without reasonable excuse, contravene subsection (1).

Penalty:

- (a) if the offender is a natural person—10 penalty units;
- (b) if the offender is a body corporate—50 penalty units.

20 (3) This section does not prevent a person from forwarding returns at more frequent intervals than this section requires.

(4) The return shall be in the form approved by the Registrar.

**Additional requirements for dealers**

25 69. (1) A licensed firearms dealer shall affix and keep affixed to each firearm in the dealer's possession (other than for the purposes of maintenance or repair) a label showing the entry number for that firearm as entered in the record required to be kept under this Part and the identifying number (if any) of that firearm.

Penalty:

- 30
- (a) if the offender is a natural person—10 penalty units;
  - (b) if the offender is a body corporate—50 penalty units.

(2) Where the Registrar serves a notice in writing on a licensed firearms dealer, the dealer shall—

- (a) within the time specified in the notice; and

(b) in the form provided by the Registrar;

furnish to the Registrar, such particulars relating to the acquisition, disposition or possession by the dealer of any firearms or firearm parts as are required by the notice.

5 Penalty:

(a) if the offender is a natural person—50 penalty units;

(b) if the offender is a body corporate—250 penalty units.

10 (3) A licensed firearms dealer shall, within 24 hours after becoming aware of the loss, theft or destruction of any firearm or firearm part that was in the possession of the dealer, notify the Registrar of that loss, theft or destruction in the form approved by the Registrar for that purpose.

Penalty:

(a) if the offender is a natural person—50 penalty units;

(b) if the offender is a body corporate—250 penalty units.

15 (4) A licensed firearms dealer shall ensure that each record required by this Act to be kept by the dealer is kept in a place of safe keeping on the premises specified in the licence (but not in a place of safe keeping in which firearms are kept).

Penalty:

20 (a) if the offender is a natural person—50 penalty units;

(b) if the offender is a body corporate—250 penalty units.

(5) A licensed firearms dealer shall not take possession of any firearm for the purpose of maintaining or repairing it unless the firearms dealer has sighted—

25 (a) the licence or permit of the person who is giving possession of the firearm to the dealer; and

(b) the current notice of registration of the firearm.

Penalty:

(a) if the offender is a natural person—50 penalty units;

30 (b) if the offender is a body corporate—250 penalty units.

(6) A licensed firearms dealer shall not maintain or repair any firearm that is not registered.

Penalty:

- (a) if the offender is a natural person—50 penalty units;
- 5 (b) if the offender is a body corporate—250 penalty units.

(7) The regulations may prescribe other requirements with respect to licensed firearms dealers.

**Security of displayed firearms**

10 70. (1) A licensed firearms dealer who displays firearms on the dealer's premises shall ensure that those firearms are secured in such a manner as would reasonably prevent their removal otherwise than by the dealer or any employee of the dealer.

(2) A licensed firearms dealer shall ensure that any firearm displayed in any part of the premises to which the licence relates—

- 15 (a) is under the immediate supervision and control of the dealer or an employee of the dealer; and
- (b) is not displayed to the public unless reasonable precautions are taken to prevent it from being stolen.

Penalty:

- 20 (a) if the offender is a natural person—50 penalty units;
- (b) if the offender is a body corporate—250 penalty units.

**Interstate transactions between dealers**

25 71. (1) Despite any other provision of this Act, a licensed firearms dealer is, for the purposes of any transaction between the dealer and the holder of a corresponding licence, authorised to buy a firearm from the holder of that corresponding licence.

(2) In this section—

30 "corresponding licence" means an instrument that, in the opinion of the Registrar, is the equivalent of a firearms dealer licence in a place outside the Territory.

**PART VII—POWERS OF ENTRY, SEARCH AND SEIZURE**

**Interpretation**

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

5 “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.
- 10

(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
- 15

**Powers of entry, search etc.**

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

20

- (a) enter premises on which a licensed firearms dealer carries on business at any reasonable time when those premises are open for business, or
  - (b) subject to section 75, enter any premises at any time with the consent of the occupier of those premises.
- 25

(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—

30

- (a) inspect, make copies of, or take extracts from, any record of a transaction or dealing required to be kept under Part VI, 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 firearms,
- 35

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

(4) A person shall not, without reasonable excuse, contravene a direction given to the person under paragraph (3) (d).

Penalty:

- 25
- (a) if the offender is a natural person—50 penalty units or imprisonment for 6 months, or both;
- (b) if the offender is a body corporate—250 penalty units.

(5) A person shall not, without reasonable excuse, fail to comply with a requirement made of the person under paragraph (3) (f) or (g).

Penalty:

- 30
- (a) if the offender is a natural person—50 penalty units;
- (b) if the offender is a body corporate—250 penalty units.

35

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

(7) 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**

5       **74. (1)** Where a police officer has reasonable grounds for believing that a firearm 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—

10       (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;

15       and seize any such firearm 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**

20       **75. (1)** Before seeking the consent of the occupier of premises for the purposes of paragraph 73 (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 73 (1) (b), the officer shall ask the occupier or that person to sign a written acknowledgment—

25       (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 73 (3);

(b) that the occupier has been informed that he or she may refuse to give that consent; and

30       (c) on the day on which, and the time at which, that consent was given.

35       (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 73 (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**

76. (1) Where an information on oath is laid before a magistrate setting out the grounds for suspecting that there may be, on any premises a firearm or thing of a particular kind that—

- 5 (a) is connected with a particular offence against this Act or the regulations; or  
(b) in the case of a firearm—is unsafe to use;

and the magistrate is satisfied that there are reasonable grounds for issuing a warrant to search those premises, the magistrate may issue a search warrant.

- 10 (2) For the purposes of satisfying himself or herself that there are reasonable grounds for issuing a warrant under subsection (1), the magistrate may obtain from the informant or another person, either orally or by affidavit, any further information that the magistrate requires concerning those grounds.

- 15 (3) A search warrant issued under subsection (1) in relation to the premises, firearm or thing referred to in that subsection authorises a police officer named in the warrant, with such assistance and by such force as is necessary and reasonable—

- (a) to enter the premises;  
20 (b) to search the premises for the firearm or thing; and  
(c) to exercise the powers under subsection 73 (3) in relation to the premises.

(4) A warrant shall—

- (a) state the purpose for which it is issued;  
25 (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  
30 powers under subsection 73 (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.

(5) If, in the course of searching any premises, pursuant to a warrant issued under subsection (1), a police officer—

- 35 (a) finds any firearm 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 firearms; or
  - (ii) possession of the firearm is prohibited by, or the firearm does not comply with, this Act or the regulations; and
- 5
- (c) has reasonable grounds for believing that it is necessary to seize the firearm or thing in order to prevent its—
- (i) concealment, loss or destruction;
  - (ii) sale, manufacture or export; or
  - (iii) being exposed for sale;
- 10

the police officer may seize it.

#### Forfeiture etc. of firearms

77. (1) In this section a reference to seizure shall be taken to be a reference to seizure—

- 15
- (a) under section 73 or 74, or
  - (b) under a warrant issued under subsection 76 (1).
- (2) Where—
- (a) a firearm or ammunition is seized; and
  - (b) a prosecution for an offence against this Act relating to the firearm or ammunition is not instituted within 60 days of the seizure;
- 20

the Registrar shall, upon the expiration of that period return the firearm or ammunition, as the case may be, to the owner.

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

- 25
- (a) the defendant is a person from whom a firearm or ammunition has been seized, and
  - (b) the court does not find the offence proved;

the Registrar shall return the firearm or ammunition, as the case may be, to the owner

30 (4) Subsections (2) and (3) do not apply if, before the expiration of the 60 days or before the court finds the offence not proved, as the case may be—

- (a) the licence of the person to whom the firearm would, but for this section have been returned, has been cancelled, or

(b) in relation to ammunition seized—a prosecution for an offence against section 97 has been instituted.

(5) Where—

(a) a firearm or ammunition is seized; and

5 (b) the firearm or ammunition would, but for this subsection, be returned to the owner pursuant to subsection (2) or (3);

then if—

10 (c) 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;

(d) the Registrar is otherwise entitled to revoke an approval under subsection 98 (4); or

(e) in the case of ammunition—the person would not otherwise be entitled to possess it;

15 the Registrar shall retain possession of the firearm pending the hearing of the charge.

20 (6) If the court does not find the charge referred to in subsection (4) proved, the Registrar shall return the firearm or ammunition to the owner unless the Registrar would otherwise be entitled under this Act to be in possession of the firearm.

(7) Where, in proceedings for an offence against this Act, the court finds the offence proved, any firearm or ammunition used in connection with the commission of the offence—

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

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

(8) A prohibited firearm that has been seized is forfeited to the Territory.

**PART VIII—MISCELLANEOUS OFFENCES**

**Obstruction of police officers**

78. 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.

5 Penalty

- (a) if the offender is a natural person—50 penalty units or imprisonment for 6 months, or both;
- (b) if the offender is a body corporate—250 penalty units

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

10 79. (1) A person shall not, without reasonable excuse—

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

except with the written approval of the Registrar

15 Penalty: 100 penalty units or imprisonment for 12 months, or both.

(2) A person shall not, without reasonable excuse, have a firearm 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 50 penalty units or imprisonment for 6 months, or both.

20 **Discharge of firearm—general**

80. (1) A person shall not, without reasonable excuse, discharge a firearm on, onto or across—

- (a) land, (other than land that is in or near a street or public place) that is—
  - 25 (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

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

Penalty 50 penalty units or imprisonment for 6 months, or both

(2) Subsection (1) does not apply in relation to a person who is on a shooting range owned or occupied by a prescribed club if the person is

taking part in a competition or activity conducted by or in association with the club.

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

81. A person shall not carry or use a firearm—

- 5 (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; or
- 10 (b) with disregard for his or her own safety or for the safety of other persons.

Penalty: 50 penalty units or imprisonment for 6 months, or both

**Buying of firearms**

82. A person shall not buy a firearm unless the person is—

- (a) authorised to possess the firearm by a licence or permit; and
- 15 (b) except in the case of a licensed firearms dealer, authorised to acquire the firearm by a permit (or the equivalent of any such permit that is issued under the law of a State or another Territory in respect of the firearm concerned).

Penalty:

- 20 (a) if the offender is a natural person—100 penalty units or imprisonment for 12 months, or both;
- (b) if the offender is a body corporate—500 penalty units.

**Restrictions on sale and purchase of firearms**

25 83. (1) A person other than a licensed firearms dealer shall not sell a firearm to another person unless—

- (a) that other person is a licensed firearms dealer, or
- (b) the sale has, in accordance with the regulations, been arranged through a licensed firearms dealer

Penalty:

- 30 (a) if the offender is a natural person—100 penalty units or imprisonment for 12 months, or both;
- (b) if the offender is a body corporate—500 penalty units

(2) A person other than a licensed firearms dealer shall not purchase a firearm from another person unless—

- (a) that other person is a licensed firearms dealer, or
- (b) the purchase has been arranged through a licensed firearms dealer.

5 Penalty:

- (a) if the offender is a natural person—100 penalty units or imprisonment for 12 months, or both;
- (b) if the offender is a body corporate—500 penalty units.

10 (3) A person shall not sell or give by way of gift a firearm to another person who is the holder of a licence on which no firearm is specified before the expiration of the period of 28 days after the date on which the licence was issued.

Penalty:

- 15 (a) if the offender is a natural person—100 penalty units or imprisonment for 12 months, or both;
- (b) if the offender is a body corporate—500 penalty units

(4) A person who is the holder of a licence on which no firearm is specified shall not acquire a firearm before the expiration of the period of 28 days after the date on which the licence was issued

20 Penalty:

- (a) if the offender is a natural person—100 penalty units or imprisonment for 12 months, or both;
- (b) if the offender is a body corporate—500 penalty units

#### Use of mail for sending firearms

25 84. (1) This section is subject to section 85.

(2) A person shall not send a firearm by mail to an address in the Territory.

(3) A person shall not receive a firearm by mail at an address in the Territory

30 (4) A person shall not direct or request another person, whether the other person is within or outside the Territory when the request is made, to send a firearm by mail to an address in the Territory, whether or not the request is made in writing or in connection with the purchase by the person of the firearm.

(5) A person shall not contravene subsection (2), (3) or (4).

Penalty:

- (a) if the offender is a natural person—50 penalty units;
- (b) if the offender is a body corporate—250 penalty units.

5 (6) A person is taken to have made such a request if the person accepts an offer made by another person within or outside the Territory to forward a firearm by mail to an address within the Territory.

10 (7) It is a defence to a prosecution under subsection (3) if the defendant proves that the firearm was sent to the defendant without his or her knowledge or approval.

(8) In this section—

“firearm” includes a firearm part.

#### **Use of mail for sending firearms outside the Territory**

15 **85.** A person shall not send a firearm or firearm part to another person by mail unless—

- (a) the person sending the firearm or firearm part is a licensed firearms dealer;
- (b) the address to which the firearm or firearm part is sent is outside the Territory;
- 20 (c) the firearm or firearm part is sent by security mail;
- (d) the other person would not, because of receiving the firearm or firearm part or being in possession of it at the place to which it is sent, be guilty of any offence under any law which applies at that place; and
- 25 (e) the other person is a licensed firearms dealer under the law of that other place.

Penalty:

- (a) if the offender is a natural person—100 penalty units or imprisonment for 12 months, or both;
- 30 (b) if the offender is a body corporate—500 penalty units

#### **Advertising sale of firearms**

**86.** A person shall not cause an advertisement for the sale of a firearm or firearm part to be published unless—

- (a) the person is a licensed firearms dealer; or

- (b) the proposed sale is to be arranged by or through a licensed firearms dealer

Penalty:

- (a) if the offender is a natural person—50 penalty units;
- 5 (b) if the offender is a body corporate—250 penalty units.

**Means of delivering possession of firearms**

**87.** Subject to section 85, a person shall not deliver possession of a firearm or firearm part to another person except—

- (a) in person; or
- 10 (b) by means of another person who appears to the person to be able to ensure the security of the firearm or firearm part during the course of delivery.

Penalty:

- (a) if the offender is a natural person—50 penalty units;
- 15 (b) if the offender is a body corporate—250 penalty units.

**Transport of firearms and ammunition**

**88.** A person who is engaged in the business of transporting goods shall not, without reasonable excuse, transport any cargo that contains both a firearm and ammunition.

20 Penalty:

- (a) if the offender is a natural person—50 penalty units;
- (b) if the offender is a body corporate—250 penalty units.

**Transporting prohibited firearms or pistols**

25 **89.** A person shall not convey (whether or not in the course of a business) a prohibited firearm or pistol except in accordance with the prescribed safety requirements

Penalty:

- (a) if the offender is a natural person—50 penalty units;
- (b) if the offender is a body corporate—250 penalty units.

**Possession of spare barrels for firearms**

**90.** A person shall not possess a barrel for a firearm unless the person is authorised by a licence or permit to possess the firearm or barrel.

Penalty:

- 5 (a) if the offender is a natural person—50 penalty units or imprisonment for 6 months, or both;
- (b) if the offender is a body corporate—250 penalty units.

**“On-the-spot” inspection of firearms by police**

10 **91. (1)** A person who is carrying a firearm or possesses a firearm that is within the immediate vicinity of the person shall, on the demand of a police officer at any time, produce for inspection by the police officer—

- (a) the firearm; and
- (b) any licence or permit that authorises the person to possess the firearm.

15 Penalty: 50 penalty units.

(2) A person is guilty of an offence under this section only if the police officer, when making the demand, explains to the person that failure to comply with the demand is an offence under this Act.

20 (3) A person is not guilty of an offence under this section because of failing to produce a licence or permit if the person—

- (a) has a reasonable excuse for not having the licence or permit when the demand is made; and
- (b) produces it, as soon as is practicable (but not more than 6 hours) after the demand for its production is made, to the police officer who made the demand or to another such police officer nominated by the officer.
- 25

(4) In this section—

“firearm” includes a firearm part.

**Disposal of firearms by unauthorised holders**

92. (1) A person who comes into possession of a firearm, but is not authorised by or under this Act to possess the firearm, shall surrender the firearm to a police officer.

5 Penalty:

- (a) if the offender is a natural person—50 penalty units;
- (b) if the offender is a body corporate—250 penalty units.

10 (2) A person does not contravene a provision of this Act merely by possessing a firearm for the purpose of surrendering it in accordance with subsection (1).

**Unsafe firearms**

93. (1) A person shall not sell or give possession of a firearm to another person knowing that it is unsafe, except after giving an appropriate warning.

15 Penalty:

- (a) if the offender is a natural person—50 penalty units or imprisonment for 6 months, or both;
- (b) if the offender is a body corporate—250 penalty units.

20 (2) A police officer may seize a firearm in the possession of a person if—

- (a) the firearm is in a public place; and
- (b) the officer suspects on reasonable grounds that the firearm is unsafe.

25 (3) For the purposes of this section, a firearm shall be taken to be unsafe (apart from any other reason for which it may be unsafe) if, because of some mechanical defect or its general condition, it may reasonably be considered to be unsafe.

**Shortening firearms**

94. (1) A person shall not, unless authorised to do so by a permit—

- 30
- (a) shorten any firearm (other than a pistol),
  - (b) subject to subsection 95 (1), possess any such firearm that has been shortened, or

- (c) sell or give possession of any such firearm that has been shortened to another person.

Penalty:

- 5 (a) if the offender is a natural person—50 penalty units or imprisonment for 6 months, or both;
- (b) if the offender is a body corporate—250 penalty units.

(2) The regulations may provide that certain kinds of firearms shall be taken to have been shortened for the purposes of this section only if they (or specified parts of them) have prescribed characteristics.

#### 10 **Converting firearms**

95. (1) A person shall not shorten a firearm so as to convert it into a pistol unless a licence has been issued to the person authorising possession of the pistol.

Penalty:

- 15 (a) if the offender is a natural person—50 penalty units or imprisonment for 6 months, or both;
- (b) if the offender is a body corporate—250 penalty units.

20 (2) A person shall not, unless authorised to do so by a permit, alter the construction or action of a prohibited firearm so as to convert it into a firearm that is not a prohibited firearm.

Penalty:

- (a) if the offender is a natural person—50 penalty units or imprisonment for 6 months, or both;
- (b) if the offender is a body corporate—250 penalty units.

#### 25 **Restrictions where alcohol or other drugs concerned**

96. (1) A person shall not carry or use a firearm while the person is under the influence of alcohol or any other drug.

Penalty:

- 30 (a) if the offender is a natural person—50 penalty units or imprisonment for 6 months, or both;
- (b) if the offender is a body corporate—250 penalty units.

(2) A person shall not sell or give possession of a firearm to another person—

- 5 (a) if the person knows or has reasonable cause to believe that the other person is under the influence of alcohol or any other drug; or
- (b) if the other person's appearance or behaviour is such that the person intending to sell or give possession of the firearm believes or has reasonable cause to believe that the other person is incapable of exercising responsible control over the firearm.

Penalty:

- 10 (a) if the offender is a natural person—100 penalty units or imprisonment for 12 months, or both;
- (b) if the offender is a body corporate—500 penalty units.

**Sale and purchase of ammunition**

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

Penalty.

- 15 (a) if the offender is a natural person—50 penalty units or imprisonment for 6 months, or both;
- (b) if the offender is a body corporate—250 penalty units
- (2) A person shall not sell ammunition unless—
- 20 (a) the buyer is the holder of a licence or permit for a firearm which takes that ammunition; or
- (b) the buyer is authorised to buy it by a permit or by the Registrar in writing;

and the seller has seen the licence, permit or authorisation.

Penalty:

- 25 (a) if the offender is a natural person—50 penalty units or imprisonment for 6 months, or both,
- (b) if the offender is a body corporate—250 penalty units.
- (3) A person shall not buy ammunition unless the person—
- 30 (a) is the holder of a licence or permit for a firearm which takes that ammunition, or
- (b) is authorised to buy it by a permit or by the Registrar in writing;

and the amount of ammunition that is purchased at any one time does not exceed the prescribed amount (if any).

Penalty:

- 5 (a) if the offender is a natural person—50 penalty units or imprisonment for 6 months, or both;
- (b) if the offender is a body corporate—250 penalty units.
- (4) A licensed firearms dealer shall not sell ammunition unless—
- 10 (a) in the case of a sale to a person resident in a State or another Territory—the licensed firearms dealer has reasonable grounds for believing that the possession in that State or other Territory of such ammunition by that person is not prohibited by a law of that State or Territory; or
- 15 (b) in the case of a sale of ammunition capable of being discharged from a starting pistol—the licensed firearms dealer is satisfied that the person has an approved reason for requiring a starting pistol.

Penalty:

- (a) if the offender is a natural person—50 penalty units;
- (b) if the offender is a body corporate—250 penalty units.
- (5) An authorised member shall not sell ammunition unless—
- 20 (a) the sale takes place on premises owned or occupied by the relevant club;
- (b) the purchaser is a member of the club, and, 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
- 25 (c) the ammunition is of a kind capable of being discharged from a firearm specified or endorsed on the member's licence, or from a firearm being used by a person referred to in paragraph (b), as the case may be.

30 Penalty:

- (a) if the offender is a natural person—50 penalty units;
- (b) if the offender is a body corporate—250 penalty units.

**Possession of ammunition**

98. (1) A person shall not possess ammunition

Penalty:

- (a) if the offender is a natural person—10 penalty units;
- 5 (b) if the offender is a body corporate—50 penalty units.

(2) Subsection (1) does not apply—

(a) in relation to—

- (i) a licensed firearms dealer or an authorised member;
- 10 (ii) ammunition of a kind that is capable of being discharged from a firearm registered or endorsed on a licence held by the person;
- (iii) a collector of ammunition authorised by the Registrar in writing to possess that ammunition; or
- 15 (iv) a person who has the approval of the Registrar under subsection (4);

(b) if—

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

during the period of 28 days after that occurrence; or

(c) to a person who has an approved reason for requiring a starting pistol, if the ammunition consists of blank cartridges for use in a starting pistol.

25 (3) A person may apply to the Registrar for approval to collect ammunition

(4) An application under subsection (3) shall be in a form approved by the Registrar

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

30 (6) 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 would 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.

10 **Modification of firearms**

99. (1) In this section—

“length of the stock” means the distance from the front of the trigger, or if there is more than 1 trigger, from the front of the rearmost trigger, to the centre of the rear butt plate or stock.

15 (2) A person shall not, except with the written approval of the Registrar, modify a firearm 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 air gun; or
- (c) an air gun—
  - (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 1 pressure of the trigger.

30 **Penalty:**

- (a) if the offender is a natural person—50 penalty units or imprisonment for 6 months, or both;
- (b) if the offender is a body corporate—250 penalty units.

35 (3) A firearm 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 1 barrel, of the longer or longest barrel, is less than 400 millimetres;
  - 5 (ii) the length of the stock is less than 300 millimetres;
  - (iii) it has no stock; or
  - (iv) the overall length is less than 700 millimetres;
- (b) in the case of a rifle, not being a combination smooth bore shotgun and rifle or an air gun—
- 10 (i) the length of the barrel or, where it has more than 1 barrel, of the longer or longest barrel, is less than 400 millimetres;
  - (ii) the length of the stock is less than 300 millimetres;
  - (iii) it has no stock, or
  - (iv) the overall length is less than 800 millimetres; or
- 15 (c) in the case of an air gun referred to in paragraph (2) (c)—
- (i) the length of the barrel is less than 400 millimetres;
  - (ii) the length of the stock is less than 300 millimetres;
  - (iii) it has no stock; or
  - (iv) the overall length is less than 700 millimetres.
- 20 (4) In considering whether to give his or her approval under subsection (2), the Registrar shall have regard to the necessity for the modification and whether the giving of the approval would be likely to prejudice public safety.
- 25 (5) If the modification to which an approval relates has not been made before the expiration of the period 6 months commencing on the date of the approval, the approval ceases to have effect on the expiration of that period.

#### Approval of modifications

- 30 100. (1) A person authorised to modify a firearm under subsection 99 (2) shall, not later than 7 days after its modification, produce the firearm to the Registrar for the purpose of enabling the Registrar to determine whether the firearm, has been modified in accordance with that authority

(2) A person shall not, without reasonable excuse, contravene subsection (1).

Penalty:

- (a) if the offender is a natural person—10 penalty units;
- 5 (b) if the offender is a body corporate—50 penalty units.

(3) If the Registrar is satisfied that a firearm 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 firearm is registered make such alterations to that licence as are  
10 necessary.

#### **Defacing or altering identification marks**

101. A person shall not, unless authorised by the Registrar to do so—

- (a) deface or alter any number, letter or identification mark on any firearm or barrel for a firearm; or
- 15 (b) have possession of any firearm or barrel for a firearm on which any number, letter or identification mark has been defaced or altered.

Penalty:

- 20 (a) if the offender is a natural person—100 penalty units or imprisonment for 12 months, or both;
- (b) if the offender is a body corporate—500 penalty units.

#### **Pawning of firearms**

102. A pawnbroker shall not take a firearm, firearm part or ammunition into pawn.

25 Penalty:

- (a) if the offender is a natural person—50 penalty units or imprisonment for 6 months, or both;
- (b) if the offender is a body corporate—250 penalty units.

#### **Production of licence or permit on demand**

30 103. (1) A person to whom a licence or permit is issued shall, on demand made by a police officer at any time—

- (a) if the person has the licence or permit in his or her immediate possession—produce the licence or permit for inspection by the police officer;

- 5 (b) if the person does not have the licence or permit in his or her immediate possession—produce it as soon as practicable (but not more than 6 hours) after the demand is made to the police officer who made the demand or to another police officer nominated by the officer; or
- (c) state the person's full name and residential address to the police officer.

Penalty:

- (a) if the offender is a natural person—50 penalty units,
- 10 (b) if the offender is a body corporate—250 penalty units.

(2) A person is guilty of an offence under this section only if the police officer, when making the demand, explains to the person that failure to comply with the demand is an offence against this Act

**Possession of firearm under another licence**

- 15 **104.** A licensee shall not possess a firearm that is specified on a licence which has been issued to another person unless—

- (a) particulars of that firearm are endorsed on his or her licence; or
- (b) the licensee is otherwise authorised by this Act to have that firearm in his or her possession.

20 Penalty:

- (a) if the offender is a natural person—100 penalty units or imprisonment for 12 months, or both;
- (b) if the offender is a body corporate—500 penalty units.

**Requirement to notify change of address**

- 25 **105.** A licensee or the holder of a permit shall, if there is any change in the licensee's or permit holder's place of residence, provide the Registrar with the particulars of the change of address within 7 days after the change occurs.

Penalty

- 30 (a) if the offender is a natural person—10 penalty units;
- (b) if the offender is a body corporate—50 penalty units

**False or misleading applications**

**106.** A person shall not, in or in connection with an application under this Act or the regulations, make a statement or provide information that the person knows is false or misleading in a material particular.

5       Penalty:

- (a) if the offender is a natural person—50 penalty units or imprisonment for 6 months, or both;
- (b) if the offender is a body corporate—250 penalty units.

**Misuse of licences and permits**

10       **107.** A person shall not—

- (a) falsely represent himself or herself to be the holder of a licence or permit (whether or not it is in force);
- (b) forge or fraudulently alter a licence or permit (whether or not it is in force);
- 15       (c) give possession of a licence or permit to another person for the purpose of using it unlawfully; or
- (d) knowingly have possession of a forged, fraudulently altered, borrowed or stolen licence or permit.

Penalty:

- 20       (a) if the offender is a natural person—100 penalty units or imprisonment for 12 months, or both;
- (b) if the offender is a body corporate—500 penalty units.

**Altering or falsifying records**

**108.** A person shall not, with intent to deceive—

- 25       (a) alter any record required to be made or kept by or under this Act or the regulations; or
- (b) make a false or misleading entry in any such record.

Penalty:

- 30       (a) if the offender is a natural person—50 penalty units or imprisonment for 6 months, or both;
- (b) if the offender is a body corporate—250 penalty units.

**Lost, destroyed or stolen firearms**

**109.** Where a firearm 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.

5       Penalty.

- (a) if the offender is a natural person—10 penalty units;
- (b) if the offender is a body corporate—50 penalty units.

**PART IX—FIREARMS PROHIBITION ORDERS**

**Firearms prohibition orders**

10       **110. (1)** The Registrar may make an order prohibiting a person from having possession of or using a firearm if, in the opinion of the Registrar, the person is not fit, in the public interest, to be permitted to have possession of a firearm.

15       **(2)** Without limiting the generality of subsection (1), such an order may be made in respect of a person who had possession of or used a firearm immediately before its being seized under this or any other Act.

**(3)** A firearms prohibition order takes effect when it is served personally on the person to whom it is directed

**Effect of firearms prohibition order**

20       **111. (1)** A person shall not possess or use a firearm in contravention of a firearms prohibition order that is in force.

Penalty:

- (a) if the offender is a natural person—100 penalty units or imprisonment for 12 months, or both,
- 25       (b) if the offender is a body corporate—500 penalty units.

30       **(2)** Without limiting the generality of subsection (1) and for the purposes only of that subsection, a firearm found in or on any premises is, in the absence of proof to the contrary, taken to be possessed by any person subject to a firearms prohibition order who at the time of the finding or recently to that time was in, on or in occupation of the premises

(3) A person shall not sell or give possession of a firearm to another person, knowing that the other person is prohibited from possessing firearms by a firearms prohibition order.

Penalty:

- 5 (a) if the offender is a natural person—100 penalty units or imprisonment for 12 months, or both;
- (b) if the offender is a body corporate—500 penalty units.
- (4) In this section—
- 10 “premises” includes any structure, vehicle, vessel or aircraft or any place, whether built on or not.

## PART X—REVIEW OF DECISIONS

### Review of decisions

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

- 15 (a) issuing a licence under subsection 20 (1);
- (b) refusing to issue a licence under subsection 20 (4) or (10);
- (c) imposing conditions on a licence under section 35;
- (d) suspending a licence under subsection 38 (1);
- 20 (e) cancelling a licence under subsection 38 (2), paragraph 40 (2) (c) or subsection 120 (2);
- (f) issuing a permit under section 44;
- (g) refusing to issue a permit under section 45 or subsection 47 (3);
- (h) refusing to approve an application for registration under section 50;
- 25 (i) cancelling registration under section 51; .
- (j) refusing to approve an application for endorsement under section 57;
- (k) approving the collection of ammunition under subsection 98 (5);
- (l) approving the modification of a firearm under section 99; or
- 30 (m) prohibiting the possession or use of a firearm under section 110.

**Notification of decisions**

113. (1) Where the Registrar makes a decision of the kind referred to in section 112, the Registrar shall cause notice in writing of the decision to be given—

- 5 (a) in the case of a decision referred to in paragraph 112 (a) and (b)—  
to the applicant;
- (b) in the case of a decision referred to in paragraph 112 (c)—to the  
applicant or licensee, as the case requires; and
- 10 (c) in any other case—to the licensee or permit holder, as the case  
requires.

(2) A notice under subsection (1) shall be in accordance with the requirements of the Code of Practice in force under subsection 25B (1) of the *Administrative Appeals Tribunal Act 1989*.

**PART XI—MISCELLANEOUS PROVISIONS**

15 **Disclosure by doctors of certain information**

114. (1) If a registered medical practitioner is of the opinion that a patient is an unsuitable person to be in possession of a firearm—

- (a) because of the patient's mental condition; or
- 20 (b) because the medical practitioner thinks that the patient might  
attempt to commit suicide, or would be a threat to public safety, if  
in possession of a firearm;

the medical practitioner may inform the Registrar of that opinion.

25 (2) This section has effect despite any duty of confidentiality, and any  
action by a medical practitioner in accordance with this section does not give  
rise to any criminal or civil action or remedy.

**Disposal of surrendered or seized firearms**

115. (1) A magistrate may, on application by a police officer or by a person who claims to be the owner of a firearm surrendered to or seized by a police officer in accordance with this Act, order that the firearm—

- 30 (a) be forfeited to the Territory;
- (b) be returned to the person claiming to be the owner of the firearm;  
or
- (c) be otherwise disposed of in such manner as the Court thinks fit.

35 (2) If a person is found guilty of an offence under Part IV and a  
firearm has been seized by a police officer in connection with the offence,

the court which makes the finding of guilt is taken to have ordered that the firearm be forfeited to the Territory.

(3) A firearm forfeited under subsection (2) may be destroyed.

(4) In this section—

5 “firearm” includes a firearm part or ammunition.

#### **Disposal of uncollected firearms**

116. The Registrar may dispose of a firearm in his or her possession for not less than 6 months if—

10 (a) the Registrar has made reasonable attempts to ascertain the whereabouts of the owner of the firearm; and

(b) there are no circumstances which would preclude the disposal of the firearm.

#### **Certificates of safety**

15 117. If an applicant referred to in section 50 produces to the Registrar a certificate signed by a licensed firearms dealer stating that, in the opinion of a licensed firearms dealer, the firearm 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**

20 118. (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—

25 (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 engaged in by that director, servant or agent was 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—

30 (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.

35 (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

- 5       (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 but for subsections (1) and (3);

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

- 10       (5) A reference in this section to a director of a body corporate shall 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.

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

#### **Third-party interests—complaints to Registrar**

119. (1) A person may make a complaint to the Registrar regarding any matter arising out of the issue to another person of a licence, the registration of a firearm or the issue of a permit.

- 20       (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**

- 25       120. (1) Where a complaint is made under section 119 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.
- 30

(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

- 35       (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 firearm, in his or her possession.

5 **Offences by corporations**

10 **121. (1)** If a corporation contravenes a provision of this Act or the regulations, each person who is a director of the corporation or who is concerned in the management of the corporation is taken to have contravened the same provision if the person knowingly authorised or permitted the contravention.

(2) A person may be proceeded against and convicted under a provision pursuant to subsection (1) whether or not the corporation has been proceeded against or convicted under that provision.

15 (3) Nothing in this section affects any liability imposed on a corporation for an offence committed by the corporation under this Act or the regulations.

**Service of notices**

20 **122.** Any notice or other instrument required or authorised by this Act or the regulations to be served on a person by post is sufficiently addressed if it is addressed to the last address of the person known to the Registrar.

**Evidentiary certificates**

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

- 25 (a) at a specified time or during a specified period, a specified person was, or was not, the holder of a licence or permit;
- (b) that a licence or permit was or was not, on a day or during a specified period, subject to specified conditions;
- (c) that a specified person was or was not, on a specified day or during a specified period, subject to a firearms prohibition order;
- 30 (d) that a specified firearm was registered or unregistered on a day or during a specified period;
- (e) that a specified person was the person in whose name a firearm was registered on a day or during a specified period;
- 35 (f) that a specified address was, on a specified date, the last address known to the Registrar or a specified person;
- (g) a licence of a specified kind was, or was not, renewed or had expired on a specified day;

- (h) a specified licence issued to a specified person was cancelled on a specified day;
- (i) a specified firearms dealer's licence issued to a specified person was suspended on a specified day for a specified period;
- 5 (j) registration of a specified firearm was refused;
- (k) at a specified time, a specified person was or was not a person to whom—
  - (i) an approval had been given under section 79, paragraph 80 (b) or section 99; or
  - 10 (ii) an authorisation had been given under subparagraph 98 (2) (a) (iii) or section 101;
- (l) a specified firearm was, or was not, at a specified time or during a specified period, endorsed on a specified licence;
- (m) an endorsement on a specified licence was cancelled; or
- 15 (n) registration of a specified firearm was cancelled on a specified date for a specified reason;

is evidence of the matters stated in the certificate

**Power of Minister to determined fees**

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

**Regulations**

125. (1) The Executive may make regulations for the purposes of this Act

25 (2) Without affecting the generality of subsection (1), the regulations may make provision for or with respect to any of the following matters:

- (a) the acquisition, possession, registration, storage, identification, maintenance, carrying, conveyance, altering, repair, testing and use of firearms;
- (b) firearm safety training courses;
- 30 (c) training and supervision in relation to firearms;
- (d) firearms dealers;
- (e) club armourers.
- (f) ammunition collectors;
- (g) components of ammunition;

- (h) security guards;
- (j) spear guns;
- (k) pistol clubs, and their members, and pistol ranges;
- (m) clubs and shooting ranges for other firearms;
- 5 (n) the approval of club armourers to repair firearms and firearms parts;
- (p) licences, licence renewals and duplicate licences;
- (q) permits, approvals and authorisations;
- (r) forms, records, notices and returns;
- 10 (s) fees payable under this Act or the regulations;
- (t) exempting persons from specified requirements of this Act or the regulations;
- (u) the maximum amounts payable by way of compensation for the surrender of prohibited firearms.
- 15 (3) A regulation may impose a penalty not exceeding—
  - (a) if the offender is a natural person—10 penalty units;
  - (b) if the offender is a body corporate—50 penalty units.

### Repeal

126. The following Acts are repealed:

- 20 *Weapons Act 1991*
- Weapons (Amendment) Act 1996*
- Weapons (Amendment) Act (No. 2) 1996*

### Review of Act

- 25 127. (1) The Minister shall review this Act to determine whether the policy objectives of the Act remain valid and whether the terms of the Act remain appropriate for securing those objectives.
- (2) The review shall be undertaken as soon as possible after the period of 3 years from the date of commencement of section 3.
- 30 (3) A report on the outcome of the review shall be tabled in the Legislative Assembly within 12 months after the end of the period of 3 years.

## SCHEDULE 1

Section 4

## PROHIBITED FIREARMS

Item	Description
1	A machine gun, sub-machine gun or other firearm capable of propelling projectiles in rapid succession during 1 pressure of the trigger.
2	A self-loading rifle (including such a firearm described elsewhere in this Schedule).
3	A self-loading centre-fire rifle (including such a firearm described elsewhere in this Schedule)
4	A self-loading or repeating action, eg pump action shotgun (including such a firearm described elsewhere in this Schedule)
5	A self-loading centre-fire rifle of a kind that is designed or adapted for military purposes
6	A self-loading shotgun of a kind that is designed or adapted for military purposes
7	A firearm that substantially duplicates in appearance (regardless of calibre or manner of operation) a firearm referred to in item 1, 5 or 6
8	A firearm, having a barrel not less than 400 millimetres in length, not being a pistol, of the Uberti or Armi-lager brands, or any similar firearm fitted with a revolving ammunition cylinder (other than a firearm manufactured before 1920) 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).
9	A shotgun fitted with or designed to be fitted with a drum magazine of the "Striker 12" assault shotgun type or any similar firearm
10	A firearm to which there is attached any article or device capable of muffling, reducing or stopping the noise created by firing the firearm
11	A firearm, not being a pistol, fitted with a stock that is specially designed so as to be readily detachable, or to operate on a swivel, folding or telescopic basis
12	A firearm made up in the form of a stylographic or propelling pen or pencil, capable of being used for the discharge of gas, bullets, shot, dye or pyrotechnic flares

*Firearms No . 1996*  
**SCHEDULE 1—continued**

Item	Description
13	A firearm capable of discharging by any means— (a) any irritant matter in liquid, powder, gas or chemical form; (b) any pyrotechnic flare or dye; or (c) any article known as a “paint-ball”.
14	A firearm which substantially duplicates in appearance a walking stick or walking cane.
15	A cannon or other firearm by whatever name known of a type which— (a) will expel a projectile by the action of an explosive or other propellant; and (b) has a barrel with a bore in excess of 10 gauge; not being a firearm of the Very or rocket type designed and intended for use for life saving or distress signalling purposes, an antique muzzle loading firearm, or a rifle or shotgun manufactured before 1920.
16	A firearm which, or part of which, has a dimension less than the minimum dimension prescribed for the firearm or part by the regulations.
17	An imitation or replica of any firearm (including an imitation or replica pistol, blank fire pistol, shortened firearm, machine gun or sub-machine gun) unless it is of a type approved by the Registrar
18	A device known as a “powerhead” that can be attached to the end of a spear gun and that is designed to propel a projectile by means of an explosive.

## SCHEDULE 2

## LICENCE CATEGORIES AND AUTHORITY CONFERRED

Column 1 Category of licence	Column 2 Firearms to which licence applies	Column 3 Authority conferred by licence
Category A licence	The following firearms, not being prohibited firearms (a) air guns, (b) rimfire rifles (other than self-loading); (c) shotguns, (d) shotgun and rimfire rifle combinations.	The licensee is authorised to possess or use a registered firearm of the kind to which the licence applies, for the purpose established by the licensee as the genuine reason for possessing or using the firearm.
Category B licence	The following firearms, not being prohibited firearms: (a) muzzle-loading firearms (other than pistols); (b) centre-fire rifles (other than self-loading); (c) shotgun and centre-fire rifle combinations.	The licensee is authorised to possess or use a registered firearm of the kind to which the licence applies, for the purpose established by the licensee as the genuine reason for possessing or using the firearm
Category C licence (prohibited except for occupational purposes)	The following firearms, not being firearms referred to in item 6, 10 or 11 of Schedule 1: (a) self-loading rimfire rifles with a magazine capacity of no more than 10 rounds, (b) self-loading shotguns with a magazine capacity of no more than 5 rounds; (c) repeating action (eg pump action) shotguns with a magazine capacity of no more than 5 rounds	The licensee is authorised to possess or use— (a) no more than 1 registered self-loading rimfire rifle with a magazine capacity of no more than 10 rounds that is specified in the licence; and (b) no more than 1 registered shotgun to which the licence applies that is specified in the licence.  for the purpose established by the licensee as the genuine reason for possessing or using the firearm

*Firearms No . 1996*  
**SCHEDULE 2—continued**

Column 1	Column 2	Column 3
Category of licence	Firearms to which licence applies	Authority conferred by licence
<p><b>Category D licence (prohibited except for official purposes)</b></p>	<p>The following firearms, not being firearms referred to in item 5, 6, 9, 10 or 11 of Schedule 1:</p> <ul style="list-style-type: none"> <li>(a) self-loading centre-fire rifles;</li> <li>(b) self-loading rimfire rifles with a magazine capacity of more than 10 rounds,</li> <li>(c) self-loading shotguns with a magazine capacity of more than 5 rounds;</li> <li>(d) repeating action (eg pump action) shotguns with a magazine capacity of more than 5 rounds;</li> <li>(e) such other firearms to which a category C licence applies as may be prescribed.</li> </ul>	<p>The licensee is authorised to possess or use a registered firearm to which the licence applies, for the purpose established by the licensee as the genuine reason for possessing or using the firearm.</p>
<p><b>Category H licence (pistols)</b></p>	<p>Pistols (including blank fire pistols and air pistols), not being a prohibited firearm.</p>	<p>The licensee is authorised to possess or use a registered pistol, for the purpose established by the licensee as the genuine reason for having the licence.</p>

*Firearms No . 1996*  
**SCHEDULE 2—continued**

Column 1 Category of licence	Column 2 Firearms to which licence applies	Column 3 Authority conferred by licence
Firearms dealer licence	The kinds of firearms specified in the licence	<p>Authorises the licensee and (subject to the conditions of the licence and the regulations)—</p> <ul style="list-style-type: none"> <li>(a) employees or directors of the corporation specified in the licence;</li> <li>(b) employees of the partnership so specified; or</li> <li>(c) employees of the individual so specified;</li> </ul> <p>who are eligible to be issued with a licence, to possess, manufacture, buy, sell, transfer, repair, maintain or test, in the course of carrying on the business of a firearms dealer, and at the premises specified in the licence, any firearm to which the licence applies, and to sell ammunition for such firearms.</p>
Collectors licence	The kinds of firearms specified in the licence	The licensee is authorised to possess the firearms specified in the licence as a collector
Heirlooms licence	The kinds of firearms specified in the licence	The licensee is authorised to possess the firearms specified in the licence as an heirloom

**NOTE**

**Penalty units**

See section 33AA of the *Interpretation Act 1967*