Firearms Act 1996
A1996-74

Republication No 56
Effective: 15 August 2019

Republication date: 15 August 2019

Last amendment made by A2019-23
About this republication

The republished law

This is a republication of the *Firearms Act 1996* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 15 August 2019. It also includes any commencement, amendment, repeal or expiry affecting this republished law to 15 August 2019.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

Kinds of republications

The Parliamentary Counsel’s Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at www.legislation.act.gov.au):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication includes amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced, the symbol $U$ appears immediately before the provision heading. Any uncommenced amendments that affect this republished law are accessible on the ACT legislation register (www.legislation.act.gov.au). For more information, see the home page for this law on the register.

Modifications

If a provision of the republished law is affected by a current modification, the symbol $M$ appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see the *Legislation Act 2001*, section 95.

Penalties

At the republication date, the value of a penalty unit for an offence against this law is $160 for an individual and $810 for a corporation (see *Legislation Act 2001*, s 133).

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Firearms Act 1996

Contents

<table>
<thead>
<tr>
<th>Part 1</th>
<th>Preliminary</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Name of Act</td>
</tr>
<tr>
<td>2</td>
<td>Dictionary</td>
</tr>
<tr>
<td>3</td>
<td>Notes</td>
</tr>
<tr>
<td>4</td>
<td>Offences against Act—application of Criminal Code etc</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Part 2</th>
<th>Important concepts</th>
</tr>
</thead>
<tbody>
<tr>
<td>5</td>
<td>Principles and objects of Act</td>
</tr>
<tr>
<td>6</td>
<td>Meaning of firearm</td>
</tr>
<tr>
<td>7</td>
<td>Meaning of prohibited firearm</td>
</tr>
<tr>
<td>8</td>
<td>Meaning of acquire</td>
</tr>
<tr>
<td>9</td>
<td>Meaning of dispose</td>
</tr>
<tr>
<td>10</td>
<td>Meaning of possession</td>
</tr>
<tr>
<td>11</td>
<td>Evidence of possession—firearms at premises</td>
</tr>
<tr>
<td>12</td>
<td>Evidence of possession—care, control or management of firearm</td>
</tr>
</tbody>
</table>
Contents

13 Taking possession under credit contract 10
14 Authority to possess and use firearms temporarily 11
15 Paintball markers—authority to possess, use or store 12
16 Meaning of close associate of firearms dealer etc 13
17 Assessing suitability of individuals 14
18 Assessing suitability of individuals—discretionary criteria 15
18A Protection of security sensitive information 18
18B ACAT or court review—decision on security sensitive information 18
18C ACAT or court review—dealing with security sensitive information 19
19 Assessing suitability of individuals—mandatory criteria 20
20 Approval of courses etc by registrar 21

Part 3 Operation of Act
21 Government-owned firearms 22
22 People responsible for certain actions etc 22
23 People exempt from Act etc 22
23A Application of Act to imitation firearms 23

Part 4 Unregulated firearms
24 Meaning of unregulated firearm—Act 25
25 Unregulated firearms—seizure by police 25
26 Unregulated firearms—receipt for seizure 25
27 Unregulated firearms—examination 26
28 Unregulated firearms—access to things seized 26
29 Unregulated firearms—review of decision to seize 27
30 Unregulated firearms—forfeiture 28

Part 5 Declarations about firearms
31 Firearms declarations by registrar 29
32 Effect of certain declarations 29

Part 6 Administration
33 Registrar of firearms 30
34 Functions of registrar 30
35 Delegation by registrar 30
Part 7  Firearms licences

Division 7.1  Requirement for licence etc

42  Offence—unauthorised possession or use of prohibited firearms 36
43  Offence—unauthorised possession or use of firearms other than prohibited firearms 37
44  Alternative verdicts—unauthorised possession or use of firearms 38
45  Offence—contravention of condition by licensee etc 39

Division 7.2  Licensing schemes—general

46  Definitions of some licences—Act 40
47  Offence—notice of lost, stolen and destroyed licences 40
48  Offence—failing to surrender firearms when licence suspended or cancelled 41
49  Offence—failure to give up suspended or cancelled licence 41
50  Police may seize firearms under suspended and cancelled licences 42
51  Licence renewals to be treated as fresh applications 42
52  Licence categories, kinds and authority conferred by licence 42
53  Authority conferred by licence—additional matters 43

Division 7.3  Licensing scheme—adult firearms licences

54  Adult firearms licences—applications 45
55  Adult firearms licences—registrar to tell applicant about training etc 45
56  Adult firearms licences—requirement for further information etc 45
57  Adult firearms licences—decision 46
58  Adult firearms licences—refusal 47
59  Adult firearms licences—categories 48
60  When adult firearms licences may be issued 49
61  Adult firearms licences—genuine reasons to possess or use firearms 49
62  Adult firearms licences—no genuine reason to possess or use firearms 53
<table>
<thead>
<tr>
<th>Contents</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>63 Adult firearms licences—restriction on issue of category B licences</td>
<td>53</td>
</tr>
<tr>
<td>64 Adult firearms licences—restriction on issue of category C licences</td>
<td>53</td>
</tr>
<tr>
<td>65 Adult firearms licences—restriction on issue of category D licences</td>
<td>54</td>
</tr>
<tr>
<td>66 Adult firearms licences—restriction on issue of category H licences</td>
<td>55</td>
</tr>
<tr>
<td>67 Adult firearms licences—restriction on issue of collectors licences</td>
<td>55</td>
</tr>
<tr>
<td>68 Adult firearms licences—restrictions on issue of heirlooms licence</td>
<td>55</td>
</tr>
<tr>
<td>69 Adult firearms licences—restrictions on issue of firearms dealer licences</td>
<td>56</td>
</tr>
<tr>
<td>70 Adult firearms licences—restrictions on issue of paintball marker licences</td>
<td>56</td>
</tr>
<tr>
<td>71 Adult firearms licences—form</td>
<td>56</td>
</tr>
<tr>
<td>72 Adult firearms licences—replacements</td>
<td>57</td>
</tr>
<tr>
<td>73 Adult firearms licences—conditions</td>
<td>57</td>
</tr>
<tr>
<td>74 Adult firearms licences—special conditions of category D licences</td>
<td>59</td>
</tr>
<tr>
<td>75 Adult firearms licences—special conditions for category H licences for sport or target shooting</td>
<td>59</td>
</tr>
<tr>
<td>76 Adult firearms licences—special conditions for collectors licences</td>
<td>61</td>
</tr>
<tr>
<td>77 Adult firearms licences—special conditions for paintball marker licences</td>
<td>62</td>
</tr>
<tr>
<td>78 Adult firearms licences—period in force</td>
<td>62</td>
</tr>
<tr>
<td>79 Adult firearms licences—immediate suspension</td>
<td>62</td>
</tr>
<tr>
<td>80 Adult firearms licences—mandatory suspension for family violence offence</td>
<td>64</td>
</tr>
<tr>
<td>81 Adult firearms licences—cancellation generally</td>
<td>65</td>
</tr>
<tr>
<td>81A Adult firearms licence—reconsideration of suitability of licencee under certain protection orders</td>
<td>66</td>
</tr>
<tr>
<td>82 Adult firearms licences—cancellation of category H licences</td>
<td>67</td>
</tr>
<tr>
<td>83 Adult firearms licences—when suspension or cancellation takes effect</td>
<td>67</td>
</tr>
</tbody>
</table>

**Division 7.4 Licensing scheme—minors firearms licences**

<table>
<thead>
<tr>
<th>Sections</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>84 Children prohibited from owning firearms</td>
<td>68</td>
</tr>
<tr>
<td>85 Minors firearms licences—applications</td>
<td>68</td>
</tr>
<tr>
<td>86 Minors firearms licences—requirement for further information etc</td>
<td>69</td>
</tr>
<tr>
<td>87 Minors firearms licences—decision</td>
<td>70</td>
</tr>
<tr>
<td>88 Minors firearms licences—refusal</td>
<td>70</td>
</tr>
<tr>
<td>89 Minors firearms licences—categories</td>
<td>71</td>
</tr>
<tr>
<td>90 When minors firearms licences may be issued</td>
<td>71</td>
</tr>
</tbody>
</table>
Contents

91  Minors firearms licences—genuine reasons to possess or use firearms  71
92  Minors firearms licences—form  72
93  Minors firearms licences—replacements  72
94  Minors firearms licences—conditions  73
95  Minors firearms licences—period in force  74
96  Minors firearms licences—immediate suspension  74
97  Minors firearms licences—mandatory suspension if family violence offence  76
98  Minors firearms licences—cancellation  77
98A Minors firearms licences—reconsideration of suitability of licensee under certain protection orders  78
99  Minors firearms licences—when suspension or cancellation takes effect  79

Division 7.5 Licensing scheme—composite entity firearms licences

100 Definitions—Act  79
101 Composite entity firearms licences—applications  80
102 Composite entity firearms licences—requirement for further information etc  80
103 Composite entity firearms licences—decision  81
104 Composite entity firearms licences—refusal  82
105 Composite entity firearms licences—categories  82
106 Composite entity firearms licence—principal's name  83
107 When composite entity firearms licences may be issued  83
108 Composite entity firearms licences—genuine reasons to possess or use firearms  83
109 Composite entity firearms licences—no genuine reason to possess or use firearms  85
110 Composite entity firearms licences—restriction on issue of category B licences  85
111 Composite entity firearms licences—restriction on issue of category C licences  85
112 Composite entity firearms licences—restriction on issue of category D licences  86
113 Composite entity firearms licences—restriction on issue of category H licences  86
114 Composite entity firearms licences—form  86

R56 Firearms Act 1996  contents 5
15/08/19 Effective: 15/08/19

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au
## Contents

<table>
<thead>
<tr>
<th>Page</th>
<th>Section</th>
</tr>
</thead>
<tbody>
<tr>
<td>87</td>
<td>115</td>
</tr>
<tr>
<td>87</td>
<td>116</td>
</tr>
<tr>
<td>89</td>
<td>117</td>
</tr>
<tr>
<td>89</td>
<td>118</td>
</tr>
<tr>
<td>91</td>
<td>119</td>
</tr>
<tr>
<td>92</td>
<td>120</td>
</tr>
<tr>
<td>93</td>
<td>121</td>
</tr>
</tbody>
</table>

### Division 7.6 Licensing scheme—temporary international firearms licences

<table>
<thead>
<tr>
<th>Page</th>
<th>Section</th>
</tr>
</thead>
<tbody>
<tr>
<td>93</td>
<td>122</td>
</tr>
<tr>
<td>93</td>
<td>123</td>
</tr>
<tr>
<td>94</td>
<td>124</td>
</tr>
<tr>
<td>94</td>
<td>125</td>
</tr>
<tr>
<td>95</td>
<td>126</td>
</tr>
<tr>
<td>95</td>
<td>127</td>
</tr>
<tr>
<td>96</td>
<td>128</td>
</tr>
<tr>
<td>97</td>
<td>129</td>
</tr>
<tr>
<td>98</td>
<td>130</td>
</tr>
<tr>
<td>99</td>
<td>131</td>
</tr>
<tr>
<td>99</td>
<td>132</td>
</tr>
<tr>
<td>100</td>
<td>133</td>
</tr>
</tbody>
</table>

### Part 8 Temporary recognition of interstate licences and permits

<table>
<thead>
<tr>
<th>Page</th>
<th>Section</th>
</tr>
</thead>
<tbody>
<tr>
<td>100</td>
<td>134</td>
</tr>
<tr>
<td>101</td>
<td>135</td>
</tr>
<tr>
<td>101</td>
<td>136</td>
</tr>
<tr>
<td>102</td>
<td>137</td>
</tr>
<tr>
<td>102</td>
<td>138</td>
</tr>
</tbody>
</table>

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au
<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>139</td>
<td>Interstate residents moving to ACT—category C and H licences</td>
<td>103</td>
</tr>
<tr>
<td>140</td>
<td>Temporary recognition of interstate licences for international visitors—shooting or paintball competitions</td>
<td>104</td>
</tr>
<tr>
<td>140A</td>
<td>Temporary recognition of interstate category D licences—vertebrate pest animal control</td>
<td>105</td>
</tr>
<tr>
<td><strong>Part 9</strong></td>
<td><strong>Permits generally</strong></td>
<td></td>
</tr>
<tr>
<td>141</td>
<td>General power to issue permits</td>
<td>107</td>
</tr>
<tr>
<td><strong>Part 10</strong></td>
<td><strong>Permits to acquire firearms</strong></td>
<td></td>
</tr>
<tr>
<td>142</td>
<td>Meaning of <em>acquirer</em> and <em>foreign acquirer</em>—pt 10</td>
<td>108</td>
</tr>
<tr>
<td>143</td>
<td>Permits to acquire—applications</td>
<td>108</td>
</tr>
<tr>
<td>144</td>
<td>Permits to acquire—decision</td>
<td>108</td>
</tr>
<tr>
<td>145</td>
<td>Permits to acquire—refusal to issue generally</td>
<td>108</td>
</tr>
<tr>
<td>146</td>
<td>Permits to acquire—refusal to issue to temporary international firearms licensees</td>
<td>109</td>
</tr>
<tr>
<td>147</td>
<td>When permits to acquire may be issued</td>
<td>110</td>
</tr>
<tr>
<td>148</td>
<td>Permits to acquire—period in force</td>
<td>110</td>
</tr>
<tr>
<td>149</td>
<td>Permits to acquire—replacements</td>
<td>111</td>
</tr>
<tr>
<td>150</td>
<td>Offence—notice of lost, stolen and destroyed permits to acquire</td>
<td>111</td>
</tr>
<tr>
<td>151</td>
<td>Permits to acquire—automatic suspension and cancellation</td>
<td>111</td>
</tr>
<tr>
<td>152</td>
<td>Permits to acquire—cancellation by registrar</td>
<td>112</td>
</tr>
<tr>
<td>153</td>
<td>Offence—failing to give up suspended or cancelled permit to acquire</td>
<td>113</td>
</tr>
<tr>
<td>154</td>
<td>Regulations about permits to acquire</td>
<td>114</td>
</tr>
<tr>
<td><strong>Part 11</strong></td>
<td><strong>Registration of firearms and firearm users</strong></td>
<td></td>
</tr>
<tr>
<td>Division 11.1</td>
<td>Interpretation</td>
<td></td>
</tr>
<tr>
<td>155</td>
<td>Meaning of <em>owner and user particulars</em>—pt 11</td>
<td>115</td>
</tr>
<tr>
<td>Division 11.2</td>
<td>Register of firearms</td>
<td></td>
</tr>
<tr>
<td>156</td>
<td>Register of firearms</td>
<td>115</td>
</tr>
<tr>
<td>157</td>
<td>Contents of register</td>
<td>116</td>
</tr>
<tr>
<td>158</td>
<td>Register not available to public</td>
<td>116</td>
</tr>
<tr>
<td>159</td>
<td>Two-yearly reviews</td>
<td>117</td>
</tr>
<tr>
<td>Division 11.3</td>
<td>Registration of firearms</td>
<td></td>
</tr>
<tr>
<td>160</td>
<td>Firearm registration—application</td>
<td>117</td>
</tr>
<tr>
<td>Page</td>
<td>Content</td>
<td></td>
</tr>
<tr>
<td>------</td>
<td>---------------------------------------------------------------------------------------------------</td>
<td></td>
</tr>
<tr>
<td>186</td>
<td>Information about close associates of certain firearms dealers</td>
<td></td>
</tr>
<tr>
<td>187</td>
<td>Meaning of prohibited person for licensed firearms dealers</td>
<td></td>
</tr>
<tr>
<td>188</td>
<td>Registrar’s statement whether person prohibited—application</td>
<td></td>
</tr>
<tr>
<td>189</td>
<td>Registrar’s statement whether person prohibited</td>
<td></td>
</tr>
<tr>
<td>190</td>
<td>Offence—prohibited person not to be involved in firearms dealing business</td>
<td></td>
</tr>
<tr>
<td>191</td>
<td>Offence—restrictions on acquisition and disposal of firearms by firearms dealers</td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Division 13.3</strong> Licensed firearms dealers—records and returns</td>
<td></td>
</tr>
<tr>
<td>192</td>
<td>Definitions—div 13.3</td>
<td></td>
</tr>
<tr>
<td>193</td>
<td>Offence—records generally</td>
<td></td>
</tr>
<tr>
<td>194</td>
<td>Acquisition and disposal—records</td>
<td></td>
</tr>
<tr>
<td>195</td>
<td>Correction of recorded entries</td>
<td></td>
</tr>
<tr>
<td>196</td>
<td>Offence—inspection of records</td>
<td></td>
</tr>
<tr>
<td>197</td>
<td>Offence—records of former firearms dealers</td>
<td></td>
</tr>
<tr>
<td>198</td>
<td>Offence—monthly returns</td>
<td></td>
</tr>
<tr>
<td>199</td>
<td>Additional requirements for firearms dealers</td>
<td></td>
</tr>
<tr>
<td>200</td>
<td>Security of displayed firearms</td>
<td></td>
</tr>
<tr>
<td>201</td>
<td>Interstate transactions between dealers</td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Part 14</strong> Enforcement</td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Division 14.1</strong> Interpretation</td>
<td></td>
</tr>
<tr>
<td>202</td>
<td>Meaning of offence—pt 14</td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Division 14.2</strong> Powers of police officers</td>
<td></td>
</tr>
<tr>
<td>203</td>
<td>Power to enter premises</td>
<td></td>
</tr>
<tr>
<td>204</td>
<td>Production of evidence of identity</td>
<td></td>
</tr>
<tr>
<td>205</td>
<td>Consent to entry</td>
<td></td>
</tr>
<tr>
<td>206</td>
<td>General powers on entry to premises</td>
<td></td>
</tr>
<tr>
<td>207</td>
<td>Powers on entry—condition</td>
<td></td>
</tr>
<tr>
<td>208</td>
<td>Offences—noncompliance with directions and requirements</td>
<td></td>
</tr>
<tr>
<td>209</td>
<td>Power to seize things</td>
<td></td>
</tr>
<tr>
<td>210</td>
<td>Receipt for things seized</td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Division 14.3</strong> Search warrants</td>
<td></td>
</tr>
<tr>
<td>211</td>
<td>Warrants generally</td>
<td></td>
</tr>
<tr>
<td>212</td>
<td>Warrants—application made other than in person</td>
<td></td>
</tr>
<tr>
<td>Section</td>
<td>Title</td>
<td>Page</td>
</tr>
<tr>
<td>---------</td>
<td>-------</td>
<td>------</td>
</tr>
<tr>
<td>213</td>
<td>Search warrants—announcement before entry</td>
<td>157</td>
</tr>
<tr>
<td>214</td>
<td>Details of search warrant to be given to occupier etc</td>
<td>158</td>
</tr>
<tr>
<td>215</td>
<td>Occupier entitled to be present during search etc</td>
<td>158</td>
</tr>
<tr>
<td><strong>Division 14.4</strong></td>
<td>Things seized</td>
<td></td>
</tr>
<tr>
<td>216</td>
<td>Access to things seized</td>
<td>159</td>
</tr>
<tr>
<td>217</td>
<td>Return or forfeiture of things seized</td>
<td>159</td>
</tr>
<tr>
<td><strong>Division 14.5</strong></td>
<td>Enforcement—miscellaneous</td>
<td></td>
</tr>
<tr>
<td>218</td>
<td>Damage etc to be minimised</td>
<td>160</td>
</tr>
<tr>
<td>219</td>
<td>Compensation for exercise of enforcement powers</td>
<td>160</td>
</tr>
<tr>
<td><strong>Part 15</strong></td>
<td>Offences</td>
<td></td>
</tr>
<tr>
<td>220</td>
<td>Offences—trafficking firearms</td>
<td>162</td>
</tr>
<tr>
<td>221</td>
<td>Discharge etc of firearm—public places etc</td>
<td>163</td>
</tr>
<tr>
<td>222</td>
<td>Discharge of firearm—general</td>
<td>164</td>
</tr>
<tr>
<td>223</td>
<td>Carriage or use of firearm—improper manner</td>
<td>165</td>
</tr>
<tr>
<td>224</td>
<td>Offences—operation of shooting ranges</td>
<td>165</td>
</tr>
<tr>
<td>225</td>
<td>Offences—operation of paintball ranges</td>
<td>166</td>
</tr>
<tr>
<td>226</td>
<td>Offence—unlawful disposal of firearms</td>
<td>166</td>
</tr>
<tr>
<td>227</td>
<td>Offence—unlawful acquisition of firearms</td>
<td>168</td>
</tr>
<tr>
<td>228</td>
<td>Offence—unauthorised manufacture of firearms</td>
<td>169</td>
</tr>
<tr>
<td>229</td>
<td>Use of mail for sending firearms</td>
<td>170</td>
</tr>
<tr>
<td>230</td>
<td>Use of mail for sending firearms outside ACT</td>
<td>170</td>
</tr>
<tr>
<td>231</td>
<td>Advertising sale of firearms</td>
<td>171</td>
</tr>
<tr>
<td>232</td>
<td>Means of delivering possession of firearms</td>
<td>171</td>
</tr>
<tr>
<td>233</td>
<td>Transport of firearms and ammunition</td>
<td>172</td>
</tr>
<tr>
<td>234</td>
<td>Transporting prohibited firearms or pistols</td>
<td>172</td>
</tr>
<tr>
<td>235</td>
<td>Possession of spare barrels for firearms</td>
<td>172</td>
</tr>
<tr>
<td>236</td>
<td>On-the-spot inspection of firearms by police</td>
<td>172</td>
</tr>
<tr>
<td>237</td>
<td>Offence—disposal of firearms by unauthorised holders generally</td>
<td>173</td>
</tr>
<tr>
<td>238</td>
<td>Offence—disposal of inherited firearms</td>
<td>174</td>
</tr>
<tr>
<td>239</td>
<td>Unsafe firearms</td>
<td>176</td>
</tr>
<tr>
<td>240</td>
<td>Shortening firearms</td>
<td>176</td>
</tr>
<tr>
<td>241</td>
<td>Converting firearms</td>
<td>177</td>
</tr>
<tr>
<td>242</td>
<td>Restrictions where alcohol or other drugs concerned</td>
<td>177</td>
</tr>
</tbody>
</table>
## Contents

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>243</td>
<td>Offence—selling ammunition generally</td>
</tr>
<tr>
<td>244</td>
<td>Offence—sale of ammunition by licensed firearms dealers</td>
</tr>
<tr>
<td>245</td>
<td>Offence—sale of ammunition by authorised club members</td>
</tr>
<tr>
<td>246</td>
<td>Offence—selling ammunition to people from outside ACT</td>
</tr>
<tr>
<td>247</td>
<td>Offence—selling ammunition for starting pistols</td>
</tr>
<tr>
<td>248</td>
<td>Offence—acquiring ammunition</td>
</tr>
<tr>
<td>249</td>
<td>Offence—possessing ammunition generally</td>
</tr>
<tr>
<td>250</td>
<td>Modification of firearms</td>
</tr>
<tr>
<td>251</td>
<td>Approval of modifications</td>
</tr>
<tr>
<td>252</td>
<td>Offences—defacing, altering and removing identification marks</td>
</tr>
<tr>
<td>253</td>
<td>Pawning of firearms</td>
</tr>
<tr>
<td>254</td>
<td>Production of licence or permit on demand</td>
</tr>
<tr>
<td>255</td>
<td>Requirement to notify change of address</td>
</tr>
<tr>
<td>256</td>
<td>Misuse of licences and permits</td>
</tr>
<tr>
<td>257</td>
<td>Offence—lost, stolen or destroyed firearms</td>
</tr>
<tr>
<td>258</td>
<td>Meaning of <em>reviewable decision</em>—pt 16</td>
</tr>
<tr>
<td>260</td>
<td>Reviewable decision notices</td>
</tr>
<tr>
<td>260A</td>
<td>Applications for review</td>
</tr>
<tr>
<td>261</td>
<td>Disclosure by health professionals of certain information</td>
</tr>
<tr>
<td>262</td>
<td>Disposal of surrendered or seized firearms</td>
</tr>
<tr>
<td>263</td>
<td>Disposal of uncollected firearms</td>
</tr>
<tr>
<td>264</td>
<td>Certificates of safety</td>
</tr>
<tr>
<td>265</td>
<td>Acts and omissions of representatives</td>
</tr>
<tr>
<td>266</td>
<td>Third-party interests—complaints to registrar</td>
</tr>
<tr>
<td>267</td>
<td>Investigations</td>
</tr>
<tr>
<td>268</td>
<td>Offences by corporations</td>
</tr>
<tr>
<td>269</td>
<td>Evidentiary certificates</td>
</tr>
<tr>
<td>270</td>
<td>Determination of fees</td>
</tr>
<tr>
<td>271</td>
<td>Approved forms</td>
</tr>
<tr>
<td>272</td>
<td>Regulation-making power</td>
</tr>
<tr>
<td>273</td>
<td>Licensing of entities to operate approved shooting ranges</td>
</tr>
</tbody>
</table>

### Part 16  Notification and review of decisions

258 | Meaning of *reviewable decision*—pt 16 |
260 | Reviewable decision notices |
260A | Applications for review |

### Part 17  Miscellaneous provisions

261 | Disclosure by health professionals of certain information |
262 | Disposal of surrendered or seized firearms |
263 | Disposal of uncollected firearms |
264 | Certificates of safety |
265 | Acts and omissions of representatives |
266 | Third-party interests—complaints to registrar |
267 | Investigations |
268 | Offences by corporations |
269 | Evidentiary certificates |
270 | Determination of fees |
271 | Approved forms |
272 | Regulation-making power |
273 | Licensing of entities to operate approved shooting ranges |
Contents

274 Licensing of entities to operate approved paintball ranges 201
275 Authorised possession or use of prohibited firearms with pistol grips for sport or target shooting 202

Schedule 1 Prohibited firearms 203

Schedule 2 Exemptions from Act 206
Part 2.1 Interpretation—sch 2 206
  2.1 Meaning of corrections officer—sch 2 206
Part 2.2 People exempt from Act 207
Part 2.3 No offence for possession or use 209
Part 2.4 No offence 210

Schedule 3 Licence categories and authority conferred 211

Schedule 4 Reviewable decisions 224

Dictionary 229

Endnotes
  1 About the endnotes 241
  2 Abbreviation key 241
  3 Legislation history 242
  4 Amendment history 250
  5 Earlier republications 311
  6 Renumbered provisions 315

contents 12 Firearms Act 1996 R56
Effective: 15/08/19 15/08/19

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au
Firearms Act 1996

An Act to provide for the regulation, control and registration of firearms
Part 1  Preliminary

Section 1

Part 1  Preliminary

1  Name of Act
This Act is the Firearms Act 1996.

2  Dictionary
The dictionary at the end of this Act is part of this Act.

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

For example, the signpost definition ‘explosive—see the Dangerous Substances Act 2004, section 73.’ means that the term ‘explosive’ is defined in that section and the definition applies to this Act.

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

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

Note  See the Legislation Act, s 127 (1), (4) and (5) for the legal status of notes.
4 Offences against Act—application of Criminal Code etc

Other legislation applies in relation to offences against this Act.

Note 1 Criminal Code
The Criminal Code, ch 2 applies to the following offences against this Act (see Code, pt 2.1):

- offences against pt 7 (Firearms licences)
- offences against pt 10 (Permits to acquire firearms)
- offences against pt 11 (Registration of firearms and firearm users)
- s 180 (Offence—failing to comply with storage requirements)
- offences against pt 13 (Firearms dealers) (other than s 199 (1) to (3) and s 200)
- offences against pt 14 (Enforcement)
- offences against pt 15 (Offences) (other than s 221 to s 223, s 229 to s 236, s 239 to s 241, s 242 (2), s 250, s 251, s 253, s 254 and s 255 to s 257).

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

Note 2 Penalty units
The Legislation Act, s 133 deals with the meaning of offence penalties that are expressed in penalty units.
Part 2  Important concepts

5 Principles and objects of Act

(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; and

(b) to improve public safety—

(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.

(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;

(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;

(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.
Meaning of firearm

(1) In this Act:

firearm—

(a) means a gun, or other weapon, that is, or at any time was, capable of propelling a projectile by means of an explosive force, however caused; and

(b) includes—

(i) a blank fire firearm; and

(ii) an airgun; and

(iii) a paintball marker; and

(iv) something declared to be a firearm under section 31; and

(v) a modified item; and

(vi) a firearm frame or firearm receiver that does not form part of a firearm.

(2) However, firearm does not include—

(a) something prescribed by regulation not to be a firearm; or

(b) something declared not to be a firearm under section 31.

(3) In this section:

modified item means something that would be a firearm if—

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

(b) something had not been added to it.
7 Meaning of prohibited firearm

(1) In this Act:

*prohibited firearm*—

(a) means—

(i) a firearm described in schedule 1; and

(ii) a firearm prescribed by regulation; and

(iii) something declared to be a prohibited firearm under section 31; and

(b) includes a modified firearm.

*Note* A prohibited firearm includes a *prohibited pistol* (see sch 1, items 21 to 23).

(2) However, *prohibited firearm* does not include something declared not to be a prohibited firearm under section 31.

(3) A regulation may amend schedule 1 by—

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

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

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

(4) In this section:

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

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

(b) something had not been added to it.
8 Meaning of acquire

(1) In this Act:

*acquire*, a firearm or ammunition, means—

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

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

(2) In this section:

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

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

(i) repair, maintain or test it; or

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

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

(c) if the person is authorised to possess or use the firearm under section 14 (Authority to possess and use firearms temporarily) and the person has possession of the firearm; or

(d) if the firearm is a paintball marker, the person is authorised to possess, use or store the paintball marker under section 15 (Paintball markers—authority to possess, use or store) and the person has possession of the paintball marker; or

(e) in any other circumstances prescribed by regulation.
9  **Meaning of dispose**

In this Act:

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

10  **Meaning of possession**

(1) For this Act, a person has *possession* of a firearm if the person—

(a) has the firearm on his or her person, including in something carried or worn by the person (*physical possession*); or

(b) has the firearm at premises owned, leased or occupied by the person; or

(c) otherwise has the care, control or management of the firearm.

**Example—possession**

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

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

(2) Also, for this Act, a person has *possession* of a firearm if—

(a) part of the firearm is in the person’s possession; and

(b) other parts of the firearm are in the possession of 1 or more other people; and

(c) at least 1 of the other people is in possession of the other part or parts for an agreed purpose with the person; and

(d) the parts would make up the firearm if fitted together.
11 Evidence of possession—firearms at premises

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

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

Example
Stuart buys a house from Bob. The house has ducted heating, and the old fireplace cannot be used. Bob owns a firearm but, before moving out, he hides it in a cavity in the house’s chimney. Stuart does not know that Bob hid the firearm in the chimney. Stuart does not have possession of the firearm because he does not know that the firearm is in the chimney.

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

(i) is also at the premises; or

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

Example—par (b) (i)
Charlotte is giving Bruce a lift in her car to a shooting range. Bruce is licensed and has his registered firearm with him. Charlotte is not in possession of the firearm because Bruce is authorised to possess the firearm and he is in the car.

Example—par (b) (ii)
Isabel and Roy share a house. Roy is licensed and stores his registered firearm in the house. Isabel does not have access to the firearm and has nothing to do with it. Isabel is not in possession of the firearm even when Roy, the person authorised to possess the firearm, is not at the house, because Roy is the person who has the care, control or management of the firearm.

Note Premises includes vehicles (see dict).

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

(d) the trier of fact is otherwise satisfied that the person was not in possession of the firearm.
(2) To remove any doubt, a defendant to a prosecution for an offence against this Act who wishes to rely on a matter mentioned in subsection (1) has the evidential burden in relation to the matter.

12 Evidence of possession—care, control or management of firearm

(1) To work out whether a person has the care, control or management of a firearm for this Act, each of the following must be considered:
   (a) whether the person knows about the firearm;
   (b) whether the person can use or dispose of the firearm;
   (c) whether the person can control or prevent someone else from using or having physical possession of the firearm.

(2) In this section:

   *physical possession*—see section 10 (1) (a).

13 Taking possession under credit contract

(1) For this Act—
   (a) a person who takes possession of a thing under a credit contract is taken to have acquired it; and
   (b) the person who possessed the thing immediately before parting with possession is taken to have disposed of it.

(2) In this section:

   *credit*—see the National Credit Code, section 204 (1).

   *credit contract* means a contract under which credit is or may be provided.
14 Authority to possess and use firearms temporarily

(1) A person is authorised to possess or use a firearm if—
   (a) the person is a licensee to whom the firearm is lent by someone else (the lender) during a shooting or paintball competition; and
   (b) the licensee is licensed to use a firearm of the same kind as the firearm lent; and
   (c) the lender is a licensee; and
   (d) the lender is present while the person to whom the firearm is lent has possession of the firearm.

(2) A person is authorised to possess or use a firearm if—
   (a) the person has possession of the firearm on an approved shooting range to receive instruction in the use of the firearm; and
   (b) the person is under the immediate supervision of an authorised instructor; and
   (c) the person is at least the age prescribed by regulation for section 85 (Minors firearms licences—applications); and
   (d) the instructor is authorised under subsection (3) to possess or use the firearm.

(3) A person is authorised to possess or use a firearm if—
   (a) the person is an authorised instructor for an approved club; and
   (b) the firearm is a registered firearm; and
   (c) the person is licensed to possess or use a firearm of that kind; and
   (d) the person has possession or use of the firearm for the purpose of giving instruction.
(4) A person is authorised to possess or use an airgun if the person—
   (a) has possession of it for shooting at a shooting gallery, show, fair or amusement centre; and
   (b) is under the immediate supervision of—
      (i) the registered owner or a registered user of, or the registered principal for, the airgun; or
      (ii) for an airgun owned by someone from a State or another Territory who holds a licence or permit (however described) (an interstate licence) in force under the law of the State or Territory that authorises the use or possession of the airgun—the owner or someone employed by the owner who holds an interstate licence.

(5) A person is authorised to possess or use a firearm in any other circumstances prescribed by regulation.

15 Paintball markers—authority to possess, use or store

(1) This section applies in relation to the possession or use of a paintball marker in the ACT at an approved paintball range operated by the paintball range operator for the range.

(2) The paintball range operator, and an adult employee of the operator, are authorised to possess or use the paintball marker if the possession is in the course of the operation of the paintball range or the employee’s employment.

(3) An adult is authorised to possess or use the paintball marker if—
   (a) the marker is in the person’s possession with the knowledge and approval of the paintball range operator or an adult employee of the operator; and
   (b) the person is taking part in a paintball activity conducted by the operator.
A person who is 16 or 17 years old (a *young participant*) is authorised to possess or use the paintball marker if the possession or use is in accordance with—

(a) the requirements stated in subsection (3) (a) and (b); and

(b) the written consent of a responsible person for the young participant.

*Note* A *responsible person* for a young participant is a person with *parental responsibility* for the participant (see dict).

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

*Note* See s 181 (Offence—storage requirements for category A, category B and paintball marker licences).

16 **Meaning of *close associate* of firearms dealer etc**

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

(a) the entity—

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

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

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

(2) In this section:

*exercise* a power includes exercise the power for someone else.
financial interest, in relation to a business, means—
(a) a share in the capital of the business; or
(b) an entitlement to receive income derived from the business, however the entitlement arises.

hold a position includes hold the position for someone else.

licensed firearms dealer includes an applicant for a firearms dealer licence.

power means a power exercisable—
(a) by voting or otherwise; and
(b) alone or with others.

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

relevant power, in relation to a business, means a power—
(a) to take part in a directorial, managerial or executive decision for the business; or
(b) to elect or appoint a person to a relevant position in the business.

17 Assessing suitability of individuals
(1) This section applies if the registrar is deciding an individual’s suitability in relation to—
(a) an authorisation mentioned in section 39 (b) (Authorised instructors and club members); or
(b) an application under this Act; or
(c) the cancellation of a licence; or
(d) whether the individual is a prohibited person under section 187
(Meaning of prohibited person for licensed firearms dealers).

Note The registrar must or may decide an individual’s suitability in relation to the following applications and licences:
- applications for adult firearms licences (see s 58), firearms dealer licences (see s 69), minors firearms licences (see s 88) and composite entity firearms licences (see s 104);
- cancellation of adult firearms licences (see s 81), minors firearms licences (see s 98) and composite entity firearms licences (see s 120).

(2) In making the decision, the registrar—
(a) must consider any discretionary criteria under section 18 that apply to the individual; and
(b) must—
(i) consider whether any of the mandatory criteria under section 19 are satisfied in relation to the individual; and
(ii) if 1 or more criteria are satisfied—decide that the individual is not suitable.

18 Assessing suitability of individuals—discretionary criteria

(1) For section 17, the following are the discretionary criteria in relation to an individual:
(a) whether the registrar believes on reasonable grounds that, because of the individual’s physical or mental health, the individual may not handle firearms responsibly;

Note 1 Under s 56, the registrar may require the applicant for an adult firearms licence to give the registrar stated further information or documents that the registrar reasonably needs to decide the application. This could include a document that is a consent to the disclosure of personal health information (see s 56 (3)).
Note 2 See also s 86 (Minors firearms licences—requirement for further information etc) and s 102 (Composite entity firearms licences—requirement for further information etc).

(b) whether, during the 10 years before the day the registrar decides the individual's suitability, the individual has—

(i) been released (whether on parole or otherwise) after serving a term of imprisonment or detention; or

(ii) been subject to a final protection order that—

(A) has been revoked; or

(B) permits the individual to possess or retain a firearm; or

Note The Magistrates Court may order that the firearms licence of a person subject to a final order not be cancelled under the Personal Violence Act 2016, s 37 (3).

(iii) been subject to an interim protection order; or

(iv) been convicted or found guilty of an offence (other than a prescribed offence)—

(A) against this Act or a corresponding law; or

(B) in the ACT or elsewhere involving violence, drugs, alcohol or weapons; or

Note 1 A conviction does not include a spent conviction or an extinguished conviction (see Spent Convictions Act 2000, s 16 (c) (i) and s 19H (1) (c) (i)).

Note 2 Found guilty, of an offence—see the Legislation Act, dictionary, pt 1.

(v) given an undertaking to a court, in the ACT or elsewhere, to keep the peace or be of good behaviour; or

(vi) had his or her licence or permit suspended or cancelled;
(c) whether the registrar believes on reasonable grounds that 
information held by a law enforcement agency in relation to the 
individual indicates that it would be contrary to the public 
interest for the individual to have access to a firearm;

Note The Minister may make guidelines about the making of decisions 
about the public interest under this paragraph (see s 37).

(d) any other criteria prescribed by regulation.

(2) In this section:

law enforcement agency means each of the following:

(a) the Australian Federal Police;

(b) the police service or force of a State, another Territory or a 
foreign country;

(c) the Department of Home Affairs (Cwlth);

(d) the Australian Criminal Intelligence Commission;

(e) the New South Wales Independent Commission Against 
Corruption or a similar entity established under the law of 
another State or Territory;

(f) the New South Wales Crime Commission or a similar entity 
established under the law of another State or Territory;

(g) an entity prescribed by regulation.

prescribed offence means—

(a) an offence—

(i) against this Act or a corresponding law; or

(ii) in the ACT or elsewhere involving violence, drugs, alcohol 
or weapons; and

(b) an offence punishable by imprisonment for longer than 1 year.
18A Protection of security sensitive information

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

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

(b) believes on reasonable grounds that information held by a law enforcement agency in relation to the individual indicates that it would be contrary to the public interest for the individual to have access to a firearm.

(2) The registrar is not required under this Act or any other territory law to give reasons for the registrar’s decision to the extent that giving those reasons would disclose security sensitive information.

(3) In this section:

law enforcement agency—see section 18 (2).

security sensitive information means information held by a law enforcement agency that relates to actual or suspected criminal activity (whether in the ACT or elsewhere) the disclosure of which could reasonably be expected to—

(a) prejudice a criminal investigation; or

(b) enable the discovery of the existence or identity of a confidential source of information relevant to law enforcement; or

(c) endanger a person’s life or physical safety.

18B ACAT or court review—decision on security sensitive information

(1) This section applies if—

(a) an individual applies to the ACAT or the court for review of a decision of the registrar under this Act (the relevant decision); and
(b) the registrar has not given reasons for the relevant decision under section 18A (2).

(2) The registrar must apply to the ACAT or the court for a decision about whether the reasons disclose security sensitive information.

(3) The registrar need not notify anyone about the registrar’s application (including the applicant for the review of the relevant decision) unless the ACAT or the court otherwise orders.

(4) On application, the ACAT or the court must decide whether the information is, or is not, security sensitive information.

(5) In this section:

security sensitive information—see section 18A (3).

**18C ACAT or court review—dealing with security sensitive information**

(1) This section applies if the ACAT or the court decides under section 18B that reasons for a relevant decision disclose security sensitive information.

(2) In deciding an application for review of the relevant decision, the ACAT or the court must—

(a) ensure security sensitive information is not disclosed in any reasons for the decision; and

(b) receive evidence and submissions that would disclose security sensitive information in private, in the absence of the public, the applicant for review, the applicant’s representative and any other interested party.

(3) However, the ACAT or court need not receive evidence or submissions in accordance with subsection (2) (b) if the registrar otherwise agrees.
(4) In this section:

- **relevant decision**—see section 18B (1) (a).

- **security sensitive information**—see section 18A (3).

## 19 Assessing suitability of individuals—mandatory criteria

(1) For section 17, the following are the mandatory criteria in relation to an individual:

(a) for an application for a licence other than a composite entity firearms licence—the registrar believes on reasonable grounds that the individual may not personally exercise continuous and responsible control over a firearm because of the individual’s way of living or domestic circumstances;

(b) within the 10 years before the day the registrar decides the individual’s suitability, the individual has been—

(i) subject to a final protection order other than an order that—

   (A) has been revoked or successfully appealed against; or

   (B) permits the individual to possess or retain a firearm; or

   **Note** The Magistrates Court may order that the firearms licence of a person subject to a final order not be cancelled under the *Personal Violence Act 2016*, s 37 (3).

(ii) subject to an order under this Act or a corresponding law that prohibits the person from possessing or using a firearm (other than an order that has been successfully appealed against); or

(iii) convicted or found guilty of a prescribed offence in the ACT or elsewhere;

   **Note** *Found guilty* of an offence—see the *Legislation Act*, dictionary, pt 1.
(c) the individual is not suitable because of a reason prescribed by regulation.

(2) In this section:

*prescribed offence*—see section 18 (2).

*successfully appealed against*—an order is *successfully appealed against* if an appeal against the making of the order is upheld.

### Approval of courses etc by registrar

(1) The registrar may approve the following for this Act:

(a) a firearms training course;

(b) a shooting competition;

(c) a paintball competition;

(d) an event involving firearms.

(2) An approval under this section is a notifiable instrument.

*Note* A notifiable instrument must be notified under the *Legislation Act.*
Part 3  Operation of Act

Section 21

Part 3  Operation of Act

21  Government-owned firearms

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

Note  The head of the agency is the principal for the firearm (see s 100).

22  People responsible for certain actions etc

For this Act—

(a) a thing done for a composite entity is taken to have been done by the entity; and

(b) a thing done in relation to a principal or employee of a composite entity is taken to have been done in relation to the entity.

Note  Composite entity and principal—see s 100.

23  People exempt from Act etc

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

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

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

(4) To remove any doubt, a defendant to a prosecution for an offence against this Act who wishes to rely on a circumstance mentioned in schedule 2, part 2.2, part 2.3 or part 2.4, column 3 has the evidential burden in relation to the circumstance.
(5) For this section, a person is **exempt** from, or **does not commit an offence** against, this Act including because of an exception or immunity under a Commonwealth law.

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

*Note 2* A regulation may also exempt a person from this Act (see s 272 (2) (r)).

### 23A Application of Act to imitation firearms

(1) This Act applies to an imitation firearm in the same way as it applies to a firearm, subject to the following:

(a) the registrar must not issue a licence for the possession or use of an imitation firearm (except to a firearms dealer);

(b) the registrar may issue a permit for the possession or use of an imitation firearm;

(c) an imitation firearm is not required to be registered.

(2) For the application of this Act to an imitation firearm—

(a) an imitation firearm that is an imitation of a pistol is taken to be a pistol; and

(b) an imitation firearm that is an imitation of a prohibited firearm is taken to be a prohibited firearm.

(3) In this Act:

*imitation firearm*—

(a) means something that, regardless of its colour, weight or composition or the presence or absence of any moveable parts, substantially duplicates in appearance a firearm but is not a firearm; and

(b) includes something that the registrar declares to be an imitation firearm under section 31.
(4) However, *imitation firearm* does not include—

(a) something that is produced and identified as a children’s toy; or

(b) something prescribed by regulation not to be an imitation firearm; or

(c) something declared not to be an imitation firearm under section 31.
Part 4    Unregulated firearms

24    Meaning of unregulated firearm—Act

In this Act:

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

(a) the thing is designed, made or altered to be used as a firearm; and

(b) the only practical use of the thing is as a firearm; and

(c) the thing is not a prohibited firearm; and

(d) the possession or use of the thing is not authorised under this Act.

25    Unregulated firearms—seizure by police

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

(a) because the thing would pose a risk to the safety of anyone if used; and

(b) to prevent the thing from being used or concealed, lost or destroyed.

26    Unregulated firearms—receipt for seizure

(1) A police officer who seizes a thing under section 25 must give a receipt for the thing to the person from whom it was seized.

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

(3) The receipt must include the following:

(a) a description of the thing seized;
(b) an explanation of why the thing was seized;
(c) the police officer’s name, and how to contact the officer;
(d) if the thing is removed from the place of seizure under section 27—the address of the place to which the thing is removed.

27 Unregulated firearms—examination

(1) A police officer who seizes a thing under section 25 (Unregulated firearms—seizure by police) may remove the thing from the premises where it was seized to another place for examination or processing, for not longer than 7 days (the 7-day period).

(2) A police officer may apply to the Magistrates Court for an extension of the 7-day period if the officer believes on reasonable grounds that the thing cannot be examined or processed within that time.

(3) The police officer must, if practicable, give notice of the application to the person from whom the thing was seized, and the person is entitled to be heard on the application.

(4) The court may order the extension if satisfied on reasonable grounds that the thing cannot be examined or processed within the 7-day period.

(5) If a thing is moved to another place under this section, the police officer must, if practicable, tell the person from whom the thing was seized (or the person’s representative) the results of the examination or processing.

28 Unregulated firearms—access to things seized

A person who would, apart from the seizure, be entitled to inspect a thing seized under section 25 (Unregulated firearms—seizure by police) may inspect it.
29  **Unregulated firearms—review of decision to seize**

(1) The registrar must review each seizure under section 25 (Unregulated firearms—seizure by police) and order the return of the thing to the person from whom it was seized if—

(a) when seized, the thing was not—

   (i) an unregulated firearm; or

   (ii) a prohibited firearm; or

(b) within 30 days after the day of seizure, the thing is not a prohibited firearm; or

(c) the registrar has no reasonable grounds to believe that the thing is connected with an offence against any of the following:

   (i) this Act;

   (ii) the *Prohibited Weapons Act 1996*;

   (iii) the *Crimes Act 1900*;

   (iv) the *Criminal Code*;

   (v) another law prescribed by regulation.

(2) If a thing is ordered to be returned under subsection (1) to the person from whom it was seized, but it cannot be returned, the Territory must pay reasonable compensation to the owner of the thing for its loss.

(3) In this section:

   *offence* includes an offence that there are reasonable grounds for believing has been, is being or will be, committed.
30  Unregulated firearms—forfeiture

(1) A thing seized under section 25 (Unregulated firearms—seizure by police) is forfeited to the Territory if there is no requirement under section 29—

(a) to return the thing to the person from whom it was seized; or

(b) to pay compensation for the thing.

(2) A thing forfeited to the Territory may be destroyed or otherwise disposed of as the registrar directs.
Part 5  Declarations about firearms

31  Firearms declarations by registrar

(1) The registrar may, in accordance with any guidelines under section 37 (Minister’s guidelines), do any of the following:

(a) declare something to be a firearm or imitation firearm;
(b) declare an unregulated firearm to be a prohibited firearm;
(c) declare that something is not a firearm, imitation firearm or prohibited firearm.

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

(3) A declaration is a disallowable instrument.

Note  A disallowable instrument must be notified, and presented to the Legislative Assembly, under the Legislation Act.

(4) The registrar must give additional public notice of the declaration.

Note  Public notice means notice on an ACT government website or in a daily newspaper circulating in the ACT (see Legislation Act, dict, pt 1). The requirement in s (4) is in addition to the requirement for notification on the legislation register as a notifiable instrument.

32  Effect of certain declarations

A person does not commit an offence against this Act in relation to the possession or use of a thing that is the subject of a declaration under section 31 (1) (a) or (b) if the elements of the offence happen less than 2 days after the day the declaration is notified under the Legislation Act.
Part 6  Administration

33  Registrar of firearms
The chief police officer may appoint a person who is a police officer who holds a rank of or above that of superintendent to be the Registrar of Firearms.

Note 1  For the making of appointments (including acting appointments), see the Legislation Act, pt 19.3.

Note 2  In particular, an appointment may be made by naming a person or nominating the occupant of a position (see Legislation Act, s 207).

34  Functions of registrar
The registrar has the functions given to the registrar by this Act or any other law of the Territory.

Note  A provision of a law that gives an entity (including a person) a function also gives the entity the powers necessary and convenient to exercise the function (see Legislation Act, s 196 (1) and dict, pt 1, defs entity and function).

35  Delegation by registrar
(1)  The registrar may delegate the registrar’s functions under this Act or another territory law to a police officer.

(2)  However, the registrar must not delegate the registrar’s functions under section 18A, 18B or 18C.

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

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

36  Reports and recommendations
The registrar must report to the Minister on any matter referred by the Minister to the registrar for report.
Minister’s guidelines

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

(2) The Minister may make guidelines about the making of the following decisions by the registrar:

(a) a decision about the public interest under section 18 (1) (c) (Assessing suitability of individuals—discretionary criteria);

(b) a decision under section 20 (Approval of courses etc by registrar);

(c) a decision under section 31 (Firearms declarations by registrar);

(d) a decision under this Act whether it is in the public interest to—

(i) issue a licence; or

(ii) put a condition on a licence; or

(iii) suspend a licence;

(e) a decision about an authorisation under any of the following sections:

(i) section 39 (Authorised instructors and club members);

(ii) section 73 (1) (e) (Adult firearms licences—conditions);

(iii) section 94 (1) (b) (Minors firearms licences—conditions);

(iv) section 116 (1) (f) (Composite entity firearms licences—conditions);

(v) section 130 (1) (e) (Temporary international firearms licences—conditions);

(vi) section 244 (Offence—sale of ammunition by licensed firearms dealers);

(vii) section 245 (Offence—sale of ammunition by authorised club members);
(viii) section 248 (Offence—acquiring ammunition);

(ix) section 252 (Offences—defacing, altering and removing identification marks);

(f) a decision about an approval under any of the following sections:
   (i) section 221 (Discharge etc of firearm—public places etc);
   (ii) section 222 (1) (b) (Discharge of firearm—general);
   (iii) section 250 (Modification of firearms).

(3) The registrar must comply with any guidelines about the making of decisions by the registrar.

(4) Also, the Minister may make guidelines about the following:
   (a) the safe storage of firearms on premises;
      Note: Premises includes vehicles (see dict).
   (b) making firearms inoperable;
   (c) the operation of shooting ranges;
   (d) the operation of paintball ranges;
   (e) the correction of records required to be kept by licensed firearms dealers under this Act.

(5) A guideline is a disallowable instrument.

Note: A disallowable instrument must be notified, and presented to the Legislative Assembly, under the Legislation Act.
38 **Amnesty**

(1) The Minister may declare an amnesty period for section 42 (Offence—unauthorised possession or use of prohibited firearms) or section 43 (Offence—unauthorised possession or use of firearms other than prohibited firearms).

(2) A declaration is a notifiable instrument.

*Note* A notifiable instrument must be notified under the *Legislation Act 2001*.

(3) The Minister must give additional public notice of the declaration.

*Note* *Public notice* means notice on an ACT government website or in a daily newspaper circulating in the ACT (see *Legislation Act*, dict, pt 1). The requirement in s (3) is in addition to the requirement for notification on the legislation register as a notifiable instrument.

(4) A proceeding does not lie against a person in relation to the possession of a firearm surrendered to a police officer during an amnesty period.

39 **Authorised instructors and club members**

The registrar may, in writing, authorise—

(a) a licensee to give instruction in the use of firearms if the licensee has completed an approved firearms training course; or

(b) a member of an approved club to sell ammunition if the registrar is satisfied on reasonable grounds that the member is suitable.

*Note* For when an individual is or is not suitable, see s 17.

40 **Approval of clubs**

(1) A collectors, hunting or shooting club may apply to the registrar for approval for this Act.

*Note 1* If a form is approved under s 271 for this provision, the form must be used.

*Note 2* A fee may be determined under s 270 for this provision.
(2) The registrar may approve the club.

Note: An approval is a disallowable instrument (see s (6)).

(3) The registrar may approve the club only if satisfied that—

(a) the club is a corporation; and

(b) if the club is a collectors club—

(i) the club holds regular meetings and activities in relation to the collection of firearms; and

(ii) the club is formed or carried on for the purpose of directly promoting or encouraging the collection of firearms or firearms of a particular kind; and

(c) if the club is a hunting club—

(i) the club conducts regular recreational hunting activities requiring the use of firearms; and

(ii) the main objects of the club are to conduct recreational hunting activities requiring the use of firearms, whether or not its activities are carried out partly outside the ACT; and

(d) if the club is a shooting club—

(i) the club conducts regular shooting competitions or other activities requiring the use of firearms; and

(ii) the club is formed or carried on for the purpose of directly promoting or encouraging the sport of shooting, whether or not its activities are carried out partly outside the ACT; and

(e) the club meets the requirements (if any) prescribed under the regulations.

(4) In deciding whether to approve the club, the registrar must have regard to—

(a) the membership rules of the club; and
(b) for a shooting club—whether the club owns or uses an approved shooting range or club premises; and
(c) anything else prescribed under the regulations.

(5) An approval is subject to the conditions (if any) prescribed under the regulations.

(6) An approval is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the Legislation Act.

41 Registrar’s approval to possess ammunition as collector

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

Note 1 If a form is approved under s 271 for this provision, the form must be used.

Note 2 A fee may be determined under s 270 for this provision.

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

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

(a) the applicant is a collector of ammunition; and
(b) the collection of ammunition does not, and will not, consist of more rounds of ammunition that are identical as to the following than the registrar considers reasonable in the interests of public safety:

(i) manufacturer;
(ii) date of manufacture;
(iii) calibre or type;
(iv) if the ammunition bears a cartridge headstamp—headstamp.
Part 7  Firearms licences

Division 7.1  Requirement for licence etc

Section 42

42 Offence—unauthorised possession or use of prohibited firearms

(1) A person commits an offence if the person—

(a) possesses or uses—

(i) 10 or more prohibited firearms; or

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

(iii) 1 or 2 prohibited firearms; and

(b) is not authorised by a licence or permit to possess or use each of the prohibited firearms.

Maximum penalty:

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

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

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

(2) It is a defence to a prosecution for an offence against subsection (1) if the defendant proves that the defendant is authorised to possess or use each of the prohibited firearms under 1 or more of the following sections:

(a) section 136 (Temporary recognition of interstate licences—general);

(b) section 137 (Temporary recognition of interstate category C licences);

(c) section 138 (Interstate residents moving to ACT—category A, B, and paintball marker licences);
(d) section 139 (Interstate residents moving to ACT—category C and H licences);

(e) section 140 (Temporary recognition of interstate licences for international visitors—shooting or paintball competitions);

(f) section 140A (Temporary recognition of interstate category D licences—vertebrate pest animal control).

Note 1 The defendant has a legal burden in relation to the matters mentioned in s (2) (see Criminal Code, s 59).

Note 2 Certain people are exempt from this offence in certain circumstances (see s 23 and sch 2).

43 Offence—unauthorised possession or use of firearms other than prohibited firearms

(1) A person commits an offence if the person—

(a) possesses or uses—

(i) 10 or more firearms; or

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

(iii) 1 or 2 firearms; and

(b) is not authorised by a licence or permit to possess or use each of the firearms.

Maximum penalty:

(a) for subsection (1) (a) (i)—imprisonment for 20 years; or

(b) for subsection (1) (a) (ii)—imprisonment for 7 years; or

(c) for subsection (1) (a) (iii)—imprisonment for 5 years.

(2) It is a defence to a prosecution for an offence against subsection (1) if the defendant proves that the defendant is authorised to possess or use each of the firearms under 1 or more of the following sections:

(a) section 136 (Temporary recognition of interstate licences—general);
(b) section 137 (Temporary recognition of interstate category C licences);
(c) section 138 (Interstate residents moving to ACT—category A, B, and paintball marker licences);
(d) section 139 (Interstate residents moving to ACT—category C and H licences);
(e) section 140 (Temporary recognition of interstate licences for international visitors—shooting or paintball competitions);
(f) section 140A (Temporary recognition of interstate category D licences—vertebrate pest animal control).

Note 1 The defendant has a legal burden in relation to the matters mentioned in s (1A) (see Criminal Code, s 59).

Note 2 Certain people are exempt from this offence in certain circumstances (see s 23 and sch 2).

(3) In this section:

firearm does not include a prohibited firearm.

44 Alternative verdicts—unauthorised possession or use of firearms

(1) This section applies if, in a prosecution for an offence against section 42 (Offence—unauthorised possession or use of prohibited firearms), the trier of fact is not satisfied that the defendant committed the offence but is satisfied beyond reasonable doubt that the defendant committed an offence against section 43.

(2) The trier of fact may find the defendant guilty of the offence against section 43, but only if the defendant has been given procedural fairness in relation to that finding of guilt.
Firearms licences
Requirement for licence etc

Part 7
Division 7.1
Section 45

45  Offence—contravention of condition by licensee etc

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

Maximum penalty: 1 000 penalty units, imprisonment for 10 years or both.

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

Maximum penalty: 500 penalty units, imprisonment for 5 years or both.

(3) Subsections (1) and (2) do not apply to a condition that the licensee or permit-holder must allow a police officer to enter to inspect facilities if—
   (a) the contravention involved refusing to allow a police officer to enter or inspect facilities; and
   (b) the refusal was reasonable in all the circumstances.
Division 7.2 Licensing schemes—general

46 Definitions of some licences—Act

In this Act:

adult firearms licence means a licence issued to an adult under division 7.3.

composite entity firearms licence means a licence issued to a composite entity under division 7.5.

minors firearms licence means a licence issued to a child under division 7.4.

temporary international firearms licence means a licence issued under division 7.6.

47 Offence—notice of lost, stolen and destroyed licences

A licensee commits an offence if—

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

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

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

Maximum penalty: 10 penalty units.
48 Offence—failing to surrender firearms when licence suspended or cancelled

A person commits an offence if—

(a) the person’s licence is suspended or cancelled; and

(b) the person intentionally or negligently fails to surrender any firearm in the person’s possession to a police officer—

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

(ii) as soon as possible after the day the person is given notice of the suspension or cancellation; or

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

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

49 Offence—failure to give up suspended or cancelled licence

A person commits an offence if—

(a) the person’s licence is suspended or cancelled; and

(b) the person intentionally or negligently fails to give the licence to a police officer—

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

(ii) as soon as possible after the day the person is given notice of the suspension or cancellation; or

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

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.
50  Police may seize firearms under suspended and cancelled licences

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

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

   (a) the licence is in force or has not been further suspended; or
   
   (b) possession of the firearm is not otherwise prohibited under this Act.

51  Licence renewals to be treated as fresh applications

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

52  Licence categories, kinds and authority conferred by licence

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

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

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

(4) The possession or use authorised by a licence is subject to any regulation.

(5) The registrar may declare the category of a firearm if—

   (a) the firearm does not have a category under this Act; or
   
   (b) it is not clear to which category the firearm belongs.

Note  Category, of firearm—see the dictionary.
(6) A declaration is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the Legislation Act.

(7) The registrar must give additional public notice of the declaration.

Note Public notice means notice on an ACT government website or in a daily newspaper circulating in the ACT (see Legislation Act, dict, pt 1). The requirement in s (7) is in addition to the requirement for notification on the legislation register as a disallowable instrument.

Authority conferred by licence—additional matters

(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

(ii) having it altered (otherwise than to convert it into a prohibited firearm), maintained, tested or repaired and subsequently recovering it from the dealer; and

(b) taking it to a police officer for the purpose of having it inspected and subsequently recovering it from a police officer; and

(c) taking it to a police officer for the purpose of surrendering it.

(2) A licence (other than a firearms dealer licence or paintball marker licence) that authorises the licensee to use a firearm also authorises the licensee, in accordance with this Act or another territory law, to acquire, possess or use the calibre of ammunition made for use in the firearm.

Note 1 A licensee must not possess, at any one time, an amount of ammunition that is more than the amount (if any) prescribed by regulation, unless authorised in writing by the registrar (see s 73, s 94, s 116 or s 130).

Note 2 A licensee must not acquire ammunition unless the amount of ammunition that is acquired at any one time is not more than the amount (if any) prescribed by regulation (see s 248).
(3) A licence that authorises the licensee to have possession or use of a registered firearm also authorises the licensee to use the registered firearm at an approved shooting range for 1 or more of the following purposes:

(a) to test the firearm;
(b) to adjust the sights on the firearm;
(c) to develop and refine self-loaded ammunition;
(d) to receive instruction and certification in the use of the firearm for an employment-related purpose.

Example—employment-related purpose

a person with an employee licence under the Security Industry Act 2003 wanting to maintain that licence

(4) For subsection (3), a licensee need not be a member of the shooting club that operates the approved shooting range.

(5) Unless a regulation prescribes otherwise, a category C licence does not authorise the possession or use of a prohibited firearm for a shooting competition.

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

(a) a prohibited firearm; or
(b) a firearm manufactured after the prescribed date;

for the purposes of a firearms collection.
Division 7.3 Licensing scheme—adult firearms licences

54 Adult firearms licences—applications

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

Note 1 If a form is approved under s 271 for this provision, the form must be used.

Note 2 A fee may be determined under s 270 for this provision.

(2) The application must—

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

(b) contain the information prescribed by regulation; and

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

55 Adult firearms licences—registrar to tell applicant about training etc

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

(a) any approved firearms training courses that must be completed by the applicant; and

(b) the firearm storage and safety requirements under this Act.

56 Adult firearms licences—requirement for further information etc

(1) This section applies to an application for an adult firearms licence.

(2) The registrar may give the applicant a written notice requiring the applicant to give the registrar stated further information or documents that the registrar reasonably needs to decide the application.
(3) Without limiting subsection (2), if the registrar believes on reasonable grounds that the applicant’s mental health may affect the applicant’s ability to handle firearms responsibly, the registrar may ask the applicant to consent to the disclosure to the registrar of personal health information about the applicant from a health record relating to the applicant.

Note The Health Records (Privacy and Access) Act 1997 contains provisions about the consent, access to the information and limitations on the use or disclosure of the information (see that Act, s 13A and sch 1, principle 10, cl 2 (c), 7 and 8). In particular, sch 1, principle 10, cl 7 provides that the consent must be in writing and name the health service provider who made the health record.

(4) If the applicant does not comply with subsection (2) (other than in relation to the consent mentioned in subsection (3)), the registrar may refuse to consider the application further.

(5) In this section:

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

57 Adult firearms licences—decision

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

Note 1 For when the registrar must refuse to issue an adult firearms licence, see s 58 and s 63 to s 70.

Note 2 A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including any regulation (see Legislation Act, s 104).
58 **Adult firearms licences—refusal**

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

(a) about the applicant’s identity; and

(b) that the applicant is suitable; and

Note For when an individual is or is not suitable, see s 17.

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

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

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

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

(e) that—

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

(ii) in accordance with section 61, it would be necessary for the applicant to possess or use the firearm in the lawful course of business or employment in the ACT; and

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

(i) stored in the ACT; or

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

(a) the applicant is not an adult; or

(b) for an application other than a renewal—the applicant holds a licence of the category applied for; or

(c) for an application for a licence other than a category D licence—the applicant has not completed each approved firearms training course for the category of licence applied for; or

(d) for an application for a category D licence—the applicant is not accredited by an entity approved by the registrar; or

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

Note The Minister may make guidelines about the making of a decision whether it is in the public interest to issue a licence (see s 37).

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

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

59 Adult firearms licences—categories

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

(a) category A;
(b) category B;
(c) category C;
(d) category D;
(e) category H;
(f) collectors;
(g) heirlooms;
(h) firearms dealer;
(i) paintball marker.
When adult firearms licences may be issued

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

Adult firearms licences—genuine reasons to possess or use firearms

(1) An applicant for an adult firearms licence has a genuine reason to possess or use a firearm if the registrar is satisfied that the applicant intends to possess or use the firearm for 1 or more of the reasons mentioned in table 61, column 2.

(2) The applicant must produce evidence (including evidence of a kind, if any, mentioned in table 61, column 3) of the requirements mentioned in column 3 in relation to the applicant’s genuine reason if asked to do so by the registrar.

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

(4) In this section:

nature conservation licence—see the Nature Conservation Act 2014, section 262.

public unleased land permit—see the Public Unleased Land Act 2013, section 40.

reserve—see the Nature Conservation Act 2014, section 169.

Note Reserves include wilderness areas, national parks, nature reserves, catchment areas and other areas of public land.
### Table 61

<table>
<thead>
<tr>
<th>column 1 item</th>
<th>column 2 genuine reason</th>
<th>column 3 requirements</th>
</tr>
</thead>
</table>
| 1             | sport or target shooting | 1.1 For an applicant to whom section 75 (Adult firearms licences—special conditions for category H licences for sport or target shooting) applies—the applicant is a member of an approved shooting club that conducts competitions or activities requiring the use of the firearm for which the licence is sought.  
1.2 For any other applicant—the applicant is an active member of an approved shooting club that conducts competitions or activities requiring the use of the firearm for which the licence is sought. |
| 2             | recreational hunting or vermin control on rural land | 2.1 For recreational hunting or vermin control on rural land—  
(a) the applicant has the permission of the owner or occupier of the land to shoot on the land; or  
(b) the applicant—  
(i) is an active member of an approved hunting club; and  
(ii) intends to use the firearm solely to take part in recreational hunting activities conducted by the club; and  
(iii) proves that the main objects of the club are to conduct recreational hunting activities requiring the use of the firearm for which the licence is sought; and  
(iv) proves that the club has the permission of the owner or occupier of the land to conduct those activities on the land.  
2.2 For vermin control in a reserve—the applicant holds a nature conservation licence, or a public unleased land permit, authorising the applicant to use a firearm in a reserve to kill animals. |
<table>
<thead>
<tr>
<th>column 1 item</th>
<th>column 2 genuine reason</th>
<th>column 3 requirements</th>
</tr>
</thead>
</table>
| 3             | primary production      | The applicant—
|               |                         | (a) is a person whose occupation is the business of a primary producer, or who is the owner, lessee or manager of land used for primary production; and
|               |                         | (b) intends to use the firearm solely in relation to farming or grazing activities (including the suppression of vertebrate pest animals on the land concerned). |
| 4             | vertebrate pest animal control | The applicant is—
|               |                         | (a) a professional contract shooter employed in controlling vertebrate pest animals on rural land; or
|               |                         | (b) a person employed by or in, or authorised by, a government agency prescribed by regulation that has functions relating to the control or suppression of vertebrate pest animals; or
|               |                         | (c) a person whose occupation is the business of a primary producer, or who is the owner, lessee, or manager of land used for primary production, and who is taking part in an authorised campaign conducted by or on behalf of a government agency to eradicate large feral animals or animals that are affected by brucellosis or tuberculosis. |
| 5             | business or employment  | The applicant needs to possess or use the firearm for which the licence is sought in the conduct of the applicant’s business or employment. |
| 6             | occupational requirements relating to rural purposes | The applicant is employed in a rural occupation that requires the possession or use of the firearm for which the licence is sought. |
## Part 7  Firearms licences
### Division 7.3  Licensing scheme—adult firearms licences
### Section 61

<table>
<thead>
<tr>
<th>column 1</th>
<th>column 2 genuine reason</th>
<th>column 3 requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>7</td>
<td>animal welfare</td>
<td>The applicant is—</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(a) an officer of the Royal Society for the Prevention of Cruelty to Animals; or</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(b) a veterinary practitioner; or</td>
</tr>
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<td></td>
<td></td>
<td>(c) a person employed by or within an administrative unit with responsibility for animal welfare; or</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(d) an owner, transporter, drover or other handler of animals who may need to destroy an animal to avoid it suffering.</td>
</tr>
<tr>
<td>8</td>
<td>firearms collection</td>
<td>8.1 For a licence that authorises the applicant to collect pistols manufactured after 1946—the applicant proves (by producing written evidence from the approved collectors club of which the applicant is a member) that—</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(a) the applicant has been a member of the club for at least 1 year; and</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(b) the collection has a thematic structure; and</td>
</tr>
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<td></td>
<td></td>
<td>(c) the applicant researches or studies firearms; and</td>
</tr>
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<td></td>
<td></td>
<td>(d) the members of the club collect firearms of the kind for which the licence is sought; and</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(e) the licence application is supported by the club.</td>
</tr>
<tr>
<td>9</td>
<td>heirloom possession</td>
<td>The applicant wants to possess a firearm that is an heirloom.</td>
</tr>
</tbody>
</table>
62  **Adult firearms licences—no genuine reason to possess or use firearms**

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

(a) personal protection or the protection of anyone else; or

(b) the protection of property (other than in circumstances constituting a reason of a kind mentioned in table 61, column 2).

63  **Adult firearms licences—restriction on issue of category B licences**

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

64  **Adult firearms licences—restriction on issue of category C licences**

The registrar must not issue a category C licence to an adult unless—

(a) the genuine reason established by the adult to possess or use a firearm is primary production (or another genuine reason prescribed by regulation); and
(b) the adult produces evidence that satisfies the registrar that—

(i) the adult has a special need to possess or use a firearm to which a category C licence applies; and

(ii) the special need cannot be met in any other way (whether by the authority given by a category A or category B licence or otherwise).

65 Adult firearms licences—restriction on issue of category D licences

(1) The registrar must not issue a category D licence to an adult unless—

(a) the genuine reason established by the adult to possess or use a firearm is vertebrate pest animal control; and

(b) the adult produces evidence that satisfies the registrar that the adult has a special need to possess or use a firearm to which a category D licence applies; and

(c) for an adult mentioned in table 61, item 4, column 3, paragraph (c)—the adult produces evidence that satisfies the registrar that the special need cannot be met in any other way (whether by the authority given by a category B or category C licence, by engaging a professional contract shooter or otherwise); and

(d) the Minister authorises the issue in writing.

(2) The Minister’s authority may be given on the condition that the licence is issued subject to a stated condition that the Minister believes on reasonable grounds is in the public interest.

(3) If a guideline mentioned in section 37 (2) (d) (ii) is in force, the guideline applies in relation to subsection (2) as if the Minister were the registrar.
66 **Adult firearms licences—restriction on issue of category H licences**

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

(a) the adult has established 1 or more of the following genuine reasons to possess or use a firearm:

(i) sport or target shooting;

(ii) business or employment;

(iii) firearms collection; and

(b) the adult produces evidence that satisfies the registrar that the adult has a special need to possess or use a pistol; and

(c) if the adult’s only genuine reason to possess or use a firearm is sport or target shooting—the adult gives the registrar written evidence from an approved shooting club of which the adult is a member that the licence application is supported by the club.

67 **Adult firearms licences—restriction on issue of collectors licences**

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

68 **Adult firearms licences—restrictions on issue of heirlooms licence**

The registrar must not issue an heirlooms licence to an adult—

(a) for more than 1 firearm or a matched pair of firearms; and

(b) unless satisfied on reasonable grounds that the firearm or matched pair is—

(i) an heirloom; and

(ii) permanently inoperable.
69 Adult firearms licences—restrictions on issue of firearms dealer licences

The registrar must not issue a firearms dealer licence to an adult unless satisfied on reasonable grounds that—

(a) an individual who is, or will be, a close associate of the adult is suitable; and

Note For when an individual is or is not suitable, see s 17.

(b) the adult will be the person primarily responsible for the management of the business to be carried on under the licence.

70 Adult firearms licences—restrictions on issue of paintball marker licences

The registrar must not issue a paintball marker licence to an adult unless satisfied on reasonable grounds that the adult has taken part in at least 4 paintball competitions.

Note Section 15 (Paintball markers—authority to possess, use or store) provides that an adult is authorised to possess or use a paintball marker without a licence in certain circumstances.

71 Adult firearms licences—form

An adult firearms licence must—

(a) state the licensee’s name; and

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

(c) contain the licensee’s signature; and

(d) state the licence category; and

(e) for a firearms dealer licence, collectors licence or heirlooms licence—state the category of firearm for which the licence is issued; and

(f) state the date the licence ends; and
Firearms licences
Licensing scheme—adult firearms licences

Part 7
Division 7.3
Section 72

(g) for a licence other than a firearms dealer licence or paintball marker licence—state the calibre of ammunition the licensee is authorised to acquire or possess; and

(h) state the genuine reason established by the licensee to possess or use a firearm to which the licence applies; and

(i) for a category D licence—state the circumstances when the firearm may be used; and

(j) contain any other particulars prescribed by regulation.

72  Adult firearms licences—replacements

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

Note  A fee may be determined under s 270 for this provision.

(2) If the registrar issues the replacement licence, the registrar must—

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

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

Note  It is an offence to fail to tell the registrar about a lost, stolen or destroyed licence (see s 47).

73  Adult firearms licences—conditions

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

(a) the licensee must comply with part 12 (Safe storage of firearms) in relation to each registered firearm held under the licence;
(b) the licensee must not allow someone else to possess or use a firearm in the licensee’s possession if the other person is not authorised to possess or use the firearm;

(c) the licensee must store each registered firearm held under the licence—
   (i) at the registered premises for the firearm; or
   (ii) at premises authorised for storage of the firearm by a permit issued under the *Firearms Act 1996* (NSW), section 28;

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

(d) the licensee must allow a police officer to enter registered premises to inspect the licensee’s facilities for storing firearms in the licensee’s possession;

   *Note* For a police officer’s powers on entry under a licence condition, see s 207 (Powers on entry—condition).

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

(f) the licence cannot be transferred to someone else;

(g) any other condition prescribed by regulation.

(2) For subsection (1) (d), a police officer may enter premises—

(a) not more than twice each year, unless the entry is under part 14 (Enforcement); and

(b) only if the licensee is present; and

(c) only between 7 am and 7 pm; and

(d) as prescribed by regulation (if any).
(3) An adult firearms licence is also subject to any condition that the registrar believes on reasonable grounds is in the public interest.

Note 1 The Minister may make guidelines about the making of a decision whether it is in the public interest to put a condition on a licence (see s 37).

Note 2 If the registrar puts a condition on a licence under this section, the registrar must give written notice of the decision to the licensee (see s 260).

### 74 Adult firearms licences—special conditions of category D licences

Each category D licence is subject to the following conditions:

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

Example—stated circumstances

for airborne culling

(b) the licensee must—

(i) store the firearm with a licensed firearms dealer (other than a club armourer) as soon as practicable after the day the licence ends; or

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

### 75 Adult firearms licences—special conditions for category H licences for sport or target shooting

(1) This section applies to an adult if the adult—

(a) is issued with a category H licence (the new licence) for the genuine reason of sport or target shooting; and

(b) has never held a category H licence before being issued with the new licence.
Part 7  Firearms licences
Division 7.3  Licensing scheme—adult firearms licences
Section 75

(2) The licence is subject to the following conditions for the first 6-month period of the licence term:

(a) the licensee must not possess a pistol except on the premises of an approved shooting club;

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

(c) the licensee must be an active member of an approved shooting club.

(3) If, after the end of the period mentioned in subsection (2), the approved shooting club mentioned in subsection (2) (c) has certified to the registrar that the licensee has complied with the conditions mentioned in the subsection, the licence is subject to the condition that, for the second 6-month period of the licence term, the licensee may acquire no more than—

(a) 1 pistol of not more than 5.6mm calibre and 1 air pistol of not more than 4.5mm calibre; or

(b) 1 centre-fire pistol and 1 air pistol of not more than 4.5mm calibre.

Note 1  A 4.5mm calibre air pistol includes a 0.177 inch calibre air pistol.

Note 2  A 5.6mm calibre pistol includes a 0.22 inch calibre pistol.

(4) This section does not limit the conditions that may be placed on the licence.

Note  For conditions of category H licences issued for the genuine reason of business or employment, see Firearms Regulation 1997, s 12 and s 13.
76 **Adult firearms licences—special conditions for collectors licences**

A collectors licence is subject to the following conditions:

(a) a firearm in the collection manufactured on or after 1 January 1900, or that is a prohibited pistol, must be rendered incapable of being fired in the way prescribed under the regulations;

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

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

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

(e) subject to sections 191 and 227, any category C or category D firearm must not be sold or otherwise disposed of otherwise than to another licensed collector;

(f) that no ammunition capable of being discharged from a firearm to which a collectors licence relates is 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 142, the licensee is not authorised to discharge a firearm that is part of a collection.
77 **Adult firearms licences—special conditions for paintball marker licences**

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

78 **Adult firearms licences—period in force**

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

(a) for 5 years; or

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

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

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

**Example—s (1)**

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

79 **Adult firearms licences—immediate suspension**

(1) This section applies if the registrar—

(a) is considering whether a ground for cancellation of a licence exists under—

(i) section 81 (Adult firearms licences—cancellation generally); or

(ii) section 82 (Adult firearms licences—cancellation of category H licences); and
(b) believes on reasonable grounds that it is in the public interest to suspend the licence until the registrar decides whether to cancel the licence on the ground.

Note 1 The Minister may make guidelines about the making of a decision whether it is in the public interest to suspend a licence (see s 37).

Note 2 If the registrar suspends a licence under this section, the registrar must give written notice of the decision to the licensee (see s 260).

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

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

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

Note See s 83 (Adult firearms licences—when suspension or cancellation takes effect).

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

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

(b) if the licence is cancelled under this Act or another territory law, or suspended (the later suspension) under another provision of this Act or another territory law—the cancellation or later suspension takes effect;

(c) 12 weeks have elapsed after the day the suspension takes effect.

(4) The licensee is not authorised to possess or use any firearm (not only firearms held under the licence) during the suspension.
80 Adult firearms licences—mandatory suspension for family violence offence

(1) The registrar must suspend an adult firearms licence if the registrar believes on reasonable grounds that the licensee has been charged with, committed or threatened to commit—

(a) a family violence offence; or

(b) an offence against a law of a State, another Territory or New Zealand corresponding to a family violence offence.

Note 1 A person’s licence is automatically suspended under—

- the *Family Violence Act 2016*, s 44 (1) (Firearms licences) if an interim or after-hours order is made against the person; or
- the *Personal Violence Act 2016*, s 36 (Interim orders—respondent’s firearms) if an interim order is made against the person unless the court otherwise orders.

Note 2 If the registrar suspends a licence under this section, the registrar must give written notice of the decision to the licensee (see s 260).

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

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

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

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

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

(b) if the licence is cancelled under this Act or another territory law, or suspended (the *later suspension*) under another provision of this Act or another territory law—the cancellation or later suspension takes effect;

(c) 12 weeks have elapsed after the day the suspension takes effect.
(4) The licensee is not authorised to possess or use any firearm (not only firearms held under the licence) during the suspension.

81 Adult firearms licences—cancellation generally

(1) The registrar must cancel an adult firearms licence—

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

Note For when the registrar must refuse to issue an adult firearms licence, see s 58 and s 63 to s 70.

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

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

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

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

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

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

Note For when an individual is or is not suitable, see s 17.

(d) for any other reason prescribed by regulation.

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

(a) the contravention involved refusing to allow a police officer to enter the premises or inspect the facilities; and
(b) the refusal was reasonable in all the circumstances.

Note 1 If the registrar cancels a licence under this section, the registrar must give written notice of the decision to the licensee (see s 260).

Note 2 If the registrar cancels a licence under this section because of a reassessment of the licensee’s suitability to hold a licence under s 81A, the registrar must give written notice of the decision to the Magistrates Court.

Note 3 A person’s licence is automatically cancelled under—
- the *Family Violence Act 2016*, s 44 (2) (Firearms licences) if a final order is made against the person; or
- the *Personal Violence Act 2016*, s 37 (Final orders—respondent’s firearms) if a final order is made against the person unless the court otherwise orders.

### 81A Adult firearms licences—reconsideration of suitability of licensee under certain protection orders

(1) This section applies if—

(a) a licensee is subject to a final or interim protection order (a *current protection order*) under the *Personal Violence Act 2016*; and

(b) the Magistrates Court orders that the licensee’s adult firearms licence not be—

(i) suspended under section 36 (3) (Interim orders—respondent’s firearms); or

(ii) cancelled under section 37 (3) (Final orders—respondent’s firearms).

(2) The registrar must decide whether the licensee continues to be suitable to hold the adult firearms licence—

(a) having regard to the criteria in section 18 and section 19 that apply to the licensee; but
(b) disregarding the current protection order.

Note If the registrar is satisfied on reasonable grounds that the licensee is not suitable, the registrar must cancel the licensee’s licence (see s 81 (1) (c)).

(3) If the registrar cancels the licensee’s adult firearms licence because of this section, the registrar must give the Magistrates Court written notice of the decision.

82 Adult firearms licences—cancellation of category H licences

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

83 Adult firearms licences—when suspension or cancellation takes effect

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

(2) The suspension or cancellation takes effect on—

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

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

Note For how documents may be served, see the Legislation Act, pt 19.5.
Division 7.4 Licensing scheme—minors firearms licences

84 Children prohibited from owning firearms
A child must not own a firearm.

85 Minors firearms licences—applications
(1) A child may apply to the registrar for a minors firearms licence if the child—
   (a) is at least the age prescribed by regulation; and
   
   Note A child is under 18 years old (see Legislation Act, dict, pt 1, def child).
   
   (b) has completed each approved firearms training course for the licence; and
   
   (c) is a member of an approved shooting club.

   Note 1 If a form is approved under s 271 for this provision, the form must be used.

   Note 2 A fee may be determined under s 270 for this provision.

(2) The application must—
   (a) provide evidence of the applicant’s identity in accordance with the requirements under the Financial Transaction Reports Act 1988 (Cwlth) that apply in relation to the opening of a bank account; and
   
   (b) contain the information prescribed by regulation; and
   
   (c) be accompanied by the documents prescribed by regulation.

(3) The applicant must personally lodge the application in the presence of a responsible person for the applicant.
(4) The application must contain the written consent of a responsible person for the applicant to the issue of the licence.

**Note.** A **responsible person** for an applicant is a person with **parental responsibility** for the applicant (see dict).

### 86 Minors firearms licences—requirement for further information etc

(1) This section applies to an application for—

(a) a minors firearms licence; or

(b) an extension under section 95 (Minors firearms licences—period in force).

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

(3) Without limiting subsection (2), if the registrar believes on reasonable grounds that the applicant’s mental health may affect the applicant’s ability to handle firearms responsibly, the registrar may ask the applicant to consent to the disclosure to the registrar of personal health information about the applicant from a health record relating to the applicant.

**Note.** The *Health Records (Privacy and Access) Act 1997* contains provisions about the consent, access to the information and limitations on the use or disclosure of the information (see that Act, s 13A and sch 1, principle 10, cl 2 (c), 7 and 8). In particular, sch 1, principle 10, cl 7 provides that the consent must be in writing and signed by a parent or legally appointed guardian of the applicant, or someone else with parental responsibility for the applicant, and name the health service provider who made the health record.

(4) If the applicant does not comply with subsection (2) (other than in relation to the consent mentioned in subsection (3)), the registrar may refuse to consider the application further.
(5) In this section:

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

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

### 87 Minors firearms licences—decision

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

*Note 1* For when the registrar must refuse to issue a minors firearms licence, see s 88.

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

### 88 Minors firearms licences—refusal

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

(a) about the applicant’s identity; and

(b) that the applicant is suitable; and

*Note* For when an individual is or is not suitable, see s 17.

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

*Note* Genuine reasons for possessing or using firearms for minors firearms licences are dealt with in s 91.

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

(e) that the application is made in accordance with section 85.
(2) The registrar must also refuse to issue the licence if—
   (a) the applicant holds a licence of the category applied for; or
   (b) the registrar believes on reasonable grounds that it would be contrary to the public interest to issue the licence.

   Note  The Minister may make guidelines about the making of a decision whether it is in the public interest to issue a licence (see s 37).

89  Minors firearms licences—categories

A minors firearms licence must be issued in 1 of the following categories:
   (a) category A;
   (b) category B;
   (c) category H.

90  When minors firearms licences may be issued

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

91  Minors firearms licences—genuine reasons to possess or use firearms

(1) An applicant for a minors firearms licence has a genuine reason to possess or use a firearm if the applicant wants to take part in—
   (a) firearms training; or
   (b) target pistol training.

(2) An applicant for a category A or category B minors firearms licence also has a genuine reason to possess or use a firearm if the applicant wants to receive instruction that is—
   (a) about the safe use of the firearm for primary production; and
(b) given under the supervision of a person who—

   (i) is a responsible person for the applicant; and

   (ii) holds an adult firearms licence of that category under which that use is a genuine reason for the person to hold the licence.

Note: A responsible person for an applicant is a person with parental responsibility for the applicant (see dict).

92 Minors firearms licences—form

A minors firearms licence must—

(a) state the licensee’s name; and

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

(c) contain the licensee’s signature; and

(d) state that it is a minors firearms licence; and

(e) state the licence category; and

(f) state the date the licence ends; and

(g) state the calibre of ammunition the licensee is authorised to acquire or possess; and

(h) state the genuine reason established by the licensee to possess or use a firearm to which the licence applies; and

(i) contain any other particulars prescribed by regulation.

93 Minors firearms licences—replacements

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

Note: A fee may be determined under s 270 for this provision.
(2) If the registrar issues the replacement licence, the registrar must—

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

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

Note It is an offence to fail to tell the registrar about a lost, stolen or destroyed licence (see s 47).

94 Minors firearms licences—conditions

(1) A minors firearms licence is subject to each of the following conditions:

(a) the licensee must not allow someone else to possess or use a firearm in the licensee’s possession if the other person is not authorised to possess or use the firearm;

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

(c) the licence cannot be transferred to someone else;

(d) any other condition prescribed by regulation.

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

Note 1 The Minister may make guidelines about the making of a decision whether it is in the public interest to put a condition on a licence (see s 37).

Note 2 If the registrar puts a condition on a licence under this section, the registrar must give written notice of the decision to the licensee (see s 260).
Minors firearms licences—period in force

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

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

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

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

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

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

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

Minors firearms licences—immediate suspension

(1) This section applies if the registrar—

(a) is considering whether a ground for cancellation of a licence exists under section 98 (1) (Minors firearms licences—cancellation); and
(b) believes on reasonable grounds that it is in the public interest to suspend the licence until the registrar decides whether to cancel the licence on the ground.

*Note 1* The Minister may make guidelines about the making of a decision whether it is in the public interest to suspend a licence (see s 37).

*Note 2* If the registrar suspends a licence under this section, the registrar must give written notice of the decision to the licensee (see s 260).

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

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

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

*Note* See s 99 (Minors firearms licences—when suspension or cancellation takes effect).

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

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

(b) if the licence is cancelled under this Act or another territory law, or suspended (the *later suspension*) under another provision of this Act or another territory law—the cancellation or later suspension takes effect;

(c) 12 weeks have elapsed after the day the suspension takes effect.

(4) The licensee is not authorised to possess or use any firearm (not only firearms held under the licence) during the suspension.
Minors firearms licences—mandatory suspension if family violence offence

(1) The registrar must suspend a minors firearms licence if the registrar believes on reasonable grounds that the licensee has been charged with, committed or threatened to commit—

(a) a family violence offence; or

(b) an offence against a law of a State, another Territory or New Zealand corresponding to a family violence offence.

Note 1 A person’s licence is automatically suspended under—

- the Family Violence Act 2016, s 44 (1) (Firearms licences) if an interim or after-hours order is made against the person; or
- the Personal Violence Act 2016, s 36 (Interim orders—respondent’s firearms) if an interim order is made against the person unless the court otherwise orders.

Note 2 If the registrar suspends a licence under this section, the registrar must give written notice of the decision to the licensee (see s 260).

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

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

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

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

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

(b) if the licence is cancelled under this Act or another territory law, or suspended (the later suspension) under another provision of this Act or another territory law—the cancellation or later suspension takes effect;

(c) 12 weeks have elapsed after the day the suspension takes effect.
(4) The licensee is not authorised to possess or use any firearm (not only firearms held under the licence) during the suspension.

98 Minors firearms licences—cancellation

The registrar must cancel a minors firearms licence—

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

Note  For when the registrar must refuse to issue a minors firearms licence, see s 88.

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

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

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

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

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

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

Note  For when an individual is or is not suitable, see s 17.
Part 7  Firearms licences
Division 7.4  Licensing scheme—minors firearms licences
Section 98A

(d) for any other reason prescribed by regulation.

Note 1 If the registrar cancels a licence under this section, the registrar must give written notice of the decision to the licensee (see s 260).

Note 2 If the registrar cancels a licence under this section because of a reassessment of the licensee’s suitability to hold a licence under s 98A, the registrar must give written notice of the decision to the Magistrates Court.

Note 3 A person’s licence is automatically cancelled under—
- the Family Violence Act 2016, s 44 (2) (Firearms licences) if a final order is made against the person; or
- the Personal Violence Act 2016, s 37 (Final orders—respondent’s firearms) if a final order is made against the person unless the court otherwise orders.

98A  Minors firearms licences—reconsideration of suitability of licensee under certain protection orders

(1) This section applies if—

(a) a licensee is subject to a final or interim protection order (the current protection order) under the Personal Violence Act 2016; and

(b) the Magistrate Court orders that the licensee’s minors firearms licence not be—

(i) suspended under section 36 (3) (Interim orders—respondent’s firearms); or

(ii) cancelled under section 37 (3) (Final orders—respondent’s firearms).

(2) The registrar must decide whether the licensee continues to be suitable to hold the minors firearms licence—

(a) having regard to the criteria in section 18 and section 19 that apply to the licensee; but
(b) disregarding the current protection order.

*Note* If the registrar is satisfied on reasonable grounds that the licensee is not suitable, the registrar must cancel the licensee’s licence (see s 98 (c)).

(3) If the registrar cancels the licensee’s minors firearms licence because of this section, the registrar must give the Magistrates Court written notice of the decision.

99 Minors firearms licences—when suspension or cancellation takes effect

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

(2) The suspension or cancellation takes effect on—

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

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

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

Division 7.5 Licensing scheme—composite entity firearms licences

100 Definitions—Act

In this Act:

*composite entity* means—

(a) a corporation; or

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

*principal*, of a composite entity—

(a) for a corporation—means an executive officer of the corporation; or
(b) for a government agency—means the head of the agency.

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

101 Composite entity firearms licences—applications

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

Note 1 For this Act, something done for a composite entity is taken to have been done by the entity (see s 22).

Note 2 If a form is approved under s 271 for this provision, the form must be used.

Note 3 A fee may be determined under s 270 for this provision.

(2) The application must—

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

(b) provide evidence of the composite entity’s identity; and

(c) contain the information prescribed by regulation; and

(d) be accompanied by the documents prescribed by regulation.

102 Composite entity firearms licences—requirement for further information etc

(1) This section applies to an application for a composite entity firearms licence.

(2) The registrar may give the principal making the application a written notice requiring the principal to give the registrar stated further information or documents that the registrar reasonably needs to decide the application.
(3) Without limiting subsection (2), if the registrar believes on reasonable grounds that the principal’s mental health may affect the principal’s ability to handle firearms responsibly, or make decisions in relation to firearms, the registrar may ask the principal to consent to the disclosure to the registrar of personal health information about the principal from a health record relating to the principal.

Note The Health Records (Privacy and Access) Act 1997 contains provisions about the consent, access to the information and limitations on the use or disclosure of the information (see that Act, s 13A and sch 1, principle 10, cl 2 (c), 7 and 8). In particular, sch 1, principle 10, cl 7 provides that the consent must be in writing and name the health service provider who made the health record.

(4) If the applicant does not comply with subsection (2) (other than in relation to the consent mentioned in subsection (3)), the registrar may refuse to consider the application further.

(5) In this section:

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

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

103 Composite entity firearms licences—decision

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

Note 1 For when the registrar must refuse to issue a composite entity firearms licence, see s 104 and s 110 to s 113.

Note 2 A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including any regulation (see Legislation Act, s 104).
104 **Composite entity firearms licences—refusal**

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

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

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

*Note* For when an individual is or is not suitable, see s 17.

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

*Note* See s 108 (Composite entity firearms licences—genuine reasons to possess or use firearms).

(d) that the composite entity will comply with part 12 (Safe storage of firearms) in relation to each registered firearm held under the licence; and

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

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

(a) for an application other than a renewal—the composite entity holds a licence of the category applied for; or

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

*Note* The Minister may make guidelines about the making of a decision whether it is in the public interest to issue a licence (see s 37).

105 **Composite entity firearms licences—categories**

A composite entity firearms licence must be issued in 1 of the following categories:

(a) category A;

(b) category B;
(c) category C;
(d) category D;
(e) category H.

106 Composite entity firearms licence—principal’s name
A composite entity firearms licence must be issued to the composite entity in the name of the principal who applied for the licence.

107 When composite entity firearms licences may be issued
The registrar must not issue a composite entity firearms licence earlier than 28 days after the day the application for the licence is made.

108 Composite entity firearms licences—genuine reasons to possess or use firearms
(1) A composite entity has a genuine reason to possess or use a firearm if the registrar is satisfied—
(a) that the entity carries on business in the ACT as a security organisation; or
(b) that—
   (i) the entity—
      (A) is the owner, lessee or manager of land in the ACT used for primary production; and
      (B) intends that the firearm be used solely in relation to farming or grazing activities (including the suppression of vertebrate pest animals on the land); and
      (ii) it is necessary for a person employed in relation to the farming or grazing activities to possess a firearm in the course of employment; or
(c) that the entity is an approved club; or
(d) that the entity is a government agency and it is necessary for an employee to possess a firearm in the course of employment; or
(e) that—
   (i) the entity is the owner or operator of a zoo; and
   (ii) it is necessary for a person employed in relation to the management of animals at the zoo to possess a firearm in the course of employment.

(2) The principal making the application for the composite entity must produce evidence of the matter mentioned in subsection (1) that applies in relation to the entity if asked to do so by the registrar.

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

(4) In this section:

   security organisation—

   (a) means a corporation that—

      (i) carries on the business of providing—

         (A) protection for people; or

         (B) transport or protection for the money or property of people other than the corporation; and

      (ii) holds a master licence under the Security Industry Act 2003; but

   (b) does not include a bank.
109 Composite entity firearms licences—no genuine reason to possess or use firearms

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

110 Composite entity firearms licences—restriction on issue of category B licences

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

111 Composite entity firearms licences—restriction on issue of category C licences

The registrar must not issue a category C composite entity firearms licence unless—

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

(i) that the entity is—

(A) engaged in primary production; or

(B) operating a zoo; or

(ii) a genuine reason prescribed by regulation; and

(b) the entity produces evidence that satisfies the registrar that—

(i) the entity has a special need to possess or use a firearm to which a category C licence applies; and
(ii) the special need cannot be met in any other way (whether by the authority given by a category A or category B licence or otherwise).

112 Composite entity firearms licences—restriction on issue of category D licences

The registrar must not issue a category D composite entity firearms licence unless the composite entity is a government agency.

113 Composite entity firearms licences—restriction on issue of category H licences

The registrar must not issue a category H composite entity firearms licence unless—

(a) the genuine reason established by the composite entity to possess or use a firearm is carrying on business in the ACT as a security organisation; or

(b) the entity produces evidence that satisfies the registrar that the entity has a special need to possess or use a pistol; or

(c) the entity is an approved club and the pistol is to be used for sport or target shooting.

114 Composite entity firearms licences—form

A composite entity firearms licence must—

(a) state the names of the composite entity and registered principal; and

(b) contain a recent photograph of the registered principal; and

(c) contain the registered principal’s signature; and

(d) state the licence category; and

(e) state the date the licence ends; and
(f) state the calibre of ammunition the licence authorises the registered principal and each registered user to acquire or possess; and

(g) state the genuine reason established by the licensee to possess or use a firearm to which the licence applies; and

(h) contain any other particulars prescribed by regulation.

115 Composite entity firearms licences—replacements

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

Note A fee may be determined under s 270 for this provision.

(2) If the registrar issues the replacement licence, the registrar must—

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

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

Note It is an offence to fail to tell the registrar about a lost, stolen or destroyed licence (see s 47).

116 Composite entity firearms licences—conditions

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

(a) the licensee must comply with part 12 (Safe storage of firearms) in relation to each registered firearm held under the licence;

(b) the licensee must not allow someone to possess or use a firearm in the licensee’s possession if the person is not authorised to possess or use the firearm;
Part 7  
Firearms licences  

Division 7.5  
Licensing scheme—composite entity firearms licences

Section 116

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

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

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

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

*Note*  
For a police officer’s powers on entry under a licence condition, see s 207 (Powers on entry—condition).

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

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

(h) any other condition prescribed by regulation.

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

(a) not more than twice each year, unless the entry is under part 14 (Enforcement); and

(b) only if the licensee is present; and

(c) only between 7 am and 7 pm; and

(d) as prescribed by regulation (if any).
(3) A composite entity firearms licence is also subject to any condition that the registrar believes on reasonable grounds is in the public interest.

Note 1 The Minister may make guidelines about the making of a decision whether it is in the public interest to put a condition on a licence (see s 37).

Note 2 If the registrar puts a condition on a licence under this section, the registrar must give written notice of the decision to the licensee (see s 260).

117 Composite entity firearms licences—period in force

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

(a) for 2 years; or

(b) if a shorter period is prescribed by regulation—for the shorter period prescribed.

Example—par (a)

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

118 Composite entity firearms licences—immediate suspension

(1) This section applies if the registrar—

(a) is considering whether a ground for cancellation of a licence exists under section 120 (Composite entity firearms licences—cancellation); and
(b) believes on reasonable grounds that it is in the public interest to suspend the licence until the registrar decides whether to cancel the licence on the ground.

Note 1 The Minister may make guidelines about the making of a decision whether it is in the public interest to suspend a licence (see s 37).

Note 2 If the registrar suspends a licence under this section, the registrar must give written notice of the decision to the licensee (see s 260).

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

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

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

Note See s 121 (Composite entity firearms licences—when suspension or cancellation takes effect).

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

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

(b) if the licence is cancelled under this Act or another territory law, or suspended (the later suspension) under another provision of this Act or another territory law—the cancellation or later suspension takes effect;

(c) 12 weeks have elapsed after the day the suspension takes effect.

(4) The licensee is not authorised to possess or use any firearm (not only firearms held under the licence) during the suspension.
119 Composite entity firearms licences—mandatory suspension for family violence offence

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

(a) a family violence offence; or
(b) an offence against a law of a State, another Territory or New Zealand corresponding to a family violence offence.

Note If the registrar suspends a licence under this section, the registrar must give written notice of the decision to the licensee (see s 260).

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

(a) include a statement about the effect of subsections (3) and (4); and
(b) state that the licensee may, before the end of a stated period, give the registrar written reasons why the licence should remain in force.

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

(a) the registrar gives the licensee a written notice revoking the suspension;
(b) if the licence is cancelled under this Act or another territory law, or suspended (the later suspension) under another provision of this Act or another territory law—the cancellation or later suspension takes effect;
(c) 12 weeks have elapsed after the day the suspension takes effect.

(4) The licensee is not authorised to possess or use any firearm (not only firearms held under the licence) during the suspension.
120 Composite entity firearms licences—cancellation

(1) The registrar must cancel a composite entity firearms licence—

(a) if, had the registered principal been applying for the licence held, the registrar would be required to refuse to issue the licence; or

Note For when the registrar must refuse to issue a composite entity firearms licence, see s 104 and s 110 to s 113.

(b) if satisfied on reasonable grounds that the principal who made the application for the licence gave information that was (to the principal’s knowledge) false or misleading in a material particular in relation to the application; or

(c) if satisfied on reasonable grounds that the composite entity has contravened this Act, whether or not the entity has been convicted of an offence for the contravention; or

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

(d) if satisfied on reasonable grounds that the composite entity has contravened a condition of the licence; or

(e) if satisfied on reasonable grounds that the registered principal is not suitable; or

Note For when an individual is or is not suitable, see s 17.

(f) for any other reason prescribed by regulation.

(2) Subsection (1) (d) does not apply to a condition that the licensee must allow a police officer to enter premises to inspect facilities if—

(a) the contravention involved refusing to allow a police officer to enter the premises or inspect the facilities; and
(b) the refusal was reasonable in all the circumstances.

Note If the registrar cancels a licence under this section, the registrar must give written notice of the decision to the licensee (see s 260).

121 Composite entity firearms licences—when suspension or cancellation takes effect

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

(2) The suspension or cancellation takes effect on—

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

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

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

Division 7.6 Licensing scheme—temporary international firearms licences

122 Meaning of foreign firearms licence—div 7.6

In this division:

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

123 Temporary international firearms licences—applications

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

Note 1 If a form is approved under s 271 for this provision, the form must be used.

Note 2 A fee may be determined under s 270 for this provision.
Part 7  Firearms licences
Division 7.6  Licensing scheme—temporary international firearms licences

Section 124

(2) The application must—
   (a) contain the information prescribed by regulation; and
   (b) be accompanied by the documents prescribed by regulation.

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

124 Temporary international firearms licences—requirement for further information etc

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

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

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

125 Temporary international firearms licences—decision

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

   Note 1  For when the registrar must refuse to issue a temporary international firearms licence, see s 126.

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

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

   Note  A firearm for which a temporary international firearms licence is issued need not be registered (see s 156 (3)).
126 Temporary international firearms licences—refusal

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

(a) about the applicant’s identity; and
(b) that the applicant is a resident of a foreign country; and
(c) that the applicant holds a foreign firearms licence; and
(d) that the applicant has a genuine reason for possessing or using a firearm; and
(e) that the applicant will comply with part 12 (Safe storage of firearms) in relation to each firearm held under the licence.

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

(a) the applicant is not an adult; or
(b) the registrar believes on reasonable grounds that it would be contrary to the public interest to issue the licence.

Note The Minister may make guidelines about the making of a decision whether it is in the public interest to issue a licence (see s 37).

127 When temporary international firearms licences may be issued

The registrar must not issue a temporary international firearms licence earlier than 28 days after the day the application for the licence is made unless—

(a) the applicant has a genuine reason to possess or use a firearm under section 128 (1) (a); and
(b) the Minister authorises the issue in writing.
128 Temporary international firearms licences—genuine reasons to possess or use firearms

(1) An applicant for a temporary international firearms licence—

(a) has a genuine reason to possess or use a firearm if the registrar is satisfied that—

(i) the applicant is a member of the staff of an internationally protected person, or other declared person, whose duties include the protection of that person while in the ACT; and

(ii) the firearm to which the application relates is a pistol of not more than 11.43mm calibre that is not fully automatic or capable of conversion to being fully automatic; or

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

(b) has a genuine reason (the genuine reason of international visitor) to possess or use a firearm if the registrar is satisfied that—

(i) the applicant is a visitor to the ACT; and

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

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

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

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

(5) A declaration is a notifiable instrument.

Note A notifiable instrument must be notified under the Legislation Act.
(6) In this section:

_Internationally protected person_—see the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, a copy of which is set out in the _Crimes (Internationally Protected Persons) Act 1976_ (Cwlth), schedule.

### 129 Temporary international firearms licences—form

A temporary international firearms licence must—

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

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

(c) contain the licensee’s signature; and

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

(e) state the licence category; and

(f) state the date the licence ends; and

*Note* The end date must not be more than 3 months after the day the licence begins (see s 131 (2)).

(g) state the particulars prescribed by regulation of the firearm for which the licence is issued; and

(h) state the calibre of ammunition the licensee is authorised to acquire or possess; and

(i) state the genuine reason established by the licensee to possess or use a firearm to which the licence applies; and

(j) for a licence issued for the genuine reason of international visitor—state the purpose for which the firearm may be possessed or used; and

(k) contain any other particulars prescribed by regulation.
130 Temporary international firearms licences—conditions

(1) A temporary international firearms licence is subject to each of the following conditions:

(a) the licensee must produce the licensee’s passport to the registrar on request;

(b) the licensee must comply with part 12 (Safe storage of firearms) in relation to each firearm held under the licence;

(c) the licensee must not allow someone else to possess or use a firearm in the licensee’s possession if the other person is not authorised to possess or use the firearm;

(d) the licensee must—

(i) carry the licence when possessing or using a firearm held under the licence; and

(ii) produce the licence to a police officer on request;

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

(f) the licence cannot be transferred to someone else;

(g) any other condition prescribed by regulation.

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

Note 1 The Minister may make guidelines about the making of a decision whether it is in the public interest to put a condition on a licence (see s 37).

Note 2 If the registrar puts a condition on a licence under this section, the registrar must give written notice of the decision to the licensee (see s 260).
131  **Temporary international firearms licences—period in force**

(1) A temporary international firearms licence begins on the day it is issued and remains in force, subject to this Act, until the date (the *end date*) decided by the registrar.

(2) The end date must not be more than 3 months after the day the licence begins.

132  **Temporary international firearms licences—cancellation**

The registrar must cancel a temporary international firearms licence—

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

*Note*  For when the registrar must refuse to issue a temporary international firearms licence, see s 126.

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

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

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

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

(iii) has contravened a condition of the licence; or
(c) for any other reason prescribed by regulation.

Note 1 If the registrar cancels a licence under this section, the registrar must give written notice of the decision to the licensee (see s 260).

Note 2 A person’s licence is automatically cancelled under—

- the *Family Violence Act 2016*, s 44 (2) (Firearms licences) if a final order is made against the person; or
- the *Personal Violence Act 2016*, s 37 (Final orders—respondent’s firearms) if a final order is made against the person unless the court otherwise orders.

### 133 Temporary international firearms licences—when cancellation takes effect

(1) This section applies if the registrar cancels a licence under section 132.

(2) The cancellation takes effect on—

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

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

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

### Part 8 Temporary recognition of interstate licences and permits

### 134 Definitions—pt 8

In this part:

*authorised period*, in relation to an individual interstate licensee who arrives in the ACT for a purpose mentioned in this part, means the period of 3 months beginning on the person’s arrival day.
Temporary recognition of interstate licences and permits

Part 8

Section 135

__corresponding__—a licence or permit of a particular category issued under this Act (the __local licence__), and an interstate licence of the same category, or that is declared under section 135 to be of a particular category that is the same category, are __corresponding__.

__interstate licence__ means a licence or permit (however described) in force under the law of a State or another Territory that authorises the use or possession of a firearm.

__local licence__—see the definition of __corresponding__.

135 Temporary recognition of interstate licences—declaration of licence categories

(1) The registrar may declare that an interstate licence is of a particular category.

(2) A declaration is a notifiable instrument.

__Note__—A notifiable instrument must be notified under the __Legislation Act__.

136 Temporary recognition of interstate licences—general

(1) This section applies to an individual interstate licensee if the individual—

(a) is a resident of a State or another Territory and comes to the ACT for—

(i) the purpose of taking part in an approved shooting or approved paintball competition; or

(ii) a purpose prescribed by regulation in relation to the possession or use of a firearm; and

(b) holds an interstate licence that corresponds to a category A licence, category B licence, category C licence, category H licence or paintball marker licence.
Part 8  Temporary recognition of interstate licences and permits

Section 137

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

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

(4) This section does not apply to an individual to whom section 137 applies.

137  Temporary recognition of interstate category C licences

(1) This section applies to an individual interstate licensee if the individual—

(a) is a resident of a State or another Territory and comes to the ACT for the purpose of taking part in an approved shooting competition; and

(b) holds an interstate licence that corresponds to a category C licence that authorises the individual to possess or use a firearm for the genuine reason of sport or target shooting.

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

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

138  Interstate residents moving to ACT—category A, B, and paintball marker licences

(1) This section applies to an individual who—

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

(b) is the holder of an interstate licence that corresponds to a category A licence, category B licence or paintball marker licence; and
Interstate residents moving to ACT—category C and H licences

139

(1) This section applies to an individual who—
   (a) is a resident of a State or another Territory; and
   (b) is the holder of an interstate licence that corresponds to a category C licence or category H licence; and
   (c) notifies the registrar in writing that he or she intends to live in the ACT permanently.

(2) The interstate licence is, subject to any direction of the registrar, taken to be the corresponding local licence until the earlier of the following:
   (a) the end of the period of 7 days beginning on the day after the day the individual notifies the registrar under subsection (1);
   (b) if the person applies for a corresponding local licence before the end of the 7-day period—the day the registrar issues, or refuses to issue, the licence to the individual.
 Temporary recognition of interstate licences for international visitors—shooting or paintball competitions

(1) This section applies to an individual if the individual—

(a) is a resident of a foreign country; and

(b) holds an interstate licence issued by a State or another Territory that authorises the individual to possess or use a firearm for the purpose of taking part in a shooting or paintball competition in the State or Territory; and

(c) comes to the ACT for the purpose of taking part in an approved shooting or approved paintball competition.

(2) For the authorised period, the individual is authorised to possess, or use, for the purpose of taking part in the shooting or paintball competition, the firearm for which the interstate licence is issued.

(3) However, the authorisation under subsection (2) is subject to compliance with any condition—

(a) imposed under the law of the State or Territory that issued the licence (the interstate condition); and

(b) prescribed by regulation.

(4) If an interstate condition is inconsistent with a prescribed condition, the interstate condition has no effect to the extent of the inconsistency.

(5) An interstate condition is not taken to be inconsistent with a prescribed condition to the extent that it is capable of operating concurrently with the prescribed condition.
140A Temporary recognition of interstate category D licences—vertebrate pest animal control

(1) This section applies to an individual who—

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

(b) holds an interstate licence that corresponds to a category D licence; and

(c) is employed by or in, or authorised by, a government agency for the purpose of controlling vertebrate pest animals in the ACT (the relevant purpose); and

(d) tells the registrar in writing that he or she intends to come to the ACT for the relevant purpose.

(2) For the authorised period, the registrar must authorise the individual to possess or use, for the relevant purpose, a firearm of a kind to which the corresponding local licence applies.

(3) However, the registrar must refuse authorisation if—

(a) the registrar is not satisfied that—

(i) the individual has a special need to possess or use a category D firearm for the relevant purpose; and

(ii) the special need cannot be met in any other way; or

(b) the Minister does not approve the authorisation in writing.

(4) The authorisation is subject to compliance with any condition—

(a) prescribed by regulation; or

(b) that the Minister believes on reasonable grounds is in the public interest, stated in the approval.
(5) In this section:

*authorised period* means the period of 6 months starting on the later of—

(a) the day the individual comes to the ACT for the relevant purpose; and

(b) the day after the day the registrar gives the individual written notice of the authorisation under subsection (2).
Part 9  Permits generally

141  General power to issue permits

The registrar may issue a permit authorising 1 or more of the following:

(a) the possession or use of a firearm in the circumstances prescribed by regulation (including for film or theatrical productions);

(b) the shortening or conversion of a firearm in the circumstances prescribed by regulation;

(c) anything else that is required by regulation to be authorised by a permit.
Part 10  Permits to acquire firearms

142  Meaning of *acquirer* and *foreign acquirer*—pt 10

In this part:

*acquirer*—see section 143.

*foreign acquirer*—see section 146.

143  Permits to acquire—applications

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

*Note 1* If a form is approved under s 271 for this provision, the form must be used.

*Note 2* A fee may be determined under s 270 for this provision.

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

144  Permits to acquire—decision

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

*Note 1* For when the registrar must refuse to issue a permit to acquire a firearm, see s 145 and s 146.

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

145  Permits to acquire—refusal to issue generally

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

(a) the acquirer holds a licence authorising the acquirer to possess or use a firearm of the same kind as the proposed firearm; and
(b) the registrar is satisfied on reasonable grounds that the acquirer has a good reason for acquiring the firearm.

(2) The registrar must also refuse to issue a permit to acquire a pistol to the holder of a category H licence issued for the genuine reason of sport or target shooting unless—

(a) the acquisition is in accordance with the conditions (if any) of the licence; and

(b) the approved shooting club of which the licensee is a member gives the registrar written advice stating—

(i) the competition shooting discipline for which the licensee requires the pistol; and

(ii) that the club supports the licensee’s application for a permit to acquire the pistol; and

(c) the registrar is satisfied on reasonable grounds that the licensee will comply with part 12 (Safe storage of firearms) in relation to the pistol.

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

(3) Subsection (2) (b) (i) does not apply in relation to the issue of a permit to acquire a pistol mentioned in section 75 (3) (Adult firearms licences—special conditions for category H licences for sport or target shooting).

(4) This section does not apply to an acquirer to whom section 146 applies.
146 Permits to acquire—refusal to issue to temporary international firearms licensees

(1) This section applies to an acquirer (the foreign acquirer) who is a resident of a foreign country.

(2) The registrar must not issue a permit to acquire a firearm (the proposed firearm) to the foreign acquirer unless—

(a) the acquirer holds a temporary international firearms licence authorising the acquirer to possess or use a firearm of the same kind as the proposed firearm; and

(b) the registrar is satisfied on reasonable grounds that the acquirer has a good reason for acquiring the proposed firearm.

147 When permits to acquire may be issued

The registrar must not issue a permit to acquire a firearm earlier than 28 days after the day the application for the permit is made.

148 Permits to acquire—period in force

(1) A permit to acquire a firearm begins on the day it is issued and remains in force, subject to this Act, until the earlier of—

(a) the end of 30 days after the day the permit is issued; or

(b) the day the permit-holder acquires the firearm.

(2) The registrar may extend the period mentioned in subsection (1) (a) so the permit is in force for not longer than 60 days if—

(a) there is a delay in acquiring the firearm to which the permit relates; and

(b) the registrar is satisfied on reasonable grounds that the delay is caused by circumstances beyond the permit-holder’s control.
149 Permits to acquire—replacements

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

Note A fee may be determined under s 270 for this provision.

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

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

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

150 Offence—notice of lost, stolen and destroyed permits to acquire

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

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

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

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

Maximum penalty: 10 penalty units.

151 Permits to acquire—automatic suspension and cancellation

(1) A person’s permit to acquire a firearm (the relevant firearm) is suspended by force of this section if the person’s licence or permit (the relevant suspended licence) authorising the person to possess or use a firearm of the same kind as the relevant firearm is suspended.

(2) The suspension of the permit to acquire takes effect on the day the suspension of the relevant suspended licence takes effect.
Part 10  Permits to acquire firearms

Section 152

(3) The permit to acquire is suspended until the earlier of—

(a) the day the permit ceases to be in force; or

(b) the day the suspension of the relevant suspended licence ends.

(4) A person’s permit to acquire a firearm (the relevant firearm) is cancelled by force of this section if the person’s licence or permit (the relevant cancelled licence) authorising the person to possess or use a firearm of the same kind as the relevant firearm is cancelled.

(5) The cancellation of the permit to acquire takes effect on the day the cancellation of the relevant cancelled licence takes effect.

Note A regulation may prescribe other reasons for suspending or cancelling a permit (see s 154).

152 Permits to acquire—cancellation by registrar

(1) The registrar must cancel a permit to acquire a firearm—

(a) if, had the permit-holder been applying for the permit held, the registrar would be required to refuse to issue the permit; or

Note For when the registrar must refuse to issue a permit to acquire a firearm, see s 145 and s 146.

(b) if satisfied on reasonable grounds that the permit-holder—

(i) gave information that was (to the holder’s knowledge) false or misleading in a material particular in relation to the application for the permit; or

(ii) has contravened this Act, whether or not the permit-holder has been convicted of an offence for the contravention; or

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

(iii) has contravened a condition of the permit; or
(c) for any other reason prescribed by regulation.

Note If the registrar cancels a permit under this section, the registrar must give written notice of the decision to the permit-holder (see s 260).

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

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

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

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

153 Offence—failing to give up suspended or cancelled permit to acquire

(1) A person commits an offence if—

(a) the person’s permit to acquire a firearm (the relevant firearm) is suspended or cancelled; and

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

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

(ii) if the permit is suspended by force of section 151 (Permits to acquire—automatic suspension and cancellation)—as soon as possible after the day the suspension of the person’s relevant licence takes effect; or

(iii) if the permit is cancelled by force of section 151—as soon as possible after the day the cancellation of the person’s relevant licence takes effect; or
Part 10  Permits to acquire firearms

Section 154

(iv) if the permit is cancelled under section 152 (Permits to acquire—cancellation by registrar)—

(A) as soon as possible after the day the person is given notice of the cancellation; or

(B) if a longer time is stated in the notice—within the time stated in the notice.

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

(2) In this section:

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

154 Regulations about permits to acquire

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

(a) the way in which an application for a permit to acquire a firearm may or must be made;

(b) the particulars an application for a permit to acquire a firearm must include;

(c) the conditions that may be imposed on a permit to acquire a firearm, or to which the permit is subject;

(d) the reasons for which a permit to acquire a firearm may be suspended or cancelled.
Part 11 Registration of firearms and firearm users

Division 11.1 Interpretation

155 Meaning of owner and user particulars—pt 11

In this part:

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

(a) the name of the registered owner of the firearm; and

(b) if the registered owner of the firearm is a composite entity—the name of the registered principal; and

(c) the name of each registered user of the firearm; and

(d) particulars of the licence or permit of each registered owner or registered user.

Division 11.2 Register of firearms

156 Register of firearms

(1) The registrar must keep a register of firearms stored in the ACT by licensees and permit-holders.

(2) The register must be kept in a way that allows—

(a) the register to be linked to a national scheme for firearms management or registration prescribed by regulation; and

(b) information in the register to be accessed by other State and Territory government entities responsible for administering or enforcing legislation relating to firearms.

(3) A firearm for which a temporary international firearms licence is issued need not be registered.
157 Contents of register

The register consists of—

(a) for each registered firearm—

(i) the owner and user particulars; and

(ii) the address of the premises in the ACT where the firearm—

(A) is or is to be stored; or

(B) if the registered owner is a licensed firearms dealer—may be available for sale; and

(iii) any other particulars prescribed by regulation; and

(b) for each registered user of a registered firearm—

(i) if the registered user is employed by a licensed firearms dealer—the dealer’s name; and

(ii) if the registered user is employed by a composite entity that holds a category A, category B, category C or category H licence—the composite entity’s name; and

(iii) if the registered user is a member of an approved club—the approved club’s name; and

(iv) any other particulars prescribed by regulation; and

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

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

158 Register not available to public

The register must not be available for inspection by a member of the public.
159 Two-yearly reviews

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

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

(3) The registrar must—

(a) prepare a written report stating—
   (i) when the review was carried out; and
   (ii) the results of the review; and
(b) not later than 3 months after the day the review is finished, give the report to the director-general.

Division 11.3 Registration of firearms

160 Firearm registration—application

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

   Note 1 If a form is approved under s 271 for this provision, the form must be used.

   Note 2 A fee may be determined under s 270 for this provision.

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

(a) is or is to be stored; or
(b) if the registered owner is a licensed firearms dealer—may be available for sale.
161 Firearm registration—request for further information etc

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

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

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

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

(i) identify the firearm by inspecting it; and

(ii) decide if the firearm is safe.

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

Note If the applicant does not produce the firearm, the registrar must refuse to register the firearm (see s 163 (2)).

162 Firearm registration—decision

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

Note 1 For when the registrar must refuse to register a firearm, see s 163.

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

163 Firearm registration—refusal

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

(2) Also, if the registrar requires an applicant for registration of a firearm to produce the firearm under section 161 (2) (b), the registrar must refuse to register the firearm if it is not produced as required.
164 **Firearm registration notice**

(1) This section applies if the registrar—

   (a) registers a firearm under section 162; or
   (b) registers a person as a user of a firearm under section 170; or
   (c) records in the register, as prescribed by regulation, a change in
       the owner and user particulars for a firearm.

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

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

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

*Note 1* If a form is approved under s 271 for this provision, the form must be used.

*Note 2* A fee may be determined under s 270 for this provision.

165 **End of firearm registration**

The registration of a firearm remains in force unless cancelled under
section 166.

166 **Cancellation of firearm registration**

(1) The registrar must cancel the registration of a firearm—

   (a) if the owner of the firearm no longer holds a licence or permit in
       relation to the firearm; or
   (b) if satisfied on reasonable grounds that the applicant for
       registration gave information that was (to the applicant’s
       knowledge) false or misleading in a material particular in
       relation to the application; or
(c) if the owner of the firearm is convicted of—
   (i) an offence against this Act; or
   
   (ii) an offence against the Criminal Code, part 3.4 (False or misleading statements, information and documents) in relation to an application under this Act; or

   (iii) an offence against the Criminal Code, section 346 ( Forgery) in relation to a licence or permit under this Act; or

   (iv) an offence against the Criminal Code, section 361 (Obstructing Territory public official) in relation to a police officer exercising a function under this Act; or

   (v) an offence prescribed by regulation; or

(d) if the owner of the firearm asks for the cancellation; or

(e) for any other reason prescribed by regulation.

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

Note 2 If the registrar cancels the registration of a firearm under this section, the registrar must give written notice of the decision to the owner of the firearm (see s 260).

(2) The cancellation takes effect on—

(a) the day notice of the cancellation is given to the owner of the firearm; or

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

Note For how documents may be served, see the Legislation Act, pt 19.5.
Police may seize firearms if firearm registration cancelled

A police officer may seize a firearm if the firearm’s registration is cancelled.

Division 11.4  Registration of firearms users

User registration—application

168

(1) This section applies to the holder of 1 or more of the following licences:
   (a) a category A licence;
   (b) a category B licence;
   (c) a category C licence;
   (d) a category H licence;
   (e) a firearms dealer licence;
   (f) a paintball marker licence.

(2) The holder may apply to the registrar for registration as a user of a registered firearm—
   (a) of which someone else is the registered owner; and
   (b) of the kind the holder is authorised to use by the holder’s licence.

(3) The application must—
   (a) be accompanied by a certified copy of the applicant’s licence; and
(b) contain the registered owner’s written consent to the registration of the applicant as a user of the firearm.

Example
Anthony holds a category A licence. Jess is the registered owner of a category A firearm and agrees to let Anthony use her firearm. Anthony may apply to the registrar to be a registered user of Jess’s firearm.

Note 1 If a form is approved under s 271 for this provision, the form must be used.

Note 2 A fee may be determined under s 270 for this provision.

169 User registration—request for further information etc

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

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

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

(a) identify the firearm by inspecting it; and

(b) decide if the firearm is safe.

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

Note If the registered owner does not produce the firearm, the registrar must refuse to register the user (see s 171 (2)).
170 **User registration—decision**

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

*Note 1* For when the registrar must refuse to register a person as a user of a firearm, see s 171.

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

171 **User registration—refusal**

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

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

(b) 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.

(2) Also, if the registrar requires the registered owner of a firearm to produce the firearm under section 169 (3), the registrar must refuse to register the user if the firearm is not produced as required.

172 **Effect of registration as user**

(1) Registration as a user of a firearm authorises the registered user to possess and use the firearm as if the firearm were held under the registered user’s licence or permit.

(2) However, a registered user of a firearm may possess or use the firearm only with the registered owner’s permission.
(3) Also, a registered user is authorised to possess and use a firearm for which a licensed firearms dealer is the registered owner if—
   (a) the dealer is listed in the register in relation to the user; and
   (b) the user is employed by the dealer; and
   (c) the user possesses and uses the firearm in the course of the employment.

(4) Also, a registered user is authorised to possess and use a category A, category B, category C or category H firearm for which a composite entity is the registered owner if—
   (a) the composite entity is listed in the register in relation to the user; and
   (b) the user is employed by the composite entity; and
   (c) the user possesses and uses the firearm in the course of the employment.

(5) Also, a registered user is authorised to possess and use a category A, category B or category H firearm for which an approved club is the registered owner if—
   (a) the approved club is listed in the register in relation to the user; and
   (b) the user is a member of the club; and
   (c) the user possesses and uses the firearm while on an approved shooting range owned or used by the club, or another approved club, to take part in a competition in, or activities relating to, the use of the firearm.

173 **User registration—period in force**

The registration of a user of a firearm remains in force unless cancelled under this division.
174 Automatic cancellation of user registration

(1) This section applies if the registrar cancels the registration of a firearm under section 166.

(2) The registration of each registered user of the firearm is cancelled by force of this section on the day the firearm’s registration is cancelled.

(3) The registrar must give each person (other than an excepted person) whose registration as a user of the firearm is cancelled by force of this section a written notice stating—

(a) that the person’s registration as a user of the firearm is cancelled because the firearm’s registration is cancelled; and

(b) the date the firearm’s registration is cancelled.

Note For how documents may be given, see the Legislation Act, pt 19.5.

(4) For a firearm for which a composite entity is the registered owner, the registered principal for the firearm must give each excepted person a written notice stating—

(a) that the person’s registration as a user of the firearm is cancelled because the firearm’s registration is cancelled; and

(b) the date the firearm’s registration is cancelled.

(5) In this section:

excepted person, in relation to a firearm for which a composite entity is the registered owner, means a person whose registration as a user of the firearm is cancelled by force of this section.

175 Automatic cancellation of user registration—certain registered users

(1) This section applies to a person who is a registered user of a firearm if any of the following is the registered owner of the firearm:

(a) a licensed firearms dealer;
(b) a composite entity;
(c) an approved club.

(2) The person’s registration as a registered user is cancelled by force of this section if the person stops being—
(a) if the registered owner is a licensed firearms dealer—an employee of the dealer; or
(b) if the registered owner is a composite entity—a principal or employee of the composite entity; or
(c) if the registered owner is an approved club, and the person is not a principal or employee of the club—an active member of the club.

(3) The cancellation takes effect on the day the person stops being the employee, principal or active member.

Division 11.5 Offences—registration

176 Offence—failing to notify event causing cancellation of user registration

(1) A person commits an offence if—
(a) the person’s registration as a user is cancelled under section 175; and
(b) the person does not, within 7 days after the day the registration is cancelled, tell the registrar in writing about the reason for the cancellation.

Maximum penalty: 10 penalty units.

(2) The holder of a composite entity licence commits an offence if—
(a) a person who is an employee of the entity is a registered user of a firearm of which the entity is the registered owner; and
(b) the person stops being employed by the entity; and
(c) the entity does not, within 7 days after the day the person stops being employed by the entity, tell the registrar in writing about the end of the employment.

Maximum penalty: 10 penalty units.

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

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

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

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

Maximum penalty: 10 penalty units.

177 Offence—unregistered firearms

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

(a) a prohibited firearm that is not registered; or

(b) any other firearm that is not registered.

Maximum penalty:

(a) for subsection (1) (a)—1000 penalty units, imprisonment for 10 years or both; or

(b) for subsection (1) (b)—500 penalty units, imprisonment for 5 years or both.
(2) A person must not possess or use—
   (a) a prohibited firearm that is not registered; or
   (b) any other firearm that is not registered.

Maximum penalty:
   (a) for subsection (2) (a)—1 000 penalty units, imprisonment for 10 years or both; or
   (b) for subsection (2) (b)—500 penalty units, imprisonment for 5 years or both.

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

(4) Also, subsection (1), to the extent that it creates an offence of acquiring a firearm that is not registered, and subsection (2), to the extent that it creates an offence of possessing a firearm that is not registered, do not apply if—
   (a) the person is a licensed firearms dealer; and
   (b) the firearm is registered within the period prescribed by regulation.

(5) Also, subsections (1) and (2) do not apply to a person if the person—
   (a) did not know, and could not reasonably be expected to have known, that the firearm was not registered; and
   (b) is not the owner of the firearm.
178 Offence—requirements relating to registered firearms

(1) The registered owner of a firearm must produce the firearm for inspection by a police officer at any reasonable time if asked to do so by the officer.

Maximum penalty: 50 penalty units.

(2) A person (other than a licensed firearms dealer) who is the registered owner of a firearm commits an offence if the person—

(a) sells the firearm; and

(b) fails to give the registrar the particulars prescribed by regulation in relation to the sale within 7 days after the day the firearm is sold.

Maximum penalty: 50 penalty units.

Note For how documents may be given, see the Legislation Act, pt 19.5.

(3) A person (other than a licensed firearms dealer) commits an offence if the person—

(a) acquires a firearm; and

(b) fails to give the registrar the particulars prescribed by regulation in relation to the acquisition within 7 days after the day the firearm is acquired.

Maximum penalty: 50 penalty units.

Note See also s 257 (Offence—lost, stolen or destroyed firearms).
179 Offence—possessing firearm under another licence

A licensee must not possess a firearm of which someone else is the registered owner unless—

(a) the person is the registered principal for, or a registered user of, the firearm; or

(b) the licensee is otherwise authorised under this Act to possess the firearm.

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.
Part 12  Safe storage of firearms

180  Offence—failing to comply with storage requirements

(1) A person commits an offence if the person—

(a) possesses—

(i) a prohibited firearm; or

(ii) any other firearm; and

(b) fails to take all reasonable steps to ensure each of the following:

(i) the firearm is stored safely;

(ii) the firearm is not lost or stolen;

(iii) the firearm does not come into the possession of someone who is not authorised to possess the firearm.

Maximum penalty:

(a) for subsection (1) (a) (i)—imprisonment for 2 years;

(b) for subsection (1) (a) (ii)—imprisonment for 1 year.

(2) For a firearm stored in a vehicle, the person who possesses the firearm takes all reasonable steps to ensure it is stored safely if the firearm is stored in the vehicle in accordance with any guidelines under section 37 (Minister’s guidelines).

(3) Also, a regulation may prescribe what are reasonable steps.
181 **Offence—storage requirements for category A, category B and paintball marker licences**

(1) The holder of a category A, category B or paintball marker licence must comply with the following requirements in relation to each registered firearm held under the licence:

(a) when the firearm is not being used or carried, it must be stored in a locked receptacle—

   (i) of a type approved by the registrar; and

   (ii) that is constructed of hard wood or steel so as not to be easily penetrable; and

   (iii) if the receptacle weighs less than 150kg when empty—fixed in position to prevent its easy removal; and

   (iv) secured by locks of solid metal of a type approved by the registrar;

(b) any ammunition for the firearm must 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) the other requirements relating to security and safe storage that are prescribed.

Maximum penalty: imprisonment for 1 year.

(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.
182 Offence—storage requirements for category C, D and H licences

(1) The holder of a category C, category D or category H licence must comply with the following requirements in relation to each registered firearm held under the licence:

(a) when the firearm is not being used or carried, it must be stored in a locked steel safe—

(i) of a type approved by the registrar that can not be easily penetrated; and

(ii) bolted to the structure of the premises where the firearm is authorised to be kept;

(b) any ammunition for the firearm must be stored in a locked container of a type approved by the registrar and that is kept separate from the safe containing the firearm;

(c) the other requirements relating to security and safe storage that are prescribed.

Maximum penalty: imprisonment for 2 years.

(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.

183 Seizure of firearms if storage requirements not met

A police officer must seize any firearm or ammunition that the officer has reasonable grounds to believe is not being kept in accordance with this part.
Part 13  Firearms dealers

Division 13.1  Interpretation

184  Meaning of prohibited person—pt 13

In this part:

prohibited person—see section 187.

Division 13.2  Licences and licensed firearms dealers

185  Offence—firearms dealers to be licensed

A person commits an offence if—

(a) in carrying on a business, the person—

(i) manufactures, acquires, disposes of, repairs, maintains or tests firearms or firearm parts; or

(ii) possesses firearms for the purpose of disposing of, or repairing, maintaining or testing, them; or

(iii) possesses firearm parts for the purpose of manufacturing firearms; or

(iv) stores firearms for someone else; and

(b) the person is not authorised to do the thing by a firearms dealer licence.

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.
186 Information about close associates of certain firearms dealers

(1) In an application for a firearms dealer licence, the applicant must give the name and address of each close associate of the applicant and particulars of the kind of association with the applicant.

(2) If a close associate of a licensed firearms dealer changes after the dealer gives the registrar the most recent application for a licence, or declaration under this section, the dealer must give the registrar not later than 7 days after the day the change happened a written declaration—

(a) telling the registrar about the change; and

(b) stating the name and address of each close associate of the dealer and particulars of the nature of the association with the dealer.

(3) The registrar may, by written notice given to a licensed firearms dealer, require the dealer to give the registrar within the reasonable time stated in the notice—

(a) a written declaration that—

(i) the dealer (and no one else) is the person primarily responsible for the management of the business authorised by the licence; or

(ii) someone else (whether instead of or in addition to the dealer) is primarily responsible for the management of the business; and

(b) a written declaration—

(i) that the close associates of the dealer (if any) have not changed since the most recent application for a licence, or declaration under this section, was given to the registrar; or
(ii) stating the name and address of each close associate of the dealer and particulars of the nature of the association with the dealer.

Note The Criminal Code, pt 3.4 includes offences for giving false or misleading statements and giving false or misleading information.

187 Meaning of prohibited person for licensed firearms dealers

For this part, an individual is a prohibited person for a licensed firearms dealer if the individual—

(a) does not hold an adult firearms licence; and

(b) is not suitable.

Note 1 For when an individual is or is not suitable, see s 17.

Note 2 If an individual’s licence is suspended, the licensee is not authorised to possess or use any firearm (not only firearms held under the licence) during the suspension (see s 79 and s 80).

188 Registrar’s statement whether person prohibited—application

(1) A licensed firearms dealer must apply to the registrar for a statement about an individual who has agreed to the making of the application if—

(a) the dealer—

(i) proposes to employ the individual in the business authorised by the licence; or

(ii) proposes to allow the individual to act as an agent for, or take part in the management of, the business; and
(b) the individual does not hold an adult firearms licence.

*Note 1* If a form is approved under s 271 for this provision, the form must be used.

*Note 2* A fee may be determined under s 270 for this provision.

(2) A licensed firearms dealer may apply to the registrar for a statement about an individual who has agreed to the making of the application if—

(a) the dealer—

(i) employs the individual in the business authorised by the licence; or

(ii) allows the individual to act as an agent for, or take part in the management of, the business; and

(b) the individual does not hold an adult firearms licence.

(3) The application must—

(a) provide evidence of the individual’s identity in accordance with the requirements under the *Financial Transaction Reports Act 1988* (Cwlth) that apply in relation to the opening of a bank account; and

(b) contain the information mentioned in section 54 (2) (b) (Adult firearms licences—applications) as if the individual were the applicant; and

(c) be accompanied by the documents mentioned in section 54 (2) (c) as if the individual were the applicant.

(4) Also, the registrar may give the individual a written notice requiring the individual to give the registrar stated further information or documents mentioned in section 56 (Adult firearms licences—requirement for further information etc) as if the individual were the applicant.
189 Registrar's statement whether person prohibited
On an application under section 188, the registrar must give the licensed firearms dealer a statement in relation to the individual stating whether the individual is a prohibited person.

190 Offence—prohibited person not to be involved in firearms dealing business
(1) A licensed firearms dealer commits an offence if the dealer—
(a) employs a prohibited person in the business authorised by the licence; or
(b) allows a prohibited person to act as an agent for, or take part in the management of, the business.
Maximum penalty: imprisonment for 10 years.

(2) A person commits an offence if—
(a) the person is a prohibited person; and
(b) either—
   (i) a licensed firearms dealer employs the person in the business authorised by the licence; or
   (ii) a licensed firearms dealer allows the person to act as an agent for, or take part in the management of, the business.
Maximum penalty: imprisonment for 10 years.

(3) It is a defence to a prosecution for an offence against subsection (1) if the licensed firearms dealer proves that the dealer did not know, and could not reasonably be expected to have known, that the individual employed or allowed to act as an agent for, or to take part in the management of, the business was a prohibited person.
191 Offence—restrictions on acquisition and disposal of firearms by firearms dealers

(1) A licensed firearms dealer commits an offence if—

(a) the dealer acquires a firearm from someone (the *disposer*) who is not a licensed firearms dealer; and

(b) the disposer—

(i) is not authorised by a licence or permit to possess the firearm; or

(ii) is authorised by a licence or permit to possess the firearm, but the dealer has not inspected the licence or permit.

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

(2) A licensed firearms dealer commits an offence if—

(a) the dealer disposes of a firearm to someone (the *acquirer*); and

(b) any of the following apply:

(i) the acquirer is not authorised by a licence or permit to possess the firearm;

(ii) the acquirer is authorised by a licence or permit to possess the firearm, but the dealer has not inspected the licence or permit;

(iii) the dealer has not inspected the acquirer’s permit to acquire the firearm (or the equivalent of a permit to acquire a firearm that is issued under the law of a State or another Territory for the firearm).

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

(3) Subsection (2) does not apply in relation to the surrender of a firearm to a police officer.
Division 13.3 Licensed firearms dealers—records and returns

192 Definitions—div 13.3
In this division:

*acquire*, a firearm, includes—

(a) take possession of the firearm to repair, maintain or test it; and

(b) store the firearm.

*dispose*, of a firearm, includes, for a firearm that is repaired, maintained, tested or stored for a person, return the firearm to the person.

193 Offence—records generally
A licensed firearms dealer commits an offence if the dealer intentionally or negligently fails to ensure that—

(a) each acquisition or disposal of a firearm, or firearm part, to which the dealer’s licence applies is recorded in accordance with this division; and

(b) each record relating to a firearm or firearm part is given to the registrar as prescribed by regulation.

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

194 Acquisition and disposal—records
(1) This section applies if a licensed firearms dealer—

(a) acquires a firearm or firearm part from someone else; or

(b) disposes of a firearm or firearm part to someone else.
(2) The record of the acquisition or disposal of the firearm or firearm part must contain the following particulars:

(a) the name and address of the other person;

(b) for a firearm other than a firearm that is temporarily stored—the number of the other person’s licence or permit authorising the other person to possess the firearm or firearm part;

(c) for a disposal of a firearm (other than the surrender of a firearm to a police officer or a firearm temporarily stored)—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 firearms dealer’s possession—
   (i) the date it was first acquired by the dealer and, if no longer in the dealer’s possession, the date of its disposal by the dealer; and
   (ii) the name and address of the person who first gave possession of it to the dealer; and
   (iii) if it is disposed of by the dealer (other than by return to the person for whom it was stored)—its make, serial number, calibre, type, action and magazine capacity (if any);

(e) any other particulars prescribed by regulation.

(3) The record of the acquisition or disposal must be made within 48 hours after the acquisition or disposal, unless a regulation prescribes otherwise.

(4) The record of the acquisition or disposal must be made and kept in the way approved by the registrar.

(5) An approval is a notifiable instrument.

Note A notifiable instrument must be notified under the Legislation Act.
195 **Correction of recorded entries**

A correction to an entry in a record required to be kept under this division must—

(a) preserve the record; and

(b) show that a correction has been made and the date it was made; and

(c) be made in accordance with any guidelines under section 37 (Minister’s guidelines).

196 **Offence—inspection of records**

(1) A licensed firearms dealer commits an offence if the dealer—

(a) is required to keep a record, or ensure a record is kept, under this division; and

(b) fails to do 1 or more of the following when asked by a police officer:

(i) show the record to the officer and allow the officer to inspect and make copies of any entry in it;

(ii) show the officer the firearms and firearm parts in the dealer’s possession;

(iii) give the officer any information in the dealer’s possession about a firearm or firearm part that, under the authority of the dealer’s licence—

(A) is in the dealer’s possession; or

(B) has been manufactured or repaired; or

(C) has been acquired; or

(D) has been disposed of.

Maximum penalty: 50 penalty units.

(2) An offence against this section is a strict liability offence.
197 Offence—records of former firearms dealers

(1) A person commits an offence if the person—

(a) stops being a licensed firearms dealer; and

(b) not later than 14 days after the day (the end day) the person stops being licensed, the person fails to give the registrar all of the person’s records as a dealer during the 2 years immediately before the end day.

Maximum penalty: 20 penalty units.

Note For how documents may be given, see the Legislation Act, pt 19.5.

(2) An offence against this section is a strict liability offence.

198 Offence—monthly returns

(1) Not later than 7 days after the end of each month, a licensed firearms dealer must give the registrar a return for the month that contains the particulars mentioned in section 194 (2) (Acquisition and disposal—records).

Note For how documents may be given, see the Legislation Act, pt 19.5.

(2) A licensed firearms dealer commits an offence if the dealer does not take all reasonable steps to give a return in accordance with this section.

Maximum penalty: 10 penalty units.

199 Additional requirements for firearms dealers

(1) A licensed firearms dealer must 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.

Maximum penalty: 10 penalty units.
(2) If the registrar serves a written notice on a licensed firearms dealer about the acquisition, disposition or possession by the dealer of any firearms or firearm parts, the dealer must, within the time stated in the notice, give to the registrar the particulars required by the notice.

Maximum penalty: 50 penalty units.

Note 1 If a form is approved under s 271 (Approved forms) for a statement of required particulars or a notification, the form must be used.

Note 2 For how documents may be served, see the Legislation Act, pt 19.5.

(3) A licensed firearms dealer must, 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.

Maximum penalty: 50 penalty units.

(4) A licensed firearms dealer must ensure that each record required to be kept by the dealer under this Act is kept in a safe place on the registered premises for the firearm, other than a place in which firearms are kept under this Act.

Maximum penalty: 50 penalty units.

(5) A licensed firearms dealer commits an offence if the dealer—

(a) takes possession of a firearm from someone else to—

(i) repair, maintain or test it; or

(ii) store it for the person; and

(b) has not inspected—

(i) the person’s licence or permit in relation to the firearm; and

(ii) the firearm registration notice for the firearm.

Maximum penalty: 50 penalty units.
(6) Subsection (5) does not apply in relation to—
   (a) a firearm that is temporarily stored; or
   (b) storage of a firearm mentioned in section 74 (b) (i) (Adult firearms licences—special conditions of category D licences).

(7) A licensed firearms dealer must not store, maintain or repair a firearm that is not registered.

   Maximum penalty: 50 penalty units.

(8) Subsection (7) does not apply in relation to a firearm that is temporarily stored.

   Note See s 237 (Offence—disposal of firearms by unauthorised holders generally) and s 238 (Offence—disposal of inherited firearms).

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

200 Security of displayed firearms

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

(2) A licensed firearms dealer commits an offence if the dealer fails to ensure that each firearm displayed in any part of the registered premises—
   (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.

   Maximum penalty: 50 penalty units.
201 Interstate transactions between dealers

(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:

*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 ACT.
Part 14  Enforcement

Division 14.1  Interpretation

202  Meaning of offence—pt 14

In this part:

offence includes an offence that there are reasonable grounds for believing has been, is being, or will be, committed.

Division 14.2  Powers of police officers

203  Power to enter premises

(1) For this Act, a police officer may—

(a) at any reasonable time, enter premises that the public is entitled to use or that are open to the public (whether or not on payment); or

(b) at any time when the premises of a licensed firearms dealer are open for business, enter the premises; or

(c) at any time, enter premises with the occupier’s consent; or

(d) enter premises in accordance with a licence or permit condition; or

(e) enter premises in accordance with a search warrant; or

(f) at any time, enter premises if the police officer believes on reasonable grounds that—

(i) an offence or a breach of the peace is being or is likely to be committed, or a person has suffered physical injury or there is imminent danger of injury to a person or damage to property; and
(ii) it is necessary to enter the premises immediately for the purpose of preventing the commission or repetition of an offence or a breach of the peace or to protect life or property.

(2) However, subsection (1) (a) and (b) do not authorise entry into a part of premises that is being used only for residential purposes.

(3) A police officer may, without the consent of the occupier of premises, enter land that is around, or part of, the premises to ask for consent to enter the premises.

(4) To remove any doubt, a police officer may enter premises under subsection (1) without payment of an entry fee or other charge.

(5) In this section:

*at any reasonable time* includes at any time when the public is entitled to use the premises, or when the premises are open to or used by the public (whether or not on payment).

**204 Production of evidence of identity**

A police officer must not remain at premises entered under this part if the officer does not produce evidence that the officer is a police officer when asked by the occupier.

**205 Consent to entry**

(1) When seeking the consent of an occupier of premises to enter the premises under section 203 (1) (c), a police officer must—

(a) produce evidence that he or she is a police officer; and

(b) tell the occupier—

(i) the purpose of the entry; and

(ii) that anything found and seized under this part may be used in evidence in court; and
(iii) that consent may be refused.

(2) If the occupier consents, the police officer must ask the occupier to sign a written acknowledgment (an acknowledgment of consent)—

(a) that the occupier was told—

(i) the purpose of the entry; and

(ii) that anything found and seized under this part may be used in evidence in court; and

(iii) that consent may be refused; and

(b) that the occupier consented to the entry; and

(c) stating the time and date consent was given.

(3) If the occupier signs an acknowledgment of consent, the police officer must immediately give a copy to the occupier.

(4) A court must find that an occupier did not consent to entry to the premises by a police officer under this part if—

(a) the question arises in a proceeding in the court whether the occupier consented to the entry; and

(b) an acknowledgment of consent is not produced in evidence; and

(c) it is not proved that the occupier consented to the entry.
206 General powers on entry to premises

A police officer who enters premises under this part may, for this Act, do 1 or more of the following in relation to the premises or anything at the premises:

(a) inspect or examine, including inspect, make copies of, or take extracts from, any record required to be kept under part 13 (Firearms dealers), or any other document that the officer believes on reasonable grounds is connected with—

(i) the acquisition, disposal, possession, repair, maintenance, testing, modification or manufacture of a firearm or firearm part; or

(ii) the storage of a firearm;

(b) test, or remove for testing, any firearm or firearm part that the officer believes on reasonable grounds is not safe or has been modified otherwise than in accordance with this Act or another law in force in the ACT;

(c) if the officer believes on reasonable grounds that a firearm at the premises is not safe—direct, in writing, the occupier of the premises, and, if the occupier is not the owner of the firearm, the registered owner, not to use or dispose of the firearm, unless it has been made safe for use and has been inspected, tested and approved by the registrar;

(d) take photographs, films, or audio, video or other recordings;

(e) require the occupier, or anyone at the premises, to produce any document kept at the premises that the officer believes on reasonable grounds is connected with an offence;
(f) require the occupier, or an employee or agent of the occupier, to give the police officer reasonable help to exercise a power under this part.

Examples—help
1 give information
2 answer questions

Note The Legislation Act, s 170 and s 171 deal with the application of the privilege against self-incrimination and client legal privilege.

207 Powers on entry—condition

(1) This section applies if a police officer enters registered premises for a firearm under a condition of a licence or permit.

(2) The police officer may—

(a) inspect any facility for storing firearms at the premises; and

(b) test, or remove for testing, any firearm that the officer believes on reasonable grounds is not safe or has been modified otherwise than in accordance with this Act or another law in force in the ACT; and

(c) if the officer believes on reasonable grounds that a firearm at the premises is not safe—direct, in writing, the licensee or permit-holder not to use or dispose of the firearm, unless it has been made safe for use and has been inspected, tested and approved by the registrar; and

(d) seize a thing if satisfied on reasonable grounds that the thing is connected with an indictable offence.
208  **Offences—noncompliance with directions and requirements**

(1) A person must take all reasonable steps to comply with a direction given to the person under section 206 (c).

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

(2) A person must take all reasonable steps to comply with a requirement made of the person under section 206 (e) or section 206 (f).

   Maximum penalty: 50 penalty units.

209  **Power to seize things**

(1) A police officer who enters premises under this part with the occupier’s consent may seize anything at the premises if—

   (a) satisfied on reasonable grounds that the thing is connected with an offence against this Act; and

   (b) seizure of the thing is consistent with the purpose of the entry told to the occupier when seeking the occupier’s consent.

(2) A police officer who enters premises under a warrant under this part may seize anything at the premises that the officer is authorised to seize under the warrant.

(3) A police officer who enters premises under this part (whether with the occupier’s consent, under a warrant or otherwise) may seize anything at the premises if satisfied on reasonable grounds that—

   (a) the thing is connected with an offence against this Act; and

   (b) the seizure is necessary to prevent the thing from being—

      (i) concealed, lost or destroyed; or

      (ii) used to commit, continue or repeat the offence.
(4) Also, a police officer who enters premises under this part (whether with the occupier’s consent, under a warrant or otherwise) may seize anything at the premises if satisfied on reasonable grounds that the thing is connected with an indictable offence.

(5) The powers of a police officer under subsections (3) and (4) are additional to any powers of the officer under subsection (1) or (2) or any other territory law.

(6) A police officer who seizes a thing under this section may—
   (a) remove the thing from the premises where it was seized (the place of seizure) to another place; or
   (b) leave the thing at the place of seizure but restrict access to it.

(7) A person commits an offence if—
   (a) the person interferes with a seized thing, or anything containing a seized thing, to which access has been restricted under subsection (6); and
   (b) the person knows access to the seized thing has been restricted; and
   (c) the person does not have a police officer’s approval to interfere with the thing.

Maximum penalty: 50 penalty units.

(8) Strict liability applies to subsection (7) (a).

210 **Receipt for things seized**

(1) As soon as practicable after a police officer seizes a thing under this part, the officer must give a receipt for it to the person from whom it was seized.

(2) If, for any reason, it is not practicable to comply with subsection (1), the police officer must leave the receipt, secured conspicuously, at the premises where it was seized (the place of seizure).
Division 14.3 Search warrants

Section 211

(3) The receipt must include the following:

(a) a description of the thing seized;

(b) an explanation of why the thing was seized;

(c) the police officer’s name, and information about how to contact the officer;

(d) if the thing is removed from the place of seizure—the address of the place to which the thing is removed;

(e) if a police officer has restricted access to the thing under section 209 (6) (b)—that it is an offence under section 209 (7) to interfere with the thing without a police officer’s approval.

Division 14.3 Search warrants

211 Warrants generally

(1) A police officer may apply to a magistrate for a warrant to enter premises.

(2) The application must be sworn and state the grounds on which the warrant is sought.

Note Swear an oath includes make an affirmation (see Legislation Act, dict, pt 1, def swear).

(3) The magistrate may refuse to consider the application until the police officer gives the magistrate all the information the magistrate requires about the application in the way the magistrate requires.

(4) The magistrate may issue a warrant only if satisfied there are reasonable grounds for suspecting—

(a) there is a particular thing (including a firearm) or activity connected with an offence against this Act; and

(b) the thing or activity—

(i) is, or is being engaged in, at the premises; or
(ii) may be, or may be engaged in, at the premises within the next 7 days.

(5) The magistrate may also issue a warrant only if satisfied there are reasonable grounds for suspecting—

(a) there is a firearm that is unsafe to use; and

(b) the firearm—

(i) is at the premises; or

(ii) may be at the premises within the next 7 days.

(6) The warrant must state—

(a) that a police officer may, with any necessary assistance and force, enter stated premises and exercise the officer’s powers under this part; and

(b) the reason for which the warrant is issued; and

(c) the things that may be seized under the warrant; and

(d) the hours when the premises may be entered; and

(e) the date, within 7 days after the day of the warrant’s issue, the warrant ends.

(7) In this section:

connected—an activity is connected with an offence if—

(a) the offence has been committed by engaging or not engaging in it; or

(b) it will provide evidence of the commission of the offence.
212 Warrants—application made other than in person

(1) A police officer may apply for a warrant by phone, fax, radio or other form of communication if the officer considers it necessary because of—

(a) urgent circumstances; or

(b) other special circumstances.

(2) Before applying for the warrant, the police officer must prepare an application stating the grounds on which the warrant is sought.

(3) The police officer may apply for the warrant before the application is sworn.

(4) If the magistrate issues the warrant, the magistrate must immediately provide a written copy to the police officer if it is practicable to do so.

(5) If it is not practicable to provide a written copy to the police officer—

(a) the magistrate must tell the officer—

(i) the date and time the warrant was issued; and

(ii) the warrant’s terms; and

(b) the police officer must complete a form of warrant (the warrant form) and write on it—

(i) the magistrate’s name; and

(ii) the date and time the magistrate issued the warrant; and

(iii) the warrant’s terms.

(6) The written copy of the warrant, or the warrant form properly completed by the police officer, authorises the entry and exercise of the officer’s powers under the warrant.
(7) The police officer must, at the first reasonable opportunity, send to the magistrate—
   (a) the sworn application; and
   (b) if the officer completed a warrant form—the completed warrant form.

(8) On receiving the documents, the magistrate must attach them to the warrant.

(9) A court must find that a power exercised by a police officer was not authorised by a warrant under this section if—
   (a) the question arises in a proceeding in the court whether the exercise of power was authorised by a warrant; and
   (b) the warrant is not produced in evidence; and
   (c) it is not proved that the exercise of power was authorised by a warrant under this section.

213 **Search warrants—announcement before entry**

(1) A police officer must, before anyone enters premises under a search warrant—
   (a) announce that the officer is authorised to enter the premises; and
   (b) give anyone at the premises an opportunity to allow entry to the premises; and
   (c) if the occupier of the premises, or someone else who apparently represents the occupier, is present at the premises—identify himself or herself to the person.

(2) The police officer is not required to comply with subsection (1) if the officer believes on reasonable grounds that immediate entry to the premises is required to ensure—
   (a) the safety of anyone (including the officer or any person assisting); or

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(b) that the effective execution of the warrant is not frustrated.

214 Details of search warrant to be given to occupier etc

(1) If an occupier of premises, or someone else who apparently represents the occupier, is present at the premises while a search warrant is being executed, the police officer or a person assisting must make available to the person—

(a) a copy of the warrant or warrant form; and

(b) a document setting out the rights and obligations of the person.

(2) In this section:

warrant form—see section 212 (Warrants—application made other than in person).

215 Occupier entitled to be present during search etc

(1) If an occupier of premises, or someone else who apparently represents the occupier, is present at the premises while a search warrant is being executed, the person is entitled to observe the search being conducted.

(2) However, the person is not entitled to observe the search if—

(a) to do so would impede the search; or

(b) the person is under arrest, and allowing the person to observe the search being conducted would interfere with the objectives of the search.

(3) This section does not prevent 2 or more areas of the premises being searched at the same time.
Division 14.4  
Things seized

216  
Access to things seized

A person who would, apart from the seizure, be entitled to inspect a thing seized under this part may—

(a) inspect it; and

(b) if it is a document—take extracts from it or make copies of it.

217  
Return or forfeiture of things seized

(1) A thing seized under this part must be returned to its owner, or reasonable compensation must be paid by the Territory to the owner for the loss of the thing, if a prosecution for an offence relating to the thing is not started within 1 year after the day the thing is seized.

(2) If a prosecution for an offence relating to a thing seized under this part is started within 1 year after the day the thing is seized, and the prosecution is not successful, the thing must be returned to its owner.

(3) A thing seized under this part is forfeited to the Territory if there is no requirement under this section—

(a) to return the thing to the person from whom it was seized; or

(b) to pay compensation for the thing.

(4) A thing forfeited to the Territory may be destroyed or otherwise disposed of as the registrar directs.
Division 14.5  Enforcement—miscellaneous

218  Damage etc to be minimised

(1) In the exercise, or purported exercise, of a function under this part, a police officer must take all reasonable steps to ensure that the officer causes as little inconvenience, detriment and damage as practicable.

(2) If a police officer damages anything in the exercise or purported exercise of a function under this part, the officer must give written notice of the particulars of the damage to the person the officer believes on reasonable grounds is the owner of the thing.

(3) The notice must state that—

(a) the person may claim compensation from the Territory if the person suffers loss or expense because of the damage; and

(b) compensation may be claimed and ordered in a proceeding for compensation brought in a court of competent jurisdiction; and

(c) the court may order the payment of reasonable compensation for the loss or expense only if satisfied it is just to make the order in the circumstances of the particular case.

(4) If the damage happens at premises entered under this part in the absence of the occupier, the notice may be given by leaving it, secured conspicuously, at the premises.

(5) In this section:

police officer includes a person assisting the officer under this part.

219  Compensation for exercise of enforcement powers

(1) A person may claim compensation from the Territory if the person suffers loss or expense because of the exercise, or purported exercise, of a function under this part by a police officer.
(2) Compensation may be claimed and ordered in a proceeding for—
   (a) compensation brought in a court of competent jurisdiction; or
   (b) an offence against this Act brought against the person making the claim for compensation.

(3) A court may order the payment of reasonable compensation for the loss or expense only if satisfied it is just to make the order in the circumstances of the particular case.

(4) A regulation may prescribe matters that may, must or must not be taken into account by the court in considering whether it is just to make the order.

(5) In this section:

   *police officer*—see section 218 (5).
Part 15 Offences

Section 220

Part 15 Offences

220 Offences—trafficking firearms

(1) A person commits an offence if the person contravenes a relevant provision on 3 or more separate occasions over a 12-month period.

Maximum penalty: imprisonment for 20 years.

(2) If, on the trial of a person for an offence against subsection (1), more than 3 occasions are relied on as evidence of the commission of the offence, the trier of fact must be satisfied as to the same 3 occasions in order to find the person guilty of the offence.

Example
During a 12-month period starting in January, Jonah sells 7 unregistered firearms as follows:

- on 8 January Adam and Beth each buy an unregistered firearm from Jonah (2 occasions);
- on 14 June Jonah sells 3 unregistered firearms to Cate in a single transaction (1 occasion);
- on both 5 and 16 December Jonah sells an unregistered firearm to David (2 occasions).

None of the people involved in the transactions are licensed firearms dealers or authorised by a licence or permit to possess the firearms the subject of the transactions.

Evidence of these transactions forms the basis of 5 separate offences against section 226. Jonah is charged with 1 offence against section 220 (1). In order for Jonah to be convicted of the offence, the trier of fact must be satisfied that Jonah contravened section 226 on at least 3 of the occasions, and be satisfied as to the same 3 occasions.

(3) If, on the trial of a person for an offence against subsection (1), the trier of fact is not satisfied that the offence is proven, but is satisfied that the person, in relation to an occasion relied on as evidence of commission of the offence against subsection (1), committed an offence against a relevant provision, the trier of fact may acquit the person of the offence charged and find the person guilty of the offence against the relevant provision.
(4) To remove any doubt, a person may not be tried for an offence against subsection (1) in relation to the contravention of a relevant provision on an occasion if the person has been convicted or acquitted of the contravention.

(5) A person commits an offence if the person—
   (a) contravenes a relevant provision; and
   (b) the contravention is the acquisition or disposal of 4 or more firearms on the same occasion.

   Maximum penalty: imprisonment for 20 years.

(6) In this section:

   relevant provision means—
   (a) section 177 (1) (Offence—unregistered firearms); or
   (b) section 226 (Offence—unlawful disposal of firearms); or
   (c) section 227 (Offence—unlawful acquisition of firearms).

221 Discharge etc of firearm—public places etc

(1) A person must 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.

   Maximum penalty: 100 penalty units, imprisonment for 1 year or both.
(2) A person must 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.

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

222 Discharge of firearm—general

(1) A person must 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—

   (i) leased land; or

   (ii) occupied under a licence granted by the Territory;

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

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

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

(2) Subsection (1) does not apply in relation to a person who is on an approved shooting range owned or used by an approved club if the person is taking part in a competition or activity conducted by or in association with the club.
223 Carriage or use of firearm—improper manner

A person must not, without reasonable excuse, carry or use a firearm—

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

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

224 Offences—operation of shooting ranges

(1) A person commits an offence if the person operates a shooting range other than an approved shooting range.

Maximum penalty: 200 penalty units, imprisonment for 2 years or both.

(2) A person commits an offence if the person—

(a) operates an approved shooting range; and
(b) is not licensed to operate the shooting range.

Maximum penalty: 200 penalty units, imprisonment for 2 years or both.

Note A person must not operate a firearm shooting range unless the person holds an environmental authorisation to operate the firearm shooting range (see Environment Protection Act 1997, s 41 and sch 1).
225 Offences—operation of paintball ranges

(1) A person commits an offence if the person operates a paintball range other than an approved paintball range.

Maximum penalty: 200 penalty units, imprisonment for 2 years or both.

(2) A person commits an offence if the person—
(a) operates an approved paintball range; and
(b) is not licensed to operate the paintball range.

Maximum penalty: 200 penalty units, imprisonment for 2 years or both.

226 Offence—unlawful disposal of firearms

(1) A person (the disposer) must not dispose of or take part in the disposal of a firearm to someone else (the acquirer) unless—
(a) the acquirer and disposer are each authorised by a licence or permit to possess the firearm; and
(b) the following documents have been produced to, and inspected by, the disposer:
   (i) the acquirer’s licence or permit;
   (ii) if the acquirer is not a licensed firearms dealer—
      (A) the acquirer’s permit to acquire the firearm; or
      (B) a permit (however described) in force under the law of a State or another Territory that authorises the acquisition of the firearm; and
(c) if neither the acquirer nor disposer is a licensed firearms dealer—the disposal has been arranged through a licensed firearms dealer as prescribed by regulation.

Maximum penalty:
(a) if the firearm is a prohibited firearm—imprisonment for 10 years; or
(b) in any other case—imprisonment for 5 years.

(2) Subsection (1) does not apply in relation to—
(a) the surrender of a firearm to a police officer; or
(b) a firearm to be temporarily stored by a licensed firearms dealer for a person who has possession of the firearm because of the death of the individual authorised to possess it; or

Note See s 237 (Offence—disposal of firearms by unauthorised holders generally).

(c) a person who inherits a firearm and disposes of it to a licensed firearms dealer.

Note See s 238 (Offence—disposal of inherited firearms).

(3) In this section:

takes part—a person takes part in the disposal of a firearm if the person—
(a) takes, or takes part in, a step, or causes a step to be taken, in the process of the disposal; or
(b) provides or arranges finance for a step in the process; or
(c) provides the premises where a step in the process is taken, or allows a step in the process to be taken at premises of which the person is the owner, lessee or occupier or of which the person has the care, control or management.
227  **Offence—unlawful acquisition of firearms**

(1) A person (the *acquirer*) must not acquire, or take part in the acquisition of, a firearm from someone else (the *disposer*) unless—

(a) the acquirer and disposer are each authorised by a licence or permit to possess the firearm; and

(b) the disposer’s licence or permit has been produced to, and inspected by, the acquirer; and

(c) if neither the acquirer nor disposer is a licensed firearms dealer—the acquisition has been arranged through a licensed firearms dealer as prescribed by regulation.

Maximum penalty:

(a) if the firearm is a prohibited firearm—imprisonment for 10 years; or

(b) in any other case—imprisonment for 5 years.

(2) Subsection (1) does not apply in relation to—

(a) the surrender of a firearm to a police officer; or

(b) a person who inherits a firearm and disposes of it to a licensed firearms dealer.

*Note*  See s 238 (Offence—disposal of inherited firearms).

(3) In this section:

*takes part*—a person *takes part* in the acquisition of a firearm if the person—

(a) takes, or takes part in, a step, or causes a step to be taken, in the process of the acquisition; or

(b) provides or arranges finance for a step in the process; or
(c) provides the premises where a step in the process is taken, or allows a step in the process to be taken at premises of which the person is the owner, lessee or occupier or of which the person has the care, control or management.

228 Offence—unauthorised manufacture of firearms

(1) A person commits an offence if the person manufactures, or takes part in the manufacture of, a firearm.

Maximum penalty:

(a) if the firearm is a prohibited firearm—1 500 penalty units, imprisonment for 20 years or both; or

(b) if the firearm is not a prohibited firearm—1 000 penalty units, imprisonment for 10 years or both.

(2) Subsection (1) does not apply to a person if the person is authorised by a firearms dealer licence to manufacture the firearm.

(3) In this section:

manufacture, a firearm, includes assemble a firearm from firearm parts.

takes part—a person takes part in the manufacture of a firearm if the person—

(a) takes, or takes part in, a step, or causes a step to be taken, in the process of the manufacture; or

(b) provides or arranges finance for a step in the process; or

(c) provides the premises where a step in the process is taken, or allows a step in the process to be taken at premises of which the person is the owner, lessee or occupier or of which the person has the care, control or management.
Section 229

Use of mail for sending firearms

(1) This section is subject to section 230.

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

(3) A person must not receive a firearm by mail at an address in the ACT.

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

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

Maximum penalty: 50 penalty units.

(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 ACT to forward a firearm by mail to an address within the ACT.

(7) It is a defence to a prosecution against 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 ACT

A person must 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; and

(b) the address to which the firearm or firearm part is sent is outside the ACT; and

(c) the firearm or firearm part is sent by security mail; and

Firearms Act 1996

Effective: 15/08/19

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(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, commit any offence under any law that applies at that place; and

(e) the other person is a licensed firearms dealer under the law of that other place.

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

231 Advertising sale of firearms

A person must 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.

Maximum penalty: 50 penalty units.

232 Means of delivering possession of firearms

Subject to section 230, a person must not deliver possession of a firearm or firearm part to another person except—

(a) in person; or

(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.

Maximum penalty: 50 penalty units.
233 **Transport of firearms and ammunition**

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

Maximum penalty: 50 penalty units.

234 **Transporting prohibited firearms or pistols**

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

Maximum penalty: 50 penalty units.

235 **Possession of spare barrels for firearms**

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

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

236 **On-the-spot inspection of firearms by police**

(1) A person who is carrying a firearm or possesses a firearm that is within the immediate vicinity of the person must, 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.

Maximum penalty: 50 penalty units.

(2) A person commits an offence against 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.
(3) A person does not commit an offence against 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 24 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.

(4) In this section:

firearm includes a firearm part.

237 Offence—disposal of firearms by unauthorised holders generally

(1) A person commits an offence if—

(a) the person has possession of a firearm; and

(b) the person is not authorised by a licence or permit to possess the firearm; and

(c) either—

(i) the person fails to surrender the firearm to a police officer; or

(ii) if the person has possession of the firearm because of the death of the individual authorised to possess it—the person fails to—

(A) give the firearm to a licensed firearm dealer to temporarily store the firearm; and

(B) give the registrar written notice of the death and the name of the licensed firearms dealer storing the firearm.

Maximum penalty: 50 penalty units.
(2) Subsection (1) does not apply to a person who inherits a firearm.

Note The defendant has an evidential burden in relation to the matters mentioned in s (2) (see Criminal Code, s 58).

(3) It is a defence to a prosecution for an offence against subsection (1) if the defendant proves that the defendant is authorised to possess the firearm under 1 or more of the following sections:

(a) section 136 (Temporary recognition of interstate licences—general);
(b) section 137 (Temporary recognition of interstate category C licences);
(c) section 138 (Interstate residents moving to ACT—category A, B, and paintball marker licences);
(d) section 139 (Interstate residents moving to ACT—category C and H licences);
(e) section 140 (Temporary recognition of interstate licences for international visitors—shooting or paintball competitions);
(f) section 140A (Temporary recognition of interstate category D licences—vertebrate pest animal control).

Note 1 The defendant has a legal burden in relation to the matters mentioned in s (3) (see Criminal Code, s 59).

Note 2 Certain people are exempt from this offence in certain circumstances (see s 23 and sch 2).

238 Offence—disposal of inherited firearms

(1) A person commits an offence if—

(a) the person inherits a firearm; and

(b) the person is not authorised by a licence or permit to possess the firearm; and
(c) the person—

(i) applies for a licence or permit in relation to the firearm and does not give the firearm to a licensed firearm dealer to temporarily store; or

Note A firearm is temporarily stored by a licensed firearms dealer for a person who inherits the firearm and applies for a licence or permit in relation to the firearm if the dealer stores the firearm until the application is finally decided (including any application to the ACAT for review of the decision and any subsequent appeal) (see dict, def temporarily store).

(ii) does not dispose of the firearm to a licensed firearms dealer; or

(iii) does not surrender the firearm to a police officer.

Maximum penalty: 50 penalty units.

(2) It is a defence to a prosecution for an offence against subsection (1) if the defendant proves that the defendant is authorised to possess the firearm under 1 or more of the following sections:

(a) section 136 (Temporary recognition of interstate licences—general);

(b) section 137 (Temporary recognition of interstate category C licences);

(c) section 138 (Interstate residents moving to ACT—category A, B, and paintball marker licences);

(d) section 139 (Interstate residents moving to ACT—category C and H licences);

(e) section 140 (Temporary recognition of interstate licences for international visitors—shooting or paintball competitions);
(f) section 140A (Temporary recognition of interstate category D licences—vertebrate pest animal control).

Note 1 The defendant has a legal burden in relation to the matters mentioned in s (2) (see Criminal Code, s 59).

Note 2 Certain people are exempt from this offence in certain circumstances (see s 23 and sch 2).

239 Unsafe firearms

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

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

(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.

(3) For this section, a firearm is 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.

240 Shortening firearms

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

(a) shorten any firearm (other than a pistol); or

(b) subject to section 241 (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.

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

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

241 Converting firearms

(1) A person must 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.

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

(2) A person must 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.

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

242 Restrictions where alcohol or other drugs concerned

(1) A person commits an offence if the person—

(a) is under the influence of alcohol or another drug; and

(b) either—

(i) has a firearm in the person’s physical possession; or

(ii) uses a firearm.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.
(2) A person must not sell or give possession of a firearm to another person—
   (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.

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

(3) A person commits an offence if—
   (a) the person occupies, operates or manages a shooting range; and
   (b) someone else (the attending person) possesses, carries or uses a firearm at the shooting range; and
   (c) either—
      (i) the person knows, or believes on reasonable grounds, that the attending person—
         (A) is under the influence of alcohol or a drug; and
         (B) would not be able to exercise responsible control over the firearm; or
      (ii) the person believes on reasonable grounds that, because of the attending person’s behaviour, the attending person would not be able to exercise responsible control over a firearm; and
(d) the person does not take all reasonable steps to ensure that the attending person does not take part in a shooting activity at the range.

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

(4) In this section:

**physical possession**—see section 10 (1) (a).

### 243 Offence—selling ammunition generally

A person commits an offence if the person—

(a) is not a licensed firearms dealer or authorised club member; and

(b) sells ammunition.

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

### 244 Offence—sale of ammunition by licensed firearms dealers

A licensed firearms dealer must not sell ammunition to someone else (the *acquirer*) unless—

(a) the acquirer—

   (i) holds a licence or permit authorising the acquisition of ammunition of the calibre sold; or

   (ii) is authorised in writing by the registrar to acquire the ammunition; and

(b) the dealer has inspected the licence, permit or authorisation; and
Part 15  Offences

Section 245

(c) the amount of ammunition the dealer sells to the acquirer at any time is not more than the amount (if any) prescribed by regulation.

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

245 Offence—sale of ammunition by authorised club members

An authorised club member (the seller) of an approved club must not sell ammunition to someone else (the acquirer) unless—

(a) the sale takes place on premises owned or used by the club; and

(b) the acquirer is at the premises to take part in a competition or activity conducted by or in association with the club; and

(c) the acquirer—

(i) holds a licence or permit authorising the acquisition of ammunition of the calibre sold; or

(ii) is authorised in writing by the registrar to acquire the ammunition; and

(d) the seller has inspected the licence, permit or authorisation; and

(e) the ammunition can be discharged from a firearm—

(i) of which the acquirer is a registered owner, registered principal or registered user; or

(ii) being used by the acquirer in a competition or activity conducted by or in association with the club; and

(f) the amount of ammunition the seller sells to the acquirer at any time is not more than the amount (if any) prescribed by regulation.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.
246 Offence—selling ammunition to people from outside ACT

(1) A licensed firearms dealer must not sell ammunition to a person who lives in a State or another Territory.

Maximum penalty: 50 penalty units.

(2) Subsection (1) does not apply if the dealer believes on reasonable grounds that the person’s possession of the ammunition in the State or other Territory is not prohibited by a law of the State or Territory.

247 Offence—selling ammunition for starting pistols

(1) A licensed firearms dealer must not sell ammunition to a person if the dealer knows or believes on reasonable grounds that the person intends to discharge it from a starting pistol.

Maximum penalty: 50 penalty units.

(2) Subsection (1) does not apply if—

(a) the dealer is satisfied on reasonable grounds that the person has an approved reason for requiring the starting pistol; and

(b) the ammunition is a blank cartridge.

Note Approved reason—see the dictionary.

248 Offence—acquiring ammunition

(1) A person commits an offence if—

(a) the person acquires ammunition; and

(b) the person—

(i) does not hold a licence or permit authorising the acquisition of ammunition of the calibre sold; or
(ii) is not authorised in writing by the registrar to acquire the ammunition.

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

(2) A person commits an offence if—

(a) the person acquires ammunition; and

(b) the person—

(i) holds a licence or permit authorising the acquisition of ammunition of the calibre sold; or

(ii) is authorised in writing by the registrar to acquire the ammunition; and

(c) the amount of ammunition the person acquires at any one time is more than the amount (if any) prescribed by regulation.

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

249 Offence—possessing ammunition generally

(1) A person commits an offence if—

(a) the person possesses ammunition for a firearm; and

(b) the person is not authorised by a licence or permit to possess or acquire the ammunition.

Maximum penalty: 10 penalty units.
(2) Subsection (1) does not apply during the period ending 28 days after the day any of the following happens:

(a) the licence or permit authorising the possession or acquisition of the ammunition is cancelled, suspended, surrendered or ends;

Note Section 53 provides that a licence that authorises the licensee to use a firearm also authorises the licensee, in accordance with this Act or another territory law, to acquire, possess or use the calibre of ammunition made for use in the firearm.

(b) the person is the registered owner, registered principal or a registered user of the firearm, and the firearm is disposed of or destroyed;

(c) the person’s registration as owner or user of the firearm is cancelled.

Note The defendant has an evidential burden in relation to the matters mentioned in s (2) (see Criminal Code, s 58).

(3) Also, subsection (1) does not apply—

(a) to a person who has an approved reason for requiring a starting pistol, if the ammunition is a blank cartridge for use in a starting pistol; or

(b) in relation to the surrender of ammunition to a police officer.

Note 1 Approved reason—see the dictionary.

Note 2 The defendant has an evidential burden in relation to the matters mentioned in s (3) (see Criminal Code, s 58).

(4) Strict liability applies to subsection (1) (b).

(5) It is a defence to a prosecution for an offence against subsection (1) if the defendant proves that the defendant is authorised to possess or acquire the ammunition under 1 or more of the following sections:

(a) section 136 (Temporary recognition of interstate licences—general);
Part 15 Offences

Section 250

(b) section 137 (Temporary recognition of interstate category C licences);
(c) section 138 (Interstate residents moving to ACT—category A, B, and paintball marker licences);
(d) section 139 (Interstate residents moving to ACT—category C and H licences);
(e) section 140 (Temporary recognition of interstate licences for international visitors—shooting or paintball competitions);
(f) section 140A (Temporary recognition of interstate category D licences—vertebrate pest animal control).

Note 1 The defendant has a legal burden in relation to the matters mentioned in s (5) (see Criminal Code, s 59).

Note 2 Certain people are exempt from this offence in certain circumstances (see s 23 and sch 2).

250 Modification of firearms

(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.

(2) A person must not, except with the written approval of the registrar, modify a firearm that is—

(a) a smoothbore shotgun or a combination smoothbore shotgun and rifle; or
(b) a rifle, other than a combination smoothbore shotgun and rifle or an airgun; or
(c) an airgun—

(i) the barrel of which is rifled; or
(ii) that has a front-end cocking action known as the underlever principle or a pump up or a pneumatic action; or

(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.

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

(3) A firearm referred to in subsection (2) is taken to have been modified if—

(a) for a smoothbore shotgun or a combination smoothbore shotgun and rifle—

(i) the length of the barrel or, if it has more than 1 barrel, of the longer or longest barrel, is less than 400mm; or

(ii) the length of the stock is less than 300mm; or

(iii) it has no stock; or

(iv) the overall length is less than 700mm; or

(b) for a rifle, other than a combination smoothbore shotgun and rifle or an airgun—

(i) the length of the barrel or, if it has more than 1 barrel, of the longer or longest barrel, is less than 400mm; or

(ii) the length of the stock is less than 300mm; or

(iii) it has no stock; or

(iv) the overall length is less than 800mm; or

(c) for an airgun referred to in subsection (2) (c)—

(i) the length of the barrel is less than 400mm; or
Part 15  Offences

Section 251

(ii) the length of the stock is less than 300mm; or
(iii) it has no stock; or
(iv) the overall length is less than 700mm.

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

(5) If the modification to which an approval relates has not been made before the end of the period 6 months commencing on the date of the approval, the approval ceases to have effect on the end of that period.

251 Approval of modifications

(1) A person authorised to modify a firearm under section 250 (2) must, 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 must not, without reasonable excuse, contravene subsection (1).

Maximum penalty: 10 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 must, on production to him or her of the licence on which that firearm is registered make the alterations to that licence that are necessary.
252 Offences—defacing, altering and removing identification marks

(1) A person commits an offence if the person defaces, alters or removes a number, letter or other identification mark on a firearm or barrel for a firearm.

Maximum penalty: 500 penalty units, imprisonment for 5 years or both.

(2) A person commits an offence if the person—
   
   (a) possesses a firearm or barrel for a firearm on which a number, letter or identification mark has been defaced, altered or removed; and
   
   (b) knows that a number, letter or identification mark has been defaced, altered or removed.

Maximum penalty: 500 penalty units, imprisonment for 5 years or both.

(3) It is a defence to a prosecution for an offence against subsection (1) if the defendant proves that the defendant was authorised in writing by the registrar to deface, alter or remove the number, letter or other identification mark.

(4) It is a defence to a prosecution for an offence against subsection (2) if the defendant proves that the defendant was authorised in writing by the registrar—
   
   (a) to deface, alter or remove the number, letter or other identification mark; or
   
   (b) to possess the firearm or barrel.

(5) Subsection (2) does not apply in relation to the surrender of a firearm to a police officer.
Part 15  
Offences

Section 253

253  
**Pawning of firearms**

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

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

254  
**Production of licence or permit on demand**

(1) A person to whom a licence or permit is issued must, 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; or

(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 24 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 home address to the police officer.

Maximum penalty: 50 penalty units.

(2) A person commits an offence against 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.

255  
**Requirement to notify change of address**

A licensee or the holder of a permit must, 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.

Maximum penalty: 50 penalty units.
256 Misuse of licences and permits

A person must not—

(a) falsely represent himself or herself to be the holder of a licence or permit (whether or not it is in force); or

(b) give possession of a licence or permit to another person for the purpose of using it unlawfully; or

(c) knowingly have possession of a borrowed or stolen licence or permit.

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

257 Offence—lost, stolen or destroyed firearms

A person (other than a licensed firearms dealer) commits an offence if—

(a) the person possesses a firearm; and

(b) the firearm is lost, stolen or destroyed; and

(c) the person knows about the loss, theft or destruction; and

(d) the person fails, within 2 days after the day the person becomes aware of the loss, theft or destruction, to—

(i) tell the registrar about the loss, theft or destruction; and

(ii) give the registrar particulars of the loss, theft or destruction (if any) prescribed by regulation.

Maximum penalty: 50 penalty units.

Note For licensed firearms dealers, see s 199 (3) (Additional requirements for firearms dealers).
Part 16 Notification and review of decisions

258 Meaning of reviewable decision—pt 16

In this part:

reviewable decision means a decision mentioned in schedule 4, column 3 under a provision of this Act mentioned in column 2 in relation to the decision.

260 Reviewable decision notices

If a person makes a reviewable decision, the person must give a reviewable decision notice to each entity mentioned in schedule 4, column 4 in relation to the decision.

Note 1 The person must also take reasonable steps to give a reviewable decision notice to any other person whose interests are affected by the decision (see ACT Civil and Administrative Tribunal Act 2008, s 67A).

Note 2 The requirements for reviewable decision notices are prescribed under the ACT Civil and Administrative Tribunal Act 2008.

260A Applications for review

The following may apply to the ACAT for a review of a reviewable decision:

(a) an entity mentioned in schedule 4, column 4 in relation to the decision;

(b) any other person whose interests are affected by the decision.

Note If a form is approved under the ACT Civil and Administrative Tribunal Act 2008 for the application, the form must be used.
Part 17  Miscellaneous provisions

261 Disclosure by health professionals of certain information

(1) This section applies if a health professional believes that—

(a) a person to whom the health professional is or has been providing professional services may pose a threat to public safety or a threat to the person’s own safety; and

(b) the person possesses or has access to a firearm.

(2) The health professional may tell the registrar about the belief.

(3) If the health professional acts honestly under this section—

(a) the telling of the belief to the registrar is, for all purposes, not a breach of confidence or professional etiquette or ethics, or a breach of a rule of professional conduct, applying to the health professional; and

(b) civil or criminal liability is not incurred by the health professional only because of the health professional telling the registrar about the belief.

Note The Civil Law (Wrongs) Act 2002, s 59 provides a defence of truth and public benefit to civil defamation actions.

(4) In this section:

health professional means any of the following people:

(a) a doctor, psychologist, nurse, midwife or social worker;

(b) a person who provides professional counselling services;

(c) anyone else declared under the regulations to be a provider of health-related services.
262 **Disposal of surrendered or seized firearms**

(1) This section applies in relation to a firearm surrendered to or seized by a police officer under this Act or any other territory law.

(2) A police officer or the owner of the firearm may apply to a court for an order that the firearm is—

(a) forfeited to the Territory; or

(b) returned to the owner; or

(c) destroyed; or

(d) otherwise disposed of.

(3) The court may make the order it considers appropriate.

(4) This section is subject to section 217 (Return or forfeiture of things seized).

(5) In this section:

*firearm* includes a firearm part and ammunition.

*owner*, of a firearm, means a person who is or claims to be the owner of the firearm.

263 **Disposal of uncollected firearms**

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

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

(b) there are no circumstances that would preclude the disposal of the firearm.
264 Certificates of safety
If an applicant referred to in section 160 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 that section, must have regard to that certificate.

265 Acts and omissions of representatives
(1) In this section:

`person` means an individual.

*Note* See the Criminal Code, pt 2.5 for provisions about corporate criminal responsibility.

`representative`, of a person, means an employee or agent of the person.

`state of mind`, of a person, includes—

(a) the person’s knowledge, intention, opinion, belief or purpose; and

(b) the person’s reasons for the intention, opinion, belief or purpose.

(2) This section applies to a prosecution for any offence against this Act.

(3) If it is relevant to prove a person’s state of mind about an act or omission, it is enough to show—

(a) the act was done or omission made by a representative of the person within the scope of the representative’s actual or apparent authority; and

(b) the representative had the state of mind.

(4) An act done or omitted to be done on behalf of a person by a representative of the person within the scope of the representative’s actual or apparent authority is also taken to have been done or omitted to be done by the person.
(5) However, subsection (4) does not apply if the person establishes that reasonable precautions were taken and appropriate diligence was exercised to avoid the act or omission.

(6) A person who is convicted of an offence cannot be punished by imprisonment for the offence if the person would not have been convicted of the offence without subsection (3) or (4).

266 Third-party interests—complaints to registrar

(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.

(2) A complaint must—

(a) be in writing; and

(b) specify the grounds on which the complaint is made.

267 Investigations

(1) If a complaint is made under section 266 the registrar—

(a) may make the investigations of the subject matter of the complaint that the registrar thinks fit; and

(b) must give notice of the making of the complaint and the grounds on which it is based to the person against whom the complaint is made.

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

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

(a) to give 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.

268 Offences by corporations

(1) If a corporation contravenes a provision of this Act, each person who is an executive officer of the corporation is taken to have contravened the same provision if the officer knowingly authorised or allowed the contravention.

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

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

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

269 Evidentiary certificates

(1) In a proceeding for an offence mentioned in section 166 (1) (c), a certificate signed by the registrar stating the following is evidence of the matter stated:

(a) at a stated time or during a stated period, a stated person was or was not the holder of a licence or permit;

(b) a licence or permit was or was not, on a day or during a stated period, subject to a stated condition;

(c) a licence or permit was or was not renewed, or had ended on a stated day;

(d) a stated licence or permit issued to a stated person was cancelled on a stated day;

(e) a stated licence or permit issued to a stated person was suspended on a stated day or during a stated period;
(f) a stated address was, on a stated date, the last address known to the registrar of a stated person;

(g) a stated firearm was registered or not registered on a stated day or during a stated period;

(h) a stated person was or was not the registered owner of a stated firearm on a stated day or during a stated period;

(i) registration of a stated firearm was refused on a stated day;

(j) registration of a stated firearm had ended on a stated day;

(k) registration of a stated firearm was cancelled on a stated date for a stated reason;

(l) a stated person was the registered principal for a composite entity firearms licence on a stated day or during a stated period;

(m) a stated person was a registered user of a stated firearm on a stated day or during a stated period;

(n) a stated person’s registration as the user of a stated firearm had ended on a stated day;

(o) a stated person’s registration as the user of a stated firearm was cancelled on a stated date for a stated reason;

(p) at a stated time, a stated person was or was not a person to whom—

(i) an approval had been given under any of the following:

- section 41 (Registrar’s approval to possess ammunition as collector);
- section 221 (Discharge etc of firearm—public places etc);
- section 222 (1) (b) (Discharge of firearm—general);
- section 250 (Modification of firearms); or
(ii) an authorisation had been given under any of the following:

- section 73 (Adult firearms licences—conditions);
- section 95 (Minors firearms licences—conditions);
- section 116 (Composite entity firearms licences—conditions);
- section 130 (Temporary international firearms licences—conditions);
- section 244 (1) (a) (ii) (Offence—sale of ammunition by licensed firearms dealers);
- section 245 (1) (c) (ii) (Offence—sale of ammunition by authorised club members);
- section 248 (1) (a) (ii) (Offence—acquiring ammunition);
- section 252 (Offences—defacing, altering and removing identification marks);

(q) at a stated time or during a stated period, a stated person was or was not authorised by a licence or permit.

(2) A regulation may prescribe that a certificate signed by the registrar stating a prescribed matter is evidence of the matter stated.

270 Determination of fees

(1) The Minister may determine fees for this Act.

Note The Legislation Act contains provisions about the making of determinations and regulations relating to fees (see pt 6.3).

(2) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the Legislation Act.
271 Approved forms

(1) The registrar may approve forms for this Act.

(2) If the registrar approves a form for a particular purpose, the approved form must be used for that purpose.

Note For other provisions about forms, see the Legislation Act, s 255.

(3) An approved form is a notifiable instrument.

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

272 Regulation-making power

(1) The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the Legislation Act 2001.

(2) A regulation may make provision in relation to—

(a) the manufacture, acquisition, disposal, possession, registration, storage, identification, maintenance, carrying, conveyance, altering, repair, testing and use of firearms; or

(b) the register, including how changes may or must be made to the particulars and information in the register; or

(c) firearms training courses; or

(d) training and supervision in relation to firearms; or

(e) firearms dealers; or

(f) club armourers; or

(g) ammunition collectors; or

(h) ammunition and components of ammunition, other than the manufacture or transport of ammunition;

Note For the manufacture or transport of ammunition, see the Dangerous Substances Act 2004.
(i) security guards; or
(j) spear guns; or
(k) the approval of shooting ranges and approved shooting ranges; or
(l) the approval of paintball ranges and approved paintball ranges; or
(m) the approval of clubs and approved clubs and their members, including, for example—
   (i) the conditions applying to the approval of a club; and
   (ii) the duties of approved clubs in relation to members; and
   (iii) the reporting obligations of approved clubs; or
(n) the approval of club armourers to repair firearms and firearms parts; or
(o) licences, licence renewals and duplicate licences; or
(p) permits, approvals and authorisations; or
(q) forms, records, notices and returns; or
(r) exempting a person from this Act; or
(s) the maximum amounts payable by way of compensation for the surrender of prohibited firearms.

(3) A regulation may prescribe the evidence that may or must be produced to the registrar that—
(a) there is a special need in relation to a licence application; or
(b) an applicant’s special need cannot be met other than by being issued with a category C or category D licence.

(4) A regulation under subsection (3) does not limit the matters that the registrar may reasonably consider when deciding whether a special need has been established.
(5) The regulations may also prescribe offences for contraventions of the regulations and prescribe maximum penalties of not more than 10 penalty units for offences against the regulations.

273 Licensing of entities to operate approved shooting ranges

(1) A regulation may provide for the licensing of an entity to operate an approved shooting range.

(2) A regulation may—

(a) make provision in relation to—

(i) the issue and refusal to issue a licence to operate an approved shooting range; and

(ii) the renewal and refusal to renew a licence to operate an approved shooting range; and

(iii) the imposition of conditions on a licence to operate an approved shooting range, or the conditions to which the licence is subject; and

(iv) the replacement of and refusal to replace a licence to operate an approved shooting range; and

(b) make provision in relation to the cancellation, variation and suspension of a licence to operate an approved shooting range; and

(c) fix a period for which a licence to operate an approved shooting range or renewal remains in force; and

(d) require the production of information by—

(i) an applicant for a licence to operate an approved shooting range or for a renewal or variation of a licence to operate an approved shooting range; and
(ii) the holder of a licence to operate an approved shooting range; and

(e) prescribe the circumstances in which a licence to operate an approved shooting range must be surrendered or returned to the registrar.

274 Licensing of entities to operate approved paintball ranges

(1) A regulation may provide for the licensing of an entity to operate an approved paintball range.

(2) A regulation may—

(a) make provision in relation to—

(i) the issue and refusal to issue a licence to operate an approved paintball range; and

(ii) the renewal and refusal to renew a licence to operate an approved paintball range; and

(iii) the imposition of conditions on a licence to operate an approved paintball range, or the conditions to which the licence is subject; and

(iv) the replacement of and refusal to replace a licence to operate an approved paintball range; and

(b) make provision in relation to the cancellation, variation and suspension of a licence to operate an approved paintball range; and

(c) fix a period for which a licence to operate an approved paintball range or renewal remains in force; and

(d) require the production of information by—

(i) an applicant for a licence to operate an approved paintball range or for a renewal or variation of a licence to operate an approved paintball range; and
(ii) the holder of a licence to operate an approved paintball range; and

(e) prescribe the circumstances in which a licence to operate an approved paintball range must be surrendered or returned to the registrar.

(3) Also, a regulation may prescribe the records that must be kept by a paintball range operator in relation to the storage of a paintball marker for someone other than the operator.

275 Authorised possession or use of prohibited firearms with pistol grips for sport or target shooting

(1) The holder of a category B licence issued for the genuine reason of sport or target shooting is authorised to possess and use a registered prohibited firearm (other than a prohibited pistol fitted with a pistol grip) for the purposes of—

(a) taking part in any kind of approved shooting competition; and

(b) practising on an approved shooting range for the competition.

(2) The holder of a category B licence issued for the genuine reason of sport or target shooting is authorised to possess and use a registered prohibited rifle fitted with a pistol grip for the purposes of—

(a) taking part in an approved specialised target shooting competition; and

(b) practising on an approved shooting range for the competition.

(3) In this section:

approved, for a competition, means a competition that is—

(a) conducted or organised by an approved shooting club of which the licence holder is a member; and

(b) approved by the registrar.
## Schedule 1  Prohibited firearms

(see s 7)

<table>
<thead>
<tr>
<th>column 1 item</th>
<th>column 2 description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>a machine gun, submachine gun or other firearm capable of propelling projectiles in rapid succession during 1 pressure of the trigger</td>
</tr>
<tr>
<td>2</td>
<td>a self-loading rim-fire rifle (including such a firearm described elsewhere in this schedule)</td>
</tr>
<tr>
<td>3</td>
<td>a self-loading centre-fire rifle (including such a firearm described elsewhere in this schedule)</td>
</tr>
<tr>
<td>4</td>
<td>a self-loading or pump action shotgun (including a firearm of that kind described elsewhere in this schedule)</td>
</tr>
<tr>
<td>5</td>
<td>a self-loading centre-fire rifle of a kind that is designed or adapted for military purposes</td>
</tr>
<tr>
<td>6</td>
<td>a self-loading shotgun of a kind that is designed or adapted for military purposes</td>
</tr>
<tr>
<td>7</td>
<td>a paintball marker that resembles a prohibited firearm</td>
</tr>
<tr>
<td>8</td>
<td>a firearm that substantially duplicates in appearance (regardless of calibre or manner of operation) a firearm referred to in item 1, 5 or 6</td>
</tr>
<tr>
<td>9</td>
<td>a firearm (other than a pistol) of the Uberti or Armi-Jager brands, or any similar firearm fitted with a revolving ammunition cylinder (other than a firearm manufactured before 1920)</td>
</tr>
<tr>
<td>10</td>
<td>a shotgun fitted with or designed to be fitted with a drum magazine of the 'Striker 12' assault shotgun type or any similar firearm</td>
</tr>
<tr>
<td>11</td>
<td>a firearm with a suppressor attached if there is no permit to possess or use the suppressor in relation to the firearm under the <em>Prohibited Weapons Act 1996</em>, section 9</td>
</tr>
<tr>
<td>12</td>
<td>a firearm, other than a pistol, fitted with a pistol grip or stock that is specially designed so as to be readily detachable, or to operate on a swivel, folding or telescopic basis</td>
</tr>
<tr>
<td>13</td>
<td>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</td>
</tr>
</tbody>
</table>
## Schedule 1

### Prohibited firearms

<table>
<thead>
<tr>
<th>column 1 item</th>
<th>column 2 description</th>
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</thead>
</table>
| 14            | a firearm capable of discharging by any means—  
|               | (a) any irritant matter in liquid, powder, gas or chemical form; or  
|               | (b) any pyrotechnic flare or dye. |
| 15            | a firearm that—  
|               | (a) substantially duplicates in appearance another article (for example, a walking stick, walking cane or key ring); and  
|               | (b) disguises or conceals the fact that it is a firearm. |
| 16            | a cannon or other firearm by whatever name known of a type that—  
|               | (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 or 19.70mm; other than a firearm of the Very or rocket type designed and intended for use for lifesaving or distress signalling purposes, an antique muzzle-loading firearm, or a rifle or shotgun manufactured before 1920 |
| 17            | a firearm that, or part of which, has a dimension less than the minimum dimension prescribed for the firearm or part by the regulations |
| 18            | a firearm that—  
|               | (a) is—  
|               | (i) a smoothbore shotgun; or  
|               | (ii) a rifle, including a combination smoothbore shotgun and rifle but not including an airgun; or  
|               | (iii) an airgun mentioned in section 250 (2) (c); and  
|               | (b) has no stock; other than a firearm—  
|               | (c) whose owner has the registrar’s written approval under section 250 (2) to modify the firearm so that it has no stock; and  
<p>|               | (d) that the registrar is satisfied under section 251 has been modified in accordance with the approval |
| 19            | a replica of any firearm (including a replica pistol, blank fire pistol, paintball marker, shortened firearm, machine gun or submachine gun) unless it is of a type approved by the registrar |
| 20            | 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. |</p>
<table>
<thead>
<tr>
<th>column 1 item</th>
<th>column 2 description</th>
</tr>
</thead>
<tbody>
<tr>
<td>21</td>
<td>a pistol of more than 9.65mm calibre</td>
</tr>
<tr>
<td></td>
<td><em>Note</em>  A 9.65mm calibre pistol includes a 0.38-inch calibre pistol.</td>
</tr>
<tr>
<td>22</td>
<td>a semiautomatic pistol with a barrel length of less than 120mm</td>
</tr>
<tr>
<td>23</td>
<td>a revolver or single action pistol with a barrel length of less than 100mm</td>
</tr>
<tr>
<td>24</td>
<td>a .50 BMG calibre firearm or a derivative</td>
</tr>
</tbody>
</table>
Schedule 2  Exemptions from Act
Part 2.1  Interpretation—sch 2

Schedule 2  Exemptions from Act
(see s 23)

Part 2.1  Interpretation—sch 2

2.1  Meaning of corrections officer—sch 2

In this schedule:

corrections officer includes a person employed by an entity responsible under a law of a State or another Territory for providing correctional services for offenders.

Note  Corrections officer—see the Legislation Act, dict, pt 1.
## Part 2.2 People exempt from Act

<table>
<thead>
<tr>
<th>column 1</th>
<th>column 2 person exempted</th>
<th>column 3 circumstances</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>member of—</td>
<td>possessing or using firearm in exercise of person’s functions as member</td>
</tr>
<tr>
<td></td>
<td>(a) Australian Federal Police or police service or force of a State or another Territory</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(b) Defence Force</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(c) visiting force within the meaning of the <em>Defence (Visiting Forces) Act 1963</em> (Cwlth)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(d) Australian Army Cadets under the <em>Defence Act 1903</em> (Cwlth)</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>member of a police service or force of a foreign country</td>
<td>possessing or using firearm for taking part in a training activity—</td>
</tr>
<tr>
<td></td>
<td>(a) conducted by the Australian Federal Police; and</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(b) carried out in the ACT</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>corrections officer</td>
<td>possessing or using firearm in exercise of officer’s functions</td>
</tr>
<tr>
<td>4</td>
<td>member of Council of Australian War Memorial, or of staff of memorial</td>
<td>possessing firearm if—</td>
</tr>
<tr>
<td></td>
<td>(a) firearm is part of the memorial collection within the meaning of the <em>Australian War Memorial Act 1980</em> (Cwlth); and</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(b) possession is in exercise of person’s functions under that Act</td>
<td></td>
</tr>
</tbody>
</table>
### Schedule 2
#### Part 2.2
##### Exemptions from Act

**People exempt from Act**

<table>
<thead>
<tr>
<th>column 1 item</th>
<th>column 2 person exempted</th>
<th>column 3 circumstances</th>
</tr>
</thead>
</table>
| 5             | member of Council of National Museum of Australia, or of staff of museum                  | possessing firearm if—                                                                                                                      
|               |                                                                                         | (a) firearm is part of the national historical collection within the meaning of the **National Museum of Australia Act 1980** (Cwlth); and                                                                 |
|               |                                                                                         | (b) possession is in exercise of person’s functions under that Act                                                                       |
### Part 2.3  No offence for possession or use

<table>
<thead>
<tr>
<th>column 1 item</th>
<th>column 2 no offence by</th>
<th>column 3 circumstances</th>
</tr>
</thead>
</table>
| 1             | master or captain, or member of crew, of ship or aircraft | possessing or using firearm if—  
(a) firearm is required by law to be carried on the ship or aircraft; and  
(b) possession or use is in exercise of person’s functions as master, captain or member |
| 2             | sporting organisation prescribed by regulation | possessing or using starting pistol |
| 3             | official in sporting competition conducted by sporting organisation prescribed by regulation | possessing or using starting pistol in exercise of functions as official |
| 4             | authorised instructor | possessing or using firearm in exercise of functions as instructor—  
(a) on premises owned or used by approved club; or  
(b) at approved shooting range |
### Part 2.4  No offence

<table>
<thead>
<tr>
<th>column 1 item</th>
<th>column 2 no offence by</th>
<th>column 3 circumstances</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>person entitled to immunity under—</td>
<td>the person has the written approval of the chief of protocol of the Commonwealth department responsible for foreign affairs to possess the firearm</td>
</tr>
<tr>
<td></td>
<td>(a) the Diplomatic Privileges and Immunities Act 1967 (Cwlth); or</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(b) the Consular Privileges and Immunities Act 1972 (Cwlth)</td>
<td></td>
</tr>
</tbody>
</table>
Schedule 3 

Licence categories and authority conferred

(see s 52)

Note 1 The possession or use of a firearm authorised by a licence is subject to any regulation (see s 52 (4)).

Note 2 Registered users of firearms are authorised to possess and use registered firearms in the circumstances set out in s 172 (Effect of registration as user).

<table>
<thead>
<tr>
<th>column 1 item</th>
<th>column 2 category of licence (and kind of licence)</th>
<th>column 3 firearms to which licence applies</th>
<th>column 4 entity authorised by licence</th>
<th>column 5 authority conferred by licence</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>category A (adult firearms licence)</td>
<td>the following firearms, other than prohibited firearms or firearms mentioned in items 2, 3 or 4:</td>
<td>licensee who is registered owner</td>
<td>possess or use registered firearm to which licence applies, for purpose established by licensee as genuine reason for possessing or using firearm</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(a) airguns;</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>(b) rim-fire rifles (other than self-loading);</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>(c) shotguns;</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>(d) shotgun and rim-fire rifle combinations</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
## Schedule 3  Licence categories and authority conferred

<table>
<thead>
<tr>
<th>column 1 item</th>
<th>column 2 category of licence (and kind of licence)</th>
<th>column 3 firearms to which licence applies</th>
<th>column 4 entity authorised by licence</th>
<th>column 5 authority conferred by licence</th>
</tr>
</thead>
</table>
| 2             | category B (adult firearms licence)                | the following firearms, other than prohibited firearms or firearms mentioned in items 3, 4, 5 or 6:  

   (a) muzzle-loading firearms (other than pistols);  
   (b) centre-fire rifles (other than self-loading);  
   (c) shotgun and centre-fire rifle combinations;  
   (d) lever action shotgun with magazine capacity of not more than 5 rounds | licensee who is registered owner | possess or use registered firearm to which licence applies, for purpose established by licensee as genuine reason for possessing or using firearm |
<table>
<thead>
<tr>
<th>column 1 item</th>
<th>column 2 category of licence (and kind of licence)</th>
<th>column 3 firearms to which licence applies</th>
<th>column 4 entity authorised by licence</th>
<th>column 5 authority conferred by licence</th>
</tr>
</thead>
<tbody>
<tr>
<td>3</td>
<td>category C (adult firearms licence)</td>
<td>the following firearms (other than firearms mentioned in sch 1, item 1, 11 or 12):</td>
<td>licensee who is registered owner</td>
<td>possess or use, for purpose established by licensee as genuine reason for possessing or using firearm—</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(a) self-loading rim-fire rifles with magazine capacity of not more than 10 rounds;</td>
<td></td>
<td>(a) 1 registered self-loading rim-fire rifle with magazine capacity of not more than 10 rounds; and</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(b) self-loading shotguns with magazine capacity of not more than 5 rounds;</td>
<td></td>
<td>(b) 1 registered shotgun to which licence applies</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(c) pump action shotguns with magazine capacity of not more than 5 rounds</td>
<td></td>
<td></td>
</tr>
<tr>
<td>column 1 item</td>
<td>column 2 category of licence (and kind of licence)</td>
<td>column 3 firearms to which licence applies</td>
<td>column 4 entity authorised by licence</td>
<td>column 5 authority conferred by licence</td>
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</tr>
<tr>
<td>4</td>
<td>category D (adult firearms licence)</td>
<td>the following firearms (other than firearms mentioned in sch 1, item 5, 6, 10, 11 or 12):</td>
<td>licensee who is registered owner</td>
<td>possess 1 registered firearm to which licence applies and use only—</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(a) self-loading centre-fire rifles;</td>
<td></td>
<td>(a) for vertebrate pest animal control; and</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(b) self-loading rim-fire rifles with magazine capacity of more than 10 rounds;</td>
<td></td>
<td>(b) at place stated in licence</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(c) self-loading shotguns with magazine capacity of more than 5 rounds;</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>(d) pump action shotguns with magazine capacity of more than 5 rounds;</td>
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<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>(e) lever action shotgun with magazine capacity of more than 5 rounds;</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>(f) any other firearms to which category C licence applies as prescribed by regulation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>item</td>
<td>column 1</td>
<td>column 2</td>
<td>column 3</td>
<td>column 4</td>
</tr>
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</tr>
<tr>
<td></td>
<td></td>
<td>category H for other than prohibited pistols (adult firearms licence)</td>
<td>pistols (including blank fire pistols and air pistols) other than prohibited pistols</td>
<td>licensee who is registered owner</td>
</tr>
<tr>
<td>6</td>
<td></td>
<td>category H for prohibited pistols (adult firearms licence)</td>
<td>prohibited pistols</td>
<td>licensee who is registered owner</td>
</tr>
</tbody>
</table>
| 7    |          | firearms dealer (adult firearms licence) | the categories of firearms stated in licence | licensee who is registered owner | to—
|      |          | | | | (a) acquire, dispose of, possess, repair, maintain, manufacture, or store, in the course of carrying on the business of a firearms dealer, and only at the registered premises, any firearm to which the licence applies; and
<p>|      |          | | | | (b) acquire or dispose of ammunition for those firearms; and |</p>
<table>
<thead>
<tr>
<th>column 1 item</th>
<th>column 2 category of licence (and kind of licence)</th>
<th>column 3 firearms to which licence applies</th>
<th>column 4 entity authorised by licence</th>
<th>column 5 authority conferred by licence</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>(c) test those firearms—</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>(i) at the registered premises; or</td>
<td></td>
<td></td>
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</tr>
<tr>
<td></td>
<td>(ii) at an approved shooting range; or</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>(iii) on rural land with the permission of the owner or occupier of the land; or</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>(iv) on public unleased land in accordance with a permit under the <em>Public Unleased Land Act 2013</em></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>collectors (adult firearms licence)</td>
<td>the categories of firearms stated in licence</td>
<td>licensee who is registered owner</td>
<td>possess each registered firearm to which licence applies</td>
</tr>
<tr>
<td>9</td>
<td>heirlooms (adult firearms licence)</td>
<td>the categories of firearms stated in licence</td>
<td>licensee who is registered owner</td>
<td>possess each registered firearm to which licence applies</td>
</tr>
<tr>
<td>column 1 item</td>
<td>column 2 category of licence (and kind of licence)</td>
<td>column 3 firearms to which licence applies</td>
<td>column 4 entity authorised by licence</td>
<td>column 5 authority conferred by licence</td>
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</tr>
<tr>
<td>10</td>
<td>paintball marker (adult firearms licence)</td>
<td>paintball markers</td>
<td>licensee who is registered owner</td>
<td>possess or use registered paintball marker for purpose established by licensee as genuine reason for possessing or using paintball marker</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>category A (minors firearms licence)</td>
<td>the following firearms, other than prohibited firearms or firearms mentioned in items 13 or 14: (a) airguns; (b) rim-fire rifles (other than self-loading); (c) shotguns; (d) shotgun and rim-fire rifle combinations</td>
<td>licensee</td>
<td>if genuine reason is firearms training— (a) possess or use registered category A firearm under supervision of holder of category A, category B or category C licence or authorised instructor; and (b) possess or use registered category A firearm to receive instruction in the safe use of the firearm or to take part in an approved firearms event</td>
</tr>
</tbody>
</table>

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au
## Schedule 3  Licence categories and authority conferred

<table>
<thead>
<tr>
<th>column 1 item</th>
<th>column 2 category of licence (and kind of licence)</th>
<th>column 3 firearms to which licence applies</th>
<th>column 4 entity authorised by licence</th>
<th>column 5 authority conferred by licence</th>
</tr>
</thead>
<tbody>
<tr>
<td>12</td>
<td>category A (minors firearms licence)</td>
<td>the following firearms, other than prohibited firearms or firearms mentioned in items 13 or 14: (a) airguns; (b) rim-fire rifles (other than self-loading); (c) shotguns; (d) shotgun and rim-fire rifle combinations</td>
<td>licensee</td>
<td>possess or use firearm where genuine reason is instruction— (a) about safe use of firearm for primary production; and (b) given under supervision of a person who— (i) is a responsible person for the applicant; and (ii) holds a category A adult firearms licence under which that use is a genuine reason for the person to hold the licence</td>
</tr>
<tr>
<td>column 1 item</td>
<td>column 2 category of licence (and kind of licence)</td>
<td>column 3 firearms to which licence applies</td>
<td>column 4 entity authorised by licence</td>
<td>column 5 authority conferred by licence</td>
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<td>----------------------------------------</td>
</tr>
<tr>
<td>13</td>
<td>category B (minors firearms licence)</td>
<td>the following firearms, other than prohibited firearms:</td>
<td>licensee</td>
<td>if genuine reason is firearms training—</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(a) muzzle-loading firearms (other than pistols);</td>
<td></td>
<td>(a) possess or use registered category B firearm under supervision of holder of category B or category C licence or authorised instructor; and</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(b) centre-fire rifles (other than self-loading);</td>
<td></td>
<td>(b) possess or use registered category B firearm to receive instruction in the safe use of the firearm or to take part in an approved firearms event</td>
</tr>
</tbody>
</table>
Schedule 3
Licence categories and authority conferred

<table>
<thead>
<tr>
<th>column 1 item</th>
<th>column 2 category of licence (and kind of licence)</th>
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<th>column 4 entity authorised by licence</th>
<th>column 5 authority conferred by licence</th>
</tr>
</thead>
<tbody>
<tr>
<td>14</td>
<td>category B (minors firearms licence)</td>
<td>the following firearms, other than prohibited firearms:</td>
<td>licensee</td>
<td>possess or use firearm where genuine reason is instruction—</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(a) muzzle-loading firearms (other than pistols);</td>
<td></td>
<td>(a) about safe use of firearm for primary production; and</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(b) centre-fire rifles (other than self-loading);</td>
<td></td>
<td>(b) given under supervision of a person who—</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(c) shotgun and centre-fire rifle combinations;</td>
<td></td>
<td>(i) is a responsible person for the applicant; and</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(d) lever action shotgun with magazine capacity of not more than 5 rounds</td>
<td></td>
<td>(ii) holds a category B adult firearms licence under which that use is a genuine reason for the person to hold the licence</td>
</tr>
<tr>
<td>column 1</td>
<td>column 2</td>
<td>column 3</td>
<td>column 4</td>
<td>column 5</td>
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</tr>
<tr>
<td>item</td>
<td>category of licence (and kind of licence)</td>
<td>firearms to which licence applies</td>
<td>entity authorised by licence</td>
<td>authority conferred by licence</td>
</tr>
</tbody>
</table>
| 15       | category H (minors firearms licence)    | pistols (including blank fire pistols and air pistols) other than prohibited pistols | licensee | if genuine reason is target pistol training—  
|          |                                    |                                      |        | (a) possess or use registered target pistol under supervision of holder of category H licence who is authorised under the holder’s licence to use a pistol for purpose of target shooting; and  
|          |                                    |                                      |        | (b) possess or use registered target pistol to receive instruction in the safe use of the pistol or to take part in an approved firearms event |
| 16       | category A, B, C, D or H (composite entity licence) | the category of firearms for which licence is issued | registered principal | possess or use registered firearm to which licence applies for purpose—  
|          |                                    |                                      |        | (a) if genuine reason for issue of licence is that entity carries on business in ACT as security organisation—of carrying on business as |
Schedule 3  
Licence categories and authority conferred

<table>
<thead>
<tr>
<th>column 1 item</th>
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</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>security organisation; or</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>(b) if genuine reason for issue of licence is as mentioned in s 108 (1) (b)—of farming or grazing activities;</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>(c) if genuine reason for issue of licence is that entity is approved club—of use in activities of club;</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>(d) if genuine reason for issue of licence is that entity is a government agency—of use in course of employment in government agency.</td>
</tr>
</tbody>
</table>

For category C licence, not more than—

(a) 1 registered self-loading rim-fire rifle with magazine capacity of not more than 10 rounds; and

(b) 1 registered shotgun to which licence applies.
<table>
<thead>
<tr>
<th>column 1 item</th>
<th>column 2 category of licence (and kind of licence)</th>
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<th>column 5 authority conferred by licence</th>
</tr>
</thead>
<tbody>
<tr>
<td>17</td>
<td>temporary international firearms licence</td>
<td>the category of firearms stated in licence</td>
<td>licensee</td>
<td>possess or use firearm of kind to which licence applies— (a) for purpose established by licensee as genuine reason for possessing or using firearm; and (b) for genuine reason of international visitor—for purpose stated in licence. Also, if licence applies to category C firearms, possess or use not more than— (a) 1 registered self-loading rim-fire rifle with magazine capacity of not more than 10 rounds; and (b) 1 registered shotgun to which licence applies.</td>
</tr>
</tbody>
</table>
### Schedule 4  
#### Reviewable decisions

(see pt 16)

<table>
<thead>
<tr>
<th>column 1 item</th>
<th>column 2 section</th>
<th>column 3 decision</th>
<th>column 4 entity</th>
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</thead>
<tbody>
<tr>
<td>1</td>
<td>20</td>
<td>refuse to approve firearms training course, shooting competition, paintball competition or event involving firearms</td>
<td>person refused approval</td>
</tr>
<tr>
<td>2</td>
<td>39</td>
<td>refuse to authorise licensee or member of approved club</td>
<td>person refused authorisation</td>
</tr>
<tr>
<td>3</td>
<td>40</td>
<td>refuse to approve a club, or revoking the approval of a club</td>
<td>club refused approval</td>
</tr>
<tr>
<td>4</td>
<td>41 (2)</td>
<td>refuse to approve possession of ammunition by ammunition collector</td>
<td>person refused approval</td>
</tr>
<tr>
<td>5</td>
<td>57</td>
<td>refuse to issue or renew adult firearms licence refuse to issue or renew adult firearms licence because Minister has not authorised issue under s 65</td>
<td>person refused licence or renewal</td>
</tr>
<tr>
<td>6</td>
<td>65 (2)</td>
<td>issue category D adult firearms licence subject to condition required by Minister</td>
<td>licensee</td>
</tr>
<tr>
<td>Item</td>
<td>Section</td>
<td>Decision</td>
<td>Entity</td>
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<tr>
<td>7</td>
<td>72</td>
<td>refuse to issue replacement adult firearms licence</td>
<td>applicant for replacement</td>
</tr>
<tr>
<td>8</td>
<td>73 (1) (e)</td>
<td>refuse to authorise possession of more than prescribed amount of ammunition</td>
<td>person refused authorisation</td>
</tr>
<tr>
<td>9</td>
<td>73 (3)</td>
<td>put condition on adult firearms licence</td>
<td>licensee</td>
</tr>
<tr>
<td>10</td>
<td>78 (1) (c)</td>
<td>end date less than 12 months after day licence begins</td>
<td>licensee</td>
</tr>
<tr>
<td>11</td>
<td>79, 80</td>
<td>suspend adult firearms licence</td>
<td>licensee</td>
</tr>
<tr>
<td>12</td>
<td>81</td>
<td>cancel adult firearms licence</td>
<td>person who held licence</td>
</tr>
<tr>
<td>13</td>
<td>82</td>
<td>cancel category H adult firearms licence issued for genuine reason of sport or target shooting</td>
<td>person who held licence</td>
</tr>
<tr>
<td>14</td>
<td>87</td>
<td>refuse to issue minors firearms licence</td>
<td>applicant for licence</td>
</tr>
<tr>
<td>15</td>
<td>93</td>
<td>refusing to issue replacement minors firearms licence</td>
<td>applicant for replacement</td>
</tr>
<tr>
<td>16</td>
<td>94 (1) (b)</td>
<td>refuse to authorise possession of more than prescribed amount of ammunition</td>
<td>person refused authorisation</td>
</tr>
<tr>
<td>17</td>
<td>94 (2)</td>
<td>put condition on minors firearms licence</td>
<td>licensee</td>
</tr>
<tr>
<td>column 1 item</td>
<td>column 2 section</td>
<td>column 3 decision</td>
<td>column 4 entity</td>
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<tr>
<td>18</td>
<td>95 (2)</td>
<td>refuse to extend period minors firearms licence in force</td>
<td>applicant for extension</td>
</tr>
<tr>
<td>19</td>
<td>96, 97</td>
<td>suspend minors firearms licence</td>
<td>licensee</td>
</tr>
<tr>
<td>20</td>
<td>98</td>
<td>cancel minors firearms licence</td>
<td>person who held licence</td>
</tr>
<tr>
<td>21</td>
<td>103</td>
<td>refuse to issue or renew composite entity firearms licence</td>
<td>applicant for licence or renewal</td>
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<td>22</td>
<td>115</td>
<td>refuse to issue replacement composite entity firearms licence</td>
<td>applicant for replacement</td>
</tr>
<tr>
<td>23</td>
<td>116 (1) (f)</td>
<td>refuse to authorise possession of more than prescribed amount of ammunition</td>
<td>person refused authorisation</td>
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<tr>
<td>24</td>
<td>116 (3)</td>
<td>put condition on composite entity firearms licence</td>
<td>licensee</td>
</tr>
<tr>
<td>25</td>
<td>118, 119</td>
<td>suspend composite entity firearms licence</td>
<td>licensee</td>
</tr>
<tr>
<td>26</td>
<td>120</td>
<td>cancel composite entity firearms licence</td>
<td>person who held licence</td>
</tr>
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<td>27</td>
<td>125</td>
<td>refuse to issue or renew temporary international firearms licence</td>
<td>applicant for licence or renewal</td>
</tr>
<tr>
<td>28</td>
<td>130 (1) (e)</td>
<td>refuse to authorise possession of more than prescribed amount of ammunition</td>
<td>person refused authorisation</td>
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<td>column 2 section</td>
<td>column 3 decision</td>
<td>column 4 entity</td>
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<td>130 (2)</td>
<td>put condition on temporary international firearms licence</td>
<td>licensee</td>
</tr>
<tr>
<td>30</td>
<td>131 (1)</td>
<td>end date less than 3 months after day licence begins</td>
<td>licensee</td>
</tr>
<tr>
<td>31</td>
<td>132</td>
<td>cancel temporary international firearms licence</td>
<td>person who held licence</td>
</tr>
<tr>
<td>32</td>
<td>138</td>
<td>make direction in relation to interstate licence</td>
<td>licensee</td>
</tr>
<tr>
<td>33</td>
<td>140A (3)</td>
<td>refuse to authorise interstate licensee to possess or use category D firearm</td>
<td>interstate licensee refused authorisation</td>
</tr>
<tr>
<td>34</td>
<td>140A (4)</td>
<td>authorise interstate licensee to possess or use category D firearm subject to condition required by Minister</td>
<td>interstate licensee</td>
</tr>
<tr>
<td>35</td>
<td>144</td>
<td>refuse to issue permit to acquire a firearm</td>
<td>applicant for permit</td>
</tr>
<tr>
<td>36</td>
<td>148 (2)</td>
<td>refuse to extend period permit to acquire a firearm in force</td>
<td>applicant for extension</td>
</tr>
<tr>
<td>37</td>
<td>149</td>
<td>refusing to issue replacement permit to acquire a firearm</td>
<td>applicant for replacement</td>
</tr>
<tr>
<td>38</td>
<td>151</td>
<td>suspend or cancel permit to acquire a firearm</td>
<td>licensee or person who held licence</td>
</tr>
<tr>
<td>column 1 item</td>
<td>column 2 section</td>
<td>column 3 decision</td>
<td>column 4 entity</td>
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</tr>
<tr>
<td>39</td>
<td>162</td>
<td>refuse to register firearm</td>
<td>application for registration</td>
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<td>40</td>
<td>166</td>
<td>cancel registration of firearm</td>
<td>person who held licence</td>
</tr>
<tr>
<td>41</td>
<td>170</td>
<td>refuse to register user of firearm</td>
<td>applicant for registration</td>
</tr>
<tr>
<td>42</td>
<td>175</td>
<td>cancel registration of user of firearm</td>
<td>person who was registered</td>
</tr>
<tr>
<td>43</td>
<td>250 (2)</td>
<td>refuse to approve the modification of a firearm</td>
<td>person refused approval</td>
</tr>
<tr>
<td>44</td>
<td>267 (2)</td>
<td>cancel a licence</td>
<td>person who held licence</td>
</tr>
</tbody>
</table>
Dictionary

(see s 2)

Note 1  The Legislation Act contains definitions and other provisions relevant to this Act.

Note 2  For example, the Legislation Act, dict, pt 1, defines the following terms:

- ACAT
- administrative unit
- bank
- chief police officer
- director-general (see s 163)
- foreign country
- found guilty
- home address
- indictable offence (see s 190)
- Minister (see s 162)
- National Credit Code
- nurse
- penalty unit (see s 133)
- person
- reviewable decision notice
- State
- territory authority
- veterinary practitioner.

acquire—

(a) a firearm or ammunition, for this Act—see section 8; and

(b) a firearm, for division 13.3 (Licensed firearms dealers—records and returns)—see section 192.

acquirer, for part 10 (Permits to acquire firearms)—see section 142.
active, for a member of an approved club, means—

(a) a member who takes part in the number and kind of activities prescribed under the regulations for the kind of approved club of which the person is a member; or

(b) for a member who is the holder of a licence other than a category H licence—a member who makes a personal contribution (other than a financial contribution) to the club in a way and to an extent that satisfies the registrar that the person is an active member of the club.

adult firearms licence—see section 46.

airgun means a firearm, other than a paintball marker, that—

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

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

(ii) a spring; and

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

ammunition—

(a) includes—

(i) a cartridge case fitted with a primer and projectile; and

(ii) a cartridge case fitted with a primer that contains a propelling charge and projectile; and

(iii) blank cartridges, airgun pellets, training cartridges or gas cartridges; and

(iv) anything else prescribed by regulation; but

(b) does not include—

(i) a paintball; or

(ii) something prescribed by regulation not to be ammunition.
**approved.** for a collectors, hunting or shooting club, means a club of that kind approved under section 40.

**approved club** means a collectors, hunting or shooting club approved under section 40.

**approved firearms event** means an event involving firearms approved by the registrar under section 20 (Approval of courses etc by registrar).

**approved firearms training course** means a firearms training course approved by the registrar under section 20 (Approval of courses etc by registrar).

**approved paintball competition** means a paintball competition approved by the registrar under section 20 (Approval of courses etc by registrar).

**approved paintball range** means a paintball range approved by the registrar as prescribed by regulation.

**approved reason**—a person has an approved reason for requiring a starting pistol if the person—

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

(b) is a sporting organisation prescribed by regulation.

**approved shooting competition** means a shooting competition approved by the registrar under section 20 (Approval of courses etc by registrar).

**approved shooting range** means a shooting range approved by the registrar as prescribed by regulation.

**authorised club member** means a member of an approved club authorised by the registrar under section 39 to sell ammunition.
authorised instructor means a person authorised by the registrar under section 39 to give instruction in the use of firearms.

authorised period, in relation to an individual interstate licensee, for part 8 (Temporary recognition of interstate licences and permits)—see section 134.

barrel length, for a pistol, means—

(a) for a revolver—the distance from the muzzle to the breech end of the barrel immediately in front of the cylinder, including any alteration that is permanently attached to, and not readily detachable from, the barrel; and

(b) for any other pistol—the distance from the muzzle to the point of the breech face (including the chamber) with the top slide forward and the breech face or bolt in the closed position, including any alteration that is permanently attached to, and not readily detachable, from the barrel.

blank fire firearm means a device that is designed for firing blank cartridges only.

Example

a starting pistol

buy includes—

(a) buy by wholesale, retail, auction or tender; and

(b) obtain by barter or exchange.

category, of firearm, means a category A firearm, category B firearm, category C firearm, category D firearm or category H firearm.

category A firearm means a firearm to which a category A licence applies.

category B firearm means a firearm to which a category B licence applies.

category C firearm means a firearm to which a category C licence applies.
category D firearm means a firearm to which a category D licence applies.

category H firearm means a firearm to which a category H licence applies.

close associate, of a licensed firearms dealer—see section 16.

composite entity—see section 100.

composite entity firearms licence—see section 46.

connected—a thing is connected with an offence if—
(a) the offence has been committed in relation to it; or
(b) it will provide evidence of the commission of the offence; or
(c) it was used, is being used, or is intended to be used, to commit the offence.

corrections officer, for schedule 2 (Exemptions from Act)—see section 2.1.

corresponding, for part 8 (Temporary recognition of interstate licences and permits)—see section 134.

corresponding law means a law of a State, another Territory or New Zealand corresponding, or substantially corresponding, to this Act.

dispose, of a firearm—
(a) for this Act—see section 9; and
(b) for division 13.3 (Licensed firearms dealers—records and returns)—see section 192.

employed includes engaged.

employee—
(a) of a person, includes someone engaged by the person; and
(b) in relation to a government agency, means a public servant holding office, or a person employed, in the agency.
**executive officer**, of a corporation, means a person (however described) who is concerned with, or takes part in, the corporation’s management, whether or not the person is a director of the corporation.

**explosive**—see the *Dangerous Substances Act 2004*, section 73.

**family violence offence** means an offence if the conduct making up the offence is family violence under the *Family Violence Act 2016*.

**final protection order**—

(a) means a final order under—

(i) the *Family Violence Act 2016*; or

(ii) the *Personal Violence Act 2016*; and

(b) includes the following orders, other than an order of an interim nature:

(i) a protection order under the *Domestic Violence Agencies Act 1986* as in force at any time;

(ii) a protection order under the *Domestic Violence and Protection Orders Act 2001* as in force at any time;

(iii) a protection order under the *Domestic Violence and Protection Orders Act 2008* as in force at any time;

(iv) a restraining order under the *Magistrates Court Act 1930* before 27 March 2002;

(v) a recognised FVO;

(vi) any other order under a law of a State, another Territory or New Zealand that has or had the same effect, or substantially the same effect, as an order mentioned in paragraph (a).

**firearm**—see section 6.
firearm part includes a barrel, breech, pistol slide, cylinder, trigger mechanism, operating mechanism or magazine designed as, or reasonably capable of forming, part of a firearm.

firearms dealer—
(a) means an individual who, in the ordinary course of carrying on business—
   (i) manufactures, acquires, disposes of (including by sale) or repairs firearms or firearm parts; or
   (ii) possesses firearms for the purpose of disposing of, or repairing, them; or
   (iii) possesses firearm parts for the purpose of disposing of, or repairing, them, or of manufacturing firearms; and
(b) includes an individual who is a club armourer for an approved club.

foreign acquirer, for part 10 (Permits to acquire firearms)—see section 142.

foreign firearms licence, for division 7.6 (Licensing scheme—temporary international firearms licences)—see section 122.

genuine reason—
(a) in relation to an adult firearms licence—see section 61; or
(b) in relation to a minors firearms licence—see section 91; or
(c) in relation to a composite entity firearms licence—see section 108; or
(d) in relation to a temporary international firearms licence—see section 128.

genuine reason of international visitor—see section 128 (1) (b) (Temporary international firearms licences—genuine reasons to possess or use firearms).
government agency means—
(a) an administrative unit; or
(b) a Territory authority; or
(c) a department or authority of a State or another Territory.

head, in relation to a government agency, means the director-general who has control of the relevant administrative unit or other person who has administrative control of the agency.

imitation firearm—see section 23A.

interim protection order—
(a) means—
   (i) an interim order under—
      (A) the Family Violence Act 2016; or
      (B) the Personal Violence Act 2016; or
   (ii) a recognised FVO of an interim nature; and
(b) includes an order of an interim nature that has or had the same effect, or substantially the same effect, as an order mentioned in paragraph (a) under the following:
   (i) the Domestic Violence Agencies Act 1986 as in force at any time;
   (ii) the Domestic Violence and Protection Orders Act 2001 as in force at any time;
   (iii) the Domestic Violence and Protection Orders Act 2008 as in force at any time;
   (iv) the Magistrates Court Act 1930 before 27 March 2002;
   (v) a law of a State, another Territory or New Zealand.

interstate licence, for part 8 (Temporary recognition of interstate licences and permits)—see section 134.
**licence** means a licence in force under this Act.

**licensee** means the holder of a licence.

**local licence**, for part 8 (Temporary recognition of interstate licences and permits)—see section 134.

**minors firearms licence**—see section 46.

**occupier**, of premises, includes—

(a) a person believed on reasonable grounds to be an occupier of the premises; and

(b) a person apparently in charge of the premises.

**offence**, for part 14 (Enforcement)—see section 202.

**owner and user particulars**, in relation to a registered firearm, for part 11 (Registration of firearms and firearm users)—see section 155.

**paintball** means a projectile that primarily consists of a dye or similar substance designed to mark a person or object.

**paintball activity** includes a paintball competition.

**paintball marker** means a firearm designed to discharge a paintball.

**paintball range operator**, for an approved paintball range, means a person licensed under this Act to operate the range.

**parental responsibility**—a person has **parental responsibility** for a child or young person if the person has parental responsibility for the child or young person under the *Children and Young People Act 2008*.

**Note** Parental responsibility is dealt with in the *Children and Young People Act 2008*, div 1.3.2.

**permit** means a permit in force under this Act.

**permit-holder** means the holder of a permit.

**permit to acquire**, a firearm, means a permit to acquire the firearm issued under part 10 (Permits to acquire firearms).
photograph includes a digitised, electronic or computer generated image in a form approved by the registrar.

pistol means a firearm that—
(a) is reasonably capable of being raised and fired by 1 hand; and
(b) does not exceed any prescribed dimension.

possession—see section 10.

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

principal, of a composite entity—see section 100.

prohibited firearm—see section 7.

prohibited person, for part 13 (Firearms dealers)—see section 184.

prohibited pistol means a prohibited firearm mentioned in schedule 1, item 21, item 22 or item 23.

public place means any street, road, public park, reserve or other place that the public are entitled to use or that is open to, or used by, the public, whether on payment of money or otherwise.

recognised FVO—see the Family Violence Act 2016, section 119 and section 144.

register means the register of firearms provided for in section 156.

registered means registered for the time being under this Act.

registered firearm means a firearm registered under this Act.

registered owner, of a firearm, means the person recorded in the register as the owner of the firearm.

registered premises, for a firearm, means the premises in the ACT stated in the register as the premises where the firearm—
(a) is or is to be stored; or
(b) if the registered owner of the firearm is a licensed firearms dealer—may be available for sale.

registered principal—

(a) for a composite entity firearms licence—see section 100; and
(b) for a firearm—means the principal named in the composite entity firearms licence under which the firearm is held.

registered user, of a firearm, means an individual recorded in the register as a user of the firearm.

registrar means the Registrar of Firearms appointed under section 33.

responsible person, for a child or young person, means a person with parental responsibility for the child or young person.

reviewable decision, for part 16 (Notification and review of decisions)—see section 258.

security organisation—see section 108 (4).

sell includes—

(a) sell by wholesale, retail, auction or tender; and
(b) dispose of by barter or exchange; and
(c) sell for profit; and
(d) offer for sale, receive for sale, have in possession for sale or expose or exhibit for sale; and
(e) conduct negotiations for sale; and
(f) consign or deliver for sale.

shooting gallery includes a shooting gallery that is, or if dismantled is, portable.

starting pistol means a firearm the purpose of which is for use in the starting of racing events in sporting competitions.

suppressor—see the Prohibited Weapons Act 1996, dictionary.
temporarily store—a firearm is **temporarily stored** by a licensed firearms dealer if—

(a) for a person who has possession of the firearm because of the death of the individual authorised to possess it—the dealer stores the firearm until the person is authorised, under this Act or another territory law, to otherwise dispose of it; or

(b) for a person who inherits the firearm and applies for a licence or permit in relation to the firearm—the dealer stores the firearm until the application is finally decided (including any application to the ACAT for review of the decision and any subsequent appeal).

**temporary international firearms licence**—see section 46.

**unregulated firearm**—see section 24.

**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.
Endnotes

1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the Legislation Act 2001, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel’s Office.

Uncommenced amending laws are not included in the republished law. The details of these laws are underlined in the legislation history. Uncommenced expiries are underlined in the legislation history and amendment history.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering. The endnotes also include a table of earlier republications.

2 Abbreviation key

<table>
<thead>
<tr>
<th>Abbreviation key</th>
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<tbody>
<tr>
<td><strong>A</strong> = Act</td>
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<tr>
<td><strong>AF</strong> = Approved form</td>
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<td><strong>am</strong> = amended</td>
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<td><strong>amdt</strong> = amendment</td>
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<tr>
<td><strong>AR</strong> = Assembly resolution</td>
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<tr>
<td><strong>ch</strong> = chapter</td>
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<tr>
<td><strong>CN</strong> = Commencement notice</td>
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<tr>
<td><strong>def</strong> = definition</td>
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<tr>
<td><strong>DI</strong> = Disallowable instrument</td>
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<td><strong>dict</strong> = dictionary</td>
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<tr>
<td><strong>disallowed</strong> = disallowed by the Legislative Assembly</td>
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<td><strong>div</strong> = division</td>
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<tr>
<td><strong>exp</strong> = expires/expired</td>
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<td><strong>Gaz</strong> = gazette</td>
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<td><strong>hdg</strong> = heading</td>
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<td><strong>IA</strong> = Interpretation Act 1967</td>
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<td><strong>ins</strong> = inserted/added</td>
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<tr>
<td><strong>LA</strong> = Legislation Act 2001</td>
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<tr>
<td><strong>LR</strong> = legislation register</td>
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<tr>
<td><strong>LRA</strong> = Legislation (Republication) Act 1996</td>
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<td><strong>mod</strong> = modified/modification</td>
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</tbody>
</table>

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au
3 Legislation history

Firearms Act 1996 A1996-74
notified 20 December 1996 (Gaz 1996 No S328)
s 1, s 2 commenced 20 December 1996 (s 2 (1))
remainder commenced 17 May 1997 (s 2 (2) and Gaz 1997 No S135)
as amended by

Firearms (Amendment) Act 1997 A1997-12
notified 16 May 1997 (Gaz 1997 No S127)
ss 1-3 commenced 16 May 1997 (s 2 (1))
remainder commenced 17 May 1997 (s 2 (2) and Gaz 1997 No S135)

notified 23 December 1998 (Gaz 1998 No S212)
s 1, s 2 commenced 23 December 1998 (s 2 (1))
pt 5 commenced 23 December 1998 (s 2 (2) and Gaz 1998 No 51)

Firearms (Amendment) Act 1999 A1999-29
notified 21 May 1999 (Gaz 1999 No S24)
ss 1-3 commenced 21 May 1999 (s 2 (1))
remainder commenced 1 October 1999 (s 2 (2) and Gaz 1999 No 37)

notified 26 July 2001 (Gaz 2001 No 30)
s 1, s 2 commenced 26 July 2001 (IA s 10B)
pt 148 commenced 12 September 2001 (s 2 and see Gaz 2001 No S65)

Protection Orders (Consequential Amendments) Act 2001 A2001-90 pt 1.7
notified LR 27 September 2001
s 1, s 2 commenced 27 September 2001 (LA s 75)
pt 1.7 commenced 27 March 2002 (s 2, see Protection Orders Act 2001 s 3 and LA s 79)

Statute Law Amendment Act 2002 A2002-30 pt 3.27
notified LR 16 September 2002
s 1, s 2 taken to have commenced 19 May 1997 (LA s 75 (2))
pt 3.27 commenced 17 September 2002 (s 2 (1))
Endnotes

Legislation history

Legislation (Gay, Lesbian and Transgender) Amendment Act 2003 A2003-14 sch 1 pt 1.15
notified LR 27 March 2003
s 1, s 2 commenced 27 March 2003 (LA s 75)
sch 1 pt 1.15 commenced 28 March 2003 (s 2)

Firearms (Prohibited Pistols) Amendment Act 2003 A2003-31 pt 2, sch 1
notified LR 30 June 2003
s 1, s 2 commenced 30 June 2003 (LA s 75 (1))
pt 2, sch 1 commenced 1 July 2003 (s 2)

as modified by

Firearms (Compensation) Regulations 2003 SL2003-28 pt 2 (as am by SL2004-3)
notified LR 28 August 2003
reg 1, reg 2 commenced 28 August 2003 (LA s 75 (1))
pt 2 commenced 29 August 2003 (reg 2)

Firearms (Extension of Amnesty) Amendment Regulations 2004 (No 1) SL2004-3
notified LR 19 January 2004
reg 1, reg 2 commenced 19 January 2004 (LA s 75 (1))
remainder commenced 20 January 2004 (reg 2)
Note These regulations only amend the Firearms (Compensation) Regulations 2003 SL2003-28.

as amended by

Dangerous Substances Act 2004 A2004-7 sch 1 pt 1.2
notified LR 19 March 2004
s 1, s 2 commenced 19 March 2004 (LA s 75 (1))
sch 1 pt 1.2 commenced 5 April 2004 (s 2 and CN2004-6)

notified LR 26 March 2004
s 1, s 2 commenced 26 March 2004 (LA s 75 (1))
sch 1 pt 1.15, sch 2 pt 2.35 commenced 9 April 2004 (s 2 (1))
Endnotes

3 Legislation history

**Domestic Violence and Protection Orders Amendment Act 2005**
A2005-13 sch 1 pt 1.9
notified LR 24 March 2005
s 1, s 2 commenced 24 March 2005 (LA s 75 (1))
sch 1 pt 1.9 commenced 25 March 2005 (s 2)

**Sentencing Legislation Amendment Act 2006** A2006-23 sch 1 pt 1.18
notified LR 18 May 2006
s 1, s 2 commenced 18 May 2006 (LA s 75 (1))
sch 1 pt 1.18 commenced 2 June 2006 (s 2 (1) and see Crimes (Sentence Administration) Act 2005 A2005-59 s 2, Crimes (Sentencing) Act 2005 A2005-58, s 2 and LA s 79)

notified LR 17 November 2006
s 1, s 2 commenced 17 November 2006 (LA s 75 (1))
sch 2 pt 2.5 commenced 18 November 2006 (s 2 (1))

**Firearms Amendment Act 2008** A2008-25 pt 2, sch 1 pt 1.1
notified LR 15 July 2008
s 1, s 2 commenced 15 July 2008 (LA s 75 (1))
pt 2, sch 1 pt 1.1 commenced 15 January 2009 (s 2 (1) and LA s 79)

**ACT Civil and Administrative Tribunal Legislation Amendment Act 2008** A2008-36 sch 1 pt 1.24
notified LR 4 September 2008
s 1, s 2 commenced 4 September 2008 (LA s 75 (1))
sch 1 pt 1.24 commenced 2 February 2009 (s 2 (3) and see ACT Civil and Administrative Tribunal Act 2008 A2008-35, s 2 (1) and CN2009-2)

**Domestic Violence and Protection Orders Act 2008** A2008-46 sch 3 pt 3.10
notified LR 10 September 2008
s 1, s 2 commenced 10 September 2008 (LA s 75 (1))
sch 3 pt 3.10 commenced 30 March 2009 (s 2)

as modified by

**Firearms Regulation 2008** SL2008-55 s 81
notified LR 22 December 2008
s 1, s 2 commenced 22 December 2008 (LA s 75 (1))
s 81 commenced 15 January 2009 (s 2 and see Firearms Amendment Act 2008 A2008-25, s 2 and LA s 79)
as amended by

Justice and Community Safety Legislation Amendment Act 2009
(No 2) A2009-19 pt 7
notified LR 1 September 2009
s 1, s 2 commenced 1 September 2009 (LA s 75 (1))
pt 7 commenced 29 September 2009 (s 2)

Statute Law Amendment Act 2009 A2009-20 sch 3 pt 3.31
notified LR 1 September 2009
s 1, s 2 commenced 1 September 2009 (LA s 75 (1))
sch 3 pt 3.31 commenced 22 September 2009 (s 2)

Justice and Community Safety Legislation Amendment Act 2009
(No 3) A2009-44 sch 1 pt 1.10
notified LR 24 November 2009
s 1, s 2 commenced 24 November 2009 (LA s 75 (1))
sch 1 pt 1.10 commenced 25 November 2009 (s 2 (a))

Statute Law Amendment Act 2009 (No 2) A2009-49 sch 3 pt 3.30
notified LR 26 November 2009
s 1, s 2 commenced 26 November 2009 (LA s 75 (1))
sch 3 pt 3.30 commenced 17 December 2009 (s 2)

Firearms Amendment Regulation 2010 (No 1) SL2010-19
notified LR 27 May 2010
s 1, s 2 commenced 27 May 2010 (LA s 75 (1))
remainder commenced 28 May 2010 (s 2)

Justice and Community Safety Legislation Amendment Act 2010
(No 2) A2010-30 sch 1 pt 1.9
notified LR 31 August 2010
s 1, s 2 commenced 31 August 2010 (LA s 75 (1))
s 3 commenced 1 September 2010 (s 2 (1))
sch 1 pt 1.9 commenced 28 September 2010 (s 2 (2))

Justice and Community Safety Legislation Amendment Act 2010
(No 3) A2010-40 sch 1 pt 1.7
notified LR 5 October 2010
s 1, s 2 commenced 5 October 2010 (LA s 75 (1))
s 3, sch 1 pt 1.7 commenced 6 October 2010 (s 2 (1))
Endnotes

3 Legislation history

Firearms Amendment Act 2010 A2010-51
notified LR 15 December 2010
s 1, s 2 commenced 15 December 2010 (LA s 75 (1))
remainder commenced 16 December 2010 (s 2)

Statute Law Amendment Act 2011 A2011-3 sch 3 pt 3.20
notified LR 22 February 2011
s 1, s 2 commenced 22 February 2011 (LA s 75 (1))
sch 3 pt 3.20 commenced 1 March 2011 (s 2)

Administrative (One ACT Public Service Miscellaneous Amendments) Act 2011 A2011-22 sch 1 pt 1.66
notified LR 30 June 2011
s 1, s 2 commenced 30 June 2011 (LA s 75 (1))
sch 1 pt 1.66 commenced 1 July 2011 (s 2 (1))

Statute Law Amendment Act 2011 (No 2) A2011-28 sch 3 pt 3.15
notified LR 31 August 2011
s 1, s 2 commenced 31 August 2011 (LA s 75 (1))
sch 3 pt 3.15 commenced 21 September 2011 (s 2 (1))

Statute Law Amendment Act 2011 (No 3) A2011-52 sch 3 pt 3.27
notified LR 28 November 2011
s 1, s 2 commenced 28 November 2011 (LA s 75 (1))
sch 3 pt 3.27 commenced 12 December 2011 (s 2)

Crimes Legislation Amendment Act 2013 A2013-12 pt 8
notified LR 17 April 2013
s 1, s 2 commenced 17 April 2013 (LA s 75 (1))
pt 8 commenced 24 April 2013 (s 2)

Statute Law Amendment Act 2013 (No 2) A2013-44 sch 3 pt 3.8
notified LR 11 November 2013
s 1, s 2 commenced 11 November 2013 (LA s 75 (1))
sch 3 pt 3.8 commenced 25 November 2013 (s 2)

Firearms Amendment Regulation 2013 (No 1) SL2013-29 pt 2
notified LR 25 November 2013
s 1, s 2 commenced 25 November 2013 (LA s 75 (1))
pt 2 commenced 26 November 2013 (s 2 (1))
Legislation history

**Crimes Legislation Amendment Act 2013 (No 2) A2013-50 pt 10**
notified LR 9 December 2013
s 1, s 2 commenced 9 December (LA s 75 (1))
pt 10 commenced 6 January 2014 (s 2 (1))

**Statute Law Amendment Act 2014 A2014-18 sch 3 pt 3.8**
notified LR 20 May 2014
s 1, s 2 commenced 20 May 2014 (LA s 75 (1))
sch 3 pt 3.8 commenced 10 June 2014 (s 2 (1))

**Nature Conservation Act 2014 A2014-59 sch 2 pt 2.5**
notified LR 11 December 2014
s 1, s 2 commenced 11 December 2014 (LA s 75 (1))
sch 2 pt 2.5 commenced 11 June 2015 (s 2 (1) and LA s 79)

**Crimes Legislation Amendment Act 2015 A2015-3 pt 9**
notified LR 2 March 2015
s 1, s 2 commenced 2 March 2015 (LA s 75 (1))
pt 9 commenced 3 March 2015 (s 2 (1))

**Red Tape Reduction Legislation Amendment Act 2015 A2015-33**
sch 1 pt 1.27
notified LR 30 September 2015
s 1, s 2 commenced 30 September 2015 (LA s 75 (1))
sch 1 pt 1.27 commenced 14 October 2015 (s 2)

**Crimes (Domestic and Family Violence) Legislation Amendment Act 2015 A2015-40**
sch 1 pt 1.10
notified LR 4 November 2015
s 1, s 2 commenced 4 November 2015 (LA s 75 (1))
sch 1 pt 1.10 commenced 5 November 2015 (s 2 (1))

**Spent Convictions (Historical Homosexual Convictions Extinguishment) Amendment Act 2015 A2015-45**
sch 1 pt 1.5
notified LR 6 November 2015
s 1, s 2 commenced 6 November 2015 (LA s 75 (1))
sch 1 pt 1.5 commenced 7 November 2015 (s 2)

**Statute Law Amendment Act 2015 (No 2) A2015-50**
sch 3 pt 3.17
notified LR 25 November 2015
s 1, s 2 commenced 25 November 2015 (LA s 75 (1))
sch 3 pt 3.17 commenced 9 December 2015 (s 2)
Endnotes

3 Legislation history

Red Tape Reduction Legislation Amendment Act 2016 A2016-18 sch 2 pt 2.4
notified LR 13 April 2016
s 1, s 2 commenced 13 April 2016 (LA s 75 (1))
sch 2 pt 2.4 commenced 27 April 2016 (s 2)

Justice and Community Safety Legislation Amendment Act 2016
A2016-37 sch 1 pt 1.11
notified LR 22 June 2016
s 1, s 2 commenced 22 June 2016 (LA s 75 (1))
sch 1 pt 1.11 commenced 29 June 2016 (s 2)

Personal Violence Act 2016 A2016-43 sch 2
notified LR 18 August 2016
s 1, s 2 commenced 18 August 2016 (LA s 75 (1))
sch 2 commenced 1 May 2017 (s 2 and see Family Violence Act 2016
A2016-42 s 2 (2) (as am by A2017-10 s 7))

Crimes (Serious and Organised Crime) Legislation Amendment Act 2016
A2016-48 pt 8
notified LR 23 August 2016
s 1, s 2 commenced 23 August 2016 (LA s 75 (1))
pt 8 commenced 24 August 2016 (s 2 (1))

notified LR 23 February 2017
s 1, s 2 commenced 23 February 2017 (LA s 75 (1))
sch 3 pt 3.13 commenced 9 March 2017 (s 2)

Crimes Legislation Amendment Act 2017 (No 2) A2017-9 pt 6
notified LR 5 April 2017
s 1, s 2 commenced 5 April 2017 (LA s 75 (1))
pt 6 commenced 6 April 2017 (s 2)

Firearms Amendment Act 2017 A2017-16
notified LR 14 June 2017
s 1, s 2 commenced 14 June 2017 (LA s 75 (1))
remainder commenced 15 June 2017 (s 2)
Endnotes

Legislation history

Firearms and Prohibited Weapons Legislation Amendment Act 2018 A2018-1 pt 2
notified LR 28 February 2018
s 1, s 2 commenced 28 February 2018 (LA s 75 (1))
pt 2 commenced 1 March 2018 (s 2 (1))

Veterinary Practice Act 2018 A2018-32 sch 3 pt 3.6
notified LR 30 August 2018
s 1, s 2 commenced 30 August 2018 (LA s 75 (1))
sch 3 pt 3.6 commenced 21 December 2018 (s 2 and CN2018-12)

Red Tape Reduction Legislation Amendment Act 2018 A2018-33
sch 1 pt 1.14
notified LR 25 September 2018
s 1, s 2 commenced 25 September 2018 (LA s 75 (1))
sch 1 pt 1.14 commenced 23 October 2018 (s 2 (4))

Statute Law Amendment Act 2018 A2018-42 sch 3 pt 3.15
notified LR 8 November 2018
s 1, s 2 taken to have commenced 1 July 2018 (LA s 75 (2))
sch 3 pt 3.15 commenced 22 November 2018 (s 2 (1))

Crimes Legislation Amendment Act 2019 A2019-23 pt 10
notified LR 8 August 2019
s 1, s 2 commenced 8 August 2019 (LA s 75 (1))
pt 10 commenced 15 August 2019 (s 2 (1))
Endnotes

4 Amendment history

Long title
long title sub A2008-25 amdtd 1.1

Name of Act
s 1 sub A2008-25 amdtd 1.2

Dictionary
s 2 om A2001-44 amdtd 1.1639
ins A2008-25 s 4

Notes
s 2A renum as s 3

Offences against Act—application of Criminal Code etc
s 2B renum as s 4

Notes
s 3 orig s 3
renum as s 5
pres s 3 (prev s 2A) ins A2008-25 s 4
renum as s 3 R17 LA (see A2008-25 amdtd 1.12)

Offences against Act—application of Criminal Code etc
s 4 hdg orig s 4 hdg
sub A1999-29 notes
am R3 LA

s 4 orig s 4
am A1999-29 sch
defs reloc to dict A2008-25 s 6
om A2008-25 s 7
def acquire om A2008-25 s 5
def airgun om A2008-25 s 5
def ammunition om A2008-25 s 5
def approved range om A2003-31 amdtd 1.2
def approved shooting range ins A2003-31 amdtd 1.2
om A2008-25 s 5
def authorised instructor om A2008-25 s 5
def authorised member om A2008-25 s 5
def chief police officer om A2008-25 s 5
def composite entity om A2008-25 s 5
def dealer’s licence om A2008-25 s 5
def determined fee om A2001-44 amdtd 1.1640
def employee om A2008-25 s 5
def endorsed om A2008-25 s 5
def firearm om A2008-25 s 5
def firearm part om A2008-25 s 5
def firearms dealer om A2008-25 s 5
Important concepts
pt 1A hdg  
renum as pt 2 hdg

Meaning of firearm—Act
s 4A  
(prev s 4 (2)) renum as s 4A and then s 6

Meaning of prohibited firearm—Act
s 4AB  
renum as s 7

Meaning of acquire—Act
s 4AC  
renum as s 8

Meaning of dispose—Act
s 4AD  
renum as s 9

Meaning of possession—Act
s 4B  
(prev s 4 (3), s 4 (4)) renum as s 4B and then s 10

Evidence of possession—firearms at premises
s 4BA  
renum as s 11

Evidence of possession—care, control or management of firearm
s 4BB  
renum as s 12

Taking possession under credit contract
s 4BC  
renum as s 13

Authority to possess and use firearms temporarily
s 4BD  
renum as s 14

Paintball markers—authority to possess, use or store
s 4BE  
renum as s 15

Meaning of close associate of firearms dealer etc—Act
s 4BF  
renum as s 16

Assessing suitability of individuals
s 4BG  
renum as s 17
Assessing suitability of individuals—discretionary criteria
s 4BH renum as s 18
Assessing suitability of individuals—mandatory criteria
s 4BI renum as s 19
Approval of courses etc by registrar
s 4BJ renum as s 20
Operation of Act
pt 1B hdg renum as pt 3 hdg
Government-owned firearms
s 4C (prev s 4 (5)) renum as s 4C and then s 21
Offences against Act—application of Criminal Code etc
s 4CA ins A2003-31 amd 1.4
om A2008-25 s 8
People responsible for certain actions etc
s 4D (prev s 4 (6)) renum as s 4D and then s 22
People exempt from Act etc
s 4E (prev s 4 (7)) renum as s 4E and then s 23
Unregulated firearms
pt 1C hdg renum as pt 4 hdg
Meaning of unregulated firearm—Act
s 4G renum as s 24
Unregulated firearms—seizure by police
s 4H renum as s 25
Unregulated firearms—receipt for seizure
s 4I renum as s 26
Unregulated firearms—examination
s 4J renum as s 27
Unregulated firearms—access to things seized
s 4K renum as s 28
Unregulated firearms—review of decision to seize
s 4L renum as s 29
Unregulated firearms—forfeiture
s 4M renum as s 30
Declarations about firearms
pt 1D hdg renum as pt 5 hdg
Important concepts

pt 2 hdg  
orig pt 2 hdg  
renum as at 6 hdg  
pres pt 2 hdg  
(prev pt 1A hdg) ins A2008-25 s 4  
renum as pt 2 hdg R17 LA (see A2008-25 amdt 1.12)

Principles and objects of Act

s 5  
orig s 5  
renum as s 31  
pres s 5  
(prev s 3) renum as s 5 R17 LA (see A2008-25 amdt 1.12)

Meaning of firearm

s 6 hdg  
(prev s 4A hdg) ins A1999-29 notes  
orig s 6  
renum as s 32  
pres s 6  
(prev s 4 (2)) renum as s 4A A1999-29 sch  
sub A2008-25 s 8  
renum as s 6 R17 LA (see A2008-25 amdt 1.12)  
am A2013-50 s 24

When possession and use not an offence

s 6A hdg  
ins A1999-29 notes  
(prev s 6 (2)) renum A1999-29 sch  
am A2001-44 amdt 1.1641, amdt 1.1642; A2003-31 amdt 1.5,  
amdt 1.6  
om A2008-25 s 8

Diplomatic and consular representatives

s 6B hdg  
ins A1999-29 notes  
(prev s 6 (3)) renum A1999-29 sch  
am A2001-44 amdt 1.1643-1.1645  
om A2008-25 s 8

Meaning of prohibited firearm

s 7  
orig s 7  
renum as s 33  
pres s 7  
(prev s 4AB) ins A2008-25 s 8  
renum as s 7 R17 LA (see A2008-25 amdt 1.12)

Meaning of acquire

s 8  
orig s 8  
renum as s 34  
pres s 8  
(prev s 4AC) ins A2008-25 s 8  
renum as s 8 R17 LA (see A2008-25 amdt 1.12)
Meaning of *dispose*

s 9
orig s 9
om A2008-25 amdt 1.6
pres s 9
(prev s 4AD) ins A2008-25 s 8
renum as s 9 R17 LA (see A2008-25 amdt 1.12)

Meaning of *possession*

s 10 hdg
(prev s 4B hdg) ins A1999-29 notes
s 10
orig s 10
renum as s 35
pres s 10
(prev s 4 (3), s 4 (4)) renum as s 4B A1999-29 sch sub A2008-25 s 8
renum as s 10 R17 LA (see A2008-25 amdt 1.12)

Evidence of possession—firearms at premises

s 11
orig s 11
om A2008-25 amdt 1.7
pres s 11
(prev s 4BA) ins A2008-25 s 8
renum as s 11 R17 LA (see A2008-25 amdt 1.12)

Evidence of possession—care, control or management of firearm

s 12
orig s 12
renum as s 36
pres s 12
(prev s 4BB) ins A2008-25 s 8
renum as s 12 R17 LA (see A2008-25 amdt 1.12)

Minister’s guidelines

s 12A
renum as s 37

Taking possession under credit contract

s 13
orig s 13
renum as s 38
pres s 13
(prev s 4BC) ins A2008-25 s 8
renum as s 13 R17 LA (see A2008-25 amdt 1.12)
am A2010-40 amdt 1.23

Authority to possess and use firearms temporarily

s 14
orig s 14
renum as s 39
pres s 14
(prev s 4BD) ins A2008-25 s 8
renum as s 14 R17 LA (see A2008-25 amdt 1.12)
am A2015-3 ss 33-35; pars and ss renum R39 (RI) LA;
A2018-1 s 4, s 5; pars renum R52 LA
Paintball markers—authority to possess, use or store
s 15 orig s 15
renum as s 40
pres s 15
(prev s 4BE) ins A2008-25 s 8
renum as s 15 R17 LA (see A2008-25 amdt 1.12)

Registrar's approval to possess ammunition as collector
s 15A renum as s 41

Meaning of close associate of firearms dealer etc
s 16 orig s 16
renum as s 42
pres s 16
(prev s 4BF) ins A2008-25 s 8
renum as s 16 R17 LA (see A2008-25 amdt 1.12)

Offence—unauthorised possession or use of firearms other than prohibited firearms
s 16AA renum as s 43

Alternative verdicts—unauthorised possession or use of firearms
s 16AB renum as s 44

Offence—contravention of condition by licensee etc
s 16AC renum as s 45

Definitions of some licences—Act
s 16A renum as s 46

Offence—notice of lost, stolen and destroyed licences
s 16B renum as s 47

Offence—failing to surrender firearms when licence suspended or cancelled
s 16C renum as s 48

Offence—failure to give up suspended or cancelled licence
s 16D renum as s 49

Police may seize firearms under suspended and cancelled licences
s 16E renum as s 50

Licence renewals to be treated as fresh applications
s 16F renum as s 51

Assessing suitability of individuals
s 17 orig s 17
renum as s 52
pres s 17
(prev s 4BG) ins A2008-25 s 8
renum as s 17 R17 LA (see A2008-25 amdt 1.12)
Assessing suitability of individuals—discretionary criteria
s 18
orig s 18
renum as s 53
pres s 18
(prev s 4BH) ins A2008-25 s 8
renum as s 18 R17 LA (see A2008-25 amdt 1.12)
am A2011-52 amdt 3.97; A2015-45 amdt 1.5; A2015-50
amdt 3.104, amdt 3.105; A2017-4 amdt 3.62; pars renum
R48 LA; A2016-43 amdt 2.1; A2018-1 s 6; A2018-42
amdt 3.46

Protection of security sensitive information
s 18A
ins A2018-1 s 7

ACAT or court review—decision on security sensitive information
s 18B
ins A2018-1 s 7

ACAT or court review—dealing with security sensitive information
s 18C
ins A2018-1 s 7

Assessing suitability of individuals—mandatory criteria
s 19
orig s 19
renum as s 54
pres s 19
(prev s 4BI) ins A2008-25 s 8
renum as s 19 R17 LA (see A2008-25 amdt 1.12)
am A2015-50 amdt 3.106; A2017-4 amdt 3.63
def successfully appealed against ins A2008-25 s 69
reloc from dict A2017-4 amdt 3.65
am A2016-43 amdt 2.2

Adult firearms licences—registrar to tell applicant about training etc
s 19A
renum as s 55

Approval of courses etc by registrar
s 20
orig s 20
renum as s 56
pres s 20
(prev s 4BJ) ins A2008-25 s 8
renum as s 20 R17 LA (see A2008-25 amdt 1.12)

Operation of Act
pt 3 hdg
orig pt 3 hdg
renum as pt 7 hdg
pres pt 3 hdg
(prev pt 1B hdg) ins A2008-25 s 8
renum as pt 3 hdg R17 LA (see A2008-25 amdt 1.12)

Requirement for licence etc
div 3.1 hdg
renum as div 7.1 hdg
Endnotes

Amendment history

Licensing schemes—general
div 3.2 hdg    renum as div 7.2 hdg

Licensing scheme—adult firearms licences
div 3.2A hdg    renum as div 7.3 hdg

Licensing scheme—minors firearms licences
div 3.2B hdg    renum as div 7.4 hdg

Licensing scheme—composite entity firearms licences
div 3.2C hdg    renum as div 7.5 hdg

Licensing scheme—temporary international firearms licences
div 3.2D hdg    renum as div 7.6 hdg

Permits
div 3.3 hdg    (prev pt 3 div 3 hdg) renum R3 LA (see also A2001-90 amdt 1.78)
om A2008-25 s 25

Government-owned firearms
s 21 hdg    (prev s 4C hdg) ins A1999-29 notes
s 21
orig s 21    renum as s 57
pres s 21    (prev s 4 (5)) renum as s 4C A1999-29 sch
sub A2008-25 s 8
renum as s 21 R17 LA (see A2008-25 amdt 1.12)

People responsible for certain actions etc
s 22 hdg    (prev s 4D hdg) ins A1999-29 notes
s 22
orig s 22    renum as s 58
pres s 22    (prev s 4 (6)) renum as s 4D A1999-29 sch
sub A2008-25 s 8
renum as s 22 R17 LA (see A2008-25 amdt 1.12)

Adult firearms licences—categories
s 22A    renum as s 59

When adult firearms licences may be issued
s 22B    renum as s 60
Endnotes

4 Amendment history

People exempt from Act etc
s 23 hdg (prev s 4E hdg) ins A1999-29 notes
s 23 orig s 23 renum as s 61
pres s 23 (prev s 4 (7)) renum as s 4E A1999-29 sch
sub A2008-25 s 8
renum as s 23 R17 LA (see A2008-25 amdt 1.12)
am A2015-50 amdt 3.107

Application of Act to imitation firearms
s 23A orig s 23A renum as s 62
pres s 23A ins A2016-48 s 32

Temporary recognition of interstate licences and permits
pt 3A hdg renum as pt 8 hdg
Permits generally
pt 3B hdg renum as pt 9 hdg
Permits to acquire firearms
pt 3C hdg renum as pt 10 hdg
Unregulated firearms
pt 4 hdg orig pt 4 hdg renum as pt 11 hdg
pres pt 4 hdg (prev pt 1C hdg) ins A2008-25 s 8
renum as pt 4 hdg R17 LA (see A2008-25 amdt 1.12)

Interpretation
div 4.1 hdg renum as div 11.1 hdg
Register of firearms
div 4.2 hdg renum as div 11.2 hdg
Registration of firearms
div 4.3 hdg renum as div 11.3 hdg
Registration of firearms users
div 4.4 hdg renum as div 11.4 hdg
Offences—registration
div 4.5 hdg renum as div 11.5 hdg
Meaning of unregulated firearm—Act
s 24 orig s 24 renum as s 63
pres s 24 (prev s 4G) ins A2008-25 s 8

Table

<table>
<thead>
<tr>
<th>Page</th>
<th>Act</th>
<th>Effective</th>
</tr>
</thead>
<tbody>
<tr>
<td>258</td>
<td>Firearms Act 1996</td>
<td>15/08/19</td>
</tr>
</tbody>
</table>

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au
Unregulated firearms—seizure by police
s 25
orig s 25
renum as s 64
pres s 25
(prev s 4H) ins A2008-25 s 8
renum as s 25 R17 LA (see A2008-25 amdt 1.12)

Unregulated firearms—receipt for seizure
s 26
orig s 26
renum as s 65
pres s 26
(prev s 4I) ins A2008-25 s 8
renum as s 26 R17 LA (see A2008-25 amdt 1.12)

Unregulated firearms—examination
s 27
orig s 27
renum as s 66
pres s 27
(prev s 4J) ins A2008-25 s 8
renum as s 27 R17 LA (see A2008-25 amdt 1.12)

Unregulated firearms—access to things seized
s 28
orig s 28
renum as s 67
pres s 28
(prev s 4K) ins A2008-25 s 8
renum as s 28 R17 LA (see A2008-25 amdt 1.12)

Unregulated firearms—review of decision to seize
s 29
orig s 29
renum as s 68
pres s 29
(prev s 4L) ins A2008-25 s 8
renum as s 29 R17 LA (see A2008-25 amdt 1.12)

Unregulated firearms—forfeiture
s 30
orig s 30
renum as s 69
pres s 30
(prev s 4M) ins A2008-25 s 8
renum as s 30 R17 LA (see A2008-25 amdt 1.12)
am A2011-22 amdt 1.206; A2015-3 s 36

Adult firearms licences—restrictions on issue of paintball marker licences
s 30A
renum as s 70
Declarations about firearms

pt 5 hdg
orig pt 5 hdg
renum as pt 12 hdg
pres pt 5 hdg
(prev pt 1D hdg) ins A2008-25 s 8
renum as pt 5 hdg R17 LA (see A2008-25 amdt 1.12)

Firearms declarations by registrar
s 31
orig s 31
renum as s 71
pres s 31
(prev s 5) sub A2008-25 s 8
renum as s 31 R17 LA (see A2008-25 amdt 1.12)
am A2009-20 amdt 3.75; A2015-33 amdt 1.83; A2016-48 s 33,
s 34; A2018-1 s 8

Effect of certain declarations
s 32
orig s 32
renum as s 72
pres s 32
(prev s 6) am A1999-29 sch; A2006-23 amdts 1.198-1.200
sub A2008-25 s 8
renum as s 32 R17 LA (see A2008-25 amdt 1.12)

Administration
pt 6 hdg
orig pt 6 hdg
renum as pt 13 hdg
pres pt 6 hdg
(prev pt 2 hdg) renum as pt 6 hdg R17 LA (see A2008-25
amdt 1.12)

Interpretation
div 6.1 hdg
renum as div 13.1 hdg

Licences and licensed firearms dealers
div 6.2 hdg
renum as div 13.2 hdg

Licensed firearms dealers—records and returns
div 6.3 hdg
renum as div 13.3 hdg

Registrar of firearms
s 33
orig s 33
am A2001-44 amdts 1.1653-1.1655
om A2008-25 s 19
pres s 33
(prev s 7) am A2008-25 amdt 1.3, amdt 1.4
renum as s 33 R17 LA (see A2008-25 amdt 1.12)
Functions of registrar
s 34 orig s 34
om A2008-25 s 19
pres s 34
(prev s 8) am A2008-25 amdt 1.5
renum as s 34 R17 LA (see A2008-25 amdt 1.12)

Delegation by registrar
s 35 orig s 35
am A2001-44 amdt 1.1656, amdt 1.1657
om A2008-25 s 19
pres s 35
(prev s 10) sub A2008-25 s 9
renum as s 35 R17 LA (see A2008-25 amdt 1.12)
am A2016-37 amdt 1.26; A2018-1 s 9

Reports and recommendations
s 36 orig s 36
renum as s 73
pres s 36
(prev s 12) sub A2001-44 amdt 1.1646; A2008-25 s 10
renum as s 36 R17 LA (see A2008-25 amdt 1.12)

Adult firearms licences—special conditions of category D licences
s 36AA renum as s 74

Adult firearms licences—special conditions for category H licences for sport
or target shooting
s 36A renum as s 75

Minister's guidelines
s 37 orig s 37
renum as s 76
pres s 37
(prev s 12A) ins A2008-25 s 10
renum as s 37 R17 LA (see A2008-25 amdt 1.12)
am A2014-18 amdt 3.32, amdt 3.33

Amnesty
s 38 orig s 38
renum as s 77
pres s 38
(prev s 13) sub A2001-44 amdt 1.1646
am A2008-25 s 11
renum as s 38 R17 LA (see A2008-25 amdt 1.12)
am A2009-20 amdt 3.76; A2011-3 amdt 3.207; A2015-33
amdt 1.84
Endnotes

Amendment history

Authorised instructors and club members
s 39
orig s 39
renum as s 78
pres s 39
(prev s 14) am A2003-31 amdt 1.7
sub A2008-25 s 12
renum as s 39 R17 LA (see A2008-25 amdt 1.12)

Approval of clubs
s 40
orig s 40
om A2001-90 amdt 1.73
prev s 40
renum as s 79
pres s 40
(prev s 15) am A2001-44 amdts 1.1647-1.1649
sub A2003-31 s 6
am A2008-25 amdt 1.8
renum as s 40 R17 LA (see A2008-25 amdt 1.12)
am A2011-3 amdt 3.208; A2013-44 amdt 3.67

Adult firearms licences—mandatory suspension
s 40A
renum as s 80

Registrar's approval to possess ammunition as collector
s 41
orig s 41
renum as s 81
pres s 41
(prev s 15A) ins A2008-25 s 13
renum as s 41 R17 LA (see A2008-25 amdt 1.12)

Firearms licences
pt 7 hdg
orig pt 7 hdg
renum as pt 14 hdg
pres pt 7 hdg
(prev pt 3 hdg) sub A2008-25 s 14
renum as pt 7 hdg R17 LA (see A2008-25 amdt 1.12)

Requirement for licence etc
div 7.1 hdg
orig div 7.1 hdg
renum as div 14.1 hdg
pres div 7.1 hdg
(prev pt 3 div 1 hdg) renum as div 3.1 hdg R3 LA (see also A2001-90 amdt 1.78)
sub A2008-25 s 14
renum as div 7.1 hdg R17 LA (see A2008-25 amdt 1.12)
Offence—unauthorised possession or use of prohibited firearms
s 42 hdg (prev s 16 hdg) am A1999-29 s 4
s 42 orig s 42 renum as s 82
pres s 42 (prev s 16) am A1999-29 s 4
sub A2003-31 s 7; A2008-25 s 15
renum as s 42 R17 LA (see A2008-25 amdt 1.12)
am A2016-48 s 35; A2019-23 ss 36-38

Adult firearms licences—when suspension or cancellation takes effect
s 42A renum as s 83

Children prohibited from owning firearms
s 42D renum as s 84

Minors firearms licences—applications
s 42E renum as s 85

Minors firearms licences—requirement for further information etc
s 42F renum as s 86

Minors firearms licences—decision
s 42G renum as s 87

Minors firearms licences—refusal
s 42H renum as s 88

Minors firearms licences—categories
s 42I renum as s 89

When minors firearms licences may be issued
s 42J renum as s 90

Minors firearms licences—genuine reasons to possess or use firearms
s 42K renum as s 91

Minors firearms licences—form
s 42L renum as s 92

Minors firearms licences—replacements
s 42M renum as s 93

Minors firearms licences—conditions
s 42N renum as s 94

Minors firearms licences—period in force
s 42O renum as s 95

Minors firearms licences—immediate suspension
s 42P renum as s 96

Minors firearms licences—mandatory suspension
s 42Q renum as s 97
Amendment history

Minors firearms licences—cancellation
s 42R    renum as s 98

Minors firearms licences—when suspension or cancellation takes effect
s 42S    renum as s 99

Definitions—Act
s 42U    renum as s 100

Composite entity firearms licences—applications
s 42V    renum as s 101

Composite entity firearms licences—requirement for further information etc
s 42W    renum as s 102

Composite entity firearms licences—decision
s 42X    renum as s 103

Composite entity firearms licences—refusal
s 42Y    renum as s 104

Composite entity firearms licences—categories
s 42Z    renum as s 105

Composite entity firearms licence—principal’s name
s 42ZA   renum as s 106

When composite entity firearms licences may be issued
s 42ZB   renum as s 107

Composite entity firearms licences—genuine reasons to possess or use firearms
s 42ZC   renum as s 108

Composite entity firearms licences—no genuine reason to possess or use firearms
s 42ZD   renum as s 109

Composite entity firearms licences—restriction on issue of category B licences
s 42ZE   renum as s 110

Composite entity firearms licences—restriction on issue of category C licences
s 42ZF   renum as s 111

Composite entity firearms licences—restriction on issue of category D licences
s 42ZG   renum as s 112

Composite entity firearms licences—restriction on issue of category H licences
s 42ZH   renum as s 113
Composite entity firearms licences—form
s 42ZI renum as s 114

Composite entity firearms licences—replacements
s 42ZJ renum as s 115

Composite entity firearms licences—conditions
s 42ZK renum as s 116

Composite entity firearms licences—period in force
s 42ZL renum as s 117

Composite entity firearms licences—immediate suspension
s 42ZM renum as s 118

Composite entity firearms licences—mandatory suspension
s 42ZMA renum as s 119

Composite entity firearms licences—cancellation
s 42ZN renum as s 120

Composite entity firearms licences—when suspension or cancellation takes effect
s 42ZO renum as s 121

Meaning of foreign firearms licence—div 3.2D
s 42ZOA renum as s 122

Temporary international firearms licences—applications
s 42ZP renum as s 123

Temporary international firearms licences—requirement for further information etc
s 42ZPA renum as s 124

Temporary international firearms licences—decision
s 42ZPB renum as s 125

Temporary international firearms licences—refusal
s 42ZPC renum as s 126

When temporary international firearms licences may be issued
s 42ZPD renum as s 127

Temporary international firearms licences—genuine reasons to possess or use firearms
s 42ZQ renum as s 128

Temporary international firearms licences—form
s 42ZQA renum as s 129

Temporary international firearms licences—conditions
s 42ZQB renum as s 130
Temporary international firearms licences—period in force
s 42ZR renum as s 131

Temporary international firearms licences—cancellation
s 42ZRA renum as s 132

Temporary international firearms licences—when cancellation takes effect
s 42ZRB renum as s 133

Definitions—pt 3A
s 42ZS renum as s 134

Temporary recognition of interstate licences—declaration of licence categories
s 42ZSA renum as s 136

Temporary recognition of interstate licences—general
s 42ZT renum as s 136

Temporary recognition of interstate category C licences
s 42ZU renum as s 137

Interstate residents moving to ACT—category A, B, and paintball marker licences
s 42ZV renum as s 138

Interstate residents moving to ACT—category C and H licences
s 42ZW renum as s 139

Temporary recognition of interstate licences for international visitors—shooting or paintball competitions
s 42ZX renum as s 140

Offence—unauthorised possession or use of firearms other than prohibited firearms
s 43 orig s 43
am A1999-29 s 5
om A2008-25 s 24
prev s 43 renum as s 141
pres s 43
(prev s 16AA) ins A2008-25 s 15
renum as s 43 R17 LA (see A2008-25 amdt 1.12)
am A2019-23 ss 39-41; ss renum R56 LA

Alternative verdicts—unauthorised possession or use of firearms
s 44 orig s 44
om A2008-25 s 24
pres s 44
(prev s 16AB) ins A2008-25 s 15
renum as s 44 R17 LA (see A2008-25 amdt 1.12)
Offence—contravention of condition by licensee etc
s 45
orig s 45
renum as s 142
pres s 45
(prev s 16AC) ins A2008-25 s 15
renum as s 45 R17 LA (see A2008-25 amdt 1.12)

Permits to acquire—applications
s 45A
renum as s 143

Permits to acquire—decision
s 45B
renum as s 144

Licensing schemes—general
div 7.2 hdg
orig div 7.2 hdg
renum as div 14.2 hdg
pres div 7.2 hdg
(prev pt 3 div 2 hdg) renum as div 3.2 hdg R3 LA (see also A2001-90 amdt 1.78)
sub A2008-25 s 16
renum as div 7.2 hdg R17 LA (see A2008-25 amdt 1.12)

Definitions of some licences—Act
s 46
orig s 46
renum as s 145
pres s 46
(prev s 16A) ins A2008-25 s 16
renum as s 46 R17 LA (see A2008-25 amdt 1.12)
def adult firearms licence ins A2008-25 s 16
def composite entity firearms licence ins A2008-25 s 16
def minors firearms licence ins A2008-25 s 16
def temporary international firearms licence ins A2008-25 s 16

Permits to acquire—refusal to issue to temporary international firearms licensees
s 46A
renum as s 146

When permits to acquire may be issued
s 46B
renum as s 147

Offence—notice of lost, stolen and destroyed licences
s 47
orig s 47
renum as s 148
pres s 47
(prev s 16B) ins A2008-25 s 16
renum as s 47 R17 LA (see A2008-25 amdt 1.12)
Endnotes

4 Amendment history

Offence—failing to surrender firearms when licence suspended or cancelled
s 48
orig s 48  
renum as s 149
pres s 48
(prev s 16C) ins A2008-25 s 16
renum as s 48 R17 LA (see A2008-25 amdt 1.12)

Offence—notice of lost, stolen and destroyed permits to acquire
s 48A  
renum as s 150

Permits to acquire—automatic suspension and cancellation
s 48B  
renum as s 151

Permits to acquire—cancellation by registrar
s 48C  
renum as s 152

Offence—failure to give up suspended or cancelled licence
s 49
orig s 49  
renum as s 153
pres s 49
(prev s 16D) ins A2008-25 s 16
renum as s 49 R17 LA (see A2008-25 amdt 1.12)

Regulations about permits to acquire
s 49A  
renum as s 154

Meaning of owner and user particulars—pt 4
s 49B  
renum as s 155

Police may seize firearms under suspended and cancelled licences
s 50
orig s 50  
renum as s 156
pres s 50
(prev s 16E) ins A2008-25 s 16
renum as s 50 R17 LA (see A2008-25 amdt 1.12)

Contents of register
s 50A  
renum as s 157

Register not available to public
s 50B  
renum as s 158

Two-yearly reviews
s 50C  
renum as s 159

Licence renewals to be treated as fresh applications
s 51
orig s 51  
renum as s 160
pres s 51
(prev s 16F) ins A2008-25 s 16
renum as s 51 R17 LA (see A2008-25 amdt 1.12)
Firearm registration—request for further information etc
s 51A renum as s 161

Firearm registration—decision
s 51B renum as s 162

Firearm registration—refusal
s 51C renum as s 163

Firearm registration notice
s 51D renum as s 164

End of firearm registration
s 51E renum as s 165

Licence categories, kinds and authority conferred by licence
s 52 orig s 52
renum as s 166
pres s 52
(prev s 17) sub A2008-25 s 17
renum as s 52 R17 LA (see A2008-25 amdt 1.12)
am A2009-20 amdt 3.76; A2015-33 amdt 1.85

Police may seize firearms if firearm registration cancelled
s 52A renum as s 167

User registration—application
s 52B renum as s 168

User registration—request for further information etc
s 52BA renum as s 169

User registration—decision
s 52BB renum as s 170

User registration—refusal
s 52C renum as s 171

Effect of registration as user
s 52D renum as s 172

User registration—period in force
s 52E renum as s 173

Automatic cancellation of user registration
s 52F renum as s 174

Automatic cancellation of user registration—certain registered users
s 52G renum as s 175

Offence—failing to notify event causing cancellation of user registration
s 52H renum as s 176
Authority conferred by licence—additional matters
s 53
orig s 53
renum as s 177
pres s 53
(prev s 18) am A2008-25 s 18
renum as s 53 R17 LA (see A2008-25 amdt 1.12)
am A2015-3 s 37; ss renum R39 LA

Licensing scheme—adult firearms licences
div 7.3 hdg
orig div 7.3 hdg
renum as div 14.3 hdg
pres div 7.3 hdg
(prev div 3.2A hdg) ins A2008-25 s 19
renum as div 7.3 hdg R17 LA (see A2008-25 amdt 1.12)

Adult firearms licences—applications
s 54
orig s 54
renum as s 178
pres s 54
(prev s 19) am A2001-44 amdt 1.1650, amdt 1.1651; ss renum R3 LA (see A2001-44 amdt 1.1652)
sub A2008-25 s 19
renum as s 54 R17 LA (see A2008-25 amdt 1.12)

Adult firearms licences—registrar to tell applicant about training etc
orig s 55
renum as s 179
pres s 55
(prev s 19A) ins A2008-25 s 19
renum as s 55 R17 LA (see A2008-25 amdt 1.12)

Adult firearms licences—requirement for further information etc
orig s 56
om A2008-25 s 26
pres s 56
(prev s 20) sub A2008-25 s 19
renum as s 56 R17 LA (see A2008-25 amdt 1.12)

Adult firearms licences—decision
orig s 57
am A2001-44 amdt 1.1669, amdt 1.1670
om A2008-25 s 26
pres s 57
(prev s 21) am A1998-67 s 17; A2001-90 amdt 1.67
sub A2008-25 s 19
renum as s 57 R17 LA (see A2008-25 amdt 1.12)
Adult firearms licences—refusal
s 58
orig s 58
om A2008-25 s 26
pres s 58
(prev s 22) am A2001-90 amdts 1.68-1.70
sub A2008-25 s 19
renum as s 58 R17 LA (see A2008-25 amdt 1.12)
am A2018-1 s 10, s 11

Adult firearms licences—categories
s 59
orig s 59
am A2003-31 amdt 1.13
om A2008-25 s 26
pres s 59
(prev s 22A) ins A2008-25 s 19
renum as s 59 R17 LA (see A2008-25 amdt 1.12)

When adult firearms licences may be issued
s 60
orig s 60
om A2008-25 s 26
pres s 60
(prev s 22B) ins A2008-25 s 19
renum as s 60 R17 LA (see A2008-25 amdt 1.12)

Adult firearms licences—genuine reasons to possess or use firearms
s 61
orig s 61
om A2008-25 s 26
pres s 61
(prev s 23) am A2003-31 s 8, s 9, amdts 1.8-1.10; table renum R12 LA
sub A2008-25 s 19
renum as s 61 R17 LA (see A2008-25 amdt 1.12)
am A2013-12 s 37; A2013-50 s 25, s 26; A2014-59 amdt 2.15,
amdt 2.16; A2018-32 amdt 3.10

Adult firearms licences—no genuine reason to possess or use firearms
s 62
orig s 62
renum as s 180
pres s 62
(prev s 23A) ins A2008-25 s 19
renum as s 62 R17 LA (see A2008-25 amdt 1.12)

Adult firearms licences—restriction on issue of category B licences
s 63
orig s 63
renum as s 181
pres s 63
(prev s 24) sub A2008-25 s 19
renum as s 63 R17 LA (see A2008-25 amdt 1.12)
Endnotes

Adult firearms licences—restriction on issue of category C licences
s 64

orig s 64
renum as s 182

pres s 64
(prev s 25) sub A2008-25 s 19
renum as s 64 R17 LA (see A2008-25 amdt 1.12)

Adult firearms licences—restriction on issue of category D licences
s 65

orig s 65
renum as s 183

pres s 65
(prev s 26) sub A2008-25 s 19
renum as s 65 R17 LA (see A2008-25 amdt 1.12)

Meaning of prohibited person—pt 6
s 65A
renum as s 184

Adult firearms licences—restriction on issue of category H licences
s 66

orig s 66
renum as s 185

pres s 66
(prev s 27) sub A2003-31 s 10; A2008-25 s 19
renum as s 66 R17 LA (see A2008-25 amdt 1.12)

Information about close associates of certain firearms dealers
s 66A
renum as s 186

Meaning of prohibited person for licensed firearms dealers
s 66B
renum as s 187

Registrar's statement whether person prohibited—application
s 66C
renum as s 188

Registrar's statement whether person prohibited
s 66D
renum as s 189

Offence—prohibited person not to be involved in firearms dealing business
s 66E
renum as s 190

Adult firearms licences—restriction on issue of collectors licences
s 67

orig s 67
renum as s 191

pres s 67
(prev s 28) sub A2003-31 s 10; A2008-25 s 19
renum as s 67 R17 LA (see A2008-25 amdt 1.12)

Definitions—div 6.3
s 67A
renum as s 192
Adult firearms licences—restrictions on issue of heirlooms licence
s 68  
orig s 68  
renum as s 193  
prev s 68  
renum as s 68 R17 LA (see A2008-25 amdt 1.12)

Acquisition and disposal—records
s 68AA  
renum as s 194

Correction of recorded entries
s 68A  
renum as s 195

Offence—inspection of records
s 68B  
renum as s 196

Offence—records of former firearms dealers
s 68C  
renum as s 197

Adult firearms licences—restrictions on issue of firearms dealer licences
s 69  
orig s 69  
renum as s 198  
prev s 69  
renum as s 69 R17 LA (see A2008-25 amdt 1.12)

Adult firearms licences—restrictions on issue of paintball marker licences
s 70  
orig s 70  
renum as s 199  
prev s 70  
renum as s 70 R17 LA (see A2008-25 amdt 1.12)

Adult firearms licences—form
s 71  
orig s 71  
renum as s 200  
prev s 71  
renum as s 71 R17 LA (see A2008-25 amdt 1.12)

Adult firearms licences—replacements
s 72  
orig s 72  
renum as s 201  
prev s 72  
renum as s 72 R17 LA (see A2008-25 amdt 1.12)
Adult firearms licences—conditions
s 73  
orig s 73  
renum as s 202  

pres s 73  
(prev s 36) sub A2008-25 s 20  
renum as s 73 R17 LA (see A2008-25 amdt 1.12)  
am A2018-1 s 12, s 13

Adult firearms licences—special conditions of category D licences
s 74  
orig s 74  
renum as s 203  

pres s 74  
(prev s 36AA) ins A2008-25 s 20  
renum as s 74 R17 LA (see A2008-25 amdt 1.12)

Production of evidence of identity
s 74A  
renum as s 204

Adult firearms licences—special conditions for category H licences for sport or target shooting
s 75  
hdg  
(prev s 36A hdg) sub A2008-25 s 21  

orig s 75  
renum as s 205  

pres s 75  
(prev s 36A) ins A2003-31 s 11  
am A2008-25 s 21, s 22  
renum as s 75 R17 LA (see A2008-25 amdt 1.12)

General powers on entry to premises
s 75A  
renum as s 206

Powers on entry—condition
s 75B  
renum as s 207

Offences—noncompliance with directions and requirements
s 75C  
renum as s 208

Power to seize things
s 75D  
renum as s 209

Receipt for things seized
s 75DA  
renum as s 210

Adult firearms licences—special conditions for collectors licences
s 76  
hdg  
(prev s 37 hdg) sub A2008-25 s 23  

orig s 76  
renum as s 211  

pres s 76  
(prev s 37) am A2003-31 s 12; A2008-25 s 23  
renum as s 76 R17 LA (see A2008-25 amdt 1.12)  
am A2013-44 amdt 3.68, amdt 3.77
Warrants—application made other than in person
s 76A renum as s 212

Search warrants—announcement before entry
s 76B renum as s 213

Details of search warrant to be given to occupier etc
s 76C renum as s 214

Occupier entitled to be present during search etc
s 76D renum as s 215

Adult firearms licences—special conditions for paintball marker licences
s 77 orig s 77
renum as s 216
pres s 77
(prev s 38) sub A2008-25 s 24
renum as s 77 R17 LA (see A2008-25 amdt 1.12)

Return or forfeiture of things seized
s 77A renum as s 217

Adult firearms licences—period in force
s 78 orig s 78
renum as s 218
pres s 78
(prev s 39) am A2001-90 amdt 1.71, amdt 1.72; A2005-13
amdt 1.37
sub A2008-25 s 24
renum as s 78 R17 LA (see A2008-25 amdt 1.12)

Compensation for exercise of enforcement powers
s 78A renum as s 219

Adult firearms licences—immediate suspension
s 79 orig s 79
om A2004-15 amdt 2.76
prev s 79
renum as s 220
pres s 79
(prev s 40) ins A2008-25 s 24
renum as s 79 R17 LA (see A2008-25 amdt 1.12)
Adult firearms licences—mandatory suspension for family violence offence
s 80 hdg sub A2016-43 amdt 2.3
s 80 orig s 80
renum as s 221
pres s 80
(prev s 40A) ins A2008-25 s 24
renum as s 80 R17 LA (see A2008-25 amdt 1.12)
am A2008-46 amdt 3.26, amdt 3.27; A2009-19 s 25; A2015-40
amdt 1.16; A2016-43 amdt 2.4, amdt 2.5

Adult firearms licences—cancellation generally
s 81 orig s 81
renum as s 222
pres s 81
(prev s 41) am A2001-44 amdt 1.1658, amdt 1.1659;
A2001-90 amdt 1.74; A2003-31 s 13, s 14; ss renum R7 LA
(see A2003-31 s 15) ; A2005-13 amdt 1.38
sub A2008-25 s 24
renum as s 81 R17 LA (see A2008-25 amdt 1.12)
am A2008-46 amdt 3.28; A2016-43 amdt 2.6

Adult firearms licences—reconsideration of suitability of licensee under
certain protection orders
s 81A ins A2016-43 amdt 2.7

Adult firearms licences—cancellation of category H licences
s 82 orig s 82
renum as s 223
pres s 82
(prev s 42) sub A2008-25 s 24
renum as s 82 R17 LA (see A2008-25 amdt 1.12)

Offences—operation of shooting ranges
s 82A renum as s 224

Offences—operation of paintball ranges
s 82B renum as s 225

Adult firearms licences—when suspension or cancellation takes effect
s 83 orig s 83
renum as s 226
pres s 83
(prev s 42A) ins A2008-25 s 24
renum as s 83 R17 LA (see A2008-25 amdt 1.12)
Licensing scheme—minors firearms licences

**div 7.4 hdg**

**orig div 7.4 hdg**
renum as div 14.4 hdg

**pres div 7.4 hdg**
(prev div 3.2B hdg) ins A2008-25 s 24
renum as div 7.4 hdg R17 LA (see A2008-25 amdt 1.12)

**Children prohibited from owning firearms**

s 84

**orig s 84**
renum as s 227

**pres s 84**
(prev s 42D) ins A2008-25 s 24
renum as s 84 R17 LA (see A2008-25 amdt 1.12)

**Offence—unauthorised manufacture of firearms**

s 84A
renum as s 228

**Alternative verdict for offences against s 84A (3)**

s 84B
ins A2003-31 s 18
om A2008-25 s 40

**Minors firearms licences—applications**

s 85

**orig s 85**
renum as s 229

**pres s 85**
(prev s 42E) ins A2008-25 s 24
renum as s 85 R17 LA (see A2008-25 amdt 1.12)

**Minors firearms licences—requirement for further information etc**

s 86

**orig s 86**
renum as s 230

**pres s 86**
(prev s 42F) ins A2008-25 s 24
renum as s 86 R17 LA (see A2008-25 amdt 1.12)

**Minors firearms licences—decision**

s 87

**orig s 87**
renum as s 231

**pres s 87**
(prev s 42G) ins A2008-25 s 24
renum as s 87 R17 LA (see A2008-25 amdt 1.12)

**Minors firearms licences—refusal**

s 88

**orig s 88**
renum as s 232

**pres s 88**
(prev s 42H) ins A2008-25 s 24
renum as s 88 R17 LA (see A2008-25 amdt 1.12)
Minors firearms licences—categories
s 89  
orig s 89
renum as s 233
prev s 89
(prev s 42I) ins A2008-25 s 24
renum as s 89 R17 LA (see A2008-25 amdt 1.12)

When minors firearms licences may be issued
s 90  
orig s 90
renum as s 234
prev s 90
(prev s 42J) ins A2008-25 s 24
renum as s 90 R17 LA (see A2008-25 amdt 1.12)

Minors firearms licences—genuine reasons to possess or use firearms
s 91  
orig s 91
renum as s 235
prev s 91
(prev s 42K) ins A2008-25 s 24
renum as s 91 R17 LA (see A2008-25 amdt 1.12)

Minors firearms licences—form
s 92  
orig s 92
renum as s 236
prev s 92
(prev s 42L) ins A2008-25 s 24
renum as s 92 R17 LA (see A2008-25 amdt 1.12)

Minors firearms licences—replacements
s 93  
orig s 93
renum as s 237
prev s 93
(prev s 42M) ins A2008-25 s 24
renum as s 93 R17 LA (see A2008-25 amdt 1.12)

Offence—disposal of inherited firearms
s 93A  
renum as s 238

Minors firearms licences—conditions
s 94  
orig s 94
renum as s 239
prev s 94
(prev s 42N) ins A2008-25 s 24
renum as s 94 R17 LA (see A2008-25 amdt 1.12)
Minors firearms licences—period in force
s 95
orig s 95
renum as s 240
pres s 95
(prev s 42O) ins A2008-25 s 24
renum as s 95 R17 LA (see A2008-25 amdtd 1.12)

Minors firearms licences—immediate suspension
s 96
orig s 96
renum as s 241
pres s 96
(prev s 42P) ins A2008-25 s 24
renum as s 96 R17 LA (see A2008-25 amdtd 1.12)

Minors firearms licences—mandatory suspension if family violence offence
s 97 hdg
sub A2016-43 amdtd 2.8
orig s 97
renum as s 242
pres s 97
(prev s 42Q) ins A2008-25 s 24
renum as s 97 R17 LA (see A2008-25 amdtd 1.12)
am A2008-46 amdtd 3.29, amdtd 3.30; A2009-19 s 26; A2015-40
amdtd 1.17; A2016-43 amdtd 2.9, amdtd 2.10

Minors firearms licences—cancellation
s 98
orig s 98
renum as s 243
pres s 98
(prev s 42R) ins A2008-25 s 24
renum as s 98 R17 LA (see A2008-25 amdtd 1.12)
am A2008-46 amdtd 3.31; A2016-43 amdtd 2.11

Minors firearms licences—reconsideration of suitability of licensee under certain protection orders
s 98A
orig s 98A
renum as s 244
pres s 98A
ins A2016-43 amdtd 2.12

Offence—sale of ammunition by authorised club members
s 98B
renum as s 245

Offence—selling ammunition to people from outside ACT
s 98C
renum as s 246

Offence—selling ammunition for starting pistols
s 98D
renum as s 247
Composite entity firearms licences—refusal
s 104  
orig s 104  
renum as s 254  
pres s 104
(prev s 42Y) ins A2008-25 s 24  
renum as s 104 R17 LA (see A2008-25 amdt 1.12)

Composite entity firearms licences—categories
s 105  
orig s 105  
om A2008-25 s 45
pres s 105
(prev s 42Z) ins A2008-25 s 24  
renum as s 105 R17 LA (see A2008-25 amdt 1.12)

Composite entity firearms licence—principal’s name
s 106  
orig s 106  
renum as s 255  
pres s 106
(prev s 42ZA) ins A2008-25 s 24  
renum as s 106 R17 LA (see A2008-25 amdt 1.12)

When composite entity firearms licences may be issued
s 107  
orig s 107  
am A2001-44 amdt 1.1683, amdt 1.1684
om A2004-15 amdt 2.76
pres s 107
(prev s 42ZB) ins A2008-25 s 24  
renum as s 107 R17 LA (see A2008-25 amdt 1.12)

Composite entity firearms licences—genuine reasons to possess or use firearms
s 108  
orig s 108  
renum as s 256  
pres s 108
(prev s 42ZC) ins A2008-25 s 24  
renum as s 108 R17 LA (see A2008-25 amdt 1.12)
am A2018-1 s 14

Composite entity firearms licences—no genuine reason to possess or use firearms
s 109  
orig s 109  
am A2001-44 amdt 1.1685, amdt 1.1686
om A2004-15 amdt 2.79
pres s 109
(prev s 42ZD) ins A2008-25 s 24  
renum as s 109 R17 LA (see A2008-25 amdt 1.12)
Composite entity firearms licences—restriction on issue of category B licences
s 110  
orig s 110  
renum as s 257
pres s 110  
(prev s 42ZE) ins A2008-25 s 24  
renum as s 110 R17 LA (see A2008-25 amdtd 1.12)

Composite entity firearms licences—restriction on issue of category C licences
s 111  
orig s 111  
om A2008-25 s 47
pres s 111  
(prev s 42ZF) ins A2008-25 s 24  
renum as s 111 R17 LA (see A2008-25 amdtd 1.12)
am A2018-1 s 15

Composite entity firearms licences—restriction on issue of category D licences
s 112  
orig s 112  
om A2008-25 s 47
pres s 112  
(prev s 42ZG) ins A2008-25 s 24  
renum as s 112 R17 LA (see A2008-25 amdtd 1.12)

Composite entity firearms licences—restriction on issue of category H licences
s 113  
orig s 113  
renum as s 258
pres s 113  
(prev s 42ZH) ins A2008-25 s 24  
renum as s 113 R17 LA (see A2008-25 amdtd 1.12)

Review of decisions
s 113A  
renum as s 259

Composite entity firearms licences—form
s 114  
orig s 114  
renum as s 260
pres s 114  
(prev s 42ZI) ins A2008-25 s 24  
renum as s 114 R17 LA (see A2008-25 amdtd 1.12)

Applications for review
s 114A  
renum as s 260A
Composite entity firearms licences—replacements
s 115 orig s 115
renum as s 261
pres s 115 (prev s 42ZJ) ins A2008-25 s 24
renum as s 115 R17 LA (see A2008-25 amdt 1.12)

Composite entity firearms licences—conditions
s 116 orig s 116
renum as s 262
pres s 116 (prev s 42ZK) ins A2008-25 s 24
renum as s 116 R17 LA (see A2008-25 amdt 1.12)

Composite entity firearms licences—period in force
s 117 orig s 117
renum as s 263
pres s 117 (prev s 42ZL) ins A2008-25 s 24
renum as s 117 R17 LA (see A2008-25 amdt 1.12)

Composite entity firearms licences—immediate suspension
s 118 orig s 118
renum as s 264
pres s 118 (prev s 42ZM) ins A2008-25 s 24
renum as s 118 R17 LA (see A2008-25 amdt 1.12)

Composite entity firearms licences—mandatory suspension for family violence offence
s 119 hdg sub A2016-43 amdt 2.13
s 119 orig s 119
renum as s 265
pres s 119 (prev s 42ZMA) ins A2008-25 s 24
renum as s 119 R17 LA (see A2008-25 amdt 1.12)
am A2008-46 amdt 3.32, amdt 3.33; A2009-19 s 27; A2015-40 amdt 1.18; A2016-43 amdt 2.14, amdt 2.15

Composite entity firearms licences—cancellation
s 120 orig s 120
renum as s 266
pres s 120 (prev s 42ZN) ins A2008-25 s 24
renum as s 120 R17 LA (see A2008-25 amdt 1.12)
am A2008-46 amdt 3.34; A2016-43 amdt 2.16
Composite entity firearms licences—when suspension or cancellation takes effect
s 121
orig s 121
renum as s 267
pres s 121
(prev s 42ZO) ins A2008-25 s 24
renum as s 121 R17 LA (see A2008-25 amdt 1.12)

Licensing scheme—temporary international firearms licences
div 7.6 hdg
(prev div 3.2D hdg) ins A2008-25 s 24
renum as div 7.6 hdg R17 LA (see A2008-25 amdt 1.12)

Meaning of foreign firearms licence—div 3.2D
s 122
orig s 122
renum as s 268
pres s 122
(prev s 42ZOA) ins A2008-25 s 24
renum as s 122 R17 LA (see A2008-25 amdt 1.12)

Temporary international firearms licences—applications
s 123
orig s 123
am A2001-44 amdt 1.1689, amdt 1.1690
om A2008-25 amdt 1.9
pres s 123
(prev s 42ZPB) ins A2008-25 s 24
renum as s 123 R17 LA (see A2008-25 amdt 1.12)

Temporary international firearms licences—requirement for further information etc
s 124
orig s 124
renum as s 269
pres s 124
(prev s 42ZPA) ins A2008-25 s 24
renum as s 124 R17 LA (see A2008-25 amdt 1.12)

Temporary international firearms licences—decision
s 125
orig s 125
renum as s 270
pres s 125
(prev s 42ZPB) ins A2008-25 s 24
renum as s 125 R17 LA (see A2008-25 amdt 1.12)

Approved forms
s 125A
renum as s 271
Temporary international firearms licences—refusal
s 126  
orig s 126  
renum as s 272  
pres s 126  
(prev s 42ZPC) ins A2008-25 s 24  
renum as s 126 R17 LA (see A2008-25 amdt 1.12)

When temporary international firearms licences may be issued
s 127  
orig s 127  
om A1999-29 sch  
pres s 127  
(prev s 42ZPD) ins A2008-25 s 24  
renum as s 127 R17 LA (see A2008-25 amdt 1.12)  
sub A2010-30 amdt 1.27

Temporary international firearms licences—genuine reasons to possess or use firearms
s 128  
orig s 128  
renum as s 273  
pres s 128  
(prev s 42ZQ) ins A2008-25 s 24  
renum as s 128 R17 LA (see A2008-25 amdt 1.12)  
am A2015-50 amdt 3.108

Temporary international firearms licences—form
s 129  
orig s 129  
renum as s 274  
pres s 129  
(prev s 42ZQA) ins A2008-25 s 24  
renum as s 129 R17 LA (see A2008-25 amdt 1.12)

Temporary international firearms licences—conditions
s 130  
orig s 130  
am A1999-29 sch  
sub A2003-31 s 22  
exp 1 July 2004 (s 142)  
pres s 130  
(prev s 42ZQB) ins A2008-25 s 24  
renum as s 130 R17 LA (see A2008-25 amdt 1.12)

Temporary international firearms licences—period in force
s 131  
orig s 131  
sub A2003-31 s 22  
exp 1 July 2004 (s 142)  
pres s 131  
(prev s 42ZR) ins A2008-25 s 24  
renum as s 131 R17 LA (see A2008-25 amdt 1.12)
Temporary international firearms licences—cancellation
s 132

Temporary international firearms licences—when cancellation takes effect
s 133

Definitions—pt 8
s 134

Temporary recognition of interstate licences and permits
pt 8 hdg

Temporary recognition of interstate licences—declaration of licence categories
s 135
Endnotes

Amendment history

4

Amnesty
s 135A
ins A1997-12 s 4
om A1999-29 sch
ins as mod SL2003-28 reg 8 (exp 1 July 2004 see SL2003-28 reg 4)

Compensation
s 135B
ins A1997-12 s 4
om A1999-29 sch

Temporary recognition of interstate licences—general
s 136
orig s 136
om A1999-29 sch
prev s 136
ins A2003-31 s 22
mod SL2003-28 reg 9 (exp 1 July 2004 see SL2003-28 reg 4)
exp 1 July 2004 (s 142)
pres s 136
(prev s 42ZT) ins A2008-25 s 24
renum as s 136 R17 LA (see A2008-25 amdt 1.12)

Compensation for licensed firearms dealers—other items
s 136A
ins as mod SL2003-28 reg 9 (exp 1 July 2004 see SL2003-28 reg 4)

Temporary recognition of interstate category C licences
s 137
orig s 137
ins A2003-31 s 22
mod SL2003-28 reg 10 (exp 1 July 2004 see SL2003-28 reg 4)
exp 1 January 2009 (s 137 (5))
pres s 137
(prev s 42ZU) ins A2008-25 s 24
renum as s 137 R17 LA (see A2008-25 amdt 1.12)

Compensation for licensed pistol shooters withdrawing from pistol shooting—pistols
s 137A
ins as mod SL2003-28 reg 11 (exp 1 July 2004 see SL2003-28 reg 4)

Compensation for licensed pistol shooters withdrawing from pistol shooting—other items
s 137B
ins as mod SL2003-28 reg 11 (exp 1 July 2004 see SL2003-28 reg 4)
Endnotes

Interstate residents moving to ACT—category A, B, and paintball marker licences
s 138
orig s 138
ins A2003-31 s 22
mod SL2003-28 reg 12 (exp 1 July 2004 see SL2003-28 reg 4)
exp 1 July 2004 (s 142)
pres s 138
(prev s 42ZV) ins A2008-25 s 24
renum as s 138 R17 LA (see A2008-25 amdt 1.12)

Interstate residents moving to ACT—category C and H licences
s 139
orig s 139
ins A2003-31 s 22
mod SL2003-28 reg 13 (exp 1 July 2004 see SL2003-28 reg 4)
exp 1 July 2004 (s 142)
pres s 139
(prev s 42ZW) ins A2008-25 s 24
renum as s 139 R17 LA (see A2008-25 amdt 1.12)

Temporary recognition of interstate licences for international visitors—shooting or paintball competitions
s 140
orig s 140
ins A2003-31 s 22
mod SL2003-28 reg 14 (exp 1 July 2004 see SL2003-28 reg 4)
exp 1 July 2004 (s 142)
pres s 140
(prev s 42ZX) ins A2008-25 s 24
renum as s 140 R17 LA (see A2008-25 amdt 1.12)
am A2009-19 s 28

Temporary recognition of interstate category D licences—vertebrate pest animal control
s 140A
ins A2010-51 s 4
am A2013-44 amdt 3.69

Permits generally
pt 9 hdg
orig pt 9 hdg
om A2008-25 s 47
pres pt 9 hdg
(prev pt 3B hdg) ins A2008-25 s 25
renum as pt 9 hdg R17 LA (see A2008-25 amdt 1.12)
General power to issue permits
s 141 hdg (prev s 43 hdg) sub A1999-29 s 5
s 141 orig s 141
ins A2003-31 s 22
exp 1 July 2004 (s 142)
pres s 141
(prev s 43) ins A2008-25 s 25
renum as s 141 R17 LA (see A2008-25 amdt 1.12)

Permits to acquire firearms
pt 10 hdg orig pt 10 hdg
renum as pt 16 hdg
pres pt 10 hdg
(prev pt 3C hdg) ins A2008-25 s 25
renum as pt 10 hdg R17 LA (see A2008-25 amdt 1.12)

Meaning of acquirer and foreign acquirer—pt 10
s 142 orig s 142
ins A2003-31 s 22
exp 1 July 2004 (s 142)
pres s 142
(prev s 45) sub A2008-25 s 25
renum as s 142 R17 LA (see A2008-25 amdt 1.12)

Permits to acquire—applications
s 143 (prev s 45A) ins A1999-29 s 6
sub A2008-25 s 25
renum as s 143 R17 LA (see A2008-25 amdt 1.12)

Permits to acquire—decision
s 144 (prev s 45B) ins A2008-25 s 25
renum as s 144 R17 LA (see A2008-25 amdt 1.12)

Permits to acquire—refusal to issue generally
s 145 (prev s 46) am A2001-90 amdt 1.75, amdt 1.76; ss renum R4 LA (A2001-90 amdt 1.77); A2006-23 amdt 1.201
sub A2008-25 s 25
renum as s 145 R17 LA (see A2008-25 amdt 1.12)

Permits to acquire—refusal to issue to temporary international firearms licensees
s 146 (prev s 46A) ins A2008-25 s 25
renum as s 146 R17 LA (see A2008-25 amdt 1.12)

When permits to acquire may be issued
s 147 (prev s 46B) ins A2008-25 s 25
renum as s 147 R17 LA (see A2008-25 amdt 1.12)
Permits to acquire—period in force
s 148 (prev s 47) am A2001-44 amdts 1.1660-1.1662
sub A2008-25 s 25
renum as s 148 R17 LA (see A2008-25 amdt 1.12)

Permits to acquire—replacements
s 149 (prev s 48) am A2003-31 s 16, s 17
sub A2008-25 s 25
renum as s 149 R17 LA (see A2008-25 amdt 1.12)

Offence—notice of lost, stolen and destroyed permits to acquire
s 150 (prev s 48A) ins A2008-25 s 25
renum as s 150 R17 LA (see A2008-25 amdt 1.12)

Permits to acquire—automatic suspension and cancellation
s 151 (prev s 48B) ins A2008-25 s 25
renum as s 151 R17 LA (see A2008-25 amdt 1.12)

Permits to acquire—cancellation by registrar
s 152 (prev s 48C) ins A2008-25 s 25
renum as s 152 R17 LA (see A2008-25 amdt 1.12)

Offence—failing to give up suspended or cancelled permit to acquire
s 153 (prev s 49) am A2003-31 amdt 1.12
sub A2008-25 s 25
renum as s 153 R17 LA (see A2008-25 amdt 1.12)

Regulations about permits to acquire
s 154 (prev s 49A) ins A1999-29 s 7
sub A2008-25 s 25
renum as s 154 R17 LA (see A2008-25 amdt 1.12)

Registration of firearms and firearm users
pt 11 hdg orig pt 11 hdg renum as pt 17 hdg
pres pt 11 hdg (prev pt 4 hdg) sub A2008-25 s 26
renum as pt 11 hdg R17 LA (see A2008-25 amdt 1.12)

Interpretation
div 11.1 hdg (prev pt 4 div 1 hdg) renum as div 4.1 hdg R3 LA (see also A2001-90 amdt 1.78)
sub A2008-25 s 26
renum as div 11.1 hdg R17 LA (see A2008-25 amdt 1.12)

Meaning of owner and user particulars—pt 11
s 155 (prev s 49B) ins A2008-25 s 26
renum as s 155 R17 LA (see A2008-25 amdt 1.12)
Register of firearms
div 11.2 hdg  (prev pt 4 div 2 hdg) renum as div 4.2 hdg R3 LA (see also A2001-90 amdts 1.78)
sub A2008-25 s 26
renum as div 11.2 hdg R17 LA (see A2008-25 amdts 1.12)

Register of firearms
s 156  (prev s 50) sub A2008-25 s 26
renum as s 156 R17 LA (see A2008-25 amdts 1.12)

Contents of register
s 157  (prev s 50A) ins A2008-25 s 26
renum as s 157 R17 LA (see A2008-25 amdts 1.12)

Register not available to public
s 158  (prev s 50B) ins A2008-25 s 26
renum as s 158 R17 LA (see A2008-25 amdts 1.12)

Two-yearly reviews
s 159  (prev s 50C) ins A2008-25 s 26
renum as s 159 R17 LA (see A2008-25 amdts 1.12)
am A2011-22 amdts 1.206

Registration of firearms
div 11.3 hdg  (prev pt 4 div 3 hdg) renum as div 4.3 hdg R3 LA (see also A2001-90 amdts 1.78)
sub A2008-25 s 26
renum as div 11.3 hdg R17 LA (see A2008-25 amdts 1.12)

Firearm registration—application
s 160  (prev s 51) am A2001-44 amdts 1.1663-1.1665; ss renum R3 LA (see A2001-44 amdts 1.1666)
sub A2008-25 s 26
renum as s 160 R17 LA (see A2008-25 amdts 1.12)

Firearm registration—request for further information etc
s 161  (prev s 51A) ins A2008-25 s 26
renum as s 161 R17 LA (see A2008-25 amdts 1.12)

Firearm registration—decision
s 162  (prev s 51B) ins A2008-25 s 26
renum as s 162 R17 LA (see A2008-25 amdts 1.12)

Firearm registration—refusal
s 163  (prev s 51C) ins A2008-25 s 26
renum as s 163 R17 LA (see A2008-25 amdts 1.12)

Firearm registration notice
s 164  (prev s 51D) ins A2008-25 s 26
renum as s 164 R17 LA (see A2008-25 amdts 1.12)
Endnotes

4 Amendment history

**End of firearm registration**

s 165  (prev s 51E) ins A2008-25 s 26
renum as s 165 R17 LA (see A2008-25 amdt 1.12)

**Cancellation of firearm registration**

s 166  (prev s 52) am A2001-44 amdt 1.1667, amdt 1.1668;
A2004-15 amdt 2.75
sub A2008-25 s 26
renum as s 166 R17 LA (see A2008-25 amdt 1.12)

**Police may seize firearms if firearm registration cancelled**

s 167  (prev s 52A) ins A2008-25 s 26
renum as s 167 R17 LA (see A2008-25 amdt 1.12)

**Registration of firearms users**

div 11.4 hdg  (prev div 4.4 hdg) ins A2008-25 s 26
renum as div 11.4 hdg R17 LA (see A2008-25 amdt 1.12)

**User registration—application**

s 168  (prev s 52B) ins A2008-25 s 26
renum as s 168 R17 LA (see A2008-25 amdt 1.12)

**User registration—request for further information etc**

s 169  (prev s 52BA) ins A2008-25 s 26
renum as s 169 R17 LA (see A2008-25 amdt 1.12)

**User registration—decision**

s 170  (prev s 52BB) ins A2008-25 s 26
renum as s 170 R17 LA (see A2008-25 amdt 1.12)

**User registration—refusal**

s 171  (prev s 52C) ins A2008-25 s 26
renum as s 171 R17 LA (see A2008-25 amdt 1.12)

**Effect of registration as user**

s 172  (prev s 52D) ins A2008-25 s 26
renum as s 172 R17 LA (see A2008-25 amdt 1.12)

**User registration—period in force**

s 173  (prev s 52E) ins A2008-25 s 26
renum as s 173 R17 LA (see A2008-25 amdt 1.12)

**Automatic cancellation of user registration**

s 174  (prev s 52F) ins A2008-25 s 26
renum as s 174 R17 LA (see A2008-25 amdt 1.12)
am A2014-18 amdt 3.36

**Automatic cancellation of user registration—certain registered users**

s 175  (prev s 52G) ins A2008-25 s 26
renum as s 175 R17 LA (see A2008-25 amdt 1.12)
Offences—registration

div 11.5 hdg (prev div 4.5 hdg) ins A2008-25 s 26
renum as div 11.5 hdg R17 LA (see A2008-25 amdt 1.12)

Offence—failing to notify event causing cancellation of user registration
s 176 (prev s 52H) ins A2008-25 s 26
renum as s 176 R17 LA (see A2008-25 amdt 1.12)

Offence—unregistered firearms
s 177 (prev s 53) sub A2008-25 s 26
ss renum R17 LA
renum as s 177 R17 LA (see A2008-25 amdt 1.12)

Offence—requirements relating to registered firearms
s 178 (prev s 54) sub A2008-25 s 26
renum as s 178 R17 LA (see A2008-25 amdt 1.12)
am A2014-18 amdt 3.36

Offence—possessing firearm under another licence
s 179 (prev s 55) sub A2008-25 s 26
renum as s 179 R17 LA (see A2008-25 amdt 1.12)

Safe storage of firearms
pt 12 hdg orig pt 12 hdg
sub A2003-31 s 22
om R12 LA s 89
pres pt 12 hdg (prev pt 5 hdg) sub A2008-25 s 27
renum as pt 12 hdg R17 LA (see A2008-25 amdt 1.12)

Offence—failing to comply with storage requirements
s 180 (prev s 62) sub A2008-25 s 28
renum as s 180 R17 LA (see A2008-25 amdt 1.12)

Offence—storage requirements for category A, category B and paintball marker licences
s 181 hdg (prev s 63 hdg) sub A2008-25 s 29
s 181 (prev s 63) am A2008-25 s 29, s 30
renum as s 181 R17 LA (see A2008-25 amdt 1.12)
am A2013-44 amdt 3.77

Offence—storage requirements for category C, D and H licences
s 182 hdg (prev s 64 hdg) sub A2008-25 s 31
s 182 (prev s 64) am A2008-25 s 31, s 32
renum as s 182 R17 LA (see A2008-25 amdt 1.12)
am A2013-44 amdt 3.77

Seizure of firearms if storage requirements not met
s 183 (prev s 65) renum as s 183 R17 LA (see A2008-25 amdt 1.12)
am A2013-44 amdt 3.77
Endnotes

4 Amendment history

Firearms dealers
pt 13 hdg (prev pt 6 hdg) sub A2008-25 s 33
renum as pt 13 hdg R17 LA (see A2008-25 amdtd 1.12)

Interpretation
div 13.1 hdg (prev div 6.1 hdg) ins A2008-25 s 33
renum as div 13.1 hdg R17 LA (see A2008-25 amdtd 1.12)

Meaning of prohibited person—pt 13
s 184 (prev s 65A) ins A2008-25 s 33
renum as s 184 R17 LA (see A2008-25 amdtd 1.12)

Licences and licensed firearms dealers
div 13.2 hdg (prev div 6.2 hdg) ins A2008-25 s 33
renum as div 13.2 hdg R17 LA (see A2008-25 amdtd 1.12)

Offence—firearms dealers to be licensed
s 185 (prev s 66) sub A2008-25 s 34
renum as s 185 R17 LA (see A2008-25 amdtd 1.12)

Information about close associates of certain firearms dealers
s 186 (prev s 66A) ins A2008-25 s 34
renum as s 186 R17 LA (see A2008-25 amdtd 1.12)

Meaning of prohibited person for licensed firearms dealers
s 187 (prev s 66B) ins A2008-25 s 34
renum as s 187 R17 LA (see A2008-25 amdtd 1.12)

Registrar’s statement whether person prohibited—application
s 188 (prev s 66C) ins A2008-25 s 34
renum as s 188 R17 LA (see A2008-25 amdtd 1.12)

Registrar’s statement whether person prohibited
s 189 (prev s 66D) ins A2008-25 s 34
renum as s 189 R17 LA (see A2008-25 amdtd 1.12)

Offence—prohibited person not to be involved in firearms dealing business
s 190 (prev s 66E) ins A2008-25 s 34
renum as s 190 R17 LA (see A2008-25 amdtd 1.12)

Offence—restrictions on acquisition and disposal of firearms by firearms dealers
s 191 (prev s 67) sub A2008-25 s 34
renum as s 191 R17 LA (see A2008-25 amdtd 1.12)

Licensed firearms dealers—records and returns
div 13.3 hdg (prev div 6.3 hdg) ins A2008-25 s 33
renum as div 13.3 hdg R17 LA (see A2008-25 amdtd 1.12)
Definitions—div 13.3
s 192 (prev s 67A) ins A2008-25 s 34
  renum as s 192 R17 LA (see A2008-25 amdt 1.12)
  def acquire ins A2008-25 s 34
  def dispose ins A2008-25 s 34

Offence—records generally
s 193 (prev s 68) sub A2008-25 s 34
  renum as s 193 R17 LA (see A2008-25 amdt 1.12)

Acquisition and disposal—records
s 194 (prev s 68AA) ins A2008-25 s 34
  renum as s 194 R17 LA (see A2008-25 amdt 1.12)

Correction of recorded entries
s 195 (prev s 68A) ins A2008-25 s 34
  renum as s 195 R17 LA (see A2008-25 amdt 1.12)

Offence—inspection of records
s 196 (prev s 68B) ins A2008-25 s 34
  renum as s 196 R17 LA (see A2008-25 amdt 1.12)

Offence—records of former firearms dealers
s 197 (prev s 68C) ins A2008-25 s 34
  renum as s 197 R17 LA (see A2008-25 amdt 1.12)
  am A2014-18 amdt 3.36

Offence—monthly returns
s 198 (prev s 69) am A2001-44 amdt 1.1671, amdt 1.1672
  sub A2008-25 s 34
  renum as s 198 R17 LA (see A2008-25 amdt 1.12)
  am A2014-18 amdt 3.36

Additional requirements for firearms dealers
s 199 hdg (prev s 70 hdg) sub A2008-25 s 35
  (prev s 70) am A2001-44 amdt 1.1673, amdt 1.1674;
  A2008-25 s 36; ss renum R17 LA
  renum as s 199 R17 LA (see A2008-25 amdt 1.12)
  am A2013-44 amdt 3.77; A2014-18 amdt 3.34

Security of displayed firearms
s 200 orig s 200
  renum as s 400
  pres s 200 (prev s 71) am A2008-25 s 37
  renum as s 200 R17 LA (see A2008-25 amdt 1.12)
  am A2013-44 amdt 3.77
Endnotes

Amendment history

Interstate transactions between dealers
s 201 orig s 201
renum as s 401
pres s 201
(prev s 72) renum as s 201 R17 LA (see A2008-25 amdt 1.12)

Enforcement
pt 14 hdg (prev pt 7 hdg) sub A2008-25 s 38
renum as pt 14 hdg R17 LA (see A2008-25 amdt 1.12)

Interpretation
div 14.1 hdg (prev div 7.1 hdg) ins A2008-25 s 38
renum as div 14.1 hdg R17 LA (see A2008-25 amdt 1.12)

Meaning of offence—pt 14
s 202 orig s 202
renum as s 402
pres s 202
(prev s 73) sub A2008-25 s 38
renum as s 202 R17 LA (see A2008-25 amdt 1.12)

Interpretation
div 14.2 hdg (prev div 7.2 hdg) ins A2008-25 s 38
renum as div 14.2 hdg R17 LA (see A2008-25 amdt 1.12)

Power to enter premises
s 203 orig s 203
renum as s 403
pres s 203
(prev s 74) am A2001-44 amdts 1.1675-1.1677
sub A2008-25 s 38
renum as s 203 R17 LA (see A2008-25 amdt 1.12)

Production of evidence of identity
s 204 orig s 204
renum as s 404
pres s 204
(prev s 74A) ins A2008-25 s 38
renum as s 204 R17 LA (see A2008-25 amdt 1.12)

Consent to entry
s 205 orig s 205
renum as s 405
pres s 205
(prev s 75) am A2003-14 amdt 1.57
sub A2008-25 s 38
renum as s 205 R17 LA (see A2008-25 amdt 1.12)
General powers on entry to premises
s 206  orig s 206
renum as s 406
pres s 206  
(prev s 75A) ins A2008-25 s 38
renum as s 206 R17 LA (see A2008-25 amdt 1.12)

Powers on entry—condition
s 207  orig s 207
renum as s 407
pres s 207  
(prev s 75B) ins A2008-25 s 38
renum as s 207 R17 LA (see A2008-25 amdt 1.12)

Offences—noncompliance with directions and requirements
s 208  orig s 208
renum as s 408
pres s 208  
(prev s 75C) ins A2008-25 s 38
renum as s 208 R17 LA (see A2008-25 amdt 1.12)

Power to seize things
s 209  orig s 209
renum as s 409
pres s 209  
(prev s 75D) ins A2008-25 s 38
renum as s 209 R17 LA (see A2008-25 amdt 1.12)

Receipt for things seized
s 210  orig s 210
renum as s 410
pres s 210  
(prev s 75DA) ins A2008-25 s 38
renum as s 210 R17 LA (see A2008-25 amdt 1.12)

Search warrants
div 14.3 hdg  
(prev div 7.3 hdg) ins A2008-25 s 38
renum as div 14.3 hdg R17 LA (see A2008-25 amdt 1.12)

Warrants generally
s 211  orig s 211
renum as s 411
pres s 211  
(prev s 76) sub A2008-25 s 38
renum as s 211 R17 LA (see A2008-25 amdt 1.12)
Warrants—application made other than in person
s 212

Search warrants—announcement before entry
s 213

Transitional meaning of parental responsibility
s 213A

Details of search warrant to be given to occupier etc
s 214

Occupier entitled to be present during search etc
s 215

Things seized
div 14.4 hdg

Access to things seized
s 216

Return or forfeiture of things seized
s 217

Enforcement—miscellaneous
div 14.5 hdg
### Damage etc to be minimised

s 218  
(prev s 78) sub [A2008-25] s 38  
renum as s 218 R17 LA (see [A2008-25] amdt 1.12)

### Compensation for exercise of enforcement powers

s 219  
(prev s 78A) ins [A2008-25] s 38  
renum as s 219 R17 LA (see [A2008-25] amdt 1.12)

### Offences

pt 15 hdg  
(prev pt 8 hdg) sub [A2008-25] s 39  
renum as pt 15 hdg R17 LA (see [A2008-25] amdt 1.12)

### Offences—trafficking firearms

s 220  
(prev s 79) ins [A2008-25] s 39  
renum as s 220 R17 LA (see [A2008-25] amdt 1.12)  
(7), (8) exp 15 January 2010 (s 220 (8))

### Discharge etc of firearm—public places etc

s 221  
(prev s 80) renum as s 221 R17 LA (see [A2008-25] amdt 1.12)  
am [A2013-44] amdt 3.77

### Discharge of firearm—general

s 222  
(prev s 81) am [A2003-31] amdt 1.14  
renum as s 222 R17 LA (see [A2008-25] amdt 1.12)  
am [A2013-44] amdt 3.77

### Carriage or use of firearm—improper manner

s 223 hdg  
(prev s 82 hdg) sub [A1998-67] s 18

s 223  
(prev s 82) am [A1998-67] s 18  
renum as s 223 R17 LA (see [A2008-25] amdt 1.12)  
am [A2013-44] amdt 3.77

### Offences—operation of shooting ranges

s 224  
(prev s 82A) ins [A2008-25] s 40  
renum as s 224 R17 LA (see [A2008-25] amdt 1.12)  
am [A2011-28] amdt 3.121

### Offences—operation of paintball ranges

s 225  
(prev s 82B) ins [A2008-25] s 40  
renum as s 225 R17 LA (see [A2008-25] amdt 1.12)

### Offence—unlawful disposal of firearms

s 226  
(prev s 83) sub [A2008-25] s 40  
renum as s 226 R17 LA (see [A2008-25] amdt 1.12)

### Offence—unlawful acquisition of firearms

s 227  
(prev s 84) sub [A2008-25] s 40  
renum as s 227 R17 LA (see [A2008-25] amdt 1.12)
Offence—unauthorised manufacture of firearms
s 228 (prev s 84A) ins A2003-31 s 18
sub A2008-25 s 40
renum as s 228 R17 LA (see A2008-25 amdt 1.12)

Use of mail for sending firearms
s 229 (prev s 85) renum as s 229 R17 LA (see A2008-25 amdt 1.12)
am A2013-44 amdt 3.77

Use of mail for sending firearms outside ACT
s 230 (prev s 86) renum as s 230 R17 LA (see A2008-25 amdt 1.12)
am A2013-44 amdt 3.77

Advertising sale of firearms
s 231 (prev s 87) renum as s 231 R17 LA (see A2008-25 amdt 1.12)
am A2013-44 amdt 3.77

Means of delivering possession of firearms
s 232 (prev s 88) renum as s 232 R17 LA (see A2008-25 amdt 1.12)
am A2013-44 amdt 3.77

Transport of firearms and ammunition
s 233 (prev s 89) renum as s 233 R17 LA (see A2008-25 amdt 1.12)
am A2013-44 amdt 3.77

Transporting prohibited firearms or pistols
s 234 (prev s 90) renum as s 234 R17 LA (see A2008-25 amdt 1.12)
am A2013-44 amdt 3.77

Possession of spare barrels for firearms
s 235 (prev s 91) renum as s 235 R17 LA (see A2008-25 amdt 1.12)
am A2013-44 amdt 3.77

On-the-spot inspection of firearms by police
s 236 (prev s 92) renum as s 236 R17 LA (see A2008-25 amdt 1.12)
am A2013-44 amdt 3.77

Offence—disposal of firearms by unauthorised holders generally
s 237 (prev s 93) sub A2008-25 s 41
renum as s 237 R17 LA (see A2008-25 amdt 1.12)
am A2019-23 ss 42-44

Offence—disposal of inherited firearms
s 238 (prev s 93A) ins A2008-25 s 41
renum as s 238 R17 LA (see A2008-25 amdt 1.12)
am A2008-36 amdt 1.268; A2019-23 s 45, s 46

Unsafe firearms
s 239 (prev s 94) renum as s 239 R17 LA (see A2008-25 amdt 1.12)
am A2013-44 amdt 3.70
<table>
<thead>
<tr>
<th>Section</th>
<th>Old Section</th>
<th>Amendment History</th>
</tr>
</thead>
<tbody>
<tr>
<td>240</td>
<td>240 R17 LA</td>
<td>A2008-25 amdt 1.12, amdt 3.71, amdt 3.77</td>
</tr>
<tr>
<td>241</td>
<td>241 R17 LA</td>
<td>A2008-25 amdt 1.12, amdt 3.77</td>
</tr>
<tr>
<td>242</td>
<td>242 R17 LA</td>
<td>A2008-25 amdt 1.12, amdt 3.77, A2017-9 s 9, s 10</td>
</tr>
<tr>
<td>243</td>
<td>243 R17 LA</td>
<td>A2003-31 amdt 1.15, A2008-25 s 43</td>
</tr>
<tr>
<td>244</td>
<td>244 R17 LA</td>
<td>A2008-25 amdt 1.12</td>
</tr>
<tr>
<td>245</td>
<td>245 R17 LA</td>
<td>A2008-25 amdt 1.12</td>
</tr>
<tr>
<td>246</td>
<td>246 R17 LA</td>
<td>A2008-25 amdt 1.12</td>
</tr>
<tr>
<td>247</td>
<td>247 R17 LA</td>
<td>A2008-25 amdt 1.12</td>
</tr>
<tr>
<td>248</td>
<td>248 R3 LA</td>
<td>A2001-44 amdt 1.1680, amdt 1.1681; ss renum R3 LA (see A2001-44 amdt 1.1682)</td>
</tr>
<tr>
<td>249</td>
<td>249 R17 LA</td>
<td>A2008-25 amdt 1.12</td>
</tr>
<tr>
<td>250</td>
<td>250 R17 LA</td>
<td>A2008-25 amdt 1.12</td>
</tr>
</tbody>
</table>

Amendment history: 4

Endnotes
Endnotes

4 Amendment history

Approval of modifications
s 251 (prev s 101) renum as s 251 R17 LA (see A2008-25 amdt 1.12)
     am A2013-44 amdt 3.77

Offences—defacing, altering and removing identification marks
s 252 (prev s 102) sub A2008-25 s 44
     renum as s 252 R17 LA (see A2008-25 amdt 1.12)

Pawning of firearms
s 253 (prev s 103) renum as s 253 R17 LA (see A2008-25 amdt 1.12)
     am A2013-44 amdt 3.77

Production of licence or permit on demand
s 254 (prev s 104) renum as s 254 R17 LA (see A2008-25 amdt 1.12)
     am A2009-49 amdt 3.69; A2013-44 amdt 3.77

Requirement to notify change of address
s 255 (prev s 106) renum as s 255 R17 LA (see A2008-25 amdt 1.12)
     am A2013-44 amdt 3.77

Misuse of licences and permits
s 256 (prev s 108) am A2004-15 amdt 2.76, amdt 2.77; pars renum
     R11 LA (see A2004-15 amdt 2.78)
     renum as s 256 R17 LA (see A2008-25 amdt 1.12)
     am A2013-44 amdt 3.77

Offence—lost, stolen or destroyed firearms
s 257 (prev s 110) sub A2008-25 s 46
     renum as s 257 R17 LA (see A2008-25 amdt 1.12)

Notification and review of decisions
pt 16 hdg (prev pt 10 hdg) renum as pt 16 hdg R17 LA (see A2008-25 amdt 1.12)
     sub A2008-36 amdt 1.269

Meaning of reviewable decision—pt 16
s 258 (prev s 113) am A2003-31 amdts 1.16-1.18; pars renum R7 LA
     (see A2003-31 amdt 1.19
     sub A2008-25 s 48
     renum as s 258 R17 LA (see A2008-25 amdt 1.12)
     sub A2008-36 amdt 1.269

Review of decisions
s 259 (prev s 113A) ins A2008-25 s 48
     renum as s 259 R17 LA (see A2008-25 amdt 1.12)
     om A2008-36 amdt 1.269

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Reviewable decision notices
s 260  (prev s 114) am A2003-31 amdt 1.20
sub A2008-25 s 48
renum as s 260 R17 LA (see A2008-25 amdt 1.12)
sub A2008-36 amdt 1.269

Applications for review
s 260A  (prev s 114A) renum as s 260A R17 LA
ins A2008-36 amdt 1.269

Miscellaneous provisions
pt 17 hdg  (prev pt 11 hdg) renum as pt 17 hdg R17 LA (see A2008-25 amdt 1.12)

Disclosure by health professionals of certain information
s 261  (prev s 115) sub A2003-31 s 19
am A2006-46 amdt 2.19
renum as s 261 R17 LA (see A2008-25 amdt 1.12)

Disposal of surrendered or seized firearms
s 262  (prev s 116) sub A2008-25 s 49
renum as s 262 R17 LA (see A2008-25 amdt 1.12)
am A2017-9 s 11

Disposal of uncollected firearms
s 263  (prev s 117) renum as s 263 R17 LA (see A2008-25 amdt 1.12)

Amnesty concerning firearm frames and receivers
s 263A  ins A2013-50 s 27
exp 6 January 2015 (s 263A (5))

Certificates of safety
s 264  (prev s 118) renum as s 264 R17 LA (see A2008-25 amdt 1.12)
am A2013-44 amdt 3.77

Acts and omissions of representatives
s 265  (prev s 119) sub A2004-15 amdt 1.17
renum as s 265 R17 LA (see A2008-25 amdt 1.12)

Third-party interests—complaints to registrar
s 266  (prev s 120) renum as s 266 R17 LA (see A2008-25 amdt 1.12)
am A2013-44 amdt 3.77; A2016-18 amdt 2.4

Investigations
s 267  (prev s 121) renum as s 267 R17 LA (see A2008-25 amdt 1.12)
am A2013-44 amdt 3.77

Endnotes
Endnotes

4 Amendment history

Offences by corporations
s 268 (prev s 122) am A2001-44 amdt 1.1687, amdt 1.1688;
 A2008-25 s 50
renum as s 268 R17 LA (see A2008-25 amdt 1.12)

Evidentiary certificates
s 269 (prev s 124) am A2004-15 amdt 2.80
sub A2008-25 s 51
renum as s 269 R17 LA (see A2008-25 amdt 1.12)
am A2018-1 s 16

Determination of fees
s 270 (prev s 125) sub A2001-44 amdt 1.1691; A2008-25 amdt 1.10
renum as s 270 R17 LA (see A2008-25 amdt 1.12)

Approved forms
s 271 (prev s 125A) ins A2001-44 amdt 1.1691
sub A2008-25 amdt 1.10
renum as s 271 R17 LA (see A2008-25 amdt 1.12)

Regulation-making power
s 272 hdg (prev s 126 hdg) sub A2001-44 amdt 1.1692
s 272 (prev s 126) am A2001-44 amdts 1.1693-1.1697, amdt 1.1699;
pars renum R3 LA (see A2001-44 amdt 1.1698); pars renum
R4 LA; A2003-31 s 20, s 21; A2004-7 amdt 1.3; A2008-25
ss 52-56; ss and pars renum R17 LA
renum as s 272 R17 LA (see A2008-25 amdt 1.12)
am A2013-12 s 38

Licensing of entities to operate approved shooting ranges
s 273 (prev s 128) sub A2008-25 s 57
renum as s 273 R17 LA (see A2008-25 amdt 1.12)
am A2014-18 amdt 3.35

Licensing of entities to operate approved paintball ranges
s 274 (prev s 129) sub A2003-31 s 22
mod SL2003-28 reg 6 (as am SL2004-3 reg 4) (exp 1 July
2004 see SL2003-28 reg 4)
exp 1 July 2004 (s 142)
ins A2008-25 s 57
renum as s 274 R17 LA (see A2008-25 amdt 1.12)
am A2014-18 amdt 3.35

Authorised possession or use of prohibited firearms with pistol grips for
sport or target shooting
s 275 ins A2009-44 amdt 1.26

Transitional
pt 20 hdg renum as pt 25 hdg

page 304 Firearms Act 1996 R56
Effective: 15/08/19 15/08/19

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## Transitional

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>pt 25 hdg</td>
<td>(prev pt 20 hdg) ins A2008-25 s 58, renum as pt 25 hdg R17 LA (see A2008-25 amdt 1.12), exp 15 January 2010 (s 416 (2))</td>
</tr>
</tbody>
</table>

## Definitions—pt 25

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>s 400</td>
<td>(prev s 200) ins A2008-25 s 58, renum as s 400 R17 LA (see A2008-25 amdt 1.12), exp 15 January 2010 (s 416 (2))&lt;br&gt;def commencement day ins A2008-25 s 58, def pre-commencement Act ins A2008-25 s 58</td>
</tr>
</tbody>
</table>

## Pre-commencement Act partnerships

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>s 401</td>
<td>(prev s 201) ins A2008-25 s 58, renum as s 401 R17 LA (see A2008-25 amdt 1.12), exp 15 January 2010 (s 416 (2))</td>
</tr>
</tbody>
</table>

## Pre-commencement Act—fit and proper

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>s 402</td>
<td>(prev s 202) ins A2008-25 s 58, renum as s 402 R17 LA (see A2008-25 amdt 1.12), exp 15 January 2010 (s 416 (2))</td>
</tr>
</tbody>
</table>

## Pre-commencement Act applications for licences

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>s 403</td>
<td>(prev s 203) ins A2008-25 s 58, renum as s 403 R17 LA (see A2008-25 amdt 1.12), exp 15 January 2010 (s 416 (2))</td>
</tr>
</tbody>
</table>

## Pre-commencement Act applications for permits

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>s 404</td>
<td>(prev s 204) ins A2008-25 s 58, renum as s 404 R17 LA (see A2008-25 amdt 1.12), exp 15 January 2010 (s 416 (2))</td>
</tr>
</tbody>
</table>

## Pre-commencement Act licences

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>s 405</td>
<td>(prev s 205) ins A2008-25 s 58, renum as s 405 R17 LA (see A2008-25 amdt 1.12), exp 15 January 2010 (s 416 (2))</td>
</tr>
</tbody>
</table>

## Pre-commencement Act minor’s firearms permits

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>s 406</td>
<td>(prev s 206) ins A2008-25 s 58, renum as s 406 R17 LA (see A2008-25 amdt 1.12), exp 15 January 2010 (s 416 (2))</td>
</tr>
</tbody>
</table>

## Pre-commencement Act internationally protected people temporary licences

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>s 407</td>
<td>(prev s 207) ins A2008-25 s 58, renum as s 407 R17 LA (see A2008-25 amdt 1.12), exp 15 January 2010 (s 416 (2))</td>
</tr>
</tbody>
</table>

## Pre-commencement Act international visitors temporary permits

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>s 408</td>
<td>(prev s 208) ins A2008-25 s 58, renum as s 408 R17 LA (see A2008-25 amdt 1.12), exp 15 January 2010 (s 416 (2))</td>
</tr>
</tbody>
</table>
Amendment history

Pre-commencement Act—suspensions
s 409 (prev s 209) ins A2008-25 s 58
renum as s 409 R17 LA (see A2008-25 amdt 1.12)
exp 15 January 2010 (s 416 (2))

Pre-commencement Act—applications for registration of firearms
s 410 (prev s 210) ins A2008-25 s 58
renum as s 410 R17 LA (see A2008-25 amdt 1.12)
exp 15 January 2010 (s 416 (2))

Pre-commencement Act—register
s 411 (prev s 211) ins A2008-25 s 58
renum as s 411 R17 LA (see A2008-25 amdt 1.12)
exp 15 January 2010 (s 416 (2))

Pre-commencement Act—endorsement of licences
s 412 (prev s 212) ins A2008-25 s 58
renum as s 412 R17 LA (see A2008-25 amdt 1.12)
exp 15 January 2010 (s 416 (2))

Pre-commencement Act certificates
s 413 (prev s 213) ins A2008-25 s 58
renum as s 413 R17 LA (see A2008-25 amdt 1.12)
exp 15 January 2010 (s 416 (2))

Transitional meaning of parental responsibility
s 414 (prev s 213A) ins A2008-25 s 58
renum as s 414 R17 LA (see A2008-25 amdt 1.12)
exp 15 January 2009 (s 416 (1) but see A2008-19, s 2 and CN2008-13)

Transitional regulations
s 415 (prev s 214) ins A2008-25 s 58
renum as s 415 R17 LA (see A2008-25 amdt 1.12)
exp 15 January 2010 (s 416 (2))

Expiry—pt 25
s 416 (prev s 215) ins A2008-25 s 58
renum as s 416 R17 LA (see A2008-25 amdt 1.12)
exp 15 January 2010 (s 416 (2))

Authorised possession or use of prohibited firearms with pistol grips for sport or target shooting
s 416A ins as mod SL2008-55 s 81
mod lapsed 25 November 2009 (SL2008-55 s 81 om by A2009-44 amdt 1.27)
Prohibited firearms
sch 1 hdg am A2008-25 amdt 1.11
sch 1 am A2008-25 ss 59-67; items renum R17 LA; SL2010-19 s 4;
SL2013-29 s 4; items renum R35 LA; A2016-48 s 36;
A2018-1 s 17

Exemptions from Act
sch 2 note ins A2003-31 amdt 1.21
sch 2 am A2003-31 s 23
sub A2008-25 s 68
am A2009-19 s 29; items renum R21 LA

Amounts of compensation
sch 2A ins A1997-12 s 5
om A1999-29 sch

Licence categories and authority conferred
sch 3 om A1999-29 sch
ins A2008-25 s 68
am A2017-9 s 12; A2017-16 ss 4-10

Reviewable decisions
sch 4 ins A2008-25 s 68
sub A2008-36 amdt 1.270
item 43, item 44 exp 15 January 2010 (s 416 (2))
am A2010-51 s 5; items renum R28 LA

Dictionary
dict ins A2008-25 s 69
am A2008-36 amdt 1.271, amdt 1.272; A2009-20 amdt 3.77;
A2009-49 amdt 3.70; A2010-40 amdt 1.24; A2011-22
amdt 1.207; A2011-52 amdt 3.98; A2013-44 amdt 3.73,
amdt 3.74; A2015-33 amdt 1.86; A2017-4 amdt 3.64;
A2018-32 amdt 3.11
def acquire ins A2008-25 s 69
def acquirer ins A2008-25 s 69
def active sub A2003-31 s 4
reloc from s 4 A2008-25 s 6
def adult firearms licence ins A2008-25 s 69
def airgun ins A2008-25 s 69
def ammunition ins A2008-25 s 69
def approved ins A2003-31 amdt 1.1
reloc from s 4 A2008-25 s 6
def approved club sub A2003-31 amdt 1.1
reloc from s 4 A2008-25 s 6
def approved firearms event ins A2008-25 s 69
def approved firearms training course ins A2008-25 s 69
def approved paintball competition ins A2008-25 s 69
def approved paintball range ins A2008-25 s 69
Endnotes

4 Amendment history

def approved reason ins A2008-25 s 69
def approved shooting competition ins A2008-25 s 69
def approved shooting range ins A2008-25 s 69
def authorised club member ins A2008-25 s 69
def authorised instructor ins A2008-25 s 69
def authorised period ins A2008-25 s 69
def barrel length ins A2003-31 s 5
  reloc from s 4 A2008-25 s 6

def blank fire firearm reloc from s 4 A2008-25 s 6
  sub A2011-3 amdt 3.209

def buy ins A2008-25 s 69
def category ins A2008-25 s 69
def category A firearm ins A2008-25 s 69
def category B firearm ins A2008-25 s 69
def category C firearm ins A2008-25 s 69
def category D firearm ins A2008-25 s 69
def category H firearm ins A2008-25 s 69
def close associate ins A2008-25 s 69
def composite entity ins A2008-25 s 69
def composite entity firearms licence ins A2008-25 s 69
def connected ins A2008-25 s 69
def corrections officer ins A2008-25 s 69
def corresponding ins A2008-25 s 69
def corresponding law ins A2008-25 s 69
def corresponding order sub A2001-90 amdt 1.64
  reloc from s 4 A2008-25 s 6
  om A2016-43 amdt 2.18

def dispose ins A2008-25 s 69
def domestic violence offence ins A2008-25 s 69
  am A2008-46 amdt 3.36
  om A2016-43 amdt 2.18

def employed ins A2008-25 s 69
def employee ins A2008-25 s 69
def executive officer ins A2008-25 s 69
def explosive sub A2004-7 amdt 1.2
  reloc from s 4 A2008-25 s 6

def family violence offence ins A2016-43 amdt 2.19

def final protection order ins A2016-43 amdt 2.19

def firearm ins A2008-25 s 69
def firearm part ins A2008-25 s 69
def firearms dealer ins A2008-25 s 69
def firearm part am A2013-50 s 28
def foreign acquirer ins A2008-25 s 69
def foreign firearms licence ins A2008-25 s 69
def genuine reason ins A2008-25 s 69
def genuine reason of international visitor ins A2008-25 s 69
Endnotes

4 Amendment history

def registered firearm ins A2008-25 s 69

def registered owner ins A2008-25 s 69

def registered premises ins A2008-25 s 69

def registered principal ins A2008-25 s 69

def registered user ins A2008-25 s 69

def registrar reloc from s 4 A2008-25 s 6

def responsible person ins A2008-25 s 69

def reviewable decision ins A2008-25 s 69

sub A2008-36 amdtd 1.273

def security organisation ins A2008-25 s 69

am A2013-44 amdtd 3.76

def self ins A2008-25 s 69

def shooting gallery reloc from s 4 A2008-25 s 6

def starting pistol reloc from s 4 A2008-25 s 6

def successfully appealed against reloc to s 19 (2) A2017-4

amdtd 3.65

def suppressor ins A2018-1 s 18

def temporarily store ins A2008-25 s 69

am A2008-36 amdtd 1.274

def temporary international firearms licence ins A2008-25

s 69

def unregulated firearm ins A2008-25 s 69

def use reloc from s 4 A2008-25 s 6
5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (*) in column 1. Electronic and printed versions of an authorised republication are identical.

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<th>Republication No and date</th>
<th>Effective</th>
<th>Last amendment made by</th>
<th>Republication for</th>
</tr>
</thead>
</table>
Endnotes

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</tr>
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Firearms Act 1996
Effective: 15/08/19

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au
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<th>Effective</th>
<th>Last amendment made by</th>
<th>Republication for</th>
</tr>
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<tbody>
<tr>
<td>R38 7 Jan 2015</td>
<td>7 Jan 2015–2 Mar 2015</td>
<td>A2014-18</td>
<td>expiry of provision (s 263A)</td>
</tr>
</tbody>
</table>
## Endnotes

5 Earlier republications

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<th>Republication for</th>
</tr>
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Firearms Act 1996

Effective: 15/08/19

R56 15/08/19

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au
6 Renumbered provisions

This Act was renumbered under the Legislation Act 2001, in R17 (see Firearms Amendment Act 2008 A2008-25, amdt 1.12). Details of renumbered provisions are shown in endnote 4 (Amendment history). For a table showing the renumbered provisions, see R17.

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