



Western Australia

# Firearms Act 2024



# Firearms Act 2024

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## Defined terms





Western Australia

# Firearms Act 2024

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No. 23 of 2024

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**An Act —**

- **to provide for the control and regulation of firearms and related things; and**
- **to repeal the *Firearms Act 1973*; and**
- **to make consequential and related amendments to other Acts.**

[Assented to 27 June 2024]

The Parliament of Western Australia enacts as follows:

## **Part 1 — Preliminary**

### **1. Short title**

This is the *Firearms Act 2024*.

### **2. Commencement**

This Act comes into operation as follows —

- (a) Part 1 — on the day on which this Act receives the Royal Assent (*assent day*);
- (b) Part 16 — on the day after assent day;
- (c) Part 17 Division 3 Subdivision 11 —
  - (i) if the *Criminal Law (Mental Impairment) Act 2023* section 412 comes into operation on or before assent day — when section 11(1)(d) of this Act comes into operation; or
  - (ii) otherwise — when the *Criminal Law (Mental Impairment) Act 2023* section 412 comes into operation;
- (d) the rest of the Act — on a day fixed by proclamation, and different days may be fixed for different provisions.

### **3. Act binds Crown**

This Act binds the Crown in right of Western Australia and, so far as the legislative power of the Parliament permits, the Crown in all its other capacities.

### **4. Principles and objects**

- (1) The principles of this Act are as follows —
  - (a) there is an overriding need to ensure public safety in connection with the possession and use of firearms in the community;

- (b) the possession and use of firearms is a privilege that is always conditional on the overriding need to ensure public safety;
  - (c) public safety can be ensured by strict controls to secure the safe and responsible possession and use of firearms in the community.
- (2) The objects of this Act are as follows —
- (a) to improve public safety by ensuring the safe and responsible possession and use of firearms;
  - (b) to specify the purposes for which a person can be authorised to possess or use a firearm;
  - (c) to minimise the risk of persons becoming victims of crimes that involve the use of firearms;
  - (d) to prevent persons from having access to firearms for criminal purposes;
  - (e) to prevent access to firearms by persons who pose a risk of violence, family violence or intimidating behaviour;
  - (f) to prevent access to firearms by persons who pose a risk of misuse of firearms;
  - (g) to minimise the risk of persons causing harm, including psychological harm, to themselves or others by the misuse of firearms;
  - (h) to reduce the number of firearms unlawfully possessed in the community;
  - (i) to facilitate a nationally consistent approach to the control of firearms.
- (3) Persons performing functions in or in connection with the administration of this Act (including when constituting, or as a member of, a court or tribunal) must have due regard to the principles and objects of this Act.

**5. Terms used**

In this Act —

**acquire** means acquire by sale or gift;

**ammunition** —

- (a) means ammunition for a firearm; and
- (b) includes the following —
  - (i) anything made, modified or intended for use as ammunition for a firearm;
  - (ii) blank ammunition;
  - (iii) any other thing prescribed by the regulations;but
- (c) does not include any of the following —
  - (i) ammunition incapable of being fired, including an inert cartridge, a dummy round, and a drill round that does not contain a primer or propellant;
  - (ii) a prescribed paintball pellet;
  - (iii) any other thing prescribed by the regulations;

**approval** means an approval by the Commissioner under a provision of this Act;

**approved** means approved by the Commissioner;

**approved firearms trainer** means a person who is approved by the Commissioner under section 24 to provide firearms training;

**authorised person**, for a licence, means a person who is an authorised person for the licence as referred to in section 23(2);

**calibre**, of a firearm, means —

- (a) the size of the bore of the firearm; and
- (b) the name of the calibre of the ammunition for which the firearm is chambered;

**category**, of a firearm, has the meaning given in section 8(3);

**Commissioner** means the person holding or acting in the office of Commissioner of Police under the *Police Act 1892*;

**deal in** means to acquire and supply in the course of a business;

**Department** means the department of the Public Service principally assisting in the administration of this Act;

**disqualified person** has the meaning given in section 9(1);

**disqualifying offence** means an offence that is —

- (a) a serious offence as defined in the *Criminal Investigation Act 2006* section 128(1); or
- (b) an offence under the law of another Australian jurisdiction that substantially corresponds to an offence referred to paragraph (a); or
- (c) an offence under this Act that is prescribed by the regulations as a disqualifying offence; or
- (d) an offence under the *Weapons Act 1999* that is prescribed by the regulations as a disqualifying offence; or
- (e) an offence under *The Criminal Code* that is prescribed by the regulations as a disqualifying offence; or
- (f) an offence under the *Misuse of Drugs Act 1981* that is prescribed by the regulations as a disqualifying offence;

**disqualifying order** means an order that is —

- (a) a violence restraining order, family violence restraining order or conduct agreement order made under the *Restraining Orders Act 1997*; or
- (b) an order (however described) made under a corresponding law (as defined in the *Restraining Orders Act 1997* section 3(1)) having an effect that is the same as or similar to the effect of an order referred to in paragraph (a); or
- (c) an order of a kind that is prescribed by the regulations as a disqualifying order;

**disseminate**, in relation to firearm technology, has the meaning given in section 284;

**family violence** has the meaning given in the *Restraining Orders Act 1997* section 5A;

**finding of guilt** has the meaning given in section 11;

**fire**, in relation to a firearm, includes discharge;

**firearm** has the meaning given in section 6;

**firearm authority** means a licence, permit or approval;

**firearm authority health standards** means standards of mental or physical health that are prescribed by the regulations as health standards that a person must meet to be considered a fit and proper person to hold a firearm authority;

**firearms prohibition order** has the meaning given in section 317(1);

**firearms training** means training and instruction in —

- (a) the safe handling and safe use of firearms; or
- (b) the proficient use of firearms;

**firearm technology** has the meaning given in section 284;

**give possession**, of a thing to a person, includes permit the person to take possession of or be in possession of the thing;

**Government entity** has the meaning given in section 101;

**handgun** means a firearm that —

- (a) is reasonably capable of being concealed about the person; and
- (b) can be aimed and fired from 1 hand;

**immediate possession** has the meaning given in section 13;

**information** includes documents;

**interim disqualified person** has the meaning given in section 9(2);

**licence** means a licence under Part 2;

**licence card** has the meaning given in section 206;



***licensed firearm club*** means the body corporate that is the licensee under a Club Licence;

***licensed firearm range*** means a firearm range to which a Range Licence applies;

***major firearm part*** has the meaning given in section 14(1);

***member of a disqualifying organisation*** has the meaning given in section 10(1);

***occupier***, in relation to land, means a person in exclusive possession or entitled to exclusive possession of the land;

***officer***, in relation to a body corporate, has the meaning given in the *Corporations Act 2001* (Commonwealth) section 9;

***paintball*** means a shooting sport in which players attempt to hit other players with paintball pellets fired from paintball guns;

***paintball gun*** means a firearm that is made or modified to fire paintball pellets;

***paintball pellet*** means a pellet that is —

- (a) made or modified to be fired from a firearm; and
- (b) designed to break on impact with the target at which it is fired for the purpose of marking the target with dye or a similar substance that the pellet contains;

***permit*** means a permit under Part 3;

***place*** has the meaning given in the *Criminal Investigation Act 2006* section 3(1);

***possession*** has the meaning given in section 12;

***possession in compliant storage*** has the meaning given in section 183(1);

***prescribed paintball gun*** means a paintball gun that complies with the requirements of the regulations for a prescribed paintball gun;

***prescribed paintball pellet*** means a paintball pellet that complies with the requirements of the regulations for a prescribed paintball pellet;

***prohibited accessory*** means any of the following —

- (a) a sound suppressor;
- (b) a device commonly known as a bump stock, being a stock that is made or modified to allow a self-loading firearm to fire more rapidly than is possible with trigger-finger manipulation alone;
- (c) a device commonly known as a folding stock, being a stock with a mechanism that allows the stock to be folded to reduce the overall length of a firearm;
- (d) a device commonly known as a detachable stock, being a stock that when removed from a firearm allows the firearm to remain capable of being fired;
- (e) a device, commonly known as a chassis carbine kit, that alters a firearm in such a way that the category of the firearm without the chassis carbine kit fitted is different from the category of the firearm with the chassis carbine kit fitted;
- (f) any other thing that is capable of being fitted to or used in conjunction with a firearm and that is prescribed by the regulations as a prohibited accessory;

***prohibited ammunition*** means ammunition, or ammunition of a kind, prescribed by the regulations as prohibited ammunition;

***prohibited firearm*** means a firearm, or a firearm of a kind, prescribed by the regulations as a prohibited firearm;

***prohibited person*** means a person in relation to whom a firearms prohibition order is in force;

***projectile*** means any solid or liquid projectile (including a bullet or shot) that when propelled is capable of causing personal injury;

***reasonably suspects*** has the meaning given in the *Criminal Investigation Act 2006* section 4;

***related thing*** means the following things —

- (a) a major firearm part;

- (b) ammunition;
- (c) a prohibited accessory;

**relevant management position** has the meaning given in section 15;

**responsible person**, for a licence, means the person who is the responsible person for the licence as referred to in section 128(2);

**serial number**, on a firearm or major firearm part, includes any numbers, letters or symbols on the firearm or major firearm part that are for the purpose of the unique identification of the firearm or part;

**sound suppressor** —

- (a) means a device that is made or modified to be fitted to a firearm to reduce the loudness of the report that results from the firearm being fired; and
- (b) includes a device commonly known as a silencer;

**supply** —

- (a) means supply by sale or gift; and
- (b) includes offer to supply;

**thing relevant to an offence** has the meaning given in the *Criminal Investigation Act 2006* section 5;

**use a firearm** has the meaning given in section 7(1);

**vehicle** has the meaning given in the *Criminal Investigation Act 2006* section 3(1);

**young person** means a person who is under 18 years of age but not under 12 years of age.

## 6. Firearms

- (1) A **firearm** is a device that is made, modified or capable of being modified to fire or propel a projectile by means of —
  - (a) the burning of a propellant; or
  - (b) expansion of compressed air or other compressed gas; or

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- (c) any other method of propulsion that is prescribed by the regulations.
- (2) A device can be a **firearm** whether or not the device is —
  - (a) operable or inoperable; or
  - (b) assembled or in parts; or
  - (c) complete or incomplete.
- (3) None of the following things is a **firearm** —
  - (a) a firearm that by an approved means has been rendered permanently incapable of operation;
  - (b) anything that is prescribed by regulations under the *Weapons Act 1999* as a prohibited weapon or a controlled weapon;
  - (c) an industrial tool powered by cartridges that contain a propellant or by compressed air or other compressed gas and that is manufactured to fix fasteners or plugs or for similar purposes;
  - (d) a device that is manufactured to fire signal flares;
  - (e) a device, commonly known as a line thrower, that is manufactured to be used to establish lines between structures, natural features or vessels;
  - (f) a device, commonly known as a promotional launcher, that is manufactured to be used to fire packaged promotional material among event crowds and powered by compressed air or other compressed gas;
  - (g) a thing that is obviously a child’s toy and that is manufactured to fire something that is not likely to cause personal injury;
  - (h) any other thing that is prescribed by the regulations.

**7. Use of firearm**

- (1) A person **uses a firearm** when the person —
  - (a) fires the firearm; or

- (b) has the firearm in their immediate possession when the firearm is loaded.
- (2) Without limiting what constitutes a firearm being loaded, a firearm is considered to be loaded when any magazine that is part of or fitted to the firearm contains ammunition.

## 8. Firearm categories

- (1) The regulations must provide for the following categories of firearms and specify firearms that are in each category —
  - (a) category A;
  - (b) category B;
  - (c) category C;
  - (d) category D;
  - (e) category E;
  - (f) category H.
- (2) The regulations may provide for other categories of firearms and specify firearms that are in those other categories.
- (3) The *category* of a firearm is the category that the firearm is in under the regulations.
- (4) If a firearm is not in any category, the firearm is taken to have been prescribed by the regulations as a prohibited firearm unless the regulations provide otherwise.
- (5) Subsection (4) does not prevent —
  - (a) a firearm that is in a category from being prescribed by the regulations as a prohibited firearm; or
  - (b) all the firearms in a specified category from being prescribed by the regulations as prohibited firearms.

**9. Disqualified persons and interim disqualified persons**

- (1) A person is a *disqualified person* —
- (a) when the person is the subject of a disqualifying order; or
  - (b) during the disqualifying period prescribed by the regulations as the disqualifying period for a disqualifying order; or
  - (c) when the person has been charged with a disqualifying offence and proceedings for the offence are pending against the person; or
  - (d) during the period prescribed by the regulations as the disqualifying period for a disqualifying offence for which a finding of guilt has been made against the person; or
  - (e) when the person is a member of a disqualifying organisation; or
  - (f) during the period prescribed by the regulations as the disqualifying period for membership of a disqualifying organisation.
- (2) A person is an *interim disqualified person* if the person is a disqualified person solely as a result of being —
- (a) the subject of a disqualifying order that is of a temporary or interim nature only; or
  - (b) a person against whom proceedings for a disqualifying offence are pending.
- (3) Proceedings for an offence cease to be pending against a person when —
- (a) a finding of guilt is made in the proceedings; or
  - (b) the proceedings are concluded (including as a result of the acquittal of the person) other than as a result of a finding of guilt.

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- (4) A disqualifying period for a disqualifying order or disqualifying offence can be prescribed to apply in respect of —
- (a) all disqualifying orders or disqualifying offences; or
  - (b) a particular kind or particular kinds of disqualifying orders or disqualifying offences; or
  - (c) disqualifying orders or disqualifying offences of a particular class or description, including (in the case of disqualifying offences) offences described by reference to the type of finding of guilt that applies in relation to the offences.
- (5) The fact that a person has ceased to be a disqualified person does not prevent the Commissioner from having regard to the conduct of the person that resulted in the person being a disqualified person in forming an opinion as to whether or not the person is a fit and proper person to hold a firearm authority.

**10. Membership of disqualifying organisation**

- (1) A *member of a disqualifying organisation* is a person who is a member of an organisation named in the *Criminal Law (Unlawful Consorting and Prohibited Insignia) Act 2021* Schedule 2.
- (2) In subsection (1) —
- member*, of an organisation, means a person —
- (a) who has been accepted as a member of the organisation, whether informally or through a process set by the organisation; or
  - (b) who identifies in any way as belonging to the organisation; or
  - (c) whose conduct in relation to the organisation would reasonably lead another person to consider the person to be a member of the organisation.

**11. Finding of guilt**

- (1) A reference to a *finding of guilt* in relation to an offence committed by a person is a reference to any of the following —
  - (a) a court making a formal finding of guilt in relation to the offence;
  - (b) a court convicting the person of the offence, if there has been no formal finding of guilt before conviction;
  - (c) a court accepting a plea of guilty from the person in relation to the offence;
  - (d) a finding under *The Criminal Code* section 27, or an equivalent provision of a law of another Australian jurisdiction, that the person is not guilty of the offence on account of unsoundness of mind.
- (2) A finding of guilt that is subsequently quashed or set aside by a court ceases to be a *finding of guilt* for the purposes of this Act.
- (3) A finding of guilt in relation to an offence is a *finding of guilt* for the purposes of this Act even if it is —
  - (a) a spent conviction as defined in the *Spent Convictions Act 1988* section 3(1); or
  - (b) a finding of guilt that under a law in any Australian jurisdiction a person is not required to disclose.

**12. Possession**

- (1) A person is in *possession* of a thing in any of the following circumstances —
  - (a) the person has actual physical possession of it;
  - (b) the person has the custody or control of it, whether directly or remotely;
  - (c) the person has and exercises access to it in a place either alone or in common with others;
  - (d) the person occupies, or has care, control or management of, a place where it is found;



- (e) the person is in charge of a vehicle where it is found.
- (2) A person is in **possession** of firearm technology in any of the circumstances provided for by subsection (1) and in the following circumstances —
  - (a) the person is in possession (as provided by subsection (1)) of a computer or other data storage device on which the firearm technology is held or contained;
  - (b) the person controls or accesses the firearm technology by means of a remote computer or web portal (even if the remote computer or web portal is in the control of another person or is outside the State).
- (3) A person is not in **possession** of a thing if —
  - (a) the person is in possession of the thing solely by reason of circumstances referred to in subsection (1)(d) or (e); and
  - (b) the thing is in the lawful possession of another person at the time.
- (4) If a thing is carried in parts by, or is otherwise in the possession of, 2 or more persons, each of those persons is taken to be in **possession** of the thing.
- (5) If a person is using a firearm under the supervision of a person (**the supervisor**), both the supervisor and the person using the firearm are in **possession** of the firearm.

### **13. Immediate possession**

- (1) A person's possession of a thing is **immediate possession** of the thing if the person —
  - (a) has actual physical possession of the thing; or
  - (b) has custody or control of the thing in close proximity to the person.

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- (2) A person does not have a firearm or other thing in the person's *immediate possession* when possession is possession in compliant storage.

**14. Major firearm parts**

- (1) A *major firearm part* is any of the following, made or modified for use as part of a firearm —
- (a) a gas piston, friction assembly, action bar, breech bolt or breech block;
  - (b) a frame, chassis or stock, including a frame blank, or chassis blank;
  - (c) a barrel or barrel blank;
  - (d) an assembled trigger mechanism;
  - (e) a receiver or slide;
  - (f) a magazine;
  - (g) a thing that includes at least 1 of the things listed in paragraphs (a) to (f);
  - (h) any other thing that is prescribed by the regulations.
- (2) A firearm authority that authorises possession of a firearm (the *authorised firearm*) also authorises possession of the major firearm parts that comprise the authorised firearm.

Note for this subsection:

A person who is authorised by a firearm authority to possess a firearm does not require separate authority to possess the major firearm parts that comprise the firearm.

**15. Relevant management positions**

- (1) A person holds a *relevant management position* in a body corporate if the person holds any of the following positions in the body other than a position that the Commissioner has

- determined under subsection (3) is not a relevant position for the purposes of holding a firearm authority —
- (a) the position of director, manager or other executive position or secretary, however that position is designated;
  - (b) a position on the governing body of the body, however that position is designated.
- (2) A person holds a *relevant management position* in a partnership if the person is a member of the partnership.
- (3) The Commissioner may determine, either generally or in a particular case, that a particular position in a body corporate is not a relevant position for the purposes of holding a firearm authority.

**16. Delegation of Commissioner’s powers and duties**

- (1) The Commissioner may delegate any power or duty of the Commissioner under another provision of this Act to a police officer or employee of the Department.
- (2) The Commissioner cannot delegate the power to make or revoke a firearms prohibition order except to a police officer of or above the rank of Commander.
- (3) A delegation by the Commissioner under this section must be in writing signed by the Commissioner.
- (4) A person to whom a power or duty is delegated under this section cannot delegate that power or duty.
- (5) A person exercising or performing a power or duty that has been delegated to the person under this section is taken to do so in accordance with the terms of the delegation unless the contrary is shown.
- (6) Nothing in this section limits the ability of the Commissioner to perform a function through an officer or agent.

**17. Exemptions**

- (1) In this section —  
*exempt person* means —
- (a) a police officer or an employee of the Department; or
  - (b) a member of the Australian Federal Police or of the police force of another State or a Territory; or
  - (c) a member of the Australian Defence Force.
- (2) An exempt person is exempt from the operation of the following provisions of this Act (and any regulations made for the purposes of those provisions) in respect of any act or omission by the exempt person in the ordinary course of their duties as an exempt person —
- (a) Part 5 (which requires the authority of a licence or permit for the possession and use of, and other activities involving, firearms and related things);
  - (b) Part 7 (which relates to security and storage of firearms and related things).
- (3) Subsection (2) does not affect the operation of any provision of this Act that confers a function on a police officer.
- (4) Without limiting the *Interpretation Act 1984* section 43(8)(d), the regulations may —
- (a) exempt a person or class of persons from the operation of Parts 5 and 7 (and any regulations made for the purposes of those Parts); and
  - (b) specify circumstances in which, and conditions subject to which, such an exemption applies.
- (5) An exemption pursuant to a regulation under subsection (4) is an exemption under this section for the purposes of a reference in another provision of this Act to an exemption under this section.

- (6) A person who is exempt from the operation of a provision of this Act in respect of an act or omission by the person is not guilty of an offence arising under the provision or arising as a result of a contravention of the provision.
- (7) Conduct of a person that would be a contravention of a provision of this Act were it not for an exemption under this section is taken to be conduct that is authorised by a licence for the purposes of a reference in a provision of this Act or any other written law to conduct authorised by a licence.

## 18. Antique firearms

- (1) In this section —

*antique firearm* means —

- (a) a muzzle loading firearm manufactured before 1900; or
- (b) any other firearm manufactured before 1900 that is not an excluded firearm;

*excluded firearm* means any of the following firearms —

- (a) a handgun that is capable of discharging breech-loaded cartridge ammunition (even if that ammunition is obsolete ammunition);
- (b) a handgun that is a percussion lock or cap lock firearm;
- (c) a firearm (other than a handgun) that is capable of discharging breech-loaded cartridge ammunition other than obsolete ammunition;
- (d) a firearm that has revolving chambers or barrels;
- (e) a cannon;

*obsolete ammunition* means ammunition that the Commissioner has determined under subsection (5) is not commercially available.

- (2) A licence is not required to authorise the possession, acquisition or supply by a person of an antique firearm, and Part 5 does not

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apply to the possession, acquisition or supply of an antique firearm by a person.

Note for this subsection:

The use of an antique firearm is not authorised without a licence or permit.

- (3) Subsection (2) does not apply to the possession, acquisition or supply of an antique firearm by a disqualified person or prohibited person.
- (4) Subsection (2) does not prevent the grant of a licence or permit that authorises the possession, acquisition or supply of an antique firearm.
- (5) The Commissioner may, for the purposes of this section, determine that ammunition is not commercially available.
- (6) A determination that ammunition is not commercially available must be published in the *Gazette*.

## **Part 2 — Licences**

### **Division 1 — General**

**19. Kinds of licence**

The Commissioner may grant the following licences under this Act —

- (a) Individual Licences as provided by Division 2;
- (b) Business Licences as provided by Division 3;
- (c) Primary Producer Licences as provided by Division 4;
- (d) Collector Licences as provided by Division 5;
- (e) Club Licences as provided by Division 6;
- (f) Range Licences as provided by Division 7;
- (g) Trade Licences as provided by Division 8;
- (h) Government Entity Licences as provided by Division 9.

**20. Names of licences**

A reference in this Act to a licence by a particular name is a reference to the licence that is given that name by a provision of this Act or that may be referred to by that name pursuant to a provision of this Act.

**21. Requirement for genuine reason for licence for firearm**

- (1) A licence to authorise the possession of a firearm must not be granted to a person unless the Commissioner is satisfied that the person has a genuine reason for the licence because the person genuinely intends that the firearm will be possessed for a purpose to be authorised by the licence.
- (2) The regulations may provide for the matters of which the Commissioner must be satisfied in order to be satisfied that a person genuinely intends that a firearm will be possessed for a purpose to be authorised by a licence.

**22. Requirement for firearm to be suitable and appropriate for authorised use**

- (1) A licence to authorise the use of a firearm must not be granted to a person unless the Commissioner is satisfied that the firearm is suitable and appropriate for the use to be authorised by the licence having regard to the purposes for which, and the circumstances in which, the firearm will be authorised to be used.
- (2) The regulations may provide for the matters of which the Commissioner must be satisfied in order to be satisfied that a firearm is suitable and appropriate for the use to be authorised by a licence.

**23. Authorised persons for licence**

- (1) In this section —  
*close associate*, of a licensee, means any of the following persons —
  - (a) an employee or agent of, or contractor to, the licensee;
  - (b) an officer of a body corporate that holds the licence;
  - (c) a person who holds a relevant management position in a body corporate or partnership that holds the licence;
  - (d) if the licensee is a club — a member of the club.
- (2) An authorised person for a licence is an individual who —
  - (a) is eligible under this section to be an authorised person for the licence; and
  - (b) is approved as an authorised person for the licence.
- (3) The following persons are eligible to be an authorised person for a licence —
  - (a) the licensee;
  - (b) a close associate of the licensee.



- (4) A person who is under 15 years of age is not eligible to be an authorised person for a licence.

Note for this subsection:

Fifteen years is the minimum age for any approval under this Act. See section 158.

- (5) The responsible person for a licence can (if otherwise eligible) be an authorised person for the licence.

Note for this subsection:

There must be a responsible person for a licence if the licence is held by a body corporate, partnership or Government entity. See section 128.

- (6) If an act or omission of an authorised person for a licence (other than the licensee) in the course of activities under the authority of the licence would constitute an offence under this Act if it were an act or omission of the licensee —

- (a) the act or omission of the authorised person is taken to be an act or omission of the licensee, with the result that the licensee is taken to have committed the offence; and
- (b) the offence is taken to apply also to an act or omission of the authorised person (in the same way as it applies to an act or omission of the licensee), with the result that the authorised person is also taken to have committed the offence; and
- (c) either the authorised person or the licensee, or both of them, can be prosecuted for the offence.

#### **24. Approved firearms trainers**

The Commissioner may approve a person to provide firearms training.

#### **25. No licence for personal protection**

A licence must not be granted to authorise the possession or use of a firearm for the purpose (or for purposes that include the purpose) of personal protection.

## **Division 2 — Individual Licences**

### **Subdivision 1 — General**

**26. Term used: licence purpose**

In this Division —

*licence purpose* has the meaning given in section 28(1).

**27. Grant of Individual Licence to individual**

An Individual Licence can only be granted to an individual.

**28. Purposes of Individual Licence**

- (1) An Individual Licence may be granted for 1 or more of the following purposes (each a *licence purpose* of the licence) —
  - (a) competition shooting;
  - (b) hunting;
  - (c) paintball.
- (2) An Individual Licence may be referred to by a name that indicates the licence purpose of the licence, as follows —
  - (a) a licence for competition shooting may be referred to as a Competition Licence;
  - (b) a licence for hunting may be referred to as a Hunting Licence;
  - (c) a licence for paintball may be referred to as a Paintball Licence.
- (3) When an Individual Licence is for more than 1 purpose (a *multi-purpose licence*) —
  - (a) each of those licence purposes is a separate licence purpose of the licence; and
  - (b) a reference to an Individual Licence by a name that indicates a particular licence purpose includes a

reference to a multi-purpose licence in relation to its operation as a licence for that licence purpose.

**29. Firearm to which Individual Licence applies**

- (1) An Individual Licence applies to 1 or more specific firearms, each of which is uniquely identified by the licence as a firearm to which the licence applies.

Note for this subsection:

Section 30 imposes limits on the number of firearms to which an Individual Licence can apply.

- (2) If an Individual Licence is for more than 1 licence purpose, the licence must specify, for each firearm to which the licence applies, the licence purpose for which the firearm is authorised.
- (3) A firearm can be authorised for more than 1 licence purpose.
- (4) An Individual Licence must specify the category of each firearm to which the licence applies.

**30. Limit on number of firearms under Individual Licence**

- (1) The maximum number of firearms that an Individual Licence can apply to at any one time is 10 (the *overall limit for an Individual Licence*).
- (2) In addition to the overall limit for an Individual Licence, the maximum number of firearms that an Individual Licence for any particular licence purpose can apply to at any one time is as follows —
- (a) 10 for a Competition Licence;
  - (b) 5 for a Hunting Licence.
- (3) The regulations may prescribe circumstances in which the maximum number of firearms that a Competition Licence can apply to at any one time is greater than 10 (with a commensurate increase in the overall limit for an Individual Licence).

- (4) This section does not apply to a Paintball Licence.

Notes for this section:

1. This section does not limit the number of prescribed paintball guns that a Paintball Licence can apply to.
2. Section 107 provides for the approval of additional major firearm parts for a firearm. An additional configuration of a firearm that results from an approved additional part being fitted to the firearm is not counted as an additional firearm when counting the number of firearms to which the licence applies.

**31. Firearm use by supervised young person under Individual Licence**

If a person has held an Individual Licence for a continuous period of not less than 5 years, an Individual Licence held by the person that authorises the use of a firearm by the licensee also authorises the same use of the firearm by a young person under the immediate supervision of the licensee.

**32. Minimum activity requirements for Individual Licence**

- (1) The regulations may impose requirements (*prescribed minimum activity requirements*) that require the holder of an Individual Licence to engage in specified activities authorised by the licence on a minimum number of occasions in a specified period.
- (2) It is a condition of an Individual Licence that the licensee must comply with any prescribed minimum activity requirements that apply to the licence.
- (3) Without limiting subsection (1), prescribed minimum activity requirements may require attendance at or participation in events, competitions or other activities.
- (4) Prescribed minimum activity requirements may include requirements that relate to individual firearms to which a licence applies and that impose different requirements in relation to individual firearms.

- (5) The regulations may authorise the Commissioner to reduce or waive prescribed minimum activity requirements, either generally or in a particular case.

### **Subdivision 2 — Competition Licence**

#### **33. Authority conferred by Competition Licence**

A Competition Licence authorises the licensee to use a firearm to which the licence applies for the purpose of participating in shooting competitions conducted at a licensed firearm range by a licensed firearm club.

Note for this section:

Under section 110, a Competition Licence also authorises target shooting and firearms training at a licensed firearm range.

#### **34. Requirement for membership of licensed firearm club**

A Competition Licence must not be granted to a person unless the Commissioner is satisfied that the person is a member of a licensed firearm club.

#### **35. Firearms permitted for Competition Licence**

A Competition Licence can only apply to a firearm of category A, B, C or H.

### **Subdivision 3 — Hunting Licence**

#### **36. Authority conferred by Hunting Licence**

A Hunting Licence authorises the licensee to use a firearm to which the licence applies for the purposes of the lawful hunting of animals on land for which the licensee has approval for hunting using the firearm under the licence.

Note for this section:

Under section 110, a Hunting Licence also authorises target shooting and firearms training at a licensed firearm range. Under section 111 a Hunting Licence also authorises target shooting for the purposes of

sighting in a firearm at a location where the firearm is authorised to be used.

**37. Requirement for approval of land for hunting**

A Hunting Licence to authorise the use of a firearm must not be granted to a person unless the Commissioner is satisfied that there is land for which the licensee has the Commissioner's approval for hunting using the firearm under the licence.

**38. Approval of land for hunting**

- (1) The Commissioner may approve land for hunting by a person using a firearm under a Hunting Licence.
- (2) The Commissioner must not approve land under subsection (1) unless the Commissioner is satisfied that —
  - (a) the land is in the State; and
  - (b) the person has permission to engage in hunting on the land under section 39; and
  - (c) the land is suitable for hunting using the firearm under the licence as provided by section 40.

**39. Hunting permission for land**

- (1) In this section —

**authorised person**, for land, means —

  - (a) the occupier of the land; or
  - (b) a person entitled to give permission on behalf of the occupier of the land for a person to engage in hunting on the land; or
  - (c) a person prescribed by the regulations.

Note for this subsection:

The owner of land will be an authorised person if the owner is the occupier of the land.

- (2) An authorised person for land may give a person permission (***hunting permission***) in writing in the approved form to engage in hunting on the land.
- (3) A person who is an authorised person for land is taken to have hunting permission to engage in hunting on the land.
- (4) A hunting permission may be revoked at any time by notice in writing given to the permission holder by any authorised person for hunting permission on the land concerned.
- (5) The regulations may provide for the following in connection with hunting permissions —
  - (a) the period for which a hunting permission remains in force (unless sooner revoked);
  - (b) requiring a person who gives hunting permission for land to notify the Commissioner if the person ceases to be an authorised person for the land;
  - (c) the lapsing of a hunting permission in the event that the person who gave the permission ceases to be an authorised person for the land;
  - (d) the obligations of the licensee under a Hunting Licence in the event that a hunting permission for the licensee to engage in hunting on land expires, lapses or is revoked;
  - (e) the renewal of a hunting permission.
- (6) A person must not charge a fee for giving hunting permission for land for the purposes of this section.  
Penalty for this subsection: a fine of \$5 000.
- (7) A person who falsely represents themselves to be an authorised person for land and purports to give permission under this section for a person to engage in hunting on the land commits an offence.  
Penalty for this subsection: imprisonment for 12 months and a fine of \$12 000.

**40. Suitability of land for hunting using firearm**

Land is suitable for hunting using a firearm under a Hunting Licence only if the Commissioner is satisfied as to its suitability for that purpose, having regard to the following —

- (a) the size and location of the land (including proximity of hunting areas to public roads and populated areas);
- (b) the nature of the hunting that is likely to take place on the land and the suitability of the firearm for that hunting;
- (c) the capabilities of the firearm;
- (d) the number of hunting permissions in force for hunting on the land at a particular time;
- (e) such other matters as the Commissioner thinks relevant.

**41. Firearms permitted for Hunting Licence**

A Hunting Licence can only apply to a firearm of category A or B.

**Subdivision 4 — Paintball Licence**

**42. Authority conferred by Paintball Licence**

- (1) A Paintball Licence authorises the licensee to use a prescribed paintball gun to which the licence applies for the purposes of participating in games of paintball conducted under the authority of a Paintball Business Licence.
- (2) A Paintball Licence can only apply to a prescribed paintball gun.
- (3) The use of a prescribed paintball gun that is authorised by a Paintball Licence is limited to use with prescribed paintball pellets.



## Division 3 — Business Licences

### Subdivision 1 — General

#### 43. Terms used

In this Division —

**business** means —

- (a) any commercial or professional activity; or
- (b) any activity that is prescribed by the regulations as a business;

**business firearm**, in relation to a Business Licence, means a firearm to which the licence applies;

**Business Licence** means a Business Licence provided for by this Division;

**standard authority**, of a Business Licence, has the meaning given in section 46.

#### 44. Kinds of Business Licence

This Division provides for the following Business Licences —

- (a) a Security Agent Business Licence provided for by section 48;
- (b) a Firearms Training Business Licence provided for by section 49;
- (c) a Theatrical Firearm Business Licence provided for by section 50;
- (d) a Paintball Business Licence provided for by section 51;
- (e) a Professional Shooter Business Licence provided for by section 52;
- (f) a Prescribed Business Licence provided for by section 53.

**45. Grant of Business Licence**

A Business Licence may be granted to an individual, a body corporate or a partnership who or which conducts or controls the conduct of the business for which the licence is granted.

**46. Standard authority conferred by Business Licence**

A Business Licence authorises the following (as the *standard authority* of the licence) —

- (a) the licensee is authorised to possess a business firearm for the purpose of the firearm being used as authorised by the licence;
- (b) an authorised person for the licence is authorised to use a business firearm in the course of an activity that is engaged in by the authorised person in the course of the operation of the business for which the licence is granted.

**47. Firearms to which Business Licence applies**

A Business Licence applies to 1 or more specific firearms, each of which is uniquely identified by the licence as a firearm to which the licence applies.

**Subdivision 2 — Kinds of Business Licences**

**48. Security Agent Business Licence**

- (1) In this section —  
*security agent business* means a business conducted under a security agent's licence issued for the purposes of the *Security and Related Activities (Control) Act 1996* section 15.
- (2) A Business Licence may be granted for a security agent business as a Security Agent Business Licence.
- (3) A Security Agent Business Licence does not authorise a person to use a business firearm unless the person is authorised to

possess a firearm by a security officer's licence endorsed under section 24, or a permit issued under section 25, of the *Security and Related Activities (Control) Act 1996*.

- (4) A Security Agent Business Licence can only apply to a firearm of category H.

**49. Firearms Training Business Licence**

- (1) In this section —  
*firearms training business* means a business of providing firearms training.
- (2) A Business Licence may be granted for a firearms training business as a Firearms Training Business Licence.
- (3) In addition to the standard authority of a Business Licence, a Firearms Training Business Licence authorises a person to use a business firearm at a licensed firearm range when undergoing firearms training provided by, and under the immediate supervision of, an authorised person for the licence in the course of the operation of the business for which the licence is granted.
- (4) A Firearms Training Business Licence can only apply to a firearm of category A, B, C, E or H.

**50. Theatrical Firearm Business Licence**

- (1) In this section —  
*theatrical firearm business* means a business of providing firearms training to, and supervision of, actors and others engaged in a theatrical performance to ensure the safe handling and use of firearms in the course of a theatrical performance;  
*theatrical performance* means the rehearsal or presentation of a work of live or recorded entertainment.
- (2) A Business Licence may be granted for a theatrical firearm business as a Theatrical Firearm Business Licence.

- (3) In addition to the standard authority of a Business Licence, a Theatrical Firearm Business Licence authorises a person who is an actor or other person involved in a theatrical performance to use a business firearm under the immediate supervision of an authorised person for the licence who is providing that supervision in the course of the operation of the business for which the licence is granted.
- (4) A Theatrical Firearm Business Licence does not authorise the use of a firearm with live ammunition unless otherwise approved in a particular case.
- (5) A Theatrical Firearm Business Licence can only apply to a firearm of category A, B, C, E or H.

**51. Paintball Business Licence**

- (1) In this section —  
*paintball business* means a business of conducting, and providing facilities and equipment for the conduct of, games of paintball.
- (2) A Business Licence may be granted for a paintball business as a Paintball Business Licence.
- (3) In addition to the standard authority of a Business Licence, a Paintball Business Licence authorises a person to use a business firearm for the purposes of participating in a paintball game conducted under the supervision of an authorised person for the licence in the course of the operation of the business for which the licence is granted.
- (4) A Paintball Business Licence can only apply to a prescribed paintball gun.
- (5) The use of a prescribed paintball gun that is authorised by a Paintball Business Licence is limited to use with prescribed paintball pellets.

**52. Professional Shooter Business Licence**

- (1) In this section —  
*professional shooter business* means a business of providing a service that involves —
- (a) the sedation of animals by means of a firearm; or
  - (b) the culling, euthanasia or other humane destruction of animals by means of a firearm.
- (2) A Business Licence may be granted for a professional shooter business as a Professional Shooter Business Licence.
- (3) A Professional Shooter Business Licence can only apply to a firearm of category A, B, C or E.

**53. Prescribed Business Licence**

- (1) In this section —  
*prescribed business* means a business prescribed by the regulations as a business for which a Business Licence can be granted.
- (2) A Business Licence may be granted for a prescribed business as a Prescribed Business Licence.
- (3) In addition to the standard authority of a Business Licence, a Prescribed Business Licence authorises the use of a business firearm as provided by the regulations.
- (4) In the case of a Prescribed Business Licence, the regulations may limit or disapply any authority conferred by the standard authority of a Business Licence.

### **Division 4 — Primary Producer Licences**

#### **54. Terms used**

In this Division —

***approved family member***, for a Primary Producer Licence, means a family member of the licensee who is approved by the Commissioner under section 55;

***family member***, of a person, means —

- (a) the spouse or de facto partner of the person; or
- (b) a parent, child or sibling of the person or of the person's spouse or de facto partner;

***primary production activities***, of a person, means activities in the course of a business of primary production carried on by the person on land occupied by the person.

#### **55. Approval of family members**

The Commissioner may approve a family member of the licensee under a Primary Producer Licence as an approved family member for the licence.

#### **56. Grant of Primary Producer Licence**

A Primary Producer Licence may be granted to an individual, a body corporate or a partnership who or which is engaged in primary production activities.

#### **57. Primary Producer Licence to be granted for landholding**

- (1) A Primary Producer Licence must specify 1 or more landholdings as a landholding for which the licence is granted.
- (2) A landholding for which a Primary Producer Licence is granted must be a landholding on which the licensee engages in primary production activities.

**58. Firearms to which Primary Producer Licence applies**

- (1) A Primary Producer Licence applies to 1 or more specific firearms, each of which is uniquely identified by the licence as a firearm to which the licence applies.
- (2) A Primary Producer Licence can only be granted to apply to a firearm of category A, B, C, E or H.
- (3) The maximum number of firearms that a Primary Producer Licence can apply to at any one time is 10.
- (4) A category E firearm that a Primary Producer Licence applies to is not to be counted as a firearm to which the licence applies for the purposes of subsection (3).

**59. Licensee and approved family members are authorised persons for Primary Producer Licence**

Each of the following is an authorised person for a Primary Producer Licence —

- (a) the licensee, if the licensee is an individual;
- (b) an approved family member for the licence;
- (c) any other person who is an authorised person for the licence pursuant to section 23.

**60. Authority conferred by Primary Producer Licence**

A Primary Producer Licence authorises the following —

- (a) the licensee is authorised to possess a firearm to which the licence applies for the purpose of the firearm being used as authorised by the licence;
- (b) an authorised person for the licence is authorised to use a firearm to which the licence applies for the purposes of the primary production activities of the licensee on a landholding for which the licence is granted and for those purposes on any other landholding of the licensee;

- (c) an authorised person for the licence is authorised to use a firearm to which the licence applies with the permission of the licensee for the purposes of the primary production activities of another person with the permission of that other person.

**61. Use of Primary Producer Licence firearms for hunting by licensee**

- (1) An individual who holds a Primary Producer Licence is taken to hold a Hunting Licence (a *primary producer's Hunting Licence*) that applies to each firearm to which the Primary Producer Licence applies.

Note for this subsection:

A Hunting Licence only authorises hunting on land for which the licensee has approval for hunting (as provided by sections 36 to 40).

- (2) A primary producer's Hunting Licence does not authorise the use of a category C or H firearm to which the licence applies for hunting but does authorise the use of the firearm for a purpose authorised under section 110 or 111.

Note for this subsection:

Under section 110, a Hunting Licence also authorises target shooting and firearms training at a licensed firearm range. Under section 111 a Hunting Licence also authorises target shooting for the purposes of sighting in a firearm at a location where the firearm is authorised to be used.

- (3) Section 30 does not limit the number of firearms that a licence can apply to when the licence is a primary producer's Hunting Licence.
- (4) A Hunting Licence must not be granted to an individual who is taken to hold a primary producer's Hunting Licence.
- (5) This section does not prevent the grant of a Competition Licence or Paintball Licence to an individual who holds a Primary Producer Licence.



**62. Authority conferred on child of licensee by Primary Producer Licence**

- (1) In this section —  
*child*, of a licensee, means a young person who is a child of the licensee or of the licensee's spouse or de facto partner.
- (2) A Primary Producer Licence authorises a child of the licensee to use a firearm to which the licence applies, with the permission of the licensee and under the immediate supervision of an authorised person for the licence, for the purposes of primary production activities of the licensee on a landholding for which the licence is granted and for those purposes on any other landholding of the licensee.
- (3) A Primary Producer Licence does not under this section authorise a young person to use a category C or H firearm.
- (4) This section does not limit the authority conferred by a Primary Producer Licence on a young person who is an authorised person for the licence.

**Division 5 — Collector Licences**

**63. Term used: approved society of firearm collectors**

In this Division —

*approved society of firearm collectors* means a body corporate approved under section 70 as an approved society of firearm collectors.

**64. Grant of Collector Licence to individual**

A Collector Licence can only be granted to an individual.

**65. Purposes of Collector Licence**

- (1) A Collector Licence may be granted for either or both of the following purposes (each a *licence purpose* of the licence) —

- (a) the collection of firearms;
  - (b) the collection of ammunition.
- (2) A Collector Licence may be referred to by a name that indicates the licence purpose of the licence, as follows —
- (a) a licence for the collection of firearms may be referred to as a Collector Licence for firearms;
  - (b) a licence for the collection of ammunition may be referred to as a Collector Licence for ammunition.
- (3) When a Collector Licence is for both licence purposes (a *dual-purpose licence*) —
- (a) each of those licence purposes is a separate and distinct licence purpose of the licence; and
  - (b) a reference to a Collector Licence by a name that indicates a particular licence purpose includes a reference to a dual-purpose licence in relation to its operation as a licence for that licence purpose.

**66. Authority conferred by Collector Licence for firearms**

- (1) A Collector Licence for firearms authorises the licensee to possess a firearm to which the licence applies for the purpose of it forming part of a firearm collection of the licensee.
- (2) A firearm collection can comprise a single firearm.
- (3) A Collector Licence for firearms applies to 1 or more specific firearms, each of which is uniquely identified by the licence as a firearm to which the licence applies.
- (4) The regulations may restrict the types of firearms to which a Collector Licence for firearms can apply.
- (5) A Collector Licence for firearms does not authorise the licensee to use a firearm to which the licence applies.
- (6) A Collector Licence for firearms can apply to a major firearm part to authorise the possession of the major firearm part as part

of the firearm collection of the licensee, and the Collector Licence then authorises possession of the major firearm part as if it were a firearm to which the licence applied.

**67. Requirements for Collector Licence for firearms**

- (1) A Collector Licence for firearms must not be granted to a person unless the Commissioner is satisfied that —
  - (a) the person is a student of arms; and
  - (b) the firearm, or each of the firearms, to which the licence applies is within the scope of the person's interest as a student of arms; and
  - (c) the person is a member of an approved society of firearm collectors; and
  - (d) no firearm to which the licence applies is a handgun manufactured within the preceding 50 years.
- (2) A *student of arms* is a person who can demonstrate a prolonged and genuine interest in the study, preservation or collection of firearms.

**68. Authority conferred by Collector Licence for ammunition**

- (1) A Collector Licence for ammunition authorises the licensee to possess ammunition to which the licence applies for the purpose of it forming part of an ammunition collection of the licensee.
- (2) A Collector Licence for ammunition applies to ammunition to which the licence applies as provided by the terms of the licence.
- (3) The regulations may restrict the types of ammunition to which a Collector Licence for ammunition can apply.
- (4) A Collector Licence for ammunition does not authorise the licensee to use ammunition to which the licence applies.

**69. Requirements for collectible firearms and ammunition**

- (1) Subsection (2) applies in relation to authorising possession of a firearm that is a handgun or a firearm of category C.
- (2) A Collector Licence for firearms must not authorise possession of a firearm unless the Commissioner is satisfied that the firearm has significant historical value because of the special significance that the firearm, or any firearm of the same or a related kind, has in connection with a particular period in history.
- (3) Subsection (4) applies in relation to authorising possession of a firearm that is neither a handgun nor a firearm of category C.
- (4) A Collector Licence for firearms must not authorise possession of a firearm unless the Commissioner is satisfied that the firearm has —
  - (a) significant commemorative value because of the special significance that the firearm, or any firearm of the same or a related kind, has in connection with a particular event in history; or
  - (b) significant historical value because of the special significance that the firearm, or any firearm of the same or a related kind, has in connection with a particular period in history; or
  - (c) significant thematic value because of the special significance that the firearm, or any firearm of the same or a related kind, has in connection with the development, manufacture or use of firearms.
- (5) Subsection (4) applies also to a Collector Licence for ammunition as if a reference in that subsection to a firearm were a reference to ammunition.
- (6) The regulations may make provision for —
  - (a) matters that must be considered by the Commissioner in deciding whether a firearm or ammunition has

significant commemorative, historical or thematic value;  
and

- (b) requirements that must be satisfied for a firearm or ammunition to have significant commemorative, historical or thematic value.

**70. Approval of society of firearm collectors**

- (1) The Commissioner may approve a body corporate as an approved society of firearm collectors if satisfied that a function of the body is to facilitate the study, preservation or collection of firearms.
- (2) The regulations may specify other requirements that must be satisfied before a body corporate can be approved as an approved society of firearm collectors.

**71. Consideration of information provided by approved society**

In considering whether or not a person is a fit and proper person to hold a Collector Licence, the Commissioner may have regard to any information provided about the person by an approved society of firearm collectors (whether or not the information is provided under section 376).

Note for this section:

Section 139 prevents the grant of a licence to a person if the Commissioner is of the opinion that the person is not a fit and proper person to hold the licence.

**Division 6 — Club Licences**

**72. Term used: club firearm**

In this Division —

***club firearm***, in relation to a Club Licence, means a firearm to which the Club Licence applies.

**73. Grant of Club Licence to body corporate**

- (1) A Club Licence can only be granted to a body corporate.
- (2) A Club Licence must not be granted unless the Commissioner is satisfied that the body corporate to which the licence is to be granted operates as a club that has as its primary purpose the making of arrangements for participation by its members in competition shooting or target shooting using firearms.

**74. Authority conferred by Club Licence**

- (1) A Club Licence authorises the following —
  - (a) the licensee is authorised to possess a club firearm for the purpose of the firearm being used as authorised by the licence;
  - (b) an authorised person for the licence is authorised to use a club firearm at a licensed firearm range for the purposes of competition shooting, target shooting or firearms training at the licensed firearm range;
  - (c) any person (other than a disqualified person or prohibited person) is authorised to use a club firearm at a licensed firearm range for the purposes of competition shooting, target shooting or firearms training at the licensed firearm range under the immediate supervision of an authorised person for the licence.

Note for this subsection:

The minimum age for possession and use of a firearm is 12 years. See section 158(4).

- (2) The authority conferred by a Club Licence for the use of a club firearm for the purposes of firearms training is limited to firearms training provided by an authorised person for the licence who is an approved firearms trainer.

**75. Firearms to which Club Licence applies**

- (1) A Club Licence applies to 1 or more specific firearms, each of which is uniquely identified by the licence as a firearm to which the licence applies.
- (2) A Club Licence can only apply to a firearm of category A, B, C or H.
- (3) A Club Licence need not apply to any firearm and may be granted accordingly.

**76. Authority for manufacture and sale of ammunition**

A Club Licence authorises an authorised person for the licence to —

- (a) manufacture ammunition for a club firearm for use in the firearm under the authority of the licence; and
- (b) supply ammunition for a club firearm to a person for use by the person in the firearm under the authority of the licence.

**77. Membership of licensed firearm club**

- (1) The regulations may make provision for the following matters (***membership matters***) in connection with membership of a licensed firearm club —
  - (a) the requirements that must be satisfied for a person to become a member of the club;
  - (b) the circumstances in which the club must suspend or cancel the membership of a member of the club.
- (2) Subsection (1) does not prevent the rules of a licensed firearm club from making provision for membership matters that is not inconsistent with the regulations.

## **Division 7 — Range Licences**

### **78. Terms used**

In this Division —

*firearm range* means an indoor or outdoor facility for the use of firearms for competition shooting, target shooting and firearms training;

*range firearm*, in relation to a Range Licence, means a firearm to which the Range Licence applies;

*shooting gallery* means a movable firearm range.

### **79. Grant of Range Licence to individual, body corporate or partnership**

- (1) A Range Licence may be granted to an individual, a body corporate or a partnership.
- (2) A Range Licence must not be granted unless the Commissioner is satisfied that the licensee will operate the firearm range for which the licence is granted.

### **80. Authority conferred by Range Licence**

- (1) A Range Licence is granted for a firearm range specified in the licence as the licensed firearm range for the licence.
- (2) A Range Licence for a firearm range authorises the following —
  - (a) the licensee is authorised to possess a range firearm for the purpose of the firearm being used as authorised by the licence;
  - (b) an authorised person for the licence is authorised to use a range firearm at the licensed firearm range for the purposes of competition shooting, target shooting or firearms training;



- (c) any person (other than a disqualified person or prohibited person) is authorised to use a range firearm at the licensed firearm range for the purposes of competition shooting, target shooting or firearms training under the immediate supervision of an authorised person for the licence.

Note for this subsection:

The minimum age for possession and use of a firearm is 12 years. See section 158(4).

- (3) The authority conferred by a Range Licence for the use of a range firearm for the purposes of firearms training is limited to firearms training provided by an authorised person for the licence who is an approved firearms trainer.

**81. Authority under another licence for use of firearm at licensed firearm range**

- (1) A licence (other than a Range Licence) that authorises the use of a firearm at a licensed firearm range authorises that use only with the permission (*range permission*) of an authorised person for the Range Licence for the licensed firearm range.
- (2) The conditions of a Range Licence can impose requirements in connection with range permission, including —
  - (a) requirements as to the circumstances in which range permission must not be given; and
  - (b) requirements for the keeping of records in connection with range permission.

**82. Authority for manufacture and sale of ammunition**

A Range Licence authorises an authorised person for the licence to —

- (a) manufacture ammunition for a range firearm for use in the range firearm at the licensed firearm range; and

- (b) supply ammunition for a range firearm to a person for use by the person in the range firearm at the licensed firearm range.

**83. Suitability of range for Range Licence**

A Range Licence must not be granted for a firearm range unless the Commissioner is satisfied that —

- (a) the location of the firearm range is a suitable location for a licensed firearm range; and
- (b) the firearm range meets standards of construction determined by the Commissioner as necessary for the safe operation of a licensed firearm range at that location; and
- (c) use of the land for the purposes of a licensed firearm range is a lawful use of the land.

**84. Range Licence for shooting gallery**

- (1) A Range Licence can be issued as a Range Licence for a shooting gallery.
- (2) A Range Licence for a shooting gallery is subject to the following restrictions —
  - (a) the shooting gallery is a licensed firearm range only when it is being operated in accordance with the regulations and at locations, or locations of a kind, specified in the licence;
  - (b) the licence does not authorise the use of a firearm for the purposes of firearms training.

**85. Firearms to which Range Licence applies**

- (1) A Range Licence applies to 1 or more specific firearms, each of which is uniquely identified by the licence as a firearm to which the licence applies.

- (2) A Range Licence can only apply to a firearm of category A, B, C or H unless the licence is a Range Licence for a shooting gallery.
- (3) A Range Licence for a shooting gallery can only apply to a firearm of category A.
- (4) A Range Licence need not apply to any firearm and may be granted accordingly.

## **Division 8 — Trade Licences**

### **Subdivision 1 — General**

**86. Term used: trade purpose**

In this Division —

*trade purpose* has the meaning given in section 88(1).

**87. Grant of Trade Licence**

A Trade Licence may be granted to an individual, a body corporate or a partnership.

**88. Purposes of Trade Licence**

- (1) A Trade Licence may be granted for 1 or more of the following purposes (each a *trade purpose* of the licence) —
  - (a) firearm dealing;
  - (b) firearm manufacture;
  - (c) firearm repair;
  - (d) firearm storage.
- (2) A Trade Licence may be referred to by a name that indicates the trade purpose of the licence, as follows —
  - (a) a licence for firearm dealing may be referred to as a Firearm Dealer Licence;

- (b) a licence for firearm manufacture may be referred to as a Firearm Manufacture Licence;
  - (c) a licence for firearm repair may be referred to as a Firearm Repair Licence;
  - (d) a licence for firearm storage may be referred to as a Firearm Storage Licence.
- (3) When a Trade Licence is for more than 1 trade purpose (a *multi-purpose licence*) —
- (a) each of those trade purposes is a separate and distinct trade purpose of the licence; and
  - (b) a reference to a Trade Licence by a name that indicates a particular trade purpose includes a reference to a multi-purpose licence in relation to its operation as a licence for that trade purpose.

**89. Things to which Trade Licence applies**

- (1) A Trade Licence applies to the following things —
- (a) firearms;
  - (b) major firearms parts;
  - (c) ammunition;
  - (d) prohibited accessories approved for the licence under section 98.
- (2) The regulations or the conditions of a Trade Licence may limit the things to which a Trade Licence applies.
- (3) A Trade Licence authorises the licensee to possess a thing to which the licence applies for the purposes of any activity authorised by the licence in respect of the thing.

**90. Licence must be for genuine business**

- (1) A Trade Licence must not be granted to a person unless the Commissioner is satisfied that the person genuinely intends to carry on a business for which the licence is required.

- (2) The regulations may require a minimum level of business activity for a Trade Licence or for a Trade Licence for any particular trade purpose.
- (3) A Trade Licence for which a minimum level of business activity is required by the regulations must not be granted unless the Commissioner is satisfied that —
  - (a) the level of business activity under the licence will likely be not less than the minimum level required by the regulations; or
  - (b) the person has a reasonable excuse for the business to be carried on under the licence not achieving that minimum level of business activity.
- (4) For the purpose of determining what the level of business activity of a business is likely to be, the Commissioner is entitled to presume that the current level of business activity of a business indicates the likely future level of business activity of the business.
- (5) The regulations may prescribe the minimum level of business activity required for a Trade Licence by reference to any aspect or indicator of business activity, including but not limited to any of the following —
  - (a) the amount of revenue generated by the business;
  - (b) the volume of business transactions or business transactions of a particular kind in the course of the business.

Example for this subsection:

Volume of sales of firearms could be used as an indicator of business activity under a Firearm Dealer Licence.

## **91. Authority of Trade Licence limited to single location**

- (1) A Trade Licence applies to premises at a single location specified by the licence.

- (2) The authority conferred by a Trade Licence is limited to authorising the conduct of activities on premises to which the licence applies.
- (3) A person can hold more than 1 Trade Licence for the same trade purpose or trade purposes to authorise the conduct of activities at different locations.

**92. Authority of Trade Licence extends to authorised person for licence**

Any authority conferred by a Trade Licence on the licensee is also conferred on an authorised person for the licence.

**93. Supervision and management of Trade Licence business**

- (1) It is a condition of a Trade Licence that the licensee must ensure that the conduct of business under the licence is personally supervised and managed at all times by a person (the *business supervisor*) who is —
  - (a) the licensee; or
  - (b) the responsible person for the licence; or
  - (c) an authorised person for the licence.
- (2) The business supervisor must give such direction, and exercise or cause to be exercised such supervision, in connection with the conduct of business under the licence as is reasonably necessary to ensure that an offence under this Act is not committed in the course of the conduct of that business.
- (3) If an offence under this Act is committed by an authorised person for a Trade Licence in the course of the conduct of business under the licence, the person who is the business supervisor when the offence is committed is taken to have also committed the offence if the person failed to comply with subsection (2).

### **Subdivision 2 — Trade Licences**

#### **94. Firearm Dealer Licence**

- (1) A Firearm Dealer Licence authorises the licensee to deal in things to which the licence applies in the course of a business carried on by the licensee (the *licensee's firearm dealer business*).
- (2) A Firearm Dealer Licence also authorises the licensee to do any of the following things in the course of the licensee's firearm dealer business that are approved for the licence —
  - (a) use a thing to which the licence applies for the purpose of testing or demonstration;
  - (b) dismantle a thing to which the licence applies for parts and deal in those parts;
  - (c) accept possession of a thing to which the licence applies for the purpose of its delivery to the licensee under another Trade Licence.

#### **95. Firearm Repair Licence**

- (1) A Firearm Repair Licence authorises the licensee to repair things to which the licence applies in the course of a business carried on by the licensee (the *licensee's firearm repair business*).
- (2) A Firearm Repair Licence also authorises the licensee to do any of the following things in the course of the licensee's firearm repair business that are approved for the licence —
  - (a) possess ammunition for a firearm to which the licence applies;
  - (b) use a thing to which the licence applies for the purposes of testing;
  - (c) dismantle a thing to which the licence applies for parts and use those parts for the purposes of the repair under

the authority of the licence of things to which the licence applies;

- (d) make an approved alteration to a thing to which the licence applies;
- (e) carry out maintenance of a thing to which the licence applies.

**96. Firearm Manufacture Licence**

- (1) A Firearm Manufacture Licence authorises the licensee to manufacture a thing to which the licence applies in the course of a business carried on by the licensee (the *licensee's firearm manufacture business*).
- (2) A Firearm Manufacture Licence also authorises the licensee to do any of the following things in the course of the licensee's firearm manufacture business that are approved for the licence —
  - (a) supply a thing to which the licence applies that is manufactured under the authority of the licence;
  - (b) dismantle a thing to which the licence applies for parts and use those parts for the purposes of the manufacture under the authority of the licence of things to which the licence applies;
  - (c) use a thing to which the licence applies for the purposes of testing or demonstration.

**97. Firearm Storage Licence**

A Firearm Storage Licence authorises the licensee to possess a thing to which the licence applies in the course of a business carried on by the licensee for the purposes of storage of the thing.



**Subdivision 3 — Approvals for prohibited accessories and firearm technology for Trade Licence**

**98.      Approval to apply Trade Licence to prohibited accessories**

- (1) The Commissioner may approve of a Trade Licence applying to a prohibited accessory (a *prohibited accessory approval*).
- (2) A prohibited accessory approval may relate to —
  - (a) prohibited accessories generally; or
  - (b) a particular prohibited accessory or particular prohibited accessories specified in the approval.
- (3) The regulations or the conditions of a prohibited accessory approval may —
  - (a) limit the authority of a Trade Licence in connection with a prohibited accessory approval; or
  - (b) impose requirements in respect of activities under the authority of a Trade Licence in connection with a prohibited accessory approval.

**99.      Approval to extend certain Trade Licences to firearm technology**

- (1) The Commissioner may approve of a Firearm Repair Licence or Firearm Manufacture Licence extending to firearm technology.
- (2) For a Firearm Repair Licence the approval results in the licence authorising the licensee to —
  - (a) create, develop and be in possession of firearm technology for the purposes of the repair of things to which the licence applies; and
  - (b) disseminate firearm technology to any authorised person for the licence for the purposes of the repair of things to which the licence applies.

- (3) For a Firearm Manufacture Licence the approval results in the licence authorising the licensee to —
- (a) create, develop and be in possession of firearm technology for the purposes of the manufacture of things to which the licence applies; and
  - (b) disseminate firearm technology to any authorised person for the licence for the purposes of the manufacture of things to which the licence applies.

**100. Approval for creation of firearm technology for repairer or manufacturer**

- (1) The Commissioner may approve of a person nominated by the licensee under a Firearm Repair Licence or Firearm Manufacture Licence providing firearm technology to the licensee.
- (2) The approval results in the licence concerned authorising the approved person —
- (a) to create and develop firearm technology on behalf of the licensee; and
  - (b) to be in possession of firearm technology so created or developed; and
  - (c) to disseminate to the licensee firearm technology so created or developed.

**Division 9 — Government Entity Licences**

**101. Term used: Government entity**

In this Division —

**Government entity** means —

- (a) a department, or division of a department, of the Public Service; or
- (b) a government department, or division of a government department, of the Commonwealth; or

- (c) another agency or instrumentality of the State or the Commonwealth (or a division of such an agency or instrumentality); or
- (d) a local government.

**102. Grant of Government Entity Licence**

A Government Entity Licence may be granted to a Government entity.

**103. Authority conferred by Government Entity Licence**

- (1) A Government Entity Licence granted to a Government entity authorises the following —
  - (a) the licensee is authorised to possess a firearm to which the licence applies for the purpose of the firearm being used as authorised by the licence;
  - (b) an authorised person for the licence is authorised to use a firearm to which the licence applies in the performance of the person's duties as an employee or agent of, or contractor to, the Government entity for any purpose prescribed by the regulations in respect of the Government entity.
- (2) A person cannot be an authorised person for a Government Entity Licence unless the person is an employee or agent of, or contractor to, the Government entity.

**104. Firearms to which Government Entity Licence applies**

A Government Entity Licence applies to 1 or more specific firearms, each of which is uniquely identified by the licence as a firearm to which the licence applies.

**105. Firearms permitted for Government Entity Licence**

A Government Entity Licence can only be granted to apply to a firearm of category A, B, C, D, E or H.

**Division 10 — Replacement and additional major firearm parts**

**106. Approval for replacement of major firearm part of firearm**

- (1) The Commissioner may approve of a major firearm part as a replacement part for an existing part of a firearm to which a licence applies.
- (2) The Commissioner may then amend the licence to make any appropriate amendment to the description of the firearm as a firearm to which the licence applies.
- (3) A major firearm part must not be approved as a replacement part for an existing part of a firearm to which a licence applies unless the Commissioner is satisfied that the licence would be granted to apply to the firearm with the replacement part fitted to it.
- (4) When a major firearm part is approved as a replacement part for a firearm to which a licence applies —
  - (a) the replacement part becomes a major firearm part of the firearm for the purposes of the licence; and
  - (b) the part replaced ceases to be a major firearm part of the firearm for the purposes of the licence; and
  - (c) the part replaced must be surrendered to the Commissioner or supplied to another person, as required by the approval; and
  - (d) the licence authorises the part replaced to be supplied to another person as required by the approval.

Note for this subsection:

A licence that authorises possession of a firearm will not authorise possession of a major firearm part that has ceased to be part of the firearm.

- (5) A major firearm part surrendered to the Commissioner as required by the approval must be dealt with under section 366 as if it were a major firearm part seized under this Act.

**107. Approval for additional major firearm part for firearm**

- (1) A firearm (the *original firearm*) can be approved as including an additional major firearm part (an *approved additional part*) that is interchangeable with a major firearm part of the original firearm.
- (2) A firearm can be approved as including more than 1 approved additional part.
- (3) When a firearm is approved as including an approved additional part —
  - (a) the original firearm and a configuration of the original firearm that results from an approved additional part being fitted to the firearm are each *approved configurations* of the firearm; and
  - (b) each approved configuration of the firearm is treated as a separate firearm for the purposes of it being a firearm to which a licence applies; and
  - (c) a licence can apply to 1 or more approved configurations of the firearm as separate firearms to which the licence applies; and
  - (d) approved configurations that are treated as separate firearms to which a licence applies are not counted as separate firearms when counting the number of firearms to which the licence applies; and
  - (e) the Commissioner may amend a licence that applies to the original firearm for the purpose of including an approved configuration of the firearm as a firearm to which the licence applies.
- (4) An approved configuration of a firearm must not be included as a firearm to which a licence applies unless the Commissioner is satisfied that the licence would be granted to apply to the approved configuration of the firearm.

**Division 11 — Additional authority and restrictions**

**108. Additional authority conferred by authority for use of firearm**

- (1) A licence that authorises the use of a firearm also authorises the following for the purposes of the use of the firearm as authorised by the licence —
  - (a) possession of the firearm;
  - (b) possession and use of ammunition for the firearm;
  - (c) possession and use of any magazine capable of being used with the firearm, subject to subsection (2).
- (2) A licence that authorises the use of a firearm does not authorise the possession or use of a magazine that —
  - (a) would result in a change to the category of the firearm as specified in the licence; or
  - (b) has a capacity that exceeds any maximum capacity that is prescribed by the regulations.

**109. Additional authority conferred by authority for possession of firearm**

- (1) A licence that authorises the possession of a firearm also authorises the possession of —
  - (a) ammunition for the firearm; and
  - (b) any magazine capable of being used with the firearm, subject to subsection (2).
- (2) A licence that authorises the possession of a firearm does not authorise the possession of a magazine that —
  - (a) would result in a change to the category of the firearm as specified in the licence; or
  - (b) has a capacity that exceeds any maximum capacity that is prescribed by the regulations.

- (3) This section does not apply to a Collector Licence for firearms.

**110. Authority for use at licensed firearm range**

- (1) A licence that authorises the licensee or an authorised person for the licence to use a firearm also authorises the licensee or authorised person to use the firearm at a licensed firearm range for the following purposes —
- (a) target shooting (including target shooting for the purposes of sighting in);
  - (b) receiving firearms training provided by an approved firearms trainer;
  - (c) any other purpose prescribed by the regulations.
- (2) This section does not apply to a Paintball Licence.

**111. Authority for sighting in at authorised use locations**

- (1) This section applies to the following licences —
- (a) a Hunting Licence;
  - (b) a Professional Shooter Business Licence;
  - (c) a Primary Producer Licence;
  - (d) a Government Entity Licence;
  - (e) any other licence prescribed by the regulations.
- (2) A licence to which this section applies that authorises a person to use a firearm also authorises the person to use the firearm for target shooting for the purposes of sighting in the firearm at any location at which the firearm is otherwise authorised to be used by the licence.

Note for this section:

Under section 110, target shooting for the purposes of sighting in is also authorised at a licensed firearm range.

**112. Authority for licensee to acquire firearm or related thing**

A licence that authorises the possession of a firearm or related thing also authorises the licensee to acquire the firearm or related thing.

**113. Authority for supply of firearm or related thing**

A licence that authorises the possession of a firearm or related thing also authorises the licensee to supply the firearm or related thing to a person, but only —

- (a) in circumstances permitted by the regulations; and
- (b) in accordance with any requirements of the regulations for that supply.

**114. Authority to supply includes authority to give possession**

- (1) A licence that authorises a person (the *supplier*) to supply a firearm or related thing to a person also authorises the supplier to give possession of the firearm or related thing to the person.
- (2) A person who is authorised by the regulations referred to in section 113 to supply a firearm or related thing to a person is also authorised to give the person possession of the firearm or related thing.

**115. Authority for authorised person to acquire ammunition**

A licence that authorises an authorised person for the licence to use a firearm under the authority of the licence also authorises the authorised person to acquire ammunition for the firearm.

**116. Authority for supply of ammunition for use under licence**

- (1) A licence that authorises the use of a firearm by an authorised person for the licence also authorises the licensee to supply ammunition for the firearm to the authorised person for use in the firearm under the authority of the licence.



- (2) A licence that authorises the use of a firearm by a person (a *casual user*) other than the licensee or an authorised person for the licence also authorises the licensee and any authorised person for the licence to supply ammunition for the firearm to the casual user for immediate use in the firearm under the authority of the licence.

**117. Authority for manufacture of ammunition**

A licence that authorises the use of a firearm by the licensee or an authorised person for the licence also authorises the licensee or authorised person to manufacture ammunition for the firearm for use in the firearm.

**118. Authority for approved repairs and alterations**

- (1) A licence that authorises the licensee to possess a firearm or major firearm part also authorises the licensee to —
- (a) make any repair of the firearm or major firearm part that is an approved repair; and
  - (b) make any alteration to the firearm or major firearm part that is an approved alteration.
- (2) The approval of a repair or alteration for the purposes of this section can be given so as to be of general application or can be given so as to apply to a particular licence or a particular kind of licence.

**119. Prohibited firearms**

A licence must not be granted to authorise a person to possess, use, manufacture, repair, acquire or supply a prohibited firearm except as permitted by the regulations.

**120. Prohibited ammunition**

A licence that authorises a person to possess, use, manufacture, acquire or supply ammunition does not authorise the person to possess, use, manufacture, acquire or supply prohibited

ammunition unless the Commissioner otherwise approves in a particular case as permitted by the regulations.

**121. Approval of prohibited accessory for firearm**

- (1) The Commissioner may approve a prohibited accessory as a permitted accessory for a firearm to which a licence applies but only if —
  - (a) the prohibited accessory is of a kind that the regulations authorise the Commissioner to approve as a permitted accessory; and
  - (b) the licence is of a kind that the regulations provide is appropriate to authorise the possession and use of the permitted accessory; and
  - (c) any other requirement of the regulations for the approval of the prohibited accessory as a permitted accessory is satisfied.
- (2) If a prohibited accessory is approved as a permitted accessory for a firearm to which a licence applies, the licence authorises the following —
  - (a) a person who is authorised by the licence to possess the firearm is authorised to possess the permitted accessory;
  - (b) a person who is authorised by the licence to use the firearm is authorised to use the permitted accessory in conjunction with the use of the firearm.
- (3) This section does not limit section 98.

Note for this subsection:

Section 98 provides for the Commissioner to approve of a Trade Licence applying to prohibited accessories.

**122. Extending authority of licence by regulation**

The regulations may extend the authority conferred by a licence and for that purpose may —

- (a) extend the authority conferred by a licence to specified persons; or
- (b) extend the authority conferred by a licence to include the possession, use, supply or acquisition of a firearm or related thing for a specified purpose or in specified circumstances.

**123. Limiting authority of licence by regulation or conditions**

- (1) The regulations may limit the authority conferred by a licence.
- (2) The conditions of a licence may limit the authority conferred by the licence.

**124. Firearms restrictions by regulation**

The regulations may —

- (a) restrict the firearms in respect of which a licence may be granted, including by restricting the grant of a licence for a firearm by reference to the category, calibre or other characteristic of the firearm; or
- (b) restrict or prohibit the use of a firearm under the authority of a licence in specified circumstances or for specified purposes; or
- (c) limit the use of a firearm under the authority of a licence to use in specified circumstances or in compliance with specified conditions.

**125. Limits on number of firearms by regulation**

The regulations may limit the number of firearms to which a licence (other than an Individual Licence or Primary Producer Licence) can apply at any one time.

Note for this section:

Section 30 limits the number of firearms to which an Individual Licence can apply at any one time. Section 58(3) limits the number of firearms to which a Primary Producer Licence can apply at any one time.

**126. Requirements for target shooting**

- (1) The regulations may prescribe requirements (*target shooting requirements*) for target shooting under the authority of a licence.
- (2) Target shooting requirements may relate to any aspect of target shooting, including any of the following —
  - (a) the size, shape, design, appearance and construction material of targets permitted to be used for target shooting;
  - (b) the position and location of targets, including proximity to roads;
  - (c) target backstops.
- (3) A licence that authorises the use of a firearm for the purposes of target shooting does not authorise target shooting that fails to comply with any target shooting requirements of the regulations.

**127. Division extends to permits**

This Division extends to a permit.

**Division 12 — Responsible person for licence**

**128. Requirement for responsible person for licence**

- (1) It is a condition of a licence that there must be a responsible person for the licence if the licence is held by —
  - (a) a body corporate; or
  - (b) a partnership; or
  - (c) a Government entity.
- (2) The responsible person for a licence is the person who is approved for the time being as the responsible person for the licence.

- (3) A person is not eligible to be approved as the responsible person for a licence unless the person is an individual who is —
  - (a) in the case of a licence held by a body corporate other than a Government Entity Licence — an officer or employee of the body corporate; or
  - (b) in the case of a licence held by a partnership — a member or employee of the partnership; or
  - (c) in the case of a Government Entity Licence — an employee of the Government entity to which the licence applies.
- (4) A person who is under 18 years of age is not eligible to be approved as the responsible person for a licence.
- (5) The responsible person for a licence who ceases to be eligible to be approved as the responsible person for the licence continues to be the responsible person for the licence until their approval as the responsible person is cancelled.

### **129. Functions of responsible person**

- (1) When there is a responsible person for a licence —
  - (a) the responsible person has all the functions of the licensee arising under or in connection with the licence; and
  - (b) anything that the licensee is authorised or required to do under or in connection with the licence can be done by the responsible person on behalf of the licensee; and
  - (c) any act or omission by the responsible person under or in connection with the licence is taken to be an act or omission of the licensee.
- (2) If the licensee under a licence for which there is a responsible person is guilty of an offence (a **licensee offence**) under this Act as a result of an act or omission of the responsible person, the responsible person is also guilty of the licensee offence.

- (3) The responsible person can be charged with and convicted of a licensee offence whether or not the licensee is charged with or convicted of the offence.

**130. Delegation of responsible person's powers and duties**

- (1) The responsible person for a licence may delegate any power or duty of the responsible person under another provision of this Act to a person who is an authorised person for the licence but only if a condition of the licence authorises delegation of the power or duty.
- (2) A delegation under this section must be in writing in the approved form signed by the responsible person and must be effected in the approved manner.
- (3) A person to whom a power or duty is delegated under this section cannot delegate that power or duty.
- (4) A person exercising or performing a power or duty that has been delegated to the person under this section is taken to do so in accordance with the terms of the delegation unless the contrary is shown.
- (5) A power or duty delegated under this section is, when exercised or performed by the delegate, taken for the purposes of this Act to have been exercised or performed by the responsible person.

**131. Responsible person must notify change of eligibility**

A person who is the responsible person for a licence and who ceases to be eligible to be the responsible person for the licence must notify the Commissioner of that fact in the approved manner within 7 days.

Penalty: a fine of \$5 000.

**132. Function of licensee to be performed by responsible person**

When there is a responsible person for a licence, a function of the licensee that arises under or in connection with the licence

cannot be performed by or through a person other than the responsible person for the licence or a delegate of the responsible person under section 130.

**133. Division extends to permit**

This Division extends to a permit.

## **Part 3 — Permits**

### **134. Grant of permit**

The Commissioner may grant a permit to authorise any of the following things —

- (a) the possession or use of a firearm or related thing in circumstances or for purposes prescribed by the regulations;
- (b) the acquisition or supply of a firearm or related thing in circumstances or for purposes prescribed by the regulations;
- (c) the creation, development, possession or dissemination of firearm technology in circumstances or for purposes prescribed by the regulations;
- (d) anything else that this Act or the regulations provide can be authorised by a permit.

### **135. No permit for personal protection**

A permit must not be granted to authorise the possession or use of a firearm for the purpose (or for purposes that include the purpose) of personal protection.

### **136. Holding more than 1 permit**

A person can hold more than 1 permit at the same time.

### **137. Application of other provisions to permits**

The following provisions of this Act apply to a permit as if a reference in the provision to a licence were a reference to a permit and a reference to a licensee were a reference to a permit holder —

- (a) section 21 (which prevents the grant of a licence to authorise the possession of a firearm unless the



Commissioner is satisfied that the person has a genuine reason for the licence);

- (b) section 22 (which prevents the grant of a licence to authorise the use of a firearm unless the Commissioner is satisfied that the firearm is suitable and appropriate for the use to be authorised);
- (c) any provision of this Act that is expressed to extend to a permit.

## **Part 4 — Firearm authority procedures**

### **Division 1 — General restrictions**

#### **138. Public safety**

The Commissioner must not grant a firearm authority to a person if the Commissioner is of the opinion that it is not desirable in the interests of public safety.

#### **139. Fit and proper person requirement**

- (1) The Commissioner must not grant a firearm authority to a person if the Commissioner is of the opinion that the person is not a fit and proper person to hold the firearm authority.
- (2) A reference in this Part to a *fit and proper person* is a reference to a fit and proper person to hold a firearm authority.

#### **140. Disqualified and prohibited persons**

The Commissioner must not grant a firearm authority to a person who is a disqualified person or prohibited person.

#### **141. Restrictions extend to holder of relevant management position in body corporate or partnership**

- (1) A body corporate or partnership is not a fit and proper person if a person who holds a relevant management position in the body corporate or partnership is not a fit and proper person.
- (2) A body corporate or partnership is a prohibited person or disqualified person if a person who holds a relevant management position in the body corporate or partnership is a prohibited person or disqualified person.

#### **142. Regulations: restrictions on grant of firearm authority**

- (1) The regulations may restrict the grant of a firearm authority.

- (2) Without limiting subsection (1), the regulations may prescribe other mandatory or discretionary grounds for refusing the grant of a firearm authority.

**143. Grant includes renewal**

A reference in this Part to the grant of a firearm authority includes the renewal of a firearm authority.

**144. Operation of other provisions**

This Part does not affect the operation of any other provision of this Act that prevents or restricts the grant of, or authorises the refusal to grant, a firearm authority.

Note for this section:

For example, section 21 prevents the grant of a licence to a person who does not have a genuine reason for the licence. That section extends to a permit.

**Division 2 — Fit and proper person requirement**

**Subdivision 1 — Making inquiries**

**145. Obligation to make inquiries when indicated**

If there is any apparently reliable indication that for any reason a person who is an applicant for the grant of or the holder of a firearm authority may not be a fit and proper person, the Commissioner must ensure that sufficient evidence has been provided to the Commissioner to satisfy the Commissioner that the person is a fit and proper person.

**146. Investigating whether person is fit and proper person**

The Commissioner may at any time investigate whether a person who is an applicant for the grant of or the holder of a firearm authority is a fit and proper person.

**147. Request for information or interview**

- (1) In this section —  
*relevant information* means information that the Commissioner considers necessary for a determination as to whether a person is a fit and proper person.
- (2) For the purpose of investigating whether a person is a fit and proper person, the Commissioner may —
  - (a) request the person to provide specified relevant information to the Commissioner; and
  - (b) request the person to attend an interview with a police officer or employee of the Department (the *interviewer*) and provide relevant information by answering questions asked by the interviewer at the interview.
- (3) A request under this section must comply with the following —
  - (a) a request must be made in writing;
  - (b) a request for relevant information must specify the manner in which and the time (not less than 28 days after the request is made) within which the request must be complied with;
  - (c) a request to attend an interview must specify a reasonable time and place for the interview;
  - (d) a request must state that a failure to comply with the request may result in the cancellation of or refusal to grant or renew the firearm authority.
- (4) If a request under this section is not complied with, the Commissioner has sufficient grounds for forming the opinion that the person is not a fit and proper person to hold a firearm authority.
- (5) A person who, in response to a request or in answer to a question under this section, provides information that the person

knows to be false or misleading in a material particular commits an offence.

Penalty for this subsection: a fine of \$5 000.

**148. Evidence that person meets firearm authority health standards**

(1) In this section —

*health evidence* means a certificate or other evidence provided by a health practitioner;

*health practitioner* means a person who is registered under the *Health Practitioner Regulation National Law (Western Australia)* to practise a health profession (other than as a student).

(2) The Commissioner may require evidence that a person who is an applicant for the grant of or the holder of a firearm authority meets firearm authority health standards, and for that purpose the Commissioner may do any of the following —

- (a) require the person to provide the Commissioner with health evidence to the effect that the person has been examined and has not been found to have any physical or mental condition that could reasonably result in the person being considered to not meet firearm authority health standards;
- (b) require the person at the person's expense to attend and be examined by a health practitioner for the purpose of determining whether the person meets firearm authority health standards (a *firearm authority health examination*);
- (c) require the person to provide the Commissioner with any health evidence provided to the person by a health practitioner in connection with a firearm authority health examination of the person.

- (3) The Commissioner may require that a firearm authority health examination be carried out by a health practitioner (or a health practitioner of a kind) chosen by the person or by the Commissioner.
- (4) The Commissioner must specify a period of not less than 28 days for compliance with a requirement under this section.
- (5) A failure to comply with a requirement of the Commissioner under this section within the period specified by the Commissioner is sufficient grounds for the Commissioner to be satisfied that the person does not meet firearm authority health standards and for that reason is not a fit and proper person.

Note for this subsection:

Under section 153 the Commissioner has sufficient grounds for forming the opinion that a person is not a fit and proper person if the Commissioner is satisfied that the person does not meet firearm authority health standards.

- (6) If the Commissioner is provided with health evidence about a person pursuant to a requirement under this section, the Commissioner may request the health practitioner who provided that evidence to provide the Commissioner with any further information that the Commissioner considers to be relevant.
- (7) Nothing prevents a health practitioner from providing the Commissioner in good faith with further information about a person pursuant to a request by the Commissioner (despite any duty of confidentiality) and the provision of that further information does not give rise to a criminal or civil action or remedy.

**149. Division does not limit fit and proper person decision making**

This Division does not limit —

- (a) the matters that the Commissioner may have regard to when forming an opinion as to whether a person is a fit and proper person; or

- (b) the grounds on which the Commissioner may form the opinion that a person is not a fit and proper person; or
- (c) the circumstances in which the Commissioner has sufficient grounds for forming the opinion that a person is not a fit and proper person.

**Subdivision 2 — Matters for consideration**

**150. General matters for consideration**

Without limiting the matters to which the Commissioner may have regard for the purpose of forming an opinion as to whether a person is a fit and proper person, the Commissioner may have regard to any of the following —

- (a) the person's conduct and behaviour;
- (b) the person's physical and mental health;
- (c) the person's views, opinions and attitudes;
- (d) the person's way of living or domestic circumstances;
- (e) whether the person is of good repute, having regard to the person's character, honesty and integrity.

**151. Mandatory criminal records check**

- (1) For the purpose of forming an opinion as to whether a person is a fit and proper person, the Commissioner must inquire into relevant criminal records held by the Police Force of Western Australia and, if practicable, police forces elsewhere in Australia.
- (2) This section does not prevent the Commissioner from inquiring into relevant criminal records held by other law enforcement agencies, including law enforcement agencies outside Australia.

**152. Consideration of person's associates**

- (1) For the purpose of forming an opinion as to whether a person is a fit and proper person, the Commissioner may have regard to

whether any other person with whom the person associates or who is a close associate of the person is a fit and proper person.

- (2) Persons are close associates for the purpose of this section if —
- (a) one is a relative of the other; or
  - (b) they reside together; or
  - (c) they are in partnership; or
  - (d) they are related bodies corporate as defined in the *Corporations Act 2001* (Commonwealth) section 9; or
  - (e) one is a body corporate and the other is an officer of the body corporate; or
  - (f) one is a body corporate (other than a public company whose shares are listed on a stock exchange) and the other is a shareholder in the body corporate; or
  - (g) one is a trustee of a trust and the other is a beneficiary of the trust or, in the case of a discretionary trust, an object of the trust; or
  - (h) one has a right to participate, or participates, (otherwise than as a shareholder in a body corporate) in income or profits derived from a business conducted by the other; or
  - (i) one is in a position to exercise, or exercises, control or significant influence over the conduct of the other.

**Subdivision 3 — Sufficient grounds for opinion that person not fit and proper**

**153. Firearm authority health standards**

The Commissioner has sufficient grounds for forming the opinion that a person is not a fit and proper person if the Commissioner is satisfied that the person does not meet firearm authority health standards.



**154. Violent behaviour, family violence or intimidating behaviour**

The Commissioner has sufficient grounds for forming the opinion that a person is not a fit and proper person if the Commissioner is satisfied that the person has a history of, or a tendency towards, violent behaviour, family violence or intimidating behaviour.

**155. Risk of firearm misuse**

The Commissioner has sufficient grounds for forming the opinion that a person is not a fit and proper person if the Commissioner is satisfied that the person poses any of the following risks —

- (a) a risk of the person using a firearm for an unlawful purpose;
- (b) a risk of the person using a firearm to harm themselves;
- (c) a risk of the person causing injury or harm to another by the use or threatened use of a firearm;
- (d) a risk of the person failing to exercise responsible control over a firearm.

**156. Suspicion of threat to public safety**

- (1) The Commissioner has sufficient grounds for forming the opinion that a person is not a fit and proper person if the Commissioner reasonably suspects, on the basis of an intelligence report or other intelligence information held in relation to the person, that the person is a threat to public safety.
- (2) The Commissioner is not required under this Act or any other Act or law to disclose an intelligence report or other intelligence information on which the Commissioner has relied under subsection (1) unless the disclosure is required under the *State Administrative Tribunal Act 2004*.

**157. Commissioner’s discretion not affected**

The Commissioner is not required to form the opinion that a person is not a fit and proper person merely because the Commissioner has sufficient grounds under a provision of this Subdivision for forming that opinion.

**Division 3 — Other restrictions and requirements**

**158. Minimum age restrictions**

- (1) The minimum age for a firearm authority is —
  - (a) 18 years for a licence or permit; or
  - (b) 15 years for an approval.
- (2) A firearm authority must not be granted to an individual who is under the minimum age for the firearm authority.
- (3) The Commissioner may accept an application by an individual for the grant of a firearm authority that is made no earlier than 3 months before the individual reaches the minimum age for the firearm authority.
- (4) A firearm authority does not authorise the possession or use of a firearm by an individual who is under 12 years of age.

Note for this subsection:

Although a licence cannot be granted to an individual who is under 18 years of age, some licences authorise the possession and use of a firearm by persons other than the licensee.

**159. Citizenship and residency**

- (1) An individual must not be granted a licence or approved as an authorised person or the responsible person for a licence unless the individual resides in the State and is —
  - (a) an Australian citizen as defined in the *Australian Citizenship Act 2007* (Commonwealth) section 4; or
  - (b) a permanent resident as defined in the *Australian Citizenship Act 2007* (Commonwealth) section 5; or

- (c) resident in Australia in circumstances prescribed by the regulations.
- (2) The regulations may prescribe circumstances in which a licence or approval as an authorised person or responsible person can (despite subsection (1)) be granted to an individual who does not reside in the State.

Note for this section:

This section does not apply to the grant of a permit.

#### **160. Identity of applicant to be established**

- (1) A firearm authority must not be granted to an individual unless the identity of the individual has been established to the satisfaction of the Commissioner.
- (2) A firearm authority must not be granted to a partnership unless the identity of each member of the partnership has been established to the satisfaction of the Commissioner.
- (3) A firearm authority must not be granted to a body corporate unless the following has been established to the satisfaction of the Commissioner —
  - (a) the incorporation of the body;
  - (b) the identity of each person who holds a relevant management position in the body.
- (4) For the purposes of this section, the Commissioner may require an applicant for the grant of a firearm authority to provide evidence of the identity of a person in an approved manner.

#### **161. Safety and serviceability of firearm or major firearm part**

- (1) A firearm authority must not be granted to apply to a firearm or major firearm part that in the opinion of the Commissioner is —
  - (a) unsafe; or
  - (b) unserviceable.

- (2) Subsection (1) does not prevent —
- (a) the grant of a Trade Licence in respect of a firearm or major firearm part, or the grant of a permit in respect of a firearm or major firearm part to the holder of a Trade Licence, for the purpose of enabling the firearm or major firearm part to be tested, repaired or dismantled for parts; or
  - (b) the grant of a permit in respect of a firearm or major firearm part for the purpose of enabling it to be taken to the holder of a Trade Licence or any other person authorised to have possession of it; or
  - (c) the grant of a Collector Licence for a firearm or major firearm part that is unserviceable (but not unsafe).

#### **Division 4 — Application and grant**

**162. Term used: application**

In this Division —

*application* means an application for the grant of a firearm authority.

Note for this section:

Under section 143, a reference to the grant of a firearm authority includes the renewal of a firearm authority.

**163. Making an application**

- (1) An application must be made to the Commissioner in the approved form and in the approved manner.
- (2) An applicant must provide the Commissioner with the information that the approved form of application requires.

**164. Requirement to provide relevant information**

- (1) In this section —  
*relevant information* —
  - (a) means information relevant to consideration of an application; and
  - (b) includes information that the Commissioner considers necessary for the purpose of forming an opinion as to whether a person is a fit and proper person to hold a firearm authority.
- (2) The Commissioner may require an applicant to provide relevant information to the Commissioner in addition to information provided with the application, and may make such a requirement more than once.
- (3) An applicant must comply with a requirement to provide relevant information within the period (not less than 28 days after the requirement is made) specified by the Commissioner.
- (4) The Commissioner may require an applicant to attend an interview with a police officer or employee of the Department (*the interviewer*) at a reasonable time and place and provide relevant information by answering questions asked by the interviewer at the interview.

**165. Photograph and signature of applicant**

- (1) The Commissioner may require that a photograph of an applicant be provided to the Commissioner and for that purpose may require an applicant to —
  - (a) provide an approved photograph of the applicant to the Commissioner; or
  - (b) have a photograph of the applicant taken in an approved manner and provided to the Commissioner.
- (2) The Commissioner may require an applicant to provide in an approved manner a sample of the applicant's signature.

**166. Completion of firearm safety training course**

- (1) The regulations may require an applicant to have successfully completed an approved course of training in the safe handling and safe use of firearms (a *firearm safety training course*).
- (2) The approval of a firearm safety training course can require that the course be taught by an approved firearms trainer or by a person who is approved to teach the firearm safety training course.
- (3) If an applicant is required by the regulations to have completed a firearm safety training course, the firearm authority must not be granted unless the Commissioner is satisfied that the applicant has successfully completed the firearm safety training course.

**167. Certificate as to serviceability and safety of firearm or major firearm part**

- (1) The Commissioner may require an applicant to provide the Commissioner with a certificate (a *serviceability certificate*) that certifies as to either or both of the following in respect of any firearm or major firearm part to which the application relates —
  - (a) that the firearm or major firearm part is in a serviceable condition;
  - (b) that the firearm or major firearm part complies with any safety standards and tests that are prescribed by the regulations and applicable to the firearm or major firearm part.
- (2) The Commissioner may require the holder of a firearm authority that applies to a firearm or major firearm part to provide the Commissioner with a serviceability certificate for the firearm or major firearm part and it is a condition of the firearm authority that the holder must comply with that requirement.

- (3) A serviceability certificate must be in the approved form and must be issued by an approved person.

**168. Refusal of application for failure to comply with requirement**

The Commissioner may refuse an application if the application or the applicant fails to comply with a requirement made by or under a provision of this Division.

**169. Grant of application**

The Commissioner must grant an application if satisfied that —

- (a) the application has been properly made in compliance with this Act; and
- (b) there are no grounds on which the application should be refused.

**170. Delayed grant for first licence**

- (1) If a licence to be granted to a person will be the person's first licence under this Act, the licence must not be granted until a period of at least 42 days has elapsed since the making of the application for the licence.
- (2) A licence is considered to be a person's first licence under this Act if —
  - (a) the person has never held a licence (of any kind) under this Act; or
  - (b) the person has not held a licence (of any kind) under this Act in the period of 3 years before the making of the application.

**171. Holding more than 1 firearm authority**

- (1) A person can hold more than 1 firearm authority at the same time except as provided by subsections (2) to (4).

- (2) A person cannot hold more than 1 Individual Licence at the same time.

Note for this subsection:

Although a person can only hold 1 Individual Licence, the licence can be for more than 1 of the purposes allowed for an Individual Licence (competition shooting, hunting and paintball). See section 28.

- (3) A person cannot hold more than 1 Primary Producer Licence at the same time.
- (4) A person cannot hold a Primary Producer Licence and at the same time be an authorised person for a Primary Producer Licence held by another person.

**172. Firearm authorities applying to same firearm**

Two or more firearm authorities (whether held by the same person or different persons) can apply to the same firearm.

**173. Form of firearm authority**

A firearm authority must be in such form as the Commissioner determines.

**174. Application on behalf of authorised person or responsible person**

- (1) An application for the approval of a person as the responsible person or an authorised person for a licence is taken to be an application for approval made by that person even if the application is made by another person who nominates the person for approval.
- (2) The approval of a person as the responsible person or an authorised person for a licence is taken to be the grant of an approval to that person (and that person is taken to be the holder of the approval) even if the application for approval is made by another person.



**175. Register of firearm authorities**

- (1) The Commissioner must compile and maintain a register (the *Firearm Authority Register*), in such form as the Commissioner determines, of the firearm authorities granted or renewed under this Act.
- (2) The Commissioner must enter in the Firearm Authority Register the particulars determined by the Commissioner for each firearm authority granted or renewed under this Act.

**176. Notice of refusal of application and reasons**

If the Commissioner refuses an application, the Commissioner must give the applicant notice in writing of the decision and the reasons for it as soon as practicable.

**177. Firearm authorities not transferable**

A firearm authority is not transferable.

**178. Offence of providing false or misleading information**

A person who, in or in connection with an application, provides information to the Commissioner that the person knows to be false or misleading in a material particular commits an offence.

Penalty: a fine of \$5 000.

**Division 5 — Term and renewal**

**179. Term and renewal of licence**

- (1) A licence may be granted or renewed for a term of 1, 3 or 5 years as chosen by the applicant for the grant or renewal of the licence, subject to any limitations imposed by the regulations on the term of a licence.
- (2) A licence may instead be granted or renewed for a term determined by the Commissioner for the purpose of aligning the terms of 2 or more licences held by the same person.

- (3) The Commissioner may renew a licence on application made by the licensee before the end of the term of the licence or within 3 months after the end of that term.
- (4) The regulations may prescribe a fee to be payable in addition to the fee payable for an application for the renewal of a licence if the application is made more than 7 days after the end of the term of the licence.
- (5) If a licence is renewed after the end of the term of the licence, the term of the renewed licence is taken to have commenced immediately after the end of the term of the licence that is renewed.
- (6) A licence cannot be renewed on application made more than 3 months after the end of the term of the licence but the person who held the licence may apply for a new licence.

**180. Continuation of licence when application for renewal pending**

- (1) If an application for the renewal of a licence is made before the end of the term of the licence and the application has not been determined before the end of that term —
  - (a) the licence continues in force until the licensee is notified of the grant or refusal of the application for renewal (unless the licence is cancelled or suspended under another provision of this Act); and
  - (b) if the licence is renewed, the term of the renewed licence is taken to have commenced immediately after the end of the term of the licence that is renewed.
- (2) If the application is withdrawn, the licence does not continue in force after the application is withdrawn.
- (3) An application for the renewal of a licence made after the end of the term of the licence does not continue the operation of the licence while the application is being determined.

**181. Term and renewal of permit**

- (1) A permit may be granted for a term of up to 3 months.
- (2) A permit may be renewed for a term of up to 3 months on application made before the end of the term of the permit or within 3 months after the end of that term.
- (3) If a permit is renewed after the end of the term of the permit, the term of the renewed permit is taken to have commenced immediately after the end of the term of the permit that is renewed.
- (4) A permit cannot be renewed on application made more than 3 months after the end of the term of the permit but the person who held the permit may apply for a new permit.
- (5) If an application for the renewal of a permit is made before the end of the term of the permit and the application has not been determined before the end of that term —
  - (a) the permit continues in force until the holder of the permit is notified of the grant or refusal of the application for renewal (unless the permit is cancelled or suspended under another provision of this Act); and
  - (b) if the permit is renewed, the term of the renewed permit is taken to have commenced immediately after the end of the term of the permit that is renewed.
- (6) If the application is withdrawn, the permit does not continue in force after the application is withdrawn.
- (7) A permit must not be granted or renewed to authorise a person to possess or use any particular firearm for more than 6 months in any period of 12 consecutive months.

**182. Term and renewal of approval**

An approval may be granted or renewed for a term determined by the Commissioner.

**183. Possession offence during renewal period**

(1) In this section —

***possession in compliant storage*** means possession of a firearm or related thing when it is stored in compliant storage as defined in section 301;

***possession offence*** means an offence under Part 5 that a person commits by possessing a firearm or related thing when not authorised to do so by a firearm authority;

***renewal period***, for a firearm authority, means the period that begins at the end of the term of the firearm authority and ends as follows —

- (a) if an application for renewal of the firearm authority is made within 3 months after the end of the term of the firearm authority, the renewal period ends when the application for renewal is determined or otherwise disposed of or is withdrawn;
- (b) otherwise, the renewal period ends 3 months after the end of the term of the firearm authority.

(2) Proceedings cannot be taken against a person for a possession offence in respect of a person's possession of a firearm or related thing if that possession —

- (a) is during the renewal period for a firearm authority previously held by the person and would be authorised by that firearm authority if it were still in force; and
- (b) is possession in compliant storage.

(3) This section does not affect the taking of proceedings for —

- (a) a possession offence in respect of a person's possession of a firearm or related thing that is not possession in compliant storage; or
- (b) an offence in respect of the use of a firearm or related thing.

- (4) This section does not affect any power of a police officer to seize a firearm or related thing in a person's possession if the person is not entitled to lawful possession of it (even if that possession is possession in compliant storage).

**184. Regulations: restrictions on renewal**

The regulations may restrict the renewal of a firearm authority.

**185. No renewal as of right**

A firearm authority is not renewable as of right.

Note for this section:

Division 8 provides for the grounds for refusal of renewal.

**Division 6 — Conditions**

**186. Conditions of firearm authority**

- (1) The conditions to which a firearm authority is subject may —
- (a) impose limitations or restrictions on the authority conferred by the firearm authority; or
  - (b) impose obligations and restrictions on the holder of the firearm authority; or
  - (c) impose obligations and restrictions on any person acting under the authority of the firearm authority; or
  - (d) impose obligations and restrictions on the holder of the firearm authority in connection with the carrying on of any business or other activity to which the firearm authority relates.
- (2) The conditions of an approval of a person as the responsible person or an authorised person for a licence can also impose obligations and restrictions on the responsible person or authorised person.

**187. Imposition and variation of conditions**

- (1) A firearm authority is subject to the following conditions —
  - (a) conditions (*prescribed conditions*) imposed by this Act or prescribed by the regulations;
  - (b) any conditions (*discretionary conditions*) that the Commissioner thinks fit to impose when the firearm authority is granted, as varied from time to time under subsection (3).
- (2) A discretionary condition of a firearm authority can vary or disapply a prescribed condition in its application to the firearm authority.
- (3) The Commissioner may, by notice in writing to the holder of a firearm authority, vary the discretionary conditions to which it is subject by adding to, deleting or amending those conditions.
- (4) Notice of the variation of the discretionary conditions of a firearm authority must include a statement of the Commissioner's reasons for the variation.
- (5) A variation of discretionary conditions takes effect when the holder of the firearm authority is given notice of the variation by the Commissioner or at a later time specified by the Commissioner in the notice of the variation.

**188. Compliance with conditions**

A person who contravenes a condition of a firearm authority commits an offence if the person is —

- (a) the holder of the firearm authority; or
- (b) in the case of a licence, the responsible person or an authorised person for the licence; or

- (c) a person who ought reasonably to have known of the existence of the condition.

Penalty:

- (a) for a first offence, a fine of \$5 000;
- (b) for a second or subsequent offence, imprisonment for 12 months and a fine of \$12 000.

### **Division 7 — Amendment**

#### **189. Amendment to add, replace or remove firearm**

- (1) A licence or permit that authorises the possession or use of a firearm may be amended by the Commissioner on the application of the holder by —
  - (a) adding a firearm to the licence or permit as an additional firearm to which the licence or permit applies; or
  - (b) replacing a firearm to which the licence or permit applies with another firearm so that the licence or permit ceases to apply to the replaced firearm and applies instead to the firearm that replaces it; or
  - (c) removing a firearm from the licence or permit as a firearm to which the licence or permit applies.
- (2) A licence or permit that authorises the possession or use of a firearm may be amended by the Commissioner, without an application by the holder, by removing the firearm from the licence or permit as a firearm to which the licence or permit applies if the Commissioner is satisfied that the licence or permit would not be granted to apply to the firearm.
- (3) A licence or permit must not be amended to add or replace a firearm unless the Commissioner is satisfied that the licence or permit could be granted to apply to the additional or replacement firearm.

- (4) A licence or permit must not be amended to remove a firearm as a firearm to which the licence or permit applies to result in the licence or permit not applying to any firearm unless the licence is then cancelled.
- (5) Subsection (4) does not apply to a Club Licence or Range Licence.

Note for this section:

A licence can also be amended under section 106 (which provides for the approval of a replacement major firearm part) or 107 (which provides for the approval of an additional major firearm part).

**190. Amendment to change purpose of Individual Licence or Trade Licence**

- (1) In this section —  
*licence purpose* means —
  - (a) for an Individual Licence, a licence purpose as defined in section 28(1);
  - (b) for a Trade Licence, a trade purpose as defined in section 88(1).
- (2) The Commissioner may amend an Individual Licence or Trade Licence on the application of the licensee to add a licence purpose to the licence if the Commissioner is satisfied that the licence could be granted for that licence purpose.
- (3) The Commissioner may amend an Individual Licence or Trade Licence to remove a licence purpose from the licence —
  - (a) on the application of the licensee; or
  - (b) without an application by the licensee if the Commissioner is satisfied that the licence would not be granted for that licence purpose.
- (4) The result of a licence purpose being added to a licence is that the licence becomes a licence for that purpose in addition to any existing purpose of the licence.



- (5) The result of a licence purpose being removed from a licence is that the licence ceases to be a licence for that purpose.
- (6) A licence purpose must not be removed from a licence if it is the only licence purpose of the licence unless the licence is then cancelled.

Note for this section:

The amendment of an Individual Licence under this section may also involve an amendment under section 189 to add, replace or remove a firearm to which the licence applies.

### **191. Notice and taking effect of amendment**

- (1) If the Commissioner amends a licence or permit under this Division, the Commissioner must give notice of the amendment in writing to the holder of the licence or permit.
- (2) Notice of the amendment must include a statement of the Commissioner's reasons for the amendment unless the amendment is made on the application of the holder of the licence or permit.
- (3) The amendment takes effect when notice of it is given to the holder of the licence or permit or on a later date specified by the Commissioner in the notice.

## **Division 8 — Cancellation and refusal of renewal**

### **192. Mandatory cancellation or refusal to renew**

- (1) The Commissioner must cancel or refuse to renew a firearm authority if —
  - (a) the Commissioner is of the opinion that it is not desirable in the interests of public safety that the firearm authority continues in force or is renewed; or
  - (b) the Commissioner is of the opinion that the holder of the firearm authority is not a fit and proper person to hold the firearm authority; or

- (c) the Commissioner is satisfied that the holder of the firearm authority is a disqualified person; or
- (d) the Commissioner is satisfied that a person who holds a relevant management position in the body corporate or partnership that holds the firearm authority is a prohibited person or disqualified person; or
- (e) cancellation of the firearm authority is required by or under any other written law.

Note for this subsection:

A firearm authority held by a prohibited person is automatically cancelled by section 326.

- (2) The Commissioner is not required to cancel or to refuse to renew a firearm authority as a result of the holder being a disqualified person if the holder is a disqualified person only because —
  - (a) the holder is an interim disqualified person; or
  - (b) a person who holds a relevant management position in the body corporate or partnership that holds the firearm authority is an interim disqualified person.

Note for this subsection:

When the holder of a firearm authority, or a person who holds a relevant management position in a body corporate or partnership that holds a firearm authority, is an interim disqualified person, section 198 requires that the firearm authority be suspended.

**193. Discretionary cancellation or refusal to renew**

- (1) The Commissioner may cancel or refuse to renew a firearm authority if the Commissioner is satisfied that —
  - (a) the firearm authority was obtained by fraud or deception; or
  - (b) the holder of the firearm authority has contravened a provision of this Act; or
  - (c) the holder of the firearm authority has contravened a condition to which the firearm authority is subject; or

- (d) the holder of the firearm authority would not, because of another provision of this Act, be granted the firearm authority if the person were then applying for it; or
  - (e) the Commissioner is authorised under another provision of this Act to cancel or refuse to renew the firearm authority; or
  - (f) the firearm authority was granted incorrectly because of an administrative or procedural error; or
  - (g) a firearm the use of which is authorised by the firearm authority is unsafe or unserviceable, or is unsuitable for its authorised use; or
  - (h) in the case of an approval, the circumstances in which the approval was granted in relation to any person or matter no longer prevail.
- (2) The Commissioner may cancel or refuse to renew a firearm authority on any other grounds prescribed by the regulations.
- (3) The Commissioner may impose conditions on, or vary the conditions of, a firearm authority as an alternative to cancelling or refusing to renew the firearm authority under this section.

**194. Request for submission: fit and proper person**

- (1) If the Commissioner is of the opinion that the holder of a firearm authority may not be a fit and proper person to hold a firearm authority, the Commissioner must request the holder to make a submission about that to the Commissioner.
- (2) The request must —
- (a) be made in writing; and
  - (b) specify the manner in which and the time (not less than 28 days after the request is made) within which the requested submission must be made; and

- (c) specify the reasons why the Commissioner is of the opinion that the person may not be a fit and proper person; and
  - (d) state that a failure to make a submission as requested can result in the cancellation of or refusal to renew the firearm authority.
- (3) If a request under this section is not complied with, the Commissioner has sufficient grounds for forming the opinion that the person is not a fit and proper person to hold a firearm authority.

**195. Notice and taking effect of cancellation or refusal of renewal**

- (1) The Commissioner must give notice in writing of a decision by the Commissioner to cancel or to refuse to renew a firearm authority to the holder of the firearm authority.
- (2) Notice of the Commissioner's decision must include a statement of the Commissioner's reasons for the decision.
- (3) The Commissioner's decision takes effect when notice of it is given to the holder of the firearm authority or on a later date specified by the Commissioner in the notice.
- (4) This section does not apply to a decision to cancel a firearm authority at the request of the holder.

**196. Cancellation at request of holder**

- (1) A firearm authority may be cancelled by the Commissioner at the request of the holder made in the approved form.
- (2) Cancellation at the request of the holder takes effect when the Commissioner gives the holder notice in writing of the cancellation.

**197. Requirement to notify Commissioner about disqualifying offences and orders**

- (1) A person who is the holder of a firearm authority must give the Commissioner notice in writing in the approved manner and approved form of the occurrence of a disqualifying event in relation to the person or a person who is an authorised person for the licence within 14 days after becoming aware of the occurrence of the disqualifying event.

Penalty for this subsection: a fine of \$2 000.

- (2) Each of the following is a disqualifying event in relation to a person —
- (a) a disqualifying order is made against the person; or
  - (b) the person is charged with a disqualifying offence; or
  - (c) there has been a finding of guilt in relation to a disqualifying offence committed by the person.

**Division 9 — Suspension**

**198. Mandatory suspension during interim disqualification**

- (1) The Commissioner must suspend a firearm authority if the Commissioner is satisfied that the holder of the firearm authority is a disqualified person as a result of —
- (a) the person being an interim disqualified person; or
  - (b) a person who holds a relevant management position in the body corporate or partnership that holds the firearm authority being an interim disqualified person.
- (2) The Commissioner must revoke the suspension of a firearm authority if the Commissioner is satisfied that there are no longer grounds under subsection (1) to suspend the firearm authority.

**199. Mandatory suspension if police order in force**

- (1) In this section —

*police order* means an order made by a police officer under the *Restraining Orders Act 1997* Part 2A Division 3A.

- (2) The Commissioner must suspend a firearm authority if the Commissioner is satisfied that —
- (a) the holder of the firearm authority is bound by a police order that is in force; or
  - (b) a person who holds a relevant management position in the body corporate or partnership that holds the firearm authority is bound by a police order that is in force.
- (3) The suspension remains in force while the police order remains in force.

**200. Suspension at discretion of Commissioner: fit and proper person**

- (1) The Commissioner must suspend a firearm authority if the Commissioner is satisfied that there are reasonable grounds to believe that the holder of the firearm authority may not be a fit and proper person to hold a firearm authority.
- (2) Without limiting the circumstances in which there are reasonable grounds to believe that a person may not be a fit and proper person to hold a firearm authority, there are reasonable grounds for that belief in the following circumstances —
- (a) when the person has been charged with an offence and the Commissioner is of the opinion that a finding of guilt is likely to result in cancellation of the firearm authority on the grounds that the person is not a fit and proper person to hold the firearm authority;
  - (b) when it appears to the Commissioner that there may be sufficient grounds for the Commissioner forming the

opinion that the person is not a fit and proper person to hold the firearm authority.

Note for this subsection:

Division 2 provides for circumstances in which the Commissioner has sufficient grounds for forming the opinion that a person is not a fit and proper person to hold a firearm authority.

- (3) A suspension under this section remains in force until revoked by the Commissioner under subsection (4) or until the firearm authority concerned is cancelled, whichever happens first.
- (4) The Commissioner must revoke a suspension under this section if the Commissioner, having investigated whether the person concerned is a fit and proper person to hold a firearm authority, determines that the firearm authority should remain in force.

**201. Mandatory suspension: supplementary provisions**

- (1) None of sections 198 to 200 prevents the cancellation of a firearm authority as required or authorised under Division 8.
- (2) A suspension of a firearm authority under any of sections 198 to 200 does not affect a requirement to suspend the firearm authority under any other of those sections and, to the extent of any overlap between the respective periods of suspension, the suspensions run concurrently.

**202. Suspension for non-payment of fee**

- (1) The Commissioner may suspend a firearm authority if the Commissioner is satisfied that a fee payable under this Act for or in connection with the grant, amendment or renewal of the firearm authority has not been paid.
- (2) A suspension under this section remains in force until revoked by the Commissioner or until the firearm authority concerned is cancelled, whichever happens first.
- (3) The Commissioner may revoke a suspension under this section at any time.

- (4) The Commissioner must revoke the suspension when an unpaid fee is paid.

**203. Notice and taking effect of suspension**

- (1) If the Commissioner suspends a firearm authority under this Division, the Commissioner must give notice of the suspension in writing to the holder of the firearm authority.
- (2) Notice of the suspension must include a statement of the Commissioner's reasons for the suspension.
- (3) The suspension takes effect when notice of it is given to the holder of the firearm authority or on a later date specified by the Commissioner in the notice.

**204. Effect of suspension**

- (1) A firearm authority is of no effect while it is suspended.
- (2) A firearm authority must not be renewed while it is suspended but the suspension does not prevent the making of an application for renewal.

**205. Possession offence during suspension**

- (1) In this section —  
*possession offence* means an offence under Part 5 that a person commits by possessing a firearm or related thing when not authorised to do so by a firearm authority.
- (2) Proceedings cannot be taken against a person for a possession offence in respect of a person's possession of a firearm or related thing if that possession —
  - (a) would not have been an offence if a firearm authority held by the person had not been suspended at the time; and
  - (b) is possession in compliant storage.



- (3) This section does not affect the taking of proceedings for —
  - (a) a possession offence in respect of a person’s possession of a firearm or related thing that is not possession in compliant storage; or
  - (b) an offence in respect of the use of a firearm or related thing.
- (4) This section does not affect any power of a police officer to seize a firearm or related thing in a person’s possession if the person is not entitled to lawful possession of it (even if that possession is possession in compliant storage).

### **Division 10 — Licence cards**

#### **206. Terms used**

In this Division —

***licence card*** means a licence card issued under section 207;

***licensed person*** means a person who —

- (a) is the holder of a firearm authority; or
- (b) has the benefit of an exemption under section 17;

***relevant licence***, in relation to a licensed person, means any firearm authority or exemption as a result of which the person is a licensed person.

#### **207. Issue of licence card**

- (1) The Commissioner may issue a licence card to a licensed person.
- (2) The purpose of a licence card is to —
  - (a) identify the person to whom it is issued as the holder of a relevant licence; and
  - (b) provide evidence of the authority conferred by the relevant licence; and

- (c) provide such information as the Commissioner thinks appropriate about the authority conferred by or as a result of a relevant licence (including information as to the conditions of a relevant licence).
- (3) A licence card must display —
  - (a) a photograph of the person to whom it is issued; and
  - (b) a sample of the person’s signature.
- (4) A licence card may be issued —
  - (a) in any format (including an electronic or digital format) that the Commissioner considers appropriate; and
  - (b) in more than 1 format.
- (5) A licence card issued to a person need not be described as a licence card and can instead be described as the licence, permit, approval or exemption in respect of which it is issued.

Note for this subsection:

For example, when a licence card is issued for a Competition Licence, the licence card can be described as a Competition Licence.

- (6) Sighting a licence card issued in respect of a firearm authority or exemption suffices as sighting the firearm authority or exemption.

**208. Duty to carry and produce licence card**

When a licensed person to whom a licence card has been issued has a firearm or related thing in their immediate possession, the licensed person must —

- (a) have the licence card in their immediate possession; and
- (b) on request by a police officer, immediately produce the licence card for inspection by the police officer.

Penalty: a fine of \$2 000.

**209. Unlawful alteration of licence card**

- (1) A person commits an offence if the person, without lawful authority —
- (a) alters a licence card; or
  - (b) uses, or has in their possession, a licence card that has been altered without lawful authority.

Penalty for this subsection: a fine of \$5 000.

- (2) Any alteration made to a licence card by a police officer or employee of the Department is taken to have been made with lawful authority.

**210. Fraudulent possession and use of licence card**

A person commits an offence if the person —

- (a) being the holder of a licence card, parts with possession of it in order that it can be used by any other person; or
- (b) uses or attempts to use a licence card issued to another person to obtain possession of any firearm or related thing; or
- (c) fraudulently obtains, is in possession of, or uses a licence card.

Penalty: a fine of \$5 000.

**211. Surrender of physical licence card**

- (1) In this section —

*physical licence card* means a licence card that is not in electronic or digital format.

- (2) A person who ceases to be a licensed person because of the expiry of the term of or cancellation of a relevant licence must as soon as practicable surrender a physical licence card issued to the person for the relevant licence to a police officer.

Penalty for this subsection: a fine of \$2 000.

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- (3) Subsection (2) does not require a person to surrender a physical licence card after the expiry of the term of the relevant licence —
- (a) while an application for the renewal of the relevant licence is permitted to be made; or
  - (b) if an application for renewal is made during that period, until the application is determined or withdrawn.

## **Part 5 — Firearm authority offences**

### **Division 1 — Possession of firearms and major firearm parts**

#### **212. Unlawful possession of firearm or major firearm part**

- (1) A person must not possess a firearm or major firearm part unless the person is authorised to do so by a licence or permit.
- (2) A reference in this Division to unlawful possession of a firearm or major firearm part is a reference to possession of the firearm or major firearm part in contravention of subsection (1).

#### **213. Offence of unlawful possession**

A person who unlawfully possesses a firearm or major firearm part commits a crime.

Penalty: imprisonment for 5 years and a fine of \$60 000.

Summary conviction penalty: imprisonment for 2 years and a fine of \$24 000.

#### **214. Offence involving handgun or prohibited firearm**

A person who unlawfully possesses a handgun or prohibited firearm, or a major firearm part of a handgun or prohibited firearm, commits a crime.

Penalty: imprisonment for 7 years.

Summary conviction penalty: imprisonment for 3 years and a fine of \$36 000.

#### **215. Offence involving 3 or more firearms or major firearm parts**

A person commits a crime if the person unlawfully possesses 3 or more of any of the following things —

- (a) firearms;

- (b) major firearm parts for different firearms.

Penalty: imprisonment for 10 years.

Summary conviction penalty: imprisonment for 3 years and a fine of \$36 000.

**216. Offence involving 3 or more firearms or major firearm parts: handgun or prohibited firearm**

A person commits a crime if the person unlawfully possesses 3 or more of any of the following things —

- (a) firearms, 1 or more of which is a handgun or prohibited firearm;
- (b) major firearm parts for different firearms, 1 or more of which is a handgun or prohibited firearm.

Penalty: imprisonment for 14 years.

**217. Offence while in immediate possession of prohibited drug or prohibited plant**

A person who unlawfully possesses a firearm or major firearm part in circumstances in which the person was in immediate possession of both the firearm or major firearm part and a prohibited drug or prohibited plant, as defined in the *Misuse of Drugs Act 1981* section 3(1), when not authorised under that Act to be in possession of the drug or plant commits a crime.

Penalty: imprisonment for 14 years.

**218. Offence while in immediate possession of large sum of money**

- (1) A person who unlawfully possesses a firearm or major firearm part in circumstances in which the person was in immediate possession of both the firearm or major firearm part and an amount of money equal to or greater than the amount prescribed by the regulations commits a crime.

Penalty for this subsection: imprisonment for 14 years.

- (2) A person does not commit a crime under subsection (1) if the person has a lawful excuse for possessing the money concerned.

### **Division 2 — Use of firearms**

#### **219. Unlawful use of firearm**

- (1) A person must not use a firearm unless the person is authorised to do so by a licence or permit.
- (2) A reference in this Division to unlawful use of a firearm is a reference to use of the firearm in contravention of subsection (1).

#### **220. Offence of unlawful use**

A person who unlawfully uses a firearm commits a crime.  
Penalty: imprisonment for 7 years.  
Summary conviction penalty: imprisonment for 3 years and a fine of \$36 000.

#### **221. Offence of unlawful use: handgun or prohibited firearm**

A person who unlawfully uses a firearm that is a handgun or prohibited firearm commits a crime.  
Penalty: imprisonment for 10 years.  
Summary conviction penalty: imprisonment for 3 years and a fine of \$36 000.

### **Division 3 — Supplying and giving possession of firearms and major firearm parts**

#### **Subdivision 1 — Supplying without authority**

#### **222. Supplying by unauthorised supplier**

- (1) A person (the *supplier*) must not supply a firearm or major firearm part to another person unless the supplier is authorised to do so by a licence or permit.

- (2) A reference in this Subdivision to supplying a firearm or major firearm part as an unauthorised supplier is a reference to supplying the firearm or major firearm part in contravention of subsection (1).

**223. Offence of unauthorised supply**

A person who as an unauthorised supplier supplies a firearm or major firearm part commits a crime.

Penalty: imprisonment for 5 years and a fine of \$60 000.

Summary conviction penalty: imprisonment for 2 years and a fine of \$24 000.

**224. Offence of unauthorised supply involving 3 or more firearms or major firearm parts**

A person commits a crime if the person as an unauthorised supplier supplies 3 or more of any of the following things —

- (a) firearms;
- (b) major firearm parts for different firearms.

Penalty: imprisonment for 14 years.

**225. Offence of unauthorised supply involving handgun or prohibited firearm**

A person who as an unauthorised supplier supplies a handgun or prohibited firearm, or a major firearm part of a handgun or prohibited firearm, commits a crime.

Penalty: imprisonment for 7 years.

Summary conviction penalty: imprisonment for 3 years and a fine of \$36 000.



**Subdivision 2 — Supplying to unauthorised person**

**226. Supplying to unauthorised person**

- (1) A person must not supply a firearm or major firearm part to another person unless the other person is authorised to acquire the firearm or major firearm part by a licence or permit.
- (2) A reference in this Subdivision to supplying a firearm or major firearm part to an unauthorised person is a reference to supplying the firearm or major firearm part in contravention of subsection (1).
- (3) This section extends to the supply of a firearm or major firearm part to a person who is outside the State, and the regulations may make provision for the circumstances in which a person outside the State is taken for the purposes of this section to be authorised by a licence or permit to acquire a firearm or major firearm part.

**227. Offence of supplying to unauthorised person**

A person who supplies a firearm or major firearm part to an unauthorised person commits a crime.

Penalty: imprisonment for 5 years and a fine of \$60 000.

Summary conviction penalty: imprisonment for 2 years and a fine of \$24 000.

**228. Offence involving supply of handgun or prohibited firearm**

A person who supplies a handgun or prohibited firearm, or a major firearm part of a handgun or prohibited firearm, to an unauthorised person commits a crime.

Penalty: imprisonment for 7 years.

Summary conviction penalty: imprisonment for 3 years and a fine of \$36 000.

**Subdivision 3 — Giving possession to unauthorised person**

**229. Giving possession to unauthorised person**

- (1) A person must not give possession of a firearm or major firearm part to another person unless the other person is authorised to possess the firearm or major firearm part by a licence or permit.
- (2) A reference in this Subdivision to giving possession of a firearm or major firearm part to an unauthorised person is a reference to giving possession of the firearm or major firearm part in contravention of subsection (1).
- (3) This section extends to the giving of possession of a firearm or major firearm part to a person who is outside the State, and the regulations may make provision for the circumstances in which a person outside the State is taken for the purposes of this section to be authorised to possess a firearm or major firearm part by a licence or permit.

**230. Offence of giving possession to unauthorised person**

A person who gives possession of a firearm or major firearm part to an unauthorised person commits a crime.

Penalty: imprisonment for 5 years and a fine of \$60 000.

Summary conviction penalty: imprisonment for 2 years and a fine of \$24 000.

**231. Offence involving giving possession of handgun or prohibited firearm**

A person who gives possession of a handgun or prohibited firearm, or a major firearm part of a handgun or prohibited firearm, to an unauthorised person commits a crime.

Penalty: imprisonment for 7 years.

Summary conviction penalty: imprisonment for 3 years and a fine of \$36 000.

**Division 4 — Acquiring and taking possession of firearms and major firearm parts**

**Subdivision 1 — Acquiring without authority**

**232. Acquiring by unauthorised person**

- (1) A person must not acquire a firearm or major firearm part unless the person is authorised to acquire the firearm or major firearm part by a licence or permit.
- (2) A reference in this Subdivision to acquiring a firearm or major firearm part as an unauthorised person is a reference to acquiring the firearm or major firearm part in contravention of subsection (1).

**233. Offence of acquiring as unauthorised person**

A person who acquires a firearm or major firearm part as an unauthorised person commits a crime.

Penalty: imprisonment for 5 years and a fine of \$60 000.

Summary conviction penalty: imprisonment for 2 years and a fine of \$24 000.

**234. Offence involving acquiring handgun or prohibited firearm**

A person who acquires a handgun or prohibited firearm, or a major firearm part of a handgun or prohibited firearm, as an unauthorised person commits a crime.

Penalty: imprisonment for 7 years.

Summary conviction penalty: imprisonment for 3 years and a fine of \$36 000.

**Subdivision 2 — Acquiring from unauthorised person**

**235. Acquiring from unauthorised person**

- (1) A person must not acquire a firearm or major firearm part from another person unless the other person is authorised to supply the firearm or major firearm part by a licence or permit.
- (2) A reference in this Subdivision to acquiring a firearm or major firearm part from an unauthorised person is a reference to acquiring a firearm or major firearm part in contravention of subsection (1).
- (3) This section extends to acquiring a firearm or major firearm part from a person who is outside the State, and the regulations may make provision for the circumstances in which a person outside the State is taken for the purposes of this section to be authorised to supply a firearm or major firearm part by a licence or permit.

**236. Offence of acquiring from unauthorised person**

A person who acquires a firearm or major firearm part from an unauthorised person commits an offence.

Penalty: imprisonment for 3 years and a fine of \$36 000.

**237. Offence involving handgun or prohibited firearm**

A person who acquires a handgun or prohibited firearm, or a major firearm part of a handgun or prohibited firearm, from an unauthorised person commits a crime.

Penalty: imprisonment for 5 years and a fine of \$60 000.

Summary conviction penalty: imprisonment for 2 years and a fine of \$24 000.

**Subdivision 3 — Taking possession from unauthorised person**

**238. Taking possession from unauthorised person**

- (1) A person must not take possession of a firearm or major firearm part from another person unless the other person is authorised to possess the firearm or major firearm part by a licence or permit.
- (2) A reference in this Subdivision to taking possession of a firearm or major firearm part from an unauthorised person is a reference to taking possession of a firearm or major firearm part in contravention of subsection (1).
- (3) This section extends to taking possession of a firearm or major firearm part from a person who is outside the State, and the regulations may make provision for the circumstances in which a person outside the State is taken for the purposes of this section to be authorised to possess a firearm or major firearm part by a licence or permit.

**239. Offence of taking possession from unauthorised person**

A person who takes possession of a firearm or major firearm part from an unauthorised person commits an offence.

Penalty: imprisonment for 3 years and a fine of \$36 000.

**240. Offence involving handgun or prohibited firearm**

A person who takes possession of a handgun or prohibited firearm, or a major firearm part of a handgun or prohibited firearm, from an unauthorised person commits a crime.

Penalty: imprisonment for 5 years and a fine of \$60 000.

Summary conviction penalty: imprisonment for 2 years and a fine of \$24 000.

### **Division 5 — Ammunition**

**241. Unauthorised possession or acquisition of ammunition**

A person who possesses or acquires ammunition commits an offence unless the person is authorised to possess the ammunition by a licence or permit.

Penalty: imprisonment for 3 years and a fine of \$36 000.

**242. Unauthorised possession or acquisition of prohibited ammunition**

A person who possesses or acquires prohibited ammunition commits a crime unless the person is authorised to possess the ammunition by a licence or permit.

Penalty: imprisonment for 5 years and a fine of \$60 000.

Summary conviction penalty: imprisonment for 2 years and a fine of \$24 000.

**243. Supplying or giving possession of ammunition without authority**

A person (the *supplier*) who supplies or gives possession of ammunition to another person commits an offence unless the supplier is authorised to do so by a licence or permit.

Penalty: imprisonment for 3 years and a fine of \$36 000.

**244. Supplying or giving possession of prohibited ammunition without authority**

A person (the *supplier*) who supplies or gives possession of prohibited ammunition to another person commits a crime unless the supplier is authorised to do so by a licence or permit.

Penalty: imprisonment for 5 years and a fine of \$60 000.

Summary conviction penalty: imprisonment for 2 years and a fine of \$24 000.

**245. Supplying or giving possession of ammunition to unauthorised person**

- (1) A person who supplies or gives possession of ammunition to another person commits an offence unless the other person is authorised to possess the ammunition by a licence or permit.  
Penalty for this subsection: imprisonment for 3 years and a fine of \$36 000.
- (2) This section extends to the supplying or giving possession of ammunition to a person who is outside the State, and the regulations may make provision for the circumstances in which a person outside the State is taken for the purposes of this section to be authorised by a licence or permit to possess ammunition.

**246. Supplying or giving possession of prohibited ammunition to unauthorised person**

- (1) A person who supplies or gives possession of prohibited ammunition to another person commits a crime unless the other person is authorised to possess the ammunition by a licence or permit.  
Penalty for this subsection: imprisonment for 5 years and a fine of \$60 000.  
Summary conviction penalty for this subsection: imprisonment for 2 years and a fine of \$24 000.
- (2) This section extends to the supplying or giving possession of prohibited ammunition to a person who is outside the State, and the regulations may make provision for the circumstances in which a person outside the State is taken for the purposes of this section to be authorised by a licence or permit to possess prohibited ammunition.

**247. Acquiring or taking possession of ammunition from unauthorised person**

- (1) A person who acquires or takes possession of ammunition from another person commits an offence unless the other person is authorised to possess the ammunition by a licence or permit.

Penalty for this subsection: imprisonment for 3 years and a fine of \$36 000.

- (2) This section extends to the acquiring or taking possession of ammunition from a person who is outside the State, and the regulations may make provision for the circumstances in which a person outside the State is taken for the purposes of this section to be authorised by a licence or permit to possess ammunition.

**248. Acquiring or taking possession of prohibited ammunition from unauthorised person**

- (1) A person who acquires or takes possession of prohibited ammunition from another person commits a crime unless the other person is authorised to possess the ammunition by a licence or permit.

Penalty for this subsection: imprisonment for 5 years and a fine of \$60 000.

Summary conviction penalty for this subsection: imprisonment for 2 years and a fine of \$24 000.

- (2) This section extends to the acquiring or taking possession of prohibited ammunition from a person who is outside the State, and the regulations may make provision for the circumstances in which a person outside the State is taken for the purposes of this section to be authorised by a licence or permit to possess prohibited ammunition.



## **Division 6 — Ammunition components**

### **249. Terms used**

In this Division —

*component of ammunition* means a component of a round of ammunition;

*unassembled components of ammunition* means sufficient of the components of ammunition to enable ammunition to be manufactured from those components.

Note for this definition:

The components of centrefire cartridge ammunition are a cartridge case, primer, propellant and projectile. Possession of those components is an example of possession of the unassembled components of ammunition.

### **250. Unauthorised possession of ammunition component for purpose of manufacturing ammunition**

A person who possesses any component of ammunition for the purpose of manufacturing ammunition commits an offence unless the person is authorised by a licence to manufacture the ammunition.

Penalty: imprisonment for 3 years and a fine of \$36 000.

### **251. Unauthorised possession of ammunition component for purpose of manufacturing prohibited ammunition**

A person who possesses any component of ammunition for the purpose of manufacturing prohibited ammunition commits a crime unless the person is authorised by a licence to manufacture the ammunition.

Penalty: imprisonment for 5 years and a fine of \$60 000.

Summary conviction penalty: imprisonment for 2 years and a fine of \$24 000.

**252. Unauthorised supply of unassembled components of ammunition**

A person (the *supplier*) who supplies the unassembled components of ammunition to another person commits an offence unless the supplier is authorised to supply the ammunition by a licence or permit.

Penalty: imprisonment for 3 years and a fine of \$36 000.

**253. Unauthorised supply of unassembled components of prohibited ammunition**

A person (the *supplier*) who supplies the unassembled components of prohibited ammunition to another person commits a crime unless the supplier is authorised to supply the ammunition by a licence or permit.

Penalty: imprisonment for 5 years and a fine of \$60 000.

Summary conviction penalty: imprisonment for 2 years and a fine of \$24 000.

**254. Supplying or giving possession of unassembled components of ammunition to unauthorised person**

- (1) A person who supplies or gives possession of the unassembled components of ammunition to another person commits an offence unless the other person is authorised to possess the ammunition by a licence or permit.

Penalty for this subsection: imprisonment for 3 years and a fine of \$36 000.

- (2) This section extends to the supply or giving possession of the unassembled components of ammunition to a person who is outside the State, and the regulations may make provision for the circumstances in which a person outside the State is taken for the purposes of this section to be authorised by a licence or permit to possess ammunition.

**255. Supplying or giving possession of unassembled components of prohibited ammunition to unauthorised person**

- (1) A person who supplies or gives possession of the unassembled components of prohibited ammunition to another person commits a crime unless the other person is authorised to possess the ammunition by a licence or permit.

Penalty for this subsection: imprisonment for 5 years and a fine of \$60 000.

Summary conviction penalty for this subsection: imprisonment for 2 years and a fine of \$24 000.

- (2) This section extends to the supply or giving possession of the unassembled components of prohibited ammunition to a person who is outside the State, and the regulations may make provision for the circumstances in which a person outside the State is taken for the purposes of this section to be authorised by a licence or permit to possess ammunition.

**256. Unauthorised possession of unassembled components of ammunition**

A person who possesses the unassembled components of ammunition commits an offence unless the person is authorised by a licence to manufacture the ammunition.

Penalty: imprisonment for 3 years and a fine of \$36 000.

**257. Unauthorised possession of unassembled components of prohibited ammunition**

A person who possesses the unassembled components of prohibited ammunition commits a crime unless the person is authorised by a licence to manufacture the ammunition.

Penalty: imprisonment for 5 years and a fine of \$60 000.

Summary conviction penalty: imprisonment for 2 years and a fine of \$24 000.

**Division 7 — Prohibited accessories**

**258. Unauthorised possession, acquisition or supply of prohibited accessory**

(1) In this section —

*circumstances of aggravation* means circumstances in which —

- (a) a prohibited accessory is fitted to a firearm; or
- (b) a prohibited accessory is in close proximity to a firearm that the prohibited accessory is suitable for; or
- (c) a person has immediate possession of a prohibited accessory together with a firearm that the prohibited accessory is suitable for;

*circumstances of aggravation involving a handgun or prohibited firearm* means circumstances in which —

- (a) a prohibited accessory is fitted to a handgun or prohibited firearm; or
- (b) a prohibited accessory is in close proximity to a handgun or prohibited firearm that the prohibited accessory is suitable for; or
- (c) a person has immediate possession of a prohibited accessory together with a handgun or prohibited firearm that the prohibited accessory is suitable for;

*suitable for* means —

- (a) capable of being fitted to; or
- (b) capable of being used in conjunction with.

(2) A person must not possess, acquire or supply a prohibited accessory unless the person is authorised to do so by a licence.

- (3) A person who contravenes subsection (2) commits a crime.  
Penalty for this subsection: imprisonment for 5 years and a fine of \$60 000.  
Summary conviction penalty for this subsection: imprisonment for 2 years and a fine of \$24 000.
- (4) A person who contravenes subsection (2) in circumstances of aggravation commits a crime.  
Penalty for this subsection: imprisonment for 7 years.  
Summary conviction penalty for this subsection: imprisonment for 3 years and a fine of \$36 000.
- (5) A person who contravenes subsection (2) in circumstances of aggravation involving a handgun or prohibited firearm commits a crime.  
Penalty for this subsection: imprisonment for 10 years.  
Summary conviction penalty for this subsection: imprisonment for 3 years and a fine of \$36 000.
- (6) A person who contravenes subsection (2) by possessing or supplying 3 or more prohibited accessories commits a crime.  
Penalty for this subsection: imprisonment for 10 years.  
Summary conviction penalty for this subsection: imprisonment for 3 years and a fine of \$36 000.

**259. Unauthorised use of firearm fitted with prohibited accessory**

- (1) A person who uses a firearm with a prohibited accessory fitted to it commits a crime unless the person is authorised to do so by a licence.  
Penalty for this subsection: imprisonment for 10 years.  
Summary conviction penalty for this subsection: imprisonment for 3 years and a fine of \$36 000.

- (2) A person who uses a handgun or prohibited firearm with a prohibited accessory fitted to it commits a crime unless the person is authorised to do so by a licence.

Penalty for this subsection: imprisonment for 14 years.

**260. Acquiring or taking possession of prohibited accessory from unauthorised person**

- (1) A person who acquires or takes possession of a prohibited accessory from another person commits a crime unless the other person is authorised to possess the prohibited accessory by a licence or permit.

Penalty for this subsection: imprisonment for 5 years and a fine of \$60 000.

Summary conviction penalty for this subsection: imprisonment for 2 years and a fine of \$24 000.

- (2) This section extends to the acquiring or taking possession of a prohibited accessory from a person who is outside the State, and the regulations may make provision for the circumstances in which a person outside the State is taken for the purposes of this section to be authorised by a licence or permit to possess a prohibited accessory.

**261. Supplying or giving possession of prohibited accessory to unauthorised person**

- (1) A person who supplies or gives possession of a prohibited accessory to another person commits a crime unless the other person is authorised to possess the prohibited accessory by a licence or permit.

Penalty for this subsection: imprisonment for 5 years and a fine of \$60 000.

Summary conviction penalty for this subsection: imprisonment for 2 years and a fine of \$24 000.

- (2) This section extends to the supplying or giving possession of a prohibited accessory to a person who is outside the State, and the regulations may make provision for the circumstances in which a person outside the State is taken for the purposes of this section to be authorised by a licence or permit to possess a prohibited accessory.

### **Division 8 — Interference with serial numbers**

**262. Unlawful interference with serial number**

For the purposes of this Division, a person *unlawfully interferes* with a serial number on a firearm or a major firearm part if the person, without lawful excuse, alters, defaces or removes the serial number.

**263. Offence of unlawful interference with serial number**

A person who unlawfully interferes with any serial number on a firearm or major firearm part commits a crime.

Penalty: imprisonment for 7 years.

Summary conviction penalty: imprisonment for 3 years and a fine of \$36 000.

**264. Offence of unlawful interference with serial number: handgun or prohibited firearm**

A person who unlawfully interferes with any serial number on a handgun or prohibited firearm, or on a major firearm part of a handgun or prohibited firearm, commits a crime.

Penalty: imprisonment for 10 years.

Summary conviction penalty: imprisonment for 3 years and a fine of \$36 000.

**265. Offence of possession where serial number unlawfully interfered with**

A person who, without lawful excuse, possesses a firearm or major firearm part on which any serial number has been unlawfully interfered with (whether by the person or another person) commits a crime.

Penalty: imprisonment for 7 years.

Summary conviction penalty: imprisonment for 3 years and a fine of \$36 000.

**266. Offence of possession where serial number unlawfully interfered with: handgun or prohibited firearm**

A person who, without lawful excuse, possesses a handgun or prohibited firearm, or a major firearm part of a handgun or prohibited firearm, on which any serial number has been unlawfully interfered with (whether by the person or another person) commits a crime.

Penalty: imprisonment for 10 years.

Summary conviction penalty: imprisonment for 3 years and a fine of \$36 000.

**267. Offence of acquiring firearm or major firearm part where serial number unlawfully interfered with**

A person who acquires a firearm or major firearm part in contravention of section 232(1) commits a crime if any serial number on the firearm or major firearm part has been unlawfully interfered with, whether by the person or another person.

Penalty: imprisonment for 7 years.

Summary conviction penalty: imprisonment for 3 years and a fine of \$36 000.



**268. Offence of acquiring firearm or major firearm part where serial number unlawfully interfered with: handgun or prohibited firearm**

A person who acquires a handgun or prohibited firearm, or a major firearm part of a handgun or prohibited firearm, in contravention of section 232(1) commits a crime if any serial number on the firearm or major firearm part has been unlawfully interfered with, whether by the person or another person.

Penalty: imprisonment for 10 years.

Summary conviction penalty: imprisonment for 3 years and a fine of \$36 000.

**269. Offence of unauthorised supply where serial number unlawfully interfered with**

A person who supplies a firearm or major firearm part in contravention of section 222(1) commits a crime if any serial number on the firearm or major firearm part has been unlawfully interfered with, whether by the person or another person.

Penalty: imprisonment for 7 years.

Summary conviction penalty: imprisonment for 3 years and a fine of \$36 000.

**270. Offence of unauthorised supply where serial number unlawfully interfered with: handgun or prohibited firearm**

A person who supplies a handgun or prohibited firearm, or a major firearm part of a handgun or prohibited firearm, in contravention of section 222(1) commits a crime if any serial number on the firearm or major firearm part has been

unlawfully interfered with, whether by the person or another person.

Penalty: imprisonment for 10 years.

Summary conviction penalty: imprisonment for 3 years and a fine of \$36 000.

### **Division 9 — Prohibited alterations**

#### **271. Prohibited alteration to firearm or major firearm part**

- (1) For the purposes of this Division, an alteration to a firearm or major firearm part is a ***prohibited alteration*** if it is an alteration made without lawful excuse that alters any of the following features or parts of the firearm —
  - (a) calibre;
  - (b) barrel length or barrel profile;
  - (c) stock length;
  - (d) trigger mechanism;
  - (e) magazine capacity of an integral magazine;
  - (f) action or operating mechanism;
  - (g) any feature or part that is prescribed by the regulations.
- (2) The fact that an alteration to a firearm or major firearm part is made in the course of maintenance of the firearm or major firearm part does not prevent the alteration being a ***prohibited alteration***.
- (3) An alteration made to a firearm or major firearm part is not a ***prohibited alteration*** if the alteration is made under the authority of a licence.

Note for this subsection:

Sections 95 and 118 provide authority for the making of approved alterations to a firearm or major firearm part.

- (4) An alteration made to a paintball gun is not a *prohibited alteration* if the alteration is —
- (a) in accordance with the manufacturer’s design; and
  - (b) effected by the addition of a commercially manufactured product that does not alter the type or velocity of a projectile that is capable of being fired from the paintball gun.

**272. Offence of making prohibited alteration**

A person who makes a prohibited alteration to a firearm or major firearm part commits a crime.

Penalty: imprisonment for 10 years.

Summary conviction penalty: imprisonment for 3 years and a fine of \$36 000.

**273. Offence of making prohibited alteration: handgun or prohibited firearm**

A person who makes a prohibited alteration to a firearm or major firearm part commits a crime if —

- (a) the firearm is a handgun or prohibited firearm or the major firearm part is a major firearm part of a handgun or prohibited firearm; or
- (b) the prohibited alteration results in the firearm being a handgun or prohibited firearm or in the major firearm part being a major firearm part of a handgun or prohibited firearm.

Penalty: imprisonment for 14 years.

**274. Offence of possession of firearm or major firearm part with prohibited alteration**

A person who, without lawful excuse, possesses a firearm or major firearm part to which a prohibited alteration has been

made (whether by the person or another person) commits a crime.

Penalty: imprisonment for 7 years.

Summary conviction penalty: imprisonment for 3 years and a fine of \$36 000.

**275. Offence of possession of firearm or major firearm part with prohibited alteration: handgun or prohibited firearm**

A person who, without lawful excuse, possesses a handgun or prohibited firearm, or a major firearm part of a handgun or prohibited firearm, to which a prohibited alteration has been made (whether by the person or another person) commits a crime.

Penalty: imprisonment for 10 years.

Summary conviction penalty: imprisonment for 3 years and a fine of \$36 000.

**276. Offence of acquiring firearm or major firearm part with prohibited alteration**

A person who acquires a firearm or major firearm part in contravention of section 232(1) commits a crime if a prohibited alteration has been made to the firearm or major firearm part, whether by the person or another person.

Penalty: imprisonment for 7 years.

Summary conviction penalty: imprisonment for 3 years and a fine of \$36 000.

**277. Offence of acquiring firearm or major firearm part with prohibited alteration: handgun or prohibited firearm**

A person who acquires a handgun or prohibited firearm, or a major firearm part of a handgun or prohibited firearm, in contravention of section 232(1) commits a crime if a prohibited

alteration has been made to the firearm or major firearm part, whether by the person or another person.

Penalty: imprisonment for 10 years.

Summary conviction penalty: imprisonment for 3 years and a fine of \$36 000.

**278. Offence of unauthorised supply of firearm or major firearm part with prohibited alteration**

A person who supplies a firearm or major firearm part in contravention of section 222(1) commits a crime if a prohibited alteration has been made to the firearm or major firearm part, whether by the person or another person.

Penalty: imprisonment for 7 years.

Summary conviction penalty: imprisonment for 3 years and a fine of \$36 000.

**279. Offence of unauthorised supply of firearm or major firearm part with prohibited alteration: handgun or prohibited firearm**

A person who supplies a handgun or prohibited firearm, or a major firearm part of a handgun or prohibited firearm, in contravention of section 222(1) commits a crime if a prohibited alteration has been made to the firearm or major firearm part, whether by the person or another person.

Penalty: imprisonment for 10 years.

Summary conviction penalty: imprisonment for 3 years and a fine of \$36 000.

**Division 10 — Other activities**

**280. Unauthorised manufacture**

- (1) A person who manufactures a firearm or related thing commits a crime unless the person is authorised to do so by a licence.

Penalty for this subsection: imprisonment for 14 years.

- (2) This section applies whether or not the firearm or related thing is, or could form part of, a functioning firearm or related thing.

**281. Unauthorised repair**

A person who repairs a firearm or related thing commits a crime unless the person is authorised to do so by a licence.

Penalty: imprisonment for 10 years.

Summary conviction penalty: imprisonment for 3 years and a fine of \$36 000.

**282. Unauthorised destruction of firearm, major firearm part or prohibited accessory**

A person who destroys a firearm, major firearm part or prohibited accessory commits a crime unless the person is authorised to do so by the Commissioner.

Penalty: imprisonment for 7 years.

Summary conviction penalty: imprisonment for 3 years and a fine of \$36 000.

**283. Participating in unauthorised firearm activities**

- (1) In this section —

*unauthorised manufacturing activity* means the manufacture of a firearm or related thing that is not authorised by a licence;

*unauthorised repair activity* means the repair of a firearm or related thing that is not authorised by a licence;

*unauthorised supply activity* means the supply of a firearm or related thing that constitutes an offence under section 224.

- (2) A person who participates in an unauthorised manufacturing activity or unauthorised supply activity commits a crime.

Penalty for this subsection: imprisonment for 14 years.

- (3) A person who participates in an unauthorised repair activity commits a crime.

Penalty for this subsection: imprisonment for 10 years.

Summary conviction penalty for this subsection: imprisonment for 3 years and a fine of \$36 000.

- (4) For the purposes of this section, a person participates in an activity if the person does any of the following —
- (a) participates with another person or other persons in the activity or a step in the activity;
  - (b) causes the activity or a step in the activity to be undertaken by another person or other persons;
  - (c) provides or arranges finance for the activity or a step in the activity to be undertaken by another person or other persons;
  - (d) provides the place where the activity or a step in the activity is undertaken by another person or other persons;
  - (e) allows the activity or a step in the activity to be undertaken by another person or other persons at a place of which the person is an owner, lessee or occupier or of which the person has care, control or management;
  - (f) possesses or provides firearm technology or any other thing for use by another person or other persons in the activity or a step in the activity.
- (5) This section applies regardless of whether the activity concerned actually occurs.

## **Division 11 — Firearm technology**

### **284. Terms used**

In this Division —

***disseminate***, in relation to firearm technology, means —

- (a) send, supply, exhibit, transmit or communicate firearm technology to another person; or
- (b) make firearm technology available for access by electronic or other means by another person; or
- (c) enter into an arrangement with another person to do anything referred to in paragraph (a) or (b);

***firearm technology*** means any of the following things —

- (a) a programmed firearm manufacturing device;
- (b) a technical drawing, in hard copy or digital or electronic form, of the design of a firearm or related thing;
- (c) a plan, drawing, instruction, template or computer program, in hard copy or digital or electronic form, for the manufacture or repair of a firearm or related thing;

***programmed firearm manufacturing device*** means any machine, equipment or other device that is programmed, configured or otherwise enabled to manufacture or repair, or to carry out a step in the manufacture or repair of, a firearm or related thing or a component of a firearm or related thing.

Examples for this definition:

Examples of things that can be a programmed firearm manufacturing device include the following —

- (a) a 3D printer or a similar device that uses additive manufacturing technology;
- (b) milling equipment;
- (c) moulding or casting equipment.



**285.      Unauthorised possession of firearm technology**

A person who possesses firearm technology commits a crime unless the person —

- (a) is authorised to do so by a licence or permit; or
- (b) does so for a lawful purpose.

Penalty: imprisonment for 10 years.

Summary conviction penalty: imprisonment for 3 years and fine of \$36 000.

**286.      Unauthorised creation or development of firearm technology**

A person who creates or develops firearm technology commits a crime unless the person —

- (a) is authorised to do so by a licence or permit; or
- (b) does so for a lawful purpose.

Penalty: imprisonment for 10 years.

Summary conviction penalty: imprisonment for 3 years and a fine of \$36 000.

**287.      Unauthorised dissemination of firearm technology**

A person who disseminates firearm technology commits a crime unless the person —

- (a) is authorised to do so by a licence or permit; or
- (b) does so for a lawful purpose.

Penalty: imprisonment for 10 years.

Summary conviction penalty: imprisonment for 3 years and a fine of \$36 000.

**Division 12 — Offences of lesser seriousness**

**288. Offence committed during licence renewal period**

- (1) If a person does something that is an offence under this Part but the offence was committed in extenuating circumstances as provided by subsection (2), the offence is not a crime but is triable summarily and is punishable by a fine of \$5 000 instead of the penalty that would otherwise apply for the offence.
- (2) An offence is committed in extenuating circumstances if the offence —
  - (a) is committed after the end of the term of the person's Individual Licence or Collector Licence but during the renewal period for the licence provided for by subsection (3); and
  - (b) would not be an offence if the licence had been renewed immediately after the end of the term of the licence.
- (3) The renewal period for a licence is the period that begins at the end of the term of the licence and ends as follows —
  - (a) if an application for renewal of the licence is made within 3 months after the end of the term of the licence, the renewal period ends when the application for renewal is determined or otherwise disposed of or is withdrawn;
  - (b) otherwise, the renewal period ends 3 months after the end of the term of the licence.

Note for this subsection:

Section 183 provides that proceedings (including the summary proceedings referred to in this section) cannot be brought for a possession in compliant storage offence during the renewal period.

**289.      Offence involving prescribed paintball gun**

If a person commits an offence under this Part and the only firearm, major firearm part or ammunition concerned is, or is for, a prescribed paintball gun, that offence is not a crime but is triable summarily and is punishable by a fine of \$5 000 instead of the penalty that would otherwise apply for the offence.

## **Part 6 — Other offences**

### **Division 1 — Firearm use by autonomous or remote control**

**290. Term used: remote use device**

In this Division —

*remote use device*, for a firearm, means a device that is made or modified to fire a firearm by means of autonomous or remote control, whether or not a firearm is part of, attached to, or with the device.

**291. Offence of possessing remote use device**

A person who possesses a remote use device for a firearm commits a crime.

Penalty: imprisonment for 10 years.

**292. Offence of using remote use device**

A person who uses a remote use device for a firearm to cause a firearm to be pointed at a person or fired commits a crime.

Penalty: imprisonment for 14 years.

**293. Offence of manufacturing remote use device**

A person who manufactures a remote use device for a firearm commits a crime.

Penalty: imprisonment for 10 years.

**294. Regulations: exceptions to offence under Division**

The regulations may provide for exceptions to an offence under this Division.

## **Division 2 — General offences**

### **295. Pointing firearm at another person**

- (1) A person who, without lawful excuse, points a firearm at any other person commits a crime.  
Penalty for this subsection: imprisonment for 7 years.  
Summary conviction penalty for this subsection: imprisonment for 3 years and a fine of \$36 000.
- (2) A person who, without lawful excuse, points a handgun or prohibited firearm at any other person commits a crime.  
Penalty for this subsection: imprisonment for 10 years.  
Summary conviction penalty for this subsection: imprisonment for 3 years and a fine of \$36 000.
- (3) Pointing a prescribed paintball gun at another person in the course of playing a game of paintball is not an offence under subsection (1).

### **296. Use of firearm that causes danger or fear**

- (1) A person who fires a firearm to the danger of, or in a manner likely to cause fear to, the public or any person commits a crime.  
Penalty for this subsection: imprisonment for 10 years.  
Summary conviction penalty for this subsection: imprisonment for 3 years and a fine of \$36 000.
- (2) A person who fires a handgun or prohibited firearm to the danger of, or in a manner likely to cause fear to, the public or any person commits a crime.  
Penalty for this subsection: imprisonment for 14 years.

**297. Giving possession of firearm or related thing to unsuitable person**

(1) In this section —

***unsuitable person*** means a person who is —

- (a) affected by alcohol or drugs, or by alcohol and drugs; or
- (b) not capable for any reason of the safe use of a firearm.

(2) A person who gives possession of a firearm to another person commits a crime if the person knows, or ought reasonably to know, that the other person is an unsuitable person.

Penalty for this subsection: imprisonment for 7 years.

Summary conviction penalty for this subsection: imprisonment for 3 years and a fine of \$36 000.

(3) A person who gives possession of a handgun or prohibited firearm to another person commits a crime if the person knows, or ought reasonably to know, that the other person is an unsuitable person.

Penalty for this subsection: imprisonment for 10 years.

Summary conviction penalty for this subsection: imprisonment for 3 years and a fine of \$36 000.

(4) A person who gives possession of a loaded firearm to another person commits a crime if the person knows, or ought reasonably to know, that the other person is an unsuitable person.

Penalty for this subsection: imprisonment for 10 years.

Summary conviction penalty for this subsection: imprisonment for 3 years and a fine of \$36 000.

(5) A person who gives possession of a loaded handgun or loaded prohibited firearm to another person commits a crime if the person knows, or ought reasonably to know, that the other person is an unsuitable person.

Penalty for this subsection: imprisonment for 14 years.

- (6) A person who gives possession of a major firearm part or ammunition to another person commits a crime if the person knows, or ought reasonably to know, that the other person is an unsuitable person.

Penalty for this subsection: imprisonment for 5 years and a fine of \$60 000.

Summary conviction penalty for this subsection: imprisonment for 2 years and a fine of \$24 000.

**298. Use or possession of firearm while intoxicated**

- (1) A person must not have immediate possession of a firearm while affected by alcohol or drugs, or alcohol and drugs.

Penalty for this subsection: imprisonment for 5 years and a fine of \$60 000.

Summary conviction penalty for this subsection: imprisonment for 2 years and a fine of \$24 000.

- (2) A person must not use a firearm while affected by alcohol or drugs, or alcohol and drugs.

Penalty for this subsection: imprisonment for 7 years.

Summary conviction penalty for this subsection: imprisonment for 3 years and a fine of \$36 000.

- (3) A person must not use a handgun or prohibited firearm while affected by alcohol or drugs, or alcohol and drugs.

Penalty for this subsection: imprisonment for 14 years.

- (4) An offence under this section is a crime.

Note for this section:

Under section 7, use of a firearm includes having a firearm in immediate possession when it is loaded.

**299.     Shooting onto, from or across road or public place**

- (1) In this section —

*public place* has the meaning given in *The Criminal Code* section 1(1).

- (2) A person who, without lawful excuse, fires any firearm, or any projectile from a firearm, onto, from or across any road or public place commits a crime.

Penalty for this subsection: imprisonment for 7 years.

Summary conviction penalty for this subsection: imprisonment for 3 years and a fine of \$36 000.

**300.     Using or carrying firearm while trespassing**

- (1) A person who, without lawful excuse, uses a firearm on land belonging to another person without the express consent of the occupier of that land, or some person apparently authorised to act on behalf of the occupier, commits an offence.

Penalty for this subsection: imprisonment for 3 years and a fine of \$36 000.

- (2) A person who, without lawful excuse, carries a firearm, other than on a road open to the public, onto or across land that is used for or in connection with primary production without the express consent of the occupier of that land, or some person apparently authorised to act on behalf of the occupier, commits an offence.

Penalty for this subsection: imprisonment for 2 years and a fine of \$24 000.

- (3) Using or carrying a firearm for the purposes of an activity authorised under the *Biodiversity Conservation Act 2016* is not a lawful excuse for the purposes of subsection (1) or (2).



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## Part 7 — Security and storage

### 301. Terms used

In this Part —

***approved storage place***, in relation to a firearm or related thing, means a place approved by the Commissioner under section 302(1) as an approved storage place for the firearm or related thing;

***compliant storage***, in relation to a firearm or related thing, means storage, at an approved storage place for the firearm or related thing, in compliance with requirements of the storage regulations;

***safekeeping*** includes safeguarding from loss, theft and unauthorised possession and use;

***storage regulations*** means regulations referred to in section 312.

### 302. Approval of storage places by Commissioner

- (1) The Commissioner may approve a place as an approved storage place for a firearm or related thing.
- (2) The Commissioner may approve a place as an approved storage place under subsection (1) without the need for an application for that approval.

### 303. Firearm or related thing in use

For the purposes of this Part, a firearm or related thing is ***in use*** when —

- (a) it is being used lawfully; or
- (b) it is being readied for lawful use; or
- (c) it is in a person's immediate possession for lawful use.

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**304. Firearm or related thing in transit**

For the purposes of this Part, a firearm or related thing is *in transit* whenever it is not at an approved storage place for the firearm or related thing.

**305. General duty of safekeeping of firearms and related things**

- (1) A person in possession of a firearm or related thing must —
- (a) take all reasonable precautions to ensure its safekeeping; and
  - (b) comply with any requirements of the regulations for the safekeeping of firearms and related things.

Penalty for this subsection:

- (a) for a first offence, a fine of \$5 000;
  - (b) for a second or subsequent offence, imprisonment for 12 months and a fine of \$12 000.
- (2) Storing a firearm or related thing in compliant storage is taken to constitute compliance with the requirement (under subsection (1)(a)) to take all reasonable precautions to ensure the safekeeping of the firearm or related thing.

**306. Storage in compliant storage**

- (1) A person in possession of a firearm or related thing must store the firearm or related thing in compliant storage at all times except when —
- (a) the firearm or related thing is in use; or
  - (b) the firearm or related thing is in transit; or
  - (c) the firearm or related thing is in a person's immediate possession while undergoing maintenance.

Penalty for this subsection:

- (a) for a first offence, a fine of \$5 000;
- (b) for a second or subsequent offence, imprisonment for 12 months and a fine of \$12 000.

- (2) For the purposes of subsection (1)(c), *maintenance* includes the following —
- (a) care, cleaning and adjustment;
  - (b) removal or installation of an accessory;
  - (c) the making of an approved repair or approved alteration under the authority of a licence as provided by section 118.
- (3) A person in possession of a firearm or related thing under the authority of a Trade Licence is not required to store the firearm or related thing in compliant storage when it is in a person's immediate possession under the authority of the licence.
- (4) A person in possession of a firearm or related thing under the authority of a Collector Licence is not required to store the firearm or related thing in compliant storage when it is in a person's immediate possession while being examined or studied for a genuine purpose of the collection concerned.

**307. Security arrangements for firearms and related things in transit**

- (1) A person in possession of a firearm or related thing that is in transit and not in use must comply with the following requirements —
- (a) a firearm must not be loaded;
  - (b) a firearm must be secured against unauthorised use by a means prescribed by the regulations;
  - (c) when a firearm or related thing is not in the person's immediate possession it must be stored in a location that is the best location for ensuring its safekeeping that is reasonably available to the person;
  - (d) the requirements of section 308 (in addition to the requirements of paragraphs (a) to (c)) when a firearm or related thing is in a vehicle;

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- (e) any requirements of the regulations.

Penalty for this subsection:

- (a) for a first offence, a fine of \$5 000;
  - (b) for a second or subsequent offence, imprisonment for 12 months and a fine of \$12 000.
- (2) This section does not apply to a person in possession of a firearm or related thing while —
- (a) engaged in a commercial firearm transport activity as a commercial carrier, as those terms are defined in section 315; or
  - (b) engaged in commercial firearm warehousing as a commercial warehouse operator, as those terms are defined in section 316.

**308. Security arrangements for firearms and related things in transit in vehicle**

- (1) When a firearm or related thing is in transit in a vehicle and not in use, the following requirements apply (in addition to the other requirements of section 307(1)) —
- (a) a firearm or related thing must be in a place in the vehicle that is the best place for ensuring its safekeeping that is reasonably available;
  - (b) a firearm must be kept separate from any related thing in the vehicle;
  - (c) the vehicle must not be left unattended unless the vehicle is securely locked and any firearm or related thing is not visible from outside the vehicle;
  - (d) any requirements of the regulations.

- (2) This section does not apply to a person in possession of a firearm or related thing while —
- (a) engaged in a commercial firearm transport activity as a commercial carrier, as those terms are defined in section 315; or
  - (b) engaged in commercial firearm warehousing as a commercial warehouse operator, as those terms are defined in section 316.

**309. Licensee has obligations of person in possession**

For the purposes of the application of this Part to a firearm or related thing to which a licence applies, the licensee is taken to be in possession of the firearm or related thing whenever no other person is in possession of it.

**310. 2 or more persons are in possession**

When 2 or more persons are in possession of a firearm or related thing, the obligations under this Part of a person in possession of the firearm or related thing are the obligations of whichever of those persons is, or was most recently, in immediate possession of the firearm or related thing.

**311. Shared compliant storage**

- (1) A firearm or related thing is stored in *shared compliant storage* when —
- (a) it is stored at a place and in a manner that is compliant storage or that would be compliant storage if the place were an approved storage place for the firearm or related thing; and
  - (b) 2 or more persons have and exercise access to it while it is stored at that place in that manner.

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- (2) A person who has lawful possession of a firearm or related thing stored in shared compliant storage is not to be regarded as being in possession of another firearm or related thing that is stored in that shared compliant storage if —
  - (a) the person’s possession of the other firearm or related thing would be unlawful; and
  - (b) the other firearm or related thing is in the lawful possession of another person.
- (3) The regulations may make provision for the shared compliant storage of firearms and related things, including provision for the following —
  - (a) limiting the circumstances in which firearms and related things are permitted to be stored in shared compliant storage;
  - (b) imposing additional requirements in respect of the storage of firearms and related things in shared compliant storage.

**312. Regulations: storage**

- (1) The regulations may make provision for or with respect to the storage of firearms and related things, including provision for the following —
  - (a) requirements as to how a firearm or related thing must be stored, including requirements as to the design, construction, placement and fixing of storage facilities;
  - (b) requirements for security arrangements on premises to be used for the storage of firearms and related things, including requirements for security alarms, premises surveillance and surveillance monitoring.
- (2) The regulations may prescribe circumstances in which a firearm or related thing is not required to be stored in compliant storage.

**313. Inspection of storage facilities**

A person who holds a firearm authority must permit a police officer to inspect at any reasonable time any facilities used or proposed to be used by the person for the storage of a firearm or related thing the possession of which is authorised by the firearm authority.

Penalty:

- (a) for a first offence, a fine of \$5 000;
- (b) for a second or subsequent offence, imprisonment for 12 months and a fine of \$12 000.

**314. Grounds for refusal or cancellation of firearm authority — storage arrangements and facilities**

The Commissioner may refuse to grant, and may cancel or refuse to renew, a firearm authority that authorises a person to possess a firearm or related thing if —

- (a) the Commissioner is not satisfied that arrangements or facilities for storage of the firearm or related thing are adequate to enable the firearm or related thing to be stored in compliance with section 306; or
- (b) the applicant for or holder of the firearm authority has failed to comply with a request by the Commissioner to provide a statement in the approved form as to arrangements or facilities for storage of the firearm or related thing; or
- (c) the applicant for or holder of the firearm authority has refused to permit a police officer to inspect, at a reasonable time, facilities for storage of the firearm or related thing.

**315. Commercial transport of firearms and related things**

(1) In this section —

*commercial carrier* means a person engaged in the business of transporting goods for fee or reward;

*commercial firearm transport activity* means any of the following activities —

- (a) making arrangements with a commercial carrier for the transport of a firearm or related thing by the commercial carrier;
- (b) giving possession of a firearm or related thing to a commercial carrier for the purpose of its being transported by the commercial carrier;
- (c) taking possession of a firearm or related thing as a commercial carrier or as an employee of a commercial carrier;
- (d) transporting a firearm or related thing as a commercial carrier or as an employee of a commercial carrier.

(2) A person who engages in a commercial firearm transport activity must do so in compliance with the requirements of the regulations under this section.

Penalty for this subsection:

- (a) for a first offence, a fine of \$5 000;
- (b) for a second or subsequent offence, imprisonment for 12 months and a fine of \$12 000.

(3) The regulations may make provision for or with respect to the requirements that must be complied with by a person in connection with a commercial firearm transport activity.

(4) A commercial carrier is taken to hold a licence that authorises the commercial carrier and any employee of the commercial carrier to possess a firearm or related thing for the purpose of its transport in the ordinary course of the business of the commercial carrier.



**316. Commercial warehousing of firearms and related things**

- (1) In this section —

*commercial warehouse operator* means a person engaged in the business of storing goods as a bailee for hire or reward, other than a business that is solely or primarily a business of storing firearms or related things;

*commercial firearm warehousing* means the storage of a firearm or related thing in the ordinary course of the business of a commercial warehouse operator.

- (2) A person who engages in commercial firearm warehousing must do so in compliance with the requirements of the regulations under this section.

Penalty for this subsection:

- (a) for a first offence, a fine of \$5 000;
- (b) for a second or subsequent offence, imprisonment for 12 months and a fine of \$12 000.
- (3) The regulations may make provision for or with respect to the requirements that must be complied with by a person in connection with commercial firearm warehousing.
- (4) A commercial warehouse operator is taken to hold a licence that authorises the commercial warehouse operator and any employee of the commercial warehouse operator to possess a firearm or related thing for the purpose of its storage in the ordinary course of the business of the commercial warehouse operator.

## **Part 8 — Firearms prohibition orders**

### **Division 1 — Making of firearms prohibition order**

#### **317. Commissioner may make firearms prohibition order**

- (1) The Commissioner may make an order (a *firearms prohibition order*) against a person if the Commissioner is satisfied that —
  - (a) the person is not a fit and proper person to hold a firearm authority; or
  - (b) possession of a firearm by the person would likely result in unlawful use of the firearm by the person or another person; or
  - (c) the person is a member of a disqualifying organisation; or
  - (d) it is otherwise in the public interest to make a firearms prohibition order against the person.
- (2) Without limiting the matters to which the Commissioner may have regard in determining whether to make a firearms prohibition order against a person, the Commissioner may have regard to any intelligence report or other intelligence information held by the Commissioner in relation to the person.
- (3) A firearms prohibition order can be made against a person whether or not the person —
  - (a) holds or has held a firearm authority; or
  - (b) has had a firearm authority cancelled or an application for renewal of a firearm authority refused; or
  - (c) is exempt from the operation of any provision of this Act under section 17; or
  - (d) was the subject of a previous firearms prohibition order that has expired or been revoked.

- (4) Part 4 Division 2 applies for the purposes of a decision by the Commissioner under this section that a person is not a fit and proper person to hold a firearm authority.
- (5) The Commissioner is not required under this Act or any other Act or law to disclose an intelligence report or other intelligence information on which the Commissioner has relied under this section unless the disclosure is required under the *State Administrative Tribunal Act 2004*.

**318. Form and content of firearms prohibition order**

- (1) A firearms prohibition order must be in the approved form.
- (2) A firearms prohibition order must specify the following —
  - (a) the name and date of birth of the person against whom the order is made;
  - (b) the date on which the order is made;
  - (c) the provision of this Act that authorises the making of the order;
  - (d) that the order remains in effect for a period of 10 years beginning on the day on which the order is served, unless revoked sooner;
  - (e) the effect of the order, including the conduct prohibited by the order and the powers for enforcing the order under this Part and Part 11 Division 2;
  - (f) that if the person against whom the order is made changes their address, the person must notify the Commissioner within 7 days after that change;
  - (g) that the person against whom the order is made can apply to the State Administrative Tribunal under this Act for a review of the decision to make the order;
  - (h) any other information prescribed by the regulations.

**319. Register of firearms prohibition orders**

- (1) The Commissioner must maintain a register (the *FPO Register*) of firearms prohibition orders made and served under this Act containing such information as the Commissioner thinks appropriate.
- (2) Information in the FPO Register may be disclosed to an approved person in an approved manner.

**Division 2 — Service of firearms prohibition order**

**320. Manner of service**

- (1) The Commissioner must ensure that a firearms prohibition order is served on the person against whom the order is made in accordance with subsection (2).
- (2) To serve a firearms prohibition order on a person, a police officer must —
  - (a) hand the order to the person; or
  - (b) if the person refuses to accept the order — leave it near the person and orally draw the person's attention to it.

**321. Powers to request particulars and detain for purposes of service**

- (1) If a police officer reasonably suspects that someone is a person on whom a firearms prohibition order is required to be served, the police officer may do any 1 or more of the following —
  - (a) direct the person to stop;
  - (b) direct the person to provide their personal details;
  - (c) direct the person to remain at a particular place for as long as is reasonably necessary (but no longer than 2 hours) to serve the firearms prohibition order;
  - (d) direct the person to accompany the police officer to the nearest police station or some other place and remain

there for as long as is reasonably necessary (but no longer than 2 hours) to serve the firearms prohibition order.

- (2) If a police officer reasonably suspects that a personal detail given by a person in response to a direction under subsection (1)(b) is false, the police officer may direct the person to produce evidence of its correctness.
- (3) If a person fails to comply with a direction under subsection (1) or (2), the police officer may do either or both of the following —
  - (a) detain the person at the place at which the direction is given for as long as is reasonably necessary (but no longer than 2 hours) to serve the notice;
  - (b) take the person to another place (including a police station) and detain the person at that place for as long as is reasonably necessary (but no longer than 2 hours) to serve the firearms prohibition order.
- (4) A person who is directed to remain or is detained at a place, or who is accompanying, or being taken by, a police officer to a place, under this section when the person is not under arrest is taken to be in lawful custody.
- (5) If a person accompanies, or is taken by, a police officer to a police station or other place following a direction under this section, the police officer must ensure that the person is taken back to the place at which the direction was made, or to a place near that place, unless the person requests otherwise or it is not practicable to do so.

**322. Offence of failing to comply with directions for service**

- (1) A person who, without lawful excuse, fails to comply with a direction of a police officer under section 321(1) or (2) commits an offence.

Penalty for this subsection: imprisonment for 12 months and a fine of \$12 000.

- (2) A person who is directed by a police officer under section 321(1)(b) to provide their personal details commits an offence if the person provides any personal detail that is false or misleading in a material particular.

Penalty for this subsection: imprisonment for 12 months and a fine of \$12 000.

- (3) A person who is directed by a police officer under section 321(2) to produce evidence of the correctness of a personal detail commits an offence if the person —
- (a) without lawful excuse, fails to comply with the direction; or
  - (b) produces evidence that is false or misleading in a material particular.

Penalty for this subsection: imprisonment for 12 months and a fine of \$12 000.

**323. Proof of service**

- (1) As soon as practicable after a police officer serves a firearms prohibition order, the police officer must complete a certificate of service.
- (2) The certificate must state that, on the day and at the time and place stated in the certificate, the police officer giving the certificate served the firearms prohibition order in accordance with section 320(2).
- (3) The certificate must state the full name of the person served.
- (4) A certificate of service under this section is, in the absence of evidence to the contrary, sufficient proof of service of the firearms prohibition order on the person stated to have been served.

**Division 3 — Commencement, duration and effect of firearms prohibition order**

**324. Commencement**

A firearms prohibition order comes into force when it is served on the person against whom it is made in accordance with section 320(2).

**325. Duration**

- (1) A firearms prohibition order remains in force for a period of 10 years, beginning on the day on which it comes into force, unless the firearms prohibition order is revoked sooner by the Commissioner.
- (2) The Commissioner may revoke a firearms prohibition order at any time for any or no stated reason.

**326. Effect of firearms prohibition order when served**

- (1) When a firearms prohibition order comes into force, any firearm authority held by the prohibited person is immediately cancelled.
- (2) The regulations may provide for the reinstatement of a firearm authority cancelled under subsection (1), or make any other provision necessary or convenient to be made, to deal with —
  - (a) the consequences of the setting aside or quashing, by the State Administrative Tribunal or a court, of a decision of the Commissioner to make a firearms prohibition order; or
  - (b) the revocation of a firearms prohibition order (whether or not revocation results from the setting aside or quashing of a decision of the Commissioner to make a firearms prohibition order as referred to in paragraph (a)).

**Division 4 — Offences relating to firearms prohibition orders**

**327. Requirement to surrender firearms and other things**

(1) When a firearms prohibition order is served on a person, the prohibited person must immediately surrender the following things to the police officer who served the firearms prohibition order —

- (a) any licence card in the person's possession;
- (b) any firearm, major firearm part, prohibited accessory, firearm technology or ammunition in the person's possession.

(2) A person who contravenes subsection (1) by failing to immediately surrender a licence card commits a crime.

Penalty for this subsection: imprisonment for 5 years and a fine of \$60 000.

(3) A person who contravenes subsection (1) by failing to immediately surrender any of the following things commits a crime —

- (a) a firearm;
- (b) a major firearm part;
- (c) ammunition;
- (d) firearm technology.

Penalty for this subsection: imprisonment for 7 years.

(4) A person who contravenes subsection (1) by failing to immediately surrender any of the following things commits a crime —

- (a) a handgun;
- (b) a prohibited firearm;
- (c) a major firearm part of a handgun or prohibited firearm;
- (d) a prohibited accessory.

Penalty for this subsection: imprisonment for 14 years.



- (5) A person does not commit an offence under this section by failing to immediately surrender a thing if —
- (a) the thing is not in the person’s immediate possession; and
  - (b) the person immediately provides the police officer who served the firearms prohibition order with the information and assistance necessary to enable a police officer to immediately locate and access the thing for the purpose of seizing it.

**328. Prohibition against acquiring, supplying, possessing or using firearms and related things**

- (1) A prohibited person commits a crime if the person acquires, supplies, is in possession of, or uses any of the following things —
- (a) a firearm;
  - (b) a major firearm part;
  - (c) ammunition.

Penalty for this subsection: imprisonment for 7 years.

- (2) A prohibited person commits a crime if the person acquires, supplies, is in possession of, or uses any of the following things —
- (a) a handgun;
  - (b) a prohibited firearm;
  - (c) a major firearm part of a handgun or prohibited firearm;
  - (d) a prohibited accessory.

Penalty for this subsection: imprisonment for 14 years.

- (3) A prohibited person does not commit an offence under subsection (1) or (2) by being in possession of a thing if —
- (a) the thing is not in the prohibited person’s immediate possession; and

- (b) the prohibited person complied with the requirement under section 327(1) to immediately surrender the thing by immediately providing the police officer who served the firearms prohibition order with the information and assistance necessary to enable a police officer to locate and access the thing for the purpose of seizing it.

**329. Prohibition against entering, remaining or residing at certain places**

- (1) In this section —

*firearm trade premises* means any premises (including premises that are also a residence) that are specified in a Trade Licence as premises to which the licence applies;

*residence* means a place used for residential purposes.

- (2) A prohibited person commits a crime if the person enters or remains at —
  - (a) a place where a firearm, major firearm part, prohibited accessory or ammunition is sold, repaired or manufactured; or
  - (b) a licensed firearm range; or
  - (c) the premises of a shooting club that holds a Club Licence; or
  - (d) the premises of an approved society of firearm collectors (being a body corporate approved under section 70(1) as an approved society of firearm collectors); or
  - (e) a place used for the conduct of games of paintball under the authority of a Paintball Business Licence; or
  - (f) firearm trade premises; or
  - (g) a place that is set aside predominantly for activities involving firearms.

Penalty for this subsection: imprisonment for 10 years.

- (3) A prohibited person commits a crime if the person resides at firearm trade premises.

Penalty for this subsection: imprisonment for 10 years.

- (4) A prohibited person commits an offence if the person resides at a residence (other than firearm trade premises) where a firearm, major firearm part, prohibited accessory or ammunition is stored.

Penalty for this subsection: imprisonment for 5 years and a fine of \$60 000.

- (5) A prohibited person commits an offence if the person enters or remains at a residence (other than firearm trade premises) where a firearm, major firearm part, prohibited accessory or ammunition is stored.

Penalty for this subsection: imprisonment for 12 months and a fine of \$12 000.

- (6) It is a defence to a charge of an offence under subsection (4) or (5) to prove that the accused did not know, and could not reasonably be expected to have known, that a firearm, major firearm part, prohibited accessory or ammunition was stored at the residence concerned.

**330. Prohibition against associating with persons in possession of firearms and other things**

- (1) A prohibited person commits a crime if the person is in company with a person who is in possession of any of the following —

- (a) a firearm;
- (b) a major firearm part;
- (c) ammunition.

Penalty for this subsection: imprisonment for 7 years.

- (2) A prohibited person commits a crime if the person is in company with a person who is in possession of any of the following —
- (a) a handgun;
  - (b) a prohibited firearm;
  - (c) a major firearm part of a handgun or prohibited firearm;
  - (d) a prohibited accessory.

Penalty for this subsection: imprisonment for 14 years.

- (3) It is a defence to a charge of an offence under subsection (1) or (2) of being in company with a person who is in possession of a firearm or related thing to prove that the accused did not know, and could not reasonably be expected to have known, that the person was in possession of a firearm or related thing.

**331. Prohibition against giving possession of firearms and other things to prohibited persons**

- (1) A person commits a crime if the person gives possession of any of the following to a prohibited person —
- (a) a firearm;
  - (b) a major firearm part;
  - (c) ammunition.

Penalty for this subsection: imprisonment for 7 years.

- (2) A person commits a crime if the person gives possession of any of the following to a prohibited person —
- (a) a handgun;
  - (b) a prohibited firearm;
  - (c) a major firearm part of a handgun or prohibited firearm;
  - (d) a prohibited accessory.

Penalty for this subsection: imprisonment for 14 years.

- (3) It is a defence to a charge of an offence under subsection (1) or (2) of giving possession of a firearm or related thing to a prohibited person to prove that the accused did not know, and could not reasonably be expected to have known, that the person was a prohibited person.

**332. Prohibited person to notify change of address**

If a prohibited person changes their address, the person must give the Commissioner notice of their new address in the approved manner and approved form not later than 7 days after the change occurs.

Penalty: a fine of \$5 000.

**333. Recognition of firearms prohibition orders of other jurisdictions**

- (1) In this section —  
*corresponding firearms prohibition order* means an order made under a law of another State or a Territory that is prescribed by the regulations as a corresponding firearms prohibition order.
- (2) If a corresponding firearms prohibition order is in force in relation to a person —
- (a) the person is, for the purposes of this Act, taken to be a prohibited person; and
  - (b) this Act applies to, and may be enforced in this State against, the person accordingly.

## **Part 9 — Review of decisions**

### **334. Terms used**

In this Part —

**decision** means a decision (including a decision to impose a restriction, limitation or condition) made by or on behalf of the Commissioner, or a delegate of the Commissioner, under this Act;

**notified exempt material** means any supporting material that is the subject of a notification to the Tribunal under section 337(1);

**SAT Act** means the *State Administrative Tribunal Act 2004*;

**supporting material**, in relation to a decision, means the statement of the reasons for the decision, and the other documents and other material, provided to the Tribunal under the SAT Act section 24;

**Tribunal** means the State Administrative Tribunal.

### **335. Review of decisions by Tribunal**

A person aggrieved by a decision can apply to the Tribunal for a review of the decision.

### **336. Hearsay evidence in review proceedings**

(1) In this section —

**representation** includes an express or implied representation, whether oral or in writing, and a representation inferred from conduct.

(2) In proceedings before the Tribunal for the review of a decision, evidence given by a police officer of a representation about a matter that is relevant to the proceedings is admissible as evidence, despite the rule against hearsay.

- (3) The Tribunal may give such weight as it thinks fit to evidence admitted under subsection (2).
- (4) This section applies despite any rules of evidence, or any practices or procedures applicable to courts of record, adopted by the Tribunal or applied by regulations or rules under the SAT Act, as referred to in the SAT Act section 32.

**337. Notifying Tribunal of exempt material**

- (1) In proceedings before the Tribunal for the review of a decision, the Commissioner must notify the Tribunal if the Commissioner is of the opinion that any supporting material for the decision is or contains matter that the Commissioner considers is exempt matter under the *Freedom of Information Act 1992* Schedule 1 clause 5.
- (2) The notification must be given when the Commissioner provides the supporting material for the decision to the Tribunal and must sufficiently identify the notified exempt material.
- (3) The following provisions apply in relation to notified exempt material —
  - (a) the Attorney General cannot issue a certificate under the SAT Act section 159(2) in relation to notified exempt material;
  - (b) the Tribunal cannot direct a party to produce a document to another party if the document is or contains notified exempt material (despite the SAT Act section 34);
  - (c) the Tribunal must ensure that notified exempt material provided to the Tribunal is returned to the Commissioner when it is no longer required by the Tribunal;
  - (d) the Tribunal must ensure that notified exempt material provided to the Tribunal is not disclosed in any way other than to a sitting member of the Tribunal;

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- (e) the Tribunal must perform its functions under the SAT Act sections 77 and 78 in a way that ensures the Tribunal complies with paragraphs (c) and (d);

Note for this paragraph:

In relation to paragraph (e), the SAT Act sections 77 and 78 relate to the giving of reasons for a decision of the Tribunal.

- (f) the Tribunal must receive any evidence in relation to notified exempt material in private and in the absence of any party to the proceeding other than the Commissioner or the Commissioner's representative (despite the SAT Act section 61);
- (g) despite the SAT Act section 62, anything to which that section applies that is notified exempt material is not to be published.

**338. Decisions about firearms prohibition orders**

The following provisions have effect in relation to a review by the Tribunal of a decision under Part 8 (an *FPO decision*) —

- (a) the decision-maker cannot be requested under the SAT Act section 21(1) to provide a written statement of the reasons for an FPO decision;
- (b) the Tribunal cannot under the SAT Act section 22(3) order the decision-maker to provide a statement of the reasons for an FPO decision;
- (c) the Tribunal cannot under the SAT Act section 25(2) make an order staying the operation of an FPO decision;
- (d) despite the SAT Act section 29(5)(b), an FPO decision as affirmed or varied by the Tribunal, or a decision that the Tribunal substitutes for an FPO decision, has effect from the date that the Tribunal affirms or varies the FPO decision or substitutes its decision for the FPO decision, as the case requires (and the Tribunal cannot order otherwise under the SAT Act section 29(5)(b)).



**339. Appeals and references to Supreme Court under SAT Act**

(1) In this section —

*Supreme Court proceeding* means —

- (a) an appeal to the Court of Appeal, or to the Supreme Court, under the SAT Act section 105 from a decision of the Tribunal on a review of a decision; or
- (b) a reference to the Supreme Court under the SAT Act section 59 of a question of law arising in a proceeding on a review by the Tribunal of a decision.

(2) If the court dealing with a Supreme Court proceeding considers that notified exempt material given to the court under the SAT Act for the purpose of the proceeding cannot properly be considered to be protected matter for the purposes of the SAT Act section 94(5)(a), the court must —

- (a) give the Commissioner the opportunity to withdraw the notified exempt material from consideration in the Supreme Court proceeding; and
- (b) if the material is withdrawn — prohibit the publication of, or a reference to, the material.

## **Part 10 — Amnesty for surrender of firearms and related things**

### **340. Terms used**

In this Part —

***approved location*** means premises approved under section 344(1) as an approved location for the purposes of this Part;

***approved person***, for an approved location, means a person approved under section 344(2)(a) as an approved person for the approved location;

***responsible person***, for an approved location, means the person approved under section 344(2)(b) as the responsible person for the approved location.

### **341. Surrender of firearms and related things**

- (1) A person who is in possession of a firearm or related thing can surrender it to the Commissioner by —
  - (a) taking it to a police station and surrendering it to a police officer at the police station; or
  - (b) taking it to an approved location and surrendering it to an approved person at the approved location.
- (2) The surrender of a firearm or related thing to the Commissioner in accordance with subsection (1) is ***approved surrender*** of the firearm or related thing for the purposes of this Part.

### **342. Amnesty**

- (1) If a person surrenders a firearm or related thing (the ***surrendered thing***) by approved surrender, action cannot be taken against the person for an offence under Part 5 in respect of the possession of the surrendered thing by the person before it was surrendered.

- (2) Subsection (1) does not affect the person's liability for any other offence involving the surrendered thing that is committed by the person under this Act or another written law before it was surrendered.
- (3) A person does not commit an offence under Part 5 by giving possession of a firearm or related thing to a police officer at a police station or to an approved person at an approved location when surrendering the firearm or related thing to the Commissioner by approved surrender.
- (4) A police officer at a police station or an approved person at an approved location does not commit an offence under Part 5 by taking possession of a firearm or related thing when the firearm or related thing is surrendered to the Commissioner by approved surrender.
- (5) A person's possession of a firearm or related thing at an approved location in the person's capacity as an approved person for the approved location is taken to be authorised by a licence.

**343. Licensing, sale and disposal of surrendered firearms and related things**

- (1) A person who surrenders a firearm or related thing by approved surrender may, within 14 days after surrendering it, make an application (an *appropriate application*) under this Act for the necessary firearm authority to authorise the person to possess the firearm or related thing.
- (2) If the person does not make an appropriate application within that 14 days, or an appropriate application made by the person within that 14 days is unsuccessful, the firearm or related thing can be dealt with by the Commissioner under section 367.

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- (3) An appropriate application is unsuccessful if —
  - (a) the application is refused and any subsequent reviews and appeals in relation to that refusal have been finally determined or otherwise disposed of; or
  - (b) the application is withdrawn.
- (4) A prohibited accessory cannot be the subject of an appropriate application.

**344. Approval of surrender locations and personnel**

- (1) The Commissioner may approve any premises to which a Trade Licence (the *relevant Trade Licence*) applies as an approved location for the purposes of this Part.
- (2) For each approved location, the Commissioner must —
  - (a) approve 1 or more persons as approved persons for the approved location; and
  - (b) approve 1 of those approved persons as the responsible person for the approved location.
- (3) A person cannot be an approved person for an approved location unless the person is the holder of, or an authorised person for, the relevant Trade Licence.
- (4) The Commissioner's approval of an approved location must specify the following —
  - (a) the address of the approved location;
  - (b) the name of the responsible person for the approved location;
  - (c) the name of any other approved person for the approved location.
- (5) The Commissioner may revoke or amend an approval under this section.

**345. Requirements for things surrendered**

- (1) The Commissioner may determine the following requirements (*surrender compliance requirements*) for firearms and related things surrendered by approved surrender at an approved location —
  - (a) handling and storage requirements for surrendered firearms and related things;
  - (b) requirements as to the manner in which surrendered firearms and related things must be delivered to the Commissioner;
  - (c) reporting requirements in relation to surrendered firearms and related things.
- (2) The Commissioner must notify surrender compliance requirements determined for an approved location to the responsible person for the approved location.
- (3) It is a condition of the relevant Trade Licence that surrender compliance requirements of which the responsible person for an approved location is notified by the Commissioner must be complied with.

## **Part 11 — Enforcement**

### **Division 1 — Police powers to seize firearms and related things**

#### **346. Power to seize in certain circumstances**

- (1) A police officer may seize a firearm or related thing that is in the possession of a person in any of the following circumstances (each a *circumstance that justifies seizure*) —
  - (a) if the police officer is satisfied that the person is a disqualified person;
  - (b) if the police officer reasonably suspects that the firearm or related thing is in the person's possession or is being used in contravention of a condition of a firearm authority;
  - (c) if the police officer reasonably suspects that possession of the firearm or related thing by the person may result in harm being suffered by any person or may result in a threat to public safety;
  - (d) if the police officer is of the opinion that the person is not at the time a fit and proper person to be in possession of the firearm or related thing.
- (2) Subsection (1) applies whether or not the person's possession of the firearm or related thing is authorised by a firearm authority or is otherwise lawful.

Note for this section:

A police officer also has power under the *Criminal Investigation Act 2006* to seize a firearm that is in a person's possession unlawfully (as being a thing relevant to an offence for the purposes of that Act).

#### **347. Power to enter and search vehicles and places**

- (1) For the purpose of exercising a power under section 346, a police officer may enter and search any vehicle or place that the police officer reasonably suspects is a vehicle in which or place where a firearm or related thing may be found that is in the

possession of a person in a circumstance that justifies seizure under section 346.

- (2) A power of a police officer to enter and search a vehicle under this section may be exercised without a warrant.
- (3) A power of a police officer to enter and search a place under this section may be exercised without a warrant if (and only if) subsection (4) or (5) applies.
- (4) This subsection applies if the police officer reasonably suspects that —
  - (a) there is an immediate threat of harm to a person; and
  - (b) the delay that would be involved in obtaining a warrant would be likely to increase the risk or extent of that harm.
- (5) This subsection applies if the circumstance that justifies seizure under section 346 is the circumstance under section 346(1)(d).
- (6) A police officer who exercises a power under this section to enter and search a place without a warrant must give the Commissioner, after the power is exercised, a written report in the approved form explaining, as the case requires —
  - (a) the reason for the suspicion referred to in subsection (4); or
  - (b) the reason for the opinion under section 346(1)(d).

**348. Search warrant under *Criminal Investigation Act 2006***

A search warrant may be applied for and issued under the *Criminal Investigation Act 2006* to authorise a police officer to enter and search a place for the purpose of the exercise of any power of a police officer under section 346, and for that purpose the *Criminal Investigation Act 2006* Part 5 applies as if —

- (a) possession by a person of a firearm or related thing in a circumstance that justifies seizure under section 346 were an offence under a written law; and

- (b) a firearm or related thing in a person's possession in a circumstance that justifies seizure under section 346 were a thing relevant to that offence.

**349. Division does not limit firearms prohibition order powers**

This Division does not limit any power of a police officer under Division 2.

**Division 2 — Enforcement of firearms prohibition orders**

**350. Powers can be exercised without warrant**

The powers conferred on a police officer by this Division may be exercised without a warrant unless otherwise provided by this Division.

**351. Power of search and seizure before firearms prohibition order served**

- (1) A police officer who is satisfied that a firearms prohibition order has been made against a person may seize a firearm or related thing that is in the possession of the person before the firearms prohibition order is served on the person and whether or not the person's possession of the firearm or related thing is authorised by a firearm authority or is otherwise lawful.
- (2) For the purpose of seizing a firearm or related thing under this section, a police officer may enter and search any vehicle or place that the police officer reasonably suspects is a vehicle in which or place where the firearm or related thing may be found.
- (3) A power of a police officer under this section to enter and search a vehicle may be exercised without a warrant.
- (4) A power of a police officer under this section to enter and search a place for a firearm or related thing in a person's possession may be exercised without a warrant if (and only if) the police officer is satisfied that reasonable efforts have been



made to serve the firearms prohibition order on the person as required by section 320.

- (5) A police officer who exercises a power under this section to enter and search a place without a warrant must give the Commissioner, after the power is exercised, a written report in the approved form detailing the efforts made to serve the firearms prohibition order that the police officer is satisfied constitute reasonable efforts.
- (6) A search warrant may be applied for and issued under the *Criminal Investigation Act 2006* to authorise a police officer to enter and search a place for the purpose of the exercise of any power of a police officer under this section, and for that purpose the *Criminal Investigation Act 2006* Part 5 applies as if —
  - (a) possession by a person of a firearm or related thing when the person is a person against whom a firearms prohibition order has been made but not served were an offence under a written law; and
  - (b) a firearm or related thing in a person's possession in those circumstances were a thing relevant to that offence.

**352. Entry and search of places and vehicles in relation to firearms prohibition orders**

- (1) A police officer may exercise the following powers as reasonably necessary for the purpose of determining whether a prohibited person or any other person has committed an offence under Part 8 —
  - (a) power to enter and search a place occupied by or under the care, control or management of a prohibited person, including power to enter and search a vehicle at the place;
  - (b) power to search a vehicle occupied by or in the charge of a prohibited person, wherever the vehicle is located.

- (2) A police officer who enters or searches a place or vehicle under this section has the following powers —
- (a) power to stop and detain the vehicle being searched for so long as is reasonably necessary to conduct the search;
  - (b) power to seize a thing relevant to an offence under this Act.

**353. Search of prohibited persons and persons in their company**

- (1) A police officer has the following powers to stop and search a person —
- (a) power to stop and search a prohibited person as reasonably necessary for the purpose of determining whether the prohibited person has committed an offence under Part 8;
  - (b) power to stop and search a person in the company of a prohibited person if the police officer reasonably suspects that the person in company or the prohibited person has committed an offence under Part 8.
- (2) A police officer who conducts a search of a person under this section has the following powers —
- (a) power to stop and detain the person being searched for so long as is reasonably necessary to conduct the search;
  - (b) power to search any item, package or thing in the possession of a person who is the subject of the search;
  - (c) power to seize a thing relevant to an offence under this Act that is found in the person's possession (or in a package or other thing in their possession) or that the person is using.
- (3) The *Criminal Investigation Act 2006* Part 8 Division 3 applies to the search of a person under this section as if the search were a basic search authorised by that Act.

**354. Search and seizure of things required to be surrendered**

- (1) A police officer who reasonably suspects that a prohibited person has failed to immediately surrender a thing in contravention of section 327(1) may —
  - (a) enter a place where the police officer reasonably suspects the thing is located; and
  - (b) search for, and seize, the thing.

Note for this subsection:

Section 327 requires a prohibited person to immediately surrender any licence card, firearm, major firearm part, prohibited accessory, firearm technology or ammunition in their possession.

- (2) A prohibited person's failure to immediately surrender a thing as required by section 327(1) is a contravention of that subsection for the purposes of this section even if that failure is not an offence because of the operation of section 327(5).
- (3) This section is in addition to, and does not limit, the other powers conferred by this Division on a police officer.

**355. Seizure of things in authorised possession**

A police officer may seize a firearm or related thing under a provision of this Division even if the person in possession of the firearm or related thing is authorised by a firearm authority to be in possession of the firearm or related thing.

**Division 3 — Other police powers**

**356. Power to seize if licence card not produced**

- (1) A police officer may direct a person who is in immediate possession of a firearm or related thing to produce to the police officer the licence card issued to the person in respect of the firearm authority or exemption that authorises the person to possess the firearm or related thing (the *required licence card*).

- (2) If the required licence card is not produced when directed by a police officer, the police officer may seize the firearm or related thing unless the police officer is otherwise satisfied that the person's possession of the firearm or related thing is lawful.

**357. Power to require surrender of firearms and related things in unlawful possession**

- (1) If a police officer reasonably suspects that a person is in unlawful possession of a firearm or related thing, the police officer may direct the person to immediately surrender the firearm or related thing (a *thing required to be surrendered*) to a police officer.
- (2) If a person given a direction under this section fails to comply with the direction by immediately surrendering a thing required to be surrendered, a police officer may without a warrant —
- (a) enter any place that the police officer reasonably suspects are premises on which a thing required to be surrendered may be found; and
  - (b) search for and seize a thing required to be surrendered.
- (3) A firearm or related thing surrendered to a police officer under this section is taken to have been seized by the police officer.

**358. Examination and testing of firearms and related things**

- (1) A police officer may direct a person to produce to the police officer for examination or testing any firearm or related thing in the person's possession.
- (2) A person who fails to comply with a direction under subsection (1) within a reasonable time after the direction is given commits an offence.

Penalty for this subsection: a fine of \$5 000.

- (3) A police officer may examine or test a firearm or related thing that is produced to the police officer or that otherwise comes into the possession of the police officer.

Note for this section:

A police officer also has powers under the *Criminal Investigation Act 2006* to do a forensic examination on a firearm or related thing that under that Act is a thing relevant to an offence.

**359. Power to seize unsafe, unserviceable or altered firearm or related thing**

A police officer may seize a firearm or related thing if the police officer is of the opinion that —

- (a) the firearm or related thing is unsafe or unserviceable; or
- (b) in the case of a firearm, the firearm has been unlawfully altered.

**360. Powers in relation to firearm technology**

- (1) A police officer who reasonably suspects that a person is in possession of firearm technology may direct that the person provide a password, device or other information or thing to enable the police officer to access the firearm technology.
- (2) A person who, without reasonable excuse, fails to comply with a direction by a police officer under subsection (1) commits a crime.

Penalty for this subsection: imprisonment for 10 years.

Summary conviction penalty for this subsection: imprisonment for 3 years and a fine of \$36 000.

**361. Power to ask questions in relation to offence**

A police officer may question any person whom the police officer reasonably suspects of being able to furnish information or evidence relating to an offence or suspected offence under this Act.

**362. Police powers on licensed firearm premises**

- (1) In this section —  
*licensed firearm premises* means —
- (a) business premises of the licensee under a Business Licence; or
  - (b) premises of a licensed firearm club; or
  - (c) premises of a licensed firearm range; or
  - (d) premises to which a Trade Licence applies; or
  - (e) premises occupied by a Government entity to which a Government Entity Licence applies.
- (2) A police officer may without a warrant enter licensed firearm premises at any reasonable time and while on those premises may —
- (a) inspect the premises; and
  - (b) require any person on the premises to produce for inspection by the police officer any record kept under or for the purposes of this Act; and
  - (c) inspect any record produced to the police officer and make a copy of, or of any entry in, the record; and
  - (d) require any person on the premises to answer questions asked by the police officer about any activities carried on under the authority of a licence or that are otherwise relevant to the operation of this Act; and
  - (e) require any person on the premises to provide reasonable assistance to the police officer to facilitate the exercise of the police officer's powers under this section.
- (3) When the production of a record is required under this section and the record is not in a readable format, the requirement to

produce the record must be treated as a requirement to produce —

- (a) the record itself; and
  - (b) the contents of the record in a readable format.
- (4) A person must not, without reasonable excuse, fail to comply with a requirement of a police officer under this section.

Penalty for this subsection: a fine of \$5 000.

### **363. Compliance directions**

- (1) A police officer may give a compliance direction to a licensee if satisfied that —
- (a) the licensee has contravened a provision of this Act or a condition of the licensee's licence; and
  - (b) the contravention is continuing; and
  - (c) activities should not be engaged in under the authority of the licence until the contravention has been remedied.
- (2) A ***compliance direction*** is a direction in writing that —
- (a) specifies the provision of this Act or the condition of the licence that has been contravened; and
  - (b) requires the licensee to remedy the contravention; and
  - (c) requires the licensee to suspend all or specified activities engaged in under the authority of the licence until the contravention is remedied.
- (3) A compliance direction may include requirements as to what must be done to remedy the contravention.
- (4) A licensee to whom a compliance direction is given under this section must comply with the requirements of the compliance direction.

Penalty for this subsection: a fine of \$50 000.

**364. Powers are in addition to other powers**

The powers conferred on a police officer by this Part are in addition to, and do not limit, the powers that a police officer has under any other provision of this Act or any other law.

**Division 4 — Seized and surrendered firearms and related things**

**365. Term used: surrendered under amnesty**

In this Division —

*surrendered under amnesty* means surrendered to the Commissioner under section 341.

**366. Application of *Criminal and Found Property Disposal Act 2006***

- (1) The *Criminal and Found Property Disposal Act 2006* applies in respect of a firearm or related thing seized under this Act that is in the possession of a police officer.
- (2) For the purposes of the *Criminal and Found Property Disposal Act 2006*, a firearm or related thing seized under this Act is taken to have been seized in the course of a criminal investigation by the Police Force of Western Australia.

**367. Dealing with firearms and related things surrendered under amnesty**

- (1) A firearm or related thing surrendered under amnesty may be dealt with by the Commissioner by sale, forfeiture to the State, destruction or otherwise, as the Commissioner thinks fit.
- (2) Any proceeds of the sale of a firearm or related thing by the Commissioner under this section, after deduction of the expenses of and incidental to the sale, must —



- (a) be paid to the person who surrendered it if the Commissioner is of the opinion that it is appropriate and practicable to do so; or
  - (b) otherwise be credited to the Consolidated Account.
- (3) This section is subject to section 343.

Note for this subsection:

Section 343 provides for a person who surrenders a firearm or related thing to make an application for the necessary firearm authority to authorise the person to possess the firearm or related thing.

**368. Dealing with other firearms and related things in police possession**

- (1) A firearm or related thing that comes into the possession of a police officer under this Act otherwise than as a result of being seized or surrendered under amnesty must be dealt with as required by this section when it is no longer authorised to be retained.
- (2) The firearm or related thing must be returned to a person who the Commissioner is satisfied is entitled to its lawful possession.
- (3) If a person entitled to its lawful possession cannot be identified or cannot be found, the firearm or related thing may be dealt with by the Commissioner by sale, forfeiture to the State, destruction or otherwise, as the Commissioner thinks fit.
- (4) Any proceeds of the sale of a firearm or related thing by the Commissioner under this section, after deduction of the expenses of and incidental to the sale, must be credited to the Consolidated Account.

**369. Power of court to order forfeiture on conviction of offender**

- (1) A court that convicts a person of an offence under any written law can, in addition to any other penalty imposed, make an order for the forfeiture to the State or the destruction of a firearm or related thing that the court is satisfied was the subject

of, used in, or otherwise involved in, the commission of the offence.

- (2) The *Criminal and Found Property Disposal Act 2006* applies to a firearm or related thing forfeited to the State under a court order under subsection (1).

### **Division 5 — General**

**370. Offence: failure to answer questions**

A person commits an offence if the person —

- (a) fails without reasonable excuse to answer any question asked by a police officer under this Act; or
- (b) in answer to a question asked by a police officer under this Act provides information that the person knows to be false or misleading in a material particular.

Penalty: a fine of \$5 000.

**371. Offence: misleading police officer**

A person commits an offence if the person misleads or attempts to mislead any police officer in any manner that is likely to affect the discharge of the police officer's duties under this Act.

Penalty: a fine of \$5 000.

**372. Powers under *Criminal Investigation Act 2006***

The *Criminal Investigation Act 2006* Part 2 applies, with any necessary modifications, to a police officer exercising a power under this Act in the same way as it applies to a police officer exercising a power under that Act.

**373. Other powers not affected**

Nothing in this Act limits or otherwise affects any power of a police officer under the *Criminal Investigation Act 2006* or any other law.

## Part 12 — Information

### Division 1 — Disclosure of information to Commissioner

**374. Providing information to Commissioner about person of concern**

Any person may provide information to the Commissioner about another person (the *person of concern*) if the person providing the information believes that the information indicates that —

- (a) the person of concern is not a fit and proper person to have access to a firearm; or
- (b) the physical, mental or emotional condition of the person of concern is such that it is not in the interests of the person of concern, or not in the public interest, for the person of concern to have access to a firearm to which they are believed to have access; or
- (c) the person of concern has sustained an injury in the infliction of which a firearm is believed to have been involved.

**375. Information from licensed firearm club**

- (1) It is a condition of a Club Licence that the licensed firearm club must provide information to the Commissioner about the following matters (*reportable matters*) —
  - (a) a person becoming a member of the club;
  - (b) the refusal by the club of a person's application for membership or renewal of membership of the club;
  - (c) the suspension or cancellation of a person's membership of the club;
  - (d) a person ceasing to be a member of the club otherwise than because of the suspension or cancellation of the person's membership;

- (e) any other matter prescribed by the regulations.
- (2) The regulations may provide for the following —
  - (a) the information about reportable matters that must be provided to the Commissioner by a licensed firearm club;
  - (b) the manner in which information about reportable matters must be provided to the Commissioner by a licensed firearm club;
  - (c) the time within which information about reportable matters must be provided to the Commissioner by a licensed firearm club.
- (3) If an officer of a licensed firearm club forms the opinion that a person who is a member of the club is not a fit and proper person to hold a firearm authority, the officer must notify the Commissioner of that opinion and the grounds on which it was formed within the time and in the manner required by the regulations.

Penalty for this subsection: a fine of \$5 000.

**376. Information from approved society of firearm collectors**

- (1) An approved society of firearm collectors must notify the Commissioner in the approved manner within 7 days after a member who holds a Collector Licence ceases to be a member of the society.

Penalty for this subsection: a fine of \$5 000.
- (2) The notification must include a statement of the reason the member ceased to be a member.
- (3) If the member ceased to be a member as a result of being expelled from membership, the notification must include a statement of the reasons for the member being expelled.
- (4) A statement of the reasons for a member being expelled can include information that the Commissioner might consider

relevant to the question of whether or not the member expelled is a fit and proper person to hold a Collector Licence.

- (5) An approved society of collectors that is requested at any time to do so may give the Commissioner any information that the Commissioner might consider relevant to —
- (a) the question of whether, for the purposes of this Act, a firearm has significant commemorative, historical or thematic value; or
  - (b) the question of whether a person is a fit and proper person to hold a Collector Licence.

**377. Providing further information requested by Commissioner**

A person may provide any further information to the Commissioner that is requested by the Commissioner in connection with information provided to the Commissioner by the person under this Part.

**378. Protection from liability when information provided in good faith**

- (1) If information is provided to the Commissioner by a person in good faith under this Division —
- (a) no civil or criminal liability is incurred by the person in respect of the disclosure; and
  - (b) the disclosure is not to be regarded as a breach of any duty of confidentiality or secrecy imposed on the person by any written or other law; and
  - (c) the disclosure is not to be regarded as a breach by the person of professional ethics or standards or any principles of conduct applicable to the person's employment or as unprofessional conduct.
- (2) Except in relation to an offence constituted by the disclosure of the information, subsection (1) does not affect a person's liability for any offence, committed by the person under this Act

or another written law, in relation to which the person provides information under this Division.

**379. Protection of identity of person providing information to Commissioner**

- (1) A person must not disclose information (*identifying information*) that might identify or tend to identify a person as a person who has provided information to the Commissioner under this Division.

Penalty for this subsection: imprisonment for 2 years and a fine of \$24 000.

- (2) A person does not commit an offence under subsection (1) if —
- (a) the person who provided the information to the Commissioner consents to the disclosure of the identifying information; or
  - (b) it is necessary to disclose the identifying information to enable the matter to be investigated effectively; or
  - (c) there are reasonable grounds to believe that disclosing the identifying information is necessary to prevent or minimise the risk of injury to a person or damage to property; or
  - (d) the identifying information is disclosed in accordance with an order of a court or a person or body having authority to hear, receive and examine evidence.

**380. Commissioner's decisions made in reliance on information provided**

- (1) A decision made by the Commissioner is not liable to be called into question or annulled by reason only that it was made in full or partial reliance on information provided to the Commissioner under this Part that is subsequently shown to be factually incorrect.

- (2) The Commissioner must reconsider the decision if requested to do so by the person adversely affected to determine the extent to which the decision should, or might, be varied as a result of the correction of those factual errors.

**381. Information includes opinion**

A reference in this Division to information includes information in the form of an opinion.

**Division 2 — Disclosure of information by Commissioner**

**382. Terms used**

In this Division —

***firearm authority information***, about a person, means the following information about the person —

- (a) information indicating that the person holds a firearm authority or is authorised by a firearm authority to possess or use a firearm;
- (b) information as to the terms and conditions of any firearm authority granted to the person (whether or not the firearm authority is currently held by the person);
- (c) information about any refusal to grant a firearm authority to the person or the cancellation or suspension of a firearm authority held by the person (including information about the reasons for the refusal, cancellation or suspension);
- (d) information about the person's record of compliance or failure to comply with the requirements of this Act or the conditions of a firearm authority;

***relevant firearm information***, about a person, means —

- (a) information about the person that is relevant to the question of whether the person is a fit and proper person to have access to a firearm, including any opinion of the

Commissioner as to whether the person is a fit and proper person to hold a firearm authority; and

- (b) information indicating whether the person is, or was at any particular time, a disqualified person or prohibited person; and
- (c) firearm authority information about the person;

*State agency* means a department of the Public Service or another agency or instrumentality of the State.

**383. Disclosure by Commissioner of relevant firearm information about person**

The Commissioner may disclose relevant firearm information about a person to any of the following —

- (a) any law enforcement agency (including a law enforcement agency in another jurisdiction);
- (b) a person or body with functions under the law of another jurisdiction that are substantially similar to the functions of the Commissioner under this Act;
- (c) the holder of a firearm authority if the Commissioner is satisfied that disclosure of the information will assist the holder to comply with this Act;
- (d) any State agency engaged in the provision of services if the Commissioner is of the opinion that it is in the public interest in connection with the provision of those services that the State agency is aware of relevant firearm information about the person.

**Division 3 — Confidentiality of information**

**384. Confidentiality**

- (1) A person must not, directly or indirectly, use or disclose any information obtained by the person because of —
  - (a) the person's office, position, employment or engagement under or for the purposes of this Act; or



- (b) any disclosure made to the person under or for the purposes of this Act.

Penalty for this subsection: a fine of \$10 000.

- (2) Subsection (1) does not apply in relation to the use or disclosure of information that is —
  - (a) already in the public domain; or
  - (b) statistical or other information that could not reasonably be expected to lead to the identification of any person to whom it relates.
- (3) A person does not commit an offence under subsection (1) if the use or disclosure of the information is authorised under section 385(1).

**385. Authorised use or disclosure of information**

- (1) For the purposes of this Act, the use or disclosure of information is authorised if the information is used or disclosed in good faith —
  - (a) for the purposes of, or in connection with, performing a function under this Act or another law; or
  - (b) as required or authorised under this Act or another law; or
  - (c) for the purposes of any legal proceedings arising under this Act or another law; or
  - (d) under an order of a court or other person or body acting judicially; or
  - (e) with the consent of the person to whom the information relates; or
  - (f) in other circumstances prescribed by the regulations.
- (2) If the use or disclosure of information is authorised under subsection (1) —
  - (a) no civil or criminal liability is incurred in respect of the use or disclosure; and

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- (b) the use or disclosure is not to be regarded as a breach of any duty of confidentiality or secrecy imposed by law; and
- (c) the use or disclosure is not to be regarded as a breach of professional ethics or standards or as unprofessional conduct.

## Part 13 — Evidentiary matters

### 386. Averments in prosecution documents

In a prosecution for an offence under this Act, an averment as to any of the following matters in the prosecution notice or indictment is evidence of the matters averred —

- (a) that a person is or is not, or at a particular time was or was not, the holder of a particular firearm authority;
- (b) that a particular thing is a firearm, major firearm part, ammunition, component of ammunition, prohibited accessory, prohibited firearm, prohibited ammunition or component of prohibited ammunition;
- (c) that a particular firearm is a firearm of a particular category;
- (d) that a particular firearm or ammunition is of a particular calibre or kind;
- (e) that a particular firearm authority was, at a particular time, subject to a particular condition;
- (f) that a person named in the prosecution notice or indictment is, or at a particular time was —
  - (i) a police officer acting with the authority of the Commissioner; or
  - (ii) a police officer or employee of the Department to whom a particular function has or had been delegated by the Commissioner;
- (g) that an authorisation or delegation granted by the Commissioner under this Act is, or at a particular time was, subject to a particular condition;
- (h) that particular premises are a place to which an approval or a requirement under this Act applies, or at a particular time applied.

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**387. Evidence in proceedings**

(1) In this section —

*official document* means a document purporting to be, or to be a copy of or extract from —

(a) a firearm authority or other document issued under this Act; or

(b) a document provided or produced to the Commissioner or a police officer in connection with any application or request for information under this Act.

(2) An official document is evidence that is admissible, and is to be accepted as to the matter contained in the document in the absence of proof to the contrary.

(3) An official document that is proved to be an examined copy or extract, purporting to be signed and certified as such by or on behalf of the Commissioner, is for all purposes sufficient evidence of the matter contained in the original without producing the original.

**388. Onus of proving reasonable excuse, lawful excuse or lawful purpose**

In any proceedings for an offence under this Act, the onus of proving that conduct was engaged in with reasonable excuse or lawful excuse, or for a lawful purpose, lies on the person asserting it.

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## **Part 14 — Advertising, supply and reporting requirements**

### **389. Advertising firearms and related things for sale**

- (1) A person must not advertise a firearm or related thing for sale unless the advertisement includes the following particulars —
  - (a) for a firearm — the type, make, serial number and calibre of the firearm, and any particulars prescribed by the regulations;
  - (b) for a major firearm part — a description of the major firearm part, including any serial number, and any particulars prescribed by the regulations;
  - (c) for any other related thing — any particulars prescribed by the regulations.

Penalty for this subsection: a fine of \$5 000.

- (2) This section does not apply to advertising a firearm or related thing for sale if the sale will be under the authority of a Trade Licence.

### **390. Advertising under Trade Licence**

- (1) A person must not advertise a firearm or related thing for sale if the sale will be under the authority of a Trade Licence unless the advertisement includes the particulars required by this section.

Penalty for this subsection: a fine of \$5 000.

- (2) For an advertisement for the sale of a firearm or major firearm part, the following particulars are required —
  - (a) the licence number of the licence;
  - (b) the business name of the licensee or other particulars sufficient to identify the licensee;
  - (c) any particulars prescribed by the regulations.

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- (3) For an advertisement for the sale of a related thing that is not a major firearm part, the particulars required are any particulars prescribed by the regulations.

**391. Advertising prohibited accessories for sale**

A person must not advertise a prohibited accessory for sale.

Penalty: a fine of \$5 000.

**392. Sending firearms and related things by post**

- (1) A person who sends a firearm or related thing by post must comply with the requirements of this section.  
Penalty for this subsection: a fine of \$5 000.
- (2) For a firearm, major firearm part or prohibited accessory, the following requirements apply —
- (a) the person must address the firearm or major firearm part to premises at which the business of a dealer in firearms is lawfully carried on; and
  - (b) the person must not send ammunition in a package containing a firearm or major firearm part; and
  - (c) the person must comply with any requirements of the regulations.
- (3) For any other related thing, the person must comply with any requirements of the regulations.
- (4) This section extends to the sending of a firearm or related thing by post to a destination that is outside the State.

**393. Reporting loss of firearm or related thing**

If a person who is in possession of a firearm or related thing under the authority of a licence or permit loses the firearm or related thing (including loss occasioned by theft), the person

must as soon as practicable report the loss to the Commissioner in the approved manner.

Penalty: a fine of \$10 000.

**394. Reporting destruction of firearm, major firearm part or prohibited accessory**

If the holder of a licence or permit becomes aware that a firearm, major firearm part or prohibited accessory in the person's possession under the authority of the licence or permit has been destroyed otherwise than by the authority of the Commissioner, the person must report its destruction as soon as practicable to the Commissioner in the approved manner.

Penalty: a fine of \$10 000.

**395. Reporting supply of firearm or related thing**

- (1) A person (the *supplier*) who supplies a firearm or major firearm part possessed by the person under the authority of a licence or permit must as soon as practicable —
  - (a) report the supply to the Commissioner in the approved manner; and
  - (b) include in the report any information that is prescribed by the regulations.

Penalty for this subsection: a fine of \$5 000.

- (2) The regulations may provide for exceptions to subsection (1).
- (3) This section applies whether the supply occurs in or outside the State, and includes a supply where the supplier takes or sends the firearm or major firearm part from the State for the purposes of supply.

## **Part 15 — General**

### **396. Protection from liability**

- (1) In this section —  
*protected person* means the Commissioner, a police officer or an employee of the Department.
- (2) An action in tort does not lie against a protected person for anything done or omitted to be done by the protected person, in good faith, in —
  - (a) the administration or purported administration of this Act; or
  - (b) the performance or purported performance of a function under this Act.
- (3) The State is not relieved of any liability it might have for another person having done or omitted to do anything as described in subsection (2).
- (4) This section applies in addition to the *Police Act 1892* section 137.

### **397. Persons concerned in commission of offence**

Without limiting *The Criminal Code* section 7, a person who by act or omission is in any way directly or indirectly knowingly concerned in the commission of any offence against this Act is taken to have committed that offence and is punishable accordingly.

### **398. Limitation periods**

A prosecution for any of the following offences can be commenced at any time within 2 years after the date on which the alleged offence was alleged to have been committed —

- (a) an offence under section 209 or 210;
- (b) an offence under Part 5 to which section 288 applies;



- (c) an offence under section 305;
- (d) an offence under section 306;
- (e) an offence under section 371;
- (f) an offence under section 393, 394 or 395.

**399. Compliance with approved forms**

If a form approved by the Commissioner or prescribed by the regulations requires the form to be completed in a specified manner, or requires specified information to be included in, attached to or furnished with the form, the form is not duly completed unless it is completed in that manner and unless it includes, or has attached to or furnished with it, that information.

**400. Fees**

- (1) The regulations may —
  - (a) require the payment of a fee (a *prescribed fee*) for or in connection with the making of an application under this Act or the grant, issue, amendment or renewal of a firearm authority, licence card or any other matter under this Act; and
  - (b) provide for the amount of a prescribed fee as a specified amount or as an amount to be calculated in a specified manner; and
  - (c) prescribe the person liable for the payment of a prescribed fee; and
  - (d) prescribe the method of recovery of a prescribed fee not duly paid, including by the confiscation and sale of any firearm or related thing to which it relates.
- (2) The Commissioner may reduce, waive payment of or refund a prescribed fee that is payable or has been paid.
- (3) A prescribed fee paid in connection with the making of an application under this Act is not required to be refunded if the

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application is rejected as not properly made or is refused or withdrawn.

- (4) This section does not limit the *Interpretation Act 1984* section 45.

**401. Regulations**

- (1) The Governor can make regulations prescribing all matters that are required or permitted by this Act to be prescribed, or are necessary or convenient to be prescribed for giving effect to this Act.
- (2) Without limiting subsection (1), the regulations may make provision for or with respect to the following —
- (a) applications for, and the grant, renewal, suspension and cancellation of, firearm authorities;
  - (b) matters to which regard may or must be had in determining whether a person meets firearm authority health standards;
  - (c) requiring the keeping of records by the holder of a firearm authority, including a requirement that an entry in a record be verified by statutory declaration or in any other approved manner;
  - (d) the content of records required to be kept by the regulations, the manner in which records must be kept and the period for which records must be retained;
  - (e) requiring a person in possession of any record required to be kept by the regulations to produce the record for inspection by a police officer and to permit a police officer to make a copy of, or of any entry in, the record;
  - (f) requiring the holder of a firearm authority to notify the Commissioner of a change in the personal particulars of the holder or in any particular that is recorded in or relevant to the firearm authority;

- (g) requiring the holder of a firearm authority to report to the Commissioner on any matter relevant to the firearm authority;
  - (h) the manner in which information must be reported or notified to the Commissioner,
  - (i) the forms to be used for the purposes of this Act, and the manner of, and the time for, their completion, including a requirement that information supplied be verified by statutory declaration;
  - (j) restricting the amount of ammunition that can be possessed by a person;
  - (k) regulating the sending or conveyance of firearms and related things;
  - (l) the construction and operation of licensed firearm ranges (including shooting galleries);
  - (m) the recognition for the purposes of this Act of a licence, permit or other authority in force under the law of another Australian jurisdiction and, for that purpose, providing for such a licence, permit or other authority to have effect as a licence, permit or approval under this Act;
  - (n) any other purpose necessary for ensuring public safety in relation to firearms and related things.
- (3) The regulations may provide that contravention of a regulation is an offence, and provide, for an offence against the regulations, a penalty not exceeding a fine of \$5 000.

**402. Review of Act**

- (1) The Minister must review the operation and effectiveness of this Act, and prepare a report based on the review, as soon as practicable after the 5<sup>th</sup> anniversary of the day on which this section comes into operation.

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- (2) The Minister must cause the report to be laid before each House of Parliament as soon as practicable after it is prepared, but not later than 18 months after the 5<sup>th</sup> anniversary.
- (3) In reviewing the operation and effectiveness of this Act, the Minister must have regard to the principles and objects of this Act.

## Part 16 — Savings and transitional provisions

### Division 1 — General

#### 403. Terms used

In this Part —

*1973 Act* means the *Firearms Act 1973*;

*1973 Act authority* means a licence, permit or approval under the 1973 Act;

*commencement day* means the day on which section 440 comes into operation;

Note for this definition:

Section 440 repeals the *Firearms Act 1973*.

*pending application* means an application for, or for the renewal of, a 1973 Act authority that —

- (a) was made under the 1973 Act before this Part comes into operation but that had not been determined under the 1973 Act before this Part comes into operation; or
- (b) is made under the 1973 Act after this Part comes into operation.

#### 404. Transitional regulations

(1) In this section —

*publication day*, for regulations made under subsection (2), means the day on which those regulations are published on the WA legislation website;

*specified* means specified or described in regulations made under subsection (2);

*transitional matter* —

- (a) means a matter that needs to be dealt with for the purpose of effecting the transition required because of the enactment of this Act; and

- (b) includes a saving or application matter.
- (2) If there is no sufficient provision in this Part for dealing with a transitional matter, the Governor may make regulations prescribing matters —
  - (a) required to be prescribed for the purpose of dealing with the transitional matter; or
  - (b) necessary or convenient to be prescribed for the purpose of dealing with the transitional matter.
- (3) Regulations made under subsection (2) may provide that specified provisions of this Act —
  - (a) do not apply to or in relation to a specified matter; or
  - (b) apply with specified modifications to or in relation to a specified matter.
- (4) If regulations made under subsection (2) provide that a specified state of affairs is taken to have existed, or not to have existed, on and after a day that is earlier than publication day for those regulations but not earlier than the day on which the relevant provision of this Act came into operation, the regulations have effect according to their terms.
- (5) If regulations made under subsection (2) contain a provision referred to in subsection (4), the provision does not operate so as to —
  - (a) affect in a manner prejudicial to a person (other than the State or an authority of the State) the rights of that person existing before publication day for those regulations; or
  - (b) impose liabilities on a person (other than the State or an authority of the State) in respect of an act done or omission made before publication day for those regulations.

**405. Interpretation Act 1984 not affected**

This Part is in addition to the provisions of the *Interpretation Act 1984* and does not limit or otherwise affect the operation of those provisions.

**406. References to 1973 Act**

- (1) Unless the context otherwise requires, a reference in a document or instrument to the 1973 Act includes a reference to this Act.
- (2) Unless the context otherwise requires, a reference in a document or instrument to a provision of the 1973 Act (the *old provision*) includes, if there is a provision of this Act (the *new provision*) that corresponds to the old provision, a reference to the new provision.

**407. Delegations under 1973 Act**

- (1) A delegation in force under a provision of the 1973 Act may be revoked before commencement day.
- (2) A delegation may be made under a provision of this Act, before commencement day and before the provision comes into operation, to have effect before commencement day for the purposes of the operation of this Part.
- (3) A delegation in force immediately before commencement day under a provision of the 1973 Act is taken to be a delegation under the corresponding provision of this Act.

**408. Directions about corresponding provisions and pending applications**

- (1) The Commissioner may give directions that —
  - (a) determine any questions as to which licence, permit or approval under this Act corresponds to a licence, permit or approval under the 1973 Act; or

- (b) determine any question as to which provision of this Act corresponds to a provision of the 1973 Act for the purposes of this Part; or
  - (c) determine that a reference in this Part to the corresponding provision of the 1973 Act is to be read as a reference to a specified provision of the 1973 Act; or
  - (d) modify the operation of a provision of this Act in respect of a pending application to make appropriate provision for differences between this Act and the 1973 Act; or
  - (e) modify the effect of anything done or commenced under the 1973 Act in respect of a pending application to ensure that it has an appropriate effect under this Act.
- (2) Directions under subsection (1) have effect according to their terms.

**409. Reference to compliance with this Act**

A reference in this Act to compliance with this Act includes compliance with the 1973 Act.

**410. Reference to contravention of 1973 Act or conditions**

- (1) A reference in this Act to a contravention of a provision of this Act includes a contravention of a provision of the 1973 Act.
- (2) A reference in this Act to a contravention of a condition of a licence, permit or approval includes a contravention of a condition of a licence, permit or approval under the 1973 Act.

**411. Decisions and other matters under 1973 Act**

- (1) In this section —  
*administrative action* means —
  - (a) the refusal to grant, issue or renew a licence, permit or approval under the 1973 Act or this Act; or
  - (b) the revocation or cancellation of a licence, permit or approval under the 1973 Act or this Act.



- (2) A reference in this Act to administrative action under this Act includes administrative action under the 1973 Act.
- (3) Any act, matter or thing done under or for the purposes of a provision of the 1973 Act and having effect immediately before commencement day is taken to have been done under or for the purposes of the corresponding provision of this Act.

### **Division 2 — Transitional licences, permits and approvals**

#### **412. Term used: transitional authority**

In this Division —

*transitional authority* has the meaning given in section 413(1).

#### **413. Continued operation of 1973 Act authority as transitional authority**

- (1) A person who held a 1973 Act authority immediately before commencement day is taken to hold a firearm authority under this Act (a *transitional authority*) to replace the 1973 Act authority on and from commencement day.
- (2) A transitional authority confers the same authority under this Act as the 1973 Act authority that it replaces conferred under the 1973 Act.
- (3) The authority conferred by a transitional authority is subject to any conditions, limitations and restrictions to which it was subject as a 1973 Act authority.

#### **414. Cancellation of transitional authority**

- (1) The Commissioner may, by notice in writing to the holder of a transitional authority, cancel the transitional authority if the Commissioner is of the opinion that there is no firearm authority under this Act that is suitable and appropriate to replace the 1973 Act authority concerned.

- (2) The cancellation of a transitional authority under this section takes effect when notice of cancellation is given to the holder or on a later date notified by the Commissioner in the notice of cancellation.
- (3) Notice under this section may be given before commencement day, and for that purpose a reference in this section to the holder of a transitional authority includes a person who will be the holder of a transitional authority on commencement day.
- (4) If notice under this section is given before commencement day, the cancellation takes effect on commencement day or on a later date notified by the Commissioner in the notice.
- (5) This section does not limit section 417.

**415. Directions for appropriate grant of transitional authority**

- (1) In this section —  
*firearm authority requirement* means —
  - (a) a requirement imposed by a provision of this Act in connection with the grant of a firearm authority; or
  - (b) a requirement that the Commissioner is authorised to impose under a provision of this Act in connection with the grant of a firearm authority.
- (2) The Commissioner may direct the holder of a transitional authority to comply with any firearm authority requirement that the Commissioner considers to be necessary or desirable for ensuring compliance with requirements that would apply in respect of the grant of a firearm authority to replace the transitional authority in the ordinary course of the operation of this Act.
- (3) It is a condition of a transitional authority that a direction under this section must be complied with.

- (4) A condition of a transitional authority may prevent or restrict the possession or use of a firearm under the authority of the transitional authority until a direction under this section is complied with.
- (5) The Commissioner may suspend a transitional authority until a direction under this section is complied with.
- (6) A direction under this section may be given before commencement day, and for that purpose a reference in this section to the holder of a transitional authority includes a person who will be the holder of a transitional authority on commencement day.

**416. Term and renewal of transitional authority**

- (1) A transitional authority remains in force for the remainder of the term of the 1973 Act authority that it replaces unless —
  - (a) the term of the transitional authority is changed by the Commissioner under subsection (2); or
  - (b) the transitional authority is sooner replaced under section 419 or cancelled.
- (2) The Commissioner may change the term of a transitional authority by notice in writing to the holder of the transitional authority for the purpose of effecting the transition required because of the enactment of this Act.
- (3) A transitional authority cannot be renewed as a transitional authority but may be replaced with a firearm authority under this Act that is granted under section 419 or that is granted on application in the ordinary course of the operation of this Act.

**417. Cancellation, suspension and conditions of transitional authority**

- (1) A transitional authority is subject to the provisions of this Act that require or authorise the cancellation or suspension of a firearm authority.

- (2) Section 187 applies to a transitional authority.

Note for this subsection:

Section 187 provides for the conditions of a firearm authority.

**418. Action before commencement day for cancellation or suspension of transitional authority**

- (1) In this section —  
*authorised action* means action comprising, or for the purposes of, the cancellation or suspension of a transitional authority.
- (2) The Commissioner may, before commencement day, take any authorised action in respect of a transitional authority that the Commissioner would be authorised or required to take under this Act on or after commencement day.
- (3) Authorised action taken by the Commissioner under this section has effect on commencement day or a later day specified by the Commissioner.

**419. Grant of firearm authority to replace transitional authority**

- (1) The Commissioner may replace a transitional authority by granting to the holder of the transitional authority a firearm authority under this Act (a *replacement authority*).
- (2) A replacement authority is to be granted as a firearm authority of a kind, and subject to the conditions, that the Commissioner considers suitable and appropriate to replace the transitional authority and give effect to any conditions, limitations and restrictions to which it was subject.
- (3) A transitional authority ceases to have effect if and when a replacement authority is granted.
- (4) The term of a replacement authority is the remainder of the term of the transitional authority that it replaces unless the Commissioner otherwise determines in a particular case.

**420. Licence card for transitional authority**

The Commissioner may issue a licence card under this Act for a transitional authority before, on or after commencement day.

**421. Exemptions under 1973 Act**

(1) In this section —

**1973 Act exemption** means an exemption under the 1973 Act section 8 as in force immediately before commencement day.

(2) For the period of 12 months starting on commencement day, a 1973 Act exemption —

- (a) continues to confer any authority in respect of a transitional authority as it would have conferred under the 1973 Act in respect of the 1973 Act authority that the transitional authority replaces; and
- (b) has any additional operation or effect under this Act in respect of a transitional authority that the regulations provide.

(3) The regulations may limit the operation of subsection (2) and in particular may impose conditions on the possession or use of a firearm under the authority of subsection (2).

(4) The Commissioner may replace a 1973 Act exemption in its application to a person by granting to the person a firearm authority under this Act (a **replacement authority**) to replace the exemption.

(5) A replacement authority is to be granted as a firearm authority of a kind, and subject to the conditions, that the Commissioner considers suitable and appropriate to replace the 1973 Act exemption and give effect to any conditions, limitations and restrictions to which it was subject.

- (6) This section applies with the following limitations in respect of an exemption under the 1973 Act section 8(1)(h) —
- (a) the exemption only applies in respect of a firearm to which a transitional authority applies;
  - (b) the exemption only applies to the use of the firearm by the holder of the transitional authority or an employee of the holder.

**422. Pending applications**

- (1) A pending application may —
- (a) be dealt with and determined under the 1973 Act before commencement day; or
  - (b) be dealt with and determined as an application made under this Act for, or for the renewal of, the firearm authority under this Act that the Commissioner considers appropriate.
- (2) If a pending application is being dealt with under subsection (1)(b) on or after commencement day, this Division applies in respect of the 1973 Act authority with which the application is concerned until the application is determined.
- (3) The Commissioner may treat a pending application as having been made with such modifications as the Commissioner determines to be appropriate for the purposes of its proper determination as an application under this Act.
- (4) A pending application must be refused on or before commencement day if the applicant is a prohibited person or disqualified person.
- (5) The refusal of a pending application under subsection (4) has effect immediately before commencement day.

**423. Authority for sound suppressor**

An authority in force under the 1973 Act section 17B immediately before commencement day is taken to be a 1973 Act authority for the purposes of this Division.

**424. Permits under 1973 Act**

A permit held under the 1973 Act is taken to have been held under this Act for the purposes of section 181.

Note for this section:

Section 181 limits the period for which a permit may be in force.

**425. Effect of 1973 Act authorities after commencement day**

Except as provided by this Division, a 1973 Act authority ceases to have effect immediately before commencement day.

**Division 3 — Prohibited and disqualified persons**

**426. Firearms prohibition orders under 1973 Act**

- (1) A firearms prohibition order made and served under the 1973 Act and in force under the 1973 Act immediately before commencement day is taken to be a firearms prohibition order made, served and in force under this Act.
- (2) A firearms prohibition order made under the 1973 Act but not served under the 1973 Act before commencement day and not revoked under the 1973 Act before commencement day is taken to be a firearms prohibition order made under this Act and may be served under this Act.
- (3) For the purpose of calculating the period for which a firearms prohibition order has been in force, any period for which the order was in force under the 1973 Act before commencement day is to count as a period for which the order has been in force.

**427. Disqualified persons**

Section 9 of this Act extends to —

- (a) a disqualifying offence committed before commencement day; and
- (b) a disqualifying order made before commencement day; and
- (c) membership of a disqualifying organisation before commencement day; and
- (d) a disqualifying period that started before commencement day.

**428. Notification of disqualifying offences and orders**

Section 197 applies in respect of —

- (a) a disqualifying order made against a person before commencement day as if the disqualifying order had been made on commencement day; or
- (b) a person charged with a disqualifying offence before commencement day as if the person had been charged on commencement day; or
- (c) a finding of guilt made before commencement day in relation to a disqualifying offence committed by a person as if the finding of guilt had been made on commencement day.

**Division 4 — Review of decisions under 1973 Act**

**429. Terms used**

In this Division —

***Commissioner's decision*** means a decision (including a decision to impose a restriction, limitation or condition) made by or on behalf of the Commissioner or a delegate of the Commissioner;



***pending Tribunal proceedings*** means proceedings on a review of a Commissioner's decision under the 1973 Act that are pending before the Tribunal immediately before commencement day;

***review provisions of this Act*** means the provisions of Part 9 of this Act;

***Supreme Court proceeding*** has the meaning given in the 1973 Act section 22AA;

***Tribunal*** means the State Administrative Tribunal.

**430. Review of decisions under 1973 Act**

- (1) The *State Administrative Tribunal Act 2004* and the review provisions of this Act apply on and from commencement day in respect of a Commissioner's decision under the 1973 Act made before commencement day as if the Commissioner's decision were under this Act.
- (2) A decision of the Tribunal on a review of a Commissioner's decision under the 1973 Act that has not been given effect to by the Commissioner under the 1973 Act before commencement day must be given effect to by the Commissioner under this Act.
- (3) If a Commissioner's decision under the 1973 Act is the subject of pending Tribunal proceedings, those proceedings are to continue and be dealt with by the Tribunal under this Act as if the Commissioner's decision were under this Act.

**431. Supreme Court proceedings**

- (1) A Supreme Court proceeding that is pending immediately before commencement day is to continue and be dealt with on the basis that the pending Tribunal proceedings with which the Supreme Court proceeding is concerned will be dealt with under this Act.

- (2) A decision made after commencement day in a Supreme Court proceeding in respect of pending Tribunal proceedings is to be given effect to as a decision in respect of the pending Tribunal proceedings as continued and dealt with under this Act.

**432. Clause 5 matter**

- (1) In this section —  
*clause 5 matter* has the meaning given in the 1973 Act section 22(3)(a);  
*notified exempt material* means any supporting material that is the subject of a notification to the Tribunal under section 337(1).
- (2) Matter identified by the Commissioner under the 1973 Act section 22(3)(b) as clause 5 matter is taken to be notified exempt material for the purposes of the review provisions of this Act in the application of those provisions to pending Tribunal proceedings and to Supreme Court proceedings in respect of pending Tribunal proceedings.

**Division 5 — Miscellaneous**

**433. Grant of first licence: 42-day delay**

A reference in section 170 to a licence under this Act includes a licence under the 1973 Act.

**434. Firearm use by supervised young person under Individual Licence**

For the purposes of section 31, any period for which a person held a Firearm Licence under the 1973 Act counts as a period for which the person has held an Individual Licence under this Act.

**435.    Averments in prosecution documents**

A reference in section 386 to an offence or other matter under this Act includes an offence or a corresponding matter under the 1973 Act.

**436.    Accredited society of collectors**

A body corporate designated as an accredited society of collectors under the 1973 Act section 15A with effect immediately before commencement day is taken to have been approved under section 70(1) of this Act as an approved society of firearm collectors.

**437.    Search warrants**

A search warrant in force under the 1973 Act section 26 immediately before commencement day continues in force in accordance with its terms notwithstanding the repeal of that section.

**438.    Surrendered firearms, major firearm parts and ammunition**

A firearm, major firearm part or ammunition surrendered under the 1973 Act section 33A(1) is taken to have been surrendered under section 341(1) of this Act on the date of its surrender under the 1973 Act for the purposes of the application of Part 10 of this Act to and in respect of the surrendered firearm, major firearm part or ammunition.

**439.    Provision of information**

- (1) Part 12 extends to the provision of information about matters occurring before commencement day.
- (2) Section 378 extends to information (including information in the form of an opinion) provided to the Commissioner in good faith under the 1973 Act section 15B or 18(4c) or Part 6 as if the information had been provided under Part 12 of this Act.

## **Part 17 — Repeals and consequential and related amendments**

### **Division 1 — Act repealed**

**440. *Firearms Act 1973* repealed**

The *Firearms Act 1973* is repealed.

### **Division 2 — Subsidiary legislation repealed**

**441. *Firearms Regulations 1974* repealed**

The *Firearms Regulations 1974* are repealed.

### **Division 3 — Acts amended**

#### **Subdivision 1 — *Children and Community Services Act 2004* amended**

**442. Act amended**

This Subdivision amends the *Children and Community Services Act 2004*.

**443. Section 112 amended**

In section 112 delete the definition of *firearm article* and insert:

*firearm article* means a firearm, major firearm part, prohibited accessory, or ammunition, as those terms are defined in the *Firearms Act 2024* section 5;

**Subdivision 2 — *Corruption, Crime and Misconduct Act 2003*  
amended**

**444. Act amended**

This Subdivision amends the *Corruption, Crime and Misconduct Act 2003*.

**445. Section 184 amended**

Delete section 184(5) and insert:

- (5) The *Firearms Act 2024* section 17 applies to an authorised officer when acting in their capacity as an officer of the Commission as if the authorised officer were a police officer acting in the ordinary course of their duties as a police officer.

Note: The heading to amended section 184 is to read:

**Appointment and functions of authorised officers**

**446. Section 227A inserted**

At the end of Part 14 insert:

**227A. Savings**

A reference in Schedule 1 clause 2 to an offence under a provision of the *Firearms Act 2024* Part 5 Divisions 1 to 4 includes an offence against the regulations made under the *Firearms Act 1973* section 6(1).

**447. Schedule 1 amended**

In Schedule 1 clause 2 delete “against regulations made under s. 6(1) of the *Firearms Act 1973*” and insert:

under a provision of the *Firearms Act 2024* Part 5 Divisions 1 to 4

**Subdivision 3 — *Court Security and Custodial Services Act 1999*  
amended**

**448. Act amended**

This Subdivision amends the *Court Security and Custodial Services Act 1999*.

**449. Section 90 amended**

In section 90(4) in the definition of **firearm** delete “that it has in the *Firearms Act 1973*,” and insert:

given in the *Firearms Act 2024* section 6;

**450. Section 95 amended**

Delete section 95(a) and insert:

- (a) an offence under the *Firearms Act 2024* in relation to possession of a firearm, major firearm part, prohibited accessory, firearms technology or ammunition (as those terms are defined in the *Firearms Act 2024* section 5); or

Note: The heading to amended section 95 is to read:

**Authorised persons may possess certain items lawfully**

**Subdivision 4 — *The Criminal Code* amended**

**451. Act amended**

This Subdivision amends *The Criminal Code*.

**452. Section 68D amended**

In section 68D(1) in the definition of *prescribed amount* delete “*Firearms Act 1973* section 19(1ab)(a)(ii).” and insert:

*Firearms Act 2024* section 218(1).

**453. Section 378 amended**

In section 378(5)(g) delete “*Firearms Act 1973* section 4;” and insert:

*Firearms Act 2024* section 6;

**454. Section 417A amended**

In section 417A(4A) delete “*Firearms Act 1973* section 4,” and insert:

*Firearms Act 2024* section 6,

**Subdivision 5 — *Criminal Investigation (Covert Powers) Act 2012* amended**

**455. Act amended**

This Subdivision amends the *Criminal Investigation (Covert Powers) Act 2012*.

**456. Section 5 amended**

In section 5 in the definition of *relevant offence* paragraph (b)(iii) delete “*Firearms Act 1973*;” and insert:

*Firearms Act 2024*;

**Subdivision 6 — *Criminal Organisations Control Act 2012* amended**

**457. Act amended**

This Subdivision amends the *Criminal Organisations Control Act 2012*.

**458. Section 3 amended**

- (1) In section 3(1) delete the definition of *firearms authorisation* and insert:

*firearms authorisation* means —

- (a) a licence, permit, approval or exemption under the *Firearms Act 2024* that entitles a person to be in possession of a firearm item; or
- (b) a licence card (as defined in section 206 of that Act) issued in respect of a licence, permit, approval or exemption referred to in paragraph (a);



(2) In section 3(1) in the definition of *firearm item*:

(a) delete “as defined in the *Firearms Act 1973* section 4 —” and insert:

as those terms are defined in the *Firearms Act 2024* section 5 —

(b) in paragraph (c) delete “firearm”.

**459. Section 80 amended**

In section 80(1) in the definition of *prescribed activity* delete paragraph (c) and insert:

(c) any activity that requires a Trade Licence, Business Licence or Range Licence under the *Firearms Act 2024*;

**460. Section 83 amended**

Delete section 83(3)(a) and insert:

(a) the *Firearms Act 2024* Part 11;

**461. Section 84 amended**

(1) In section 84(2)(b) delete “*Firearms Act 1973* section 20(4).” and insert:

*Firearms Act 2024* section 196.

**Firearms Act 2024**

**Part 17** Repeals and consequential and related amendments

**Division 3** Acts amended

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- (2) In section 84(4)(c)(i) delete “dispose of the firearm item under the *Firearms Act 1973* section 33” and insert:

deal with the firearm item under the *Firearms Act 2024* section 368

**Subdivision 7 — *Cross-border Justice Act 2008* amended**

**462. Act amended**

This Subdivision amends the *Cross-border Justice Act 2008*.

**463. Section 68 amended**

Delete section 68(2)(g) and insert:

- (g) under the *Firearms Act 2024* in respect of an order that may be made under section 369 of that Act;

**Subdivision 8 — *Disposal of Uncollected Goods Act 1970* amended**

**464. Act amended**

This Subdivision amends the *Disposal of Uncollected Goods Act 1970*.

**465. Schedule amended**

In the Schedule delete “*Firearms Act 1973*.” and insert:

*Firearms Act 2024*.

**Subdivision 9 — *Domestic Violence Orders (National Recognition) Act 2017* amended**

**466. Act amended**

This Subdivision amends the *Domestic Violence Orders (National Recognition) Act 2017*.

**467. Section 21 amended**

- (1) In section 21(1) in the definition of *local firearms licence* delete “other authorisation under the *Firearms Act 1973*;” and insert:

approval under the *Firearms Act 2024*;

- (2) In section 21(1) in the definition of *non-local firearms licence* delete “(within the meaning of the *Firearms Act 1973*)” and insert:

(as defined in the *Firearms Act 2024* section 6)

**Subdivision 10 — *Fair Trading Act 2010* amended**

**468. Act amended**

This Subdivision amends the *Fair Trading Act 2010*.

**469. Schedule 1 amended**

In Schedule 1 delete “*Firearms Act 1973*” and insert:

*Firearms Act 2024*

**Firearms Act 2024**

**Part 17** Repeals and consequential and related amendments

**Division 3** Acts amended

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**Subdivision 11 — *Firearms Act 2024* amended**

**470. Act amended**

This Subdivision amends the *Firearms Act 2024*.

**471. Section 11 amended**

In section 11(1)(d) delete “unsoundness of mind” and insert:

mental impairment

**Subdivision 12 — *Major Events Act 2023* amended**

**472. Act amended**

This Subdivision amends the *Major Events Act 2023*.

**473. Section 4 amended**

In section 4 in the definition of *firearm* delete “*Firearms Act 1973* section 4;” and insert:

*Firearms Act 2024* section 6;

**Subdivision 13 — *Pawnbrokers and Second-hand Dealers Act 1994*  
amended**

**474. Act amended**

This Subdivision amends the *Pawnbrokers and Second-hand Dealers Act 1994*.

**475. Section 4 amended**

- (1) In section 4(1)(a) delete “Act;” and insert:

Act; or

- (2) Delete section 4(1)(b) and insert:

- (b) the holder of a Firearm Dealer Licence under the *Firearms Act 2024* who is acting in accordance with that licence; or

**Subdivision 14 — *Prisons Act 1981* amended**

**476. Act amended**

This Subdivision amends the *Prisons Act 1981*.

**477. Section 49B amended**

Delete section 49B(1)(a) and insert:

- (a) an offence under the *Firearms Act 2024* in relation to possession of a firearm, major firearm part, prohibited accessory, firearm technology or ammunition (as those terms are defined in the *Firearms Act 2024* section 5; or

Note: The heading to amended section 49B is to read:

**Possession of certain items by prison officers**

**Subdivision 15 — *Prohibited Behaviour Orders Act 2010* amended**

**478. Act amended**

This Subdivision amends the *Prohibited Behaviour Orders Act 2010*.

**479. Section 3 amended**

- (1) In section 3(1) delete the definition of *firearms authorisation* and insert:

*firearms authorisation* means —

- (a) a licence, permit, approval or exemption under the *Firearms Act 2024* that entitles a person to be in possession of a firearm item; or
- (b) a licence card (as defined in section 206 of that Act) issued in respect of a licence, permit, approval or exemption referred to in paragraph (a);

- (2) In section 3(1) in the definition of *firearm item*:

- (a) delete “as defined in the *Firearms Act 1973* section 4 — ” and insert:

as those terms are defined in the *Firearms Act 2024* section 5 —

- (b) in paragraph (c) delete “firearm”.

**Subdivision 16 — *Restraining Orders Act 1997* amended**

**480. Act amended**

This Subdivision amends the *Restraining Orders Act 1997*.

**481. Section 3 amended**

- (1) In section 3(1) delete the definition of *firearms authorisation* and insert:

*firearms authorisation* means —

- (a) a licence, permit, approval or exemption under the *Firearms Act 2024* that entitles a person to be in possession of a firearm item; or
  - (b) a licence card (as defined in section 206 of that Act) issued in respect of a licence, permit, approval or exemption referred to in paragraph (a);
- (2) In section 3(1) in the definition of *firearm item*:
- (a) delete “as defined in the *Firearms Act 1973* section 4 — ” and insert:  
  
as those terms are defined in the *Firearms Act 2024* section 5 —
  - (b) in paragraph (c) delete “firearm”.

**482. Section 14 amended**

- (1) In section 14(1) delete “Subject to subsection (5), every” and insert:

Every

- (2) Delete section 14(5) to (7).

**483. Section 71 amended**

- (1) Delete section 71(4)(b) and insert:
  - (b) that the order prohibits the restrained person from being in possession of a firearm item; and
- (2) In section 71(6) delete “item, except as permitted under the firearms order,” and insert:

item

**Subdivision 17 — *Security and Related Activities (Control) Act 1996* amended**

**484. Act amended**

This Subdivision amends the *Security and Related Activities (Control) Act 1996*.

**485. Section 3 amended**

In section 3 in the definition of *firearm* delete “by section 4 of the *Firearms Act 1973*,” and insert:

in the *Firearms Act 2024* section 6;

**486. Section 24 amended**

In section 24(4) delete “*Firearms Act 1973*.” and insert:

*Firearms Act 2024*.

Note: The heading to amended section 24 is to read:

**Endorsement for escort of money and other prescribed activities**



**487. Section 25 amended**

In section 25(4) delete “*Firearms Act 1973.*” and insert:

*Firearms Act 2024.*

**Subdivision 18 — *Sentencing Act 1995* amended**

**488. Act amended**

This Subdivision amends the *Sentencing Act 1995*.

**489. Section 106 amended**

- (1) In section 106(1) delete “*Firearms Act 1973.*” and insert:

*Firearms Act 2024.*

- (2) In section 106(3) delete “*Firearms Act 1973 —*” and insert:

*Firearms Act 2024 —*

- (3) In section 106(5) in the definition of ***firearm*** delete “has the same definition as in the *Firearms Act 1973* and includes a replica firearm” and insert:

has the meaning given in the *Firearms Act 2024* section 6 and includes an imitation firearm

**Firearms Act 2024**

**Part 17** Repeals and consequential and related amendments

**Division 3** Acts amended

**s. 490**

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- (4) In section 106(5) in the definition of *firearms offence* paragraph (e) delete “*Firearms Act 1973.*” and insert:

*Firearms Act 2024.*

Note: The heading to amended section 106 is to read:

**Disqualification and suspension of firearm authority**

**490. Section 124G amended**

Delete section 124G(1)(a)(i) and insert:

- (i) holding or being granted a licence, permit or approval under the *Firearms Act 2024*; or

**491. Schedule 1A amended**

- (1) Delete Schedule 1A Part 1 clause 5 and insert:

**5. *Firearms Act 2024***

s. 213	Offence of unlawful possession
s. 214	Offence involving handgun or prohibited firearm
s. 215	Offence involving 3 or more firearms or major firearm parts
s. 216	Offence involving 3 or more firearms or major firearm parts: handgun or prohibited firearm
s. 217	Offence while in immediate possession of prohibited drug or prohibited plant
s. 218	Offence while in immediate possession of large sum of money

s. 220	Offence of unlawful use
s. 221	Offence of unlawful use: handgun or prohibited firearm
s. 223	Offence of unauthorised supply
s. 224	Offence of unauthorised supply involving 3 or more firearms or major firearm parts
s. 225	Offence of unauthorised supply involving handgun or prohibited firearm
s. 227	Offence of supplying to unauthorised person
s. 228	Offence involving supply of handgun or prohibited firearm
s. 230	Offence of giving possession to unauthorised person
s. 231	Offence involving giving possession of handgun or prohibited firearm
s. 233	Offence of acquiring as unauthorised person
s. 234	Offence involving acquiring handgun or prohibited firearm
s. 237	Offence involving handgun or prohibited firearm
s. 240	Offence involving handgun or prohibited firearm
s. 242	Unauthorised possession or acquisition of prohibited ammunition
s. 244	Supplying or giving possession of prohibited ammunition without authority

**Firearms Act 2024**

**Part 17** Repeals and consequential and related amendments

**Division 3** Acts amended

**s. 491**

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|--------|--|
| s. 246 | Supplying or giving possession of prohibited ammunition to unauthorised person                           |
| s. 248 | Acquiring or taking possession of prohibited ammunition from unauthorised person                         |
| s. 251 | Unauthorised possession of ammunition component for purpose of manufacturing prohibited ammunition       |
| s. 253 | Unauthorised supply of unassembled components of prohibited ammunition                                   |
| s. 255 | Supplying or giving possession of unassembled components of prohibited ammunition to unauthorised person |
| s. 257 | Unauthorised possession of unassembled components of prohibited ammunition                               |
| s. 258 | Unauthorised possession, acquisition or supply of prohibited accessory                                   |
| s. 259 | Unauthorised use of firearm fitted with prohibited accessory   |
| s. 260 | Acquiring or taking possession of prohibited accessory from unauthorised person                          |
| s. 261 | Supplying or giving possession of prohibited accessory to unauthorised person                            |
| s. 263 | Offence of unlawful interference with serial number  |

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s. 264	Offence of unlawful interference with serial number: handgun or prohibited firearm
s. 265	Offence of possession where serial number unlawfully interfered with
s. 266	Offence of possession where serial number unlawfully interfered with: handgun or prohibited firearm
s. 267	Offence of acquiring firearm or major firearm part where serial number unlawfully interfered with
s. 268	Offence of acquiring firearm or major firearm part where serial number unlawfully interfered with: handgun or prohibited firearm
s. 269	Offence of unauthorised supply where serial number unlawfully interfered with
s. 270	Offence of unauthorised supply where serial number unlawfully interfered with: handgun or prohibited firearm
s. 272	Offence of making prohibited alteration
s. 273	Offence of making prohibited alteration: handgun or prohibited firearm
s. 274	Offence of possession of firearm or major firearm part with prohibited alteration
s. 275	Offence of possession of firearm or major firearm part with prohibited alteration: handgun or prohibited firearm

**Firearms Act 2024**

**Part 17** Repeals and consequential and related amendments

**Division 3** Acts amended

**s. 491**

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s. 276	Offence of acquiring firearm or major firearm part with prohibited alteration
s. 277	Offence of acquiring firearm or major firearm part with prohibited alteration: handgun or prohibited firearm
s. 278	Offence of unauthorised supply of firearm or major firearm part with prohibited alteration
s. 279	Offence of unauthorised supply of firearm or major firearm part with prohibited alteration: handgun or prohibited firearm
s. 280	Unauthorised manufacture
s. 281	Unauthorised repair
s. 282	Unauthorised destruction of firearm, major firearm part or prohibited accessory
s. 283	Participating in unauthorised firearm activities
s. 285	Unauthorised possession of firearm technology
s. 286	Unauthorised creation or development of firearm technology
s. 287	Unauthorised dissemination of firearm technology
s. 291	Offence of possessing remote use device
s. 292	Offence of using remote use device
s. 293	Offence of manufacturing remote use device
s. 295	Pointing firearm at another person

s. 296	Use of firearm that causes danger or fear
s. 297	Giving possession of firearm or related thing to unsuitable person
s. 298	Use or possession of firearm while intoxicated
s. 299	Shooting onto, from or across road or public place

(2) Delete Schedule 1A Part 2 clause 5 and insert:

**5. *Firearms Act 2024***

s. 178	Offence of providing false or misleading information
s. 188	Compliance with conditions
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**Firearms Act 2024**

**Part 17**           Repeals and consequential and related amendments

**Division 3**       Acts amended

**s. 491**

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s. 247	Acquiring or taking possession of ammunition from unauthorised person
s. 250	Unauthorised possession of ammunition component for purpose of manufacturing ammunition
s. 252	Unauthorised supply of unassembled components of ammunition
s. 254	Supplying or giving possession of unassembled components of ammunition to unauthorised person
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s. 394	Reporting destruction of firearm, major firearm part or prohibited accessory
s. 395	Reporting supply of firearm or related thing

### Subdivision 19 — *Spent Convictions Act 1988* amended

#### 492. Act amended

This Subdivision amends the *Spent Convictions Act 1988*.

#### 493. Schedule 3 amended

In Schedule 3 clause 1(1) in the Table item 9 delete “issue of a licence under the *Firearms Act 1973*.” and insert:

grant of a licence, permit or approval under the *Firearms Act 2024*.

### Subdivision 20 — *Weapons Act 1999* amended

#### 494. Act amended

This Subdivision amends the *Weapons Act 1999*.

#### 495. Section 3 amended

In section 3 in the definition of *firearm* delete “same meaning as in section 4 of the *Firearms Act 1973*;” and insert:

meaning given in the *Firearms Act 2024* section 6;

Note: The heading to amended section 3 is to read:

#### Terms used

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## Defined terms

*[This is a list of terms defined and the provisions where they are defined.  
The list is not part of the law.]*

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