

South Australia

## **Firearms Act 1977**

An Act to control the possession, use and sale of firearms; and for other purposes.

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## Legislative history

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### The Parliament of South Australia enacts as follows:

## Part 1—Preliminary

### 1—Short title

This Act may be cited as the *Firearms Act 1977*.

### 5—Interpretation

- (1) In this Act, unless the contrary intention appears—
- to acquire* means to acquire through purchase, gift, loan or hire;
- active member* of a club for a 12 month period means—
- (a) in relation to a collectors' club—

- (i) a member of the club who has attended four or more meetings of the club during the 12 months; or
  - (ii) a member of the club who has made a personal contribution (not being a financial contribution) to the club during the 12 months in a manner and to an extent that satisfies the Registrar that he or she should be regarded as an active member of the club; or
- (b) in relation to a shooting club and the holder of a firearms licence authorising possession of class H firearms—
- (i) a member of the club who has participated in shooting club organised competitive shooting matches for class H firearms on at least six occasions during the 12 months; or
  - (ii) a member of the club who satisfies the Registrar that the member failed to meet the requirements of subparagraph (i), during the 12 months, due to the member's ill health or employment obligations or some other reason accepted by the Registrar;

***air gun*** means a firearm (other than a rifle or handgun) designed to fire shot, bullets or other projectiles by means of compressed air or other compressed gas and not by means of burning propellant;

***air rifle*** means a rifle designed to be carried by hand and to fire shot, bullets or other projectiles by means of compressed air or other compressed gas and not by means of burning propellant;

***ammunition*** means ammunition suitable for use in a firearm and includes primers and propellant;

***antique firearm*** means a firearm that—

- (a) was manufactured before 1900; and
- (b) is kept solely for curiosity, display or ornamental purposes; and
- (c) is not used to fire projectiles; and
- (d) —
  - (i) in the case of a firearm other than a class H firearm—
    - (A) is designed to fire breech loading cartridges and is not a firearm for which live rounds of ammunition are commercially manufactured factory loaded; or
    - (B) is not designed to fire breech loading cartridges; or
  - (ii) in the case of a class H firearm—is a handgun designed or altered to fire by means of a flintlock, matchlock, wheel-lock or other system used prior to the use of percussion caps as a means of ignition,

and includes a receiver of such a firearm;

***automatic firearm*** means a firearm that is designed to fire a round when the trigger is brought to the firing position and to continue to fire one or more rounds automatically while the trigger is held in that position;

***capacity of a magazine***—see subsection (2);

*carry on a business*—see subsections (3) to (6) and (9);

*class A firearms* means—

- (a) air rifles, air guns and paint-ball firearms; and
- (b) .22 rim fire rifles (not being self-loading rifles); and
- (c) single or double barrel shotguns (not being self-loading or pump action shotguns),

and includes receivers of firearms defined as class A firearms by a preceding paragraph;

*class B firearms* means—

- (a) muzzle loading firearms (not being handguns); and
- (b) revolving chamber rifles; and
- (c) centre fire rifles (not being self-loading centre fire rifles); and
- (ca) double barrel centre fire rifles that are not designed to hold additional rounds in a magazine; and
- (d) break action combination shotguns and rifles; and
- (e) all other firearms (not being prescribed firearms, handguns, self-loading firearms or pump action shotguns) that are not class A firearms,

and includes receivers of firearms defined as class B firearms by a preceding paragraph;

*class C firearms* means—

- (a) self-loading rim fire rifles having a magazine capacity of 10 rounds or less; and
- (b) self-loading shotguns having a magazine capacity of five rounds or less; and
- (c) pump action shotguns having a magazine capacity of five rounds or less,

and includes receivers of firearms defined as class C firearms by a preceding paragraph but does not include revolving chamber rifles or receivers of revolving chamber rifles;

*class D firearms* means—

- (a) self-loading rim fire rifles having a magazine capacity of more than 10 rounds; and
- (b) self-loading centre fire rifles; and
- (c) self-loading shotguns having a magazine capacity of more than five rounds; and
- (d) pump action shotguns having a magazine capacity of more than five rounds,

and includes receivers of firearms defined as class D firearms by a preceding paragraph but does not include revolving chamber rifles or receivers of revolving chamber rifles;

*class H firearms* means handguns;

**close associate** of an applicant for or the holder of a dealer's licence—see subsection (1a);

**collectors' club** means a recognised firearms club that—

- (a) has been established to foster the interests of persons who collect and display firearms; and
- (b) does not include as part of its regular activities the shooting of firearms;

**collector's licence** means a firearms licence that is endorsed with the purpose of collecting and displaying firearms;

**commercial range operator** means a person who carries on the business of providing—

- (a) a shooting range (not being a shooting gallery) for use by members of the public; and
- (b) firearms for use by members of the public at the range;

**the Commissioner of Police** means the person for the time being holding, or acting in, the office of Commissioner of Police;

**criminal intelligence** means information relating to actual or suspected criminal activity (whether in this State or elsewhere) the disclosure of which could reasonably be expected to prejudice criminal investigations, to enable the discovery of the existence or identity of a confidential source of information relevant to law enforcement or to endanger a person's life or physical safety;

**dealer** means a person—

- (a) who carries on the business of manufacturing, repairing, modifying or testing firearms; or
- (b) who carries on the business of buying, selling or hiring out, firearms, firearm parts or ammunition; or
- (c) who carries on the business of a pawnbroker or auctioneer and handles firearms, firearm parts or ammunition in the course of that business,

and **dealing** has a corresponding meaning;

**dealer's licence** means a dealer's licence granted under this Act;

**District Court** means the Administrative and Disciplinary Division of the District Court;

**domestic partner** means a person who is a domestic partner within the meaning of the *Family Relationships Act 1975*, whether declared as such under that Act or not;

**firearm** means—

- (a) a device designed to be carried by hand and to fire shot, bullets or other projectiles by means of burning propellant or by means of compressed air or other compressed gas; or
- (c) a device of a kind declared by regulation to be a firearm for the purposes of this Act,

and includes a receiver of a firearm and any device which, if in working order, would be a firearm within the meaning of this definition (except such a device that has been rendered unusable in a manner stipulated in the regulations or by the Registrar) but does not include an antique firearm, or a device of a kind excluded by regulation from the provisions of this Act;

***firearm part*** for a firearm means a barrel, trigger mechanism, magazine, cylinder, hammer, bolt, breech block or slide designed as, or reasonably capable of forming, part of the firearm;

***firearms club*** means a club for the benefit of enthusiasts who are interested in firearms generally or in a particular class of firearms;

***firearms licence*** means a firearms licence granted under this Act and includes a firearms permit;

***firearms permit*** means a permit referred to in section 12(4);

***firearms prohibition order*** means an order issued under Part 2A (including an interim firearms prohibition order);

***Firearms Review Committee*** or ***committee*** means the Firearms Review Committee established under this Act;

***firing mechanism*** of a firearm means the mechanism of the firearm that is designed for the purpose of firing the firearm;

***fit and proper person***—see subsections (10) to (13) and section 6B(2);

***to give*** a firearm means to transfer ownership of the firearm to another person as a gift and includes transfer of the ownership of a firearm to a beneficiary of a deceased estate by the executor or administrator in the distribution of the estate;

***grounds of a recognised firearms club***—see subsection (7);

***grounds of a recognised paint-ball operator***—see subsection (8);

***handgun*** means a firearm the barrel of which is less than 400 millimetres in length and that is designed or adapted for aiming and firing from the hand and is reasonably capable of being carried concealed about the person and includes a receiver of such a firearm;

***interim firearms prohibition order***—see section 10A;

***licence*** means a firearms licence or a dealer's licence;

***licence year*** of a licence means the 12 months from the beginning of the term of the licence, or, if the term of the licence exceeds 12 months, the succeeding period or each succeeding period of 12 months during the term of the licence;

***licensed dealer*** in firearms or ammunition means a person who is licensed under this Act or a corresponding enactment of another State or Territory of the Commonwealth to carry on the business of dealing in firearms or ammunition;

***loading mechanism*** of a firearm means all the parts of the firearm (except the barrel) that are designed to place or hold or to place and hold a round in position for firing and includes the magazine of the firearm (if any);

**the Minister** means the Minister of the Crown to whom the administration of this Act is for the time being committed by the Governor and includes any other Minister of the Crown for the time being discharging the duties of that Minister;

**owner** of a firearm includes—

- (a) the executor or administrator of a deceased estate that includes a firearm; and
- (b) the administrator or manager of the estate of a person who is unable to manage his or her affairs if the estate includes a firearm; and
- (c) the donee of an enduring power of attorney during a period of legal incapacity suffered by the donor of the power if the donor is the owner of a firearm; and
- (d) the Official Trustee or the registered trustee of a bankrupt estate that includes a firearm;

**paint-ball firearm** means an air gun designed to fire a projectile containing dye, paint or other marking substance;

**paint-ball operator** means a person or body who provides or arranges for the provision of grounds for use by participants in an organised activity involving the use of paint-ball firearms (but not involving the use of any other firearms);

**possession of a firearm**—see subsections (14) and (15);

**prescribed firearm** means a firearm of a class prescribed by regulation for the purposes of this definition;

**prohibited firearm accessory** means an item, or an item of a class, prescribed by the regulations that may be fitted to or used in conjunction with a firearm;

**pump action shotgun** means a shotgun that is reloaded manually by moving the forward hand grip which is part of the loading mechanism of the gun backwards and then forwards;

**to purchase** includes to acquire by barter or exchange;

**receiver** of a firearm means the body or frame of the firearm that is designed to hold the firing mechanism or the loading mechanism or both in place but does not include the stock or barrel of the firearm;

**recognised commercial range operator** means a commercial range operator declared to be a recognised commercial range operator by the Minister pursuant to this Act;

**recognised firearms club** means a firearms club declared to be a recognised firearms club by the Minister pursuant to this Act;

**recognised paint-ball operator** means a paint-ball operator declared to be a recognised paint-ball operator by the Minister pursuant to this Act;

**the Registrar** means the Registrar of Firearms;

**relative** in relation to a person means the spouse, domestic partner, parent or remoter lineal ancestor, son, daughter or remoter issue or brother or sister of the person;

**rifle** includes a receiver of a rifle;

**round** means a projectile and propellant whether held together by a cartridge or not;



**self-loading firearm** means—

- (a) a firearm that is designed to fire a round when the trigger is brought to the firing position and to continue to fire one or more rounds by releasing the trigger and returning it to the firing position to fire each additional round; but
- (b) does not include a double barrel shotgun that is not designed to hold additional rounds in a magazine;

**to sell** includes to dispose of by barter or exchange;

**shooting club** means a recognised firearms club that includes amongst its regular activities the shooting of firearms;

**shooting club member's licence** means a firearms licence that is endorsed with the purpose of using a firearm as a member of a shooting club;

**shooting gallery** means an indoor or outdoor gallery at which members of the public can use .177 calibre air guns or air rifles (but not paint-ball firearms) that are attached to a shooting bench to shoot at stationary or moving targets;

**shotgun** includes a receiver of a shotgun;

**silencer** means a device designed or adapted to be attached to, or comprising part of, a firearm to muffle the report when the firearm is fired and includes baffles, tubes or other parts that when fitted together would comprise a silencer;

**spouse**—a person is the spouse of another if they are legally married;

**to supply** means to supply through sale, gift, loan or hire.

- (1a) For the purposes of this Act, 2 persons are **close associates** if—
  - (a) 1 is a relative of the other; or
  - (b) they are in partnership; or
  - (c) they are related bodies corporate within the meaning of the *Corporations Act 2001* of the Commonwealth; or
  - (d) 1 is a body corporate and the other is a director, manager, secretary or public officer of the body corporate; or
  - (e) 1 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
  - (f) 1 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
  - (g) 1 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
  - (h) 1 is in a position to exercise, or exercises, control or significant influence over the conduct of the other.
- (2) For the purposes of this Act the capacity of a magazine that has been modified to reduce its capacity will only be regarded as having the reduced capacity, instead of its capacity as manufactured, if it has been modified in a manner approved by the Registrar.

- (3) A person who purchases or sells more than 20 firearms or more than 20 firearm parts in any 12 month period will, for the purposes of this Act, be taken to be carrying on the business of dealing in firearms or firearm parts in respect of the firearms or firearm parts purchased or sold in excess of 20 in that period unless he or she establishes on the balance of probabilities that he or she was not carrying on such a business.
- (4) Subsection (3) does not apply if all the firearms purchased or sold in a 12 month period were the subject of one transaction or two or more transactions entered into on the same day at an auction.
- (5) A person who purchases or sells more than 50 000 rounds of ammunition in any 12 month period will, for the purposes of this Act, be taken to be carrying on the business of dealing in ammunition in respect of the ammunition purchased or sold in excess of 50 000 rounds in that period unless he or she establishes on the balance of probabilities that he or she was not carrying on such a business.
- (6) Subsection (5) does not apply—
  - (a) in relation to a recognised firearms club;
  - (ab) to the purchase or sale by a recognised paint-ball operator of ammunition suitable for use in paint-ball firearms;
  - (b) if all the ammunition purchased or sold in a 12 month period was the subject of one transaction or two or more transactions entered into on the same day at an auction.
- (7) For the purposes of this Act, any grounds provided or arranged to be provided by or on behalf of a recognised firearms club for use by members of the club will be taken to be grounds of the club.
- (8) For the purposes of this Act, any grounds provided or arranged to be provided by or on behalf of a recognised paint-ball operator for use by participants in an organised activity involving the use of paint-ball firearms will be taken to be grounds of the operator.
- (9) A reference in this Act to a person who carries on the business of primary production includes—
  - (a) where the business is carried on by a company—a director of the company; and
  - (b) the person (if any) employed to manage the business,if the director or manager resides on or near the land on which the business is carried on or visits the land frequently for the purposes of the business.
- (10) For the purposes of this Act a person who has a mental or physical condition that would make it unsafe for him or her to possess a firearm or ammunition must be taken not to be a fit and proper person to have possession of a firearm or ammunition or to hold or have possession of a licence.
- (11) For the purposes of this Act a person may be taken not to be a fit and proper person to have possession of a firearm or ammunition or to hold or have possession of a licence if the person—
  - (a) has not complied with the requirements of this Act in relation to the safe handling, carriage or use of firearms; or

- (b) has been found guilty of an offence against this Act or corresponding legislation of another State or Territory of the Commonwealth; or
  - (c) has been found guilty of an offence involving actual or threatened violence in this State or any other State or Territory of the Commonwealth or in any other part of the world; or
  - (ca) has been found guilty of an offence prescribed by regulation; or
  - (d) has been guilty of fraud or deception for the purpose of obtaining a licence or permit under this Act or under corresponding legislation in another State or Territory of the Commonwealth; or
  - (e) is the subject, or has in the past been the subject, of an intervention order under the *Intervention Orders (Prevention of Abuse) Act 2009* or any other order of a similar nature made by a court whether in this State or any other State or Territory of the Commonwealth.
- (12) Subsection (11) does not limit the grounds on which a person may be taken not to be a fit and proper person for the purposes of this Act.
- (13) In deciding whether a person is a *fit and proper person* to have possession of a firearm or ammunition or to hold or have possession of a licence for the purposes of this Act, regard may be had to the reputation, honesty and integrity of the person and of people with whom the person associates.
- (14) For the purposes of this Act (other than Part 3 Division 2A), a person has *possession of a firearm* if—
- (a) the person has custody of the firearm or has the firearm in the custody of another; or
  - (b) the person has and exercises access to the firearm; or
  - (c) the person occupies, or has care, control or management of, premises, or is in charge of a vehicle, vessel or aircraft, where the firearm is found.
- (15) However, subsection (14)(c) does not apply if the person establishes that—
- (a) he or she did not know, and could not reasonably be expected to have known, that the firearm was on or in the premises, vehicle, vessel or aircraft; or
  - (b) the firearm was in the lawful possession of another or he or she believed on reasonable grounds that the firearm was in the lawful possession of another.

## **5A—Crown not bound**

This Act does not apply to the Crown in right of this State or to the Crown in any other capacity.

## **Part 2—Administration**

### **Division 1—The Registrar of Firearms**

#### **6—The Registrar**

- (1) The Commissioner of Police is the Registrar of Firearms.

- (2) The Registrar may, by instrument in writing, delegate to any person any of the Registrar's powers and functions under this Act.
- (3) A delegation under this section is revocable at will, and does not prevent the exercise of any power or function by the Registrar.
- (4) The Registrar may not delegate the function of classifying information as criminal intelligence for the purposes of this Act except to a Deputy Commissioner or Assistant Commissioner of Police.

### **6A—Registers**

- (1) The Registrar must maintain—
  - (a) a register of licences issued under this Act; and
  - (b) a register of firearms registered under this Act; and
  - (c) a register of firearms prohibition orders issued under this Act.
- (2) If the Registrar is satisfied that a person has a proper interest in the contents of a register, the Registrar may permit that person to inspect the register, or portion of the register.
- (3) The register of firearms prohibition orders must be made available to the public by electronic or other means.
- (4) The Registrar may integrate a register maintained under this section with other law enforcement systems maintained in this State or elsewhere.

### **6B—Power to require medical examination or report**

- (1) The Registrar may, as reasonably required for the purposes of determining whether a person is a fit and proper person to have possession of a firearm or ammunition or to hold or have possession of a licence for the purposes of this Act, require the person to—
  - (a) submit to an examination by a health professional, or by a health professional of a class, specified by the Registrar; or
  - (b) provide a medical report from a health professional, or from a health professional of a class, specified by the Registrar,

(including an examination or report that will require the person to submit to a blood test or some other prescribed procedure).
- (2) A person may be taken not to be a fit and proper person to have possession of a firearm or ammunition or to hold or have possession of a licence for the purposes of this Act, if the person fails to comply with a requirement made under subsection (1).
- (3) In this section—

***health professional*** means—

  - (a) a medical practitioner; or
  - (b) a psychologist; or
  - (c) a person of a class prescribed by regulation.

## **Division 2—Firearms Review Committee**

### **7—Establishment**

- (1) The Firearms Review Committee is established.
- (2) The committee consists of six members, appointed by the Governor, of whom—
  - (a) one must be a legal practitioner of at least seven years standing; and
  - (b) one must be a person nominated by the Commissioner of Police; and
  - (c) one must be a person who has, in the opinion of the Governor, wide experience in the use and control of firearms; and
  - (d) one must be a medical practitioner; and
  - (e) one must be a person who carries on the business of primary production and uses a firearm or firearms for the purposes of that business; and
  - (f) one must be a person who has experience in the administration of, or in participating in, a competitive discipline using firearms being a discipline in which shooters compete at the Olympic Games or the Commonwealth Games.
- (2a) The committee must include at least two men and two women.
- (3) The Governor may appoint a member of the committee to preside at meetings of the committee.
- (4) The Governor may appoint a suitable person to be a deputy of any member of the committee, and such a person while acting in the absence of the member has all the powers, authorities, duties and obligations of that member.

### **8—Quorum etc**

- (1) Four members of the committee constitute a quorum of the committee and no business may be transacted by the committee unless a quorum is present.
- (2) A decision carried by a majority of votes cast by members at a meeting is a decision of the committee.
- (3) Each member present at a meeting has one vote on any question arising for decision and, if the votes are equal, the person presiding at the meeting may exercise a casting vote.

### **9—Allowances and expenses**

The members of the committee are entitled to such allowances and expenses as the Minister may determine.

### **10—Procedure**

- (1) Before the committee makes any decision upon a matter arising under this Act, it must allow the Registrar, and any other person with a direct interest in the matter, a reasonable opportunity to make representations orally or in writing to the committee.
- (2) In investigating any matter arising under this Act, the committee is not bound by the rules of evidence but may inform itself in any manner it thinks fit.

- (3) The committee must maintain the confidentiality of information provided to the committee by the Registrar that is classified by the Registrar as criminal intelligence.

## **Part 2A—Firearms prohibition orders**

### **10A—Interim firearms prohibition order issued by police officer**

- (1) Subject to subsection (2), a police officer may issue an interim firearms prohibition order against a person if the police officer suspects on reasonable grounds that—
  - (a) possession of a firearm by the person would be likely to result in undue danger to life or property; or
  - (b) the person is not a fit and proper person to possess a firearm.
- (2) If the police officer issuing the order is not of or above the rank of sergeant, the officer must, before issuing the order, obtain the authorisation (either orally or in writing) of a police officer of or above that rank.
- (3) An interim firearms prohibition order must be in a form approved by the Registrar.
- (4) For the purposes of this Act, an interim firearms prohibition order applies to a person as soon as it is issued against the person, but the order only comes into force against the person when it is served personally on the person.
- (5) If a police officer proposes to issue an interim firearms prohibition order against a person, the officer may—
  - (a) require the person to remain at a particular place while the order is prepared and issued so that the order may be served on the person; and
  - (b) if the person refuses or fails to comply with the requirement or the officer has reasonable grounds to believe that the requirement will not be complied with, arrest and detain the person in custody (without warrant) for—
    - (i) so long as may be necessary for the order to be served on the person; or
    - (ii) 2 hours,whichever is the lesser.
- (6) A person against whom an interim firearms prohibition order is issued must notify the Registrar in writing of an address for service.
- (7) An interim firearms prohibition order expires 28 days after the Registrar is notified in writing of the person's address for service.
- (8) The Registrar may, on his or her own initiative, revoke an interim firearms prohibition order by notice in writing served personally or by post on the person against whom it is issued.

### **10B—Firearms prohibition order issued by Registrar**

- (1) The Registrar may issue a firearms prohibition order against a person if satisfied that—
  - (a) —

- (i) possession of a firearm by the person would be likely to result in undue danger to life or property; or
    - (ii) the person is not a fit and proper person to possess a firearm; and
  - (b) it is in the public interest to prohibit the person from possessing and using a firearm.
- (2) For the purposes of this Act, a firearms prohibition order applies to a person as soon as it is issued against the person, but the order only comes into force against the person when it is served personally on the person.
- (3) A firearms prohibition order will be taken to be served on a person against whom an interim firearms prohibition order is in force if it is served by registered post on the person at the address for service notified to the Registrar by the person under section 10A.
- (3a) If a police officer has reason to believe that a firearms prohibition order applies to a person, but the order has not been served on the person, the officer may—
  - (a) require the person to remain at a particular place for—
    - (i) so long as may be necessary for the order to be served on the person; or
    - (ii) 2 hours,whichever is the lesser; and
  - (b) if the person refuses or fails to comply with the requirement or the officer has reasonable grounds to believe that the requirement will not be complied with, arrest and detain the person in custody (without warrant) for the period referred to in paragraph (a).
- (4) A firearms prohibition order served on a person must be accompanied by a notice setting out the Registrar's reasons for issuing the order.
- (5) If the decision to issue the order was made because of information that is classified by the Registrar as criminal intelligence, the only reason required to be given is that the decision was made on public interest grounds.
- (6) The Registrar may, on his or her own initiative or on application, revoke a firearms prohibition order by notice in writing served personally or by post on the person against whom it is issued.

### **10C—Effect of firearms prohibition order**

- (1) A person to whom a firearms prohibition order applies is disqualified from obtaining any licence or permit under this Act.
- (2) While a firearms prohibition order is in force against a person—
  - (a) any licence or permit under this Act held by the person is suspended; and
  - (b) section 31A does not apply.
- (3) A person against whom a firearms prohibition order is in force must not acquire, possess or use a firearm, firearm part or ammunition.  
Maximum penalty:
  - (a) in the case of a firearm—\$75 000 or imprisonment for 15 years;

- (b) in the case of a firearm part or ammunition—\$35 000 or imprisonment for 7 years.
- (4) If a firearms prohibition order comes into force against a person, the person must forthwith surrender to the Registrar all firearms, firearm parts and ammunition owned by the person.

Maximum penalty:

- (a) in the case of a firearm—\$50 000 or imprisonment for 10 years;
  - (b) in the case of a firearm part or ammunition—\$20 000 or imprisonment for 4 years.
- (5) A person against whom a firearms prohibition order is in force—
    - (a) must not be present at—
      - (i) the grounds of a firearms club or the range of a commercial range operator; or
      - (ii) a place at which a person carries on the business of manufacturing, repairing, modifying or testing firearms, firearm parts or ammunition or buying, selling or hiring out, firearms, firearm parts or ammunition; or
      - (iii) any other place of a kind prescribed by regulation; and
    - (b) must not become a member of a firearms club; and
    - (c) must not be in the company of a person who has a firearm on or about his or her person or under his or her immediate physical control.

Maximum penalty: \$10 000 or imprisonment for 2 years.

- (6) It is a defence to prosecution for an offence against subsection (5)(c) to prove that the person did not know, and could not reasonably be expected to have known, that the other person had a firearm on or about his or her person or under his or her immediate physical control.
- (7) A person against whom a firearms prohibition order is in force must not reside at premises on which there is a firearm, firearm part or ammunition.

Maximum penalty:

- (a) in the case of a firearm—\$50 000 or imprisonment for 10 years;
  - (b) in the case of a firearm part or ammunition—\$20 000 or imprisonment for 4 years.
- (8) It is a defence to prosecution for an offence against subsection (7) to prove that the person did not know, and could not reasonably be expected to have known, that the firearm, firearm part or ammunition was on the premises.
  - (9) A person against whom a firearms prohibition order is in force must inform each other person of or over the age of 18 years who resides or proposes to reside at the same premises as the person of the fact that a firearms prohibition order is in force against the person and ask each such person whether or not he or she has or proposes to have a firearm, firearm part or ammunition on the premises.

Maximum penalty: \$10 000 or imprisonment for 2 years.



- (10) A person must not supply a firearm, firearm part or ammunition to a person to whom a firearms prohibition order applies or permit such a person to gain possession of a firearm, firearm part or ammunition.

Maximum penalty:

- (a) in the case of a firearm—\$75 000 or imprisonment for 15 years;
- (b) in the case of a firearm part or ammunition—\$35 000 or imprisonment for 7 years.

- (11) A person who has a firearm on or about his or her person or under his or her immediate physical control must not be in the company of a person to whom a firearms prohibition order applies.

Maximum penalty: \$10 000 or imprisonment for 2 years.

- (12) If a person to whom a firearms prohibition order applies resides at premises, a person who brings a firearm, firearm part or ammunition onto the premises or has possession of a firearm, firearm part or ammunition on the premises is guilty of an offence.

Maximum penalty:

- (a) in the case of a firearm—\$50 000 or imprisonment for 10 years;
- (b) in the case of a firearm part or ammunition—\$20 000 or imprisonment for 4 years.

- (13) It is a defence to prosecution for an offence against subsection (10), (11) or (12) to prove that the person did not know, and could not reasonably be expected to have known, that a firearms prohibition order applies to the person.

- (14) For the purposes of this section—

- (a) if a person to whom a firearms prohibition order applies is on or in premises or a vehicle, vessel or aircraft (other than any premises, vehicle, vessel or aircraft to which the public are admitted) when a firearm, firearm part or ammunition is found on or in the premises, vehicle, vessel or aircraft, the person will be taken to possess the firearm, firearm part or ammunition unless it is proved that the person did not know, and could not reasonably be expected to have known, that the firearm, firearm part or ammunition was on or in the premises, vehicle, vessel or aircraft; and
- (b) a person will be taken to acquire a firearm if—
  - (i) the person knowingly takes, or participates in, any step, or causes any step to be taken, in the process of acquisition of the firearm; or
  - (ii) the person knowingly provides or arranges finance for any step in that process; or
  - (iii) the person knowingly provides the premises in which any step in that process is taken, or suffers or permits any step in that process to be taken in premises of which the person is an owner, lessee or occupier or of which the person has care, control or management; and
- (c) a person will be taken to supply a firearm if—
  - (i) the person knowingly takes, or participates in, any step, or causes any step to be taken, in the process of supply of the firearm; or

- (ii) the person knowingly provides or arranges finance for any step in that process; or
  - (iii) the person knowingly provides the premises in which any step in that process is taken, or suffers or permits any step in that process to be taken in premises of which the person is an owner, lessee or occupier or of which the person has care, control or management.
- (15) The Registrar may exempt a person, unconditionally or subject to conditions, from a specified provision of this section and may vary or revoke an exemption by notice in writing served personally or by registered post on the holder of the exemption.

### **10D—Report on first 2 years of operation of Part**

- (1) The Minister must cause a report to be prepared under this section within 3 months after the second anniversary of the commencement of this Part.
- (2) The report must relate to the 2 years immediately following the commencement of this Part and specify—
  - (a) the number of firearms prohibition orders issued; and
  - (b) the number of firearms prohibition orders revoked; and
  - (c) the number of reviews and appeals under Part 4A relating to firearms prohibition orders and the outcome of each review or appeal that has been completed or finally determined.
- (3) The Minister must, within 12 sitting days after receiving the report under this section, cause copies of the report to be laid before both Houses of Parliament.

## **Part 3—Possession and trafficking of firearms and licensing of dealers**

### **Division 1—Possession and use of firearms**

#### **11—Possession and use of firearms**

- (1) A person who has possession of a firearm without holding a firearms licence authorising possession of that firearm is guilty of an offence.
- (2) A person who has possession of a firearm, or who uses a firearm, for a purpose that is not authorised by a firearms licence held by that person is guilty of an offence.
- (3) If, in proceedings for an offence against subsection (2), the evidence gives rise to a reasonable inference that the purpose for which the defendant had possession of the firearm, or used the firearm, was not authorised by the licence, the onus shifts to the defendant to establish that the purpose for which he or she had possession of the firearm, or used the firearm, was authorised by the licence.

- (4) No offence is committed under this section in relation to a class A, B or H firearm by virtue of the fact that—
- (a) a person has possession of, or uses, the firearm on the range of a recognised commercial range operator or at a shooting gallery in the normal course of the operation of the commercial range operator or the shooting gallery if the commercial range or the gallery is under the supervision of a responsible person who holds a firearms licence authorising possession of that firearm;
  - (b) a person has possession of, or uses, the firearm on the grounds of a recognised firearms club for the purpose of shooting in a manner authorised by the club provided that the person—
    - (i) is not the holder of a firearms licence, or a similar licence or authorisation under corresponding legislation of another State or Territory of the Commonwealth, that is suspended; and
    - (ii) has not been the holder of a firearms licence, or a similar licence or authorisation under corresponding legislation of another State or Territory of the Commonwealth, that has been cancelled; and
    - (iii) is not prohibited from possessing or using a firearm by an order of a court whether in this State or any other State or Territory of the Commonwealth;
  - (ba) a person has possession of, or uses, a paint-ball firearm on grounds of a recognised paint-ball operator while participating in an organised activity involving the use of paint-ball firearms (but no other firearms);
  - (c) a person has possession of the firearm in the ordinary course of the business of carrying or storing goods;
  - (d) a person has possession of, or uses, the firearm in the ordinary course of business as a licensed dealer in firearms.
- (4a) No offence is committed under this section in relation to a class C or D firearm by virtue of the fact that—
- (a) a person has possession of the firearm in the ordinary course of the business of carrying or storing goods; or
  - (b) a person has possession of, or uses, the firearm in the ordinary course of business as a licensed dealer in firearms if his or her dealer's licence authorises dealing in that class of firearm.
- (4b) No offence is committed under this section in relation to a class A, B, C, D or H firearm or a prescribed firearm by virtue of the fact that a person has possession of the firearm if he or she has possession of it on behalf of the Crown.
- (5) No offence is committed under this section in relation to a firearm by virtue of the fact that—
- (a) a person has possession of the firearm as executor of the will, or administrator of the estate, of a deceased person;
  - (b) a person has possession of the firearm—
    - (i) as the administrator, committee, guardian or manager of the estate of a person who is unable to manage his or her affairs; or

- (ii) as the donee of an enduring power of attorney during a period of legal incapacity suffered by the donor of the power; or
    - (iii) as the Official Trustee or the registered trustee of a bankrupt estate;
  - (c) a person has possession of, or uses, the firearm in circumstances prescribed by regulation.
- (6) For the purposes of this section—
  - (a) a person who handles a firearm—
    - (i) in the presence, and with the consent, of a person who is the owner of the firearm and who is authorised by or under this Act to have possession of it; or
    - (ii) in the premises of a licensed dealer in firearms for the purpose of inspecting the firearm,  
does not have possession of the firearm;
  - (b) a person who has possession of a self-loading rim fire rifle that does not have an inbuilt magazine and does not have possession of any magazine that can be fitted to the rifle has possession of a class C firearm;
  - (c) a person who has possession of a self-loading rim fire rifle and also has possession of a magazine with a capacity of more than ten rounds that can be fitted to the rifle has possession of a class D firearm even though the magazine is not fitted to the rifle;
  - (d) a person who has possession of a self-loading or pump action shotgun that does not have an inbuilt magazine and does not have possession of any magazine that can be fitted to the shotgun has possession of a class C firearm;
  - (e) a person who has possession of a self-loading or pump action shotgun and also has possession of a magazine with a capacity of more than five rounds that can be fitted to the shotgun has possession of a class D firearm even though the magazine is not fitted to the shotgun.
- (7) Subject to this section, the maximum penalty for an offence against this section is as follows:
  - (a) where the firearm is a prescribed firearm—\$50 000 or imprisonment for 10 years;
  - (b) where the firearm is a class C, D or H firearm—\$35 000 or imprisonment for seven years;
  - (c) where the firearm is any other kind of firearm—\$20 000 or imprisonment for four years.
- (7a) The maximum penalty for an aggravated offence is as follows:
  - (a) where the firearm is a prescribed firearm—\$75 000 or imprisonment for 15 years;
  - (b) where the firearm is a class C, D or H firearm—\$50 000 or imprisonment for 10 years;
  - (c) where the firearm is any other kind of firearm—\$35 000 or imprisonment for 7 years.

- (7b) An offence against this section is an aggravated offence if it has been proved that—
  - (a) the firearm to which the offence relates was loaded or in the immediate vicinity of a loaded magazine that could be attached to and used in conjunction with the firearm; or
  - (b) the offender had the firearm concealed about the person.
- (7d) A firearm will be taken to be loaded if a round is in the breech or barrel of the firearm or in a magazine comprising part of or attached to the firearm.
- (8) A person who has not previously been found guilty of an offence against this section may, at the discretion of the prosecutor, be prosecuted for a summary offence against this section except where the firearm is a prescribed firearm, but on conviction of a summary offence against this section the maximum penalty is \$10 000 or imprisonment for two years (and subsections (7a) to (7d) do not apply).

## **12—Application for firearms licence**

- (1) An application for a firearms licence—
  - (a) must be made to the Registrar in the prescribed manner and form; and
  - (b) must contain the prescribed information; and
  - (c) must be accompanied by any certificates, declarations, references, reports or other documents required by the regulations or by the Registrar.
- (2) The Registrar may require an applicant—
  - (a) to furnish such further information as may be necessary to enable the Registrar to determine the application; or
  - (b) to verify by statutory declaration information furnished in relation to the application.
- (3) Subject to subsection (4), an application for a firearms licence cannot be made by a person under the age of 18 years.
- (4) An application for a firearms permit may be made by a person who has reached the age of 15 years but who has not reached the age of 18 years if that person is the spouse, child, brother, sister or employee of a person who holds a firearms licence and who carries on the business of primary production.
- (4a) A firearms permit may only authorise the possession and use of class A or B firearms registered in the name of the spouse, parent, brother, sister or employer of the licence holder and may only authorise use of the firearm for the purposes of the business of primary production carried on by that person.
- (5) The Registrar must not grant an application for a firearms licence unless satisfied—
  - (a) as to the identity of the applicant (the Registrar may require the applicant to identify himself or herself in the same manner and to the same extent as could be required if the applicant were opening an account at an ADI); and
  - (ab) as to the age and the residential and postal addresses of the applicant; and
  - (b) that the applicant intends using the firearm, or a firearm of the class, to which the licence relates for the purpose or purposes endorsed on the licence in relation to that firearm or firearms of that class.

**Firearms Act 1977—7.2.2014 to 30.6.2017—repealed**

Part 3—Possession and trafficking of firearms and licensing of dealers

Division 1—Possession and use of firearms

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- (5a) The Registrar may refuse an application for a firearms licence if the applicant is not usually resident in the State.
- (6) Subject to this section, where an application for a firearms licence is properly made the Registrar may only refuse the application if—
- (a) —
    - (i) the Registrar is not satisfied that the applicant is a fit and proper person to hold the licence applied for; or
    - (ii) the proposed licence would authorise possession of a class C or D firearm and the Registrar would not be prepared to grant a permit to the applicant to acquire a firearm of that class; or
    - (iii) the Registrar is not satisfied that the applicant will keep firearms in his or her possession secured in accordance with this Act; or
    - (iv) the Registrar is satisfied that the applicant could not use any firearm for the purpose or one or more of the purposes to be endorsed on the licence; or
    - (v) the Registrar is satisfied that the applicant could not use any firearm of the class or one or more of the classes to be endorsed on the licence in accordance with the conditions of the licence; or
    - (vi) to grant the application would, in the Registrar's opinion, be contrary to the public interest.
- (7) An application for a firearms licence authorising possession of a prescribed firearm can only be granted if the Registrar is satisfied—
- (a) that the prescribed firearm will be used for a purpose authorised by the regulations; and
  - (b) that the applicant is a fit and proper person to have possession of the prescribed firearm.
- (7a) If—
- (a) the Registrar refuses an application for a firearms licence on the ground that to grant the licence would, in the Registrar's opinion, be contrary to the public interest; and
  - (b) the Registrar made the decision because of information that is classified by the Registrar as criminal intelligence,
- the Registrar is not required to provide any reasons for the Registrar's decision to the applicant other than that the decision was made on public interest grounds under this section.
- (7b) An application for a collector's licence may be refused if the Registrar is not satisfied that—
- (a) the applicant has, or genuinely intends to acquire, a collection of firearms that has, or will have, significant commemorative, historical, investment or other value; or
  - (b) —

- (i) in the case of an application for a new collector's licence (as distinct from the renewal of a licence)—the applicant has been an active member of a collectors' club for the preceding 12 months; or
  - (ii) in the case of an application for renewal of a collector's licence—the applicant has been an active member of a collectors' club for each licence year of the licence.
- (7c) An application for a firearms licence authorising possession of class H firearms may be refused if—
  - (a) the applicant was the holder of a firearms licence authorising possession of class H firearms that was, on application made by the person within the period of six months from the commencement of this subsection—
    - (i) cancelled; or
    - (ii) altered so that class H firearms ceased to be endorsed on it; and
  - (b) not more than five years has elapsed since the end of that period.
- (7d) An application for renewal of a shooting club member's licence authorising possession of class H firearms may be refused if the Registrar is not satisfied that the applicant has been an active member of a shooting club for each licence year of the licence.
- (8) An application for a new firearms licence (as distinct from the renewal of a licence) must not be granted until at least 28 days after the application was made.
- (9) The Registrar will be taken to have refused an application for a firearms licence if the application has not been granted within 90 days after it was made.
- (10) A firearms licence does not come into force until the prescribed application fee has been paid.
- (11) A person may hold a collector's licence and another firearms licence for other purposes at the same time.

### **13—Provisions relating to firearms licences**

- (1) A firearms licence may authorise possession of a particular firearm or firearms of a particular class, and must be endorsed by the Registrar with the purpose or purposes for which that firearm or firearms of that class may be used by the holder of the licence.
- (2) A firearms licence can only be endorsed with a purpose or purposes prescribed by regulation or approved by the Registrar pursuant to the regulations.
- (2a) Where a firearms licence is endorsed with the purpose of collecting and displaying firearms no other purpose may be endorsed on that licence.
- (3) A firearms licence that authorises possession of a prescribed firearm must be specially endorsed by the Registrar to that effect.
- (3a) A firearms licence does not authorise the possession and use of a firearm acquired by the holder of the licence on or after the commencement of the *Firearms (Miscellaneous) Amendment Act 1996* if possession of the firearm was transferred to the holder in contravention of Division 2A.

- (4) Subject to this section, a firearms licence is subject to—
  - (a) any licence conditions prescribed by the regulations; and
  - (b) any licence conditions imposed by the Registrar.
- (5) The Registrar may impose licence conditions pursuant to subsection (4) on the grant or renewal of the licence or at any time during the term of the licence.
- (6) A licence condition imposed pursuant to subsection (4)(b) during the term of the licence does not operate until the Registrar has given the holder of the licence (either personally or by registered post) notice in writing of the condition.
- (8) The Registrar may, on his or her own initiative or on the application of the holder of a firearms licence—
  - (a) extend or restrict the classes of firearms to which the licence relates;
  - (b) vary or revoke a purpose endorsed on the licence pursuant to subsection (1) or endorse a further purpose or purposes on the licence;
  - (c) vary or revoke a licence condition (including a condition to which the licence is subject by virtue of the regulations).
- (8a) Where the Registrar is considering taking action under subsection (8), he or she may require the holder of the licence—
  - (a) to furnish such information as may be necessary or desirable to enable the Registrar to take that action; or
  - (b) to verify, by statutory declaration, information already furnished to the Registrar.

Maximum penalty: \$5 000.

- (9) An alteration under subsection (8) relating to a licence does not operate until the Registrar has given the holder of the licence (either personally or by registered post) notice in writing of the alteration or the licence has been appropriately endorsed.

## **Division 2—Trafficking in firearms**

### **14—Trafficking in firearms**

- (1) Subject to this section, a person—
  - (a) who—
    - (i) acquires a firearm; or
    - (ii) knowingly takes part in the acquisition of a firearm,  
without being authorised to acquire the firearm by a permit under this Part (or under corresponding legislation in another State or Territory of the Commonwealth); or
  - (b) who—
    - (i) supplies a firearm; or
    - (ii) knowingly takes part in the supply of a firearm,



to a person who is not authorised to acquire the firearm by a permit under this Part (or under corresponding legislation in another State or Territory of the Commonwealth),

is guilty of the offence of trafficking in firearms.

- (2) Subsection (1) does not apply to—
  - (a) the acquisition of a firearm by a person in the ordinary course of carrying on business as a licensed dealer pursuant to the licence; or
  - (b) the supply of a firearm to a person who acquires the firearm in the ordinary course of carrying on business as a licensed dealer pursuant to the licence.
- (3) It is a defence to prosecution for an offence against subsection (1) to prove that—
  - (a) the acquisition or supply was in circumstances (prescribed by or under section 11) in which the person who acquired the firearm was not required to hold a licence authorising possession of the firearm; or
  - (b) in the case of the acquisition of a firearm—the owner of the firearm carried on a business and the firearm was temporarily acquired for the purposes of the business from the owner by a person who was—
    - (i) the holder of a licence authorising the possession and use of the firearm; and
    - (ii) an employee, or in the case of a primary production business, a relative, of the owner; or
  - (c) in the case of the supply of a firearm—the owner of the firearm carried on a business and the firearm was temporarily supplied for the purposes of the business by the owner to a person who was—
    - (i) the holder of a licence authorising the possession and use of the firearm; and
    - (ii) an employee, or in the case of a primary production business, a relative, of the owner; or
  - (d) in the case of a class A or B firearm or, subject to subsection (4), a class H firearm, the acquisition or supply was pursuant to a written agreement between the owner of the firearm and the person who acquired the firearm that the person would only use the firearm for a purpose or purposes specified in the agreement and would return the firearm to the owner within 28 days; or
  - (e) the acquisition or supply was in circumstances prescribed for the purposes of this subsection by regulation.
- (4) The defence under subsection (3)(d) is not available in the case of a class H firearm—
  - (a) if—
    - (i) the person who acquired the firearm was the holder of a shooting club member's licence; and
    - (ii) the firearm—
      - (A) is a self-loading handgun (other than a revolver) with a barrel length, as measured in accordance with the regulations, of less than 120 mm; or

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Division 2—Trafficking in firearms

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- (B) is a revolver or single shot handgun in either case with a barrel length, as measured in accordance with the regulations, of less than 100 mm; or
    - (C) has a magazine or cylinder capacity of more than 10 rounds or a modified magazine or cylinder capacity; or
    - (D) is of more than .38 calibre; or
  - (b) if the person who acquired the firearm was the holder of a shooting club member's licence and had held the licence for less than 6 months; or
  - (c) if—
    - (i) the person who acquired the firearm was the holder of a shooting club member's licence and had held the licence for 6 months or more but less than 12 months; and
    - (ii) acquisition of the firearm resulted in the person having possession of a class H firearm or class H firearms other than—
      - (A) one .177 calibre air pistol or one .22 calibre rim fire handgun (long rifle or short) or one centre fire handgun; or
      - (B) one .177 calibre air pistol and one .22 calibre rim fire handgun (long rifle or short); or
      - (C) one .177 calibre air pistol and one centre fire handgun.
- (5) For the purposes of this section—
  - (a) a person takes part in the acquisition of a firearm if—
    - (i) the person takes, or participates in, any step, or causes any step to be taken, in the process of acquisition of the firearm; or
    - (ii) the person provides or arranges finance for any step in that process; or
    - (iii) the person provides the premises in which any step in that process is taken, or suffers or permits any step in that process to be taken in premises of which the person is an owner, lessee or occupier or of which the person has care, control or management; and
  - (b) a person takes part in the supply of a firearm if—
    - (i) the person takes, or participates in, any step, or causes any step to be taken, in the process of supply of the firearm; or
    - (ii) the person provides or arranges finance for any step in that process; or
    - (iii) the person provides the premises in which any step in that process is taken, or suffers or permits any step in that process to be taken in premises of which the person is an owner, lessee or occupier or of which the person has care, control or management.
- (6) Subject to this section, the maximum penalty for a first offence against this section that involves only 1 firearm is as follows:
  - (a) if the firearm is a prescribed firearm—\$75 000 or imprisonment for 15 years;

- (b) if the firearm is a class C, D or H firearm—\$50 000 or imprisonment for 10 years;
  - (c) if the firearm is any other kind of firearm—\$35 000 or imprisonment for 7 years.
- (7) Subject to this section, the maximum penalty for—
  - (a) a first offence against this section that involves more than 1 firearm; or
  - (b) a subsequent offence against this section,is imprisonment for 20 years.
- (8) In determining whether an offence against this section is a first or subsequent offence for the purposes of subsection (6) or (7), a court must treat—
  - (a) a previous offence against section 14 or 14A of this Act (as in force from time to time before the commencement of this section), or an offence against a corresponding previous enactment, substantially similar to the offence in subsection (1); and
  - (b) a previous offence involving the unlawful acquisition or supply of a firearm against corresponding legislation in another State or Territory of the Commonwealth (whether committed before or after the commencement of this section),as a previous offence.
- (9) A person who has not previously been found guilty of an offence against this section may, at the discretion of the prosecutor, be prosecuted for a summary offence against this section except where the offence involves a prescribed firearm, but on conviction of a summary offence against this section the maximum penalty is \$10 000 or imprisonment for 2 years.

## **Division 2AA—Permit for acquisition of firearm**

### **15—Application for permit**

- (1) An application for a permit authorising the acquisition of a firearm—
  - (a) must be made to the Registrar in the prescribed manner and form; and
  - (b) must contain the prescribed information.
- (2) The Registrar may require an applicant—
  - (a) to furnish such further information as may be necessary to enable the Registrar to determine the application; or
  - (b) to verify by statutory declaration information furnished in relation to the application.
- (3) Subject to subsections (4) and (4a) a permit authorising the acquisition of a firearm can only be granted—
  - (a) after the expiration of 28 days after the application for the permit was made; and
  - (b) if the applicant holds a firearms licence that authorises possession of the firearm.

- (4) The Registrar may grant a permit before the expiration of 28 days after the application for the permit was made if the Registrar is satisfied that it is safe to do so and that there are special reasons for doing so.
- (4a) If the applicant for a permit is the owner of a registered firearm of the same class as that to be acquired under the permit, the Registrar must grant the permit as soon as practicable after receiving the application.
- (5) A licence, to the extent that it authorises possession of a firearm for the purposes of employment by a person carrying on the business of guarding property is not sufficient for the purposes of subsection (3)(b) to justify the granting of a permit to acquire a firearm.
- (8) The period for which a permit remains in force must be set out in the permit.

### **15A—Reasons for refusal of permit**

- (1) Subject to this section the Registrar may refuse an application for a permit to acquire a firearm of any class if he or she is satisfied that—
  - (a) the firearm is particularly dangerous by reason of its design, construction or any other factor; or
  - (b) the firearm can easily be converted to an automatic firearm; or
  - (c) the firearm is, by reason of its size or any other factor, more readily concealed than other firearms of the same class and is for that, or any other reason, particularly suited to unlawful use; or
  - (d) the applicant has in the past acquired a firearm that he or she has failed to produce to the Registrar for registration in accordance with this Act or has been guilty of any other offence against this Act.
- (2) Subject to this Act, where the application is for a permit to acquire a class B firearm and the application is properly made the Registrar may only refuse the application if—
  - (a) the Registrar is of the opinion that the applicant does not have a genuine reason for acquiring the firearm; or
  - (b) the Registrar is entitled to refuse the application under subsection (1).
- (3) The Registrar must refuse an application for a permit to acquire a class C firearm unless—
  - (a) the following requirements are satisfied:
    - (i) the applicant—
      - (A) must carry on the business of primary production; or
      - (B) must be an employee of a person who carries on the business of primary production and must live on or near the land on which that business is carried on and must be employed in the carrying on of that business; or
      - (C) must be a relative of a person who carries on that business and must live on or near the land on which that business is carried on and must be employed in the carrying on of that business; and

- (ii) the Registrar must be satisfied that the applicant needs the firearm for the purposes of that business and that there is no satisfactory alternative to using a firearm of that class; and
    - (iii) if the application is for a self-loading rifle—the applicant does not have possession of any other self-loading rifle; and
    - (iv) if the application is for a self-loading shotgun—the applicant does not have possession of any other self-loading shotgun or a pump action shotgun; and
    - (v) if the application is for a pump action shotgun—the applicant does not have possession of any other pump action shotgun or a self-loading shotgun; or
  - (b) the following requirements are satisfied:
    - (i) the applicant is a member of The South Australian Clay Target Association Incorporated or the Australian Clay Target Association Incorporated and is also a member of a recognised firearms club affiliated with either of those associations; and
    - (ii) the Registrar is satisfied that the applicant needs the firearm for the purpose of an activity of the club conducted in accordance with the rules of the Australian Clay Target Association Incorporated and in accordance with regulations under this Act; or
  - (c) the Registrar could, in accordance with subsection (4), grant a permit to the applicant to acquire a class D firearm; or
  - (d) requirements prescribed by regulation for the purposes of this paragraph are satisfied.
- (4) The Registrar must refuse an application for a permit to acquire a class D firearm unless—
- (a) he or she is satisfied that—
    - (i) the applicant gains his or her livelihood wholly or partly from professional shooting; and
    - (ii) the applicant needs the firearm to destroy animals in the course of professional shooting; or
  - (b) requirements prescribed by regulation for the purposes of this paragraph are satisfied.
- (4a) Subject to this Act, where the application is for a permit to acquire a class H firearm and the application is properly made the Registrar may only refuse the application if—
- (a) the Registrar is of the opinion that the firearm is not genuinely required by the applicant for a purpose for which the applicant is authorised by a firearms licence to possess or use such a firearm; or
  - (b) the Registrar is entitled to refuse the application under subsection (1), (4b) or (4c).

- (4b) Subject to the regulations, the Registrar may refuse an application for a permit to acquire a class H firearm for use as a member of a shooting club—
- (a) if the firearm—
    - (i) is a self-loading handgun (other than a revolver) with a barrel length, as measured in accordance with the regulations, of less than 120mm; or
    - (ii) is a revolver or single shot handgun in either case with a barrel length, as measured in accordance with the regulations, of less than 100mm; or
    - (iii) has a magazine or cylinder capacity of more than 10 rounds or a modified magazine or cylinder capacity; or
    - (iv) is of more than .38 calibre; or
  - (b) if the applicant is the holder of a shooting club member's licence and has held the licence for less than six months; or
  - (c) if—
    - (i) the applicant is the holder of a shooting club member's licence and has held the licence for six months or more but less than 12 months; and
    - (ii) acquisition of the firearm to which the application relates would result in the applicant having possession of a class H firearm or class H firearms other than—
      - (A) one .177 calibre air pistol or one .22 calibre rim fire handgun (long rifle or short) or one centre fire handgun; or
      - (B) one .177 calibre air pistol and one .22 calibre rim fire handgun (long rifle or short); or
      - (C) one .177 calibre air pistol and one centre fire handgun.
- (4c) The Registrar may refuse an application for a permit to acquire a class H firearm for the purpose of collection and display if—
- (a) the firearm was manufactured after 1946; and
  - (b) the Registrar is not satisfied that the applicant meets the requirements of the regulations as to the kind of collector who may be granted a permit to acquire class H firearms manufactured after that year.
- (4d) In determining whether an applicant meets the requirements of the regulations referred to in subsection (4c), the Registrar must have regard to any certificate lodged by the applicant that has been prepared and signed by an office holder of the collectors' club of which the applicant is a member (being an office holder nominated by the club for the purpose) stating that the applicant meets those requirements and setting out details in support of that statement.
- (4e) Subsections (4b) and (4c) do not apply in relation to muzzle-loading handguns or percussion cap and ball handguns.

## **Division 2A—Transfer of possession of firearms**

### **15B—Transfer of possession**

- (1) The owner of a firearm may only transfer possession of the firearm to another person—
  - (a) if he or she is selling, giving, lending or hiring the firearm to the other person and transfers possession in accordance with subsection (9); or
  - (b) if the firearm is a class A, B or H firearm and is lent pursuant to a written or oral agreement between the owner and borrower that the borrower will only use the firearm for a purpose or purposes specified in the agreement and will return the firearm to the owner within 10 days; or
  - (c) if the other person is a licensed dealer in firearms and possession is transferred—
    - (i) to enable the dealer to repair, modify or test the firearm or to display the firearm on behalf of the owner for the purpose of sale; or
    - (ii) to the dealer to hold the firearm during a period during which the owner is not entitled to be in possession of the firearm; or
  - (d) if the owner of the firearm carries on the business of primary production and possession of the firearm is transferred temporarily to an employee or relative of the owner for the purposes of that business; or
  - (e) if the owner of the firearm carries on the business of guarding property and possession of the firearm is transferred temporarily to an employee of the owner for the purposes of that business; or
  - (f) in circumstances (prescribed by or under section 11) in which the person acquiring possession is not required to hold a licence authorising the possession and use of the firearm; or
  - (g) in circumstances authorised by regulation.
- (2) Subsections (1)(a) and (9) do not apply in relation to the sale of a firearm if the person selling or purchasing the firearm is a licensed dealer in firearms acting in the normal course of carrying on the business of dealing in firearms pursuant to his or her licence.
- (3) Subsections (1)(a) and (9) do not apply in relation to the hiring of a firearm that is owned and is hired to another person by a licensed dealer in firearms acting in the normal course of carrying on the business of dealing in firearms pursuant to his or her licence.
- (4) When—
  - (a) selling, lending or hiring a firearm to another person on his or her own behalf; or
  - (b) selling, giving, lending or hiring a firearm as agent for the owner of the firearm,

**Firearms Act 1977—7.2.2014 to 30.6.2017—repealed**

Part 3—Possession and trafficking of firearms and licensing of dealers

Division 2A—Transfer of possession of firearms

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a licensed dealer in firearms may, subject to subsection (5), only transfer possession of the firearm to the person purchasing, borrowing or hiring the firearm or receiving it as a gift (or, where that person is a company, to a nominee of the company) and must not—

- (c) transfer possession of the firearm to another person on that person's behalf; or
  - (d) consign the firearm to Australia Post or any other carrier for delivery to that person.
- (5) Subsection (4) does not apply in relation to the sale, lending or hiring of a firearm by a licensed dealer in firearms to another licensed dealer pursuant to his or her licence.
- (5a) A person must not transfer possession of a class H firearm to another person under subsection (1)(b)—
- (a) if—
    - (i) the other person is the holder of a shooting club member's licence; and
    - (ii) the firearm—
      - (A) is a self-loading handgun (other than a revolver) with a barrel length, as measured in accordance with the regulations, of less than 120mm; or
      - (B) is a revolver or single shot handgun in either case with a barrel length, as measured in accordance with the regulations, of less than 100mm; or
      - (C) has a magazine or cylinder capacity of more than 10 rounds or a modified magazine or cylinder capacity; or
      - (D) is of more than .38 calibre; or
  - (b) if the other person is the holder of a shooting club member's licence and has held the licence for less than six months; or
  - (c) if—
    - (i) the other person is the holder of a shooting club member's licence and has held the licence for six months or more but less than 12 months; and
    - (ii) transfer of the firearm would result in the other person having possession of a class H firearm or class H firearms other than—
      - (A) one .177 calibre air pistol or one .22 calibre rim fire handgun (long rifle or short) or one centre fire handgun; or
      - (B) one .177 calibre air pistol and one .22 calibre rim fire handgun (long rifle or short); or
      - (C) one .177 calibre air pistol and one centre fire handgun.



- (6) A person must not transfer possession of a firearm under subsection (1)(b) unless—
- (a) immediately before transferring possession he or she has inspected the firearms licence held by the person who is to borrow the firearm and is satisfied that the borrower is authorised to possess the firearm and use it for the agreed purpose or purposes; and
  - (b) he or she believes on reasonable grounds that the borrower will not use the firearm for any other purpose.
- (7) A person must not transfer possession of a firearm under subsection (1)(d) or (e) or under circumstances prescribed by regulation unless he or she is satisfied, on reasonable grounds, that the person to whom possession is transferred is authorised by a firearms licence to possess and use the firearm for the purpose or purposes for which the firearm is transferred.
- (8) A person who borrows a firearm under subsection (1)(b) must return it to the owner within 10 days.
- (9) When selling, giving, lending or hiring a firearm to another person, the owner, or former owner, of the firearm may only transfer possession of the firearm to the other person—
- (a) if—
    - (i) the owner, or former owner, and the person acquiring possession are together in the presence of a prescribed person and the transfer is witnessed by the prescribed person; and
    - (ii) the owner, or former owner, and the person acquiring possession, provide the prescribed person with the information, and produce the licences and permit necessary to enable the prescribed person to comply with his or her obligations under this Division; or
  - (b) through the agency of a licensed dealer.
- (10) Where the owner or the person acquiring the firearm is a company, the requirements of subsection (9) are satisfied if a nominee of the company attends before a prescribed person on behalf of the company.
- (11) A person must not accept the transfer of possession of a firearm unless possession is transferred to him or her in accordance with this section.
- (12) A person to whom possession of a firearm is transferred under subsection (1) who is not the owner of the firearm must not (unless authorised by or under this Act) transfer possession of the firearm to any other person except the owner of the firearm.
- (13) A person who contravenes or fails to comply with a provision of this section is guilty of an offence.

Maximum penalty:

Where the offence is committed in relation to a prescribed firearm or a class C, D or H firearm—\$10 000 or imprisonment for two years.

Where the offence is committed in relation to any other kind of firearm—\$5 000 or imprisonment for one year.

(14) In this section—

*prescribed person* means—

- (a) a police officer; or
- (b) a licensed dealer in firearms; or
- (c) a responsible officer of a recognised firearms club authorised by the Registrar to witness the transfer of possession of a firearm under this Division; or
- (d) a Public Service employee authorised by the Registrar to witness the transfer of possession of a firearm under this Division.

### **15C—Obligations of prescribed person**

- (1) A prescribed person who witnesses the transfer of possession of a firearm for the purposes of this Division must—
  - (a) satisfy himself or herself by inspecting the relevant permit and licence that the person acquiring the firearm is entitled to acquire and possess it; and
  - (b) record—
    - (i) the name and address of the person transferring and the person acquiring the firearm and the number of each of their firearms licences; and
    - (ii) the class, make, calibre and serial number or other identification of the firearm; and
    - (iii) where the firearm is lent or hired—the duration and the terms of the loan or hire; and
    - (iv) such other information as is prescribed by regulation; and
  - (c) provide the Registrar with the information recorded under paragraph (b) within one month after possession of the firearm is transferred.
- (2) If a prescribed person is unable to comply with subsection (1) because a person refuses or fails to produce a licence or permit for inspection or to provide information required by subsection (1)(b), the prescribed person must prepare and submit a report to the Registrar setting out such information as the Registrar requires in relation to the matter.
- (3) A prescribed person may refuse to witness the transfer of possession of a firearm as required by this Division if he or she is not first paid the fee prescribed by regulation.
- (4) A licensed dealer in firearms or a responsible officer of a recognised firearms club authorised by the Registrar to witness the transfer of possession of a firearm for the purposes of this Division who contravenes or fails to comply with a requirement of this section is guilty of an offence.  
Maximum penalty: \$5 000.
- (5) In this section—

*prescribed person* has the same meaning as in section 15B.

### **15D—What constitutes possession of a firearm**

- (1) For the purposes of this Division, the owner, or a person to whom the owner has transferred possession, of a firearm has possession of the firearm (and therefore has not transferred possession for the purposes of this Division) while it is in his or her physical possession or is under his or her control.
- (2) Without limiting subsection (1), a firearm will be taken to be in the physical possession or under the control of the owner or a person to whom the owner has transferred possession—
  - (a) while he or she is handling the firearm or the firearm is under his or her control; or
  - (b) while the firearm is—
    - (i) on premises at which the owner or other person usually resides or premises at which the owner or other person is for the time being residing; or
    - (ii) in a vehicle, vessel or aircraft in which the owner or other person is for the time being travelling or residing; or
  - (c) where the firearm is used by the owner or other person in the course of carrying on a business—while the firearm is on premises at which that business is carried on; or
  - (d) while the firearm is in the physical possession or under the control of an employee of the owner of the firearm or other person in the course of that employment; or
  - (e) while the firearm is in the possession of a person on behalf of the owner or other person in the normal course of the firstmentioned person carrying on the business of carrying or storing goods; or
  - (f) in any other circumstances prescribed by regulation.

## **Division 3—Dealing in firearms and ammunition**

### **16—Requirement for dealer's licence**

A person who carries on the business of dealing in firearms or ammunition or both in this State without holding a dealer's licence granted under this Act authorising the carrying on of that business is guilty of an offence.

Maximum penalty: \$10 000 or imprisonment for two years.

### **17—Dealer's licence**

- (1) An application for a dealer's licence—
  - (a) must be made to the Registrar in the prescribed manner and form; and
  - (b) must contain the prescribed information; and
  - (c) must be accompanied by any certificates, declarations, references, reports or other documents required by the regulations or by the Registrar; and
  - (d) must be accompanied by the prescribed fee.

**Firearms Act 1977—7.2.2014 to 30.6.2017—repealed**

Part 3—Possession and trafficking of firearms and licensing of dealers

Division 3—Dealing in firearms and ammunition

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- (2) The Registrar may require an applicant—
- (a) to furnish such further information as may be necessary to enable the Registrar to determine the application; or
  - (b) to verify by statutory declaration information furnished in relation to the application.
- (3) Subject to this section, where an application for a dealer's licence is properly made, the Registrar may only refuse the application if—
- (a) the Registrar is not satisfied that—
    - (i) the applicant is a fit and proper person to hold such a licence; or
    - (ia) a close associate of the applicant is a fit and proper person to be a close associate of the holder of such a licence; or
    - (ib) the applicant is to be the person primarily responsible for the management of the business intended to be carried on under such a licence; or
    - (ii) the premises at which the applicant intends carrying on the business of dealing in firearms or ammunition is appropriate for that purpose; or
  - (b) the applicant is not usually resident in this State.
- (3a) A dealer's licence does not authorise dealing in class C or D firearms unless it is endorsed to that effect.
- (4) A dealer's licence is subject to—
- (a) a condition that the licensee must not deal in prescribed firearms; and
  - (b) any conditions prescribed by the regulations; and
  - (c) any conditions imposed by the Registrar.
- (4a) The Registrar may impose licence conditions pursuant to subsection (4) on the grant or renewal of the licence or at any time during the term of the licence.
- (4b) A licence condition imposed pursuant to subsection (4)(c) during the term of the licence does not operate until the Registrar has given the holder of the licence (either personally or by registered post) notice in writing of the condition.
- (4c) The Registrar may, on his or her own initiative or on the application of the holder of a dealer's licence, vary or revoke a licence condition.
- (4d) A variation or revocation of a licence condition under subsection (4c) does not operate until the Registrar has given the holder of the licence (either personally or by registered post) notice in writing of the variation or revocation.
- (5) A dealer's licence that authorises dealing in ammunition but not firearms must be endorsed to that effect.
- (6) A dealer's licence cannot be granted to a person under the age of 18.

## **18—Records**

A dealer who—

- (a) fails to keep prescribed records in relation to the firearms or ammunition in which the dealer deals; or
- (b) fails to submit prescribed returns to the Registrar in accordance with the regulations,

is guilty of an offence.

Maximum penalty: \$5 000.

## **Division 4—Licences**

### **19—Term and renewal of licence**

- (1) Subject to this Act a firearms licence remains in force—
  - (a) in the case of a licence that authorises the possession or use of prescribed firearms or class D or H firearms—for a term not exceeding one year;
  - (b) in the case of a licence that only authorises the possession or use of Class A, B or C firearms—for a term not exceeding five years.
- (1a) Subject to this Act a dealer's licence remains in force for a term not exceeding five years.
- (2) A licence may be renewed from time to time.
- (3) An application for renewal of a licence—
  - (a) must be made to the Registrar in the prescribed manner and form; and
  - (b) must contain the prescribed information; and
  - (c) must be accompanied by any certificates, declarations, references, reports or other documents required by the regulations or by the Registrar; and
  - (d) must be accompanied by the prescribed fee.
- (4) The Registrar may require an applicant for renewal of a licence—
  - (a) to furnish such further information as may be necessary to enable the Registrar to determine the application; or
  - (b) to verify by statutory declaration information furnished in relation to the application.
- (5) The provisions of this Part that apply in relation to the determination of an application for a new licence apply in relation to the determination of an application for renewal of the licence.

### **19A—Licences to include photographs**

- (1) All licences granted, renewed varied or replaced under this Act must include a photograph of the holder of the licence.

- (2) The Registrar may require the applicant for the grant or renewal of a licence or the holder of a licence that is to be varied or replaced—
  - (a) to attend at a specified place for the purpose of having his or her photograph taken; or
  - (b) to supply the Registrar with one or more photographs of the applicant or holder of the licence specified by the Registrar.
- (3) Where an application is made for the grant, renewal, variation or replacement of a licence and—
  - (a) the applicant refuses or fails to comply with a requirement under subsection (2); or
  - (b) a photograph taken or supplied under subsection (2) is not suitable, in the Registrar's opinion, for inclusion in a licence,

the Registrar may suspend his or her consideration of the application until the applicant complies with the requirement or a suitable photograph is taken or supplied.
- (4) Where the Registrar varies a licence on his or her own initiative and the holder of the licence refuses or fails to comply with a requirement under subsection (2)(a), the Registrar may suspend or cancel the licence.
- (5) Where the Registrar is prepared to grant, renew vary or replace a licence but the new licence cannot be issued immediately, the Registrar may issue an interim licence that does not include a photograph of the applicant or holder of the licence.
- (6) An interim licence does not come into force until the prescribed application fee has been paid and a receipt for the fee is printed on the licence and the licence remains in force for 28 days or until a licence that includes a photograph is issued to the applicant whichever first occurs.

## **20—Cancellation, variation and suspension of licence**

- (1) If the Registrar is satisfied that the holder of a licence—
  - (aa) obtained the licence improperly; or
  - (a) has contravened or failed to comply with a provision of this Act or a condition of the licence; or
  - (b) is, for any reason, not a fit and proper person to hold the licence; or
  - (c) in the case of a dealer's licence—
    - (i) has a close associate who is not a fit and proper person to be a close associate of the holder of such a licence; or
    - (ii) is not primarily responsible for the management of the business carried on under the licence,

the Registrar may, by notice in writing served personally or by registered post on the holder of the licence, cancel the licence.
- (1a) Where the Registrar is satisfied that—
  - (a) it would be contrary to the public interest to permit the holder of a firearms licence to continue to possess and use firearms; or

- (b) the holder of a firearms licence can no longer use any firearm for one or more of the purposes endorsed on his or her licence; or
  - (c) a class of firearms to which the licence applies can no longer be used by the holder of the licence in accordance with the conditions of the licence,
- the Registrar may, after giving the holder of the licence at least 14 days written notice—
- (d) where paragraph (a) applies—cancel the licence; or
  - (e) where paragraph (b) applies—vary the licence by removing the relevant purpose or purposes from the licence; or
  - (f) where paragraph (c) applies—vary the licence so that it no longer authorises the possession and use of that class of firearms.
- (1b) The cancellation or variation of a licence under subsection (1a) will be effected by written notice served personally or by registered post on the holder of the licence.
- (2) The Registrar may, by notice in writing served personally or by registered post on the holder of a licence, suspend the licence pending an investigation as to whether the licence should be cancelled under subsection (1) or (1a).
- (3) A notice served on the holder of a licence cancelling, varying or suspending the licence under this section must set out the Registrar's reasons for the cancellation, variation or suspension.
- (3a) If the Registrar cancels a licence under this section and made the decision because of information that is classified by the Registrar as criminal intelligence, the Registrar is not required to give any reasons for the Registrar's decision other than that the decision was made on public interest grounds under this section.
- (3b) The Registrar may, on the application of the holder of a licence, cancel the licence.
- (4) The Registrar may, on his or her own initiative or on application by a person whose licence is suspended, revoke the suspension.
- (5) Where a firearms licence held by a person—
- (a) has been cancelled or suspended and—
    - (i) the person was a member of a recognised firearms club; or
    - (ii) the licence authorised the person to use a firearm in the course of his or her employment; or
  - (b) has been varied and, as a result, the person is no longer entitled to use a firearm—
    - (i) as a member of a recognised firearms club; or
    - (ii) in the course of his or her employment,
- the Registrar may, if he or she has complied with subsection (6), inform the club or the person's employer (or both) that the licence has been cancelled, suspended or varied.
- (6) The Registrar must serve notice on the holder or former holder of a licence that he or she intends to inform that person's club or employer (or both) of the cancellation, suspension or variation of the licence.

- (7) The Registrar is not subject to any civil or criminal liability in respect of action taken by the Registrar under subsection (5).

### **21—Breach of conditions etc**

The holder of a licence who contravenes, or fails to comply with, a condition of the licence is guilty of an offence.

Maximum penalty:

Where the condition relates to a prescribed firearm or a class C, D or H firearm—\$10 000 or imprisonment for two years.

In any other case—\$5 000 or imprisonment for one year.

### **21A—Notice of change of address**

The holder of a licence who fails to give the Registrar notice in writing of a change of his or her address within 14 days of the change is guilty of an offence.

Maximum penalty: \$2 500.

### **21AB—Return of licence to Registrar**

- (1) The former holder of a licence that has been suspended or cancelled who does not forthwith return the licence to the Registrar is guilty of an offence.
- (2) The holder of a licence who does not return the licence to the Registrar in accordance with the directions of the Registrar in order for endorsements on the licence to be made or altered is guilty of an offence.
- (3) The maximum penalty for an offence against this section is \$5 000.

## **Division 5—Acquisition of ammunition**

### **21B—Acquisition of ammunition**

- (1) A person must not purchase ammunition or accept ammunition as a gift unless he or she is the holder of—
- (a) a firearms licence (not being a collector's licence) that authorises possession of a firearm designed to fire that ammunition; or
  - (b) a permit granted by the Registrar entitling the holder to acquire ammunition of that kind.
- (2) A person who contravenes subsection (1) is guilty of an offence.
- (2a) In proceedings for an offence against subsection (2) the onus is on the defendant to establish that he or she held the licence or permit required by subsection (1) when the ammunition was acquired.
- (3) The Registrar must not grant a permit to acquire ammunition unless satisfied that the applicant—
- (a) is a fit and proper person to have possession of ammunition of the kind that may be acquired under the permit; and
  - (b) has a genuine reason for making the application.



- (4) When granting a permit the Registrar must not restrict the kind of ammunition that can be acquired unless it is, in the Registrar's opinion, necessary to do so in order to comply with subsection (3).
- (5) A person who sells or supplies ammunition to another person knowing, or having reason to believe, that that other person—
  - (a) is not the holder of a firearms licence (other than a collector's licence) that authorises possession of a firearm designed to fire that ammunition; and
  - (b) is not the holder of a permit granted by the Registrar authorising the acquisition of that ammunition,is guilty of an offence.
- (6) This section does not apply in relation to the acquisition of ammunition—
  - (a) by a licensed dealer in ammunition in the ordinary course of business as a dealer in ammunition; or
  - (b) by a recognised firearms club for distribution to members of, or visitors to, the club; or
  - (c) by a member of a recognised firearms club from the club; or
  - (d) from a recognised firearms club by a visitor to the club for use on the grounds of the club in a manner authorised by the club; or
  - (da) by a recognised paint-ball operator for distribution to participants in an organised activity involving the use of paint-ball firearms (but no other firearms) on grounds of a recognised paint-ball operator; or
  - (e) by a person for use by that person in a firearm in circumstances in which that person is not required by this Act to hold a firearms licence.
- (7) In proceedings for an offence against this section the onus is on the defendant to prove that he or she was entitled to purchase, accept, sell or supply the ammunition by virtue of subsection (6).
- (8) The maximum penalty for an offence against this section is \$10 000 or imprisonment for two years.

### **21BA—Cancellation or suspension of permit**

- (1) If the Registrar is satisfied that the holder of a permit under this Division—
  - (a) has contravened or failed to comply with a provision of this Act or a condition of the permit; or
  - (b) is, for any reason, not a fit and proper person to hold the permit,the Registrar may, by notice in writing served personally or by registered post on the holder of the permit, cancel the permit.
- (2) The Registrar may, by notice in writing served personally or by registered post on the holder of a permit, suspend the permit pending an investigation as to whether the permit should be cancelled under subsection (1).
- (3) A notice served on the holder of a permit suspending or cancelling the permit under this section must set out the Registrar's reasons for the suspension or cancellation.

- (4) The Registrar may, on his or her own initiative or on application by a person whose permit is suspended, revoke the suspension.

### **21BB—Limit on quantity of ammunition**

- (1) The Governor may, by regulation, limit the quantity of ammunition of any kind that a person, or a person of a particular class, may acquire during a specified period or may own or have in his or her possession at any one time.
- (2) A person who acquires or owns or has possession of ammunition in contravention of a regulation under subsection (1) is guilty of an offence.  
Maximum penalty: \$5 000.

## **Division 6—Firearms clubs, paint-ball operators and commercial range operators**

### **21C—Recognised firearms clubs**

- (1) If the Minister is satisfied that a firearms club conducts its affairs and activities in a responsible manner, the Minister must, if the club applies for recognition, declare the club to be a recognised firearms club by notice in the Gazette.
- (2) If the Minister refuses an application for recognition the Minister must provide the applicant with a written statement setting out the reasons for the refusal.
- (3) If at any time the Minister is satisfied that a recognised firearms club has failed to comply with this Act or no longer conducts its affairs or activities in a responsible manner, the Minister may, by notice in the Gazette, revoke a declaration under subsection (1).
- (4) Before revoking a declaration the Minister must—
  - (a) give the club at least two months written notice of the proposed revocation setting out the Minister's reasons for the proposed revocation; and
  - (b) give the club a reasonable opportunity to make written or oral submissions to the Minister in relation to the proposed revocation.
- (5) The club must upon receiving notice of the proposed revocation inform its members in writing of the proposal.

### **21D—Recognised paint-ball operators**

- (1) If the Minister is satisfied that a paint-ball operator conducts its affairs and activities in a responsible manner, the Minister must, on application by the operator for recognition, declare the operator to be a recognised paint-ball operator by notice in the Gazette.
- (2) If the Minister refuses an application for recognition, the Minister must provide the applicant with a written statement setting out the reasons for the refusal.
- (3) If at any time the Minister is satisfied that a recognised paint-ball operator has failed to comply with this Act or no longer conducts its affairs or activities in a responsible manner, the Minister may, by notice in the Gazette, revoke a declaration under subsection (1).

- (4) Before revoking a declaration, the Minister must—
  - (a) give the operator at least two months written notice of the proposed revocation setting out the Minister's reasons for the proposed revocation; and
  - (b) give the operator a reasonable opportunity to make written or oral submissions to the Minister in relation to the proposed revocation.

### **21E—Recognised commercial range operators**

- (1) If the Minister is satisfied that a commercial range operator conducts his or her affairs and activities in a responsible manner, the Minister must, on application by the operator for recognition, declare the operator to be a recognised commercial range operator by notice in the Gazette.
- (2) If the Minister refuses an application for recognition, the Minister must provide the applicant with a written statement setting out the reasons for the refusal.
- (3) If at any time the Minister is satisfied that a recognised commercial range operator has failed to comply with this Act or no longer conducts his or her affairs or activities in a responsible manner, the Minister may, by notice in the Gazette, revoke a declaration under subsection (1).
- (4) Before revoking a declaration, the Minister must—
  - (a) give the operator at least two months written notice of the proposed revocation setting out the Minister's reasons for the proposed revocation; and
  - (b) give the operator a reasonable opportunity to make written or oral submissions to the Minister in relation to the proposed revocation.

### **21F—Approval of grounds of recognised firearms clubs or paint-ball operator**

- (1) If any activity involving the use of a firearm takes place on grounds of a recognised firearms club or recognised paint-ball operator and those grounds are not approved under this section in relation to that activity, recognition of the club or operator under this Part is by force of this section revoked.
- (2) If the Registrar is satisfied that the grounds of a recognised firearms club or recognised paint-ball operator are suitable for the purpose of the activities of the club or operator, the Registrar may, on the application of the club or operator, approve those grounds for use in connection with those activities.
- (3) An approval under this section is subject to—
  - (a) any conditions prescribed by the regulations; and
  - (b) any conditions imposed by the Registrar (which may include a condition limiting the periods during which the grounds may be used by the club or operator).
- (4) The Registrar may impose conditions pursuant to subsection (3) on the approval of the grounds or subsequently.
- (5) If the Registrar refuses an application for approval, the Registrar must provide the applicant with a written statement setting out the reasons for the refusal.

**Firearms Act 1977—7.2.2014 to 30.6.2017—repealed**

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- (6) If at any time the Registrar is satisfied that grounds approved under this section would not be approved if application for approval were made at that time or that a condition of the approval has been contravened, the Registrar may, by notice to the club or operator, revoke the approval.
- (7) The Registrar may, on his or her own initiative or on application by a recognised firearms club or recognised paint-ball operator, vary or revoke conditions of an approval.
- (8) Before revoking an approval or varying conditions of an approval on his or her own initiative, the Registrar must—
  - (a) give the club or operator at least two months written notice of the proposed revocation or variation setting out the Registrar's reasons for the proposed revocation or variation; and
  - (b) give the club or operator a reasonable opportunity to make written or oral submissions to the Registrar in relation to the proposed revocation or variation.
- (9) The Registrar, or a person authorised by the Registrar, may, for the purposes of determining an application for approval under this section, reviewing such an approval or determining whether conditions of approval are being or have been contravened, enter and inspect the grounds of a recognised firearms club or recognised paint-ball operator at any reasonable time.

**21G—Approval of range of recognised commercial range operator**

- (1) If any activity involving the use of a firearm takes place on the range of a recognised commercial range operator and the range is not approved under this section in relation to that activity, recognition of the operator under this Part is by force of this section revoked.
- (2) If the Registrar is satisfied that the range of a recognised commercial range operator is suitable for the purpose of the activities of the operator, the Registrar may, on the application of the operator, approve the range for use in connection with those activities.
- (3) An approval under this section is subject to—
  - (a) any conditions prescribed by the regulations; and
  - (b) any conditions imposed by the Registrar (which may include a condition limiting the periods during which the range may be used by the operator).
- (4) The Registrar may impose conditions pursuant to subsection (3) when he or she approves the range under this section or at any later time.
- (5) If the Registrar refuses an application for approval, the Registrar must provide the applicant with a written statement setting out the reasons for the refusal.
- (6) If at any time the Registrar is satisfied that a range approved under this section would not be approved if application for approval were made at that time or that a condition of the approval has been contravened, the Registrar may, by notice to the operator, revoke the approval.
- (7) The Registrar may, on his or her own initiative or on application by a recognised commercial range operator, vary or revoke conditions of an approval.

- (8) Before revoking an approval or varying conditions of an approval on his or her own initiative, the Registrar must—
- (a) give the operator at least two months written notice of the proposed revocation or variation setting out the Registrar's reasons for the proposed revocation or variation; and
  - (b) give the operator a reasonable opportunity to make written or oral submissions to the Registrar in relation to the proposed revocation or variation.
- (9) The Registrar, or a person authorised by the Registrar, may, for the purposes of determining an application for approval under this section, reviewing such an approval or determining whether conditions of approval are being or have been contravened, enter and inspect the range of a recognised commercial range operator at any reasonable time.

### **21H—Requirement to expel certain persons from firearms clubs**

- (1) If the controlling body of a recognised firearms club has reasonable cause to believe that—
- (a) the actions or behaviour of a member of the club has been such that there is a threat to the member's own safety or the safety of others associated with the member's possession or use of a firearm; or
  - (b) a firearms prohibition order applies to a member,
- the controlling body must expel the person from membership of the club.
- (2) Subsection (1)(b) does not apply—
- (a) to an interim firearms prohibition order; or
  - (b) to a firearms prohibition order until the period allowed for an appeal against the order has expired or, if an appeal has been instituted, until the appeal lapses or is finally determined.
- (3) A person incurs no civil or criminal liability as a result of action taken in good faith in compliance, or purported compliance, with this section.

### **21I—Obligation to report**

- (1) If the controlling body of a recognised firearms club has reasonable cause to suspect in relation to a member of the club that the member is suffering from a physical or mental illness or condition, or that other circumstances exist, such that there is a threat to the member's own safety or the safety of another associated with the member's possession or use of a firearm, the club must, as soon as practicable after the suspicion is formed, make a report to the Registrar including—
- (a) the name and address of the person the subject of the suspicion; and
  - (b) the suspected threat to safety and circumstances giving rise to the threat (including the nature of any physical or mental illness or condition contributing to the threat).

**Firearms Act 1977—7.2.2014 to 30.6.2017—repealed**

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- (2) If a member of a recognised firearms club or a person employed or engaged at the grounds of a recognised firearms club has reasonable cause to suspect that a person to whom a firearms prohibition order applies has gained or attempted to gain access to the grounds of the club, the member or person must, as soon as practicable after the suspicion is formed, report the matter to a police officer.
- (3) If a commercial range operator or a person employed or engaged at the range of a commercial range operator has reasonable cause to suspect that a person to whom a firearms prohibition order applies has gained or attempted to gain access to the range of the operator, the operator or person must, as soon as practicable after the suspicion is formed, report the matter to a police officer.
- (4) A person incurs no civil or criminal liability in making a report in good faith in compliance, or purported compliance, with this section.

## **Part 4—Registration of firearms**

### **22—Application of this Part**

This Part does not apply to—

- (a) any firearm in the possession of a person in the ordinary course of business as a licensed dealer in firearms pursuant to his or her licence; or
- (b) any firearm in the possession of a person in the ordinary course of the business of carrying or storing goods; or
- (c) a person in relation to a firearm that that person has possession of in his or her capacity as—
  - (i) the executor or administrator of a deceased estate; or
  - (ii) the administrator or manager of the estate of a person who is unable to manage his or her affairs; or
  - (iii) the donee of an enduring power of attorney during a period of legal incapacity suffered by the donor of the power; or
  - (iv) the Official Trustee or the registered trustee of a bankrupt estate; or
- (ca) any prescribed firearm in the possession of the holder of a firearms licence that authorises possession of the prescribed firearm; or
- (d) any firearm in the possession of a person in prescribed circumstances; or
- (e) a receiver in the possession of a person in whose name a firearm of which the receiver forms part is registered (whether the firearm is assembled or disassembled).

### **23—Duty to register firearms**

- (1) A person who has possession of any unregistered firearm is guilty of an offence.
- (2) It is a defence to a charge of an offence under subsection (1) if the defendant proves that the firearm came into his or her possession not more than fourteen days before the alleged date of the offence and that it was not reasonably practicable in the circumstances for the firearm to be registered by the time of the alleged offence.

- (3) The owner of a firearm that is not registered in the name of the owner is guilty of an offence.
- (4) It is a defence to a charge of an offence under subsection (3) if the defendant proves that ownership of the firearm passed to him or her not more than 14 days before the alleged date of the offence and that it was not reasonably practicable in the circumstances for the firearm to be registered in his or her name by the time of the alleged offence.
- (5) The maximum penalty for an offence against this section is as follows:
  - (a) where the firearm is a prescribed firearm or a class C, D or H firearm—\$10 000 or imprisonment for two years;
  - (b) where the firearm is any other kind of firearm—\$5 000 or imprisonment for one year.

## **24—Registration of firearms**

- (1) An application for registration of a firearm—
  - (a) must be made to the Registrar in the prescribed manner and form; and
  - (b) must contain the prescribed information; and
  - (c) must be accompanied by the prescribed fee.
- (2) The Registrar may refuse an application for registration of a firearm if he or she is satisfied that—
  - (a) acquisition of the firearm by the applicant was not authorised by a permit in contravention of this Act; or
  - (b) the applicant improperly obtained a permit to acquire the firearm; or
  - (c) the applicant would not, having regard to the firearm sought to be registered and the current circumstances, be entitled to be granted a permit to acquire the firearm; or
  - (d) the firearm does not have identifying characters as required under section 24A or the identifying characters of the firearms have been defaced or altered without the authority of the Registrar.
- (3) If a person has ceased to be the owner of a firearm, registration of the firearm in that person's name is cancelled by registration of the firearm in the name of the subsequent owner.

## **24A—Identification of firearms**

- (1) Subject to this section, all firearms that are required to be registered under this Act must have stamped or engraved into part of the metal structure of the firearm a number, or a number preceded or followed by a letter or letters, for the purposes of identification.
- (2) The identification must be on the outside surface of the firearm where it can be easily seen and must, if possible, be on the receiver of the firearm.
- (3) At least four characters must comprise the number or the combination of numbers and letters.

- (4) The characters must be at least two millimetres in height and must be stamped to form an indentation to a depth, or be engraved to a depth, of at least 0.5 millimetres.
- (5) Where a firearm that is produced for registration does not comply with this section, the Registrar must allocate a number, or numbers and letters, to the firearm and the owner of the firearm must produce the firearm to a police officer within 14 days with the identification stamped or engraved on the firearm in accordance with this section.

Maximum penalty:

Where the firearm is a prescribed firearm or a class C, D or H firearm—\$10 000 or imprisonment for two years.

Where the firearm is any other kind of firearm—\$5 000 or imprisonment for one year.

- (6) This section does not apply to a firearm of historical, archaeological or cultural value if—
  - (a) to stamp or engrave a number on the firearm would reduce its value; and
  - (b) the Registrar is satisfied that it can be identified in some other way.
- (7) A person who—
  - (a) defaces, alters or removes the identifying characters of a firearm without the authority of the Registrar; or
  - (b) has possession of a firearm that does not have identifying characters as required under this section or the identifying characters of which have been defaced or altered without the authority of the Registrar,

is guilty of an offence.

Maximum penalty:

- (a) if the firearm is a prescribed firearm or a class C, D or H firearm—\$35 000 or imprisonment for 7 years;
- (b) if the firearm is any other kind of firearm—\$20 000 or imprisonment for 4 years.

## **24B—Cancellation of registration**

- (1) The Registrar may, by notice in writing served personally or by registered post on the owner of a registered firearm, cancel the registration of the firearm if the Registrar is satisfied that, having regard to the firearm and the current circumstances, the owner would not be entitled to obtain registration of the firearm.
- (2) A notice served on the owner of a registered firearm under this section must set out the Registrar's reasons for the cancellation.

## **25—Notice by registered owner of alteration, loss, theft or destruction of firearm**

- (1) The owner of a registered firearm must, within fourteen days after—
  - (b) any alteration is made to the firearm that affects the nature or performance of the firearm in a prescribed manner or to a prescribed extent; or
  - (c) the firearm is lost, stolen, or destroyed,



give notice of that fact in the prescribed form to the Registrar.

- (1a) Without limiting subsection (1)(b) an alteration to a firearm will be taken to affect the nature and performance of the firearm if, as a result of the alteration, the firearm becomes a firearm of a different class.
- (2) A person who fails to comply with this section is guilty of an offence.  
Maximum penalty: \$5 000.

## **26—Notice of change of address**

The owner of a registered firearm who fails to give the Registrar notice in writing of a change of his or her address within 14 days of the change is guilty of an offence.

Maximum penalty: \$2 500.

## **Part 4A—Review and appeal**

### **26A—Review of interim firearms prohibition order**

- (1) A person to whom an interim firearms prohibition order applies may apply to the Registrar for review of the decision to issue the order.
- (2) The making of an application under this section does not affect the operation of the decision to which the application relates.
- (3) On a review, the Registrar may affirm the decision or revoke the interim firearms prohibition order.

### **26B—Review by Firearms Review Committee**

- (1) A person aggrieved by a decision of the Registrar—
  - (a) to refuse an application for a licence, or renewal of a licence or an application for a permit authorising the acquisition of a firearm; or
  - (b) to impose or vary licence conditions (other than prescribed conditions); or
  - (c) to vary a firearms licence by restricting the classes of firearms to which the licence relates or to vary or revoke a purpose endorsed on the licence; or
  - (d) to suspend or cancel a licence or permit; or
  - (e) to refuse to revoke a suspension of a licence or permit; or
  - (f) to refuse an application for a permit to acquire ammunition; or
  - (g) to refuse an application for registration of a firearm; or
  - (h) to cancel the registration of a firearm; or
  - (i) to refuse to approve grounds of a recognised firearms club or recognised paint-ball operator or to revoke such an approval; or
  - (j) to impose conditions on an approval of grounds of a recognised firearms club or recognised paint-ball operator or to vary such conditions; or
  - (k) to refuse to approve the range of a recognised commercial range operator or to revoke such an approval; or

- (1) to impose conditions on an approval of the range of a recognised commercial range operator or to vary such conditions,  
may apply to the Registrar for the Registrar to refer the decision to the Firearms Review Committee for review of the decision.
- (2) If the Registrar did not give reasons in writing at the time of making the decision, the Registrar must do so on request made within 28 days of the making of the decision.
- (3) If a decision was made because of information that is classified by the Registrar as criminal intelligence, the only reason required to be given is that the decision was made on public interest grounds.
- (4) An application under this section must be made—
  - (a) within 28 days of the making of the decision; or
  - (b) if a request for reasons in writing is made under subsection (2)—within 28 days after receipt of the reasons in writing.
- (5) The Registrar may, in the Registrar's discretion, extend the time for making an application under this section even if the time for making the application has ended.
- (6) The making of an application under this section does not affect the operation of the decision to which the application relates or prevent the taking of action to implement the decision.
- (7) However, on an application under this section, the Registrar may, in the Registrar's discretion, stay or vary the decision pending the decision of the committee on the review.
- (8) On an application under this section, the Registrar must refer the decision to the committee, and the committee may, on the review—
  - (a) affirm the decision; or
  - (b) remit matters to the Registrar for consideration or further consideration.

## **26C—Right of appeal to District Court**

- (1) A person aggrieved by—
  - (a) a decision of the Registrar that has been affirmed by the Firearms Review Committee; or
  - (b) if a matter is remitted to the Registrar by the Firearms Review Committee, a decision of the Registrar following remission of the matter; or
  - (c) a decision of the Registrar to issue a firearms prohibition order,may appeal against the decision to the District Court.
- (2) If the committee or the Registrar has not given the person reasons in writing for making the decision appealed against, the committee or Registrar must do so on request made within 28 days after the person received notice of the decision.
- (3) If a decision was made because of information that is classified by the Registrar as criminal intelligence, the only reason required to be given is that the decision was made on public interest grounds.

- (4) An appeal under this section must be made—
  - (a) within 28 days after the person received notice of the decision appealed against; or
  - (b) if a request for reasons in writing is made under subsection (2)—within 28 days after the person received the reasons in writing.
- (5) On an appeal under this section, the Court—
  - (a) must, on the application of the Registrar, take steps to maintain the confidentiality of information classified by the Registrar as criminal intelligence, including steps to receive evidence and hear argument about the information in private in the absence of the parties to the proceedings and their representatives; and
  - (b) may take evidence consisting of or relating to information so classified by the Registrar by way of affidavit of a police officer of or above the rank of superintendent.

## **Part 5—Miscellaneous**

### **27—Manufacture of firearms, firearm parts or silencers**

- (1) Subject to this section, a person who—
  - (a) manufactures a firearm, firearm part or silencer; or
  - (b) takes part in the manufacture of a firearm, firearm part or silencer,is guilty of an offence.
- (2) Subsection (1) does not apply to the manufacture of a firearm or firearm part by a person in the ordinary course of carrying on business as a licensed dealer pursuant to the licence.
- (3) It is a defence to prosecution for an offence against subsection (1) to prove that, in the case of a firearm part, the firearm part was a firearm part for a firearm registered in the name of, or otherwise in the lawful custody of, the person who manufactured the firearm part.
- (4) For the purposes of this section, a person takes part in the manufacture of a firearm, firearm part or silencer if—
  - (a) the person takes, or participates in, any step, or causes any step to be taken, in the process of manufacture of the firearm, firearm part or silencer; or
  - (b) the person provides or arranges finance for any step in that process; or
  - (c) the person provides the premises in which any step in that process is taken, or suffers or permits any step in that process to be taken in premises of which the person is an owner, lessee or occupier or of which the person has care, control or management.
- (5) Subject to subsection (6), the maximum penalty for an offence against this section is as follows:
  - (a) in the case of a firearm or firearm part—

- (i) if the firearm is a prescribed firearm or the firearm part is a firearm part for a prescribed firearm—\$75 000 or imprisonment for 15 years;
  - (ii) if the firearm is a class C, D or H firearm or the firearm part is a firearm part for a class C, D or H firearm—\$50 000 or imprisonment for 10 years;
  - (iii) if the firearm or firearm part is any other kind of firearm or firearm part—\$35 000 or imprisonment for 7 years;
- (b) in the case of a silencer—\$35 000 or imprisonment for 7 years.
- (6) A person who has not previously been found guilty of an offence against this section may, at the discretion of the prosecutor, be prosecuted for a summary offence against this section except where the firearm is a prescribed firearm or the firearm part is a firearm part for a prescribed firearm, but on conviction of a summary offence against this section the maximum penalty is \$10 000 or imprisonment for 2 years.

### **27AA—Alteration of firearms**

- (1) A person who, without the written approval of the Registrar—
- (a) alters a firearm that has been rendered unusable so that, as a result of the alteration, the firearm becomes capable of being used as a firearm; or
  - (b) alters a firearm so that, as a result of the alteration, the firearm becomes a firearm of a different class,
- is guilty of an offence.
- Maximum penalty:
- (a) if the firearm as altered is a prescribed firearm—\$75 000 or imprisonment for 15 years;
  - (b) if the firearm as altered is a class C, D or H firearm—\$50 000 or imprisonment for 10 years;
  - (c) if the firearm as altered is any other class of firearm—\$35 000 or imprisonment for 7 years.
- (2) A person who attempts to commit an offence against subsection (1) is guilty of the offence of attempting to commit that offence.
- Maximum penalty: \$15 000 or imprisonment for 4 years.

- (3) In subsection (1)(a)—

*firearm* includes a device that would be a firearm within the meaning of this Act but for the fact that it has been rendered unusable in a manner stipulated in the regulations or by the Registrar.

### **27AAB—Seizure and forfeiture of equipment etc**

- (1) If a police officer suspects on reasonable grounds that an offence against section 27 or 27AA has been committed, is being committed or will be committed, the officer may seize any equipment, device, object or document reasonably suspected of being used, or intended for use, for, or in connection with, the commission of the offence.

- (2) If equipment, a device, an object or a document is seized under subsection (1), the Registrar may institute proceedings for forfeiture of the equipment, device, object or document before a court of summary jurisdiction.
- (3) If, in proceedings under subsection (2), the court is satisfied that the equipment, device, object or document was used or intended for use for, or in connection with, the commission of an offence against section 27 or 27AA, the court may order that the equipment, device, object or document be forfeited to the Crown, or make such other order for the disposal of the equipment, device, object or document as it thinks appropriate.
- (4) If a court finds a person guilty of an offence against section 27 or 27AA and the court finds that any equipment, device, object or document was involved in the commission of the offence, the court may order that the equipment, device, object or document be forfeited to the Crown or be disposed of in such manner as the court directs.
- (5) If a police officer suspects on reasonable grounds that equipment, a device, an object or a document has been forfeited to the Crown by order of a court, the police officer may seize that equipment, device, object or document.
- (6) Equipment, a device, an object or a document seized under this section may be held—
  - (a) until—
    - (i) proceedings are instituted for—
      - (A) an order under this section; or
      - (B) an offence against section 27 or 27AA for which, or in connection with which, the equipment, device, object or document is alleged to have been used,or a decision is made not to institute such proceedings; or
    - (ii) the expiration of 12 months after the equipment, device, object or document was seized,whichever first occurs;
  - (b) if proceedings of either kind referred to in paragraph (a)(i) are instituted within 12 months after the equipment, device, object or document was seized—until those proceedings are finally determined.
- (7) The Registrar may sell or otherwise dispose of equipment, a device, an object or a document forfeited to the Crown under this section.
- (8) Subject to this Act and the regulations, the proceeds of the sale or disposal of equipment, a device, an object or a document under this section must be paid into the Consolidated Account.

### **27A—Obligation to report unsafe situations associated with firearms**

- (1) If a medical practitioner, or other person prescribed for the purposes of this subsection, has reasonable cause to suspect in relation to a person whom he or she has seen in his or her professional capacity—
  - (a) that the person is suffering from a physical or mental illness or condition, or that other circumstances exist, such that there is a threat to the person's own safety or the safety of another associated with the person's possession or use of a firearm; and
  - (b) that the person has, or might be intending to acquire, a firearm,the medical practitioner or other prescribed person must make a report to the Registrar under this section.
- (2) If an employer has reasonable cause to suspect in relation to an employee whose work with the employer involves the possession or use of a firearm that the employee is suffering from a physical or mental illness or condition, or that other circumstances exist, such that there is a threat to the employee's own safety or the safety of another associated with the employee's possession or use of a firearm, the employer must make a report to the Registrar under this section.
- (3) A report under this section—
  - (a) must be made as soon as practicable after the suspicion is formed; and
  - (b) must include—
    - (i) the name and address of the person the subject of the suspicion; and
    - (ii) the suspected threat to safety and circumstances giving rise to the threat (including the nature of any physical or mental illness or condition contributing to the threat).
- (4) A person incurs no civil or criminal liability in taking action in good faith in compliance, or purported compliance, with this section.

### **27B—Obligations of medical practitioners etc relating to wounds inflicted by firearm**

- (1) If a medical practitioner, or other person prescribed for the purposes of this subsection, has reasonable cause to suspect in relation to a person whom he or she has seen in his or her professional capacity that the person is suffering from a wound inflicted by a firearm, the medical practitioner, or other prescribed person, must make a report to the Registrar under this section.
- (2) A report under this section—
  - (a) must be made as soon as practicable after the suspicion is formed; and
  - (b) must include—
    - (i) the name and address of the person the subject of the suspicion or, if the name and address are not known, a description of the person; and
    - (ii) details of the wound; and
    - (iii) any information provided to the practitioner or other person about the circumstances leading to the infliction of the wound.

- (3) If a medical practitioner, or other person prescribed for the purposes of this subsection, treats a person for a wound that the practitioner or person has reasonable cause to suspect was inflicted by a firearm, the practitioner or person must take reasonable steps to retain any ammunition or fragment of ammunition recovered from the wound until it can be collected by a police officer.
- (4) A person incurs no civil or criminal liability in taking action in good faith in compliance, or purported compliance, with this section.

## **28—False information**

- (1) A person who provides information to the Registrar or any other person under this Act that is false or misleading in a material particular is guilty of an offence.  
Maximum penalty: \$10 000 or imprisonment for two years.
- (2) It is a defence to a charge under subsection (1) to prove that the defendant believed upon reasonable grounds that the information was true.

## **29—Handling firearms when under the influence**

- (1) A person who handles a firearm while so much under the influence of intoxicating liquor or a drug as to be incapable of exercising effective control of the firearm is guilty of an offence if—
  - (a) a round is in the breech or chamber or the magazine of the firearm; or
  - (b) the person is handling or is carrying with him or her ammunition that can be used in the firearm.Maximum penalty: \$10 000 or imprisonment for two years.
- (2) A person who transfers possession of a firearm to a person who is so much under the influence of intoxicating liquor or a drug as to be incapable of exercising effective control of the firearm is guilty of an offence if—
  - (a) a round is in the breech or chamber or the magazine of the firearm; or
  - (b) the person to whom possession of the firearm has been transferred is handling or is carrying with him or her ammunition that can be used in the firearm.Maximum penalty: \$10 000 or imprisonment for two years.
- (3) Without limiting subsection (1) or (2), a person is incapable of exercising effective control of a firearm if, owing to the influence of intoxicating liquor or a drug, the use of any mental or physical faculty of that person is lost or appreciably impaired.

## **29A—Possession etc of silencer and certain parts of firearms**

- (1) A person who acquires, owns or has possession of a silencer is guilty of an offence.
- (2) A person who has possession of—
  - (a) a mechanism or other fitting that can be fitted to a firearm to convert it to an automatic firearm; or
  - (b) a mechanism or other fitting that, when fitted to a suitable firearm, will enable the firearm to fire grenades or other explosive projectiles,is guilty of an offence unless the person is authorised to have possession of the mechanism or other fitting by a firearms licence.

- (2a) Subject to this section, the maximum penalty for an offence against subsection (1) or (2) is \$10 000 or imprisonment for 2 years.
- (2b) The maximum penalty for an aggravated offence against subsection (1) or (2) is \$75 000 or imprisonment for 15 years.
- (2c) An offence against subsection (1) consisting of possession of a silencer is an aggravated offence if it has been proved that—
  - (a) the silencer to which the offence relates was fitted to a firearm; or
  - (b) the offender had physical possession or control of the silencer together with a firearm to which the silencer could be fitted.
- (2d) An offence against subsection (2) is an aggravated offence if it has been proved that—
  - (a) the mechanism or other fitting to which the offence relates was fitted to a firearm; or
  - (b) the offender had physical possession or control of the mechanism or other fitting together with a firearm to which the mechanism or other fitting could be fitted.
- (3) Subsection (2) does not apply to a licensed dealer in firearms in the normal course of carrying on the business of dealing in firearms pursuant to his or her licence.

### **29B—Possession etc of prohibited firearm accessory**

- (1) A person who owns, acquires or has possession of a prohibited firearm accessory is guilty of an offence.
- (2) Subject to this section, the maximum penalty for an offence against this section is \$10 000 or imprisonment for 2 years.
- (3) The maximum penalty for an aggravated offence against this section is \$75 000 or imprisonment for 15 years.
- (4) An offence against this section consisting of possession of a prohibited firearm accessory is an aggravated offence if it has been proved that—
  - (a) the accessory to which the offence relates was fitted to a firearm; or
  - (b) the offender had physical possession or control of the accessory together with a firearm to which the accessory could be fitted or in conjunction with which the accessory could be used.

### **29C—Duty to carry licence**

- (1) A person who is carrying a firearm on or about his or her person or who has a firearm in his or her immediate physical control must carry with him or her a firearms licence authorising his or her possession of the firearm.  
Maximum penalty: \$5 000.
- (2) Subsection (1) does not apply to a licensed dealer in firearms in the normal course of carrying on the business of dealing in firearms pursuant to his or her licence.



### 30—Information to be given to police officer

- (1) A police officer may require a person who the police officer suspects on reasonable grounds is a person to whom this subsection applies—
  - (a) to state his or her full name, address and age; and
  - (b) to state whether he or she is the owner of the firearm, firearm part or ammunition and, if not, to state the name of the owner of the firearm, firearm part or ammunition; and
  - (c) to answer questions relating to the firearm, firearm part or ammunition or to other persons who have, or have had, possession, of the firearm, firearm part or ammunition.
- (1aa) Subsection (1) applies—
  - (a) to a person who has, or recently has had, in his or her possession a firearm, firearm part or ammunition;
  - (b) to a person who is in the company of a person who has, or recently has had, in his or her possession a firearm, firearm part or ammunition;
  - (c) to a person who is an occupier or in charge of premises or a vehicle, vessel or aircraft on or in which a firearm, firearm part or ammunition is found;
  - (d) to a person who is or was on or in any premises, vehicle, vessel or aircraft (other than any premises, vehicle, vessel or aircraft to which the public are admitted) at the time or immediately before a firearm, firearm part or ammunition is found on or in the premises, vehicle, vessel or aircraft.
- (1a) A police officer may require the owner of a firearm to answer questions relating to the whereabouts of the firearm or relating to the person or persons who have, or have had, possession, of the firearm.
- (2) The police officer may, if he or she thinks fit to do so, require that person to produce such evidence as may be stipulated by the police officer to verify information given in response to a requirement under this section.
- (3) A person who fails or refuses without reasonable excuse to—
  - (a) comply with a requirement under this section; or
  - (b) answer a question put by a police officer to the best of his or her knowledge, information and belief,is guilty of an offence.  
Maximum penalty: \$10 000 or imprisonment for 2 years.
- (4) A person may not decline on grounds of self-incrimination to answer a question put by a police officer under subsection (1a) but the answer to any such question is not admissible except in proceedings for an offence against this section.

### 31—Production of licence and certificate of registration

- (1) A person who has possession of a firearm must, at the request of a police officer or a warden under the *National Parks and Wildlife Act 1972*—
  - (a) produce a firearms licence authorising his or her possession of the firearm and the certificate of registration of the firearm for inspection by the police officer or warden (or, if production of the licence or certificate is not possible at the time of the request, that person must produce the licence or certificate within 48 hours for inspection by a police officer at a police station nominated by that person at the time of the request); and
  - (b) produce the firearm for inspection or, if production is not possible at the time of the request, produce the firearm within 48 hours for inspection by a police officer at a police station nominated by that person at the time of the request.

Maximum penalty: \$5 000.

- (2) An apparently genuine document purporting to be signed by the Commissioner of Police, and to certify that a licence or certificate of registration has not been produced as required under this section, must, in the absence of proof to the contrary, be accepted as proof of the matter so certified.
- (3) A warden under the *National Parks and Wildlife Act 1972* can only act under subsection (1) when the person in possession of a firearm is on a reserve constituted under that Act.

### 31A—Period of grace on cancellation, suspension etc of licence

- (1) Subject to this Act, where—
  - (a) a licence authorising possession of a firearm is cancelled or suspended; or
  - (b) the Registrar refuses to renew such a licence; or
  - (d) the registration of a firearm is cancelled,the person who held, or applied for renewal of, the licence or in whose name the firearm was registered (as the case may require) may, in order to dispose of the firearm, retain possession of it for one month.
- (2) Where a licence authorising possession of a firearm is suspended under this Act, the person who held the licence may retain the power of disposition over the firearm if—
  - (a) the firearm is kept by a person who holds a dealer's licence or a person approved by the Registrar; and
  - (b) the person who held the licence does not have access to the firearm.
- (3) A person referred to in this section who uses the firearm for any purpose before disposing of it in accordance with this section is guilty of an offence.

Maximum penalty:

Where the firearm is a prescribed firearm or a class C, D or H firearm—\$10 000 or imprisonment for two years.

Where the firearm is any other kind of firearm—\$5 000 or imprisonment for one year.

- (4) A person who receives a firearm (the subject of a licence that is suspended) for the purpose of keeping it in accordance with subsection (2) and who does not forthwith notify the Registrar of that receipt is guilty of an offence.

Maximum penalty: \$5 000.

### **32—Power to inspect or seize firearms etc**

- (a1) A police officer may require the owner of a firearm to produce the firearm for inspection at a specified place at a specified time or within a specified period.

- (1) If a police officer suspects upon reasonable grounds that—

- (a) a firearm is unregistered; or
- (b) an offence against this Act has been committed, or is being committed, with respect to a firearm; or
- (ba) a firearm has been forfeited to the Crown by order of a court; or
- (c) a person who has possession of a firearm is not a fit and proper person to have possession of that firearm; or
- (ca) continued possession of a firearm by a person would be likely to result in undue danger to life or property; or
- (cb) a person has possession of a firearm in contravention of an order of a court whether the order was made in this State or in any other State or Territory of the Commonwealth; or
- (cba) a person has possession of a firearm in contravention of an intervention order under the *Intervention Orders (Prevention of Abuse) Act 2009*; or
- (cc) the holder of a firearms licence authorising use of a firearm can no longer use the firearm for the purpose endorsed on his or her licence; or
- (d) a firearm is mechanically unsafe; or
- (e) a firearm (not being a prescribed firearm)—
  - (i) is particularly dangerous by reason of its design, construction or any other factor; or
  - (ii) can easily be converted to an automatic firearm; or
  - (iii) is, by reason of its size or any other factor, more readily concealed than other firearms of the same class and is for that, or any other reason, particularly suited to unlawful use,

the police officer may seize that firearm.

- (1aa) If a police officer suspects on reasonable grounds that a person has possession of a firearm, firearm part, silencer, prohibited firearm accessory, mechanism or fitting in contravention of this Act, the police officer may seize the firearm, firearm part, silencer, prohibited firearm accessory, mechanism or fitting.
- (1ab) If a police officer suspects on reasonable grounds that a person has possession of ammunition that has been acquired or is held in contravention of this Act the police officer may seize the ammunition.

- (1ac) If a police officer suspects on reasonable grounds that a person has possession of a firearm, firearm part or ammunition in contravention of—
- (a) a condition of a bail agreement under the *Bail Act 1985*; or
  - (b) a condition of the person's release on parole under the *Correctional Services Act 1982*; or
  - (c) a condition of the person's release on licence under the *Criminal Law (Sentencing) Act 1988*; or
  - (d) a condition of a bond under the *Criminal Law (Sentencing) Act 1988*; or
  - (e) a condition of the person's release on licence under the *Criminal Law Consolidation Act 1935*; or
  - (f) a condition of the person's release on licence under the *Young Offenders Act 1993*; or
  - (g) any other Act,

the police officer may seize the firearm, firearm part or ammunition.

- (1a) If a police officer suspects on reasonable grounds that—
- (a) a person has possession of a licence authorising possession of a firearm that has been seized under this section; or
  - (b) a person has possession of a licence in contravention of an order of a court; or
  - (ba) a person has possession of a licence in contravention of an intervention order under the *Intervention Orders (Prevention of Abuse) Act 2009*; or
  - (c) a person has possession of a licence that has been cancelled or suspended; or
  - (d) a person has possession of a licence for an illegal purpose; or
  - (e) a person who has possession of a firearms licence is not a fit and proper person to have possession of the licence,

the police officer may require the person to deliver the licence to him or her forthwith and, if the person refuses or fails to comply with such a requirement, seize the licence.

- (2) A police officer may stop, detain and search or detain and search—
- (a) any vehicle, vessel or aircraft on which the police officer suspects on reasonable grounds that there is a firearm, firearm part, silencer, prohibited firearm accessory, mechanism, fitting, ammunition or licence liable to seizure under this section; or
  - (b) any person who the police officer suspects on reasonable grounds has possession of a firearm, firearm part, silencer, prohibited firearm accessory, mechanism, fitting, ammunition or licence liable to seizure under this section.
- (2a) If a police officer suspects on reasonable grounds that a person who has possession of a firearm has failed to keep the firearm secured as required by this Act, the police officer may inspect the firearm and the means (if any) by which it has been secured.

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- (3) A police officer may enter and search any premises in which the police officer suspects on reasonable grounds—
- (a) there is a firearm, firearm part, silencer, prohibited firearm accessory, mechanism, fitting, ammunition or licence liable to seizure under this section; or
  - (b) a firearm is kept contrary to the security requirements of this Act.
- (3a) A police officer may, as reasonably required for the purpose of ensuring compliance with a firearms prohibition order issued by the Registrar or to which a person is subject by order of a court—
- (a) detain a person to whom this subsection applies and search the person for any firearm, licence, firearm part or ammunition liable to seizure under this section; and
  - (b) stop and detain a vehicle, vessel or aircraft to which this subsection applies and search the vehicle, vessel or aircraft for any firearm, licence, firearm part or ammunition liable to seizure under this section; and
  - (c) enter premises to which this subsection applies and search the premises for any firearm, licence, firearm part or ammunition liable to seizure under this section.
- (3b) Subsection (3a) applies—
- (a) to a person who a police officer suspects on reasonable grounds is a person to whom a firearms prohibition order issued by the Registrar applies or to which the person is subject by order of a court;
  - (b) to a vehicle, vessel or aircraft that a police officer suspects on reasonable grounds is in the charge of a person to whom the subsection applies;
  - (c) to premises that a police officer suspects on reasonable grounds are occupied by, or under the care, control or management of a person to whom the subsection applies.
- (3c) A police officer may, with such assistance as he or she considers appropriate, use such reasonable force as is necessary to—
- (a) break into any premises, vehicle, vessel or aircraft in order to gain entry or conduct a search under this section; and
  - (b) if reasonably necessary for the purposes of conducting a search, break into or open anything in or on the premises, vehicle, vessel or aircraft.
- (4) Where a firearm, firearm part, silencer, prohibited firearm accessory, licence, mechanism, fitting or ammunition is delivered or seized in pursuance of this section, it must be forwarded forthwith to the Registrar.

### **33—Obstruction of police officer**

A person who hinders or resists a police officer acting in the exercise of powers conferred by this Act is guilty of an offence.

Maximum penalty: \$10 000 or 2 years imprisonment.

### 34—Forfeiture of firearms etc

- (1) Where a firearm, firearm part, mechanism, fitting or ammunition is seized under this Part, the Registrar may institute proceedings for forfeiture of the firearm, firearm part, mechanism, fitting or ammunition before a court of summary jurisdiction.
- (2) If, in proceedings under subsection (1), a court is satisfied that—
  - (a) the owner of the firearm, firearm part, mechanism, fitting or ammunition is not authorised by or under this Act to be in possession of the firearm, firearm part, mechanism, fitting or ammunition; or
  - (ab) the owner of the firearm, firearm part, mechanism, fitting or ammunition is prohibited from possessing the firearm, firearm part, mechanism, fitting or ammunition under another Act; or
  - (b) the return of the firearm, firearm part, mechanism, fitting or ammunition to its owner would be likely to result in undue danger to life or property; or
  - (c) the whereabouts of the owner of the firearm, firearm part, mechanism, fitting or ammunition has not been, and is not likely to be, ascertained by reasonable inquiry; or
  - (d) the owner of the firearm, firearm part, mechanism, fitting or ammunition has failed to comply with the requirements of this Act in relation to the safe storage of the firearm, firearm part, mechanism, fitting or ammunition; or
  - (e) in the case of a firearm—the firearm can easily be converted to an automatic firearm,

it may order that the firearm, firearm part, mechanism, fitting or ammunition be forfeited to the Crown, or make such other order for the disposal of the firearm, firearm part, mechanism, fitting or ammunition as it thinks appropriate.

- (3) A firearm, firearm part, mechanism, fitting or ammunition seized under this Part may be held under this subsection—
  - (a) until—
    - (i) proceedings are instituted for an order under this section or for an offence in relation to the firearm, firearm part, mechanism, fitting or ammunition against the owner of the firearm, firearm part, mechanism, fitting or ammunition or a decision is made not to institute such proceedings; or
    - (ii) the expiration of 12 months after the firearm, firearm part, mechanism, fitting or ammunition was seized,whichever first occurs;
  - (b) if proceedings of either kind referred to in paragraph (a)(i) are instituted within 12 months after the firearm, firearm part, mechanism, fitting or ammunition was seized—until those proceedings are finally determined.

### **34AA—Return of licence that has been delivered or seized**

Where a licence has been delivered to or seized by a police officer under this Part and the licence has not been suspended or cancelled, it must, subject to the order of any court, be dealt with as follows:

- (a) if the firearm to which the licence relates has been seized—the licence must be returned to the holder on the return of the firearm to its owner;
- (b) in any other case—the licence must be returned to the holder at the expiration of 14 days from the date of delivery or seizure.

### **34A—Powers of court on finding person guilty of firearms offence**

- (1) Where a court finds a person guilty of an offence against this or any other Act and the court finds that a firearm, firearm part, mechanism, fitting or ammunition was involved in the commission of the offence the court may make one or more of the following orders:
  - (a) where the firearm, firearm part, mechanism, fitting or ammunition was owned by the person—that the firearm, firearm part, mechanism, fitting or ammunition be forfeited to the Crown or be disposed of in such other manner as the court directs;
  - (b) that a licence held by the person is subject to specified conditions;
  - (c) that a licence held by the person is suspended for a specified period or until further order;
  - (d) that a licence held by the person is cancelled;
  - (e) that the person is disqualified from holding or obtaining a licence for a specified period or until further order;
  - (f) that the person is subject to a firearms prohibition order until further order.
- (2) Where, in the course of proceedings before a court, the court forms the view that a party to the proceedings who has possession of a firearm, firearm part, mechanism, fitting or ammunition is not a fit and proper person to have possession of the firearm, firearm part, mechanism, fitting or ammunition, the court may make one or more of the following orders:
  - (a) that the firearm, firearm part, mechanism, fitting or ammunition be disposed of in such manner as the court directs;
  - (b) that a licence held by the party is subject to specified conditions;
  - (c) that a licence held by the party is suspended for a specified period or until further order;
  - (d) that a licence held by the party is cancelled;
  - (e) that the party is disqualified from holding or obtaining a licence for a specified period or until further order;
  - (f) that the party is subject to a firearms prohibition order until further order.
- (3) If a court makes an order that a person is subject to a firearms prohibition order—
  - (a) the order operates as a firearms prohibition order in force against the person under Part 2A; and

- (b) the court may exercise the powers of the Registrar under section 10C(15) to grant an exemption from specified provisions of that section.
- (4) If a court makes an order under this section, the Registrar of the court must notify the Registrar of Firearms of the details of the order.

### **35—Disposal of forfeited or surrendered firearms etc**

- (1) The Registrar may sell or otherwise dispose of a firearm, firearm part, mechanism, fitting or ammunition forfeited to the Crown under this or any other Act.
- (2) Subject to this Act and the regulations, the Registrar may sell or otherwise dispose of a firearm, mechanism, fitting or ammunition surrendered to the Registrar.
- (3) Where a court makes an order confiscating a firearm to the custody of the Registrar but does not make an order as to the manner in which the firearm should be disposed of or dealt with, the Registrar must, subject to a further order of the court or the order of any other court, keep the firearm for one year and must then sell or otherwise dispose of it as he or she thinks fit.
- (4) Subject to this Act and the regulations, the proceeds of the sale or disposal of a firearm under this section must be paid into the Consolidated Account.
- (5) If a firearms prohibition order applies to a person and the person surrenders a firearm, firearm part or ammunition owned by the person to the Registrar, the following provisions apply, subject to the regulations:
  - (a) subject to paragraph (e), the Registrar must retain the firearm, firearm part or ammunition—
    - (i) in the case of an interim firearms prohibition order—for the period that the order applies to the person; and
    - (ii) in any other case—for the period allowed for an appeal against the order or, if an appeal has been instituted, until the appeal lapses or is finally determined;
  - (b) at the end of the period for which the Registrar is required to retain the firearm, firearm part or ammunition under paragraph (a)—
    - (i) if the person is subject to a firearms prohibition order—the Registrar must—
      - (A) comply with the requirements of the regulations as to the sale or disposal of the firearm, firearm part or ammunition; and
      - (B) pay the proceeds of the sale or disposal (if any) to the person;
    - (ii) if the person is not then subject to a firearms prohibition order—the Registrar must make the firearm, firearm part or ammunition available for collection by the person or some other person who satisfies the Registrar that he or she is entitled to the firearm, firearm part or ammunition;



- (c) if the person ceases to be subject to a firearms prohibition order before the end of the period referred to in paragraph (a)(ii), the Registrar must make the firearm, firearm part or ammunition available for collection by the person or some other person who satisfies the Registrar that he or she is entitled to the firearm, firearm part or ammunition;
- (d) if a firearm, firearm part or ammunition is made available for collection under this subsection but is not collected within the period allowed by the regulations, the Registrar may sell or otherwise dispose of the firearm, firearm part or ammunition and pay the proceeds of the sale or disposal into the Consolidated Account;
- (e) the Registrar may, at the request or with the consent of the person, sell or dispose of the firearm, firearm part or ammunition during the period for which the Registrar would otherwise be required to retain the firearm and pay the proceeds of the sale or disposal (if any) to the person.

### **35A—Transporting of firearms**

- (1) Subject to any exclusions prescribed by regulation, a person who carries on the business of carrying goods must not, in the course of carrying on that business, carry a firearm and ammunition (whether the ammunition is suitable for use in the firearm or not), or cause a firearm and ammunition to be carried, by the same vehicle, vessel or aircraft.

Maximum penalty: \$5 000.

- (2) A person (whether a person who carries on the business of carrying goods or not) must comply with the requirements prescribed by regulation when transporting a class C, D or H firearm or a prescribed firearm.

Maximum penalty: \$5 000.

### **35B—Advertising firearms for sale**

A person (other than a licensed dealer in firearms) who advertises a firearm for sale must include in the advertisement a statement that transfer of possession of the firearm on sale must take place in the presence of, and be witnessed by, a licensed dealer in firearms, an authorised officer of a recognised firearms club, an authorised Public Service employee or a police officer in accordance with section 15B(9).

Maximum penalty: \$2 500.

### **35C—Dealing with firearms by executors etc**

Where a person is the owner of a firearm as—

- (a) the executor or administrator of a deceased estate; or
- (b) the administrator or manager of the estate of a person who is unable to manage his or her affairs; or
- (c) the donee of an enduring power of attorney; or
- (d) the Official Trustee or the registered trustee of a bankrupt estate,

the owner must, subject to any law to the contrary—

- (e) sell or give the firearm to another person in accordance with this Act as soon as practicable; or

- (f) surrender the firearm to the Registrar.

Maximum penalty: \$5 000.

### **35D—Notice to Registrar when storing firearms**

A person who has given a firearm to a person who carries on the business of storing firearms to keep the firearm in storage for more than 14 days must, within 14 days after the period of storage commences, provide the Registrar with the following information in writing:

- (a) the name and address of the person to whom the firearm has been given; and  
(b) the place at which the firearm will be stored.

Maximum penalty: \$5 000.

### **36—Evidentiary provisions**

In any proceedings for an offence under this Act, an apparently genuine document purporting to be signed by the Registrar and to certify—

- (aa) that at a specified time a firearms prohibition order applied to, or was in force against, a specified person; or  
(a) that at a specified time a person was or was not the holder of a licence; or  
(b) that a licence was endorsed with specified endorsements; or  
(ba) that a licence was subject to specified conditions; or  
(bb) that a licence was suspended or cancelled; or  
(bc) that a person was disqualified from holding or obtaining a licence; or  
(bd) that a person was or was not the holder of a permit; or  
(c) that at a specified time a firearm mentioned in the document was or was not registered; or  
(d) that a person or body was, or was not, a collectors' club, shooting club, paint-ball operator or commercial range operator; or  
(e) that a firearms club, paint-ball operator or commercial range operator was, or was not, a recognised firearms club, recognised paint-ball operator or recognised commercial range operator; or  
(f) that the grounds of a recognised firearms club or recognised paint-ball operator were or were not approved under this Act; or  
(fa) that the range of a recognised commercial range operator was, or was not, approved under this Act; or  
(g) that an approval under this Act was subject to specified conditions; or  
(ga) that at a specified time a person was or was not the holder of an exemption under this Act; or  
(gb) that an exemption under this Act was subject to specified conditions; or  
(h) that information required to be provided under this Act to the Registrar has, or has not, been provided,

must, in the absence of proof to the contrary, be regarded as proof of the matter so certified.

### **36A—General defence**

It is a defence to a charge of an offence against this Act if the defendant proves that the alleged offence was not committed intentionally and did not result from any failure on the part of the defendant to take reasonable care to avoid the commission of the offence.

### **36B—Service of notices**

- (1) A notice or other document required or authorised to be given to or served on a person under this Act may be given or served as follows:
  - (a) by personal service on the person or the agent of the person;
  - (b) by leaving it for the person at his or her place of residence or, in the case of a company, at the company's registered office, with someone apparently over the age of 16 years;
  - (c) by serving it by registered post on the person or an agent of the person at his or her last known address.
- (2) Service by post is effected by addressing, prepaying and posting the notice or document and service will be taken to have occurred when the notice or document, or notice that the notice or document is available for collection, would be delivered in the ordinary course of post.

### **37—General amnesty**

- (1) The Registrar may, with the approval of the Minister, from time to time declare a general amnesty from one or more of the provisions of this Act.
- (2) An amnesty—
  - (a) must be declared by notice published in the Gazette and in a newspaper circulating generally throughout the State; and
  - (b) applies in relation to the provision or provisions of this Act specified in the notice for such period as is specified in the notice; and
  - (c) applies for the benefit of all members of the class or classes of persons affected by the provision or provisions to which the amnesty relates; and
  - (d) is subject to the terms and conditions (if any) set out in the notice.
- (3) The Registrar may, with the approval of the Minister, vary or revoke the declaration of an amnesty under subsection (1) by notice published in the Gazette and in a newspaper circulating generally throughout the State.

### **39—Regulations**

- (1) The Governor may make such regulations as are contemplated by this Act, or as are necessary or expedient for the purposes of this Act.
- (2) Without limiting the generality of the foregoing, those regulations may—
  - (a) prescribe the duties of the Registrar;
  - (ab) amend or replace the definition of class A, B, C, D or H firearms in section 5;

- (ac) prescribe or empower the Registrar to determine qualifications or experience in relation to the safe handling of firearms that an applicant for a licence must have in order to obtain a licence under this Act;
  - (ad) provide or empower the Registrar to determine requirements for the safe custody of firearms generally, or any specified class of firearms, or ammunition generally, or any specified class of ammunition;
  - (ada) provide or empower the Registrar to determine requirements for the safe custody of the receivers of firearms;
  - (ae) empower the Registrar to endorse a firearms licence with a purpose or purposes not included in regulations;
  - (af) require the keeping of records and the furnishing of information and documents to the Registrar by—
    - (i) recognised firearms clubs;
    - (ia) recognised paint-ball operators;
    - (ib) recognised commercial range operators;
    - (ii) licensed dealers;
    - (iii) employers whose employees are required to carry firearms in the course of their employment;
    - (iv) owners of firearms;
  - (ag) require information furnished to the Registrar to be verified by statutory declaration;
  - (b) regulate the keeping and form of registers;
  - (c) prescribe forms or empower the Registrar to approve forms to be used in connection with this Act;
  - (d) prescribe, and provide for the payment, recovery, waiver or reduction of, fees for the purposes of any application or other proceeding under this Act;
  - (e) exempt absolutely or subject to conditions—
    - (i) persons of a specified class; or
    - (ii) firearms of a specified class,from specified provisions of this Act;
  - (g) prescribe penalties not exceeding a fine of \$2 500 for breach of, or non-compliance with, any regulation.
- (3) A regulation made under this section or any other provision of this Act may confer discretionary powers.

## Schedule 1—Transitional provisions and compensation

### 1—Interpretation

In this Schedule—

*surrender period* means the period of six months from the commencement of this clause.

### 2—Period allowed for surrender (or registration) of certain firearms etc

- (1) A person who has possession of an unregistered receiver during the surrender period is to be taken not to have committed an offence against this Act for possession of the receiver provided that, during the surrender period, the person—
  - (a) obtains registration of the receiver; or
  - (b) surrenders it to the Registrar.
- (2) A person who, during the surrender period, has possession of any of the following:
  - (a) a self-loading handgun (other than a revolver) with a barrel length, as measured in accordance with the regulations, of less than 120mm;
  - (b) a revolver or single shot handgun in either case with a barrel length, as measured in accordance with the regulations, of less than 100mm;
  - (c) a class H firearm with a magazine or cylinder capacity of more than 10 rounds or a modified magazine or cylinder capacity;
  - (d) a class H firearm of more than .38 calibre;
  - (e) a class H firearm that was manufactured after 1946 and acquired by the person for the purpose of collection and display,is, if the firearm is unregistered or ceases to be registered, to be taken not to have committed an offence against this Act for possession of the firearm provided that, during the surrender period, the person—
  - (f) obtains registration of the firearm; or
  - (g) surrenders it to the Registrar.
- (3) The Registrar must, as soon as practicable after the commencement of the surrender period, by notice in writing, cancel the registration of each firearm referred to in paragraph (a), (b), (c), (d) or (e) of subclause (2) that is registered in the name of a person who is the holder of a shooting club member's licence.
- (4) If the registration of a firearm is cancelled under subclause (3), no fee is payable in respect of an application made by the owner of the firearm during the surrender period for re-registration of the firearm.

### 3—Prohibition of use of certain firearms

- (1) This clause applies to any of the following firearms if unregistered:
  - (a) a self-loading handgun (other than a revolver) with a barrel length, as measured in accordance with the regulations, of less than 120mm;

- (b) a revolver or single shot handgun in either case with a barrel length, as measured in accordance with the regulations, of less than 100mm;
  - (c) a class H firearm with a magazine or cylinder capacity of more than 10 rounds or a modified magazine or cylinder capacity;
  - (d) a class H firearm of more than .38 calibre.
- (2) A person must not use a firearm to which this clause applies.

#### **4—Compensation for certain surrendered firearms etc**

- (1) The Registrar may, subject to conditions approved by the Minister, pay compensation in respect of—
- (a) firearms; or
  - (b) firearm parts; or
  - (c) firearm accessories; or
  - (d) ammunition,
- of a kind approved by the Minister surrendered to the Registrar during the surrender period.
- (2) A decision of the Registrar or the Minister under subclause (1) is final and conclusive and may not be challenged or called in question in any court.
- (3) Compensation payable under this clause must be paid from the Consolidated Account which is appropriated by this clause to the necessary extent.

#### **5—Possession of and collectors' licences for certain antique firearms**

- (1) This clause applies to firearms that, on the commencement of this clause, become subject to this Act (having previously been exempted from this Act as antique firearms under the regulations).
- (2) A person who has possession of unregistered firearms to which this clause applies during the period of six months from the commencement of this clause is to be taken not to have committed an offence against this Act for possession of the firearms provided that, during that period—
- (a) the person obtains registration of the firearms and, if required, a collector's licence; or
  - (b) the person disposes of the firearms (which the person is hereby authorised to do).
- (3) No fee is payable in respect of an application made by a person referred to in subclause (2) during the period of six months from the commencement of this clause for registration of a firearm to which this clause applies.
- (4) An application for a collector's licence made by a person referred to in subclause (2) during the period of six months from the commencement of this clause is not to be refused on the ground that he or she is not an active member of a collectors' club provided that he or she is a member of such a club.

## Legislative history

### Notes

- Please note—References in the legislation to other legislation or instruments or to titles of bodies or offices are not automatically updated as part of the program for the revision and publication of legislation and therefore may be obsolete.
- Earlier versions of this Act (historical versions) are listed at the end of the legislative history.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or [www.legislation.sa.gov.au](http://www.legislation.sa.gov.au).

### Repeal of Act

The *Firearms Act 1977* was repealed by Sch 1 cl 24 of the *Firearms Act 2015* on 1.7.2017.

### Legislation repealed by principal Act

The *Firearms Act 1977* repealed the following:

*Firearms Act 1958*

*Pistol Licence Act 1929*

*Pistol Licence Act Amendment Act 1965*

*Pistol Licence Act Amendment Act 1971*

*Pistol Licence Act Amendment Act (No. 2) 1971*

### Legislation amended by principal Act

The *Firearms Act 1977* amended the following:

*Statute Law Revision Act 1975*

*Statute Law Revision Act (No. 2) 1975*

### Principal Act and amendments

Year	No	Title	Assent	Commencement
1977	26	<i>Firearms Act 1977</i>	12.5.1977	1.1.1980 (including ss 11 & 13) ( <i>Gazette</i> 6.12.1979 p1896)
1986	60	<i>Firearms Act Amendment Act 1986</i>	23.10.1986	23.10.1986 ( <i>Gazette</i> 23.10.1986 p1412)
1988	87	<i>Firearms Act Amendment Act 1988</i>	1.12.1988	1.9.1993 ( <i>Gazette</i> 24.6.1993 p2047)
1993	13	<i>Firearms (Miscellaneous) Amendment Act 1993</i>	25.3.1993	1.9.1993: s 2
1996	70	<i>Firearms (Miscellaneous) Amendment Act 1996</i>	22.8.1996	9.9.1996 ( <i>Gazette</i> 5.9.1996 p1058)
1996	(208)	<i>Regulations varying the Firearms Regulations 1993 (Gazette 5.9.1996 p1077)</i>	—	9.9.1996: r 2

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### Legislative history

1997	30	<i>Statutes Amendment (References to Banks) Act 1997</i>	12.6.1997	Pt 8 (s 10)—3.7.1997 ( <i>Gazette</i> 3.7.1997 p4)
1999	33	<i>Financial Sector Reform (South Australia) Act 1999</i>	17.6.1999	Sch (item 24)—1.7.1999: being the date specified under s 3(16) of the <i>Financial Sector Reform (Amendments and Transitional Provisions) Act (No.1) 1999</i> of the Commonwealth as the transfer date for the purposes of that Act
2003	37	<i>Firearms (COAG Agreement) Amendment Act 2003</i>	29.9.2003	1.10.2003: s 2
2006	43	<i>Statutes Amendment (Domestic Partners) Act 2006</i>	14.12.2006	Pt 36 (s 104)—1.6.2007 ( <i>Gazette</i> 26.4.2007 p1352)
2008	15	<i>Firearms (Firearms Prohibition Orders) Amendment Act 2008</i>	12.6.2008	Pt 2 (ss 4—38) & Sch 2 (c11 1—10)—27.11.2008 ( <i>Gazette</i> 27.11.2008 p5277)
2009	85	<i>Intervention Orders (Prevention of Abuse) Act 2009</i>	10.12.2009	Sch 1 (cl 15 & 16)—9.12.2011 ( <i>Gazette</i> 20.10.2011 p4269)
2012	19	<i>Statutes Amendment (Criminal Intelligence) Act 2012</i>	24.5.2012	Pt 3 (ss 6 & 7)—12.7.2012 ( <i>Gazette</i> 12.7.2012 p3110)
2013	92	<i>Firearms (Miscellaneous) Amendment Act 2013</i>	5.12.2013	7.2.2014 ( <i>Gazette</i> 30.1.2014 p422)

## Provisions amended

Entries that relate to provisions that have been deleted appear in italics.

Provision	How varied	Commencement
Long title	amended by 87/1988 s 3	1.9.1993
	amended by 13/1993 Sch	1.9.1993
Pt 1		
<i>ss 2, 3 and 4</i>	<i>deleted by 87/1988 s 19 (Sch)</i>	<i>1.9.1993</i>
s 5		
s 5(1)		
to acquire	inserted by 37/2003 s 4(1)	1.10.2003
active member	inserted by 37/2003 s 4(1)	1.10.2003
air gun	inserted by 13/1993 s 3(a)	1.9.1993
	amended by 70/1996 s 3(a)	9.9.1996
air rifle	inserted by 13/1993 s 3(a)	1.9.1993
ammunition	inserted by 87/1988 s 4(a)	1.9.1993
	amended by 13/1993 s 3(b)	1.9.1993
antique firearm	inserted by 37/2003 s 4(2)	1.10.2003
automatic firearm	inserted by 87/1988 s 4(a)	1.9.1993
capacity of a magazine	inserted by 15/2008 s 4(1)	27.11.2008
carry on a business	inserted by 15/2008 s 4(1)	27.11.2008
class A firearms	inserted by 70/1996 s 3(b)	9.9.1996
	amended by 37/2003 s 4(3)	1.10.2003
class B firearms	inserted by 70/1996 s 3(b)	9.9.1996



	amended by 37/2003 s 4(4)	1.10.2003
	amended by 208/1996 r 8	9.9.1996
class C firearms	inserted by 70/1996 s 3(b)	9.9.1996
	amended by 37/2003 s 4(5)	1.10.2003
class D firearms	inserted by 70/1996 s 3(b)	9.9.1996
	amended by 37/2003 s 4(6)	1.10.2003
class H firearms	inserted by 70/1996 s 3(b)	9.9.1996
close associate	inserted by 15/2008 s 4(2)	27.11.2008
collectors' club	inserted by 37/2003 s 4(7)	1.10.2003
collector's licence	inserted by 70/1996 s 3(b)	9.9.1996
commercial range operator	inserted by 70/1996 s 3(b)	9.9.1996
<i>the consultative committee or the committee</i>	<i>deleted by 15/2008 s 4(3)</i>	<i>27.11.2008</i>
criminal intelligence	inserted by 37/2003 s 4(8)	1.10.2003
	amended by 19/2012 s 6	12.7.2012
<i>dangerous firearm</i>	<i>deleted by 70/1996 s 3(c)</i>	<i>9.9.1996</i>
dealer	amended by 87/1988 s. 4(b), (c)	1.9.1993
	amended by 37/2003 s 4(9), (10)	1.10.2003
District Court	inserted by 15/2008 s 4(4)	27.11.2008
domestic partner	inserted by 43/2006 s 104(1)	1.6.2007
firearm	amended by 87/1988 s 4(d)	1.9.1993
	(b) deleted by 87/1988 s 4(d)	1.9.1993
	amended by 37/2003 s 4(11), (12)	1.10.2003
firearm part	inserted by 37/2003 s 4(13)	1.10.2003
firearms club	inserted by 87/1988 s 4(e)	1.9.1993
firearms licence	substituted by 70/1996 s 3(d)	9.9.1996
firearms permit	inserted by 70/1996 s 3(d)	9.9.1996
firearms prohibition order	inserted by 15/2008 s 4(5)	27.11.2008
Firearms Review Committee or committee	inserted by 15/2008 s 4(5)	27.11.2008
firing mechanism	inserted by 70/1996 s 3(d)	9.9.1996
fit and proper person	inserted by 15/2008 s 4(6)	27.11.2008
to give	inserted by 70/1996 s 3(d)	9.9.1996
grounds of a recognised firearms club	inserted by 15/2008 s 4(7)	27.11.2008
grounds of a recognised paint-ball operator	inserted by 15/2008 s 4(7)	27.11.2008
handgun	inserted by 70/1996 s 3(d)	9.9.1996

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	amended by 37/2003 s 4(14)	1.10.2003
interim firearms prohibition order	inserted by 15/2008 s 4(8)	27.11.2008
licence	inserted by 60/1986 s 3(a)	23.10.1986
	substituted by 87/1988 s 4(f)	1.9.1993
licence year	inserted by 37/2003 s 4(15)	1.10.2003
licensed dealer	inserted by 70/1996 s 3(e)	9.9.1996
loading mechanism	inserted by 70/1996 s 3(e)	9.9.1996
owner	substituted by 70/1996 s 3(f)	9.9.1996
paint-ball firearm	inserted by 13/1993 s 3(c)	1.9.1993
paint-ball operator	inserted by 13/1993 s 3(c)	1.9.1993
possession of a firearm	inserted by 15/2008 s 4(9)	27.11.2008
<i>pistol</i>	<i>inserted by 13/1993 s 3(c)</i>	<i>1.9.1993</i>
	<i>deleted by 70/1996 s 3(g)</i>	<i>9.9.1996</i>
prescribed firearm	inserted by 70/1996 s 3(g)	9.9.1996
prohibited firearm accessory	inserted by 92/2013 s 4(1)	7.2.2014
pump action shotgun	inserted by 70/1996 s 3(g)	9.9.1996
to purchase	inserted by 87/1988 s 4(g)	1.9.1993
receiver	inserted by 70/1996 s 3(h)	9.9.1996
	amended by 15/2008 s 4(10)	27.11.2008
recognised commercial range operator	inserted by 70/1996 s 3(h)	9.9.1996
recognised firearms club	inserted by 87/1988 s 4(h)	1.9.1993
recognised paint-ball operator	inserted by 13/1993 s 3(d)	1.9.1993
<i>recognised rifle, pistol or gun club</i>	<i>deleted by 87/1988 s 4(h)</i>	<i>1.9.1993</i>
relative	inserted by 70/1996 s 3(i)	9.9.1996
	amended by 43/2006 s 104(2)	1.6.2007
<i>restricted firearm</i>	<i>inserted by 13/1993 s 3(e)</i>	<i>1.9.1993</i>
	<i>deleted by 70/1996 s 3(j)</i>	<i>9.9.1996</i>
<i>the repealed Firearms Act</i>	<i>deleted by 87/1988 s 19 (Sch)</i>	<i>1.9.1993</i>
<i>the repealed Pistol Licence Act</i>	<i>deleted by 87/1988 s 4(i)</i>	<i>1.9.1993</i>
rifle	inserted by 37/2003 s 4(16)	1.10.2003
round	inserted by 70/1996 s 3(j)	9.9.1996
self-loading firearm	inserted by 87/1988 s 4(i)	1.9.1993
	amended by 13/1993 s 3(f)	1.9.1993
	substituted by 70/1996 s 3(k)	9.9.1996
to sell	inserted by 87/1988 s 4(i)	1.9.1993

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shooting club	inserted by 37/2003 s 4(17)	1.10.2003
shooting club member's licence	inserted by 37/2003 s 4(17)	1.10.2003
shooting gallery	inserted by 70/1996 s 3(l)	9.9.1996
shotgun	inserted by 37/2003 s 4(18)	1.10.2003
silencer	substituted by 87/1988 s 4(j)	1.9.1993
	amended by 13/1993 s 3(g)	1.9.1993
	substituted by 92/2013 s 4(2)	7.2.2014
<i>special firearms permit</i>	<i>inserted by 60/1986 s 3(b)</i>	<i>23.10.1986</i>
	<i>substituted by 87/1988 s 4(k)</i>	<i>1.9.1993</i>
	<i>deleted by 13/1993 s 3(h)</i>	<i>1.9.1993</i>
spouse	inserted by 70/1996 3(m)	9.9.1996
	substituted by 43/2007 s 104(3)	1.6.2007
to supply	inserted by 37/2003 s 4(19)	1.10.2003
s 5(1a)	inserted by 15/2008 s 4(11)	27.11.2008
s 5(2)	amended by 87/1988 s 19 (Sch)	1.9.1993
	substituted by 70/1996 s 3(n)	9.9.1996
s 5(3)	inserted by 87/1988 s 4(l)	1.9.1993
	amended by 70/1996 s 3(o)	9.9.1996
	amended by 37/2003 s 4(20)—(22)	1.10.2003
s 5(4)	inserted by 87/1988 s 4(l)	1.9.1993
s 5(5)	inserted by 87/1988 s 4(l)	1.9.1993
	amended by 70/1996 s 3(p)	9.9.1996
s 5(6)	inserted by 87/1988 s 4(l)	1.9.1993
	amended by 13/1993 s 3(i)	1.9.1993
s 5(7) and (8)	inserted by 13/1993 s 3(j)	1.9.1993
s 5(9) and (10)	inserted by 70/1996 s 3(q)	9.9.1996
s 5(11)	inserted by 70/1996 s 3(q)	9.9.1996
	amended by 15/2008 s 4(12), (13)	27.11.2008
	amended by 85/2009 Sch 1 cl 15	9.12.2011
s 5(12)	inserted by 70/1996 s 3(q)	9.9.1996
s 5(13)—(15)	inserted by 15/2008 s 4(14)	27.11.2008
s 5A	inserted by 13/1993 s 4	1.9.1993
	amended by 70/1996 s 4	9.9.1996
Pt 2 Div 1		
s 6		
s 6(1)—(3)	amended by 13/1993 Sch	1.9.1993
s 6(4)	inserted by 37/2003 s 5	1.10.2003
ss 6A and 6B	inserted by 15/2008 s 5	27.11.2008
Pt 2 Div 2		
heading	substituted by 15/2008 s 6	27.11.2008
s 7		

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s 7(1)	substituted by 13/1993 Sch	1.9.1993
	amended by 15/2008 s 7(1)	27.11.2008
s 7(2)	amended by 13/1993 Sch	1.9.1993
	amended by 70/1996 s 5(a), (b)	9.9.1996
	amended by 15/2008 s 7(2)	27.11.2008
s 7(2a)	inserted by 70/1996 s 5(c)	9.9.1996
s 7(3)	substituted by 15/2008 s 7(3)	27.11.2008
s 7(4)	amended by 13/1993 Sch	1.9.1993
s 8		
s 8(1)	amended by 13/1993 Sch	1.9.1993
	amended by 70/1996 s 6(a)	9.9.1996
	amended by 15/2008 s 8	27.11.2008
s 8(2)	amended by 13/1993 Sch	1.9.1993
	substituted by 70/1996 s 6(b)	9.9.1996
s 8(3)	inserted by 70/1996 s 6(b)	9.9.1996
s 9	substituted by 87/1988 s 19 (Sch)	1.9.1993
	amended by 15/2008 s 9	27.11.2008
s 10		
s 10(1)	amended by 13/1993 Sch	1.9.1993
	amended by 15/2008 s 10	27.11.2008
s 10(2)	amended by 15/2008 s 10	27.11.2008
s 10(3)	inserted by 37/2003 s 6	1.10.2003
	amended by 15/2008 s 10	27.11.2008
Pt 2A	inserted by 15/2008 s 11	27.11.2008
s 10B		
s 10B(3a)	inserted by 92/2013 s 5	7.2.2014
<i>Pt 3 before substitution by 87/1988</i>	<i>amended by 60/1986 ss 4—6</i>	<i>23.10.1986</i>
Pt 3	substituted by 87/1988 s 5	1.9.1993
heading	substituted by 92/2013 s 6	7.2.2014
Pt 3 Div 1		
s 11		
s 11(4)	amended by 13/1993 s 5	1.9.1993
	amended by 70/1996 s 7(a), (b)	9.9.1996
	amended by 37/2003 s 7(1)	1.10.2003
s 11(4a) and (4b)	inserted by 70/1996 s 7(c)	9.9.1996
s 11(5)	amended by 70/1996 s 7(d)	9.9.1996
s 11(6)	inserted by 70/1996 s 7(e)	9.9.1996
s 11(7)	inserted by 70/1996 s 7(e)	9.9.1996
	amended by 37/2003 s 7(2)—(4)	1.10.2003
	amended by 15/2008 s 12(1)	27.11.2008
s 11(7a)	inserted by 15/2008 s 12(2)	27.11.2008
s 11(7b)	inserted by 15/2008 s 12(2)	27.11.2008

	substituted by 92/2013 s 7(1)	7.2.2014
<i>s 11(7c)</i>	<i>inserted by 15/2008 s 12(2)</i>	27.11.2008
	<i>deleted by 92/2013 s 7(2)</i>	7.2.2014
s 11(7d)	inserted by 15/2008 s 12(2)	27.11.2008
s 11(8)	inserted by 37/2003 s 7(5)	1.10.2003
	amended by 15/2008 s 12(3), (4)	27.11.2008
s 12		
s 12(1)	(d) deleted by 70/1996 s 8(a)	9.9.1996
s 12(3)	substituted by 13/1993 s 6(a)	1.9.1993
	substituted by 70/1996 s 8(b)	9.9.1996
s 12(4)	substituted by 70/1996 s 8(b)	9.9.1996
s 12(4a)	inserted by 70/1996 s 8(b)	9.9.1996
s 12(5)	substituted by 13/1993 s 6(b)	1.9.1993
	amended by 70/1996 s 8(c)	9.9.1996
	amended by 30/1997 s 10	3.7.1997
	amended by 33/1999 Sch (item 24)	1.7.1999
s 12(5a)	inserted by 13/1993 s 6(b)	1.9.1993
s 12(6)	amended by 70/1996 s 8(d)	9.9.1996
	(b) deleted by 15/2008 s 13	27.11.2008
s 12(7)	amended by 13/1993 s 6(c)	1.9.1993
	amended by 70/1996 s 8(e)	9.9.1996
s 12(7a)—(7d)	inserted by 37/2003 s 8(1)	1.10.2003
s 12(8)—(11)	inserted by 70/1996 s 8(f)	9.9.1996
s 13		
s 13(2a)	inserted by 70/1996 s 9(a)	9.9.1996
s 13(3)	amended by 70/1996 s 9(b)	9.9.1996
s 13(3a)	inserted by 70/1996 s 9(c)	9.9.1996
s 13(4)	amended by 15/2008 s 14(1)	27.11.2008
	(c) deleted by 15/2008 s 14(2)	27.11.2008
s 13(6)	amended by 70/1996 s 9(d)	9.9.1996
	amended by 15/2008 Sch 2 cl 1	27.11.2008
<i>s 13(7)</i>	<i>deleted by 13/1993 s 7(a)</i>	1.9.1993
s 13(8)	amended by 13/1993 s 7(b), (c)	1.9.1993
s 13(8a)	inserted by 70/1996 s 9(e)	9.9.1996
s 13(9)	inserted by 13/1993 s 7(d)	1.9.1993
	amended by 15/2008 s 14(3)	27.11.2008
Pt 3 Div 2		
heading	substituted by 70/1996 s 10	9.9.1996
	substituted by 92/2013 s 8	7.2.2014
<i>s 14 before substitution by 92/2013</i>	<i>amended by 13/1993 s 8</i>	1.9.1993
	<i>substituted by 70/1996 s 11</i>	9.9.1996

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	<i>substituted by 37/2003 s 9</i>	1.10.2003
<i>s 14(7)</i>	<i>amended by 15/2008 s 15</i>	27.11.2008
s 14	substituted by 92/2013 s 9	7.2.2014
<i>s 14A before deletion by 92/2013</i>	<i>inserted by 37/2003 s 9</i>	1.10.2003
<i>s 14A(7)</i>	<i>amended by 15/2008 s 16</i>	27.11.2008
<i>s 14A</i>	<i>deleted by 92/2013 s 9</i>	7.2.2014
Pt 3 Div 2AA		
heading	inserted by 92/2013 s 10	7.2.2014
s 15		
s 15(1)	amended by 13/1993 s 9(a)	1.9.1993
	amended by 70/1996 s 12(a)	9.9.1996
s 15(3)	amended by 13/1993 s 9(b)	1.9.1993
	substituted by 70/1996 s 12(b)	9.9.1996
	amended by 15/2008 s 17(1)	27.11.2008
s 15(4)	substituted by 70/1996 s 12(b)	9.9.1996
s 15(4a)	inserted by 13/1993 s 9(c)	1.9.1993
	deleted by 70/1996 s 12(b)	9.9.1996
	inserted by 15/2008 s 17(2)	27.11.2008
s 15(5)	amended by 13/1993 s 9(d)	1.9.1993
	substituted by 70/1996 s 12(b)	9.9.1996
<i>s 15(6) and (7)</i>	<i>deleted by 70/1996 s 12(b)</i>	9.9.1996
s 15A	inserted by 70/1996 s 13	9.9.1996
s 15A(2)	amended by 37/2003 s 10(1)	1.10.2003
s 15A(4a)—(4e)	inserted by 37/2003 s 10(2)	1.10.2003
<i>s 15A(5) and (6)</i>	<i>deleted by 15/2008 s 18</i>	27.11.2008
Pt 3 Div 2A	inserted by 70/1996 s 14	9.9.1996
s 15B		
s 15B(5a)	inserted by 37/2003 s 11	1.10.2003
s 15B(9)	amended by 15/2008 s 19(1)—(3)	27.11.2008
s 15B(10)	amended by 15/2008 s 19(4)	27.11.2008
s 15B(14)	inserted by 15/2008 s 19(5)	27.11.2008
s 15C		
s 15C(1)	amended by 15/2008 s 20(1)	27.11.2008
s 15C(2)	amended by 15/2008 s 20(2), (3)	27.11.2008
s 15C(3)	amended by 15/2008 s 20(4)	27.11.2008
s 15C(4)	amended by 15/2008 s 20(5)	27.11.2008
s 15C(5)	inserted by 15/2008 s 20(6)	27.11.2008
Pt 3 Div 3		
s 16	substituted by 70/1996 s 15	9.9.1996
s 17		
s 17(3)	amended by 70/1996 s 16(a)	9.9.1996
	amended by 15/2008 s 21(1), (2)	27.11.2008

s 17(3a)	inserted by 70/1996 s 16(b)	9.9.1996
	amended by 37/2003 s 12	1.10.2003
s 17(4)	substituted by 13/1993 s 10	1.9.1993
	amended by 70/1996 s 16(c)	9.9.1996
	amended by 15/2008 s 21(3)	27.11.2008
	(d) deleted by 15/2008 s 21(4)	27.11.2008
s 17(4a)	inserted by 13/1993 s 10	1.9.1993
s 17(4b)	inserted by 13/1993 s 10	1.9.1993
	amended by 15/2008 s 21(5)	27.11.2008
s 17(4c)	inserted by 13/1993 s 10	1.9.1993
s 17(4d)	inserted by 13/1993 s 10	1.9.1993
	amended by 15/2008 s 21(6)	27.11.2008
<i>s 17(4e)</i>	<i>inserted by 13/1993 s 10</i>	<i>1.9.1993</i>
	<i>deleted by 15/2008 s 21(7)</i>	<i>27.11.2008</i>
s 18	amended by 70/1996 s 17	9.9.1996
Pt 3 Div 4		
s 19		
s 19(1)	substituted by 70/1996 s 18	9.9.1996
s 19(1a)	inserted by 70/1996 s 18	9.9.1996
s 19A	inserted by 70/1996 s 19	9.9.1996
s 20		
s 20(1)	s 20 amended and redesignated as s 20(1) by 13/1993 s 11	1.9.1993
	amended by 15/2008 s 22(1)—(4)	27.11.2008
s 20(1a)	inserted by 70/1996 s 20(a)	9.9.1996
	amended by 15/2008 s 22(5)	27.11.2008
s 20(1b)	inserted by 70/1996 s 20(a)	9.9.1996
	substituted by 15/2008 s 22(6)	27.11.2008
s 20(2)	inserted by 13/1993 s 11(b)	1.9.1993
	amended by 15/2008 s 22(7)—(9)	27.11.2008
s 20(3)	inserted by 13/1993 s 11(b)	1.9.1993
	substituted by 70/1996 s 20(b)	9.9.1996
s 20(3a) and (3b)	inserted by 37/2003 s 13	1.10.2003
s 20(4)	inserted by 13/1993 s 11(b)	1.9.1993
s 20(5)—(7)	inserted by 70/1996 s 20(c)	9.9.1996
<i>s 20A</i>	<i>inserted by 13/1993 s 12</i>	<i>1.9.1993</i>
	<i>substituted by 70/1996 s 21</i>	<i>9.9.1996</i>
	<i>deleted by 15/2008 s 23</i>	<i>27.11.2008</i>
s 21	amended by 70/1996 s 22	9.9.1996
s 21A	amended by 70/1996 s 23	9.9.1996
s 21AB	inserted by 13/1993 s 13	1.9.1993
s 21AB(3)	inserted by 70/1996 s 24	9.9.1996

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s 21B		
s 21B(1)	amended by 70/1996 s 25(a)	9.9.1996
s 21B(2a)	inserted by 70/1996 s 25(b)	9.9.1996
s 21B(5)	amended by 70/1996 s 25(c)	9.9.1996
s 21B(6)	amended by 13/1993 s 14	1.9.1993
s 21B(7)	substituted by 70/1996 s 25(d)	9.9.1996
s 21B(8)	inserted by 70/1996 s 25(d)	9.9.1996
s 21BA	inserted by 70/1996 s 26	9.9.1996
s 21BA(1)	amended by 15/2008 s 24(1), Sch 2 cl 2	27.11.2008
s 21BA(2)	amended by 15/2008 s 24(2), Sch 2 cl 2	27.11.2008
s 21BB	inserted by 70/1996 s 26	9.9.1996
<i>Pt 3 Div 6 before substitution by 15/2008</i>		
s 21C	<i>deleted by 70/1996 s 27</i>	9.9.1996
s 21D		
s 21D(1)	<i>amended by 13/1993 s 15</i>	1.9.1993
	<i>amended by 70/1996 s 28</i>	9.9.1996
	<i>amended by 37/2003 s 14</i>	1.10.2003
s 21E	<i>inserted by 37/2003 s 15</i>	1.10.2003
Pt 3 Div 6	substituted by 15/2008 s 25	27.11.2008
s 21C	s 26A inserted by 87/1988 s 9	1.9.1993
	s 26A redesignated as s 21C by 15/2008 s 28	27.11.2008
s 21D	s 26B inserted by 13/1993 s 19	1.9.1993
	s 26B redesignated as s 21D by 15/2008 s 28	27.11.2008
s 21E	s 26BA inserted by 70/1996 s 35	9.9.1996
	s 26BA redesignated as s 21E by 15/2008 s 28	27.11.2008
s 21F	s 26C inserted by 13/1993 s 19	1.9.1993
	s 26C redesignated as s 21F by 15/2008 s 28	27.11.2008
s 21F(8)	s 26C(8) amended by 70/1996 s 36	9.9.1996
	s 26C(8) redesignated as s 21F(8) by 15/2008 s 28	27.11.2008
s 21G	s 26D inserted by 70/1996 s 37	9.9.1996
	s 26D redesignated as s 21G by 15/2008 s 28	27.11.2008
Pt 4		
s 22	amended by 60/1986 s 7	23.10.1986
	amended by 87/1988 s 6	1.9.1993
	amended by 13/1993 s 16, Sch	1.9.1993
	amended by 70/1996 s 29	9.9.1996
	amended by 37/2003 s 16	1.10.2003
s 23		
s 23(1) and (2)	amended by 13/1993 Sch	1.9.1993
s 23(3) and (4)	inserted by 13/1993 s 17	1.9.1993
s 23(5)	inserted by 70/1996 s 30	9.9.1996



s 24		
s 24(2)	amended by 13/1993 Sch	1.9.1993
	deleted by 70/1996 s 31	9.9.1996
	inserted by 37/2003 s 17	1.10.2003
s 24(3)	inserted by 13/1993 s 18	1.9.1993
s 24A	inserted by 70/1996 s 32	9.9.1996
s 24A(5)	amended by 15/2008 Sch 2 cl 3	27.11.2008
s 24A(7)	substituted by 15/2008 s 26	27.11.2008
s 24B	inserted by 37/2003 s 18	1.10.2003
s 24B(1)	amended by 15/2008 Sch 2 cl 4	27.11.2008
s 25		
s 25(1)	amended by 13/1993 Sch	1.9.1993
	(a) deleted by 70/1996 s 33(a)	9.9.1996
s 25(1a)	inserted by 70/1996 s 33(b)	9.9.1996
s 25(2)	substituted by 87/1988 s 19 (Sch)	1.9.1993
	amended by 70/1996 s 33(c)	9.9.1996
s 25(3)	<i>inserted by 87/1988 s 7</i>	<i>1.9.1993</i>
	<i>deleted by 37/2003 s 19</i>	<i>1.10.2003</i>
s 25(4)	<i>inserted by 87/1988 s 7</i>	<i>1.9.1993</i>
	<i>amended by 70/1996 s 33(d)</i>	<i>9.9.1996</i>
	<i>deleted by 37/2003 s 19</i>	<i>1.10.2003</i>
s 26	substituted by 87/1988 s 8	1.9.1993
	amended by 70/1996 s 34	9.9.1996
Pt 4A	inserted by 15/2008 s 27	27.11.2008
s 26C		
s 26C(5)	substituted by 19/2012 s 7	12.7.2012
s 26C(6)—(10)	<i>deleted by 19/2012 s 7</i>	<i>12.7.2012</i>
Pt 5		
s 26A—see s 21C		
s 26B—see s 21D		
s 26BA—see s 21E		
s 26C—see s 21F		
s 26D—see s 21G		
s 27 before substitution by 15/2008		
s 27(1) and (2)	<i>amended by 13/1993 Sch</i>	<i>1.9.1993</i>
s 27	substituted by 15/2008 s 29	27.11.2008
s 27(1)	amended by 92/2013 s 11(1)	7.2.2014
s 27(4)	amended by 92/2013 s 11(2)	7.2.2014
s 27(5)	substituted by 92/2013 s 11(3)	7.2.2014
ss 27AA and 27AAB	inserted by 92/2013 s 12	7.2.2014
ss 27A and 27B	inserted by 15/2008 s 29	27.11.2008

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s 28		
s 28(1)	amended by 13/1993 Sch	1.9.1993
	substituted by 70/1996 s 38(a)	9.9.1996
s 28(2)	amended by 13/1993 Sch	1.9.1993
	amended by 70/1996 s 38(b)	9.9.1996
s 29	substituted by 60/1986 s 8	23.10.1986
	amended by 13/1993 s 20	1.9.1993
	substituted by 70/1996 s 39	9.9.1996
s 29A	inserted by 70/1996 s 39	9.9.1996
s 29A(1) and (2)	substituted by 92/2013 s 13	7.2.2014
s 29A(2a)—(2d)	inserted by 92/2013 s 13	7.2.2014
s 29B	<i>inserted by 70/1996 s 39</i>	<i>9.9.1996</i>
	<i>deleted by 37/2003 s 20</i>	<i>1.10.2003</i>
s 29B	inserted by 92/2013 s 14	7.2.2014
s 29C	inserted by 70/1996 s 39	9.9.1996
s 30		
s 30(1)	substituted by 87/1988 s 10	1.9.1993
	substituted by 15/2008 s 30(1)	27.11.2008
s 30(1aa)	inserted by 15/2008 s 30(1)	27.11.2008
s 30(1a)	inserted by 70/1996 s 40(a)	9.9.1996
	amended by 15/2008 Sch 2 cl 5	27.11.2008
s 30(2)	amended by 13/1993 Sch	1.9.1993
	amended by 70/1996 s 40(b)	9.9.1996
	amended by 15/2008 Sch 2 cl 5	27.11.2008
s 30(3)	amended by 13/1993 Sch	1.9.1993
	substituted by 70/1996 s 40(c)	9.9.1996
	amended by 15/2008 s 30(2), Sch 2 cl 5	27.11.2008
s 30(4)	inserted by 70/1996 s 40(c)	9.9.1996
	amended by 15/2008 Sch 2 cl 5	27.11.2008
s 31		
s 31(1)	substituted by 87/1988 s 11(a)	1.9.1993
	amended by 70/1996 s 41(a)—(c)	9.9.1996
	amended by 15/2008 Sch 2 cl 6	27.11.2008
s 31(2)	amended by 87/1988 s 11(b)	1.9.1993
	amended by 13/1993 Sch	1.9.1993
s 31(3)	inserted by 70/1996 s 41(d)	9.9.1996
s 31A	inserted by 87/1988 s 12	1.9.1993
	substituted by 13/1993 s 21	1.9.1993
s 31A(1)	amended by 70/1996 s 42(a), (b), (d)	9.9.1996
	(c) deleted by 70/1996 s 42(c)	9.9.1996
s 31A(3)	amended by 70/1996 s 42(e)	9.9.1996
s 31A(4)	amended by 70/1996 s 42(f)	9.9.1996
s 32		

s 32(a1)	inserted by 15/2008 s 31(1)	27.11.2008
s 32(1)	amended by 87/1988 s 13(a)	1.9.1993
	amended by 13/1993 s 22(a), Sch	1.9.1993
	amended by 70/1996 s 43(a), (b)	9.9.1996
	amended by 15/2008 s 31(2), Sch 2 cl 7(1), (2)	27.11.2008
	amended by 85/2009 Sch 1 cl 16(1)	9.12.2011
s 32(1aa)	inserted by 70/1996 s 43(c)	9.9.1996
	amended by 15/2008 Sch 2 cl 7(1), (2)	27.11.2008
	substituted by 92/2013 s 15(1)	7.2.2014
s 32(1ab)	inserted by 70/1996 s 43(c)	9.9.1996
	amended by 37/2003 s 21(1)	1.10.2003
	amended by 15/2008 Sch 2 cl 7(1), (2)	27.11.2008
s 32(1ac)	inserted by 92/2013 s 15(2)	7.2.2014
s 32(1a)	inserted by 13/1993 s 22(b)	1.9.1993
	amended by 70/1996 s 43(d)	9.9.1996
	amended by 15/2008 Sch 2 cl 7(1), (2)	27.11.2008
	amended by 85/2009 Sch 1 cl 16(2)	9.12.2011
s 32(2)	amended by 87/1988 s 13(b)	1.9.1993
	amended by 13/1993 s 22(c), Sch	1.9.1993
	amended by 70/1996 s 43(g)	9.9.1996
	amended by 37/2003 s 21(2)	1.10.2003
	amended by 15/2008 Sch 2 cl 7(1), (2)	27.11.2008
	amended by 92/2013 s 15(3)	7.2.2014
s 32(2a)	inserted by 70/1996 s 43(e)	9.9.1996
	amended by 37/2003 s 21(3), (4)	1.10.2003
	amended by 15/2008 Sch 2 cl 7(1), (2)	27.11.2008
s 32(3)	amended by 13/1993 s 22(d), Sch	1.9.1993
	substituted by 70/1996 s 43(f)	9.9.1996
	amended by 37/2003 s 21(5), (6)	1.10.2003
	amended by 15/2008 Sch 2 cl 7(1), (2)	27.11.2008
	amended by 92/2013 s 15(4), (5)	7.2.2014
s 32(3a)	inserted by 15/2008 s 31(3)	27.11.2008
	amended by 92/2013 s 15(6), (7)	7.2.2014
s 32(3b)	inserted by 15/2008 s 31(3)	27.11.2008
	amended by 92/2013 s 15(8)	7.2.2014
s 32(3c)	inserted by 92/2013 s 15(9)	7.2.2014
s 32(4)	amended by 13/1993 s 22(e), Sch	1.9.1993
	amended by 70/1996 s 43(g)	9.9.1996
	amended by 37/2003 s 21(7)	1.10.2003
	amended by 92/2013 s 15(10)	7.2.2014
s 33	substituted by 87/1988 s 19 (Sch)	1.9.1993
	amended by 70/1996 s 44	9.9.1996
	amended by 15/2008 s 32, Sch 2 cl 8	27.11.2008

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s 34	amended by 60/1986 s 9	23.10.1986
	amended by 87/1988 s 14	1.9.1993
	amended by 13/1993 Sch	1.9.1993
	substituted by 70/1996 s 45	9.9.1996
s 34(1)	amended by 37/2003 s 22	1.10.2003
	amended by 92/2013 s 16(1)	7.2.2014
s 34(2)	amended by 37/2003 s 22	1.10.2003
	amended by 92/2013 s 16(2)—(4)	7.2.2014
s 34(3)	amended by 37/2003 s 22	1.10.2003
	amended by 92/2013 s 16(5)	7.2.2014
s 34AA	inserted by 13/1993 s 23	1.9.1993
	amended by 15/2008 Sch 2 cl 9	27.11.2008
s 34A	inserted by 87/1988 s 15	1.9.1993
s 34A(1)	amended by 13/1993 s 24(a), (b)	1.9.1993
	amended by 70/1996 s 46(a), (b)	9.9.1996
	amended by 37/2003 s 23	1.10.2003
	amended by 15/2008 s 33(1)—(4)	27.11.2008
	amended by 92/2013 s 17(1)	7.2.2014
s 34A(2)	amended by 13/1993 s 24(c), (d)	1.9.1993
	amended by 70/1996 s 46(c)	9.9.1996
	amended by 37/2003 s 23	1.10.2003
	amended by 15/2008 s 33(5), (6)	27.11.2008
	amended by 92/2013 s 17(2)	7.2.2014
s 34A(3)	inserted by 15/2008 s 33(7)	27.11.2008
	substituted by 92/2013 s 17(3)	7.2.2014
s 34A(4)	inserted by 15/2008 s 33(7)	27.11.2008
s 35	amended by 13/1993 Sch	1.9.1993
	substituted by 70/1996 s 47	9.9.1996
s 35(1)	amended by 37/2003 s 24	1.10.2003
	amended by 92/2013 s 18	7.2.2014
s 35(2)	amended by 37/2003 s 24	1.10.2003
	amended by 15/2008 s 34(1)	27.11.2008
s 35(4)	amended by 15/2008 s 34(2)	27.11.2008
s 35(5)	inserted by 15/2008 s 34(3)	27.11.2008
ss 35A	inserted by 70/1996 s 48	9.9.1996
ss 35B	inserted by 70/1996 s 48	9.9.1996
	amended by 15/2008 s 35	27.11.2008
ss 35C and 35D	inserted by 70/1996 s 48	9.9.1996
s 36	amended by 13/1993 s 25, Sch	1.9.1993
	amended by 70/1996 s 49	9.9.1996
	amended by 37/2003 s 25	1.10.2003
	amended by 15/2008 s 36(1), (2)	27.11.2008
ss 36A	inserted by 70/1996 s 50	9.9.1996

ss 36B	inserted by 70/1996 s 50	9.9.1996
s 36B(1)	amended by 15/2008 Sch 2 cl 10	27.11.2008
s 37	substituted by 87/1988 s 16	1.9.1993
	substituted by 70/1996 s 51	9.9.1996
<i>s 38 before deletion by 15/2008 s 37</i>		
s 38(1)	<i>substituted by 87/1988 s 19 (Sch)</i>	<i>1.9.1993</i>
	<i>substituted by 13/1993 Sch</i>	<i>1.9.1993</i>
	<i>deleted by 70/1996 s 52</i>	<i>9.9.1996</i>
s 38	<i>deleted by 15/2008 s 37</i>	<i>27.11.2008</i>
s 39		
s 39(2)	amended by 87/1988 s 17(a), (c)	1.9.1993
	(f) deleted by 87/1988 s 17(b)	1.9.1993
	amended by 13/1993 s 26	1.9.1993
	amended by 70/1996 s 53(a)—(e)	9.9.1996
	amended by 15/2008 s 38(1)—(4)	27.11.2008
s 39(3)	inserted by 70/1996 s 53(f)	9.9.1996
Sch	<i>inserted by 87/1988 s 18</i>	<i>1.9.1993</i>
	<i>amended by 13/1993 s 27</i>	<i>1.9.1993</i>
	<i>substituted by 70/1996 s 54</i>	<i>9.9.1996</i>
	<i>deleted by 37/2003 s 26</i>	<i>1.10.2003</i>
Sch 1	inserted by 37/2003 s 26	1.10.2003

## Historical versions

Reprint No 1—1.7.1991

Reprint No 2—1.9.1993

Reprint No 3—9.9.1996

Reprint No 4—3.7.1997

Reprint No 5—1.7.1999

1.10.2003

1.6.2007

27.11.2008

9.12.2011

12.7.2012