

(Reprint No. 2)

**SOUTH AUSTRALIA**

**FIREARMS ACT 1977**

*This Act is reprinted pursuant to the Acts Republication Act, 1967, and incorporates all amendments in force as at 1 September 1993.*

## SUMMARY OF PROVISIONS

### PART 1 PRELIMINARY

- Section
- 1. Short title
  - 5. Interpretation
  - 5A. Crown not bound

### PART 2 ADMINISTRATION

#### DIVISION 1—THE REGISTRAR OF FIREARMS

- 6. The Registrar

#### DIVISION 2—THE FIREARMS CONSULTATIVE COMMITTEE

- 7. Establishment of consultative committee
- 8. Quorum, etc.
- 9. Allowances and expenses
- 10. Procedure of the consultative committee

### PART 3 POSSESSION OF FIREARMS AND DEALING IN FIREARMS AND AMMUNITION

#### DIVISION 1—POSSESSION AND USE OF FIREARMS

- 11. Possession and use of firearms
- 12. Application for firearms licence
- 13. Provisions relating to firearms licence

#### DIVISION 2—PURCHASE OF FIREARMS

- 14. Purchase of firearms
- 15. Application for permit

#### DIVISION 3—DEALING IN FIREARMS AND AMMUNITION

- 16. Requirement for licence
- 17. Application for dealer's licence
- 18. Records

#### DIVISION 4—LICENCES

- 19. Term and renewal of licence
- 20. Suspension or cancellation of licence
- 20A. Obligations on medical practitioners
- 21. Breach of conditions, etc.
- 21A. Notice of change of address
- 21AB. Return of licence to Registrar

#### DIVISION 5—ACQUISITION OF AMMUNITION

- 21B. Acquisition of ammunition

#### DIVISION 6—GENERAL

- 21C. Giving, lending, etc., of firearms
- 21D. Appeals

### PART 4 REGISTRATION OF FIREARMS

- 22. Application of this Part
- 23. Duty to register firearms
- 24. Registration of firearms
- 25. Notice to be given by owner of registered firearm
- 26. Notice of change of address

### PART 5 MISCELLANEOUS

- 26A. Recognised firearms clubs
- 26B. Recognised paint-ball operators
- 26C. Approval of grounds of recognised firearms club or paint-ball operator
- 27. Registers
- 28. False statement upon application under this Act
- 29. Possession of silencer or magazine
- 30. Name, address, etc., of persons in possession of firearm or ammunition
- 31. Production of licence and certificate of registration
- 31A. Period of grace, etc., on cancellation, suspension or refusal of licence or permit
- 32. Power to seize firearms or licence
- 33. Obstruction of police officer
- 34. Proceedings by Registrar for forfeiture of firearms
- 34AA. Return of licence that has been delivered or seized
- 34A. Forfeiture of firearms by court

- 
- 35. Power of sale of forfeited firearms
  - 36. Evidentiary provision
  - 37. Penalties
  - 38. Summary offences
  - 39. Regulations

**SCHEDULE  
TRANSITIONAL PROVISIONS**

**APPENDIX 1  
LEGISLATIVE HISTORY**

**APPENDIX 2  
DIVISIONAL PENALTIES AND EXPIATION FEES**

# FIREARMS ACT 1977

being

Firearms Act 1977 No. 26 of 1977 [Assented to 12 May 1977]<sup>1</sup>

as amended by

Firearms Act Amendment Act 1986 No. 60 of 1986 [Assented to 23 October 1986]<sup>2</sup>

Firearms Act Amendment Act 1988 No. 87 of 1988 [Assented to 1 December 1988]<sup>3</sup>

Firearms (Miscellaneous) Amendment Act 1993 No. 13 of 1993 [Assented to 25 March 1993]<sup>4</sup>

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

The Parliament of South Australia enacts as follows:

## PART 1 PRELIMINARY

### Short title

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

\* \* \* \* \*

### Interpretation

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

“**air gun**” means a firearm (other than a rifle or pistol) 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;

“**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;

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<sup>1</sup>Came into operation (including ss. 11 and 13) 1 January 1980: *Gaz.* 6 December 1979, p. 1896.

<sup>2</sup>Came into operation 23 October 1986: *Gaz.* 23 October 1986, p. 1412.

<sup>3</sup>Came into operation 1 September 1993: *Gaz.* 24 June 1993, p. 2047.

<sup>4</sup>Came into operation 1 September 1993: s. 2.

Note: 1. Asterisks indicate repeal or deletion of text.

2. For the legislative history of the Act see Appendix 1. Entries appearing in the Appendix in bold type indicate the amendments incorporated since the last reprint.

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

“**the consultative committee**” or “**the committee**” means the Firearms Consultative Committee established under this Act;

“**dangerous firearm**” means a firearm of a class declared by regulation to be a class of dangerous firearms;

“**dealer**”, in relation to firearms, 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; or
- (c) who carries on the business of a pawnbroker or auctioneer and handles firearms in the course of that business,

and “**dealing**” has a corresponding meaning;

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

“**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 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 a device of a kind excluded by regulation from the provisions of this Act;

“**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;

“**licence**” means a firearms licence or a dealer’s licence;

“**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**” in relation to a firearm includes a person who has possession of the firearm in pursuance of a contract of hire;

“**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);

“**pistol**” 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;

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

“**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;

“**restricted firearm**” means a firearm of a type declared by regulation to be a restricted firearm;

\* \* \* \* \*

“**self loading firearm**” means a firearm that is designed to rechamber automatically when a round is fired but does not include an automatic firearm;

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

“**silencer**” means a device designed to be attached to or comprising part of a firearm to muffle the report when the firearm is fired.

\* \* \* \* \*

(2) For the purposes of this Act, a person has possession of a firearm—

(a) if that person handles the firearm in any way otherwise than—

(i) in the presence, and with the consent, of the owner of the firearm; or

(ii) upon the premises of a licensed dealer in firearms for the purpose of inspecting the firearm; or

(b) if that person has a power of disposition over the firearm.

(3) A person who purchases or sells more than 20 firearms in any 12 month period will, for the purposes of this Act, be taken to be carrying on the business of dealing in firearms in respect of the firearms purchased or sold in excess of 20 in that period.

(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.

(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.

*Note: For definition of divisional penalties (and divisional expiation fees) see Appendix 2.*

**Crown not bound**

**5A.** This Act does not apply to the Crown.

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**PART 2  
ADMINISTRATION**

**DIVISION 1—THE REGISTRAR OF FIREARMS**

**The Registrar**

6. (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.

**DIVISION 2—THE FIREARMS CONSULTATIVE COMMITTEE**

**Establishment of consultative committee**

7. (1) The Firearms Consultative Committee is established.

(2) The consultative committee consists of three 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.

(3) The Governor may appoint any member of the consultative committee to be chairman 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.

**Quorum, etc.**

8. (1) Two members of the consultative committee constitute a quorum of the committee and no business may be transacted by the committee unless a quorum is present.

(2) A decision in which any two members of the consultative committee concur is a decision of the committee.

**Allowances and expenses**

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

**Procedure of the consultative committee**

10. (1) Before the consultative 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 consultative committee is not bound by the rules of evidence but may inform itself in any manner it thinks fit.

**PART 3**  
**POSSESSION OF FIREARMS AND DEALING IN FIREARMS AND AMMUNITION**

**DIVISION 1—POSSESSION AND USE OF FIREARMS**

**Possession and use of firearms**

11. (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 firearm (not being a dangerous firearm) by virtue of the fact that—

- (a) a person has possession of, or uses, the firearm at a shooting gallery that is under the supervision of a responsible person for the purpose of shooting at that shooting gallery;
- (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;
- (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.

(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;
- (c) a person has possession of, or uses, the firearm in circumstances prescribed by regulation.

**Application for firearms licence**

12. (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; and
- (d) must be accompanied by the prescribed fee.

- (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 validly be made—
- (a) in the case of a firearms licence that authorises possession of an air rifle or air gun—by a person under the age of 16;
  - (b) in any other case—by a person under the age of 18.
- (4) An application for a firearms licence may be made by a person who is 15 or over but under 18 if that person is the spouse, child, brother, sister or employee of a person who holds a firearms licence and who conducts the business of primary production.
- (5) The Registrar must not grant an application for a firearms licence unless satisfied—
- (a) as to the identity, age and address 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.
- (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) the Registrar is not satisfied that the applicant is a fit and proper person to possess firearms of the relevant class or to use firearms of that class for the purpose or purposes for which they could be used pursuant to the licence; and
  - (b) the consultative committee concurs with the Registrar's decision.
- (7) An application for a firearms licence authorising possession of a dangerous firearm can only be granted if the Registrar is satisfied—
- (a) that the dangerous 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 dangerous firearm.

### **Provisions relating to firearms licence**

**13.** (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.

(3) A firearms licence that authorises possession of a dangerous firearm must be specially endorsed by the Registrar to that effect.

(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 with the approval of the consultative committee; and
- (c) any licence conditions imposed by the Registrar with the agreement of the holder of the licence.

(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 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).

(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 post) notice in writing of the alteration or the licence has been appropriately endorsed.

## DIVISION 2—PURCHASE OF FIREARMS

### Purchase of firearms

14. (1) Subject to subsection (3), a person who purchases a firearm (other than a person who purchases a firearm in the ordinary course of business as a licensed dealer in firearms) without holding a permit granted by the Registrar authorising purchase of that firearm is guilty of an offence.

(2) Subject to subsection (3), a person (whether a dealer or not) who sells a firearm to another person without taking reasonable steps to satisfy himself or herself that the purchaser—

- (a) holds a permit granted by the Registrar authorising purchase of the firearm; or
- (b) is a licensed dealer in firearms,

is guilty of an offence.

(3) Subsections (1) and (2) do not apply to the sale and purchase of a firearm at an auction if the firearm is the subject of a permit granted under this Division by the Registrar authorising the auctioneer to sell the firearm at that auction.

(4) An auctioneer who sells a firearm pursuant to a permit referred to in subsection (3) without taking reasonable steps to satisfy himself or herself that the purchaser—

- (a) holds a firearms licence that authorises possession of the firearm and has held that licence (except where the licence is a renewal of a previously held licence) for at least one month; or
- (b) is a licensed dealer in firearms,

is guilty of an offence.

(5) A person, other than a licensed dealer, who purchases at an auction a firearm (that is the subject of a permit granted under this Division authorising the auctioneer to sell the firearm) without holding a permit granted by the Registrar authorising purchase of that firearm commits an offence if he or she does not apply within 14 days after the auction for a permit under this Division approving the purchase of that firearm.

(6) If an application for a permit approving the purchase of a firearm at auction is refused under this Division, the licence of the applicant will be taken, for the purposes of this Act, not to authorise possession of that firearm.

(7) A person (whether a dealer or not) who sells a restricted firearm without holding a permit granted by the Registrar authorising sale of that firearm is guilty of an offence.

### **Application for permit**

15. (1) An application for a permit authorising or approving the purchase or sale 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) A permit authorising or approving the purchase of a firearm can only be granted if the applicant holds a firearms licence that authorises possession of the relevant firearm and has, subject to subsection (4), held the licence for at least one month.

(4) Where, in the Registrar's opinion it is safe to do so, the Registrar may grant a permit to a person who has held a firearms licence for less than one month.

(4a) A permit authorising or approving the purchase or sale of a restricted firearm will only be granted if, in the opinion of the Registrar, special circumstances exist justifying the granting of the permit.

(5) Subject to this section, where the application is properly made the Registrar may only refuse the application if in the opinion of the Registrar the firearm to which it relates—

- (a) is particularly dangerous by reason of its design, construction or any other factor; or
- (b) can easily be converted to an automatic firearm; or
- (c) is, by reason of its size or any other factor, more readily concealed than other firearms of the same prescribed class and is for that, or any other reason, particularly suited to unlawful use.

(6) Where the Registrar decides that the application should be refused the applicant may, within one month after receiving notice in writing of the Registrar's decision, require the Registrar to refer the application to the consultative committee.

(7) If the committee does not concur with the Registrar's decision the committee may direct the Registrar to grant the application.

(8) The period for which a permit remains in force must be set out in the permit.

**DIVISION 3—DEALING IN FIREARMS AND AMMUNITION****Requirement for licence**

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

**Application for dealer's licence**

17. (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.

(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
  - (ii) the premises at which the applicant intends carrying on the business of dealing in firearms or ammunition is appropriate for that purpose; and
- (b) the consultative committee concurs with the Registrar's decision.

(4) A dealer's licence is subject to—

- (a) a condition that the licensee must not deal in dangerous firearms; and
- (b) any conditions prescribed by the regulations; and
- (c) any conditions imposed by the Registrar with the approval of the consultative committee; and
- (d) any conditions imposed by the Registrar with the agreement of the holder of the licence.

(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 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 post) notice in writing of the variation or revocation.

(4e) The Registrar cannot vary a licence condition on his or her initiative under subsection (4c) without the approval of the consultative committee.

(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.

### Records

18. 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.

## DIVISION 4—LICENCES

### Term and renewal of licence

19. (1) Subject to this Act, a licence remains in force for a term (not exceeding three years) specified in the licence.

(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.

### Suspension or cancellation of licence

20. (1) If the Registrar is satisfied that the holder of a licence—

- (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,

the Registrar may, with the concurrence of the consultative committee, by notice in writing served personally or by post on the holder of the licence, cancel the licence.

(2) The Registrar may, by notice in writing served personally or by post on the holder of a licence, suspend the licence for a period not exceeding three months (or such longer period as is allowed in a particular case by the consultative committee) pending an investigation as to whether the licence should be cancelled under subsection (1).

(3) A notice served on the holder of a licence suspending or cancelling the licence 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 licence is suspended, revoke the suspension.

#### **Obligations on medical practitioners**

**20A.** (1) Where a medical practitioner has reasonable cause to believe that—

- (a) a patient whom he or she has examined is suffering from a physical or mental illness, disability or deficiency that is likely to make the possession of a firearm by the patient unsafe for the patient or any other person; and
- (b) the patient holds or intends applying for a firearms licence or possesses or intends to possess a firearm,

the medical practitioner has a duty to inform the Registrar in writing of the patient's name and address, the nature of the illness, disability or deficiency and the reason why, in the opinion of the practitioner, it is or would be unsafe for the patient to have possession of a firearm.

(2) Compliance by a medical practitioner with subsection (1) attracts no civil or criminal liability.

#### **Breach of conditions, etc.**

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

#### **Notice of change of address**

**21A.** 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.

#### **Return of licence to Registrar**

**21AB.** (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.

### **DIVISION 5—ACQUISITION OF AMMUNITION**

#### **Acquisition of ammunition**

**21B.** (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 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.

(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 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) Where, in proceedings for an offence against this section, it is proved that the defendant—

- (a) purchased ammunition or accepted ammunition as a gift in contravention of subsection (1); or
- (b) sold or supplied ammunition to another person in contravention of subsection (5),

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).

#### DIVISION 6—GENERAL

##### **Giving, lending, etc., of firearms**

**21C.** A person who gives, lends or otherwise parts with possession of a firearm to another person without taking reasonable steps to satisfy himself or herself that that person is legally entitled to have possession of firearms of that class, is guilty of an offence.

**Appeals**

**21D.** (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 or approving the purchase or sale of a firearm; or
- (b) to impose or vary licence conditions (other than prescribed conditions); or
- (c) to suspend or cancel a licence; or
- (ca) to refuse to revoke a suspension of a licence; or
- (d) to refuse an application for a permit to acquire ammunition; or
- (e) to refuse to approve grounds of a recognised firearms club or recognised paint-ball operator or to revoke such an approval; or
- (f) to impose conditions on an approval of grounds of a recognised firearms club or recognised paint-ball operator or to vary such conditions,

may appeal against that decision to a magistrate sitting in chambers.

(2) The appeal must be instituted within one month after the appellant received notice of the decision, but the magistrate may, if satisfied that it is just and reasonable in the circumstances to do so, dispense with the requirement that the appeal should be instituted within that time.

(3) The magistrate may, on the hearing of the appeal, exercise one or more of the following powers:

- (a) affirm or vary the decision appealed against, or substitute any decision that should have been made in the first instance;
- (b) remit the subject matter of the appeal to the Registrar for further consideration;
- (c) make any order for costs.

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**PART 4**  
**REGISTRATION OF FIREARMS**

**Application of this Part**

22. 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; or
- (b) any firearm in the possession of a person in the ordinary course of the business of carrying or storing goods; or
- (c) any firearm in the possession of a person in the ordinary course of duties as executor of the will, or administrator of the estate, of a deceased person; or
- (ca) any dangerous firearm in the possession of the holder of a firearms licence that authorises possession of the dangerous firearm; or
- (d) any firearm in the possession of a person in prescribed circumstances.

**Duty to register firearms**

23. (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.

**Registration of firearms**

24. (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) Upon receipt of an application under this section, the Registrar must register the firearm.

(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.

**Notice to be given by owner of registered firearm**

25. (1) The owner of a registered firearm must, within fourteen days after—

- (a) he or she sells or otherwise parts with possession of the firearm; or
- (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.

(2) A person who fails to comply with this section is guilty of an offence.

(3) Where an alteration of a kind referred to in subsection (1)(b) has been made to a firearm the Registrar may with the concurrence of the consultative committee cancel registration of the firearm if the Registrar would not have granted a permit to the owner of the firearm to purchase it in its altered state.

(4) The cancellation will not be effective until notice in writing of the cancellation has been served personally or by post on the owner of the firearm.

**Notice of change of address**

**26.** 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.

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**PART 5  
MISCELLANEOUS**

**Recognised firearms clubs**

**26A.** (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.

**Recognised paint-ball operators**

**26B.** (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.

**Approval of grounds of recognised firearms club or paint-ball operator**

**26C.** (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.

(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, 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.

### **Registers**

27. (1) The Registrar must maintain—

- (a) a register of licences issued under this Act; and
- (b) a register of firearms registered under this Act.

(2) Where the Registrar is satisfied that a person has a proper interest in the contents of a register maintained under this section, the Registrar may permit that person to inspect that register, or portion of that register.

### **False statement upon application under this Act**

28. (1) Any person who, in an application under this Act, makes a statement that is false in a material particular is guilty of an offence.

(2) It is a defence to a charge under subsection (1) to prove that the defendant believed upon reasonable grounds that the statement was true.

### **Possession of silencer or magazine**

29. (1) A person who has possession of a silencer is guilty of an offence.

(2) A person who has possession of a detachable magazine of more than five rounds capacity for a centre-fire self loading rifle or self loading shotgun is guilty of an offence unless—

- (a) he or she has possession of the magazine—
  - (i) solely for the purpose of using it on the grounds of a recognised firearms club in the course of participating in activities conducted by the club; or
  - (ii) solely for the purpose of inclusion in a collection of firearms in the defendant's possession; or
  - (iii) solely for the purpose of using it pursuant to a permit granted by the Registrar; or
  - (iv) for two or more of the purposes referred to in subparagraphs (i), (ii) or (iii) but not for any other purpose; or
- (b) his or her possession of the magazine is permitted by regulation or by clause 7 of the schedule.

#### **Name, address, etc., of persons in possession of firearm or ammunition**

30. (1) A member of the police force who suspects on reasonable grounds that a person has, or recently has had, in his or her possession a firearm or ammunition, may require that person to state his or her full name, address and age.

(2) The member of the police force may, if he or she thinks fit to do so, require that person to produce such evidence as may be stipulated by the member of the police force to verify information given in response to a requirement under subsection (1).

(3) A person who fails or refuses, without reasonable excuse, to comply with a requirement under this section, is guilty of an offence.

#### **Production of licence and certificate of registration**

31. (1) A person who has possession of a firearm must, at the request of a member of the police force—

- (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 member of the police force (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 member of the police force 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 member of the police force at a police station nominated by that person at the time of the request.

(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.

#### **Period of grace, etc., on cancellation, suspension or refusal of licence or permit**

31A. (1) Where—

- (a) a licence authorising possession of a firearm is cancelled or suspended; or
- (b) the Registrar refuses to grant or renew such a licence; or

- (c) the Registrar refuses to grant a permit approving the purchase of a firearm; or
- (d) the registration of a firearm is cancelled,

the person who held or applied for the licence or permit 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.

(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.

#### Power to seize firearms or licence

**32.** (1) If a member of the police force 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 contrary to the terms of an order under section 99A(1)(a) of the *Summary Procedure Act 1921*; or
- (d) a firearm is mechanically unsafe,

the member may seize that firearm.

(1a) If a member of the police force 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 contrary to the terms of an order under section 99A of the *Summary Procedure Act 1921*; 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 member 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 member of the police force may stop, detain and search or detain and search—
- (a) any vehicle upon which the member suspects on reasonable grounds that there is a firearm or licence liable to seizure under this section; or
  - (b) any person whom the member suspects on reasonable grounds has possession of a firearm or licence liable to seizure under this section.

(3) A member of the police force may break into, enter and search any premises in which the member suspects on reasonable grounds there is a firearm or licence liable to seizure under this section.

(4) Where a firearm or licence is delivered or seized in pursuance of this section, it must be forwarded forthwith to the Registrar.

#### **Obstruction of police officer**

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

#### **Proceedings by Registrar for forfeiture of firearms**

34. (1) Where a firearm is seized in pursuance of this Part, the Registrar may institute proceedings for the forfeiture of the firearm before a court of summary jurisdiction.

- (2) If the court is satisfied, in proceedings under subsection (1), that—
- (a) the owner of the firearm is not authorised by a licence to be in possession of the firearm; or
  - (b) that the return of the firearm to its owner would be likely to result in undue danger to life or property; or
  - (c) that the whereabouts of the owner of the firearm has not been, or could not be, ascertained by reasonable inquiry,

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

\* \* \* \* \*

(4) Where a firearm has been seized under this Part, the firearm must, subject to the order of any court, be returned to its owner—

- (a) where no proceedings are instituted for an order under this section, or in respect of an offence involving the firearm—at the expiration of two months from the date of seizure; or
- (b) where such proceedings are instituted—when those proceedings are finally determined.

#### **Return of licence that has been delivered or seized**

34AA. Where a licence has been delivered to or seized by a member of the police force 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.

**Forfeiture of firearms by court**

**34A.** (1) Where a court convicts a person of an offence against this or any other Act and the court finds that a firearm was involved in the commission of the offence the court must make one or more of the following orders:

- (a) that the firearm be forfeited to the Crown or be disposed of in such other manner as the court directs;
- (b) that a licence held by the convicted person is subject to specified conditions;
- (c) that a licence held by the convicted person is suspended for a specified period or until further order;
- (d) that a licence held by the convicted person is cancelled;
- (e) that the convicted person is disqualified from holding or obtaining a licence for a specified period or 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 is not a fit and proper person to have possession of the firearm, the court must make one or more of the following orders:

- (a) that the firearm 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.

**Power of sale of forfeited firearms**

**35.** (1) The Registrar may sell or otherwise dispose of any firearm forfeited to the Crown under this Act.

(2) The proceeds of the sale or disposal of a firearm under this Act must be paid into the Consolidated Account.

**Evidentiary provision**

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

- (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 firearms club or paint-ball operator; or
- (e) that a firearms club or paint-ball operator was or was not a recognised firearms club or recognised paint-ball 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
- (g) that an approval under this Act was subject to specified conditions,
- must, in the absence of proof to the contrary, be regarded as proof of the matter so certified.

### Penalties

37. (1) The maximum penalties for offences against this Act are as follows:
- (a) for a first offence—division 8 fine;
- (b) for a second offence—division 7 fine or division 7 imprisonment;
- (c) for a subsequent offence—division 6 fine or division 6 imprisonment.
- (2) The minimum penalty for a second or subsequent offence against this Act is a division 9 fine.

### Summary offences

38. (1) Offences against this Act are summary offences.
- (2) Proceedings for an offence against this Act may be commenced at any time within twelve months after the date of the alleged offence.

### Regulations

39. (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) divide firearms into various classes;
- (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, while not in use;
- (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 to the Registrar by—
- (i) recognised firearms clubs;
- (ia) recognised paint-ball operators;
- (ii) licensed dealers;
- (iii) employers whose employees are required to carry firearms in the course of their employment;
- (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 or recovery 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 division 8 fine for breach of, or non-compliance with, any regulation.

## SCHEDULE

## TRANSITIONAL PROVISIONS

1. A person who was lawfully in possession of a firearm or firearms pursuant to a firearms licence at the commencement of the *Firearms Act Amendment Act 1988* and the *Firearms (Miscellaneous) Amendment Act 1993* is entitled to continue in possession of, and to use, the firearm or firearms pursuant to the licence as if those amending Acts had not come into operation.

2. Clause 1 is subject to the power of the Registrar or a court to suspend or cancel a licence referred to in clause 1 pursuant to this Act as amended by the *Firearms Act Amendment Act 1988* and the *Firearms (Miscellaneous) Amendment Act 1993*.

\* \* \* \* \*

6. A person who was the holder of a dealer's licence and who carried on the business of dealing in ammunition at the commencement of the *Firearms Act Amendment Act 1988*, is entitled to continue carrying on that business until the licence expires or is cancelled.

7. A person who was, immediately before the commencement of the *Firearms (Miscellaneous) Amendment Act 1993*, lawfully in possession of a detachable magazine of more than five rounds capacity for a centre-fire self loading rifle or self loading shotgun is entitled to retain possession of the magazine if, within three months after the commencement of the *Firearms (Miscellaneous) Amendment Act 1993*, he or she gives notice in writing to the Registrar of that possession together with the following details:

- (a) his or her name and address; and
- (b) the number of his or her firearms licence; and
- (c) a description of the magazine and the purposes for which it is possessed; and
- (d) any other information reasonably required by the Registrar.

## APPENDIX 1

## LEGISLATIVE HISTORY

## Repeals

The *Firearms Act 1977* repealed the following Acts and portions of Acts:

the *Firearms Act 1958*

so much of the second schedule to the *Statute Law Revision Act (No. 2) 1975* as relates to the *Firearms Act 1958*

the *Pistol Licence Act 1929*

the *Pistol Licence Act Amendment Act 1965*

the *Pistol Licence Act Amendment Act 1971*

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

so much of the second schedule to the *Statute Law Revision Act 1975* as relates to the *Pistol Licence Act 1929-1971*

## Legislative History

Long title:	amended by 87, 1988, s. 3; 13, 1993, Sched.
Sections 2, 3 and 4:	repealed by 87, 1988, s. 19 (Sched.)
Section 5(1):	definition of "air gun" inserted by 13, 1993, s. 3(a) definition of "air rifle" inserted by 13, 1993, s. 3(a) definition of "ammunition" inserted by 87, 1988, s. 4(a); amended by 13, 1993, s. 3(b) definition of "automatic firearm" inserted by 87, 1988 s. 4(a) definition of "dealer" amended by 87, 1988, s. 4(b), (c) definition of "firearm" amended by 87, 1988, s. 4(d); paragraph (b) repealed by 87, 1988, s. 4(d) definition of "firearms club" inserted by 87, 1988, s. 4(e) definition of "licence" inserted by 60, 1986, s. 3(a); substituted by 87, 1988, s. 4(f) definition of "paint-ball firearm" inserted by 13, 1993, s. 3(c) definition of "paint-ball operator" inserted by 13, 1993, s. 3(c) definition of "pistol" inserted by 13, 1993, s. 3(c) definition "to purchase" inserted by 87, 1988, s. 4(g) definition of "recognised rifle, pistol or gun club" repealed and definition of "recognised firearms club" inserted in its place by 87, 1988, s. 4(h) definition of "recognised paint-ball operator" inserted by 13, 1993, s. 3(d) definition of "restricted firearm" inserted by 13, 1993, s. 3(e) definition of "the repealed Firearms Act" repealed by 87, 1988, s. 19 (Sched.) definition of "the repealed Pistol Licence Act" repealed by 87, 1988, s. 4(i) definition of "self loading firearm" inserted by 87, 1988, s. 4(i); amended by 13, 1993, s. 3(f) definition of "to sell" inserted by 87, 1988, s. 4(i) definition of "silencer" substituted by 87, 1988, s. 4(j); amended by 13, 1993, s. 3(g) definition of "special firearms permit" inserted by 60, 1986, s. 3(b); substituted by 87, 1988, s. 4(k); repealed by 13, 1993, s. 3(h)
Section 5(2):	amended by 87, 1988, s. 19 (Sched.)
Section 5(3) - (5):	inserted by 87, 1988, s. 4(l)
Section 5(6):	inserted by 87, 1988, s. 4(l); amended by 13, 1993, s. 3(i)
Section 5(7) and (8)	inserted by 13, 1993, s. 3(j)
Section 5A:	inserted by 13, 1993, s. 4
Section 6:	amended by 13, 1993, Sched.
Section 7(1):	substituted by 13, 1993, Sched.
Section 7(2) and (4)	amended by 13, 1993, Sched.
Section 8:	amended by 13, 1993, Sched.
Section 9:	substituted by 87, 1988, s. 19 (Sched.).
Section 10(1):	amended by 13, 1993, Sched.
	Part III comprising ss. 11 - 21 and headings amended by 60, 1986, ss. 4-6; repealed and ss. 11 - 21d and headings inserted in its place by 87, 1988, s. 5
Section 11(4):	amended by 13, 1993, s. 5
Section 12(3):	substituted by 13, 1993, s. 6(a)
Section 12(5):	substituted by 13, 1993, s. 6(b)
Section 12(5a):	inserted by 13, 1993, s. 6(b)
Section 12(7):	amended by 13, 1993, s. 6(c)
Section 13(7):	repealed by 13, 1993, s. 7(a)
Section 13(8):	amended by 13, 1993, s. 7(b), (c)
Section 13(9):	inserted by 13, 1993, s. 7(d)
Section 14(5) - (7)	inserted by 13, 1993, s. 8
Section 15(1):	amended by 13, 1993, s. 9(a)
Section 15(3):	amended by 13, 1993, s. 9(b)
Section 15(4a):	inserted by 13, 1993, s. 9(c)
Section 15(5):	amended by 13, 1993, s. 9(d)
Section 17(4):	substituted by 13, 1993, s. 10
Section 17(4a) - (4e)	inserted by 13, 1993, s. 10
Section 20:	amended and redesignated as s. 20(1) by 13, 1993, s. 11
Section 20(2) - (4)	inserted by 13, 1993, s. 11(b)
Section 20A:	inserted by 13, 1993, s. 12
Section 21AB:	inserted by 13, 1993, s. 13
Section 21B(6):	amended by 13, 1993, s. 14
Section 21D(1):	amended by 13, 1993, s. 15

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Section 22:	amended by 60, 1986, s. 7; 87, 1988, s. 6; 13, 1993, s. 16, Sched.
Section 23(1) and (2)	amended by 13, 1993, Sched.
Section 23(3) and (4)	inserted by 13, 1993, s. 17
Section 24(2):	amended by 13, 1993, Sched.
Section 24(3):	inserted by 13, 1993, s. 18
Section 25(1):	amended by 13, 1993, Sched.
Section 25(2):	substituted by 87, 1988, s. 19 (Sched.)
Section 25(3) and (4):	inserted by 87, 1988, s. 7
Section 26:	substituted by 87, 1988, s. 8
Section 26A:	inserted by 87, 1988, s. 9
Sections 26B and 26C:	inserted by 13, 1993, s. 19
Sections 27 and 28:	amended by 13, 1993, Sched.
Section 29:	substituted by 60, 1986, s. 8; redesignated as s. 29(1) by 13, 1993, s. 20
Section 29(2):	inserted by 13, 1993, s. 20
Section 30(1):	substituted by 87, 1988, s. 10
Section 30(2) and (3):	amended by 13, 1993, Sched.
Section 31(1):	substituted by 87, 1988, s. 11(a)
Section 31(2):	amended by 87, 1988, s. 11(b); 13, 1993, Sched.
Section 31A:	inserted by 87, 1988, s. 12; substituted by 13, 1993, s. 21
Section 32(1):	amended by 87, 1988, s. 13(a); 13, 1993, s. 22(a), Sched.
Section 32(1a):	inserted by 13, 1993, s. 22(b)
Section 32(2):	amended by 87, 1988, s. 13(b); 13, 1993, s. 22(c), Sched.
Section 32(3):	amended by 13, 1993, s. 22(d), Sched.
Section 32(4):	amended by 13, 1993, s. 22(e), Sched.
Section 33:	substituted by 87, 1988, s. 19 (Sched.)
Section 34(2):	amended by 60, 1986, s. 9; 13, 1993, Sched.
Section 34(3):	repealed by 87, 1988, s. 14
Section 34(4):	amended by 13, 1993, Sched.
Section 34AA:	inserted by 13, 1993, s. 23
Section 34A:	inserted by 87, 1988, s. 15
Section 34A(1):	amended by 13, 1993, s. 24(a), (b)
Section 34A(2):	amended by 13, 1993, s. 24(c), (d)
Section 35(2):	amended by 13, 1993, Sched.
Section 36:	amended by 13, 1993, s. 25, Sched.
Section 37:	substituted by 87, 1988, s. 16
Section 38(1):	substituted by 87, 1988, s. 19 (Sched.); 13, 1993, Sched.
Section 39(2):	amended by 87, 1988, s. 17(a), (c); 13, 1993, s. 26
Section 39(2)(f):	repealed by 87, 1988, s. 17(b)
Schedule:	inserted by 87, 1988, s. 18
Clauses 1 and 2:	substituted by 13, 1993, s. 27(a)
Clauses 3 - 5:	repealed by 13, 1993, s. 27(a)
Clause 7:	inserted by 13, 1993, s. 27(b)

## APPENDIX 2

## DIVISIONAL PENALTIES AND EXPIATION FEES

At the date of publication of this reprint divisional penalties and expiation fees are, as provided by section 28a of the *Acts Interpretation Act 1915*, as follows:

Division	Maximum imprisonment	Maximum fine	Expiation fee
1	15 years	\$60 000	—
2	10 years	\$40 000	—
3	7 years	\$30 000	—
4	4 years	\$15 000	—
5	2 years	\$8 000	—
6	1 year	\$4 000	\$300
7	6 months	\$2 000	\$200
8	3 months	\$1 000	\$150
9	—	\$500	\$100
10	—	\$200	\$75
11	—	\$100	\$50
12	—	\$50	\$25

*Note: This appendix is provided for convenience of reference only.*