

SOUTH AUSTRALIA

FIREARMS ACT 1977

This Act is reprinted pursuant to the Acts Republication Act 1967 and incorporates all amendments in force as at 9 September 1996.

It should be noted that the Act has not been revised (for obsolete references, etc.) by the Commissioner of Statute Revision since the reprint published on 1 September 1993.

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FIREARMS ACT 1977

being

Firearms Act 1977 No. 26 of 1977 [Assented to 12 May 1977]¹

as amended by

Firearms Act Amendment Act 1986 No. 60 of 1986 [Assented to 23 October 1986]²

Firearms Act Amendment Act 1988 No. 87 of 1988 [Assented to 1 December 1988]³

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

Firearms (Miscellaneous) Amendment Act 1996 No. 70 of 1996 [Assented to 22 August 1996]⁵

Firearms Regulations 1993 No. 68 of 1993 [*Gaz.* 29 April 1993, p. 1482] (as varied by Regulation No. 208 of 1996 [*Gaz.* 5 September 1996, p. 1077]⁶)

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

² Came into operation 23 October 1986: *Gaz.* 23 October 1986, p. 1412.

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

⁴ Came into operation 1 September 1993: s. 2.

⁵ Came into operation 9 September 1996: *Gaz.* 5 September 1996, p. 1058.

⁶ Came into operation 9 September 1996: reg. 2.

NOTE:

- Asterisks indicate repeal or deletion of text.
- For the legislative history of the Act see Appendix. Entries appearing in the Appendix in bold type indicate the amendments incorporated since the last reprint.

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 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;

"**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;

"**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);

"**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;

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"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,

but does not include 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,

but does not include revolving chamber rifles;

"class H firearms" means handguns;

"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;

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

"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 and includes a firearms permit;

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

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

"**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;

"**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;

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

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

"**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 metal or plastic 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, parent or remoter lineal ancestor, son, daughter or remoter issue or brother or sister of the person;

"**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 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;

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

"**spouse**" includes a putative spouse (whether or not a declaration of the relationship has been made under the *Family Relationships Act 1975*).

(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 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 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.

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(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 convicted of an offence against this Act or corresponding legislation of another State or Territory of the Commonwealth; or
- (c) has been convicted 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
- (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 a domestic violence restraining order under the *Domestic Violence Act 1994* 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.

Crown not bound

5A. 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

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 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 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) Four 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 carried by a majority of votes cast by members at a meeting is a decision of the committee.

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(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.

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 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;
- (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.

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(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) The maximum penalty for an offence against this section is as follows:

- (a) where the firearm is a prescribed firearm—\$20 000 or imprisonment for four years;
- (b) where the firearm is a class C, D or H firearm—\$10 000 or imprisonment for two years;
- (c) where the firearm is any other kind of firearm—\$5 000 or imprisonment for one year.

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.

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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 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 a bank); 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.

(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

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- (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; and

(b) the consultative committee agrees that the application should be refused.

(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.

(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.

Provisions relating to firearms licences

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.

(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 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 certified mail) notice in writing of the condition.

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

DIVISION 2—ACQUISITION OF FIREARMS

Acquisition of firearms

14. (1) Subject to this section, a person who acquires a firearm (whether by purchasing the firearm, receiving it as a gift or borrowing or hiring it), without holding a permit granted by the Registrar under this Division (or granted under corresponding legislation in another State or Territory of the Commonwealth) authorising acquisition of the firearm by that person is guilty of an offence.

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(2) A person (whether a dealer or not) who sells, gives, lends or hires a firearm to another person without taking reasonable steps to satisfy himself or herself that the person acquiring the firearm—

- (a) holds a permit under this Division (or under corresponding legislation of another State or Territory of the Commonwealth) authorising his or her acquisition of the firearm; or
- (b) is a licensed dealer in firearms and acquires the firearm in the ordinary course of dealing in firearms pursuant to his or her licence,

is guilty of an offence.

(3) Subsection (1) does not apply to a person who purchases a firearm in the ordinary course of carrying on business as a licensed dealer in firearms pursuant to his or her licence.

(4) It is a defence to prosecution for an offence against subsection (1) or (2) to prove that—

- (a) the owner of the firearm carried on the business of primary production and that the firearm was lent temporarily to an employee or relative of the owner for the purposes of that business; or
- (b) the owner of the firearm carried on the business of guarding property and that the firearm was lent temporarily to an employee of the owner for the purposes of that business; or
- (c) the firearm was lent or hired in circumstances (prescribed by or under section 11) in which the person who borrowed or hired the firearm was not required to hold a licence authorising the possession or use of the firearm; or
- (d) the firearm was a class A, B or H firearm and was lent pursuant to a written or oral agreement between the owner and borrower that the borrower would only use the firearm for a purpose or purposes specified in the agreement and would return the firearm to the owner within 10 days; or
- (e) the firearm was borrowed or hired in circumstances prescribed for the purposes of this subsection by regulation.

(5) Subject to subsection (6), a person (whether a dealer or not) who sells, gives, lends or hires the receiver of a firearm to another person is guilty of an offence unless the receiver is sold, given, lent or hired in accordance with this Act.

(6) Subsection (5) does not prevent a licensed dealer in firearms from—

- (a) selling a receiver to another dealer who is entitled to deal in receivers of that kind in the ordinary course of dealing in firearms pursuant to his or her licence; or
- (b) selling a receiver to the owner of a firearm in the course of the dealer repairing or modifying the firearm pursuant to his or her licence.

(7) The maximum penalty for an offence against this section is as follows:

- (a) where the firearm is a prescribed firearm or class C, D or H firearm or the receiver is suitable for a prescribed firearm or a class C, D or H firearm—\$10 000 or imprisonment for two years;

- (b) where the firearm or receiver is any other kind of firearm or receiver—\$5 000 or imprisonment for one year.

Application for permit

15. (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 subsection (4) 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.

* * * * *

(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.

Reasons for refusal of permit

15A. (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.

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(2) Subject to this Act, where the application is for a permit to acquire a class B or 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 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.

(5) 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.

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

DIVISION 2A—TRANSFER OF POSSESSION OF FIREARMS

Transfer of possession

15B. (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.

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(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,

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.

(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 licensed dealer in firearms or a responsible officer of a recognised firearms club who has been authorised by the Registrar to witness the transfer for the purposes of this subsection (an "authorised officer") or a member of the police force and the transfer is witnessed by the dealer, authorised officer or member of the police force; and

- (ii) the owner, or former owner, and the person acquiring possession, provide the dealer, authorised officer or the member of the police force with the information, and produce the licences and permit necessary to enable the dealer, authorised officer or the member of the police force 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 licensed dealer in firearms or a member of the police force 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.

Obligations of dealer, authorised officer or police officer

15C. (1) A dealer, authorised officer or member of the police force 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.

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(2) If a dealer, authorised officer or member of the police force 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 dealer, authorised officer or police officer must prepare and submit a report to the Registrar setting out such information as the Registrar requires in relation to the matter.

(3) A dealer, authorised officer or member of the police force 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 dealer or authorised officer who contravenes or fails to comply with a requirement of this section is guilty of an offence.

Maximum penalty: \$5 000.

What constitutes possession of a firearm

15D. (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

Requirement for dealer's licence

16. 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.

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 the consultative committee agrees with the Registrar's decision; 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 or the receivers of 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 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.

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(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.

Maximum penalty: \$5 000.

DIVISION 4—LICENCES

Term and renewal of licence

19. (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.

Licences to include photographs

19A. (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.

Cancellation, variation and suspension 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.

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(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 with the agreement of the consultative committee and 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—

- (a) in the case of cancellation—personally on the holder of the licence;
- (b) in the case of variation—personally or by certified mail on the holder of 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 cancelling, varying or suspending the licence under this section must set out the Registrar's reasons for the cancellation, variation or suspension.

(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).

Reporting obligations of certain persons and clubs

20A. (1) Where a prescribed person has reasonable cause to believe that—

- (a) a person whom he or she has seen in his or her professional capacity is suffering from a physical or mental illness, disability or deficiency that is likely to make the possession of a firearm by the person unsafe for the person or any other person; and
- (b) that person holds or intends applying for a firearms licence or possesses or has the intention of possessing a firearm,

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

(2) Where a recognised firearms club has reasonable cause to believe that a member of the club is suffering from a physical or mental illness, disability or deficiency that is likely to make the possession of a firearm by the member unsafe for the member or any other person, the club has a duty to inform the Registrar in writing of the member's name and address and the reason why, in the opinion of the club, it is unsafe for the member to have possession of a firearm.

(3) A prescribed person and a club must comply with this section as soon as practicable after first forming the relevant belief.

(4) Compliance by a prescribed person or a club, or by a person on behalf of a prescribed person or a club, with this section does not attract civil or criminal liability.

(5) In this section—

"**prescribed person**" means a medical practitioner or a person of any other class prescribed by regulation for the purposes of this definition.

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.

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.

Firearms Act 1977

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.

Maximum penalty: \$2 500.

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.

(3) The maximum penalty for an offence against this section is \$5 000.

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 (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.

Cancellation or suspension of permit

21BA. (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, with the agreement of the consultative committee, by notice in writing served personally or by certified mail on the holder of the permit, cancel the permit.

(2) The Registrar may, by notice in writing served personally or by certified mail on the holder of a permit, suspend the permit 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 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.

Limit on quantity of ammunition

21BB. (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.

Firearms Act 1977

(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—GENERAL

* * * * *

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 the acquisition of a firearm; or
- (b) to impose or vary licence conditions (other than prescribed conditions); or
- (ba) 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
- (c) to suspend or cancel a licence or permit; or
- (ca) to refuse to revoke a suspension of a licence or permit; 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; or
- (g) to refuse to approve the range of a recognised commercial range operator or to revoke such an approval; or
- (h) to impose conditions on an approval of the range of a recognised commercial range 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.

**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 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.

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.

(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.

Firearms Act 1977

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.

* * * * *

(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.

Identification of firearms

24A. (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 member of the police force 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 defaces or alters the identifying characters of a firearm 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 1 year.

Notice by owner of registered firearm

25. (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.

(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 certified mail 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.

Maximum penalty: \$2 500.

Firearms Act 1977

**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.

Recognised commercial range operators

26BA. (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.

Approval of grounds of recognised firearms clubs 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 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.

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(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.

Approval of range of recognised commercial range operator

26D. (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.

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 information

28. (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 as true.

Handling firearms when under the influence

29. (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.

Possession of silencer and other parts of firearms

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

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

(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

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- (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 he or she is authorised to have possession of the mechanism or other fitting by a firearms licence.

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

(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.

Possession of the receiver of a firearm

29B. (1) A person who has possession of the receiver of a prescribed firearm or a class C or class D firearm is guilty of an offence unless the receiver comprises part of a registered firearm (whether assembled or dismantled) that is lawfully in his or her possession.

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

(2) A person who has possession of the receiver of any other kind of firearm is guilty of an offence unless—

- (a) the receiver comprises part of a registered firearm (whether assembled or dismantled) that is lawfully in his or her possession; or
- (b) that person was the owner of the receiver immediately before the commencement of the *Firearms (Miscellaneous) Amendment Act 1996*.

Maximum penalty: \$5 000 or imprisonment for one year.

(3) This section does not apply to—

- (a) a licensed dealer in firearms in the normal course of carrying on the business of dealing in firearms pursuant to his or her licence; or
- (b) a person in the normal course of the business of carrying or storing goods.

Duty to carry licence

29C. (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.

Information to be given to police officer

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.

(1a) A member of the police force 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 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 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 member of the police force to the best of his or her knowledge, information and belief,

is guilty of an offence.

Maximum penalty: \$5 000 or imprisonment for one year.

(4) A person may not decline on grounds of self-incrimination to answer a question put by a member of the police force under subsection (1a) but the answer to any such question is not admissible except in proceedings for an offence against this section.

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 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 member of the police force 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 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.

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.

Period of grace on cancellation, suspension, etc., of licence

31A. (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

* * * * *

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(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.

Power to seize firearms, etc.

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 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

(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 member may seize that firearm.

(1aa) If a member of the police force suspects on reasonable grounds that a person has possession of a firearm, the receiver of a firearm or any other mechanism or fitting in contravention of this Act, the member may seize the firearm, receiver, mechanism or fitting.

(1ab) If a member of the police force suspects on reasonable grounds that a person has possession of ammunition that has been acquired or is held in contravention of this Act the member may seize the ammunition.

(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 in contravention of an order of a court; 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, licence, receiver, mechanism, fitting or ammunition liable to seizure under this section; or
- (b) any person whom the member suspects on reasonable grounds has possession of a firearm, licence, receiver, mechanism, fitting or ammunition liable to seizure under this section.

(2a) If a member of the police force suspects on reasonable grounds that a person who has possession of a firearm, or the receiver of a firearm, has failed to keep the firearm or receiver secured as required by this Act, the member may inspect the firearm or receiver and the means (if any) by which it has been secured.

(3) A member of the police force may break into, enter and search any premises in which the member suspects on reasonable grounds—

- (a) there is a firearm, licence, receiver, mechanism, fitting or ammunition liable to seizure under this section; or
- (b) a firearm or the receiver of a firearm is kept contrary to the security requirements of this Act.

Firearms Act 1977

(4) Where a firearm, licence, receiver, mechanism, fitting or ammunition 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.

Maximum penalty: \$5 000.

Forfeiture of firearms, etc.

34. (1) Where a firearm, receiver, mechanism, fitting or ammunition is seized under this Part, the Registrar may institute proceedings for forfeiture of the firearm, receiver, 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, receiver, mechanism, fitting or ammunition is not authorised by or under this Act to be in possession of the firearm, receiver, mechanism, fitting or ammunition; or
- (b) that the return of the firearm, receiver, mechanism, fitting or ammunition 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, receiver, mechanism, fitting or ammunition has not been, and is not likely to be, ascertained by reasonable inquiry; or
- (d) the owner of the firearm, receiver, mechanism, fitting or ammunition has failed to comply with the requirements of this Act in relation to the safe storage of the firearm, receiver, 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, receiver, mechanism, fitting or ammunition be forfeited to the Crown, or make such other order for the disposal of the firearm, receiver, mechanism, fitting or ammunition as it thinks appropriate.

(3) A firearm, receiver, 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, receiver, mechanism, fitting or ammunition against the owner of the firearm, receiver, mechanism, fitting or ammunition or a decision is made not to institute such proceedings; or
 - (ii) the expiration of 12 months after the firearm, receiver, 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, receiver, mechanism, fitting or ammunition was seized—until 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, receiver, mechanism, fitting or ammunition was involved in the commission of the offence the court must make one or more of the following orders:

- (a) where the firearm, receiver, mechanism, fitting or ammunition was owned by the convicted person—that the firearm, receiver, 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 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, receiver, mechanism, fitting or ammunition is not a fit and proper person to have possession of the firearm, receiver, mechanism, fitting or ammunition, the court must make one or more of the following orders:

- (a) that the firearm, receiver, 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.

Disposal of forfeited firearms, etc.

35. (1) The Registrar may sell or otherwise dispose of a firearm, receiver, mechanism, fitting or ammunition forfeited to the Crown under this or any other Act.

(2) Subject to the other provisions of this Act or the regulations, the Registrar may sell or otherwise dispose of a firearm, receiver, mechanism, fitting or ammunition surrendered to the Registrar.

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

Transporting of firearms

35A. (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.

Advertising firearms for sale

35B. 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 or a member of the police force in accordance with section 15B(9).

Maximum penalty: \$2 500.

Dealing with firearms by executors, etc.

35C. 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.

Notice to Registrar when storing firearms

35D. 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.

Evidentiary provisions

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, 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
- (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.

General defence

36A. 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.

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Service of notices

36B. (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 certified mail 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.

General amnesty

37. (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.

Commencement of proceedings for offences

38. * * * * *

(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) 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 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;
 - (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 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.

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SCHEDULE
Transitional Provisions

Interpretation

1. (1) In this schedule unless the contrary intention appears—

"**amending Act**" means the *Firearms (Miscellaneous) Amendment Act 1996*;

"**the application date**" means the application date fixed by proclamation for the purposes of this definition;

"**licensed dealer**" in firearms means a person who was immediately before the commencement of the amending Act the holder of a dealer's licence granted under this Act;

"**new licence**" means a firearms licence granted by the Registrar pursuant to an application made on or before the application date by the holder of an old licence;

"**old licence**" means a firearms licence in force immediately before the commencement of the amending Act;

"**the surrender date**" means the surrender date fixed by proclamation for the purposes of this definition;

"**unexpired term**" of an old licence means the period commencing on the date on which a new licence is granted under this Act to the holder of the old licence and the date on which the old licence would have expired if the amending Act had not been enacted.

(2) The Governor may by proclamation fix the application date and the surrender date and may, by subsequent proclamation or proclamations, vary either of those dates to a later date.

Firearms licences

2. (1) An old licence remains in force—

(a) until midnight at the end of the day that is the application date; or

(b) if the holder of the licence had applied (and paid the prescribed fee) for a new licence on or after the commencement of the amending Act and on or before the application date—until the new licence is granted or the surrender date whichever first occurs.

(2) Subject to this schedule, an old licence that remains in force under subclause (1) authorises the possession and use of firearms as though the amending Act had not been enacted.

Application for new licence

3. (1) Subject to subclause (2), the holder of an old licence who applies for a new licence on or after the commencement of the amending Act and on or before the application date may elect that the term of the new licence will be—

(a) equal to the unexpired term of the old licence; or

(b) equal to one year plus the unexpired term of the old licence; or

(c) equal to three years plus the unexpired term of the old licence.

(2) The term of a new licence authorising the possession and use of—

(a) class A, B or C firearms must not exceed five years;

(b) class D or H firearms or prescribed firearms must not exceed one year.

Class C and D firearms

4. (1) The holder of an old licence—

- (a) who was authorised by that licence immediately before the commencement of the amending Act to have possession of firearms now defined as class C or D firearms; and
- (b) who applied for a new licence on or before the application date,

is entitled to have possession of, but (subject to subclause (2), (3) or (4)) not to use, a class C or D firearm until the surrender date if he or she was the owner of the firearm immediately before the commencement of the amending Act.

(2) A person referred to in subclause (1) who was the owner of a firearm now defined as a class C firearm immediately before the commencement of the amending Act may use the firearm until the application date for the purposes of the business of primary production (if any) carried on by that person.

(3) A person referred to in subclause (1) who was the owner of a firearm now defined as a class C or D firearm immediately before the commencement of the amending Act may use the firearm until the application date for a purpose or purposes prescribed by regulation if the requirements prescribed by the regulations have been satisfied.

(4) A person referred to in subclause (1) who was the owner of a firearm now defined as a class C or D firearm immediately before the commencement of the amending Act may, if his or her livelihood was, immediately before the commencement of that Act, and continues to be wholly or partly professional shooting, use the firearm until the application date for the purposes of destroying animals in the course of professional shooting.

(5) An old licence or a new licence that authorises the holder to have possession of and use firearms now defined as class C firearms on the ground that he or she carries on the business of primary production only authorises the possession and use of one class C rifle and one class C shotgun.

(6) The Registrar may refuse to grant a new licence to an applicant—

- (a) if the licence would authorise possession and use of a class C or D firearm that is in the applicant's possession; and
- (b) if the applicant were proposing to acquire that firearm, the Registrar would not be prepared to grant a permit to the applicant to acquire it.

Applications before the amending Act

5. An application for a firearms licence or a permit to purchase a firearm made before the commencement of the amending Act lapses on the commencement of that Act.

Dealer's licences

6. A dealer's licence in force immediately before the commencement of the amending Act which has not been endorsed by the Registrar to authorise dealing in class C or D firearms and in the receivers of those classes of firearms, authorises the dealer to retain possession of class C or D firearms and the receivers of those classes of firearms that were lawfully in his or her possession in the normal course of dealing in firearms immediately before the commencement of the amending Act until the surrender date.

Possession of receivers and other fittings

7. (1) A person who immediately before the commencement of the amending Act owned and was lawfully in possession of the receiver of a class C or D firearm that did not comprise part of a registered firearm (whether assembled or dismantled) may retain possession of the receiver if, on or before the surrender date, it is incorporated as part of a registered firearm that the person is entitled to possess and use under this Act.

(2) A person who immediately before the commencement of the amending Act was lawfully in possession of—

- (a) a mechanism or other fitting that could be fitted to a firearm to convert it to an automatic firearm; or

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- (b) a mechanism or fitting that when fitted to a suitable firearm, would enable the firearm to fire grenades or other explosive projectiles,

may retain possession of the mechanism or fitting until the surrender date.

Regulations may provide for compensation

8. (1) The regulations may provide for compensation to be paid—

- (a) to licensed dealers in firearms or ammunition affected by the enactment of the amending Act; and
- (b) to persons who own class C or D firearms or parts, mechanisms, fittings accessories or ammunition for class C or D firearms.

(2) No proceeding for judicial review or for a declaration, injunction, writ, order or other remedy may be brought to challenge or question—

- (a) the amount of compensation payable under regulations made under subclause (1) or a determination of, or a determination or decision that affects, the amount of compensation payable under regulations made under that subclause; or
- (b) proceedings or procedures under regulations made under subclause (1); or
- (c) an act, omission, matter or thing incidental or relating to the operation of regulations under subclause (1).

(3) Compensation payable pursuant to a regulation referred to in subclause (1) must be paid from the Consolidated Account which is appropriated by this subclause to the necessary extent.

APPENDIX

LEGISLATIVE HISTORY

Repeals

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

the *Firearms Act 1958*

so much of schedule 2 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 schedule 2 to the *Statute Law Revision Act 1975* as relates to the *Pistol Licence Act 1929-1971*

Legislative History

(entries in bold type indicate amendments incorporated since the last reprint)

Long title:

Sections 2, 3 and 4:

Section 5(1):

amended by 87, 1988, s. 3; 13, 1993, Sched.

repealed by 87, 1988, s. 19 (Sched.)

definition of "air gun" inserted by 13, 1993, s. 3(a); **amended by 70, 1996, 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 "class A firearms" inserted by 70, 1996, s. 3(b)

**definition of "class B firearms" inserted by 70, 1996, s. 3(b);
amended by Regulation No. 208 of 1996, reg. 8
[Gaz. 5 September 1996, p. 1077]**

**definitions of "class C firearms", "class D firearms", class H
firearms", "collector's licence" and "commercial range
operator" inserted by 70, 1996, s. 3(b)**

**definition of "dangerous firearm" repealed by 70, 1996,
s. 3(c)**

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 "firearms licence" substituted by 70, 1996,
s. 3(d)**

**definitions of "firearms permit", "firing mechanism", "to
give" and "handgun" inserted by 70, 1996, s. 3(d)**

definition of "licence" inserted by 60, 1986, s. 3(a); substituted
by 87, 1988, s. 4(f)

**definitions of "licensed dealer" and "loading mechanism"
inserted by 70, 1996, s. 3(e)**

definition of "owner" substituted by 70, 1996, s. 3(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); repealed by
70, 1996, s. 3(g)**

**definitions of "prescribed firearm" and "pump action
shotgun" inserted by 70, 1996, s. 3(g)**

definition "to purchase" inserted by 87, 1988, s. 4(g)

**definitions of "receiver" and "recognised commercial range
operator" inserted by 70, 1996, s. 3(h)**

	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 "relative" inserted by 70, 1996, s. 3(i)
	definition of "restricted firearm" inserted by 13, 1993, s. 3(e); repealed by 70, 1996, s. 3(j)
	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 "round" inserted by 70, 1996, s. 3(j)
	definition of "self-loading firearm" inserted by 87, 1988, s. 4(i); amended by 13, 1993, s. 3(f); substituted by 70, 1996, s. 3(k)
	definition of "to sell" inserted by 87, 1988, s. 4(i)
	definition of "shooting gallery" inserted by 70, 1996, s. 3(l)
	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)
	definition of "spouse" inserted by 70, 1996, s. 3(m)
Section 5(2):	amended by 87, 1988, s. 19 (Sched.); substituted by 70, 1996, s. 3(n)
Section 5(3):	inserted by 87, 1988, s. 4(l); amended by 70, 1996, s. 3(o)
Section 5(4):	inserted by 87, 1988, s. 4(l)
Section 5(5):	inserted by 87, 1988, s. 4(l); amended by 70, 1996, s. 3(p)
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 5(9) - (12):	inserted by 70, 1996, s. 3(q)
Section 5A:	inserted by 13, 1993, s. 4; amended by 70, 1996, s. 4
Section 6:	amended by 13, 1993, Sched.
Section 7(1):	substituted by 13, 1993, Sched.
Section 7(2):	amended by 13, 1993, Sched.; 70, 1996, s. 5(a), (b)
Section 7(2a):	inserted by 70, 1996, s. 5(c)
Section 7(4):	amended by 13, 1993, Sched.
Section 8(1):	amended by 13, 1993, Sched.; 70, 1996, s. 6(a)
Section 8(2):	amended by 13, 1993, Sched.; substituted by 70, 1996, s. 6(b)
Section 8(3):	inserted by 70, 1996, s. 6(b)
Section 9:	substituted by 87, 1988, s. 19 (Sched.).
Section 10(1):	amended by 13, 1993, Sched.
	Part 3 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; 70, 1996, s. 7(a), (b)
Section 11(4a) and (4b):	inserted by 70, 1996, s. 7(c)
Section 11(5):	amended by 70, 1996, s. 7(d)
Section 11(6) and (7):	inserted by 70, 1996, s. 7(e)
Section 12(1)(d):	repealed by 70, 1996, s. 8(a)
Section 12(3):	substituted by 13, 1993, s. 6(a); 70, 1996, s. 8(b)
Section 12(4):	substituted by 70, 1996, s. 8(b)
Section 12(4a):	inserted by 70, 1996, s. 8(b)
Section 12(5):	substituted by 13, 1993, s. 6(b); amended by 70, 1996, s. 8(c)
Section 12(5a):	inserted by 13, 1993, s. 6(b)
Section 12(6):	amended by 70, 1996, s. 8(d)
Section 12(7):	amended by 13, 1993, s. 6(c); 70, 1996, s. 8(e)
Section 12(8) - (11):	inserted by 70, 1996, s. 8(f)

Section 13(2a):	inserted by 70, 1996, s. 9(a)
Section 13(3):	amended by 70, 1996, s. 9(b)
Section 13(3a):	inserted by 70, 1996, s. 9(c)
Section 13(6):	amended by 70, 1996, s. 9(d)
Section 13(7):	repealed by 13, 1993, s. 7(a)
Section 13(8):	amended by 13, 1993, s. 7(b), (c)
Section 13(8a):	inserted by 70, 1996, s. 9(e)
Section 13(9):	inserted by 13, 1993, s. 7(d)
Part 3 Division 2 heading:	substituted by 70, 1996, s. 10
Section 14:	amended by 13, 1993, s. 8; substituted by 70, 1996, s. 11
Section 15(1):	amended by 13, 1993, s. 9(a); 70, 1996, s. 12(a)
Section 15(3):	amended by 13, 1993, s. 9(b); substituted by 70, 1996, s. 12(b)
Section 15(4):	substituted by 70, 1996, s. 12(b)
Section 15(4a):	inserted by 13, 1993, s. 9(c); repealed by 70, 1996, s. 12(b)
Section 15(5):	amended by 13, 1993, s. 9(d); substituted by 70, 1996, s. 12(b)
Section 15(6) and (7):	repealed by 70, 1996, s. 12(b)
Section 15A:	inserted by 70, 1996, s. 13
Division 2A of Part 3 comprising ss. 15B - 15D and heading	
inserted by 70, 1996, s. 14	
Section 16:	substituted by 70, 1996, s. 15
Section 17(3):	amended by 70, 1996, s. 16(a)
Section 17(3a):	inserted by 70, 1996, s. 16(b)
Section 17(4):	substituted by 13, 1993, s. 10; amended by 70, 1996, s. 16(c)
Section 17(4a) - (4e):	inserted by 13, 1993, s. 10
Section 18:	amended by 70, 1996, s. 17
Section 19(1):	substituted by 70, 1996, s. 18
Section 19(1a):	inserted by 70, 1996, s. 18
Section 19A:	inserted by 70, 1996, s. 19
Section 20:	amended and redesignated as s. 20(1) by 13, 1993, s. 11
Section 20(1a) and (1b):	inserted by 70, 1996, s. 20(a)
Section 20(2):	inserted by 13, 1993, s. 11(b)
Section 20(3):	inserted by 13, 1993, s. 11(b); substituted by 70, 1996, s. 20(b)
Section 20(4):	inserted by 13, 1993, s. 11(b)
Section 20(5) - (7):	inserted by 70, 1996, s. 20(c)
Section 20A:	inserted by 13, 1993, s. 12; substituted by 70, 1996, s. 21
Section 21:	amended by 70, 1996, s. 22
Section 21A:	amended by 70, 1996, s. 23
Section 21AB:	inserted by 13, 1993, s. 13
Section 21AB(3):	inserted by 70, 1996, s. 24
Section 21B(1):	amended by 70, 1996, s. 25(a)
Section 21B(2a):	inserted by 70, 1996, s. 25(b)
Section 21B(5):	amended by 70, 1996, s. 25(c)
Section 21B(6):	amended by 13, 1993, s. 14
Section 21B(7):	substituted by 70, 1996, s. 25(d)
Section 21B(8):	inserted by 70, 1996, s. 25(d)
Sections 21BA and 21BB:	inserted by 70, 1996, s. 26
Section 21C:	repealed by 70, 1996, s. 27
Section 21D(1):	amended by 13, 1993, s. 15; 70, 1996, s. 28
Section 22:	amended by 60, 1986, s. 7; 87, 1988, s. 6; 13, 1993, s. 16, Sched.; 70, 1996, s. 29
Section 23(1) and (2):	amended by 13, 1993, Sched.
Section 23(3) and (4):	inserted by 13, 1993, s. 17
Section 23(5):	inserted by 70, 1996, s. 30
Section 24(2):	amended by 13, 1993, Sched.; repealed by 70, 1996, s. 31
Section 24(3):	inserted by 13, 1993, s. 18
Section 24A:	inserted by 70, 1996, s. 32
Section 25(1):	amended by 13, 1993, Sched.
Section 25(1)(a):	repealed by 70, 1996, s. 33(a)
Section 25(1a):	inserted by 70, 1996, s. 33(b)

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Section 25(2):	substituted by 87, 1988, s. 19 (Sched.); amended by 70, 1996, s. 33(c)
Section 25(3):	inserted by 87, 1988, s. 7
Section 25(4):	inserted by 87, 1988, s. 7; amended by 70, 1996, s. 33(d)
Section 26:	substituted by 87, 1988, s. 8; amended by 70, 1996, s. 34
Section 26A:	inserted by 87, 1988, s. 9
Section 26B:	inserted by 13, 1993, s. 19
Section 26BA:	inserted by 70, 1996, s. 35
Section 26C:	inserted by 13, 1993, s. 19
Section 26C(8):	amended by 70, 1996, s. 36
Section 26D:	inserted by 70, 1996, s. 37
Section 27(1) and (2):	amended by 13, 1993, Sched.
Section 28(1):	amended by 13, 1993, Sched.; substituted by 70, 1996, s. 38(a)
Section 28(2):	amended by 13, 1993, Sched.; 70, 1996, s. 38(b)
Section 29:	substituted by 60, 1986, s. 8; amended by 13, 1993, s. 20; substituted by 70, 1996, s. 39
Sections 29A - 29C:	inserted by 70, 1996, s. 39
Section 30(1):	substituted by 87, 1988, s. 10
Section 30(1a):	inserted by 70, 1996, s. 40(a)
Section 30(2):	amended by 13, 1993, Sched.; 70, 1996, s. 40(b)
Section 30(3):	amended by 13, 1993, Sched.; substituted by 70, 1996, s. 40(c)
Section 30(4):	inserted by 70, 1996, s. 40(c)
Section 31(1):	substituted by 87, 1988, s. 11(a); amended by 70, 1996, s. 41(a)-(c)
Section 31(2):	amended by 87, 1988, s. 11(b); 13, 1993, Sched.
Section 31(3):	inserted by , 1996, s. 41(d)
Section 31A:	inserted by 87, 1988, s. 12; substituted by 13, 1993, s. 21
Section 31A(1):	amended by 70, 1996, s. 42(a), (b), (d)
Section 31A(1)(c):	repealed by 70, 1996, s. 42(c)
Section 31A(3):	amended by 70, 1996, s. 42(e)
Section 31A(4):	amended by 70, 1996, s. 42(f)
Section 32(1):	amended by 87, 1988, s. 13(a); 13, 1993, s. 22(a), Sched.; 70, 1996, s. 43(a), (b)
Section 32(1aa) and (1ab):	inserted by 70, 1996, s. 43(c)
Section 32(1a):	inserted by 13, 1993, s. 22(b); amended by 70, 1996, s. 43(d)
Section 32(2):	amended by 87, 1988, s. 13(b); 13, 1993, s. 22(c), Sched.; 70, 1996, s. 43(g)
Section 32(2a):	inserted by 70, 1996, s. 43(e)
Section 32(3):	amended by 13, 1993, s. 22(d), Sched.; substituted by 70, 1996, s. 43(f)
Section 32(4):	amended by 13, 1993, s. 22(e), Sched.; 70, 1996, s. 43(g)
Section 33:	substituted by 87, 1988, s. 19 (Sched.); amended by 70, 1996, s. 44
Section 34:	amended by 60, 1986, s. 9; 87, 1988, s. 14; 13, 1993, Sched.; substituted by 70, 1996, s. 45
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); 70, 1996, s. 46(a), (b)
Section 34A(2):	amended by 13, 1993, s. 24(c), (d); 70, 1996, s. 46(c)
Section 35:	amended by 13, 1993, Sched.; substituted by 70, 1996, s. 47
Sections 35A - 35D:	inserted by 70, 1996, s. 48
Section 36:	amended by 13, 1993, s. 25, Sched.; 70, 1996, s. 49
Sections 36A and 36B:	inserted by 70, 1996, s. 50
Section 37:	substituted by 87, 1988, s. 16; 70, 1996, s. 51
Section 38(1):	substituted by 87, 1988, s. 19 (Sched.); 13, 1993, Sched.; repealed by 70, 1996, s. 52
Section 39(2):	amended by 87, 1988, s. 17(a), (c); 13, 1993, s. 26; 70, 1996, s. 53(a)-(e)
Section 39(2)(f):	repealed by 87, 1988, s. 17(b)
Section 39(3):	inserted by 70, 1996, s. 53(f)