

South Australia

# Firearms (COAG Agreement) Amendment Act 2003

An Act to amend the *Firearms Act 1977*.

---

## Contents

### Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Amendment provisions

### Part 2—Amendment of *Firearms Act 1977*

- 4 Amendment of section 5—Interpretation
  - 5 Amendment of section 6—The Registrar
  - 6 Amendment of section 10—Procedure of consultative committee
  - 7 Amendment of section 11—Possession and use of firearms
  - 8 Amendment of section 12—Application for firearms licence
  - 9 Substitution of section 14
    - 14 Acquisition of firearms
    - 14A Supply of firearms
  - 10 Amendment of section 15A—Reasons for refusal of permit
  - 11 Amendment of section 15B—Transfer of possession
  - 12 Amendment of section 17—Application for dealer's licence
  - 13 Amendment of section 20—Cancellation, variation and suspension of licence
  - 14 Amendment of section 21D—Appeals
  - 15 Insertion of section 21E
    - 21E Procedure where decision based on criminal intelligence
  - 16 Amendment of section 22—Application of this Part
  - 17 Amendment of section 24—Registration of firearms
  - 18 Insertion of section 24B
    - 24B Cancellation of registration
  - 19 Amendment of section 25—Notice by registered owner of alteration, loss, theft or destruction of firearm
  - 20 Repeal of section 29B
  - 21 Amendment of section 32—Power to seize firearms etc
  - 22 Amendment of section 34—Forfeiture of firearms etc
  - 23 Amendment of section 34A—Forfeiture of firearms by court
  - 24 Amendment of section 35—Disposal of forfeited firearms etc
  - 25 Amendment of section 36—Evidentiary provisions
  - 26 Substitution of Schedule
- Schedule 1—Transitional provisions and compensation
- 1 Interpretation

2	Period allowed for surrender (or registration) of certain firearms etc
3	Prohibition of use of certain firearms
4	Compensation for certain surrendered firearms etc
5	Possession of and collectors' licences for certain antique firearms

---

## The Parliament of South Australia enacts as follows:

### Part 1—Preliminary

#### 1—Short title

This Act may be cited as the *Firearms (COAG Agreement) Amendment Act 2003*.

#### 2—Commencement

This Act will come into operation on 1 October 2003.

#### 3—Amendment provisions

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

### Part 2—Amendment of *Firearms Act 1977*

#### 4—Amendment of section 5—Interpretation

(1) Section 5(1)—before the definition of *air gun* insert:

*to acquire* means to acquire through purchase, gift, loan or hire;

*active member* of a club for a 12 month period means—

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

- (2) Section 5(1)—after the definition of *ammunition* insert:

*antique firearm* means a firearm that—

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

and includes a receiver of such a firearm;

- (3) Section 5(1), definition of *class A firearms*—after paragraph (c) insert:

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

- (4) Section 5(1), definition of *class B firearms*—after paragraph (e) insert:

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

- (5) Section 5(1), definition of *class C firearms*—delete "but does not include revolving chamber rifles" and substitute:

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

- (6) Section 5(1), definition of *class D firearms*—delete "but does not include revolving chamber rifles" and substitute:

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

- (7) Section 5(1)—after the definition of *class H firearms* insert:

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

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

- (8) Section 5(1)—after the definition of *the consultative committee* or *the committee* insert:

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

- (9) Section 5(1), definition of *dealer*—delete ", in relation to firearms,"
- (10) Section 5(1), definition of *dealer*, (b) and (c)—after "firearms" wherever occurring insert:

, firearm parts or ammunition

- (11) Section 5(1), definition of *firearm*—after "and includes a" insert:

receiver of a firearm and any

- (12) Section 5(1), definition of *firearm*—after "but does not include" insert:

an antique firearm, or

- (13) Section 5(1)—after the definition of *firearm* insert:

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

- (14) Section 5(1), definition of *handgun*—after "person" insert:

and includes a receiver of such a firearm

- (15) Section 5(1)—after the definition of *licence* insert:

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

- (16) Section 5(1)—before the definition of *round* insert:

*rifle* includes a receiver of a rifle;

- (17) Section 5(1)—after the definition of *to sell* insert:

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

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

- (18) Section 5(1)—after the definition of *shooting gallery* insert:

*shotgun* includes a receiver of a shotgun;

- (19) Section 5(1)—after the definition of *spouse* insert:

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

- (20) Section 5(3)—after "20 firearms" insert:

or more than 20 firearm parts

(21) Section 5(3)—after "in firearms" insert:

or firearm parts

(22) Section 5(3)—after "the firearms" insert:

or firearm parts

## **5—Amendment of section 6—The Registrar**

Section 6—after subsection (3) insert:

- (4) The Registrar may not delegate the function of classifying information as criminal intelligence for the purposes of this Act except to a Deputy Commissioner or Assistant Commissioner of Police.

## **6—Amendment of section 10—Procedure of consultative committee**

After subsection (2) insert:

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

## **7—Amendment of section 11—Possession and use of firearms**

(1) Section 11(4)(b)—after "the club" insert:

provided that the person—

- (i) is not the holder of a firearms licence, or a similar licence or authorisation under corresponding legislation of another State or Territory of the Commonwealth, that is suspended; and
- (ii) has not been the holder of a firearms licence, or a similar licence or authorisation under corresponding legislation of another State or Territory of the Commonwealth, that has been cancelled; and
- (iii) is not prohibited from possessing or using a firearm by an order of a court whether in this State or any other State or Territory of the Commonwealth

(2) Section 11(7)(a)—delete "\$20 000 or imprisonment for four years" and substitute:

\$50 000 or imprisonment for 10 years

(3) Section 11(7)(b)—delete "\$10 000 or imprisonment for two years" and substitute:

\$35 000 or imprisonment for seven years

(4) Section 11(7)(c)—delete "\$5 000 or imprisonment for one year" and substitute:

\$20 000 or imprisonment for four years

(5) Section 11—after subsection (7) insert:

- (8) A person may, at the discretion of the prosecutor, be prosecuted for a summary offence against this section except where the firearm is a prescribed firearm, but on conviction of a summary offence against this section the maximum penalty is \$10 000 or imprisonment for two years.

## 8—Amendment of section 12—Application for firearms licence

(1) Section 12—after subsection (7) insert:

(7a) If—

- (a) the Registrar refuses an application for a firearms licence on the ground that to grant the licence would, in the Registrar's opinion, be contrary to the public interest; and
- (b) the Registrar made the decision because of information that is classified by the Registrar as criminal intelligence,

the Registrar is not required to provide any reasons for the Registrar's decision to the applicant other than that the decision was made on public interest grounds under this section.

(7b) An application for a collector's licence may be refused if the Registrar is not satisfied that—

- (a) the applicant has, or genuinely intends to acquire, a collection of firearms that has, or will have, significant commemorative, historical, investment or other value; or
- (b) —
  - (i) in the case of an application for a new collector's licence (as distinct from the renewal of a licence)—the applicant has been an active member of a collectors' club for the preceding 12 months; or
  - (ii) in the case of an application for renewal of a collector's licence—the applicant has been an active member of a collectors' club for each licence year of the licence.

(7c) An application for a firearms licence authorising possession of class H firearms may be refused if—

- (a) the applicant was the holder of a firearms licence authorising possession of class H firearms that was, on application made by the person within the period of six months from the commencement of this subsection—
  - (i) cancelled; or
  - (ii) altered so that class H firearms ceased to be endorsed on it; and
- (b) not more than five years has elapsed since the end of that period.

(7d) An application for renewal of a shooting club member's licence authorising possession of class H firearms may be refused if the Registrar is not satisfied that the applicant has been an active member of a shooting club for each licence year of the licence.

## 9—Substitution of section 14

Section 14—delete the section and substitute:

### 14—Acquisition of firearms

- (1) Subject to this section, a person who—
  - (a) acquires a firearm; or
  - (b) knowingly takes part in the acquisition of a firearm,  
without being authorised to acquire the firearm by a permit under this Part (or under corresponding legislation in another State or Territory of the Commonwealth) is guilty of an offence.
- (2) Subsection (1) does not apply to the acquisition of a firearm by a person in the ordinary course of carrying on business as a licensed dealer pursuant to the licence.
- (3) It is a defence to prosecution for an offence against subsection (1) to prove that—
  - (a) the acquisition was in circumstances (prescribed by or under section 11) in which the person who acquired the firearm was not required to hold a licence authorising possession of the firearm; or
  - (b) the owner of the firearm carried on a business and the firearm was temporarily acquired for the purposes of the business from the owner by a person who was—
    - (i) the holder of a licence authorising the possession and use of the firearm; and
    - (ii) an employee, or in the case of a primary production business, a relative, of the owner; or
  - (c) in the case of a class A or B firearm or, subject to subsection (4), a class H firearm, the acquisition was pursuant to a written agreement between the owner of the firearm and the person who acquired the firearm that the person would only use the firearm for a purpose or purposes specified in the agreement and would return the firearm to the owner within 10 days; or
  - (d) the acquisition was in circumstances prescribed for the purposes of this subsection by regulation.
- (4) The defence under subsection (3)(c) is not available in the case of a class H firearm—
  - (a) if—
    - (i) the person who acquired the firearm was the holder of a shooting club member's licence; and
    - (ii) the firearm—

- (A) is a self-loading handgun (other than a revolver) with a barrel length, as measured in accordance with the regulations, of less than 120mm; or
    - (B) is a revolver or single shot handgun in either case with a barrel length, as measured in accordance with the regulations, of less than 100mm; or
    - (C) has a magazine or cylinder capacity of more than 10 rounds or a modified magazine or cylinder capacity; or
    - (D) is of more than .38 calibre; or
  - (b) if the person who acquired the firearm was the holder of a shooting club member's licence and had held the licence for less than six months; or
  - (c) if—
    - (i) the person who acquired the firearm was the holder of a shooting club member's licence and had held the licence for six months or more but less than 12 months; and
    - (ii) acquisition of the firearm resulted in the person having possession of a class H firearm or class H firearms other than—
      - (A) one .177 calibre air pistol or one .22 calibre rim fire handgun (long rifle or short) or one centre fire handgun; or
      - (B) one .177 calibre air pistol and one .22 calibre rim fire handgun (long rifle or short); or
      - (C) one .177 calibre air pistol and one centre fire handgun.
- (5) For the purposes of this section, a person takes part in the acquisition of a firearm if—
- (a) the person takes, or participates in, any step, or causes any step to be taken, in the process of acquisition of the firearm; or
  - (b) the person provides or arranges finance for any step in that process; or
  - (c) the person provides the premises in which any step in that process is taken, or suffers or permits any step in that process to be taken in premises of which the person is an owner, lessee or occupier or of which the person has care, control or management.



- (6) Subject to subsection (7), the maximum penalty for an offence against this section is as follows:
- (a) where the firearm is a prescribed firearm—\$75 000 or imprisonment for 15 years;
  - (b) where the firearm is a class C, D or H firearm—\$50 000 or imprisonment for 10 years;
  - (c) where the firearm is any other kind of firearm—\$35 000 or imprisonment for seven years.
- (7) A person may, at the discretion of the prosecutor, be prosecuted for a summary offence against this section except where the firearm is a prescribed firearm, but on conviction of a summary offence against this section the maximum penalty is \$10 000 or imprisonment for two years.

#### **14A—Supply of firearms**

- (1) Subject to this section, a person who—
- (a) supplies a firearm; or
  - (b) knowingly takes part in the supply of a firearm,
- to a person who is not authorised to acquire the firearm by a permit under this Part (or under corresponding legislation in another State or Territory of the Commonwealth) is guilty of an offence.
- (2) Subsection (1) does not apply to the supply of a firearm to a person who acquires the firearm in the ordinary course of carrying on business as a licensed dealer pursuant to the licence.
- (3) It is a defence to prosecution for an offence against subsection (1) to prove that—
- (a) the supply was in circumstances (prescribed by or under section 11) in which the person who acquired the firearm was not required to hold a licence authorising possession of the firearm; or
  - (b) the owner of the firearm carried on a business and the firearm was temporarily supplied for the purposes of the business by the owner to a person who was—
    - (i) the holder of a licence authorising the possession and use of the firearm; and
    - (ii) an employee, or in the case of a primary production business, a relative, of the owner; or
  - (c) in the case of a class A or B firearm, or subject to subsection (4), a class H firearm, the supply was pursuant to a written agreement between the owner of the firearm and the person who acquired the firearm that the person would only use the firearm for a purpose or purposes specified in the agreement and would return the firearm to the owner within 10 days; or

- (d) the supply was in circumstances prescribed for the purposes of this subsection by regulation.
- (4) The defence under subsection (3)(c) is not available in the case of a class H firearm—
  - (a) if—
    - (i) the person who acquired the firearm was the holder of a shooting club member's licence; and
    - (ii) the firearm—
      - (A) is a self-loading handgun (other than a revolver) with a barrel length, as measured in accordance with the regulations, of less than 120mm; or
      - (B) is a revolver or single shot handgun in either case with a barrel length, as measured in accordance with the regulations, of less than 100mm; or
      - (C) has a magazine or cylinder capacity of more than 10 rounds or a modified magazine or cylinder capacity; or
      - (D) is of more than .38 calibre; or
  - (b) if the person who acquired the firearm was the holder of a shooting club member's licence and had held the licence for less than six months; or
  - (c) if—
    - (i) the person who acquired the firearm was the holder of a shooting club member's licence and had held the licence for six months or more but less than 12 months; and
    - (ii) acquisition of the firearm resulted in the person having possession of a class H firearm or class H firearms other than—
      - (A) one .177 calibre air pistol or one .22 calibre rim fire handgun (long rifle or short) or one centre fire handgun; or
      - (B) one .177 calibre air pistol and one .22 calibre rim fire handgun (long rifle or short); or
      - (C) one .177 calibre air pistol and one centre fire handgun.
- (5) For the purposes of this section, a person takes part in the supply of a firearm if—
  - (a) the person takes, or participates in, any step, or causes any step to be taken, in the process of supply of the firearm; or

- (b) the person provides or arranges finance for any step in that process; or
  - (c) the person provides the premises in which any step in that process is taken, or suffers or permits any step in that process to be taken in premises of which the person is an owner, lessee or occupier or of which the person has care, control or management.
- (6) Subject to subsection (7), the maximum penalty for an offence against this section is as follows:
- (a) where the firearm is a prescribed firearm—\$75 000 or imprisonment for 15 years;
  - (b) where the firearm is a class C, D or H firearm—\$50 000 or imprisonment for 10 years;
  - (c) where the firearm is any other kind of firearm—\$35 000 or imprisonment for seven years.
- (7) A person may, at the discretion of the prosecutor, be prosecuted for a summary offence against this section except where the firearm is a prescribed firearm, but on conviction of a summary offence against this section the maximum penalty is \$10 000 or imprisonment for two years.

#### **10—Amendment of section 15A—Reasons for refusal of permit**

- (1) Section 15A(2)—delete "or class H"
- (2) Section 15A—after subsection (4) insert:
  - (4a) Subject to this Act, where the application is for a permit to acquire a class H firearm and the application is properly made the Registrar may only refuse the application if—
    - (a) the Registrar is of the opinion that the firearm is not genuinely required by the applicant for a purpose for which the applicant is authorised by a firearms licence to possess or use such a firearm; or
    - (b) the Registrar is entitled to refuse the application under subsection (1), (4b) or (4c).
  - (4b) Subject to the regulations, the Registrar may refuse an application for a permit to acquire a class H firearm for use as a member of a shooting club—
    - (a) if the firearm—
      - (i) is a self-loading handgun (other than a revolver) with a barrel length, as measured in accordance with the regulations, of less than 120mm; or
      - (ii) is a revolver or single shot handgun in either case with a barrel length, as measured in accordance with the regulations, of less than 100mm; or

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

## 11—Amendment of section 15B—Transfer of possession

Section 15B—after subsection (5) insert:

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

## 12—Amendment of section 17—Application for dealer's licence

Section 17(3a)—delete "or the receivers of class C or D firearms"

### **13—Amendment of section 20—Cancellation, variation and suspension of licence**

Section 20—after subsection (3) insert:

- (3a) If the Registrar cancels a licence under this section and made the decision because of information that is classified by the Registrar as criminal intelligence, the Registrar is not required to give any reasons for the Registrar's decision other than that the decision was made on public interest grounds under this section.
- (3b) The Registrar may, on the application of the holder of a licence, cancel the licence.

### **14—Amendment of section 21D—Appeals**

Section 21D(1)—after paragraph (d) insert:

- (da) to refuse an application for registration of a firearm; or
- (db) to cancel the registration of a firearm; or

### **15—Insertion of section 21E**

After section 21D insert:

#### **21E—Procedure where decision based on criminal intelligence**

- (1) This section applies to a decision of the Registrar to refuse an application for a licence, or to cancel a licence, on public interest grounds because of information that is classified by the Registrar as criminal intelligence.
- (2) On an appeal against the decision under this Part, the magistrate must, on the application of the Registrar, take steps to maintain the confidentiality of the information classified as criminal intelligence, including steps to receive evidence and hear argument about the information in private in the absence of the appellant and the appellant's representative.

### **16—Amendment of section 22—Application of this Part**

Section 22—after paragraph (d) insert:

or

- (e) a receiver in the possession of a person in whose name a firearm of which the receiver forms part is registered (whether the firearm is assembled or disassembled).

### **17—Amendment of section 24—Registration of firearms**

Section 24—after subsection (1) insert:

- (2) The Registrar may refuse an application for registration of a firearm if he or she is satisfied that—
  - (a) acquisition of the firearm by the applicant was not authorised by a permit in contravention of this Act; or

- (b) the applicant improperly obtained a permit to acquire the firearm; or
- (c) the applicant would not, having regard to the firearm sought to be registered and the current circumstances, be entitled to be granted a permit to acquire the firearm; or
- (d) the firearm does not have identifying characters as required under section 24A or the identifying characters of the firearms have been defaced or altered without the authority of the Registrar.

### **18—Insertion of section 24B**

After section 24A insert:

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

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

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

Section 25(3) and (4)—delete subsections (3) and (4)

### **20—Repeal of section 29B**

Section 29B—delete the section

### **21—Amendment of section 32—Power to seize firearms etc**

- (1) Section 32(1aa)—delete ", the receiver of a firearm or any other" and substitute:  
or any
- (2) Section 32(2)—delete "receiver," wherever occurring
- (3) Section 32(2a)—delete ", or the receiver of a firearm,"
- (4) Section 32(2a)—delete "or receiver" wherever occurring
- (5) Section 32(3)(a)—delete "receiver,"
- (6) Section 32(3)(b)—delete "or the receiver of a firearm"
- (7) Section 32(4)—delete "receiver,"

### **22—Amendment of section 34—Forfeiture of firearms etc**

Section 34—delete "receiver," wherever occurring

### **23—Amendment of section 34A—Forfeiture of firearms by court**

Section 34A—delete "receiver," wherever occurring

## **24—Amendment of section 35—Disposal of forfeited firearms etc**

Section 35—delete "receiver," wherever occurring

## **25—Amendment of section 36—Evidentiary provisions**

Section 36 (d)—delete "firearms club" and substitute:

collectors' club, shooting club

## **26—Substitution of Schedule**

Schedule—delete the Schedule and substitute:

### **Schedule 1—Transitional provisions and compensation**

#### **1—Interpretation**

In this Schedule—

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

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

- (1) A person who has possession of an unregistered receiver during the surrender period is to be taken not to have committed an offence against this Act for possession of the receiver provided that, during the surrender period, the person—
  - (a) obtains registration of the receiver; or
  - (b) surrenders it to the Registrar.
- (2) A person who, during the surrender period, has possession of any of the following:
  - (a) a self-loading handgun (other than a revolver) with a barrel length, as measured in accordance with the regulations, of less than 120mm;
  - (b) a revolver or single shot handgun in either case with a barrel length, as measured in accordance with the regulations, of less than 100mm;
  - (c) a class H firearm with a magazine or cylinder capacity of more than 10 rounds or a modified magazine or cylinder capacity;
  - (d) a class H firearm of more than .38 calibre;
  - (e) a class H firearm that was manufactured after 1946 and acquired by the person for the purpose of collection and display,



is, if the firearm is unregistered or ceases to be registered, to be taken not to have committed an offence against this Act for possession of the firearm provided that, during the surrender period, the person—

- (f) obtains registration of the firearm; or
  - (g) surrenders it to the Registrar.
- (3) The Registrar must, as soon as practicable after the commencement of the surrender period, by notice in writing, cancel the registration of each firearm referred to in paragraph (a), (b), (c), (d) or (e) of subclause (2) that is registered in the name of a person who is the holder of a shooting club member's licence.
- (4) If the registration of a firearm is cancelled under subclause (3), no fee is payable in respect of an application made by the owner of the firearm during the surrender period for re-registration of the firearm.

### **3—Prohibition of use of certain firearms**

- (1) This clause applies to any of the following firearms if unregistered:
- (a) a self-loading handgun (other than a revolver) with a barrel length, as measured in accordance with the regulations, of less than 120mm;
  - (b) a revolver or single shot handgun in either case with a barrel length, as measured in accordance with the regulations, of less than 100mm;
  - (c) a class H firearm with a magazine or cylinder capacity of more than 10 rounds or a modified magazine or cylinder capacity;
  - (d) a class H firearm of more than .38 calibre.
- (2) A person must not use a firearm to which this clause applies.

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

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

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

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